



## Initial CDS Considerations (Draft 2) (Prepared by the Secretariat)

### Overview

The second draft of this CDS discussion paper has been prepared taking into account **Members** comments and further work that the Secretariat has done since the first draft. There are a substantial number of changes and additions since the first draft. To help **Members** identify changes, we have produced both tracked and clean versions of this second draft (but only the clean version will be printed for the meeting). In some cases we have not tracked changes (mainly for mass deletions), but in these cases we have made a comment (highlighted in yellow) to make this clear. We have also provided highlighted comments to indicate other significant changes to the document.

We have tried to address all of the comments on the first draft provided by **Members** but time has prevented us from addressing some comments, in particular: Australia's request for us to add an introduction on the needs for a CDS; New Zealand's request for us to provide a diagram showing the paths that SBT take and the points where the various documents take affect; and Taiwan's request for us to refer to the CCSBT12 principles for a CDS. We apologise for this.

In many cases, **Members** had differing comments which were difficult for the Secretariat to reconcile. For some of these cases, we have presented alternative options for the Compliance Committee Working Group Meeting to consider. These cases include: Management of tags; Variation to the tagging on killing rule; and Tracking of individual SBT in relation to farms. In other cases we have progressed the document by reconciling the varying **Member's** comments. These cases include: Electronic versus paper based CDS; Conventional versus machine readable tags; and the Level of checking required at the final tracking point. Consequently, this revised draft is now based on an electronic CDS, each **Member** being able to choose whether to use conventional or machine readable tags and a fairly simple set of checks at the final tracking point.

Finally, it is important to note that the proposals for a CDS provided in this paper cannot realistically be implemented by the target date of 1 January 2008 specified in CCSBT 13's draft CDS resolution and **Members** will need to consider the implication and resolution of timing issues.

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## 1) INTRODUCTION

### 1.1 Definitions

Definition of terms used are follows.

<b>Killed:</b>	Includes SBT that are found dead (e.g. mortalities in a farm), SBT that die during the process of fishing/capture and SBT that are killed after capture. This usually occurs at harvest for farms and on capture for wild fishing operations.
<b>Member:</b>	Means a CCSBT Member or Cooperating Non-Member.
<b>Trade:</b>	Includes <u>transfer to a farm or between farms</u> , unloading (including landing or transshipping from a vessel or a farm), sale, importing, exporting, or re-exporting of SBT. <u>Trade includes domestic production of SBT, but Trade does not include SBT sales after the first point of sale at the final market country / Fishing Entity.</u>
<b>Whole (fish or SBT):</b>	Whole SBT includes round, dressed, gilled and gutted SBT and all variants of these and other processed states where the SBT remains in the form of a carcass.
<b>Certificate:</b>	<u>A document printed from the electronic CDS system that certifies that the SBT being Traded comply with the requirements of CCSBT's Catch Documentation Scheme.</u>

### 1.2 Assumptions

We have assumed that approximately 445,000 individual SBT will be caught and **Traded** each year. This is based on the national TAC allocations decided at CCSBT 13 and converted to numbers of fish for each flag according to the average weight of fish caught by each flag during 2005.

All costs provided in this document are in Australian dollars and should be considered to be as highly approximate cost indicators only. Significantly more work will need to be done to produce reliable cost indicators.

## 2) TAGGING SYSTEMS

### 2.1 Overview of tagging systems

The Secretariat's understanding of a tagging system is a system where every SBT is tagged with a uniquely numbered tag when **Killed**, and that any dead **Whole** SBT without a tag is considered as catch taken in contravention of the CCSBT conservation and management measures and shall not be permitted to be **Traded** ~~(traded includes landings and domestic sales)~~ by a CCSBT **Member** and should not be imported by non-Members. *Note: It is not clear if there is consensus that the tag must remain on dead **Whole** SBT after the point of first sale in the final market country. The wording of this paragraph requires tags to remain on the SBT, irrespective of location, while the SBT is in **Whole** form. This would presumably require **Members** to implement legislation to prohibit the possession of dead **Whole** SBT without a valid tag.*

A variation to the "tagging on killing" rule may be required for small SBT bycatch fisheries (e.g. New Zealand domestic fishery, South Africa, Philippines). (This is discussed 2.5 below.)

A consequence of the above is that the tag must not be removed from an SBT until the SBT is finally processed into a filleted state. Once processed into a filleted state, the tag number of the original fish would travel with those fillets throughout that part of the trade that is tracked (see section 4 for details of which part of the trade is tracked).

The tag will be clearly labelled as a CCSBT tag so that even without examining the tag number, the presence of a tag will provide initial evidence that the fish was legally caught. With the tag number, authorised officials will be able to confirm that the fish was legally caught. Furthermore, subject to ~~confidentially rules that must be decided~~ access constraints determined by the Commission (see section 3.2), it will be possible to re-create the entire tracked history (including details such as length, weight and capture details) of a fish from the tag number alone. This can be useful for both compliance and marketing purposes.

### 2.2 Management of tags

For the tagging system to be effective, the issuing and use of tags must be a carefully managed and auditable process.

*In our first CDS discussion paper, we had proposed a tag management system whereby the Secretariat would purchase sequentially numbered tags and issue the tags to **Members**. In that proposal, each **Member** would issue the tags to its own vessels and record the issue details in a central CCSBT database. However, comments from **Members** on this proposal differed widely from:*

- *Management of tags should be done by the flag country; to*
- *Support for the Secretariat's proposal; to*
- *Management of tags (including issue of tags to vessels) should be done by the Secretariat.*

*Consequently, we have completely replaced our previous discussion of tag management with a table that identifies the different elements of tag management and who could be responsible for each element.*

**Elements of tag management:** This table identifies the different elements of tag management and indicates who, in the Secretariat's view, could be responsible for each element. Shaded cells represent the responsibilities for tag management implied in the Secretariat's first CDS discussion paper.

Elements of Tag Management	Who could manage this element		
	Commission	Secretariat	Flag State
Set any required standards for tags	Yes	-	-
Make Bulk (B) or Small (S) tag orders	-	B	S
Distribute tags to <b>Members</b> . <i>In the case of flag states, this is only issue to itself (not to other flags).</i>	-	Yes	Yes
Purchase (pay for) tags	-	Yes	Yes
Distribute tags to Company's and Vessels	-	Yes	Yes
Entry of tag and tag issue details to a database	-	Yes	Yes
Location of tag issue database(s). <i>Either a single central database or multiple <b>Member</b> databases.</i>	-	Single Central	Multiple <b>Member's</b>
Specify access rules for tag issue database(s)	Yes	-	-

We have additional comments to make on three of the above elements:

- There are potentially significant cost savings by having the Secretariat make bulk orders of tags. For example, for a bulk order of 500,000 tags, the Secretariat has been quoted 10 cents/tag for the tag currently used in Japan (including printing a logo and a unique tag number). This is approximately a 50 cents/tag saving over the cost that we understand that Japan is currently paying.
- While it is possible for the Secretariat to distribute tags to individual companies and vessels, we feel that this approach may lead to difficulties in companies/vessels receiving tags in a timely manner. We therefore do not recommend this approach.
- A central database containing tag issue details is necessary if **Members** want tag numbers to be verified by an electronic CDS system prior to the system issuing a CDS document. The level of detail required for the central database is dependent on the level of verification that **Member's** require for tag numbers. For example, if it is only necessary to know that a tag number is valid for the flag concerned, the central database only needs to record the tag numbers that were issued to the flag<sup>1</sup>. If it is necessary to confirm that the tag was valid for the actual vessel, then the central database also needs to know the vessel that the tag was issued to.

## 2.3 Recording and measurement of individual fish

The draft CDS resolution from CCSBT13 specifies that "The scheme will include tagging and measurement of weight and length of individual SBT at the time of kill". We believe that it will also be necessary to record the processed state of each SBT when weighed as this will impact on the calculation of any whole weight estimates and the calculations used to verify legitimate product flow through to other processed states such as fillets.

<sup>1</sup> If tag number verification is only conducted at flag level, it would be advisable for the flag's validator to check the tag numbers attached to each fish against the tag numbers recorded in the CDS document before authorising the CDS document. This would prevent the possibility of an incorrect tag number (e.g. of a tag given to a different vessel) being incorrectly recorded in the CDS document.

Consequently, the remainder of this paper assumes that the processed state of each SBT is included with its initial weight, length and tag number.

*In our first CDS discussion paper, we presented 3 options in relation to tagging and measurement of fish. These were:*

- (i) use of Conventional (C) tags with individually measured fish,*
- (ii) use of Machine Readable (MR) tags with individually measured fish,*
- (iii) use of Conventional (C) tags without individual fish measurements except for fish that are filleted.*

*There was no support from Members for the third option and the majority of Members have re-affirmed their requirement for measurement of individual SBT. Therefore, the third option has been deleted.*

*There was no agreement amongst **Members** on the use of Conventional tags versus Machine Readable tags. However, one **Member** noted that different circumstances (domestic rules, safety, handling etc.) existed between flags and believed that each flag should decide whether it would use conventional or machine readable tags according to its own circumstances. Given the lack of consensus on conventional versus machine readable tags, it seems sensible to allow flags the choice depending on the particular circumstances of its fishery. Therefore, the remainder of this section (which previously discussed the two tag types) has been removed and issues relating to the use of conventional and machine readable tags have been moved to the section on Types of Tags.*

## 2.4 Types of tag

~~The Secretariat has examined a number of tags and considers that t~~The desirable qualities of a tag for the CCSBT CDS include:

- Being easily recognisable as a CCSBT tag. This includes:
  - Having a single type of tag used throughout the global SBT fishery;
    - Visual differences between conventional and machine readable tags should be minimised. For example, if possible, conventional and machine readable tags should use the same tag type with the machine readable tag also having a bar code printed or an RFID chip embedded in the tag. The Secretariat has an example of this, with an RFID chip embedded in the type of tag used by Japan.
  - Including the CCSBT logo on the tag
- Have a unique, easily readable, pre-printed serial number on each tag.
  - Machine readable tags will also need the tag number in barcode or RFID form and should, if possible, also contain a secret encoded identification number for further testing validity of tags.
- Be securely fastened to the fish. When attached correctly, the tag should not be able to come loose accidentally.
- Non-reusable (destroyed on tampering or show evidence of tampering) and it should not be removable without either destroying the tag (so that it cannot be used in another fish), show obvious signs of tampering, or cutting the fish.
- Secure from counterfeiting or replicationDifficult to produce illegal copies of the tag.
- Easy to place on a fish.
- Withstand temperatures of -70°C, salt water and rough handling.
  - Apparently nylon tags are much more durable in this respect than standard plastic.

- Temperature is an issue with RFID tags because at least some RFID tags are not rated to withstand temperatures below -30°C.
- Be food safe.

The implications of the above qualities mean that tags will ~~probably~~ need to be produced centrally under CCSBT authorisation. However, this is dependant on decisions in relation to management of tags (see Section 2.2).

The price ranges that we have located for bulk production of conventional tags that appear to meet these qualities is 10 to 40 cents per tag. ~~We have also investigated MR-tags such as bar coded tags and radio frequency (RFID) tags.~~ The cost of ~~these machine readable tags~~ that we have located typically range from nearly \$1.00/tag to \$3.00/tag respectively. We have also been given cost indications of as low as 20 cents/tag for bar coded tags and \$1/tag for RFID tags, but we are currently less confident on the supply of these tags. Australia, in its comments on our first discussion paper, commented that it had indications as cheap as 5 cents per tag. This was for a tag with a tag number, bar code and other printing. However, this tag does not contain a security seal for attaching to a fish, so it does not satisfy the “Non-reusable” quality for a tag. We have contacted the tag manufacturer (Peacock Brothers) for samples of the tag and to ask if the tag can be modified to meet the above qualities, particularly with respect to the non-resuable requirement. The company is looking into this and we will advise **Members** of the outcome.

Further work is required to determine final costs for conventional and machine readable tags that meet CCSBT’s requirements.

The Secretariat has a sample of different types of tags, ~~which are (C-tags and MR-tags).~~ ~~We will currently being subjected to testing these in an ultra low freezer temperatures, and bringing them~~ These tags will be brought to the Compliance Committee meeting in April. ~~We do not need to choose a specific tag before the Compliance Committee meeting, but we would like to determine whether or not MR-tags are required (see section 1c).~~

At present, we are assuming that the tag will be ALWAYS fastened to the fish in the same location and general manner (i.e. looped through) that is done in the current Japanese tagging system as shown in the photo of a frozen SBT below.



We would appreciate it if **Members** could investigate different types of tags and tagging methods. The Secretariat does not have sufficient practical experience of handling SBT to advise on what is practical for the range of handling practices that occur in the

industry. Most of the tags that we are have considering come from one of three suppliers, these being:

- American Casting & Mfg. Corporation ([www.americancasting.com](http://www.americancasting.com)). Three of the tags we ~~are considering~~ believe have potential are: “9001-16”, “BT4LH”, “PSW97”. The PSW97 tag is particularly impressive from a tamper proof and cost view point (although at first look it is easily dismissed it – in fact, we dismissed it until this company recommended that we take a closer look at the samples they sent!)
- Precision Dynamics Corporation ([www.pdcorp.com](http://www.pdcorp.com)). These are hospital identification wristbands like the tags used in the new Japanese tagging system. Check out the 470 tag. There are also options for bar codes and RFID which we are investigating.
- Harcor Security Seals ([www.harcor.com.au](http://www.harcor.com.au)). From this firm, we are investigating a pull up tag which is currently being used in the New South Wales rock lobster fishery to individually tag approximately 170,000 lobsters per year under a similar management system as is being proposed by CCSBT.

## 2.5 Variation to the “tagging on killing” rule for small bycatch fisheries

*Members had different views regarding a variation to the “tagging on killing” rule. Japan preferred no variation (which is essentially the first option from the original CDS discussion paper) and Australia preferred the second option. New Zealand described what would work for its fishery and we have added a third option below in an attempt to capture New Zealand’s comments. These options will need to be discussed at the Compliance Committee Working Group meeting.*

The draft CDS resolution from CCSBT13 specified that “The scheme will include tagging and measurement of weight and length of individual SBT at the time of kill”~~Section 1a described the concept of the tagging system as a system where every fish would be tagged when killed.~~ This ~~rule~~ requires that the tags be present on the vessel when the SBT are **Killed**.

However, in some SBT bycatch fisheries some vessels might rarely catch an SBT. In these situations, there will be cases where the vessel will not have been issued with any SBT tags. In addition, in the case of small vessels, recording length and weight on board can be problematic.

~~Two~~ Three options for handling these situations include:

- Require all authorised vessels to be issued with tags in which case any vessel without a tag would need to discard the SBT regardless of whether it was dead or alive. This could result in large numbers of tags to be issued to vessels which are not targeting SBT and create issues of tag management and security.
- Permit a tag to be issued to a SBT bycatch vessel prior to **Trade** of the SBT. This would require the tag to be issued and placed on the fish before unloading the fish from the vessel (our definition of “**Trade**” includes unloading). A rule within the CDS system would be established to allow no more than a certain number of “post-catch” tags (e.g. 10 tags) to be issued to a single vessel in a year. It would be up to the issuing **Member** to develop their own mechanisms for issuing “post-catch” tags. It would also be up to the issuing **Member** to develop mechanism for issuing additional tags to any of its bycatch vessels that are approaching the 10 tag limit for “post catch” tags.

- For fresh SBT only, allow SBT bycatch vessels to tag and measure the weight and length of the SBT at the time of unloading the fresh product.

### 3) ~~THE ELECTRONIC VERSUS PAPER BASED CDS~~

Comments from **Members** generally showed a strong preference for an electronic Catch Documentation Scheme (e-CDS) over a paper based CDS. The only significant obstacle raised by **Members** was from Japan, which advised that for “fresh SBT, the management authority for import cannot receive the electrical CDS”. We have developed options that we believe can overcome this problem (see the end of Section 3.1). Consequently, this section has been completely re-written to only consider an e-CDS.

#### 3.1 Basic principles of the e-CDS

The basic operating principles that we envisage for the CCSBT e-CDS are that:

1. The e-CDS will track the entire **Trade** of SBT. *(similar to draft CDS resolution 4i)*
2. At any point during or after the **Trade** of SBT, all data and information concerning the individual SBT and all aspects of the **Trade** will be available electronically subject to access constraints determined by the Commission (see section 3.2). *(to a large extent, this together with points 4 and 9 below, replaces draft CDS resolutions 4ii and 4iv)*
3. All **Trade** involving SBT must be accompanied by a valid **Certificate** issued (printed) by the e-CDS system. The **Certificate** must also match the specific **Trade** being conducted<sup>2</sup>. *(similar to draft CDS resolution 4iii)*
4. **Certificates** will not be issued (printed) by the e-CDS unless:
  - All required information (including required trade details, official validation and individual SBT tag and measurement details) has been provided and entered into the e-CDS (see section 3.3). *(the individual tag and measurement component ensures compliance with draft CDS resolution 4vii)*
  - Pre-issue checking by the e-CDS reveals that there are no discrepancies (see section 3.4).
5. **Certificates** will:
  - Be printed with a watermark or logo that clearly identifies the document as being a CCSBT CDS **Certificate**;
  - Contain a randomly generated unique identifier to enable authenticity of the **Certificate** to be verified;
  - Contain all information pertaining to the SBT and the complete **Trade** of the SBT that is considered of importance for checking purposes. Additional information can be obtained electronically by using the unique identifier of the **Certificate**.
6. **Certificates** may be inspected at any time by an official approved by the **Member** to ascertain validity of the **Certificates**. *(similar to draft CDS resolution 4vi)*
7. **Members** shall not (and non-members should not) **Trade** SBT or accept **Traded** SBT without a valid **Certificate** issued by the e-CDS that matches the specific **Trade** being conducted. *(similar to draft CDS resolution 4v)*
8. **Members** shall not (and non-members should not) **Trade** any dead **Whole** SBT or accept any **Traded** dead **Whole** SBT that does not have a CCSBT tag correctly attached to it.
9. The Secretariat will prepare a report by 1 October each year on operation of the e-CDS for consideration at annual meetings of the Compliance Committee and the Commission (see section 3.6).

<sup>2</sup> For example, for an import, the **Certificate** must contain a **TRADE** section containing the details of this particular import.

The above operating principles place strong emphasis on pre-checking the validity of a particular **Trade** before issuing a **Certificate**. Therefore, real-time entry into the e-CDS is most important at the pre-issue stage of a **Trade**. Conversely, at the final tracking point, there is little need for real-time entry of final inspection details<sup>3</sup> into the e-CDS unless there is a requirement for checking and cross-matching the weight and tag number of each individual SBT (see Section 4.2). Consequently, for situations where real-time entry at the final tracking point is impractical (such as for fresh SBT imports into Japan), we propose that the final inspection details be recorded on the paper **Certificate** and be entered at a later time<sup>4</sup>. The later entry could be conducted by:

- The inspection authority;
- Another approved authority from the same Flag; or
- The Secretariat.

Members will need to decide which of the above options are acceptable together with a suitable time frame for such deferred entry to be completed.

### 3.2 Access and security issues

A number of access and security issues need to be considered for an e-CDS. This includes: public access to “certificate of origin information” via tag numbers, restricted access to the e-CDS, security, audit trails and evidential standards. These 5 issues are discussed below.

#### Public access to “certificate of origin information” via tag numbers

The e-CDS will have the capability of providing information concerning the origin of any SBT given its tag number. If desired, the CCSBT web site could be used to provide limited information about a specific SBT (e.g. validity of the tag number and capture details such as flag, date, statistical area, gear and weight) to any person in the public who has that SBT’s tag number.

#### Restricted access to the e-CDS

Only authorised people will have access to the e-CDS. The e-CDS will have a “user management module” in which the Secretariat grants “master” level access to an official of each **Member** and the **Member’s** “master” then grants specific types of access permission to the Member’s constituents.

The specific types of access permissions will determine who can do what within the e-CDS. We envisage the following types of permission, but this is very preliminary and requires more discussion and refinement. To understand the flexibility of these permissions, it is important to realise that each user can be given more than one type of permission:

- The master user of each **Member**:
  - There is only one master user for each **Member**.
  - The master user of a **Member** is the only person who can:
    - Create other user accounts for that **Member**;
    - Assign permissions to other user accounts of that **Member**; and
    - Remove access to other user accounts of that **Member**.
  - By default, the master user has no other initial permissions, but the master user can assign any permission to itself so that it can essentially have complete control over that **Member’s** e-CDS documents.

<sup>3</sup> Providing that the inspector does the necessary checks manually.

<sup>4</sup> Which is what happens for the current CCSBT TIS.

- Complete viewing permission:
  - Any person with this permission can view (but not change) documents in the e-CDS relating to that **Member** (e.g. any FARM, CATCH, TRADE or INSPECTION document originating with that **Member**<sup>5</sup>).
  - A person with this permission would also be able to access any on-line electronic reports that the Commission decided would be available for Members.
- Permission to view specific tag and **Certificate** information:
  - This permission enables a person to retrieve and view complete details relating to any SBT with a specific tag number, regardless of capture flag.
  - This permission also enables a person to retrieve all information relating to any specific **Certificate**<sup>5</sup> regardless of originating flag. To use this permission, the person would need to know the unique random **Certificate** identifier that is printed the paper copy of a **Certificate**. This effectively means that the person must have a copy of the paper **Certificate** or have been informed of the **Certificate** identifier.
  - It is envisaged that this permission would be provided to all inspectors and validators.
- Document specific creating, editing and deleting permissions:
  - There would be a specific type of permission for each document type (e.g. FARM, CATCH, TRADE, INSPECTION) that allowed creating, editing and deleting of that specific type of document.
  - The person with this type of permission would only be able to create the specific type of document for the **Member** to which the person belongs.
  - This type of privilege only permits viewing, editing and deleting of documents that this specific person created.
  - The e-CDS would contain rules that prevented deleting of documents that were used in later **Trade**.
- Official validation permissions:
  - This type of permission allows a person to officially validate any document (regardless of document type) created by a person belonging to the same **Member**.
  - If necessary validator permissions could be separated by document type.
  - This type of permission also allows the validator to produce a list of random unique validator codes that can be used to certify that a CDS document has been validated (see later).

### Security

Interaction with the e-CDS will be via a standard web browser over the internet. Security of data transmitted to and from the e-CDS will be at the same level of encryption as electronic banking transactions, which is a standard feature to all common web browsers.

No access to the e-CDS will be possible without a valid username and password. In addition to this, we propose that:

- A “Four attempts and you’re blocked” policy should apply to passwords to help prevent hacking of passwords. This is the same approach that is currently used within the private area of the CCSBT web site. If a user’s access is blocked, they will have to contact the master user of the relevant **Member** to regain access. If

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<sup>5</sup> It is envisaged that a person who has viewing access to a particular e-CDS document or **Certificate** (e.g. FARM, CATCH, TRADE, INSPECTION) will also have viewing access to the preceding documents involving the same SBT even if those documents originated from a different **Member**.

a master user's access is blocked, the master user will need to contact the Secretariat to regain access.

- The system should enforce minimum complexity rules for passwords, including that a password must be at least 8 characters in length and should contain at least 1 alpha character and at least 1 numeric character.

The e-CDS web site will be installed on a secure server that is physically located either within the Secretariat's office or at an external web site host. We need to investigate this further, but our current preference is to physically locate the e-CDS with an external web site host with suitable confidentiality and security agreements. Using an external host has the advantages of:

- Improved performance (external hosts have faster internet access).
- 24 hour support for server faults, which we think is extremely important.
- Improved physical security (access logs, video surveillance etc.).
- No cost for initial hardware setup. If the web server was physically located within the Secretariat, there would be an initial \$30,000 hardware and operating system costs plus ongoing depreciation of around \$10,000 per year.
- No ongoing maintenance costs apart from an annual hosting fee currently estimated at \$1,500 to \$3,000 per year. If the web server was physically located within the Secretariat, we would have annual maintenance costs of at least \$10,000 per year (technical support contract, hardware maintenance contract, lease of internet lines, backup tapes etc.)

The main security disadvantage of external hosting is that another Party is involved beyond just the Secretariat.

#### Audit trails

We intend that the e-CDS system would maintain complete audit trails of all CDS and tag data in the system. We envisage that this would be achieved in a manner similar to that outlined below:

- Date stamping and user logging of every record created (i.e. every insert).
- Editing a record would be achieved by copying the original record and then editing the copy (with a date stamp and user log of when the edit was conducted). The original record (with its original date stamp and user log) would be retained and flagged as a "superseded" record to allow auditing of changes. Superseded records would not be visible to most users. All this would happen internally within the e-CDS system and would not be evident to the user.
- Deleting a record would be achieved by flagging the original record as a "deleted" record (instead of actually deleting it) together with an additional time stamp and user log for when the deletion occurred. Deleted records would not be visible to most users. As with edited records, this process would not be evident to the user.

Technically, it is relatively simple to implement an audit trail. However, an analysis of that audit trail to detect suspicious activity is not so simple. We have yet to give thought to this important aspect of audit trails.

#### Evidential standards

One Member commented that:

"From the Compliance perspective much centres round the 'evidential value' of an electronic CDS. Should sanctions/penalties be developed to support the CDS, subsequent investigations of non-compliance will require information from the CDS to be used as evidence in court..."

and that:

“...Members may likely have differing evidential standards.”

We have understood the CDS to be primarily a means of deterring and preventing IUU fishing and to verify reported catches. We had not considered it from the point of providing evidence for use in domestic prosecutions. If the CDS is required to meet domestic evidential standards, significantly more work will be required including training of Secretariat staff in relation to the standards that must be followed for each Member.

Further advice from Members is required on this issue. We currently have no technical ability in this area.

### **3.3 Data entry into the e-CDS**

The e-CDS principles that we have proposed rely heavily on pre-checking of information before issuing a Certificate. This in turn requires entry of the information onto the e-CDS at the point of **Trade**.

The e-CDS will be developed to allow live entry of all information through a web based interface<sup>6</sup> by authorised people from any location with an internet connection. However, the e-CDS must also be able to cater for situations where the internet is “down” or not available, the e-CDS system itself is not functioning, or where it is simply not practical to conduct data entry at a specific location. In these situations, we propose that:

- A paper CDS document of the appropriate type be completed in full, together with the validation details comprising the validator’s identification number and a validation code<sup>7</sup>.
- Then, depending on the particular situation:
  - Either -
    - The paper CDS document would be faxed to an authorised third party<sup>8</sup> for completion; and
    - The third party would issue (print) the **Certificate** and fax it back so that the **Trade** can continue with a faxed copy of the **Certificate**.
  - Or -
    - Another system, possible involving temporary exemptions from having a **Certificate** could be invoked.
    - Further thought is required regarding practical and robust mechanisms involving temporary exemptions as well as other possible options.

Consideration also needs to be given to efficient methods for entry of large amounts of tag numbers and associated measurements. Analysis of CCSBT Trade Information Scheme data reveals that there are significant numbers of shipments involving over 500

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<sup>6</sup> Where practical, the e-CDS would allow individual users to store default values (such as company details) to speed up data entry of future documents.

<sup>7</sup> We envisage that entry of validation details to the e-CDS will be by one of two means: (1) The validator logs on to the e-CDS, locates a particular document and sets it as being validated; or (2) The validator holds a series of pre-issued random and unique validation codes. The validator checks a completed paper or electronic document and provides his validator ID together with one of his/her unique validation codes so that a different person can use the ID and code to record the document as being validated. Each validation code can only be used in a single document, so there is no possibility of it being fraudulently used with a different document.

<sup>8</sup> An authorised third party is any person that the master user of a **Member** has granted the appropriate permissions to. It could be a government official, a fishing company or another type of contractor etc.

SBT at a time. Shipments of this size and much larger represent a substantial amount of data entry to be conducted at a single time (the point of trade) through a web browser over the internet. We propose that the e-CDS be able to accept bulk download of individual tag and measurement data as an alternative to manual entry of these data through a web browser. We further propose that all bulk data be provided in a single specific format (to be defined). The bulk download would allow Members options such as:

- Recording tag numbers and SBT measurement data on a computer as the fish are caught (e.g. over weeks or months), and then downloading these data at a single time when the e-CDS document is being created;
- Recording tag numbers and SBT measurement data in conjunction with a portable tag reading device and then downloading these data as in the above.

### **3.4 Checks conducted prior to issue of a Certificate**

Prior to issuing a Certificate, the e-CDS system would conduct a number of automatic checks to verify the completeness and correctness of the information provided. The checks that we envisage will be conducted include:

- For FARM and CATCH documents, checking against the CCSBT authorised vessel list to determine whether the vessel was authorised to fish and carry SBT on the dates entered for the document.
- Where relevant (e.g. for a CATCH document):
  - Ensuring that tag numbers, processed state and measurements of weight and length were provided for each SBT.
  - Confirming that the overall consignment weight matched the total weight from the individual fish within acceptable tolerance limits (see Section 4.3).
  - Verifying that all tags numbers are tag numbers that had been issued to the flag (and possibly the specific vessel, depending on Members decision regarding tag management – see Section 2.2).
  - Ensuring that none of the tags have been previously used for an SBT recorded in the e-CDS.
- Ensuring that:
  - All other required information has been provided, including required trade details and official validation.
  - The necessary “pre-requisite” document exists within the e-CDS. For example, a TRADE document must be based on specific previous CATCH document(s).
  - Any pre-requisite documents have not been over-utilised within acceptable tolerance limits. For example for a TRADE document, ensure that the CATCH document(s) on which it is based have not already been fully committed to a non-related set of TRADE documents.
  - Any differences in total consignment weights or numbers of fish between consecutive documents (i.e. between **Trades**) do not exceed acceptable tolerance limits.
  - There is a tag number and **Whole** weight record for any product processed into a filleted form and that the weight of fillets matches the weight of the **Whole** fish (within acceptable tolerance) after applying the appropriate conversion factors (see Section 4.3).

We propose that in the long term, failure against any of these checks should prevent the **Certificate** from being issued (printed) by the e-CDS until the information is corrected. However, in the first year or two of e-CDS operation, it is likely that there will be issues such as tolerance levels being too small, conversion factors being incorrect and other unforeseen problems that may incorrectly prevent a **Certificate** from being issued.

Therefore, for the first year of e-CDS operation, we recommend that:

- Only a very small number of absolutely critical issues should prevent the **Certificate** from being issued. Members will need to decide and agree on the list of critical issues.
- All other pre-issue checks be run, but instead of preventing issue of the **Certificate**, failure against these checks would:
  - Result in an error message that warns the user of the problem so that they have an opportunity to correct the problem before printing the **Certificate**.
  - A message containing the problems detected would be printed as part of the **Certificate** to make the problems obvious to the next person (e.g. inspector) who deals with the **Certificate**.
- The Secretariat prepare a report summarising the non-critical pre-issue checks that documents did not pass and prepare recommendations for:
  - Any necessary changes to these checks to make them more robust.
  - Checks that proved to be robust, to be promoted to a level which prevents Certificates from being issued when a document fails those checks in the future.

### 3.5 Conversion factors and weight tolerance levels

Tracking and verification within the CDS involves, amongst other things, monitoring the weight of individual fish and/or consignments throughout the **Trade** of those fish. Because SBT are stored and traded in a variety different processed states (e.g. gilled and gutted, fillets), a suite of conversion factors from each processed state to each other processed state needs to be defined to enable proper tracking and audit of the quantities of SBT Traded. Some of the checks described in Section 3.4 above will use these conversion factors in determining whether the weight of processed SBT was acceptable in relation to the weight of the original fish. Conversion factors are also essential to convert weights obtained from the CDS to whole weights for use by the Commission in monitoring global and National catches.

The CCSBT does not have an agreed set of conversion factors for use with SBT. We propose that by 1 August 2007<sup>9</sup>, **Members** provide the Secretariat with all conversion factors that they use for SBT, together with the basis (experimental or otherwise) for these particular conversion factors. The Secretariat would assemble this information together with SBT conversion factors used by the other tuna RFMOs for presentation and consideration at the next annual meeting of the Compliance Committee. If desired, the Secretariat could also table this information at the next meeting of the Scientific Committee to allow the Scientific Committee an opportunity to comment.

In addition to conversion factors, consideration needs to be given on weight tolerance levels to use in the e-CDS in terms of both:

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<sup>9</sup> This date provides time for Members to prepare the requested information and it is the latest date when the information can be assembled for inclusion in the documents for the Scientific Committee.

- Acceptable variations in weight after applying conversion factors. We would presumably accept processing of SBT that produced smaller weights than we would expect from application of a conversion factor. However, the critical issue is how much above expectation would be acceptable.
- Acceptable variation in weight of individual fish or consignments due to other factors such as “glazing” and measurement error.

The first point is probably best considered by the Compliance Committee after it has examined the available information on conversion factors. The second point is probably best address by a panel of experts from **Member’s** government and industry sectors.

### **3.6 Annual reports on operation of the e-CDS**

We propose that by 1 October of each year, the Secretariat would provide a report to the Commission on operation of the e-CDS. The Commission will need to define its requirements for this report, but at this stage, we envisage that the report would contain:

- Information relating to catches and **Trade** for the two previous calendar years and for January to June of the current year, as received by the e-CDS on 30 June of the current year. However, it must be noted that catch and **Trade** information for January to June of the current year could be highly incomplete for many fisheries, particularly the high seas fisheries. There would also be some incompleteness of data for part of the previous year.
- Estimated whole weight of catch and number of fish caught by flag, year and month.
- Estimated whole weight and processed weight of catch by flag, year, fresh/frozen, processed state and destination country<sup>10</sup>.
- Number of tags issued and used by flag and year, including the total number of tags remaining.
- Reporting of discrepancies, non-compliance or problems with the e-CDS. This would include:
  - Differences between whole weight catch estimates from the e-CDS and national quota year reporting.
  - Information concerning the frequency and distribution of weight discrepancies such: as consignment weights before and after trade; and variation in processed weights around the expected weights estimated through conversion factors.
  - Any anomalies in tag usage.
  - Results of any ad-hoc analyses that might be conducted such as examination of audit trail for unusual activity etc.

### **3.7 Multiple language versions**

Serious consideration needs to be given to the number of languages that the e-CDS will cater for. The number of languages will significantly influence the design and cost of the e-CDS development.

Before costing and development work commences for the e-CDS it will be necessary to know whether the e-CDS will ultimately cater for:

<sup>10</sup> Using final destination from the INSPECTION document when this is available, otherwise using the destination country from the CATCH or TRADE documents.

- One language<sup>11</sup> (presumably English);
- Two languages (English and Japanese); or
- Multiple languages (English, Japanese and others).

If more than one language is to be eventually catered for, it will also be necessary to know whether the e-CDS can be implemented initially in a single language, or if more than one language is required at the initial implementation.

### **3.8 Cost**

Our first CDS discussion paper stated that:

“An electronic CDS will have a slightly higher setup costs than a paper based CDS (approximately \$100,000 more), but the annual running costs of an electronic CDS would be significantly less.”

We believe that at least one **Member** has misunderstood this statement. So, we would like to emphasise that the \$100,000 was not the cost of an e-CDS, but a very approximate estimate of the ADDITIONAL COSTS over setting up a paper based CDS.

According to sections 4ii and 4iv of the draft CDS resolution adopted at CCSBT13, copies of all documentation will be submitted to the Secretariat for collation, analysis and verification. Therefore, regardless of whether a paper based CDS or an e-CDS is implemented, the CDS will require the design and construction of a comprehensive relational database, development of a series of data entry interfaces for entering all the different types of data, a suite of integrity checking rules for checking the quality and validity of the data, and a suite of reporting software. This cost will be substantial, but we have not attempted to estimate this part of the cost because there are still too many unknowns in relation to what is required from the CDS.

The additional \$100,000 for an e-CDS was to account for additional setup costs associated with a fully electronic system, such as web based data entry interfaces instead of standard data entry interfaces, enhanced security, special modules for authorising different types of users and for establishing audit trails etc. We had also assumed that entry of tag numbers and measurements would be conducted manually via a web interface, not a download from automatic tag readers or another computer. This assumption appears to be incorrect, so there will be additional costs for this component, which we have yet to estimate. The additional setup cost for an e-CDS also assumed that the central e-CDS system would be physically located with an external web host (our preferred option – see Section 3.2). Internal hosting of the system would add approximately \$30,000 to the initial setup costs and increase the annual running costs.

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<sup>11</sup> The CCSBT is a dual language Commission, but the CCSBT Statistical Document Program has a requirement for an English translation to be added to Statistical Documents that are completed in languages other than English.

#### 4) TRACKING OF SBT

Three types of comments were received in relation to this section. These were:

1. Concern that there are too many types of documents and that the information should be contained in a single document.
  - Our initial discussion paper specified that it should be possible to combine document types so that for a single export (for example) only a single actual form is required. The relevant original text is now highlighted later in this section.
  - It should be noted that for harmonisation with other CDS schemes (e.g. the scheme proposed to ICCAT), numerous changes may need to be made to the document types that we have defined (see section 5). Therefore, at this stage, it may be best to focus on the information required at each point in the tracking of SBT rather than the actual number or names of documents. However, when it is time to design forms, one design criteria should be to minimise the number of forms required.
2. Disagreement between two **Members** on the point at which tagging and tracking of individual fish should occur in farms and strong objections from one **Member** on the Secretariat's discussion paper for not presenting options for tracking individual farmed fish from catch to transfer to farms etc.
  - The Secretariat's original discussion on tracking of individual fish was guided by the draft CDS resolution adopted by CCSBT13, which stated that "The scheme will include tagging and measurement of weight and length of individual SBT at the time of kill".
  - There is clearly disagreement with this part of the draft resolution that was adopted at CCSBT13, so we have added an option to the FARM document to provide tagging and/or measuring individual fish at the time of capture. The options for tracking (or not) of individual farmed fish will need to be discussed at the Compliance Committee Working Group meeting.
3. Our original draft specified that we are not tracking SBT after arrival at the final domestic market. This is consistent with the principles for a CCSBT CDS adopted at CCSBT 12. One **Member** supported this proposal and one Cooperating Non-Member believed it would be an advantage for the CDS to cover trade within a country. Other **Members** did not comment. We have not changed the draft in relation to this, except to more clearly identify that we had proposed that tags would remain on dead **Whole** SBT regardless of the location.
4. Different views were expressed by **Members** regarding the level of checking required at the final tracking point. We have added a new sub-section (4.2) to discuss the required final level of checking.
5. We have added a few comments and questions regarding validation in a new sub-section (4.3) and have removed the single validation comment that we had previously made in section 4.1.

## 4.1 Tracking SBT

The Secretariat has analysed the various pathways travelled by whole SBT from wild capture to domestic consumption.

- In this proposal ~~we~~ we are not tracking SBT after arrival at the final domestic market, but it is proposed that tags remain on any dead SBT that are in Whole form, regardless of location; and
- ~~We have only considered current fish handling practises. However if fish handling practises or requirements changed in the future (e.g. if farms were required to tag fish prior to transfer to the farm), then we expect that the documentation requirements would be altered to meet those changed handling practises.~~

Our view is that only four forms of document would be required in a CDS: a CATCH Document, a TRADE Document, a FARM Document and a final INSPECTION Document with careful definitions of key terms and events (this may change when harmonising CDS systems between RFMOs).

In this scheme all originally required catch documentation including tag number is recorded (CATCH Document) by the original fishing master (or Farm Manager) and the first receiver of the catch. This information travels as a record on any subsequent **Trade**, be that a change of ownership, transshipment or other physical movement (TRADE Document). A final inspection before being released into a domestic market would be recorded (INSPECTION Document). The only variation to this would be an additional FARM Document which would apply in the case of farmed fish. This document would might not have some of the information contained on a CATCH Document (e.g. tag number, individual weights). At kill the farmed fish would then also have a CATCH Document. Any SBT mortalities on a farm would also be reported via a CATCH Document. Where fish are traded-transferred between farms prior to kill, TRADE Documents would be required.

Therefore, in this scheme, the minimum number of documents required would be:

- 2 documents for wild caught fish (CATCH and INSPECTION documents) provided that the fish were unloaded domestically and not exported or transhipped etc.; and
- 3 documents for farmed fish (FARM, CATCH and INSPECTION documents) provided that the fish were unloaded domestically and not exported or transhipped etc.

Note: When designing the actual documents, it should be possible to incorporate at least one TRADE document as a section within the CATCH document form to reduce the actual number of physical forms that need to be completed (e.g. so that for a single export or a single transshipment, a separate form for a TRADE document may not be required). Minimising the physical number of forms should be a design criterion when designing the actual forms.

The following table (next page) describes the information required for each document type and provides details of when and by whom each document must be completed. This table does not describe rules regarding authorised vessels or transshipping etc. These rules would be determined through other resolutions. This table also does not describe the level of official validation that is required (see section 4.3).

Document	How often	Event When is document finalised	By	Type of data recorded	Suggested data to be recorded
FARM	Once for each tow cage only	On completion of transfer from tow vessel to farm(s)	Master of tow vessel & Master of each catching vessel	Summary	<ul style="list-style-type: none"> <li>Unique FARM document number, Name of tow vessel, Name of Master of tow vessel.</li> <li><del>Catch details</del> Details for each catching vessel's catch included in the tow cage comprising: Flag, Vessel name, Master's name, Year, Month, Statistical area, estimated weight of catch.</li> <li>Total number and weight of mortalities during tow, including mortalities on transfer to and from the tow cage.</li> </ul>
			No one, or master of either the tow or catching vessel depending on the tracking / measuring option chosen by CCSBT	Individual fish	<p>Options for tracking and measuring individual fish at this point include:</p> <ul style="list-style-type: none"> <li>No tracking and no measuring; or</li> <li>Measure each SBT without tagging<sup>12</sup>; or</li> <li>Tag and measure each SBT.</li> </ul> <p>Options for the specific point of tagging and/or measurement include:</p> <ul style="list-style-type: none"> <li>At transfer from each catching vessel to the tow vessel; or</li> <li>At transfer from the tow vessel to each farm.</li> </ul> <p>There are reasons for and against each of the above options, which need further discussion to resolve.</p>
			Receiving farm(s) & SBT counting agency	Summary	<ul style="list-style-type: none"> <li>Name of each receiving farm, date of transfer to farm.</li> <li>Number and average weight of SBT transferred to each farm as determined by the agency responsible for video counts of transfers.</li> <li>Name of SBT counting agency.</li> </ul>
CATCH	Once for each unloading of fish (or for each farm mortality) only	At completion of unloading (and for any farm mortalities)	Master of catch vessel / Farm manager	Summary	<ul style="list-style-type: none"> <li>Unique CATCH document number, Flag, Name of vessel / Farm, Name of Master / Farm manager and Date, City, Country<sup>13</sup> of unloading.</li> <li>Details of the catch being unloaded (following the requirements of the CCSBT Statistical Document Program): <ul style="list-style-type: none"> <li>For wild caught fish, catch details comprising: Product (F/FR), Type (processed state), Year, Month, Gear, Statistical area, Net Weight and Number of fish;</li> <li>For farmed fish, fish details comprising: Product (F/FR), Type (processed state), Net weight (of the farmed fish) and Number of fish.</li> </ul> </li> </ul>
				Individual Fish and Fillets	<ul style="list-style-type: none"> <li>For individual fish, the tag number, processed state, weight and length of each fish unloaded. This includes recording this information for all fish that are unloaded as fillets.</li> <li>For fillets, a unique box number together with the box's net weight and the tag number of each contributing SBT.</li> </ul>
			Receiver of the catch / harvest	Names & destination	<ul style="list-style-type: none"> <li>Name of receiver, type of receiver<sup>14</sup>, Name of receiving company or vessel as appropriate.</li> <li>Destination country of the SBT<sup>15</sup>.</li> </ul>

<sup>12</sup> This option is in recognition of the fact that there is tag shedding in current CCSBT tagging programs involving live fish. Therefore, unless new tagging methods are found, some fish will lose their tags and not be traceable. This does not however preclude measuring of each fish.

<sup>13</sup> If transshipping on the high sea, "high sea tranship" would be recorded instead of city and country.

<sup>14</sup> A classification of SBT receivers/holders will be developed (e.g. processor, exporter, retailer, transhipper, importer)

<sup>15</sup> The destination country is the same as the unloading country for SBT intended for the domestic market,

Document	How often	<u>Event</u> <u>When</u> <u>is</u> <u>document</u> <u>finalised</u>	By	Type of data recorded	Suggested data to be recorded
TRADE	Every Trade <u>after the first unloading</u> (including <u>trade-transfer</u> between farms)		Holder of the SBT	Summary	<ul style="list-style-type: none"> <li>Unique TRADE document number, Name of SBT holder, type of SBT holder<sup>14</sup>, Name of holder's company or vessel as appropriate. Date, City and Country<sup>13</sup> at start of trade.</li> <li>For <u>trade-transfer</u> between farms, the Number of SBT being <u>tradedtransferred</u>.</li> <li>For all other trade, the unique numbers of all CATCH documents and previous TRADE documents involved in this trade, and the number and net weight of SBT being traded.</li> </ul>
				Individual Fish and Fillets	<p>This section only needs to be completed where the trade involves splitting of some of the catch from a previous CATCH or TRADE document, or where some of the fish have been further processed into a filleted form.</p> <ul style="list-style-type: none"> <li>Tag number of each fish traded.</li> <li>Box number of each box of fillets traded.</li> <li>For any box of fillets which is subdivided, record new unique box number, box weight and original box number for each new box.</li> <li>For newly processed fillets, a unique box number together with the box's net weight and the tag number of each contributing SBT.</li> </ul>
			Receiver of the SBT	Names & destination	<ul style="list-style-type: none"> <li>Name of receiver, type of receiver<sup>14</sup>, Name of receiving company or vessel as appropriate.</li> <li>Destination Country of the SBT<sup>15</sup>.</li> </ul>
INSPEC-TION	Once only (unless re-exported and imported)	Arrival at a <b>Member's</b> final domestic market	<b>Member/</b> Flag state	<p>Verification information, <u>including:-</u></p> <ul style="list-style-type: none"> <li><u>Date of inspection;</u></li> <li><u>Inspection location (city and country);</u></li> <li><u>Name and authority of inspector;</u></li> <li><u>The number of SBT without CCSBT tags;</u></li> <li><u>The weight of the consignment at arrival.</u></li> </ul> <p>Note: further consideration/discussion is required regarding the final inspection.</p>	

Some of the terms used above were defined at the beginning of this document. These include **Killed**, **Member**, **Trade**. Other terms require further definition, including:

- Master
- Vessel (including aircraft), Tow vessel
- Farm
- Holder of SBT
- Receiver (of SBT etc.). Receiving farm etc.
- Unloading
- Domestic market

## **4.2 Required level of checking at the final tracking points**

As indicated in the table of section 4.1, the final inspection would occur at arrival of the SBT at a **Member's** final domestic market. Therefore a final inspection will occur for all domestic landings and all imports that are not re-exported.

Views from Members on the required final level of checking varied from minimal checking, to requiring the tag number and weight of each fish to be recorded and cross-matched with the original data recorded for each fish. Further discussion between **Members** is clearly required to determine the optimum level of checking at the final tracking point.

Japan asked that the revised CDS discussion paper mention that there are differences between SBT inspections conducted in Japan for domestic landings, imports and domestic exports. We understand that the current practise in Japan is:

- All domestic SBT landings are inspected by the Japanese Fisheries Agency with a full check involving the weight and tag number of every fish.
- Imports of SBT are examined by customs, but this does not involve the inspection of every fish. We further understand that there are significant limitations on the level of inspection that can be conducted by customs.
- Domestic exports are only checked in relation to the paper documentation.

New Zealand commented that its initial view on the level of checking was that “inspection should focus on the presence or absence of a tag and weight and length data and the total consignment weight, relying on other systems to verify authenticity/detail of the catch”. This type of checking combined with the presence of a matching CDS **Certificate** from the e-CDS we proposed in Section 3 may provide an achievable and practical checking solution for the short to medium term. The e-CDS we proposed relied on up front checks before issuing a CDS **Certificate**, so the existence of an authentic **Certificate** essentially means that the vessel was authorised to fish when the fishing was conducted, valid tag numbers were used, all fish had individual tags and weight and length measurements, the weights of the individual fish matched the overall consignment weight, all necessary validation approvals had been obtained, and there were no discrepancies (such as a tag number being previously used in a different fish, or the catch on CATCH document being over used in multiple TRADE documents).

In summarising the above, we propose that a “final inspection” comprising the following minimum elements be considered by **Members**:

- Ensuring that an authentic e-CDS **Certificate** is provided with the SBT that matches the **Trade** being conducted<sup>16</sup>;
- Checking for the presence of a CCSBT tag in each SBT (the practicality of this being done for imports into Japan needs to be ascertained); and
- Verifying that the consignment weight matches the weight on the CDS certificate within agreed tolerance limits.

Regimes for more thorough inspections in the future, or on a random and/or targeted basis should also be considered.

#### **4.3 Validation**

The table in section 4.1 does not describe the level of official validation required for each CDS document. Section 4iii of the draft CDS resolution states that:

“Each shipment of Southern Bluefin Tuna imported, exported, re-exported or domestically landed shall be accompanied by a catch document that has been signed and stamped by a person officially approved by the Member or Cooperating Non-Member as being complete and valid.”

It is therefore clear that official validation will be required for the CATCH document, but it is not clear if official validation will be required for each of the other documents. The Secretariat does not know what level of official validation is practical or desirable at the

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<sup>16</sup> For example, for an import, the **Certificate** must contain a TRADE section containing the details of this particular import.

different points in the **Trade** of SBT and we seek advice from **Members**. For comparative purposes, it is worth mentioning that the draft CDS proposal submitted to ICCAT requires validation by the State authority for each of its 4 proposed documents (Farm, Catch, Export and Re-export).

**Members** should also consider precisely what the validation is to certify. There are at least two options in this respect:

- Validation is a certification that the document has been fully and correctly completed in relation to the SBT caught and/or being traded. This is the concept of validation that has been used with the CCSBT Statistical Document Program;  
or
- Validation of catching documents is a certification that the catch taken was consistent with the vessel's authorisation to fish. This is the concept used by CCAMLR in its CDS. In CCAMLR, Flag States should not issue a "Flag State Confirmation Number" until the flag has determined the vessel has fished in accordance with its authorisation. In making this determination, Flag States usually rely on information such as fishing log books and where available, observer and vessel monitoring information.

These two options for validation require considerably different levels of checking from the Flag State. We recommend that Section 4iii of the draft CDS resolution should be altered to unambiguously specify the type of validation required.

## **5) HARMONISATION OF CATCH DOCUMENT SCHEMES**

There is widespread recognition of the importance of harmonising trade and catch documentation schemes amongst RFMOs. Three **Members** made comments on the Secretariat's first discussion paper to this effect. The January 2007 meeting of tuna RFMOs in Kobe decided that technical work to cooperate across RFMOs would commence by addressing 4 challenges, the first of which was:

"Harmonization and improvement of the trade tracking programs and, as appropriate, development of catch documentation including tagging systems as required"

The Kobe meeting also decided that a technical working group (TWG) of appropriate experts from tuna RFMOs would convene in July 2007 to consider this issue.

The July TWG meeting will be an important opportunity for harmonising the TIS and CDS schemes amongst the tuna RFMOs. For the TWG meeting to be most successful, the Compliance Committee Working Group meeting should provide guidance on which elements of the proposed CCSBT CDS are most flexible to change and which elements should be considered non-changeable.

For example, the only tuna RFMOs that are currently considering a CDS scheme are CCSBT and ICCAT. Given that CCSBT and ICCAT both deal with bluefin as well as having common markets and a combination of farming and wild capture operations, it makes a great deal of sense to harmonise these two schemes. However, the draft CDS proposal that was submitted to the 2006 ICCAT Annual Meeting (Attachment A) by the EC, Canada, Japan and Turkey has two fundamental differences from the draft CDS resolution adopted at CCSBT 13:

1. The proposal to ICCAT does not include tagging of dead **Whole** individual bluefin tuna, although there is voluntary tagging by two of ICCAT's Contracting Parties.
2. The proposal to ICCAT is similar to ICCAT's Statistical Document Program (SDP) in that copies of the actual CDS documents (catch, farm, export and re-export documents) are not provided to the Secretariat and there is no central analyses and verification of the documents. However, the CCSBT 13 draft resolution (Sections 4ii and 4iv) clearly specifies that copies of documents shall be submitted to the Secretariat and that the Secretariat will conduct collation, analysis and verification. This is similar to how the CCSBT SDP currently operates.

There are also differences in some of the basic document types and some of the information requested in the CDS documents proposed by the Secretariat (FARM, CATCH, TRADE and INSPECTION) to those in the proposal submitted to ICCAT. It is our view that these aspects (particularly the document types) are flexible and that we should be able to agree on a standard set of CDS document types and harmonise most of the information within those documents with other tuna RFMOs. In this respect, it will be important for the Compliance Committee Working Group meeting to focus primarily on the "tracking points" that it considers necessary and the particular information that is essential at these tracking points.

The only full catch documentation scheme than is currently implemented by an RFMO is that of CCAMLR. The CCAMLR scheme is provided at Attachment B for **Member's** information.

**This document was discussed at ICCAT but not finalised**

**DRAFT RECOMMENDATION**

**ICCAT BLUEFIN TUNA CATCH DOCUMENTATION PROGRAMME**

**Submitted by EC, Canada, Japan and Turkey**

RECOGNISING the situation of Atlantic bluefin tuna stocks and the impact that market supply has on the fishery;

TAKING INTO ACCOUNT the recovery plans that ICCAT has adopted for Atlantic bluefin tuna stocks, including the need for complementary market related measures;

CONCERNED by the impact that illegal, unregulated and unreported (IUU) fishing for bluefin tuna in the East Atlantic and Mediterranean Sea has on the stocks;

NOTING the need for improved and strict control of all the components involved in the bluefin tuna fisheries;

AWARE that the current Bluefin Tuna Statistical Document Programme does not provide the necessary control to ensure the compliance with existing ICCAT measures;

RE-ITERATING the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting ICCAT Conservation Measures;

MINDFUL of the right and obligations of Port States to promote the effectiveness of management measures adopted by regional fisheries management organisations;

UNDERLINING the important role that importing States have also have in the control of the catches of bluefin tuna to ensure compliance with ICCAT Conservation Measures;

RECOGNISING that in order to have effective control of the movement of the bluefin tuna strict documentary tracking of the product from the point of capture throughout the whole operation to its marketing has to be established;

COMMITTED to take steps that conform with international law, notably as regards the WTO, and to ensure that bluefin tuna entering markets of Contracting and co-operating non-contracting Parties of ICCAT are caught in the Convention Area in a manner consistent with ICCAT Conservation Measures;

UNDERLINING that the adoption of this measure is part of the rebuilding programme for bluefin tuna and is being applied on an exceptional basis;

THE INTERNATIONAL COMMISSION FOR THE  
CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT :

1. Each Contracting Party and co-operating Non-Party, Entity or Fishing Entity (hereafter referred to as CPCs) shall take the necessary steps to identify the origin of any bluefin tuna domestically traded, imported into or exported from its territories and to determine whether bluefin tuna harvested in the Convention Area was harvested in a manner consistent with ICCAT conservation measures.
2. Each CPC shall require that the vessels flying its flag or the traps subject to its jurisdiction which intend to harvest bluefin tuna in the Convention area are specifically authorised to do so.
3. Each CPC shall require that each landing of bluefin tuna at its ports and each delivery of bluefin tuna to its farms (referred to as FFBs in the ICCAT Recommendation 05-04) be accompanied by a completed bluefin tuna catch document BFTCD. The landing of bluefin tuna or the delivery of bluefin tuna to FFBs without a BFTCD is prohibited. Only FFBs authorised by CPCs and appearing on the authorised FFBs ICCAT record can receive bluefin tuna.
4. Each CPC shall provide BFTCD forms with an identification number to each of its flag vessels and traps authorised to harvest bluefin tuna in the Convention Area, and only those vessels and traps. Such forms are not transferable.
5. Each CPC shall provide bluefin tuna farm document (BFTFD forms, with an identification number, to each of its FFBs authorised to farm bluefin tuna, and only those FFBs. Such forms are not transferable.
6. In accordance with paragraphs X and XX of the ICCAT Recommendation 06-XX (recovery plan), each CPC shall ensure that any unused BFTCD forms as a result of the exhaustion, suspension or withdrawal of the quota individually granted to its vessels or traps, or of the suspension, withdrawal, cancellation or expiration of harvesting authorisations, or any other reasons, are returned to the competent authorities upon demand and are nullified.
7. In accordance with paragraphs X and XX of the ICCAT Recommendation 06-XX (recovery plan), each CPC shall ensure that any unused BFTFD forms, which cannot be used as a result of the suspension, withdrawal, cancellation or expiration of the authorisation granted to FFBs, or any other reasons, are returned to the competent authorities upon demand and are nullified.
8. Each CPC shall ensure that each bluefin tuna consignment which is re-exported from its territory be accompanied by a validated bluefin tuna re-export certificate (BFTRC).  
  
Each CPC shall ensure that each bluefin tuna consignment which is exported from its territory be accompanied by a validated bluefin tuna export certificate (BFTEC) or BFTFD, where appropriate.
9. The BFTCD, BFTFD, (BFTEC) and BFTRC shall include the information identified respectively in Annexes I, II III and IV attached.
10. Procedures for completing BFTCDs, BFTFDs, BFTEC and BFTRCs are set forth respectively in Annexes IV, V, VI and VII attached. An example of the BFTCD,

BFTFD, (BFTEC) and BFTRC forms is also attached respectively to Annexes IV, V, VI (and VII).

11. Each CPC shall require that each shipment of bluefin tuna domestically traded, imported into, or exported, or transferred to its FFBs be accompanied by a validated BFTCD and, where appropriate, validated BFTFD, BFTEC or BFTRC that account for all the bluefin tuna contained in the consignment. The domestic trade, import, export, re-export, or transfer to a FFB of bluefin tuna without or not accompanied by a validated BFTCD, BFTFD, BFTEC or BFTRC, whichever the case, is prohibited.
12.
  - a) The BFTCD must be validated by an authorised governmental official or institution of the flag state of the vessel or the state of establishment of the trap that harvested the bluefin tuna, or if the vessel is operating under a charter arrangement, by an authorised governmental official or institution of the exporting state. Provisions, which are already adopted by CPCs on the basis of Paragraph 3 of the ICCAT Resolution 94-04 to monitor bluefin tuna catches which are domestically traded or exported, and which have been notified to the ICCAT Secretariat do apply mutatis mutandis. The list of those CPCs and the relevant provisions are attached in Annex XX.
  - b) The BFTFD must be validated by an authorised governmental official or institution of the state of establishment of the FFB from where the bluefin tuna is domestically traded or exported.
  - c) The BFTEC must be validated by an authorised governmental official or institution of the state from where the bluefin tuna is exported)
  - d) The BFTRC must be validated by an authorised governmental official or institution of the state from where the bluefin tuna is re-exported.
13. Each CPC shall ensure that its competent authorities request and examine the validated BFTCD(s) and related documentation of each consignment of bluefin tuna domestically traded, imported into or exported from its territory and where appropriate, validated BFTFD(s), BFTECs and/or BFTRC(s) that account for all the bluefin tuna in the consignment. These authorities may also examine the content of the consignment to verify the information contained in the BFTCD, the BFTFD, the BFTEC or the BFTRC and in related documents and, where necessary, shall carry out verifications at the operators concerned.
14. Each CPC shall ensure that its competent authorities forward to the validating authorities, within seven working days, the return copy of each validated BFTCD, BFTFD, BFTEC and BFTRC referred to in paragraph 12, including a summary of their examination and, where appropriate, a duly justified request for verification.
15. If, as a result of examinations or verifications carried out or of a request under Paragraphs 13 or 14 above, a question arises regarding the information contained in a BFTCD, a BFTFD, a BFTEC or a BFTRC, the Flag State whose national authorities validated the BFTCD(s) and, as appropriate, the State whose national authorities validated the BFTFD, the BFTEC or the BFTRC shall co-operate with

each other and the final importing State with a view to resolving such questions as may be raised.

16. Pending the examinations or verifications under paragraphs 13 or 14 to confirm compliance of the bluefin tuna consignment with the requirements in the present Recommendation and any other relevant Recommendations, the CPCs shall not grant its release for domestic trade, import or export, nor, in the case of alive bluefin tuna destined to FFBs, accept the caging declaration.
17. Where the examination or verifications under paragraphs 13 or 14 above determine, in consultation with the validating authorities concerned, that a BFTCD, a BFTFD, a BFTEC or a BFTRC is invalid, the domestic trade, import, export or re-export of bluefin tuna that is the subject of this document, is prohibited.
18. Each CPC shall provide to the ICCAT Secretariat, within a delay of 30 days a list of validated BFTCDs, and where relevant, validated BFTFDs, BFTECs and BFTRCs that it has validated or received during the preceding month, whichever the case, which contains the following information by document: validation number, flag of the fishing vessel or location of trap, fishing area, first and last date of fishing operations, fishing gear, weight of bluefin tuna and product type, port of landing, FFB, cage number or country of destination where appropriate, following the report format in Annex VII. This information compiled by the ICCAT Secretariat shall be available to CPCs on request for the purposes of examinations or verifications under paragraphs 13 or 14.
19. Each CPC shall report to the Secretariat data, drawn from the BFTCDs, BFTFDs, BFTEC and BFTRCs on the origin and amount of bluefin tuna domestically traded, exported, re-exported from and imported into its territory, each year by October 1 for the period of July 1 of the preceding year to June 30 of the current year for distribution to the CPCs within a delay of one week. The formats of the reports are attached in annex VIII.
20. The Commission shall request the Non-Contracting Parties which are domestically trading, importing, exporting or re-exporting bluefin tuna to cooperate with the implementation of the Programme and to provide to the Commission data obtained from such implementation.
21. In accordance with paragraphs X and XX of the ICCAT Recommendation 06-XX (recovery plan), each CPC that validates BFTCDs in respect of its flag vessels and traps shall provide to the ICCAT Secretariat, within a delay of two working days, the details of the BFTCD(s) validated in respect of the bluefin tuna catch by which the individual quota granted to its vessel or trap is exhausted, following the report format in Annex IX. This information is distributed by the ICCAT Secretariat to the CPCs within two working days of receipt.
22. Each CPC shall provide to the ICCAT Secretariat, within a delay of two working days, the identification number of the BFTCDs and BFTFDs, which are nullified under paragraphs 6 or 7 above. This information is distributed by the ICCAT Secretariat to the CPCs within two working days of receipt.

23. Each CPC that validates BFTCDs in respect of its flag vessels in accordance with paragraph 12 a), shall notify the ICCAT Secretariat the government authorities (name and full address of the organization(s) and, where appropriate, name and title of the validating officials who are individually empowered, , sample form of document, sample impression of stamp or seal, tag samples) responsible for validating and verifying BFTCDs. This notification shall indicate at which date this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the bluefin tuna catch documentation programme shall be communicated with the initial notification. Updated details on validating authorities and national provisions shall be communicated to the ICCAT Secretariat in a timely fashion. The information transmitted by the notifications on validating authorities is placed on the password-secured page of the database on validation held by the ICCAT Secretariat. The list of the CPCS having notified their validating authorities and the notified dates of entry into force of the validation are placed on the open page of the database on validation held by the ICCAT Secretariat.
24. Each CPC that validates BFTFDs in respect of its FFBs in accordance with paragraph 12b), shall notify the ICCAT Secretariat the government authorities (name and full address of the organization(s) and, where appropriate, name and title of the validating officials who are individually empowered, , sample form of document, sample impression of stamp or seal, tag samples) responsible for validating and verifying BFTFDs. This notification shall indicate at which date this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the bluefin tuna catch documentation programme shall be communicated with the initial notification. Updated details on validating authorities and national provisions shall be communicated to the ICCAT Secretariat in a timely fashion. The information transmitted by the notifications on validating authorities is placed on the password-secured page of the database on validation held by the ICCAT Secretariat. The list of the CPCS having notified their validating authorities and the notified dates of entry into force of the validation are placed on the open page of the database on validation held by the ICCAT Secretariat.
25. Each CPC that validates BFTECs in respect of its exports of bluefin tuna in accordance with paragraph 12c), shall notify the ICCAT Secretariat the government authorities (name and full address of the organization(s) and, where appropriate, name and title of the validating officials who are individually empowered, , sample form of document, sample impression of stamp or seal, tag samples) responsible for validating and verifying BFTECs. This notification shall indicate at which date this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the bluefin tuna catch documentation programme shall be communicated with the initial notification. Updated details on validating authorities and national provisions shall be communicated to the ICCAT Secretariat in a timely fashion. The information transmitted by the notifications on validating authorities is placed on the password-secured page of the database on validation held by the ICCAT Secretariat. The list of the CPCS having notified their validating authorities and the notified dates of entry into force of the validation are placed on the open page of the database on validation held by the ICCAT Secretariat.

26. Each CPC that validates BFTRCs in accordance with paragraph 12d) shall notify the ICCAT Secretariat the government authorities (name and full address of the organisation(s) and, where appropriate, name and title of the validating officials who are individually empowered, sample form of document and sample impression of stamp or seal) responsible for validating and verifying re-export certificates. This notification shall indicate at which date this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the re-export certificate shall be communicated with the initial notification. Updated details on validating authorities and national provisions shall be communicated to the ICCAT Secretariat in a timely fashion.
27. Each CPC that domestically trades or imports bluefin tuna shall notify to the ICCAT Secretariat the government authorities (name and full address of the organisation(s)) which are responsible for the verification of BFTCDs, BFTFDs, BFTECs and re-export certificates and for requesting such verifications by the validating authorities.
28. The Recommendations 1992-01, 1993-03, 1996-10, 1997-04, 1998-12 and the Resolutions 1993-02, 1994-04 and 1994-05 on the ICCAT Bluefin Tuna Statistical Document Programme are repealed and replaced by this Recommendation

## **ANNEX I**

### **Data to be included in Bluefin Tuna Catch Document (BFTCD)**

#### **1. BFTCD and authority identification**

1 (i) Identification number of the BFTCD

1(ii) Validation Number of the BFTCD

1(iii) Name, address, telephone and fax numbers of the issuing authority;

#### **2. Fishing vessel or trap identification**

2(i) Name, home port, national registry number, and call sign where applicable, of the vessel and, if issued, its IMO/Lloyd's registration number;

2(ii) the name and full address of the trap

(iii) reference number of the licence or permit, whichever is applicable, that is issued to the vessel or the trap;

#### **3 Identification of catch**

3(i) Weight and product type of bluefin tuna destined for landing or transfer to cages,

3(ii) Geographic location by co-ordinates of where the catch was made;

3(iii) Dates within which the catch was taken;

#### **4 Identification of trade and transport operations**

4(i) Date and position of transfer at sea, the name, flag and national registry number of the tugboat, certified by the masters of the fishing vessel and the tugboat, and the name and address of the cage of destination

4(ii) Date and port at which the catch was landed

4(iii) Details of the subsequent shipment for export (date of shipment, identity of means of transportation: name, flag and national registry number of transportation vessel, flight number, truck registration plate, railway freight document number and, where appropriate, container number(s);

4(iv) Six digit code of the product in the Harmonised Commodity Description and Coding System of the World Customs Organisation (HS);

4(v) Where appropriate, the number and date of the customs export entry

4(vi) Name, address, telephone and fax numbers of the recipient of the catch at the time of, where appropriate, landing, export or import.

#### **5. Statement of operators and validation by the authorities of the flag state or the state of establishment of the trap**

5(i) Statement of the operator requesting the validation of the BFTCD with date, name, full address of the operator, name and signature of his representative

5(ii) Validation by the authority of the flag state or the state of establishment of the trap with name and full address of the authority, name and signature of the validating official, date and seal,

5(iii) Statement by the recipient of the bluefin tuna consignment at landing, export or import, where appropriate, with name and full address, name and signature of his representative and date,

6 Examination and verification by the authorities of the state of landing, export, import, where appropriate

6(i) Examination by the authorities of the state of landing, export, import, where appropriate: summary results, date, name and full address of the authority, name and signature of the competent official, seal,

6(ii) Verification by the authorities of the state of landing, export, import, where appropriate: summary results, date, name and full address of the authority, name and signature of the competent official, seal,

6(iii) Request for verification sent to the validating authorities referred to under paragraph 5 above by the authorities of the state of landing, export, import, where appropriate: summary request (detailed request to be attached if necessary), date, name and full address of the authority, name and signature of the competent official, seal,

6(iv) Results of the verification by the validating authorities referred to in paragraph 5 above: summary results, date, name and full address of the authority, name and signature of the competent official, seal.

The form consists in two copies, of which one "return copy" to be used

- by the authorities of the state of landing, export, import where appropriate in order to:
  - advise the validating authority that the BFTCD has been accepted after examination or verification or
  - to request verifications by the validating authority and
- by the validating authority to advise the requesting authority on the results of its verifications.

## **ANNEX II**

### **Data to be included in the farmed bluefin tuna certificate (FBFTC)**

#### **1. FBFTC and authority identification**

1 (i) Identification number of the FBFTC,

1(ii) Validation Number of the BFTCD,

1(iii) Name, address, telephone and fax numbers of the issuing authority,

#### **2. Farm identification**

2(i) Name, address, telephone and fax numbers of the farm,

(ii) Reference number of the licence or permit, whichever is applicable, that is issued to the farm,

#### **3 Identification of product**

3(i) Weight of bluefin tuna subject of the FBFTC,

3(ii) Weight of bluefin tuna, number of pieces sorted out by BFTCD, identified by its validation number,

3(iii) Flag(s) of fishing vessel(s),

3(iv) Copies of the corresponding BFTCDs attached

#### **4 Identification of trade and transport operations**

4(iii) Details of the shipment for domestic trade or export (date of shipment, identity of means of transportation: name, flag and national registry number of transportation vessel, flight number, truck registration plate, railway freight document number and, where appropriate, container number(s),

4(iv) Six digit code of the product in the Harmonised Commodity Description and Coding System of the World Customs Organisation (HS),

4(v) Where appropriate, the number and date of the customs export entry,

4(vi) Name, address, telephone and fax numbers of the recipient of the consignment at the time of landing, export or import, where appropriate,

#### **5. Statement of operators and validation by the authorities of the state of establishment of the farm**

5(i) Statement of the operator requesting the validation of the FBFTC, with date, name, full address of the operator, name and signature of his representative,

5(ii) Validation by the authority of the state of establishment of the farm with name and full address of the authority, name and signature of the validating official, date and seal

5(iii) Statement by the recipient of the bluefin tuna consignment at landing, export or import, where appropriate, with name and full address, name and signature of his representative and date,

6 Examination and verification by the authorities of the state of landing, export, import, where appropriate

6(i) Examination by the authorities of the state of landing, export, import, where appropriate: summary results, date, name and full address of the authority, name and signature of the competent official, seal

6(ii) Verification by the authorities of the state of landing, export, import, where appropriate: summary results, date, name and full address of the authority, name and signature of the competent official, seal

6(iii) Request for verification sent to the validating authorities referred to under paragraph 5 above by the authorities of the state of landing, export, import, where appropriate: summary request (detailed request to be attached if necessary), date, name and full address of the authority, name and signature of the competent official, seal

6(ii) Results of the verification by the validating authorities referred to in paragraph 5 above: summary results, date, name and full address of the authority, name and signature of the competent official, seal

The form consists in two copies, of which one "return copy" to be used

- by the authorities of the state of landing, export, import where appropriate in order to:
  - advise the validating authority that the FBFTC has been accepted after examination or verification or
  - to request verifications by the validating authority and
- by the validating authority to advise the requesting authority on the results of its verifications.

### **ANNEX III**

#### **Data to be included in the bluefin tuna export certificate (BFTEC)**

1. BFTEC and authority identification

1(i) Validation number of the BFTEC,

1(iii) Name, address, telephone and fax numbers of the issuing authority,

2. Exporter identification

2(i) Name, address, telephone and fax numbers of the exporter

3 Identification of product

3(i) Weight and product types of bluefin tuna subject of the BFTEC,

3(ii) Weight by product types of bluefin tuna and BFTCD or BFTFD, where appropriate identified by their validation numbers,

3(iii) Flag(s) of fishing vessel(s) or state of establishment of the FFB, where appropriate

3(iv) Copies of the corresponding BFTCDs or BFTFDs attached

#### 4 Identification of trade and transport operations

4(iii) Details of the shipment for re-export (date of shipment, identity of means of transportation: name, flag and national registry number of transportation vessel, flight number, truck registration plate, railway freight document number and, where appropriate, container number(s),

4(iv) Six digit code of the product in the Harmonised Commodity Description and Coding System of the World Customs Organisation (HS),

4(v) Where appropriate, the number and date of the customs export entry,

4(vi) Name, address, telephone and fax numbers of the recipient of the consignment,

5. Statement of operators and validation by the authorities of the state of establishment of the farm

5(i) Statement of the operator requesting the validation of the BFTEC, with date, name, full address of the operator, name and signature of his representative,

5(ii) Validation by the authority of the state of re-export with name and full address of the authority, name and signature of the validating official, date and seal

5(iii) Statement by the recipient in the state of import of the bluefin tuna consignment, with name and full address, name and signature of his representative and date,

#### 6 Examination and verification by the authorities of the state of import

6(i) Examination by the authorities of the state of import: summary results, date, name and full address of the authority, name and signature of the competent official, seal

6(ii) Verification by the authorities of the state of import: summary results, date, name and full address of the authority, name and signature of the competent official, seal

6(iii) Request for verification sent to the validating authorities referred to under paragraph 5 above by the authorities of the state of re-export: summary request (detailed request to be attached if necessary), date, name and full address of the authority, name and signature of the competent official, seal

6(ii) Results of the verification by the validating authorities referred to in paragraph 5 above: summary results, date, name and full address of the authority, name and signature of the competent official, seal

The form consists in two copies, of which one "return copy" to be used

- by the authorities of the state of import in order to:

-advise the validating authority that the BFTEC has been accepted after examination or verification or

- to request verifications by the validating authority and

-by the validating authority to advise the requesting authority on the results of its verifications.

## **ANNEX IV**

### **Data to be included in the bluefin tuna re-export certificate (BFTRC)**

**1. BFTRC and authority identification**

1(i) Validation number of the BFTRC,

1(iii) Name, address, telephone and fax numbers of the issuing authority,

**2. Re-exporter identification**

2(i) Name, address, telephone and fax numbers of the re-exporter

**3 Identification of product**

3(i) Weight and product types of bluefin tuna subject of the BFTRC,

3(ii) Weight by product types of bluefin tuna and BFTCD or FBFTC, where appropriate identified by their validation numbers,

3(iii) Flag(s) of fishing vessel(s) or state of establishment of the farm, where appropriate

3(iv) Copies of the corresponding BFTCDs or BFTFD attached

**4 Identification of trade and transport operations**

4(iii) Details of the shipment for re-export (date of shipment, identity of means of transportation: name, flag and national registry number of transportation vessel, flight number, truck registration plate, railway freight document number and, where appropriate, container number(s),

4(iv) Six digit code of the product in the Harmonised Commodity Description and Coding System of the World Customs Organisation (HS),

4(v) Where appropriate, the number and date of the customs re-export entry,

4(vi) Name, address, telephone and fax numbers of the recipient of the consignment,

**5. Statement of operators and validation by the authorities of the state of establishment of the farm**

5(i) Statement of the operator requesting the validation of the BFTRC, with date, name, full address of the operator, name and signature of his representative,

5(ii) Validation by the authority of the state of re-export with name and full address of the authority, name and signature of the validating official, date and seal

5(iii) Statement by the recipient in the state of import of the bluefin tuna consignment, with name and full address, name and signature of his representative and date,

**6 Examination and verification by the authorities of the state of import**

6(i) Examination by the authorities of the state of import: summary results, date, name and full address of the authority, name and signature of the competent official, seal

6(ii) Verification by the authorities of the state of import: summary results, date, name and full address of the authority, name and signature of the competent official, seal

6(iii) Request for verification sent to the validating authorities referred to under paragraph 5 above by the authorities of the state of re-export: summary request (detailed

request to be attached if necessary), date, name and full address of the authority, name and signature of the competent official, seal

6(ii) Results of the verification by the validating authorities referred to in paragraph 5 above: summary results, date, name and full address of the authority, name and signature of the competent official, seal

The form consists in two copies, of which one "return copy" to be used

- by the authorities of the state of import in order to:

-advise the validating authority that the BFTRC has been accepted after examination or verification or

- to request verifications by the validating authority and

-by the validating authority to advise the requesting authority on the results of its verifications.

## **ANNEX IV**

### **Procedures for completing the ICCAT bluefin tuna catch document**

#### Appendix 1

Sample form of the ICCAT bluefin tuna catch document

To be completed

## **ANNEX V**

### **Procedures for completing the ICCAT bluefin tuna farm document**

#### Appendix 1

Sample form of the ICCAT bluefin tuna farm document

To be completed

## **ANNEX VI**

### **Procedures for completing the ICCAT bluefin tuna export certificate**

#### Appendix 1

Sample form of the ICCAT bluefin tuna export certificate

To be completed

## **ANNEX VII**

### **Procedures for completing the ICCAT bluefin tuna re-export certificate**

#### Appendix 1

Sample form of the ICCAT bluefin tuna re-export certificate

To be completed

## **ANNEX VIII**

Monthly reports on ICCAT bluefin tuna catch documents, farmed bluefin tuna certificate and bluefin tuna re-export certificates (One report format for each document)

To be completed

## **ANNEX IX**

Yearly reports on ICCAT bluefin tuna catch documents, farmed bluefin tuna certificate and bluefin tuna re-export certificates (One report format for each document)

To be completed

## **ANNEX X**

Report format on ICCAT bluefin tuna catch documents referred under paragraph 17 above

To be completed

## **ANNEX XI**

### **Definitions**

The following definitions are intended only for the purposes of the implementation of the bluefin tuna catch document programme and shall be applied as stated regardless of whether such actions as domestic trade, export, import, or re-export constitutes the same under any CPC's customs law or other domestic legislation.

"domestic trade":

- trade with bluefin tuna harvested in the ICCAT Convention area by a vessel or a trap, which is landed in the CPC to which the vessel is flagged or where the trap is established and which is not destined to be exported, or
- trade with bluefin tuna products farmed in a FFB from bluefin tuna harvested in the ICCAT Convention area by a vessel, which is flagged to the CPC where the FFB is established, which are supplied to any entity in this CPC and which are not destined to be exported, and
- trade with bluefin tuna between the Member States of the European Community.

"export":

Any movement of a bluefin tuna catch in its harvested or processed (including farmed) form from the territory of a CPC to which the vessel is flagged or where the trap or the FFB is established.

"import":

Any movement of a bluefin tuna catch in its harvested or processed (including farmed) form into the territory of a CPC, which is not the CPC to which the vessel is flagged or where the trap of the FFB is established.

"re-export"

Any movement of a bluefin tuna catch in its harvested or processed (including farmed) form from the territory of a CPC, where it has been previously imported in the same form.

**Attachment B**  
**CCAMLR CDS Scheme**

**CONSERVATION MEASURE 10-05 (2006)**  
**Catch Documentation Scheme for *Dissostichus* spp.**

Species	toothfish
Area	all
Season	all
Gear	all

The Commission,

Concerned that illegal, unreported and unregulated (IUU) fishing for *Dissostichus* spp. in the Convention Area threatens serious depletion of populations of *Dissostichus* spp.,

Aware that IUU fishing involves significant by-catch of some Antarctic species, including endangered albatross,

Noting that IUU fishing is inconsistent with the objective of the Convention and undermines the effectiveness of CCAMLR conservation measures,

Underlining the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner,

Mindful of the rights and obligations of Port States to promote the effectiveness of regional fishery conservation measures,

Aware that IUU fishing reflects the high value of, and resulting expansion in markets for and international trade in, *Dissostichus* spp.,

Recalling that Contracting Parties have agreed to introduce classification codes for *Dissostichus* spp. at a national level,

Recognising that the implementation of a Catch Documentation Scheme for *Dissostichus* spp. (CDS) will provide the Commission with essential information necessary to provide the precautionary management objectives of the Convention,

Committed to take steps, consistent with international law, to identify the origins of *Dissostichus* spp. entering the markets of Contracting Parties and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into their territories was caught in a manner consistent with CCAMLR conservation measures,

Wishing to reinforce the conservation measures already adopted by the Commission with respect to *Dissostichus* spp.,

Inviting non-Contracting Parties whose vessels fish for *Dissostichus* spp. to participate in the CDS,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. The following definitions are intended only for the purposes of the completion of CDS documents and shall be applied as stated regardless of whether such actions as landings, transshipments, imports, exports or re-exports constitute the same under any CDS participant's customs law or other domestic legislation:

- (i) Port State: The State that has control over a particular port area or free trade zone for the purposes of landing, transshipment, importing, exporting and re-exporting and whose authority serves as the authority for landing or transshipment certification.
  - (ii) Landing: The initial transfer of catch in its harvested or processed form from a vessel to dockside or to another vessel in a port or free trade zone where the catch is certified by an authority of the Port State as landed.
  - (iii) Export: Any movement of a catch in its harvested or processed form from territory under the control of the State or free trade zone of landing, or, where that State or free trade zone forms part of a customs union, any other member State of that customs union.
  - (iv) Import: The physical entering or bringing of a catch into any part of the geographical territory under the control of a State, except where the catch is landed or transhipped within the definitions of 'landing' or 'transshipment' in this conservation measure.
  - (v) Re-export: Any movement of a catch in its harvested or processed form from territory under the control of a State, free trade zone, or member State of a customs union of import unless that State, free trade zone, or any member State of that customs union of import is the first place of import, in which case the movement is an export within the definition of 'export' in this conservation measure.
  - (vi) Transshipment: The transfer of a catch in its harvested or processed form from a vessel to another vessel or means of transport, and, where such transfer takes place within the territory under the control of a Port State, for the purpose of effecting its removal from that State. For the avoidance of doubt, temporarily placing a catch on land or an artificial structure to facilitate such transfer shall not prevent the transfer from being a transshipment where the catch is not 'landed' within the definition of 'landing' in this conservation measure.
2. Each Contracting Party shall take steps to identify the origin of *Dissostichus* spp. imported into or exported from its territories and to determine whether *Dissostichus* spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.
  3. Each Contracting Party shall require that each master or authorised representative of its flag vessels authorised to engage in harvesting of *Dissostichus eleginoides* and/or *Dissostichus mawsoni* complete a *Dissostichus* catch document (DCD) for the catch landed or transhipped on each occasion that it lands or tranships *Dissostichus* spp.
  4. Each Contracting Party shall require that each landing of *Dissostichus* spp. at its ports and each transshipment of *Dissostichus* spp. to its vessels be accompanied by a completed DCD. The landing of *Dissostichus* spp. without a catch document is prohibited.

5. Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest *Dissostichus* spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so. Each Contracting Party shall provide DCD forms to each of its flag vessels authorised to harvest *Dissostichus* spp. and only to those vessels.
6. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this scheme may issue DCD forms, in accordance with the procedures specified in paragraphs 8 and 9, to any of its flag vessels that intend to harvest *Dissostichus* spp.
7. The procedure regarding cooperation with CCAMLR in the implementation of the CDS by non-Contracting Parties involved in the trade of *Dissostichus* spp. is set out in Annex 10-05/C.
8. The DCD shall include the following information:
  - (i) the name, address, telephone and fax numbers of the issuing authority;
  - (ii) the name, home port, national registry number and call sign of the vessel and, if issued, its IMO/Lloyd's registration number;
  - (iii) the reference number of the licence or permit, whichever is applicable, that is issued to the vessel;
  - (iv) the weight of each *Dissostichus* species landed or transhipped by product type, and
    - (a) by CCAMLR statistical subarea or division if caught in the Convention Area; and/or
    - (b) by FAO statistical area, subarea or division if caught outside the Convention Area;
  - (v) the dates within which the catch was taken;
  - (vi) the date and the port at which the catch was landed or the date and the vessel, its flag and national registry number, to which the catch was transhipped;
  - (vii) the name, address, telephone and fax numbers of the recipient(s) of the catch and the amount of each species and product type received.
9. Procedures for completing DCDs in respect of vessels are set forth in paragraphs A1 to A10 of Annex 10-05/A to this measure. The standard catch document is attached to the annex.
10. Each Contracting Party shall require that each shipment of *Dissostichus* spp. imported into or exported from its territory be accompanied by the export-validated DCD(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. The import, export or re-export of *Dissostichus* spp. without a catch document is prohibited.

11. An export-validated DCD issued in respect of a vessel is one that:
  - (i) includes all relevant information and signatures provided in accordance with paragraphs A1 to A11 of Annex 10-05/A to this measure;
  - (ii) includes a signed and stamped certification by a responsible official of the exporting State of the accuracy of the information contained in the document.
12. Each Contracting Party shall ensure that its customs government authorities or other appropriate government officials request and examine the documentation of each shipment of *Dissostichus* spp. imported into or exported from its territory to verify that it includes the export-validated DCD(s) and, where appropriate, validated re-export document(s) that account for all the *Dissostichus* spp. contained in the shipment. These officials may also examine the content of any shipment to verify the information contained in the catch document or documents.
13. If, as a result of an examination referred to in paragraph 12 above, a question arises regarding the information contained in a DCD or a re-export document, the exporting State whose government authority validated the document(s) and, as appropriate, the Flag State whose vessel completed the document are called on to cooperate with the importing State with a view to resolving such question.
14. Each Contracting Party shall promptly provide by the most rapid electronic means, copies to the CCAMLR Secretariat of all export-validated DCDs and, where relevant, validated re-export documents that it issued from and received into its territory and shall submit annually to the Secretariat a summary list of documents issued from or received into its territory in respect of transshipments, landings, exports, re-exports and imports. The list shall include: document identification numbers; date of landing, export, re-export, import; weights landed, exported, re-exported or imported.
15. Each Contracting Party, and any non-Contracting Party that issues DCDs in respect of its flag vessels in accordance with paragraph 6, shall inform the CCAMLR Secretariat of the government authority or authorities (including names, addresses, phone and fax numbers and email addresses) responsible for issuing and validating DCDs.
16. Notwithstanding the above, any Contracting Party, or any non-Contracting Party participating in the CDS, may require additional verification of catch documents by Flag States by using, *inter alia*, VMS, in respect of catches<sup>1</sup> taken on the high seas outside the Convention Area, when landed at, imported into or exported from its territory.
17. If, following an examination under paragraph 12, questions under paragraph 13 or requests for additional verification of documents under paragraph 16, it is determined, after consultation with the States concerned, that a catch document is invalid, the import, export or re-export of *Dissostichus* spp. being the subject of the document is prohibited.
18. If a Contracting Party participating in the CDS has cause to sell or dispose of seized or confiscated *Dissostichus* spp., it may issue a Specially Validated *Dissostichus* Catch Document (SVDCD) specifying the reasons for that validation. The SVDCD shall

include a statement describing the circumstances under which confiscated fish are moving in trade. To the extent practicable, Parties shall ensure that no financial benefit arising from the sale of seized or confiscated catch accrue to the perpetrators of IUU fishing. If a Contracting Party issues a SVDCD, it shall immediately report all such validations to the Secretariat for conveying to all Parties and, as appropriate, recording in trade statistics.

19. A Contracting Party may transfer all or part of the proceeds from the sale of seized or confiscated *Dissostichus* spp. into the CDS Fund created by the Commission or into a national fund which promotes achievement of the objectives of the Convention. A Contracting Party may, consistent with its domestic legislation, decline to provide a market for toothfish offered for sale with a SVDCD by another State. Provisions concerning the uses of the CDS Fund are found in Annex 10-05/B.

<sup>1</sup> Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.

#### ANNEX 10-05/A

- A1. Each Flag State shall ensure that each *Dissostichus* catch document form that it issues includes a specific identification number consisting of:

- (i) a four-digit number, consisting of the two-digit International Standards Organization (ISO) country code plus the last two digits of the year for which the form is issued;
- (ii) a three-digit sequence number (beginning with 001) to denote the order in which catch document forms are issued.

It shall also enter on each *Dissostichus* catch document form the number as appropriate of the licence or permit issued to the vessel.

- A2. The master of a vessel which has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures prior to each landing or transhipment of *Dissostichus* spp.:

- (i) the master shall ensure that the information specified in paragraph 7 of this conservation measure is accurately recorded on the *Dissostichus* catch document form;
- (ii) if a landing or transhipment includes catch of both *Dissostichus* spp., the master shall record on the *Dissostichus* catch document form the total amount of the catch landed or transhipped by weight of each species;
- (iii) if a landing or transhipment includes catch of *Dissostichus* spp. taken from different statistical subareas and/or divisions, the master shall record on the *Dissostichus* catch document form the amount of the catch by weight of each species taken from each statistical subarea and/or division and indicating whether the catch was caught in an EEZ or on the high seas, as appropriate;

- (iv) the master shall convey to the Flag State of the vessel by the most rapid electronic means available, the *Dissostichus* catch document number, the dates within which the catch was taken, the species, processing type or types, the estimated weight to be landed and the area or areas of the catch, the date of landing or transhipment and the port and country of landing or vessel of transhipment and shall request from the Flag State, a Flag State confirmation number.
- A3. If, for catches<sup>1</sup> taken in the Convention Area or on the high seas outside the Convention Area, the Flag State verifies, by the use of a VMS (as described in paragraph 1 of Conservation Measure 10-04), the area fished and that the catch to be landed or transhipped as reported by its vessel is accurately recorded and taken in a manner consistent with its authorisation to fish, it shall convey a unique Flag State confirmation number to the vessel's master by the most rapid electronic means available. The *Dissostichus* catch document will receive a confirmation number from the Flag State, only when it is convinced that the information submitted by the vessel fully satisfies the provisions of this conservation measure.
- A4. The master shall enter the Flag State confirmation number on the *Dissostichus* catch document form.
- A5. The master of a vessel that has been issued a *Dissostichus* catch document form or forms shall adhere to the following procedures immediately after each landing or transhipment of *Dissostichus* spp.:
- (i) in the case of a transhipment, the master shall confirm the transhipment obtaining the signature on the *Dissostichus* catch document of the master of the vessel to which the catch is being transferred;
  - (ii) in the case of a landing, the master or authorised representative shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authority of the Port State and is competent with regard to the validation of *Dissostichus* catch documents;
  - (iii) in the case of a landing, the master or authorised representative shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade zone;
  - (iv) in the event that the catch is divided upon landing, the master or authorised representative shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A6. In respect of each landing or transhipment, the master or authorised representative shall immediately sign and convey by the most rapid electronic means available a copy, or, if the catch landed was divided, copies, of the signed *Dissostichus* catch document to the Flag State of the vessel and shall provide a copy of the relevant document to each recipient of the catch.

- A7. The Flag State of the vessel shall immediately convey by the most rapid electronic means available a copy or, if the catch was divided, copies, of the signed *Dissostichus* catch document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A8. The master or authorised representative shall retain the original copies of the signed *Dissostichus* catch document(s) and return them to the Flag State no later than one month after the end of the fishing season.
- A9. The master of a vessel to which catch has been transhipped (receiving vessel) shall adhere to the following procedures immediately after each landing of such catch in order to complete each *Dissostichus* catch document received from transhipping vessels:
- (i) the master of the receiving vessel shall confirm the landing by obtaining a signed and stamped certification on the *Dissostichus* catch document by a responsible official of the Port State of landing or free trade zone who is acting under the direction of either the customs or fisheries authority of the Port State and is competent with regard to the validation of *Dissostichus* catch documents;
  - (ii) the master of the receiving vessel shall also obtain the signature on the *Dissostichus* catch document of the individual that receives the catch at the port of landing or free trade;
  - (iii) in the event that the catch is divided upon landing, the master of the receiving vessel shall present a copy of the *Dissostichus* catch document to each individual that receives a part of the catch at the port of landing or free trade zone, record on that copy of the catch document the amount and origin of the catch received by that individual and obtain the signature of that individual.
- A10. In respect of each landing of transhipped catch, the master or authorised representative of the receiving vessel shall immediately sign and convey by the most rapid electronic means available a copy of all the *Dissostichus* catch documents, or if the catch was divided, copies, of all the *Dissostichus* catch documents, to the Flag State(s) that issued the *Dissostichus* catch document, and shall provide a copy of the relevant document to each recipient of the catch. The Flag State of the receiving vessel shall immediately convey by the most rapid electronic means available a copy of the document to the CCAMLR Secretariat to be made available by the next working day to all Contracting Parties.
- A11. For each shipment of *Dissostichus* spp. to be exported from the country of landing, the exporter shall adhere to the following procedures to obtain the necessary export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:
- (i) the exporter shall enter on each *Dissostichus* catch document the amount of each *Dissostichus* spp. reported on the document that is contained in the shipment;
  - (ii) the exporter shall enter on each *Dissostichus* catch document the name and address of the importer of the shipment and the point of import;

- (iii) the exporter shall enter on each *Dissostichus* catch document the exporter's name and address, and shall sign the document;
- (iv) the exporter shall obtain a signed and stamped validation of the *Dissostichus* catch document (including the attachments if provided) by a responsible official of the exporting State.
- (v) the exporter shall indicate the transport details as appropriate:
  - if by sea
    - container(s) number(s) if appropriate, or
    - vessel name, and
    - bill of lading number, date and place of issue;
  - if by air
    - flight number, airway bill number, place and date of issue;
  - if by other means (ground transportation)
    - truck registration number and nationality,
    - railway transport number, date and place of issue.

A12. In the case of re-export, the re-exporter shall adhere to the following procedures to obtain the necessary re-export validation of the *Dissostichus* catch document(s) that account for all the *Dissostichus* spp. contained in the shipment:

- (i) the re-exporter shall supply details of the net weight of product of all species to be re-exported, together with the *Dissostichus* catch document number to which each species and product relates;
- (ii) the re-exporter shall supply the name and address of the importer of the shipment, the point of import and the name and address of the exporter;
- (iii) the re-exporter shall obtain a signed and stamped validation of the above details by the responsible official of the exporting State on the accuracy of information contained in the document(s);
- (iv) the re-exporter shall indicate the transport details as appropriate:
  - if by sea
    - container(s) number(s) if appropriate, or
    - vessel name, and
    - bill of lading number, date and place of issue;
  - if by air
    - flight number, airway bill number, place and date of issue;

if by other means (ground transportation)

truck registration number and nationality,  
railway transport number, date and place of issue.

- (v) the responsible official of the re-exporting State shall immediately transmit by the most rapid electronic means a copy of the re-export document to the Secretariat to be made available next working day to all Contracting Parties.

The standard form for re-export is attached to this annex.

<sup>1</sup> Excluding by-catches of *Dissostichus* spp. by trawlers fishing on the high seas outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel.



<b>DISSOSTICHUS RE-EXPORT DOCUMENT</b>				<b>V1.2</b>
<b>RE-EXPORT SECTION</b>		<b>Re-exporting Country:</b>		
<b>1. Description of Fish</b>				
Species	Type of Product	Net Weight Exported (kg)	Dissostichus Catch Document Number Attached	
Species: <b>TOP</b> <i>Dissostichus eleginoides</i> , <b>TOA</b> <i>Dissostichus mawsoni</i> Type: <b>WHO</b> Whole; <b>HAG</b> Headed and gutted; <b>HAT</b> Headed and tailed; <b>FLT</b> Fillet; <b>HGT</b> Headed, gutted, tailed; <b>OTH</b> Other (specify)				
<b>RE-EXPORT – TRANSPORT DETAILS</b>				
<b>If by sea/air:</b>	Container number			
	(if more than one – attach list)			
If no container:	Vessel name; OR			
	Flight number; AND			
	Bill of lading/airway bill number; AND			
	Date and place of issue			
<b>If ground transport:</b>	Truck registration number and nationality; OR			
	Railway transport number: AND			
	Date and place of issue			
<b>2. Re-Exporter Certification:</b> I certify that the above information is complete, true and correct to the best of my knowledge and that the above product comes from product certified by the attached <i>Dissostichus</i> Catch Document(s).				
<b>Name</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>	<b>Export Licence (if issued)</b>
<b>3. Re-Export Government Authority Validation:</b> I certify that the above information is complete, true, and correct to the best of my knowledge.				
<b>Name/Title</b>	<b>Signature</b>	<b>Date</b>	<b>Seal (Stamp)</b>	
<b>4. IMPORT SECTION</b>				
<b>Name of Importer</b>		<b>Address</b>		
<b>Point of Unlading:</b>	<b>City</b>	<b>State/Province</b>	<b>Country</b>	

## **THE USE OF THE CDS FUND**

- B1. The purpose of the CDS Fund ('the Fund') is to enhance the capacity of the Commission in improving the effectiveness of the CDS and by this, and other means, to prevent, deter and eliminate IUU fishing in the Convention Area.
- B2. The Fund will be operated according to the following provisions:
- (i) The Fund shall be used for special projects, or special needs of the Secretariat if the Commission so decides, aimed at assisting the development and improving the effectiveness of the CDS. The Fund may also be used for special projects and other activities contributing to the prevention, deterrence and elimination of IUU fishing in the Convention Area, and for other such purposes as the Commission may decide.
  - (ii) The Fund shall be used primarily for projects conducted by the Secretariat, although the participation of Members in these projects is not precluded. While individual Member projects may be considered, this shall not replace the normal responsibilities of Members of the Commission. The Fund shall not be used for routine Secretariat activities.
  - (iii) Proposals for special projects may be made by Members, by the Commission or the Scientific Committee and their subsidiary bodies, or by the Secretariat. Proposals shall be made to the Commission in writing and be accompanied by an explanation of the proposal and an itemised statement of estimated expenditure.
  - (iv) The Commission will, at each annual meeting, designate six Members to serve on a Review Panel to review proposals made intersessionally and to make recommendations to the Commission on whether to fund special projects or special needs. The Review Panel will operate by email intersessionally and meet during the first week of the Commission's annual meeting.
  - (v) The Commission shall review all proposals and decide on appropriate projects and funding as a standing agenda item at its annual meeting.
  - (vi) The Fund may be used to assist Acceding States and non-Contracting Parties that wish to cooperate with CCAMLR and participate in the CDS, so long as this use is consistent with provisions (i) and (ii) above. Acceding States and non-Contracting Parties may submit proposals if the proposals are sponsored by, or in cooperation with, a Member.
  - (vii) The Financial Regulations of the Commission shall apply to the Fund, except in so far as these provisions provide or the Commission decides otherwise.
  - (viii) The Secretariat shall report to the annual meeting of the Commission on the activities of the Fund, including its income and expenditure. Annexed to the

report shall be reports on the progress of each project being funded by the Fund, including details of the expenditure on each project. The report will be circulated to Members in advance of the annual meeting.

- (ix) Where an individual Member project is being funded according to provision (ii), that Member shall provide an annual report on the progress of the project, including details of the expenditure on the project. The report shall be submitted to the Secretariat in sufficient time to be circulated to Members in advance of the annual meeting. When the project is completed, that Member shall provide a final statement of account certified by an auditor acceptable to the Commission.
- (x) The Commission shall review all ongoing projects at its annual meeting as a standing agenda item and reserves the right, after notice, to cancel a project at any time should it decide that it is necessary. Such a decision shall be exceptional, and shall take into account progress made to date and likely progress in the future, and shall in any case be preceded by an invitation from the Commission to the project coordinator to present a case for continuation of funding.
- (xi) The Commission may modify these provisions at any time.

ANNEX 10-05/C

**PROCEDURE REGARDING COOPERATION WITH CCAMLR IN THE  
IMPLEMENTATION OF THE CDS BY NON-CONTRACTING PARTIES  
INVOLVED IN THE TRADE OF *DISSOSTICHUS* SPP.**

- C1. Each year, the Executive Secretary shall contact all non-Contracting Parties which are known to be involved in the trade with *Dissostichus* spp. to urge them to become a Contracting Party to CCAMLR or to attain the status of a non-Contracting Party cooperating with CCAMLR by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS) in accordance with the provisions of Conservation Measure 10-05. In doing so, the Executive Secretary shall provide copies of this conservation measure and any related resolutions adopted by the Commission.
- C2. Any non-Contracting Party that seeks to be accorded the status of non-Contracting Party cooperating with CCAMLR by participating in the CDS shall apply to the Executive Secretary requesting such status. Such requests must be received by the Executive Secretary no later than ninety (90) days in advance of an annual meeting of the CAMLR Commission in order to be considered at that meeting.
- C3. Any non-Contracting Party requesting the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS shall fulfil the following requirements in order to have this status considered by the Commission:
  - (i) Information requirements:
    - (a) communicate the data required under the CDS.

- (ii) Compliance requirements:
  - (a) implement all the provisions of Conservation Measure 10-05;
  - (b) inform CCAMLR of all the measures taken to ensure compliance by its vessels used for the transshipments of *Dissostichus* spp. and its operators, including *inter alia*, and as appropriate, inspection at sea and in port, CDS implementation;
  - (c) respond to alleged violations of CCAMLR measures by its vessels transshipping *Dissostichus* spp. and its operators, as determined by the appropriate bodies, and communicate to CCAMLR the actions taken against operators.
- C4. An applicant for the status of a non-Contracting Party cooperating with CCAMLR by participating in the CDS shall also:
  - (i) confirm its commitment to implement Conservation Measure 10-05; and
  - (ii) inform the Commission of the measures it takes to ensure compliance by its operators with Conservation Measure 10-05.
- C5. The Standing Committee for Implementation and Compliance (SCIC) shall be responsible for reviewing requests for the status of non-Contracting Party cooperating with CCAMLR by participating in the CDS and for recommending to the Commission whether the applicants should be granted such status.
- C6. Annually the Commission shall review the status granted to each non-Contracting Party and may revoke this status if the Non-Contracting Party concerned has not complied with the criteria for attaining such status established by this measure.

**RESOLUTION 14/XIX**  
**Catch Documentation Scheme: Implementation**  
**by Acceding States and Non-Contracting Parties**

Species	toothfish
Area	all
Season	all
Gear	all

The Commission,

Having considered reports on the implementation of the Catch Documentation Scheme for *Dissostichus* spp. established by Conservation Measure 10-05 (1999),

Being satisfied that the Scheme has been successfully launched, and noting the improvements to the scheme made by Conservation Measures 10-05 (2000) and 10-05 (2001),

Conscious that the effectiveness of the Scheme depends also on implementation of the Scheme by those Contracting Parties which are not Members of the Commission ('Acceding States') but which fish for, or trade in, *Dissostichus* spp., as well as by non-Contracting Parties,

Concerned at the evidence that several acceding States and non-Contracting Parties which continue to be engaged in fishing for, or trading in, *Dissostichus* spp. are not implementing the Scheme,

Particularly concerned at the failure by such acceding States to implement the Scheme, to uphold and promote its objectives, and to meet their obligations under Article XXII to exert appropriate efforts with regard to activities contrary to the objectives of the Convention,

Determined to take all necessary measures, consistent with international law, to ensure that the effectiveness and credibility of the Scheme is not harmed by non-implementation of it by acceding States and non-Contracting Parties,

Acting pursuant to Article X of the Convention,

1. Urges all Acceding States and non-Contracting Parties not participating in the Catch Documentation Scheme which fish for, or trade in, *Dissostichus* spp. to implement the Scheme as soon as possible.
2. Requests to this end that the CCAMLR Secretariat convey this resolution to such Acceding States and non-Contracting Parties and give all possible advice and assistance to them.
3. Recommends that Members of the Commission make appropriate representations concerning this resolution to such Acceding States and non-Contracting Parties.
4. Reminds Members of the Commission of their obligation under the Catch Documentation Scheme to prevent trade in *Dissostichus* spp. in their territory, or by their flag vessels, with Acceding States or non-Contracting Parties when it is not carried out in compliance with the Scheme.
5. Decides to consider the matter again at the Twentieth Meeting of the Commission in 2001 with a view to taking such further measures as may be necessary.

**RESOLUTION 15/XXII**  
**Use of Ports not Implementing the**  
**Catch Documentation Scheme for *Dissostichus* spp.**

Species	toothfish
Area	all
Season	all
Gear	all

The Commission,

Noting that a number of Acceding States and non-Contracting Parties not participating in the Catch Documentation Scheme for *Dissostichus* spp., as set out in Conservation Measure 10-05, continue to trade in *Dissostichus* spp.,

Recognising that these Acceding States and non-Contracting Parties thus do not participate in the landing procedures for *Dissostichus* spp. accompanied by *Dissostichus* Catch Documents,

urges Contracting Parties,

When licensing a vessel to fish for *Dissostichus* spp. either inside the Convention Area under Conservation Measure 10-02, or on the high seas, to require, as a condition of that licence<sup>1</sup>, that the vessel should land catches only in States that are fully implementing the CDS; and to attach to the licence a list of all Acceding States and non-Contracting Parties that are fully implementing the Catch Documentation Scheme.

<sup>1</sup> Includes permits and authorisations

## RESOLUTION 17/XX

### Use of VMS and other Measures for the Verification of CDS Catch Data for Areas Outside the Convention Area, in particular, in FAO Statistical Area 51

Species	toothfish
Area	north of Convention Area
Season	all
Gear	all

The Commission,

Recognising the need to continue to take action, using a precautionary approach, based on the best scientific information available, in order to ensure the long-term sustainability of *Dissostichus* spp. stocks in the Convention Area,

Concerned that the Catch Documentation Scheme for *Dissostichus* spp. (CDS) could be used to disguise illegal, unregulated and unreported (IUU) catches of *Dissostichus* spp. in order to gain legal access to markets,

Concerned that any misreporting and misuse of the CDS seriously undermines the effectiveness of CCAMLR conservation measures,

1. Urges States participating in the CDS to ensure that *Dissostichus* Catch Documents (DCDs) relating to landings or imports of *Dissostichus* spp., when necessary, are checked by contact with Flag States to verify that the information in the DCD is consistent with the data reports derived from an automated satellite-linked Vessel Monitoring System (VMS)<sup>1</sup>.
2. Urges States participating in the CDS, if necessary to that end, to consider reviewing their domestic laws and regulations, with a view to prohibiting, in a manner consistent with international law, landings/transshipments/imports of *Dissostichus* spp. declared in a DCD as having been caught in FAO Statistical Area 51 if the Flag State fails to demonstrate that it verified the DCD using automated satellite-linked VMS derived data reports.
3. Requests the Scientific Committee to review the data concerning the areas where *Dissostichus* spp. occur outside the Convention Area and the potential biomass of *Dissostichus* spp. in such areas, in order to assist the Commission in the conservation and management of *Dissostichus* stocks and in defining the areas and potential biomasses of *Dissostichus* spp. which could be landed/imported/exported under the CDS.

<sup>1</sup> In this regard, verification of the information in the relevant DCD shall not be requested for the trawlers as described in Conservation Measure 10-05, footnote 1.

**RESOLUTION 19/XXI**  
**Flags of Non-Compliance\***

Species	all
Area	all
Season	all
Gear	all

The Commission,

Concerned that some Flag States, particularly certain non-Contracting Parties, do not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the Convention Area, and that as a result these vessels are not under the effective control of such Flag States,

Aware that the lack of effective control facilitates fishing by these vessels in the Convention Area in a manner that undermines the effectiveness of CCAMLR's conservation measures, leading to illegal, unreported and unregulated (IUU) catches of fish and unacceptable levels of incidental mortality of seabirds,

Considering therefore such fishing vessels to be flying Flags of Non-Compliance (FONC) in the context of CCAMLR (FONC vessels),

Noting that the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas emphasizes that the practice of flagging or reflagging fishing vessels as a means of avoiding compliance with international conservation and management measures for living marine resources and the failure of the States to fulfil their responsibilities with respect of fishing vessels entitled to fly their flag, are among the factors that seriously undermine the effectiveness of such measures,

Noting that the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing calls on States to take measures to discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures,

urges all Contracting Parties and non-Contracting Parties cooperating with CCAMLR to:

1. Without prejudice to the primacy of the responsibility of the Flag State, to take measures or otherwise cooperate to ensure, to the greatest extent possible, that the nationals subject to their jurisdiction do not support or engage in IUU fishing, including engagement on board FONC vessels in the CCAMLR Convention Area if this is consistent with their national law.
2. Ensure the full cooperation of their relevant national agencies and industries in implementing the measures adopted by CCAMLR.
3. Develop ways to ensure that the export or transfer of fishing vessels from their State to a FONC State is prohibited.
4. Prohibit the landings and transshipments of fish and fish products from FONC vessels.

\* Many of the flags hereby called FONC are commonly referred to as 'flags of convenience'.

## RESOLUTION 21/XIII

### Electronic Catch Documentation Scheme for *Dissostichus* spp.

Species	toothfish
Area	all
Season	all
Gear	all

The Commission,

Noting the successful implementation of the trial electronic Catch Documentation Scheme for *Dissostichus* spp. (E-CDS) during the intersessional period,

Desiring to ensure that *Dissostichus* Catch Documents are handled in the most efficient and timely way,

Aware of the importance of applying the best technologies to make the functioning of the Catch Documentation Scheme for *Dissostichus* spp. (CDS) more secure against, *inter alia*, possible fraudulent activities;

Noting that, whilst paper-based *Dissostichus* Catch Documents will, for the time being, also be retained, some Contracting Parties are already converting to electronic systems,

1. Urges Contracting Parties, and non-Contracting Parties cooperating in the CDS, to adopt the E-CDS as a matter of priority.
2. Requests the Secretariat to compile information relating to, and submit a report on, the implementation of the E-CDS so that the effectiveness of the electronic scheme can be reviewed at the next meeting of the Commission.

**POLICY TO ENHANCE COOPERATION BETWEEN  
CCAMLR AND NON-CONTRACTING PARTIES**

## **POLICY TO ENHANCE COOPERATION BETWEEN CCAMLR AND NON-CONTRACTING PARTIES**

The Commission, in order to:

- ensure the effectiveness of CCAMLR conservation measures;
- enhance cooperation with non-Contracting Parties, including those implicated in fishing which undermines the effectiveness of those measures (hereafter referred to as illegal, unreported and unregulated fishing (IUU) fishing); and
- eliminate IUU fishing, including that by non-Contracting Parties,

hereby adopts the following policy:

- I. The Executive Secretary is requested to develop a list of non-Contracting Parties implicated in IUU fishing and or trade either after the adoption of this policy or during the three years prior, which has undermined the effectiveness of CCAMLR conservation measures.
- II. The Chairman of the Commission shall write to the Minister for Foreign Affairs of each non-Contracting Party included in the abovementioned list explaining how IUU fishing undermines the effectiveness of CCAMLR conservation measures. The letter, as appropriate, will:
  - (a) invite and encourage non-Contracting Parties to attend as observers at meetings of the Commission in order to improve their understanding of the work of the Commission and the effects of IUU fishing;
  - (b) encourage non-Contracting Parties to accede to the Convention;
  - (c) inform non-Contracting Parties of the development and implementation of the CCAMLR Catch Documentation Scheme for *Dissostichus* spp. and provide them with a copy of the conservation measure and the explanatory memorandum;
  - (d) encourage non-Contracting Parties to participate in the CCAMLR Catch Documentation Scheme and draw their attention to the consequences for them of not participating;
  - (e) request non-Contracting Parties to prevent their flag vessels from fishing in the Convention Area in a manner which undermines the effectiveness of measures adopted by CCAMLR to ensure conservation and sustainably managed fisheries;
  - (f) if their flag vessels are involved in IUU fishing, request non-Contracting Parties to provide information to the CCAMLR Secretariat on their vessels' activities, including catch and effort data;

- (g) seek the assistance of non-Contracting Parties in investigating the activities of their flag vessels suspected of being involved in IUU fishing, including inspecting such vessels when they next reach port;
  - (h) request non-Contracting Parties to report to the CCAMLR Secretariat on landings and transshipments in their ports in accordance with the format specified in Attachment A; and
  - (i) request non-Contracting Parties to deny landing or transshipments in their ports for fish harvested in CCAMLR waters not taken in compliance with CCAMLR conservation measures and requirements under the Convention.
- III. Parties shall individually and collectively take all appropriate efforts to implement or assist in the implementation of this policy; such efforts may include taking concerted action on joint demarches on non-Contracting Parties to complement correspondence from the Chairman.
- IV. The Commission will annually review the effectiveness of the implementation of this policy.
- V. The Executive Secretary will regularly inform non-Contracting Parties concerned of new conservation measures adopted by CCAMLR.

**SUBMISSION OF INFORMATION BY NON-CONTRACTING PARTIES  
ON LANDINGS AND TRANSHIPMENTS OF TOOTHFISH  
(*DISSOSTICHUS* SPP.) IN THEIR PORTS**

To the extent possible the required information should be submitted in the following format:

- (i) whether the vessel is a fishing or cargo vessel; if it is a fishing vessel, what type of vessel (trawler/longliner);
- (ii) the name, international call sign and registration number of the vessel;
- (iii) the flag and port of registration;
- (iv) whether an inspection had been conducted by the Port State and, if so, its findings, including information on the fishing licence of the vessel concerned;
- (v) the species of fish involved, including the weight and form of catch, and whether it was landed or transhipped;
- (vi) if a fishing vessel, the location(s) in which it had operated according to the vessel's records and where it reported the catch as having been taken (CCAMLR or non CCAMLR); and
- (vii) the nature of any matters requiring further investigation by the Flag State.

## **LIST OF PARTIES IMPLEMENTING THE CATCH DOCUMENTATION SCHEME**

### **Contracting Parties**

Argentina

Australia

Brazil

Chile

European Community (all EC Members)

France (overseas territories)

India

Japan

Korea, Republic of

Republic of Mauritius

New Zealand

Namibia

Norway

People's Republic of China

Peru

Poland

Russian Federation

South Africa

Ukraine

United Kingdom (overseas territories)

United States

Uruguay

### **Non-Contracting Parties**

Republic of Seychelles

Republic of Singapore