

Commission for the Conservation of
Southern Bluefin Tuna



みなまぐろ保存委員会

第 8 回 遵守委員会 会合 報告書

2013 年 10 月 10-12 日
オーストラリア、アデレード

Commission for the Conservation of
Southern Bluefin Tuna



みなまぐろ保存委員会

Report of the Eighth Meeting of the Compliance Committee

**10-12 October 2013
Adelaide, Australia**

Eighth Meeting of the Compliance Committee

10-12 October 2013

Adelaide, Australia

Agenda Item 1. Opening of meeting

1.1. Welcome

1. The meeting was opened by the Chair of the Compliance Committee, Mr Stan Crothers, who welcomed participants and thanked Australia for its hospitality.
2. The Chair advised that South Africa and the USA would not be able to attend the meeting. The USA was not able to attend due to the shutdown of the US government.
3. Members introduced their delegations to the meeting. The list of participants is shown at **Attachment 1**.

1.2. Adoption of agenda

4. The agenda was adopted and is shown at **Attachment 2**. It was agreed that a presentation by Japan on its compliance status, a discussion of in-port transhipments, and consideration of the Extended Scientific Committee's (ESC) request for information on unreported SBT catch or mortalities would be included within existing agenda items.
5. The list of documents for the meeting is shown at **Attachment 3**.

1.3. Meeting arrangements

6. The Executive Secretary outlined administrative arrangements for the meeting.

Agenda Item 2. Compliance with CCSBT Conservation and Management Measures

2.1. Annual Reports from Members and Cooperating Non-members

7. Members and Cooperating Non-Members (CNMs) introduced their Annual Reports to the Compliance Committee. Extensive discussion was held in relation to the contents of the Reports that were submitted to the meeting.
8. Items arising during the discussion included:
 - Australia advised that its planned implementation of stereo video in its domestic fisheries would be delayed due to issues with cost-effectiveness and the technology not yet being fully automated. Australia stated that until stereo video was implemented it would continue to use the 100 fish sample regime. Members re-iterated the importance of stereo video monitoring and expressed frustration in the repeated delay. Australia was not able to advise when they expected to implement stereo video and stated that it felt the issue of stereo

video was not one for the Compliance Committee and it would be presenting on this issue at the Extended Commission (EC) meeting. NZ and Japan did not share the view that stereo video is not a Compliance Committee (CC) issue but accepted that it required further discussion at EC. The Australian delegates also invited members to meet with them bilaterally to discuss the delay in implementing stereo video.

- Members re-iterated the obligation under the Resolution to provide best estimates of SBT mortality from all sources. This includes mortalities from released or discarded SBT and recreational fishing mortalities. Discussions included Australia's work to obtain estimates of its national recreational catch. Australia informed the Compliance Committee that it currently reserves its allocation for its commercial sector, and that insufficient data are available to provide an estimate of the total Australian recreational catch and had commenced a research project to develop a method to reliably estimate its national recreational catch and is expected to be completed in 2015.
- Indonesia explained difficulties it had with its artisanal fleet particularly in providing more accurate data and managing its artisanal SBT catch. Indonesia noted that it could not prevent its artisanal and small-scale fisheries from catching SBT since SBT is caught as an unexpected bycatch in this fishery. Indonesia presumed that much of the artisanal SBT catch was sold to companies with authorised vessels. Australia asked Indonesia for an explanation on the significant increase in shark interactions reported, however, no comments were received. Indonesia has submitted a proposal (paper CCSBT-CC/1310/18) that it requested Members to consider in relation to its small scale fisheries.
- Members were concerned that South Africa was unable to attend the meeting and that its Annual Report was submitted very late. It was agreed that any questions that Members had in relation to South Africa's report should be provided to the Secretariat by the end of the meeting and that the Secretariat would forward the questions to South Africa for a response. Members noted the significant overcatch by South Africa and that action was required to address this.
- Following presentation of Japan's report, Members questioned Japan's reporting on inspection of unloading SBT. Japan commented that they do not send government officials to South Africa to inspect offloading or in-port transshipments. Japan explained that direct export of SBT is prohibited under its fisheries related laws and regulations and Japan understands that at port transshipment at Cape Town where most of at-port transshipments by Japanese SBT allocated vessels are conducted, the transhipped SBT is subject to landing inspection by the relevant authority. Instead, Japan conducts landing inspections at port when the SBT are landed in Japan. Members noted the significant increase in non-retained SBT from 2011 to 2012 and that Japan replied that the number of non-retained SBT could change in accordance with the operation area or proportion of size of caught SBT and hence each vessel's operation tactics.
- It was noted that the overcatch by Australia for the last two seasons resulted from its administrative reconciliation at the conclusion of the season. In both seasons, Australia has voluntarily reduced its following year's TAC.

- Japan's substandard observer coverage was pointed out and Japan explained this was due to the fact that an observer placed on board its vessel got sick and could not continue his work.
9. In addition to introducing its Annual Report, Japan provided a presentation on its compliance systems to assist with the review of Japan's compliance that is specified in the Resolution on the Allocation of the Global Total Allowable Catch. New Zealand asked Japan whether it had detected any non-compliance. Japan responded that there had no incident of non-compliance directly involved in SBT.
 10. New Zealand encouraged the CC to discuss Japan's compliance system, as it was a significant issue that would carry over to the EC meeting. New Zealand's consideration of this issue related to the robustness of the compliance system and its ability to deal with non-compliance for both SBT and non-SBT fisheries. New Zealand relies on Japan's assurances that there had been no non-compliance detected since the new compliance regime was implemented.
 11. Australia commented that it was difficult to make a recommendation on Japan's compliance system given that there were no criteria or standards to assess the compliance system. Australia noted that this could be an issue in the future and it could be useful to have performance standards that could be applied to any Member's compliance regime.
 12. Members recognised the significant investment that Japan has made over the last 6 years to strengthen its CCSBT compliance systems and the CC could not identify any major problems with Japan's systems based on the information before it. However, the CC had difficulty in making a judgement without any performance standards or criteria to compare against. Japan agreed to provide their presentation to the EC to help Commissioners understand the Japanese compliance system and commented that it is not appropriate to change the rules in the middle of the game. The Members could not draw a consensus on the level of satisfaction with Japan's compliance and referred the matter to the Extended Commission.

2.2. Report from the Secretariat

13. Paper CCSBT-CC/1310/04 was introduced by the Compliance Manager. The paper summarises compliance with CCSBT Management Measures by Members and Cooperating Non-Members (CNMs). The main areas to note were that:
 - For the period 2010 – 2012 inclusive, Indonesia's reported catch exceeded its allocation by a total of 400.6t;
 - For the period 2011 – 2013 inclusive, South Africa's reported catch exceeded its allocation by a total of 55.05t;
 - Indonesia had approximately 360 vessels in its artisanal longline fleet during 2012 that potentially caught SBT but were not included in the CCSBT authorised vessel list; and
 - No CDS forms had been received from the European Union and there were a significant quantity of outstanding CDS forms for Indonesia from the first quarter of 2013.

14. The Secretariat advised that it would provide a final revised version of the paper after the meeting to incorporate corrections and any additional information would be provided to Members prior to and during the meeting.
15. New Zealand remarked that some low compliance percentages reported for the CDS provides support for its view that an electronic CDS would ease the administration of the CDS for Members, CNMs and the Secretariat and likely improve performance.
16. Members noted the usefulness of the report and thanked the Secretariat for their hard work in compiling the data.

2.3. Assessment of compliance with CCSBT management measures

17. The Chair advised that three issues needed to be considered under this agenda item:
 - Provision of advice to the Extended Commission (EC) on the performance of CNMs;
 - Application of the CCSBT's Corrective Actions Policy; and
 - Compliance issues that have not been covered in the reports of Members or of the Secretariat.

Provision of advice to the Extended Commission (EC) on the performance of CNMs

18. The meeting expressed concern that the EU is not fully implementing the CDS in respect of imports and the catch from its own vessels that are giving away or donating their SBT catches.
19. New Zealand noted that the Commission should continue to engage South Africa as a CNM and encourage South Africa to become a Member. It was also suggested that Members encourage South Africa to introduce robust arrangements for managing its SBT fishery.
20. Members had no comments to make in relation to compliance by the Philippines.

Application of the CCSBT's Corrective Actions Policy

21. The Chair noted that Australia reported an overcatch for its 2011/12 season and that it was voluntarily paying its overcatch back on a 1:1 basis in accordance with the Corrective Actions Policy.
22. Indonesia commented that it strongly supports the Corrective Actions Policy in principle, but did not consider a payback of Indonesia's overcatch to necessarily be of benefit to the CCSBT, particularly as Indonesia cannot avoid taking SBT as an unexpected bycatch of fishing in its waters.
23. The meeting noted that the Corrective Actions Policy was not simply about payback on a 1:1 basis and that for administrative failings by a developing country Member, the Policy recommends that corrective action should focus on capacity building programmes, provided this is effectively targeted at correcting the deficiencies. The Chair requested that Members consider this issue and provide concrete suggestions for discussion at agenda item 3.1.5.

24. Members discussed possible actions that South Africa could take to address its non-compliance. It was agreed to ask South Africa to implement a plan to remedy their overcatch, offering assistance to South Africa to ensure its management regime is appropriate to manage their allocation and to request South Africa to report all information in its Annual Report. In particular, instead of reporting operations by the charter or domestic fleets, it would be valuable to further break this down by the type of target fishery.
25. Australia noted it had several questions for South Africa that it would provide to the Secretariat for forwarding to South Africa.

Compliance issues that have not been covered in the reports of Members or of the Secretariat

26. The Compliance Committee welcomed the presence of Singapore at the meeting and considered that it would be useful if Singapore had any data on the movements of SBT into or out of Singapore that it could provide to the CCSBT, to assist members to identify any anomalies or unexpected activity. Singapore advised that it would investigate whether it had any information concerning SBT moving through Singapore or its companies and would share this information with the CCSBT, where possible.
27. The Chair advised the meeting of a potential risk he had been informed of, involving Chinese flagged longline vessels fishing in areas where a significant portion of SBT would be caught. The Chair also raised a concern about the potential risks from unreported and unsupervised transshipments at sea with product going to non-Member States. Some Members expressed concern about the impact on SBT of the expanding Chinese fleet in areas where SBT is caught. Serious concern was also expressed about the possibility of unreported SBT transshipments.
28. The meeting noted with disappointment that China had not responded to the CCSBT's invitation to attend the present Compliance Committee meeting nor had China responded to any of the CCSBT's previous correspondence requesting China's cooperation with the CCSBT's CDS.

Agenda Item 3. Implementation of the CCSBT Compliance Plan

3.1 Action planned for 2013

3.1.1. Minimum performance requirements

29. The Compliance Manager introduced paper CCSBT-CC/1310/05. This paper provided draft revisions of the CCSBT's Minimum Performance Requirements (MPRs) with respect to:
 - The introductory section of the MPRs (Purpose - Part b);
 - The Catch Documentation Scheme (CDS); and
 - Transshipments.
30. With regard to the Purpose section of the MPRs, the meeting agreed to a modified version of the recommendation made by Second Meeting of the Compliance Committee Working Group (CCWG2).

3.1.1.1. Catch Documentation Scheme (CDS)

31. The meeting agreed the revised CDS MPRs. These are provided at **Attachment 4**, together with the modified introductory (Purpose) sections of the MPRs.
32. Japan stated that, in its view, validation of CDS documents must be done based on the results of physical inspections by government officials or persons duly authorised by the flag State, and that it will continue to discuss this issue with other Members.

3.1.1.2. Transhipments

33. The meeting agreed to a set of revised transhipment MPRs. These revised transhipment MPRs are provided at **Attachment 5**. However discussions identified major gaps in the current measures. These gaps included VMS reporting by non-member carrier vessels and the lack of coverage of transhipments in port.
34. Some Members raised the issue that a review of the current Transhipment Resolution might be appropriate, especially when taking into account that transhipments represent an area of significant compliance risk. The Chair requested that this be raised, together with consideration of a Resolution for transhipments in-port under the “Future Work Program” at agenda item 6.
35. Members supported continuing work on improved transhipment requirements and it was agreed that a small intersessional working group would be able to consider this. This would be discussed further under agenda item 6 (Future Work Program).

3.1.2. Explore the costs and benefits of a common IUU vessel list with other RFMOs

36. The Compliance Manager presented paper CCSBT-CC/1310/06 on consideration of a Draft CCSBT IUU Vessel List. The Draft CCSBT Resolution is based on similar Resolutions already adopted by other RFMOs. The draft includes a cross-listing provision.
37. The meeting agreed to a modified Draft CCSBT IUU Vessel List Resolution which is provided at **Attachment 6** for consideration by the EC. The modified draft includes a simplified paragraph to facilitate cross-listing when considered appropriate by the Extended Commission. Australia noted its disappointment in the removal of the reference to ‘CCAMLR’ and the inclusion of ‘tuna’ in the fifth paragraph of the preamble. Although no consensus was reached as to the matter of including masters’ name and nationality in the information to be included in all CCSBT IUU vessel lists, Members recognised the importance of holding masters accountable for their non-compliance and the inclusion was deferred to the EC meeting.

3.1.3. Evaluate ways to effectively implement Port State obligations

38. The Compliance Manager introduced paper CCSBT-CC/1310/07 which includes a Draft CCSBT Port State Measures (PSM) Resolution prepared by New Zealand. Members and the Secretariat thanked New Zealand for its efforts in preparing the draft.
39. The Draft PSM Resolution is based on the FAO Port State Measures Agreement and other relevant tuna RFMO Conservation and Management Measures.
40. Japan indicated that a PSM based on ICCAT's Recommendation 12-07 would be preferable in the short term as it was more likely that Members could adopt such a measure. Japan further advised that it was not in a position to agree to a PSM at this meeting since it was still in the process of evaluating the level of foreign SBT landings in Japan and the subsequent burden to Japan that would be involved in a PSM. The CC noted that this work is important and must consider the burden imposed on all Members in the development of the Resolution. In this regard, Japan stated that it seeks other Members' cooperation especially from Members that export SBT to Japan directly from the fishing grounds.
41. Members supported continuing work on a draft CCSBT PSM, and it was agreed that a small intersessional working group would be the most efficient way in which to progress this task. This will be discussed further under agenda item 6 (Future Work Program).

3.1.4. Complete audit trial, receive reports, consider findings and take appropriate action

42. The Executive Secretary outlined the process undertaken for implementing the Trial Quality Assurance Reviews (QARs) that were conducted for Australia, Japan, Korea and New Zealand. The Executive Secretary also presented the key strengths and weakness of the implemented QAR approach together with recommendations from the Final Report on the Overall QAR Trial (CCSBT-CC/1310/12) by the independent reviewers.
43. The Members that undertook the trial QARs generally found the review process to be very useful and that the documentation of systems from the QARs of other Members was also particularly valuable. These Members also generally agreed that the QAR process should be maintained.
44. The major difficulties noted by Members included that the process involved significant resources from the reviewed Members, which was exacerbated by language barriers for Members for whom English was not a native language. It was suggested that difficulties involved in translation of documents should be addressed systematically as part of the review process and not be an additional burden on the reviewed Member.
45. The meeting commented that there were some instances where the reviewers did not fully understand certain practises or CCSBT Resolutions. However, it was noted that being a trial with no peer review meant that there was no base for the reviewer to build upon and there should be improvement in future reviews and with less burden on the Members.

46. Australia provided a presentation on the independent audit process conducted for Australian Government agencies and identified similarities with the CCSBT's QAR process.
47. Taiwan and Indonesia agreed to undertaking trial QARs in 2014. Taiwan would be undertaking a phase 1 (desktop review) QAR, while Indonesia would be undertaking a 2 phase review (a desktop review followed by on-site verification).
48. Australia and Japan are considering their positions in carrying out a phase 2 QAR during 2014 and will provide a decision before the end of the EC.
49. The Humane Society International (HSI) welcomed participation in the QAR process by CCSBT Members, but noted that the QARs had been focused on compliance with Members' allocations of the TAC and that there would be benefit from widening the scope of QARs to consider other ERS management issues.
50. HSI queried whether Australia and Japan had considered broadening the phase 2 QAR to include other compliance requirements. The Chair noted that the Terms of Reference for the phase 2 QAR had not yet been agreed upon. Australia noted that the Terms of Reference for the phase 1 QAR were based on measures that had MPRs and it would be difficult to broaden the scope to include measures without MPRs. Australia also noted the Terms of Reference for Phase 2 will need to be developed prior to this being implemented.

3.1.5. Provide a program of MCS assistance to Indonesia

51. The Chair noted that the CC's three year action plan includes provision of assistance and support to Indonesia. The Chair also commented that Indonesia faced some unique circumstances in trying to meet its CCSBT obligations.
52. The meeting considered that an important part of Indonesia's QAR was to provide information on difficulties being experienced by Indonesia in meeting its CCSBT obligations so that CC could identify areas where it could provide assistance to Indonesia. Without such a review, it would be difficult for the CC to determine how to best help Indonesia.

3.1.6. R & D on new technologies & tools to aid observers, certifiers and validators to identify SBT (in particular once processed)

53. The Chair noted that there was work underway in several countries to help identify SBT including DNA testing, skin analysis, electrophoresis, and other genetic tagging. The Chair observed that there were no efforts to try to consolidate this work and suggested that there was a role for a Member to bring this information together and produce a document for consideration at the next CC meeting.
54. New Zealand supported this approach and commented that it was working on developing genetic probes and a portable testing device to avoid the requirement for laboratory testing.
55. Australia presented a brief summary of the gene tagging work being undertaken by Australia and the progress will be reported to the next ESC.

3.2. Action planned for 2014

Enhance monitoring through bilateral arrangements and international networks

56. The Compliance Manager introduced paper CCSBT-CC/1310/13. This paper recommended that the CCSBT join the IMCS Network as an Observer Member in order to facilitate the sharing of high level information on MCS trends and concerns, and to assist with building a global network of MCS colleagues for consultation processes as appropriate.
57. Members supported this recommendation.

Implement systematic monitoring and surveillance regimes for IUU SBT fishing

58. Members discussed improving current measures such as further developing the transshipping resolution. Korea suggested that an intersessional working group be formed to draft a revision to the transshipping resolution, including transshipping in-port.
59. It was suggested that a resolution for at-sea and in-port transshipping be drafted by the Secretariat that could then provide the basis for the intersessional working group's discussions.

Identify and nominate non-Member States whose cooperation should be sought

60. The meeting discussed ways to encourage China to engage in the CCSBT. There was strong support to take collective action to encourage China to engage, particularly by using other RFMO meetings as an opportunity to meet face-to-face with Chinese delegates.
61. It was recommended that Members meet with China at the upcoming WCPFC meeting in December 2013. Japan agreed to consider taking the lead role for coordinating this meeting.
62. It was agreed that the Secretariat would write to China prior to the WCPFC meeting to remind China of the nature of its duty to cooperate with the CCSBT and to advise China of the information and nature of the cooperation that the CCSBT is seeking from China. Members agreed to review a draft of the Secretariat's letter.
63. The CC thanked Singapore for responding to the CCSBT's request and attending the current meeting. It was also noted that the US had intended to attend the meeting but had to withdraw at the last minute due to the US government shutdown.

Agenda Item 4. Review of CCSBT MCS Measures

64. Paper CCSBT-CC/1310/14 was introduced by the Compliance Manager. The paper described issues in the operation of the CCSBT's four main MCS measures from the Secretariat's perspective.

4.1. CDS

65. Paper CCSBT-CC/1310/14 provided recommendations for changes to the CDS Resolution that were either:
 - Proposed by the Secretariat; or
 - Recommended by CCWG2.
66. The meeting discussed the suggested changes and agreed to a modified set of updates to the CDS Resolution and the CDS forms and their associated instructions. These agreed updates are provided at **Attachment 7**.

4.2. Transshipment

67. Taiwan and Japan reported to the meeting on the results of the intersessional discussions held on how to improve the integrity of transshipment at-sea verification.
68. Taiwan explained that, commencing from 1 April 2014, it will contract a third party to examine its SBT transhipped at sea and then directly exported to Japan. Japan expressed its appreciation of this arrangement.

4.3. VMS

69. There were no items of discussion under this agenda item.

4.4. Record of authorised farms and vessels

70. Australia reported that the revised standard template for reporting farm authorisations to the Secretariat was working smoothly.

4.5. Review and analysis of publicly available trade data

71. The Compliance Manager presented paper CCSBT-CC/1209/15 concerning an updated analysis of trade data from the Global Trade Atlas (GTA). The paper includes a comparison of import/export information recorded on the GTA database versus import/export information held on the CCSBT's own CDS database.
72. Members considered the analysis to be valuable, and expressed their support of the GTA subscription continuing, and of the analysis being undertaken on an on-going basis.
73. Members' appreciation was also expressed to Singapore for attending the meeting.
74. With respect to some of the results presented in the paper, the EU noted that it could not currently explain the high levels of trade in SBT that appeared to be occurring into and within the EU (including live SBT) according to records derived from GTA. The EU undertook to provide further information on this item once its audit work is completed. Indonesia reported that it had not exported live SBT (95.2t) to Yemen in 2010 as recorded in the GTA database. Indonesia

assured the meeting that there are no Indonesian fishermen with the technical skills and vessel facilities to maintain SBT alive. The Secretariat committed to work with Indonesia and GTA to try to resolve the reason for this discrepancy.

Agenda Item 5. Discussion of new or enhanced MCS measures, including ongoing identification and sharing of best practice for MCS systems

5.1. Report on outcomes of any joint technical discussions in relation to stereo video technology

75. Australia noted that at CCSBT19, it accepted an offer from Japan to engage in technical discussions about stereo video. While useful, high level discussions were held in February 2013, there were no technical discussions.
76. Members again expressed their serious disappointment in the further delay of Australia's implementation of stereo video for the transfer of SBT to its farms. Members had an expectation that Stereo Video would be implemented in December 2013, and they were only informed at this meeting of the postponed implementation. Australia was urged to implement stereo video as soon as possible and a request was also made that Australia take measures in addition to the 100 fish sample in order to reduce the risk of overcatch in the farm based fishery.
77. Australia advised that following the recent change in Australia's government, it would not be imposing un-automated stereo video on industry in 2013 and instead, officials had been instructed to increase efforts to automate stereo video to provide a system that did not impose unnecessary costs on the Australian industry.

5.2. Cost and benefits of web-based eCDS

78. The Executive Secretary presented paper CCSBT-CC/1310/16 on the costs and benefits of a web-based electronic Catch Documentation Scheme (eCDS) for the CCSBT.
79. Members expressed different opinions in relation to their preferences for an eCDS. However, there was consensus to delay final recommendations on an eCDS until the next meeting of the Compliance Committee. It was agreed that the delay would allow the CCSBT to learn from ICCAT's experience in trying to implement an eCDS, and for the Secretariat to work on and present approaches on practical aspects of implementation that had been identified in relation to an eCDS including:
 - Lack of reliable and cost effective internet at sea;
 - Risks of interrupted trade;
 - Required timeframes for completion of certain CDS forms;
 - Data confidentiality and security
 - Administration of the eCDS;
 - Users and roles; and

- Implementation and tender processes.

5.3. Observer program

80. The Executive Secretary presented paper CCSBT-CC/1310/16 which provided options for strengthening the CCSBT's Scientific Observer Program Standards (SOPS). The objective of the paper was to provide recommendations for strengthening the SOPS, as requested by CC 7, while recognising the wide differences in views of Members on this subject. Consequently, the paper provides minor enhancements to the SOPS and involves compromises between the views previously expressed by different Members.
81. The Secretariat's paper recommended enhancements in four different areas:
 - Overall objectives of the SOPS;
 - Refinement of the observer coverage level;
 - Data collection requirements; and
 - Provision of data.
82. Members expressed a variety of different views regarding the first two areas of recommendations and no consensus was reached.
83. HSI referred the CC to paragraphs 135 and 136 of the report of the 10th Meeting of the Ecologically Related Species Working Group (ERSWG 10), which reported on a revision to the SOPS in relation to Ecologically Related Species, particularly for data collection requirements.
84. The meeting examined the revised Scientific Observer Program Standards produced by ERSWG 10 and provided at Attachment A of paper CCSBT-CC/1310/17. The revision was supported by the Compliance Committee with only two changes:
 - The insertion of '[Minimum]' be removed from '[Minimum] target observer coverage' on page 2 of the Attachment; and
 - The footnote on page 13, commencing with "'tunas" means all ...' be changed to "'other tunas" means all ...'
85. Australia agreed to join consensus in removing "minimum", however, stated its focus on establishing a minimum standard for observer coverage.

5.4. New and or enhanced MCS measures for the CCSBT

86. The Chair noted that over the course of the meeting two measures had been identified for further work:
 - Transshipping at-sea and in-port; and
 - Port State measures.
87. Japan recalled that during CC 7 there was discussion around Japan presenting a proposal concerning the enhancement of CCSBT's MCS measures. However, due to discussions already held during the meeting, Japan would not be presenting this proposal. Japan further stated that landing inspection by authority of fishing State, validation of CDS by third party and improvement of reporting

frequency will be important to achieve better compliance, and Japan will continue to discuss these issues with CCSBT Members.

88. HSI discussed the impending introduction of new bycatch mitigation measures and the importance of MCS to ensure that these measures are not only complied with, but are also effective. HSI also encouraged Members to ensure their operators were using an appropriate line-weighting regime to mitigate seabird interactions.

5.5. Ongoing identification and sharing of best practise for MCS systems

89. The Chair introduced this standing agenda item and provided members with the opportunity to share relevant information and developments.
90. New Zealand noted that the QARs are a useful resource for the Members involved and for other Members to obtain helpful information about the different systems that could operate.

Agenda Item 6. Future work program

91. The Compliance Committee developed the following workplan for 2014.

Activity	Approximate Period	Resource
Write to China to request it meet with a delegation of CCSBT Members during the next meeting of the WCPFC to be held in Cairns in December 2013	Oct 2013	Executive Secretary in consultation with the Chair and Members
Prepare a revised draft Transshipment Resolution incorporating updated measures for at-sea transshipments and new measures for in-port transshipments	Dec 2013 – Mar 2014	Secretariat to produce initial drafts followed by discussion by all Members/CNMs at an intersessional Working Group
Hold a small 4-5 day intersessional working group meeting (only 2-3 participants per Member) to develop a revised CCSBT Draft Transshipment Resolution, Port State Measures Agreement and to consider strengthening the observer standards	Apr - May 2014	2-3 participants per Member, CC Chair, 3 Secretariat staff, full interpretation
Develop draft MPRs for the draft Transshipment Resolution	May – Sep 2014	Secretariat
Develop a draft updated 3 year Action Plan for the period 2015 - 2017	May – Aug 2014	Executive Secretary in consultation with the Chair
Progressively address concerns raised with regard to an eCDS, and learn from the experience of others	Jan - Aug 2014	Secretariat in association with Members
Strengthen CCSBT operational MCS relationships with the IOTC	2014	Secretariat, funds for travel
Develop a review/summary of current R&D technological developments and tools available to assist certifiers and validators to identify SBT	Jan - May 2014	Secretariat

Agenda Item 7. Other business

92. On behalf of the ESC, New Zealand advised the meeting that the full stock assessment being planned by the ESC for 2014 would be conducting sensitivity runs including all SBT mortalities. A working paper was provided that summarised potential sources of mortality together with background information and suggested approaches for estimating those mortalities.
93. The meeting agreed that this work was extremely important and all Members and CNMs were encouraged to work with the ESC to provide any available information.

Agenda Item 8. Recommendations to the Extended Commission

94. Members ensured that recommendations and advice to the Extended Commission were picked up in the body of the report.

Agenda Item 9. Conclusion

9.1. Timing and length of the next meeting

95. The Chair noted that CC 9 was scheduled for 9-11 October 2014.

9.2. Adoption of meeting report

96. The report was adopted.

9.3. Close of meeting

97. The meeting closed at 6:15pm on 12 October 2013.

List of Attachments

Attachment

1. List of Participants
2. Agenda
3. List of Documents
4. CDS Minimum Performance Requirements & Revised Main Text for Compliance Policy 1
5. Transshipment Minimum Performance Requirements
6. Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)
7. Agreed Changes to the CDS Resolution

List of Participants
Eighth Meeting of the Compliance Committee

First name	Last name	Title Position	Organisation	Postal address	Tel	Fax	Email
COMPLIANCE COMMITTEE CHAIR							
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MEMBERS							
AUSTRALIA							
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Johnathon	DAVEY	Mr Assistant Director (A/g)	Department of Agriculture	GPO Box 858, Canberra, ACT 2601, Australia	61 2 6272 5476	61 2 6272 5089	johnathon.davey@daff.gov.au
Kelly	BUCHANAN	Ms Director	Department of Agriculture	GPO Box 858, Canberra, ACT 2601, Australia	61 2 6272 4719	61 2 6272 5089	kelly.buchanan@daff.gov.au
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**Eighth Meeting of the Compliance Committee
10 – 12 October 2013
Adelaide, Australia
Agenda**

1. Opening of meeting
 - 1.1. Welcome
 - 1.2. Adoption of Agenda
 - 1.3. Meeting Arrangements
2. Compliance with CCSBT Conservation and Management Measures
 - 2.1. Annual Reports from Members and Cooperating Non-members
 - 2.2. Report from Secretariat
 - 2.3. Assessment of compliance with CCSBT management measures
3. Implementation of the CCSBT Compliance Plan
 - 3.1. Action planned for 2013
 - 3.1.1. Minimum performance requirements
 - 3.1.1.1. Catch Documentation Scheme (CDS)
 - 3.1.1.2. Transhipments
 - 3.1.2. Explore the costs and benefits of a common IUU vessel list with other RFMOs
 - 3.1.3. Evaluate ways to effectively implement Port State obligations
 - 3.1.4. Complete audit trial, receive reports, consider findings and take appropriate action
 - 3.1.5. Provide a program of MCS assistance to Indonesia
 - 3.1.6. R & D on new technologies & tools to aid observers, certifiers and validators to identify SBT (in particular once processed)
 - 3.2. Action planned for 2014
 - Enhance monitoring through bilateral arrangements and international networks
 - Implement systematic monitoring and surveillance regimes for IUU SBT fishing
 - Identify and nominate non-Member States whose cooperation should be sought
4. Review of CCSBT MCS Measures
 - 4.1. CDS
 - 4.2. Transshipment
 - 4.3. VMS
 - 4.4. Record of authorised farms and vessels

- 4.5. Review and analysis of publicly available trade data
5. Discussion of new or enhanced MCS measures, including ongoing identification and sharing of best practise for MCS systems
 - 5.1. Report on outcomes of any joint technical discussions in relation to stereo video technology
 - 5.2. Costs and benefits of a web-based eCDS
 - 5.3. Observer program
 - 5.4. New and/or enhanced MCS measures for the CCSBT
 - 5.5. Ongoing identification and sharing of best practise for MCS systems
6. Future work program
7. Other business
8. Recommendations to the Extended Commission
9. Conclusion
 - 9.1. Timing of the next meeting
 - 9.2. Adoption of meeting report
 - 9.3. Close of meeting

List of Documents
The Eighth meeting of the Compliance Committee

(CCSBT-CC/1310/)

1. Provisional Agenda
2. List of Participants
3. List of Documents
4. (Secretariat) Compliance with CCSBT Management Measures (Rev.1)
5. (Secretariat) Draft Minimum Performance Requirements (Compliance Policy 1) for the CCSBT's Catch Documentation Scheme and for Transshipment
6. (Secretariat) Consideration of an IUU Vessel list for the CCSBT
7. (Secretariat) Draft CCSBT Port State Measures Resolution
8. (Secretariat) GTC's Report on the Trial Quality Assurance Review – Australia
9. (Secretariat) GTC's Report on the Trial Quality Assurance Review - Japan
10. (Secretariat) GTC's Report on the Trial Quality Assurance Review – Korea
11. (Secretariat) GTC's Report on the Trial Quality Assurance Review – New Zealand
12. (Secretariat) GTC's Report on the overall Quality Assurance Review Trial
13. (Secretariat) International Monitoring, Control and Surveillance (IMCS) Network Membership (Secretariat) Operation of CCSBT MCS Measures (Rev.1)
14. (Secretariat) Southern Bluefin Tuna Trade Data: Annual Analyses
15. (Secretariat) Costs and benefits of a web-based eCDS for the CCSBT
16. (Secretariat) Options for strengthening the CCSBT's Scientific Observer Program Standards
17. (Indonesia) Proposal to Re-Asses Indonesia's Annual Catch Quota

(CCSBT- CC/1310/BGD)

1. (Secretariat) Members' Comments in relation to a Regional Observer Program (*Previously CCSBT-CCWG/1305/06*)
2. (Secretariat) Proposal for a Web-Based CDS (eCDS) System (*Previously CCSBT-CCWG/1305/05*)

(CCSBT-CC/1310/SBT Fisheries -)

- | | |
|-----------|---|
| Australia | Annual Report to the Compliance Committee and the Extended Commission |
|-----------|---|

Indonesia	Annual Report to the Compliance Committee and the Extended Commission CCSBT
Japan	Annual Report to the Compliance Committee and the Extended Commission
Korea	Annual Report to the Compliance Committee and the Extended Commission
New Zealand	New Zealand Annual Report to the Compliance Committee and the Extended Commission
Taiwan	Annual Report to the Compliance Committee and the Extended Commission
European Union	2012 Annual Report of the European Union to the Compliance Committee and the Extended Commission
Philippines	Annual Report to the Compliance Committee and the Extended Commission
South Africa	Annual Report to the Compliance Committee and the Extended Commission

(CCSBT-CC/1310/Info)

1. (Secretariat) Preliminary Specifications for a web-based eCDS for the CCSBT

(CCSBT-CC/1310/Rep)

1. Report of the Eighteenth Meeting of the Scientific Committee (September 2013)
2. Report of the Tenth Meeting of the Ecologically Related Species Working Group (August 2013)
3. Report of the Fourth Operating Model and Management Procedure Technical Meeting (July 2013)
4. Report of the Second Meeting of the Compliance Committee Working Group (May 2013)
5. Report of the Nineteenth Annual Meeting of the Commission (October 2012)
6. Report of the Seventh Meeting of the Compliance Committee (September 2012)
7. Report of the Seventeenth Meeting of the Scientific Committee (August 2012)
8. Report of the Ninth Meeting of the Ecologically Related Species Working Group (March 2012)
9. Report of the Eighteenth Annual Meeting of the Commission (October 2011)
10. Report of the Sixth Meeting of the Compliance Committee (October 2011)
11. Report of the Special Meeting of the Commission (August 2011)
12. Report of the Eighteenth Annual Meeting of the Commission (October 2010)
13. Report of the Fifth Meeting of the Compliance Committee (October 2010)

CDS Minimum Performance Requirements & Revised Main Text for Compliance Policy 1

1. Introduction

This policy sets out minimum performance requirements for Members and Cooperating Non Members (CNMs) of the Commission to meet their obligations in relation to CCSBT Conservation and Management measures. All obligations are assumed to apply to both Members and CNMs. Unless otherwise stated, all references to “Members” include CNMs and all references to the “Commission” include the Extended Commission. Obligations of the Commission and CCSBT Secretariat are not listed in this Policy.

The Conservation and Management measures and obligations in this Policy have been provided by the CCSBT Secretariat, and have been taken from the original resolutions, decisions and recommendations of the CCSBT. The full title (where applicable) and an internet link to the full text for each measure are provided at the start of the relevant section of this document. The description and order of some obligations has been changed to enable the obligations to be more easily understood in isolation to the original resolution, decision or recommendation.

This policy is a non-binding document. The original resolution, decision or recommendation should be consulted for an authoritative specification of the obligations. The original recommendation, resolution or decision prevails over this policy where there are any inconsistencies with this policy.

Some measures contain provisions for sharing of information or data. These sharing arrangements often have associated confidentiality provisions, either as part of the associated decision/resolution, and/or as part of the Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT. The confidentiality arrangements are not included in this document.

2. Purpose

The purpose of this policy is to improve implementation of CCSBT obligations. It enables all Members to have a common understanding of existing obligations and the core elements expected of quality implementation of these obligations. It also provides for transparency in terms of each Member’s implementation procedures. The policy requires Members to:

- a) develop, document and implement rules, operating systems, and processes to meet their CCSBT obligations; and
- b) report on the effectiveness of the rules, operating systems, and processes to the Commission through the Compliance Committee.

The degree of detail in the minimum performance requirements for particular obligations reflects compliance risks associated with implementation of obligations, and the consequential need for a more consistent and rigorous approach by all Members. Performance requirements could be further elaborated in future should further compliance risks—associated with implementation of obligations—emerge.

3. Policy Statement

1. Members are expected to meet, or exceed, the minimum performance and reporting requirements set out in Appendix 1 of this Compliance Policy as soon as possible, after this policy is adopted by the Commission. The Compliance Committee may agree to a specific later implementation date for particular Members, based on individual circumstances.
2. All rules, operating systems, and processes must be implemented.
3. All operating systems and processes for measures relating to Catch Management, Authorisation, and MCS (groups 1-3 in Appendix 1) must be documented. Members are also encouraged to document their operating systems and processes for measures relating to Science and Ecologically Related Species (groups 4 and 5 in Appendix 1).
4. All documentation must:
 - specify how compliance with rules will be monitored
 - specify sanctions for any non-compliance detected
 - assign responsibility to a competent authority or authorities for implementing all aspects of the operating systems and processes
 - include criteria and procedures to assess the effectiveness of the rules, systems and processes in achieving compliance with the obligations.
5. Annual performance reports must:
 - set out how minimum performance requirements are met and monitored
 - evaluate the effectiveness of the rules, operating systems, and procedures in meeting obligations and performance requirements
 - disclose any compliance risks or deficiencies in the rules, operating systems, or procedures.

Individual Members may propose variations to the minimum performance requirements for particular obligations. Variations must demonstrate that they are at least as rigorous as the minimum performance requirements in Appendix 1. Proposed variations must be submitted to the Commission for approval. Approved variations will be appended to this document and form part of this Compliance Policy.

Some CCSBT obligations contain minimum standards. These, and any updates, are incorporated by reference in this Policy. In particular this includes:

- Appendix 2 (Minimum Procedural and Information Standards for CCSBT Member and Cooperating Non-Member Tagging Programmes), Resolution on the Implementation of a CCSBT Catch Documentation Scheme [CDS Resolution](#)
- Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels, Section 3 (At-Sea Transshipment), Annex 1 (CCSBT Transshipment Declaration), and Annex 2 (CCSBT Regional Observer Program) [Transshipment Resolution](#)
- CCSBT Scientific Observer Program Standards [Scientific Observer Program Standards](#)

Definition of terms

The following terms are used in this policy:

- *Attributable SBT Catch* – that part of a Member’s SBT fishing mortality that is counted against the Member’s allocation of the SBT Total Allowable Catch.
- *Operating systems and processes* – methods to deliver the services needed to meet the obligations and rules. Services include authorisation, validation, observers, enforcement, and research.
- *Rules* – legally binding or enforceable directions, obligations, or conditions. Rules include laws, regulations, and conditions on permits, licenses or authorisations.
- *Sanctions* – penalties or other corrective actions imposed in response to detected non-compliance or illegal activities.

In the context of the Catch Documentation Scheme (CDS), the following meanings are adopted in this policy:

- *Certification* means the first check and confirmation that details in a CDS form have been fully and accurately recorded. Certification is generally carried out by individuals who represent, or are responsible for, the relevant business operation (e.g. fishing, farming, importing or exporting) whose documentation is being certified.
- *Validation* means the second check to confirm that details in a CDS form have been fully and accurately recorded. Validation procedures include:
 - (1) checking documentation, and/or
 - (2) inspecting SBT product or catch against relevant documentation in a random sample from the Member’s:
 - a. farms
 - b. vessels that are landing in, or re-exporting from, the Member’s ports
 - c. vessels that are landing in foreign ports.

Any inspections required must be completed prior to validating CDS forms. Validation is carried out by government officials or other individuals who have been duly delegated the authority to validate CDS documents.

- *Verification* means sampling, monitoring and investigation procedures to confirm or audit that SBT anywhere in the production chain, or entering the market, is compliant with CDS documentation requirements. Verification is carried out by a competent authority of the Member. Verification includes:
 - (1) examining and analysing samples of CDS documentation and SBT product, and investigating any discrepancies or irregularities detected,
 - (2) monitoring markets to detect and investigate any supply of SBT whose CDS documentation is incomplete or missing,
 - (3) monitoring transshipments by the Member's vessels in foreign ports,
 - (4) checking that required CDS documents are attached to exported and imported SBT.

4. Policy implementation

This policy will be implemented over three years. During this period, the Compliance Committee will work through the CCSBT obligations and agree to the performance requirements. Appendix 1 will be updated as performance requirements are agreed.

When recommending any new obligations to the Commission, the Compliance Committee will include the performance requirements associated with the obligations. Once agreed by the Commission, any new obligations and performance requirements will be added to Appendix 1.

5. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none">• Approve policy• Approve performance requirements
Compliance Committee	<ul style="list-style-type: none">• Recommend performance requirements (updates to Appendix 1)• Monitor Member compliance through review of annual reports• Review and recommend changes to this policy
Members	<ul style="list-style-type: none">• Develop and implement rules, operating systems and processes• Report on progress and effectiveness
Secretariat	<ul style="list-style-type: none">• Develop reporting template• Place this policy and annual reports on website

6. Policy review

This Policy is to be reviewed every three years from the date of approval of the Policy. Performance requirements are to be reviewed every three years from the date on which they were agreed.

A Member may request a review of one or more of the minimum performance requirements at any time. The request, setting out the reason for the review, must be submitted to the annual meeting of the Compliance Committee. The request must be sent to the Executive Secretary for circulation to Members at least 4 weeks before the Compliance Committee annual meeting.

7. Approval

This policy was approved by the Commission:

Chair, Commission

Date

Review date: _____ (unless reviewed earlier)

CDS Minimum Performance Requirements

3.1 Catch Documentation System (Resolution)

Title: Resolution on the Implementation of a CCSBT Catch Documentation Scheme

Link: http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/Resolution_CDS.pdf

Notes: In the text below, the term “Member” includes CNMs as it does for the rest of this document, and the term “Member/OSEC” includes Members, CNMs and Other States/Fishing Entities Cooperating in the CDS.

To keep “like” tasks together the CDS obligations are grouped below as follows:

- A. General provisions and application
- B. Modification to standard CDS Documents
- C. Tagging
- D. Validation
- E. Retention and submission of documents to the Secretariat
- F. Verification of CDS documentation

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
i. All Members shall implement the CCSBT CDS for southern bluefin tuna (SBT) to document the movement of all SBT as outlined in this resolution. The CCSBT CDS incorporates CCSBT CDS documentation and tagging of SBT.	1. Operating systems and processes established and implemented to ensure that: <ul style="list-style-type: none"> a. all owners and operators of authorised farms, fishing vessels, and carrier vessels, and all SBT processors, importers, exporters and re-exporters, are aware of their CCSBT obligations¹; b. CDS documents accompany SBT as relevant, including: <ul style="list-style-type: none"> i. a Catch Monitoring Form (CMF) for all transshipments,
ii. For transshipments, landings of domestic product, exports, imports and re-exports under the jurisdiction of a Member/OSEC, all SBT shall be accompanied by a Catch Monitoring Form, and where required ² at least one Re-export/Export after landing of domestic	

¹In the case of authorised carrier vessels that are not flagged to a Member, the carrier vessel masters need to be aware of the authorising Member’s obligations so that the carrier vessel can comply with these.

²For all re-exports of SBT, and any exports of SBT that were landed as domestic product.

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
<p>product Form as well. There is no waiver of this requirement. However:</p> <ul style="list-style-type: none"> • the exportation/import of fish parts other than the meat (i.e. head, eyes, roe, guts, tails) may be allowed without the document • Members that prohibit the sale of fish caught by recreational fishers may exempt their recreational fisheries from the requirements of the CCSBT CDS. 	<p>landings of domestic product, exports, imports and re-exports</p> <p>ii. a Re-export/Export After Landing of Domestic Product (REEF) for all exports of SBT landed as domestic product then exported, and for all re-exports of imported SBT. Any REEF must also be accompanied by a copy of the associated CMF and copies of any previously issued REEFs for the SBT being exported</p>
<p>iii. Transfers of SBT into and between farms under the jurisdiction of a Member shall be documented on the Farm Stocking Form and Farm Transfer Form as applicable.</p>	<p>iii. a Farm Transfer Form (FTF) for all transfers of SBT between authorised farms within the Member’s jurisdiction;</p>
<p>iv. CCSBT CDS documents must be uniquely numbered.</p>	<p>c. all entities with CDS certification obligations have certification requirements, including:</p>
<p>v. An appropriate authority should complete the Certification section of a Catch Tagging Form.</p>	<p>i. that the certifier for the Catch Tagging Form (CTF) should be the Vessel Master or other appropriate authority for any wild harvested SBT, and the Farm Operator or other appropriate authority for any farmed SBT;</p> <p>d. all entities involved in towing and farming SBT have procedures to:</p> <p>i. record the following items about the catch from each catching vessel:</p> <ol style="list-style-type: none"> 1. the daily mortality of SBT during catching and towing, and 2. the quantity (number and weight in kilograms) of SBT transferred to each farm <p>ii. use these records to complete the Farm Stocking Form at the end of each fishing season and before the SBT are recorded on a CMF;</p>

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
	<ul style="list-style-type: none"> e. compliance with certification procedures is verified. 2. Any use of specific exemptions to CDS documentation (allowed for under obligation 3.1 A (ii) for recreational catch) must be: <ul style="list-style-type: none"> a. explicitly allowed and this decision advised to the Executive Secretary; and b. have associated documented risk-management strategies to ensure that associated mortalities are accounted for and that recreational catches do not enter the market. 3. Operating system and processes established and implemented to ensure all CDS documents are uniquely numbered, and completed fully and in accordance with the document's instructions;
<p>vi. Members/OSECs shall not permit the landing as domestic product, transshipment, import, export and/or re-export of SBT caught by vessels not authorised to catch SBT and (if SBT farming is conducted under their jurisdiction) the transfer of SBT to or between, and harvest of SBT from, farms not authorised to farm SBT.</p>	<ul style="list-style-type: none"> 1. Operating systems and processes established and implemented to ensure that at all times only carrier vessels authorised on the CCSBT Record of Carrier Vessels for the transshipment date are permitted to receive at-sea transshipments from the Member's LSTLVs. 2. Rules established and implemented to prohibit: <ul style="list-style-type: none"> a. the landing, transshipment, import, export or re-export of SBT caught or transhipped by non-authorised fishing/carrier vessels; b. the transfer of SBT to, between or harvested from farms which were not authorised to farm SBT on the date(s) of the transfers/ harvests.

3.1 Catch Documentation System	
B. Obligations (modification to CDS documents)	Minimum performance requirements
vii. Only minimal modifications, such as the addition of translations, may be made to the approved forms ³ . No information field may be omitted from the standard form, except where the field is not applicable.	<ol style="list-style-type: none"> 1. The Executive Secretary shall, in consultation with Members, determine whether proposed modifications are minimal or significant with respect to this obligation. 2. Modified documents remain compatible with approved forms to ensure data series remain continuous and so they can be uploaded by the Secretariat. 3. Modified documents are provided to the Executive Secretary in electronic format at least 4 weeks prior to the use of such documents and with proposed modifications clearly highlighted.
viii. Any documentation modified, as described above ⁴ , shall be provided to the Executive Secretary for distribution to other Members/OSECs.	
ix. Significant amendments to the forms and form content may be made only with the agreement of the Commission at its annual meeting based on recommendations from the CCSBT Compliance Committee.	

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
x. Members shall require that an SBT tag be attached to each whole SBT at the time of kill except in the three circumstances described at paragraph "3.1 C xv" below.	<ol style="list-style-type: none"> 1. Operating systems and processes established and implemented to ensure that CCSBT Catch Tagging Program requirements are met, including: <ol style="list-style-type: none"> a. ensuring all SBT tags meet the minimum specifications in paragraph 3 of Appendix 2 of the CDS Resolution; b. recording the distribution of SBT tags to: <ol style="list-style-type: none"> i. entities authorised to fish for, or farm, SBT, and ii. where applicable, entities which received tags to cover
xi. A Catch Tagging Form shall be filled in as soon as practicable after the time of kill. Length and weight measurements shall be	

³However the Catch Tagging Form may be amended to include additional information at the discretion of the Member.

⁴With the exception of additions to the Catch Tagging Form.

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
<p>conducted before the SBT is frozen. Where measurements cannot be accurately done on board the vessel, they may be made at the time of landing or transshipment, provided the measurements and the associated Catch Tagging Form are filled in before any further transfer of the SBT.</p> <p>xii. Catch Tagging Form(s) must have been completed for all SBT on the Catch Monitoring Form.</p>	<p>exceptional circumstances outlined in “3.1 C xv” and “xvi”;</p> <p>c. requiring a valid tag to be attached to each SBT brought on board a fishing vessel and killed (including SBT caught as incidental bycatch) or landed and killed from a farm (unless the special circumstances in “3.1C xv” apply);</p> <p>d. requiring tags to be attached to each fish as soon as practicable after the time of kill;</p> <p>e. requiring details for each fish to be recorded as soon as practicable after the time of kill including month, area, method of capture, as well as weight and length measurements carried out before the SBT is frozen.</p>
<p>xiii. A tagging programme shall meet the minimum procedural and information standards set out in Appendix 2 of the CDS resolution⁵.</p>	<p>1. Operating systems and processes established and implemented to:</p> <p>a. meet procedural and information standards set out in Appendix 2 of the CDS Resolution;</p> <p>b. identify any unauthorised use of SBT tags;</p> <p>c. identify any use of duplicate tag numbers;</p> <p>d. identify any whole SBT landed, transhipped, exported, imported or re-exported without a tag (except in the circumstance set out in obligations “3.1C xv and xvi”;</p> <p>e. ensure that tags are retained on whole SBT to at least the first point of sale⁶ for landings of domestic product;</p> <p>f. ensure a risk management strategy (including random or risk-based sampling) is in place to minimise the opportunity of illegal SBT being marketed.</p>
<p>xiv. Members shall prohibit unauthorised use of SBT tags.</p>	
<p>xv. Members/OSECs shall not permit whole SBT to be landed as domestic product, transhipped, exported, imported or re-exported without a tag, except that:</p> <p>a) in the case of farming operations, the SBT may be landed without a tag provided a tag is attached within 30 hours of kill;</p> <p>b) in exceptional circumstances, where a vessel on the CCSBT Record of Authorised Vessels does not have sufficient tags on board the vessel, the tag may be</p>	

⁵This includes minimum standards for the tag and requirements for tag related information.

⁶Tags should be retained on whole SBT as long as possible. In cases where the catching and processing are conducted by the same operator (or entity), the tags should be retained as long as the SBT remains whole. This is because, in this case, the first point of sale occurs later in a processed form.

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
<p>attached at landing;</p> <p>c) in exceptional circumstances, where a vessel catches SBT as unexpected bycatch and has no or insufficient tags on board, the tag may be attached at landing.</p>	<p>2. Operating systems and processes established and implemented to:</p> <p>a. monitor compliance by operators with control measures in 1. a-f above;</p> <p>b. impose sanctions on operators where non-compliance is detected;</p> <p>c. report any cases of whole SBT being landed without tags (due to exceptional circumstances in “3.1Cxv” and “xvi”) to the Executive Secretary, and minimise their occurrence in future.</p>
<p>xvi. In exceptional circumstances, where a tag becomes accidentally detached and cannot be reattached, a replacement tag shall be attached as soon as possible and no later than the time of landing, transshipment or export.</p>	
<p>xvii. Members shall report any exceptional circumstances referred to in “3.1Cxv(b)”, “xv(c)” or “xvi” of this measure to the Executive Secretary within 7 days of the landing. The report shall provide details of the exceptional circumstances, the number of SBT tagged and for “3.1Cxvi” of this measure, the old (where known) and new tag number(s).</p>	
<p>xviii. Members shall require that tags be retained on whole SBT to at least the first point of sale for landings of domestic product, and shall encourage the retention of tags on whole fish thereafter.</p>	

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
<p>xix. The authority to validate CDS documents may be delegated to an authorised person by an official of the relevant State/fishing entity. Members/OSECs who utilise delegated person/s shall submit a certified copy of such delegation/s to the Executive Secretary. The individual who certifies a CCSBT CDS Document shall not be the same person who validates the Document.</p>	<p>1. Operating systems and processes established and implemented to:</p> <p>a. authorise validators to validate Farm Stocking, Catch Monitoring and Re-Export/Export after Landing of Domestic Product Forms;</p> <p>b. demonstrate that all persons with authority to validate CDS documents:</p>
<p>xx. Members/ OSECs shall provide to the Executive Secretary</p>	

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
<p>information on validation (including type of validation, name of the organisation which validates the documents, title and name and signature of officials who validate the documents, sample impression of stamp or seal, and a list of all persons holding delegated authority to validate CCSBT CDS documentation prior to those officials and persons exercising the authority). Members/OSECs shall inform the Executive Secretary of any changes in a timely fashion.</p>	<ul style="list-style-type: none"> i. are government officials or other individuals who have been duly delegated authority to validate ii. are aware of their responsibilities, including inspection, monitoring and reporting requirements iii. are aware of penalties applicable should the authority be mis-used <p>c. appropriate individuals certify each CDS form type by each signing and dating the required fields;</p> <p>d. the same individual does not both certify and validate information on the same CDS form</p> <p>e. inform the Executive Secretary of:</p> <ul style="list-style-type: none"> i. the details for all validators (including the information specified in obligation “3.1D xx”) and keep this information up to date ii. any individuals removed from the list of validators no later than the end of the quarter in which the removal occurred; <p>f. ensure that no individual conducts validations</p> <ul style="list-style-type: none"> i. prior to the Executive Secretary being fully informed of his/her current validation details, or ii. after that individual’s authority to validate has been removed. <p>2. Operating systems and processes established and implemented to monitor performance (compliance and effectiveness) of validators.</p>
<p>xxi. The CCSBT CDS documentation must be validated (or signed in the case of transshipments at sea) as applicable by:</p> <ul style="list-style-type: none"> • for landings of domestic product, an official of the flag Member of the catching vessel or, when the fishing vessel is operating under a charter arrangement, by a competent authority or institution of the chartering Member; and • for all SBT transshipments subject to CCSBT Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels, the observer required by that resolution; and • for all export of SBT, an official of the exporting Member; and • for all re-export of SBT, an official of the re-exporting Member/OSEC. 	<p>2. Operating systems and processes established and implemented to monitor performance (compliance and effectiveness) of validators.</p>
<p>xxii. Full or partial consignments of untagged whole SBT must not be validated or accepted for transshipment, landing of domestic product, export (including export after landing of domestic</p>	<p>1. Operating systems and processes to ensure:</p> <ul style="list-style-type: none"> a. CDS forms are only validated: <ul style="list-style-type: none"> i. where all of the SBT listed on the form are tagged (except

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
product), import or re-export (except where the tag is no longer required to be attached to the SBT because it has undergone processing such as filleting or loining and the SBT is no longer whole).	<ul style="list-style-type: none"> in cases where tags are no longer required due to processing having occurred) ii. in the case of farmed SBT, for SBT harvested from farms on a date that the farm was authorised on the CCSBT record of Authorised Farms iii. in the case of Wild Harvest SBT, for SBT taken by FVs on a date when that FV was authorised by the flag Member;
xxiii. No Member/OSEC shall accept any SBT for transshipment, landing of domestic product, export, import, or re-export where any or all required documents do not accompany the relevant consignment of SBT, where fields of information required on the form are not completed, or where the form has not been validated as required by this resolution.	<ul style="list-style-type: none"> b. validated documentation accompanies all SBT consignments whether transhipped, landed as domestic product, exported, imported or re-exported; c. no SBT is accepted (for landing of domestic product, export, import or re-export) without validated documentation; d. validation does not occur where: <ul style="list-style-type: none"> i. validator authorisation procedures were not correctly followed or ii. any deficiency or discrepancy is found with the CDS form.
xxiv. Members/OSECs shall not validate any CCSBT CDS document that is not complete, has obviously incorrect information, or has not been validated as required by this resolution.	<ul style="list-style-type: none"> 2. Operating systems and processes established and implemented for a Member to validate SBT product against CDS documents, including: <ul style="list-style-type: none"> a. requirements to check accuracy of information by ensuring every CDS document is complete, valid and contains no obviously incorrect information by cross-checking data on the form being validated against: <ul style="list-style-type: none"> i. data on preceding CDS forms including the Catch Tagging Form ii. relevant lists of authorised farms, vessels or carriers iii. result of any physical inspection by the authority.
xxv. Members shall undertake an appropriate level of audit, including inspections of vessels, landings, and where possible markets, to the extent necessary to validate the information contained in the CDS documentation.	

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
	b. notification of any inconsistencies or inaccuracies to the Member's enforcement authorities.

3.1 Catch Documentation System	
E. Obligations (Retention and submission of documents)	Minimum performance requirements
xxvi. Members/OSECs shall retain all original CCSBT CDS Documents (or scanned electronic copies of the original documents) received by them. Members/OSECs shall also retain a copy of any CCSBT CDS Documents issued by them	1. Documents and/or scanned electronic copies stored in a secure location for a minimum of three years under conditions that avoid damage to the legibility of the documents or the data files.
xxvii. Copies of these CDS Documents shall be forwarded to the Executive Secretary on a quarterly basis.	1. Copies of all completed CDS documents issued by catching Members or received by importing or receiving Members, sent to Executive Secretary in accordance with the following timeframes: a. documents issued or received in Jan-Mar - due 30 June b. documents issued or received in Apr-Jun - due 30 September c. documents issued or received in Jul-Sep - due 31 December d. documents issued or received Oct-Dec - due 31 March.
xxviii. Completed Catch Tagging Forms shall be provided to the flag Members which shall provide the information in the Catch Tagging Form to the Executive Secretary in an electronic format. All other forms shall be forwarded to the Executive Secretary either as a copy of the original form or in electronic format containing all the information in the forms.	2. Catch Tagging Form information shall be provided to the Executive Secretary using the electronic Data Provision Form developed by the Secretariat and in accordance with the Data Provision Form's instructions.

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
<p>xxix. Each Member shall ensure that its competent authorities, or other authorised individual or institution, take steps to identify each consignment of SBT landed as domestic product in, imported into or exported or re-exported from its territory and examine the validated CCSBT CDS Documents for each consignment of SBT. These competent authorities, or authorised individuals or institutions, may also examine the content of the consignment to verify the information contained in the CCSBT CDS Document and in related documents and, where necessary, shall carry out verifications with the operators concerned.</p>	<ol style="list-style-type: none"> 1. Operating systems and processes established and implemented to: <ol style="list-style-type: none"> a. assign unambiguous responsibility to individuals or institutions for implementing verification procedures; and b. Ensure no verification procedure⁷ is carried out for a CDS document by an individual who has validated or certified the same CDS document. 2. Operating systems and processes established and implemented for verification, including: <ol style="list-style-type: none"> a. selecting and inspecting, where appropriate, a targeted sample of vessels and export, import and market establishments based on risk. The intent of these inspections should be to provide confidence that the provisions of the CDS are being complied with; b. reviewing and analysing information from CDS documents at least once every 6 months, including: <ol style="list-style-type: none"> i. checking the completeness of data on CDS forms and cross-checking the consistency of the data on CDS forms received with other sources of information ii. cross-checking data from the Executive Secretary's CDS six-monthly report iii. analysing any discrepancies; c. investigating any irregularities suspected or detected; d. taking action to resolve any irregularities; e. notifying the Executive Secretary and relevant Members/OSECs, of any consignments of SBT whose CDS
<p>xxx. Each Member shall review information and investigate and resolve any irregularities identified in relation to their information in the CDS reports, including any discrepancies identified during the comparison of data from the Executive Secretary. Among other matters, Members shall cross-check the six monthly reports provided by the Executive Secretary using information available to it.</p>	
<p>xxxi. Each Member/OSEC shall, as soon as practicable, identify to the Executive Secretary and relevant Members/OSECs, any consignments of SBT where there are:</p> <ul style="list-style-type: none"> • doubts about the information contained in any associated CDS documentation; or • incomplete, missing or unvalidated CCSBT CDS 	

⁷Noting that verification is defined on page 3 of this document together with a list of processes that may form part of verification.

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
documentation.	<p>documentation is considered doubtful, or incomplete or unvalidated;</p> <p>f. notifying the Executive Secretary of any investigation into serious irregularities, in order to present these in an annual summary report to the Compliance Committee. Notifications should include reporting:</p> <ul style="list-style-type: none"> i. the commencement of an investigation if doing so will not impede that investigation ii. progress, within 6 months of starting the investigation if doing so will not impede that investigation and iii. the final outcome within 3 months of completing the investigation. <p>3. Ensure that no SBT is accepted (for landing of domestic product, export, import or re-export) without validated documentation attached.</p>
xxxii. Each Member shall co-operate and take all necessary steps with relevant authorities, and within domestic law, to review, investigate and resolve any concerns identified in “3.1Fxxx” and “3.1Fxxxi” of this measure, and notify the Executive Secretary of the outcome of any such action for inclusion in its report to the Commission.	
xxxiii. Members/OSECs shall cooperate to ensure that CDS documents are not forged and/or do not contain misinformation.	
xxxiv. Where necessary, in support of catch verification procedures, Members/OSECs agree to exchange the necessary supporting information and, where relevant, evidence as may be necessary to verify the integrity of the flow of CDS information and to reconcile any discrepancies.	

Transshipment Minimum Performance Requirements

2.3 Record of Authorised Carrier Vessels (part of Transshipment Resolution)

Title: Record of vessels authorised to receive transshipments-at-sea in areas beyond national jurisdiction (*from section 2 of the “Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels”*)

Link: http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/Resolution_Transshipment.pdf

Notes: The obligations for the remainder of the Transshipment Resolution are in section 3.3 (Transshipment Monitoring Program). For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive SBT in at-sea transshipment operations.

2.3 Record of Authorised Carrier Vessels	
Obligations	Minimum performance requirements
i. Members shall submit to the CCSBT Executive Secretary, the list of carrier vessels that are authorised to receive at-sea transshipments from its LSTLVs.	1. Operating systems and processes to: <ol style="list-style-type: none"> a. authorise specific carrier vessels to receive at-sea transshipments from its authorised Fishing Vessels (LSTLVs); b. ensure authorised carrier vessels will meet their obligations to (see Transshipment Monitoring performance requirements 3.3): <ol style="list-style-type: none"> i. provide access and accommodation to observers, ii. cooperate with observers in relation to carrying out their duties, and iii. not interfere with, or seek to influence, observers in any way;

<p>ii. Each Member shall promptly notify the Executive Secretary, after the establishment of the initial CCSBT Record of Carrier Vessels, of any addition to, any deletion from and/or any modification of the CCSBT Record of Carrier Vessels, at any time such changes occur.</p>	<ul style="list-style-type: none"> c. provide required information on authorised carrier vessels to the Executive Secretary within 1 month of the vessel being authorised, and before such vessels are actually used in transhipments; d. submit any updates to the Executive Secretary promptly, and no later than 1 month from the change occurring, and before such vessels are actually used in transhipments; and e. ensure all authorisations, and any updates, are submitted electronically to the Executive Secretary using the Data Provision Form for CCSBT Record of Authorised Carrier Vessels.
<p>iii. Carrier vessels authorised for at-sea transhipment shall be required to install and operate a Vessel Monitoring System (VMS).</p>	<ul style="list-style-type: none"> 1. Operating systems and processes to ensure that carrier vessels are only to be authorised to carry out at-sea transhipments if: <ul style="list-style-type: none"> a) The carrier vessel already has an operational VMS installed, or the carrier vessel undertakes to install an operational VMS before any authorisation and transhipments of SBT take place, and b) The VMS transmits at frequency sufficient to show transhipping operations, and c) The VMS will function effectively in the expected operating conditions.

3.3 Transhipment (at sea) Monitoring Program (Resolution)

Title: Resolution on Establishing a Program for Transhipment by Large-Scale Fishing Vessels

Link: http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/Resolution_Transhipment.pdf

Notes:

- To enable interoperability between the CCSBT, IOTC and ICCAT transhipment monitoring programs, for the purpose of this measure, the IOTC/ICCAT Secretariat, observers, transhipment declarations and registration numbers may be treated as being the CCSBT equivalents provided that the presence of SBT is reported at each stage (from the initial observer deployment request through to the transhipment declaration).
- Section 2 of this Resolution relates to the establishment and maintenance of a record of authorised carrier vessels that are authorised to receive SBT at sea from tuna longline fishing vessels with freezing capacity (LSTLVs). Its obligations are set out in section 2.3 of this Appendix so that it is together with the other CCSBT Authorisation measures.

3.3 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
<p>i. Transhipments by LSTLVs in waters under the jurisdiction of the Members are subject to prior authorisation from the Coastal State / Fishing Entity concerned.</p>	<p><i>Unless otherwise specified, the Flag state of the authorised fishing vessel (LSTLV) is responsible for meeting the minimum performance requirements set out in section 3.3.</i></p> <p>1. Operating systems and processes to ensure:</p> <ul style="list-style-type: none"> a. the authorisation document, including details of the intended transhipment provided by the master or owner of the LSTLV, is available on the LSTLV prior to the transhipment occurring; b. any carrier vessel receiving the transhipped SBT is meeting its obligations to provide access and accommodation to observers, and to cooperate with the observer in relation to the performance of his or her duties (see Carrier Vessel Authorisation minimum performance requirements, section 2.3).
<p>ii. Members shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:</p> <ul style="list-style-type: none"> a. LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their Flag State / Fishing Entity. To receive prior authorisation, the master and/or owner of the LSTLV must notify the following information to its Flag State / Fishing Entity authorities at least 24 hours in advance of an intended transhipment: <ul style="list-style-type: none"> • Name & CCSBT Registration Number of the transhipping LSTLV & receiving carrier vessel; • Tonnage by product to be transhipped; • Date & location of transhipment; and 	

3.3 Transshipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
<ul style="list-style-type: none"> • Geographic location of the SBT catches b. The LSTLV concerned shall complete and transmit to its flag State / Fishing Entity, not later than 15 days after the transshipment, the CCSBT transshipment declaration¹, along with its CCSBT Registration Number. 	<p>2. Rules in place to ensure:</p> <ul style="list-style-type: none"> a. all SBT transshipments receive prior authorisation; b. fishing vessels are authorised on the CCSBT authorised fishing vessel register on the date(s) the SBT are harvested and carrier vessels are authorised on the CCSBT authorised carrier vessel register on the date(s) any transshipments occur; c. a named CCSBT observer is on board the carrier vessel; d. no SBT transshipment occurs without an observer on board; e. transshipment declarations are completed, signed and transmitted by the fishing vessel and the carrier vessel, in accordance with paragraphs 11-14 of the Transshipment Resolution, in particular that: <ul style="list-style-type: none"> i) The LSTLV shall transmit its CCSBT Registration Number and a completed CCSBT Transshipment Declaration to its flag State / Fishing Entity, within 15 days of the transshipment. <p>3. Operating systems and processes to:</p> <ul style="list-style-type: none"> a. issue transshipment authorisations; b. verify the date and location of transshipments; c. request placement of observers on board carrier vessels; d. notify any cases of 'force majeure' (where transshipment occurs without an observer on the carrier vessel) to Executive Secretary as soon as practical;
<p>iii. The master of the receiving carrier vessel shall:</p> <ul style="list-style-type: none"> a. complete and transmit the CCSBT transshipment declaration to the CCSBT Secretariat and the flag Member of the LSTLV, along with its CCSBT Registration Number, within 24 hours of the completion of the transshipment. b. 48 hours before landing, transmit a CCSBT transshipment declaration, along with its CCSBT Registration Number, to the competent authorities of the State / Fishing Entity where the landing takes place. 	
<p>iv. Each Member shall ensure that all carrier vessels transshipping at sea have on board a CCSBT observer in accordance with the CCSBT Regional Observer Program².</p>	
<p>v. Vessels shall be prohibited from commencing or continuing at-sea transshipping at sea without a CCSBT regional observer on board, except in cases of 'force majeure' duly notified to the Executive Secretary.</p>	

¹ As specified in Annex 1 of this resolution.

² The CCSBT Regional Observer Program is described at Annex 2 of this resolution. The description includes obligations of the Flag State/Fishing Entity of both Carrier vessels and LSTLVs to the observers which are not described here. In order to place a CCSBT observer on board a carrier vessel, the Member must submit an observer deployment request to the Secretariat, stating that SBT will be transhipped, before the transshipment.

3.3 Transshipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
	<ul style="list-style-type: none"> e. ensure observers can board the fishing vessel (provided it is safe to do so) before transshipment takes place, and have access to personnel and areas necessary to monitor compliance with paragraph 5(a) of Annex 2 of the Transshipment Resolution; f. enable observers to report any concerns about inaccurate documentation or obstruction, intimidation, or influence in relation to carrying out their duties; g. monitor compliance with the control measures; and h. impose sanctions or corrective action programmes for any non-compliance detected.
<ul style="list-style-type: none"> vi. To ensure the effectiveness of the CCSBT conservation and management measures pertaining to the Catch Documentation System (CDS): <ul style="list-style-type: none"> a. In validating the necessary CCSBT CDS documentation, as required by the CDS, Flag Members of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV. b. The Flag Member of LSTLVs shall validate the necessary CCSBT CDS documentation for the transhipped fish, as required by the CDS, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the CCSBT Regional Observer Program. c. Members shall require that SBT caught by LSTLVs, when imported into the territory of a Contracting Party, be accompanied by necessary CCSBT CDS documentation validated for the vessels on the CCSBT Authorised Vessel List 	<ul style="list-style-type: none"> 1. Operating systems and processes are in place to: <ul style="list-style-type: none"> a. identify and resolve any discrepancies between the fishing vessel's reported catches, CDS documents and the amount of fish counted as transhipped, b. 100% supervision of all fish transhipped. 2. Operating systems and processes are in place to allow any CDS forms for domestically landed SBT that were transhipped at sea to be validated at the time of landing.

3.3 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
and a copy of the CCSBT transhipment declaration.	
vii. All SBT landed or imported into the Members either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the CCSBT transhipment declaration until the first sale has taken place.	1. Rules, systems and procedures to ensure: <ol style="list-style-type: none"> a. all transhipped product is accompanied by signed Transhipment Declaration until the first point of sale.
viii. The costs of implementing this program shall be financed by the flag Members of LSTLVs wishing to engage in transhipment operations.	

6.5 Annual Reporting to the Compliance Committee (Suite of Decisions/Resolutions/Recommendations)

6.5 Annual Reporting to the Compliance Committee	
Obligations	Minimum performance requirements
<p>iv. Members shall report the following to the Executive Secretary 4 weeks prior to the Annual Meeting of the Commission:</p> <ul style="list-style-type: none"> ○ The quantities of SBT transhipped during the previous year. ○ The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped during the previous year. ○ A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transhipment from their LSTLVs. 	<ol style="list-style-type: none"> 1. Submit information and report electronically to Executive Secretary at least 4 weeks before the annual Compliance Committee meeting. 2. The report for the previous calendar year must : <ol style="list-style-type: none"> a. include the quantities of SBT transhipped; b. list the LSTLVs on the CCSBT Authorised Vessel List that transhipped; c. analyse the observers reports received including assessing the content and conclusions of the reports of observers assigned to carrier vessels.

Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)

The Extended Commission for the Conservation of Southern Bluefin Tuna (CCSBT),

Recalling that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

Recalling that the Extended Commission adopted the CCSBT Compliance Plan at its Eighteenth Annual Meeting in October 2011;

Concerned by the fact that Southern Bluefin Tuna (SBT) IUU fishing activities diminish the effectiveness of CCSBT conservation and management measures,

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States or entities under the relevant CCSBT instruments;

Considering the action undertaken in all other tuna regional fisheries management organisations to address this issue;

Conscious of the need to address, as a matter of priority, the issue of fishing vessels conducting IUU fishing activities,

Noting that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other relevant international obligations, including the rights and obligations established under the World Trade Organisation (WTO) Agreement;

Recalling Article 15 (4) of the Convention, which calls on Members to cooperate in taking appropriate action, consistent with international law and their respective domestic laws, to deter fishing activities for SBT by nationals, residents or vessels of any State or entity not party to the CCSBT Convention where such activity could affect adversely the attainment of the objective of the Convention;

Agrees, in accordance with paragraph 3(b) of Article 8 of the Convention for the Conservation of Southern Bluefin Tuna, that:

Definition of SBT IUU Fishing Activities and CCSBT IUU Vessel Lists

1. At each annual meeting, the Extended Commission will identify those vessels which have engaged in fishing activities for SBT in a manner which has undermined the effectiveness of the Convention and the CCSBT measures in force. The Extended Commission shall establish, and amend as necessary in subsequent years, a list of such vessels (the CCSBT IUU Vessel List), in accordance with the procedures and criteria set out in this Resolution (or subsequent revision).
2. As part of the annual process, a Draft IUU Vessel List will first be drawn up by the Executive Secretary based on information received from Members/Cooperating non-Members (CNMs). The Compliance Committee (CC) will then adopt a Provisional IUU Vessel List based on the initial Draft IUU List and any information provided in relation to the vessels on this Draft List. The CC will also consider the current CCSBT IUU Vessel List and may make recommendations to remove vessels from it as appropriate. Finally, the Extended Commission will consider both the Provisional IUU List and any recommendations made by the CC to amend the current CCSBT IUU Vessel List, and then adopt a final agreed updated current CCSBT IUU Vessel List. CCSBT IUU Vessel List definitions are provided at **Annex I**.
3. For the purposes of this Resolution, the fishing vessels are presumed to have carried out SBT IUU fishing activities, *inter alia*, when a Member or CNM presents suitably documented evidence that such vessels:
 - a. Harvested SBT and were not authorised by a Member or CNM to fish for SBT, or;
 - b. Did not record and/or report their SBT catches or catch-related data in accordance with CCSBT reporting requirements, or made false reports, or;
 - c. Used prohibited or non-compliant fishing gear in a way that undermines CCSBT conservation and management measures, or;
 - d. Transhipped with, or participated in joint operations such as re-supplying or re-fuelling vessels included in the CCSBT IUU Vessel List, or;
 - e. Harvested SBT in the waters under the national jurisdiction of the coastal State or entity without authorisation and/or committed a serious infringement of its laws and regulations directly related to the SBT fishery, without prejudice to the sovereign rights of the coastal State or entity to take measures against such vessels, or;
 - f. Engaged in fishing activities for SBT, including transhipping, re-supplying or re-fuelling, contrary to any other CCSBT conservation and management measures.

Information on alleged SBT IUU Fishing Activities

4. Members and CNMs shall transmit every year to the Executive Secretary at least 14 weeks before the annual meeting of the CC, a list of vessels presumed to be carrying out SBT IUU fishing activities during the current and/or previous year, accompanied by the suitably documented supporting evidence concerning the presumption of SBT IUU fishing activity. The CCSBT Reporting Form for SBT Illegal Activity (**Annex II**) shall be used.
5. This list and evidence shall be based, *inter alia*, on information collected by Members and CNMs from all relevant sources including but not limited to:
 - a) Relevant resolutions of the CCSBT, as adopted and amended from time to time;
 - b) Reports by Members and CNMs on vessel inspections;
 - c) Reports by Members and CNMs relating to CCSBT conservation and management measures in force;
 - d) Catch and trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organisation of the United Nations (FAO) data, statistical and CDS documents, and other national or international verifiable statistics; and
 - e) Any other information obtained from port States or entities and/or gathered from the fishing grounds that is suitably documented.
6. Before or at the same time as transmitting a list of presumed SBT IUU vessels to the Executive Secretary, the Member or CNM shall notify the relevant flag State or entity, either directly or through the Executive Secretary (using the Reporting Form in **Annex II**), of a vessel's inclusion on this list, and provide that flag State or entity with a copy of the pertinent suitably documented information.

Draft CCSBT IUU Vessel List

7. On the basis of the information received pursuant to paragraph 4, and any other suitably documented information available, the Executive Secretary shall draw up a Draft IUU Vessel List. This list shall be drawn up in conformity with **Annex III**. The Executive Secretary shall transmit it together with the current CCSBT IUU Vessel List, including any inter-sessional amendments, as well as all the supporting evidence provided, to all Members, and CNMs as well as to those Non-Cooperating Non-Members (NCNMs) whose vessels are included on these lists, at least 10 weeks before the annual CC meeting.
8. The Executive Secretary shall request the flag State or entity to notify the owner of the vessel(s) of its/their inclusion in the Draft IUU Vessel List and of the consequences that may result from its/their inclusion being confirmed in the CCSBT IUU Vessel List adopted by the Extended Commission.

9. Upon receipt of the Draft IUU Vessel List, Members and CNMs shall closely monitor the vessels included in the Draft IUU Vessel List in order to determine their activities and possible changes of name, flag and/or registered owner.
10. Members, CNMs and NCNMs with vessels included on the Draft IUU and/or current CCSBT IUU Lists will transmit any comments to the Executive Secretary at least 6 weeks before the annual CC meeting, including suitably documented information as described in paragraph 22, showing that the listed vessels have not fished for SBT in a way that undermines CCSBT conservation and management measures.
11. On the basis of the information received pursuant to paragraphs 7 and 10, the Executive Secretary shall circulate the Draft IUU Vessel list and the current CCSBT IUU Vessel List, together with all suitably documented information provided pursuant to paragraph 10 as a CC meeting document to all Members and CNMs 4 weeks in advance of the annual CC meeting.
12. All Members, CNMs, and any NCNMs concerned may at any time submit to the Executive Secretary any additional information, which might be relevant for the establishment of the CCSBT IUU Vessel list. The Executive Secretary shall circulate the information, at the latest before the annual CC meeting, together with all the evidence provided.

Provisional CCSBT IUU Vessel List

13. Each year the CC shall examine the Draft IUU Vessel List and current CCSBT IUU Vessel list, as well as the information referred to in paragraphs 7, 11 and 12.
14. The CC shall remove a vessel from the Draft IUU Vessel List if the flag State or entity demonstrates that:
 - a) The vessel did not take part in any SBT IUU fishing activities described in paragraph 3, or
 - b) Effective action has been taken in response to the SBT IUU fishing activities in question, including, *inter alia*, prosecution and/or imposition of sanctions of adequate severity. Members and CNMs will report any actions and measures taken to promote compliance by their flagged vessels with CCSBT conservation and management measures.
15. Following this examination, the CC shall:
 - a) Adopt a Provisional IUU Vessel List in conformity with **Annex III** following consideration of the Draft IUU Vessel List and information and evidence circulated under paragraphs 7, 11 and 12. The Provisional IUU Vessel List shall be submitted to the Extended Commission for approval, and
 - b) Recommend to the Extended Commission which, if any, vessels should be removed from the current CCSBT IUU Vessel List, following consideration of the current List and of the information and evidence circulated under paragraphs 10 and 12.

CCSBT IUU Vessel List

16. At its annual meeting the Extended Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current CCSBT IUU Vessel List made pursuant to paragraph 15 above. The Extended Commission will then adopt a new CCSBT IUU Vessel List.
17. Upon adopting the new CCSBT IUU Vessel List, Members, CNMs and NCNMs with vessels on the CCSBT IUU Vessel List are requested to:
 - a) Notify the owner of the vessel of its inclusion on the CCSBT IUU Vessel List and the consequences that result from being included on the CCSBT IUU Vessel List, as referred to in paragraph 18, and
 - b) Take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Extended Commission of the measures taken in this respect.
18. Members and CNMs shall take all necessary non-discriminatory measures subject to, and in accordance with their applicable laws and regulations, international law and each Member's/ CNM's international obligations to:
 - a) Remove or withdraw any SBT fishing authorisations for the vessel or impose alternative sanctions consistent with domestic laws and regulations of the flag State;
 - b) Ensure that the fishing vessels, flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the CCSBT IUU Vessel List;
 - c) Ensure that vessels on the CCSBT IUU Vessel List are not authorised to land, tranship, re-fuel, re-supply, or engage in other commercial transactions in their ports, except in case of *force majeure*;
 - d) Ensure that foreign flagged vessels included on the CCSBT IUU Vessel List do not enter into their ports, except in case of *force majeure*, unless vessels are allowed entry into port for the exclusive purpose of inspection and/or effective enforcement action;
 - e) Ensure that a vessel included in the CCSBT IUU Vessel List is not chartered based on its license;
 - f) Ensure that foreign-flagged vessels included in the CCSBT IUU Vessel List are not granted their flag, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Member or CNM determines that granting the vessel its flag will not result in IUU fishing;

- g) Ensure that SBT from vessels included in the CCSBT IUU Vessel List are not landed, transhipped and/or traded internationally and domestically; and
 - h) Collect and exchange with other Members and CNMs any appropriate information with the aim of searching for, controlling and preventing false CDS documents and/or false import/export certificates of SBT from vessels included in the CCSBT IUU Vessel List.
19. The Executive Secretary will take any necessary measure to ensure publicity of the CCSBT IUU Vessel List adopted by CCSBT, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the CCSBT web site. Furthermore, the Executive Secretary will transmit the CCSBT IUU Vessel List to appropriate regional fisheries organisations for the purposes of enhanced co-operation between CCSBT and these organisations in order to prevent, deter and eliminate IUU fishing.

Cross-Listing

20. The Extended Commission may consider cross-listing IUU vessel lists with all other tuna Regional Fisheries Management Organisations and relevant organisations on a case by case basis as agreed by the Extended Commission.

Trade Measures/ Sanctions

21. Without prejudice to the rights of flag States or entities and coastal States or entities to take proper action consistent with international law, including applicable WTO obligations, Members and CNMs shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft and Provisional IUU Vessel Lists, pursuant to paragraphs 7 and 15, or which have been already removed from the CCSBT Draft, Provisional or Current IUU Vessel Lists, pursuant to paragraphs 14 or 16 or 22 - 26, on the grounds that such vessels are involved in SBT IUU fishing activities.

Deletion from the CCSBT IUU Vessel List

22. A Member, CNM or NCNM whose vessel appears on the CCSBT IUU Vessel List may request the removal of the vessel from the list through the Compliance Committee or at any time during the inter-sessional period by submitting to the Executive Secretary suitably documented information demonstrating that:
- a) It has adopted measures so that this vessel complies with all CCSBT conservation and management measures; and
 - b) It is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the SBT fishing activities executed by this vessel; and
 - c) One or more of the following:
 - i) It has taken effective action in response to the SBT IUU fishing activities that resulted in the vessel's inclusion in the CCSBT IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity;

ii) The vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in SBT IUU fishing activities;

iii) The case regarding the vessel that conducted SBT IUU fishing activities has been settled to the satisfaction of the Member(s)/ CNM(s) that originally submitted the vessel for listing and the flag State or entity involved.

23. On the basis of the information received in accordance with paragraph 22, the CCSBT Executive Secretary will transmit electronically the removal request, with all the supporting information to each Member within 15 days following the notification of the removal request.
24. Each Member of the Extended Commission will examine the request to remove the vessel and notify the Executive Secretary in writing of their conclusion regarding either the removal from, or the maintenance of the vessel on the CCSBT IUU Vessel List within 21 days following the notification by the Executive Secretary referred to in paragraph 23.
Decisions on any inter-sessional requests to remove the vessel shall be made in accordance with Rule 6(5) of the Rules of Procedure, such that no response is considered to be support for the request.
25. The Executive Secretary shall communicate the result of the decision to all Members and CNMs and to any NCNM which requested the removal of its vessel from the CCSBT IUU Vessel List.
26. If Members agree to the removal of the vessel from the CCSBT IUU Vessel List, the Executive Secretary will take the necessary measures to remove the vessel concerned from the CCSBT IUU Vessels List, as published on the CCSBT web site. Moreover, the Executive Secretary will forward the decision of removal of the vessel to appropriate regional fisheries organisations.
27. If a Member does not agree with the request for the removal of the vessel from the CCSBT IUU Vessel List, the vessel will be referred to the Compliance Committee for further consideration and the Executive Secretary will inform the Members, CNMs as well as any NCNMs that made the removal request.

ANNEX I: CCSBT IUU Vessel List Definitions

The format of all CCSBT IUU Vessel Lists must conform to **Annex III**.

Draft CCSBT IUU Vessel List

This list is drawn up by the Executive Secretary in accordance with paragraph 7, and based on information submitted by Members and CNMs on the CCSBT Reporting Form for SBT Illegal Activity (**Annex II**), and any other suitably documented information about vessels presumed to be carrying out SBT IUU fishing activities during the current and/or previous year. This list is then examined each year by the Compliance Committee (CC).

Provisional CCSBT IUU Vessel List

This list is derived from the Draft IUU Vessel List.

It is created when the CC has completed its consideration of the Draft IUU Vessel List and the associated evidence circulated, and has made any appropriate amendments to the Draft List. At this point, the appropriately amended Draft List is adopted by the CC as a Provisional IUU Vessel List.

Current CCSBT IUU Vessel List

This list is created from a combination of considering the agreed Provisional IUU Vessel List and the Current CCSBT IUU Vessel List.

The Extended Commission reviews the Provisional IUU Vessel List at its annual meeting, taking into account any new suitably documented information related to vessels on the Provisional list, as well as any recommendations to amend the current CCSBT IUU Vessel List made by the CC. This process will result in a CCSBT IUU Vessel List which is agreed and adopted by the Extended Commission as the current CCSBT IUU Vessel List.

The current CCSBT IUU Vessel List can be modified inter-sessionally according to paragraph 20 by cross-listing additions and/or removals from other RFMOs, or through requests from Members/CNMs/NCNMs according to paragraphs 22 to 27.

ANNEX II: CCSBT Reporting Form for SBT Illegal Activity

1. Details of Vessel

- a Current Name of Vessel (Previous name/s, if any);
- b Current Flag (previous flag/s, if any);
- c Date first included on CCSBT IUU Vessel List (if applicable);
- d Lloyds, IMO and UVI Number (if available);
- e Photo(s) (if any);
- f Call Sign (previous call sign, if any);
- g Owner / Beneficial Owner/s (previous owner/s, if any), and owner's place of registration (if any);
- h Operator (previous operator/s, if any);
- i Master/Fishing master name and nationality;
- j Date of alleged SBT IUU fishing activities;
- k Position (as accurately identified as possible)¹ of the alleged SBT IUU fishing activities (if available);
- l Summary of alleged SBT IUU activities (see section 2 for more detail);
- m Summary of any actions known to have been taken in respect of the alleged SBT IUU fishing activities;
- n Outcome of actions taken.

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

2. Details of CCSBT Resolution Elements Contravened

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

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

3. Associated Documents

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

ANNEX III: Information to be Included in all CCSBT IUU Vessel Lists
(Draft, Provisional and Current)

The Draft, Provisional and Current CCSBT IUU Vessel Lists shall contain the following details, where available:

- i) Name of the vessel and previous name/s, if any;
- ii) Flag of the vessel and previous flag/s, if any;
- iii) Owner of the vessel and previous owner/s, including beneficial owners, if any, and owner's place of registration (if any);
- iv) Operator of the vessel and previous operator/s, if any;
- v) Master/Fishing master name and nationality;
- vi) Call sign of the vessel and previous call sign/s, if any;
- vii) Lloyds/IMO and UVI number, if available;
- viii) Photograph(s) of the vessel, where available;
- ix) Date vessel was first included on the CCSBT IUU Vessel List;
- x) Summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidences;
- xi) Date and location of any relevant sightings of the vessel, if any;
- xii) Summary of any other related activities performed by the vessel contrary to CCBST conservation and management measures, if any.

Agreed Changes to the CDS Resolution

1. Modifications to the Main CDS Resolution Text

1.2 For transshipments, landings of domestic product¹, exports, imports and re-exports under the jurisdiction of a Member or Cooperating Non-Member or Other State/Fishing Entity Cooperating in the CDS (OSEC²), all SBT shall be accompanied by a document described in section 3 of this resolution. There is no waiver of this requirement. However, the exportation/import of fish parts other than the meat³ (*i.e.* head, eyes, roe, guts, tails) may be allowed without the document.

Footnote:

³Any meat separated from fish parts is considered to be meat in this context.

6.1 Members, Cooperating Non-Members and OSECs shall retain all original CCSBT CDS Documents (or scanned electronic copies of the original documents) received by them for a minimum of 3 years after the most recent signed date on the form. Members, Cooperating Non-Members and OSECs shall also retain a copy of any CCSBT CDS Documents issued by them for a minimum of 3 years after the most recent issuing state/entity signed date on the form. Copies of these CDS Documents (except the Catch Tagging Form) shall be forwarded to the Executive Secretary on a quarterly basis.

6.4 The Executive Secretary will post on the public area of the CCSBT web site a subset of the report comprising:

- Flag State/fishing entity;
- Harvest year;
- Product destination (including landings of domestic product);
- Gear code;
- Net weight;
- Estimated whole weight (calculated by applying a conversion factor to the net weight);
- copies of all modified CDS forms provided in accordance with paragraph 3.4.

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

² The term 'Other State/Fishing Entity Cooperating in the CDS' will be abbreviated to 'OSEC' within this resolution and means a State/Fishing Entity that has expressed its commitment, in writing, to cooperate with this resolution.

2. Modifications to the CMF and Associated Instructions

CMF Form:

Validation by Authority (not required for exports transhippedments at sea): I validate that the above information is complete, true and correct to the best of my knowledge and belief.

CMF Instructions:

Validation by Authority (not required for exports transhippedments at sea): If this is not an export being transhippedment at sea, enter the name and full title of the official signing the document, together with the signature of the official, date (dd/mm/yyyy) and official seal. For SBT transhipped at sea and then landed domestically, validation should occur at the point of domestic landing (i.e. after transhipment).

CMF Instructions:

Certification by Master of Fishing Vessel (~~only required for transhipments at sea~~): In the case of all transhipments-at-sea, the master of the fishing vessel shall complete this section, with his/her full name, signature and date (dd/mm/yyyy) to certify that the form correctly records the catch/harvest information.

3. Modifications to the REEF Instructions

REEF Instructions:

This form must accompany all re-exports of SBT and all exports of SBT that have previously been landed as domestic product, and a copy must be provided to the issuing State/Fishing Entity.

One REEF form must be issued for:

- each CMF that was previously landed as domestic product but is now being exported, or
- each REEF shipment that was imported and is being re-exported, together with a copy of its previously associated REEF(s) and CMF(s).

In addition, ~~this~~each REEF form must be accompanied by a copy of the associated Catch Monitoring Form and copies of any previously issued Re-Export/Export after Landing of Domestic Product Forms for the SBT being exported.

4. Modifications to the CTF Instructions

CTF Instructions:

Fork length (cm): Enter the fork length of the fish, rounded to the nearest whole centimetre.

In cases where SBT can be measured at the time of kill:

Measure the straight line horizontal (not curved over body) length of the fish from the closed mouth to the fork of the tail before freezing and tailing as shown in the diagram below.

In cases where length cannot be measured immediately after the time of kill, but is instead measured upon landing, and after tailing and before freezing: Measure the straight line horizontal (not curved over body) length of the fish from the closed mouth up to the point where the tail was removed, and then apply an appropriate conversion factor to this length measurement to convert it to a fork length measurement.