

## **Draft Resolution on Establishing a Program for Transhipment by Large-Scale Fishing Vessels**

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

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the CCSBT;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large-scale longline vessels in areas beyond national jurisdiction, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

Agrees in accordance with paragraph 3(b) of Article 8 of the CCSBT Convention, that:

### **SECTION 1. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA**

1. The Commission hereby establishes a program to monitor transhipment at sea which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the "LSTLVs") and to carrier vessels authorised to receive transhipments from these vessels at sea. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
2. Members and Cooperating Non-Members shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the Members and Cooperating Non-Members authorizes the at-sea transhipment by its flag LSTLVs, such transhipment should be conducted in accordance with the procedures defined in Sections 2, 3 and 4, and annexes 1 and 2 below.

### **SECTION 2. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN AREAS BEYOND NATIONAL JURISDICTION**

3. The Commission shall establish and maintain a CCSBT Record of Carrier Vessels authorized to receive SBT at sea from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive SBT in at-sea transhipment operations.

4. Each Member and Cooperating Non-Member shall submit, electronically where possible, to the CCSBT Secretary by CCSBT 14 the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLVs. This list shall include the following information:
  - 1) The flag of the vessel
  - 2) Name of vessel, register number
  - 3) Previous name (if any)
  - 4) Previous flag (if any)
  - 5) Previous details of deletion from other registries (if any)
  - 6) International radio call sign
  - 7) Type of vessels, length, gross tonnage (GT) and carrying capacity
  - 8) Name and address of owner(s) and operator(s)
  - 9) Time period authorised for transshipping
5. Each Member and Cooperating Non-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.
6. The Executive Secretary shall maintain the CCSBT Record of Carrier Vessels and take measures to ensure publicity of the record and through electronic means, including placing it on the CCSBT website, in a manner consistent with confidentiality requirements notified by Members and Cooperating Non-Members for their vessels.
7. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

### **SECTION 3. AT-SEA TRANSHIPMENT**

8. Transshipments by LSTLVs in waters under the jurisdiction of the Members and Cooperating Non-Members are subject to prior authorization from the Coastal State / Fishing Entity concerned.
9. Members and Cooperating Non-Members shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

#### **Flag State / Fishing Entity Authorization**

10. LSTLVs are not authorized to tranship at sea, unless they have obtained prior authorization from their Flag State / Fishing Entity.

## **Notification obligations**

### ***Fishing vessel:***

11. To receive the prior authorization mentioned in paragraph 10 above, 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 transshipment.
  - a) the name of the LSTLV and its number in the CCSBT Authorised Vessel List,
  - b) the name of the carrier vessel and its number in the CCSBT Record of Carrier Vessels authorized to receive transshipments at sea, and the product to be transhipped,
  - c) the tonnage by product to be transhipped,
  - d) the date and location of transshipment,
  - e) the geographic location of the SBT catches.
12. The LSTLV concerned shall complete and transmit to its flag State / Fishing Entity, not later than 15 days after the transshipment, the CCSBT transshipment declaration, along with its number in the CCSBT Authorised Vessel List, in accordance with the format set out in Annex 2.

### ***Receiving carrier vessel:***

13. The master of the receiving carrier vessel shall complete and transmit the CCSBT transshipment declaration to the CCSBT Secretariat and the flag Member or Cooperating Non-Member of the LSTLV, along with its number in the CCSBT Record of Carrier Vessels authorized to receive transshipment at sea, within 24 hours of the completion of the transshipment.
14. The master of the receiving carrier vessel shall, 48 hours before landing, transmit a CCSBT transshipment declaration, along with its number in the CCSBT Record of Carrier Vessels authorized to receive transshipment at sea, to the competent authorities of the State / Fishing Entity where the landing takes place.

### ***Regional Observer Program***

15. Each Member and Cooperating Non-Member shall ensure that all carrier vessels transshipping at sea have on board a CCSBT observer, not later than 1 January 2008, in accordance with the CCSBT Regional Observer Program in Annex 3. The CCSBT observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the CCSBT transshipment declaration.
16. 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.

## **SECTION 4 GENERAL PROVISIONS**

17. To ensure the effectiveness of the CCSBT conservation and management measures pertaining to the Catch Documentation System :
  - a) In validating the Statistical Document, Flag Members and Cooperating Non-Members of LSTLVs shall ensure that transhipments are consistent with the reported catch amount by each LSTLV.
  - b) The Flag Member or Cooperating Non-Member of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transhipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the CCSBT Regional Observer Program.
  - c) Members and Cooperating Non-Members shall require that SBT caught by LSTLVs, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the CCSBT Authorised Vessel List and a copy of the CCSBT transhipment declaration.
  
18. The Members and Cooperating Non-Members shall report to the Executive Secretary 6 weeks prior to the Annual Meeting of the Commission:
  - a) The quantities of SBT transhipped during the previous year.
  - b) The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped during the previous year.
  - c) 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.
  
19. All SBT landed or imported into the Members and Cooperating Non-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.
  
20. Each year, the Executive Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
  
21. These provisions shall be applicable from 1 July 2008.
  
22. To avoid the duplication of the same measures, ICCAT or IOTC observers on transhipment vessels on the CCSBT Record of Carrier Vessels may be deemed to be participating in the CCSBT transhipment program, provided these observers meet the standards established in this Resolution and the CCSBT Secretariat is informed. The CCSBT Secretariat shall liaise with the ICCAT and IOTC with respect to any information submitted to those organizations regarding SBT. The CCSBT Secretariat shall also exchange information on transhipment and observer standards with other RFMO Secretariats.

### ANNEX 1 - CCSBT TRANSHIPMENT DECLARATION

Carrier Vessel		Fishing Vessel	
Name of the Vessel and Radio Call Sign:		Name of the Vessel and Radio Call Sign:	
Flag:		Flag:	
Flag state / fishing entity license number:		Flag state / fishing entity license number:	
National Register Number, if available:		National Register Number, if available:	
CCSBT Register Number, if available:		CCSBT Register Number, if available:	

Day    Month    Hour    Year: 20    

Departure:      |      |      | from: \_\_\_\_\_ | \_\_\_\_\_ | \_\_\_\_\_ | \_\_\_\_\_

Return:      |      |           to: \_\_\_\_\_ | Signature: \_\_\_\_\_ | Signature: \_\_\_\_\_ | Signature: \_\_\_\_\_

Transshipment:      |      |      | \_\_\_\_\_ | \_\_\_\_\_ | \_\_\_\_\_

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit:    kilograms

**LOCATION OF TRANSHIPMENT**

Species	Port		Sea	Type of product									
				Whole	Gutted	Headed	Filletted						

If transshipment effected at sea, CCSBT Observer Name and Signature:

## **ANNEX 2 - CCSBT REGIONAL OBSERVER PROGRAM**

1. Each Member and Cooperating Non-Member shall require carrier vessels included in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea and which tranship at sea, to carry a CCSBT observer during each transshipment operation at sea.
2. The Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments at sea from LSTLVs flying the flag of Members and Cooperating Non-Members that implement the CCSBT Regional Observer Program.

### **Designation of the observers**

3. The designated observers shall have the following qualifications to accomplish their tasks:
  - a) sufficient experience to identify species and fishing gear;
  - b) satisfactory knowledge of the CCSBT conservation and management measures;
  - c) the ability to observe and record information accurately;
  - d) a satisfactory knowledge of the language of the flag of the vessel observed.

### **Obligations of the observer**

4. Observers shall:
  - a) have completed the technical training required by the guidelines established by CCSBT;
  - b) be nationals of one of the Members and Cooperating Non-Members and, to the extent possible, not of the flag State / Fishing Entity of the receiving carrier vessel;
  - c) be capable of performing the duties set forth in point 5 below;
  - d) be included in the list of observers maintained by the Secretariat of the Commission;
  - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
  - a) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
    - i. record and report upon the transshipment activities carried out;
    - ii. verify the position of the vessel when engaged in transshipping;
    - iii. observe and estimate products transhipped;
    - iv. verify and record the name of the LSTLV concerned and its CCSBT Authorised Vessel List number;
    - v. verify the data contained in the transshipment declaration;
    - vi. certify the data contained in the transshipment declaration;

- vii. countersign the transshipment declaration;
  - b) issue a daily report of the carrier vessel's transshipping activities;
  - c) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
  - d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
  - e) exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
7. Observers shall comply with requirements established in the laws and regulations of the flag State / Fishing Entity which exercises jurisdiction over the vessel to which the observer is assigned.
8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

#### **Obligations of the Flag State / Fishing Entities of carrier vessels**

9. The responsibilities regarding observers of the flag State / Fishing Entities of the carrier vessels and their captains shall include the following, notably:
- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
  - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
    - i. satellite navigation equipment;
    - ii. radar display viewing screens when in use;
    - iii. electronic means of communication;
  - c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
  - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
  - e) The flag State / Fishing Entities shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.
10. The Executive Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State / Fishing Entity of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag Member or

Cooperating Non-Member of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip.

11. The Executive Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

**Observer fees**

12. The costs of implementing this program shall be financed by the flag Members and Cooperating Non-Members of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the CCSBT Secretariat and the CCSBT Secretary shall manage the account for implementing the program.
13. No observer shall be assigned to a vessel for which the fees, as required under paragraph 12, have not been paid.