

IOTC Agreement – Article X

Report of Implementation for the year 2016

DEADLINE FOR SUBMISSION OF THE REPORT 17 MARCH 2017

Reporting CPC: MALAYSIA

Date of submission: 28/02/2017

Please NOTE: this document is composed of 3 sections to report on the implementation of IOTC Resolutions

Part A. *Describe the actions taken, under national legislation, in the previous year to implement conservation and management measures adopted by the Commission at its Twentieth Session.*

- Resolution 16/01 On an Interim Plan for Rebuilding the Indian Ocean Yellowfin tuna Stock in the IOTC area of competence

Not Applicable. Malaysia Longliners catches of yellowfin tuna were below 5000MT for 2014 and 2015.

The report on methods for achieving the YFT catch reductions has already been provided to the IOTC Secretariat:

Yes **Date of reporting (DD/MM/YYYY):** Click here to enter text
No

Additional information:
Not Applicable.

- Resolution 16/02 On harvest control rules for Skipjack tuna in the IOTC area of competence.
Malaysia takes note of this resolution.
- Resolution 16/03 On the second performance review follow-up
Malaysia takes note of this resolution.
- Resolution 16/04 On the implementation of a Pilot project in view of promoting the Regional observer scheme of IOTC
Malaysia takes note of this resolution. Malaysia is interested to participate in the pilot project funded through IOTC budget and national contributions.



- Resolution 16/05 On vessels without nationality

Malaysia takes note of this resolution. Malaysia has developed Malaysia's National Plan of Action to Prevent, Deter and Eliminate IUU Fishing in 2013.

https://www.dof.gov.my/epms/dof2/resources/user_1/UploadFile/Penerbitan/Senarai%20Penerbitan/Malaysia_NPOA_IUU.pdf

- Resolution 16/06 On measures applicable in case of non fulfilment of reporting obligations in the IOTC

“NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;”

Actions taken to implement their reporting obligations for all IOTC fisheries (in terms of Resolutions 15/01 and 15/02), including shark species caught in association with IOTC fisheries, and in particular the steps taken to improve their data collection for direct and incidental catches.

Note: where applicable, please report actions separately for artisanal (coastal), and industrial IOTC fisheries:

- **Action(s) to improve data collection that facilitate improvements in compliance in terms of IOTC mandatory reporting obligations (e.g. development or improvements in the implementation of logbooks, port-based sampling or related fisheries surveys, national observer scheme, vessel registry, electronic data capture, VMS, or on-board electronic monitoring):**

Malaysia has updated the official logbook for industrial IOTC fisheries to include data catch of sharks and interaction with seaturtles, seabirds and marine mammals.

- **Action(s) to improve data processing and reporting systems that facilitate submission of data to the IOTC Secretariat (e.g., development of fisheries databases and data dissemination systems, development of automated routines to process and extract IOTC data submissions, steps to minimise data entry errors):**

Malaysia has collected size frequency data of neritic tuna for coastal fisheries as required by the resolution.

- **Action(s) to improve the quality and accuracy of data submitted to the IOTC Secretariat (e.g., steps to improve data validation, improvements in sampling coverage, frame surveys, etc.; coherence of data with alternative fisheries datasets, comparability of data from previous years):**

Malaysia has conducted regular training program on species identification and sampling procedure for field staff including hiring enumerators for tuna data collection as well as the existing national data sampling.

Additional information:

[Click here to enter text.](#)

- Resolution 16/07 On the use of artificial lights to attract fish

Malaysia takes note of this resolution. Malaysia does not have tuna purseiners operating in the high seas.

- Resolution 16/08 On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids

Malaysia takes note of this resolution. Malaysia does not have tuna purseiners operating in the high seas.

- Resolution 16/09 On establishing a Technical Committee on Management Procedures

Malaysia takes note of this resolution.

- Resolution 16/10 To promote implementation of IOTC Conservation and Management Measures

Malaysia takes note of this resolution. Malaysia has collaborated with the IOTC for Compliance Support Mission (CSM) in 2016.

- Resolution 16/11 On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

Malaysia has updated the designated ports for tuna landing in 2016. Malaysia have conducted e-PSM Training for the stakeholders and Port Inspectors in 2016 in collaboration with IOTC.

- Resolution 16/12 Working Party on the Implementation of Conservation and Management Measures (WPICMM)

Malaysia takes note of this Resolution.

Note: ^a indicate that a template report exists for some of the requirements and can be downloaded at <http://www.iotc.org/compliance/reporting-templates>

Part B. *Describe the actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously.*

Conservation and management measures adopted by IOTC are mostly covered under Malaysia Fisheries Act 1985.

Part C. Data and information reporting requirements for CPCs to be included in this report (please refer to the section “Implementation Report due by 17 March 2016” of the *Guide on data and information reporting requirements for Members and Cooperating Non-contracting Parties*, available for download at <http://www.iotc.org/compliance/reporting-templates>).

- Resolution 01/06 Concerning the IOTC bigeye tuna statistical document programme

CPCs which export bigeye tuna shall examine export data upon receiving the import data from the Secretary, and report the results to the Commission annually [A template report exists].

Nil report, specify the reason: No large scale longline vessels on the IOTC RAV
 Do not export frozen big eye tuna

The report has already been provided to the IOTC Secretariat:

Yes **Date of reporting (DD/MM/YYYY):** [Click here to enter text.](#)
 No

The report is attached to the implementation report:

Yes No

Additional information:

- Recommendation 05/07 Concerning a management standard for the tuna fishing vessels

The CPC flag States which issues licenses to their AFVs should report annually to the Commission all measures taken to meet the minimum management standards when they issue fishing licenses to their “authorised fishing vessels”.

a. Management in the fishing grounds (of flag vessels).

	<i>Scientific Observer boarding</i>	<i>Satellite-based vessel monitoring system</i>	<i>Daily or required periodic catch report</i>	<i>Entry/Exit report</i>
Yes, No?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Note	% 0%	% or number of vessels 10 vessels 100%	Method National Logbook onboard vessel	Method Port Clearance

b. Management of transshipment (from the fishing grounds to the landing ports; of flag vessels)

	<i>Transshipment report</i>	<i>Port inspection</i>	<i>Statistical document program</i>
Yes, No?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Note	Method	Method	Transshipment Report



	Transshipment Report by Carrier vessel for every transshipment and Observer report by Observer on Board	Port Inspection	
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c. Management at landing ports (of flag vessels).

	<i>Landing inspection</i>	<i>Landing reporting</i>	<i>Cooperation with other Parties</i>
Yes, No?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Note	Method Monitoring and inspection at landing site.	Method Verification from logbook and landing.	Cooperation with the local Port Authorities and Fishermen Association.

Additional information:

[Click here to enter text.](#)

- Resolution 10/10 Concerning market related measures

For CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed or transhipped, should report a range of information (e.g. information on vessels / owners, product data (species, weight), point of export) annually. *[A template report exists].*

Nil report, specify the reason(s): No landing from foreign vessels in national ports
 No transshipment by foreign vessels in national ports
 Do not import tuna and tuna-like fish products

The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2016 have already been provided to the IOTC Secretariat:

Yes **Date of reporting (DD/MM/YYYY):** [Click here to enter text.](#)

No

The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2016 is attached to the implementation report:

Yes

No

Additional information:

[Click here to enter text.](#)

- Resolution 11/02 Prohibition of fishing on data buoys

CPCs are to notify the IOTC Secretariat of all reports of observations of damaged data buoys.

Nil Report

The report has already been provided to the IOTC Secretariat:

Yes **Date of reporting (DD/MM/YYYY):** [Click here to enter text.](#)
 No

The report is attached to the implementation report:

Yes No

Additional information:

Not Applicable. Malaysia does not license tuna purseiners in high seas.

- Resolution 11/04 On a Regional observer scheme

CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.

Type of gear	No of vessels monitored in 2015	Coverage in 2015 (%)
Purse seine	NA	NA
Longline	0	0
Gillnet	NA	NA
Bait Boat	NA	NA
Hand line	NA	NA
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.

Additional information:

Malaysia will implement observer on board program in 2017.

- Resolution 12/04 On marine turtles

CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.

Malaysia is fully committed in conservation and management of marine turtles. Under Section 27 of Malaysia Fisheries Act 1985, (1) No person shall fish for, disturb, harass, catch

or take any aquatic mammal or turtle which is found beyond the jurisdiction of any state in Malaysia.

- Resolution 12 /06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries
CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them. This is to include details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC Area of Competence.

Vessel operators have been informed to comply and take action within the purview of this resolution. Malaysia fishing vessels operating in area 25' South have installed weighted line and tori lines as seabird mitigation measures.

- Resolution 12/12 To Prohibit the use of large-scale driftnets on the high seas in the IOTC Area
CPCs shall include in their Annual Report a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC area of competence.

No Malaysian fishing vessel uses large-scale driftnet fishing on the high seas in the area IOTC area of competence.

- Resolution 13/04 On the conservation of cetaceans
CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels.

Not applicable (No PS vessels on the IOTC RAV in 2016);

No encirclement reported by flag vessels in 2016,

Encirclement reported by flag vessels in 2016 (Complete the table below):

Name of the species	Number of instances of encirclement
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

Additional information:

Click here to enter text.

- Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*)

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels.

Not applicable (No PS vessels on the IOTC RAV in 2016);

No encirclement reported by flag vessels in 2016,

Encirclement reported by flag vessels in 2016 (Complete the table below):

Name of the species	Number of instances of encirclement
Whale sharks (<i>Rhincodon typus</i>)	Click here to enter text.

Additional information:

Click here to enter text.

- Resolution 14/05 Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information

For Government to Government access agreement in existence prior to the entry into force of this resolution, where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC-to-CPC agreement, CPCs involved in the referred agreement:

- Shall submit copy of the access agreement,
- Shall submit information concerning these agreements (paragraphs 3a, b, c, d, e, f, g),

A report template exists and can be requested at secretariat@iotc.org

Additional information:

No license issued for foreign vessel to operate in Malaysia EEZ.

- Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels
(Report of flag vessels transshipping in foreign ports)

Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments in ports by its vessels (Name of LSTV, IOTC Number, name of carrier vessel, species and quantity transhipped, date and location of transshipment). *[A template report exists].*

Nil report, specify the reason(s): **No LSTVs on the RAV**

Flag LSTVs do not tranship in foreign ports

The details on transshipment in ports for 2016 have already been provided to the IOTC Secretariat:



Yes

Date of reporting (DD/MM/YYYY): 15/09/2016

No

The details on transhipment in ports for 2016 are attached to the implementation report:

Yes

No

Additional information:

Transhipment report provided for the year 2015

- Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence.

CPCs shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive actions and sanctions and, in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission annually. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC Record to take further action to enhance compliance by those vessels with IOTC Conservation and Management Measures.

The flag CPCs of the vessels on the record shall:

- take measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures;

Describe the measures:

Under Fisheries Act 1985, the Director General of Fisheries can revoke any fishing license issued to vessel that breaches the Condition of License and Fisheries Act 1985.

Annual inspection of vessel is mandatory.

- take measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;

Describe the measures:

All Malaysian flag vessels carry and keep on board National Fishing License and Authorisation To Fish in the IOTC areas of competence.

- ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels; the parties of the IUU incident have officially resolved the matter and sanctions have been completed; or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;

Describe the measures:

No IUU vessel is licensed under Malaysian Flag.

- ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence;



Describe the measures:

Malaysia conducts stakeholders consultation, meetings, trainings and briefings to the owner and operators of the AFV.

- take measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them;

Describe the measures:

Vessels owner must at least have 51% of local company shares & 49% of Joint Ventures for foreign company shares for Tuna Fishing License.

- Resolution 15/08 Procedures on a fish aggregating devices (FADs) management plan, including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species

From 2015 on, CPCs shall submit to the Commission, 60 days before the Annual Meeting, a report on the progress of the management plans of FADs, including reviews of the initially submitted Management Plans, and including reviews of the application of the principles set out in Annex III.

Not applicable (No PS vessels on the IOTC RAV in 2016);

The report has already been provided to the IOTC Secretariat:

Yes

Date of reporting (DD/MM/YYYY): [Click here to enter text.](#)

No

The report is attached to the implementation report:

Yes

No

Additional information:

[Click here to enter text.](#)