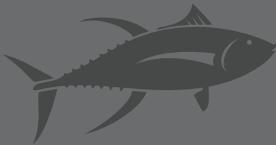




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2015/2016

# IMPLEMENTATION OF IOTC

## CONSERVATION AND MANAGEMENT MEASURES PART B

IMPLEMENTATION OF IOTC CMMs ENTAILING  
REPORTING OBLIGATIONS

# ACKNOWLEDGEMENTS

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2015/2016

**IMPLEMENTATION  
OF IOTC**

**CONSERVATION  
AND MANAGEMENT  
MEASURES PART B**



IMPLEMENTATION OF IOTC CMMs ENTAILING  
REPORTING OBLIGATIONS



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# SUMMARY

The purpose of this Manual is to assist IOTC Members and Cooperating Non-Contracting Parties in achieving a better understanding of the actions that they need to take under the IOTC, by providing an overview of the Conservation and Management Measures (CMM's) entailing active reporting requirements.

The content is divided into six chapters.

The first chapter provides a broad overview of the IOTC Resolutions and Conservation and Management measures adopted by the IOTC.

The second chapter provides a detailed description of the requirements from the CPCs arising from the CMMs in relation to the main roles that CPCs play with regards to Coastal State responsibility.

The third Chapter describes requirements and responsibilities of CPCs as Flag States.

The fourth chapter describes requirements and responsibilities of CPCs as Port States.

The fifth chapter describes requirements and responsibilities of CPCs as Market States.

The sixth chapter describes the cross cutting CMMs and duties from the Agreement.

This manual should be viewed as a living document that can be revised and improved by all parties as experience is expanded in the implementation of the IOTC Conservation and Management Measures.

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# ACRONYMS

ACP	African, Caribbean and Pacific Group of States
APSM	Agreement on Port State Measures (2009)
ALB	Albacore Tuna
BET	Bigeye Tuna
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CDS	Catch Documentation Scheme
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMM	Conservation and Management Measure
CNPC	Cooperating Non-Contracting Party
CPC	IOTC Contracting Party (or "Member") and Cooperating Non-contracting Party
DWFN	Distant Water Fishing Nation
EDF	European Development Fund
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FAOCA	FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993) commonly called the FAO Compliance Agreement
FFA	Forum Fisheries Agency
FDP	Fleet Development Plan (Resolution 12/11)
FMC	Fisheries Monitoring Centre
IOSEA MoU	Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia
IOTC	Indian Ocean Tuna Commission

<b>IPOA</b>	International Plan of Action
<b>IUU</b>	Illegal, unreported and unregulated (fishing)
<b>LOA</b>	Length Overall
<b>LSTLV</b>	Large-scale tuna longline fishing vessel
<b>MCS</b>	Monitoring, Control and Surveillance
<b>MSY</b>	Maximum Sustainable Yield
<b>NCP</b>	Non-contracting Party
<b>NM</b>	Nautical Mile
<b>NPOA</b>	National Plan of Action
<b>OFCE</b>	Overseas Fisheries Cooperation Foundation of Japan
<b>PSMA</b>	Port State Measures Agreement
<b>RAV</b>	Record of Authorised Vessels
<b>RECOFI</b>	Regional Commission for Fisheries
<b>RFB</b>	Regional Fishery Bodies
<b>RFMO</b>	Regional Fisheries Management Organisations
<b>RTTP</b>	Regional Tuna Tagging Project
<b>SKJ</b>	Skipjack Tuna
<b>UN</b>	United Nations Organization
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea (of 10 December 1982)
<b>UNFSA</b>	1995 Agreement Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
<b>USD</b>	United States Dollar
<b>VMS</b>	Vessels Monitoring System
<b>WECAFC</b>	Western Central Atlantic Fishery Commission
<b>WPEB</b>	Working Party on Ecosystems and Biodiversity
<b>YFT</b>	Yellowfin Tuna



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## CHAPTER 1

# INTRO- DUCTION

## OBJECTIVE OF THIS MANUAL

The purpose of this Manual is to assist IOTC Members and Cooperating Non-Contracting Parties (designated together as “CPCs”) in achieving a better understanding of the actions that they need to take under the IOTC, by providing an overview of the Conservation and Management Measures (CMM’s) entailing active reporting requirements.

This manual should not be taken as a substitute to the IOTC Resolutions and Recommendations. *It does not cover active technical implementation requirements of resolutions which do not require recurrent or event-based reporting.* The resolutions addressed in this manual focus on the reporting requirements and technical requirements are only noted for the purpose of fostering better understanding of the resolution and requirements.

The collection of the full-text of IOTC Resolutions and Recommendations can be downloaded from the following IOTC webpage: <http://www.iotc.org/cmms>. The IOTC generally provides an annually updated compendium of the active resolutions and recommendations that CPCs are to observe, with an appendix of the resolutions and recommendations that have been superseded and by which conservation management measure.

## STRUCTURE OF THIS DOCUMENT

The requirements from the CPCs arising from the CMMs are presented and discussed in relation to the main roles that CPCs play:

- a. Flag State
- b. Port State
- c. Market State
- d. Coastal State (or Licensing State)

The above State-type roles, with the addition of a 'Cross cutting' category, deal with CMMs that affect more than one category of CPCs and correspond to discreet chapters of this manual. In the first four chapters, active resolutions are listed which apply either exclusively or primarily to a specific type of State jurisdiction as noted above, e.g., flag, port, market, coastal or licensing State, or which contain elements for implementation by a particular type of State jurisdiction. In the fifth chapter, active resolutions are listed which cover all types of States in a general manner - and no specific type of State jurisdiction in particular.

It should be noted that IOTC, like most RFMOs, has in the past relied heavily on 'flag State' compliance resulting in most conservation and management measures being directed to the flag State to monitor and control its own fleets and nationals. In more recent years IOTC is seeking cross checking and compliance actions from coastal States, licensing States and market States thus reducing the total reliance on flag State for compliance purposes to achieve a balanced and sustainable management regime.

Apart from providing an overview of these resolutions, this manual also indicates the availability, from the IOTC Secretariat, of **implementation sheets** for relevant active resolutions and **reporting templates** which should be used to submit information under specific resolutions to the IOTC Secretariat. The implementation sheets provide a simple summary overview per resolution on what reporting action has got to be taken by whom and at what point in time. The reporting templates assist CPCs to provide information in a set format, assisting the Secretariat in pooling information in such a way that it can then easily be stored, used or analysed to support further activities.

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The requirements from the CPCs arising from the CMMs are in relation to the main roles that CPCs play:

- Flag State
- Port State
- Market State
- Coastal State (or Licensing State).

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# RESOLUTIONS AND RECOMMENDATIONS

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Meeting room of a  
Commission IOTC plenary

There are two different types of CMMs: Resolutions and Recommendations.

*IOTC Resolutions* are binding, and generally contain at least one binding “shall” clause instructing a party to undertake an action, and a reference to Article IX of the IOTC Agreement. Such action might be requested of CPCs, the Secretariat, or of a subsidiary body of the Commission. Resolutions can be time-bound and become redundant in a set period after their promulgation. Other resolutions have a more permanent character, and resolutions also often become superseded; i.e. they are updated and replaced by a new resolution. ***This manual addresses only currently active resolutions that are binding upon IOTC Members and Cooperating Non-Contracting Parties, and which entail reporting obligations.***

---

IOTC CMMs  
are of 2 types:  
Resolutions are  
binding  
Recommendations  
are voluntary.

---

*IOTC Recommendations* are what their title implies. They contain suggested best practice, and are generally directed at CPCs. While they are not binding, nor the object of detailed implementation and reporting routines presented in this manual, they are no less important and often reflect internationally recognized best practice standards, such as are reflected in the FAO Code of Conduct for Responsible Fisheries.

There are various types of resolutions, and there is no straightforward way of categorizing them. Some resolutions address the organs of the IOTC internally and instruct them on actions to take. Other resolutions instruct CPCs to take specific management action with regard to the fisheries. We call such required actions “**technical requirements**”. Other resolutions instruct CPCs to submit specific types of information (data, statistics) to the Secretariat, either on a one-off basis, or on the basis of specific events (event-based), or at set intervals of time (recurrent). Such “**reporting requirements**” are not limited to the submission of data and statistics, but can also relate to information on how specific technical requirements have, or are being implemented under given resolutions.

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## COMPLIANCE

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The work of the Compliance Committee endeavours to enhance the compliance of CPCs with IOTC CMMs.

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The Compliance Section of the IOTC Secretariat is responsible for gathering the information that the Compliance Committee uses in monitoring the implementation of CMMs by the CPCs. The Terms of Reference of the Compliance Committee were initially established through IOTC Resolution 10/09 which has now been enshrined in the IOTC Rules of Procedures by Resolution 14/01. Generally, the work of the Compliance Committee endeavours to enhance the compliance of CPCs with IOTC CMMs to result in sustainable management of the tuna and tuna-like fish stocks in the IOTC Area of Competence.

This manual is also intended to foster and enhance the results of the work of the Compliance Committee. The manual is intended to support the CPCs and facilitate the understanding and compliance with CMMs, with a primary focus on their reporting obligations.



Plenary of the Scientific Committee in 2015, Bali, Indonesia

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## STATE OF PLAY ON CMMs - 2015

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Effective September 2015, there were 50 active CMMs, comprised of 47 Resolutions and 3 Recommendations, of which 27 resolutions require active reporting by CPCs. There are 4 reporting requirements outside the resolutions; the Agreement, Rules of Procedures, the 4<sup>th</sup> session of the Scientific Committee and 17<sup>th</sup> session of the Commission. The implementation of the reporting requirements is actively monitored by the Compliance Committee. This manual details the reporting, and more specifically, when, how, and to whom information should be submitted.

# REPORTING REQUIREMENTS

## - EVENT-BASED AND RECURRENT REPORTING REQUIREMENTS

There are two basic different types of reporting requirements: Cyclical Event based.

There are two basic different types of reporting requirements, and these are briefly outlined here.

Some of the reporting requirements are cyclical, usually based on an annual or bi-annual reporting cycle. An example would be the requirement to submit an annual report on CMM implementation actions and measures, ahead of the annual meeting of the Commission. This is normally referred to as a "reporting requirement", and when a distinction needs to be made, as a "recurrent reporting requirement". The salient point is that a recurrent reporting requirement does invariably need to be honoured and does not depend on an event to occur first.

The other type of reporting requirement is sometimes referred to as an "event-based reporting requirement", in order to distinguish it from a recurrent requirement. The event-based reporting requirement - while generally also binding - is based on the premise that a specific event has occurred first, in order to trigger the reporting. If the event does not occur, then the reporting obligation does not arise. If the event does occur, then the CPC must report it. A fitting example would be for port States, which are required to inform the IOTC Secretariat of their decision to deny entry to port to a fishing vessel - suspected of IUU fishing - under Resolution 10/11 on Port State Measures. A second example would be the requirement, again under Resolution 10/11, for the port State inspectors to forward a copy of the inspection report within 3 working days to designated recipients. In both examples, if such an event occurs, then the information must be submitted to the Secretariat. As long as no such event occurs, the obligation is not triggered, however it is important to note that a 'Nil' report is encouraged on the annual compliance report to clarify to the Secretariat that indeed an incident did not occur and it was not simply an oversight on reporting by the appropriate State.

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# DUTIES OF FLAG, PORT, MARKET AND COASTAL STATES

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Tuna purse seiner waiting  
for berthing in the port of  
Victoria, Seychelles

This manual has been segmented into chapters which talk directly to specific types of State jurisdictions and present these State types with their duties under resolutions which require reporting obligations.

It is important to bear in mind, that States are rarely just the one type of State. For States bordering the Indian Ocean, States are often coastal, flag, port and market State - all in one. For the States bordering the Indian Ocean, they are all coastal States by definition.

In some cases, one or two of the dimensions of State jurisdiction are missing. It is possible for a coastal State, for instance, not to operate any ports, or not to import, export and/or process any tuna - in which case it is not a market State. Some coastal States do not flag tuna fishing fleets, in which case they are not a flag State - while they might still be a coastal, a port and a market State. In very rare cases, a State is a coastal State only. And in other cases, as for DW-FNs, States can be flag, port and market States, but not a coastal State.



Yellowfin tuna caught during the IOTC tuna tagging programme

This manual allows the user to ask the question: What would be my duties if I were a coastal State or a port State only? Or what are my duties as a flag State? CMMs engendering reporting requirements are looked at from that perspective. This perspective is useful to understand how the different forms of State jurisdiction under the IOTC framework are being addressed and solicited and how they are summoned to honour their conservation and management responsibilities under international law.



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## MATRIX OF CMMs ENTAILING REPORTING REQUIREMENTS

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The majority of Resolutions focus primarily on the flag State action, as these States carry the responsibility to control the actions of their fleets.

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The following table contains the full list of CMMs that entailed reporting requirements by the end of 2015. The matrix provides a summary overview of which State-types are addressed by which resolution. The tick marks in the table indicate which particular types of State jurisdiction are addressed by any given resolution with brackets under the State type providing the number of resolutions where reports are required as of 2015. The requirements under each resolution are generally not limited to reporting requirements, and can, in some cases, be limited to technical implementation requirements. This table is useful to establish “whom the resolutions talk to”.

Following a common approach in RFMOs as noted earlier, the majority of resolutions focus primarily on the flag State action, as these States carry the responsibility to control the actions of their fleets. Less regulatory substance is focusing directly on port, licensing or market States. But it is often the case that a number of resolutions address several types of State jurisdictions at the same time. In some cases the focus is spread more or less equally between several types of States (e.g. Res. 01/06 on BET statistical document programme), or it has a focus on one particular type, with some others also covered, but to a lesser degree (e.g. Res. 05/05 on the conservation of sharks).

**TABLE 1**

Matrix of active IOTC Resolutions requiring reporting, identified by reporting State type (Primary responsibility is ✓✓; Secondary responsibility is ✓).

Resolution and that which was superseded	Resolution Title	Flag State	Port State	Market State	Coastal State (or licensing State)
<b>15/11</b> (12/11; 09/02 & 07/05 & 06/05)	On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties	✓✓			✓
<b>15/08</b> (13/08; 12/08)	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	✓			
<b>15/05</b>	On conservation measures for striped marlin, black marlin and blue marlin	✓✓			✓
<b>15/04</b> (14/04; 13/02; 07/02 & 01/02; 05/02; 02/05)	Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence	✓✓	✓	✓	✓
<b>15/03</b> (06/03; 02/02)	On the vessel monitoring system (VMS) programme	✓✓	✓		✓

Resolution and that which was superseded	Resolution Title	Flag State	Port State	Market State	Coastal State (or licensing State)
<b>15/02</b> (10/02; 08/01; 01/05; 98/01)	On mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)	✓			✓
<b>15/01</b> (13/03; 12/03; Rec 11/06 & 10/03 & 08/04)	On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence	✓			
<b>14/06</b> (12/05; 11/05; 08/02; 06/02)	On establishing a programme for transshipment by large-scale fishing vessels	✓			
<b>14/05</b> (13/07; 12/07; 10/07; 07/04; 05/04; 98/04)	Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC Area of Competence and access agreement information	✓			✓✓
<b>13/06</b>	On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries	✓✓			✓
<b>13/05</b>	On the conservation of whale sharks ( <i>Rhincodon typus</i> )	✓			
<b>13/04</b>	On the conservation of cetaceans	✓			
<b>12/12</b> (09/05)	To prohibit the use of Large-Scale Driftnets on the High Seas in the IOTC Area	✓✓	✓		✓

**TABLE 1 (CONTINUED)**

Matrix of active IOTC Resolutions requiring reporting, identified by reporting State type (Primary responsibility is ✓✓; Secondary responsibility is ✓).

Resolution and that which was superseded	Resolution Title	Flag State	Port State	Market State	Coastal State (or licensing State)
<b>12/09</b> (10/12)	On the Conservation of Thresher Sharks (Family <i>Alopiidae</i> ) caught in association with Fisheries in the IOTC Area of Competence	✓✓			✓
<b>12/06</b> (10/06 & Rec 05/09; 08/03; 06/04)	On reducing the incidental bycatch of seabirds in longline fisheries	✓			
<b>12/04</b> (09/06; Rec 05/08)	On the Conservation of Marine Turtles	✓			
<b>11/04</b> (10/04)	On a Regional Observer Scheme	✓			
<b>11/03</b> (09/03; 06/01; 02/04)	On establishing a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing in the IOTC Area of Competence	✓	✓	✓	✓
<b>11/02</b>	On the prohibition of fishing on data buoys	✓	✓	✓	✓
<b>10/11</b>	On Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing	✓	✓✓		
<b>10/10</b>	Concerning Market related Measures		✓	✓	

Resolution and that which was superseded	Resolution Title	Flag State	Port State	Market State	Coastal State (or licensing State)
<b>10/08</b> (07/04; 05/04; 98/04)	Concerning a Record of active Vessels fishing for Tunas and Swordfish in the IOTC Area	✓			
<b>07/01</b>	To promote Compliance by Nationals of Contracting Parties and Cooperating Non-Contracting Parties with IOTC Conservation and Management Measures	✓	✓	✓	✓
<b>05/05</b>	Concerning the Conservation of Sharks caught in association with Fisheries managed by IOTC	✓✓			✓
<b>05/03</b> (02/01)	Relating to the establishment of an IOTC Programme of Inspection in Port	✓	✓✓		
<b>01/06</b> (03/03 - Annexes)	Concerning the big-eye tuna statistical document programme	✓		✓✓	
<b>01/03</b>	Establishing a scheme to promote compliance by Non-Contracting Parties vessels with Resolutions established by IOTC	✓	✓	✓	✓

Table 1 helps the user to grasp which resolutions apply to which State jurisdictions. It is useful for the user to start with the question: How many different types of State jurisdiction does my country cover?

Throughout the remainder of this document, the short titles for resolutions will be used to facilitate the reading of the text. The link between long and short titles can be found in [Annex I](#).





## CHAPTER 2

# COASTAL STATE CMMs

There is no IOTC resolution that is exclusively targeting the coastal State, and there is only one active resolution that focuses primarily on the coastal State although there is a growing trend to bring the coastal State more to the fore in recent years as an active cross check for compliance information. However, until recently, the preferred approach to addressing tuna resource management at the regional level, is not through coastal State mechanisms alone, but primarily through a mix of approaches. This owes to the fact that the resource is shared between stakeholders; between custodians of individual EEZs and ports, and users of resources in the high seas and the market States.

Coastal States have obligations under fourteen (14) of the twenty-seven (27) reporting resolutions. These resolutions, and the obligations they contain, are outlined in this chapter.

Large scale tuna vessels are commonly licensed by coastal States to fish in their waters



**RESOLUTION(S) - PRIMARILY COASTAL STATE:**

- Res. 14/05: Record of licensed foreign fishing vessels and access agreements

**RESOLUTION(S) - PRIMARILY FLAG STATE WITH COASTAL STATE REQUIREMENTS:**

The following resolutions contain specific requirements for coastal States:

- Res. 15/11: Limitation of fishing capacity;
- Res. 15/05: CMM for striped, black and blue marlins;
- Res. 15/04: Record of authorized vessels;
- Res. 15/03: Vessel Monitoring System (VMS);
- Res. 15/02: Mandatory statistical requirements;
- Res. 13/06: Management framework on conservation of shark species;
- Res. 12/12: Large-Scale driftnets on the High Seas;
- Res. 12/09: Conservation of thresher sharks,
- Res. 05/05: Conservation of sharks.

**RESOLUTION(S) - CROSS CUTTING WITH COASTAL STATE REQUIREMENTS**

Under resolutions, which are cross-cutting, the following resolutions plus the IOTC Agreement apply:

- Res. 11/03: List of presumed IUU Vessels;
- Res. 11/02: Prohibition of fishing on data buoy;
- Res. 07/01: Compliance by nationals;
- Res. 01/03: Scheme to promote compliance by Non-Contracting Parties,
- IOTC Agreement: Article X.

Coastal State reporting requirements under these resolutions are presented and discussed in the following sections.

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# REQUIREMENTS

## PRIMARILY COASTAL STATE CMM(s)

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Tuna purse seine vessels are also commonly licensed by coastal States to operate in their waters



### **RES. 14/05:**

#### **RECORD OF LICENSED FOREIGN FISHING VESSELS AND ACCESS AGREEMENTS**

This resolution was adopted by the Commission in 2014. It supersedes Resolution 13/07 which in turn superseded Resolutions 12/07; 10/07; 07/04; 05/04; and 98/04. Its primary objective is to ensure a recurrent and transparent picture – through the creation of an IOTC Record – of tuna and tuna-like fishing vessels licensed to operate in the EEZs of Indian Ocean CPCs. It also aims to create more transparency at the level of fisheries agreements under which such access is granted. It also serves as a cross check to the IOTC record of authorized fishing vessels under Resolution 15/04 and carrier vessels authorized to receive transshipments from LSLTVs under Resolution 14/06. One of the overall outcomes sought is the strengthening of data collection, and the achievement of more complete statistics on fleets active in the IOTC Area of Competence.

### Reporting requirements

The resolution primarily addresses coastal States, which may be granting access to foreign (or third country) fleets to their waters, where these may obtain licenses to target tuna and tuna-like species. The resolution is essentially split into three parts. The first part covers private access agreements (paragraphs 1 and 2), while the second part covers government to government access agreements (paragraphs 3, 4 and 5). The third part provides common provisions for access agreements including processes for denial of licenses, the requirements for coastal State license templates for foreign fishing vessels, and identification of Competent Authorities to license such third party vessels.



Coastal fishing center,  
Zanzibar, Tanzania

There is a requirement for the CPC to notify the flag State of reasons for denial of a fishing license under paragraph 6. The CPCs shall notify the ship owner and flag State concerning foreign flagged fishing vessels that requested a license for which the request of license was denied and if the reason for denial is due to an infraction - it shall be addressed by the Compliance Committee. This presumes that in the latter case of denial due to an infringement of IOTC CMMs that a report shall be forwarded to the Commission.

Coastal State CPCs are required to submit a record of foreign vessel licenses issued in the previous year to fish tuna and tuna-like species in their waters. This information should be submitted by the 15<sup>th</sup> February of every year. The list of items to report per vessel (9 in total) is specified in the resolution.

Under government-to-government agreements (e.g. Madagascar with the European Union), the resolution proposes that coastal and flag States – signatories to such agreements – make a joint notification of information from the Agreement to the IOTC Executive Secretary including:

- a) The CPCs involved in the agreement;
- b) The time period or periods covered by the agreement;
- c) The number of vessels and gear types authorised;
- d) The stock or species authorised for harvest, including any applicable catch limits;
- e) The CPC's quota or catch limit to which the catch will be applied, where applicable;
- f) Monitoring, control, and surveillance measures required by the flag CPC and coastal CPC involved;
- g) Data reporting obligations stipulated in the agreement, including those between the parties involved, as well as those regarding information that must be provided to the Commission;
- h) A copy of the written agreement.

Information, as specified, relating to these agreements already in force prior to the entry into force of this resolution in 2012, was to be made available to the Commission, 60 days prior to its meeting in 2013 (i.e. as part of the annual report under Article X). Likewise, any modifications to such agreements should give rise to a prompt notification of the Commission.

Although the responsibility is shared under the second part of the resolution, the coastal State bears the overall responsibility for informing the various organs of the IOTC – as specified.

The scope of the resolution resides entirely on the provision of Government to Government access agreements and coastal State licensing templates and information for third Party vessel information (paragraph 7) to the IOTC Secretariat and the Commission.

# REQUIREMENTS UNDER PRIMARILY FLAG STATE CMMs AND ALSO WITH COASTAL STATE REQUIREMENTS



Landing of tuna from a  
purse seine vessel

The full presentation of the content and objective of the following resolutions under this section is made under the same resolution headings, within the flag State chapter of this manual.

These Resolutions include:

- Res. 15/11: Limitation of fishing capacity;
- Res. 15/05: CMM for striped, black and blue marlins;
- Res. 15/04: Record of authorized vessels;
- Res. 15/03: Vessel Monitoring System (VMS);
- Res. 15/02: Mandatory statistical requirements;
- Res. 13/06: Management framework on conservation of shark species;
- Res. 12/12: Large-Scale Driftnets on the High Seas;
- Res. 12/09: Conservation of thresher sharks,
- Res. 05/05: Conservation of sharks.

**Note:** It is recognised that Resolution 03/01 is still an active Resolution, however, the main reporting requirements are incorporated in Resolution 15/11.



Purse seine caught tuna in the hold of a reefer

### **RES. 15/11:**

#### LIMITATION OF FISHING CAPACITY

Although this Resolution deals mainly with flag State requirements for capacity limitations, it does open the door for other CPCs not flag State or without vessels fishing tuna (e.g. coastal States of the Indian Ocean) desiring to build their tuna industries and tuna fleets, through the development of a Fleet Development Plan referred to in paragraph 6.

#### *Reporting Requirements*

Paragraph 1 requires notification to the IOTC Secretariat of the vessels by gear type and gross tonnage that fished tropical tunas in 2006 and swordfish and albacore in 2007, including vessels already under the administrative processes of construction. Paragraph 2 notes the requirement for CPCs to report their verification of these fishing capacities. Paragraph 6 opens the door for CPCs that wish to develop their tuna fishing capacity to do so through submission of a Fleet Development Plan. The information to be provided are: the type of vessel, size (GT), gear and origin of the vessels.

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The intent of Resolution 15/05 is to reduce catches of striped, black and blue marlins back to 2009-2014 levels.

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### **RES. 15/05:**

## **CMM FOR STRIPED, BLACK AND BLUE MARLINS**

The intent of this regulation is to reduce catches of striped, black and blue marlins back to 2009-2014 levels, and gather more data on catches to enhance scientific knowledge and analyses.

### *Reporting requirements*

The reporting requirement of this resolution focused on the submission of catch and effort data of marlins caught by foreign fishing vessels and reported to the coastal State through the logbooks programme (if the coastal State is licensing foreign fishing vessels). It is implied that this information shall be reported as per the requirements of Resolution 15/01 in accordance with the timeline of Resolution 15/02.

### **RES. 15/04:**

## **RECORD OF AUTHORIZED VESSELS**

This Resolution has superseded Resolutions 14/04, 13/02, 07/02 & 01/02, 05/02, and 02/05. This is one of the core resolutions for IOTC compliance as it lays the foundation to identify the vessels greater than 24m and those less than 24 m that are authorized by their respective flag States to fish for tuna and tuna-like species outside their EEZs.

### *Technical requirements*

The paragraphs 9a, 9b[ii], and 9b[iii] provide the specific responsibilities of the coastal State CPC in this resolution to prohibit fishing, having onboard or transshipping tunas by vessels not on the IOTC Record and requirement of statistical documents to accompany all frozen bigeye tuna, caught by longline vessels, imported for verification against the IOTC Vessel Record and their authenticity.

### *Reporting requirement*

As a coastal State, the reporting requirement of this resolution relates to the notification of information showing that non-authorized fishing vessels operate in the IOTC area of competence.

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The Resolution 15/03 is to ensure that all vessels 24 m and longer, as well as vessels under 24 m that fish outside their EEZs, authorized to operate in the IOTC Area of Competence carry and operate a VMS.

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## RES. 15/03:

### VESSEL MONITORING SYSTEM (VMS)

#### *Technical Requirements*

This Resolution is to ensure that all vessels 24 m and longer, as well as vessels under 24 m that fish outside their EEZs, authorized to operate in the IOTC Area of Competence carry and operate a VMS (paragraph 1). Most of the technical requirements are specified in Annex 1 - Responsibilities concerning the satellite-tracking devices and requirements in case of technical failure or non-functioning of the satellite-tracking devices.

#### *Reporting Requirements*

This Resolution is targeted almost exclusively at flag States, however Annex 1, paragraph A notes that any CPC that has information to suspect that the VMS does not meet IOTC requirements or has been tampered with, that CPC shall report the matter to the IOTC Secretariat. This knowledge can come from a coastal State's at sea inspection (or a port State's port inspection) and thus becomes a reporting obligation for the coastal State (or the port State).

Roof of the bridge of a tuna longliner where the antenna of VMS is commonly installed



**RES. 15/02:****MANDATORY STATISTICAL REQUIREMENTS**


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The Resolution 15/02 is critical to the operations of the Commission to ensure the provision of timely, accurate and complete data on tuna and tuna-like species and species caught in association for scientific analyses and management recommendations from the Scientific Committee.

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This Resolution, supersedes Resolutions 10/02, 08/01, 01/05, 98/01 and is critical to the operations of the Commission to ensure the provision of timely, accurate and complete data on tuna and tuna-like species and species caught in association for scientific analyses and management recommendations from the Scientific Committee.

The resolution specifies that some of the required data are for the exclusive use of IOTC scientists and that the IOTC data confidentiality policy and procedures (provided for under Resolution 12/02) do apply.

*Reporting requirements*

As a coastal State, the reporting requirement of this resolution focused on the submission of catch and effort data of tuna and tuna like species caught by foreign fishing vessels and reported to the coastal State through the logbooks programme (if the coastal State is licensing foreign fishing vessels). It is implied that this information shall be reported as per the requirements of Resolution 15/01 in accordance with the timeline of Resolution 15/02.

The data reporting templates are hosted on the IOTC's website under <http://www.iotc.org/data/requested-statistics-and-submission-forms>.

Frozen marlins on the deck of a tuna longliner ready to be transhipped



### RES. 13/06:

## MANAGEMENT FRAMEWORK ON CONSERVATION OF SHARK SPECIES

This Resolution is for the protection of whitetip shark (*Carcharinus longimanus*) taken as bycatch in the tuna fisheries and intent to gather more data on catches to enhance scientific knowledge and analyses.

### *Reporting Requirements*

As a coastal State, the reporting requirement of this resolution focused on the submission of catch and effort data of whitetip shark caught by foreign fishing vessels and reported to the coastal State through the logbooks programme (if the coastal State is licensing foreign fishing vessels). It is implied that this information shall be reported as per the requirements of Resolution 15/01 in accordance with the timeline of Resolution 15/02.

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Resolution 12/12 implements the United Nations General Assembly Resolution 46/215 which call for a global moratorium on large scale high seas driftnet fishing.

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Resolution 12/09 gives full consideration to the endangered family of thresher sharks (Alopiidae).

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## RES. 12/12: LARGE-SCALE DRIFTNETS ON THE HIGH SEAS

Resolution 12/12 supersedes Resolution 09/05 of the same title. It implements the United Nations General Assembly Resolution 46/215 which calls for a global moratorium on large-scale high seas driftnet fishing. Large-scale driftnets are defined as being more than 2.5km in length. The resolution only addresses the high seas. The ban of high seas large scale driftnet fishing addresses concerns that such fishing may seriously undermine other conservation and management efforts - notably ecologically sensitive species, or ghost fishing of lost sections of netting. Use of the same gear within EEZs is not prohibited.

### Reporting requirements

Although this resolution appears to be directed mainly at flag States there is paragraph 5, which indicates that if a coastal State is taking any action to ensure that large scale drift nets are not used in their zones or on the high seas and thus encounter such evidence in an at-sea inspection of a vessel, it has the duty to report these events, which presumably would result in an application for IUU listing.

## RES. 12/09: CONSERVATION OF THRESHER SHARKS (FAMILY ALOPIIDAE)

This resolution, which supersedes Resolution 10/12 of the same title, gives full consideration to the endangered and vulnerable status of sharks, from the family of thresher sharks (*Alopiidae*). It provides a limited number of technical and reporting requirements, most of which are directed to the flag State and will be discussed in detail under Flag State CMMs.

### Reporting requirements

As a coastal State, the reporting requirement of this resolution focused on the submission of catch and effort data of thresher sharks caught by foreign fishing vessels and reported to the coastal State through the logbooks programme (if the coastal State is licensing foreign fishing vessels). It is implied that this information shall be reported as per the requirements of Resolution 15/01 in accordance with the timeline of Resolution 15/02.

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Resolution 05/05 pursues the objective of protecting and conserving sharks caught as bycatch in IOTC fisheries.

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**RES. 05/05:****CONSERVATION OF SHARKS**

This resolution, which supersedes Resolution 02/02 is targeted mainly at flag States and pursues the objective of protecting and conserving sharks which are caught as bycatch in fisheries under IOTC management and, which are often the object of *ad hoc*, or more targeted shark finning operations. The Resolution recognizes that artisanal fishers traditionally utilize the entire carcass (paragraph 12).

Technical requirements

The technical requirements of this resolution are:

- a. Full utilization of the shark catch (paragraph 3);
- b. Live release of sharks where possible (paragraph 7);
- c. Research for selective shark fishing gear and avoiding wire traces (paragraph 8),
- d. Research to identify shark nursery areas (paragraph 9).

Reporting requirements

As a coastal State, the reporting requirement of this resolution focused on the submission of an annual report for shark catches (paragraph 1) which comprises of reporting catch and effort data on sharks from foreign fishing vessels logbooks (if the coastal State is licensing foreign fishing vessels).

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# REQUIREMENTS

## UNDER CROSS CUTTING CMMs

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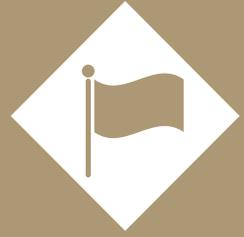
Tuna fishing vessels,  
Sri Lanka



The full presentation of the content and objective of the following resolutions is made under the same resolution headings, within the Cross Cutting CMMs (Chapter 6) of this manual. As all country types have responsibilities under the following resolutions:

- Res. 11/03: List of presumed IUU Vessels;
- Res. 11/02: Prohibition of fishing on data buoy;
- Res. 07/01: Compliance by nationals;
- Res. 01/03: Promote compliance by Non-Contracting Parties,
- IOTC Agreement: Article X.





## CHAPTER 3

# FLAG STATE CMMs



Large scale tuna longline vessel (LSTLV) operating on the high sea

CMMs addressing primarily the flag State form the bulk of the binding IOTC conservation and management measures, as can be gathered from the matrix presented in table 1. The reason for this resides primarily in the fact that jurisdiction and control over fishing activities on the high seas may be exercised most effectively through flag State jurisdiction over fishing vessels targeting resources in waters that lie partly or primarily beyond the boundaries of national jurisdictions. This assumes however, that the flag State is committed to sustainable and responsible regional fisheries management.

Noting the above, and traditional regional management practices, the flag State has been the focus of responsibility and action for conservation and management measures in the IOTC Area of Competence. Of the 27 active resolutions involving reporting obligations, plus Article X of the Agreement:

- 9 resolutions are pure flag State resolutions (i.e. they do not address any other State type);
- 9 are primarily flag State resolutions;
- 3 also address flag States as a secondary party,
- 4 cover flag States as cross-cutting CMMs.

Therefore, all of the 27 resolutions and Article X do address flag State jurisdiction issues to some degree.

The obligations of the flag States are contained in the resolutions as follows (These resolutions and their requirements are presented in full in this chapter):

#### **UNDER RESOLUTIONS WHICH ADDRESS THE FLAG STATE ALONE:**

- Res. 15/08: FADs management plan requirements;
- Res. 15/01: Catch and effort data recording;
- Res. 14/06: Transshipment by large-scale fishing vessels;
- Res. 13/05: Conservation of whale sharks;
- Res. 13/04: Conservation of cetaceans;
- Res. 12/06: Reduction of seabird bycatches;
- Res. 12/04: Conservation of marine turtles;
- Res. 11/04: Regional observer scheme,
- Res. 10/08: Record of active Vessels.



#### **UNDER RESOLUTIONS, WHICH PRIMARILY ADDRESS FLAG STATES, BUT ALSO OTHER STATE TYPE RESPONSIBILITIES (THESE RESOLUTIONS AND THEIR REQUIREMENTS ARE ALSO PRESENTED IN FULL UNDER THIS CHAPTER):**

- Res. 15/11: Limitation of fishing capacity;
- Res. 15/05: CMM for striped, black and blue marlins;
- Res. 15/04: Record of authorized vessels;
- Res. 15/03: Vessel Monitoring System (VMS);
- Res. 15/02: Mandatory statistical requirements;
- Res. 13/06: Management framework on conservation of shark species;
- Res. 12/12: Large-Scale driftnets on the High Seas;
- Res. 12/09: Conservation of thresher sharks,
- Res. 05/05: Conservation of sharks.

**UNDER A RESOLUTION WHICH PRIMARILY ADDRESSES COASTAL STATES, BUT ALSO COVERS THE FLAG STATE (THIS RESOLUTION HAS BEEN PRESENTED IN FULL IN THE COASTAL STATE CMMs CHAPTER. IN THIS CHAPTER, ONLY THE REQUIREMENTS FOR FLAG STATES ARE PRESENTED):**

- Res. 14/05: Record of licensed foreign fishing vessels and access agreements.

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**UNDER RESOLUTIONS WHICH PRIMARILY ADDRESS PORT STATES, BUT ALSO COVER FLAG STATES (THESE RESOLUTIONS ARE PRESENTED IN FULL IN THE PORT STATE CMMs CHAPTER OF THIS MANUAL. IN THIS CHAPTER, ONLY THE REQUIREMENTS FOR FLAG STATES WILL BE PRESENTED):**

- Res. 10/11: Port State measures,
- Res. 05/03: Programme of inspection in port.

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**UNDER RESOLUTIONS, WHICH ARE CROSS-CUTTING, THE FOLLOWING RESOLUTIONS PLUS THE IOTC AGREEMENT APPLY:**

- Res. 11/03: List of presumed IUU Vessels;
- Res.11/02: Prohibition of fishing on data buoys;
- Res. 07/01: Compliance by nationals;
- Res. 01/03: Scheme to promote compliance by Non-Contracting Parties,
- IOTC Agreement: Article X.

Flag State reporting requirements under these resolutions are presented and discussed in the following sections.

# REQUIREMENTS UNDER EXCLUSIVE FLAG STATE CMMs



Beacons of FADs stored on board a tuna purse seiner

## **RES. 15/08:** FADS MANAGEMENT PLAN REQUIREMENTS

This Resolution superseded Resolution 13/08 which in turn superseded Resolution 12/08. The evolution and use of Fish Aggregating Devices (FADs), both anchored FADs (AFADs) and drifting FADs (DFADs), has increased the efficiency of fishing operations to the extent that with instrumented FADs fishers no longer need to search for fish - the FAD aggregates the fish and sounders can provide type and quantity around the apparatus, thus reducing fishing to a collection regime as opposed to search and catch operation.

Anchored FADs are in use to assist fishers in catch efficiency, and drifting FADs are primarily used by purse seiners to aggregate skipjack and juvenile bigeye and yellowfin tunas.

Although extremely efficient and cost effective for fishers, concerns were raised that uncontrolled use of FADs may lead to a rapid decline in fish stocks and may also result in a very high percentage of catch of juveniles. Use of FADs has been addressed in other tuna RFMOs and it appears that the IOTC is the last t-RFMO where steps are being taken to control use of FADs for fishing.

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Resolution 15/08  
establish the  
requirement for a  
FAD management  
plan for purse  
seiners.

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The intent of Resolutions 12/08 and 13/08 was to start to implement control mechanisms for the use of this fishing gear by both purse seiners and bait boats. Resolution 12/08 set the requirement for a FADs Management Plan and included guidelines as to what information and data was required in such a plan. The FADs plan was *required for purse seiners and bait boats*. Resolution 13/08 extended the management plan requirements for purse seine and bait boat operations to include Annex I - the Guidelines for Drifting FADs (DFADs) Management Plans; Annex II - Guidelines for Anchored FADs (AFADs) Management Plans; and Annex III - Principles for Design and Deployment of FADs, the latter to mitigate bycatches of sensitive species, e.g., turtles, sharks, etc.

These guidelines were carried through to this Resolution and further extended to set limits (paragraph 3) for the carriage of 'instrumented buoys' for drifting FADs (DFADs), further detailed recording requirements, and also set marking requirements (paragraph 16) for DFADs to be implemented from January 2016.

Tuna purse seine vessels  
use FADs, increasing the  
efficiency of the fishing  
operations



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Resolution 15/08 establish the maximum number of instrumented buoys active from a purse seiner at any one time at 550.

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### Technical requirements

The maximum number of instrumented *buoys* active from a purse seiner at any one time is 550 and the maximum number of instrumented buoys that can be acquired by any purse seiner annually is set at 1100 (paragraph 3).

There are two interesting control options open, one to a flag State and another to a coastal State, both noted in paragraph 4. A flag State may adopt a lower FADs limit for its vessels and a coastal State may also adopt a lower limits for FADs deployed in its EEZs.

Paragraphs 5 and 7 state the responsibility of the flag State to control the numbers of ‘instrumented buoys’.

On data recording, para 10 sets the requirements for flag State CPCs to record data according to Annex I and Annex II in the FAD Logbook, and further, to ensure that purse seiners actually record the data accordingly.

On the marking of FADs, paragraph 16 sets the stage for mandatory marking for FADs by January 2016 in a manner yet to be determined by the Commission.

### Reporting requirements

Recognising that this Resolution applies to CPCs having purse seine vessels fishing on DFADs equipped with instrumented buoys, there are three reporting requirements for:

- submission of annual FADs management plans (or an update if already submitted under Resolution 12/08) for each of the applicable purse seine vessels (para 11);
- submission of a report on the progress of implementation of the FADs management plans (para 14),
- the commencement in January 2016 of reports including data elements prescribed in Annex I and Annex II (para 15).

In effect this Resolution comes into effect for the numbers of ‘instrumental buoys’ in September of 2015 and reporting in January 2016.

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The intent of the Resolution 15/01 is to build on other IOTC measures to obtain more detailed catch and effort and bycatch data for science analyses from purse seine, longline, gillnet, pole and line, handline, trolling fisheries.

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## RES. 15/01:

### CATCH AND EFFORT DATA RECORDING

This Resolution supersedes Resolutions 13/03, 12/03, Recommendation 11/06, and Resolutions 10/03, 08/04, 07/03. This information is also critical for the work of the Scientific Committee. The intent of this Resolution is to build on other measures to obtain more detailed catch and effort and bycatch data for science analyses from purse seine, longline, gillnet, pole and line, handline, trolling fisheries.

The data being requested is for all vessels greater 24m and those less than 24m that fish outside their EEZs. The intent is to establish a data recording system and it also recognizes that such a system for vessels under 24 m will be challenging to set up so the latter is expected to be implemented through a phased approach and be in place by 1 July 2016 (paragraph 11).

#### Technical requirements

The requirement to establish a data recording system and the scope of applicability of the system are in paragraphs 1 and 2.

The requirement for a paper or electronic logbook is in paragraph 3 noting the required data details as per Annexes I to III, and the requirement for it to be in one of the two languages of the Commission is in paragraph 5.

The data information requirements are segregated by trip (Annex I - para 6), set/shot or operation for specified fishing gear (Annex II - para 7) and specifications for handline and trolling gears (Annex III para 8).

#### Reporting requirements

There are two reporting requirements:

- the CPCs templates (official logbooks) for reporting catch and effort according to the three Annexes by 15 February 2016 and,
- the report of aggregated data each year by 30 June for the preceding year.

These requirements are in paragraphs 4 and 10 respectively.

Transhipment operation of tunas between a carrier vessel and a large scale tuna longline vessel (LSTLV)




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The Resolution 14/06 attempts to address IUU fishing and the laundering of illegal tuna into market streams by establishing a mandatory framework for monitored transhipments.

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## RES.14/06: TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

This resolution supersedes Resolutions 12/05, 11/05, 08/02 & 06/02. It attempts to address IUU fishing and the laundering of illegal tuna into market streams by establishing a mandatory framework for monitored transhipments, based on notifications, authorizations and data transmissions. At-sea transhipment operations are a recognised channel for laundering of illegal catches. The resolution is one of the most complex IOTC resolutions, and is segmented into several functional layers.

One of the key concerns with this Resolution lays in the fact that it is flag States that submit a list of carrier vessels authorized to receive at-sea transhipments from its LSLFVs in the IOTC Area of Competence. The carriers need not be from a CPC.

### Technical requirements

The following is a general summary of the technical requirements. This summary does not cover every detailed requirement, but endeavours to provide a general picture of the central elements, so that reporting requirements may be properly understood.

As a general rule, transhipments are confined to ports (paragraph 1).

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Transhipments at sea of IOTC species and sharks are prohibited in IOTC, except for large scale tuna longline fishing vessels (longliners) under the programme to monitor transhipments at sea established by the Resolution 14/06.

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Only large-scale tuna longline fishing vessels (LSTLVs, interpreted to be those vessels of LOA 24m or above) may, under prescribed conditions, continue to tranship at sea onto carrier vessels that also fall under a monitored regime. It is up to flag States to decide whether they authorise their LSTLVs to tranship at sea or not (paragraph 4).

A formal IOTC record of carrier vessels authorised to receive transhipments at sea from authorized LSTLVs is created (paragraphs 5 and 6), and these vessels must carry VMS (paragraph 9).

Transhipments made within the EEZ of a coastal State, requires the prior authorization of that coastal State (paragraph 10).

For every transhipment at sea, an LSTLV must obtain prior authorization from its flag State (paragraph 11) following the submission of detailed information on what products are to be transhipped (paragraph 12); the same rule does not apply for transhipments in port (ANNEX I; paragraphs 1 and 2).

An observer programme provides for the mandatory placement of an IOTC observer aboard every duly authorised carrier vessel (paragraphs 17 and 18).

#### Reporting requirements

Flag States must notify the Secretary of the carrier vessels that they have authorised and that should be integrated into the record of vessels authorised to tranship at sea and should keep this record updated (paragraphs 6 and 7).

Paragraph 20 notes that flag State CPCs must submit a report to the IOTC Secretary annually by 15 September to the IOTC Executive Secretary

In addition to reporting requirements by CPCs to the IOTC, there are a host of reporting obligations by masters of both LSTLVs and carrier vessels to flag, port and coastal States within the scheme – depending on the circumstances – which must be fulfilled. In summary, these obligations have to do with prior notifications for transhipments, and the submission of transhipment declarations.

**RES. 13/05:****CONSERVATION OF WHALE SHARKS***Technical requirements*

This Resolution addresses the following technical actions by flag States with respect to incidental catches of whale sharks (*Rhincodon typus*) by their vessels:

- Prohibit the setting of purse seine nets around whale sharks (paragraph 2);
- Ensure all steps are taken to release whale sharks alive (paragraph 3 a);
- Collect information on such entanglements in fishing gear with details as per paragraph 3 b),
- Ensure that FADs are designed to reduce incidents of entanglement (paragraph 5).

*Reporting Requirements*

This Resolution addresses the following reporting actions by flag States with respect to incidental catches of whale sharks (*Rhincodon typus*) by their vessels:

- to report logbook or observer information on such instances by 30 June for the preceding year (paragraph 7) and,
- to report instances in which whale sharks have been encircled by the purse seine nets in the Implementation Report (Article X, IOTC Agreement).



Resolution 13/05 prohibits purse seine vessels from intentionally set a purse seine net around a whale shark

## RES. 13/04:

### CONSERVATION OF CETACEANS

#### Technical requirements

The technical requirements of this Resolution are similar to that for whale sharks with the intent to:

- Prohibit the setting of purse seine nets around cetaceans (paragraph 2);
- Ensure all steps are taken to release of whale sharks alive (paragraph 3 a);
- Collect information on such entanglements in fishing gear with details as per paragraph 3 b),
- Ensure that FADs are designed to reduce incidents of entanglement (paragraph 5).

#### Reporting requirements

The reporting requirements of this Resolution are similar to that for whale sharks with the intent to:

- to report logbook or observer information on such instances by 30 June for the preceding year (paragraph 7) and,
- to report instances in which cetaceans have been encircled by the purse seine nets in the Implementation Report (Article X, IOTC Agreement).

Resolution 13/04 prohibits purse seine vessels from intentionally set a purse seine net around a cetacean



**RES. 12/06:****REDUCTION OF SEABIRD BYCATCH**


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The main objective of the Resolution 12/06 is the reduction of incidental seabird mortality in longline fisheries.

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This Resolution supersedes Resolution 10/06 and Recommendation 05/08. It is firmly grounded within FAO's *IPOA for Reducing the Incidental Catch of Seabirds in Longline Fisheries*, and follows up on the 2007 and 2009 recommendations of the IOTC Working Party on Ecosystems and Bycatch. Its main objective is the reduction of incidental seabird mortality in longline fisheries.

Technical requirements

The resolution obliges CPCs to seek reductions in seabird mortality associated to "all fisheries south of 25°S" through the use of effective mitigation measures. In particular, the resolution requires of the CPCs to record incidental catches of seabirds through their observer programme (paragraph 1), and if such a programme is not in place, to record such data in logbooks (paragraph 2). CPCs are to ensure that fishing operations are conducted in such a way as to reduce incidental catches, and for all longline fisheries conducted south of 25°S, through the use of at least two of three mitigation measures detailed in Table 1 of the resolution (paragraphs 5 & 6), the design and deployment of such measures further detailed in Annex I of this Resolution (paragraph 7). In essence the mitigation measures are to ensure the cover of longlines, and the fastest possible sinking of hooklines on shooting and retrieving these longlines.

Reporting requirements

CPCs are required to submit information on interactions with seabirds. This information is to be provided by flag States, or States authorising vessels to fish, through their annual reports (paragraph 3) in accordance with Article X of the Agreement, with data being collected through observer reports (paragraph 1) and if such a programme is not in place, to report incidental catches through logbooks (paragraph 2).

**RES. 12/04:****CONSERVATION OF MARINE TURTLES**

This Resolution strengthens the foregoing Resolution 09/06 and Recommendation 05/08, which were pursuing the same goal of protecting marine turtles. The Resolution takes into account, and gives continuance to the intent of other Conventions, Agreements and Organisations in the domain of conserving sea turtles; such as CITES, the IOSEA MoU, or the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations.



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Release of a loggerhead  
turtle caught accidentally  
by a longline vessel

*Technical requirements*

The Resolution calls on CPCs to implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations – as appropriate (paragraph 2).

The Resolution lays down a number of technical requirements by type of fishery in terms of mitigation measures. These include:

- CPCs must ensure that their fishermen are aware of proper sea turtle handling techniques, including de-hooking, resuscitation and safe transfer back to the sea (paragraph 6).

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The main objective of the Resolution 12/04 is to reduce marine turtles mortality in IOTC fisheries.

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- All types of vessels (gillnetters, longliners and purse seiners) should record all incidents of sea turtle interactions in their logbooks and through observer programs (paragraph 7 - gillnetters).
- For longliners, they must record all incidents as noted above, carry line-cutters and de-hookers and release turtles according to IOTC guidelines, use whole finfish bait (paragraph 8).
- For purse seine vessels, they must avoid encircling turtles, carry dip nets, stop net roll as soon as the turtle comes out of the water, and release turtles alive where possible, adopt FAO designs to reduce turtle catches and report all incidents as noted above (paragraph 9).
- All CPCs, as appropriate, should undertake research on mitigation techniques across the range of fisheries they operate (paragraph 10) and collaborate with IOSEA (paragraph 14).

#### Reporting requirements

With respect to logbook and observer records on sea turtle interactions, CPCs should submit annual reports to the IOTC Secretariat by 30 June, data for the previous year in accordance with Resolution 10/02 on statistics (see relevant section further below). These data should include the level of coverage and an estimation of total sea turtle mortality (paragraph 3) and information on successful mitigation measures (paragraph 4) to the Scientific Committee.

For CPCs undertaking formal research into sea turtle by-catch mitigation measures, CPCs are requested to report those results to the Scientific Committee 30 days in advance of its annual meeting.

CPCs should also - in line with the annual reporting under Article X of the Agreement (see relevant section further below) - formally report to the Commission on their progress in implementing the FAO Guidelines and the resolution in general (paragraph 5).

Observers (and samplers) under the scheme have no enforcement mandate but only a scientific mandate. The programme targets both at-sea observations and sampling in the smallscale fisheries



## RES. 11/04:

### REGIONAL OBSERVER SCHEME

This Resolution supersedes Resolution 10/04 of the same name and it is targeted to flag States. The regional observer scheme focuses on the need to increase scientific information. Its objective is to collect verified catch data by species, as well as other relevant scientific data. Observers (and samplers) under the scheme have no enforcement mandate but only a scientific mandate. The programme targets both at-sea observations and sampling in the small-scale fisheries.

The observer scheme endeavours to cover 5% of all operations (segmented by gear type) for the fleet of each CPC, covering vessels of over 24m LOA, or under 24m if fishing outside their EEZ. The target date to achieve this coverage was January 2013. The sampling scheme in the artisanal tuna fisheries targets 5% coverage of total vessel activity.

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Under Resolution 11/04, CPCs bear the responsibility to develop a national observer scheme and deploy observers.

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### Technical requirements

Under the resolution, the CPCs have a number of obligations, which include the following:

- they bear the primary responsibility to develop their schemes and deploy their observers, so as to achieve the envisaged coverage – 5% by gear type/year, purse seine landings, and similar levels for field sampling of small scale/artisanal fishers (paragraphs 2, 3, 4);
- they have to ensure that coverage levels are met, observers alternate between vessels and are provided appropriate and safe accommodation and working environment (paragraph 5);
- they have to fund their observer schemes (paragraph 6).
- observer tasking is addressed in paragraph 10 and field sampler information is in paragraph 13.

### Reporting requirements

There are two specific reporting requirements for this resolution. The first one refers to the production of an annual report flowing from each observer scheme (paragraph 9). This report should detail the number of vessels monitored and the coverage achieved.

With respect to observers placed on longline vessels, observer reports submitted within 30 days to flag CPCs of the vessel. Observer reports should be forwarded to the IOTC Secretary within 150 days of their submission. The ideal geo-referenced reporting format for information contained in these reports should be in 1°x1° format. For vessels fishing in EEZs the observers' reports are also to be submitted to the coastal State (paragraph 11).

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The aim of Resolution 10/08 is to establish – on a yearly basis – the vessels that are actively fishing in the IOTC Area of Competence. Under this Resolution, however, the information is not primarily supplied by the coastal State, but exclusively by the flag State.

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## RES. 10/08:

### RECORD OF ACTIVE FISHING VESSELS

This Resolution may readily be described as the mirror image of Resolution 14/05 (Record of licensed foreign Vessels) and supersedes Resolutions 07/04, 05/04, and 98/04. Its aim is to establish – on a yearly basis – the vessels that are *actively fishing* in the IOTC Area of Competence. Under this Resolution, however, the information is not primarily supplied by the coastal State, but exclusively by the flag State.

It is also useful to distinguish this *active* record from the other basic record of vessels *authorised* to operate in the IOTC Area of Competence, established under Resolution 15/04, which does list vessels that flag States authorise to operate in the Indian Ocean, but which falls short of providing any indications on whether individually listed vessels are also active in the area at any given point in time.

#### Technical requirements

There are no technical requirements as such under this resolution, save the requirement for CPCs to be able to put together the information on their active vessels targeting tuna and swordfish in the IOTC area over the period of any given year. All vessels over 24m fall within the remit of this resolution, as well as vessels under 24m operating beyond the EEZ of the flag State.

#### Reporting requirements

As for Resolution 14/05, reporting is once a year – on the 15<sup>th</sup> February – to the Secretary of the IOTC. Included in the report should be a list of vessels that were active in the previous year, which is interpreted to mean the previous year (paragraph 1). For every vessel, a list of twelve information items is required, covering items such as vessel name, vessel type and target species (paragraph 2).

# REQUIREMENTS UNDER PRIMARILY FLAG STATE CMMs



Freshly caught pole and line tuna

The limitation of fishing capacity is a central issue, which IOTC has been addressing for many years; trying to develop and implement a framework which effectively does limit fishing capacity throughout the IOTC Area of Competence.

## RES. 15/11:

### LIMITATION OF FISHING CAPACITY

The limitation of fishing capacity is a central issue, which IOTC has been addressing for many years; trying to develop and implement a framework which effectively does limit fishing capacity throughout the IOTC Area of Competence. Efforts in this domain respond directly to the tenets of the IPOA-Capacity which the FAO published in 1999. The first resolution on the subject matter - setting specific capacity limits - was Resolution 03/01. Resolution 15/11, which supersedes Resolutions 12/11 and 09/02 of the same title, the latter two resolutions limiting the tonnage of active vessels fishing for tropical tunas to 2006 levels and albacore and swordfish to 2007 levels. Vessels under construction, and existing Fleet Development Plans (FDPs) were accommodated in this limitation, and countries with less than 10 active vessels targeting albacore were allowed in 2007 to develop and submit an FDP (Res 07/02 Para 7).

What is missing from the current resolution, though, is the explicit reference to the limitation of fishing capacity according to the established 2006 and 2007 reference capacity, and the additional capacity under FDPs, for which provision is made. This limitation of capacity did exist in Resolutions 07/05 and 06/05 (and also in Resolution 03/01 – albeit in another form), but reference to these limits has been “lost” (Resolution 07/02 paragraph 2), although it is inferred in paragraph 4 of this resolution, but still is not as clear as in the earlier resolutions.

### Technical requirements

The technical requirements in this resolution have to be read in conjunction with the previous versions of this resolution, in order to grasp their full meaning and intent. Under the current version, the technical requirements for flag States largely focus on the following specific elements.

The first one is for those CPCs to confirm both the lists of vessels that fished outside their EEZs by specific parameters for tropical tunas in 2006 and swordfish and albacore in 2007, including vessels under construction, **and** verification of the presence and activities of their vessels in 2006 and 2007 (paragraphs 1 and 2).

Second is the understanding that the numbers of vessels may change by gear type, **but** *CPCs must be able to demonstrate that the change does not lead to an increase in fishing effort*, nor does it include vessels on the IUU vessel list of IOTC or any other tuna or other RFMOs (paragraphs 4 and 5).

Third is the confirmation of the specifics of the CPCs Fleet Development Plan and *compliance on implementation with the FDP on implementation* according to the FDP as noted in paragraph 7.

*Reporting requirements*

Resolution 15/11 is inspired by the text of the previous resolutions on the subject, and especially Resolutions 12/11 and 09/05. In doing so, it also maintained several of the reporting deadlines of the earlier resolution. For this reason many people will find it somewhat odd that the 2015 resolution calls for several pieces of information to be submitted to the IOTC Secretariat by 31<sup>st</sup> December, 2009. The reason for this is that several CPCs have not met this original deadline and that the resolution implicitly extends the deadline - while maintaining the original date in the text.

The first reporting requirement relates to the list of vessels (over 24m LOA, and under 24m LOA if fishing beyond the EEZ) which were actively fishing for tuna and tuna-like species, specifically for tropical tunas, and for albacore and swordfish in 2006 and 2007 respectively, in order to establish the reference capacity for each CPC (paragraph 1). CPCs must confirm the presence and activities of such vessels (paragraph 2). This requirement obviously relates only to those States that have still not positively responded to this requirement, and the deadline was the 31<sup>st</sup> December, 2009.

The second reporting requirement relates to those other CPCs not yet having notified the IOTC Secretariat of their fleet development plans, and may also apply to coastal States who wish to develop tuna fisheries. The deadline was also 31<sup>st</sup> December, 2009. Information to be submitted includes information on type, size, gear and origin of vessels to integrate the fleet and the programming for their phasing in (paragraph 6).

The Compliance Committee shall verify, at any IOTC plenary Session, the compliance of CPCs to Resolution 15/11, however, there is no requirement for CPCs to report on FDP implementation although it is implied in paragraph 7 when it is noted that the Compliance Committee and Commission shall give annual consideration to problems related to the implementation of Fleet Development Plans.

Marlins ready to be transhipped to a carrier vessel



#### **RES. 15/05:**

### **CMM FOR STRIPED, BLACK AND BLUE MARLINS**

The intent of this regulation is to reduce catches of striped, black and blue marlins back to 2009-2014 levels, and gather more data on catches to enhance scientific knowledge and analyses.

#### *Technical Requirements*

On the efforts for reduction in catch, paragraphs 1 and 2 apply to bring catches down to the levels experienced during the period 2009-2014, and the requirement to release live any of the above marlins where possible.

#### *Reporting requirement*

The catch and effort, length frequencies and bycatch data on these species are to be reported to the Secretariat (paragraph 4), however, the timing of the reports is not specified. Although it does not state when catch data should be reported but it states that the Scientific Committee is to annually review the information, it is implied that this information shall be reported as per the requirements of Resolution 15/01 in accordance with the timeline of Resolution 15/02.

**RES. 15/04****RECORD OF AUTHORIZED VESSELS**

This Resolution has superseded Resolutions 14/04, 13/02, 07/02 & 01/02, 05/02, and 02/05. This is one of the core resolutions for IOTC compliance as it lays the foundation to identify the vessels greater than 24m and those less than 24 m that are authorized by their respective flag States to fish for tuna and tuna-like species outside their EEZs. All other fishing vessels, auxiliary, supply and support vessels, not on this list of flag State authorized vessels are deemed to be *not authorized to operate in the IOTC Area of Competence* (paragraph 1).

Technical requirements

Paragraph 1 details the technical requirement of the Commission to maintain a list for vessels greater than 24 m and less than 24 m of all vessels that fish outside their EEZs. Such list shall include fishing and all support vessels and shall include information required to be reported by the CPCs. The Secretariat is required to publicize this information on the IOTC website and take appropriate action when notified of changes or information regarding actions of a vessel not on the authorized list.

Flag States must comply with controls of vessels flying their flag:

- Flag States must issue authorisations to fish (ATF) to their flag vessels to fish for species managed by the IOTC;
- The requirement of flag States to control their vessels and limitations with respect to which vessels may be included in the list are noted in paragraphs 7, 8 and 9;
- Flag States must ensure that all its vessels carry the documents listed in paragraph 13, verify this each year and notify the Secretariat of any changes.
- Vessel and gear marking requirements for flag States to ensure for its vessels are included in paragraphs 14, and 15 with the assurance that all its vessels that operate in the IOTC Area of Competence are on the IOTC list noted in paragraph 16.

The paragraphs 9a, 9b[ii], and 9b[iii] provide the specific responsibilities of the coastal State CPC in this resolution to prohibit fishing, having onboard or transshipping tunas by vessels not on the IOTC Record and requirement of statistical documents to accompany all frozen bigeye tuna, caught by longline vessels, imported for verification against the IOTC Vessel Record and their authenticity.

Reporting requirement

Noted below are the primary reporting responsibilities of the flag State in this resolution:

- Flag States to submit the detailed information required for each vessel that flies its flag (Paragraph 2) and;
- Flag States promptly notify the IOTC Secretary to additions, deletions and/or modifications from/to list of authorized vessels (Paragraph 5);
- Flag States to submit the template of the official authorisation to fish (ATF) outside national jurisdictions and the identification details of the competent Authorities of each CPC issuing ATF (Paragraph 3 and 4);
- CPCs must internally review their internal actions and measures (paragraph 8) regarding the control of their vessels on the RAV and report the results of the review to the Commission annually,
- Action by all CPCs including flag States with respect to notification of vessels sited and not on the IOTC list is included in paragraph 10.

**RES. 15/03:****VESSEL MONITORING SYSTEM (VMS)**


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The Resolution 15/03 is targeted to flag States, to ensure that all its vessels 24 m and larger, as well as vessels under 24 m that fish outside their EEZs, authorized to operate in the IOTC Area of Competence carry and operate a VMS.

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*Technical Requirements*

This Resolution is targeted to flag States, to ensure that all its vessels 24 m and larger, as well as vessels under 24 m that fish outside their EEZs, authorized to operate in the IOTC Area of Competence carry and operate a VMS (paragraph 1).

Technical parameters for the VMS are noted in paragraphs 5, 8 and 9 (for failure of its system) with the requirement for collection of such data by flag States for their vessels in land based fisheries monitoring centres (FMCs) at least every 4 hours (paragraph 7).

*Reporting Requirements*

If a CPC has not adopted VMS, it must notify the Compliance Committee of the plan for implementation by April 2016 (paragraph 2).

Flag State CPCs must report progress of implementation of their VMS to the Secretariat by 30 June each year (paragraph 12).

In the event that a failure occurs more than two times within a period of one year in respect of a particular vessel, the Flag State of the vessel shall investigate the matter in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the IOTC Secretariat within 30 days of its completion.

CPC shall, as soon as possible but no later than two working days following detection or notification of technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, forward the geographical positions of the vessel to the IOTC Secretariat, or shall ensure that these positions are forwarded to the IOTC Secretariat by the master or the owner of the vessel, or their representative.



Tuna caught by purse seiner landed to a cannery, Port Victoria, Seychelles

## **RES. 15/02:** MANDATORY STATISTICAL REQUIREMENTS

This Resolution, supersedes Resolutions 10/02, 08/01, 01/05, 98/01 and is critical to the operations of the Commission to ensure the provision of timely, accurate and complete data on tuna and tuna-like species and species caught in association for scientific analyses and management recommendations from the Scientific Committee. Here, data collection is based on catches, fishing effort and the distribution of sizes of the fish in the catch; all being essential information to determine the status of the resources. The requirements under this resolution are primarily channelled through the flag State.

The resolution specifies that some of the required data are for the exclusive use of IOTC scientists and that the IOTC data confidentiality policy and procedures (provided for under Resolution 12/02) do apply.

*Technical requirements*

The resolution requires CPCs to collect catch data (total annual catch by species - paras 2 & 3), catch and effort data (para 4), size data (Para 5), and data on FADs and supply vessel operations (para 6). The resolution explains in detail how the data under the different categories must be organised. It is for each CPC to ensure that it complies with the specified data collection/supply protocols.

These data would be for the exclusive use of IOTC Scientific Committee and its Working Parties, subject to the approval of the data owners and in accordance with Resolution 12/02 *Data confidentiality policy and procedures*, and should be provided in a timely fashion.

*Reporting requirements*

The general reporting requirement is contained in paragraph 1, and the reporting timelines relate to the submission of the different data records to the IOTC Secretariat and are specified in paragraph 7 of the resolution.

For longline fleets operating on the high seas - *i.e.* implying fleets operating there at least part of the time - flag States shall submit provisional data by the 30<sup>th</sup> June for the previous year and final datasets for the previous year by 30 December.

For all other fleets, all final annual catch data should be submitted by the 30<sup>th</sup> June for the previous year.

The resolution also makes provision for late reporting, and the revision of historical data. Reporting templates are hosted on IOTC's website under <http://www.iotc.org/data/requested-statistics-and-submission-forms>.

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In essence this Resolution prohibits retention on board, transshipment, landing or storage of any whitetip shark or part thereof, except for scientific purposes and artisanal fishers.

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## RES. 13/06:

### MANAGEMENT FRAMEWORK ON CONSERVATION OF SHARK SPECIES

This Resolution is for the protection of whitetip shark (*Carcharinus longimanus*) taken as bycatch in the tuna fisheries.

#### Technical Requirements

In essence this Resolution prohibits retention on board, transshipment, landing or storage of any whitetip shark or part thereof, except for scientific purposes and artisanal fishers (paragraph 3). Further, CPCs shall require their vessels to release unharmed any whitetip sharks brought alongside or from the line (paragraph 4).

Flag State CPCs should 'encourage' their fisheries to record incidental catches and inter-actions with whitetip sharks, and although it does not state that such data should be reported or when, to the IOTC, it is implied in Paragraph 5 and assumed that it would accompany the data for the Scientific Committee for analyses as per paragraph 8.

Finally, CPCs shall conduct research on whitetip sharks, where possible and then consider other management measures as appropriate (paragraph 6).

#### Reporting Requirements

Although it does not state that whitetip sharks catch data should be reported and when, it is implied that this information shall be reported as per the requirements of Resolution 15/01 in accordance with the timeline of Resolution 15/02.

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Resolution 12/12 prohibits the use of large scale driftnet, more than 2.5 km in length, on the high sea.

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## RES. 12/12:

### LARGE-SCALE DRIFTNETS ON THE HIGH SEAS

Resolution 12/12 supersedes Resolution 09/05 of the same title. It implements the United Nations General Assembly Resolution 46/215 which calls for a global moratorium on large-scale high seas driftnet fishing. Large-scale driftnets are defined as being more than 2.5km in length. The resolution only addresses the high seas. The ban of high seas large scale driftnet fishing addresses concerns that such fishing may seriously undermine other conservation and management efforts - notably ecologically sensitive species, or ghost fishing of lost sections of netting. Use of the same gear within EEZs is *not* prohibited.

#### Technical requirements

The resolution prohibits the use of large-scale driftnets on the high seas within the IOTC Area of Competence, and calls on flag States to ensure that their vessels do not engage in large-scale high seas driftnet fishing - by extending the same prohibition under flag State jurisdiction to vessels flying their flags (paragraph 2).

#### Reporting requirements

Flag States are to report - within the framework of the annual statements to the Commission (paragraph 5), foreseen under Article X of the Agreement - on MCS actions directly related to the banning and policing of high seas large-scale driftnet fishing.

While this resolution clearly addresses flag State jurisdiction, implementation and enforcement, a coastal State running or participating in multi-party high seas patrols, or a port State detecting a possible infringement of rules during a port inspection of a vessel, would also be expected to report on the detection of large-scale high seas drift net fishing.

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The Resolution 12/09 gives full consideration to the endangered and vulnerable status of sharks, from the family of thresher sharks (*Alopiidae*).

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## RES. 12/09:

### CONSERVATION OF THRESHER SHARKS

This resolution, which supersedes Resolution 10/12 of the same title, gives full consideration to the endangered and vulnerable status of sharks, from the family of thresher sharks (*Alopiidae*). It provides a limited number of technical and reporting requirements, most of which are directed to the flag State.

#### *Technical requirements*

In essence, the resolution introduces a mandatory discards regime for thresher sharks, as none may be retained on board any vessel (paragraph 2). Transshipment, landing and commercial transactions of this family of species are equally prohibited.

CPCs shall require its vessels to release thresher sharks unharmed (paragraph 3) and report such incidents of bycatch of thresher sharks.

The same applies to recreational fisheries, where all specimens caught should be released alive (paragraph 5). The latter is expected to be enforced by the coastal State where such recreational fishing is permitted.

Research is to be carried out where possible, and sampling by scientific observers aboard vessels is permitted and is to be formally directed by the WPEB.

#### *Reporting requirements*

Flag States are required to submit catch data under mandatory IOTC data reporting procedures (paragraph 8), as provided for under Resolution 15/02 (Mandatory Statistical Requirements). Especially, vessels targeting sharks would have to submit their data for sharks to IOTC under those reporting obligations. However, it is implied that this does not exonerate vessels not targeting sharks from recording and supplying the same information as well.

**RES. 05/05:****CONSERVATION OF SHARKS**

This resolution, which supersedes Resolution 02/02 is targeted mainly at flag States and pursues the objective of protecting and conserving sharks which are caught as by-catch in fisheries under IOTC management and, which are often the object of *ad hoc*, or more targeted shark finning operations. The Resolution recognizes that artisanal fishers traditionally utilize the entire carcass (paragraph 12).

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The Resolution 05/05 pursues the objective of protecting and conserving sharks which are caught as bycatch in fisheries under IOTC management.

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Technical requirements

The resolution lays a short, but concise number of technical requirements, which - if implemented - will contribute substantially in reducing shark mortality related to finning and discarding of mutilated individuals.

In essence, the resolution establishes that sharks retained on-board must be fully utilized (retention of all parts except head, guts and skins - paragraph 3).

Shark fins onboard any vessel may not constitute more than 5% by weight of all shark produce on-board - at the point of first landing (paragraph 4) and if not landed, monitoring and certification of the ratio onboard should be carried out.

Retaining on board, transshipping or landing of shark fins harvested in contravention of the resolution is prohibited (paragraph 6).

Nonbinding clauses suggest CPCs to encourage the live release of sharks (paragraph 7) and to conduct research into sharks and more selective fishing gear (paragraph 8) and nursery areas (paragraph 9).

Reporting requirements

There is a single reporting requirement under this resolution, which concerns the submission of annual shark data (Nominal catch, catch and effort and size frequency), in accordance with IOTC data reporting procedures, to the IOTC. The submission of available historical data is also mandated (paragraph 1).

# REQUIREMENTS UNDER PRIMARILY COASTAL STATE CMMs

The Resolution 14/05 is targeted to coastal States and is intended to create a record of foreign flagged fishing vessels licensed to fish in the EEZs of coastal CPCs.

## RES. 14/05:

### RECORD OF LICENSED FOREIGN FISHING VESSELS AND ACCESS AGREEMENTS

This Resolution supersedes Resolutions 13/07, 12/07, 10/07, 07/04, 05/04 & 98/04, is targeted to coastal States and is intended to create a record of foreign flagged fishing vessels licensed to fish in the EEZs of coastal CPCs, and a record of country-to-country access agreements. It also serves as a cross check to the IOTC record of authorized fishing vessels under Resolution 15/04 and carrier vessels authorized to receive transshipments from LSLTVs under Resolution 14/06. One of the overall outcomes sought is the strengthening of data collection, and the achievement of more complete statistics on fleets active in the IOTC Area of Competence.

#### Reporting requirements

There are no technical requirements under this resolution and key reporting requirements primarily relate to the coastal State. However, in cases where government-to-government fisheries agreements exist between CPC coastal States and flag States, both States are required to submit a joint notification to the Commission before the commencement of fishing activities. The list of items to report covers fishing vessel details (paragraph 2 - coastal States only), and in the case of government-to-government agreements, both the coastal and flag States are to submit a list of 7 items related primarily to the clauses of the agreement itself (Paragraph 3). This information relates to the period of validity of the agreement, possible limits on catches, MCS arrangements, etc. Information, as specified, relating to these agreements already in force in 2012, at the time of the promulgation of this resolution, should still be made available to the Commission 60 days prior to its meeting in 2013 (*i.e.* information should be submitted as part of the annual reporting). Likewise, any modifications to such agreements should give rise to a prompt notification of the Commission.

# REQUIREMENTS UNDER PRIMARILY PORT STATE CMMs

## RES. 10/11: PORT STATE MEASURES

This resolution, which introduces a full-fledged Port State Measures regime throughout the IOTC Area of Competence and CPC port States receiving catches from this area, is described in full under the same heading in the chapter on Port State CMMs.

### *Technical requirements*

In implementing this resolution, CPCs are called upon to apply the Resolution to vessels not flying their flag (paragraph 3.1) - therefore, making it a resolution largely directed at port State action. However, it is inferred that the flag State vessels will be required to cooperate and respond to the information requests prior to being granted port entry (paragraphs 6.1, 6.2 & 7.2), and submit to port inspections as required by the port State.

Part 5 of the Resolution directly talks to flag States and their role in the exercise. In this part, flag State CPCs are asked to cooperate with port State inspections and to encourage its vessels to use designated ports for its operations. In case of proven infringements, flag States should take immediate and full investigation and enforcement action - as necessary - and guarantee equally effective penalties to be levelled against its own IUU operators, as would be levelled against foreign operators (Paragraph 17).

### *Reporting requirements*

A single event-based reporting requirement is provided for flag States. In the event of a port State detection of IUU fishing following an inspection in port, and following the transmission of the inspection report to the flag State, the latter is required to conduct a flag State investigation and then inform other CPCs, other relevant States, relevant RFMOs and the FAO, on actions it has taken in respect of such vessel (paragraph 17.5). No particular deadlines are attached to this reporting requirement and the IOTC Secretariat or the Commission is not specifically mentioned. However, it is implied here, that the first relevant RFMO to inform of actions relating to infringements detected in CPC ports would be the IOTC.

**RES. 05/03:****PROGRAMME OF INSPECTION IN PORT**

This resolution, which focuses on the central function of the port as a place for inspections and for relevant controls to be exerted over fisheries operations, is described in full under the same heading in the chapter on Port State CMMs.

*Reporting requirements*

There are no technical requirements accruing to the flag State under this resolution. There is merely an event-based reporting requirement; in cases where a vessel flying a State's flag is detected in a third party port to have infringed IOTC CMMs and the flag State has received full documentation and inspection reports on the matter from the port State, the flag State is required to transmit to the Commission the details of the actions it has taken with respect to the matter (paragraph 5). In this provision, the port State that detected the offence is not required to be informed by the flag State of actions taken.

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## REQUIREMENTS UNDER PRIMARILY MARKET STATE CMMs

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**RES. 01/06:****BIGEYE STATISTICAL DOCUMENT  
PROGRAMME**

This resolution, which aims to reduce uncertainty about Bigeye tuna catches through the collection of market data and to reduce the opportunities to put illegally harvested catches on the market, has been presented in full under the same heading in the chapter on market State CMMs.

It should be noted that tuna caught by purse seines and pole and line (bait vessels) whose catches are destined to canneries in the IOTC Area of Competence are exempted from this programme (see paragraph 1).

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The Resolution 01/06 aims to reduce uncertainty about Bigeye tuna catches through the collection of market data and to reduce the opportunities to put illegally harvested catches on the market.

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### Technical requirements

The main technical requirement for the flag State is to ensure that Statistical Document accompany consignment of frozen big eye tuna caught by LSTLVs during export up to the market State.

### Reporting requirements

There are two reporting requirements for the flag State:

One yearly reporting requirement where CPC flag State, as exporters and re-exporters of Bigeye tuna, are required to inform the Commission of the outcomes of their data cross-checking efforts (compiled third State import data received from the IOTC Secretary vs. national export data),

One event-based reporting requirement where the flag State CPC must provide sample forms (statistical document and/or re-export certificate) and information on validation to the IOTC Secretary.



Frozen bigeye tuna caught by LSTLVs are subject to the statistical document programme.

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## REQUIREMENTS UNDER CROSS CUTTING CMMs

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The full presentation of the content and objective of those resolutions is made under the same resolution headings, within the Cross Cutting CMMs (Chapter 6) of this manual. As all country types have responsibilities under those resolutions.





## CHAPTER 4

# PORT STATE CMMs

For resolutions engendering reporting requirements, there is one active resolution exclusively targeting the port State and there is one active resolution focusing primarily on the port State. Other port State aspects fall under resolutions primarily targeting other State types. With the port State being primarily recognized as a tool for the collection of statistics, inspection and law enforcement, this serves to underline that to date, the approach to addressing MCS requirements through port State action has been tapped into to a modest extent only.

However, for those port State CMMs that are in place today - especially Resolution 10/11 on Port State Measures (PSM) - it is clear that their full implementation would contribute considerably to the combating of IUU fishing throughout the IOTC Area of Competence, and beyond.

Port States have obligations under nine of the resolutions containing reporting requirements, plus the general reporting requirements under Article X of the Agreement. None of these address the port State exclusively. These resolutions, and the obligations they contain, are outlined in this chapter.

Port inspection team verifying documents onboard a longliner, Port Louis, Mauritius



### **UNDER RESOLUTIONS WHICH PRIMARILY ADDRESSES THE PORT STATE:**

- Res. 10/11: Port State measures,
- Res. 05/03: Programme of inspection in port.



### **UNDER RESOLUTIONS, WHICH PRIMARILY ADDRESS FLAG STATES, THE FOLLOWING RESOLUTIONS CONTAIN SPECIFIC REQUIREMENTS FOR PORT STATES:**

- Res. 15/04: Record of authorised vessels;
- Res. 15/03: Vessel Monitoring System (VMS),
- Res. 12/12: Large-Scale driftnets on the High Seas.

These three resolutions are presented in full in the flag State CMMs chapter. In this chapter, only the requirements for port States are presented.



### **UNDER THE RESOLUTION, WHICH PRIMARILY ADDRESSES THE MARKET STATE, THE FOLLOWING RESOLUTION APPLIES:**

- Res. 10/10: Market related measures.



### **UNDER RESOLUTIONS WHICH ARE CROSS-CUTTING, THE FOLLOWING RESOLUTIONS PLUS THE IOTC AGREEMENT APPLY:**

- Res. 11/03: List of presumed IUU Vessels;
- Res. 11/02: Prohibition of fishing on data buoy;
- Res. 07/01: Compliance by Nationals;
- Res. 01/03: Compliance by Non-Contracting Parties,
- IOTC Agreement: Article X.

## REQUIREMENTS UNDER PRIMARILY PORT STATE CMMs

Fisheries port inspector  
verifying the logbook of a  
tuna longliner, Port Louis,  
Mauritius



### RES. 10/11:

#### PORT STATE MEASURES

The 2010 resolution on Port State Measures is one of the longest and also complex resolutions in the currently active list of IOTC's CMMs. In essence, it transcribes the substance of the 2009 FAO Agreement on Port State Measures, and makes it mandatory for the IOTC Area of Competence and its Members. In doing so, it introduces a much more comprehensive port State control scheme, than the one provided for under Resolution 05/03 (Programme of Inspection in Port). It is a very cost effective control measure for developing States to apply to foreign fishing vessels. If combined with the requirement for a pre-fishing briefing and port visit prior to operations, it can be an effective control mechanism to establish a baseline of catches by fleets

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The Resolution 10/11 transcribes the substance of the 2009 FAO Agreement on Port State Measures, and makes it mandatory for the IOTC Area of Competence and its Members

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operating within the coastal State's EEZ.

It is a challenge to provide a summary of this resolution here, and readers are encouraged to look at the original text alongside this set of following paragraphs, in order to ensure a full understanding of this important resolution.

#### Technical requirements

With the exception of part 5 of the resolution, provisions of this resolution primarily address the port State. In doing so, the resolution establishes a comprehensive mechanism to bring about a port State control framework applicable to CPCs. This framework calls on all CPCs to integrate fisheries related port State Measures with broader port State controls, and also with measures to prevent, deter and eliminate IUU activities, and share this information between agencies (paragraph 4); and calls on port States to:

- designate ports authorized to receive foreign fishing vessels and ensure they have sufficient capacity to conduct port inspections (paragraph 5);
- request advance port entry notice and issue entry authorizations or denials, depending of compliance profile of vessels requesting entry (paragraph 6);
- inspect at least 5% of all landings or transshipments each year – applying minimum inspection standards to its work; causing minimum interference (paragraph 10), and,
- to train its port inspectors in line with guidelines provided in the resolution (paragraph 14).

Further, paragraph 7 of Part 2 details the procedures to be taken by the port State after receipt of information requested in paragraph 6 with respect to approval for entry into port or denial, and relevant steps to be taken by the port State and Master in each case, including if necessary allowing the vessel to enter port solely for the purposes of inspection and subsequent actions (paragraph 7.5).

#### Exemption to Port State Measures

The Resolution recognizes that in the case of *force majeure*, this process does not apply (paragraph 8).

Although Part 2 addresses authorization to enter port or to deny such permission, there is another case where port State measures apply, and that is in the case where a ves-

sel has already entered port and then found to have been in violation of IOTC Resolutions as noted in paragraph 9.1, and such steps for denial of use of port services are further detailed in paragraph 9.2 - 9.5. The reporting requirements of 9.3 and 9.5 are further detailed under reporting requirements below.

Part 4 provides direction to port States for inspections and follow-up actions, including the 5% inspection requirement noted above, monitoring the entire discharge or transshipment process (paragraph 10), criteria with respect to the conduct of inspections (paragraph 11) and follow-up actions with respect to inspection reports (paragraphs 12, 13[see reporting below], and 16).

### Reporting requirements

The major reporting obligation under the resolution is to communicate to the IOTC Secretariat the list of designated ports, competent authority and advance notification period, or changes thereto (paragraph 5.1).

In terms of recurrent reporting, port States are required to transmit electronically all individual inspection reports to the flag State and the IOTC Secretariat within three working days of the completion of the inspection, and to other States as appropriate (paragraph 13.1).

In the case of denial of entry into the port, the relevant port State CPC shall communicate the decision to the flag State of the vessel, and where appropriate to the relevant coastal State and the IOTC Secretariat (paragraph 7.3)

Further, in the case of denial of port services when a vessel is already in port and paragraph 9 applies, or withdrawal of such denial - the same parties as for paragraph 7.3 are to be informed (paragraphs 9.3 and 9.5).

With respect to the detection of infringements, port States should immediately notify the flag State, the IOTC Secretariat, other RFMOs and the State of which the master is a national (paragraph 15.1 a).

Purse seine vessels are subject to port State measures when they request entry into ports located in the IOTC area of competence



### RES. 05/03:

## PROGRAMME OF INSPECTION IN PORT

This Resolution, which supersedes Resolution 02/01 of the same title, engenders (almost) exclusive duties for the port State. Its focus is on the central function of the port as a place for inspections and for relevant controls to be exerted over fisheries operations. Large portions of this Resolution are duplicated in more detailed form by Resolution 10/11 on Port State Measures, without, however, being superseded.

### *Technical requirements*

The Resolution provides that port States *may* inspect fishing vessels that are voluntarily in their ports (paragraph 3), but it does not go as far as Resolution 10/11 and set requirements for such a mandatory process or inspection levels.

However, port States are required to adopt national regulations to prohibit landings and transshipments from IOTC Non-Contracting Parties where it can be established that catches have been taken in a manner which undermines the effectiveness of IOTC conservation and management efforts (paragraph 4).

On the other hand, in the case of detected infringements by CPCs, the resolution does not mention punitive actions the port State might or should undertake. It is merely indicated that the flag State is required to inform the Commission (but not the port State where the infraction was detected) on actions taken with respect to its vessel and the detected infringement(s) (paragraph 5).

*Reporting requirements*

There is a single recurrent reporting requirement attached to this resolution. Annually on 1<sup>st</sup> July, port States are required to submit to the IOTC Secretary the list of foreign vessels that have landed tuna and tuna-like species in their ports. This particular requirement is not duplicated in Resolution 10/11 on Port State Measures.

An event-based reporting requirement is mandated in cases where a third party CPC vessel in port is detected to have infringed IOTC CMMs. Port States are then required to notify such occurrences to the flag State and the Commission, providing full documentary evidence, including records of inspection (see paragraph 5). This reporting should occur in real time and on a case-by-case basis and it is suggested that the inspection report detailed in Resolution 10/11 Annex III be utilized for commonality and consistency in reporting.

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## REQUIREMENTS UNDER PRIMARY FLAG STATE CMMs

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### **RES. 15/04:**

#### RECORD OF AUTHORISED VESSELS

This Resolution supersedes Resolutions 14/04; 13/02; 07/02 and 01/02; 05/02; 02/05 and is targeted mainly at flag States for the proper identification and placement of their vessels on the IOTC Record of Fishing Vessels, identification of Competent Authorities and templates for their authorisations, control of their fleets, marking of the vessel and fishing gear, and recording of fishing activities.

*Technical Requirements*

The role of the port State however, will be the verification of compliance with all the above flag State commitments and requirements during port visits and through port inspections.

All CPCs including port States, shall take measures to prohibit the landing or transhipment of tuna and tuna-like species by vessels not on the IOTC Record (paragraph 9 a).

#### Reporting Requirements

The single reporting requirement for port States is addressed in paragraph 10 whereby if they have information leading to the grounds of a vessel not being on the IOTC Record.

### **RES. 15/03:**

#### VESSEL MONITORING SYSTEM (VMS)

This Resolution supersedes Resolutions 06/03; 02/02 and is focused on flag State requirements to ensure that its vessels have onboard a working VMS that can provide specific information back to the flag State, or have plans to have all its vessels carrying a VMS by April 2019 and 50% by September 2017. Flag States must report annually by 30 June on their progress in implementing a VMS.

#### Reporting Requirements

There are no technical requirements specifically for port States, however, Annex 1 paragraph A does require any CPC that has information to suspect that the VMS aboard a vessel does not meet requirements of paragraph 4, or has been tampered with, it shall immediately notify both the IOTC Executive Secretary and the vessel's flag State.

### **RES. 12/12:**

#### LARGE SCALE DRIFTNETS ON THE HIGH SEAS

#### Technical and Reporting Requirements

There are no specific technical requirements for port States under this Resolution, however, it should be noted that during the conduct of port inspection, it is assumed that the port State may be able to detect the presence of large scale driftnets onboard and their use on the high seas (log-books, VMS tracks, etc.). As such then in its annual report according to paragraph 5, the port State should provide a summary of MCS actions it has taken related to this Resolution.

# REQUIREMENTS UNDER PRIMARILY MARKET STATE CMMs



Landing of tunas from a purse seiner, Port Victoria, Seychelles

## RES. 10/10:

### MARKET RELATED MEASURES

This resolution represents an effort to translate the non-binding Recommendation 03/05 concerning Trade related Measures into a binding resolution. It is presented in full under the chapter on Market State CMMs.

#### Technical requirements

Technical requirements are few. Paragraph 1 establishes that port States “should, as much as possible” collect and examine relevant data on landings and transshipments. The collection of some of these data is mandatory under Resolution 14/06 on Transshipment by large-scale fishing vessels (paragraph 20).

*Reporting requirements*

The Resolution encourages port States to submit the information on landings and transshipments to the Commission, annually, 60 days before its meeting as noted above in paragraph 1. This submission thus falls under the remit of Article X of the Agreement.

The resolution also encourages CPCs to notify the Commission of the measures taken nationally for the enforcement of market related measures levelled against another CPC or NCP. No deadline for submission is provided (paragraph 7).

Finally, for CPCs being identified as non-compliant by the Commission, they are given the option to respond in writing to the Commission 30 days before its meeting, providing elements in support of annulling the identification (paragraph 3). Such elements could be in the form of evidence refuting allegations, or plans of actions for improvement, and possible steps already undertaken.

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## REQUIREMENTS UNDER CROSS CUTTING CMMs

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The full presentation of the content and objective of those resolutions are made under the same resolution headings, within the Cross Cutting CMMs (Chapter 6) of this manual. As all country types have responsibilities under those resolutions.





## CHAPTER 5

# MARKET STATE CMMs

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Market related measures generally aim to deny IUU products a market, therefore, destroying the value of the product.

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There are few CMMs in existence that provide for specific market State mechanisms. Market State mechanisms often hinge around certification schemes implemented upstream in the chain of custody and made to bear in the marketing circuit. Market related measures generally aim to deny IUU products a market, therefore, destroying the value of the product.

There is one resolution, engendering reporting requirements, that is primarily targeting the market State, while three others that target flag States primarily, also target market States to some extent. Hence, market States have obligations under a total of four resolutions. These resolutions, and the obligations they contain, are outlined in this chapter.

Under the resolution which primarily addresses the market State:

- Res. 10/10: Market related measures,
- Res. 01/06: Bigeye statistical document programme.

Under resolutions, which primarily address flag States, the following two resolutions contain specific requirements for market States:

- Res. 15/04: Record of authorised vessels,
- Res. 14/06: Transhipment by large scale fishing vessels.

These resolutions are presented in full in the flag State CMMs chapter. In this chapter, only the requirements for market States will be presented.

The cross cutting resolutions are common to all CPCs and are presented in full in the Cross Cutting CMMs chapter. In this chapter, only the requirements for market States will be presented.

# REQUIREMENTS UNDER PRIMARILY MARKET STATE CMMs

Albacore tuna caught  
by a longliner



## RES. 10/10:

### MARKET RELATED MEASURES

This resolution represents an effort to translate the non-binding Recommendation 03/05 concerning Trade Related Measures into a binding resolution. However, in doing so, the resolution falls short on providing a single “shall” clause - implying that there are no mandatory actions that must be undertaken by a CPC, the Commission, the Secretariat or the Compliance Committee, they are only strong suggestions. However, the resolution does endow the actors of the IOTC with the necessary powers to undertake action under the resolution - should they chose to do so. The resolution signals a step forward in the intent of the Commission to ensure that CMMs are adhered to by CPCs and NCPs (as appropriate) alike.

The primary objective of the resolution is to “identify” CPCs who fail to implement IOTC CMMs and to level trade sanctions against them (translating into “market related measures”) in order to force them to comply with the IOTC Resolutions. The same applies to NCPs failing to discharge their duties under international law and undermining the effectiveness of IOTC CMMs. A second, more subsidiary element of the resolution is to gain a better understanding of market dynamics (imports and landings) in CPC markets / ports.

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Resolution 10/10 encourages market States and port States to submit information on imports and landings/transhipments to the Commission.

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### Technical requirements

Technical requirements are few. Paragraph 1 establishes that market States “*should, as much as possible*” collect and examine relevant data on imports. The same applies to port States for landings and transshipment data. In the latter instance, the collection of some of these data is mandatory under Resolution 14/06 on transshipment by Large-Scale Fishing Vessels (paragraph 20).

The remainder of the resolution lays down actions to be undertaken by the Commission, the Secretariat and the Compliance Committee in the process of identifying, notifying, and undertaking possible actions against non-compliance CPCs or NCPs. In this process, CPCs are voting as members of the Commission to support or reject the proposals made by the Compliance Committee (paragraphs 2 -8 inclusive).

It is implicit (paragraph 7) that CPCs are expected to implement whatever sanctions have been voted at their level.

### Reporting requirements

The resolution encourages market States and port States to submit information on imports and landings/transhipments collected to the Commission, annually, 60 days before its meeting (see paragraph 1). This submission thus falls under the remit of Article X of the Agreement.

The resolution also encourages CPCs to notify the Commission of the measures taken nationally for the enforcement of market related measures levelled against another CPC or NCP, following a successful identification by the Commission (see paragraph 7 above). No deadline is provided for the submission of this information.

Finally, for CPCs and NCPs being identified as non-compliant by the Commission, they are given the option to respond in writing to the Commission 30 days before its meeting, providing elements in support of annulling the identification (paragraph 3 b).

Such elements could be in the form of evidence refuting allegations or plans of actions for improvement, and possible steps already undertaken.

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The Resolution 01/06 aims to reduce uncertainty about Bigeye tuna catches through the collection of market data and to reduce the opportunities to put illegally harvested catches on the market.

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## RES. 01/06:

### BIGEYE STATISTICAL DOCUMENT PROGRAMME

This resolution, which aims to reduce uncertainty about Bigeye tuna catches through the collection of market data and to reduce the opportunities to put illegally harvested catches on the market.

It should be noted that tuna caught by purse seines and pole and line (bait vessels) whose catches are destined to canneries in the IOTC Area of Competence are exempted from this programme (see paragraph 1).

#### Technical requirements

CPC market States must demand that any imports of frozen big-eye tuna into their State/Territory be accompanied by an appropriate IOTC Big-eye Tuna Statistical Document or re-export certificate (paragraph 1).

In the case of re-exportation, the IOTC Bigeye Tuna Re-Export Certificate must be validated by a government official of the re-exporting State (paragraph 2).

CPCs exporting and/or importing Bigeye tuna have to compile all data arising under this programme.

#### Reporting requirements

CPCs as importers of tuna products must report to the Executive Secretary twice per year, April 1 for data in the period 1 July - 31 December of the previous year, and 1 October for the period of 1 January - 30 June of the current year in the established form (paragraph 5).

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# REQUIREMENTS UNDER PRIMARILY FLAG STATE CMMs

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## RES. 15/04:

### RECORD OF AUTHORISED VESSELS

This Resolution, noted earlier as superseding resolutions 14/04; 13/02; 07/02 & 01/02; 05/02; 02/05, lays the foundation to identify the vessels authorised by their flag States to operate in the IOTC Area of Competence, is presented in full under the same heading in the chapter on flag State CMMs. It is mainly a flag State resolution, however there are a few clauses applicable also to the market State.

#### *Technical requirements*

Under this resolution, the market State CPC is given specific responsibilities to ensure compliance with the Statistical Document Programme (paragraph 9.b). In doing so, the market State importing species covered by the Statistical Document Programme must ensure that the document is accompanying the products and that the vessels having landed them are on the Record of Authorised Vessels. In addition to this, the market State is required to cooperate with the flag State to ensure documents are not forged or contain wrong information.

#### *Reporting requirements*

One event-based reporting requirement arises when a suspected infringement to this resolution is detected - namely that action for specific vessels not on the list of RAVs that have engaged in fishing operations (including transshipment) in the IOTC Area of Competence. In such a case, the market State - as a CPC - shall submit to the IOTC Secretary all factual information that substantiates such suspicion (paragraph 10).

**RES. 14/06:****TRANSHIPMENT BY LARGE SCALE FISHING VESSELS**

This resolution supersedes Resolutions 12/05, 11/05, 08/02 & 06/02. Its intent is to eliminate IUU fishing and the laundering of illegal tuna into market streams by monitoring transshipments, based on notifications, authorizations and data transmissions. At-sea transshipment operations are a recognised channel for laundering of illegal catches.

*Technical requirements*

The main technical requirement for the market State is to ensure that all tuna and tuna-like species and sharks landed or imported into the market State CPCs either unprocessed or after having been processed on board and which are transhipped, are accompanied by the IOTC transshipment declaration.

*Reporting requirements*

Although not explicitly mentioned in the resolution, it is expected that the market State CPC would report any consignment of tuna and tuna-like species and sharks to the Commission in the annual report.

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## REQUIREMENTS UNDER CROSS CUTTING CMMs

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The full presentation of the content and objective of those resolutions are made under the same resolution headings, within the Cross Cutting CMMs (Chapter 6) of this manual. As all country types have responsibilities under those resolutions.





## CHAPTER 6

# CROSS CUTTING CMMs & DUTIES FROM THE AGREEMENT

Cross-cutting CMMs target all States, and no State in particular. In some cases, as for resolution 07/01 Promoting Compliance of Nationals with IOTC CMMs, none of the classic State types to which maritime affairs generally respond applies. While a resolution may “talk” more to one or other type of State, all CPCs are targeted and these resolutions therefore apply to all CPCs regardless of their particular involvement in Indian Ocean tuna fisheries as coastal, port, market or flag States.

Resolutions which are cross-cutting, and which will be presented in full in this chapter, are the following:

- Res. 11/03: List of presumed IUU Vessels;
- Res. 11/02: Prohibition of fishing on data buoy;
- Res. 07/01: Compliance by nationals,
- Res. 01/03: Compliance by Non-Contracting Parties.

This chapter also highlights the duties arising under Article X of the IOTC Agreement. This article provides for an annual reporting requirement, and several resolutions - as indicated in earlier chapters - take advantage of Article X for the submission of information under those resolutions to the IOTC Secretariat or the Commission.

# REQUIREMENTS

## UNDER CROSS CUTTING CMMs

Transhipment of a string of Southern Bluefin Tunas conducted under the IOTC regional observer programme to monitor transhipment at sea



### RES. 11/03:

#### LIST OF PRESUMED IUU VESSELS

This resolution, which supersedes earlier versions of the resolution (Res. 09/03, 06/01, and 02/04), provides for a “list of vessels that have carried out IUU fishing activities”. It is one of the resolutions in IOTC’s arsenal to directly address and combat IUU fishing. As such, it complements Resolution 07/01 on Compliance by Nationals, another cross-cutting resolution directly addressing and combating IUU fishing.

The resolution lays down a rather complex system for listing and delisting IUU fishing vessels. The Commission is first careful to define illegal, unreported and unregulated (IUU) fishing (paragraph 1) which combines the principles of Article 21, paragraph 11 of the UNFSA and Article 3 of the FAO IPOA IUU. These definitions form the basis for the further actions by CPCs in the resolution and as they are based upon decisions made with respect to IUU fishing, they are reproduced here.

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The Resolution 10/11 is one of the resolutions in IOTC's arsenal to directly address and combat IUU fishing.

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### THE LISTING MECHANISM OPERATES AS FOLLOWS:

- a. the submission of information of alleged IUU activities to the Executive Secretary at least 70 days prior to the annual session; (paragraphs 2 and 3) which applies to all State types and submitted with associated evidence and according to the format noted in Annex I of the resolution.; resulting in,
- b. a draft IUU vessel list being developed for circulation to CPCs and concerned NCPs of the vessels listed - together with the existing evidence 55 days in advance of the annual meeting of the Commission and,
- c. said CPCs and NPC of alleged IUU vessels have an opportunity to provide counter evidence to the alleged charges up until 15 days prior to the annual session of the Commission (paragraph 4),
- d. when a vessel appears on the draft IUU list, the flag State is to notify the owner of the fact and consequences of being on the IUU List (paragraph 5) and monitor such vessels to ensure that the vessel does not attempt to change its name, flag or registered owner (paragraph 6).
- e. two weeks prior to the annual meeting of the Commission, the IOTC Secretary then updates the Draft IUU Vessel List which then becomes the Provisional IUU vessel list, based on the same information, plus any additional feedback received, and this list is circulated to all CPCs and NCPs who may supply additional information concerning the cases (paragraphs 7 and 8),
- f. the Compliance Committee examines the case of the vessels on the Provisional IUU list and the additional information received and recommend to the Commission which vessels are to be included in the IUU vessels list (paragraph 12).
- g. On adoption by the Commission, the list becomes the "IOTC IUU Vessels List" (paragraph 13).

### DEFERRED DECISIONS

Further, paragraph 14 allows the Commission to suspend its decision on an individual IUU case if it is unable to make such a decision and wishes further information from the relevant States. In this case the process continues inter-sessionally according to the steps in paragraph 14. Paragraph 18 urges no CPCs to take unilateral trade measures or other sanctions against vessels on the draft list or vessels already removed from the provisional list.

### **ADOPTION OF THE IOTC IUU VESSEL LIST**

Decisions on listing or removal of a vessel from the IOTC IUU Vessel List are sought through consensus, but if it goes to a vote, it must be a decision by 2/3 majority of the quorum present.

On adoption of the IOTC IUU Vessel List, the IOTC Executive Secretary requests the flag CPC with vessels on the list to again notify the owner of the listing and consequences, and also to take appropriate action to eliminate these IUU activities. All CPCs are bound to take action to ensure they do not participate in landing, transshipment, import, reflag or other activities with IUU vessels (paragraphs 15, 16).

The IOTC Executive Secretary shall ensure publicity of the IOTC IUU Vessel List, taking into consideration confidentiality requirements (paragraph 17).

### **DELETION FROM THE IOTC IUU VESSEL LIST - COMMISSION MEETINGS AND INTER-SESSIONAL PROCESSES**

The resolution also makes provision for removal of vessels from the IUU list during Commission meetings (paragraph 10 and 12.b).

Further, paragraphs 19-22 provide the steps and information required for the inter-sessional removal of vessels from the list. In all cases, it is the Commission which votes for vessels to leave or enter the list; always with a two thirds majority. Paragraphs 23 and 24 provide the actions required by the IOTC Secretary following a delisting of a vessel from the IOTC IUU Vessel List.

In relation to its own IUU-listed vessels, the flag State must submit information on its remedial actions to IOTC, in order to achieve removal of its vessel(s) from the list. This applies to CPCs, as much as it applies to NCPs.

In order for vessels to be removed from the provisional IUU list, the flag State must submit information that proves that the vessel did not operate illegally, or that effective punitive measures of adequate severity have been implemented against the vessel and its operators (paragraph 10).

Further, the flag State must submit information and supporting evidence, showing that:

- a. adopted measures will make the vessel conform to CMMs;
- b. it will implement adequate MCS measures with respect to that vessel;
- c. sanctions of adequate severity have been imposed; and
- d. the vessel has changed ownership (paragraph 19).

Transshipment operations conducted on the high seas are monitored by IOTC observers



### Technical requirements

For all State types, technical requirements relate primarily to the collection of evidence with paragraph 1 focusing on the definition of IUU fishing, listing ten specific actions that would be regarded as IUU fishing; paragraph 2 noting the timing of posting the draft IUU list within 70 days of the meeting; and paragraph 3 noting the information to be collected and the submission of evidence to the IOTC Secretariat. As noted earlier, all of these points embody actions that run afoul of the substance of IOTC resolutions and/or international maritime law. All CPCs can potentially detect such infringements in their respective and often overlapping capacities as coastal, port, flag and/or market States – and are encouraged to do so.

Specific to coastal and port States in the list of measures CPCs must undertake with respect to listed IUU fishing vessels, paragraph 16.b) stipulates that the port State shall prohibit landings, transshipments, refuelling, bunkering or any other commercial transaction for IUU-listed vessels that have entered one of its ports voluntarily. Under Resolution 14/06 (which supersedes Resolution 12/05) on transshipment by Large-Scale Fishing Vessels, the coastal State is one of the parties providing such authorizations.

For the flag State, technical requirements relate primarily to the prohibition to charter or give its flag to any IUU vessel (paragraph 16c and 16 d), and the prosecution and sanctioning of IUU vessels flying its flag. Flag States are requested to “take all necessary measures” to eliminate IUU fishing activities of vessels that have been listed (paragraph 15.b). In terms of implementing sanctions against listed vessels of third parties, the flag State is to prohibit its vessels from taking all actions that define IUU fishing as per paragraph 1, including: harvesting when the vessels is not on the IOTC Record of Authorised Vessels or there is no quota, catch limit; do not report catches; take under-sized fish; fish in closed areas or use prohibited fishing gear; tranship with listed IUU vessels; charter IUU vessels; fish in third party EEZs without authorization; or operate in contravention of the IOTC resolutions.

There are three specific technical requirements targeting the market State which it must undertake with respect to listed IUU fishing vessels. Paragraph 16 stipulates that the market State shall:

- a. prohibit imports of products from IUU-listed vessels into its territory (paragraph 16 e);
- b. encourage importers, transporters and other actors in the chain of custody to refrain from dealing in products of known IUU sources (paragraph 16 f); and
- c. to collect and exchange relevant information with other CPCs to ascertain the authenticity of import and export certificates from vessels included in the IUU vessel list (paragraph 16 g).

In inter-sessional periods, and given a vote is proposed, all CPCs are actively encouraged to inform the IOTC Secretariat on their vote for, or against the listing of specific vessels, or the removal of listed IUU vessels from the list, following the Secretariat's provision of information and request to the CPC to cast such a vote (paragraphs 14, 22 - 23).

#### Reporting requirements

There are several reporting requirements in the resolution, and these depend on the specific process that is being considered.

A binding requirement, regarding all States, is to submit annually a list of vessels presumed to have engaged in IUU fishing in the IOTC Area of Competence. This list should be submitted 70 days before the annual meeting of the Commission. However, it is assumed that if no such vessels were detected, no list will have to be submitted for lack of substance (paragraph 2).

Other reporting requirements are non-binding, and provide the possibility for States to submit additional information (evidence) on listed vessels at different points in time of the procedure (paragraph 8 and 14.a).

For CPC flag States whose vessels have been listed, and/or who wish to have them removed from the list, the reporting requirements are specified in detail under the same resolution in the chapter on flag State CMMs (paragraphs 19, 20, 22).

Large scale tuna fishing vessel (LSTLV) at rendez-vous point with a carrier vessel to conduct transhipment operations on the high seas



## RES. 11/02:

### PROHIBITION OF FISHING ON DATA BUOYS

#### *Technical requirements*

The intent of this Resolution is fairly clear – it is to keep vessels well clear of data buoys. CPCs shall:

- prohibit fishing within one nm of a data buoy (paragraph 2);
- prohibit taking aboard a data buoy (paragraph 3);
- avoid data buoys (paragraph 4),
- remove any entanglements with data buoys without damage to the buoy (paragraph 5).

#### *Reporting requirements*

In this resolution the reporting requirements are encapsulated in the word ‘encourage’ and thus are not mandatory, however, CPCs are so encouraged to report any damaged buoys they encounter with identifying information (paragraph 6) as well as the location of such data buoys they may have deployed (paragraph 8).



Offloading of tunas from a reefer, Antsiranana, Madagascar

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The Resolution 07/01 aims to curb potential illegal fishing behaviour by natural (individuals) or legal persons (companies), by requiring States to effectively subject them to their jurisdiction, and sanction them for proven offences.

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## RES. 07/01:

### COMPLIANCE BY NATIONALS

This resolution aims to curb potential illegal fishing behaviour by natural (individuals) or legal persons (companies), by requiring States to effectively subject them to their jurisdiction, and sanction them for proven offences. This approach is based on the tenets of the IPOA-IUU on the same matter, enshrined in its paragraphs 9.3, 18 and 19. It addresses all Member States equally.

This resolution, which addresses a critical IPOA-IUU requirement on taking measures to discourage nationals subject to a State's jurisdiction from supporting or engaging in IUU fishing activities.

#### Technical and reporting requirements

The resolution exhorts States to investigate and sanction their nationals with links to vessels listed in the IOTC IUU list (paragraph 1). CPCs are required to submit reports on actions and measures undertaken on natural or legal persons (paragraph 2).

**RES. 01/03:****SCHEME TO PROMOTE COMPLIANCE BY  
NON-CONTRACTING PARTIES**


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The Resolution 01/03 addresses the alleged fishing operations of a vessel flagged to a Non-Contracting Party in the IOTC Area of Competence contrary to the IOTC CMMs and presumed to be undermining the IOTC CMMs.

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This resolution addresses the alleged fishing operations of a vessel flagged to a Non-Contracting Party in the IOTC Area of Competence contrary to the IOTC CMMs and presumed to be undermining the IOTC CMMs (Paragraph 2).

*Technical requirements*

Any observation by vessel or aircraft of an NCP fishing vessel believed to be fishing contrary to IOTC CMMs is to be reported immediately to the flag State of the observing platform which shall inform the flag State authorities of the vessel fishing and the Executive Secretary of IOTC (Paragraph 1). The Executive Secretary shall inform all other CPCs.

Any NCP flagged vessel that enters a CPC port shall be inspected and not permitted to land or transship any fish or fish products until the inspection is complete (paragraph 3).

If the inspection reveals IOTC species, no landings or transshipment of fish shall be permitted unless the vessel can establish that the fish was caught outside the IOTC Area of Competence, or in compliance with IOTC CMMs (paragraph 4).

*Reporting requirements*

There is one reporting requirement in this resolution which consists of CPC to report on observation/inspection of NCP vessel indicating there are grounds for believing that the NCP vessel is fishing contrary to IOTC Conservation or Management Measures to the Non-CPC flag State of the vessel and to the IOTC Secretariat.

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# REQUIREMENTS UNDER THE AGREEMENT

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Section 1 of Article X provides that Members are to take action under their national legislation to give effect to the Agreement and to implement the binding CMMs adopted by the Commission.

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Article X of the Agreement is on “Implementation”, and provides for the fundamental principles of implementation of CMMs and the submission of operational information (relating to implementation of actions) to the Commission. It addresses all Member States equally.

### Technical requirements

Section 1 of Article X provides that Members are to take action under their national legislation to give effect to the Agreement and to implement the binding CMMs adopted by the Commission.

It also provides for the development of a mechanism to keep under review the implementation of adopted CMMs (section 3) - and the Compliance Committee, and its objectives, mandate and TOR may readily be viewed to be part of such mechanism.

Finally, section 4 requires Members to cooperate with NCPs to obtain data/information on their fishing activities.

### Reporting requirements

Importantly also, Article X provides in section 2 a mechanism to report annually to the Commission the action undertaken under section 1 to guarantee the effective implementation of binding CMMs. The deadline for the submission of this annual report is 60 days before the annual meeting of the Commission.

In addition to this, two resolutions addressing *coastal States* define reporting requirements which are to be honoured under the same deadline which applies to the submission of the annual report under Article X.

- Res. 14/05 on Record of licensed Foreign Vessels (for the 2013 annual meeting of the Commission only - thereafter on an event-related real time basis): report on Government-to-Government fisheries agreements and licenses issued;
- Res. 11/04 on Regional Observer Scheme: report on vessels monitored and coverage achieved.

In addition to this, a number of resolutions addressing *flag States* are also under the same deadline which applies to the submission of the annual report under Article X.

- Res.15/04 on Record of authorized vessels: report on internal actions or measures taken with respect to their fleets;
- Res. 14/05 on Record of licensed foreign vessels and access agreements: report on Government-to-Government fisheries agreements and licenses issued;
- Res. 12/12 on large-scale high seas drift net fishing: report on MCS actions;
- Res. 12/06 on Reduction of seabird bycatch: report on interaction and bycatch data;
- Res. 12/04 on Conservation of marine turtles: report on implementation of the FAO guidelines and the resolution;
- Res. 11/04 on Regional observer scheme: report on vessels monitored and achieved coverage;
- Res. 01/06 on Bigeye statistical document programme: report on data cross-checking (imports vs exports).

In addition to this, one resolution addressing the port/market State defines a specific reporting requirement under the same deadline:

- Res. 10/10 on Market related measures: submit information on landings and transshipments.

# ANNEX I

## LIST OF ACTIVE RESOLUTIONS REQUIRING REPORTING WITH LONG AND SHORT TITLES

Resolution	Resolution title	Short Title
15/11	On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties	Limitation of fishing capacity
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	FADs management plan requirements
15/05	On conservation measures for striped marlin, black marlin and blue marlin	CMM for striped, black and blue marlins
15/04	Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence	Record of authorized vessels and access agreements
15/03	On the vessel monitoring system (VMS) programme	Vessel Monitoring System (VMS)
15/02	On mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)	Mandatory statistical requirements
15/01	On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence	Catch and effort data recording
14/06	On establishing a programme for transshipment by large-scale fishing vessels	Transshipment by large scale fishing vessels
14/05	Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC Area of Competence and access agreement information	Record of licensed foreign fishing vessels and access agreements
13/06	On a scientific and management framework on the Conservation of sharks species caught in association with IOTC managed fisheries	Management framework on conservation of shark species
13/05	On the conservation of whale sharks ( <i>Rhincodon typus</i> )	Conservation of whale sharks

13/04	On the conservation of cetaceans	Conservation of cetaceans
12/12	To prohibit the use of Large-Scale Driftnets on the High Seas in the IOTC Area	Large-Scale driftnets on the High Seas
12/09	On the Conservation of Thresher Sharks (Family Alopiidae) caught in association with Fisheries in the IOTC Area of Competence	Conservation of thresher sharks
12/06	On reducing the incidental bycatch of seabirds in longline fisheries	Reduction of seabird bycatch
12/04	On the Conservation of Marine Turtles	Conservation of marine turtles
11/04	On a Regional Observer Scheme	Regional observer scheme
11/03	On establishing a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing in the IOTC Area of Competence	List of presumed IUU Vessels
11/02	On the prohibition of fishing on data buoys	Prohibition of fishing on data buoys
10/11	On Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing	Port State measures
10/10	Concerning Market related Measures	Market related measures
10/08	Concerning a Record of active Vessels fishing for Tunas and Swordfish in the IOTC Area	Record of active vessels
07/01	To promote Compliance by Nationals of Contracting Parties and Cooperating Non-Contracting Parties with IOTC Conservation and Management Measures	Compliance by nationals
05/05	Concerning the Conservation of Sharks caught in association with Fisheries managed by IOTC	Conservation of sharks
05/03	Relating to the establishment of an IOTC Programme of Inspection in Port	Programme of inspection in port
01/06 (03/03)	Concerning the big-eye tuna statistical document programme (Concerning the amendment of the forms of the IOTC statistical documents)	Big-eye statistical document programme (Amendments to IOTC stats forms)
01/03	Establishing a scheme to promote compliance by Non-Contracting Parties vessels with Resolutions established by IOTC	Scheme to promote compliance by Non-Contracting Parties

# ANNEX II

## IMPLEMENTATION SHEETS

Resolution	Resolution Short Title	Implementation sheet
15/11	Limitation of fishing capacity	Yes
15/08	FADs management plan requirements	Yes
15/05	CMM for striped, black and blue marlins	Yes
15/04	Record of authorized vessels	Yes
15/03	Vessel Monitoring System	Yes
15/02	Mandatory statistical requirements	Yes
15/01	Catch and effort data recording	Yes
14/06	Transshipment by large scale fishing vessels	Yes
14/05	Record of licensed foreign fishing vessels and access agreements	Yes
13/06	Management framework on conservation of shark species	Yes
13/05	Conservation of whale sharks	Yes
13/04	Conservation of cetaceans	Yes

12/12	Large-Scale driftnets on the High Seas	Yes
12/09	Conservation of thresher sharks	Yes
12/06	Reduction of seabird bycatches	Yes
12/04	Conservation of marine turtles	Yes
11/04	Regional observer scheme	Yes
11/03	List of presumed IUU Vessels	Yes
11/02	Prohibition of fishing on data buoys	Yes
10/11	Port State measures	Yes
10/10	Market related measures	Yes
10/08	Record of active vessels	Yes
07/01	Compliance by nationals	Yes
05/05	Conservation of sharks	Yes
05/03	Programme of inspection in port	Yes
01/06 (03/03)	Big-eye statistical document programme (Amendments to IOTC stats forms)	Yes
01/03	Scheme to promote compliance by NPCs	Yes

# ANNEX III

## REPORTING TEMPLATES

Resolution	Resolution Short Title	Reporting template(s)
15/11	Limitation of fishing capacity	Yes
15/08	FADs management plan requirements	Yes (1 Excel file for DFADs and 2 word Guidelines for FADs Management Plans - one each for the AFAD and DFAD Management Plans)
15/05	CMM for striped, black and blue marlins	No formal template - Official Letter from CPC
15/04	Record of authorized vessels	Yes (1 Excel and 1 word file)
15/03	Vessel Monitoring System	Yes (1 word file)
15/02	Mandatory statistical requirements	Yes (several Excel files)
15/01	Catch and effort data recording	Yes (logbooks in accordance with Annexes I-III in the Resolution and Confidentiality Rules)
14/06	Transshipment by large scale fishing vessels	Yes (3 Excel files and 1 word file)
14/05	Record of licensed foreign fishing vessels and access agreements	Yes (1 Excel file and 2 word files)
13/06	Management framework on conservation of shark species	No formal template - Official Letter from CPC
13/05	Conservation of whale sharks	No formal template - Official Letter from CPC
13/04	Conservation of cetaceans	No formal template - Official Letter from CPC

12/12	Large-Scale driftnets on the High Seas	No formal template - Official Letter from CPC
12/09	Conservation of thresher sharks	No formal template - Official Letter from CPC
12/06	Reduction of seabird bycatches	No formal template - Official Letter from CPC
12/04	Conservation of marine turtles	No formal template - Official Letter from CPC
11/04	Regional observer scheme	No formal template - Official Letter from CPC
11/03	List of presumed IUU Vessels	Yes (1 word file)
11/02	Prohibition of fishing on data buoys	No formal template - Official Letter from CPC
10/11	Port State measures	Yes (1 Excel and 1 word file)
10/10	Market related measures	Yes (1 Excel file)
10/08	Record of active vessels	Yes (1 Excel file)
07/01	Compliance by nationals	No formal template - Official Letter from CPC
05/05	Conservation of sharks	No formal template - Official Letter from CPC
05/03	Programme of inspection in port	Yes (1 Excel and 1 word file)
01/06 (03/03)	Big-eye statistical document programme (Amendments to IOTC stats forms)	Yes (1 Excel file and 2 word files)
01/03	Scheme to promote compliance by NPCs	No formal template - Official Letter from CPC
Agreement (Article X)	IOTC Agreement	Yes (1 Word file)





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