

OUTCOMES OF THE FIFTEENTH SESSION OF THE COMMISSION

PREPARED BY: IOTC SECRETARIAT, 11 AUGUST 2011

PURPOSE

To inform the Scientific Committee (SC) of the decisions and requests made by the Commission at its Fifteenth Session, held from 18–22 March 2011, specifically relating to the work of the SC.

BACKGROUND

At the 15th Session of the Commission, Members considered a range of topics related to the work of the Scientific Committee (SC), including a range of proposed Conservation and Management Measures (CMM). Of those considered, the Commission **adopted** six CMMs (five Resolutions and one Recommendation):

1) **Resolution 11/01 on the Development of a Compendium of Resolutions and Recommendations** (Appendix A)

This Resolution recognises the desirability of improving the coherence and accessibility of its recommendations and resolutions. Noting that the complexity of this work may have many implications, such as those of a legal, procedural or practical nature, the Resolution creates a Working Group that would guide the development of a Compendium of IOTC Resolutions and Recommendations.

2) **Resolution 11/02 On the Prohibition of Fishing on Data Buoys** (Appendix B)

This Resolution prohibits fishing vessels from setting gear on or near, or interacting with data buoys in any manner other than to untangle fishing gear that has accidentally become entangled with data buoys. In adopting this resolution, Japan clarified its position that it would not block the adoption of the resolution, but a question remained as to whether IOTC could adopt such a resolution in a legally binding manner.

3) **Resolution 11/03 On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing in the IOTC Area of Competence** (Appendix C)

This Resolution introduced amendments to Resolution 09/03 *On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unregulated and Unreported Fishing in the IOTC Area*, by including an option to add vessels to the IOTC IUU Vessels List during the intersessional period of the IOTC.

4) **Resolution 11/04 On a Regional Observer Scheme** (Appendix D)

This Resolution introduced amendments to Resolution 10/04 *On a Regional Observer Scheme* to extend the period for providing observer trip reports to the Secretariat from 90 to 150 days.

5) **Resolution 11/05 On Establishing a Programme for Transshipment by Large-Scale Fishing Vessels** (Appendix E)

This Resolution introduced amendments to Resolution 08/02 *On Establishing a Programme for Transshipment by Large-scale Fishing Vessels*, by establishing a procedure for the consideration of cases of presumed IUU activities reported by observers participating in the IOTC at-sea Transshipment Programme.

6) **Recommendation 11/06 Concerning the Recording of Catch by Fishing Vessels in the IOTC area of Competence** (Appendix F)

This Recommendation consolidates Resolution 08/04 *Concerning the Recording of Catch by Longline Fishing Vessels in the IOTC Area* and Resolution 10/03 *Concerning the Record of Catch by Fishing Vessels in the IOTC Area*, but does not supersede them, as well as setting agreed minimum standards for data requirements for all pole-and-line and gillnet fleets operating in the IOTC area of competence, in order to harmonize data gathering and provide a common basis for scientific analysis for all IOTC CPCs. Some CPCs indicated that they would not be in a position to implement the proposal.

The Commission also considered a range of other proposals as CMMs relating to the work of the SC, but consensus could not be reached and they were not adopted. These included the following proposals:

- On a catch documentation scheme (submitted by Japan)
- On an IOTC tropical tunas catch documentation programme (submitted by the EU)
- For the conservation and management of swordfish in the IOTC area of competence (submitted by the EU)
- On the conservation of oceanic whitetip shark caught in association with fisheries in the IOTC area of competence (submitted by the EU)
- On the conservation of hammerhead sharks (family Sphyrnidae) caught in association with fisheries in the IOTC area of competence (submitted by the EU)
- Concerning the conservation of sharks caught in association with fisheries managed by IOTC (submitted by Australia).

Additional information on these proposals can be found in the report of the 15th Session of the Commission ([IOTC–2011–S15–R](#)), available from the IOTC website.

DISCUSSION

At the 15th Session of the Commission, Members made several comments on the recommendations made by the Scientific Committee, which participants are asked to **note** (extracts from the S15 report):

- 1) The Commission addressed the list of recommendations made by the Scientific Committee in its 2010 report that related specifically to the Commission or concerned the work of the Secretariat. The Commission **endorsed** the list of recommendations, noting the following: (para. 30 of the S15 report).
- 2) The Commission **requests** all CPCs to submit their national report to the Scientific Committee, following the new template, at the next Session of the Scientific Committee (para. 31 of the S15 report).
- 3) The Commission **endorsed** the Scientific Committee's revised procedure and timeline for the submission of documents to its annual meeting (para. 32 of the S15 report).
- 4) The Commission **expressed** concern that data and statistics for gillnet fisheries are still poor, while those fisheries are catching approximately 14% of the total catch in the Indian Ocean. The Commission noted that these fisheries are also believed to have substantial impacts on bycatch species and associated ecosystems (para. 33 of the S15 report).
- 5) The Commission **reminded** CPCs of the importance of timely reporting of data and requests that each CPC review the data reporting requirements contained in IOTC Conservation and Management Measures (para. 34 of the S15 report).
- 6) The Commission **requests** that all CPCs improve compliance with the various statistical reporting requirements and deadlines in order for the necessary analyses and assessments to be completed, on which the advice of the Scientific Committee will be based (para. 35 of the S15 report).
- 7) The Commission **noted** that stock assessments for some species rely on longline fisheries standardized CPUE series, in particular from Japan. Due to the decreasing effort of this fleet during the last few years, the Commission **requests** that alternative CPUE series for other fleets are used by the Scientific Committee and its Working Parties in stock assessments (para. 36 of the S15 report).
- 8) The Commission **expressed** its concern regarding the new information and catch estimates of albacore at levels exceeding the maximum sustainable yield and requests that a new assessment be undertaken in 2011 (para. 37 of the S15 report).
- 9) The Commission noted the provision by the Scientific Committee of the Kobe II matrix for bigeye tuna and swordfish, and recognized that it is a useful and necessary tool for management. The Commission **requests** that such matrices be provided for all stock assessments by the species Working Parties, in particular for yellowfin tuna, and for these to be included in the report of the Scientific Committee in 2011 and all future reports (para. 38 of the S15 report).
- 10) The Commission **recognized** the added value of the Indian Ocean Tuna Tagging Programme, and expressed its satisfaction that the data were used for both the assessment of yellowfin tuna and bigeye tuna in 2010. However, the Commission expressed its concern regarding the low reporting rate of the tags by the longline and pole-and-line fleets (para. 39 of the S15 report).
- 11) The Commission **expressed** its disappointment that the Working Party on Neritic Tuna has not yet held its first meeting. The Commission noted that neritic tuna are an important species for many coastal countries, as a source of revenue and food. The Commission **requests** that the Working Party on Neritic Tuna hold its first meeting in 2011, if possible in conjunction with another Working Party meeting to minimise travel requirements (para. 41 of the S15 report).
- 12) The Commission **requests** that the Secretariat attend the Circle Hook symposium that will be held in May in Miami and report the key findings to the Scientific Committee (para. 42 of the S15 report).
- 13) The Commission **endorsed** the development of a Management Strategy Evaluation (MSE) in the framework of IOTC and **requests** that this process be continued in 2011 (para. 43 of the S15 report).
- 14) The Commission **requests** that an Ecological Risk Assessment (ERA) approach be applied to the various shark species considered at risk by fishing activities in the Indian Ocean, and for the Working Party on Ecosystems and Bycatch to undertake appropriate analyses under the guidance of relevant experts (para. 44 of the S15 report).

The Commission also made several specific requests to the Scientific Committee, detailed below, which should be discussed and responded to by the SC during the current meeting so that clear and concise advice, in the form of **recommendations**, are provided to the Commission (extracts from the S15 report):

- 1) The Commission **recognized** that piracy activities in the western Indian Ocean, have had substantial negative consequences on the activities of some fleets, as well as the level of observer coverage in these areas. The Commission **requests** that the Scientific Committee assess the effect of piracy on fleet operations and subsequent catch and effort trends (para. 40 of the S15 report).
- 2) The Commission **requests** the Scientific Committee in its 2011 Session, to **evaluate** the data provision needs for longline, purse seine, gillnet and pole-and-line gear types, notably regarding information relating to the vessel characteristics and the definition of the pole-and-line ‘fishing event’. The evaluation is requested in order to ensure that consistent and uniform information is collected to assist the IOTC to fulfil its mandate. The Scientific Committee should make appropriate recommendations to the 2012 Commission meeting (para. 45 of the S15 report).
- 3) The Commission **requests** that the Scientific Committee provide clear **advice** outlining alternative management approaches which would provide effective protection of a possible southwest Indian Ocean swordfish stock (para. 46 of the S15 report).
- 4) The Commission reiterates the **request** that the Scientific Committee should **evaluate** the time-area closure established in Resolution 10/01 for the conservation and management of tropical tunas stocks in the IOTC area of competence, in terms of its impacts on the stocks of tuna and tuna-like species (para. 47 of the S15 report).
- 5) The Commission **requests** that the Scientific Committee provide **advice** to the Commission that adds to the information currently available or already requested of the Scientific Committee regarding the take of juvenile yellowfin tuna, bigeye tuna and other species, and on alternative management measures, including an assessment of the impact of current purse seine activities, including the size/fishing capacity (and gear types i.e. mesh size etc.) of vessels, and the potential implications that may arise for tuna and tuna-like species. Such advice should include options for capping purse seine effort and use in conjunction with drifting FADs in the Indian Ocean (para. 105 of the S15 report).

RECOMMENDATION/S

That the Scientific Committee:

- 1) **NOTE** the outcomes of the Fifteenth Session of the Commission, including the six Conservation and Management Measures (five Resolutions and one Recommendation) adopted during the Session.
- 2) **AGREE** to develop advice in response to each of the requests made by the Commission at its 15th Session.

APPENDICES

Appendix A: Resolution 11/01 *Development of a Compendium of Resolutions and Recommendations*

Appendix B: Resolution 11/02 *On the Prohibition of Fishing on Data Buoys*

Appendix C: Resolution 11/03 *On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing in the IOTC Area of Competence*

Appendix D: Resolution 11/04 *On a Regional Observer Scheme*

Appendix E: Resolution 11/05 *On Establishing a Programme for Transshipment by Large-Scale Fishing Vessels*

Appendix F: Recommendation 11/06 *Concerning the Recording of Catch by Fishing Vessels in the IOTC Area of Competence*

APPENDIX A

RESOLUTION 11/01

REGARDING CONSOLIDATION OF IOTC RESOLUTIONS AND RECOMMENDATIONS

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the desirability of improving the coherence and accessibility of its recommendations and resolutions;

ALSO RECOGNIZING that the complexity of this work may have many implications, such as those of a legal, procedural or practical nature;

RESOLVES THAT:

1. A Working Group meeting of interested Contracting Parties and Cooperating non-Contracting Parties should be held [date to be decided] in [location to be decided] to consider the development of a Compendium of IOTC Resolutions and Recommendations.
2. The Working Group should consider the structure for such a Compendium as well as any overall issues entailed in reflecting the resolutions and recommendations in a Compendium, including how best to preserve their respective non-binding and binding nature.
3. The Working Group should determine if the draft Compendium is an appropriate structure for a future Compendium and whether it accurately reflects the IOTC recommendations and resolutions currently in force. The Working Group should recommend to the Commission alterations of an editorial nature to improve the structure and/or drafting of the text and remove inconsistencies and redundancies.
4. The Working Group should also identify issues raised by its review where further guidance is required from the Commission and make recommendations to the Commission on how these issues may be addressed.

The Working Group should also recommend to the Commission a process for the incorporation of new decisions taken by the Commission into the compiled text.

APPENDIX B

RESOLUTION 11/02 ON THE PROHIBITION OF FISHING ON DATA BUOYS

The Indian Ocean Tuna Commission (IOTC),

AWARE that many nations, including CPCs of the Indian Ocean Tuna Commission (IOTC), operate and deploy data buoys throughout the IOTC area of competence and oceans worldwide to gather information used to make improved weather and marine forecasts, provide assistance to fisheries by generating data on sea surface and subsurface measurements, provide assistance to search and rescue efforts at sea, and collect critical data used to conduct research on meteorological and oceanographic topics and climate prediction;

KNOWING that highly migratory species, in particular tuna species, aggregate in the vicinity of data buoys;

RECOGNIZING that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that damage caused to data buoys by fishing vessels are significant problems in the Indian Ocean and worldwide;

CONCERNED that damage to data buoys results in significant loss of data critical to weather forecasting, to the study of marine conditions, to tsunami warnings, to support for search and rescue efforts at sea, and that Commission Members and non-members expend considerable time and resources to locate, replace and repair damaged or lost data buoys;

ALARMED that the loss of data critical to the study of marine conditions because of damage to data buoys undermines analyses by IOTC scientists seeking better understanding of tuna habitat use and the relationships between climate and tuna recruitment, as well as research by environmental scientists in general;

RECALLING UNGA resolution A/Res/64/72, paragraph 109, which "Calls upon States and regional fisheries management organizations or arrangements, working in cooperation with other relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to adopt, as appropriate, measures to protect ocean data buoy systems moored in areas beyond national jurisdiction from actions that impair their operation;"

ALSO RECALLING UNGA resolution A/Res/64/71, paragraph 172, which "Expresses its concern at the intentional or unintentional damage to platforms used for ocean observation and marine scientific research, such as moored buoys and tsunameters, and urges States to take necessary action and to cooperate in relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to address such damage;"

MINDFUL that several data buoy programs publish information on the internet describing the type and location of such buoys;

FURTHER NOTING the mandate given to the Commission to adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

ADOPTS the following:

1. For the purposes of this measure, data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities.
2. Contracting Parties and Cooperating Non-Contracting Parties (CPCs) shall prohibit their fishing vessels from intentionally fishing within one nautical mile of or interacting with a data buoy in the IOTC area of competence, which includes, but is not limited to, encircling the buoy with fishing gear; tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or cutting a data buoy anchor line.
3. CPCs shall prohibit their fishing vessels from taking on board a data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence, unless specifically authorized or requested to do so by the Member or owner responsible for that buoy.

4. CPCs shall encourage their fishing vessels operating in the IOTC area of competence to keep watch for moored data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys.
5. CPCs shall require their fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible.
6. CPCs shall encourage their fishing vessels to report to them regarding any data buoys observed to be damaged or otherwise inoperable along with the date of observation, buoy location, and any discernable identifying information contained on the data buoy. CPCs shall notify the Secretariat of all such reports.
7. Notwithstanding paragraph 2, scientific research programs notified to the Commission may operate fishing vessels within one nautical mile of a data buoy so long as they do not interact with those data buoys as described in paragraph 2.

CPCs are encouraged to communicate to the Commission, through the Secretariat, the location of data buoy assets that they have deployed throughout the IOTC area.

APPENDIX C

RESOLUTION 11/03

ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

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

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA-IUU;

RECALLING that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels engaged in IUU fishing;

RECALLING that the IOTC adopted Resolution 07/01 to promote compliance by nationals of Contracting Parties and Cooperating Non-contracting Parties with IOTC conservation and management measures;

RECALLING ALSO that the IOTC adopted Resolution 07/02 to enhance the implementation of IOTC conservation and management measures through establishing a Record of fishing vessels authorised to operate in the IOTC Area of competence;

CONCERNED by the fact that IUU fishing activities in the IOTC area of competence continue, and these activities diminish the effectiveness of IOTC conservation and management measures;

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities who have re-flagged their vessels to avoid compliance with IOTC management and conservation measures;

DETERMINED to address the challenge of an increase in IUU fishing activities by way of countermeasures to be applied in respect of the vessels engaged in IUU fishing, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments;

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

Definition of IUU Fishing Activities

1. For the purposes of this resolution, fishing vessels are presumed to have carried out illegal, unreported and unregulated fishing activities in the IOTC Area of competence, inter alia, when a Contracting Party or Cooperating non-Contracting Party (hereinafter referred to as "CPCs") presents evidence that such vessels:

- (a) Harvest tuna or tuna-like species in the IOTC Area of competence and are neither registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence, in accordance with Resolution 07/02, nor recorded in the Active list of Vessels of IOTC, or

- (b) Harvest tuna or tuna-like species in the IOTC Area of competence, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable, or
- (c) Do not record or report their catches made in the IOTC Area of competence in accordance with IOTC reporting requirements, or make false reports, or
- (d) Take or land undersized fish in contravention of IOTC conservation measures, or
- (e) Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
- (f) Use prohibited fishing gear in contravention of IOTC conservation measures, or
- (g) Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List, or
- (h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area of competence without authorisation and/or infringe the coastal state's laws and regulations, (this is without prejudice to the sovereign rights of coastal States to take measures against such vessels), or
- (i) Are without nationality and harvest tuna or tuna-like species in the IOTC Area of competence, or
- (j) Engage in fishing, including transshipping, re-supplying or re-fuelling, contrary to any other IOTC conservation and management measures.

Information on Alleged IUU Fishing Activities

2. CPCs shall transmit every year to the Secretary at least 70 days before the Annual Meeting, a list of the vessels presumed to have been carrying out IUU fishing activities in the IOTC Area of competence during the current and previous year, accompanied by evidence supporting the presumption of IUU fishing activity. The IOTC Reporting Form for Illegal Activity (Annex I) shall be used.
3. This list and evidence shall be based on information collected by CPCs from all relevant sources including but not limited to:
 - (a) Relevant resolutions of the IOTC, as adopted and amended from time to time;
 - (b) Reports from CPCs Parties relating to IOTC conservation and management measures in force;
 - (c) Trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics; and
 - (d) Any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented.

Draft IUU Vessels List

4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Draft IUU Vessels List. This list shall be drawn up in conformity with Annex II. The Secretary shall transmit it together with the current IUU Vessels List as well as all the evidence provided to CPCs and to non-Contracting Parties whose vessels are included on these lists at least 55 days before the Annual Meeting. CPCs and non-Contracting Parties will transmit any comments to the Secretary at least 15 days before the Annual Meeting of the IOTC, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area of competence.
5. The Flag State shall notify the owner of the vessels of their inclusion in the Draft IUU Vessels List and of the consequences that may result from their inclusion being confirmed in the IUU Vessels List adopted by the Commission.
6. Upon receipt of the Draft IUU Vessels list, CPCs shall closely monitor the vessels included in the Draft IUU Vessels List in order to determine their activities and possible changes of name, flag and or registered owner.

Provisional IUU Vessels List

7. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Provisional IUU Vessels List and transmit it two weeks in advance of the Commission Meeting to the CPCs and to the non-Contracting Parties concerned together with all the evidence and any comments provided. This list shall be drawn up in conformity with Annex II.
8. CPCs and non-Contracting Parties may at any time submit to the Secretary any additional information, which might be relevant to the establishment of the IUU Vessels List. The Secretariat shall circulate the information before the annual meeting to CPCs concerned, together with all the evidence provided.
9. The Compliance Committee shall examine each year the Provisional IUU Vessels List, as well as the information referred to in paragraphs 2, 3, 4, 7 and 8.
10. The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the Flag State demonstrates that:
 - (a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - (b) It has taken effective action in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity. CPCs will report any actions and measures they have taken in accordance with Resolution 07/01, in order to promote compliance by vessels of CPCs with IOTC conservation and management measures.
11. Where Flag State evidence provided to support the details referred to in paragraphs 10a or 10b is submitted after the 15 day deadline referred to in paragraph 4 (including any submission of evidence made during the Compliance Committee's annual meeting) the vessel shall remain on the Provisional IUU List to allow consideration to occur by the relevant authorities inter-sessionally as described in paragraph 14. In cases where no evidence has been provided by the Flag State, the Compliance Committee shall recommend to the Commission that the vessel be included on the IOTC IUU Vessel list.
12. Following the examination referred to in paragraph 9, at each IOTC Annual meeting, the IOTC Compliance Committee shall:
 - a) Adopt a Provisional IUU Vessels List following consideration of the Draft IUU Vessels List and information and evidence circulated under paragraphs 4, 7 and 8.
 - b) Recommend to the Commission which, if any, vessels should be removed from the IUU Vessels List adopted at the previous IOTC Annual meeting, following consideration of that List, of the information and evidence circulated under paragraph 8 and the information supplied by Flag States in accordance with paragraph 19.

IUU Vessels List

13. Taking into account the recommendations and the Provisional IUU Vessels List adopted by the Compliance Committee, and the information provided under paragraph 2, 3, 4, 7 and 8, the Commission shall adopt the IOTC IUU Vessels List.
14. If the Commission is unable to decide, on the basis of the information provided under paragraphs 2, 3, 4, 7 and 8, whether or not a vessel should be included on the IOTC IUU Vessels List, the Commission may suspend its decision and request that supplementary information or evidence be submitted both by the relevant States, including the CPC that transmitted evidence on presumed IUU fishing activities by that vessel and the Flag State. The consideration of that vessel's inclusion on the IOTC IUU Vessels List shall continue inter sessionally by electronic means as follows:
 - a) Relevant CPC and the Flag State are invited to submit supplementary information or evidence to the IOTC Secretary within 90 days;
 - b) Immediately following this period of 90 days, the Secretary will transmit the proposal to put the vessel on the IOTC IUU Vessels list to all CPCs, along with all the supplementary information or evidence received under paragraph 14(a);
 - c) The CPCs will examine the proposal and supplementary information or evidence to put the vessel on the IOTC IUU Vessels List and notify the Secretary, within 30 days following this transmission, whether or not they support the vessel being included on the IOTC IUU Vessels List;

- d) At the end of the 30 days period, the Chairperson shall ascertain the outcome of the CPC's decision on the proposal in accordance with the following:
- i) A majority of the Members of the Commission shall constitute the quorum.
 - ii) if A two-thirds majority of the Members of those which have expressed their position and cast affirmative or negative votes are in favour of putting the vessel on the IOTC IUU Vessels List, the vessel shall be included on this list.
 - iii) If the two-thirds majority of the Members of those which have expressed their position and cast affirmative or negative votes is not met, the vessel should remain in the Provisional IUU Vessels List.
- e) The Secretary shall communicate the result of the decision, along with a copy of the amended IOTC IUU Vessels List or the confirmed Provisional IOTC Vessel List, to all CPCs, the Flag State of the vessels (if is not a CPC), and any non-Contracting Party that may have an interest. The amended IOTC IUU Vessels List will have effect immediately after the Secretary communicates the result of the decision.
15. On adoption of the IOTC IUU Vessels List, the Secretary shall request CPCs, whose vessels appear on the list:
- a) To notify the owner of the vessel identified on the IUU Vessels List of its inclusion on the list and the consequences which result from being included on the list, as referred to in paragraph 16;
 - b) To take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
16. CPCs shall take all necessary measures, under their applicable legislation:
- a) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels on the IUU Vessels list;
 - b) So that IUU vessels that enter ports voluntarily are not authorized to land, tranship, refuel, re-supply, or engage in other commercial transactions;
 - c) to prohibit the chartering of a vessel included on the IUU Vessels List;
 - d) To refuse to grant their flag to vessels included in the IUU Vessels List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or having taken into account all relevant facts, the Flag State determines that granting the vessel its flag will not result in IUU fishing;
 - e) To prohibit the imports, landing or transshipment, of tuna and tuna-like species from vessels included in the IUU Vessels List;
 - f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU Vessels List;
 - g) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of detecting, controlling and preventing false import/export certificates for tunas and tuna-like species from vessels included in the IUU Vessels List.
17. The Secretary will take any necessary measure to ensure publicity of the IUU Vessels List adopted by IOTC pursuant to paragraph 12, in a manner consistent with any applicable confidentiality requirements, and through electronic means, including placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU Vessels List to other regional fisheries management organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
18. Without prejudice to the rights of Flag States and coastal states to take proper action consistent with international law, the CPCs should not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft IUU Vessels List, pursuant to paragraph 4, or which have been already removed from the IUU Vessels List, pursuant to paragraph 10, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessels List

19. A CPC whose vessel appears on the IUU Vessels List may request the removal of this vessel from the list during the inter–sessional period by providing the following information and supporting evidence:
- a) It has adopted measures such that the vessel conforms with all IOTC conservation measures;
 - b) It is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the IOTC Area of competence;
 - c) It has taken effective action in response to the IUU fishing activities in question including prosecution and imposition of sanctions of adequate severity;
 - d) The vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.

Inter Sessional removal of vessels from the IUU Vessels List

20. The CPC shall send its request for the removal of a vessel from the IUU Vessels List to the IOTC Secretary accompanied by the supporting information referred to in paragraph 19.
21. On the basis of the information received in accordance with paragraph 19, the Secretary will transmit the removal request, with all the supporting information to all CPCs within 15 days following the notification of the removal request.
22. The CPCs will examine the request to remove the vessel and notify the Executive Secretary of their conclusion to either remove the vessel from, or keep the vessel on, the IUU Vessels List, by mail within 30 days following the notification by the Secretary. At the end of the 30 day period, the Chairperson shall ascertain the outcome of the CPCs' decision on the proposal in accordance with the following:
 - i) A majority of the Members of the Commission shall constitute the quorum.
 - ii) if a two–thirds majority of the Members of those which have expressed their position and cast affirmative or negative votes are in favour of removing a vessel from the IOTC IUU Vessels List, the vessel shall be removed from this list.
 - iii) if the two–thirds majority of the Members of those which have expressed their position and cast affirmative or negative votes is not met, the vessel remains in the IOTC IUU Vessels List.
23. The Secretary shall communicate the result of the decision, along with a copy of the amended IOTC IUU Vessels List, to all CPCs, the Flag State of the vessels (if is not a CPC), and any non–Contracting Party that may have an interest. The amended IOTC IUU Vessels List will have effect immediately after the Secretary communicates the result of the decision.
24. Where the Commission decides to remove a vessel from the IUU Vessels list pursuant to paragraph 23, the Secretary will take the necessary measures to remove the vessel concerned from the IOTC IUU Vessels List, as published on the IOTC website. Moreover, the Secretary will forward the decision of removal of the vessel to other regional fishery management organisations.
25. Resolution 09/03 *On Establishing A List Of Vessels Presumed To Have Carried Out Illegal, Unregulated And Unreported Fishing In The IOTC Area* is superseded by this Resolution.

**ANNEX I
IOTC REPORTING FORM FOR ILLEGAL ACTIVITY**

Recalling IOTC Resolution 11/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area*, attached are details of illegal activity recorded in

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	
b	Current Flag (previous flag/s, if any)	
c	Date first included on IOTC IUU Vessel List (if applicable)	
d	Lloyds IMO Number, if available	
e	Photo	
f	Call Sign (previous call sign, if any)	
g	Owner / Beneficial Owner/s (previous owner/s, if any)	
h	Operator (previous operator/s, if any) and Master/Fishing Master	
i	Date of alleged IUU fishing Activities	
j	Position of alleged IUU fishing Activities	
k	Summary of alleged IUU Activities (see section B for more detail)	
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	
m	Outcome of Actions Taken	

B. Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 11/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna–like species in the IOTC Area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna–like species in the IOTC Area of competence	
b	Harvest tuna or tuna–like species in the IOTC Area of competence, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area of competence in accordance with IOTC reporting requirements, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re–supplying or re–fuelling, vessels included in the IUU Vessels List	
h	Harvest tuna or tuna–like species in the waters under the national jurisdiction of a coastal State in the IOTC Area of competence without authorisation and/or infringes the coastal state’s laws and regulations	
i	Are without nationality and harvest tuna or tuna–like species in the IOTC Area of competence	
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

C. Associated Documents

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

D. Recommended Actions

Recommended Actions	Indicate
a Notification to IOTC Secretariat only. No further action is recommended.	
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag state.	
c Recommended for inclusion on IOTC IUU list	

**ANNEX II
INFORMATION TO BE INCLUDED IN ALL IOTC IUU VESSELS LISTS**

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

1. name of the vessel and previous name/s, if any;
2. Flag of the vessel and previous flag/s, if any;
3. owner of the vessel and previous owner/s, including beneficial owners, if any;
4. operator of the vessel and previous operator/s, if any;
5. call sign of the vessel and previous call sign/s, if any;
6. Lloyds/IMO number, if available;
7. photographs of the vessel, where available;
8. date the vessel was first included on the IOTC IUU Vessels List;
9. summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidences.

APPENDIX D

RESOLUTION 11/04 ON A REGIONAL OBSERVER SCHEME

The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the need to increase the scientific information, in particular to provide the IOTC Scientific Committee working material in order to improve the management of the tuna and tuna-like species fished in the Indian Ocean;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all IOTC Members and Co-operating Non-contracting Parties (hereinafter CPCs) to fully comply with the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (NCPs) to abide by these measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for tuna and tuna-like species;

CONSIDERING the provisions set forth in Resolution 10/04 *on a Regional Observer Scheme*, adopted by the Commission;

CONSIDERING the deliberations of the 12th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

Objective

1. The objective of the IOTC observer scheme shall be to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area.

Observer Scheme

2. In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC Area of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above mentioned coverage should be achieved progressively by January 2013.
3. When purse seiners are carrying an observer¹ as stated in paragraph 1, this observer shall also monitor the catches at unloading to identify the composition of bigeye catches. The requirement for the observer to monitor catches at unloading is not applicable to CPCs already having a sampling scheme, with at least the coverage set out in paragraph 2.
4. The number of the artisanal fishing vessels landings shall also be monitored at the landing place by field samplers². The indicative level of the coverage of the artisanal fishing vessels should progressively increase towards 5% of the total levels of vessel activity (i.e. total number of vessel trips or total number of vessels active).

¹ Observer: a person that collects information on board fishing vessels. Observer programmes can be used for quantifying species composition of target species, bycatch, by-products and dead discards, collecting tag returns, etc.

² Field sampler: a person that collects information on land during the unloading of fishing vessels. Field sampling programmes can be used for quantifying catch, retained bycatch, collecting tag returns, etc.

5. CPCs shall:
 - a) Have the primary responsibility to obtain qualified observers. Each CPC may choose to use either deployed national or non–national of the flag State of the vessel on which they are deployed;
 - b) Endeavour that the minimum level of coverage is met and that the observed vessels are a representative sample of the gear types active in their fleet;
 - c) Take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
 - d) Endeavour to ensure that the observers alternate vessels between their assignments. Observers are not to perform duties, other than those described in paragraphs 10 and 11 below;
 - e) Ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment at the same level as the officers, where possible. Vessel masters shall ensure that all necessary co–operation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.
6. The cost of the observer scheme in paragraph 2 and 3 shall be met by each CPC.
7. The sampling scheme referred in paragraph 4 will be covered by the Commission's accumulated funds and voluntary contribution on a provisional basis. The Commission will consider an alternative for the financing of this scheme.
8. If the coverage referred in paragraphs 2 and 3 is not met by a CPC, any other CPC may, subject to the consent of the CPC who has not met its coverage, place an observer to fulfill the tasks defined in the paragraphs 1 and 2 until that CPC provides a replacement or the target coverage level is met.
9. CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.
10. Observers shall:
 - a) Record and report fishing activities, verify positions of the vessel;
 - b) Observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by–catches and size frequency;
 - c) Record the gear type, mesh size and attachments employed by the master;
 - d) Collect information to enable the cross–checking entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and
 - e) Carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee.
11. The observer shall, within 30 days of completion of each trip, provide a report to the CPCs of the vessel. The CPCs shall send within 150 days at the latest each report, as far as continuous flow of report from observer placed on the longline fleet is ensured, which is recommended to be provided with 1°x1° format to the Executive Secretary, who shall make the report available to the Scientific Committee upon request. In a case where the vessel is fishing in the EEZ of a coastal state, the report shall equally be submitted to that Coastal State.
12. The confidentiality rules set out in the resolution 98/02 Data confidentiality policy and procedures for fine–scale data shall apply.
13. Field samplers shall monitor catches at the landing place with a view to estimating catch–at–size by type of boat, gear and species, or carry out such scientific work as requested by the IOTC Scientific Committee.
14. The funds available from the IOTC balance of funds may be used to support the implementation of this programme in developing States, notably the training of observers and field samplers.
15. The elements of the Observer Scheme, notably those regarding its coverage, are subject to review and revision, as appropriate, for application in 2012 and subsequent years. Basing on the experience of other Tuna RFMOs, the Scientific Committee will elaborate an observer working manual, a template to be used for reporting (including minimum data fields) and a training program.

This Resolution supersedes Resolution 10/04 *on a Regional Observer Scheme*.

APPENDIX E

RESOLUTION 11/05

ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE–SCALE FISHING VESSELS

The Indian Ocean Tuna Commission,

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

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

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large–scale longline vessels in the Convention area, including the control of their landings;

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

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transhipment operations at sea, all transhipment operations of tuna and tuna like species in the IOTC Area must take place in port.
2. The Flag Contracting Party, Cooperating non Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex 1 when transshipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transhipment at sea which applies initially to large–scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transhipments from these vessels at sea. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the flag CPC authorizes the at–sea transhipment by its flag LSTLVs, such transhipment should be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS–AT–SEA IN THE IOTC AREA

5. The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorized to receive tuna and tuna–like species at sea in the IOTC Area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna–like species in at–sea transhipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2008 the list of the carrier vessels that are authorized to receive at–sea transhipments from its LSTLVs in the IOTC Area. This list shall include the following information:
 - i) The flag of the vessel
 - ii) Name of vessel, register number
 - iii) Previous name (if any)
 - iv) Previous flag (if any)

- v) Previous details of deletion from other registries (if any)
 - vi) International radio call sign
 - vii) Type of vessels, length, gross tonnage (GT) and carrying capacity
 - viii) Name and address of owner(s) and operator(s)
 - ix) Time period authorised for transhipping
7. Each CPC shall promptly notify the IOTC Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
8. The IOTC Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
9. Carrier vessels authorized for at–sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT–SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

Flag State Authorization

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

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its Flag State authorities at least 24 hours in advance of an intended transshipment:
- a) The name of the LSTLV and its number in the IOTC Record of Vessels,
 - b) The name of the carrier vessel and its number in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area, and the product to be transhipped,
 - c) The tonnage by product to be transhipped,
 - d) The date and location of transshipment,
 - e) The geographic location of the tuna catches
13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

16. Each CPC shall ensure that all carrier vessels transhipping at sea have on board an IOTC observer, not later than 1 January 2009, in accordance with the IOTC Regional Observer Programme in Annex 3. The IOTC observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at–sea transhipping in the IOTC area without an IOTC regional observer on board, except in cases of „force majeure“ duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

18. To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
- a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.

-
- b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.
19. The CPCs shall report annually before 15 September to the Secretary:
 - a) The quantities by species transhipped during the previous year.
 - b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year.
 - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
 20. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.
 21. Each year, the Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
 22. The Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of Annex 3 to this Resolution, also indicate evidence indicating possible infraction of IOTC regulations by LSTLVs/carrier vessels flagged to that CPC. Upon receiving such evidence, each CPC shall investigate the cases and report the results of the investigation back to the Secretariat one month prior to the Compliance Committee meeting. The Secretariat shall circulate among CPCs the list of names and flags of the LSTLVs/Carrier vessels that were involved in such possible infraction as well as the response of the flag CPCs two weeks prior to the Compliance Committee meeting. The Compliance Committee shall examine the cases and decide whether there was any infraction.
 23. *Resolution 08/02 On establishing a programme for transshipment by large-scale fishing vessels* is superseded by this Resolution.

ANNEX 1

CONDITIONS RELATING TO IN–PORT TRANSHIPMENT BY LSTVS

General

1 Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations**2 Fishing vessel:**

2.1 Prior to transshipping, the Captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:

- a) the name of the LSTV and its number in the IOTC record of fishing vessels,
- b) the name of the carrier vessel, and the product to be transhipped,
- c) the tonnage by product to be transhipped,
- d) the date and location of transshipment,
- e) the major fishing grounds of the tuna and tuna like species catches

2.2 The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State of the following;

- a) The products and quantities involved
- b) the date and place of the transshipment
- c) the name, registration number and flag of the receiving carrier vessel
- d) the geographic location of the tuna and tuna like species catches.

2.3 The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex 2 not later than 15 days after the transshipment.

Receiving vessel:

3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of tuna and tuna-like species transhipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

Landing State:

4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the Landing State where the landing takes place.

5 The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.

6 Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

**ANNEX 2
IOTC TRANSHIPMENT DECLARATION**

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

Departure	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
Return	_ _	_ _	_ _	from	_ _ _	Signature:	Signature:	Signature :
Transhipment	_ _	_ _	_ _	to	_ _ _			

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

LOCATION OF TRANSHIPMENT

Species	Port	Sea	Type of product									
			Whole	Gutted	Headed	Filletted						

If transhipment effected at sea, IOTC Observer Name and Signature:

ANNEX 3
IOTC REGIONAL OBSERVER PROGRAMME

1. Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC Area and which tranship at sea, to carry an IOTC observer during each transhipment operation in the Convention area.
2. The Secretary shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the IOTC Area from LSTLVs flying the flag of Contracting Parties and of Cooperating non–Contracting Parties that implement the IOTC observer program.

Designation of the observers

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

Obligations of the observer

4. Observers shall:
 - a) have completed the technical training required by the guidelines established by IOTC;
 - b) not be, to the extent possible, nationals of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
 - a) On the Fishing Vessel intending to tranship to the carrier vessel and before the transhipment takes place, the observer shall:
 - i. check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna like species in the IOTC area;
 - ii. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
 - iii. check that the VMS is functioning and examine the logbook;
 - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;
 - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel master.
 - vi. report the results of these duties on the fishing vessel in the observer's report.
 - b) On the Carrier Vessel:

Monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:

 - i. record and report upon the transhipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transhipped;
 - iv. verify and record the name of the LSTLV concerned and its IOTC number;
 - v. verify the data contained in the transhipment declaration;
 - vi. certify the data contained in the transhipment declaration;
 - vii. countersign the transhipment declaration;
 - viii. issue a daily report of the carrier vessel's transshipping activities;
 - ix. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - x. submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - xi. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;

7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

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

Obligations of LSTLV during transhipment

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit it, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
12. The Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

Observer fees

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

APPENDIX F

RECOMMENDATION 11/06

CONCERNING THE RECORDING OF CATCH AND EFFORT BY FISHING VESSELS IN THE IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

RECALLING the commitment made by members under Article V of the IOTC Agreement to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by the Agreement;

CONSIDERING the provisions set forth in Resolution 10/02 Mandatory Statistical Requirements for IOTC Members and Co-operating Non-Contracting Parties (CPCs), and in particular paragraph 3, which sets out the catch and effort reporting requirements for surface fisheries, longline and coastal fisheries;

ACKNOWLEDGING that the IOTC Science Committee has repeatedly stressed the importance of the timeliness and accuracy of data submissions for members;

ALSO RECALLING the outcomes of the 9th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 6 to 10 November 2006 where it was agreed that a standardised logbook would be advantageous and agreed on the minimum requirements for all purse seine and bait boat fleets operating in the IOTC Area of competence in order to harmonize data gathering and provide a common basis for scientific analysis for all IOTC Contracting Parties and Cooperating non-Contracting Parties (CPCs);

FURTHER RECALLING the recommendations adopted by the KOBE II Workshop on Bycatch, held in Brisbane, Australia, 23–25 June 2010; in particular that RFMOs should consider adopting standards for bycatch data collection which, at a minimum, allows the data to contribute to the assessment of bycatch species population status and evaluation of the effectiveness of bycatch measures, and that the data should allow the RFMOs to assess the level of interaction of the fisheries with bycatch species;

ALSO CONSIDERING the deliberations of the 12th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009;

FURTHER CONSIDERING the deliberations of the 13th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 6 to 10 December 2010, that recommended three options, one of which is mandatory reporting of a revised list of shark species in logbooks to improve the data collection and statistics on sharks in the IOTC Area of competence;

FURTHER CONSIDERING the works of the small task force created by the IOTC Scientific Committee during its 10th Session held in Seychelles in November 2007, to harmonise the various forms currently used by the fleets and the IOTC Scientific Committee agreement on the minimum standard requirements for all purse seine, longline and gillnet fleets as well as the produced logbook template;

RECOMMENDS in accordance with the provisions of the Agreement Establishing the IOTC, that:

- 1 Each flag CPC should ensure that all purse seine, longline, gillnet and pole and line fishing vessels flying its flag and authorized to fish species managed by IOTC be subject to a data recording system.
- 2 Within the IOTC Area of competence, all purse seine, longline, gillnet and pole and line fishing vessels over 24 metres length and those under 24 metres if they fish outside the EEZs of their flag States should keep a bound or electronic logbook to provide data for use by

Working Parties and the Scientific Committee that includes, as a minimum requirement, the information and data in the logbook set forth in Annex I and II.

- 3 The logbooks format consists of two parts, Annex I and Annex II, and logbook templates are provided for illustrative purposes only for all gears (Annex III, IV, V and VI):

Annex I includes information on vessel, trip and gear configuration, and need only be completed once for each trip, unless the gear configuration changes during the trip.

Annex II contains information of purse seine, longline, gillnet and pole and line operations and catch, which must be completed for each set of the fishing gear.

- 4 The logbook data should be provided by the fishing masters to the flag State administration, as well as to the coastal State administration where the vessel has fished in that coastal State's EEZ. The flag State and the States which receive this information should provide all the data for any given year to the IOTC Secretariat and the Scientific Committee by June 30th of the following year on an aggregated basis. The confidentiality rules set out in Resolution 98/02 *Data Confidentiality Policy and Procedures* for fine-scale data shall apply.

- 5 The Commission will review this recommendation at its 2012 annual meeting, taking into account the recommendations of the Scientific Committee, with the view of adopting a resolution to implement reporting requirements across all gear types.

ANNEX I

Record once per trip (unless gear configuration changes)

1.1 REPORT INFORMATION

- 1) Date of the submission of logbook
- 2) Name of reporting person

1.2 VESSEL INFORMATION

- 1) Vessel name and/or registration number
- 2) IOTC number, where available
- 3) Call sign: if call sign is not available, other unique identifying code such as registration or fishing licence number should be used
- 4) Vessel size: gross tonnage and/or overall length (meters)

1.3 CRUISE INFORMATION

For multiday fishing operations record the

- 1) Departure date and port
- 2) Arrival date and port

1.4 OTHER REQUIRED INFORMATION

Longline (Gear Configuration):

- 1) Average branch line length (meters): straight length in meters between snap and hook (Figure 1)
- 2) Average float line length (meters): straight length in meters from the float to the snap
- 3) Average length between branch (meters): straight length of main line in meters between successive branch lines
- 4) Main line material classified into four categories:

a. Thick rope (Cremona rope)	c. Nylon braided
b. Thin rope (PE or other materials)	d. Nylon monofilament

Purse Seine (Search Information):

- 1) Days searched
- 2) Spotter plane used (Yes/No)

Gillnet (Gear Configuration):

- 1) Minimum and maximum fishing depth of assembled net (meters): record the maximum and minimum of the depth range fished
- 2) Mesh size of net (millimetres): record the size of the mesh size used during the trip
- 3) Height of assembled net (meters): height on assembled net in meters
- 4) Netting material: e.g. nylon braid, nylon monofilament, etc
- 5) Total length of net lost and not recovered (meters): record the total length lost during the trip

Pole and line

- 1) Activity: reported each day from the start of the trip to the end of the trip. Activities should include “a day fishing or search with bait onboard”, “no fishing – collecting bait”, “no fishing – in transit”; no fishing – gear breakdown”; no fishing – bad weather” and no fishing – in port

ANNEX II

Record once per set/shot/operation**2.1 OPERATION****For longline:**

- 1) Date of set (YYYY/MM/DD)
- 2) Position in latitude and longitude: either at noon (local time) position or position of start of gear, area code of operation (e.g. Seychelles EEZ, High seas, etc) may be optionally used
- 3) Local Time (24 hr) of starting setting the gear
- 4) Sea surface temperature at noon with one decimal point, if available (XX.X°C)
- 5) Number of hooks between floats: if there are different hooks counts between floats in a single set then record the most representative (average) number
- 6) Total number of hooks used in the set
- 7) Number of light–sticks used in the set
- 8) Type of bait used in the set

For purse seine:

- 1) Date of fishing activity (YYYY/MM/DD)
- 2) Position in latitude and longitude: for each set or at noon (local time) position
- 3) Details of the set or deployment of FAD: specify if the set was successful, nil, time, well
- 4) Type of school: FAD association (specify the type e.g. object, beacon, whale shark, whale, etc) and/or free swimming school
- 5) Sea surface temperature at noon with one decimal point, if available (XX.X°C)
- 6) Current speed (knots) and direction (degrees)

For gillnet:

- 1) Date of set (YYYY/MM/DD): record the date for each set of day at sea (for days without sets)
- 2) Total length of net (meters): length floatline used for each set in meters
- 3) Start fishing time: record the UCT time (24 hr) when starting each set
- 4) Start and end position in latitude and longitude: record start and end latitude and longitude that represent the area that your gear is set between. Record the latitude and longitude at noon for days with no set.
- 5) Depth at which net is set (meters): approximate depth at which the gillnet is set
- 6) Start Haul Time: record the UCT time (24 hr) when hauling starts
- 7) Finish Haul Time: record the UCT time (24 hr) when hauling ends

For Pole and Line

- 1) Date of fishing: record the day of fishing. Each fishing day should be recorded separately.
- 2) Number of fishermen: record the number of fishermen on the boat by fishing day (fishing event)
- 3) Number of fishing gears used: Record the number of fishing gears used during the day (fishing event)
- 4) Start fishing time: record the UCT time (24 hr) immediately after bait fishing is complete and the vessel heads to the ocean for fishing. For multiple days, the time at which search starts should be recorded
- 5) End fishing time: record the UCT time (24 hr) immediately after fishing is complete from the last school. This is the time that the captain decides to head home. On multiple days this is the time fishing stopped from the last school.
- 6) Position of the catch: record the latitude and longitude at the start of the fishing event, record the latitude and longitude at noon for non–fishing days. Where information is recorded by day, record the average 1° x 1° area(s) where fishing took place.
- 7) Type of school: FAD associated and/or free school

2.2 CATCH

- 1) Catch weight (kg) or number by species per set/shot/fishing event for each of the species and form of processing in section 2.3:

- a. For longline by number and weight;
- b. For purse seine by weight;
- c. For gillnet by weight;
- d. For pole and line by weight or number

2.3 SPECIES

For Longline:

Fish Species	Other Species
Southern Bluefin Tuna (<i>Thunnus maccoyii</i>)	Blue Shark (<i>Prionace glauca</i>)
Albacore Tuna (<i>Thunnus alalunga</i>)	Mako Sharks (<i>Isurus</i> spp.)
Bigeye Tuna (<i>Thunnus obesus</i>)	Porbeagle Shark (<i>Lamna nasus</i>)
Yellowfin Tuna (<i>Thunnus albacores</i>)	Oceanic Whitetip Shark (<i>Carcharhinus longimanus</i>)
Skipjack Tuna (<i>Katsuwonus pelamis</i>)	Hammerhead Sharks (<i>Sphyrna</i> spp.)
Swordfish (<i>Xiphius gladius</i>)	Other sharks
Striped marlin & blue marlin (<i>Tetrapturus audax</i> & <i>Makaira indica</i>)	Optional species to be recorded
Swordfish (<i>Xiphius gladius</i>)	
Black Marlin (<i>Makaira mazara</i>)	Thresher Sharks (<i>Alopias</i> spp.)
Striped marlin & blue marlin (<i>Tetrapturus audax</i> & <i>Makaira indica</i>)	
Shortbilled spearfish (<i>Tetrapturus angustirostris</i>)	Tiger Shark (<i>Galeocerdo cuvier</i>)
Black Marlin (<i>Makaira mazara</i>)	
Indo–Pacific Sailfish (<i>Istiophorus platypterus</i>)	Crocodile Shark (<i>Pseudocarcharias kamoharai</i>)
Shortbilled spearfish (<i>Tetrapturus angustirostris</i>)	
Other bony fishes	Other Requiem sharks (<i>Carcharhinus</i> spp.)
Indo–Pacific Sailfish (<i>Istiophorus platypterus</i>)	
Other bony fishes	Great White shark (<i>Carcharodon carcharias</i>)
	Pelagic stingray (<i>Pteroplatytrygon violacea</i>)

For Purse Seine:

Fish Species	Others Optional
Albacore Tuna (<i>Thunnus alalunga</i>)	Whale Shark (<i>Rhincodon typus</i>)
Yellowfin Tuna (<i>Thunnus albacores</i>)	Oceanic Whitetip Shark (<i>Carcharhinus longimanus</i>)
Skipjack Tuna (<i>Katsuwonus pelamis</i>)	Silky sharks (<i>Carcharhinus falciformis</i>)
Bigeye Tuna (<i>Thunnus obesus</i>)	Other sharks
Other fishes	

For Gillnet:

Fish Species	Other Species
Albacore Tuna (<i>Thunnus alalunga</i>)	Blue Shark (<i>Prionace glauca</i>)
Bigeye Tuna (<i>Thunnus obesus</i>)	Mako Sharks (<i>Isurus</i> spp.)
Longtail Tuna (<i>Thunnus tonggol</i>)	Porbeagle Shark (<i>Lamna nasus</i>)
Yellowfin Tuna (<i>Thunnus albacores</i>)	Oceanic Whitetip Shark (<i>Carcharhinus longimanus</i>)
Skipjack Tuna (<i>Katsuwonus pelamis</i>)	Hammerhead Sharks (<i>Sphyrna</i> spp.)
Frigate Tuna (<i>Auxis thazard</i>)	Other sharks
Kawakawa (<i>Euthynnus affinis</i>)	Optional species to be recorded
Narrow banded Spanish Mackerel (<i>Scomberomorus comerson</i>)	Thresher Sharks (<i>Alopias</i> spp.)
Indo–Pacific King Mackerel (<i>Scomberomorus guttatus</i>)	Tiger Shark (<i>Galeocerdo cuvier</i>)

Marlins (<i>Tetrapturus</i> spp, <i>Makaira</i> spp)	Crocodile Shark (<i>Pseudocarcharias kamoharai</i>)
Indo–Pacific Sailfish (<i>Istiophorus platypterus</i>)	Other Requiem sharks (<i>Carcharhinus</i> spp.)
Shortbilled spearfish (<i>Tetrapturus angustirostris</i>)	Great White shark (<i>Carcharodon carcharias</i>)
Swordfish (<i>Xiphius gladius</i>)	
Other fishes	

For Pole and Line:

Fish Species
Skipjack Tuna (<i>Katsuwonus pelamis</i>)
Yellowfin Tuna (<i>Thunnus albacores</i>)
Bigeye Tuna (<i>Thunnus obesus</i>)
Albacore Tuna (<i>Thunnus alalunga</i>)
Frigate Tuna (<i>Auxis thazard</i>)
Kawakawa (<i>Euthynnus affinis</i>)
Longtail Tuna (<i>Thunnus tonggol</i>)
Narrow banded Spanish Mackerel (<i>Scomberomorus comerson</i>)
Other fishes

2.4 REMARKS

- 1) Discard Weight (kg) or number
 - a. For longline by number and weight
 - b. For purse seine estimate weight for each species
 - c. For gillnet by weight
 - d. For pole and line by weight or number
- 2) Any interactions with whale sharks (*Rhincodon typus*) and marine mammals are encouraged to be recorded
- 3) Discard of tuna, tuna–like fish and sharks, turtles and seabirds should be recorded in the remarks
- 4) Other information is also written in the remarks
- 5) Recall the Recommendation 10/13 *On the Implementation of a Ban on Discards of Skipjack Tuna, Yellow Fin Tuna, Bigeye Tuna and Non Targeted Species Caught by Purse Seiners*

Note: The species included in the logbooks are regarded as minimum requirement. Optionally other frequently caught shark and/or fish species should be added as required across different areas and fisheries.

Figure 1. Schematic diagram of longline gear / Diagramme schématique d'une palangre.

