

AMENDMENTS TO RESOLUTIONS 12/05, 13/02 AND 13/07 CONCERNING THE OBLIGATION FOR VESSELS ABOVE 24 METERS OR UNDER 24 METERS FISHING OUTSIDE THEIR EXCLUSIVE ECONOMIC ZONE (EEZ) TO HOLD AN IMO NUMBER

PART III

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

SUBMITTED BY: EUROPEAN UNION, 30 APRIL 2014

Explanatory Memorandum

The proposed amendments aim that fishing vessels operating in the IOTC area of competence above 24 meters or less than 24 meters if fishing outside their EEZ hold an IMO numbers by 1 January 2016. This should include chartered vessels. In addition, vessels engaged in transshipment at sea in the IOTC area of competence shall report their IMO number if they have one.

The amendments concern:

- Resolution 13/02 *on the IOTC Record of vessels authorised to operate in the IOTC area of competence* (paragraph 2 and especially footnote 1),
- Resolution 13/07 *Concerning a Record of Licensed Foreign Vessels Fishing for IOTC Species in the IOTC Area of Competence and Access Agreement Information* (paragraph 2 and especially footnote 1),
- Resolution 12/05 *on Establishing a Programme for Transshipment by Large-Scale Fishing Vessels* (paragraph 12).

The current wording in Resolutions 13/02 and 13/07 concerning all vessels above 24 meters or less than 24 meters fishing outside their EEZ would be able to provide IMO numbers by 2015, does not provide sufficient clarity regarding the obligation of the owners of those vessels regarding the deadline to respect this obligation.

Resolution 12/05 currently does not make use of the IMO numbers.

Using IMO numbers as a unique vessel identifier (UVI) for fishing vessels is both useful to fight against IUU fishing and practical for vessel identification.

In 2013, CCAMLR, ICCAT and WCPFC strengthened their transparency requirements and mandated IMO numbers for fishing vessels.

RESOLUTION 14/XX13/07

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

The Indian Ocean Tuna Commission (IOTC),

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the Conservation and Management Measures already adopted by the 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 IOTC area of competence, 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 programme to monitor transhipments at sea outlined below in Section 2, all transhipment operations of tuna and tuna-like species and sharks caught in association with tuna and tuna-like fisheries in the IOTC area of competence (hereinafter referred to as “tuna and tuna-like species and sharks”) 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 I** when transhipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transhipment at sea which applies only 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. No at-sea transhipment of tuna and tuna-like species and sharks by fishing vessels other than LSTLVs shall be allowed. The Commission shall review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorise their LSTLVs to tranship at sea. However, if the flag CPC authorises the at-sea transhipment by its flag LSTLVs, such transhipment shall be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and **Annexes II and III** below.

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

5. The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorised to receive tuna and tuna-like species and sharks at sea in the IOTC area of competence from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive tuna and tuna-like species and sharks in at-sea transhipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Executive Secretary the list of the carrier vessels that are authorised to receive at-sea transhipments from its LSTLVs in the IOTC area of competence. This list shall include the following information:
 - a) The flag of the vessel;
 - b) Name of vessel, register number;

- c) Previous name (if any);
 - d) Previous flag (if any);
 - e) Previous details of deletion from other registries (if any);
 - f) International radio call sign;
 - g) Type of vessels, length, gross tonnage (GT) and carrying capacity;
 - h) Name and address of owner(s) and operator(s);
 - i) Time period authorised for transhipping.
7. Each CPC shall promptly notify the IOTC Executive 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 Executive 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 authorised for at-sea transhipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

10. Transhipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorisation 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 authorised to tranship at sea, unless they have obtained prior authorisation from their flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorisation 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 transhipment:
- a) The name of the LSTLV, ~~and~~ its number in the IOTC Record of Vessels and its IMO number;
 - b) The name of the carrier vessel, ~~and~~ its number in the IOTC Record of Carrier Vessels authorised to receive transhipments in the IOTC area of competence, and its IMO number, if issued, and the product to be transhipped;
 - c) The tonnage by product to be transhipped;
 - d) The date and location of transhipment;
 - e) The geographic location of the catches.
13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transhipment, the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in **Annex II**.

Receiving carrier vessel:

14. Before starting transshipment, the master of the receiving carrier vessel shall confirm that the LSTLV concerned is participating in the IOTC programme to monitor transshipment at sea (which includes payment of the fee in paragraph 13 of **Annex III**) and has obtained the prior authorisation from their flag State referred to in paragraph 11. The master of the receiving carrier vessel shall not start such transshipment without such confirmation.
15. 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 authorised to receive transshipment in the IOTC area of competence, within 24 hours of the completion of the transshipment.
16. 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 authorised to receive transshipment in the IOTC area of competence, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

17. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, in accordance with the IOTC Regional Observer Programme in **Annex III**. 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.
18. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area of competence without an IOTC regional observer on board, except in cases of “force majeure” duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

19. 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 IOTC area of competence, 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.
20. The CPCs shall report annually before 15 September to the IOTC Executive 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.
21. All tuna and tuna-like species and sharks 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.

22. Each year, the IOTC Executive Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
23. The IOTC Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of **Annex III** 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 IOTC Secretariat three months prior to the IOTC Compliance Committee meeting. The IOTC 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 80 days prior to the IOTC Compliance Committee meeting.
24. Resolution ~~12/0511/05~~ *On establishing a programme for transhipment by large-scale fishing vessels* is superseded by this Resolution.

ANNEX I

Conditions relating to in-port transhipment by LSTVs

General

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

Notification obligations

2. Fishing vessel:
 - 2.1. Prior to transhipping, 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 transhipment;
 - e) the major fishing grounds of the tuna and tuna-like species and sharks catches.
 - 2.2. The Captain of a LSTV shall, at the time of the transhipment, inform its Flag State of the following:
 - a) the products and quantities involved;
 - b) the date and place of the transhipment;
 - c) the name, registration number and flag of the receiving carrier vessel;
 - d) the geographic location of the tuna and tuna-like species and sharks catches.
 - 2.3. The captain of the LSTV concerned shall complete and transmit to its flag State the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in **Annex II** not later than 15 days after the transhipment.

Receiving vessel:

3. Not later than 24 hours before the beginning and at the end of the transhipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of tuna and tuna-like species and sharks transhipped to his vessel, and complete and transmit the IOTC transhipment 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 III

IOTC Regional Observer Programme

1. Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transhipments in the IOTC area of competence and which tranship at sea, to carry an IOTC observer during each transhipment operation in the IOTC area of competence.
2. The IOTC Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transhipments in the IOTC area of competence 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 IOTC 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 and sharks in the IOTC area of competence;
 - 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 observers 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 transshipment activities carried out;
- ii. verify the position of the vessel when engaged in transshipping;
- iii. observe and estimate products transhipped;
- iv. verify and record the name of the LSTLV concerned and its IOTC number;
- v. verify the data contained in the transshipment declaration;
- vi. certify the data contained in the transshipment declaration;
- vii. countersign the transshipment declaration;
- viii. issue a daily report of the carrier vessels 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 IOTC 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 behaviour 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 IOTC Executive 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 available raw data, summaries, and reports pertaining to the trip four months prior to the IOTC 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 IOTC Executive Secretary shall submit the observer reports to the IOTC Compliance Committee and to the IOTC 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 Executive Secretary shall manage the account for implementing the program.
- 14. No LSTLV may participate in the at-sea transhipment program unless the fees, as required under paragraph 13, have been paid.