



**3<sup>rd</sup> MEETING OF CATCH DOCUMENTATION SCHEME INTERSESSIONAL WORKING  
GROUP**

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**RFMO Catch Documentation Schemes: a summary**

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**Paper by International Seafood Sustainability Foundation (ISSF)**



## **RFMO Catch Documentation Schemes: a summary**

### **Introduction**

1. Catch Documentation Schemes (CDS) are global traceability systems that certify a unit of legal catch, providing a catch certificate (CC) to the legal owner of the fish (at the point of capture) and then trace the movement of this unit of catch from unloading through international trade (export and re-export), into the end market (the first point of sale/import). The product's movement is tracked by linking a catch certificate to an associated trade certificate(s) (TC). Importantly, catch and trade documents are verified by an authorized official reducing the risk of illegal, unregulated or unreported (IUU) fish entering the market.
2. CDS were originally implemented to provide market surety of the legitimacy of the catch of high value species such as Patagonian toothfish and Bluefin tuna. However, renewed interest in the development and implementation of CDS' is no longer simply to eliminate IUU fishing. For many States there is a desire to have a harmonised system rather than continued proliferation of unilateral market State based approaches and to strengthen flag State compliance with RFMO requirements. Furthermore, coastal States see that CDS' may provide a tool enabling verification of the catch taken in waters under national jurisdiction, which may be important in negotiating access agreement and monitoring fishing activities.
3. This review provides an overview of the current activities regarding the development, implementation, review and amendment of CDS by RFMOs and the FAO Technical Consultation on the Development of Voluntary Guidelines for CDS regarding.

### **Key Elements of a CDS**

4. The key aspect of a CDS is that traceability is complete and verified; the movement of all fish is tracked globally from its capture through landing and transshipment to export and re-export and into the market. For international trade, the CDS 'finishes' at the first point of sale or import; at this point the remit of the international treaty ceases and a countries domestic product tracking systems take over. The converse of a CDS is a unilateral market based scheme, that only monitors catches into a market State, the EU IUU regulation<sup>1</sup> is one such example. A CDS is composed of two elements and associated certificates: (1) the catch component monitoring the landing, unloading and transshipping of wild or farmed fish using the Catch Certificate; and (2) the trade component that monitors the processing, export and import using the Trade Certificate.
5. The following elements form integral components of a CDS:

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<sup>1</sup> For full text of the EU's Regulation, establishing a community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, please refer to:  
[http://ec.europa.eu/fisheries/cfp/illegal\\_fishing/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm)

- Monitoring of the catching, landing, unloading and transshipment of wild catch or farmed fish using some type of catch certificate.
- Monitoring of the trade cycle export, processing, re-export and import of fish and fish products (where processing has occurred).
- Linkage of the documentation monitoring the catch component with the trade component to enable tracking of the product through the supply chain.

MRAG (2010) highlights some of the key issues with CDS include the significant degree of multilateral buy-in required for rigorous implementation throughout the supply chain, which is largely driven by high implementation costs and the need for use of all aspects of the CDS in all parts of the supply chain, (e.g. non-RFMO members in the supply chain, e.g. trading States).

6. However, without each of these key components there is incomplete tracking of the fish through the supply chain and therefore the system cannot be considered a complete CDS. For comparison, the FAO Expert Consultation presentation made to the 2015 Western and Central Pacific Fisheries Commission CDS Working Group highlighted the differences between the EU IUU Regulations and the CDS implemented by CCAMLR, CCSBT and ICCAT (noting that the CDS' dont apply to domestic landings (Figure 1). The key point being that a complete CDS tracks all catches into all market states. In contrast, the EU IUU Regulations only track the catch entering a single market State (in this case the EU), but of course this could just as easily be the USA, Japan or New Zealand for example, if these countries were to implement a unilateral market based tracking measure.

### tRFMO CDS versus EU IUU Regulation

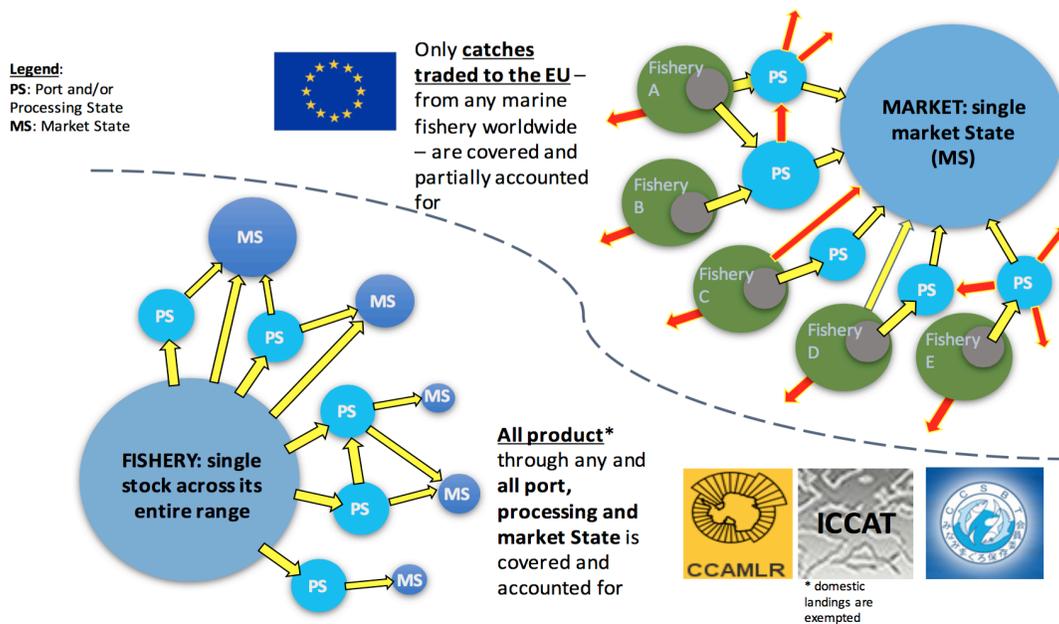


Figure 1: Comparison of the exiting tuna RFMO CDS scheme and the EU IUU Regulations. Source: Giles Hosch (2015), presentation to the WCPFC Intersessional Working Group on CDS.



## **CURRENT RFMO CDS ACTIVITIES**

7. In summary, there are only three RFMO CDS currently active: (1) CCAMLR for Patagonian toothfish implemented in 2000, (2) CCSBT for Southern Bluefin tuna implemented in 2010, and (3) ICCAT for Atlantic Bluefin tuna implemented in 2008.

8. As highlighted above, the CDS prescribes and certifies the 'unit of legal catch'. Of note and interest is that the unit of certification in current CDS' is an individual fish, e.g. southern Bluefin tuna, or in the case of Patagonian toothfish, the weight landed in each FAO statistical area. To date, there has been no progress in implementing a full CDS scheme for bulk fish products such as skipjack tuna. Also of note is that current CDS programs do not track domestic landings, rather domestic landings are tracked using the domestic processes of each country and as such it can be said that these CDS' only really applies to the international trade and/or movement of fish.

9. In addition to the RFMO activities, the Marine Stewardship Certification<sup>2</sup> chain of custody has led to improvements in the traceability of tuna certificated under the scheme. Although there is no legislated system for bulk seafood products, processors continue to undertake mass balance monitoring at the cannery to monitor production for economic reasons. In addition, some companies have also increased their product traceability systems in recent years through the use of online tracking systems, enabling consumers to track the product they are purchasing. For example Bumble Bee Seafood's online traceability system<sup>3</sup> enables a consumer to enter the relevant details on the purchased product (albacore tuna) and see a range of information about the product, including the date of the fishing trip and the possible vessels that caught the fish in real time. The mass balance and the product tracking systems implemented by processors demonstrates the ability to implement a CDS scheme for bulk tuna products. However, it is important to note that the processor systems are not currently able to provide verification of the catch to the individual vessel and throughout the supply chain and so there is still a need to implement the CDS scheme with the processor systems being integral to the overarching scheme.

10. Below sets out the activities of each of the tuna RFMOs plus other RFMOs that have, or are, progressing the development of a CDS.

### CCAMLR

11. The current CCAMLR CDS conservation measure, [Conservation Measures 2010-05 Catch Documentation for \*Dissostichus spp\*](#) entered into force in 2015 amending earlier versions based on the recommendations from the Independent Review of the CDS<sup>4</sup>. Mandatory implementation of the eCDS was required in 2010. The conservation measure is designed to track all toothfish throughout the international trade cycle, including all catch, transshipment, landing, export and re-

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<sup>2</sup> Information on the Marine Stewardship Council's chain of custody requirements can be found at: <https://www.msc.org/get-certified/supply-chain>.

<sup>3</sup> Bumble Bee Seafood's online tracking system is available at: <http://www.bumblebee.com/tracemycatch/>

<sup>4</sup> The original CCAMLR CDS was implemented in 2000 as a paper-based system but this was modified in 2004 with the implementation of an electronic system in 2010. The current measure amended the existing measure following the review of the CDS program.



exporting between participating States<sup>5</sup>. The CDS doesn't track domestic landings and as such it can be said that the CDS 'finishes' at the first point of import; from this point the domestic arrangements for monitoring fish movement come into effect. The CCAMLR CDS is verified using the weight of species landed in a specific catching location that relates to the management areas.

12. The CCAMLR CDS is a web-based electronic CDS that generates, validates and stores all relevant information and forms associated with the e-CDS, including the catch, export, re-export, and specifically validated catch document; this equates to approximately 3,800 documents in any given year. Although the CDS is for a single species, it is a complex system; operating in four languages. In 2014 there were 32 Contracting Parties and Cooperating non-Contracting Parties with 65 official contact officers participating in the e-CDS program globally. There are a further 23 non-trade States that also participate in CCAMLRs e-CDS (e.g., Singapore).

13. CCAMLR undertook a comprehensive review of the e-CDS and all recommendations were adopted at CCAMLR XXXIII (2014)<sup>6</sup>. This included improvements to the implementation of the program and creation of the Specifically Validated Catch Documentation (SVDCD) form, the integration of e-CDS with existing databases to continue to close any possible loopholes and provide greater certainty to toothfish catch, improvements to the functionality, security, interface and technology used to operate the system. The ongoing work on the CCAMLR e-CDS relates not to the CDS itself but to the integration of VMS and catch-effort databases into a single integrated electronic monitoring system.

14. It is interesting to review some of the historical issues that were raised in the development and refinement of the CCAMLR CDS. Issues included the need for clear definitions and verification procedures, uniform species coding through the World Customs Organization (WCO), including for whole and processed fish, differences in weight through the supply chain, issues of multiple transshipments, and data confidentiality, including consideration of the public interface. There is also recognition of the need for industry to form an integral component of the CDS, including for example providing access to the online system for data entry of landed catch. The Independent Review also recommended implementing a routine system to forensically review the CDS data to identify any issues in either the CDS information or related to the CDS itself.

15. Further reflection from the CCAMLR Secretariat highlighted the importance of thorough supply chain mapping prior to the development and implementation of the CDS for two key reasons: 1. to ensure rigorous and smooth implementation of the CDS, and 2. to identify possible gaps in the CDS, including, for example, the lack of participation of non-member States. In relation to number one, thorough supply chain mapping enables the key aspects of the CDS, for example understanding how and where traceability and points of verification can be implemented, the format and information to be included on forms, to be determined before the development of the standards and procedures. For number two, supply chain mapping enables mass balance to be undertaken and identifies key markets and market States, including non-members to the treaty. The identification of non-members is important as this remains a key gap in the implementation of any and all CDS' and as such the policies and/or procedures developed for the inclusion of these

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<sup>5</sup> This includes all CCAMLR Parties and non-CCAMLR parties who have agreed to implement the CDS.

<sup>6</sup> The CCAMLR XXXIII Report, Attachment A, provides a table that reviews the key components of the CCAMLR e-CDS conservation measure.



non-parties in the CDS is important to minimise the risk of illegal fish entering through these CDS gaps.

16. The CCAMLR experience also suggests implementing an electronic system from inception of the CDS. If there are capacity limitations among the membership, CCAMLR's experience suggests the inclusion of a simplified electronic system rather than operating both a paper-based and electronic system as there has been significant work, cost and redundancy associated with migrating the paper-based system into the full electronic system. This strongly suggests that CDS' implement simplified forms where there is either a lack of capacity, infrastructure or resources available among the RFMO membership. They also recommend that industry be included in the development and, once implemented, in the completion of the CDS (e.g., include industry access to the CDS forms as they are likely to be the people completing the forms themselves).

### CCSBT

17. The current Resolution is [Resolution on the Implementation of a CCSBT Catch Documentation Scheme](#) which entered into force on 1 January 2010<sup>7</sup>. The current CCSBT CDS seeks to track, using individual uniquely numbered fish tags for whole fish and duly authorized catch documents, the movement of all southern Bluefin tuna (SBT) for all import, export and re-export of SBT (but excluding the heads, eyes, roe, gut and skin) to the first point of sale. The CDS forms a critical part of the CCSBT MCS program, with the other key components being its transshipment program, VMS, IUU vessel list, and authorized vessel and farm lists.

18. The CCSBT CDS currently uses a paper-based system for both 'farmed' and wild caught SBT with the following documents:

- *Farm Stocking Form* - records information on the catch, towing and farming of SBT.
- *Farm Transfer Form* - records information on the transfers of SBT between farms.
- *Catch Monitoring Form* - records information on the catch, landing, transshipment, export, and import of all SBT regardless of whether farmed or not, including unexpected catch.
- *Catch Tagging Form* - records information on whole fish individually tagged as part of the CDS.
- *Re-export or Export after Landing of Domestic Product Form* - records information on SBT already tracked on the Catch Monitoring Form to the initial point of landing of domestic product or import that is, either in full or part, exported or re-exported. This includes processed fish for re-export.

19. At the 2015 CCSBT Compliance Committee there was a proposal to amend the current Resolution; although not adopted, the Commission did agree to implement an intersessional working group to review the current paper-based CDS and its associated forms and requirements with anticipated adoption of a revised measure, including transition to eCDS. The Compliance

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<sup>7</sup> The current CDS replaced the SBT Statistical Documentation Scheme that had been in operation since 2000.



Committee Working Group CDS Review Workshop took place in April 2016<sup>8</sup> and the report from meeting will be considered at the CCSBT annual session in October 2016.

20. Key issues that CCSBT is addressing in the second iteration of the CDS include moving to a primarily electronic based CDS system with paper forms an emergency back-up system only, procedures for the cancellation of a CDS, improving the timeliness of the CDS data to inform management (e.g., over-catches), modification to some forms (e.g., re-export and export form and the catch/harvest form), rebranding all 'forms' as 'certificates' consistent with best practices proposed by the FAO expert consultation and the need to refine systems in countries where some activities occur irregularly (e.g., importing) to ensure rigour of the system as a whole.

### IATTC

21. There is no catch documentation scheme adopted and implemented in IATTC; the IATTC Bigeye Statistical Documentation Program ([Resolution C-03-01](#)) is the only related measure. There was a recommendation at the 87<sup>th</sup> of IATTC (resumed session) to establish a CDS for Bluefin tuna as a matter of priority, but nothing has been adopted to date. In addition, IATTC did not agree to either of the two proposals, one for a catch certification scheme presented to the IATTC at its 82<sup>nd</sup> meeting (2011), and a second to establish a CDS Working Group at the 85<sup>th</sup> (2013) meeting, presented by the EU. However, Parties to the Agreement on the International Dolphin Conservation Program<sup>9</sup> (AIDCP) have implemented a System for Tracking and Verifying Tuna to enable dolphin safe tuna caught by purse seine vessels to be distinguished from non-dolphin safe tuna. This system was implemented to track 'dolphin safe yellowfin tuna' from the time of capture to the time the product is ready for retail sale<sup>10</sup>. Under this system 'dolphin safe' tuna shall, from the time of capture, during unloading, storage, transfer, and processing, be kept separate from non-dolphin safe tuna. The system is based on a Tuna Tracking Form (TTF) and additional verification procedures outlined by the program or developed by the parties for use in their jurisdiction and to implement the program.

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<sup>8</sup> The CDS Review Workshop is being progressed according to the following decision of the Compliance Committee from October 2015:

*At the Tenth meeting of the Compliance Committee (CC10), the Secretariat presented a paper (CCSBT-CC/1510/09) that included a preliminary review of the CCSBT CDS Resolution conducted at the request of CC9. One of the primary aims of this review was to facilitate the smoother implementation of an electronic CDS (eCDS) should Members wish to progress one in the future. Members agreed with the general direction of the proposed revisions to the Resolution, but noted some concerns as well.*

*Members also considered that an intersessional process was required to work through the details of these proposed revisions so that CC11 and CCSBT 23 would be in a stronger position to make decisions about them in October 2016.*

*The Secretariat will produce an updated revised CCSBT CDS Resolution for discussion at this 4th Meeting of the Compliance Committee Working Group (CCWG4). The Secretariat's updated revision will consider the concerns that Members have raised.*

<sup>9</sup> Parties to the Agreement are: Belize, Colombia, Costa Rica, Ecuador, El Salvador, EU, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, USA, Venezuela; these are only a subset of the IATTC members, that is not all IATTC members are bound by the measures adopted by AIDCP.

<sup>10</sup> <http://www.iatcc.org/PDFFiles2/AIDCP-Tuna-Tracking-System-amended-JUN-2015.pdf>



22. Importantly, this system does not track all yellowfin catch from all gears nor all parties fishing for yellowfin tuna in the eastern Pacific Ocean and as such is not a true CDS. As noted above, the system only tracks yellowfin catches from the purse seine fishery and those party to the AIDCP regime. However, it does demonstrate the potential for implementing a full CDS traceability program for bulk tuna products from capture to sale.

23. The Bigeye Statistical Documentation Program fails to meet the definition of a CDS. It only applies to bigeye tuna but even then provides exemptions for bigeye tuna caught by purse seiners or baitboats and destined for canneries. In addition, the program initially only applies to frozen bigeye tuna, with a range of issues to be resolved prior to the program being applied to fresh bigeye tuna<sup>11</sup>; however it is not clear if there has been progress in applying the measure to all sources of bigeye tuna. The program entered into force on 1 March 2003 requiring that all longline caught frozen bigeye be accompanied by a duly authorized statistical document until the first point of landing.

24. In relation to the proposals presented by the EU to the Commission in 2011 and 2013, unlike a true CDS, the 2011 proposal didn't provide full coverage of tropical tunas or swordfish. It was a simplified scheme that applied to vessels of a specified size that were fishing for tropical tuna and swordfish.

### ICCAT

25. ICCAT has implemented an eBCD scheme for Atlantic Bluefin tuna only and has established statistical document programs for bigeye and swordfish.

26. The Bluefin tuna eCDS is implemented through three Recommendations: (1) Recommendation 11-20 amending recommendation 09-11 on an ICCAT Bluefin tuna Catch documentation program; (2) Recommendation 13-16 amending annex 1 of Recommendation 11-20 and (3) Recommendation 15-10 to clarify and amend aspects of the ICCAT Bluefin tuna CDS and facilitate the introduction of the electronic system. Having three active recommendations for the same issue is, in and of itself, confusing and should be simplified into a single recommendation. In addition to the three specific CDS measures listed above, Recommendation 14-04 should also be considered as it also relates to the eCDS.

27. Like the CCSBT program, ICCAT prohibits the sale of Bluefin tuna from recreational fisheries but does allow exemptions for Bluefin tuna caught as bycatch in the eastern Atlantic and Mediterranean by vessels that are not authorized to fish actively for Bluefin tuna. But unlike the CCSBT and CCAMLR schemes, the purpose of the ICCAT Bluefin tuna CDS is to *identify the origin of the catch* to in turn support the implementation of the ICCAT conservation and management measures. This differs from the other schemes which seek to track the fish throughout the supply chain, a nuance that may have important ramifications in the implementation of the CDS, as this exemption would, it seems, be the reason that the CDS's purpose is to identify the origin of the fish.

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<sup>11</sup> This is the current Resolution so it is assumed that this issues remain unresolved and that the scheme still only applies to frozen bigeye tuna.



28. Also of interest is the definition of domestic trade pertaining to the EU – trade between EU member States is considered to be domestic trade, which is likely to cause issues in other RFMOs if the EU maintains this position.

29. Recognizing the prevalence of fraud within the paper-based CDS, ICCAT has moved toward the implementation of an electronic CDS; the elements of which became mandatory from 1 May 2016 and the use of the paper-based system would no longer be acceptable<sup>12</sup>. As the rollout of the electronic system is only now occurring it will be interesting to review any lessons from this process in the coming months and years. The electronic system builds on the original paper-based system, including providing for the tagging of individual fish by the catching or trapping vessels at the time of capture and having all consignments validated by a duly authorized official<sup>13</sup>. Like the CCBST CDS, the ICCAT CDS has two forms:

- ICCAT Bluefin tuna Catch Documentation (BCD) – to record information associated with the catch and farmed fish, and the
- ICCAT re-export certificate – to record information associated with re-exporting Bluefin tuna

30. One difficulty encountered in both the ICCAT and CCSBT Bluefin tuna CDS' is the need to account for the growth of fish being farmed. Clearly the weight going into the cage is smaller than what is harvested after being fattened. This is an ongoing issue in both fora.

31. The two statistical documentation schemes for bigeye and swordfish are established by Recommendations 2001-21 and 2001-22 respectively, with amendments to the statistical documents covered in Recommendation 2003-19 and a pilot program for an electronic statistical documentation scheme covered in Recommendation 2006-16. In both programs the text of the Recommendations does not clearly articulate if the statistical document program applies to domestic landings<sup>14</sup>; the text of the recommendations simply refers to 'import into the territory of a contracting party' which could be read as meaning that it applies to domestic landings. Ambiguity such as this should be resolved to the greatest extent possible to reduce loopholes and/or confusion when implementing the CDS.

32. The Bigeye Statistical Documentation Program fails to meet the definition of a CDS. It provides exemptions for bigeye tuna caught by purse seiners and/or baitboats and destined for canneries in the Convention Area. The program entered into force on 1 July 2002 requiring that all bigeye, other than bigeye catch by purse seiner and baitboats, be accompanied by a duly authorized statistical document until the first point of landing.

33. The Swordfish Statistical Documentation Program also fails to meet the definition of a CDS. The ICCAT swordfish statistical document program applies to all swordfish traded from the Convention Area applicable from 1 January 2003, there is no monitoring of the catch component. To convert it to a full CDS there would need to be clear processes for monitoring and verifying all aspects of the catch and trade phases. However, through this Program all swordfish trade is already

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<sup>12</sup> Except in a situation of catastrophic failure where the paper-based system would be applicable.

<sup>13</sup> Authorised officials include government personnel, or authorised individuals or organisations of the flag CPC of the catching vessel/CPC of the seller or exporter/trap or farm CPC that caught, harvested, domestically traded or exported the tuna.

<sup>14</sup> The author notes from personal communications that there is no application to domestic landings.



covered, which is a significant improvement over the other statistical document programs that include numerous exemptions.

### IOTC

34. There is no CDS in the IOTC; the IOTC Bigeye Statistical Documentation Programme ([Resolution 01/06](#)) is the only related measure. The EU has repeatedly submitted proposals to the IOTC Commission for either a catch documentation scheme or a catch certification scheme for skipjack, bigeye and yellowfin tunas (2009<sup>15</sup>, 2011<sup>16</sup>, 2012<sup>17</sup>, 2013<sup>18</sup>). All of these proposals have been rejected by the Commission for reasons including seeking to refer to the Kobe process for the development of a harmonised CDS globally or simple non-agreement on the proposal. Since 2013 there has been nothing further presented to the Commission. However, following presentation of TORs for a CDS working group during the 2013 Commission meeting, the EU commenced intersessional communications with CPCs<sup>19</sup> in 2014 to finalise the TORs. The EU wanted the Commission to agree on the TORs intersessionally so it could formally commence work on the IOTC CDS. However, there has yet been no presentation of the revised TOR for the CDS intersessional working group at the Commission.

35. The IOTC Bigeye Statistical Documentation Programme fails to meet the definition of a CDS. Like the IATTC program, it provides exemptions for bigeye tuna caught by purse seiners or baitboats/pole and line boats where the catch is principally destined for canneries in the agreement area. In addition, and like the IATTC program, the IOTC programme was to initially only apply to frozen bigeye tuna, with a range of issues to be resolved prior to the program being applied to fresh bigeye tuna<sup>20</sup>. The program entered into force on 1 July 2002 requiring that all longline caught frozen bigeye be accompanied by a duly authorized statistical document until the first point of landing. This program still only applies to frozen bigeye tuna – there has been no progression of the resolution to fresh bigeye or bigeye caught by other gear types.

36. In relation to the 2013 CDS proposal presented by the EU to the Commission, it is identical to the proposal submitted to the IATTC for a simplified scheme that applies to vessels of a specified size that were fishing for tropical tuna and swordfish. One of the key concerns in relation to the adoption of TOR for an intersessional working group, was the definition of imports to the first point of landing. The proposed TOR had the application only to the first point of landing, which would mean that there is no application of the measure when re-exported throughout the EU member States for example.

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<sup>15</sup> Proposal K.

<sup>16</sup> Proposal A, add 1.

<sup>17</sup> Proposal T.

<sup>18</sup> Proposal V.

<sup>19</sup> Circular 2014-13, 26 February 2014 and Circular 2014-93, 31 October 2014.

<sup>20</sup> This is the current Resolution so it is assumed that this issues remain unresolved and that the scheme still only applies to frozen bigeye tuna.



### WCPFC:

37. WCPFC has not yet implemented a CDS for any species under its mandate, despite work commencing as early as 2005 to develop a CDS for bigeye tuna<sup>21</sup>. WCPFC parties have agreed that any CDS will form an integral component of the regional MCS system and formed an Intersessional Working Group to develop a CDS with phased implementation to enable testing and refinement of the system. Parties have agreed that the CDS would apply to key WCPFC species.

38. To date the CDS Intersessional Working Group (CDS IWG) has met twice, in 2014 and 2015. There is a third meeting planned for September 2016. The mandate for the CDS IWG is based in its TORs that outline that the CDS would be more comprehensive than a statistical documentation scheme and aim to track the movement of fish from the point of capture through to the market. A key component of the work to date has been to review member initiatives related to CDS, including those related to the implementation of other national and RFMO CDS programs.

39. In 2015, despite the limited intersessional engagement from members, the CDS IWG sought to work on four key issues: 1. roles and responsibilities of coastal States, vessels, flag States, and WCPFC Secretariat, 2. development of standards, specifications and procedures, 3. objectives, and 4. scope of the CDS. With little progress and some significant sticking points, the key actions for the 2016 CDS IWG are to consider defining key terms: verification, validation, accreditation, and certification. Overall, it is likely that the development of a CDS in the WCPFC will take considerable time. In addition, the Forum Fisheries Agency identified and has been working on two key priority areas: 1. the development of standards for the traceability, verification and certification of the CDS, and 2. undertaking with the Secretariat a mass balance of the WCPFC catch using the currently available data. The standards have undergone continued refinement during the intersessional period and the mass balance exercise sought to understand the current gaps in the available data. Both issues will be further discussed in 2016.

### Other CDS Related Activities

#### FAO

40. International pressure to address the continued threat of IUU fishing firstly through the UN General Assembly (2013) and subsequently through COFI31 (2014), resulted in the development of the tasking of the FAO to develop Voluntary Guidelines for CDS. Underpinning the development of the guidelines, the FAO convened the Expert Technical Consultation (July 2015) to development of the guidelines themselves.

41. Disagreement by some FAO members on the nature and intent of the draft of CDS guidelines prompted Norway to lead the preparation of alternative CDS guidelines. The alternative CDS guidelines were considered to be more consistent with the principles outlined by COFI31, and took account of the differences of species and fisheries<sup>22</sup>.

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<sup>21</sup> Although there is strong interest from the PNA countries to have the initial CDS implemented for skipjack tuna and then progress to other species.

<sup>22</sup> These alternative guidelines were presented to COFI Sub-Committee on Fish Trade in February 2016 (COFI-FT XV).



42. In April 2016<sup>23</sup> the FAO convened a second Technical Consultation on Voluntary Guidelines for CDS. The following key issues remain:

- That although they are voluntary guidelines, there is concern that the contents will be used to force other countries to act in a consistent manner, including having the contents pushed through RFMOs as binding.
- Specific definitions of verification, validation and certification were not agreed or discussed, creating confusion.
- Section 5, paragraph 1, on Cooperation and Notification has four possible options still on the table. Some States have a preference for multilateral or regional CDS over unilateral market State requirements like those of the EU, for example. The key differences relate to 'precedence', 'preference' or 'equivalence' of multilateral/regional CDS and a unilateral CDS.
- In Section 6 on Recommended functions and standards, there was concern among some delegations regarding the ability to delegate responsibility for catch certificate validation away from flag States to coastal and/or port States. The key issues being to recognise and agree on the roles of port and coastal States in the CDS.
- Paragraph 6.3 regarding the catch certificate validation has two options open: one from Brazil and PNG that lists all possible parties authorised to provide the validation and a second from the EU that refers solely to the flag State as being able to provide the validation citing the *'legal status and provenance of the fish'*.

43. This means that there is no agreement on draft guidelines for the 2016 COFI meeting and as such negotiations are ongoing with a third meeting of the Expert Consultation scheduled during the margins of COFI (11-15 July 2016).

### **Lessons from current CDS'**

44. The review above highlights some of the aspects of CDS' in RFMOs and allows consideration of the lessons and experiences from these RFMO.

45. CDS are not fool-proof systems and there will be gaps in the CDS coverage. They are not fool-proof as they only apply to the parties of the relevant RFMO; however, trade of the species under the remit of the RFMO is global and as such there will be non-party market or port States that are not bound by or required to implement the CDS. Moreover, already there is a precedent that the CDS only covers international trade; domestic trade of the relevant species then falls under domestic policies and procedures and therefore assumes that there are rigorous domestic policies and practices, and that the domestic catch was caught legally. Again this creates a gap in the coverage of the CDS; however, it may be possible for the RFMO to provide guidelines for domestic trade or an accreditation system such as is in place for the WCPFC Regional Observer program where national observer programs are accredited to be part of the ROP and meet the RFMO requirements for observer coverage.

46. In relation to costs, it is clear that there is wide variation in the costs of implementing a CSD and that in the end it will be the preference of the members as to the cost of the CDS. As an

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<sup>23</sup> 18-20 April 2016 in Rome.



indication, the upgrade to the CCAMLR system is costing AUD50,000 but the ICCAT CDS is costing significantly more. Again, it was suggested that careful consideration of the supply chain would support the development of a streamlined system that met the needs and objective of the membership without necessarily requiring significant capital and ongoing investment.

47. In relation to integration of the CDS with other RFMO databases, this should be an end goal but there was strong suggestion to first implement the simple CDS with the capacity to build it into a broader CDS in time. Integration of the CDS with other databases is critical; it enables effective analysis of the effectiveness of the CDS, supporting mass balance of the catch and effort data with the market data and therefore determination that the CDS is achieving its objective of minimising IUU fish from entering the market.