

REPORT OF THE SIXTH SESSION OF THE COMPLIANCE COMMITTEE

1) OPENING OF THE SESSION

1. The Sixth Session of the Compliance Committee of the Indian Ocean Tuna Commission was held during the 13th Session of the Commission and chaired by Dr John Kalish (Australia).

2) ADOPTION OF THE AGENDA

2. The Compliance Committee adopted the Agenda as presented in Annex I to this report. The documents before the Committee are listed in Appendix IV to the main report.

3) NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

3. The Committee noted the national reports provided by Australia, Belize, China, European Community, France Territories, Japan, Mauritius, Seychelles, South Africa and the United Kingdom (OT).
4. The Committee emphasized the importance of the national reports and reminded Members of their obligation under Art X.2 of the IOTC Agreement to provide them no later than 60 days before the Session. The Committee also requested that the Secretariat develop, in consultation with the Members intersessionally, a national report template for use in 2010.

4) STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES

Review of Member compliance with IOTC Resolution 01/05 on mandatory fisheries statistics requirements for IOTC members

5. The Secretariat presented document IOTC-2009-S13-CoC09-Rev1 describing the status of reporting of statistical data by CPC's and non-CPC's for the year 2007.
6. The Committee reiterated its concern that many data sets received from Members were incomplete, in particular size frequency data. The Committee urged all CPCs to take the necessary steps to meet IOTC fisheries data requirements.
7. Japan updated the Committee on improvements being made to its reporting capabilities. These are expected to expedite data submission however, while the data for 2008 will only be partially covered by this new system, the data for 2009 will be submitted on time.

Review of member compliance with Resolution 07/02 on the IOTC record of authorised vessels

8. The Secretariat presented document IOTC-2009-S13-CoC10 describing the status of reporting by CPC's in accordance with IOTC Resolution 07/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area.*
9. The Committee noted that many authorized vessel records do not contain the time period that the vessels are authorized for fishing or transshipping, as required in resolution 07/02, and called on CPCs to make a special effort to provide this information as soon as possible.
10. The Committee also reiterated the importance of reporting vessel volume as Gross Tonnage (GT) instead of GRT as GT is the standard measurement of vessel volume, in accordance with Resolution 07/02.

Review of member compliance with IOTC Resolution 07/04 on the IOTC list of active vessels

11. The Secretariat presented document IOTC-2009-S13-CoC11-Rev1 on the status of reporting by CPC's and non-CPC's, in accordance with IOTC Resolution 07/04 (previously 05/04 and 98/04) *Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area.*
12. The Committee expressed its concern that some members had not provided all the data required for this Resolution for the years 2006 and 2007, and noted that unless these data are provided, the Commission will be unable to meet the objectives of Resolution 06/05 or Resolution 07/05

concerning the limitation of fishing capacity for vessels targeting tropical tunas, and swordfish and albacore.

13. India informed the Committee that a list of active vessels was submitted in February 2009.
14. It was noted that Mauritius had submitted data for 2006.

Review of Member compliance with IOTC Resolution 05/03 on port inspections

15. The Secretariat presented document IOTC-2009-S13-CoC16 describing the status of reporting by CPC's in accordance with IOTC Resolution 05/03 *Relating to the establishment of an IOTC programme of inspection in port*.
16. The Committee, noting that only four CPC's had submitted their information, reiterated its concern about the overall lack of reporting by CPCs receiving foreign vessels in their ports.

Review of Member compliance with IOTC Resolution 01/06 concerning the IOTC bigeye tuna statistical document programme

17. The Secretariat presented document IOTC-2009-S13-CoC13-Rev2, describing the status of reporting by CPC's in accordance with IOTC Resolution 01/06 *Concerning the IOTC bigeye tuna statistical document programme*.
18. Seychelles sought guidance on the interpretation of the Resolution in the event that a cannery does not process a consignment of imported bigeye and at a later date decides to re-export it; in particular, should such an export be accompanied by Statistical documentation or is the exemption (for canneries) still applicable.
19. The Committee advised that any such re-exportation should be accompanied by the appropriate Statistical documentation.
20. The EC stressed that it was time to fully implement the Statistical Document Programme and include fresh tuna products as stated in paragraph 13 of Resolution 01/06.

Japan stressed that if fresh tuna products are to be included in the measure, then the measure should be further expanded to cover bigeye tuna caught by purse seiners and pole and line (bait) vessels and destined principally for the canneries in the IOTC Area.

Review of Member compliance with IOTC Resolution 06/03 concerning the vessel monitoring programme

21. The Secretariat presented document IOTC-2009-S13-CoC12 describing the status of reporting by CPC's in accordance with IOTC Resolution 06/03 *on establishing a vessel monitoring programme*.
22. The Committee expressed its concern about the low rate of implementation and the lack of reports submitted by Members on the Progress and Implementation of VMS in accordance with Resolution 06/03 and requested that the Secretariat develop, in consultation with the Members, a report template for future use.

Review of Member compliance with IOTC Resolution 08/02 on establishing a programme for transshipment by large-scale fishing vessels

23. The Secretariat presented document IOTC-2009-S13-CoC15 informing the Committee on the implementation of the programme since 1 January 2009 as well as details of the transshipments undertaken to date.

On the limitation of fishing capacity and fleet development plans

24. In response to a request by the European Community, the Secretariat presented a document summarizing the information received in accordance with IOTC Resolution 06/05 *On the limitation of fishing capacity, in terms of number of vessels, of IOTC contracting parties and co-operating non contracting parties* and IOTC Resolution 07/05 *Limitation of fishing capacity of*

IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore.

25. This report showed the level of fishing capacity for each CPC based on the number of active vessels reported by CPCs for the year 2006 (targeting tropical tunas) and 2007 (targeting swordfish and albacore tuna), including information from the existing fleet development plans.
26. India informed the Committee that it expects to submit a fleet development plan in the future.
27. South Africa informed the Committee of a delay in the implementation of its fleet development plan.
28. Indonesia informed the Committee that it expects to submit a fleet development plan in the future.

5) IOTC IUU VESSELS LIST

Deliberations in relation to Resolution 06/01 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area.

29. The Secretariat presented document IOTC-2009-S13-CoC14 relating to the IOTC IUU vessels list. No new nominations for the list were received since the last meeting. The IOTC IUU vessels list currently contains three vessels.
30. The Committee recommended that the Commission adopt the provisional IUU list.

6) REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY

South Africa

31. South Africa presented its application for status of Cooperating non-Contracting Party to the Committee (IOTC-2009-S13-CoC02 and CoC02-add1). South Africa informed the Committee that it intends to accede to the IOTC before the next Session. The Committee recommended that the Commission grant Cooperating non-Contracting Party status to South Africa until the 14th Session of the Commission.

Senegal

32. The Committee took note of the application by Senegal for status of Cooperating non-Contracting Party to the Committee (IOTC-2009-S13-CoC03). The Committee recommended that the Commission grant Cooperating non-Contracting Party status to Senegal until the 14th Session of the Commission.

Uruguay

33. The Committee took note of Uruguay's application for status of Cooperating non-Contracting Party to the Committee (IOTC-2009-S13-CoC21). The Committee recommended that the Commission grant Cooperating non-Contracting Party status to Uruguay until the 14th Session of the Commission.

7) REVIEW OF CONSERVATION AND MANAGEMENT MEASURES PROPOSALS

On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area

34. Resolution proposal IOTC-2009-S13-PropD was submitted by the United Kingdom (BIOT) and Seychelles.
35. Following technical discussions a revised Proposal D (rev2) was produced and the Committee recommended it be presented to the Commission for adoption.

On a regional scheme of Port State Measures to combat Illegal, Unreported and Unregulated Fishing

36. Resolution proposal IOTC-2009-S13-PropF (submitted by the EC) was discussed.
37. The Committee noted that the basis of this measure was the FAO Model Scheme on Port State Measures and recommended to the Commission that further progress within the FAO context should guide the Commission while considering development of a legally binding instrument.

On an observers regional scheme

38. Resolution proposal IOTC-2009-S13-PropG was submitted by the EC.
39. Following technical discussions a revised Proposal G (rev1) was produced and the Committee agreed to defer the further consideration of this proposal to the Commission.

On an IOTC Yellowfin Tuna Catch Documentation Scheme

40. Resolution proposal IOTC-2009-S13-PropK was submitted by the EC.
41. Following technical discussions this proposal was withdrawn; however, the Committee agreed that a catch document scheme might have merit for some species and invited participants at the forthcoming second joint meeting of the tuna RFMO's in San Sebastian, Spain, to initiate discussions on this.

To prohibit the use of large scale driftnets on the high seas in the IOTC area of competence

42. Resolution proposal IOTC-2009-S13-PropL was submitted by the EC.
43. Following technical discussions a revised Proposal D (rev1) was produced and the Committee recommended it be presented to the Commission for adoption.

Concerning trade related measures

44. Resolution proposal IOTC-2009-S13-PropN was submitted by EC.
45. Following technical discussions, the Committee agreed to defer the further consideration of this proposal to the Commission.

On the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna, and non-targeted species caught by purse seiners

46. Resolution proposal IOTC-2009-S13-PropP was submitted by Seychelles
47. Following technical discussions this Proposal was withdrawn.
48. The Compliance Committee was informed that the purported annual level of tuna discards in the Indian Ocean was around 5% of the total catch. The EC informed the Committee that the levels of tuna discards by the European purse seine fleet was around 2.6% of the total catch of all species. To confirm the accuracy of this figure, the Compliance Committee requested that the Scientific Committee submit an estimate of the level of tuna discards in the Indian Ocean at its next Session.

On marine turtles

49. Resolution proposals IOTC-2009-S13-PropA (submitted by France (OT)) and Prop E (submitted by Australia) were considered together.
50. Following technical discussions a revised Proposal E (rev2) was produced and the Committee agreed to defer further consideration of this proposal to the Commission.

Concerning the conservation of sharks caught in association with fisheries managed by IOTC

51. Resolution proposals IOTC-2009-S13-PropC (submitted by France (OT)), Prop M (submitted by the European Community) and Prop O (submitted by Australia) were considered together.

52. Following technical discussions a revised Proposal O (rev2) was produced and the Committee agreed to defer further consideration of this proposal to the Commission.

8) ANY OTHER MATTERS

53. No other matter were raised.

9) ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE NEXT BIENNIUM

54. The Committee elected Dr John Kalish (Australia) as Chairperson of the Compliance Committee for the next biennium. Mr Abilio Dominguez (Belize) was elected as Vice-Chairperson.

10) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

55. The report of the Sixth Session of the Compliance Committee of the Indian Ocean Tuna Commission was adopted on 3 April 2009.

**ANNEX I TO COMPLIANCE COMMITTEE REPORT
AGENDA**

1. Opening of the Session

2. Adoption of the Agenda

3. National Reports on the Progress of implementation of Conservation and Management measures

United Kingdom (CoC04 and CoC08), Japan (CoC05), Belize (CoC06), European Community (CoC07), Seychelles (CoC17), Mauritius (CoC18), Australia (CoC19), South Africa (CoC22), France Territories (CoC23), China (CoC24).

4. Status of the application of IOTC conservation and management measures

- a. Reporting of mandatory statistics – Res 01/05 (CoC09-rev1)
- b. Record of Authorized Vessels – Res 05/02 (CoC10)
- c. Record of Vessels Active during 2007 – Res 07/04 (CoC11-rev1)
- d. Report on Port Inspections – Res 05/03 (CoC16)
- e. Bigeye Tuna Statistical Document Programme – Res 01/06 (CoC13-rev2 and CoC13-add1)
- f. Progress on implementation of VMS – Res 06/03 (CoC12)
- g. Monitoring programme for transshipment-at-sea – Res 06/02 (CoC15)
- h. limitation of fishing capacity (CoC20-rev1)

5. Review of the draft IUU Vessels List (CoC14)

Information paper 2008 compliance matters reported by the United Kingdom (CoC08)

6. Review of requests for access to the status of Cooperating Non-Contracting Party

South Africa (CoC02 and CoC02-add1), Senegal (CoC03), Uruguay (CoC21)

7. Conservation and management proposals

- Prop A: To mitigate the impacts of fishing on sea turtles submitted by France (OT) and Prop E: On marine turtles submitted by Australia.
- Prop C: Concerning incidental catches of sharks submitted by France (OT), Prop M: An IOTC resolution for the conservation of sharks caught in association with fisheries managed by IOTC submitted by the European Community, and Prop O: Concerning the conservation of sharks caught in association with fisheries managed by IOTC submitted by Australia.
- Prop D: On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area. Submitted by the United Kingdom (BIOT) and Seychelles.
- Prop F: IOTC resolution on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing. Submitted by the European Community.
- Prop G: On an observers regional scheme. Submitted by the European Community.
- Prop K: On an IOTC Yellowfin Tuna Catch Documentation Scheme. Submitted by the European Community.
- Prop L: IOTC resolution to prohibit the use of large scale driftnets on the high seas in the IOTC area of competence. Submitted by the European Community.
- Prop N: An IOTC resolution concerning trade related measures. Submitted by the European Community
- Prop O: Concerning the conservation of sharks caught in association with fisheries managed by IOTC. Submitted by Australia.
- Prop P: On the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna, and non-targeted species caught by purse seiners. Submitted by Seychelles.

8. Any other matters

9. Election of Chairperson and Vice-Chairperson for the next biennium

10. Adoption of the report