
ON A REGIONAL OBSERVER SCHEME

SUBMITTED BY: EUROPEAN UNION

Explanatory Memorandum

Resolution 11/04 requires CPCs to have observers on 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 Competence for vessels of 24 meters overall length and over, and under 24 meters if they fish outside their Exclusive Economic Zone (EEZ).

However, several scientific studies and IOTC SC, since its 14th session, suggest that sampling coverages of only 5 % of the number of operations/sets for each gear type is insufficient to provide reasonable estimates of total bycatch and the by-catch of common species.

Taking into consideration several IOTC resolutions, including resolution 21/01 On an interim plan for rebuilding the Indian Ocean Yellowfin Tuna Stock in the IOTC Area of Competence, a significant future increase of observer coverage will be needed to ensure a better understanding over the activities taking place on board fishing vessels such as a stronger reporting of catch, by-catch and discards.

In order to increase progressively the observer coverage in the future, and considering the characteristics of fishing vessels in the Indian Ocean, it is appropriate to start allowing the use Electronic Monitoring System (EMS), once adequate standards are adopted. Given the progresses of EMS in other oceans and fisheries and the difficulties of some fleets and/or gears to implement an on-board observer scheme, the possibility of developing the use of EMS in the IOTC area of competence should be made possible, also taking into account, and considering resolution of Resolution 16/04 On the implementation of a pilot project in view of promoting the regional observer scheme of IOTC. Lastly, at the 18th Compliance Committee, multiple members have expressed their willingness to take into account the advantages that an EMS provide for the Indian Ocean fleets.

At its 20th session, the IOTC Scientific Committee recommended that on the next revision of Resolution 11/04 On a Regional Observer Scheme, the submission of a report after each trip should be amended to request the submission of data in an electronic format suitable for automated data extraction (including historic data) with a given deadline so that information from multiple trips can be provided.

Finally, this proposal takes into account the suggestions made by the legal scrubbing and revises the Resolution 11/04 to take into account these changes and adds further necessary clarifications. Adequately, the different metrics defining the observer coverage are introduced in this proposal.

The EU therefore considers that updating the rules on observer coverage from current levels would enhance the provision of scientific data to improve robustness of scientific advice and propose the relevant amendments to Resolution 11/04.

Keywords: Regional Observer Scheme, Scientific Observer, Electronic Monitoring System

RESOLUTION ~~11/04~~ 22/XX
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 (SC) 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 Contracting Parties and Cooperating 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 ~~11/04~~ 16/04 *On A Regional Observer Scheme* ~~superseded by Resolution 11/04~~, adopted by the Commission;

CONSIDERING Resolution 16/04 On the implementation of a pilot project in view of promoting the regional observer scheme of IOTC;

~~CONSIDERING Resolution 19/06 On Establishing a Programme for Transshipment by Large Scale Fishing Vessels~~;

FURTHER CONSIDERING the deliberation of the 21st Session of the IOTC Scientific Committee held in Victoria, Seychelles, from 30 November 2009 to 4 December 2018;

RECALLING the discussion of the 23rd session of the IOTC held in Hyderabad, India, from 17 to 21 June 2019;

FURTHER RECALLING that the 23rd session of the IOTC Scientific Committee expressed the concern on the low observer coverage level at 2.15% and on the fact that there is no coverage of the artisanal fleet, which comprise a large portion of catches taken in the Indian Ocean;

CONSIDERING the recurrent non-compliance of multiple fleets to the minimum observer coverage since the adoption of Resolution 11/04;

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

Definition

1. In this Resolution:

- a. "field sampler" means a person who collects information on land during the unloading of fishing vessels and field sampling programs can be used inter alia for quantifying catch, retained bycatch and collecting tag returns; and
- b. "observer" means a person who collects information on board fishing vessels, in the framework of observer programs, can be used inter alia for monitoring fishing activities, quantifying species

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composition of target species and bycatch, whether they are retained or discarded and deploying or collecting tags.

c. "Electronic Monitoring System" (EMS) means an integrated system of hardware and software that supports acquisition of video footages of fishing activity, sensor and positional data and/or sensor, as well as that allows the analysis and reporting of EM records.

d. Pool of observers means a list of IOTC recognised observers that have been allocated an IOTC registration number and trained according to IOTC standards who may be called upon by other flag states.

Objective

1-2. 1. The objective of the IOTC observer scheme Regional Observer Scheme (ROS) 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 of competence.

Observer Scheme

3. 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 shall ensure that all fishing in the IOTC area of competence vessels of 24 meters length overall length and over above, and under 24 meters, if they fish operate outside their Exclusive Economic Zone the exclusive economic zone (EEZ) shall be covered by this of the flag CPC, and in the IOTC area of competence, comply with the minimum observer coverage of 5% as defined by the number of operations/sets, scheme. For vessels under 24 meters if they fish outside their EEZ, the coverage, as defined by the following metrics:

at least 5% observer coverage of the fishing days and fishing sets of its purse seine fleet;

at least 5% observer coverage of the total number of hooks deployed by its longline fleet;

at least 5% observer coverage of the fishing days and fishing sets of its gillnet fleet;

3. at least 5% observer coverage of all fishing days of its fleet using gears other than the ones above mentioned above coverage should be achieved progressively.

2-4. The IOTC Scientific Committee, in collaboration with the Compliance Committee, shall develop and agree on minimum standards for the use of EMS for purse seine, longline, baitboat (pole and line), handline, and gillnet fleets by January 2013 2023 at the latest, including on modalities [and percentage] of the substitution of the human observer coverage by an EMS, taking into account factors such as the need for ongoing biological sampling and EMS validation, the principles and regulations regarding minimum safe manning requirements. -The Commission may shall subsequently consider and adopt these standards by 2024 in a separate resolution. When adopted, CPCs shall ensure that all of their vessels using the EMS comply with these standards.

5. Once the EMS standards are adopted and providing CPCs meet the minimum mandatory ROS data reporting standards Only once EMS standards are adopted, the minimum human observer coverage mentioned provided for in paragraph 3 can may be complemented or partially substituted by means of an EMS. To ensure the minimum mandatory ROS data reporting standards are met, the EMS may be complemented by port sampling and/or other Commission approved data collection methods. The IOTC Scientific Committee shall advise on the modalities of the substitution of the human observer coverage by an EMS taking into account factors such as the principles and regulations regarding minimum safe manning requirements. CPCs are encouraged to use an EMS to improve the collection of scientific data To improve the collection of scientific data, before the standards mentioned in paragraph 4 are adopted, CPCs may use an EMS to complement the human observer coverage of their fleet.

6. CPCs shall endeavor to provide a list of observers to the IOTC Secretariat constituting the basis for the development of a regional pool of observers. The regional pool of observers shall be composed of observers registered through

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authorised observer providers according to the IOTC ROS standards. Each observer shall be allocated an IOTC registration number that must be included on reported data.

~~3.7.~~ When purse seiners are carrying an observer¹ ~~as stated in~~ accordance with paragraph 4.3, this observer shall also monitor the catches at unloading to identify the species composition of targeted of bigeye tuna catches~~species~~. 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 ~~2-3~~.

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~~2.~~ ~~The number of the~~Landings from 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~~

~~8.~~ ~~towards~~ shall be 5% of the total levels of vessel activity (i.e. total number of vessel trips or total number of active vessels active).

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9. 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 may be requested by the IOTC Scientific Committee.

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~~5.10.~~ CPCs shall:

- a. ~~Have~~have the primary responsibility to obtain qualified observers. ~~Each and 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~~ensure 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~~take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
- d. ~~Endeavour~~endeavour to ensure that the observers alternate vessels between their assignments. ~~Observers are not to;~~
- e. ~~ensure that observers perform duties, other than those~~ described in paragraphs ~~10.7, 14, 15 and 11.6~~ below; .If observers are entrusted with complementary tasks by the relevant CPC fisheries research institutes, this shall in no way affect their performance on the above-mentioned duties;
- f. ~~Ensure~~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; and~~
- g. ~~require vessel~~ masters ~~shall~~to ensure that all necessary cooperation 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.

~~6.11.~~ The cost of the observer scheme described in paragraph ~~2 and~~ 3 shall be met by each CPC.

~~7.~~ The sampling scheme referred in paragraph 4.8 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.

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¹Observer: a person who 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.

²Field sampler: a person who 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.

8.12. If the ~~coverage referred to~~ ~~coverage referred to~~ ~~cost of the observer scheme described~~ 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 fulfil the tasks defined in the paragraphs ~~17, 14, 165~~ and ~~2176~~ below until that CPC provides a replacement or the target coverage level is met.

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9.13. CPCs shall provide to the ~~IOTC Executive Secretary~~ ~~IOTC Secretariat~~ and the IOTC Scientific Committee, annually ~~in their national scientific reports, a report~~ ~~description~~ of the ~~protocols supporting their observer programs and sampling schemes mentioned in paragraphs 3, 5, 6 and 8, the number of fishing vessels monitored and~~ ~~and of fishing effort sampled, as well as~~ the coverage achieved by gear type in accordance with the provisions of this Resolution.

10.14. Observers shall:

- a. ~~Record~~ ~~record~~ and report fishing activities, verify positions of the vessel;
- b. ~~Observe~~ ~~observe~~ and estimate catches as far as possible with a view to identifying catch composition and ~~bycatches~~ ~~and to monitoring discards, by catches including their fate (e.g. release~~ ~~is alive)~~ and size frequency;
- c. ~~Record~~ ~~record~~ the gear type, mesh size and attachments employed by the master;
- d. ~~Collect~~ ~~collect~~ information to enable the cross-checking of entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and
- e. ~~Carry~~ ~~carry~~ out such scientific work (~~for example, e.g.~~ collecting samples), as requested by the IOTC Scientific Committee.

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~~The IOTC Scientific Committee shall endorse by 2023 the IOTC ROS Observer Manual and the IOTC Observer Forms used for reporting (including minimum data fields) and provide advice on a training program.~~

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15. The IOTC Scientific Committee shall ~~adopt~~ ~~by 2023 the IOTC ROS Observer Manual and the IOTC Observer Forms used for reporting (including minimum data fields) and provide advice on a training program.~~

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16. Once adopted by the IOTC Scientific Committee, observers shall use the IOTC ROS *Minimum Standard Data Fields*, the IOTC data collection forms, the IOTC Species identification cards, the IOTC Regional Observers Scheme (ROS) Observer Manual and the IOTC Observer Forms when carrying out their duty. The Secretariat shall publish this information in a dedicated area of the IOTC website shall follow.

17. Each observer shall provide, within 30 days of completion of each trip, ~~provide~~ a report to the ~~CPCs~~ ~~flag CPC~~ of the vessel. ~~The CPCs shall send~~ If the vessel was fishing in the EEZ of a Coastal State, the part of the observer report covering fishing activities in the EEZ shall be also submitted to that Coastal State.

18. Each CPC shall provide, to the ~~Executive Secretary~~ ~~IOTC Secretariat~~ 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 IOTC~~ and observer data, following IOTC observer reporting templates and standards. ~~The Executive Secretary, who shall make the report information available to the IOTC 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.~~

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19. The data referenced in paragraph ~~187~~ shall be provided ~~with~~ ~~by~~ ~~1°x1° square~~ and month. ~~CPC shall endeavor to send these data~~ ~~and~~ in an electronic format suitable for automated data extraction.

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20. The confidentiality rules set out in ~~the Resolution 98/02~~ ~~[superseded by Resolution 12/02]~~ *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 may be requested by the IOTC Scientific Committee.

~~14.~~^{21.} The funds available from the IOTC balance of funds may be used to support the implementation of this programme~~program~~ in developing ~~coastal~~ States~~State~~ CPCs, notably the training of observers and field samplers.

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~~1.~~ The IOTC Scientific Committee shall endorse by 2023 the IOTC ROS Observer Manual and the IOTC Observer Forms used for reporting (including minimum data fields) and provide advice on a training program.

~~22.~~ The elements of the Observer Scheme, notably those regarding its coverage and the adoption of EMS standards, are subject to review and revision, as appropriate, for application in ~~2012~~²⁰²³ and subsequent years. ~~Basing on the experience of other Tuna RFMOs, the IOTC Scientific Committee will elaborate an observer working manual, a template~~

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~~23.~~ All provisions in this resolution related to the deployment of observers onboard fishing vessels, shall apply mutatis mutandis to the use of EMS, as applicable.

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~~15.~~ This resolution is without prejudice to be used for reporting (including minimum data fields) and a training program. Resolution 19/06 On Establishing a Programme for Transshipment by Large Scale Fishing Vessels. Large scale tuna longline fishing vessels and carrier vessels authorised to receive transshipments from these vessels at sea shall respect the provisions to monitor transshipment at sea as laid down in Resolution 18/06.

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~~16.~~^{24.} This Resolution supersedes Resolution ~~10~~¹¹/04 On A Regional Observer Scheme.