

Review of the draft of the glossary of terms and definitions which should be used by Members when drafting proposals for Resolutions for the Commission.

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22 JANUARY 2024

PURPOSE

To assist participants at the Working Party on the Implementation of Conservation and Management Measures (WPICMM) to review and resume the work of the *Ad Hoc* Working Group on the draft of the glossary of definitions and key terms used in IOTC Resolutions. which should be used by Members when drafting proposals for Resolutions for the Commission.

BACKGROUND

The glossary was prepared by taking into account: the proposed definitions considered at [CoC13](#); the review in the document [IOTC-2018-WPICMM01-04 Rev2](#) on the inconsistent use of terms, lack of definition of key terms and use of terms that are not “terms of legal art” in IOTC Resolutions; the IOTC Scientific Glossary; definitions in IOTC Resolutions, international fisheries instruments or guidelines, the FAO Fisheries Glossary and best practices.

At its [2nd session the WPICMM](#) made the following recommendation:

[IOTC-2019-WPICMM02-R](#) - WPICMM02.08 (Para. 38): *The WPICMM02 **RECOMMENDED** that the remaining 32 definitions be deferred to further work or be considered under the “legal scrubbing”, as appropriate.*

The [CoC16](#) has reviewed the Recommendations of the WPICMM02:

[IOTC–2019–CoC16–R](#), Paragraph 99. The CoC **ENDORSED** the recommendations of the WPICMM02.

At its [17th Session the Compliance Committee](#) made the following recommendation, which was endorsed by the Commission:

[IOTC-2020-CoC17-R](#), Paragraph 133: *The CoC **RECOMMENDED** that work on the glossary of definitions and key terms to be used in IOTC Resolutions be suspended and that the relevance of this exercise be reconsidered by the Compliance Committee once the work on the legal scrubbing is completed.*

At its [19th Session the Compliance Committee](#) made the following recommendation, which was endorsed by the Commission ([S26](#)):

[IOTC-2022-CoC19-R](#), Paragraph 141: *The CoC19 **RECOMMENDED** that the Commission consider adopting the results of the legal scrubbing in two packages of Resolutions over its Sessions in 2023 and 2024.*

The legal scrubbing activity was completed in 2022, thus prompting the resumption of the work on the *glossary of definitions and key terms used in IOTC*, which should be used by Members when drafting proposals for Resolutions for the Commission.

At its [20th Session the Compliance Committee](#) made the following request, which was endorsed by the Commission ([S27](#)):

[IOTC-2023-CoC20-R](#), Paragraph 30: *The CoC20 **REQUESTED** that the IOTC Secretariat contact all CPCs inviting them to nominate technically-qualified officers to the ad hoc working group on the Glossary, which would be held by correspondence.*

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DISCUSSION

Following the request of the Compliance Committee 21, the IOTC Secretariat launched the ad hoc Working Group on the Glossary by correspondence:

- The invitation for nomination was sent on 18 May 2023,
- A total of 11 participants, from six CPCs, were nominated,
- The 1st Phase, consisting of edits to the current definitions and comments, was initiated the 6th June 2023. The deadline for response was the 15th July 2023.
Comments were received from three CPCs.
- The 2nd Phase, consisting of edits to the updated definitions and comments, was initiated the 19th September 2023. The deadline for response was the 17th November 2023.
No comment was received by the deadline.

To continue the work on the Glossary, this document present in Annex 1, the glossary of terms and definitions which was circulated to the Ad Hoc Working Group during the 2nd phase.

Annex 1

Part B –Terms and definitions to be agreed.

NOTE: When there is no definition in front of a CPC country code, it means that not definition was provided however comment was provided.

DO NOT EDIT / MODIFY THOSE 4 COLUMNS				2 ND PHASE	
Key terms	Definitions (CoC20) DO NOT EDIT	Proposed definition 1 st Phase	Comments 1 st Phase	Proposed definition 2 nd phase	Comments
[Bycatch]	[All species of fish, bird, marine reptile, marine mammals or cephalopod, other than the species listed in Annex B of the IOTC Agreement (IOTC Species), caught or interacted with by fisheries for tuna and tuna-like species in the IOTC Area of Competence. Bycatch species includes those non-IOTC species which are (a) retained, (b) incidentally taken in a fishery and returned to the sea; or (c) incidentally affected by interacting with fishing equipment in the fishery, but not taken. ^{2]} [Part of the catch of a fishing unit taken	EU:	<i>The EU is reflecting upon the two definitions carrying different philosophies. The EU will provide comments on the bycatch definition during the second round of comment.</i>		
		PHL: Bycatch - part of the catch taken incidentally with the target species toward which fishing effort is directed. It includes all non-target animals and non-living material, including those that escape from the fishing gear during fishing operations and or not landed onboard. Some or all of the landed bycatch may be returned to the sea as	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		

² The full definition is reproduced from the IOTC Scientific Glossary for maximum clarity.

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	incidentally in addition to the target species toward which fishing effort is directed.]	discards, usually dead or dying. (FAO 237, 2010).			
[Discards]	[That portion of catch which is returned to the sea, which may be comprised of single or multiple species and may be alive or dead.] ³	<p>EU: Catches that are returned to the sea.</p> <p>THA: [That portion of the total catch which is returned to the sea, which may be comprised of single or multiple species and may be alive or dead or not survive after live release.]</p>	<p><i>The EU would prefer a simpler definition, but we can accept the proposed one if there is a consensus.</i></p> <p><i>Addition phases are suggested for clarity and as bycatch and discards are subsets of the full catch.</i></p>		
[Fish aggregating device]	[Anchored, drifting, floating or submerged objects man-made or natural, deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of	EU: Permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked and may aggregate fish. FAD can either	<i>The EU can also agree with the definition in Resolution 19/02.</i>		

³ “Returned to the sea” added to replace “thrown away or slipped”.

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	<p>aggregating target tuna species for purse-seine fishing operations.⁴</p> <p>[Fish aggregating device FAD means a permanent, semi-permanent or temporary object structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture. FAD can either be anchored (a-FAD) or drifting (d-FAD).]</p> <p>Paragraph 1 of Resolution 19/02</p>	<p>be anchored (a-FAD) or drifting (d-FAD).</p> <p>PHL: FAD- any man-made structure deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating devices. (FAO 270, 2023).</p>	<p><i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i></p>		
[Fishery]	[A unit determined by an authority or other entity for purposes of conservation and management of fish, taking into account geographical, scientific, technical, customary, recreational, economic and	EU:	<i>This definition is extremely complicated in its current writing. The EU is not convinced that we need a definition of this term.</i>		

⁴ The definition in Res. 18/08 (Procedures on a FAD management plan) is: “For the purpose of this Resolution, the term Fish Aggregating Device means drifting (DFAD) or anchored floating or submerged objects (AFAD) deployed for the purpose of aggregating target tuna species”. However it does not refer to tracking, so the suggestion to use the ICCAT definition (Res. 18-05) is recommended: “Anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse-seine fishing operations.”

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	other relevant characteristics. The unit may be typically defined by the: people involved, species or type of fish, area of water or seabed, method of fishing, class of boats and/or purpose of the activities. ^{5]}				
[Fishing]	[the actual or attempted searching for, catching, taking or harvesting of fish or engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish; (a) deployment, monitoring or searching for any fish aggregating device or associated equipment including radio beacons; (b) an operation at sea directly in support of or	EU: PHL: Fishing – the taking of fishery species from their wild state or habitat, with or without the use of fishing vessels. (DA AO 10, 2015).	<i>The EU considers that this definition needs to be discussed together with the definition of “fishing related activities” to determined which activities should be put in which category and whether we need the two categories, before discussing the exact wording.</i> <i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars</i>		

⁵ This reflects language suggested based on the definition of “fishery” in the FAO Fisheries Glossary. “Fisheries” is not expressly included but can be inferred; there is scope for inclusion if thought necessary. It was asked whether the definition should be applied to the Agreement, as well as CMMs. In the Agreement,

- “fishery” is only used once: “fishery resources” – it is used as an adverb and the term is defined as a noun so would not apply;
- “fisheries” use is connected with stocks – i.e. fisheries “of these stocks”, “based on the stocks”, “covered by this Agreement” and is consistent with the proposed definition of “fishery”.

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	in preparation for an activity described in this definition; or (c) the use of an aircraft in relation to an activity described in this definition except flights in emergencies involving the health or safety of crew members or the safety of a vessel. ^{6]}		<i>(MC), and other Administrative Orders (AO) in the Philippines.</i>		
		THA:	<i>For more certainty, the term of “Fishing” under paragraph (b) deployment, monitoring or searching for any fishing aggregating device and the term of “fishing related activities, or related activities” which defined to include “the retrieving of drifting Fish Aggregating Devices” should be reconsidered in term of technical aspects as these terms may be ambiguous for implementation and some wording should be also reconsidered such as deployment, searching, retrieving or recovery.</i>		

⁶ Based on comments received, the definition has been revised and as suggested the exception for emergencies in (d) was added based on WCPFC practice. It is broader than but consistent with the definition in Res. 16/11 (Port State Measures) and Res. 18/03 (IUU Vessel List): “searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, taking or harvesting of fish”. The definitions are made for the purposes of the Resolution and, unless otherwise decided, should not be changed but the recommended definition can be considered for future CMMs. A query arose whether FADs should be a “fishing related activity” noting that the deployment, monitoring or retrieving of FADs is carried out by support vessels. Although this is the case fishing vessels also may deploy FADs and deployment/searching for FADs (and aggregated fish) is commonly regarded as fishing. The technical aspects can be considered further.

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[Fishing logbook]	<p>[A fishing logbook required by the flag State for any purpose relating to fishing or fishing related activities that is:</p> <p>(a) a permanently bound logbook issued by the flag State of a vessel and required for any purpose relating to fishing or related activities,; and/or</p> <p>(b) an electronic logbook, being a computerised record of information and data relating to fishing or related activities in such template as may be required and capable of being transmitted, including under any conservation and</p>	<p>EU: A fishing logbook required by the flag State for any purpose relating to fishing or fishing related activities that is:</p> <p>(a) a permanently bound and numbered logbook issued by the flag State of a vessel and required for any purpose relating to fishing or related activities; and/or</p> <p>an electronic logbook, being a computerised record of information and data relating to fishing or related activities in such template as may be required and capable of being transmitted, including under any conservation and management measure, and capable of being transmitted.</p>			
		<p>PHL: Log sheet - the record containing details of a fishing operation filled out by the vessel master or fishing company having a reference number consisting of company code, vessel code, year and/or the record containing details</p>	<p><i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other</i></p>		

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	management measure. ^{7]}	of an aquaculture operation filled out by the aquafarm operator containing among others, farm registration number and reference number (BAC 251-1, 2019) Electronic Reporting System – is used to record, process, store and send fisheries data (catch, landing, and transshipment) (FAO 266, 2020).	<i>Administrative Orders (AO) in the Philippines.</i>		
[Fishing related activities, or related activities]	[Any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, and the provisioning of personnel,	<u>EU:</u>	<i>The EU considers that this definition needs to be discussed together with the definition of “fishing” to determined which activities should be put in which category and whether we need the two categories, before discussing the exact wording.</i>		

⁷ Revised to include comments concerning the use of language and to cater for information “and data capable of” being transmitted. Concerning the necessity of defining this term: although Res. 15/01 (Recording Catch and Effort Data) explains what logbook should be and provides templates, it does not define the term “fishing logbook” but other Resolutions do (e.g. Res. 15/04, Record of Authorised Vessels). It is also essential for common understanding in implementing CMMs in national legislation.

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	fuel, gear and other supplies at sea, as well as the retrieving of drifting Fish Aggregating Devices. ^{8]}	PHL: Fishing Related Activities – means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping, or transporting of fish that have not been previously landed at the port, as well as provisioning of personnel, fuel, gear, and other supplies at sea. (FAO 267, 2021).	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
		THA:	<i>Comment on this term is related to comment on “Fishing”.</i>		
[Fishing vessel]	[Any vessel used, equipped to be used, of a type normally used or intended to be used for fishing.] ^{9]}	EU:	OK		
		PHL: Fishing vessel– any boat, ship, or other watercraft	<i>These are the terms and definitions we are using in the crafting of the</i>		

⁸ Res. 16/11 (Port State Measures) and 18/03 (IUU Vessel List) both define fishing related activities, but the principal difference is the reference in 18/03 to the transport of fish “and/or fish products” not previously landed at a port. This is included. The definition aligns with the proposed definition of “fishing” to delete deployment and monitoring of FADS. There was a suggestion to refer at the beginning to any operation “at sea”, but this would be inconsistent with the activity of “landing”; operations at sea are described at the end of the definition consistently with the Resolutions.

⁹ There is some inconsistency in the use of “fishing vessel” within and among different resolutions. The key issues are whether the various definitions include vessels used for fishing or related activities and whether it is necessary to specify vessels used for commercial fishing. For example:

- Res. 15/04 (IOTC Record of Vessels authorised to operate in the IOTC Area): The title refers generically to Vessels, but the text refers to “fishing vessels” which, “for the purpose of the Resolution, include auxiliary, supply and support vessels”.
- Res. 16/07 (Use of artificial lights to attract fish) refers to “fishing vessels and other vessels including support, supply and auxiliary vessels “.
- Res. 16/11 (Port State Measures) does not use the term “fishing vessel”, and refers throughout to “vessel” which is defined as “any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities”.

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		equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to preservation, supply, storage, refrigeration, transportation and/or processing. (FAO 267, 2021).	<i>Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
		THA: [Any vessel used, equipped to be used, of a type normally used or intended to be used for fishing.]	<i>Proposed to delete as this term is too generic and to replace with the definition of “Vessel” defined under Res 16/11 which include any vessel intended to be used for fishing related activities and coupled with the term of “Support vessel” as an explanation information.</i>		
[Flag State]	[The State which has granted to a vessel the right to fly its flag and has issued	<u>EU</u> : The State which has granted its nationality, together with associated	<i>Added text to reflect article 91 and 94 UNCLOS.</i>		

It is recommended to use the terms:

- “vessel” where a resolution is to be applied to those used for fishing or fishing related activities (e.g. Res. 15/04).
- “fishing vessel” where a resolution applies only to vessels used for fishing
- “vessel used for related activities” where a resolution applies only to vessels used for related activities.

In this case the suggestions to include “vessel, ship of another type or boat” as suggested would be unnecessary because they are already in the definition of “vessel”. (This language was included in the FAO Port State Measures Agreement to align with IMO definitions.)

A suggestion to restrict the definition to “commercial” vessels, as distinct from those used for sport fishing, would be inconsistent with the mandate of IOTC, which does not exclude sport fishing. In fact Resolutions such as 12/09 and 03/03 include responsibilities relating to sport fishing.

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	a registration to that effect, provided the vessel is only registered in one State. ^{10]}	conditions, to a vessel, as well as the right to fly its flag and has issued a registration to that effect, provided the vessel is only registered in one State and over which it shall effectively exercise its jurisdiction and control in administrative, technical and social matters.			
		PHL: Flag State – the State which entitles the fishing vessel to fly its flag and records that fishing vessel in its registry of ships. (FAO 270, 2023).	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
[Gear]	[In relation to fishing, any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting	EU: In relation to fishing, any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting marine organisms,	<i>The EU agrees to this definition. We note that FAD has its own definition and therefore should not be included in the definition of fishing gear.</i>		

¹⁰ It was noted that there are various types of registration, and the revised definition clarifies “registration” based on Article 91 of UNCLOS.

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	marine organisms, but does not include FAD.] ¹¹	but does not include FAD fish aggregating devices. PHL: Fishing Gear – refers to any instrument or device and its accessories utilized in taking fish and other fishery species. (a)Active Fishing Gear – is a fishing device characterized by the pursuit of the target species by towing, pushing the gears, surrounding, covering, dredging, and scaring the target species to impoundments; such as, but not limited to, trawl, purse seines, Danish seines, paaling and drift gill net. (b)Passive Fishing Gear – is characterized by the absence of pursuit of the target species; such as, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		

¹¹ The revised definition draws on the 2019 FAO Voluntary Guidelines on Marking of Fishing Gear. However, it does not include the last phrase “in accordance with MARPOL Annex V”, because otherwise it would mean that any gear that does not conform to MARPOL would not be considered gear; this would make it impossible to regulate gear considered illegal under MARPOL. Also MARPOL Annex V does not relate directly to fishing gear. It generally prohibits the discharge of all garbage into the sea, except as provided otherwise, and applies to fishing vessels.

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		(DA AO 10, 2015)			
[IOTC, or "Commission"]	[The Indian Ocean Tuna Commission established in 1993 at the 105th Session of the Council of the Food and Agriculture Organization of the United Nations under Article XIV of the FAO Constitution. ¹²]	EU:	OK	CONSENSUS REACHED	
[IOTC Conservation and Management Measure]	[Any measure adopted pursuant to Articles V(2) and IX(1) in the IOTC Agreement.] ¹³	EU:	OK		
		PHL: Conservation and Management Measure – any legally binding measures to conserve and manage living marine resources adopted by Regional Fisheries Management Organization. (FAO 267, 2021).	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
		THA: Any conserve and manage measures that adopted pursuant to Article V (2) and {X (1) in the IOTC Agreement].	- too broad a term. - Additional phrase is proposed for consideration		
[Landing]	[The transfer of fish or fish products from any vessel to	EU: All transfers of any quantity of fish onboard from	<i>Definition from the FAO voluntary guidelines on transshipment.</i>		

¹² Added “or Commission” to the term.

¹³ Measure defined to refer exclusively to legally binding measures under Article IX(1) of the Agreement, and by implication exclude non-binding recommendations made under Article IX(8).

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	land, including transfer onto an artificial structure or a vessel at a port or shoreline where landing is recorded and reported, excluding transshipment.]	a vessel, other than transshipment, including transfers of fish to a port facility, transfers of fish from one vessel to another through a port facility or other means of transportation, and transfers of fish from a vessel to a container, truck, train, aircraft, or another means of transportation.	<i>The EU could also agree to a more simple definition if needed: The first unloading of any quantity of fishery products from on board a fishing vessel to land.</i>		
		PHL: the initial movement of fish from a vessel to a dockside in a port of free trade zone, even if subsequently transferred to another vessel. The offload or transfer in the port of fish from a vessel to container is a landing. (FAO 268, 2023).	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
[Large-scale fishing vessel]	[Any fishing vessel 24 meters in length overall or above, or as defined in a relevant IOTC conservation	EU:	OK		
		PHL: Fishing vessel– any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage,	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		

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	and management measure. ^{14]}	refrigeration, transportation and/or processing. Commercial Fishing – the taking of fishery species by passive or active gear for trade, business, or profit beyond subsistence or sports fishing, to be further classified as: Small scale commercial fishing vessel – fishing with passive or active gear utilizing vessels of 3.1 GT up to 20 GT; Medium scale commercial fishing vessel – fishing utilizing active gears and vessels of 20.1 GT up to 150 GT; and Large scale commercial fishing vessel – fishing utilizing active gears and vessels of more than (150) GT. (FAO 266, 2020)			
		EU:	OK		

¹⁴ Amended to reflect concern that the length may change in the future. There is a problem with consistency amount CMMs in describing the length:

Res. 03/01 (Limitation of fishing capacity) referred to “*fishing vessels larger than 24 meters length overall (hereafter LSFVs)*”.

In all other resolutions, the term is not defined and reference is made variously only to vessels “*24 meters in length overall and above*”, “*24 meters in length overall and over*”, etc.: Res. 11/04 (Regional Observer Scheme), Res. 15/03 (VMS Programme), 15/04 (Record of Authorised Vessels), 18/01 (Rebuilding Yellowfin Tuna).

This term is used in conjunction with tuna and longline vessels, and is not defined in the FAO fisheries glossary.

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[Large-scale longline vessel]	[Any large-scale fishing vessel equipped to deploy longline gear. ¹⁵]	PHL: Large scale commercial fishing vessel – fishing utilizing active gears and vessels of more than (150) GT. (FAO 266, 2020)	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
[Large-scale tuna vessel]	[Any large-scale fishing vessel equipped to deploy gear used for fishing for tuna. ¹⁶]	EU: PHL: Large scale commercial fishing vessel – fishing utilizing active gears and vessels of more than (150) GT. (FAO 266, 2020)	OK <i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
[Legislation]	[Includes laws, regulations, orders, notices and any other instrument having the force of law in a country or regional economic integration organisation.] ¹⁷	EU:	OK	CONSENSUS REACHED	

¹⁵ The definition was revised to refer to a vessel “equipped to deploy” gear, rather than just transporting (carrying) it.

¹⁶ The definition was revised to refer to a vessel “equipped to deploy” gear, rather than just transporting (carrying) it.

¹⁷ The definition is based on best practices, and includes all instruments having the force of law. It is a generic term that covers the use of various terms from country to country, such as “Act”, “Law” “Decree” etc and requires as a bottom line that the instrument has the *force of law*.

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[Limit reference points]	[An indicator of the limit beyond which the state of a fishery and / or a resource is not considered desirable; otherwise, it is considered that it might endanger the capacity of self-renewal of the stock or the reproductive capacity.] ¹⁸	<p>EU:</p> <p>PHL: Reference Points – means benchmark values often based on indicators such as fishery stock size or the level of fishing that serves as standard to compare estimates of a fishery stock size and fishing mortality over time depending on the biological characteristics of the species. Reference points can mark: (a) a limit or a level that should be avoided; (b) a target, which should be achieved and maintained; or (c) a trigger that signals the need to take prescribed actions; to prevent stock collapse. (FAO 263, 2019)</p>	<p><i>SC should be consulted.</i></p> <p><i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i></p>		
[Master]	[In relation to a vessel, aircraft or vehicle, means the person in command or charge in accordance with any relevant licence or authorisation, or for the time being or apparently in	<p>EU: In relation to a fishing vessel means the vessel operator who is the primary agent of the vessel or the person who is for the time being in command or in charge of the vessel, but does</p>	<p><i>The EU agrees with some of the elements of the first definition proposed with some modifications to exclude reference to aircrafts and other vehicles which do not seem relevant in this context. The definition of</i></p>		

¹⁸ Revised to add the phrase beginning “otherwise”, as recommended.

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	command or charge, but does not include a pilot on board a vessel solely for the purpose of navigation. ¹⁹ Any person holding the most responsible position at any given time on-board a fishing vessel.]	not include a pilot on board a vessel solely for the purpose of navigation.	<i>master should be kept exclusive for fishing vessels unless there are specific obligations on the “master” of aircraft and vehicles. The proposed definition also takes into account the FAO glossary portal “vessel operator” is defined as the master or other individual aboard and in charge of that vessel (Definition source: FAO Fisheries and Aquaculture Department, FAO, 2014)</i>		
		PHL: Master -means the person having command of a ship. (MARINA MC 148, 1999).	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
		THA: [Any person holding the most responsible position at	<i>Suggestion to consolidate this term and retain a</i>		

¹⁹ This term is used throughout CMMs, and is defined in Res 18/03 (IUU Vessel List) as “any person holding the most responsible position at any given time on-board a fishing vessel”. Japan suggested this definition.

It is recommended to expand to all vessels (used for fishing or related activities), aircraft or vehicles as all may be involved in fishing operations.

Reference to the “most responsible” position does not necessarily indicate that the person is in charge and issues commands/directs the operations.

It is important to define this term for purposes of implementation of obligations and enforcement and to address situations where the master does not identify himself to obstruct enforcement or otherwise attempts to evade responsibilities.

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Key terms	Definitions (CoC20) DO NOT EDIT	Proposed definition 1 st Phase	Comments 1 st Phase	Proposed definition 2 nd phase	Comments
		<p>any given time on-board a fishing vessel.</p> <p>In relation to a vessel, aircraft or vehicle, means the person in command or charge in accordance with any relevant license or authorization, or for the time being or apparently in command or charge, but not include a pilot on board a vessel solely for the purpose of navigation.]</p>	<p><i>term under Res 18/03 in a paragraph one and additional recommendations in second paragraph.</i></p>		
[Operator]	[Any natural or legal person in charge or control of a vessel and responsible for taking decisions and giving direction to such vessel for management, operational and/or commercial matters related to fishing and fishing related activities, including the owner, beneficial	<p>EU: Any natural or legal person in charge or control of a vessel and responsible for taking decisions and giving direction to such vessel for management, operational and/or commercial matters related to fishing and fishing related activities, including, when they have such responsibilities, the owner, beneficial owner, charterer and master.</p>			
		<p>THA: [Any person who is in charge or responsible of the operation or directive of control of a vessel, including the owner, charterer,</p>	<p>- Proposed to support this term. - Not necessary to define "operator" as "the natural or legal person"</p>		

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	owner, charterer and master. ²⁰ Any person who is in charge or responsible of the operation or directive of control of a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel operation.]	master and the beneficiary of the economic or financial benefit of the vessel operation.]	<i>due to the incorporation of the term of person.</i>		
[Owner]	[Includes the registered and legal owner of the vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation of the vessel from	EU: The natural or legal person having a legal entitlement on the vessel in whole or in part, or any charterer of the vessel.	<i>We consider that this definition reflects better the definition in the FAO portal. At the same time, the proposed definition keeps a distinction between owners and operators. Strictly within the application of fishing vessels these should be</i>		

²⁰ This definition is necessary to identify the person (natural or legal) who has responsibilities assigned under various CMMs (e.g. Res. 12/04 on marine turtles, 18/08 on FADS), and is therefore answerable/liable where a contravention of CMMs occurs. Res. 18/03 (IUU Vessel List) defines “operators” as “the natural or legal person who is responsible for taking commercial decisions regarding the management and operation of a vessel and includes a charterer of the vessel”. The reference to taking “commercial decisions” may be too restrictive for general application. For example, the operator may direct vessel activities for purposes of compliance (e.g. escaping enforcement, or complying with costly requirements) rather than for strict commercial reasons concerning fishing opportunities and markets.

Suggestions to include reference to “any natural or legal person” were incorporated, and prompted the recommendation to define this term in the glossary.

A key consideration in defining “Operators” for IOTC purposes is that they are always linked to vessels in the CMMS; there was a proposal to extend the definition to persons carrying out activities relating to any stage of production, processing, marketing, distribution etc for fisheries and aquaculture products, but this would exceed the mandate of the Commission under the IOTC Agreement. However the definition is extended to fishing related activities as proposed.

The operator in best practices includes any person in a position to give direction to a vessel, including the owner, beneficial owner, charterer and master. The CMMs requiring the “operator” to undertake specific fishing techniques are clearly directed at the master, so this was included in the definition.

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	the owner and who on assuming such responsibilities has agreed to take over all the attendant duties and responsibilities.] ²¹		<i>kept separate. Normally direct sanctions are applicable to masters and licence holders. For beneficial owners it would be more appropriate to sanction as money laundering.</i>		
		PHL: Registered shipowner – means the owner of the ship or another organization or a person such as the manager, or the bareboat charterer who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities of the ship. (MARINA MC-DS-2022-01).	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
[Person]	[Includes natural and legal persons, unless otherwise stated.] ²²	EU:	OK		
		PHL: Person – natural or juridical entities such as individuals, associations,	<i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative</i>		

²¹ The definition was revised as proposed, based on the Recruitment and Placement of Seafarers Convention, 1996 (No. 179). The addition of an additional phrase is recommended: “Includes the registered and legal”. It is consistent with shipping practice to acknowledge and distinguish registered/legal owners and elaborates Res. 18/03 (IUU Vessel List) which defines “owner” as “the natural or legal person registered as the owner of a vessel”.

²² This is a new term, based on comments in relation to the proposed definition of “operator”.

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		partnerships, cooperatives, or corporations (DA AO 10, 2015)	<i>Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i>		
[Support vessel]	[Any vessel used, equipped to be used or intended to be used for fishing related activities, including any vessel other than a craft carried on board a fishing vessel that is not equipped with operational fishing gear and that facilitates, assists or prepares fishing activities including by supplying a fishing vessel.] ²³	<p>EU: Any vessel used, equipped to be used or intended to be used for fishing related activities, including any vessel other than a craft carried on board a fishing vessel that is not equipped with operational fishing gear and that facilitates, assists or prepares fishing activities including by supplying a fishing vessel, including supply vessels, carrier vessels and any other vessel that may be used as a support vessel.</p> <p>PHL: Support Vessel - these include carrier boats, light boats, scout or ranger boats, and auxiliary boats that are used in the operation of purse seine or ring net to catch tunas. (FAO 244, 2012)</p>	<p><i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other</i></p>		

²³ Revised to include a proposed definition. The following introductory language added for clarification and consistency with the definitions of fishing vessel and related activities: “Any vessel used, equipped to be used or intended to be used for fishing related activities, including...”

For clarity, “a fishing vessel” was added: “...other than a craft carried on board *a fishing vessel* that is not equipped with operational fishing gear...”.

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			<i>Administrative Orders (AO) in the Philippines.</i>		
[Transshipment]	[The transfer of fish or fish products to or from any vessel, and may include the transfer of fish or fish products from a vessel to any land-based facility such as containers or freezing or storing facilities but not landed, exclusively for purposes of promptly onloading to another vessel, without being subject to importation into the country where the land-based facility is located.] ²⁴	<p>EU: The direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed.</p> <p>PHL: Transshipment – refers to the transfer of all or any fish or fishery product from one fishing vessel to another. (FAO 267, 2021).</p> <p>THA:</p>	<p><i>Definition from the FAO voluntary guidelines on transshipment.</i></p> <p><i>The EU could also agree to a more simple definition if needed: The unloading of all or any fisheries or aquaculture products on board a vessel to another vessel.</i></p> <p><i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i></p> <p><i>Should whether or not to include “either at sea or port”.</i></p> <p><i>The exception may be ambiguous as</i></p>		

²⁴ Language added as suggested to clarify the possibility of transshipment - but not landing - via a land based facility.

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			<i>the transfer directly from any vessel to containers is a landing under CMMs of other RFMOs.</i>		
[Vessel monitoring system]	[Includes a satellite based reporting system capable of monitoring the position and activities of vessels.] ²⁵	<p>EU:</p> <hr/> <p>PHL: Vessel Monitoring System – A system that tracks, monitors, and manages fishing vessels. (FAO 266, 2020).</p>	<p><i>VMS WG should be consulted for them to propose a definition.</i></p> <hr/> <p><i>These are the terms and definitions we are using in the crafting of the Fisheries Administrative Orders (FAO), Memorandum Circulars (MC), and other Administrative Orders (AO) in the Philippines.</i></p>		

²⁵ VMS Steering Group to revise and consider as an alternative:

“A satellite-based system capable of automatically transmitting to the relevant authorities data at regular intervals on the location, course, activities and speed of vessels for purposes of monitoring the position and activities of vessels.” This is based on a suggested definition (as amended): “A satellite-based fishing vessel monitoring system automatically transmitting to the fisheries authorities data at regular intervals on the location, course, activities and speed of vessels”

It was amended because: “vessel monitoring system” is tautological, and cannot be used to define the same term; “fishing vessels” would not include vessels used for related activities;

“automatically transmitting” indicates that the system would not fall within the definition if it is not transmitting information at any time”;

“fisheries authorities” should be broader in to accommodate interagency cooperation in receiving VMS information.