



CCSBT-EC/1710/12

## CCSBT Strategic Plan

### Purpose

To consider implementation issues in relation to the CCSBT Strategic Plan.

### Introduction

An updated CCSBT Strategic Plan was adopted by the Annual Meeting of the Extended Commission (EC) during October 2015. The Strategic Plan contains a five-year Action Plan that specifies when the different strategies (action items) of the Strategic Plan should be implemented. Most of the action items are being dealt with in various meetings of the CCSBT. This paper considers five action items specified for 2017 that are not considered elsewhere in these meetings.

### Action Items for 2017

#### **(1) Revised risk classifications assigned to each type of CCSBT data to enable sharing of appropriate datasets (very high priority in the Strategic Plan)**

The Strategic Plan contains an action item to: “Review rules for commercially confidential scientific data to encourage sharing of these data in order to harmonise activities with other RFMOs and improve the functioning of the Commission.” This item was considered in the Secretariat’s paper CCSBT-EC/1610/11 to CCSBT 23. That paper noted that the CCSBT’s Rule and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT (herein called the “Data Confidentiality Rules” - DCR) already contained provisions to allow sharing of data with other RFMOs. The paper provided two options for modifying CCSBT’s DCR to enhance sharing with other RFMOs.

CCSBT 23 discussed the options and agreed that the Secretariat should conduct a review of the risk classifications assigned to each type of CCSBT data to enable sharing of appropriate datasets and to present this to CCSBT 24 for consideration.

An updated set of confidentiality risk classifications are provided in Table 1 of the draft revised DCR at **Appendix A** (page 21 of this paper). Revisions to the DCR are tracked so that the changes can be easily identified. The classifications in the DCR for most existing information types was considered suitable and only one dataset has been suggested for a changed risk classification<sup>1</sup>. However, five additional information types have been added to the risk classification table. These are:

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<sup>1</sup> Aggregated catch and effort data of other [non-SBT] species.

- Two information types related to the ERSWG Data Exchange. The most highly aggregated of these is suggested as being a publicly available dataset (“No risk”) and the other is suggested as being “Low risk”, which means it can be shared with other RFMOs subject to paragraph 22 of the DCR. Previously, the information from the ERSWG Data Exchange was not specified in the DCR and the entire ERSWG dataset was therefore treated as “Medium risk”<sup>2</sup>. However, the two information types proposed here are so highly aggregated that the Medium risk classification seems unnecessary. Furthermore, the majority of this information is already publicly available through Members’ annual reports to the ERSWG. Finally, reducing the risk classification from Medium to Low will enable Members to access these data without the current complex process of requiring each Member to formally approve each named person’s access to these data.
- Two information types related to summary CDS data. One of these is specified as being a publicly available dataset (“No risk”) and the other is specified as being “Low risk”, but with a caveat that these data are only provided to a designated authority of each Member. The inclusion of these information types within the DCR is simply to reflect the status quo for these data as specified within the CCSBT’s CDS Resolution.
- One information type for genotype data from CCSBT’s Close-kin and gene-tagging programs. A “Medium risk” has been assigned to these data to ensure that users are aware of the need to abide by contractual constraints relating to these data.

The Extended Commission is invited to consider and decide whether to approve the new information types and risk classifications presented in the revised DCR at **Appendix A**.

**(2) Review the costs and benefits of changing the current chairing arrangements for CCSBT including consideration of longer term appointments to ensure full year availability of a Chair for support, decision making and continuity (high priority in the Strategic Plan)**

Hosting of the annual meetings of the CCSBT rotates between Members of the Extended Commission on an annual basis. The current Chairing practise of the CCSBT is that the hosting Member nominates the Chair at or after the annual meeting immediately prior to the annual meeting that the Member will host. As a consequence, The Chair of the CCSBT is in office for a maximum of one year.

This paper presents an option for changing CCSBT’s Chairing arrangements in order to improve the governance and efficiency of the CCSBT. It is intended that the current practise of rotating the hosting of Extended Commission meetings between Members would continue unchanged.

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<sup>2</sup> This is because the majority of the data in the ERSWG Data Exchange originates from observer programs and because unspecified aggregated data from observer programs are classified as “Medium risk” within the DCR.

Advantages of the current CCSBT Chairing practises include:

- Each Member has a turn at being Chair of the Extended Commission;
- There is no direct financial cost to the CCSBT because the hosting Member funds all costs for the Chair. In addition, Chairing costs are minimised as the Chair typically requires only limited travel to attend the meeting.
- A maximum commitment of only one year is required from the Chair.

Disadvantages of the current CCSBT Chairing practises include:

- On average, the CCSBT is without a Chair for over four months each year<sup>3</sup>.
- There is a lack of continuity between meetings.
- It is difficult for the Chair to represent the CCSBT, because the Chair often has not attended recent CCSBT meetings and the Chair's duties are finished after the first meeting he/she chairs.
- In most cases, the new Chair has had little recent knowledge or experience with the CCSBT. Significant time and effort is therefore required each year by the new Chair, the hosting Member and the Secretariat for the new Chair to become familiar with current CCSBT issues.
- Being appointed for a single year only results in the Chair being focused on short-term outcomes, particularly the outcomes of the current annual meeting, instead of a more long-term focus. This is not conducive to good governance.
- The one year appointment makes it difficult for the Chair to conduct intersessional discussions amongst Members or to provide intersessional direction to the Secretariat. This limits the progress that can be made between meetings.

The Secretariat has contacted all the tuna RFMOs<sup>4</sup> and three nearby RFMOs<sup>5</sup> to determine the Chairing arrangements used for those organisations. With the exception of CCAMLR and IATTC, all these RFMOs elect their Commission Chairs for a period of two years with the possibility of re-election for another two years. IATTC elects its Chair for a period of one year, but they may be re-elected (and the current IATTC Chair<sup>6</sup> has been elected for a second period). CCAMLR elects its Chairs for a two year term on an alphabetical rotation principle. CCSBT is the only one of these RFMOs to have a Chair for a single year only.

Extending the term of the CCSBT Chair to two years with the possibility of re-election would overcome most of the disadvantages mentioned above with respect to the CCSBT's current Chairing arrangements. However, this is not consistent with the CCSBT's Convention, which states that:

*“At each annual meeting the Commission shall elect from among the delegates a Chair and a Vice-Chair. The Chair and the Vice-Chair shall be elected from different Parties and shall remain in office until the election of their successors at the next annual meeting. A delegate, when acting as Chair, shall not vote.”*

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<sup>3</sup> This is based on the average number of months after each annual meeting (since CCSBT 16 in 2009) that has elapsed before the hosting Member has nominated the Chair.

<sup>4</sup> The Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), and the Western and Central Pacific Fisheries Commission (WCPFC).

<sup>5</sup> The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the South Indian Ocean Fisheries Agreement (SIOFA), and the South Pacific Regional Fisheries Management Organisation (SPRFMO).

<sup>6</sup> As at the time of preparing this paper.

To be consistent with the Convention, it may be best to adopt an approach similar to that specified in IATTC's Rules of Procedure. The following rule is from IATTC's Rules of Procedure, except for the tracked changes, which are suggested modifications of IATTC's rules to suit CCSBT's situation and for clarity:

*“At the end of each ~~of its annual~~ meetings, the Commission shall elect individuals to serve as Chair and Vice-Chair. ~~These individuals shall be from different Parties, unless the Commission decides otherwise.~~ The Chair and ~~the~~ Vice-Chair shall ~~be~~ be elected from different Members and shall remain in office for a period of one year until the election of their successors at the next annual meeting. The Chair and/or Vice-Chair may be re-elected for a maximum of three additional one-year periods unless they are no longer able to carry out their respective functions or successors are elected. If the Commission is not able to elect a Chair and/or a Vice-Chair, the host Member (the Member that will host the annual meeting in that year) shall provide the Chair if a Chair was not elected, and the ~~previous~~ subsequent host Member shall provide the Vice-Chair if a Vice-Chair was not elected.”*

This approach assists to improve the governance and efficiency of the CCSBT by allowing the Chair to remain in office for up to 4 years if desired by the Members. If the Commission is not able to elect a Chair in a particular year, the chairing arrangements for that year would revert back to those currently in place (i.e. the hosting Member Chairs).

A modification to the CCSBT's Rules of Procedure to reflect these possible changes is provided at **Appendix B**.

In circumstances where the hosting Member is not the chairing Member, consideration needs to be given to the mechanism for funding of the Chair. Options for funding include:

- Full funding by the relevant Member;
- Full funding by the CCSBT; or
- A mixed funding arrangement (e.g. the CCSBT pays the Chair's flights and subsistence, while the Member pays the Chair's honorarium and any other costs associated with the role).

With the exception of Chairs from Developing States, all of the RFMOs contacted have adopted the approach whereby the relevant Member provides the full costs of the Chair. In the case of Developing States, the tuna RFMOs consider funding the flights and subsistence for these Chairs depending on the circumstances. However this approach differs amongst the tuna RFMOs<sup>7</sup>.

Given the practises of other RFMOs, it would seem reasonable that the chairing Member funds the activities of the CCSBT Chair, with the exception of Developing States. For Developing States, the CCSBT could fund the cost of flights and subsistence when chairing annual meetings of the Extended Commission. These costs are expected to average about AU \$7,000 per year<sup>8</sup>.

It should be noted that providing a multi-year Chair for the CCSBT will require significant commitment from the relevant Member in addition to the costs involved in attending annual meetings. This would include the Chair's time for intersessional activity and possible support

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<sup>7</sup> The approach used for funding Chairs from Developing States varies between the tuna RFMOs, from an informal approach in which funding is only provided where lack of funding would otherwise prevent the Developing State's Chair from attending, to a more formal approach that includes funds in the budget whenever a Developing State provides the Chair.

<sup>8</sup> Based on the average United Nation's subsistence allowance for Members' capital cities and the average cost of the cheapest business class flights from the CCSBT Headquarters to each of these capital cities.

for the Chair in areas such as for intersessional travel, legal advice, and assistance to the Chair. Nevertheless, despite the commitment required, moving to a multi-year Chairing arrangement would address a major weakness in the current governance and operation of the CCSBT.

If new Chairing arrangements are agreed at CCSBT 24, these arrangements could be implemented at CCSBT 25 by electing a new Chair in accordance with these arrangements at CCSBT 25.

CCSBT Members are invited to consider whether the chairing arrangements for the CCSBT should be changed, and if so, decide:

- what the new arrangements should be;
- to what extent the CCSBT should fund participation of a multi-year Chair; and
- when the new Chairing arrangements should commence.

If the Extended Commission decides on new chairing arrangements, it is assumed that the main election would be for the Chair and Vice-Chair of the Extended Commission and that the Chair of the Commission would be the same as the Chair of the Extended Commission whenever the chairing Member is also a Member of the Commission. Whenever the Chair of the Extended Commission is not from a Member of the Commission, it is assumed that the current practise of electing the Chair of the Commission from the next Member to host the Commission meeting would continue to apply.

(3) Explore funding sources other than Member governments' assessed contributions to support the work of the Extended Commission (*high priority in the Strategic Plan*)

CCSBT 23 considered this action item and supported two proposals, which were:

1. To establish an environment that facilitates and encourages voluntary contributions from Members and Cooperating Non-Members; and
2. To encourage host Members to fund the venue, catering and equipment costs of Extended Scientific Committee meetings and of Compliance Committee and Extended Commission meetings.

In relation to item "1", it was suggested that this could be further expanded to include contributions from organisations such as the World Bank and Non-Government Organisations (NGOs). The Extended Commission also proposed that the Secretariat could investigate establishing a voluntary fund to which contributions could be made, including drafting guidelines to outline how the funds may be used appropriately.

The CCSBT's Financial Regulations allow the Executive Secretary to accept voluntary contributions provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission. Voluntary contributions offered by non-Members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.

To provide flexibility for voluntary contributors, it is proposed that the CCSBT provide for three types of voluntary contributions as listed below. The first two types of voluntary contributions listed below have already occurred within the CCSBT. Nevertheless, this listing helps to formalise the process for the future and to specify how these funds would be recorded in the budget.

- Voluntary contributions to projects. These are contributions to specific CCSBT projects in specified year(s). Contributions may occur through either a formal transfer of funds to the Secretariat (e.g. Australia's and the European Union's contributions towards the pilot and long-term gene tagging programs respectively in 2017), or through "in-kind" contributions (e.g. CSIRO's in-kind contributions to some of CCSBT's contracted research projects and New Zealand's funding of CCSBT's technical consultant for the OMMP 8 meeting).

Project contributions are not restricted to research projects. Project contributions could include projects such as CDS system development, quality assurance reviews, market research and consultancies in relation to specific issues etc.

Formal contributions to projects would be recorded as "Voluntary contributions to projects" on the income side of the CCSBT's general budget for the relevant year with an annotation to specify the source of the contribution (e.g. Australia), the amount and the project(s) for which the contribution is provided. Contributors may specify conditions on the use of these funds, including reporting requirements and return of unused funds. The Executive Secretary would have the authority to accept such conditions if they are compatible with the policies and operation of the Extended Commissions.

In-kind contributions to projects would be recognised through a footnote in the relevant expenditure item of the budget.

- Voluntary contributions to meeting costs. These are contributions provided to offset the cost of running CCSBT meetings. These contributions are most likely to be provided by the Member hosting a meeting and will usually be for venue hire, catering and equipment hire. An example includes the contribution that the European Union is planning to provide in 2018 for the September OMMP/ESC<sup>9</sup> meetings and the October CC/EC<sup>10</sup> meetings.

These contributions would be recorded as "Voluntary contributions to meeting costs" on the income side of the CCSBT's general budget for the relevant year with an annotation to specify the source of the contribution (e.g. European Union), the amount and the meeting(s) for which the contribution is provided. It is anticipated that any unused contributions would be returned to the contributor after the meeting payments had been finalised.

Not all voluntary contributions to meeting costs will be through a formal transfer of funds to the Secretariat. In some cases, Members may pay the venue and other suppliers directly for the costs of the meeting. An example of this is Indonesia's payments of these costs for the October 2017 meetings of the CC and EC. To recognise this type of contribution, the expenditure side of the CCSBT's general budget would contain a footnote in the relevant expenditure item to specify that these costs are being funded by the relevant Member.

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<sup>9</sup> Informal Operating Model and Management Procedure Technical Meeting, and Extended Scientific Committee meeting.

<sup>10</sup> Compliance Committee and Extended Commission meetings.

- Voluntary contributions to a Special Purpose Fund. It is proposed that a Special Purpose Fund be established to provide a mechanism which enables the extended Commission to enhance its capacity to manage the SBT fishery in accordance with defined categories of activities, including:
  - Capacity building<sup>11</sup>;
  - Enhance meeting participation<sup>12</sup>;
  - CDS enhancements<sup>13</sup>; and
  - Other categories of activities as defined by the Extended Commission from time to time.

Each contribution to the fund by a Member or non-Member would specify the activity category for which the contribution is to be used. Prior to each annual meeting, the Executive Secretary would provide a breakdown of the available funds in each category of the Special Purpose Fund together with a listing of the contributions received and the expenditure made during the current financial year. At the same time, the Executive Secretary would invite Members (and as appropriate, non-Members) to consider making voluntary contributions to the Special Purpose Fund. Proposals for activities to be conducted with the Special Purpose Funds could be made by Members, the Extended Commission, the Extended Scientific Committee, CCSBT subsidiary bodies, or by the Secretariat. At each annual meeting, the Extended Commission would consider and decide on any activities to be funded by the Special Purpose Fund in the following year.

The Extended Commission is invited to consider the three types of voluntary contributions described above and whether it supports this approach to voluntary contributions for the CCSBT. Members should also consider whether additional guidelines should be developed for use of the Special Purpose Funds or whether it is better for the Extended Commission to specify how the funds may be used when it approves specific activities.

(4) Implement flexible management arrangements – As appropriate, conduct quota trading between Members (high priority in the Strategic Plan)

Quota trading was discussed by the CCSBT at three meetings (CCSBT 10, CCSBT 11 and CCSBT 12) from 2003 to 2005 inclusive. At the direction of the Extended Commission (EC) at CCSBT 10, the Secretariat obtained independent legal advice on quota trading. New Zealand also obtained legal advice through the Legal Division of its Ministry of Foreign Affairs and Trade.

Paper CCSBT-EC/1710/BGD01 provides a Secretariat paper submitted to CCSBT 13 in 2006, that includes the above mentioned legal advice together with a Secretariat discussion paper on quota trading that was prepared in 2005.

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<sup>11</sup> Focused on enhancing the capacity of developing State Members/CNMs to comply with Conservation and Management Measures adopted by the CCSBT and to participate in the development/update of new/existing measures.

<sup>12</sup> Focused on enhancing the ability of developing State Members/CNMs to attend meetings of the CCSBT (excluding Commission and Scientific Committee meetings which must be funded by the Member).

<sup>13</sup> Aimed at enhancing the Extended Commission's ability to obtain an accurate and timely record of SBT catches and to enhance CCSBT's capacity to minimise IUU fishing for SBT.

The legal advice generally concluded that:

- The EC could decide to approve quota trading arrangements, such as by agreeing to a Resolution on a quota trading system between Members; and
- In the absence of such a decision of the EC, Members could not unilaterally decide to trade or lease part of its SBT quota allocation<sup>14</sup>.

However, it should be noted that one Member at CCSBT 11 did not agree that a national allocation could not be unilaterally traded in the absence of such a Resolution.

The EC has yet to decide whether it wishes to implement a quota trading system. At CCSBT 11, three alternate opinions were expressed on the issue of quota trading, these being:

- “That quota trading should be considered when the Management Procedure is implemented since at that stage, the TAC would be based on scientific information and a procedure should be in place for deciding national allocations of the TAC;
- While the stock was considered to be in a serious state, unused quota should not be re-allocated through quota trading which would increase catch; and
- That in principle quota trading was not desirable because a Member should not profit by trading its unused quota with another Member and because allocations are not conferred on a permanent basis.”

If the EC decides to implement a quota trading system, there are a number of issues that should be considered when developing a Resolution on quota trading. These issues include:

- **Scope of Quota Trading**
  - It is assumed that:
    - Quota trading would be of a temporary nature, not permanent<sup>15</sup>; and
    - A prerequisite of any quota trading would be that the TAC and the allocations of that TAC has been agreed by the EC for the period involved.
  - Consideration should be given as to whether quota trading should be confined to Members of the CCSBT. A major difficulty with allowing quota trading outside CCSBT Members and Cooperating Non-Members is the reduced ability to ensure compliance with CCSBT measures and the corresponding difficulty in ensuring that quota trading does not undermine the state of the SBT stock. The legal advice mentioned above suggests that quota trading might exclude non-cooperating non-Members but that it could include Cooperating Non-Members.
  - The EC should consider whether there needs to be a limit to the maximum percentage of a Members’ allocation that can be traded. At one extreme, it may be considered discriminatory if a Member was permitted to trade its entire allocation if new participants are not able to obtain a sufficient allocation without purchasing quota. A maximum tradeable amount of between 20%<sup>16</sup> and 50% of a Member’s allocation might be more suitable. For similar reasons, the EC might wish to consider whether there should be a limit on the number of consecutive years that a Member can trade (sell) its quota.

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<sup>14</sup> In contrast, Members could implement charter arrangements without a decision of the Extended Commission, but SBT caught under such arrangements would be counted against the chartering Member. Similarly bilateral access arrangements into a Member’s EEZ could be implemented without a decision of the Extended Commission.

<sup>15</sup> A permanent transfer is equivalent to a change of allocation, which is a decision made by the Commission in accordance with the Convention.

<sup>16</sup> Which is the same as the percentage of a Member’s TAC that can be carried forward from one year to the next in the case of uncaught quota.



- **Administration of the Quota Trading System**

- Consideration will need to be given as to whether the quota trading system allows trading on a bilateral basis in accordance with specified trading rules, or whether quota trades must be approved by the EC (either intersessionally or at annual meetings).
- Regardless of the above, it is assumed that:
  - The EC would have no involvement in setting the price for traded quota and that any price would be subject to bilateral arrangements;
  - All quota trades would need to be notified to the Secretariat before coming into effect and that the Secretariat would publish up to date information on the timing and amount of quota traded between Members;
  - Accounting and reporting of the catch against the traded amount would be the responsibility of the Member receiving the traded quota; and
  - Quota trades would have no impact on Members' annual contributions to the CCSBT and that annual contributions would continue to be based on Members' nominal catches (allocation from the CCSBT).
- The EC will need to decide when quota trades can be made and for what period. Options include:
  - Quota trades may only be conducted for the single fishing season commencing after the annual meeting and may only be conducted after confirmation of the TAC and allocation for the next year. This option minimises the risk of complications with traded quota by allocations being reduced after the trade; and
  - Quota trades may be conducted any time for any period within a three 3 year quota block after the TAC for that block has been approved.
- If quota trading is only permitted for one season at a time, the EC should decide whether trading can occur at any time during the season, or whether notification of quota trades must be provided within a certain timeframe of the start of the relevant fishing season as is required for carry-forwards of uncaught quota<sup>17</sup>. If quota trading is allowed to occur throughout the season, then it seems likely that Members would seek to trade any uncaught quota that they cannot carry forward under the current carry-forward limits.
- There are likely to be linkages between rules for carry-forward of unfished quota and rules for quota trading that need to be clarified by the EC. In particular:
  - It is assumed that the 20% limit for carry-forward of unfished quota would be 20% of the Member's actual allocation plus any traded quota received during that season.
  - In order to monitor the requirement that quota carry-forwards may not in turn generate further under-fishing to be carried forward to the following year, it is assumed that trading of quota by a Member would be restricted to that Member's base allocation and would not include any quota carried-forward from the previous season, nor any traded quota received from other Members for that season. In other words, the maximum tradeable quota would be the base allocation minus any limit the EC sets on the proportion of the allocation that is tradeable.

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<sup>17</sup> The Resolution on carry-forward of uncaught quota requires notification of the carry-forward to the Secretariat within the first 60 days of the new quota year.

- The EC should consider whether it wishes to raise revenue from quota trading, for example by establishing a set CCSBT fee for each tonne of quota traded (e.g. \$100/tonne). This would enable all Members to gain a benefit from quota traded by other Members.
- **Ensuring that Quota Trading does not Undermine Existing Conservation Measures**
  - Quota trading between certain Members is likely to result in a shift in the age composition of the catch. This could undermine the effectiveness of the TAC recommended by the Management Procedure and reduce the probability of the interim rebuilding target being met. The EC should seek advice from the Extended Scientific Committee on the potential impact of quota trading in this regards, together with advice on action that could be taken to avoid undermining the Management Procedure. This could, for example, include rules to:
    - Prevent transfer of quota in a manner that would result in more SBT being taken from the spawning ground; and
    - Prevent transfer of quota from longline fisheries targeting older SBT to purse seine fisheries targeting 2-3 year old SBT, or apply a quota adjustment factor for such transfers to ensure that the transferred quota is adjusted in such a manner as to not undermine the Management Procedure.
  - Consideration should be given to rules in relation to traded quota for circumstances where the TAC or a Member's effective catch limit is reduced after quota has been traded. Such reductions could either be due to exceptional circumstances with the state of the stock or due to corrective actions for a Member. Both situations are least likely to happen if quota trades are restricted to within one fishing season. Options could include:
    - Traded quota is quarantined from such reductions and the entire reduction is taken from the Member's remaining quota; or
    - The traded quota is reduced by the same percentage as the Member's original effective catch limit is reduced; or
    - A mixture of the above, whereby traded quota is quarantined from reductions caused by corrective actions, and is reduced by the same percentage as the Member's original effective catch limit in cases where the reduction is due to a change in the TAC.

An **EXAMPLE** quota trading system might be as follows, together with the assumptions mentioned above:

- Quota trading is confined to Members;
- Members may trade up to 30% of their allocation of the global TAC;
- Quota trading is conducted for a single fishing season, and only after confirmation of the TAC and its allocation to Members;
- A Member may trade its quota for a maximum of three seasons in a row, after which at least one season without any trading is required before that Member can recommence trading its quota;
- Quota trades are to be negotiated on a bilateral basis between Members and are to be completed and notified to the Secretariat within 90 days of the commencement of the trading Member's quota year;

- A fee of \$100 per tonne of traded SBT will be paid to the Secretariat by the Member that is trading its quota (this is in addition to any bilaterally negotiated price between the two Members); and
- Before commencement of the quota trading system, rules will be established and implemented in relation to any trade that will change the age composition of the catch after obtaining advice on such rules from the Extended Scientific Committee.

The EC is invited to decide whether it wishes to develop and implement a quota trading system, and if so, to consider the issues raised above together with any other characteristics that Members would like to incorporate within the quota trading system.

(5) Flag states/fishing entities to complete self-assessments of capacity with respect to national allocations. Flag State/fishing entity to take corrective action if required (medium priority in the Strategic Plan)

The following self-assessments of capacity by Members were provided to the Extended Commission from 2013 to 2016:

- CCSBT-EC/1310/24: New Zealand Self-Assessment of Fishing Capacity
- CCSBT-EC/1410/19: Australian Self- Assessment of Fishing Capacity
- CCSBT-EC/1410/22: Self-Assessment of Fishing Capacity – Japan
- CCSBT-EC/1410/24: Taiwan Self-Assessment of Fishing Capacity
- CCSBT-EC/1410/25: Korean Self-Assessment of Fishing Capacity
- CCSBT-EC/1510/29: Self-Assessment of Fishing Capacity – Indonesia (Revision 1)
- CCSBT-EC/1610/22: Republic of South Africa Self-Assessment of Fishing Capacity

The European Union’s self-assessment is expected to be provided to CCSBT 24 in 2017.

### **Action Items for 2018**

Some items in the Strategic Plan’s Action Plan that are scheduled for 2018 will require significant amounts of work. It is proposed that the EC consider these items (listed below), confirm whether it wishes to proceed with each of these items in 2018, and assign responsibilities for undertaking the agreed actions.

(1) After reaching each Members’ nominal catches, assess the costs and benefits of alternative rebuilding strategies, including those that favour stock rebuilding over short-term catch increase (very high priority in the Strategic Plan)

Commencing with the 2018 fishing season, all CCSBT Members will have reached their “nominal catch” level, so it is now time to consider this action item.

It is not clear what the EC intended by the words “costs and benefits” in this item of the Strategic Plan. It may be that an economic analysis was intended, such as that suggested by the 2014 Performance Review of the CCSBT, which stated:

*Considering the values generated and the costs supported one might suspect that real “efficiency” might be made more by accelerating stock rebuilding than reducing administrative and research costs. As a consequence, considering that the CCSBT deals with one single species and few markets. It might be in a better position than other tuna RFMOs to consider undertaking at least a preliminary economic analysis of implications of its rebuilding strategy (taking into account, first, only market values) in order to shed some light on the economic implications of the parameters presently used for the Management Procedure and the planned rebuilding trajectory (still undefined).*

Alternatively, the EC may have intended that “costs and benefits” be an assessment in terms of the catch and resource trade-offs of different rebuilding strategies. If the EC’s intent is this second meaning, then this action item can be addressed through the current work of the Extended Scientific Committee (ESC).

The ESC is currently in the process of developing a new Management Procedure for the CCSBT. As part of this work, at CCSBT 25 (October 2018), the ESC intends to present results to the EC on the performance and trade-offs of alternative candidate Management Procedures (CMPs). The EC will be requested to confirm or amend broad recovery objectives based on results presented by the ESC. If the EC would like the ESC to consider alternative rebuilding strategies such as: delaying TAC increases until a certain time; or delaying TAC increases until a certain spawning biomass recovery level had been achieved, they would need to advise the ESC as soon as possible so that the ESC incorporates those types of variants as part of their CMP evaluations.

## (2) Review the implementation of the Recommendation on ERS (medium/high priority in the Strategic Plan)

Each Member’s/CNM’s implementation of the Ecologically Related Species (ERS) Recommendation should be reviewed each year at the Compliance Committee when the Committee reviews annual reports. It has been assumed that the current action item of the Strategic Plan is intended to be a more comprehensive review of the implementation of the ERS recommendation.

Some options for conducting this comprehensive review that the Extended Commission (EC) may wish to consider include:

- Requesting that the Ecologically Related Species Working Group (ERSWG) conduct this review at its next meeting, which could also involve sending questionnaires to Members to complete in advance of the meeting;
- Requesting the Secretariat to conduct a desktop review of the implementation, which could also involve sending questionnaires to Members to complete; or
- Develop the Terms and Reference for a special purpose Quality Assurance Review on the implementation of the Recommendation on ERS and contract an independent provider to conduct the review.

(3) Develop a policy and management strategy for ERS, including consideration of clear criteria against which effectiveness could be assessed whilst also addressing safety and issues of practicability, under close cooperation with other tuna RFMOs, relevant industries and other stakeholders, in order to facilitate the fishing industry's efforts to reduce the risks to ERS (medium/high priority in the Strategic Plan)

Some options for developing a policy and management strategy for Ecologically Related Species (ERS) that the Extended Commission (EC) may wish to consider include:

- Including this as one component of a CCSBT Fisheries Management Plan and develop this policy in conjunction with the Fisheries Management Plan (see agenda item 10 of this meeting);
- Develop a Terms of Reference for an ERS policy/management strategy and then invite a Member to develop a draft policy and management strategy in accordance with the Terms of Reference for discussion at CCSBT 25; or
- Schedule a meeting of the Strategy and Fisheries Management Working Group to develop a draft policy and management strategy.

(4) Promote discussion on research on ecosystem conditions that may affect the reproduction of SBT, with a view to improving knowledge of the effect of climate change on reproduction and recruitment of SBT (medium/high priority in the Strategic Plan)

The agenda of the Extended Scientific Committee (ESC) is heavily focused on development and implementation of the new Management Procedure through to 2020. Nevertheless, it should be possible to call for papers on this topic prior to ESC meetings and to include discussion of any papers received, as an agenda item within the ESC's agenda.

If more active work is required in these areas, it may require the formation of a special working group to discuss these matters, or alternatively, wait until after 2020 when the ESC's workplan has more flexibility.

The EC is invited to consider options for progressing discussion on these matters.

(5) Develop options (based on Convention text) for long term allocation arrangements for all Members, including new members, and apply to TAC increases or decreases (medium/high priority in the Strategic Plan)

A footnote to this section of the Action Plan of the Strategic Plan states that:

*Allocation rules were established in the "Resolution on the Allocation of the Global Total Allowable Catch". This Resolution should be updated once new Members have joined the extended Commission.*

The Secretariat has proposed an update of this Resolution for CCSBT 24 to consider, that takes account of recent decisions of the EC and the two new Members to the CCSBT (the European Union and South Africa). The proposed update is provided in Attachment C of paper CCSBT-EC/1710/11.

However, the “Resolution on the Allocation of the Global Total Allowable Catch” and the update of that Resolution do not explicitly take into account the text from Article 8(4) of the Convention, which states that:

*“In deciding upon allocations among the Parties under paragraph 3 above the Commission shall consider:*

- (a) relevant scientific evidence;*
- (b) the need for orderly and sustainable development of southern bluefin tuna fisheries;*
- (c) the interests of Parties through whose exclusive economic or fishery zones southern bluefin tuna migrates;*
- (d) the interests of Parties whose vessels engage in fishing for southern bluefin tuna including those which have historically engaged in such fishing and those which have southern bluefin tuna fisheries under development;*
- (e) the contribution of each Party to conservation and enhancement of, and scientific research on, southern bluefin tuna;*
- (f) any other factors which the Commission deems appropriate.”*

The EC is invited to consider whether the updated resolution on allocation of the TAC meets the needs of the CCSBT, and if not, to consider a suitable process and timeframe for developing options based on the Convention text for long term allocation arrangements.

(6) Consider the need to improve transparency of the decision making processes by minimising the use of Heads of Delegation meetings (medium priority in the Strategic Plan)

If the EC adopts revised Chairing arrangements as proposed under item “2” in the “Actions Items for 2017” within this paper, the new Chair could be given a mandate to improve transparency of the decision making process at meetings. This would allow the new Chair flexibility to experiment with ways of minimising the use of Heads of Delegation meetings.

Alternatively, the Secretariat could be asked to develop a draft policy for minimising the use of Heads of Delegation meetings for consideration at CCSBT 25.

(7) Review Convention text (if Member/s propose such negotiations) and, where appropriate, incorporate modern fisheries management principles and/or standards through decisions of the Commission e.g. in reviewing Management Procedure; measures to manage ERS (noting the latter option may be more efficient) (medium priority in the Strategic Plan)

Paragraphs 89 to 92 of the CCSBT 23 report summarised a brief round table discussion on the Convention that was held during CCSBT 23. These paragraphs are repeated below:

- 89. The European Union advised that it wished to seek Members’ views regarding the possibility to allow REIOs to become full Members of the CCSBT, and to provide feedback on the possibility of reviewing and amending the CCSBT Convention if necessary to allow full membership to the EU.*

90. *Taiwan pointed out that the Action Plan of CCSBT's Strategic Plan includes an action item to Develop mechanisms for extending full CCSBT Membership to Fishing Entities and REIOs (refer to 11.1(i)), and that this work is scheduled to be considered between 2018 and 2019. It continued that the Convention could remain without revising it if all Members believe that the EC functions well.*
91. *Members did not support commencing the process of reviewing the Convention currently due to lack of necessity and other work priorities, however, some Members noted that they might be in a position to consider the European Union's proposal in the future.*
92. *The European Union indicated that this is an important matter for it because it is representing EU Member States and this is the practise of other RFMO's and the European Union may initiate some bilateral communications intersessionally to discuss this matter further.*

From the above discussion, it appears that work on modernising the Convention is not of a sufficiently high priority for most Members to review the Convention in the timeframe specified by the Strategic Plan, which was during 2018 and 2019. However, bilateral communications may still occur on this matter. If further progress is not made on this Action Item, it is proposed that this should be discussed and considered for the next Strategic Plan.

The EC is invited to consider whether additional action can be taken in relation to incorporating modern fisheries management principles and/or standards in the immediate future.

## Draft changes to the CCSBT Data Confidentiality Rules

### RULES AND PROCEDURES FOR THE PROTECTION, ACCESS TO, AND DISSEMINATION OF DATA COMPILED BY THE CCSBT

(updated ~~13-12~~ October ~~2011~~2017)

1. **Basic principles relating to the dissemination of the data by the CCSBT under these rules**
  1. Data and information specified in Table 1 and held by the CCSBT or its Secretariat, and by service providers or contractors acting on their behalf, shall only be released in accordance with these Rules and Procedures.
  2. Notwithstanding paragraph 1, data may be released if the Member (or Cooperating Non-Member) of the Extended Commission providing the data to the CCSBT authorises its release.
  3. Persons duly authorised by the Executive Secretary within the CCSBT Secretariat<sup>1</sup> and service providers, who have read and signed the Commission's confidentiality protocol, shall have access to the data necessary to perform their CCSBT duties.
  4. Officers of the Commission<sup>2</sup> and its subsidiary bodies, who have read and signed the Commission's confidentiality protocol, shall have access to the data necessary to perform their CCSBT duties.
  5. Members and Cooperating Non-Members (CNM) of the Extended Commission shall have access to data to serve the purposes of the Convention, including data:
    - (a) covering vessels flying their flag that were authorised or engaged in fishing for, retaining on board, transhipping or landing southern bluefin tuna.
    - (b) covering any vessels fishing in waters under their jurisdiction for the time period during which such fishing occurred.
    - (c) for the purpose of scientific and other research, if the Member or CNM of the Extended Commission that originally provided that data authorises the Extended Commission to release them or if the data have a "No risk" or "Low" confidentiality risk classification according to Table 1<sup>3</sup>. In cases where a Member or CNM of the Extended Commission elects to provide an ongoing authorisation for the release of such data, the Member or CNM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.
  6. To the greatest extent practical, the CCSBT, its Secretariat and their service providers or contractors acting on their behalf, should release data in a timely manner.

<sup>1</sup> Persons duly authorised by the Executive Secretary within the CCSBT Secretariat are Secretariat staff and contractors that are appointed by the Executive Secretary that are responsible to the Executive Secretary.

<sup>2</sup> Officers of the Commission are people appointed by the Commission (e.g. Independent Chairs, Scientific Advisory Panel) to perform a specific function for the Commission and are responsible to the Commission for this function.

<sup>3</sup> These data are typically made available to Members through the private area of the CCSBT web site or the CCSBT Data CD.



## 2. Risk classification and definition of confidentiality

7. Data covered by these Rules and Procedures will be classified in accordance with the risk classification methodology included in **Table 1**, which reflects *inter alia* the damage that would be done to the operations or credibility of the Extended Commission as a consequence of the unauthorised disclosure of such information.
8. Data covered by these Rules and Procedures are determined to be either public domain or non-public domain data in accordance with the confidentiality risk classification established in **Table 1**.

## 3. Dissemination of Public Domain Data

9. Except for data as described in Paragraph 10, the types of data listed in Table 1 with a “No risk” classification have been designated to be Public Domain data.
10. Data in the public domain shall not reveal the individual activities or identity of any vessel, entity or person. Catch and Effort data in the public domain shall be aggregated by flag, gear, year, month and 1°x1° grid (for surface fisheries) or 5°x5° grid (for longline fisheries) and, provided that the data contains information on the number of vessels in a strata, shall be made up of observations from a minimum of three vessels.
11. Public Domain data shall be available to any persons for (a) downloading from the Commission’s website and/or (b) release by the Commission on request.
12. The Commission’s website should contain a statement describing the conditions associated with the viewing or downloading of Public Domain data (for example, that the source of the data must be acknowledged), and should require the person requesting the data to “Accept” these conditions before viewing or downloading can begin.

## 4. Dissemination of Non-Public Domain Data

### *4.1 Definition of Non-Public Domain Data*

13. Subject to the decisions of the Extended Commission, all types of data not described in paragraph 9 shall be referred to as Non-Public Domain data.

### *4.2 General rules for dissemination of, and access to, Non-Public Domain data*

14. All access to and dissemination of Non-Public Domain data shall only be authorised in accordance with these Rules and Procedures and shall be protected in accordance with the CCSBT Data Security Standards specified in **Attachment 1**.
15. The CCSBT Secretariat shall log and report to the Extended Commission all access and release of Non-Public Domain data with a “Medium” or High” risk classification including where applicable, the name and affiliation of the person, the type of data accessed or released, the purpose for which the data were requested, the date when the data were requested, the date when the data were released and authorisations that were provided.

***4.3 Access to Non-Public Domain data by the Staff of the Secretariat, the CCSBT Service Providers, and Officers of the Commission and its Subsidiary Bodies***

16. Pursuant to paragraphs 3 and 4, persons duly authorised by the Executive Secretary, within the CCSBT Secretariat and service providers, including the scientific advisory panel, shall have access to the data necessary to perform their CCSBT duties. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their CCSBT duties. All such persons shall sign a Confidentiality Agreement with the Executive Secretary and maintain the CCSBT Data Security Standards in respect of data to which they have access. The Executive Secretary shall maintain a Register of all such persons (including the purpose for which they require access to the data) and make the Register available to a Member or CNM of the Extended Commission on written request.

***4.4 Access to Non-Public Domain data by Members and CNMs of the Extended Commission***

17. Members and CNMs of the Extended Commission shall have access to Non-Public Domain data to serve the purposes of the Convention, including data:

- (a) Covering vessels flying their flag that were authorised or engaged in fishing for, retaining on board, transshipping or landing southern bluefin tuna.
- (b) Covering any vessels fishing in waters under their jurisdiction for the time period during which such fishing occurred.
- (c) For the purpose of scientific and other research, if the Member or CNM of the Extended Commission that originally provided that data authorises the Extended Commission to release them or if the data have a “Low” confidentiality risk classification according to Table 1<sup>3</sup>. In cases where a Member or CNM of the Extended Commission elects to provide an ongoing authorisation for the release of such data, the Member or CNM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.

18. Members and CNMs of the Extended Commission shall notify the Secretariat of a small number of representatives (preferably only 2) authorised to submit requests<sup>4</sup> for access to Non-Public Domain data. Such notification will include name, affiliation, and contact information (e.g. telephone, facsimile, email address). The CCSBT Secretariat will maintain a list of such authorised representatives. Members and CNMs of the Extended Commission and the Secretariat shall ensure the list of Member and CNM representatives is kept up to date and made available.

19. The authorised representative(s) of the Members and CNMs of the Extended Commission are responsible for ensuring the confidentiality and security of the Non-Public Domain data according to its risk classification and in a manner consistent with the CCSBT Data Security Standards.

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<sup>4</sup> The requests by the authorised representatives would usually be to grant access to data for other people (e.g. scientists), not for themselves. For data classified with a “low risk”, the only requests that need to be made are requests for access to relevant parts of the private area of the CCSBT web site. These requests can be handled by simple e-mail correspondence directly with the Secretariat. For data with a “medium” or “high” risk, the procedures in Attachment 2 must be followed.

20. Access to Non-Public Domain data by Members and CNMs of the Extended Commission shall be administered and authorised by the Executive Secretary on the basis of these Rules and Procedures in conjunction with the Procedures for Requesting the Release of Non-Public Domain data at **Attachment 2**.
21. A Member or CNM that has not fulfilled its obligations to provide data to the Extended Commission for two consecutive years shall not be granted access to Non-Public Domain data until all such obligations are met. A Member or CNM whose representative, authorised in accordance with paragraphs 18 and 19 above, failed to observe the rules stipulated in these Rules and Procedures shall not be granted access to Non-Public Domain data until appropriate actions have been taken.

### ***4.5 Exchange of data with other regional fisheries management organisations***

22. If the Commission enters into agreements for the exchange of data with other regional fisheries management organisations (RFMOs) or other organisations, such agreements must include requirements that the other RFMO provides equivalent data on a reciprocal basis and maintains the data provided to them in a manner consistent with the CCSBT Data Security Standards. The data that may be exchanged are data with a risk classification of “no risk” or “low risk”. Data with higher risk classifications may only be considered for sharing after specific approval from the Extended Commission. At each annual session the Executive Secretary will provide copies of data exchange agreements that exist with other RFMOs and a summary of the data exchanges that occurred during the previous 12 months under such agreements.

### ***4.5 Disseminations of Non-Public Domain data in other circumstances***

23. Non-Public Domain data will be made available by the Secretariat to any persons<sup>5</sup> if the Member or CNM of the Extended Commission that originally provided that data authorises the Extended Commission to release them. In cases where a Member or CNM of the Extended Commission elects to provide an ongoing authorisation for the release of such data, the Member or CNM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.
24. Conditions for access to Non-Public Domain data by each non-Member shall be determined on a case by case basis by the Member or CNM of the Extended Commission that originally provided the data. At the discretion of that Member or CNM, these conditions may or may not involve procedures similar to those specified at **Attachment 2**.

### ***4.6 Force majeure***

25. The Executive Secretary may authorise the release of Non-Public Domain data to rescue agencies in cases of *force majeure* in which the safety of life at sea is at risk.

## **5. Periodic Review**

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<sup>5</sup> Including universities, researchers, NGOs, media, consultants, industry, federations, etc.

26. The Extended Commission or its subsidiary bodies will periodically review these Rules and Procedures, and subsidiary documents, and amend these if necessary.
27. When considering the provision of data not specified in Table 1, the Extended Commission or its subsidiary bodies should consider an appropriate risk classification for that data for inclusion in Table 1.

**6. Final Clause**

28. These Rules and Procedures do not prevent a Member or CNM from authorising the release of any data it has provided to the CCSBT.

**Table 1: Types of information and confidentiality risk classification.**

Information types that have not received a risk classification within this table will not be managed within these confidentiality rules. However, this table may be updated by the Extended Commission from time to time, including through intercessional agreement between Members of the Extended Commission, as required.

With the exception of approved summaries of certain information types below, the following broad dissemination principles apply to the four confidentiality risk classifications<sup>6</sup>:

- “No risk”: Publicly available and may be placed on the public area of the CCSBT web site.
- “Low Risk”: Not publicly available. However, it is unless stated otherwise, these data are available to all Members and CNMs without specific approval and may be placed on the private area of the CCSBT web site and on the CCSBT Data CD. These data may also be shared with other RFMOs subject to paragraph 22.
- “Medium Risk”: Not publicly available. Requires specific authorisation to be released. May not be placed on the CCSBT Data CD or on the private area of the CCSBT web site (unless in a special part of the private area that is further restricted to specifically authorised people).
- “High Risk”: Not publicly available. Requires specific authorisation to be released. May not be placed on the CCSBT Data CD or on the private area of the CCSBT web site.

Information Type	Risk Classification
Annual catch estimates and number of vessels stratified by gear and flag.	No risk
Annual number of active SBT vessels, by gear type and flag <sup>7</sup> .	No risk
Aggregated catch and effort data stratified by gear/year/month, 5x5 (LL) or 1x1 (surface), and flag – and made up of observations from a minimum of three vessels in those cases where the data contains information on the number of vessels in a strata.	No risk
<u>Aggregated effort and scientific observer data (as specified in the ERSWG Data Exchange) by calendar year, gear, CCSBT Statistical Area and species group.</u>	<u>No risk</u>
CCSBT Records of Authorised Fishing Vessels, Carrier Vessels & Farms.	No risk
<u>Aggregated net weights and estimated whole weights from the CDS by Flag State/Entity, harvest year, destination and gear as per paragraph 6.4 of the CDS Resolution.</u>	<u>No risk</u>
Aerial survey, SAPUE and troll indices.	No risk
Biological data (catch at size and age data).	No risk <sup>8</sup> - Low
Biological data (gender, direct aging, otoliths, stomach contents, maturity, <u>genetic data</u> , isotopic N15/C14 collected by samples).	Low
Conventional Tagging data.	No risk <sup>9</sup> - Low
Aggregated SBT catch and effort data stratified by gear/year/month, 5x5 (LL) or 1x1 (surface), and flag, with no minimum number of vessels.	Low
<u>Aggregated effort and scientific observer data (as specified in the ERSWG Data Exchange) by Flag State/Entity, calendar year, gear, CCSBT Statistical Area and species (or species group).</u>	<u>Low</u>
Aggregated catch and effort data of other species stratified by gear/year/month, 5x5 (LL) or 1x1 (surface), and flag, with no minimum number of vessels.	<u>MediumLow</u>

<sup>6</sup> The four risk classifications are also differentiated by the required level of security that applies to each classification as specified in the CCSBT Data Confidentiality Security Policy.

<sup>7</sup> ~~This information does not currently exist, but will become available once the CDS has been in operation for 12 months.~~

<sup>8</sup> Catch at size and age data are considered to public after the annual Commission meeting each year. Other biological data are only considered public if adequate time has passed to allow the scientists that organised the collection of such data to publish a paper analysing it.

<sup>9</sup> Only data from the CCSBT operated tagging program are considered to be “No risk”.

## Appendix A

Information Type	Risk Classification
Other data and information specified by the Extended Scientific Committee (and subsequently approved by the Extended Commission) for the routine Scientific Data Exchange that have not been explicitly identified elsewhere in this table.	Low
Monthly catch reporting by flag.	Low
Authorised CDS Validators.	Low <sup>10</sup>
<u>Six monthly and Annual CDS Reports to the Extended Commission as per Appendix 3 of the CDS Resolution.</u>	<u>Low<sup>11</sup></u>
<u>Close-kin and gene tagging genotype data comprising the clone ID of each locus and count data of each allele at each locus, for each sample</u>	<u>Medium<sup>12</sup></u>
Initial quota allocations and final catch by vessel/company.	Medium
Aggregated catch and effort data for longline at a 1x1 resolution, with no minimum number of vessels <sup>13</sup> .	Medium
Transshipment consignments.	Medium
Certified transshipment observer personnel.	Medium
Catch Documentation Scheme and Trade Information Scheme.	Medium
Farming growth rates and tag seeding data.	High
Individual SBT length data from stereo video observation of farm transfers.	High
Operational level catch and/or effort data <sup>14</sup> .	High
Aggregated Scientific observer data other than <del>biological</del> data specified above, including for <u>SBT, shark and fish bycatches</u> , seabirds, turtles and marine mammals.	Medium
Operational level Scientific observer data other than <del>biological</del> data specified above.	High

<sup>10</sup> Also available to non-Members that are cooperating with the CCSBT CDS.

<sup>11</sup> In accordance with the CDS Resolution, the Secretariat only provides these data to a designated authority of each Member. Consequently, these data are not placed on the private area of the CCSBT website nor on the CCSBT Data CD.

<sup>12</sup> These data are available for provision to Members' for use for CCSBT purposes, but there are contractual restrictions on the publication of these data and associated information outside of the CCSBT that users need to abide by.

<sup>13</sup> As part of the annual data exchange, the Secretariat provides aggregated catch effort data at this resolution for New Zealand from the operational level data New Zealand provides.

<sup>14</sup> Including target and/or non-target catch, this information is currently only provided by New Zealand.

**Table 2: Annotations on information types mentioned in Table 1.**

<b>Information Type</b>	<b>Annotations</b>
CCSBT Records of Vessels & Farms	Covers vessels & farms authorised to farm, fish and carry SBT.
Vessel and gear attributes from other open sources	Includes data collected by observers and port inspectors. Covers all vessels (i.e. includes vessels restricted to national jurisdiction–domestic fleets). Includes electronic equipment.
Oceanographic and meteorological data	“Oceanographic and meteorological data” in this context does not include information identifying the fishing vessel that collected the information, for example, which would otherwise alter its security classification.
Aerial survey, SAPUE and troll indices	Recruitment indices derived from aerial surveys (both scientific and commercial spotting – SAPUE stands for Surface Abundance Per Unit Effort) and scientific troll surveys.
Biological data	Biological data include catch at size and age data, data on gender and maturity, <del>genetic data</del> , direct aging and data on hard parts such as otoliths, stomach contents, and isotopic N15/C14 data collected by observers, port samplers and other sources. “Biological data” in this context does not include information identifying the fishing vessel, for example, which would otherwise alter its security classification.
Conventional Tagging data	Conventional Tagging data include release and recapture positions, lengths and dates. “No risk” Tagging data does not include information identifying the fishing vessel, company or individual that recaptured the tagged tuna (not even coded identifiers), for example, which would otherwise alter its security classification.
Other data and information specified by the Extended Scientific Committee (and subsequently approved by the Extended Commission) for the routine Scientific Data Exchange that have not been explicitly identified elsewhere in this table	Each year the Extended Scientific Committee (ESC) reviews the scientific Data Exchange Requirements for the following year and produces a table defining the types of data that are to be exchanged. The present information type relates to all information in that table produced by the ESC that are not explicitly classified elsewhere in Table 1 of these rules <sup>15</sup> . Any restrictions on the use of data specified in the Data Exchange requirements are to be observed in addition to following the procedures required for this data’s classification within Table 1 of these rules.
Monthly catch reporting by flag	CCSBT reporting system where monthly catches shall be reported by Members and CNMs one month after the month fishing.
Initial quota allocations and final catch by vessel/company	CCSBT reporting system where Members and CNMs report the quota initially allocated to each vessel/company and the final catch for the season of each vessel/company.
Catch Documentation Scheme and Trade Information Scheme	Data collected through the CCSBT Catch Documentation and Trade Information Schemes
Operational level Catch Effort data	Non-aggregated, set by set data collected on fishing vessel logbooks and by observers.
Electronic tagging data	Detailed electronic tagging data include detailed records from pop-up or archival tags such as date, time, depth, temperature, light intensity, etc.
Certified inspection personnel	If identified by individual then Risk Classification would be assigned to HIGH.
Violations and infringements, detailed	May cover Individual Violations and infringements pending investigation and/or prosecution. Includes compliance information collected by observers.
Economic & Social data	Insufficient information currently available to determine Risk Classification.

<sup>15</sup> For example, the following items usually appear in the scientific Data Exchange requirements but are not specifically listed within these rules: recreational catch estimates, SBT import statistics, mortality allowance usage, non-retained catches, CPUE indexes etc.

## CCSBT Data Confidentiality Security Policy (DCSP)

The purpose of this policy is to help ensure that non-public data (within this attachment only, non-public data is referred to as “Data”) is provided to and managed by Data receivers in a manner that maintains confidentiality. This policy is not intended to cover aspects of data security that are not related to protection of confidentiality, such as loss or damage to data (e.g. through fire, flood, accident, systems malfunction etc.).

Data receivers (including the CCSBT Secretariat) are required to manage the security of Data to at least the standards specified below. The standards below are intentionally brief in order to provide a clear overview of the scope of the requirements. Further information can be obtained on most items from ISO/IEC 27002:2005(e)<sup>16</sup>.

The Executive Secretary may impose additional security requirements before releasing specific Data. The receiver of the Data will be required to observe any such additional security requirements. The Executive Secretary may also waive specific security requirements if requested to do so by the provider of the Data.

### 1) Human Resources Security

- For data with a risk classification of “medium” or “high”, only people approved by the Executive Secretary (herein referred to as “Approved People”) shall be allowed access to the Data by the receiving organisation (herein referred to as “The Organisation”). For data with a “low” risk classification, people approved by the receiving Member or CNM shall be allowed to access the data (also referred to herein as “Approved People”).;
- The Organisation shall have appropriate terms and conditions in its contract/arrangement with Approved People to state their responsibilities for information security and to enable disciplinary action for Approved People who commit a security breach.
- Approved People shall be provided, as appropriate, with information security awareness education and training by The Organisation.
- The Organisation shall have termination procedures in place for maintaining confidentiality from Approved People whose role or employment changes. This will include as a minimum, the return or secure disposal<sup>17</sup> of the Data, cancellation of access to the Data by such approved people, and for Approved People with approval for access to “medium” and High” risk data, notification to the Executive Secretary of the person’s changed status together with the action taken.

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<sup>16</sup> International Standard on “Information technology – Security techniques – Code of practise for information security management”.

<sup>17</sup> For data with a “medium” or “high” risk classification, “Secure Disposal” means that media containing the data should be disposed of through incineration or shredding of paper records and by physically destroying electronic media or deleting the information by overwriting the Data using techniques that make the original information non-retrievable rather than using standard delete or format functions. Secure Disposal of “medium” and “high” risk data requires all copies of the Data, including any backups, to be destroyed. For Data with a “low” risk classification, the disposal procedures required for higher risk Data can be adjusted to a more practical process providing that such processes maintain confidentiality. For example, instead of destroying backups containing low risk Data, it would be sufficient to keep those backups in a secure environment with procedures in place that prevented unauthorised access to the Data on those backups.



### 2) Physical and Environmental Security

- Any unencrypted Data and products of that Data shall be stored in a physically secure area which will at minimum consist of:
  - a robust security perimeter<sup>18</sup> and properly functioning entry controls (such as automatic locks with card controlled entry or manned reception desk) that prevent entry of unaccompanied non-approved people into the secure area; and
  - A properly functioning and monitored electronic intruder detection system that will detect an intrusion into the secure area.
- Data with a low to medium confidentiality classification and products of that Data that are encrypted as described in paragraph “5”, may be used in a non-public area outside the secure area described above. When not in use, the media containing these encrypted Data shall be carried in person, or stored in a locked private facility and secured or hidden out of sight.
- Equipment used for displaying the Data (such as monitors and printers) shall be located and positioned in such a manner as to prevent unauthorised viewing, recording or copying of the displayed information. Printouts of the Data or products of the Data shall be removed from printers immediately.
- The Data shall be Securely Disposed<sup>17</sup> of:
  - for “medium” and “high” risk data, when the purpose for which the data were requested has been completed;
  - for all data, when the data are no longer required by the Organisation to serve the purposes of the Convention;
  - from any media that are scheduled for maintenance by non-Approved People and from any media prior to its disposal.

### 3) Communication and Operations Management

- Precautions shall be in place to detect and prevent the introduction of malicious code (such as computer viruses, Trojan horses and logic bombs) and unauthorised mobile code. These precautions will at least include:
  - Installation and regular (daily or less) update of malicious code detection and repair software to scan computers, media and e-mails for malicious code; and
  - The Organisation shall conduct education awareness campaigns, as appropriate, on the dangers of malicious code and how to reduce the risk of infection by malicious code.
- Appropriate network controls shall be implemented to maintain security for any Data that is accessible through the network.
- Cabling carrying the Data shall be protected from interception.
- The Data shall not be transmitted on public networks (such as the internet) unless the Data has been appropriately encrypted.
- Unencrypted Data shall not be transmitted on wireless networks unless the network is a private encrypted network and the Data has a low confidentiality classification. A computer that is connected to a wireless network may not contain Data with a medium or high confidentiality classification unless the Data are encrypted and the encrypted volume is not mounted (not active) while the computer is connected to the wireless network.
- Any actual or suspected security incidents shall be investigated and reported to the Executive Secretary.

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<sup>18</sup> A ground floor office with windows would require additional protection for the windows, or physically secure internal enclosures for the security perimeter to be acceptable.

### 4) Access Control

- Access to the Data shall require successful logon by an Approved Person, involving a User ID and Password<sup>19</sup>.
- The User ID shall be unique to the specific Approved Person.
- The Password must be kept confidential to the Approved Person only and should be subject to a suitable password management policy, including:
  - Provision of any temporary passwords in a secure manner and forcing passwords to be changed on first log on;
  - Forcing use of minimal length and complexity of passwords;
  - Prevent re-use of passwords;
  - Advising users to use quality passwords (easy to remember without writing down, not based on information that is easy to guess, not vulnerable to dictionary attacks, free of consecutive identical or sequential characters, contain both letters and numbers and have an acceptable minimum length) and changing passwords whenever there is an indication of possible password or system compromise, and at regular intervals;
  - Storing, transmitting and displaying passwords in protected (e.g. encrypted) form; and
  - Limiting the number of unsuccessful log-on attempts to only 3 and rejecting further attempts without specific authorisation.
- Accounts of Approved People shall be protected when unattended by use of a password protected screen saver<sup>20</sup> that activates after less than 10 minutes of inactivity.

### 5) Cryptographic Control

- The Data shall be encrypted using robust encryption techniques whenever it is not in a physically secure area as described in paragraph “2” above.
- Provision or transmission of Data by the Secretariat to data receivers or to the private area of the CCSBT web site<sup>21</sup> shall use encryption techniques (encrypted files or encrypted transmission protocols).
- Encryption may use either secret key techniques or public key techniques where each user has a public and a private key. For both types of techniques, a wide variety of suitable file encryption software is available for purchase (such as PGP) or for free (such as TrueCrypt).
- Encrypted volumes shall be automatically dismounted when there has been no activity (reading/writing to the encrypted volume) for 60 minutes, after entering a power saving mode, and when the user logs off.
- Secret and private keys shall be protected from unauthorised disclosure and shall be distributed to intended users in a secure manner.

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<sup>19</sup> Other technologies for identification and authentication such as biometrics (e.g. finger-print verification) may be used.

<sup>20</sup> Or equivalent measure.

<sup>21</sup> Unless otherwise agreed by the provider of the Data, only Data with a medium confidentiality classification or less may be placed on the private area of the CCSBT web site. However, Data with a medium confidentiality classification must be placed in a further restricted part of the private area that can only be accessed by people specifically authorised to access that Data.

### Procedures for Requesting the Release of Non-Public Domain Data

1. Member's and CNM's of the Extended Commission that have provided Non-Public Domain data to the CCSBT shall notify the Secretariat regarding their representatives with the authority to authorise the release of Non-Public Domain data by the CCSBT. Decisions whether to authorise the release of such data shall be made in a timely manner.
2. The remaining procedures below are not required for CCSBT Members and CNMs to obtain access to data when:
  - The data are listed with a "Low" confidentiality risk classification in Table 1 of the Rules and Procedures for Protection, Access to, and Dissemination of, Data Compiled by the CCSBT; or
  - The data were provided by the Member or CNM seeking access to that data.
3. A written request for access to Non-Public Domain data shall be provided to the Executive Secretary<sup>22</sup>. In the case of a Member or CNM of the Extended Commission that is seeking access to serve the purpose of the Convention, the Member or CNM shall specify the purpose of the Convention by reference to the relevant article(s). The written request shall use the CCSBT Data Request Form (*Annex 1 to this Attachment*). In addition, the Member or CNM requesting access shall:
  - (a) undertake to only use such data for the purpose described in the written request;
  - (b) complete and sign the CCSBT Data Confidentiality Agreement (*Annex 2 to this Attachment*), and provide the signed agreement to the Executive Secretary; and
  - (c) maintain the requested data in a manner consistent with the CCSBT Data Security Standards specified in **Attachment 1**.
4. For Members or CNMs of the Extended Commission seeking access to data under paragraph 17(c), the Executive Secretary shall forward the completed Data Request Form and the signed confidentiality agreement to the Member or CNM of the Extended Commission that originally provided the data and seek authorisation from that Member or CNM for the CCSBT to release the data.
5. The Executive Secretary shall not authorise the release of more data than is necessary to achieve the purpose described in the written request.
6. The Executive Secretary may attach conditions appropriate for the access to such data (such as that the data be deleted upon achievement of the purpose for which it was released or by a pre-determined date, that a register of persons accessing the data be maintained and furnished to the Extended Commission upon request, etc.)
7. Requests may be made for a standing authorisation, such that Members and CNMs of the Extended Commission may have multiple accesses to the requested data for the same purpose as of the original written request.
8. Dissatisfaction with the Executive Secretary's decisions in regard to access to non-public domain data by Members and CNMs of the Extended Commission shall be resolved by the Chair of the Extended Commission.

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<sup>22</sup> Requests by Members should be provided only by the Authorised Representative as specified in section 4.4, paragraph 20.

### CCSBT Data Request Form

1. Data Requested

The specification of data being requested should refer to the type of data and any parameters relevant to the type of data, which may include, *inter alia*, the gear types, time periods, geographic areas and flags covered, and the level of stratification of each parameter.

[Insert the list of data sets here]

2. Purpose

If non-public domain data are being requested, the use of the data shall be authorised only for the purpose described below.

[If non-public domain data are being requested, insert the description of the purpose for which the data is requested]

3. Persons for whom access to the data is requested if non-public domain data are being requested, the name(s), job title(s) and affiliation(s) of the authorised representative(s) for whom access to the data is being requested shall be listed below; the use of the non-public domain data shall be authorised only for the person(s) listed below.

[Insert the list of persons here]

- Sign the Confidentiality Agreement.

### CCSBT Data Confidentiality Agreement

Confidentiality Agreement for the Dissemination of Non-Public Domain Data by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

Applicants name(s) and full contact details and signatures

Full name Institution, address and

Contact details

Signature and Date

I/we agree to the following:

- To abide by any conditions attached to use of the data by the Executive Secretary;
- That the data shall be used only for the purpose for which the data are being requested, be accessed only by the individuals listed in Item 3 of the Data Request Form, and be securely destroyed<sup>17</sup> upon completion of the usage for which the data are being requested;
- To make no unauthorised copies of the data requested. If a copy of all, or part, of the data requested is made by the applicant, all copies, or part thereof, will be registered with the Executive Secretary and will be securely destroyed upon completion of purpose for which the data was requested;
- To abide by the CCSBT's Data Security Standards as specified in Attachment 1 of the Rules and Procedures for Protection, Access to, and Dissemination of, Data Compiled by the CCSBT;
- That prior to the publication of any report of an analysis for which the requested data will be used, the report shall be provided to, and cleared by, the Executive Secretary of the CCSBT, who shall ensure that no non-public domain data will be published;
- To provide copies of all published reports of the results of the work undertaken using the data released to the CCSBT Secretariat and to the relevant subsidiary body of CCSBT;
- Applicant(s) will not disclose, divulge, or transfer, either directly or indirectly, the confidential information to any third party without the written consent of the Executive Secretary;
- Applicant(s) shall promptly notify the Executive Secretary, in writing, of any unauthorised, negligent or inadvertent disclosure of confidential information of the CCSBT.
- Applicant(s) assume all liability, if any, in respect of a breach of this Confidentiality Agreement, once the data requested is released to the applicant(s).
- Pursuant to paragraph 21 of the Rules and Procedures for the Protection, Access to, and Dissemination of, Data Compiled by the CCSBT, Member(s) and CNM(s) of the Extended Commission shall not be granted access to non-public domain data until the appropriate actions have been taken to account for any disclosure in violation of the Agreement by the applicant or, *inter alia*, its affiliates, employees, attorneys, accountants, consultants, contractors, or other advisers or agents; and.
- That this Agreement may be terminated by the CCSBT giving written notice to the applicant.

**Draft changes to the CCSBT Rules of Procedure to reflect possible modified  
chairing arrangements**

COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

**RULES OF PROCEDURE  
OF THE COMMISSION FOR THE  
CONSERVATION OF SOUTHERN BLUEFIN TUNA**

**RULE 1**

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**RULE 4**

**CHAIR AND VICE-CHAIR**

1. At the end of each annual meeting, the Commission shall elect individuals to serve as Chair and Vice-Chair. ~~from among the delegates a Chair and a Vice Chair.~~ The Chair and the Vice-Chair shall be elected from different Members and shall remain in office until the election of their successors at the next annual meeting. The Chair and/or Vice-Chair may be re-elected for a maximum of three additional one-year periods unless they are no longer able to carry out their respective functions or successors are elected. If the Commission is not able to elect a Chair and/or a Vice-Chair, the host Member (the Member that will host the annual meeting in that year) shall provide the Chair if a Chair was not elected, and the subsequent host Member shall provide the Vice-Chair if a Vice-Chair was not elected.~~The Chair and Vice-Chair of the first meeting shall take office immediately on their election and shall remain in office until the election of their successors before the end of the first meeting.~~ ~~Subsequently, the Chair and Vice-Chair shall take office at the conclusion of the meeting at which they are elected.~~
2. The Chair shall participate in meetings of the Commission in that capacity and shall not at the same time exercise the rights of a delegate of a Member including the right to vote. A Member whose delegate has been elected as Chair may designate another person as delegate.

3. Until such time as a Secretariat is established, the Chair shall nominate from within his or her Government an official to act as Secretary to the Commission to perform the secretariat functions set out in Article 10.3 of the Convention for a term of one year. At each annual meeting of the Commission, the Chair shall advise the Member of the name and address of the Secretary.

4. In the absence of the Chair, the Vice-Chair shall exercise the functions of the Chair and in the event that the position of Chair or Vice Chair becomes vacant other than by expiration of the term of his or her office, the vacancy shall be filled for the remainder of such term by a representative to be selected by the same Member as the former occupant of such office, subject to the approval of the Commission.

5. The powers and duties of the Chair shall be:

- (a) to declare the opening and closing of the meeting of the Commission;
- (b) to direct discussions in the meeting;
- (c) to accord the right to speak and to limit the time allowed for speaking to speakers;
- (d) to rule on points of order, subject to the right of any delegate to request that any ruling by the Chair shall be submitted to the Commission for decision;
- (e) to determine if consensus exists and, if necessary, to call for votes and announce results;
- (f) to direct the meeting to articulate its rationale for decisions;
- (g) to sign, on behalf of the Commission, a report of the proceedings of each meeting of the Commission, for transmission to all the Members and to any State, entity, inter-governmental or non-governmental organisation which has attended the meeting;
- (h) to exercise other powers and responsibilities as provided in these Rules and make such decisions and give such directions to the Executive Secretary as

will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

**RULE 5**

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