



CCSBT-CCWG3/1404/04

Development of a Revised CCSBT Transhipment Resolution CCSBT 転載決議改正案の策定

Introduction

はじめに

The Eighth meeting of the Compliance Committee (CC8) agreed to a set of revised transhipment Minimum Performance Requirements. However, discussions identified major gaps in the current measures. These gaps included VMS reporting by non-member carrier vessels and the lack of coverage of in-port transhipments. At the meeting, concerns were expressed that transhipments represent an area of significant compliance risk for the CCSBT. 第8回遵守委員会会合（CC8）は、改正転載最低履行要件に合意した。しかしながら、その議論の中で、現行の措置との大きなギャップが特定された。このギャップには、非加盟国の運搬船によるVMS報告、及び港内転載のカバー率の不足が含まれていた。会合において、転載がCCSBTにとって遵守上極めてリスクが高い分野であるとの懸念が表明された。

CC8 agreed that the Secretariat would prepare a revised draft Transhipment Resolution incorporating updated measures for at-sea transhipments and new measures for in-port transhipments, and that this revision would be discussed at the Third Meeting of the Compliance Committee Working Group (CCWG3) to be held during 2014.

CC8は、洋上転載における更新された措置及び港内転載にかかる新たな措置を含む転載決議の改正案を事務局が作成し、この改正案について、2014年中に開催される第3回遵守委員会作業部会会合（CCWG3）において議論することに合意した。

In accordance with CC8's request, the Secretariat prepared an initial revised draft CCSBT Transhipment Resolution. It was developed with reference to current transhipment Resolutions adopted by other tuna Regional Fisheries Management Organisations (tRFMOs). Efforts were made to harmonise CCSBT's initial revised draft Resolution with ICCAT's and in particular IOTC's current Transhipment Resolutions wherever possible and practicable, including using a similar structure to that already adopted by these tRFMOs.

CC8からの要請を踏まえ、事務局は、CCSBT転載決議の一次改正案を作成した。この一次改正案は、他のまぐる類地域漁業管理機関（tRFMO）によって現在採択されている転載決議を参考に策定された。可能な限り実用的なものとなるよう、既に他のまぐる類RFMOで採択されているものと同じ構成とすることも含め、CCSBTの決議の一次改正案とICCAT、及び特にIOTCの現行の転載決議との調和を図った。

This initial draft was provided for Members' consideration and comment in Circular 2014/005 on 12 March 2014. As at 25 March 2014, comments on this draft had been received from Indonesia, Japan, New Zealand and Taiwan. Australia did not provide specific comments, but noted it had questions it would like to raise at CCWG3. A copy of Members' more generalised comments is provided at **Attachment A**.

この一次案は、メンバーによる検討及びコメントのために3月12日付けの回章 #2014/005として回章された。2014年3月25日時点で、事務局は、インドネシア、日

本、ニュージーランド及び台湾からこの改正案に関するコメントを受領した。オーストラリアはコメント／修正の提案を提出しなかったが、CCWG3において提起する質問があると指摘した。メンバーからの全般的なコメントは別紙Aのとおり。

Updated Draft Transhipment Resolution

更新版の転載決議案

The Secretariat has now prepared an updated and further annotated version of the draft Transhipment Resolution taking into account Members' comments and changes received by 25 March 2014. This updated draft is provided at **Attachment B**.

事務局は、2014年3月25日までに受領したメンバーのコメント及び修正を踏まえ、修正及び追加的な注釈を加えた更新版を作成した。更新版の決議案は別紙Bのとおり。

Attachment B now includes the following tracked changes and/or comments:

別紙 B には、以下のとおり見え消し修正及び／又はコメントが含まれている。

- Secretariat comments/tracks (in blue) which indicate where:
以下の事務局によるコメント／見え消し修正を青で表示。
 - a) The Secretariat has used text from one tRFMO's Resolution in particular,
事務局が特に一つのまぐろ類 RFMO の決議から文言を引用したもの。
 - b) The text sourced from another tRFMO's Resolution has been modified by the Secretariat so that it differs significantly from that tRFMO's source Resolution text,
他のまぐろ類 RFMO の決議から文言を引用したが、事務局による改変により元のまぐろ類 RFMO の決議の文言とは大幅に異なっているもの。
 - c) The Secretariat has added new text/ in order to harmonise with other tRFMOs' Resolution text(s), and/or to try to strengthen/clarify the existing Resolution text.
他のまぐろ類 RFMO の決議の文言との調和を図るため、及び／又は既存の決議の文言の強化／明確化を図るため、事務局が新たに文言を追加したものの。

- The Secretariat has also made several minor updates to some of its original comments, and added a few new comments since the initial draft. These additional new comments are indicated by "Sec-add" comment bubbles and are tracked in red.
また、事務局は、事務局の一次案の当初のコメントに軽微な修正を加えるとともに、いくつかの新たなコメントを追加した。これらの新たな追加コメントは、「Sec-add」として吹出しで表示するとともに、赤で見え消し修正している。

- Members' minor editorial and/or factual changes are tracked in the matching colour-code but not commented:
編集上の、及び／又は事実誤認に関するメンバーによる軽微な修正は、以下の色で見え消し修正されているが、コメントは付されていない。
 - a) Japan - dark brown
日本 - 暗褐色
 - b) New Zealand - purple
ニュージーランド - 紫
 - c) Taiwan - light red-brown.
台湾 - 赤褐色

- Members' substantive comments are associated with Member-specific comment bubbles and may also be tracked in the text. However, note that not all Member comments have been incorporated into the draft text.
メンバーからのより実質的なコメントは、メンバーを特定した吹出しコメント

トを付すとともに、本文中で見え消し修正されている。しかしながら、文言案において、メンバーからの全てのコメントが含まれているわけではないことに留意されたい。

Organisation of the Draft Revised Resolution

決議修正案の整理

The updated draft has not been re-organised since initially provided for comment in Circular #2014/005. Original sections 2-5 and Annexes II-III were left by the Secretariat to reference only transhipments at-sea. Provisions for in-port transhipments remain separated in Annex I. 更新案では、コメント用に回章#2014/005において提供された一次案からの構成の変更は行っていない。元のセクション2-5及び別添II-IIIは、事務局により、洋上転載に関してのみ言及する形で維持されている。港内転載に関する規定は、別添Iとして分離されている。

This structure was provisionally retained by the Secretariat because:

事務局がこの構成を暫定的に維持したのは以下の理由による。

- It reflects a similar structure to that used in the equivalent Resolutions of IOTC, ICCAT and IATTC, and IOTC、ICCAT及びIATTCの関連決議において用いられているものと同様の構成を反映したものであること
- In order to try to facilitate comparison between the current and re-drafted Resolution text.
現行決議の文言と改正案の文言との比較を容易にするため

However, following discussions at CCWG3, Members may wish to consider if it would be beneficial to re-organise the Resolution text in order to better integrate the at-sea and in-port components. In this regard the Secretariat notes its own comments about structure in **Attachment B** (comment Sec14), and Japan's general comments in **Attachment A** and in **Attachment B** (comment JP2).

しかしながら、CCWG3における議論の後、メンバーは、洋上転載及び港内転載の内容をより良く統合するために決議の文言を再構成することが有益であると考えられる可能性がある。この点に関して、事務局は、構成に関する事務局コメントを別紙B（コメント Sec14）に記載するとともに、日本の全般的なコメントを別紙A及び別紙B（コメント JP2）に記載している。

Memorandums of Understanding (MOUs) with ICCAT and IOTC

ICCAT及びIOTCとの了解覚書き (MOU)

The CCSBT currently has MOUs with both ICCAT and IOTC (agreed in 2009) with regard to transhipment at sea by large-scale tuna longline fishing vessels. These are provided at **Attachments C and D** respectively.

現在、CCSBTは、ICCAT及びIOTCの両者との間で、大型はえ縄漁船による洋上転載に関するMOUを締結している（2009年に合意）。これらの覚え書きは、それぞれ別紙C及び別紙Dのとおり。

With regard to the draft Resolution proposed here, Members should note the following points with respect to these MOUs:

ここで提案されている決議案について、メンバーは、これらのMOUに関する以下の点に留意する必要がある。

- 1) ICCAT/IOTC Transhipment Observers are deemed to be CCSBT Transhipment Observers provided these Observers meet the standards established in the IOTC

Transshipment Resolution.

IOTC転載決議において規定されている要件に合致して配置される ICCAT/IOTCの転載オブザーバーは、CCSBTの転載オブザーバーと見なされる。

2) The MOUs specify two important points regarding Transshipment Declarations and Observer Reports.

MOUは、転載申告書及びオブザーバー報告書に関する二つの重要なポイントを規定している。

For Transshipment Declarations, the MOUs specify:

転載申告書について、MOUは以下を規定している。

“... Transmission of this form by Carrier Vessel masters to the ICCAT/IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat”.

「運搬船の船長からICCAT/IOTC事務局に対する本書の送信は、CCSBT事務局に対しても送信したものとみなされる。」

For Observer Reports, the MOUs specify:

転載申告書について、MOUは以下を規定している。

- MOU with ICCAT:

ICCATとのMOU :

“Transmission of such Observer Reports by the Transshipment Observer to the ICCAT Secretariat is deemed to also be a submission to the CCSBT Secretariat”,

「ICCAT事務局への転載オブザーバーによるオブザーバー報告書の送信は、CCSBT事務局に対しても送信されたものとみなされる。」

- MOU with IOTC:

IOTCとのMOU :

“Transmission of Observer Reports by the Contractor to the IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat.”

「契約者によるオブザーバー報告書のIOTC事務局への送信は、CCSBT事務局に対しても送信されたものとみなされる。」

Therefore, throughout the revised draft Resolution, requirements that:

このため、決議改正案の全体を通して、

- Transshipment Declarations be transmitted to the CCSBT Secretariat by Carrier Vessel masters, or

転載申告書は、運搬船船長によりCCSBT事務局に対して送信される。

又は

- Observer Reports be transmitted by Transshipment Observers/Contractors to the CCSBT Secretariat,

オブザーバー報告書は、転載オブザーバー／契約者によりCCSBT事務局に対して送信される。

are interpreted by the Secretariat as meaning that these documents may be sent to the ICCAT/IOTC Secretariats in lieu of sending them directly to the CCSBT Secretariat.

上記の要件に関して、事務局は、これらの文書が直接CCSBT事務局に送信される代わりにICCAT/IOTC事務局に送信されるという意味であると解釈している。

3) There is currently no explicit MOU requirement regarding transmission of Deployment Requests. Therefore, it would be beneficial to amend the MOU text to include Deployment Requests.

現在、配乗要請の送信に関する明確なMOU上の要件はない。このため、MOUの文言を、配乗要請を含めるように修正することは有益と考えられる。

- 4) The existing MOUs do not reference in-port transhipments or vessels other than large-scale tuna longline fishing vessels. Implementation of any changes in the CCSBT Transshipment Resolution to include these elements may require either an agreed modification to the existing MOUs, and/or introducing associated CCSBT Measures. 既存のMOUは、港内転載、又は大型まぐろはえ縄漁船以外の船舶について言及していない。これらの要素を含めるためのCCSBT転載決議における全ての修正は、既存のMOUの修正と合意、及び／又は関連するCCSBT措置の導入を必要とする可能性がある。

Other tRFMOs' Transshipment Resolutions/ Recommendations

他のまぐろ類 RFMO の転載決議／勧告

Other tRFMOs' Resolutions or Recommendations that were referenced while preparing the draft revised CCSBT Transshipment Resolution are listed in the table below and are available at the links provided.

CCSBT 転載決議改正案の作成に当たって参照された他のまぐろ類 RFMO の決議又は勧告は下表のとおりであり、リンクから入手可能である。

Link リンク	RFMO	Reference 参照番号	Title 件名
http://www.iotc.org/cmm/resolution-1205-establishing-programme-transshipment-large-scale-fishing-vessels	IOTC	Resolution 12/05	"Resolution 12/05 on establishing a programme for transshipment by large-scale fishing vessels"
http://www.iccat.int/Documents/Recs/compendiopdf-e/2012-06-e.pdf	ICCAT	Recommendation 12-06	"Recommendation by ICCAT on a programme for transshipment"
http://www.iattc.org/PDFFiles2/Resolutions/C-12-07-Amendment-C-11-09-Transshipments.pdf	IATTC	Resolution C-12-07	"Amendment to Resolution to C-11-09 on establishing a program for transshipments by large-scale fishing vessels"

Member Comments on the Initial Draft Amended Transshipment Resolution

転載決議一次改正案に関するメンバーのコメント

A summary of the comments provided by Members is presented below.

メンバーから提出されたコメントの概要は以下のとおり。

AUSTRALIA

We currently do not have any revisions to provide on the revision of the Transshipment Resolution, however we do have some questions on the meaning of some of the alterations and the application of them in general.

We would appreciate if we can use the CCWG3 as an opportunity to raise these for consideration by all Members.

INDONESIA

We are pleased to express our position in this issue that this resolution will not be applied in transshipment of fresh SBT.

JAPAN

First of all, we would like to express our appreciations for Secretariat's tremendous effort to develop the draft. Major points we would like to note are as follows.

1. In-port transshipment measure

Regarding the in-port transshipment measure, the CCSBT has had only insufficient discussions on its necessity and where the risk area is. We think more consideration should be given in order to avoid unnecessary burden on relevant states and industries, based on the reality that the CCSBT does not have the convention area, and that SBTs can be transshipped together with other tuna species on which the CCSBT has no competence.

Further, the in-port transshipment measure can significantly overlap with the Port State Measure which will be discussed separately. Japan believes that in principle the obligations of port states should be provided by the port state measure, and the in-port transshipment measure should basically focus on the obligations of flag states of fishing vessels.

2. Application of the general provisions

In the draft, the general provisions apply only to at-sea transshipments. However, if the CCSBT will introduce the in-port transshipment measure, this section should apply to all

transshipments including in-port transshipment in order to ensure effectiveness of the measure.

This should also be applicable to the carrier vessels list, as the Secretariat suggested.

3. Mandatory use of species identification tools including genetic analysis

The draft provides that, for at-sea transshipments, observers shall collect and keep tissue samples of fish on carrier vessels, and for in-port transshipments, port states shall collect tissue samples. However, Japan thinks it is not feasible at this moment, because i) mandatory sampling of products for genetic analysis during transshipping operations would be practically very difficult, ii) it would impose excessive burden on transshipment observers and port states, and iii) keeping tissues on carrier vessels transshipment would be difficult since observers usually disembark after completion of transshipment operations. Accordingly, we believe that other measures to reduce the risk of disguising species, such as landing inspection should be prioritized.

4. Structure of the resolution

Structure of the resolution is confusing as the new in-port transshipment measure is incorporated into the existing at-sea transshipment measure as an annex, although it is same for the ICCAT and IOTC measures. There may be a possibility to reorganize the resolution as follows;

Section 1 General Rule

Section 2 Record of vessels

Section 3 Program to Monitor Transshipment at sea

Section 4 Program to Monitor Transshipment in port

Section 5 General Provision

Further detailed comments are shown below in tracked changes mode. Please be advised that the comments are provided tentatively, and that we will discuss further at the meetings in April.

NEW ZEALAND

New Zealand would like to thank the Secretariat for its work in drafting this revised transshipment resolution. This is an area of risk that has been highlighted in a number of previous discussions and we are pleased to see progress being made towards a strengthened measure.

There have been significant commitments made in recent years by both members and cooperating non-members (CNMs) to bolster our ability to monitor the trade in SBT including a comprehensive catch documentation scheme and a number of annual reporting

obligations. In addition, members have also agreed to undergo independent audits of their domestic implementation of existing CCSBT requirements thereby providing further assurance of compliance to other members and the wider international community. Unfortunately this robust monitoring regime does not currently extend to transshipments thereby creating a weakness which undermines the considerable domestic efforts mentioned above.

Recognising the risks identified with transshipment and the need to maintain a strong compliance regime for southern bluefin tuna, New Zealand wishes to make the following additional comments and recommendations in relation to the proposed resolution.

General comments

The proposed changes do not adequately address the issues surrounding mixed species transshipments and the inability of observers to identify the true quantities being transferred.

The resolution proposed by the secretariat often relies on the cooperation of non-cooperating non-members (NCNMs) to ensure compliance with the various transshipment obligations however the ability to monitor the level of compliance or take action in the event of non-compliance is limited at best.

At-sea transshipments

At-sea transshipments, by their very nature, are difficult to monitor and represent a significant source of uncertainty even with the presence of an observer on board.

The latest report from the Secretariat indicates that a total of 48 transshipments took place at sea in the 2012 calendar with the large majority of these (39) involving carrier vessels from non-member states. Although bound by obligations under UNCLOS to cooperate, these non-member countries are not exposed to the same level of scrutiny as members and CNMs of the CCSBT and therefore are at a much higher risk of non-compliance.

At the most recent meeting of the Compliance Committee, the Chair raised a concern about the potential risk from unreported or unsupervised transshipments at sea with product destined for non-Member States. The current draft of the revised resolution continues to rely on all transshipments being properly authorised beforehand but does not propose any means of ensuring that this is in fact the case.

New Zealand wishes to see a greater commitment to reducing risks associated with transshipments at-sea by prohibiting the use of NCNM carrier vessels.

In-port transshipments

There is no requirement for an observer to monitor transshipments in port unlike those occurring at sea however our experience to date indicates that port authorities do not always have the capacity to monitor transshipments; particularly in busy ports.

New Zealand therefore recommends that the revised resolution require all in-port transshipments to be monitored by an observer authorised by the member or CNM authority.

All reporting requirements currently relying on local port authorities should be redirected towards this authorised observer.

TAIWAN

Thank you very much for your efforts for preparing the comprehensive draft Transshipment Resolution of CCSBT.

I would like to provide our initial comments as follows:

1. First of all, I would like to make clarification that the carrier vessel referred in the draft resolution does not include container vessel. I think we need to make a clear definition so as to avoid confusion.
2. In respect of tissue sampling from transshipped tuna that are not tagged with SBT tags, since the fish is frozen and hard to be sampled, it may harm the fish and affect the value of the fish. Therefore, we have great concern about tissue sampling of super-low frozen tuna during transshipment in port and transshipment at sea. We hope we can find out other practical solution.
3. Regarding in port transshipment monitoring by port states officials, considering that not every port state is a member or cooperating-non-member of CCSBT, we are not sure if those port states can dispatch official to conduct monitoring. For our current practice, we have assigned officials or commissioned a designated agent to conduct examination. We suggest including any possible proposal.

Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels

(adopted at the Fifteenth Annual Meeting – 14-17 October 2008)

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT),

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the CCSBT;

EXPRESSING GRAVE CONCERN that organised tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline fishing vessels in areas beyond national jurisdiction, including the control of their landings;

TAKING ACCOUNT of the need to maintain the integrity of the CCSBT Catch Documentation Scheme (CDS), and recognising that transshipment operations represent an area of increased compliance risk;

TAKING ACCOUNT of the need to collect Southern Bluefin Tuna (SBT) catch data from such large scale long line tuna fishing vessels to improve the scientific assessments of those SBT stocks and the tracking of SBT product in line with the Catch Documentation Scheme;

Agrees in accordance with paragraph 3(b) of Article 8 of the CCSBT Convention, that:

SECTION 1. GENERAL RULE

1. Except under the programme to monitor transshipments at sea for tuna fishing vessels with freezing capacity (hereafter referred as the “LSTVs”) outlined below in Section 2, all LSTV transshipment operations of SBT must take place in port.

2. Members and Cooperating Non-Members (CNMs) shall take the necessary measures to ensure that LSTVs flying their flag comply with the obligations set out in Annex I when transshipping SBT in port.

Comment [Sec1]: This version is an updated version of the initial draft provided to Members in Circular #2014/005. It now incorporates Members' comments.

Minor editorial and/or factual changes suggested by Members are only indicated by appropriately colour-coded tracked changes and no associated comment bubbles.

More substantive changes/suggestions are indicated by comment bubbles and are also tracked where the text has been updated in accordance with these comments.

Comment [JP2]: Japan made a general comment that:

“Structure of the resolution is confusing as the new in-port transshipment measure is incorporated into the existing at-sea transshipment measure as an annex, although it is same for the ICCAT and IOTC measures. There may be a possibility to reorganize the resolution as follows;
-Section 1 General Rule
-Section 2 Record of vessels
-Section 3 Program to Monitor Transshipment at sea
-Section 4 Program to Monitor Transshipment in port
-Section 5 General Provision”

Comment [ID3]: Indonesia made a general comment that this Resolution should not be applied to transshipments of fresh SBT

Comment [Sec4]: Reference to longliners was removed by the Secretariat

Comment [Sec5]: Deleted by the Secretariat as seemed an un-necessary restriction

Comment [Sec6]: Added by the Secretariat following discussions with the CC Chair

Comment [NZ7]: Deleted by NZ

Comment [NZ8]: Added by NZ

Comment [Sec9]: This section has been copied from IOTC Resolution 12/05 (Transshipment Resolution) and has been modified by the Secretariat as appropriate to reflect CCSBT's situation. Adding this section facilitates the addition of in-port transshipment measures at Annex I

Comment [Sec10]: The acronym used throughout this Resolution has been changed from “LSTLV” to “LSTV” as there is no longer an explicit requirement that this Resolution applies only to longline vessels

SECTION ~~32~~1. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA ~~II~~ INVOLVING SBT

~~31~~3. The Commission hereby establishes a program to monitor transshipment at sea involving SBT which applies ~~initially only~~ only to ~~tuna longline fishing vessels with freezing capacity (hereafter referred to as the "LSTLVs")~~ and to carrier vessels authorised to receive transshipments from these vessels at sea. The Commission shall ~~at its 2010 Annual Meeting,~~ review and, as appropriate, revise this Resolution.

~~42~~4. Members and ~~CNMs Cooperating Non Members~~ shall determine whether or not to authorise their LSTLVs to tranship at sea. ~~However, if the Members/ and CNM cooperating Non Members~~ authorise the at-sea transshipment by its flag LSTLVs, such transshipment shall be conducted in accordance with the procedures defined in Sections ~~23, 34~~ and ~~45~~, and ~~Annexes II and III~~ below.

Comment [JP11]: Section number amended by Japan with the following comment:

"In order to reorganize the Resolution, the sections regarding at-sea transshipments (originally Section 2 and 4) may be incorporated to new Section 3."

Comment [JP12]: Header amended by Japan with the comment:

"It would be better to clarify the monitoring program is applied at-sea transshipments involving SBT"

Comment [Sec13]: The removal of "initially" and addition of "only" corresponds to a change made to para 3 of IOTC's most recently adopted version of its Transshipment Resolution (Resolution 12/05)

**SECTION 322. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS -
AT SEA INVOLVING SBT IN AREAS BEYOND NATIONAL JURISDICTION**

Comment [Sec14]: The text in this section should ideally be modified to establish an authorised vessel list for all receiving carrier vessels, whether receiving transshipments at sea or in port (this is not currently required for IOTC/ICCAT). Such a modification could be achieved by deleting all references to “at-sea” from this section, in conjunction with moving this section’s location so that it is not embedded amongst the specific transshipment at-sea requirements of this draft Resolution.

Secretariat note:
These same amendments have been suggested by Japan and are indicated by Japan’s track changes in this section.

The modification/ re-organisation proposed above has not yet been implemented by the Secretariat as it was thought it might create confusion for Members trying to compare this initial re-draft to the current CCSBT, IOTC and ICCAT Transshipment Resolutions/Recommendation.

Comment [JP15]: Header modified by Japan with the comment:

“As proposed by the Secretariat, the receiving vessel list should be extended to cover all transshipments including in-port transshipments to ensure the effectiveness of the in-port transshipment measure if it is introduced.”

Comment [Sec16]: This specification seems un-necessary and so has been deleted by the Secretariat

53. The Commission shall establish and maintain a CCSBT Record of Carrier Vessels authorised to receive SBT at sea from LSTVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive SBT from LSTVs in at sea transshipment operations.

Comment [NZ17]: NZ has made the following general comment in relation to authorised Carrier Vessels:

“New Zealand wishes to see a greater commitment to reducing risks associated with transshipments at-sea by prohibiting the use of NCM carrier vessels.”

Comment [TW18]: Taiwan made a general comment with respect to authorised Carrier Vessels that it:

“...would like to make clarification that the carrier vessel referred in the draft resolution does not include container vessel”, and that, “we need to make a clear definition so as to avoid confusion.”

64. Each Member and ~~CNM~~Cooperating Non Member shall submit, electronically where possible, to the CCSBT Executive Secretary ~~by 1 April 2009~~ the list of the carrier vessels that are authorised to receive ~~at sea~~ transshipments from its LSTVs. ~~Each Member shall promptly notify the Executive Secretary of any addition to, deletion from, and/or any modification to the list of Carrier Vessels at any time such changes occur.~~ This list shall include the following information:

- 1 The flag of the vessel
- 2 CCSBT Record Number (if any)
- 3 Lloyds/ IMO Number (if any)
- 4 Name of vessel, vessel registration number
- 5 Previous name (if any)
- 6 Previous flag (if any)
- 7 Previous details of deletion from other registries (if any)
- 8 International radio call sign
- 9 Type of vessels, length, gross tonnage (GT) and carrying capacity
- 10 Name and address of owner(s) and operator(s)
- 11 Time period authorised for transhipping.

Comment [NZ19]: Suggested specifying the timing of this requirement, e.g. annually or when applicable.

Secretariat response:
The Secretariat has added a timeframe consistent with that used for submission of the record of authorised fishing vessels.

Comment [Sec-add20]: Added by the Secretariat to address NZ's suggestion above

Comment [Sec21]: These fields are both included in ICCAT Transhipment Recommendation 12-06. The inclusion of "Lloyd's/IMO" number is an important one with regard to facilitating the gathering of information on potential IUU fishing. Inclusion of Lloyd's/ IMO number here would require a corresponding update to be made to CCSBT's authorised vessel resolution.

75. Each Member and ~~CNM~~Cooperating Non Member shall promptly notify the Executive Secretary; ~~after the establishment of the initial CCSBT Record of Carrier Vessels,~~ of any addition to, any deletion from and/or any modification of the CCSBT Record of Carrier Vessels, at any time such changes occur.

Comment [Sec22]: Deleted as this register is now established.

86. The Executive Secretary shall maintain the CCSBT Record of Carrier Vessels and take measures to ensure publicity of the record and through electronic means, including placing it on the CCSBT website, in a manner consistent with confidentiality requirements notified by Members and ~~CNMs~~Cooperating Non Members for their vessels.

97. ~~Members and CNMs shall ensure that any Ce~~Carrier vessels authorised by Members and ~~CNMs~~them to conduct for at-sea or in-port transshipments shall be required to ~~already have an~~ operational Vessel Monitoring System (VMS) ~~installed that is operating in accordance with all applicable CCSBT Resolutions and decisions, including the Resolution on establishing the CCSBT Vessel Monitoring System (2008), and any successor Resolution, including any future revisions thereto.~~

10. ~~LSTVs~~ which tranship at sea or in-port shall be required to install and operate a ~~Vessel Monitoring System (VMS)~~ in accordance with paragraph 3 of CCSBT's *Resolution on the development and implementation of a Vessel Monitoring System* (2006), and any successor Resolution, including any future revisions thereto.

Comment [JP23]: This and the next paragraphs are to be applicable to both at-sea and in-port transshipments. Adding to that, the provisions here are irrelevant to the vessel list. These two paragraphs should be moved to the section 5 for general provisions.

Comment [JP24]: Text in this paragraph was amended by Japan with the comment that:

"It is difficult that Members and CNMs impose legal obligation on carrier vessels because most of carrier vessels have flag countries other than Members or CNMs"

Comment [Sec25]: This proviso added to correspond to similar paragraph 10 in the IATTC Resolution and paragraph 13 in ICCAT's Recommendation.... So as to strengthen the requirements with respect to VMS operation

Comment [JP26]: This paragraph should be moved to the section 5 for general provisions as mentioned above.

Comment [Sec27]: The Secretariat has added a new paragraph to ensure that LSTVs are also explicitly required to have an operational VMS.

Comment [JP28]: Added by Japan

Comment [JP29]: Header deleted by Japan with the comment:

"It may be reasonable to merge this section to Section 3 (Program to Monitor Transhipment at Sea)."

Comment [Sec30]: This proviso added to harmonise with ICCAT

~~SECTION 43. AT SEA TRANSHIPMENT~~

118. Transshipments by LSTVs in waters under the jurisdiction of ~~the~~ Members and ~~CNMs~~Cooperating Non Members are subject to prior authorisation from the Coastal State / Fishing Entity concerned. An original or copy of the documentation of Coastal State/ Fishing Entity prior authorisation must be retained on the LSTV and made available to the CCSBT observer when requested.

129. Members and ~~CNMs~~Cooperating Non Members shall take the necessary measures to ensure that LSTVs flying their flag comply with the following conditions in paragraphs 13 to 29 below:

Flag State / Fishing Entity Authorisation

~~130.~~ LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their Flag State / Fishing Entity. An original or copy of the documentation of prior authorisation must be retained on the LSTV and made available to the CCSBT observer when requested.

Notification obligations

Fishing vessel:

~~14.~~ To receive the prior authorisation mentioned in paragraph ~~130~~ above, the master and/or owner of the LSTLV must notify the following information to its Flag State / Fishing Entity authorities at least 24 hours in advance of an intended transhipment:

- a) the name of the LSTLV and its number in the CCSBT Authorised Vessel List,
- b) the name of the carrier vessel and its number in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea, ~~and~~
- ~~c)~~ the product to be transhipped,
- ~~e)~~ the tonnage by product to be transhipped,
- ~~d)~~ the date and location of transhipment,
- ~~e)~~ the geographic location of the SBT catches.

~~15.~~ The LSTLV concerned shall complete and transmit to its Flag State / Fishing Entity, and, where applicable, the Coastal State / Fishing Entity, not later than 15 days after the transhipment¹, the CCSBT transhipment declaration, along with its number in the CCSBT Authorised Vessel List, in accordance with the format set out in **Annex II**.

Receiving carrier vessel:

16. Before starting transhipment, the master of the receiving carrier vessel shall confirm that the LSTV concerned is participating in the CCSBT programme to monitor transhipment at sea (which includes payment of the fee in paragraph 14 of Annex III), and has obtained the prior authorisation from their Flag State / Fishing Entity referred to in paragraph 13. The master of the receiving carrier vessel shall not start such transhipment without such confirmation.

~~17.~~ The master of the receiving carrier vessel shall complete and transmit the CCSBT transhipment declaration to the CCSBT Secretariat and the Flag Member ~~or CNM~~ Cooperating Non Member of the LSTLV, along with its number in the CCSBT Record of Carrier Vessels authorised to receive transhipment at sea, within 24 hours of the completion of the transhipment.

~~18.~~ The master of the receiving carrier vessel shall, 48 hours before landing, transmit a CCSBT transhipment declaration, along with its number in the CCSBT Record of Carrier Vessels authorised to

¹ ~~In the case where the SBT are being transferred temporarily to bonded cold storage before being transferred to the receiving carrier vessel, then the LSTLV shall complete and transmit the transhipment declaration to its Flag State/ Fishing Entity, and where applicable, the Coastal State/ Fishing Entity, not later than 15 days from the date from which the SBT is transferred into the bonded cold storage facility. In such cases, the receiving carrier vessel agent shall sign the transhipment declaration on behalf of the carrier vessel master.~~

Comment [NZ31]: General comment: With the EU's potential membership of the Extended Commission, should 'Flag State/Fishing Entity' be changed to 'Flag Member/CNM', as has been used in other paragraphs? Or in these paragraphs, is it the Flag State rather than the EU that should be informed etc?

Secretariat response:

With respect to REIOs, the Secretariat considers these are Flag State/Fishing Entity obligations rather than Member/CNM obligations.

Comment [NZ32]: Transhipment authorisations granted by Members and CNMs outlined in para 13 should also be sent to the Secretariat which would then make these available to other Members and CNMs in order to enhance transparency and aid in targeting compliance efforts.

Comment [Sec33]: This proviso added to harmonise with ICCAT

Comment [Sec-add34]: The Secretariat moved the "product to be transhipped" onto a separate line for consistency with the amendment suggested by NZ in Annex 1, para 4.1b/ c)

Comment [Sec35]: Added to harmonise with ICCAT (this text is not included in the IOTC Resolution).

Comment [JP36]: Japan deleted this footnote with the comment:

"The footnote should be deleted because it is not possible to transfer SBT to bonded cold storage onshore when conducting at-sea transshipments."

Secretariat response:

Japan is correct that this footnote is not relevant to at-sea transshipments. The Secretariat has therefore moved the footnote to the corresponding paragraph 4.3 in Annex I (which sets out the requirements for in-port transshipments).

Comment [Sec37]: This new paragraph was added to the CCSBT Resolution to match paragraph 14 of IOTC's most recent version of its Transhipment Resolution 12/05 – paragraph 14.

receive transhipment at sea, to the competent authorities of the State / Fishing Entity where the landing takes place.

Regional Observer Program

195. Each Member and ~~CNM~~~~operating Non Member~~ shall ensure that all carrier vessels transhipping at sea have on board a CCSBT observer, ~~not later than 1 April 2009~~, in accordance with the CCSBT Regional Observer Program in ~~Annex III~~~~2~~. The CCSBT observer shall observe the compliance with this Resolution, and notably that the transhipped quantities of SBT are consistent with the reported catch in the CCSBT transhipment declaration ~~and, as feasible, as recorded in the fishing vessel logbook and CSD documents.~~

Comment [NZ38]: Deleted by NZ

Comment [NZ39]: Added by NZ

Comment [Sec40]: This proviso added to harmonise with ICCAT

2046. Vessels shall be prohibited from commencing or continuing ~~at sea~~ transhipping at sea without a CCSBT regional observer on board, except in cases of 'force majeure' duly notified to the Executive Secretary.

SECTION 54. GENERAL PROVISIONS ~~(At Sea Transhipments)~~

Comment [JP41]: Deleted by Japan with the comment:

"If the CCSBT will introduce the in-port transshipment measure, this section should apply to transshipments including in-port transshipment in order to ensure effectiveness of the measure."

2147. To ensure the effectiveness of the CCSBT conservation and management measures pertaining to the Catch Documentation System (CDS):³

a) In validating the necessary CCSBT CDS documentation, as required by the CDS, Flag Members and ~~CNM~~~~operating Non Members~~ of LSTLVs shall ensure that transhipments are consistent with the reported catch amount by each LSTLV.

b) The Flag Member or ~~CNM~~~~operating Non Member~~ of LSTLVs shall validate the necessary CCSBT CDS documentation for the transhipped fish, as required by the CDS, after confirming that the transhipment was conducted in accordance with this Resolution. ~~If transhipped at sea~~ ~~and~~ this confirmation shall be based on the information obtained through the CCSBT Regional Observer Program.

Comment [JP42]: Added by Japan with the comment:

"This phrase would be necessary when the General Provisions apply to in-port transshipments."

c) Members and ~~CNM~~~~operating Non Members~~ shall require that SBT caught by LSTLVs, when imported into the territory of a ~~Member or CNM~~~~Contracting Party~~, be accompanied by ~~the~~ necessary CCSBT CDS documentation validated for the vessels on the CCSBT Authorised Vessel List and a copy of the CCSBT transhipment declaration.

Comment [Sec43]: This paragraph has been amended by the Secretariat to match the requirements under section II.3.a) of the 'Template for the annual report to the Compliance Committee and Extended Commission' that the information referred to in 21 a) – c) should be submitted specifically for at-sea transshipments made during the previous fishing season.

2248. The Members and ~~CNM~~~~operating Non Members~~ shall ~~include in their annual report to the Executive Secretary~~ ~~6~~ weeks prior to the Annual Meeting of the Commission:

a) The quantities ~~and percentage~~ of SBT transhipped ~~at sea and in port~~ during the previous ~~fishing season, year~~.

Comment [JP44]: This paragraph should include reporting requirements both for at-sea and in-port transshipments.

b) The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped ~~at sea and in port~~ during the previous ~~fishing season~~~~year~~.

Comment [Sec45]: These details only need to be reported once, i.e. in the annual report to the Commission and not also separately to the Executive Secretary

Comment [Sec46]: Updated to match the timeframe specified in the Minimum Performance Requirements (MPRs)

³ Until the CDS enters into force, this resolution shall apply as if "CCSBT CDS documentation" means "Trade Information Scheme documentation".

Comment [JP47]: Added by Japan

Comment [JP48]: Added by Japan

c) A comprehensive report:

i) assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received at-sea transshipments from their LSTVs during the previous fishing season, and

~~ii) summarising the results of species identification analysis (when species identification tools have been utilised) collected during the previous fishing season.~~

~~iii) summarising any physical inspections, results of species identification tool analysis (if these tools have been utilised), cross-checking, verification and validation of the SBT, transshipment declaration(s) and CDS documentation from their LSTVs that transhipped in port during the previous fishing season. Any discrepancies detected between the LSTVs' reported catches and CDS documents and transshipment declarations, and/or evidence of any SBT identified that were not tagged with CCSBT tags as detected by species identification tool analysis, shall be noted in the report.~~

These reports shall be made available to the Extended Commission and relevant subsidiary bodies for review and consideration.

Comment [Sec49]: New sub-paragraph added by the Secretariat in order to strengthen the Resolution

Comment [JP50]: ii) deleted by Japan with the comment:

"As stated before, introduction of mandatory species identification analysis is not feasible."

Comment [JP51]: Japan moved the reporting requirement ciii) here from Annex 1, 8.c), and then struck it out with the accompanying comment:

"Japan reserves its position on reporting requirements for in-port transshipment since it thinks that the CCSBT has had only insufficient discussions on the necessity of in-port transshipment measure and where the risk area is."

Comment [Sec52]: Added to harmonise with ICCAT's Recommendation

~~2349.~~ All SBT landed or imported ~~into the by~~ Members and ~~CNMsooperating Non Members~~, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the CCSBT transshipment declaration until the first sale has taken place.

24. All transhipped SBT landed or exported by Members and CNMs, shall be physically examined by the Flag that Member/ CNM (or designated agent) of the LSTVs on landing by the Carrier Vessel, and before the first point of sale, to ensure that the catch of SBT landed is consistent with the information recorded in the associated transshipment declaration and CDS documentation.

Comment [JP53]: Amendments to this paragraph made by Japan with the comment:

"It should be clarified that the landing or exporting Members/CNMs are the flag members/CNMs of the LSTVs."

Comment [Sec-add54]: The Secretariat has added clarification that this paragraph refers to landings by Carrier Vessels

~~259.~~ Each year, the Executive Secretary shall present a report on the implementation of this Resolution to the ~~annual Compliance Committee meeting of the Commission~~ which shall review compliance with this Resolution.

26. The CCSBT Secretariat shall, when providing Members and CNMs with copies of all available raw data, summaries and reports in accordance with paragraph 11 of Annex III to this Resolution, also indicate evidence indicating any possible infractions of CCSBT Resolutions regulations by LSTVs/carrier vessels flagged to that Member/ CNM. Upon receiving such evidence, each Member/ CNM shall investigate the cases and report the results of the investigation back to the CCSBT Secretariat three months prior to the CCSBT Compliance Committee meeting. The CCSBT Secretariat shall circulate among Members/ CNMs the list of names and flags of the LSTVs/Carrier vessels that were involved in such possible infractions as well as the response of the flag Members and CNMs 80 days prior to the CCSBT Compliance Committee meeting.

Comment [Sec55]: This paragraph added to harmonise with IOTC's paragraph 23

Comment [NZ56]: Amended by NZ with the comment: "Change to CCSBT 'Resolutions' as there are no CCSBT regulations per se".

Comment [JP57]: This paragraph was deleted by Japan with the comment:

"There are many documents for CC's consideration on compliance of the Members/CNMs including the national reports, secretariat's documents and QAR reports. The additional circular referred here seems redundant and unnecessary."

~~274.~~ These provisions shall be applicable from 1 ~~January April~~ 201509.

~~282.~~ The transshipment resolution adopted by CCSBT153 (20086) is superseded by this Resolution.

~~2923.~~ To avoid the duplication of the same measures, ICCAT or IOTC observers on transshipment vessels on the CCSBT Record of Carrier Vessels may be deemed to be participating in the CCSBT transshipment program, provided these observers meet the standards established in this Resolution and the CCSBT Secretariat is informed. The CCSBT Secretariat shall liaise with the ICCAT and IOTC

with respect to any information submitted to those organisations regarding SBT. The CCSBT Secretariat shall also exchange information on transshipment and observer standards with other RFMO Secretariats.

Section 4 ANNEX I – PROGRAM TO MONITOR LSTV TRANSHIPMENTS IN PORT

General

1. In the exercise of their authority over ports located in areas under their jurisdiction, Members and CNMs may adopt more stringent measures, in accordance with domestic and international law.

Comment [JP58]: Header amended by Japan with the comment: “The provisions in this annex may fit in Section 4.”

Comment [JP59]: The in-port transshipment measure can considerably overlap with the Port State Measure which will be discussed separately. Japan believes that basically the port state obligations should be covered by the PSM, and the in-port transshipment measure should provide duties of flag states. Further, regarding the in-port transshipment measure, the CCSBT has had only insufficient discussions on its necessity and where the risk area is. We think more consideration should be given in order to avoid unnecessary burden on relevant states and industries, based on the reality that the CCSBT does not have the convention area, and that SBTs can be transhipped together with other tuna species on which the CCSBT has no competence.

Comment [Sec-add60]:
Secretariat comment:

To implement Japan’s suggestion, paragraphs 2, 6 and 7 of Annex I should be amended or removed. Other paragraphs do not relate to Port States and can be retained.

Comment [Sec61]: The base text for this new Annex was taken from Annex I of IOTC Resolution 12/05, except for:

- Paragraph 1 which derives from the updated ICCAT Transshipment Resolution 12-06,
- Paragraphs 2 and 7 which were added by the Secretariat.

Significant changes made to this Annex by the CCSBT Secretariat are indicated by associated comment boxes.

~~2. In-port transshipments shall only be made in Port States where officials or designated agent from Port States of fishing vessels are available to effectively monitor these transshipments.~~

~~3. In-port Transshipments operations in port may only be undertaken in accordance with the procedures set out in paragraphs 4 to 8 detailed below:~~

Comment [Sec62]: New paragraph added by the Secretariat

Comment [NZ63]: NZ has made the following general comments in relation to this paragraph:
 “There is no requirement for an observer to monitor transshipments in port unlike those occurring at sea however our experience to date indicates that port authorities do not always have the capacity to monitor transshipments; particularly in busy ports. New Zealand therefore recommends that the revised resolution require all in-port transshipments to be monitored by an observer authorised by the member or CNM authority. All reporting requirements currently relying on local port authorities should be redirected towards this authorised observer”, and

“Need to clarify who these officials are. Are these officials from member and CNM or the local authority?”

Comment [JP64]: Deleted by Japan with the comment:
 “It is impossible for flag states of LSTVs to ensure availability of monitoring staffs in port states.”

Comment [TW65]: Text added by Taiwan with the comment that:

“Considering that not every port state is a member or cooperating-non-member of CCSBT, we are not sure if those port states can dispatch official to conduct monitoring. If the flag states of fishing vessels can assign officials or commission a designated agent to conduct monitoring, it would be applicable.”

Notification obligations

4. Fishing vessel:

4.1. Prior to transshipping, the Captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:

- a) the name of the LSTV and its number in the CCSBT record of fishing vessels;**
- b) the name of the carrier vessel and its number in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea, ~~and~~**
- c) the product to be transhipped;**
- d) the tonnage by product to be transhipped;**
- e) the date and location of transshipment;**
- f) the major fishing grounds of the SBT catches.**

Comment [NZ66]: Should “the product to be transhipped” be moved down to a separate line/sub-paragraph?

Secretariat response:
 The Secretariat has made this change.

For consistency, the Secretariat has also made a similar change to paragraph 14 b)/c) in the main Resolution text

4.2. The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State/ Fishing Entity of the following:

- a) the products and quantities involved;**
- b) the date and place of the transshipment;**
- c) the name, registration number and flag of the receiving carrier vessel, and its number in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea;**
- d) the geographic location of the SBT catches.**

4.3. The Captain of the LSTV concerned shall complete and transmit to its Flag State/ Fishing Entity the CCSBT transhipment declaration, along with its number in the CCSBT Record of Fishing Vessels, in accordance with the format set out in Annex II not later than 15 days after the transhipment³.

Comment [NZ67]: Should it be “15days” or “15 working days”?

Comment [Sec-add68]: The Secretariat has moved the footnote previously associated with paragraph 15 of the main Resolution text to this new location so that it now applies to in-port transhipments only

5. Receiving vessel:

5.1. Not later than 24 hours before the beginning of the transhipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of SBT to be transhipped to the receiving carrier vessel.

Comment [Sec69]: The original paragraph 3 that occurs in IOTC’s Annex 1 has been split into 2 parts here (5.1 and 5.2) for clarification purposes

5.2. Within 24 hours of the completion of the transhipment, the master of the receiving carrier vessel shall complete and transmit the CCSBT transhipment declaration to the Port State authorities, the Flag Member/ CNM of the LSTV, and the CCSBT Secretariat. A copy of this transhipment declaration shall be retained on board the receiving carrier vessel.

Comment [Sec70]: This paragraph has been further modified from the 2nd half of corresponding paragraph 3 (Annex 1) in the IOTC Resolution.

Instead of using the general term ‘competent authorities’ that occurs in the IOTC Resolution and ICCAT Recommendation, the Secretariat has interpreted this to mean ‘Port State authorities’, and has added this more specific wording instead.

Specific requirements have also been added for the receiving vessel to send transhipment declarations to the Flag Member/CNM of the LSTV and to the Secretariat (as well as the Port State). These 2 additions reflect the requirements for at-sea transhipments – see paragraph 17 of this draft. They were added as it seemed appropriate to include similar reporting requirements for both at-sea and in-port transhipments.

(Note:
For receiving vessels, IOTC/ICCAT require in-port transhipment declarations to be sent to “competent authorities”. IATTC requires these to be sent to the competent authorities of the “vessel’s flag CPC”.)

5.3. Following receipt of a transhipment including SBT, and after leaving the transhipment port, the master of the receiving carrier vessel shall, at least 48 hours before landing its transhipped SBT, complete and transmit a copy of the CCSBT transhipment declaration referred to in paragraph 5.2, to the competent authorities of the landing Flag State/ Fishing Entity where the landing will take place.

Comment [Sec71]: This paragraph has been modified from the one in the IOTC Resolution by the Secretariat for clarification purposes; “at least” was added to match ICCAT’s corresponding paragraph 4.2 of Annex 3

³ In the case where the SBT are being transferred temporarily to bonded cold storage before being transferred to the receiving carrier vessel, then the LSTLV shall complete and transmit the transhipment declaration to its Flag State/ Fishing Entity, and where applicable, the Coastal State/ Fishing Entity, not later than 15 days from the date from which the SBT is transferred into the bonded cold storage facility. In such cases, the receiving carrier vessel agent shall sign the transhipment declaration on behalf of the carrier vessel master.

Port and Landing State Cooperation

6. The Port State and the landing State referred to in the above paragraphs shall make an effort to take the appropriate measures to verify the accuracy of the information received and shall cooperate with the work of Flag Member or CNM of the LSTV to ensure that reported catches, transshipments and landings are consistent with the reported catch amounts of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience, and so that degradation of the fish is avoided.

Comment [JP72]: Amended by Japan with the comment:

“Japan believes that basically the port state obligations should be covered by the PSM. In addition, flag states are primarily responsible for ensuring the accuracy of the information such as catch amount and transhipped amount. If the resolution provides the action taken by port states, port states and landing states should be obliged to cooperate to such work of the flag states to the extent possible.”

Comment [Sec73]: Added to match the ICCAT Recommendation which includes “reported catches, transshipments ……” in its corresponding paragraph 5 of Annex 3

7. Once appropriate and accurate SBT species identification tools (including genetic analysis) have been developed and become available, stratified random tissue samples shall be collected by Port State officials from transhipped tuna that are not tagged with SBT tags. These samples shall be analysed in a shore based laboratory using these identification tools. The results of these analyses shall be reported in accordance with paragraph 8. c) below.

Comment [Sec74]: New paragraph added by the Secretariat in order to strengthen the Resolution

Comment [Sec-add75]: NZ made a comment for Annex 3, Para 6 a) iii) that: “These tools already exist and the reference to development should be removed”.

The Secretariat is noting NZ’s comment here too because it seems to apply to this paragraph as well.

Comment [JP76]: Paragraph 7 was deleted by Japan with the comment:

“Mandatory genetic analysis of products transhipped in-port would be practically very difficult and would impose excessive burden on port state and the industry. Japan thinks this provision is unnecessary at this moment.”

Comment [TW77]: Paragraph 7 also deleted by Taiwan with the comment that:

“Random tissue sampling is impracticable for super-cold catches when transshipment in port. It would damage the fish, and affect the value of fish.”

Reporting

8. Each Flag Member or CNM of the LSTV shall include in its annual report each year to CCSBT details on the in-port transshipments undertaken by its vessels:

a) The quantities and percentage of the previous season's SBT catch transhipped in each port during the previous fishing season.

b) The list of the LSTVs registered in the CCSBT Authorised Vessel List which have transhipped in port during the previous fishing season.

c) A comprehensive report summarising any physical inspections, results of species identification tool analysis (if these tools have been utilised), cross checking, verification and validation of the SBT, transhipment declaration(s) and CDS documentation from their LSTVs that transhipped in port during the previous fishing season. Any discrepancies detected between the LSTVs' reported catches and CDS documents and transhipment declarations, and/ or evidence of any SBT identified that were not tagged with CCSBT tags as detected by species identification tool analysis, shall be noted in the report.

These reports shall be made available to the Extended Commission and relevant subsidiary bodies for review and consideration.

Comment [JP78]: All reporting requirements were deleted from this section by Japan with the comment:

"Reporting requirements could be provided in the general provisions" (section 5)

Comment [Sec79]: Details of the reporting required have been added by the Secretariat. Any new reporting requirements added for in-port transshipments will need to be reflected in the 'Template for the annual report to the Compliance Committee and Extended Commission'.

Comment [JP80]: Japan moved part c) of the reporting requirements here to the main Resolution text as paragraph 22 c) iii)... but then struck out this requirement in the new location and added an explanatory comment for it

ANNEX II - CCSBT TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag State / Fishing Entity license number:	Flag State / Fishing Entity license number:
National Register Number, if available:	National Register Number, if available:
CCSBT Register Number, if available:	CCSBT Register Number, if available:

Departure Day Month Hour || Year Agent's name: Master's name of LSTLV: Master's name of Carrier:
 Return From Signature: Signature: Signature:
 Transshipment to

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: LOCATION OF kilograms TRANSHIPMENT

Species	Port		Sea	Type of product											
				Whole	Gutted	Headed	Filletted								

If transshipment effected at sea, CCSBT Observer Name and Signature:

ANNEX III2 - CCSBT REGIONAL OBSERVER PROGRAM

1. Each Member and ~~CN~~~~Cooperating Non-Member~~ shall require carrier vessels included in the CCSBT Record of Carrier Vessels authorised to receive transhipments at sea and which tranship at sea, to carry a CCSBT observer during each transhipment operation at sea.

2. ~~Between approximately 15 days to 2 months before the LSTV Carrier Vessel will sail for a trip that will include a SBT transhipment, the Flag State/ Fishing Entity shall complete and transmit a CCSBT observer deployment request to the CCSBT Secretariat.~~

3. The Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transhipments at sea from LSTVs flying the flag of Members and Cooperating Non-Members that implement the CCSBT Regional Observer Program.

Designation of the observers

4. The designated observers shall have the following qualifications to accomplish their tasks:

- a) sufficient experience to identify species and fishing gear;
- b) satisfactory knowledge of the CCSBT conservation and management measures;
- c) the ability to observe and record information accurately;
- d) a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

5. Observers shall:

- a) have completed the technical training required by the guidelines established by CCSBT, or the guidelines established by IOTC or ICCAT providing that the observers have also been trained in relation to paragraphs 3(a) – (c);
- b) to the extent possible, not be nationals of the Flag State / Fishing Entity of the receiving carrier vessel;
- c) be capable of performing the duties set forth in point 5 below;
- d) be included in the list of observers maintained by the Secretariat of the Commission;
- e) not be a crew member of an LSTV or an employee of an LSTV company.

6. The observer tasks shall be in particular to:

- a) while on the Fishing Vessel intending to tranship to the carrier vessel and before the transhipment takes place:
 - i) check the validity of the fishing vessel's authorisation or licence to fish for SBT;

Comment [Sec81]: Added by the Secretariat to clarify that deployment requests should be sent to the Secretariat

Comment [JP82]: Paragraph amended by Japan with the comment:

“Scheduling transshipments before long-term fishing trip of LSTVs is impossible.”

Secretariat response:

The Secretariat notes that Japan's correction from “LSTV” to “Carrier Vessel” is correct.

Comment [JP83]: Deployment requests are transmitted to the IOTC or ICCAT secretariats based on paragraph 9 (e) and 8(e) of the MOU between CCSBT and IOTC or ICCAT, respectively. We would like to clarify that the existing arrangement would be unchanged.

ii) check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;

~~iii) once appropriate and accurate SBT species identification tools (including genetic analysis) have been developed and become available, collect stratified random tissue samples from transhipped tuna that are not tagged with SBT tags. These samples shall be stored securely and appropriately on board the authorised carrier vessel until they can be analysed using the tool(s) concerned, either on board the carrier vessel or in a shore-based laboratory;~~

iv) check that the VMS is functioning and examine the logbook;

iv) verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;

vi) in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel master; and

vii) report the results of these duties on the fishing vessel in the observer's report.

b) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:

- i. record and report upon the transshipment activities carried out;
- ii. verify the position of the vessel when engaged in transshipping;
- iii. observe and estimate products transhipped;
- iv. verify and record the name of the LSTLV concerned and its CCSBT Authorised Vessel List number;
- v. verify the data contained in the transshipment declaration;
- vi. certify the data contained in the transshipment declaration;
- vii. countersign the transshipment declaration;

c) issue a daily report of the carrier vessel's transshipping activities;

d) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.

e) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.

f) exercise any other functions as defined by the Commission.

76. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;

87. Observers shall comply with requirements established in the laws and regulations of the Flag State / Fishing Entity which exercises jurisdiction over the vessel to which the observer is assigned.

Comment [Sec84]: New paragraph added by the Secretariat to introduce an extra level of checking for SBT transhipped at sea

Comment [NZ85]: These tools already exist and the reference to development should be removed

Comment [JP86]: Deleted by Japan with the comment:

"Mandatory genetic analysis of products transhipped at-sea would be practically very difficult and would impose excessive burden on flag state and the industry. In addition, handling of the sample collected would be difficult since observers often disembark before the final destination of carrier vessels. Japan thinks this provision is unnecessary at this moment"

Comment [TW87]: Also deleted by Taiwan with the comment:

"Random tissue sampling is impracticable for super-cold catches when transshipment at sea. It would damage the fish, and affect the value of fish."

[98](#). Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph [910](#) of this program.

Obligations of the Flag State / Fishing Entities of carrier vessels

[109](#). The responsibilities regarding observers of the Flag State / Fishing Entities of the carrier vessels and their captains shall include the following, notably:

- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
- b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph [56](#):
 - i) satellite navigation equipment;
 - ii) radar display viewing screens when in use;
 - iii) electronic means of communication;
- c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
- d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
- e) The Flag State / Fishing Entities shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

[110](#). The Executive Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the Flag State / Fishing Entity of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag Member or Cooperating Non-Member of the LSTLV, copies of all [available](#) raw data, summaries, and reports pertaining to the trip [four months prior to the CCSBT Compliance Committee meeting](#).

Comment [Sec88]: Changes were made to this paragraph to harmonise it with IOTC's paragraph 10 in its Regional Observer Program Annex III.

Obligations of LSTLV during transhipment

[124](#). Observers shall be allowed to visit the fishing vessel if the observer's safety can be reasonably assured given the weather and sea conditions, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph [56](#).

[132](#). The Executive Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

Observer fees

[143](#). The costs of implementing this program shall be financed by the flag Members and Cooperating Non-Members of LSTLVs wishing to engage in transhipment operations.

The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the CCSBT Secretariat and the CCSBT Executive Secretary shall manage the account for implementing the program.

154. No LS TLV may participate in the at-sea transshipment program unless observer shall be assigned to a vessel for which the fees, as required under paragraph 134, have ~~not~~ been paid.

Comment [Sec89]: Changes made to this paragraph are consistent with the changes made to IOTC's paragraph 14 in Resolution 12/05 Regional - Observer Program Annex III – and are also consistent with IATTC and ICCAT text.



大型漁船の洋上転載に関する
CCSBT¹事務局と ICCAT²事務局
との間の了解覚書案



序

1. ICCAT は、勧告(06/11³)を採択し、ICCAT 条約水域内における大型まぐろはえ縄漁船(LSTLV's)による洋上転載のための計画を導入した。CCSBT は、みなみまぐろ(SBT)を含むすべての転載に対し全世界的に適用される冷凍能力を有するまぐろはえ縄漁船について、同様の決議(CCSBT15, 別紙 10⁴)を採択した。それぞれの事務局は、その管轄の範囲内で計画を運営する責任を委ねられている。
2. 2つの委員会は、大西洋において管轄が重複するが、CCSBT 及び ICCAT の決議が概ね同様のものとなっており、大半の船舶は CCSBT 決議の遵守を求められるが同様に ICCAT 勧告の遵守も求められる。
3. 本了解覚書(MOU)は、作業の重複並びに CCSBT 及び ICCAT の両決議の遵守が求められる者に関連する費用を最小限に抑えるため、制定された。

本了解覚書の目的

4. 本 MOU は、CCSBT 及び ICCAT の両方のメンバー/締約国(CPCs)⁵の冷凍能力を有する LSTV's による ICCAT 条約水域内におけるみなみまぐろ(SBT)を含む洋上転載に対し適用され、さらに CCSBT 及び ICCAT の地域オブザーバー計画の両方に参加している CPCs に限定される。現在、これは次から構成される。
 - 日本
 - 韓国
 - フィリピン
 - 漁業主体台湾⁶ / 中華民国台北⁷
5. CCSBT 及び ICCAT は、本リストに影響を与えうるメンバー/CPCs に関する変更について、相互に通知するものとする。

¹ みなみまぐろ保存委員会

² 大西洋まぐろ類保存国際委員会

³ 転載計画の創設に関する勧告 06-11

⁴ 大型漁船の転載に対する計画創設に関する決議

⁵ “メンバー”は協力的非加盟国を含み、“CPCs”は協力的非加盟国を含む。

⁶ CCSBT

⁷ ICCAT

CCSBT と ICCAT との間の取極

6. ICCAT 転載勧告のすべての規定は、本取極に含まれる洋上転載に対し、引き続き適用される。
7. CCSBT 転載決議のすべての規定もまた、次を除き、本取極に含まれる洋上転載に対し、引き続き適用される。
 - a. 1 隻の LSTLV による転載につき単独の転載申告書を作成することを可能とするため、CCSBT 転載申告書の代わりに ICCAT 転載申告書を使用することができる。これは、ICCAT 及び CCSBT の書式が変更されない間、反対の取極がなされない限り、適用される。なお、運搬船の船長から ICCAT 事務局に対する本書の送信は、CCSBT 事務局に対しても送信されたものとみなされる。ICCAT 事務局は、これら文書を遅滞なく CCSBT 事務局に送信する。
 - b. LSTLV's 及び運搬船の ICCAT 登録番号は、CCSBT における同等のものに代えて使用することができる。CCSBT 事務局は、ICCAT 及び CCSBT の登録番号の間で必要となる変換を行う。
 - c. 単一系列の転載オブザーバーの利用を可能とするため、ICCAT 転載オブザーバーは、CCSBT 転載決議において制定された基準に合致し、かつ、CCSBT 事務局が通知を受けていることを条件に、CCSBT 転載オブザーバーとみなされる。ICCAT 転載オブザーバーが ICCAT 条約水域外における転載の監督を求められることはない。
 - d. ICCAT の計画を請け負った企業体は、本 MOU に従い、船舶からの SBT を含む移送のみ(即ち、SBT の転載がない移送は除かれる)を対象とした第 2 報告書を発行する。ICCAT 事務局への転載オブザーバーによるオブザーバー報告書の送信は、CCSBT 事務局に対しても送信されたものとみなされる。ICCAT 事務局は、これら文書を遅滞なく CCSBT 事務局に送信する。
8. パラグラフ 6 及び 7 の複合効果は、ICCAT 事務局及び転載オブザーバーが ICCAT 勧告の要件に次を追加し、継続することである。
 - a. ICCAT 及び CCSBT の事務局は、転載申告書を含む、洋上転載に関する勧告/決議に対する変更計画又は実際の変更について、相互に通知する。
 - b. ICCAT 事務局は、SBT を含むすべての転載に関する転載申告及びオブザーバー報告書の写しを、遅滞なく CCSBT 事務局に対し送信する。
 - c. SBT の転載の監督にあたる ICCAT 転載オブザーバーは、ICCAT の洋上転載勧告に求められる知見及び訓練に加えて、次について十分な知見及び知識を有する。
 - みなみまぐろの同定。
 - CCSBT の条約及び管理措置に関する十分な知識を有すること。
 - d. ICCAT 転載オブザーバーの最新リストは、ICCAT 事務局によって維持され、定期的に CCSBT 事務局に提供される。
 - e. ICCAT は、オブザーバー配置が SBT の転載に関与するとの通知を受けた場合、CCSBT 事務局が漁船及び運搬船の正当性を公開されている CCSBT 許可漁船

リスト及び CCSBT 許可運搬船リストに照会し確認できるよう、オブザーバーの派遣の前に CCSBT に対し通報する。

- f. ICCAT 転載勧告において指定されている任務に加えて、SBT の転載を監督する転載オブザーバーは、次を行う。
- 転載を予定する漁船に対する CCSBT 転載決議付属書 2 セクション 5a に準じた点検。
 - 2010 年 1 月 1 日以降、転載の詳細が正しく記入されていること及び製品の転載が CCSBT 転載決議⁸に従って監督されたことを示すため、CCSBT の CDS 文書の転載確認セクションへの署名。
9. 本 MOU により生じた ICCAT オブザーバー計画に課せられる追加の費用は、CCSBT が補填する。追加の訓練、追加の報告書及びオブザーバーのために必要とされる保険に関連する費用は、ICCAT の計画を請け負った企業体が算定し、ICCAT 事務局を通じて CCSBT 事務局に伝達される。CCSBT 事務局は、関係する CPCs からこれら費用を回収する責任を負う。
10. 本 MOU は、2009 年 4 月 1 日から 12 ヶ月の間効力を有する。CCSBT 又は ICCAT の事務局が別の決定をし、書面をもって通知しない限り、毎年 4 月 1 日から 12 ヶ月の間効力を有するよう自動更新される。どちらの事務局も、一方の事務局に書面により通知することで、時を選ばず MOU を終了させることができる。

署名及び日付

 ロバート・ケネディ
 事務局長
 みなみまぐろ保存委員会

 ドレス・メスキ
 事務局長
 大西洋まぐろ類保存国際委員会

日付: _____

日付: _____

⁸ CDS 文書に記載された製品とオブザーバーが記録した数量との差異は、オブザーバー報告書(CDS 文書ではない)に記録され、オブザーバーは CDS 文書への署名を妨げられない。

Commission for the Conservation of
Southern Bluefin Tuna



みなみまぐろ保存委員会



大型漁船の洋上転載に関する CCSBT¹事務局と IOTC²事務局との間の了解覚書案

序

1. IOTC は、決議 08/02³を採択し、IOTC 条約水域内における大型まぐろはえ縄漁船 (LSTLV's)による洋上転載のための計画を導入した。CCSBT は、みなみまぐろ (SBT)を含むすべての転載に対し全世界的に適用される冷凍能力を有するまぐろはえ縄漁船について、同様の決議(CCSBT15, 別紙 10⁴)を採択した。
2. IOTC 条約水域内において、CCSBT 及び IOTC 決議は、同様の規定を有し、CCSBT 決議の遵守を求められる船舶の大半は IOTC 決議の遵守もまた求められている。
3. 本了解覚書(MOU)は、作業の重複並びに CCSBT 及び IOTC の両決議の遵守が求められる者に関連する費用を最小限に抑えるため、制定された。

本了解覚書の目的

4. 本 MOU は、CCSBT 及び IOTC の両方のメンバー/締約国(CPCs)⁵の冷凍能力を有する LSTV's による IOTC 条約水域内におけるみなみまぐろ(SBT)を含む洋上転載に対し適用される。現在、これは次から構成される。
 - オーストラリア
 - 欧州共同体
 - インドネシア
 - 日本
 - 韓国
 - フィリピン
 - 南アフリカ

¹ みなみまぐろ保存委員会

² インド洋まぐろ類委員会

³ 大型漁船の転載に対する計画創設に関する決議 08/02

⁴ 大型漁船の転載に対する計画創設に関する決議

⁵ 本 MOU の目的において、“メンバー”は協力的非加盟国を含み、“CPCs”は協力的非加盟国を含む。

5. 本 MOU は、洋上転載をモニタリングするための CCSBT 及び IOTC の両方の計画に参加するその他の船団に対しても適用される。
6. CCSBT 及び IOTC は、本リストに影響を与えるメンバー/CPCs/参加船団に関する変更について、相互に通知するものとする。

CCSBT と IOTC との間の取極

7. IOTC 転載決議 08/02 のすべての規定は、本取極に含まれる洋上転載に対し、引き続き適用される。
8. CCSBT 転載決議のすべての規定もまた、次を除き、本取極に含まれる洋上転載に対し、引き続き適用される。
 - a. 1 隻の LSTLV による転載につき単独の転載申告書を作成することを可能とするため、CCSBT 転載申告書の代わりに IOTC 転載申告書を使用することができる。これは、IOTC 及び CCSBT の書式が変更されない間、反対の取極がなされない限り、適用される。なお、運搬船の船長から IOTC 事務局に対する本書の送信は、CCSBT 事務局に対しても送信されたものとみなされる。IOTC 事務局は、これら文書を遅滞なく CCSBT 事務局に送信する。
 - b. LSTLV's 及び運搬船の IOTC 登録番号は、CCSBT における同等のものに代えて使用することができる。CCSBT 事務局は、IOTC 及び CCSBT の登録番号の間で必要となる変換を行う。
 - c. 単一系列の転載オブザーバーの利用を可能とするため、IOTC 転載オブザーバーは、CCSBT 転載決議において制定された基準に合致し、かつ、CCSBT 事務局が通知を受けていることを条件に、CCSBT 転載オブザーバーとみなされる。
 - d. 契約者によるオブザーバー報告書の IOTC 事務局への送信は、CCSBT 事務局に対しても送信されたものとみなされる。IOTC 事務局は、これら文書を遅滞なく CCSBT 事務局に送信する。
9. パラグラフ 7 及び 8 の複合効果は、IOTC 事務局及び転載オブザーバーが IOTC 決議の要件に次を追加し、継続することである。
 - a. IOTC 及び CCSBT の事務局は、転載申告書を含む、洋上転載に関する決議に対する変更計画又は実際の変更について、相互に通知する。
 - b. IOTC 事務局は、SBT を含むすべての転載に関する転載申告及びオブザーバー報告書の写しを、遅滞なく CCSBT 事務局に対し送信する。
 - c. SBT の転載の監督にあたる IOTC 転載オブザーバーは、IOTC 決議 08/02 に求められる知見及び訓練に加えて、次を有さなければならない。
 - みなみまぐろを同定するための十分な知見及び知識。
 - CCSBT の条約及び管理措置に関する十分な知識を有すること。
 - d. IOTC 転載オブザーバーの最新リストは、IOTC 事務局によって維持され、定期的に CCSBT 事務局に提供される。

- e. IOTC は、オブザーバー配置が SBT の転載に関与するとの通知を受けた場合、CCSBT 事務局が漁船及び運搬船の正当性を公開されている CCSBT 許可漁船リスト及び CCSBT 許可運搬船リストに照会し確認できるよう、オブザーバーの派遣の前に CCSBT に対し通報する。
- f. IOTC 決議 08/02 において指定されている任務に加えて、SBT の転載を監督する転載オブザーバーは、次を行う。
- 2010 年 1 月 1 日以降、転載の詳細(日付、名称及び運搬船に関する登録)が正しく記入されていること及び製品の転載が CCSBT 転載決議⁶に従って監督されたことを示すため、CCSBT の CDS 文書の転載確認セクションへの署名。
10. 本 MOU に基づく運用により IOTC 事務局に課せられる追加の費用(例 オブザーバーとして求められる追加の訓練及び保険)は、IOTC 転載費用回収メカニズムを通じて、関係 CPC's から回収される。これは、過去 3 箇年の IOTC 条約水域における SBT の平均漁獲量に比例して、CCSBT の参加船団間でこれらの費用を分担することを含む。費用については IOTC が追って請求する。
11. 本 MOU は、2009 年 4 月 1 日から 12 ヶ月の間効力を有する。CCSBT 又は IOTC の事務局が別の決定をし、書面をもって通知しない限り、毎年 4 月 1 日から 12 ヶ月の間効力を有するよう自動更新される。どちらの事務局も、一方の事務局に書面により通知することで、時を選ばず MOU を終了させることができる。

署名及び日付

 ロバート・ケネディ
 事務局長
 みなみまぐろ保存委員会

 アレハンドロ・アンガヌジ
 事務局長
 インド洋まぐろ類委員会

日付:_____

日付:_____

⁶ CDS 文書に記載された製品とオブザーバーが記録した数量との差異は、オブザーバー報告書(CDS 文書ではない)に記録され、オブザーバーは CDS 文書への署名を妨げられない。