

**RESOLUTION 11/02****ON THE PROHIBITION OF FISHING ON DATA BUOYS**

APPLICABLE TO



The aim of this Resolution is to prevent damage to data buoys by fishing vessels. “Data buoys” are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities. It applies to CPCs with flag vessels operating in the IOTC area.

**REPORTING REQUIREMENTS**

In this Resolution the reporting requirements are not mandatory. CPCs must “encourage” their fishing vessels to report to them about data buoys, and CPCs are “encouraged” to communicate to the Commission the location of data buoy assets.

WHO

CPC FLAG STATE

WHAT

Report to the Secretariat on any damaged or inoperable data buoys, along with their location and identifying information

Communicate to the Commission through the Secretariat the location of data buoy assets that they have deployed throughout the IOTC area

WHEN**DEADLINE***Any time (event-based reporting)***DEADLINE***Any time (event-based reporting)*

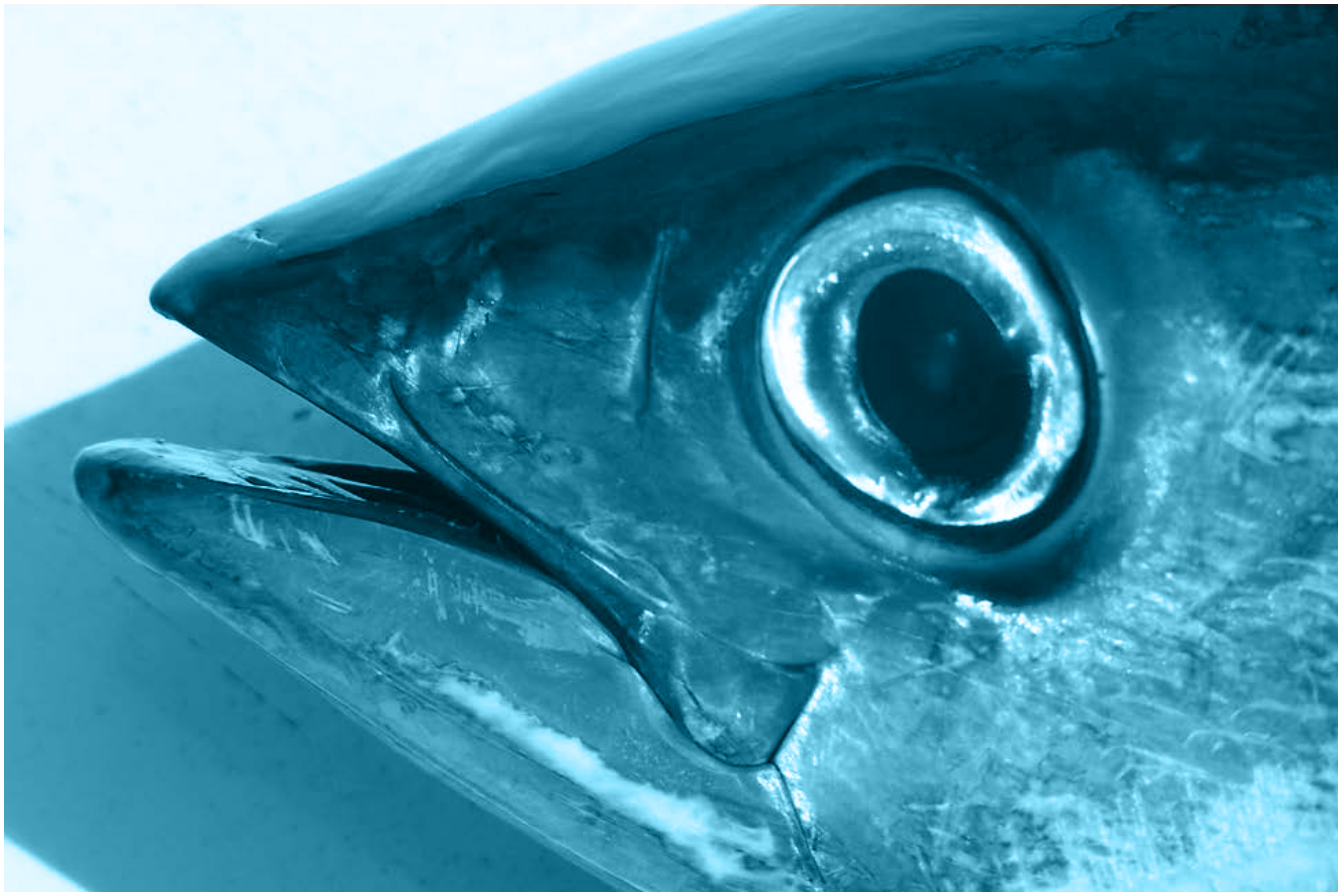
REPORTING REQUIREMENTS: FORMAT AND CONTENT

REPORTING REQUIREMENT 1:

FLAG STATES TO REPORT ON ANY DAMAGED OR INOPERABLE DATA BUOYS ALONG WITH THEIR LOCATION AND IDENTIFYING INFORMATION. (PARA 6)

IMPLEMENTATION

- How to report: The flag State CPC should address an official letter to the Commission (through the Secretariat) reporting details and action taken. Supporting evidence should be annexed to the letter, which can be attached to the Report of Implementation.
- Reporting format: Official letter with annexes attached to the Report on Implementation.
- Where to send the information: The letter should be sent to iotc-secretariat@fao.org



REPORTING REQUIREMENT 2:

ALL STATES TO COMMUNICATE TO THE COMMISSION, THROUGH THE IOTC SECRETARIAT, THE LOCATION OF DATA BUOY ASSETS THAT THEY HAVE DEPLOYED THROUGHOUT THE IOTC AREA. (PARA 8)

IMPLEMENTATION

- How to report: The flag State CPC should address an official letter to the Commission (through the Secretariat), where it provide the location of data buoy deployed.
- Reporting format: Official letter.
- Where to send the information: The letter should be sent to iotc-secretariat@fao.org

TRANSPOSITION INTO NATIONAL LAW

Proposed Legislative Framework

TO PROVIDE FOR THE PROHIBITION OF FISHING AROUND, AND OPERATION OF DATA BUOYS (PARAS 1 – 5)

1. For the purposes of this section, “data buoys” mean floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities.
2. The operator of any fishing vessel in waters under national jurisdiction, or of any [country] fishing vessel [within the IOTC area of competence] [beyond areas of national jurisdiction] shall not [intentionally] cause or allow fishing within one nautical mile of or interacting with a data buoy, which includes, inter alia:
 - a. encircling the buoy with fishing gear;
 - b. tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or
 - c. cutting a data buoy anchor line.
3. Notwithstanding subsection 2, vessels operating under scientific research programs notified to the Commission may operate fishing vessels within one nautical mile of a data buoy on the condition that they do not fish or interact with those data buoys as prohibited in subsection 2.
4. The operator of any fishing vessel in the maritime zones, or of any [country] fishing vessel [within the IOTC area of competence] [beyond areas of national jurisdiction] shall:
 - a. not cause or allow to be taken on board a data buoy while engaged in fishing for tuna and tuna-like species in the IOTC area of competence, unless specifically authorised or requested to do so by the [country] or owner responsible for that buoy;
 - b. keep watch keep watch for moored data buoys at sea and take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys; and
 - c. where the fishing vessels becomes entangled with a data buoy, remove the entangled fishing gear with as little damage to the data buoy as possible.





COOPERATION REQUIREMENTS

None in this Resolution.

OBLIGATIONS OF THE INDUSTRY

Following are actions that CPCs must encourage or require their flag vessels to undertake.

- Fishing vessels operating in the IOTC area must avoid fishing gear entanglement or directly interacting in any way with those data buoys.
- Fishing vessels that become entangled with a data buoy must remove the entangled fishing gear with as little damage to the data buoy as possible.
- Fishing vessels must report to flag State regarding any data buoys observed to be damaged or otherwise inoperable along with the date of observation, buoy location, and any discernable identifying information contained on the data buoy.

OBLIGATIONS OF THE SECRETARIAT

None in this Resolution.

OBLIGATIONS OF THE COMMISSION & BODIES

None in this Resolution.



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