
**RESOLUTION ON AN IOTC YELLOWFIN TUNA CATCH DOCUMENTATION
SCHEME**

SUBMITTED BY THE EUROPEAN COMMUNITY

Explanatory Memorandum

EC PROPOSAL FOR AN

**IOTC RESOLUTION ON AN IOTC YELLOWFIN TUNA CATCH DOCUMENTATION
PROGRAMME**

This measure is intended to help support the implementation of conservation and management measures as well as scientific research for yellowfin tuna stocks, considering the higher and higher pressure on yellowfin tuna stock in the Indian Ocean, and the impact which market factors have on these resources and fisheries.

IOTC has adopted some conservation and management measures for yellowfin tuna aiming the conservation and a responsible exploitation of its stocks, notably in order to freeze the fishing capacity of the fleets targeting this stock as well as to minimize the impact of illegal, unregulated and unreported (IUU) fishing in the IOTC area.

Flag States have the duty to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures. In addition there is a need for improvement and strict control on all the components involved in the yellowfin tuna fisheries. Port States remain responsible to promote the effectiveness of management measures adopted by regional fisheries management organizations.

Moreover, there is a complementary role of importing States that also have the control of the catches of yellowfin tuna to ensure compliance with IOTC conservation and management measures. An effective control of the movements of yellowfin tuna, strict tracking of the product from the point of capture throughout the whole operation to its final market, has to be established.

In conformity with international law, notably as regards the World Trade Organization (WTO), and to ensure that yellowfin tuna entering markets of CPCs is caught in the Agreement establishing the IOTC area in a manner that does not diminish the effectiveness of IOTC conservation and management measures.

In order to be consistent, notably with the management measures taken in other RFMO, and to improve the results of the measures aiming conservation of the yellowfin stock in the Indian Ocean it is recommended to implement a new catch documentation contributing to a better management of this stock.

In fact, yellowfin stock in IOTC area of competence has shown a negative trend that should be inverted. One of the most important means to do so is better control the trade of yellowfin products as trade remains an important trigger element for unsustainable catches.

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the impact that market factors have on the fishery;

TAKING INTO ACCOUNT the available scientific information and advice, in particular the IOTC Scientific Committee conclusions whereby the yellowfin stocks might have been overexploited during the years 2003-2006

CONCERNED by the impact that illegal, unregulated and unreported (IUU) fishing has in the Convention area;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures;

NOTING the need for improved and strict control on all the components involved in the yellowfin tuna fishery;

MINDFUL of the rights and obligations of port States to promote the effectiveness of management measures adopted by regional fisheries management organizations;

UNDERLINING the complementary role that importing States also have in the control of the catches of yellowfin tuna to ensure compliance with IOTC conservation and management measures;

RECOGNIZING that in order to have effective control of the movements of yellowfin tuna, strict tracking of the product from the point of capture throughout the whole operation to its final market has to be established;

COMMITTED to taking steps that conform with international law, notably as regards the World Trade Organization (WTO), and to ensure that yellowfin tuna entering markets of Commission Members, Associate members of IOTC and non-members of IOTC is caught in the Agreement establishing the IOTC area in a manner that does not diminish the effectiveness of IOTC conservation and management measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for yellowfin tuna stocks;

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

PART I

GENERAL PROVISIONS

1. Each Contracting party and Cooperating Non-Contracting parties (hereafter referred to as CPCs) shall take the necessary steps to implement a IOTC Yellowfin Tuna Catch Documentation Programme (YTCP) for the purpose of identifying the origin of any yellowfin tuna in order to support the implementation of conservation and management measures.
2. For the purpose of this Programme:
 - a) "Domestic trade" means:
 - trade of yellowfin tuna caught in the IOTC area by a vessel in the territory of the CPC where the vessel is flagged, and
 - trade between the Member States of the European Community of yellowfin tuna caught in the IOTC area by vessels flagged to one Member State.

b) "Export" means:

Any movement of yellowfin tuna in its caught or processed form from the territory of the CPC where the fishing vessel is flagged to the territory of another CPC or non-Member to the IOTC, or from the fishing grounds to the territory of a CPC which is not the flag CPC of the fishing vessel or to the territory of a non-Member to the IOTC.

c) "Import" means:

Any introduction of yellowfin tuna in its caught or processed form into the territory of a CPC, which is not the CPC where the fishing vessel is flagged.

d) "Re-export" means:

Any movement of yellowfin tuna in its caught or processed form from the territory of a CPC where it has been previously imported.

3. Each consignment of yellowfin tuna domestically traded, imported into or exported or re-exported from its territories shall be accompanied by a validated Yellowfin Catch Document (YCD) and, as applicable, a validated Yellowfin Tuna Re-export Certificate (YTRC). Any such landing, transshipment, delivery, catch, domestic trade, import, export or re-export of yellowfin tuna without an YCD or an YTRC shall be prohibited.
4. Each CPC shall provide YCD forms only to vessels authorized to catch yellowfin in the Convention area. Such forms are not transferable. Each YCD form shall have a unique document identification number. Document numbers shall be specific to the flag State and assigned to the vessel.

PART II

VALIDATION OF YELLOWFIN CATCH DOCUMENTS (YCDs)

5. The fishing vessel master, or its authorized representative, or the authorized representative of the flag State shall complete the YCD by providing the required information in appropriate sections and request validation in accordance with paragraph 7 for an YCD for catch landed, caught or transhipped on each occasion that it lands, catches or tranships yellowfin tuna.
6. A validated YCD shall include the information identified in **Annex 1** attached.
7.
 - a) The YCD must be validated by an authorized government official, or other authorized individual or institution, of the flag State of the vessel.
 - b) The flag CPCs shall validate the YCD for all yellowfin tuna products only when all the information contained in the YCD has been established to be accurate as a result of the verification of the consignment, and only [when the accumulated validated amounts are within their quotas, catch or effort limits of each management year and] when those products comply with all relevant provisions of the conservation and management measures.
8. Where the yellowfin tuna quantities caught and landed are less than 1 metric ton or three fish, the logbook or the sales note may be used as a temporary YCD, pending the validation of the YCD within seven days and prior to export.

PART III

VALIDATION OF YELLOWFIN TUNA RE-EXPORT CERTIFICATES (YTRCs)

8. Each CPC shall ensure that each yellowfin tuna consignment which is re-exported from its territory be accompanied by a validated yellowfin tuna re-export certificate (YTRC).
9. The operator who is responsible for the re-export shall complete the YTRC by providing the required information in its appropriate sections and request its validation for the yellowfin tuna consignment to be re-exported. The completed YTRC shall be accompanied by a copy of the validated YCD(s) relating to the yellowfin tuna products previously imported.
10. The YTRC shall be validated by an authorized government official or authority.
11. The CPC shall validate the YTRC for all yellowfin tuna product only when:
 - a) all the information contained in the YTRC has been established to be accurate,
 - b) the validated YCD(s) submitted in support to the YTRC had been accepted for the importation of the products declared on the YTRC,
 - c) the products to be re-exported are wholly or partly the same products on the validated YCD(s) and
 - d) a copy of the YCD(s) shall be attached to the validated YTRC.
12. The validated YTRC shall include the information identified in **Annex 2** attached.

PART IV

VERIFICATION AND COMMUNICATION

13. Each CPC shall communicate a copy of all validated YCDs or YTRCs within five working days following the date of validation, or without delay where the expected duration of the transportation should not take more than five working days, to the following:
 - a) the competent authorities of the country where the yellowfin tuna will be domestically traded, or imported, and
 - b) the IOTC Secretariat.
14. The IOTC Secretariat shall extract from the validated YCDs or YTRCs communicated under paragraph 13 above the information marked with an asterisk in **Annex 1** or **Annex 2** and enter this information in a database on a password protected section of its website, as soon as practicable.

At its request, the Scientific Committee shall have access to the catch information contained in the database, except the vessel names.

PART V

VERIFICATION

15. Each CPC shall ensure that its competent authorities, or other authorized individual or institution, take steps to identify each consignment of yellowfin tuna landed in, imported into or exported or re-exported from its territory or among member states of a regional economic organization and request and examine the validated YCD(s) and related documentation of each consignment of yellowfin tuna.

These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the YCD and in related documents and, where necessary, shall carry out verifications at with the operators concerned.

16. If, as a result of examinations or verifications carried out pursuant to paragraph 17 above, a doubt arises regarding the information contained in an YCD, the final importing State and the CPC whose competent authorities validated the YCD(s) or YTRC(s) shall cooperate to resolve such doubts.
17. If a CPC involved in trade of yellowfin tuna identifies a consignment with no valid YCD, it shall notify the findings to the exporting State and, where known, the flag State.
18. Pending the examinations or verifications under paragraph 17 to confirm compliance of the yellowfin tuna consignment with the requirements in the present Conservation and management measure and any other relevant measures, the CPCs shall not grant its release for domestic trade, import or export.
19. Where a CPC, as a result of examination or verifications under paragraph 16 above and in cooperation with the validating authorities concerned, determines that a YCD or YTRC is invalid, the domestic trade, import, export or re-export of the yellowfin tuna concerned shall be prohibited.
20. The Commission shall request the non-Members that are involved in domestic trade, import, export or re-export of yellowfin tuna to cooperate with the implementation of the Programme and to provide to the Commission data obtained from such implementation.

PART VI

NOTIFICATION AND COMMUNICATION

21. Each CPC that validates YCDs in respect of its flag vessels and/or YTRCs, shall notify the IOTC Secretariat of the government authorities which have been designated for the validation and the verifications of YCDs and YTRCs (name and full address) and, where appropriate, name and title of the validating officials who are individually empowered, sample form of document, sample impression of stamp or seal, and as appropriate tag samples) responsible for validating and verifying YCDs or YTRCs.

This notification shall indicate the date at which this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the yellowfin tuna catch documentation program shall be communicated with the initial notification. Updated details on validating authorities and national provisions shall be communicated to the IOTC Secretariat in a timely fashion.

22. The information on validating authorities transmitted by notifications to the IOTC Secretariat shall be placed on a password protected page of the database on validation held by the IOTC Secretariat. The list of the CPCs having notified their validating authorities and the notified dates of entry into force of the validation shall be placed on a publicly accessible website held by the IOTC Secretariat.

CPCs are encouraged to access this information to help verify the validation of YCDs and YTRCs.

23. Each CPC shall notify to the IOTC Secretariat the points of contact (name and full address of the authorities that should be notified when there are questions related to YCDs or YTRCs.
24. Copies of validated YCDs and notification pursuant to paragraphs 21, 22 and 23 shall be sent by CPCs to the IOTC Secretariat, by electronic means, whenever possible.
25. Copies of YCDs shall follow each part of split shipments or processed product, using the unique document number of the YCD to link them.
26. CPCs shall keep copies of documents issued or received for at least two years.
27. CPCs shall provide to the IOTC Secretariat a report each year by October 1 for the period from July 1 of the preceding year to June 30 of the current year to provide the information described in **Annex 3**.

The IOTC Secretariat shall post these reports on a password protected section of the IOTC website, as soon as practicable. At its request, the Scientific Committee shall have access to the reports received by the IOTC Secretariat.

28. This resolution enters in force the 1 January 2010

Annex 1

Data to be Included in Yellowfin Tuna Catch Document (YCD)

1. IOTC Yellowfin tuna catch document number*

2. Catch Information

Vessel name*

Flag State*

IOTC Record No.

Date, area of catch and gear used*

Number of fish(when possible) / total weight and average weight*

3. Transshipment information (if applicable)

Carrier vessel description

Flag State

Date

Port (name and country or position)

Product description

(F/FR; RD/GG/DR/FL/OT)

Total weight (NET)

4. Trade information

Product description

(F/FR; RD/GG/DR/FL/OT)

Total weight (NET)

Exporter/Seller information

Point of export or departure*

Export company name, address, signature and date

Description of transportation (relevant documentation to be attached)

Importer/buyer information

Point of import or destination*

Import company name, address, signature and date

5. Government validation

Name of authority and signatory, title, address, signature, seal and date

IOTC Yellowfin Tuna Catch Document (YCD) Document Number:

CATCH INFORMATION

VESSEL	Name	Flag	IOTC Record Number
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CATCH DESCRIPTION	Date (ddmmyy)	Area	Gear
	Number of fish	Total Weight (Kg)	Average Weight (Kg)
	Tag Numbers (if applicable)		

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GOVT VALIDATION	Name of Authority and Signatory		Title	
	Signature		Date	Seal



TRANSHIPMENT INFORMATION

CARRIER VESSEL DESCRIPTION	Name	Flag	IOTC Record Number
	Date	Port (name and country)/Position (lat/long)	

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PRODUCT DESCRIPTION	F/FR (please circle)	RD/GG/DR/FL/OT (circle one)	Net Wt (kg)
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GOVT VALIDATION	Name of Authority and Signatory		Title	
	Signature		Date	Seal

TRADE INFORMATION			
PRODUCT DESCRIPTION	F/FR (please circle)	RD/GG/DR/FL/OT (circle one)	Net Wt (kg)
EXPORTER/SELLER	Pt of export/departure	Company	Address
	Signature	Date	
TRANSPORTATION DESCRIPTION	(relevant information to be attached)		
GOVT VALIDATION	Name of Authority and Signatory	Title	
	Signature	Date	Seal
IMPORTER/BUYER	Port of Import/Destination	Company	Address
	Signature		Date

Annex 2

Data to be Included in the Yellowfin Tuna Re-export Certificate (YTRC)

1. Document number of the YTRC*

2. Re-export section

Re-exporting CPC/Entity/Fishing Entity

Point of re-export*

3. Description of imported yellowfin tuna

Product type F/FR RD/GG/DR/FL/OT

Net weight (kg)

YCD number(s) and date(s) of importation*

Flag(s) of fishing vessel(s)

4. Description of yellowfin tuna to be re-exported

Product type F/FR RD/GG/DR/FL/OT*

Net weight (kg)*

Corresponding YCD number(s) from section 3

5. Statement of re-exporter

Name

Address

Signature

Date

6. Validation by governmental authorities

Name and address of the authority

Name and position of the official

Signature

Date

Government seal

7. Import section

Statement by the importer in the CPC of import of the yellowfin tuna consignment

Name and address of the importer

Name and signature of the importer's representative and date

Point of import: City and CPC*

Note – Copies of the YCD(s) and Transport document(s) shall be attached

IOTC Yellowfin Tuna Re-export Certificate Document Number:				
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED YELLOWFIN TUNA				
Product Type F/FR RD/GG/DR/FL/OT	Net Weight (Kg)	Flag CPC	Date of import	YCD N°.
4. DESCRIPTION OF YELLOWFIN TUNA FOR RE-EXPORT				
Product Type F/FR RD/GG/DR/FL/OT	Net Weight (Kg)	Corresponding YCD number		
F= Fresh, FR=Frozen, RD=Round, GG=Gilled & Gutted, DR=Dressed, FL=Filet, OT=Others (Describe the type of the product:)				
5. RE-EXPORTER STATEMENT:				
I certify that the above information is complete, true and correct to the best of my knowledge and belief.				
Name	Address	Signature	Date	
6. GOVERNMENT VALIDATION				
I validate that the above information is complete, true and correct to the best of my knowledge and belief.				

Total weight of the shipment: Kg

Name & Title

Signature

Date

Government Seal

IMPORT SECTION

7. IMPORTER STATEMENT:

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Importer Certification

Name

Address

Signature

Date

Final point of import: City

State/Province

CPC

Valid transport documents and copies of YCD shall be attached

Annex 3

Report on the Implementation of the IOTC Yellowfin Tuna Catch Documentation Programme

Reporting CPC:

Period of reference: July 1 [2XXX] to June 30 [2XXX]

1. Information extracted from YCDs

- number of YCDs validated;
- number of validated YCDs received;
- total amount of yellowfin tuna products traded domestically, with breakdown by fishing areas and fishing gears;
- total amount of yellowfin tuna products imported, exported, re-exported with breakdown by CPC of origin, re-export or destination, fishing areas and fishing gears;
- number of verifications of YCDs requested to other CPCs and summary results;
- number of requests for verifications of YCDs received from other CPCs and summary results;
- total amount of yellowfin tuna consignments subject to a prohibition decision with breakdown by products, nature of operation (domestic trade, import, export, re-export, transfer to farms), reasons for prohibition and CPCs and/or non-Members of origin or destination.

2. Information on cases under Part V paragraph 15

- number of cases
- total amount of yellowfin tuna with breakdown by products, nature of operation (domestic trade, import, export, re-export), CPCs or other countries referred to in Part V paragraph 15 above.