

07 June 2018

## IOTC CIRCULAR 2018-26

Dear Sir/Madam

### CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY THE IOTC AT ITS 22<sup>ND</sup> SESSION

I have the honour to transmit to you the texts of the ten (10) Conservation and Management Measures adopted by the Commission at its 22<sup>nd</sup> Session, held in Bangkok, Thailand, from 21 to 25 May 2018.

**Pursuant to Article IX.4 of the IOTC Agreement, these Conservation and Management Measures shall become binding on Members, 120 days from the date of this notification, i.e. 04 October 2018.**

- [Resolution 18/01](#) - *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of Competence*
- [Resolution 18/02](#) - *On management measures for the conservation of blue shark caught in association with IOTC fisheries*
- [Resolution 18/03](#) - *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area of Competence*
- [Resolution 18/04](#) - *On BioFAD experimental project*
- [Resolution 18/05](#) - *On management measures for the conservation of the billfishes: striped marlin, black marlin, blue marlin and indo-pacific sailfish*
- [Resolution 18/06](#) - *On establishing a programme for transshipment by large-scale fishing vessels*
- [Resolution 18/07](#) - *On measures applicable in case of non-fulfilment of reporting obligations in the IOTC*
- [Resolution 18/08](#) - *Procedures on a fish aggregating devices (FADs) management plan, including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species*
- [Resolution 18/09](#) - *On a scoping study of socio-economic data and indicators of IOTC fisheries*
- [Resolution 18/10](#) - *On vessel chartering in the IOTC Area of Competence*

The texts of the Conservation and Management Measures adopted are attached herewith.

Yours sincerely



Christopher O'Brien  
Executive Secretary

#### Attachments:

- CMMs adopted in 2018

#### Distribution

**IOTC Contracting Parties:** Australia, China, Comoros, Eritrea, European Union, France (Territories), Guinea, India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Yemen. **Cooperating Non-Contracting Parties:** Bangladesh, Liberia, Senegal. **Intergovernmental Organisations, Non-Governmental Organisations.** Chairperson IOTC. **Copy to:** FAO Headquarters, FAO Representatives to CPCs.

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**RESOLUTION 18/01**  
**ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN THE IOTC AREA OF COMPETENCE**

**Keywords:** Yellowfin tuna, Kobe Process, MSY, Precautionary Approach

**The Indian Ocean Tuna Commission (IOTC),**

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing States, particularly Small Island developing States in Article 24, of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

RECALLING that Article 5, of UNFSA entitles the conservation and management of highly migratory fish stocks are based on best scientific evidence available and with special reference to Resolution 15/10 for a stock where the assessed status places it within the red quadrant, and with an aim to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible;

FURTHER RECALLING that Article 6, of UNFSA, requires the States to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States; FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 12- 14 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular Small Island Developing States, territories, and States with small and vulnerable economies; and Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate;

FURTHER CONSIDERING the report by International Council for the Exploration of Sea and FAO Working Group on Fishing Technology and Fish Behaviour (2006), Gillnets are considered to be one of the least catch controllable and least environmentally sustainable gears;

FURTHER CONSIDERING the recommendations of the 18th Scientific Committee held in Bali, Indonesia, 23 – 27 November 2015 that the catches of yellowfin tuna have to be reduced by 20% of the 2014 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2024;

NOTING THAT the new yellowfin tuna stock assessment produced at the 19th Scientific Committee held in Seychelles mentions: “The stock status determination did not change in 2016, but does give a somewhat more optimistic estimate of stock status than the 2015 assessment, as a direct result of the use of more reliable information on catch rates of longline fisheries and updated catch up to 2015” and that “**Maximum Sustainable Yield (MSY)**:

estimate for the whole Indian Ocean is estimated at 422,000 t with a range between 406,000-444,000 t” and “the 2011-2015 average catches (390,185 t) were below the estimated MSY level;”

FURTHER NOTING that the estimated probability of the Indian Ocean yellowfin tuna stock to be in the red zone of the Kobe plot has decreased from 94% based on 2015 stock assessment to 67.6% based on the 2016 stock assessment and considering other applicable measures within Resolution 16/01 [superseded by Resolution 17/01, then by Resolution 18/01], particularly the 23% reduction in the limit on the number of FADs deployed by tuna purse seiners from 550 to 425 per vessel per year, effective from 1st January 2017, and the supply vessel limitation could help this progressive improvement of the yellowfin tuna stock status;

NOTING THAT supply vessels contribute to the increase in effort and capacity of purse seiners and that the number of supply vessels has increased significantly over the years;

FURTHER CONSIDERING the discussions of the Working Party on Tropical Tuna held in Montpellier, France, 23 – 28 October 2015 on the limitations and the uncertainties in the stock assessment models due to the unavailability of standardized yellowfin tuna CPUE data;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the States to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing States, including Small Island Developing States (SIDS) as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

NOTING THAT Article V (2)(b) of the Agreement for the Establishment of the Indian Ocean Tuna Commission give full recognition to the special interests and needs of Members in the region that are developing countries, in relation to the conservation and management and optimum utilization of stocks covered by this Agreement and encouraging development of fisheries based on such stocks;

FURTHER NOTING THAT Article V(2)(d) requires the Commission to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal States. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, especially Small Island Developing States;

RECOGNIZING FURTHER the interactions that occur between the fisheries for yellowfin, skipjack and bigeye tuna;

CONSIDERING paragraph 12 of Resolution 16/01 [superseded by Resolution 17/01, then by Resolution 18/01] that allows the Commission to review this Interim Plan before 2019;

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

1. This resolution shall apply to all fishing vessels targeting tuna and tuna like species in the Indian Ocean of 24 meters overall length and over, and those under 24 meters if they fish outside the EEZ of their flag State, within the IOTC area of competence.
2. The CPCs will reduce their catch of yellowfin as follows:
3. Purse seine:
  - a) CPCs whose purse seine catches of yellowfin reported for 2014 were above 5000 MT to reduce their purse seine catches of yellowfin by 15 % from the 2014 levels.
  - b) The number of Fish Aggregating Devices (FADs) as defined in Resolution 15/08 [superseded by Resolution 17/08, then by Resolution 18/08], paragraph 7 will be no more than 350 active instrumented buoys and 700 acquired annually instrumented buoys per purse seine vessel per year.

- c) Supply vessels<sup>1</sup>: Supply vessels shall be gradually reduced by 31<sup>st</sup> December 2022 as specified below in (i), (ii), (iii) and (iv). Flag States shall submit plans for reducing the use of supply vessel to the Scientific Committee no later than 31<sup>st</sup> December 2017.
- i. From 1<sup>st</sup> of January 2018 to 31<sup>st</sup> December 2019: 1 supply vessel in support of not less than 2 purse seiners, all of the same flag State.<sup>2</sup>
  - ii. From 1<sup>st</sup> of January 2020 to 31<sup>st</sup> December 2022: 2 supply vessels in support of not less than 5 purse seiners, all of the same flag State.<sup>2</sup>
  - iii. No CPC is allowed to register any new or additional supply vessel on the IOTC Record of Authorized Vessels after 31<sup>st</sup> December 2017.
  - iv. Any further reduction as from 2022 shall be determined by the Commission in light of the advice of the Scientific Committee.
- d) A single purse seine vessel shall not be supported by more than one single supply vessel of the same flag State at any point in time.
- e) Complementary to Resolution 15/08 [superseded by Resolution 17/08, then by Resolution 18/08] on *“Procedures on FADs Management Plan including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species”* and to [Resolution 15/02](#) *“Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)”*, CPC/flag States shall report annually before the 1<sup>st</sup> of January for the coming year of operations which Purse seiners are served by each supply vessel. This information will be published on IOTC website so as to be accessible to all CPCs and is mandatory. In the light of assessments made available by the Working Group (WG) on dFADs and the Scientific Committee, the Commission shall update, if necessary the above limits in point b) and c).
4. Gillnet: CPCs whose Gillnet catches of yellowfin reported for 2014 were above 2000 MT to reduce their Gillnet catches of yellowfin by 10 % from the 2014 levels.
5. Longline: CPCs whose Longline catches of yellowfin reported for 2014 were above 5000 MT to reduce their Longline catches of yellowfin by 10 % from the 2014 levels.
6. CPCs’ other gears: CPCs whose catches of yellowfin from other gears reported for 2014 were above 5000 MT to reduce their other gear catches of yellowfin by 5 % from the 2014 levels.
7. Flag States will determine appropriate methods for achieving these catch reductions, which could include capacity reductions, effort limits, *etc.*, and will report to the IOTC Secretariat in their Implementation Report, the measures they have taken.
8. CPCs shall monitor the yellowfin tuna catches from their vessels in conformity with Resolution 15/01 *“On the recording of catch and effort data by fishing vessels in the IOTC area of competence”* and Resolution 15/02 *“Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non Contracting Parties (CPCs)”* and will provide a summary of most-recent yellowfin catches for the consideration of the IOTC Compliance Committee.
9. Each year, the Compliance Committee shall evaluate the level of compliance with the catch limits deriving from this Resolution and shall make recommendations to the Commission accordingly. The Scientific Committee

<sup>1</sup> For the purpose of this Resolution, the term “supply vessel” includes “support vessel”.

<sup>2</sup> The subparagraphs (i) and (ii) shall not apply to flag States which use only one supply vessel.

via its Working Party on Tropical Tunas, shall in 2018, conduct a new assessment of the status of the Yellowfin stock using all available data.

10. The Scientific Committee via its Working Party on Tropical Tunas shall in 2018 undertake an evaluation of the effectiveness of the measures detailed in this Resolution, taking into account all sources of fishing mortality and possible alternatives aiming at returning and maintaining biomass levels at the Commission's target level. After consideration of the results of this evaluation, the Commission shall take corrective measures accordingly.

11. The Commission shall, based on the improved artisanal fishery data and the assessment of the state and impact of the artisanal fishery on the yellowfin stocks, take appropriate measures on the management of the artisanal yellowfin tuna fishery, at its Commission meeting in 2018.

12. The measures contained within this Resolution shall be considered as interim measure and will be reviewed by the Commission no later than at its annual Session in 2019.

13. The provisions of paragraphs 3, 4, 5 and 6 shall be applicable to Small Island Developing States, Least Developed Countries and Small Vulnerable Economies on catches of yellowfin reported for 2014 or 2015.

14. Nothing in this resolution shall pre-empt or prejudice future allocation.

15. This Resolution supersedes IOTC Resolution 17/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock*.

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## **RESOLUTION 18/02**

### **ON MANAGEMENT MEASURES FOR THE CONSERVATION OF BLUE SHARK CAUGHT IN ASSOCIATION WITH IOTC FISHERIES**

**Keywords:** Blue shark, Catch limits, scientific research, reference points, data collection, catch reporting

**The Indian Ocean Tuna Commission (IOTC),**

RECALLING the Resolution 17/05 on the conservation of sharks caught in association with fisheries managed by IOTC aims the sustainability of shark fisheries and the protection of sharks;

RECALLING the Resolution 12/01 on the implementation of the precautionary approach calls on IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to apply the precautionary approach in accordance with Articles 5 and 6 of the United Nations Fish Stocks Agreement;

RECALLING the Resolution 15/01 on the recording of catch and effort data by fishing vessels in the IOTC area of competence fixes the IOTC data record system;

RECALLING the Resolution 15/02 on the Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) defines the catch and catch related information to be provided by CPCs to the IOTC secretariat;

RECALLING that United Nations General Assembly Resolution on Sustainable Fisheries, adopted annually by consensus, since 2007 (62/177, 63/112, 64/72, 65/38, 66/68, 67/79, 68/71, 69/109, 70/75 and 71/123) calls upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organisation or arrangement measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with fins naturally attached;

CONSIDERING that pending the results of the new stock assessment, it is advisable to avoid an increase in levels of catches of blue shark while simultaneously adopt measures to improve data collection and monitoring of catches;

CONSIDERING that the average estimated catches of blue shark are much higher than the reported catches;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. To ensure the conservation of the blue shark (*Prionace glauca*) stock in the Indian Ocean, Contracting Parties and Cooperating non-Contracting Parties, (CPCs) whose vessels catch blue shark in the IOTC Convention Area shall ensure that effective management measures are in place to support the sustainable exploitation of this stock in line with IOTC's Convention objective by undertaking the following management measures:

***Recording, Reporting, and Use of the Catch Information***

2. In order to curb the level of unreported catches, each CPC shall ensure that its vessels catching blue shark in association with IOTC fisheries in the Agreement area record their catch in accordance with the requirements set out in the Resolution 15/01 on the recording of catch and effort data by fishing vessels in the IOTC area of competence or any Resolution superseding it.
3. CPCs shall implement data collection programmes that ensure improved reporting of accurate blue shark catch, effort, size and discard data to IOTC in full accordance with the Resolution 15/02 on the Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs), or any Resolution superseding it.

4. CPCs shall include in their national Annual Reports to the Scientific Committee information on the actions they have taken domestically to monitor catches.

### ***Scientific Research***

5. CPCs are encouraged to undertake scientific research on blue shark that would provide information on key biological/ecological/behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices. Such information shall be made available to the Working Party on Ecosystem and Bycatch and Scientific Committee through working documents and the national Annual Reports.
6. In light of the results of the next stock assessment of blue shark in 2021, the Scientific Committee shall provide advice, if possible, on options for candidate limit, threshold and target reference points for the conservation and management of this species in the IOTC Convention area.
7. The Scientific Committee shall also provide advice, at the latest by 2021, on potential management options for ensuring long-term sustainability of the stock, such as mitigation measures to reduce the mortality of blue shark, improving selectivity of fishing gears, spatial/temporal closures or minimum conservation sizes.

### ***Final Provisions***

8. Based on the review and the results of the next stock assessment, updated reported catch information by each CPC and taking into account the Scientific Committee's advice, the Commission shall consider, at its 2021 meeting, the adoption of conservation and management measures, which could include the catch limit for each CPC to be decided taking into account the most recent reported catch information or bycatch mitigation such as a ban on wire trace/shark line for blue shark as appropriate.

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## RESOLUTION 18/03

### ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

**Keywords:** IUU, illegal, unreported and unregulated fishing

**The Indian Ocean Tuna Commission (IOTC),**

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

RECALLING that the IOTC adopted Resolution 01/07 [superseded by Resolution 14/01] concerning its support of the IPOA-IUU;

RECALLING that IOTC has already adopted measures against IUU fishing activities;

RECALLING that the IOTC adopted Resolution 07/01 to promote compliance by nationals of Contracting Parties and Cooperating Non-Contracting Parties with IOTC Conservation and Management Measures;

RECALLING ALSO that the IOTC adopted Resolution 07/02 [superseded by Resolution 13/02, then by Resolution 14/04, then by Resolution 15/04] to enhance the implementation of IOTC Conservation and Management Measures through establishing a Record of fishing vessels authorised to operate in the IOTC area of competence;

RECOGNISING that IUU fishing activities may be linked with serious and organised crime;

CONCERNED by the fact that IUU fishing activities in the IOTC area of competence continue, and these activities diminish the effectiveness of IOTC Conservation and Management Measures;

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities who have re-flagged their vessels to avoid compliance with IOTC Conservation and Management Measures;

DETERMINED to address the challenge of an increase in IUU fishing activities by way of countermeasures to be applied in respect of the vessels engaged in IUU fishing, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments;

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities;

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement;

TAKING INTO ACCOUNT the basic principles for adopting measures for cross-listing vessels listed as IUU by other RFMOs endorsed in the recommendations of the 3<sup>rd</sup> Joint Meeting of the Tuna RFMO, held in La Jolla, California in 2011;

ACKNOWLEDGING the need to preserve the decision-making authority of IOTC in any cross-listing decision by ensuring that members have the opportunity to consider each vessel on a case-by-case basis prior to its

inclusion in the IOTC IUU vessel list;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

### **Use of terms**

1. For the purpose of this Resolution:
  - a) 'Owner' means the natural or legal person registered as the owner of a vessel;
  - b) 'Operator' means the natural or legal person who is responsible for taking commercial decisions regarding the management and operation of a vessel and includes a charterer of the vessel;
  - c) 'Master' means any person holding the most responsible position at any given time on-board a fishing vessel;
  - d) 'fishing' means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, taking or harvesting of fish;
  - e) 'fishing related activities' means any operation in support of, or in preparation for, fishing, including landing, packaging, processing, transshipment or transport of fish and/or fish products that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear, food and other supplies at-sea;
  - f) 'Information' means suitably and sufficiently documented data which is capable of being presented as evidence to the Compliance Committee and/or Commission of any facts in issue,
  - g) the singular also includes the plural.

### **Application of this measure**

2. This Resolution applies to vessels, together with their Owners, Operators and Masters that undertake fishing and fishing related activities, for species covered by the IOTC Agreement, or by IOTC Conservation and Management Measures, within the IOTC area of competence (IOTC Area).

### **Objective**

3. This Resolution sets out rules and procedures for the maintenance and updating by the Commission of the system of lists of vessels considered to be involved in illegal, unreported and unregulated (IUU) fishing activities and which comprises:
  - a) the Draft IOTC IUU Vessel List (Draft IUU Vessel List);
  - b) the Provisional IOTC IUU Vessel List (Provisional IUU Vessel List); and
  - c) the IOTC IUU Vessel List (IUU Vessel List).

### **Definition of IUU Fishing Activities**

4. For the purposes of this Resolution a vessel is presumed to have engaged in IUU fishing activities

when a Contracting Party or Cooperating Non-Contracting Party (hereinafter referred to as “CPCs”) has provided information that such a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

- a) engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or
- b) engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable unless that vessel is flagged to a CPC ; or
- c) failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or
- d) taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or
- e) engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or
- f) used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or
- g) transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to Receive Transhipments At-Sea in the IOTC Area; or
- h) engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel)<sup>1</sup>; or
- i) engaged in fishing or fishing related activities whilst being without nationality; or
- j) engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or
- k) engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures

### **Submission of information on IUU Fishing Activities**

5. A CPC in possession of information that one or more vessels has engaged in IUU fishing activities within the IOTC Area within a 24 month period prior to the annual meeting of the Compliance Committee shall submit a list of such vessels to the IOTC Executive Secretary. Such submission shall be made at least 70 days before the annual meeting of the Compliance

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<sup>1</sup> For the purposes of this subparagraph, a vessel that is recorded on the IOTC Record of Authorised Vessels shall not be presumed to have engaged in IUU fishing activities when a Fish Aggregating Device (FAD) it has deployed has drifted into waters that are under the national jurisdiction of a coastal State without its permission or authorization. However, if the vessel retrieves or fishes on a FAD in a Coastal State’s waters without its permission or authorization, the vessel is presumed to have engaged in IUU activities

Committee using the IOTC Reporting Form for Illegal Activity (**Annex I**).

6. A list submitted by a CPC (the nominating CPC) in accordance with paragraph 5, shall be accompanied by information concerning the IUU fishing activity of each of the listed vessels including but not limited to:
  - a) reports regarding the alleged IUU fishing activity from CPCs relating to IOTC Conservation and Management Measures in force;
  - b) trade information obtained on the basis of relevant trade statistics such as those from statistical documents and other national or international verifiable statistics;
  - c) any other information obtained from other sources and/or gathered from the fishing grounds such as:
    - i. information gathered from inspections undertaken in port or at sea; or
    - ii. information from coastal States including VMS transponder or AIS data, surveillance data from satellites or airborne or seaborne assets; or
    - iii. IOTC programmes, except where such a programme stipulates that information gathered is to be kept confidential; or
    - iv. information and intelligence collected by third parties either provided directly to a CPC or via the IOTC Executive Secretary pursuant to paragraph 7.
7. When the IOTC Executive Secretary receives information and intelligence from third parties indicating alleged IUU fishing activities, the IOTC Executive Secretary shall transmit the information to the flag State of the vessel and each CPC. Where the flag State of the vessel is a CPC, if requested by any other CPC through the IOTC Executive Secretary, it shall investigate the allegation and shall report the progress of the investigation to the IOTC Executive Secretary within 60 days. Where the flag State is not a CPC, if requested by any CPC the IOTC Executive Secretary shall request it to investigate the allegation and report the progress of the investigation to the IOTC Executive Secretary within 60 days. The IOTC Executive Secretary shall then, as soon as practicably possible, notify each CPC and the flag State of each vessel concerned, together with such compiled information as has been received. Where the alleged IUU activities occurred in the waters of a coastal State CPC of IOTC, the CPC concerned may seek to include the vessel on the draft IUU list (paragraph 6(c).iv). Where the alleged IUU activities occurred in areas beyond national jurisdiction within the IOTC Area any concerned CPC may seek to include the vessel on the draft IUU list.

#### **Draft IOTC IUU Vessel List**

8. On the basis of the information received pursuant to paragraphs 5, 6 and 7, the IOTC Executive Secretary shall draw up a Draft IUU Vessel List incorporating the information in the format set out in **Annex II**. The IOTC Executive Secretary shall then transmit the Draft IUU Vessel List together with the compiled information to each CPC and to the flag State of each vessel included on the Draft IUU Vessel List at least 55 days before the Annual Meeting of the Compliance Committee.

9. The flag State of a vessel included on the Draft IUU Vessel List shall be requested to:
  - a) notify the Owner, Operator and the Master of the vessel of the fact of its inclusion in the Draft IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the Commission, and
  - b) closely monitor the vessels included in the Draft IUU Vessel List in order to determine their activities and possible changes of use, name, flag and/or registered Owner.
10. The flag State of a vessel included on the Draft IUU Vessel List may transmit to the IOTC Executive Secretary at least 15 days before the Annual Meeting of the Compliance Committee, any comments and information about listed vessels and their activities, including information pursuant to Paragraph 9.a) and 9.b) and information showing that the listed vessels either have or have not:
  - a) conducted fishing activities in a manner consistent with IOTC Conservation and Management Measures in force; or
  - b) conducted fishing activities in a manner consistent with the laws and regulations of a coastal State when fishing in the waters under the jurisdiction of that State, and with the law and regulations of the flag State and the Authorisation to Fish; or
  - c) conducted fishing activities exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures.
11. The IOTC Executive Secretary shall compile any new information received from CPCs and flag States regarding vessels on the Draft IUU Vessel List and, pursuant to paragraphs 22 and 23, those on the IUU Vessel List and circulate that information to all CPCs and to the flag States of vessels on the lists at least 10 days prior to the annual session of the Compliance Committee together with the completed checklist, **Annex III** and where applicable, **Annex IV**.
12. A CPC may at any time submit to the IOTC Executive Secretary any additional information regarding vessels on the Draft IUU list, which might be relevant to the establishment of the IUU Vessel List. If the IOTC Secretariat receive this information after the Draft IUU Vessel List has been circulated to CPCs, it will circulate the information to all CPCs and to the flag States of listed vessels as soon as practicable.

#### **Provisional IOTC IUU Vessel List**

13. The IOTC Compliance Committee shall each year at its Annual Meeting examine the Draft IUU Vessel List, as well as the information submitted, any comments received from the flag State of a vessel included on the Draft IUU Vessel List together with any additional information submitted by any CPC. If the IOTC Compliance Committee is satisfied that the documented information establishes that the vessel carried out IUU fishing activities, it shall include the vessel or vessels concerned in the Provisional IUU Vessel List.
14. The Compliance Committee shall not include a vessel in the Provisional IUU Vessel List if:
  - a) the nominating CPC did not follow the provisions of paragraphs 5 and 6; or
  - b) on the basis of the information available, the Compliance Committee is not satisfied that the presumption of IUU fishing activities referred to in paragraph 4 has been established; or

- c) the flag State of a vessel included in the Draft IUU Vessel List provides information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:
    - i. that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures; or
    - ii. that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or
    - iii. that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures; or
  - d) the flag State of a vessel included in the Draft IUU Vessel List provides information that demonstrates that effective action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements. Every CPC shall report any actions and measures that it has taken in accordance with Resolution 07/01, in order to promote compliance with IOTC Conservation and Management Measures by vessels that fly its flag.
15. In cases where a flag State has not demonstrated the matters referred to in Paragraphs 14.c) or 14.d) or where a flag State has not provided any information under paragraph 10 or during the Compliance Committee meeting, the IOTC Compliance Committee shall include the vessel on the Provisional IUU List and recommend to the Commission that the vessel be included on the IUU Vessel List.
  16. Following the examination referred to in paragraph 13 at each IOTC Annual meeting, the IOTC Compliance Committee shall submit the Provisional IUU Vessel List to the Commission for its consideration. If the Compliance Committee cannot agree as to whether a certain vessel shall be included in the Provisional IUU Vessel List, the List shall include the vessel and the Commission shall decide whether the vessel shall be included in the IUU Vessel List.

#### **IOTC IUU Vessel List**

17. The IOTC Compliance Committee shall each year examine the IUU Vessel List and the information circulated under paragraph 11 and shall recommend to the Commission which, if any, vessels should be added to or removed from the IUU Vessel List.
18. The Commission shall each year at its Annual Meeting review the IUU Vessel List as well as the Provisional IUU Vessel List, and the recommendations adopted by the IOTC Compliance Committee to amend the IUU Vessel List, together with the documented information provided under paragraphs 6, 10, 12, and 30. Based on its review, the Commission may decide to amend the IUU Vessel List by:
  - a) adding or removing vessels; and/or
  - b) rectifying any incorrect details, or inserting new details, about a vessel already included on the IUU Vessel List in accordance with paragraph 30.a).

19. The Commission, acting in accordance with paragraph 18, may amend the IUU Vessel List by consensus. In the absence of consensus, the Commission shall decide upon any proposed amendment by a vote. Voting may be conducted by a secret ballot if a member requests it and this request is seconded. If two thirds or more of the Contracting Parties present and voting support the proposed amendment it shall be considered approved and brought into effect. The outcome of any decision made by the Commission pursuant to this paragraph shall not affect any domestic prosecution or settlement of any sanctions by the nominating or flag States pursuant to paragraphs 4 and 14.d).

#### **Action against IUU Vessels**

20. Following the adoption of the IUU Vessel List, the IOTC Executive Secretary shall request the flag State of every vessel that is included in the list:
  - a) to notify the Owner and Operator of the vessel of its inclusion on the list and the consequences which may result from its inclusion in the list;
  - b) to take all the necessary measures to prevent the vessel from undertaking IUU fishing activities, including withdrawing its fishing licence or the de-registering of the vessel, and to inform the Commission of the measures taken in this respect.
21. A CPC shall take all necessary measures, in accordance with its legislation:
  - a) to ensure that no vessel flying its flag, including any fishing vessel, support vessel, refuelling (supply) vessel, mother-ship or cargo vessel, provides assistance to a vessel included in the IUU Vessel List in any way, or engages in fishing processing operations with such a vessel or participates in transshipment or joint fishing operations with such a vessel, except for the purpose of rendering assistance where such a vessel, or any person on that vessel, is in danger or distress;
  - b) to refuse entry into its ports by any vessel included on the IUU Vessel List, except in case of *force majeure* or where the vessel, or any person on that vessel, is in danger or distress, unless vessels are allowed entry into port for the exclusive purpose of inspection and effective enforcement action;
  - c) to consider giving priority to the inspection of vessels on the IUU Vessel List, if such vessels are otherwise found in their ports;
  - d) to prohibit the chartering of a vessel included on the IUU Vessel List;
  - e) to refuse to grant their flag to vessels included in the IUU Vessel List, except if the vessel has changed Owner and the new Owner has provided sufficient information demonstrating the previous Owner or Operator has no further legal, beneficial or financial interest in, or control of, the vessel; or having taken into account and documented all relevant facts, the flag State determines that granting the vessel its flag will not result in IUU fishing;
  - f) to prohibit the import, landing or transshipment, of tuna and tuna-like species from vessels included in the IUU Vessel List;
  - g) to encourage importers, transporters and other sectors concerned, to refrain from engaging in transactions, including transshipments, relating to tuna and tuna-like species caught by vessels included in the IUU Vessel List;

- h) to collect and exchange with other Contracting Parties or Cooperating Non-Contracting Parties any appropriate information with the aim of detecting, controlling and preventing false import/export certificates for tunas and tuna-like species from vessels included in the IUU Vessel List.

### **Vessel Delisting Procedures**

- 22. The flag State of a vessel included in the IUU Vessel List may request the removal of the vessel from the list at any time, including during the inter-sessional period, by providing information to the IOTC Executive Secretary to demonstrate that:
  - a)
    - i) it has adopted measures such that the vessel Owner and all other nationals employed on that vessel that engage in fishing and fishing related activities within the IOTC Area for species covered by the IOTC Agreement comply with all IOTC Conservation and Management Measures; and
    - ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and
    - iii) it has taken effective action against the Owner, Operator and Master (where appropriate) in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or
  - b) The vessel has changed ownership and that the new Owner can establish that the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or
  - c) The vessel has been sunk or scrapped; or
  - d) Any prosecution and/or sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.
- 23. If a request for the removal of a vessel from the IUU Vessel List is received within 55 to 15 days before the annual Compliance Committee meeting, the request shall be considered at that meeting. The Compliance Committee shall examine the request along with any information provided under paragraph 22 and shall recommend to the Commission whether or not the vessel should be removed from the IUU Vessel List.
- 24. If a request is received more than 55 days before the annual Compliance Committee meeting, the request will be considered in accordance with the intersessional procedure outlined in paragraphs 25-28.
- 25. On the basis of the information received in accordance with paragraph 22, the IOTC Executive Secretary shall transmit the request for removal together with all the supporting information submitted and the checklist in **Annex IV** to all CPCs within 15 days following receipt of the request.

26. The Contracting Parties shall examine the request to remove the vessel and shall notify the IOTC Secretariat of their conclusion to either remove the vessel from, or keep the vessel on, the IUU Vessel List, within 30 days following the notification by the IOTC Executive Secretary.
27. At the end of the 30 day period, the IOTC Executive Secretary shall ascertain the outcome of the CPCs' decision on the proposal in accordance with the following:
  - a) A Vessel Delisting Procedure shall be deemed valid only if at least 50% of the Contracting Parties with voting rights respond to the proposal;
  - b) A proposal shall be considered to have been approved if two thirds or more of the Contracting Parties with voting rights that respond indicate that they support the delisting of the vessel concerned from the IUU Vessel List, and it shall be delisted;
  - c) If fewer than two-thirds of the Contracting Parties with voting rights that respond are in favour of delisting the vessel from the IUU Vessels List it shall not be delisted and the request for delisting shall be considered by the next annual meeting of the Compliance Committee in accordance with the procedure outlined in paragraph 23.
28. The IOTC Executive Secretary shall communicate the result of every decision, along with a copy of the amended IUU Vessel List, to all CPCs, the flag State of the vessel (if not a CPC), and any Non-Contracting Party that may have an interest. The amended IUU Vessel List will have effect immediately after the result of the decision has been communicated.

#### **Publication of the IUU Vessel List**

29. The IOTC Executive Secretary will take any necessary measures to ensure publicity of the IUU Vessel List adopted by IOTC pursuant to paragraph 18, or as amended pursuant to paragraphs 22 to 27, 30, 34, 35 or 36 in a manner consistent with any applicable confidentiality requirements, and through electronic means, including placing it on the IOTC website. Furthermore, the IOTC Executive Secretary shall transmit the IOTC IUU Vessel List as soon as possible to the FAO and to the organisations as set out in Paragraph 31 for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate IUU fishing.

#### **Change of details of vessels included on the IUU Vessels List**

30. A CPC with new or changed information for vessels on the IUU Vessel List in relation to the details in paragraphs 1 to 8 of Annex II shall, as soon as practicable, transmit such information to the IOTC Executive Secretary. The IOTC Executive Secretary shall communicate such information to all CPCs and:
  - a) where the information indicates incorrect details were included at the time the vessel was added to the IUU Vessel List, refer the matter to the Commission for consideration pursuant to paragraph 18.b);
  - b) where the information indicates a change in details since the vessel was added to the IUU Vessel List, seek to verify the information by reference to other information and, after verification, update the relevant details in the IUU Vessel List and re-publicise it in accordance with paragraph 29. If the Secretariat, after reasonable efforts, is unable to verify the information submitted by the CPC the IUU Vessel List will not be updated.

#### **Cross-Listing of vessels included on the IUU Vessels List**

31. The IOTC Executive Secretary shall maintain appropriate contacts, *inter alia*, with the Secretariats of the following organisations in order to obtain their latest IUU vessel lists and any other relevant information regarding the list in a timely manner upon adoption or amendment: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South East Atlantic Fisheries Organisation (SEAFO), the Southern Indian Ocean Fisheries Agreement (SIOFA), the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC).
32. Notwithstanding paragraph 2, IUU vessels listed by the organisations set out in paragraph 31 may be added to or deleted from the IOTC IUU Vessel List, provided that the procedures specified in paragraphs 33 to 38 are followed.
33. In addition to the organisations set out in paragraph 31, the Executive Secretary shall transmit the IOTC IUU Vessel List to a relevant organisation that has expressed an interest to receive such List,
34. Upon receipt of the information outlined in paragraphs 31, the IOTC Executive Secretary shall promptly circulate it to all CPCs for the purpose of amending the IOTC IUU Vessel List.
35. Vessels that have been included in the IUU vessel lists of the organisations set out in paragraph 31 shall be included in the IOTC IUU Vessel List, unless any CPC objects to the inclusion in writing within 30 days of the date of transmittal by the Executive Secretary. The objecting CPC shall explain the reason for the objection.
36. In the event of an objection to the inclusion pursuant to paragraph 35, the case shall be brought to the following session of the Compliance Committee for its examination. The Compliance Committee shall provide a recommendation to the Commission on the inclusion of the relevant vessel/s in the IUU Vessel List.
37. Vessels that have been listed under the procedures specified in paragraphs 34 and 35 and that have been removed from the IUU vessel lists of the relevant organisations set out in paragraph 31 shall be removed from the IOTC IUU Vessel List.
38. Upon the change of the IOTC IUU Vessel List pursuant to paragraphs 34 or 36, the IOTC Executive Secretary shall circulate the amended IOTC IUU Vessel List to all CPCs.

### **General Provisions**

39. Without prejudice to the rights of flag States and coastal States to take action consistent with international law, CPCs shall not take any unilateral trade measures or other sanctions against vessels included in the Draft and/or Provisional IUU Vessel Lists, pursuant to paragraphs 8 and 16 on the grounds that such vessels are involved in IUU fishing activities, or against those vessels removed from the IUU vessels list by the Commission.
40. A summary of the timeframe for actions to be taken in respect of this Resolution is provided in **Annex V**
41. Resolution 17/03 *On Establishing A List Of Vessels Presumed To Have Carried Out Illegal, Unreported And Unregulated Fishing In The IOTC Area* is superseded by this Resolution.

**ANNEX I**  
**IOTC REPORTING FORM FOR ILLEGAL ACTIVITY**

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by [name of CPC, third party] in [area in which the activity took place] .....

**A. Details of Vessel**

*(Please detail the incidents(s) in the format below)*

<b>Item</b>	<b>Definition</b>	<b>Indicate</b>
a	Current Name of Vessel (Previous name/s, if any)	
b	Current Flag (previous flag/s, if any)	
c	Date first included on IOTC IUU Vessel List (if applicable)	
d	Lloyds IMO Number, if available	
e	Photo	
f	Call Sign (previous call sign, if any)	
g	Owner (previous Owner/s, if any)	
h	Operator (previous Operator/s, if any) and Master/Fishing Master	
i	Date of alleged IUU fishing activities	
j	Position of alleged IUU fishing activities	
k	Summary of alleged IUU activities (see section B for more detail)	
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	
m	Outcome of actions taken	

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a “X” the individual elements of IOTC Resolution 18/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

<b>Item</b>	<b>Definition</b>	<b>Indicate</b>
a.	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	
b.	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	
c.	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	
d.	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	
e.	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	
f.	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	
g.	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	
h.	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	
i.	engaged in fishing or fishing related activities whilst being without nationality; or	
j.	engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	

**C. Associated Documents**

*(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)*

**D. Recommended Actions**

	<b>Recommended Actions</b>	<b>Indicate</b>
a	Notification to IOTC Secretariat only. No further action is recommended.	
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	
c	Recommended for inclusion on IOTC IUU list	

**ANNEX II**  
**INFORMATION TO BE INCLUDED IN ALL IOTC IUU VESSELS LISTS**

The Draft IUU Vessel List, Provisional IUU Vessel List and the IUU Vessel List shall contain the following details:

1. Name of the vessel and previous name/s, if any;
2. Flag of the vessel and previous flag/s, if any;
3. Name and address of the Owner and Operator of the vessel and previous Owner and Operator, if any;
4. For legal entity the country of registration and registration number;
5. Callsign of the vessel and previous callsign, if any;
6. IMO number, if any, or unique vessel identifier (UVI), or if not applicable, any other vessel identifier;
7. Recent photographs of the vessel, where available;
8. Vessel length overall;
9. Date the vessel was first included on the IOTC IUU Vessel List, if applicable;
10. Summary of the alleged IUU fishing activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents information;
11. Summary of any actions known to have been taken in respect of the alleged IUU fishing activities and their outcomes,
12. Name of the organization, if the vessel has been listed or is proposed to be listed based on the information from another organization.



**ANNEX III**

**CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR VESSELS TO BE INCLUDED ON THE DRAFT AND PROVISIONAL IUU LISTS**

Vessel Name: \_\_\_\_\_

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
<b>For the Draft IUU Vessel List</b>						
IOTC Reporting form (Annex I) submitted at least 70 days before the Compliance Committee meeting with documented information	Nominating CPC	5,6,7,8		If No, do not include on the Provisional IUU list (Para 17)		
At least 15 days before the Compliance Committee Meeting, Flag State has provided information that it has notified the Owners and Masters of a vessel of its inclusion on the Draft IUU Vessel List and the consequences thereof	Flag CPC	9,10				
At least 15 days before the Compliance Committee Meeting, Flag State has provided information consistent with Paragraph 10	Flag CPC	10				
Additional information has been submitted, relevant to IUU listing	Nominating CPC or flag CPC	12				
<b>For Inclusion on the Provisional IUU Vessel List</b> (note that Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee)						

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
Has the flag State of a vessel included in the Draft IUU Vessel List provided information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:	Flag CPC	14c		<b>Aide Memoire to CoC:</b> Only where para14c or 14 d are satisfied, do not include on Provisional IUU list.		
(a) that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures	Flag CPC	14c				
(b) that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	Flag CPC	14c				
(c) that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures	Flag CPC	14c				
Has the flag State provided information that demonstrates that effective action has been taken in response to IUU fishing activities (the CoC will decide if they are of adequate severity)	Flag CPC	14d				
Has the flag State provided information to show that it has taken any actions in accordance with 07/01	Flag CPC	14d				

**ANNEX IV**
**CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR POTENTIAL REMOVAL OF VESSELS FROM THE IOTC IUU VESSEL LIST**

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

**Vessel Name:** \_\_\_\_\_

<b>Para 22, sub para</b>	<b>Action</b>	<b>Responsibility</b>	<b>Information Provided (Y/N)</b>	<b>Comments</b>	<b>Aide Memoire</b>
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC			If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session..
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC			
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC			
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC			
c)	The vessel has been sunk or scrapped.	Flag CPC			
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC			

**ANNEX V**

**A SUMMARY OF THE TIMEFRAME FOR ACTIONS TO BE TAKEN IN RESPECT OF THIS RESOLUTION**

<b>Step</b>	<b>Timeframe</b>	<b>Actions to be taken</b>	<b>Responsibility</b>	<b>Paragraph</b>
1	70 days before CoC meeting (minimum)	Information transmitted to the IOTC Executive Secretary	CPCs	5,6
2	55 days before CoC Meeting	Compilation of all information received on the alleged IUU fishing activities into the Draft IUU Vessel List together with the IUU Vessel List.  Transmit the Draft IUU Vessel List to all CPCs and to flag States with vessels on the list (if not CPCs).	IOTC Executive Secretary	8
3	15 days before CoC meeting	Provide any information to the IOTC Executive Secretary regarding the alleged IUU fishing activities.	Flag States	10
4	10 days before CoC meeting	Transmit the Draft IUU Vessel List, and any additional information on vessels on the IUU Vessel List pursuant to paragraph 22 to all CPCs and to flag States with vessels on the list (if not CPCs).	IOTC Executive Secretary	11
5	Any time	Submit to the IOTC Executive Secretary any additional information relevant to the establishment of the IUU Vessels List	CPCs and flag States	12
6	As soon as practicable prior to CoC	Circulate additional information pursuant to paragraph 12.	IOTC Executive Secretary	12
7	CoC Meeting	Review the Draft IUU Vessel List including the information provided by the nominating CPC and the flag State, including information/clarification provided by either party during the meeting.  Submit a Provisional IUU Vessel List and provide recommendations to the Commission.	All CPCs, except the flag State and nominating CPC	13-15
8	CoC Meeting	Examine the IUU vessel List and provide recommendations to the Commission regarding the removal of any vessels	All CPCs, except the flag State and nominating CPC	17
9	Commission meeting	Review the Provisional IUU Vessel List, including any new information/clarification provided by the nominating CPC and flag State during the session; Review the IUU Vessel List. Adopt the Final IUU Vessel List.	All CPCs, except the flag State and nominating CPC	17,19
10	Immediately following the annual session	Publish the IUU Vessel List on the IOTC website and transmit the IUU Vessel List to the FAO, the organisations set out in paragraph 31 and 32, CPCs and the flag State (if not a CPC).	IOTC Executive Secretary	29

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## RESOLUTION 18/04 ON BIOFAD EXPERIMENTAL PROJECT

**Keywords:** BIOFAD, Research project, biodegradability

### **The Indian Ocean Tuna Commission (IOTC),**

MINDFUL of the call upon States, either individually, collectively or through regional fisheries management organisations and arrangements in the United Nations General Assembly Resolution 67/79 on Sustainable fisheries to collect the necessary data in order to evaluate and closely monitor the use of large-scale fish aggregating devices and others, as appropriate, and their effects on tuna resources and tuna behaviour and associated and dependent species, to improve management procedures to monitor the number, type and use of such devices and to mitigate possible negative effects on the ecosystem, including on juveniles and the incidental bycatch of non-target species, particularly sharks and marine turtles;

RECALLING that the objective of the IOTC Agreement is to ensure, through appropriate management, the conservation and optimum utilisation of stocks under its competence and to encourage the sustainable development of fisheries based on such stocks while minimising the level of bycatch;

HAVING REGARD to Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL);

RECOGNISING that promoting the use of natural origin biodegradable materials in the construction of FADs could contribute to the reduction of marine litter;

NOTING that the IOTC Scientific Committee advised the Commission that only non-entangling FADs, both drifting and anchored, should be designed and deployed to prevent the entanglement of sharks, marine turtles and other species;

RECALLING that Resolution 12/04 established that the Commission at its annual session in 2013 should consider the recommendations of the IOTC Scientific Committee as regards the development of improved FAD designs to reduce the incidence of entanglement of marine turtles, including the use of biodegradable materials, together with socio-economic considerations, with a view to adopting further measures to mitigate interactions with marine turtles in fisheries covered by the IOTC Agreement;

RECALLING that Resolution 17/08 [superseded by Resolution 18/08] established procedures on a fish aggregating device (FAD) management plan, including more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs and use of biodegradable materials to reduce the incidence of entanglement of non-target species as specified in Annex III of Resolution 17/08 [superseded by Resolution 18/08]; calling to reduce the amount of synthetic marine debris and promote the use of biodegradable materials (such as hessian canvas, hemp ropes, etc.);

Further RECALLING that the Scientific Committee noted the challenges in conducting studies on biodegradable FADs (BIOFADs), such as the limit on the number of active FADs per purse seine vessel in the Indian Ocean that may hinder the deployment of biodegradable FADs following experimental sampling designs, and also engagement with the fleet is necessary in order to incentivise them to deploy biodegradable FADs that may not be successful for fishing;

Furthermore, NOTING that IOTC, along with other tuna RFMOs, recommended and adopted resolutions to promote reduction of the amount of synthetic marine debris by the use of natural or biodegradable materials for drifting FADs;

RECALLING that SC20 ENDORSED (IOTC SC20 paras 157 to 165) a scientific research project (“the BIOFAD Research Project”, IOTC-2017-SC20-INF07) by a consortium ('the Project Consortium') led by the Technological Center for Food and Marine Innovation (AZTI), the Spanish Oceanographic Institute (IEO) and the Institut de recherche pour le développement (IRD) to test the use of biodegradable materials and designs for the construction of drifting FADs in natural environmental conditions and REQUESTED the project to present the outcomes of the at sea trials to the next WPEB, WPTT and SC meetings;

NOTING that, the Scientific Committee ENDORSED that the Project Consortium carries out a large-scale experiment with the deployment of 1000 biodegradable FADs with experimental sampling designs (BIOFADs) in 2018-2019 in order to obtain sufficient data by the BIOFAD Research Project to conduct reliable scientific research and to avoid the limitations identified in earlier small scale trials (250 in each quarter to analyse temporal effects). The SC equally noted that the project counts on the active collaboration of Seychelles, Mauritius and European Union purse seiners with a participation of 42 purse seine vessels operating in the Indian Ocean. The SC noted that in total, each vessel will deploy around 24 BIOFADs, 6 BIOFADs by trimester (2 BIOFADS per vessel/month for the duration of the project from April 2018 to April 2019).

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

1. To acknowledge and support the Biodegradable FAD (BIOFAD) project with the objective of reducing the impact and the amount of synthetic marine debris of the use of non-biodegradable FAD in the ecosystem as requested in Resolution 17/08 [superseded by Resolution 18/08]. The description of the project is contained in Annex 1.
2. BIOFADs used for the collection of scientific data on biodegradable FADs tested under the supervision of the BIOFAD Project Consortium and the Scientific Committee, and deployed by the Project Consortium, shall not be exempted from the application of FADs limit number established by Resolutions 17/01 [superseded by Resolution 18/01] and 17/08 [superseded by Resolution 18/08].
3. As part of the project referred to in paragraph 1, each BIOFAD deployed shall be marked in a clear manner by the Project Consortium to distinguish it from other FADs and to avoid that it becomes unreadable or disassociated with the BIOFAD Research project.
4. Vessels not participating in the Research Project fishing on FADs clearly identified as a BIOFAD shall specifically report to their national scientists the BIOFAD (and devices) status and activities on this BIOFAD (including catch data if applicable). Vessels not participating in the Research Project that encounter such FADS are encouraged to report to their national scientists the BIOFAD (and devices) status and activities on this BIOFAD.
5. The Project Consortium will make available to the IOTC Scientific Committee the results of the project at the latest two months in advance of its 2020 meeting. The Scientific Committee will analyse the outcomes of the project and provide scientific advice on possible additional FAD management options for consideration by the Commission in 2021.

## ANNEX I

### BIOFAD PROJECT INFORMATION AND GUIDELINES TO DEPLOY AND USE OF BIOFADS

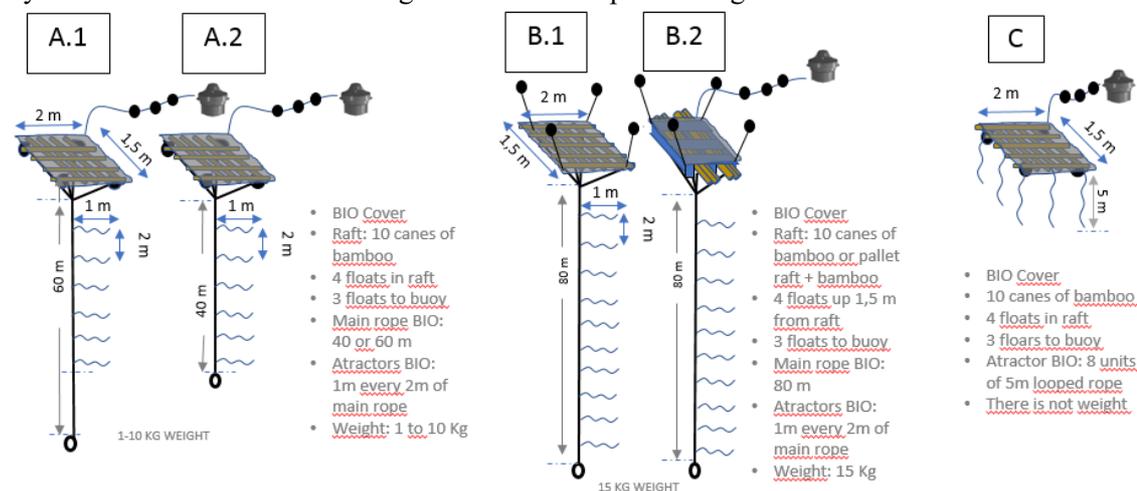
The consortium formed by AZTI, IRD and IEO aims through the project “Testing designs and identify options to mitigate impacts of drifting FADs on the Ecosystem” to address current impediments and to provide solutions that shall support the implementation of non-entangling and biodegradable FADs in the IOTC Convention Area. This project will have the collaboration of the EU, Seychelles and Mauritius purse seine fishery and the International Seafood Sustainability Foundation active. The purpose of this specific contract is to:

- i) to test the use of specific biodegradable materials and designs for the construction of drifting FADs in natural environmental conditions;
- ii) to identify options to mitigate drifting FADs impacts on the ecosystem, and
- iii) to assess the socio-economic viability of the use of BIO FADs (i.e. non-entangling and biodegradable) in the purse seine tropical tuna fishery.

The consortium will oversee both the construction of experimental BIOFADs and the monitoring of deployed BIOFADs, and their paired conventional non-entangling FADs (hereafter named CONFAD), at sea, as well as the data collection and reporting. Purse seine vessels participating in the BIOFAD project in the Indian Ocean will follow the summarized protocol regarding i) material and prototypes selection, ii) deployment strategy and identification of experimental FADs, and iii) data collection and reporting.

#### i) MATERIAL AND PROTOTYPES

Three are the prototypes selected for the BIOFAD project. These designs include all the details in terms of dimension and materials as guide for their construction by the tuna purse seine industry. These prototypes were designed in consensus and aim to cover the different drifting performance that fisherman currently seek with the conventional non-entangling FADs: superficial FADs (prototype C), semi-superficial FADs (prototypes A1 and A2), and deep FADs (B1 and B2). Synthetic material like plastic gallons, plastic bottles, fishing nets, synthetic canvas, and metallic frame used for the construction of the raft are all prohibited for the construction of BIOFAD. To replace these synthetic material different configuration cotton ropes and high-resistance cotton canvas have been selected.



Summary of the dimensions and materials of the prototypes selected for the BIOFAD project.

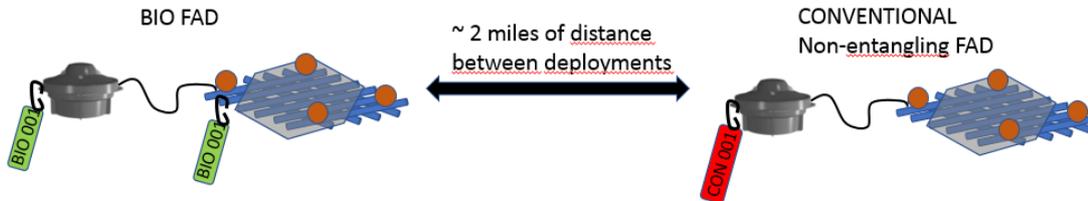
#### ii) DEPLOYMENT STRATEGY AND IDENTIFICATION

An effective FAD deployment strategy will be adopted considering the PS fleet FAD fishing strategy and its dynamics in the Indian Ocean. A total of 1000 BIOFADs (24 FADs per vessel) are planned to be deployed from April 2018 to April 2019, 2 BIOFADs per month and vessel (6 BIOFADs per vessel and quarter-season, preferably). Deployment effort will be shared among the 42 purse seiners from Mauritius, Seychelles and EU operating in the Indian Ocean. This will make it approximately 250 FADs being deployed each quarter.

To assess the efficiency of BIOFADs in terms of tuna and non-tuna species aggregation, structure durability and degradation rate, and FAD performance (e.g., drift), comparison between BIOFADs and currently using conventional non-entangling FADs (hereafter named CONFAD) will be conducted.

The following deployment procedure is defined:

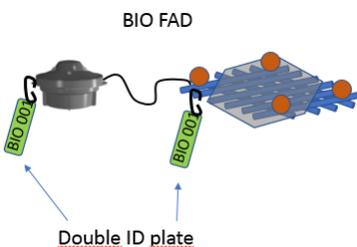
- Every BIOFAD deployment will be accompanied by a “pair” CONFAD deployment.
- The CONFAD construction will be of similar dimension of its pair BIOFAD but made by currently used synthetic material.
- The BIOFAD and its pair CONFAD will use same model/brand of echo-sounder buoy at first deployment.
- The distance between the deployment of BIOFAD and its pair CONFAD will be approximately 2 miles.



Drawing of the deployment strategy for the BIOFAD and its pair CONFAD.

BIOFAD and CONFAD identification procedure are described in the following points:

- All the BIOFADs and CONFADs will be identified in every moment by an identification number to ensure their traceability (e.g. from BIO-0001 to BIO-1000 and from CON-0001 to CON-0001).
- This ID number will always belong to the same BIOFAD or CONFAD through all its lifetime.
- All BIOFADs will be identified by two metallic plates showing the ID number. One of them will be attached to the raft and the other to the echo-sounder buoy associated with the BIOFAD.
- CONFADs as its pair BIOFADs will share same serial number (e.g. CON-0001 and BIO-0001).
- All CONFAD will be identified by a unique metallic plate showing the ID number and attached to the associated echo-sounder buoy.
- The metallic plate attached to the raft of the BIOFAD will never be removed from it. Only if the part of the structure where the plate is attached is replaced, the ID plate will be removed and attached again to the newly replaced part.
- It is very important that when a BIOFAD or CONFAD change hands (i.e. every time there is an echo-sounder buoy replacement), the ID number plate will be transferred from old buoy to newly associated buoy.



Drawing of the procedure to attach the BIOFAD ID number shown in the metallic plate to the raft and associated echo-sounder buoy.

iii) DATA COLLECTION AND REPORTING

The following fishing operations have been considered for the data collection procedure related to BIOFAD and CONFAD:

- In every new deployment of BIOFAD or CONFAD: type of prototype (e.g. A1), ID number of the metallic plate (e.g. BIO-0001), and associated echo-sounder buoy codification number will be collected.



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**RESOLUTION 18/05**  
**ON MANAGEMENT MEASURES FOR THE CONSERVATION OF THE**  
**BILLFISHES: STRIPED MARLIN, BLACK MARLIN, BLUE MARLIN AND INDO-**  
**PACIFIC SAILFISH**

**Keywords:** Striped marlin, black marlin, blue marlin, Indo-Pacific sailfish, catch limits, scientific research, reference points, data collection, catch reporting

**The Indian Ocean Tuna Commission (IOTC),**

RECALLING Resolution 15/05 [superseded by Resolution 18/05] on conservation measures for striped marlin, black marlin and blue marlin aiming to reduce the fishing pressure on the marlin species;

RECALLING the available scientific information and advice, in particular the IOTC Scientific Committee conclusions, according to which Striped Marlin, Black Marlin, Blue Marlin and/or Indo-pacific Sailfish are subject to overfishing and, in some cases, overfished with catches in recent years exceeding by far the average catches of the baseline period 2009/2014;

RECALLING Resolution 12/01 on the implementation of the precautionary approach that calls on IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to apply the precautionary approach in accordance with Articles 5 and 6 of the United Nations Fish Stocks Agreement and further recalling that Article 6.2 therein stipulates that the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures;

RECALLING that Resolution 15/01 on the recording of catch and effort data by fishing vessels in the IOTC area of competence fixes the IOTC data record system;

RECALLING Resolution 15/02 on the Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) that defines the catch and catch related information to be provided by CPCs to the IOTC secretariat;

CONSIDERING that the SC noted that, catches have increased in 2015 and in 2016 from the average level of 2009-2014 and that the SC therefore recommended that substantial reduction of current catches should be agreed to end overfishing and, whenever possible, to enable the stocks to rebuild ;

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

1. To ensure the conservation of the striped marlin (*Tetrapturus audax*), black marlin (*Makaira indica*), blue marlin (*Makaira nigricans*) and Indo-Pacific sailfish (*Istiophorus platypterus*) stocks in the Indian Ocean, Contracting Parties and Cooperating non-Contracting Parties, (CPCs) whose vessels catch those species in the IOTC Area of Competence undertake at least the following national management measures as described below are in place to support the sustainable exploitation of these stocks in line with the IOTC Agreement objectives of ensuring the conservation and optimum utilization of stocks by undertaking the following:

***Management Measures: Catch limits***

2. CPCs shall endeavour to ensure that the overall catches, of the Indian Ocean Striped Marlin, Black Marlin, Blue Marlin and Indo Pacific Sailfish in any given year do not exceed either the MSY level or, in its absence, the lower limit of the MSY range of central values as estimated by the Scientific Committee.

3. The limits referred to in paragraph 2 correspond to the following:

- a. Striped Marlin: 3,260 t
- b. Black Marlin: 9,932 t
- c. Blue Marlin: 11,930 t
- d. Indo Pacific Sailfish: 25,000 t

4. If the average annual total catch of any of the species referred to in paragraph 2 in any two consecutive years period from 2020 onward exceeds the limits referred to in paragraph 3, the Commission shall review the implementation and effectiveness of the measures contained in this Resolution and consider the adoption of additional conservation and management measures, as appropriate, by also taking into account the advice of the Scientific Committee referred to in paragraph 14.

#### ***Other Management Measures***

5. Pending advice from the Scientific Committee on a joint and/or a species specific minimum conservation size, notwithstanding Resolution 17/04, CPCs shall not retain on board, trans-ship, land, any specimen smaller than 60 cm Lower Jaw Fork Length (LJFL) of any of the species referred to in paragraph 2, but shall return them immediately to the sea in a manner that maximizes post-release survival potential without compromising the safety of crew<sup>1</sup>.

6. In addition, CPCs may consider the adoption of additional fisheries management measures to limit fishing mortality such as: releasing any specimen brought alive on-board or alongside for taking on board the vessel; modify fishing practices and/or fishing gears to reduce juveniles catches; adopting spatial/temporal management measures to reduce fishing in nursery grounds; limiting days at sea and/or fishing vessels exploiting billfishes.

#### ***Recording, Reporting, and Use of the Catch Information***

7. CPCs shall ensure that their vessels catching Striped Marlin, Black Marlin, Blue Marlin and Indo-pacific Sailfish in the IOTC Area of Competence record their catch in accordance with the requirements set out in Resolution 15/01 on the recording of catch and effort data by fishing vessels in the IOTC area of competence or any Resolution superseding it.

8. CPCs shall implement data collection programmes to ensure accurate reporting of Striped Marlin, Black Marlin, Blue Marlin and Indo-pacific Sailfish catches, released alive and/or discarded, together with effort, size and discard data to IOTC in full accordance with the Resolution 15/02 on the Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs), or any Resolution superseding it.

9. CPCs shall include in their Annual Reports to the Scientific Committee information on the actions they have taken domestically to monitor catches and to manage fisheries for sustainable exploitation and conservation of Striped Marlin, Black Marlin, Blue Marlin and Indo-pacific Sailfish.

10. The Commission, shall consider appropriate assistance to developing CPCs for the collection of data on the above-mentioned species.

#### ***Scientific Research and Scientific Committee***

11. CPCs are encouraged to undertake scientific research on key biological/ecological/behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release, identification of nursery grounds, improving selectivity of fishing practices and fishing gears, for Striped Marlin, Black Marlin, Blue Marlin

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<sup>1</sup> Notwithstanding paragraph 5, in the case of billfish, when purse seiners unintentionally catch such small fish and freeze them as a part of a purse seine fishing operation, this does not constitute non-compliance as long as such fish are not sold.

and Indo-pacific Sailfish. The results of such researches shall be made available to the Working Party on Billfishes and the Scientific Committee through working documents and their national Annual Reports.

12. The IOTC Working Party on Billfish and the Scientific Committee shall continue their work on assessing and monitoring the status of Striped Marlin, Black Marlin, Blue Marlin and Indo-pacific Sailfish and provide advice to the Commission.

13. The Scientific Committee and the Compliance Committee shall annually review the information provided and assess the effectiveness of the fisheries management measures reported by CPCs on striped marlin, black marlin, blue marlin and Indo-Pacific sailfish and, as appropriate, provide advice to the Commission.

14. For each of the four species covered by this Resolution, the Scientific Committee shall provide advice:

a. Options to reduce fishing mortality with a view to recover and/or maintain the stocks in the Green zone of the Kobe Plot with levels of probability ranging from 60 to 90% by 2026 at latest. The advice shall be provided on the basis of the current exploitation pattern as well as of its likely change to take into account the advice under point c. below;

b. Options for candidate reference points for their conservation and management in the IOTC Area of Competence;

c. Species specific minimum conservation sizes by taking into account the size at maturity and the recruitment size to the fishery by gear as well as its practicability. Where adequate, due to considerations on technical interaction of fisheries, advice shall provide also a minimum conservation size common to the four species.

#### ***Final Provision***

15. This Resolution supersedes the Resolution 15/05 *On conservation measures for striped marlin, black marlin and blue marlin*.

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## RESOLUTION 18/06 ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

**Keywords:** transhipment

**The Indian Ocean Tuna Commission (IOTC),**

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 IOTC;

EXPRESSING GRAVE CONCERN that organized 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 transhipment activities by large-scale longline vessels in the IOTC area of competence, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

### SECTION 1. GENERAL RULE

1. Except under the programme to monitor transhipments at sea outlined below in Section 2, all transhipment operations of tuna and tuna-like species and sharks caught in association with tuna and tuna-like fisheries in the IOTC area of competence (hereinafter referred to as “tuna and tuna like species and sharks”) must take place in port<sup>1</sup>.
2. The flag Contracting Parties and Cooperating Non-Contracting Parties (collectively termed CPCs) shall take the necessary measures to ensure that large scale tuna vessels <sup>2</sup>(hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex I when transhipping in port.
3. Maldivian flagged collector vessels registered on the IOTC Record of Authorized Vessels listed in Annex II of this Resolution shall be exempted from the data reporting requirements specified in Annex I and Annex III. This exemption shall be valid for a period of 1 year.

### SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

4. The Commission hereby establishes a programme to monitor transhipment at sea which applies only to largescale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transhipments from these vessels at sea. No at-sea transhipment of tuna and tuna-like species and sharks by fishing vessels other than LSTLVs shall be allowed. The Commission shall review and, as appropriate, revise this Resolution.
5. The CPCs that flag LSTLVs shall determine whether or not to authorise their LSTLVs to tranship at sea. However, if the flag CPC authorises the at-sea transhipment by its flag LSTLVs, such transhipment shall be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and **Annexes III and IV** below.

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<sup>1</sup> Port includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying (as defined by FAO Port State Measures Agreement)

<sup>2</sup> Large Scale Tuna Vessel (LSTV) – fishing vessels targeting tuna and tuna like species that are over 24m LoA and are on the IOTC Record of Authorized Vessels.

### **SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA OF COMPETENCE**

6. The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorised to receive tuna and tuna-like species and sharks at sea in the IOTC area of competence from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive tuna and tuna-like species and sharks in at-sea transshipment operations.
7. Each CPC shall submit, electronically where possible, to the IOTC Executive Secretary the list of the carrier vessels that are authorised to receive at-sea transshipments from its LSTLVs in the IOTC area of competence. This list shall include the following information:
  - a. The flag of the vessel;
  - b. Name of vessel, register number;
  - c. Previous name (if any);
  - d. Previous flag (if any);
  - e. Previous details of deletion from other registries (if any);
  - f. International radio call sign;
  - g. Type of vessels, length, gross tonnage (GT) and carrying capacity;
  - h. Name and address of owner(s) and operator(s);
  - i. Time period authorised for transshipping.
8. Each CPC shall promptly notify the IOTC Executive Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
9. The IOTC Executive Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. Carrier vessels authorised for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

### **SECTION 4. AT-SEA TRANSHIPMENT**

11. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorisation from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

#### **Flag State Authorization**

12. LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their flag State.

#### **Notification obligations**

##### ***Fishing vessel:***

13. To receive the prior authorisation mentioned in paragraph 12 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of an intended transshipment:
  - a. The name of the LSTLV, its number in the IOTC Record of Vessels, and its IMO number, if issued;
  - b. The name of the carrier vessel, its number in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC area of competence, and its IMO number, and the product to be transhipped;
  - c. The tonnage by product to be transhipped;

- d. The date and location of transshipment;
  - e. The geographic location of the catches.
14. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex III.

***Receiving carrier vessel:***

15. Before starting transshipment, the master of the receiving carrier vessel shall confirm that the LSTLV concerned is participating in the IOTC programme to monitor transshipment at sea (which includes payment of the fee in paragraph 13 of Annex IV) and has obtained the prior authorisation from their flag State referred to in paragraph 12. The master of the receiving carrier vessel shall not start such transshipment without such confirmation.
16. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, within 24 hours of the completion of the transshipment.
17. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, to the competent authorities of the State where the landing takes place.

***Regional Observer Programme:***

18. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, in accordance with the IOTC Regional Observer Programme in Annex IV. The IOTC observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transshipment declaration.
19. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area of competence without an IOTC regional observer on board, except in cases of “force majeure” duly notified to the IOTC Secretariat.
20. In the case of the eight Indonesian wooden carrier vessels listed on the IOTC Record of Authorised Vessel prior to 2015 and listed in **Annex V**, a national observer programme may be used in place of an observer from the regional observer programme. National observers shall be trained to at least one of tuna-RFMO regional observer programme standards and will carry out all of the functions of the regional observer, including provision of all data as required by the IOTC regional observer programme and the reports equivalent to those prepared by the ROP Contractor. This provision shall only apply to the eight specific wooden carrier vessels referenced in this paragraph as indicated in **Annex V**. Replacement of those wooden carrier vessels are only permitted if the material of substitute vessel shall remain wooden and the carrying capacity or fish hold volume not larger than the vessel (s) being replaced. In such case, the authorisation of the replaced wooden vessel shall be immediately revoked.
21. The provision of Paragraph 20 will be implemented in consultation with the IOTC Secretariat as a two-year pilot project. The results of the project, including data collection, reports and the effectiveness of the project shall be examined in 2019 by the IOTC Compliance Committee on the basis of a report prepared by Indonesia and analysis by the IOTC Secretariat. This review shall include whether the programme offers the same level of assurances as those provided by ROP. It shall also explore the feasibility of obtaining an IMO number for the vessels concerned. The extension of the project or the integration of the project into ROP programme shall be subject to a new decision of the Commission.

**SECTION 5. GENERAL PROVISIONS**

22. To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
- a. In validating the Statistical Document, flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV;

- b. The flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme;
  - c. CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the IOTC area of competence, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.
23. The CPCs shall report annually before 15 September to the IOTC Executive Secretary:
- a. The quantities by species transhipped during the previous year;
  - b. The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year;
  - c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
24. All tuna and tuna-like species and sharks landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.
25. Each year, the IOTC Executive Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
26. The IOTC Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of **Annex IV** to this Resolution, also indicate evidence indicating possible infraction of IOTC regulations by LSTLVs/carrier vessels flagged to that CPC. Upon receiving such evidence, each CPC shall investigate the cases and report the results of the investigation back to the IOTC Secretariat three months prior to the IOTC Compliance Committee meeting. The IOTC Secretariat shall circulate among CPCs the list of names and flags of the LSTLVs/Carrier vessels that were involved in such possible infractions as well as the response of the flag CPCs 80 days prior to the IOTC Compliance Committee meeting.
27. Resolution 17/06 *On establishing a programme for transshipment by large-scale fishing vessels* is superseded by this Resolution.

**ANNEX I**  
**CONDITIONS RELATING TO IN-PORT TRANSHIPMENT**

**General**

1. Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

**Notification obligations**

2. Fishing vessel:

2.1. 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 IOTC record of fishing vessels;
- b) the name of the carrier vessel, and the product to be transhipped;
- c) The tonnage by product to be transhipped;
- d) the date and location of transshipment;
- e) the major fishing grounds of the tuna and tuna-like species and sharks catches.

2.2. The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State 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;
- d) the geographic location of the tuna and tuna-like species and sharks catches.

2.3. The captain of the LSTV concerned shall complete and transmit to its flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex II not later than 15 days after the transshipment.

3. Receiving vessel:

Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of tuna and tuna-like species and sharks transhipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

**Landing State:**

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the landing State where the landing takes place.

5. The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.

6. Each flag CPC of the LSTVs shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

## ANNEX II

### LIST OF MALDIVIAN FLAGGED COLLECTOR VESSELS EXEMPTED FROM THE REPORTING REQUIREMENTS

#	Vessel name	Registration number	Gross Tonnage
1	Randhi 19	C1366A-03-10T	40
2	Randhi 22	C1368A-03-10T	40
3	Randhi 23	C1369A-03-10T	27
4	Randhi 24	C1373A-03-10T	27
5	Randhi 25	C1376A-03-10T	27
6	Randhi 26	C1378A-03-10T	27
7	Randhi 27	C1371A-03-10T	60
8	Randhi 29	C1362A-03-10T	45
9	Randhi 30	C1360A-03-10T	45
10	Mahaa Kalminja	C6307A-04-10T	285
11	Kalaminja 402	C6308A-04-10T	570
12	Kalaminja 403	C6306A-04-10T	570
13	MIFCO 101	C8376A-01-10T	150
14	HF107	C67122A-01-10T	89
15	HF108	C6472A-01-10T	94
16	HF110	C6350A-01-10T	67
17	HF109	C6349A-01-10T	62
18	Oivaali 108	C8407A-01-10T	499

**ANNEX III  
IOTC 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 license number:	Flag State license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

	Day	Month	Hour	Year	<table border="1" style="border-collapse: collapse; width: 20px;"> <tr><td style="width: 5px; height: 15px;"></td></tr> </table>					Agent's name:	Master's name of LSTV:	Master's name of Carrier:
Departure					from		Signature:	Signature:				
Return					to		Signature:	Signature:				
Transhipment							Signature:	Signature:				

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

**LOCATION OF TRANSHIPMENT**

Species	Port	Sea	Type of product							
			Whole	Gutted	Headed	Filletted				

If transhipment effected at sea, IOTC Observer Name and Signature:

## ANNEX IV

### IOTC REGIONAL OBSERVER PROGRAMME

1. Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transhipments in the IOTC area of competence and which tranship at sea, to carry an IOTC observer during each transhipment operation in the IOTC area of competence.
2. The IOTC Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transhipments in the IOTC area of competence from LSTLVs flying the flag of Contracting Parties and of Cooperating Non-Contracting Parties that implement the IOTC observer program. Designation of the observers
3. 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 IOTC 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**

4. Observers shall:
  - a) Have completed the technical training required by the guidelines established by IOTC;
  - b) not be, to the extent possible, nationals of the flag State 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 IOTC Secretariat;
  - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
  - a) On the Fishing Vessel intending to tranship to the carrier vessel and before the transhipment takes place, the observer shall:
    - i. check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna-like species and sharks in the IOTC area of competence;
    - ii. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
    - iii. 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;
    - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel's master,
    - vi. report the results of these duties on the fishing vessel in the observers report.
  - b) On the Carrier Vessel:

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 IOTC number;
  - v. verify the data contained in the transshipment declaration;
  - vi. certify the data contained in the transshipment declaration;
  - vii. countersign the transshipment declaration;
  - viii. issue a daily report of the carrier vessels transshipping activities;
  - ix. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information;
  - x. submit to the IOTC Secretariat the aforementioned general report within 20 days from the end of the period of observation;
  - xi. exercise any other functions as defined by the Commission.
6. 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.
  7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
  8. Observers shall respect the hierarchy and general rules of behaviour 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 9 of this program.

#### **Obligations of the flag States of carrier vessels**

9. The responsibilities regarding observers of the flag States 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 5:
    - 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 States 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.
10. The IOTC Executive Secretary, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the flag CPC

of the LSTLV, copies of all available raw data, summaries, and reports pertaining to the trip four months prior to the IOTC Compliance Committee meeting.

**Obligations of LSTLV during transshipment**

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit it, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
12. The IOTC Executive Secretary shall submit the observer reports to the IOTC Compliance Committee and to the IOTC Scientific Committee.

**Observer fees**

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment 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 IOTC Secretariat and the IOTC Executive Secretary shall manage the account for implementing the program.
14. No LSTLV may participate in the at-sea transshipment program unless the fees, as required under paragraph 13, have been paid.

**ANNEX V**

**INDONESIAN CARRIER VESSELS AUTHORISED TO TRANSHIP AT SEA**

No	Name of Wooden Carrier	Vessel Gross Tonnage
1	Hiroyoshi 2	142
2	Hiroyoshi 17	171
3	Mutiara 36	189
4	Abadi jaya 101	174
5	Mutiara 12	120
6	Mutiara 18	92
7	Mutiara 20	102
8	Gemini	110

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## RESOLUTION 18/07 ON MEASURES APPLICABLE IN CASE OF NON-FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC

**Keywords:** zero catches, species group, data collection, reporting obligations and gear group

### **The Indian Ocean Tuna Commission (IOTC),**

GIVEN that following Article XI of the Agreement for the establishment of the IOTC, Contracting Parties agree to provide statistical and other data and information that the Commission may need for the purposes of this Agreement and that nominal catch data, Catch and effort data, size data and fish aggregating devices data should be submitted annually to the IOTC Secretariat by 30 June the year following the fishing activities;

RECALLING Resolutions by IOTC on the Deadlines, Procedures for Data Submission and Statistical Reporting Obligations, notably Resolutions [15/02](#), [15/01](#), [14/05](#), [12/04](#), 10/11 [superseded by [Resolution 16/11](#)], [11/04](#), [10/08](#) and [01/06](#);

RECOGNISING that funding is available from the Commission for developing CPCs to improve their data collection and submission capabilities;

TAKING INTO ACCOUNT that the Scientific Committee (IOTC–2015–SC18–R) noted with concern the lack of information submitted by CPCs on total catches, catch and effort and size data for various IOTC species, despite their mandatory reporting status, and requested that CPCs comply with IOTC data requirements, given the gaps in available information in the IOTC database and the importance of basic fishery data in order to assess the status of stocks and for the provision of sound management advice;

CONSIDERING that the Scientific Committee recommended that the Commission develop penalty mechanisms through the IOTC Compliance Committee to improve compliance by CPCs that do not currently comply with the submission of basic fishery data requirements as stated in Resolutions [15/01](#) and [15/02](#);

NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;

NOTING that several stocks remain not assessed and some others are assessed with substantial uncertainty, which lead to important risks of depletion of some IOTC species and negative impact in the ecosystem;

FURTHER NOTING that, in order that all IOTC fisheries should be managed in line with the principles of the precautionary approach, it is necessary to take measures aimed at eliminating or reducing non-reporting and misreporting;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. CPCs shall include information in their Annual Reports (*Report of Implementation*) on actions taken to implement their reporting obligations for all IOTC fisheries; including shark species caught in association with IOTC fisheries, in particular steps taken to improve their data collection for direct and incidental catches.
2. The IOTC Compliance Committee shall review Actions taken by CPCs, as described in paragraph 1, shall be reviewed annually by IOTC Compliance Committee.
3. Following the review carried out by the Compliance Committee, the Commission at its annual session, according to the guidelines attached (**Annex I**), and after having given due consideration to the relevant

information provided by the concerned CPCs in these cases, may consider to prohibit CPCs that did not report nominal catch data (exclusively), including zero catches, for one or more species for a given year, in accordance with the Resolution 15/02, paragraph 2 (or any subsequent revision), from retaining such species as of the year following the lack or incomplete reporting until such data have been received by the IOTC Secretariat. Priority shall be given to situations of repeated non-compliance. Any CPC unable to meet these reporting obligations owing to engagement in civil conflict shall be exempt from this measure. The CPC concerned will work with the IOTC Secretariat to identify and implement possible alternative methods for data collection, using established FAO data collection methods.

4. To facilitate the reporting of zero catches as required under paragraph 1 of Annex I of this Resolution, the following procedure shall apply:
  - a) as part of the IOTC IRC electronic form used to report nominal catches, the Secretariat shall include a matrix by IOTC species as well as the most commonly caught elasmobranch species according to records of catches and incidents as established in Resolution 15/01 *on the recording of catch and effort data by fishing vessels in the IOTC area of competence (or any subsequent superseding Resolution)* and main IOTC gear groups on the basis of the format set out in Annex II of this Resolution;
  - b) CPCs, as part of their total catch data reporting, shall complete the cells in the matrix with either a value of 'one' (1) to indicate where that CPC had catches (positive catch) for a particular species/gear combination or a value of 'zero' (0) to indicate where that CPC had no catches (zero landings + zero discards) for a particular species/gear combination;
  - c) The "Catch columns" section of the electronic Form IRC shall only include reports of positive catches.
5. The Commission may consider expanding the matrix to include additional species under the competence of IOTC as well as stock/gear combinations as appropriate.
6. This Resolution supersedes Resolution 16/06 *On Measures Applicable in case of non-fulfilment of reporting Obligations in the IOTC*.

**ANNEX 1**  
**GUIDELINES TO FACILITATE THE APPLICATION OF PARAGRAPH 3**

1. The Commission will follow the schedule and steps set forth below to guide application of paragraph 3 of this Resolution:

<i>Data review year</i> <i>(starting in 2016 and annually thereafter)</i>	<i>Following the decision on retention prohibition</i>
<p>1. CPCs submit Total catch data to the IOTC Secretariat in accordance with the Resolution 15/02 and Scientific Committee template, including zero catches;</p> <p>2. The IOTC Secretariat, in consultation with the Scientific Committee will include in the compliance report information detailing data submission status by species or stock (e.g. complete, incomplete, or missing) for each CPC;</p> <p>3. The Compliance Committee reviews the report on the basis of any other relevant information provided by the IOTC Executive Secretary, the Scientific Committee and CPCs. Based on this review, the Compliance Committee identifies in its report those CPCs that did not submit required data (i.e. data are missing or incomplete) and notifies them that they may be prohibited by the Commission from retaining the concerned species/stock from the relevant fishery as of the following year unless and until the data are provided to the Secretariat.</p> <p>4. Compliance Committee also considers if any other actions consistent with this Resolution should be recommended.</p>	<p>1. CPCs with a finding of "missing" or "incomplete" data submissions cannot retain those species;</p> <p>2. Such CPCs should seek to rectify the situation by sending the missing data to the IOTC Executive Secretary as soon as feasible;</p> <p>3. In consultation, as necessary and appropriate, with the Chairpersons of the Compliance Committee and the Commission, the IOTC Executive Secretary will review the new data submission in a timely manner to determine if it is complete. If the data appear to be complete, the Secretariat will promptly inform the CPC in question that it can resume retention of the concerned species/stock in the relevant fishery.</p> <p>4. At the Annual Meeting following the intersessional provision of data and the decision to permit resumption of retention, the Compliance Committee reviews this decision and, if it considers that data are still incomplete, the Compliance Committee will again take the actions specified in the previous column, paragraphs 3 and 4.</p>

**Annex II**

**EXAMPLE OF ZERO CATCH MATRIX – TO BE FURTHER ADJUSTED BY IOTC SECRETARIAT**

T1 "Zero Catch Matrix"				Gear Group						
Species Group	Species Code	Species Name	Stock	HL	BB	LL	PS	TR	GN	Other
Temperate Tunas	ALB	<i>Thunnus alalunga</i>	IO							
	SBT	<i>Thunnus maccoyii</i>	IO							
Tropical Tunas	BET	<i>Thunnus obesus</i>	IO							
	SKJ	<i>Katsuwonus pelamis</i>	IO							
Neritics Tunas	YFT	<i>Thunnus albacares</i>	IO							
	LOT	<i>Thunnus tonggol</i>	IO							
	KAW	<i>Euthynnus affinis</i>	IO							
	FRI	<i>Auxis thazard</i>	IO							
	BLT	<i>Auxis rochei</i>	IO							
	COM	<i>Scomberomorus commerson</i>	IO							
Billfishes	GUT	<i>Scomberomorus guttatus</i>	IO							
	BUM	<i>Makaira nigricans</i>	IO							
	BLM	<i>Makaira indica</i>	IO							
	MLS	<i>Tetrapturus audax</i>	IO							
	SFA	<i>Istiophorus platypterus</i>	IO							
Other "Species" as requested by Resolution 15/01 for specific gears (in grey not required)	SWO	<i>Xiphias gladius</i>	IO							
	SSP	Shortbill spearfish ( <i>Tetrapturus angustirostris</i> )	IO							
	BSH	Blue shark ( <i>Prionace glauca</i> )	IO							
	MAK	Mako sharks ( <i>Isurus spp.</i> )	IO							
	POR	Porbeagle shark ( <i>Lamna nasus</i> )	IO							
	SPN	Hammerhead sharks ( <i>Sphyrna spp.</i> )	IO							
	FAL	Silky shark ( <i>Carcharhinus falciformis</i> )	IO							
	MZZ	Other bony fishes	IO							
	SKH	Other sharks	IO							
	THR	Thresher sharks ( <i>Alopias spp.</i> )	IO							
	OCS	Oceanic whitetip shark ( <i>Carcharhinus longimanus</i> )	IO							
	TIG	Tiger shark ( <i>Galeocerdo cuvier</i> )								
	PSK	Crocodile shark ( <i>Pseudocarcharias kamoharai</i> )								
WSH	Great white shark ( <i>Carcharodon carcharias</i> )									
MAN	Mantas and devil rays ( <i>Mobulidae</i> )									
PLS	Pelagic stingray ( <i>Pteroplatytrygon violacea</i> )									
	Other rays									

GREY AREAS SHOULD NOT BE FILLED IN ACCORDANCE WITH LOGBOOKS SPECIFIED IN RESOLUTION 15/01

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## RESOLUTION 18/08

### PROCEDURES ON A FISH AGGREGATING DEVICES (FADS) MANAGEMENT PLAN, INCLUDING A LIMITATION ON THE NUMBER OF FADS, MORE DETAILED SPECIFICATIONS OF CATCH REPORTING FROM FAD SETS, AND THE DEVELOPMENT OF IMPROVED FAD DESIGNS TO REDUCE THE INCIDENCE OF ENTANGLEMENT OF NON-TARGET SPECIES

**Keywords:** FAD, active instrumented buoy.

#### The Indian Ocean Tuna Commission (IOTC),

BEARING IN MIND that the Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) encourages coastal States and fishing States on the high seas to collect and share, in a timely manner, complete and accurate data concerning fishing activities on, *inter alia*, vessel position, catch of target and non-target species and fishing effort;

MINDFUL of the call upon States, either individually, collectively or through regional fisheries management organisations and arrangements in the United Nations General Assembly Resolution 67/79 on Sustainable fisheries to collect the necessary data in order to evaluate and closely monitor the use of large-scale fish aggregating devices and others, as appropriate, and their effects on tuna resources and tuna behaviour and associated and dependent species, to improve management procedures to monitor the number, type and use of such devices and to mitigate possible negative effects on the ecosystem, including on juveniles and the incidental bycatch of non-target species, particularly sharks and marine turtles;

NOTING that the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fishing provides that States should compile fishery-related and other supporting scientific data relating to fish stocks covered by sub-regional or regional fisheries management organisations and provide them in a timely manner to the organisation;

RECOGNISING that all gears deployed to target resources under the competence of IOTC should be managed to ensure the sustainability of fishing operations;

GIVEN that the activities of supply vessels and the use of Fish Aggregating Devices (FAD) are an integral part of the fishing effort exerted by the purse seine fleet;

AWARE that the Commission is committed to adopt Conservation and Management Measures to reduce juvenile Bigeye tuna and Yellowfin tuna mortalities from fishing effort on Fish Aggregating Devices (FADs);

RECALLING that Resolution 12/04 established that the Commission at its annual session in 2013 should consider the recommendations of the IOTC Scientific Committee as regards the development of improved FAD designs to reduce the incidence of entanglement of marine turtles, including the use of biodegradable materials, together with socio-economic considerations, with a view to adopting further measures to mitigate interactions with marine turtles in fisheries covered by the IOTC Agreement;

RECALLING that Resolution 13/08 [superseded by Resolution 15/08, then by Resolution 17/08, then by Resolution 18/08] established procedures on a fish aggregating device (FAD) management plan, including more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species;

NOTING that the IOTC Scientific Committee advised the Commission that only non-entangling FADs, both drifting and anchored, should be designed and deployed to prevent the entanglement of sharks, marine turtles and other species;

NOTING that the IOTC Scientific Committee advised the Commission to conduct an investigation of the feasibility and impacts of a temporary FAD closure as well as other measures in the context of Indian Ocean fisheries and stocks;

RECALLING that the objective of the IOTC Agreement is to ensure, through appropriate management, the conservation and optimum utilisation of stocks covered by the mentioned Agreement and encouraging sustainable development of fisheries based on such stocks and minimising the level of bycatch;

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

1. This Resolution shall apply to CPCs having purse seine vessels and fishing on Drifting Fish Aggregating Devices (DFADs), equipped with instrumented buoys for the purpose of aggregating tuna target species, in the IOTC area of competence.
2. This Resolution defines an instrumented buoy as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. Other buoys, such as radio buoys used on DFADs, not meeting this definition, shall be gradually phased out by the 1<sup>st</sup> January 2017.
3. This Resolution sets the maximum number of instrumented buoys active and followed by any purse seine vessels at 350 instrumented buoys at any one time, the active number being calculated as the number of active buoys operated by a purse seine vessel. The number of instrumented buoys that shall be acquired annually for each purse seine vessel is set at no more than 700. An instrumented buoy is considered active when it has been switched on and then deployed. Activation of an instrumented buoy results in an entry in the logbook or the FAD logbook, which specifies the buoy number and the geographical coordinates of its activation. An instrumented buoy may be activated only when physically present on board the purse-seine vessel to which it belongs or its supply or support vessel.
4. A CPC may adopt a lower limit than the one set out in paragraph 3 for vessels flying its flag. Further, any CPC may adopt a lower limit for DFADs deployed in its EEZ than that stated in paragraph 3. The CPC shall review the adopted limit to ensure that such limit is not more than the limit fixed by the Commission.
5. CPCs shall ensure that as from the effective date of this Resolution, each of its purse seiners already in operation does not exceed the maximum number of instrumented buoys set in paragraph 3.
6. Notwithstanding the completion of any study undertaken at the request of the Commission including the study to be undertaken by the Working Group adopted at Resolution 15/09 in relation to FADs, the Commission may review the maximum number of instrumented buoys set out in paragraph 3.
7. The flag State shall ensure that no more than:
  - a) 350 instrumented buoys are active at sea at any one time in relation to each of its vessels through such measures as for example the verification of telecommunication bills; and
  - b) 700 instrumented buoys may be acquired annually by each of its fishing vessel.
8. CPCs shall require vessels flying their flag and fishing on DFADs to submit by 1 January 2016, the provisional purchase order for 2016 of instrumented buoys for their purse seine vessels under the confidentiality rules set by Resolution 12/02 (or any subsequent superseding Resolution).
9. CPCs shall require vessels flying their flag and fishing on DFADs to submit, by the end of 2016 the number of instrumented buoys activated, deactivated and active on each quarter during 2016 its purse seine vessel

under the confidentiality rules set by Resolution 12/02 (or any subsequent superseding Resolution).

10. All CPCs shall ensure that all fishing vessels as referred to in paragraph 1 shall record fishing activities in association with FADs using the specific data elements found in **Annex I** (DFAD) and **Annex II** (AFAD) in the section of the “FAD-logbook”.
11. CPCs having vessels fishing on FADs shall submit, to the Commission, on an annual basis, Management Plans for the use of FADs by each of their purse seine vessels covered at paragraph 1. Due to their specificity in terms of users, number deployed, type of boat/vessel involved, fishing method and gear used and materials used in their construction, the Management Plans and Reporting Requirements for Drifting FADs (DFAD) and Anchored FADs (AFAD) shall be addressed separately for the purposes of this Resolution. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans by each CPC as provided for DFADs in **Annex I** and AFADs in **Annex II**. For the purpose of this Resolution, the term Fish Aggregating Device means drifting (DFAD) or anchored floating or submerged objects (AFAD) deployed for the purpose of aggregating target tuna species.
12. The Management Plans shall be analysed by the IOTC Compliance Committee.
13. The Management Plans shall include initiatives or surveys to investigate, and to the extent possible minimise the capture of small Bigeye tuna and Yellowfin tuna and non-target species associated with fishing on FADs. Management Plans shall also include guidelines to prevent, to the extent possible, the loss or abandonment of FADs. To reduce the entanglement of sharks, marine turtles or any other species, the design and deployment of FADs shall be based on the principles set out in **Annex III**, which will be applied gradually from 2014. From 2015 on, CPCs shall submit to the Commission, 60 days before the Annual Meeting, a report on the progress of the management plans of FADs, including reviews of the initially submitted Management Plans, and including reviews of the application of the principles set out in **Annex III**.
14. Starting in 2016, CPCs shall submit the data elements prescribed in **Annex I** and **Annex II** to the Commission, consistent with the IOTC standards for the provision of catch and effort data, and these data shall be made available for analysis to the IOTC Scientific Committee on the aggregation level set by Resolution 15/02 (or any subsequent superseding Resolution), and under the confidentiality rules set by Resolution 12/02 (or any subsequent superseding Resolution). The IOTC Scientific Committee will analyse the information, when available, and provide scientific advice on additional FAD management options for consideration by the Commission in 2016, including recommendations on the number of FADs to be operated, the use of biodegradable materials in new and improved FADs and the phasing out of FAD designs that do not prevent the entanglement of sharks, marine turtles and other species. When assessing the impact of FADs on the dynamic and distribution of targeted fish stocks and associated species and on the ecosystem, the IOTC Scientific Committee will, where relevant, use all available data on abandoned FADs (i.e. FADs without a beacon or which have drifted outside the fishing zone).
15. From January 2016, CPCs shall require all artificial FADs deployed or modified by their flagged fishing vessels in the IOTC area of competence to be marked in accordance with a detailed marking scheme, e.g. including FAD marking or beacon ID. The marking scheme shall be developed and considered for adoption by the Commission at its regular annual session in 2016, based on recommendations from the IOTC Scientific Committee as requested by the Commission. The marking scheme should take into account, as a minimum, the following:
  - a) All artificial FADs shall be marked with a unique identification number, based on a specific numbering system and format to be adopted by the Commission;
  - b) The marking should be easy to read before the vessel operator engages in any artificial FAD related activity (e.g. setting on the artificial FAD, retrieving the artificial FAD, servicing the artificial FAD, fishing on the artificial FAD), but if not visible for any reason, (time of day, weather, etc.), the vessel

operator shall ensure to obtain the unique artificial FAD identifier as soon as feasible;

- c) The marking should be easy to apply to the artificial FAD, but should be applied in such a manner that it will not become unreadable or disassociated with the artificial FAD.

16. Resolution 17/08 *Procedures on a fish aggregating devices (FADs) management plan, including more detailed specification of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species* is superseded by this Resolution.

## ANNEX I

### GUIDELINES FOR PREPARATION OF DRIFTING FISH AGGREGATING DEVICE (DFAD) MANAGEMENT PLANS

To support obligations in respect of the DFAD Management Plan (DFAD–MP) to be submitted to the IOTC Secretariat by CPCs with fleets fishing in the IOTC area of competence, associated to DFADs, DFAD–MP should include:

1. An objective
2. Scope:

Description of its application with respect to:

- vessel-types and support and tender vessels
  - DFAD numbers and DFADs beacon numbers to be deployed
  - reporting procedures for DFAD deployment
  - incidental bycatch reduction and utilisation policy
  - consideration of interaction with other gear types
  - plans for monitoring and retrieval of lost DFADs
  - statement or policy on “DFAD ownership”
3. Institutional arrangements for management of the DFAD Management Plans:
    - Institutional responsibilities
    - application processes for DFAD and /or DFAD beacons deployment approval
    - Obligations of vessel owners and masters in respect of DFAD and /or DFAD beacons deployment and use
    - DFAD and/or DFADs beacons replacement policy
    - reporting obligations
  4. DFAD construction specifications and requirements
    - DFAD design characteristics (a description)
    - DFAD markings and identifiers, including DFADs beacons
    - Lighting requirements
    - radar reflectors
    - visible distance
    - radio buoys (requirement for serial numbers)
    - satellite transceivers (requirement for serial numbers)

5. Applicable areas
  - Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.
6. Applicable period for the DFAD–MP
7. Means for monitoring and reviewing implementation of the DFAD–MP
8. DFAD logbook
  - catch reporting from DFAD sets (consistent with the Standards for the provision of Catch and Effort Data) set out in Resolution 15/02), including:
    - a) Any visit on a DFAD\*
    - b) For each visit on a DFAD, whether followed or not by a set
      - i. position,
      - ii. date,
      - iii. DFAD identifier (i.e., DFAD Marking or beacon ID or any information allowing to identify the owner),
      - iv. DFAD type (drifting natural FAD, drifting artificial FAD),
      - v. DFAD design characteristics (dimension and material of the floating part and of the underwater hanging structure),
      - vi. type of the visit (deployment, hauling, retrieving, loss, intervention on electronic equipment).
    - c) If the visit is followed by a set, the results of the set in terms of catch and bycatch.

\* Other FADs encountered at–sea should be monitored in accordance with each CPCs’ domestic regulations.

## ANNEX II

### GUIDELINES FOR PREPARATION OF ANCHORED FISH AGGREGATING DEVICE (AFAD) MANAGEMENT PLANS

To support obligations in respect of the AFAD Management Plan (AFAD–MP) to be submitted to the IOTC Secretariat by CPCs with fleets fishing in the IOTC area of competence, associated to AFADs, AFAD– MP should include:

1. An objective
2. Scope:  
Description of its application with respect to:
  - a) Vessel types
  - b) AFAD numbers and/or AFADs beacons numbers to be deployed (per AFAD type)
  - c) reporting procedures for AFAD deployment
  - d) distances between AFADs
  - e) incidental bycatch reduction and utilisation policy
  - f) consideration of interaction with other gear types
  - g) the establishment of inventories of the AFADs deployed, detailing AFAD identifiers, characteristics and equipment of each AFAD as laid down in point 4 of the present Annex, coordinates of the AFAD's mooring sites, date of set, lost and reset
  - h) plans for monitoring and retrieval of lost AFADs
  - i) statement or policy on “AFAD ownership”
3. Institutional arrangements for management of the AFAD Management Plans:
  - a) Institutional responsibilities
  - b) Regulations applicable to the setting and use of AFADs
  - c) AFAD repairs, maintenance rules and replacement policy
  - d) Data collection system
  - e) reporting obligations
4. AFAD construction specifications and requirements:
  - a) AFAD design characteristics (a description of both the floating structure and the underwater structure, with special emphasis on any netting materials used)
  - b) Anchorage used for mooring
  - c) AFAD markings and identifiers, including AFAD beacons if any
  - d) Lighting requirements if any

- e) radar reflectors
  - f) visible distance
  - g) radio buoys if any (requirement for serial numbers)
  - h) satellite transceivers (requirement for serial numbers)
  - i) echo sounder
5. Applicable areas
- a) Coordinates of mooring sites, if applicable
  - b) Details of any closed areas e.g., shipping lanes, Marine Protected Areas, reserves etc.
6. Means for monitoring and reviewing implementation of the AFAD–MP AFAD logbook
- Catch reporting from AFAD sets (consistent with the Standards for the provision of Catch and Effort Data) set out in Resolution 15/02), including:
    - a) Any visit in a AFAD.
    - b) For each visit on a AFAD, whether followed or not by a set or other fishing activities, the,
      - i. position;
      - ii. date;
      - iii. AFAD identifier (i.e., FAD Marking or beacon ID or any information allowing to identify the owner).
    - c) If the visit is followed by a set or other fishing activities, the results of the set in terms of catch and bycatch.

### **ANNEX III**

#### **PRINCIPLES FOR DESIGN AND DEPLOYMENT OF FADS**

1. The surface structure of the FAD should not be covered, or only covered with non-meshed material.
2. If a sub-surface component is used, it should not be made from netting but from non-meshed materials such as ropes or canvas sheets.
3. To reduce the amount of synthetic marine debris, the use of natural or biodegradable materials (such as hessian canvas, hemp ropes, etc.) for drifting FADs should be promoted.

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## RESOLUTION 18/09 ON A SCOPING STUDY OF SOCIO-ECONOMIC DATA AND INDICATORS OF IOTC FISHERIES

**Keywords:** Socio-Economics, scoping study.

**The Indian Ocean Tuna Commission (IOTC),**

CONSIDERING the objective of the Commission provided for in Article V to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks;

FURTHER CONSIDERING the responsibility of the Commission provided for in Article V(2)(d) to keep under review the economic and social aspects of the fisheries based on the stocks covered by the Agreement bearing in mind, in particular, the interest of developing coastal states;

FURTHER CONSIDERING the objective of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

RECOGNISING the special requirements of the developing states, particularly Small Island Developing States in Article 24, of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

RECALLING paragraph 75 of the 20th Session of the IOTC Scientific Committee report (IOTC-2017-SC20-R) that states:

*“75. The SC AGREED that the development of the ecosystem report card is a first step in developing the approach. Initiating the process with the development and monitoring of simple indicators and then linking these to management objectives and actions is an iterative process where the data collection and research activities are based on higher level guidance from the Commission. The SC noted that the consideration of socioeconomic dimensions are specifically mentioned in the IOTC Agreement and so the scientific subsidiary bodies are therefore mandated to work on these issues as well.”*

RECALLING Article IV, paragraph 2(d) of the IOTC Agreement which states:

*“2. In order to achieve these objectives, the Commission shall have the following functions and responsibilities, in accordance with the principles expressed in the relevant provisions of the United Nations Convention on the Law of the Sea: (d) to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal state”*

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The terms of reference for a scoping study of socio-economic aspects of IOTC fisheries, are those specified in Annex I.
2. Pursuant to Article XII.5 of the Agreement, the Commission shall review the results of the scoping study and determine if a permanent Working Party on the Socio-Economic Aspects of the Fisheries the IOTC Area of the Competence is needed, at its 23<sup>rd</sup> Session in 2019.
3. The IOTC Secretariat shall facilitate the process of recruitment of the consultant or consulting company for delivery of the scoping study as specified in Annex I. The Commission requested the Secretariat to seek sources of extra-budgetary funds to support the proposed work.

4. The CPCs shall cooperate with the consultant for the purpose of this study, using their best endeavors and in line with their respective national legislation.

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**ANNEX I**  
**TERMS OF REFERENCE FOR A SCOPING STUDY ON THE SOCIO-ECONOMIC DATA AND INDICATORS OF IOTC FISHERIES**

**Objectives**

1. To describe the economic and social aspects of the fisheries, bearing in mind, in particular, the interests of developing coastal States, and identify the availability of data and socio-economic indicators that would describe the respective CPCs economic and social aspects of fisheries, including but not limited to: socio-economic contribution to the fisheries, economic dependence on fishery resources; income from exports; employment conditions and interactions between fleet segments; impact of fishery resource rents, including fisheries agreements with third parties to the local economies in terms of income, investments and jobs.
2. To evaluate and document what socio-economic data have been, and are currently collected by CPCs or other organisations that are in the public domain, on IOTC fisheries;
3. To evaluate and document what socio-economic data have been, and are currently collected by CPCs or other organisations but are not in the public domain on IOTC fisheries, where feasible under domestic law;
4. To evaluate if a) the data can be feasibly and uniformly collected, and b) would be adequate to calculate the indicators proposed. This should include, where feasible, a discussion on the data themselves, data quality, time periods and coverage rates;
5. To make recommendations on indicators taking into consideration the available data. To make recommendations on data requirements and harmonisation; and
6. To make recommendations on data management, reporting and associated costs to IOTC.
7. The consultant shall consider existing initiatives focusing on the socio-economic importance of fisheries, including, where applicable, the Overseas Fisheries Cooperation Foundation of Japan (OFCF) pilot project on socio-economic aspect of fisheries, to avoid any duplication

**Outputs**

8. A draft of the Consultant's report will be provided 120 days in advance of the 23<sup>rd</sup> Session of the IOTC (S23) in 2019.
9. The CPCs shall be tasked to review the report and provide feedback to the Consultant 60 days before the 23<sup>rd</sup> Session of the IOTC (S23), via the IOTC Secretariat.
10. The final Consultant's report shall be submitted to the IOTC Secretariat no later than 30 days prior to the commencement of the 23<sup>rd</sup> Session in 2019, in accordance with the IOTC Rules of Procedure (2014).
11. The final Consultant's report should be presented to the Commission for consideration at its meeting in 2019 and a presentation by the Consultant during the Session to answer any questions from CPCs.

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## RESOLUTION 18/10 ON VESSEL CHARTERING IN THE IOTC AREA OF COMPETENCE

**Keywords:** Charter, conservation, data.

### **The Indian Ocean Tuna Commission (IOTC),**

RECOGNIZING that, under the IOTC Agreement, Contracting Parties shall desire to cooperate with a view to ensuring the conservation of tuna and tuna-like species in the Indian Ocean and promoting their optimum utilization;

RECALLING that, according to Article 92 of the United Nations Convention on the Law of the Sea, of 10 December 1982, ships shall sail under the flag of one State only and shall be subject to its exclusive jurisdiction on the high seas except as otherwise provided in relevant international instruments;

ACKNOWLEDGING the needs and interests of all States to develop their fishing fleets so as to enable them to fully utilize the fishing opportunities available to them under relevant IOTC Conservation and Management Measures;

ACKNOWLEDGING the important contribution of chartered vessels to sustainable fisheries development in the Indian Ocean;

MINDFUL that the practice of charter agreements, whereby fishing vessels do not change their flag, might seriously undermine the effectiveness of Conservation and Management Measures established by the IOTC unless properly regulated;

CONCERNED with ensuring that charter agreements do not promote IUU fishing activities or undermine IOTC Conservation and Management Measures;

REALIZING that there is a need for IOTC to regulate charter agreements with due regard to all relevant factors;

REALIZING that there is a need for the IOTC to establish procedures for charter agreements;

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

### **Part I: Definitions**

1. **Chartering of vessels:** means an agreement or an arrangement by which a fishing vessel flying the flag of Contracting Party is contracted for a defined period of time by an operator in another Contracting Party without the change of flag. For the purpose of this Resolution, the “chartering CP” refers to the CP that holds the quota allocation or fishing possibilities and the “flag CP” refers to the CP in which the chartered vessel is registered.

### **Part II: Objective**

2. Charter agreements may be allowed, predominantly as an initial step in the fishery development of the chartering nation. The period of the chartering arrangement shall be consistent with the development schedule of the chartering nation.

### **Part III: General provisions**

3. The chartering agreement shall contain the following conditions:
  - 3.1 The flag CP has consented in writing to the chartering agreement;
  - 3.2 the duration of the fishing operations under the chartering agreement does not exceed 12 months cumulatively in any calendar year;

- 3.3 Fishing vessels to be chartered shall be registered to responsible Contracting Parties and Cooperating Non-Contracting Parties, which explicitly agree to apply IOTC Conservation and Management Measures and enforce them on their vessels. All flag Contracting Parties or Cooperating Non-Contracting Parties, concerned shall effectively exercise their duty to control their fishing vessels to ensure compliance with IOTC Conservation and Management Measures.
- 3.4 Fishing vessels to be chartered shall be on the IOTC record of vessels authorized to operate in the IOTC Area of Competence, in accordance with IOTC Resolution 15/04 *Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence* (or any subsequent superseding revision).
- 3.5 Without prejudice to the duties of the chartering CP, the flag CP shall ensure that the chartered vessel complies with both the chartering Contracting Party and the flag Contracting Party or Cooperating Non-Contracting Party shall ensure compliance by chartered vessels with relevant Conservation and Management Measures established by IOTC, in accordance with their rights, obligations and jurisdiction under international law. . If the chartered vessel is allowed by the chartering CP to go and fish in the high seas, the flag CP is then responsible for controlling the high seas fishing conducted pursuant to the charter arrangement. The chartered vessel shall report VMS and catch data to both the CPs (chartering and flag) and to the IOTC Secretariat.
- 3.6 All catches, including bycatch and discards, taken pursuant to the chartering agreement, as well as the observer coverage shall be counted against the quota or fishing possibilities of the chartering C P.
- 3.7 The chartering CP shall report to the IOTC all catches, including bycatch and discards, and other information required by the IOTC, and as per the Charter Notification Scheme detailed in **Part III** of this Resolution.
- 3.8 Vessel Monitoring Systems (VMS) and, as appropriate, tools for differentiation of fishing areas, such as fish tags or marks, shall be used, according to the relevant IOTC Conservation and Management Measures, for effective fishery management.
- 3.9 There shall be observer coverage of at least 5% of fishing effort, as measured in the manner specified in paragraph 2 of Resolution 11/04 (or any subsequent superseding resolution), for chartered vessels. All other provisions of Resolution 11/04 apply *mutatis mutandis* in the case of chartered vessels.
- 3.10 The chartered vessels shall have a fishing license issued by the chartering CP, and shall not be on the IOTC IUU list as established by IOTC Resolution 17/03 [superseded by Resolution 18/03] *On Establishing a List of Vessels Presumed to Have Carried out Illegal, Unreported, and Unregulated Fishing Activities in the IOTC Area of Competence* (or any subsequent superseding resolution), and/or IUU list of other Regional Fisheries Management Organisations.
- 3.11. When operating under charter agreements, the chartered vessels shall not, to the extent possible, be authorized to use the quota (if any) or entitlement of the flag Contracting Parties or Cooperating Non-Contracting Parties. In no case, shall the vessel be authorized to fish under more than one chartering agreement at the same time.
- 3.12. Unless specifically provided in the chartering agreement, and consistent with relevant domestic law and regulation, the catches of the chartered vessels shall be unloaded exclusively in the Ports of the chartering Contracting Party or under its direct supervision in order to assure that the activities of the chartered vessels do not undermine IOTC Conservation and Management Measures.
- 3.13 The chartered vessel shall at all times carry a copy of the documentation referred to in paragraph 4.1.

#### **Part IV: Charter notification scheme**

4. Within 15 days, or, in any case, prior to 72 hours before commencement of fishing activities under a Charter agreement:

- 4.1 The chartering CP shall notify the IOTC Executive Secretary of any vessel to be identified as chartered in accordance with this Resolution by submitting electronically where possible the following information with respect to each chartered vessel:
  - a) the name (in both native and Latin alphabets) and registration of the chartered vessel, and International Maritime Organization (IMO) ship identification number (if eligible);
  - b) the name and contact address of the beneficial owner(s) of the vessel;
  - c) the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;
  - d) a copy of the chartering agreement and any fishing authorization or license it has issued to the vessel, including in particular the quota allocation(s) or fishing possibility assigned to the vessel; and the duration of the chartering arrangement;
  - e) its consent to the chartering agreement; and
  - f) the measures adopted to implement these provisions;
- 4.2 The flag CP or Cooperating Non-Contracting Party, shall provide the following information to the IOTC Executive Secretary:
  - a) its consent to the chartering agreement;
  - b) the measures adopted to implement these provisions; and
  - c) its agreement to comply with IOTC Conservation and Management Measures.
5. Upon receipt of the information required in paragraph 3, the IOTC Executive Secretary shall circulate all the information within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.
6. Both the chartering CP and the flag CP or Cooperating Non-Contracting Party shall immediately inform the IOTC Executive Secretary of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.
7. The IOTC Executive Secretary shall circulate all the information pertaining to termination of a chartering agreement within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.
8. The chartering CP shall report to the IOTC Executive Secretary by 28 February each year, and for the previous calendar year, the particulars of charter agreements made and carried out under this Resolution, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels, in a manner consistent with IOTC data confidentiality requirements.
9. Each year the IOTC Executive Secretary shall present a summary of all the chartering agreements undertaken in the previous year, to the Commission which, at its annual meeting, shall review compliance with this Resolution under advice of the IOTC Compliance Committee.