

6 June 2017

## IOTC CIRCULAR 2017-061

Dear Sir/Madam,

**SUBJECT: CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY THE IOTC AT ITS 21<sup>ST</sup> SESSION**

I have the honour to transmit to you the texts of the eight (8) Conservation and Management Measures adopted by the Commission at its 21<sup>st</sup> Session, held in Yogyakarta, Indonesia, from 22 to 26 May 2017.

**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. 03 October 2017.**

- [Resolution 17/01](#) – *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of Competence*
- [Resolution 17/02](#) – *Working party on the implementation of Conservation and Management Measures (WPICMM).*
- [Resolution 17/03](#) – *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area of competence.*
- [Resolution 17/04](#) – *On a ban on discards of Bigeye tuna, Skipjack tuna, Yellowfin tuna, and non-targeted species caught by purse seine vessels in the IOTC Area of Competence*
- [Resolution 17/05](#) – *On the conservation of sharks caught in association with fisheries managed by the IOTC.*
- [Resolution 17/06](#) – *On establishing a programme for transshipment by large-scale fishing vessels*
- [Resolution 17/07](#) – *On the prohibition to use large-scale driftnets in the IOTC Area*
- [Resolution 17/08](#) – *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*

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

Yours sincerely



Alejandro Anganuzzi  
Executive Secretary (*a. i.*)

**Attachments:**

- Conservation and Management Measures adopted in 2017

**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 17/01

### 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 18<sup>th</sup> 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 19<sup>th</sup> 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, 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 1<sup>st</sup> 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 that allow 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, 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: Supply vessels shall be gradually reduced by 31<sup>st</sup> December 2022 as specified below in (i), (ii)(iii)(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>1</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>1</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.
4. 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.
5. Complementary to Resolution 15/08 [superseded by [Resolution 17/08](#)] 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).
6. 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.
7. 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
8. 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.
9. 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.
10. 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.
11. 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 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.

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<sup>1</sup> The subparagraphs (i) and (ii) shall not apply to flag States which use only one supply vessel.

12. 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.
13. 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.
14. 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.
15. 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.
16. Nothing in this resolution shall pre-empt or prejudice future allocation.
17. This Resolution supersedes IOTC Resolution 16/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock*.

**RESOLUTION 17/02**  
**WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT**  
**MEASURES (WPICMM)**

**Keywords:** Conservation and Management Measures; Compliance Committee

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

RECALLING the objective of the Agreement (Article V) is ‘*to adopt, in accordance with Article IX and on the basis of scientific evidence, Conservation and Management Measures, to ensure the conservation of the stocks covered by this Agreement and to promote the objective of their optimum utilisation throughout the Area*’;

RECOGNISING the annual level of illegal, unreported and unregulated (IUU) fishing in the IOTC area of competence is estimated to be in the order of many hundreds of dollars and the urgent need to better manage the tuna and tuna-like species under the IOTC mandate;

ALSO RECOGNISING the decision of the Commission to establish the necessary subsidiary bodies to monitor the implementation by CPCs with the Agreement and the Commission’s Conservation and Management Measures, assist CPCs to enhance their compliance capacity and conserve the harvesting levels of tuna and tuna-like species and their associated ecosystems at sustainable levels;

CONSIDERING the fact that the work of the Compliance Committee has increased to a level which can no longer be adequately addressed during its annual session, specifically the technical evaluation and planning elements for supporting CPC implementation of CMMs;

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

1. Pursuant to Article XII.5 of the Agreement, the Commission establishes a permanent Working Party on the Implementation of Conservation and Management Measures (WPICMM) which shall act as an advisory body to the Commission via the Compliance Committee.
2. The terms of reference for the WPICMM are those specified in **Annex I**.
3. This Resolution shall be incorporated within the IOTC Rules of Procedure as its next revision.
4. This Resolution supersedes IOTC Resolution 16/12 *Working Party on the Implementation of Conservation and Management Measures (WPICMM)*.

## ANNEX I

### TERMS OF REFERENCE FOR A WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (WPICMM)

1. The procedures of the Working Party on the Implementation of Conservation and Management Measures (WPICMM) shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

#### **Objectives:**

2. The objective of the (WPICMM) is to:

- a) Alleviate the technical discussions, workload and time pressures on the Compliance Committee, and permit it to focus on higher level compliance implementation strategies in its work for the Commission;
- b) Enhance the technical capacity of Contracting Party (Member) and Cooperating Non-Contracting Party (CNCP) (collectively termed CPCs) to understand and implement IOTC Conservation and Management Measures (CMMs);
- c) Prioritise implementation issues and develop operational standards for use by CPCs.

#### **Composition:**

3. The WPICMM shall be composed by fisheries compliance officers (or other relevant officer) of the CPCs, scientists, fishers managers, fishing industry representatives, administrators and other interested stakeholders, in accordance with the IOTC Rules of Procedure.

#### **Mandate:**

4. Examine all aspects of CPCs technical implementation of CMMs and recommending ways to enhance the level of implementation;

5. Examine Monitoring, Control and Surveillance (MCS) technical matters in order to provide the Compliance Committee with options for strengthening MCS;

6. Review the reporting requirements contained within CMMs in order to harmonize and streamline;

7. Develop a methodology for the assessment of implementation by CPCs, for producing the Country Compliance Reports provided annually to the Compliance Committee and flag States;

8. Review and assess the effectiveness and practical aspects of implementation of CMMs adopted by the Commission in order to identify deficiencies and implementation constraints faced by CPCs, and to recommend options for amendments;

9. Propose actions to address deficiencies in implementation;

10. Development of minimum regional standards for implementation of CMMs;

11. Develop a harmonized assessment criteria to identify vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities;

12. Monitor the development of, and recommend further actions for the IOTC list of vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities, including where requested by the Compliance Committee or involved CPCs, a review of the evidence to be presented, where such evidence can be made available to the WPICMM;
13. Monitor the development of, and recommend actions for the list of Large Scale Tuna Longline Vessels (LSTLVs)/carrier vessels presumed to have committed infractions of IOTC CMMs, as recorded by observers deployed under the at-sea transshipment programme;
14. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of national MCS systems;
15. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of enforcement actions to ensure compliance with IOTC CMMs;
16. Development of regional capacity building mechanisms to assist CPCs to meet the regional minimum terms and conditions or standards for implementation of the CMMs;
17. Provide recommendations for the strengthening of the implementation of CMMs and capacity building activities, including compliance support missions, regional/national training courses and workshops, to be funded under the special fund for capacity building or extra budgetary contributions;
18. Develop recommendations and guidelines for a schedule of sanctions for non-compliance with IOTC CMMs for consideration by the CPCs and the Commission.
19. Review compliance with data reporting obligations by CPCs and recommend actions for implementation.
20. Other tasks as assigned by the Compliance Committee or Commission.
21. The WPICMM would meet once a year, back to back with the meeting of the Compliance Committee, and shall report on its work to the Compliance Committee at its annual session.



## RESOLUTION 17/03

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

#### **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;

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:
    - i. 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 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

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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.

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 be 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 or paragraph 30 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 IUU Vessel List as soon as possible to the FAO and to other regional fisheries management organisations 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.

### **General Provisions**

31. 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 paragraph 8 and 16 on the grounds that such vessels are involved in IUU fishing activities, or those vessels removed from the IUU vessels list by the Commission.
32. A summary of the timeframe for actions to be taken in respect of this Resolution is provided in **Annex V**
33. Resolution 11/03 *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 17/03 *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 17/03](#) 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   |                 |

| <b>Item</b> | <b>Definition</b>   | <b>Indicate</b> |
|-------------|---|-----------------|
| 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); 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.

### 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) |                            |            |                        |  |                    |          |
| 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                   | 14.c)      |                        | <b>Aide Memoire to CoC:</b><br>Only where para 14.c) 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                   | 14.c)      |                        |  |                    |          |
| (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                   | 14.c)      |                        |  |                    |          |

| Action  | Responsibility | Paragraph | Provided on time (Y/N) | Aide Memoire | Mark which applies | Comments |
|---|----------------|-----------|------------------------|--------------|--------------------|----------|
| (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       | 14.c)     |                        |              |                    |          |
| 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       | 14.d)     |                        |              |                    |          |
| Has the flag State provided information to show that it has taken any actions in accordance with 07/01  | Flag CPC       | 14.d)     |                        |              |                    |          |

## 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:** \_\_\_\_\_

| Para 22, sub para | Action  | Responsibility | Information Provided (Y/N) | Comments | Aide Memoire  |
|-------------------|---|----------------|----------------------------|----------|---|
| 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.<br>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.<br>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, other RFMOs, CPCs and the flag State (if not a CPC).   | IOTC Executive Secretary                           | 29               |

## RESOLUTION 17/04

### ON A BAN ON DISCARDS OF BIGEYE TUNA, SKIPJACK TUNA, YELLOWFIN TUNA, AND NON-TARGETED SPECIES CAUGHT BY PURSE SEINE VESSELS IN THE IOTC AREA OF COMPETENCE

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

RECOGNISING the need for action to ensure the achievement of IOTC objectives to conserve and manage bigeye tuna, skipjack tuna and yellowfin tuna in the IOTC area of competence;

RECOGNISING that the international community has recognised both ethical concerns and policy regarding discards of species in several international instruments and statements, including United Nations General Assembly resolutions (A/RES/49/118 (1994); A/RES/50/25 (1996); A/RES/51/36 (1996); A/RES/52/29 (1997); A/RES/53/33 (1998); A/RES/55/8 (2000); and A/RES/57/142 (2002)), United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement); The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995; the Code of Conduct for Responsible Fisheries, the FAO International Plan of Action (IPOA) on sharks; the Convention on Biological Diversity (CBD);

RECALLING that the United Nations Fish Stocks Agreement has underlined the importance of ensuring the conservation and optimum utilisation of highly migratory species through the action of regional fishery bodies such as the IOTC, and provides that “*States should minimize ... discards, ..., catch of non target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species ...*”;

RECALLING that The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995, provides that “*States should...reduce bycatches, fish discards...*”;

RECALLING that the FAO Code of Conduct for Responsible Fisheries provides that “*States should take appropriate measures to minimize waste, discards...collect information on discards ...; ... take account of discards (in the precautionary approach) ...; develop technologies that minimize discards ...; use of selective gear to minimize discards*”;

RECALLING that the Commission adopted Resolution 12/01 *on the implementation of the precautionary approach*;

CONCERNED about the morally unacceptable waste and the impact of unsustainable fishing practices upon the oceanic environment, represented by the discarding of tunas and non-target species in the purse seine fishery for tunas in the Indian Ocean;

CONSIDERING the important volume of tuna and non-targeted species discarded in the purse seine fishery for tunas in the Indian Ocean;

CONSIDERING the Millennium Development Goals, particularly Goal Number 2 aims to “End hunger, achieve food security and improved nutrition and promote sustainable agriculture”.

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

#### **RETENTION OF TARGETED TUNA SPECIES**

1. Contracting Parties and Cooperating Non-Contracting Parties shall require all purse seine vessels to retain on board and then land all bigeye tuna, skipjack tuna, and yellowfin tuna caught, except fish considered unfit for human consumption as defined in paragraph 4. b) (ii).

#### **RETENTION OF NON-TARGETED SPECIES**

2. Contracting Parties and Cooperating Non-Contracting Parties shall require all purse seine vessels to retain on board and then land, to the extent practicable, the following non-targeted species or species group; other



tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda, except fish considered unfit for human consumption as defined in paragraph 4. b) (ii), and/or species which are prohibited from retention through domestic legislations and international obligations.

3. Contracting Parties and Cooperating Non-Contracting Parties using other gear types not provided for in paragraph 1 and 2 of this resolution, which are targeting tuna and tuna like species in the IOTC area of competence should encourage their vessel to;
  - a) take all reasonable steps to ensure the safe release of non-targeted species taken alive, to the extent possible, while taking into consideration the safety of the crew.
  - b) retain on board and then land all dead non-targeted species except those considered unfit for human consumption as defined in paragraph 4. b) (ii) and/or are prohibited from retention through domestic legislations and international obligations.
4. Procedures for the implementation of full retention requirements include:
  - a) No bigeye tuna, skipjack tuna, yellowfin tuna and non-targeted species referred to in paragraph 2 caught by purse seine vessels may be discarded after the point in the set when the net is fully pursed and more than one half of the net has been retrieved. If equipment malfunctions affect the process of pursing and retrieving the net in such a way that this rule cannot be complied with, the crew must make efforts to release the tunas and the non-targeted species as soon as possible.
  - b) The following two exceptions to the above rule shall apply:
    - i. Where it is determined by the captain of the vessel that tuna (bigeye tuna, skipjack tuna or yellowfin tuna) and the non-targeted species as listed in Para 2 caught are unfit for human consumption, the following definitions shall be applied:
      - "unfit for human consumption" are fish that:
        - is meshed or crushed in the purse seine; or
        - is damaged due to depredation; or
        - has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive;
      - "unfit for human consumption" does not include fish that:
        - is considered undesirable in terms of size, marketability, or species composition; or
        - is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.
    - ii. Where the captain of a vessel determines that tuna (bigeye tuna, skipjack tuna or yellowfin tuna) and the non-targeted species as listed in Para 2 were caught during the final set of a trip and there is insufficient storage capacity to accommodate all tuna (bigeye tuna, skipjack tuna or yellowfin tuna) and the non-targeted species caught in that set. This fish may only be discarded if:
      - the captain and crew attempt to release the tuna (bigeye tuna, skipjack tuna or yellowfin tuna) and the non-targeted species alive as soon as possible; and
      - no further fishing is undertaken after the discard until the tuna (bigeye tuna, skipjack tuna, and/or yellowfin tuna) and the non-targeted species on board the vessel has been landed or transhipped.

#### **NON-RETENTION**

5. Where the captain of the vessel determines that fish should not be retained on board in accordance with Clause 4.b (i) and (ii), the captain shall record the event in the relevant logbook including estimated tonnage and species composition of discarded fish; and estimated tonnage and species composition of retained fish from that set.

#### **REVIEW**

6. The IOTC Scientific Committee, the IOTC Working Party on Tropical Tunas, and the IOTC Working Party on Ecosystems and Bycatch shall as a matter of priority:
  - a) act on its recommendation in the Report of the 18th Session of the IOTC Scientific Committee and undertake work to examine the benefits of retaining non-targeted species catches, other than those prohibited via IOTC Resolution, and present its recommendations to the 22nd Annual Session of the

Commission. The work should take into account all species that are usually discarded on all major gears (i.e., purse-seines, longlines and gillnets), and should look at fisheries that take place both on the high seas and in coastal countries and the feasibility of both retraining on-board and processing of the associated landings.

## **IMPLEMENTATION**

7. This Resolution shall enter into force on 1<sup>st</sup> January 2018 and will be revised, according to the advice of the IOTC Scientific Committee resulting from the review of the IOTC Working Party on Tropical Tunas (for bigeye tuna, skipjack tuna and yellowfin tuna) and of the IOTC Working Party on Ecosystems and Bycatch (for non-target species).
8. This Resolution supersedes Resolution 15/06 *On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna and a recommendation for non-targeted species caught by purse seine vessels in the IOTC area of competence.*

**RESOLUTION 17/05**  
**ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES**  
**MANAGED BY IOTC**

**Keywords:** sharks, finning, naturally-attached fins, NEAFC, NAFO

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

RECOGNISING 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 Article V of the United Nations Fish Stocks Agreement;

CONCERNED by the continued failure of IOTC CPCs to submit complete, accurate and timely catch records for sharks in accordance with existing IOTC Resolutions;

RECOGNISING the need to improve the collection of species specific data on catch, discards and trade as a basis for improving the conservation and management of shark stocks and aware that identifying sharks by species is rarely possible when fins have been removed from the carcass;

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 A/RES/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;

FURTHER RECALLING that the FAO International Plan of Action for Sharks calls on States to encourage full use of dead sharks, to facilitate improved species-specific catch and landings data and monitoring of shark catches and the identification and reporting of species-specific biological and trade data;

AWARE that despite regional agreements on the prohibition of shark finning, shark fins continue to be removed on board and the rest of the shark carcass discarded into the sea;

EMPHASISING the recent recommendations of IOTC and WCPFC Scientific Committees that the use of fin-to-carcass weight ratios is not a verifiable means of ensuring the eradication of shark finning and that it has proven ineffective in terms of implementation, enforcement and monitoring;

NOTING the adoption of Recommendation 10:2015 *on Conservation of Sharks Caught in Association with Fisheries Managed by the North-East Atlantic Fisheries Commission (NEAFC)* and Article 12 of the North-West Atlantic Fisheries Organisation (NAFO), which establish the fins attached policy as exclusive option for ensuring the shark finning ban in the NEAFC and NAFO fisheries;

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

1. This measure shall apply to all fishing vessels flying the flag of a Contracting Party or Cooperating Non-Contracting Party (CPC) and on the IOTC Record of Authorised Vessels, or authorised to fish for tuna or tuna-like species managed by the IOTC.
2. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks, with the exception of species prohibited by the IOTC. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
3. a) Sharks landed fresh: CPCs shall prohibit the removal of shark fins on board vessels. CPCs shall prohibit the landing, retention on-board, transshipment and carrying of shark fins which are not naturally attached to the shark carcass until the first point of landing.

b) Sharks landed frozen: CPCs that do not apply sub-paragraph 3 a) for all sharks shall require their vessels to not have on board fins that total more than 5% of the weight of sharks on board, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.

c) CPCs are encouraged to consider to progressively implement the measures described in sub-paragraph 3 a) to all shark landings. Paragraph 3 will be revisited by the Commission in its 2019 Annual Meeting in light of recommendations from the Scientific Committee, using the best available science and case studies from other CPCs already prohibiting the removal of shark fins on board vessels.

4. In fisheries in which sharks are unwanted species, CPCs shall, to the extent possible, encourage the release of live sharks, especially juveniles and pregnant sharks that are caught incidentally and are not used for food and/or subsistence. CPCs shall require that fishers are aware of and use identification guides (e.g. *IOTC Shark and Ray Identification in Indian Ocean Fisheries*) and handling practices.
5. Without prejudice to paragraph 3, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the shark carcass, but shall not be removed from the carcass until the first point of landing.
6. CPCs shall report data for catches of sharks no later than 30 June of the following year, in accordance with IOTC data reporting requirements and procedures in Resolution 15/02 *mandatory statistical requirements for IOTC Members and Cooperating Non-Contracting Parties (CPC's)* (or any subsequent superseding resolution), including all available historical data, estimates and life status of discards (dead or alive) and size frequencies.
7. CPCs shall prohibit the purchase, offer for sale and sale of shark fins which have been removed on-board, retained on-board, transhipped or landed, in contravention to this Resolution.
8. The Commission shall develop and consider for adoption at its regular annual session in 2017 mechanisms to encourage CPCs to comply with their reporting requirement on sharks, notably on the most vulnerable shark species identified by the IOTC Scientific Committee.
9. The IOTC Scientific Committee shall request that the IOTC Working Party on Ecosystems and Bycatch continue its work on identifying and monitoring the status of sharks until such time as comprehensive assessments are possible for all relevant shark species/groups. In particular, the IOTC Working Party on Ecosystems and Bycatch will establish the Terms of Reference for the Commission to establish a long term-project on sharks in IOTC, with the aim to ensure the collection of data required for performing reliable stock assessments for key shark species. The project will include:
  - a) the identification of data gaps for key shark species in IOTC;
  - b) the collection of relevant data, including through direct contacts with CPC national administrations, research institutes and stakeholders;
  - c) any other activity that could contribute to improving the collection of data required for performing stock assessments of key shark species in IOTC.

The IOTC Scientific Committee will incorporate results of the project in its reports on sharks and based on progress achieved will propose a timeframe for performing stock assessment of key sharks species. CPCs are encouraged to contribute financially to the implementation of the project.

10. The IOTC Scientific Committee shall review annually the information reported by CPCs pursuant to this Resolution and, as necessary, provide recommendations to the Commission on ways to strengthen the conservation and management of sharks within IOTC fisheries.

11. CPCs shall undertake research to:
  - a) identify ways to make fishing gears more selective, where appropriate, including research into the effectiveness of prohibiting wire leaders;
  - b) improve knowledge on key biological/ecological parameters, life-history and behavioural traits, migration patterns of key shark species;
  - c) identify key shark mating, pupping and nursery areas; and
  - d) improve handling practices for live sharks to maximise post-release survival.
12. The Commission shall consider appropriate assistance to developing CPCs for the identification of shark species/ groups and the collection of data on their shark catches.
13. This Resolution supersedes Resolution 05/05 *concerning the conservation of sharks caught in association with fisheries managed by the IOTC.*

**RESOLUTION 17/06**  
**ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING**  
**VESSELS**

**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.
2. The flag Contracting Party, Cooperating Non-Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in **Annex I** when transhipping in port.

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

3. 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.
4. 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 II** and **III** below.

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

5. 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 transhipment operations.

6. 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 transhipments 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 transhipping.
7. 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.
8. 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.
9. Carrier vessels authorised for at-sea transhipment shall be required to install and operate a Vessel Monitoring System (VMS).

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

10. Transhipments 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**

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

##### **Notification obligations**

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

12. To receive the prior authorisation mentioned in paragraph 11 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 transhipment:

- 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.
13. 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 II**.

***Receiving carrier vessel:***

14. 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 III**) and has obtained the prior authorisation from their flag State referred to in paragraph 11. The master of the receiving carrier vessel shall not start such transshipment without such confirmation.
15. 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.
16. 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:***

17. 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 III**. 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.
18. 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.
19. 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 IV**, 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 IV**. 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.

20. The provision of Paragraph 19 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**

21. 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.
22. 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.
23. 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.
24. 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.
25. The IOTC Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of **Annex III** 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.

26. Resolution 14/06 *On establishing a programme for transshipment by large-scale fishing vessels* is superseded by this Resolution.

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

**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**  
**IOTC TRANSHIPMENT DECLARATION**

| Carrier Vessel   | Fishing Vessel   |
|--|--|
| Name of the Vessel and Radio Call Sign:<br>Flag:<br>Flag State license number:<br>National Register Number, if available:<br>IOTC Register Number, if available: | Name of the Vessel and Radio Call Sign:<br>Flag:<br>Flag State license number:<br>National Register Number, if available:<br>IOTC Register Number, if available: |

|               |     |       |      |      |      |               |                        |                           |
|---------------|-----|-------|------|------|------|---------------|------------------------|---------------------------|
|               | Day | Month | Hour | Year |      | Agent's name: | Master's name of LSTV: | Master's name of Carrier: |
| Departure     |     |       |      |      | from |               |                        |                           |
| Return        |     |       |      |      | to   |               | Signature:             | Signature:                |
| Transshipment |     |       |      |      |      |               | 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 transshipment effected at sea, IOTC Observer Name and Signature:

**ANNEX III**  
**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 transhipment**

- 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 transhipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat and the IOTC Executive Secretary shall manage the account for implementing the program.
- 14. No LSTLV may participate in the at-sea transhipment program unless the fees, as required under paragraph 13, have been paid.



**ANNEX IV**

**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           |

**RESOLUTION 17/07**  
**ON THE PROHIBITION TO USE LARGE-SCALE DRIFTNETS IN THE IOTC AREA**

**Keywords:** large-scale driftnets, gillnets, EEZ, cetaceans, marine mammals

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

RECALLING that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing and that IOTC Resolution 12/12 prohibits the use of large-scale driftnets on the high seas in the IOTC; and also that both texts recognize the negative impact of such fishing gears;

NOTING that a high number of vessels are engaged in large scale driftnet fishing in the Exclusive Economic Zones (EEZ) and offshore waters;

MINDFUL that large scale driftnet fisheries have a major impact in the ecosystems, the capacity to catch species of concern to the IOTC, and also that they are likely to undermine the effectiveness of IOTC Conservation and Management Measures;

TAKING INTO ACCOUNT the available scientific information and advice, in particular the IOTC Scientific Committee conclusions establishing that billfishes and Spanish mackerels are overexploited;

NOTING that large scale driftnets are regularly being used with lengths in excess of 4,000 m (and up to 7,000 m) within the EEZs and that those used within the EEZ may sometimes drift onto the high seas in contravention of Resolution 12/12;

Furthermore, NOTING that the Scientific Committee reiterated its previous recommendation that the Commission should consider whether a ban on large scale driftnets should also apply within the EEZs given the negative ecological impacts of large scale driftnets in areas frequented by marine mammals and turtles;

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

1. This Resolution applies to vessels registered on the IOTC Record of Authorised vessels that use driftnets for the purpose of targeting tuna and tuna-like species in the IOTC Area of competence.
2. The use of large-scale driftnets<sup>1</sup> on the high seas within the IOTC area of competence shall be prohibited. The use of large-scale driftnets in the entire IOTC area of competence shall be prohibited by 1 January 2022.
3. Each Contracting Party and Cooperating Non-Contracting party (hereinafter referred to as CPCs) shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the IOTC area of competence. They shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets in the entire IOTC area of competence by 1 January 2022.
4. A CPC-flagged fishing vessel will be presumed to have used large-scale driftnets in the IOTC area of competence if it is found operating in the IOTC area of competence and is configured<sup>2</sup> to use large-scale driftnets.
5. For the purposes of monitoring the implementation of this Resolution, CPCs must notify the Secretariat of any CPC-flagged vessel using large-scale driftnets in their EEZs before the 31st of December 2020.

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<sup>1</sup> "Large-scale driftnets" are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometres in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

<sup>2</sup> "Configured" to use large-scale drift-nets meaning having on board assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets.

6. CPCs shall include in their Annual Reports of implementation a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing in the IOTC area of competence.
7. The Commission shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used in the IOTC area of competence and to take into account the latest advice of the Scientific Committee. The first such assessment shall take place in 2023.
8. Nothing in this measure shall prevent CPCs from applying more stringent measures to regulate the use of large-scale driftnets.
9. This Resolution supersedes Resolution 12/12 *to prohibit the use of large-scale driftnets on the high seas in the IOTC area.*

## RESOLUTION 17/08

### 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](#)] 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 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 15/08 *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.