



SIOFA | APSOI

Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

Report of the Third Meeting of the
Compliance Committee of the
Southern Indian Ocean Fisheries
Agreement

(SIOFA)

Pearle Beach Resort & Spa conference
centre,

Flic en Flac, Mauritius

27 – 29 June 2019

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Agenda Item 1 – Opening of the session

1.1 Opening Statement from the Chair

1. The Chair, Mr. Dominique Person, opened the meeting and welcomed all delegates (Annex A) and thanked Mauritius for hosting. The Chair also opened the floor for all delegations to introduce their representatives (Annex B).

1.2 Opening statement from the SIOFA Executive Secretary

2. The Executive Secretary welcomed delegates and thanked Mauritius for hosting as well as the hotel and support staff for assisting with meeting preparations.

1.3 Welcome to observers

3. The Chair welcomed CCAMLR, SIOFA, China, and Chinese Taipei as observers to the meeting, and invited each to introduce their representatives (Annex B).

Agenda Item 2 – Administrative arrangements

2.1 Adoption of the agenda

4. The Chair presented the Agenda outlined in CC3-Doc01_Rev3. No comments were received on the agenda, and the agenda was accepted by the Compliance Committee (Annex C).

2.2 Confirmation of meeting documents

5. The Executive Secretary advised that the list of meeting documents is presented in CC3-Doc02 (Annex D) and the table of agenda items and related papers is presented in CC3-Doc03 (Annex E).

2.3 Appointment of rapporteurs

6. The Executive Secretary nominated Jana Aker from the Northwest Atlantic Fisheries Organization (NAFO) Secretariat as lead rapporteur. The Executive Secretary also noted that Ms. Aker will be conducting capacity building rapporteur training with two Mauritian representatives during the meeting with support from the FAO ABNJ Deep Seas Project.
7. The Compliance Committee acknowledged the FAOs generous contribution.
8. The Compliance Committee agreed to appoint Jana Aker as Lead Rapporteur.

2.4 Practical arrangements for the meeting

9. The Executive Secretary provided an overview of practical arrangements for the meeting.

Agenda Item 3 – SIOFA Compliance Monitoring Scheme

10. The Chair opened this agenda item by requesting an explanation from those Parties who have not submitted their compliance reports to the Secretariat. The Compliance Committee NOTED the explanation from Mauritius that their report is being prepared, but requires higher level approvals, so will take a few weeks before it is available. The Compliance Committee also NOTED the explanation from Comoros that other internal issues caused a delay in the reporting, and that they are working to provide the report by 15 July 2019. The Republic of Korea was not present at the meeting to provide an explanation.
11. The Compliance Committee expressed its strong concerns with the failure of some Parties to provide their Compliance Reports and recommends that the MoP considers assisting these CCPs in fulfilling this essential requirement, including by translating the Compliance template in French.

12. The SIOFA Secretariat presented CC3-Doc09 which provides a table of SIOFA CMM and agreement obligations and noted that this document was prepared in accordance with the CMM 2018/11 Paragraph 27.a. Contracting Parties thanked the Secretariat for preparing this document and noted that it was a useful reference tool that should be maintained and updated as necessary.
13. The SIOFA Secretariat presented CC3-Doc10_Rev1 the Draft SIOFA Compliance Report (dSCR). The Secretariat walked through the items under each country and completed the column *2018 Compliance status proposed by CC* following discussions of the Compliance Committee. During this review, the Compliance Committee agreed to a two-level approach of addressing the delay in the submission of information to the Secretariat. If the required information was submitted to the Secretariat, but not within the deadlines, the Party would be considered Compliant with the obligation to submit information but non-compliant with the deadlines for submission. The Secretariat noted that the provisions outlined in CMM 2018/11 Annex I may need to be reviewed in light of this decision. **The Compliance Committee REQUESTED the Secretariat to present the report by CMM in the future.**
14. The Compliance Committee adopted a provisional SIOFA Compliance Report (pSCR). A summary of decisions by country is outlined below. **The Compliance Committee agreed to forward the pSCR outlined in MoP6-WP03 to the MoP for its consideration**
15. Australia: The Secretariat, based on its initial assessment, suggested a preliminary compliance status for Australia were compliant with all Conservation and Management Measures relevant to their fishery. Australia noted that, although it was not identified in the dSCR, they were in compliance in the submission of the entry and exit reports in accordance with CMM 2018/10 Paragraph 14, there was delay in submitting some of the reports to the Secretariat. **The Compliance Committee agreed that Australia was compliant with the Conservation and Management Measures except for the timeliness of submitting the entry/exit reports.**
16. Cook Islands: The Secretariat, based on its initial assessment, suggested a preliminary compliance status for the Cook Islands were not compliant with the data submission requirements outlined in CMM 2018/02 Paragraphs 4, 5, 6, 7, and 14, and CMM 2018/10 Paragraph 14. **The Compliance Committee agreed that if the Cook Islands provided the missing data to the Secretariat, that they would be compliant with the provision of the data required, but not compliant in relation to the timelines for submitting the data.** The Cook Islands clarified that the data had in fact been submitted to the secretariat in relation to CMM 2018/02 Paragraphs 4,5,7 requirements and were deemed compliant. In relation to CMM 2018/10 Paragraph 14, the Cook Islands has issued a directive to its flagged vessels to rectify the requirements of this measure. The Cook Islands made an intervention in relation to the submission of data on a tow basis in accordance with CMM 2018/02 Paragraph 6. Cook Islands stated that the data are available, however, regret that they are unable to submit the data to the Secretariat until such time as data confidentiality can be assured. Contracting Parties thanked the Cook Islands for the clarification and noted that data security will be discussed during the Meeting of the Parties.
17. The European Union: The Secretariat, based on its initial assessment, suggested a preliminary compliance status for the European Union was “not compliant” with the requirements outlined in CMM 2018/01 Paragraphs 9.1(a)(i), and 9.3 in relation to the use of number of vessels as a permitted metric for assessing fishing effort under the CMM. The European Union indicated that it did not agree with the Secretariats interpretation that the measure did not permit the use of vessel numbers as an effort limit and that it should be assessed as “compliant” with these obligations. One CCP supported the view that vessel numbers was not an appropriate metric for assessing fishing effort.

18. Australia shared the European Union's view on the Secretariats interpretation, however, Australia then made an intervention in relation to these points.
- a. Australia expressed regret at the need to make a statement on the EU's non-compliance with CMM 2018/01 (Interim management of bottom fishing). Before delivering its statement, Australia noted the strength of its relationship with the EU and the difficulty it experienced in having to make a statement about non-compliance by the EU, which Australia considers a friend. Australia noted that the delivery of its statement reflected the strength of Australia's concerns at the issues involved, and considered the delivery of its statement to be both urgent and necessary.
 - b. In delivering its statement, Australia expressed its view that the EU should be found non-compliant with respect to paragraph 9(1)(a)(i) of CMM 2018/01 because the EU had not notified the required measures. Australia recalled that paragraph 9(1)(a)(i) (read in conjunction with paragraph 9(2)) requires Contracting Parties to establish and notify annual catch and/or effort limits that do not exceed the average annual level 'in active years over a representative period for which reliable data exists'. Australia observed that the EU had not notified any effort limits, nor had it notified a corresponding reference period. In this regard, Australia recalled that the deficiency in the EU's notified measures was discussed at the fourth meeting of the Scientific Committee.
 - c. Australia further recalled that notification of measures under paragraph 9(1)(a)(i) is a precondition for authorising bottom fishing under paragraph 10 of CMM 2018/01. Australia expressed its view that, as the EU had not met this precondition, the EU should not have authorized vessels to bottom fish in the SIOFA Area.
 - d. Australia considered that the EU would also be non-compliant with paragraph 9(3) of CMM 2018/01 if the EU could not explain when it provided the relevant notifications required under that paragraph. Australia sought clarification from the EU as to when and how the EU provided notification that Spain had limited effort to a maximum of two vessels, noting that the EU's 2017 notification referred to one vessel only.
 - e. Australia recalled the obligation under CMM 2018/01 paragraph 18(e) on CCPs to update their Bottom Fishing Impact Assessments (BFIA) when a substantial change in the fishery has occurred, such that it is likely that the risk or impacts of the fishery may have changed. Australia observed that a substantial change in the relevant fishery occurred in May 2018 and noted that the EU did not submit a revised BFIA until June 2019, notwithstanding the clear guidance contained in the BFIA Standard. In Australia's view, this was a case of critical non-compliance. In support of its view, Australia set out a timeline of events, which it considered further demonstrated the lack of compliance with respect to the EU's failure to notify and disclose adequate measures and to update the BFIA when a substantial change occurred.
19. The European Union provided a statement in response to the intervention from Australia.
- a. The EU is concerned that despite the progress made in its first year of application, the CMS, of which the EU was co-proponent, has not allowed the full assessment of CCPs against some obligations both because some key measures are not clear and are open to interpretation but also because of procedural inconsistencies.

- b. The EU strongly contested the considerations by one Member regarding the EU status of compliance. The EU rebutted point by point its assessment as not sound, legally unfounded and procedurally misleading. The EU regretted that the CC had to use so much of its time to discuss those issues instead of addressing other pressing matters.
 - c. The EU reiterated that they have no doubts about its compliance with the CMMs and the Agreement.
 - d. The EU remained committed to work with others towards developing and implementing a clearer and more effective legal framework for the sustainable management of SIOFA marine living resources.
20. Australia responded that they rejected the suggestion that they had misinterpreted the law.
- 21. As the Compliance Committee was divided on the assessment leading to the compliance status of the European Union, it agreed that the European Union status on CMM 2018/01 Paragraphs 9.1(a)(i), and 9.3 would be assessed as “not assessed”. Australia while agreeing to this status, indicated that in its’ view, there was no ambiguity in the relevant paragraphs of the CMM. The EU indicated that they remain of the view that those provisions are currently not clear, remained open to interpretation, and that a suggestion for clarifying those provisions in the future was submitted by the EU in its proposal for amending CMM 2018/01.**
- 22. On the issue raised in relation to CMM 2018/01 paragraph 18(e), the Compliance Committee agreed that this item should be included in the SIOFA Compliance Report next year.**
23. The Secretariat also reported that the European Union was compliant with the submission of the entry and exit reports in accordance with CMM 2018/10 Paragraph 14 but noted that the reports were received quite late. **The Compliance Committee agreed that the European Union was compliant with the reporting requirements, but not compliant with the timeliness of submitting the entry/exit reports.**
24. France (on behalf of its Indian Ocean Territories): The Secretariat, based on its initial assessment, suggested a preliminary compliance status for France (on behalf of its Indian Ocean Territories) non-compliant with the submission of the entry and exit reports in accordance with CMM 2018/10 Paragraph 14. France (on behalf of its Indian Ocean Territories) explained that, even if all the reports were sent on time, due to an error to the automatic alert, one of the field of the reports was missing, that this error has been corrected and that messages were now send in conformity. **The Compliance Committee agreed that France (on behalf of its Indian Ocean Territories) was compliant with this measure, and all other Conservation and Management Measures relevant to their fishing activities.**
25. Japan: The Secretariat, based on its initial assessment, suggested a preliminary compliance status for Japan was non-compliant with the data submission outlined in CMM 2018/02 Paragraph 5. Japan agreed to submit the haul by haul data in the near future. **The Compliance Committee agreed that is not compliant with this measure.** The Secretariat, based on its initial assessment, suggested a preliminary compliance status for Japan was non-compliant in relation to the requirement outlined in CMM 2018/09 Paragraph 10. Japan clarified that the issue with labelling requirements has now been resolved with the fishing vessels. **The Compliance Committee concluded that Japan is not compliant with this measure.**
26. Republic of Korea: The Secretariat noted that the Republic of Korea did not submit their compliance report and that it was difficult to suggest a preliminary compliance status without this information. **The Compliance Committee agreed that the Republic of Korea would be**

considered critically non-compliant with the submission requirements outlined in CMM 2018/11 Paragraph 12.

27. Mauritius: The Secretariat noted that Mauritius did not submit their compliance report and that it was difficult to suggest a preliminary compliance status without this information. **The Compliance Committee agreed that Mauritius would be considered critically non-compliant with the submission requirements outlined in CMM 2018/11 Paragraph 12.**
28. Mauritius stated that they claim historical rights on the Saya de Malha banks and has been carrying out fishing activities since the 1950's. Mauritius considers that the resources fished in that area are under its management, and that some CCPs were of the views that species caught in the Saya de Malha banks by the Mauritian flagged vessels are in the SIOFA Agreement Area and should be reported until Mauritius legally proves the contrary.
29. Australia noted that this issue was on the Agenda for the sixth meeting of the Parties, and that it would have more to say at that time. For the purposes of the Compliance Committee, Australia indicated that its views had not changed since the fifth Meeting of the Parties - Australia does not acquiesce to Mauritius' claim to historic rights over the Saya de Malha bank. Australia reiterated its view that it is clear that vessels flagged to Mauritius are fishing in the Agreement Area and that this fishing needs to be reported and managed under SIOFAs rules.
30. The European Union reminded that this same discussion took place last year and that Mauritius had indicated that they would provide intersessionally information to support its claims, which was not provided. The EU reiterated that it did not agree with the claims of Mauritius and expressed its expectation that additional discussion and additional information could be provided to the Meeting of the Parties.
31. Seychelles: The Secretariat, based on its initial assessment, suggested a preliminary compliance status for Seychelles was non-compliant with the data submission requirements outlined in CMM 2018/06 Paragraph 31, CMM 2017/08 Paragraph 2, and CMM 2018/09 Paragraph 2. Seychelles reported that they have now provided this information to the Secretariat, which was acknowledged by the Secretariat. **The Compliance Committee agreed that Seychelles is compliance with the submission requirements outlined in CMM 2018/06 Paragraph 31, CMM 2017/08 Paragraph 2, and CMM 2018/09 Paragraph 2 but non-compliant in relation to the timelines for submitting the information.**
32. Thailand: The Secretariat, based on its initial assessment, suggested a preliminary compliance status for Thailand was non-compliant with the data reporting requirement outlined in 2018/02 Paragraph 5. Thailand clarified that the historical data provided were as close as possible to the annex of the Conservation and Management Measure in accordance with Paragraph 10. **The Compliance Committee thanked Thailand for their explanation and considered Thailand Compliant with all relevant Conservation and Management Measures.** Thailand also presented CC3-Doc11 the Thailand Implementation of SIOFA CMMs 2019. Contracting Parties thanked Thailand for the submission of this additional information. The Compliance Committee agreed that the implementation report is no longer required to be submitted with the adoption of the Compliance Monitoring Scheme.
33. Comoros: The Secretariat noted that Comoros did not submit their compliance report and that it was difficult to suggest a preliminary compliance status without this information. Comoros stated that as they were a new cooperating non-Contracting Party, they were not familiar with the reporting process, and were working to have the report submitted by 15 July 2019. **The Compliance Committee agreed that the Comoros would be considered critically non-compliant with the submission requirements outlined in CMM 2018/11 Paragraph 12.**

34. The Compliance Committee highlighted that the compliance report submissions are a requirement, even for Parties that have not fished in the SIOFA Agreement Area.
35. The Compliance Committee RECOMMENDS that the following issues are clarified intersessionally: VME requirements of CMM 2018/01 paragraph 34 (VMS requirements); relevance of defining a procedure allowing an evaluation of the degree of non-compliance, in particular with data related provisions, as well as monitoring progress towards compliance (i.e. if a Party has submitted 5% or 99% of the required data they will be assessed as non-compliant); importance of the timelines of the submissions of reports to the Secretariat to allow for processing; relevance to separate the compliance to the measure and to the timeliness confidentiality measures of data submitted to the Secretariat; and interpretation on the role of the flag State versus port State in reference to CMM 2018/09 Paragraph 6;
36. The Compliance Committee commended the Secretariat for their work on compiling the Compliance Report. Australia highlighted that the submissions by Thailand and France (on behalf of its Indian Ocean Territories) were very detailed and noted that going forward the Parties could use these submissions as guidance for future reporting.

Agenda Item 4 – New or Amended Conservation and Management Measures (CMMs)

4.1 Proposals for amendments to Conservation and Management Measures (CMMs)

4.1.1 CMM 2018/01 Interim Management of Bottom Fishing

37. The European Union presented MoP6-Prop04_Rev1 outlining a proposal for amending Conservation and Management Measure for the Interim Management of Bottom Fishing in the Agreement Area. The European Union indicated their preference to defer detailed discussions in the proposal but wanted to ensure that Contracting Parties were aware of the revision of the proposal. Several Contracting Parties thanked the European Union for the proposal were supportive of their efforts but noted that they will provide comments in the margins of the meeting. The European Union thanked Contracting Parties for their cooperation. **The Compliance Committee agreed that the European Union, in collaboration with other Contracting Parties, would continue work on the proposal outlined in MoP6-Prop04_Rev1, with the aim of presenting a revision of this proposal to the Meeting of the Parties.**
38. Japan presented MoP6-Prop17 outlining a proposal to amend CMM 2018/01 Interim Management of Bottom Fishing. Japan highlighted specifically the insertion of a time frame to paragraphs 9(a)(i) and 9(a)(ii) and noted that the current timeframe in the proposal (indicated as [X]) is open for discussion but suggested 15 years. Contracting Parties thanked Japan for the proposal and offered their support. **The Compliance Committee agreed to forward the proposal outlined in MoP6-Prop17 to the Meeting of the Parties for further discussion.**
39. Australia presented MoP6-Prop19, a summary document outlining a proposal for a new suite of bottom fishing measures, as presented in MoP6-Prop14 (General Rules for the Management of Bottom Fishing in the Agreement Area), MoP6-Prop15 (CMM for Management of Demersal Stocks in the Agreement Area) and MoP6-Prop16 (CMM for the Prevention of Significant Adverse Impacts on VMEs in the Agreement Area). Australia noted their preference for having the detailed discussions on these proposals during the Meeting of the Parties but wanted Contracting Parties to be aware of the proposals and provide an opportunity to receive feedback on them before the Meeting of the Parties. Several Contracting Parties thanked Australia for the proposal were supportive of their efforts but noted that they will provide comments in the margins of the meeting. were supportive of their efforts **The Compliance Committee agreed to forward the proposals (MoP6Prop19, MoP6-**

Prop14, MoP6-Prop15, and MoP6-Prop 16) to the Meeting of the Parties for further discussion.

4.1.2 CMM 2018/02 Data Standards

40. The European Union presented MoP6-Prop05 outlining a proposal for amending Conservation and Management Measure for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area (Data Standards). The European Union highlighted that the proposal is to provide clarification on the role of the scientific observers onboard vessels operating in SIOFA, to provide a new template for the observer report and a new template for an observer data collection form, and to have a commitment for the development of a framework for observers. Contracting Parties thanked the European Union for their efforts on this proposal. One Contracting Party queried whether this was already covered by the submission templates presented at the Scientific Committee, and the Secretariat confirmed that these were different. Contracting Parties agreed to work with the European Union in the margins of the meeting to facilitate a revision of the proposal. **The Compliance Committee agreed that the European Union, in collaboration with other Contracting Parties, would continue work on the proposal outlined in MoP6-Prop05, with the aim of presenting a revision of this proposal to the Meeting of the Parties.**

4.1.3 CMM 2017/07 Vessel Authorisation

41. Thailand presented MoP6-Prop02 outlining a proposal for an amendment of CMM 2017/07 for Using VSAT to Communicate. Thailand highlighted that the current wording of the measure restricts type satellite communication that can be used (INMARSAT). Thailand noted that there are many types of satellite communication available (e.g. VSAT) and the proposal is meant to be inclusive of all types. Contracting Parties thanked Thailand for the proposal. **The Compliance Committee agreed to forward the proposal outlined in MoP6-Prop02 to the Meeting of the Parties for adoption.**

4.1.4 CMM 2018/10 Monitoring

42. The SIOFA Secretariat presented MoP6-Prop11 a proposal for amending CMM 2010/10 Monitoring. The Secretariat highlighted the need for clarification on the activity information provided in the notification of Entry to and on Exit from the Area. Contracting Parties thanked the Secretariat for their proposal but sought clarification on the need for the change and the potential administrative burden that would be created with the additional fields. Contracting Parties discussed a suggestion of having one field for activities and indicate intended and confirmed activities in the same field and updated the proposal accordingly. **The Compliance Committee agreed to forward the proposal outlined in MoP6-Prop11_Rev1 (Annex F) to the Meeting of the Parties for adoption.**

4.2 Proposals for new Conservation and Management Measures (CMMs)

4.2.1 High Seas Boarding Inspection

43. Australia presented MoP6-Prop01 outlining a proposal by Australia and the European Union for a Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the Southern Indian Ocean Fisheries Agreement. Australia explained that the discussions on this item started at the Meeting of the Parties in 2017, and that the current proposal aimed to address some of the concerns that were raised by Parties in previous meetings and intersessionally. Contracting Parties thanked Australia and the European Union for their efforts on this proposal and highlighted the importance of this issue but reiterated concerns pertaining to the use of force and carrying of arms by inspectors during boarding and inspections. Contracting Parties had submitted comments on the draft proposal prior to the

start of the meeting and agreed to work in the margins of this meeting to further develop the proposal. Following a working session, Australia presented the revision of the proposal outlined in MoP6-Prop01_Rev1 but noted that the Compliance Committee has not had time to review the changes. **The Compliance Committee agreed to defer the discussion on the proposal outlined in MoP6-Prop01_Rev1 (Annex G) to the Meeting of the Parties for further discussion.**

4.2.2 Establishment of VMS in SIOFA

44. The European Union presented MoP6-Prop06 outlining a proposal for a Conservation and Management Measure for the establishment of the Vessel Monitoring System (VMS) in the SIOFA. The European Union noted that this proposal was meant to serve as a more complete framework covering all key aspects of SIOFA VMS and highlighted that Annex 5 of the proposal is not intended for inclusion in the Conservation and Management Measure, should it be adopted. Contracting Parties thanked the European Union for the proposal and agreed that the issue of VMS is very important in SIOFA but highlighted that many aspects of the proposal that require further clarification including the data transmission model (direct to Secretariat or through flag State Fisheries Monitoring Centre), data management and storage (internal at the Secretariat or contracted to a service provider), data confidentiality, budget implications, human resources, etc. Contracting Parties agreed to work with the European Union to address the issues raised. **The Compliance Committee agreed to defer the discussion on the proposal outlined in MoP6-Prop06 to the Meeting of the Parties for further discussion.**

4.2.3 Framework for Scientific Research

45. The European Union presented MoP6-Prop07 outlining a proposal to establish a Framework for Scientific Research and Fisheries-based research in the SIOFA Area. Contracting Parties thanked the European Union for their proposal and supported the spirit of the proposal. Contracting Parties did raise concerns regarding the potential for the Conservation and Management Measure to inhibit research that is currently being completed in the SIOFA Agreement Area, the role of the Meeting of the Parties in the approval of research activities, and the level of inclusion of the Scientific Committee on the proposal. The European Union expressed that some of the concerns had been addressed in the proposal wording and offered to have discussions in the margins to clarify these concerns. Contracting Parties agreed to work with the European Union to continue to develop the proposal. **The Compliance Committee agreed to defer the discussion on the proposal outlined in MoP6-Prop07 to the Meeting of the Parties for further discussion.**

4.2.4 Framework for New and Exploratory Fisheries

46. The European Union presented MoP6-Prop08 outlining a proposal to establish a Framework for New and Exploratory Fisheries in the SIOFA Area. The European Union noted that at the Fifth Meeting of the Parties, it was agreed to work toward a proposal for research, new and exploratory fisheries and that this proposal seeks to separate fisheries research from new and exploratory fisheries and proposing the framework as part of the IWG discussions on new fisheries. Contracting Parties thanked the European Union for the proposal. Some Contracting Parties expressed concerns relating to the overlap with the work of the working group that is addressing this issue, clarity on definitions for existing fishery and footprint, congruency with the existing framework, the criteria for defining a new fishery, etc. The European Union thanked the Contracting Parties for their comments. **The Compliance Committee agreed to forward the proposal outlined in MoP6-Prop08 to the Meeting of the Parties for further discussion.**

4.2.5 Proposal on Sharks

47. The European Union presented MoP6-Prop09 outlining a proposal for a Conservation and Management Measure on Sharks Caught in Association with Fisheries Managed by SIOFA. The European Union noted that this proposal is meant to fill in a gap as there is no current management measure for sharks in SIOFA, and other Regional Fisheries Management Organizations (RFMOs) neighbouring SIOFA have such management measures in place. One Contracting Party thanked the European Union for their proposal and noted that they would be able to support the management measure for sharks in SIOFA but would not be able to support the measures relating to a ban on shark finning, and suggested to collect related information first of all. Other concerns, including a definition of deep sea sharks and possible related compliance issues, and seeking assurance that the high levels of mortality for these species would be reduced under this measure, were raised by Contracting Parties during the discussions and the European Union worked in the margins of the meeting with Contracting Parties and presented a revision of the proposal in MoP6-Prop09_Rev1. Contracting Parties thanked the European Union for their efforts on this proposal but maintained some concerns and agreed to defer the discussions to the Meeting of the Parties. **The Compliance Committee agreed to defer the proposal outlined in MoP6-Prop09_Rev1 (Annex H) to the Meeting of the Parties for further discussion.**

4.2.6 Mitigation of seabird bycatch

48. The European Union presented MoP6-Prop10 outlining a proposal for a Conservation and Management Measure on Mitigation of Seabird Bycatch in Fisheries Managed by SIOFA. The European Union noted that there is currently no framework for the mitigation of seabird bycatch in SIOFA, and that this proposal was intended to fill this gap in the measures. Contracting Parties thanked the European Union for the proposal and were supportive of the proposal moving forward. Some Contracting Parties requested that the proposal be amended to incorporate any remaining advice of the Scientific Committee, including in particular temporal closures and noted that adjacent bodies have such measures in place, further analyses of specific gear impacts, etc. Contracting Parties agreed to work with the European Union in the margins of this meeting to further refine the proposal to be presented to the Meeting of the Parties. **The Compliance Committee agreed that the European Union, in collaboration with other Contracting Parties, would continue work on the proposal outlined in MoP6-Prop10_Rev1 (Annex I), with the aim of presenting a revision of this proposal to the Meeting of the Parties.**

4.2.7 Management of Toothfish (*Dissostichus eleginoides*)

49. Australia presented MoP6-Prop13 outlining a proposal for a CMM for *Dissostichus eleginoides* on Williams Ridge and Del Cano Rise in the Agreement Area. Australia noted the need to ensure complementary management of the stock that straddles the Exclusive Economic Zone of Australia, the CCAMLR Convention Area, and the Agreement Area. Australia requested to defer specific discussions on this proposal to the Meeting of the Parties. **The Compliance Committee agreed to forward the proposal outlined in MoP6-Prop13 to the Meeting of the Parties for further discussion.**

4.2.8 General rules for Bottom Fishing

50. The Compliance Committee agreed to forward the discussion of MoP6-Prop14 to the Meeting of the Parties, as described in Agenda Item 4.1.1.

4.2.9 Management of Demersal Stocks

51. The Compliance Committee agreed to forward the discussion of MoP6-Prop15 to the Meeting of the Parties, as described in Agenda Item 4.1.1.

4.2.10 Prevention of Significant Adverse Impact on VMEs

52. The Compliance Committee agreed to forward the discussion of MoP6-Prop16 to the Meeting of the Parties, as described in Agenda Item 4.1.1.

4.2.11 Suite of Bottom Fishing Measures (Support paper for 4.2.8, 4.2.9 and 4.2.10)

53. The Compliance Committee agreed to forward the discussion of MoP6-Prop19 to the Meeting of the Parties, as described in Agenda Item 4.1.1.

4.2.12 PAEWG ToR or new CMM

54. France (on behalf of its Indian Ocean Territories) presented MoP6-Prop18 which outlines a proposed Amendment to the Terms of Reference of the PAEWG but highlighted that this proposal will be discussed in further detail during the Meeting of the Parties. **The Compliance Committee agreed to forward the proposal outlined in MoP6-Prop18 to the Meeting of the Parties for further discussion.**

Agenda Item 5 – Listing of IUU vessels

5.1 Draft SIOFA IUU List

47. The Executive Secretary reported that Parties have the possibility to transmit to the Secretariat information on vessels presumed to have engaged in IUU fishing activities in the Agreement Area at least 90 days before each ordinary Meeting. No information was received by the Secretariat, therefore there is no draft SIOFA IUU List at this time.

5.2 Current SIOFA IUU Vessel List

55. The Executive Secretary presented CC3-Doc07 the current SIOFA IUU Vessel List compiled following the special procedure for cross listing provided in CMM2018/06 and noted that some vessel details within the list had been updated and presented in CC3-Doc12. Since this update further information had been received from the European Union and circulated to Parties on 24 June 2019. The information provided highlighted the difficulties of maintaining an accurate and up to date IUU list, as there are differences in the lists across RFMOs and it is difficult to determine which list is the most accurate. Contracting Parties noted that the RFMO that originally listed the vessel should be the main source of information, but the Secretariat shared that in their experience, this is not always possible to identify the original listing organisation or determine which lists provided the most accurate information, and that verification can be very time consuming. **The Compliance Committee noted that due to lack of time, neither the current IUU vessel list, nor the updated list in CC3-Doc12 were reviewed in line with CMM 2018/06.**
56. Contracting Parties thanked the Secretariat for sharing their concerns with this measure, and discussed suggestions of developing two lists, one specific to SIOFA and one cross referenced list, or links to the other RFMO IUU lists. Contracting Parties agreed to reflect further on the problems discussed. The EU suggested that a possible way forward would be that the Secretariat would split the IUU list in two parts, 1. The SIOFA IUU Vessel List, and 2. The cross listed IUU Vessel List, and that CCPs would provide intersessionally and relevant information in relation to the second list that would allow the Secretariat to undertake verification with the original listing RFMO. Chinese Taipei suggested that links could be used in place of the suggested cross listed IUU Vessel List.

57. The Chair reflected that there was a need for this discussion to continue among Contracting Parties noting the various options and implications that have been suggested. Contracting Parties would need to continue to work with the Secretariat on this issue.

5.3 SIOFA website IUU Vessel List

58. The Secretariat presented the current SIOFA IUU List webpage for information to the Compliance Committee, and they thanked the Secretariat for their work on the development of the webpage.

Agenda Item 6 – Sightings of vessels reported to the Secretariat

59. The Compliance Committee NOTED document CC3-Doc08, a report of sightings of vessels suspected to be without nationality reported to the SIOFA Secretariat by the Cook Islands. The Compliance Committee NOTED five of the vessels were flagged to Chinese Taipei and are on the IOTC vessel registry and based on information provided to the Compliance Committee, were fishing in accordance with the framework of the Indian Ocean Tuna Commission (IOTC). The Compliance Committee noted that the other two vessels on that list were flagged to Malaysia and are also on the IOTC vessel registry. Contracting Parties thanked the Cook Islands for the report. The Compliance Committee noted that it is helpful to have validated information to facilitate further investigation of the vessels prior to the Compliance Committee Meeting, and requested the Secretariat to liaise with Malaysian Authorities to inquire about the presence and activities of their two flagged vessels in the SIOFA Agreement Area,

Agenda Item 7 – Port inspections reports (CMM 2017/08 Port Inspection)

60. The SIOFA Secretariat provided the verbal update under this agenda item that no port inspections reports have been received, except for one report from a Japanese vessel landing in a South African port. Japan noted that they suspected that the report seemed to be sent to the SIOFA Secretariat by the South African port authorities in error and confirmed that the vessel in question was not fishing in the SIOFA Agreement Area in relation to the port inspection report concerned. **The Compliance Committee agreed that inspection reports submitted by non CCPs should be taken into account and that it would be beneficial for the Secretariat to prepare a meeting document for this agenda item going forward providing a summary of the port inspections received.**

Agenda Item 8 – Entry/Exit reports (CMM 2018/10 Monitoring)

61. The Secretariat presented CC3-Doc06 outlining the status of entry and exit reports received at the Secretariat noting that this is an information paper being provided in accordance with CMM 2018/10. The Secretariat noted that this paper was finalized 20 days prior to the Meeting of the Parties, and since that time, more reports have been received, as reflected in the discussions under Agenda Item 3.

Agenda Item 9 – CCAMLR's Catch Documentation Scheme (CDS)

62. The Chair introduced Bonney Webb from the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Secretariat who presented (Annex J) on the CCAMLR Catch Documentation Scheme (CDS) specifically in relation to toothfish (*Dissostichus spp.*). Ms. Webb also walked the Compliance Committee through the CDS tool that is available on the CCAMLR website. The Compliance Committee thanked Ms. Webb for her presentation and applauded the work of CCAMLR on the CDS. Ms. Webb thanked the Compliance Committee

for the opportunity to present the CDS and stated that CCAMLR Secretariat staff are available if Parties had any further questions relating to the CDS.

Agenda Item 10 – Election of a future CC Chairperson and Vice Chairperson

63. Seychelles reported that they were approached in the margins of the meeting with proposals for Mr. Johnny Louys to stand as a candidate for the Chairperson in accordance with SIOFA Rules of Procedure – Rule 5. Contracting Parties provided their unanimous support for this nomination and thanked Seychelles and Mr. Johnny Louys for the offer.
64. There was no nomination for Vice Chairperson and the Compliance Committee reflected that they are still seeking nomination.

Agenda Item 11 – Any Other Business

65. Nothing was discussed under this agenda item.

Agenda Item 12 – Adoption of the report

66. The report was adopted by the Compliance Committee. Mauritius expressed reservations on paragraphs 29 and 30.
67. The Compliance Committee acknowledged with appreciation that it was Mr. Dominique Person's final meeting with SIOFA and thanked him for his dedication and contribution to moving the work of the Compliance Committee forward from its inception.

Agenda Item 13 – Close of the meeting

68. The Chair closed the meeting at 20:45 on 29 June 2019.

List of Annexes

Annex A	Chairman's Speech
Annex B	List of Participants
Annex C	Agenda (CC3-Doc01_Rev3)
Annex D	List of Meeting Documents (CC3-Doc02)
Annex E	Table of agenda items and related papers (CC3-Doc03)
Annex F	MoP_Prop11_Rev1 Proposal for amending CMM 2010/10 Monitoring
Annex G	MoP_Prop01_Rev1 High Seas Boarding Inspection
Annex H	MoP_Prop09_Rev1 Proposal on Sharks
Annex I	MoP_Prop10_Rev1 Proposal on Seabirds
Annex J	Presentation from CCAMLR

Chairman's Speech

Distinguished Delegates, Ladies and Gentlemen,

First, I would particularly like to greet Mauritius to welcome us for this meeting in this very beautiful Island of Mauritius, named « Pearl of Indian Ocean ».

I would like to greet too all delegates of Contracting Parties, the participating non contracting party and Observers, coming from other continents and Islands to attend this third Compliance Committee.

It gives me great pleasure and responsibility to chair this third compliance meeting of the Southern Indian Ocean Fisheries Agreement.

And it is again for all delegates here a new collective challenge to propose to the « Meeting of the Parties » substantial proposals to improve governance of the fisheries. This third compliance meeting is also a new collective challenge to demonstrate, as the Scientific meeting, its utility to facilitate the adoption of Compliance and Management Measures by the « Meeting of the parties ».

Improvement of Monitoring, Compliance and Surveillance measures will be again at the centre of our discussions (*High Sea Boarding inspection, VMS, New and Exploratory fisheries, rules for bottom fishing, management of demersal stocks, for examples*). The proposals resulting must be considered as necessary to ensure long-term sustainable and conservation use of fisheries inside SIOFA responsibility area.

At least, I remind you that OMI has chosen this year for the World Maritime Day 2019 (*26th September*) the theme « Empowering Women in the maritime community » and I am happy to see that three SIOFA Contracting Parties have designated a woman to lead their delegation.

I hope that all delegates will appreciate their stay in Mauritius.

I thank you for your attention and wish a good collective work.

Distingués délégués, mesdames et messieurs,

Je souhaiterais remercier tout particulièrement les autorités mauriciennes d'avoir accepté d'accueillir ce comité dans cette très belle île de Maurice justement surnommée « la perle du de l'océan Indien ».

C'est à la fois un grand plaisir mais également une grande responsabilité d'animer ce premier comité de conformité de l'accord de pêche pour les pêcheries du Sud de l'océan Indien.

Et c'est pour les délégués ici présents un challenge collectif afin de formuler pour la « conférence des parties » des propositions substantielles afin d'améliorer la gouvernance des pêcheries. Ce second comité est aussi un *challenge collectif* afin de démontrer, comme pour le comité scientifique, son utilité afin de faciliter l'adoption des mesures de conformité et de gestion par la « conférence des parties ».

Les mesures de suivi, de conformité et de surveillance seront au centre de nos discussions et les propositions qui résulteront de nos discussions doivent être considérées comme nécessaires afin de garantir une exploitation durable et soutenable à long-terme des pêcheries à l'intérieur de la zone de

responsabilité de l'APSOI.

Enfin, je vous rappelle que l'Organisation maritime internationale a choisi cette année pour la journée mondiale de la mer le thème « Autonomisation des femmes dans la communauté maritime » et je suis heureux de voir que trois parties contractantes ont désigné une femme pour conduire leur délégation.

J'espère que tous les délégués apprécieront leur séjour à Maurice et je souhaite un bon travail collégial.

En vous remerciant

The Southern Indian Ocean Fisheries Agreement (SIOFA)

3rd Compliance Committee Meeting (CC3)

27-29 June 2019, Flic-en-flac, Mauritius

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(as at 29/06/2019)

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Adopted Agenda

The Southern Indian Ocean Fisheries Agreement (SIOFA)

3rd Meeting of the Compliance Committee

27-29 June 2019

Pearle Beach Resort & Spa conference centre, Flic en Flac, Mauritius

Chair: Mr Dominique Person

Registration will be open from 08:00 and the meeting will start 09:00 on the 27th June.

A Heads of Delegation meeting will be held on the 27th June 08:00 – 08:45.

1. Opening of the session

- 1.1 Opening statement from the Chair
- 1.2 Opening statement from the SIOFA Executive Secretary
- 1.3 Welcome to observers

2. Administrative arrangements

- 2.1. Adoption of the agenda
- 2.2. Confirmation of meeting documents
- 2.3. Appointment of rapporteurs
- 2.4. Practical arrangements for the meeting

3. SIOFA Compliance Monitoring Scheme

Standing agenda Item. In accordance with CMM 2018/11 Compliance Monitoring Scheme, the CC will shall consider the Draft SIOFA Compliance Report (dSCR) and adopt a Provisional Compliance Report (pSCR) which shall be forwarded to the Meeting of the Parties for consideration at its ordinary meeting.

4. New or Amended Conservation and Management Measures (CMMs)

Standing agenda item to allow the development of recommendations to the MoP on new or amended CMMs.

- 4.1. Proposals for amendments to Conservation and Management Measures (CMMs)
 - 4.1.1. CMM 2018/01 Interim Management of Bottom Fishing
 - 4.1.2. CMM 2018/02 Data Standards
 - 4.1.3. CMM 201/07 Vessel Authorisation
 - 4.1.4. CMM 2018/10 Monitoring
- 4.2. Proposals for new Conservation and Management Measures (CMMs)

- 4.2.1. High Seas Boarding Inspection
- 4.2.2. Establishment of VMS in SIOFA
- 4.2.3. Framework for Scientific Research
- 4.2.4. Framework for New and Exploratory Fisheries
- 4.2.5. Proposal on Sharks
- 4.2.6. Mitigation of seabird bycatch
- 4.2.7. Management of Toothfish (*Dissostichus eleginoides*)
- 4.2.8. General Rules for Bottom Fishing
- 4.2.9. Management of Demersal Stocks
- 4.2.10. Prevention of Significant Adverse Impact on VMEs
- 4.2.11. Suite of Bottom Fishing Measures (Support paper for 4.2.8, 4.2.9 and 4.2.10)
- 4.2.12. PAEWG ToR or new CMM

5. Listing of IUU Vessels

5.1. Draft SIOFA IUU List

Standing agenda item. In accordance with CMM 2018/06 paras 12. (a) and 13, the CC shall consider the draft SIOFA IUU Vessel List and adopt a provisional SIOFA IUU List for MoP consideration.

5.2. Current SIOFA IUU Vessel List

Standing agenda item. In accordance with CMM 2018/06 paras 12 (b) and 14, the CC shall consider the current SIOFA IUU Vessel List and recommend to the MoP which, if any, vessels should be removed from the current IUU Vessel List.

5.3. SIOFA website IUU Vessel List

Secretariat to present SIOFA IUU Vessel List as presented on the SIOFA website.

6. Sightings of vessels reported to the Secretariat.

Standing agenda item. Secretariat report on any sightings of vessels without nationality, operating in the Agreement Area communicated to the Secretariat by Contracting Parties, CNCPs and PFES. Sightings and report provided in accordance with CMM 2016/04 (Article 5) on Vessels without Nationality

7. Port inspections reports (CMM 2017/08 Port Inspection)

Status on inspection reports received at the Secretariat (ref CMM 2017/08 para 24)

8. Entry/Exit reports (CMM 2018/10 Monitoring)

Status on entry/exit reports (para 14) and transhipments logsheet (para 16) received at the Secretariat

9. CCAMLR's Catch Documentation Scheme (CDS)

Presentation on CCAMLR's CDS for Patagonian toothfish

10. Election of a future CC Chairperson and Vice Chairperson

11. Any Other Business

12. Adoption of the report

Review and adoption of the report prepared by the rapporteur.

13. Close of the meeting

The Southern Indian Ocean Fisheries Agreement (SIOFA)

3rd Meeting of the Compliance Committee

27-29 June 2019

List of Meeting Documents

(as at 26/06/2019)

Document Reference N°	Document	Relevant agenda items	Date of submission
Compliance Committee Administration and Other Documents			Deadline 12.06.2019
CC3-Doc01_Rev2	Provisional Agenda	2	
CC3-Doc02	List of Meeting Documents	2	
CC3-Doc03	Table of agenda items and related papers	2	
CC3-Doc04	Compliance Committee Terms of Reference	2	
CC3-Doc05	List of Participants	2	
CC3-Doc06	Status of entry and exit reports received at the Secretariat	8	29.05.2019
CC3-Doc07	Current SIOFA IUU Vessel List	5.2	04.05.2019
CC3-Doc08	Report of sightings of vessels without nationality reported SIOFA Secretariat	6	04.05.2019
CC3-Doc09	Table of SIOFA CMM and Agreement Obligations	3	27.05.2019
CC3-Doc10	Draft SIOFA Compliance Report (dSCR)_CONFIDENTIAL	3	08.06.2019
CC3-Doc11	Thailand Implementation of SIOFA CMMs 2019	3	11.06.2019
CC3-Doc12	Current SIOFA IUU Vessel List_Rev1	5.2	17.06.2019
MoP6 Proposals (for CC3 consideration)			Deadline 27.05.2019
MoP6-Prop01	Australia and EU proposal for High Seas Boarding and Inspection Procedures	4.2	24.05.2019
MoP6-Prop02	Thailand's proposal for Amendment of CMM 2017/07 Vessel Authorisation	4.1	27.05.2019
MoP6-Prop04_Rev1	EU proposal for amending CMM2018 01 Bottom Fishing	4.1	27.05.2019
MoP6-Prop05	EU proposal for amending CMM 2018 02 Data Standards	4.1	27.05.2019

CC3-Doc02

MoP6-Prop06	EU proposal for establishment of VMS in SIOFA	4.2	27.05.2019
MoP6-Prop07	EU proposal to establish a Framework for Scientific Research	4.2	27.05.2019
MoP6-Prop08	SIOFA EU proposal for a Framework for New and Exploratory Fisheries	4.2	27.05.2019
MoP6-Prop09	SIOFA EU proposal on sharks	4.2	27.05.2019
MoP6-Prop10_Rev1	EU proposal for the mitigation of seabird bycatch	4.2	27.05.2019
MoP6-Prop11	Secretariat proposal for amending CMM 2010_10 Monitoring	4.1	27.05.2019
MoP6-Prop12	Converted to a Working paper (MoP6-WP02)	4.1	27.05.2019
MoP6-Prop13	AUS proposal for the management of Dissostichus eleginoides	4.2	31.05.2019
MoP6-Prop14	AUS proposal for General Rules for the Management of Bottom Fishing	4.2	31.05.2019
MoP6-Prop15	AUS Proposal for Management of Demersal Stocks	4.2	31.05.2019
MoP6-Prop16	AUS Proposal for the Prevention of Significant Adverse Impacts on VMEs	4.2	31.05.2019
MoP6-Prop17	JPN proposal for amending CMM 2018_01 Interim Management of Bottom Fishing	4.1	31.05.2019
MoP6-Prop18	FR proposal for amendment to ToR for the PAEWG or a new CMM	4.2.12	31.05.2019
MoP6-Prop19	AUS Proposal for a new suite of bottom fishing measures	4.2.8, 4.2.9, 4.2.10, 4.2.11	31.05.2019
Working Papers (for CC3 consideration)			Deadline 27.05.2019
Information Papers			Deadline 12.06.2019
CC3-INFO-01	Closing Gaps in National Regulations Against IUU Fishing	5	21.05.2019
CC3-INFO-02	Intensifying the Fight Against IUU Fishing at the Regional Level	5	21.05.2019
CC3-INFO-03	Combatting Illegal, Unreported and Unregulated Fishing	5	21.05.2019
CC3-INFO-04	The influence of performance reviews on RFMOS, Haas et al 2019	General interest	28.05.2019
CC3-INFO-05	Transparency and combatting IUU fishing in RFMOS	5	11.06.2019
CC3-INFO-06	Proposed ABNJ Fisheries Compliance Study_CONFIDENTIAL	11. AOB	12.06.2019
CC3-INFO-07	Directions for the SIOFA Interim standard protocol for future designation of Vulnerable Marine Ecosystems and Protected Areas (EU)	4.1	16.06.2019

CC3-INFO-08	Bottom Fishing Impact Assessment EU_updated June 2019	4.1	16.06.2019
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The Southern Indian Ocean Fisheries Agreement (SIOFA)

3rd Meeting of the Compliance Committee

27-29 June 2019

Table of agenda items and related papers (current as at 26/06/2019)

Agenda Item	Related Papers
1. Opening of the session 1.1. Opening statement from the Chair 1.2. Opening statement from Executive Secretary	
2. Administrative Arrangements 2.1. Adoption of the agenda 2.2. Confirmation of meeting documents 2.3. Appointment of rapporteurs 2.4. Practical arrangements for the meeting	CC3-Doc01_Rev1 Provisional Agenda CC3-Doc02 List of Meeting Documents CC3-Doc03 Table of agenda items and related papers CC3-Doc04 Compliance Committee Terms of Reference CC3-Doc05 List of Participants
3. SIOFA Compliance Monitoring Scheme	CC3-Doc10 Draft SIOFA Compliance Report (dSCR)_CONFIDENTIAL CC3-Doc09 Table of SIOFA CMM and Agreement Obligations CC3-Doc11 Thailand Implementation of SIOFA CMMs 2019
4. New or Amended Conservation and Management Measures (CMMs)	
4.1 Proposals for amendments	CC3-INFO-07 Directions for the SIOFA Interim standard protocol for future designation of Vulnerable Marine Ecosystems and Protected Areas (EU) CC3-INFO-08 Bottom Fishing Impact Assessment EU_updated June 2019
4.1.1 CMM 2018/01 for Bottom Fishing	MoP6-Prop04_Rev1 EU proposal for amending CMM2018 01 Bottom Fishing MoP6-Prop17 JPN proposal for amending CMM 2018_01 Interim Management of Bottom Fishing MoP6-Prop19 AUS Proposal for a new suit of bottom fishing measures
4.1.2 CMM 2018/02 Data Standards	MoP6-Prop05 EU proposal for amending CMM 2018 02 Data Standards

4.1.3 CMM 2017/07 Vessel Authorisation	MoP6-Prop02 Thailand's proposal for Amendment of CMM 2017/07 Vessel Authorisation
4.1.4 CMM 2018/10 Monitoring	MoP6-Prop11 Secretariat proposal for amending CMM 2010_10 Monitoring
4.2 New Proposals	
4.2.1 High Seas Boarding Inspection	MoP6-Prop01 Australia and EU proposal for High Seas Boarding and Inspection Procedures
4.2.2 VMS in SIOFA	MoP6-Prop06 EU proposal for establishment of VMS in SIOFA
4.2.3 Scientific Research	MoP6-Prop07 EU proposal to establish a Framework for Scientific Research
4.2.4 New & Exploratory Fisheries	MoP6-Prop08 SIOFA EU proposal for a Framework for New and Exploratory Fisheries
4.2.5 Sharks	MoP6-Prop09 SIOFA EU proposal on sharks
4.2.6 Seabird bycatch	MoP6-Prop10_Rev1 EU proposal for the mitigation of seabird bycatch
4.2.7 Toothfish (<i>Dissostichus eleginoides</i>)	MoP6-Prop13 AUS proposal for the management of <i>Dissostichus eleginoides</i>
4.2.8 General rules for bottom fishing	MoP6-Prop14 AUS proposal for General Rules for the Management of Bottom Fishing
4.2.9 Management of demersal stocks	MoP6-Prop15 AUS Proposal for Management of Demersal Stocks
4.2.10 Prevention of impact on VMES	MoP6-Prop16 AUS Proposal for the Prevention of Significant Adverse Impacts on VMES
4.2.11 Suite of bottom fishing measures	MoP6-Prop19 AUS Proposal for a new suite of bottom fishing measures. Support paper for 4.2.8, 4.2.9 and 4.2.10
4.2.12 PAEWG ToR or new CMM	MoP6-Prop18 FR proposal for amendment to ToR for the PAEWG or a new CMM
5. Listing of IUU Vessels	CC3-INFO-01 Closing Gaps in National Regulations Against IUU Fishing CC3-INFO-02 Intensifying the Fight Against IUU Fishing at the Regional Level CC3-INFO-03 Combatting Illegal, Unreported and Unregulated Fishing CC3-INFO-05 Transparency and combatting IUU fishing in RFMOs
5.1 Draft SIOFA IUU List	<i>No papers provided for this item.</i>
5.2 Current SIOFA IUU Vessel List	CC3-Doc07Current SIOFA IUU Vessel List CC3-Doc12Current SIOFA IUU Vessel List_Rev1
5.3 SIOFA website IUU Vessel List	<i>No papers provided for this item.</i>
6 Sightings of vessels reported to the Secretariat	CC3-Doc08Report of sightings of vessels without nationality reported SIOFA Secretariat
7 Port inspection reports (CMM 2017/08)	<i>No papers provided for this item.</i>
8 Entry/Exit reports (CMM 2018/10)	CC3-Doc06Status of entry and exit reports received at the Secretariat

9	CCAMLR's Catch Documentation Scheme (CDS)	<i>No papers provided for this item.</i>
10	Election of a future CC Chairperson and Vice Chairperson	<i>No papers provided for this item.</i>
11	Any Other Business	CC3-INFO-06 Proposed ABNJ Fisheries Compliance Study_CONFIDENTIAL
12	Adoption of the report	
13	Close of the meeting	

The Southern Indian Ocean Fisheries Agreement (SIOFA) 3rd Compliance Committee
27-29 June 2019

Pearle Beach Resort & Spa conference centre, Flic en Flac, Mauritius

MoP6-Prop11_Rev1

Proposal for amending CMM 2010/10 Monitoring

Relates to agenda item: CC3 4.1, MoP6 11

Proposal Working Paper Information Paper Other Document

SIOFA Secretariat

Abstract

CMM 2018/10 Monitoring requires CCPs to provide the Secretariat with entry and exit reports to/from the Agreement Area (Area).

Clarification is required on the activity information to be provided in the notification of Entry to and on Exit from the Area.

Recommendations

To adopt this proposal for inserting the following two fields in ANNEX I:

1. one field to notify planned activity in the Area on Entry
2. one field to provide actual activity that took place within the Area on Exit

Introduction

The Meeting of the Parties developed rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with CMMs.

Current Entry- Exit notifications requirements

CMM 2018/10 (supersedes CMM 2017/10) describes the measures for the Monitoring of Fisheries in the Agreement. In 2018 a new paragraph concerning vessel entry and exit notifications was added as follows;

*14. Contracting Parties, CNPCs and PFEs shall require their vessels or relevant authorities to notify the Secretariat, by email or other means, within **24 hours**, in the format provided in Annex I, of each **entry to or exit from** the Agreement Area of vessels authorised to fish for species managed by SIOFA flying its flag, in accordance with CMM 2017/07.*

The entry and exit notifications shall contains the following information in accordance with Annex I of CMM 2018/10 Monitoring

ANNEX I

REQUIREMENTS FOR VESSEL ENTRY AND EXIT NOTIFICATIONs

Information required	
Vessel name	
Entry or exit	
IMO number, if applicable	
Radio call sign	
Vessel flag State	
Latitude	
Longitude	
Date	Date of entry or exit
Time	Time of entry or exit in UTC
Activity in the Agreement Area	Fishing (species), transiting or transshipping

MoP6-Prop11

Proposal

For the sake of clarification it is proposed to have 2 fields for the activity description, one field used for entry notifications and the other for exit notifications.

The Secretariat would also like the heading of the vessel to be provided optionally to improve mapping rendering when notifications are mapped out for position checking. The heading should be provided in degree (from 0 to 359).

The proposal is to amend Annex I as illustrated below:

**ANNEX I
REQUIREMENTS FOR VESSEL ENTRY AND EXIT NOTIFICATIONS**

Information required	
Vessel name	
Entry or exit	
IMO number, if applicable	
Radio call sign	
Vessel flag State	
Latitude	
Longitude	
Date	Date of entry or exit
Time	Time of entry or exit in UTC
Activity in the Agreement Area (intended activity on entry OR activity carried out prior to exit)	Fishing (species), transiting or transshipping
Heading (optional)	Vessel heading when entering OR exiting the area (from 0° to 359°)

Should the above changes be recommended by CC3, the secretariat will produce an amended copy of CMM 2018/10 Monitoring in track changes to submit to MoP6.

MoP6-Prop01_Rev1 *circulated 22:35*

The Southern Indian Ocean Fisheries Agreement (SIOFA) 6th Meeting of the Parties
01-05 July 2019

Pearle Beach Resort & Spa conference centre, Flic en Flac, Mauritius

MoP6-Prop01_Rev1

Conservation and Management Measure for High Seas Boarding and
Inspection Procedures for the Southern Indian Ocean Fisheries Agreement
(High Seas Boarding and Inspection Procedures)

Relates to agenda item: 12

Proposal Working Paper Information Paper Other Document

MoP6-Prop01_Rev1 circulated 22:35

Delegations of Australia and the EU

Abstract

Australia and the EU welcome the opportunity to present a revised proposal for a SIOFA high seas boarding and inspection regime.

Adoption of a comprehensive, contemporary and forward-looking high seas boarding and inspection regime is an important component of effective monitoring, control and surveillance (MCS). Article 6(1)(h) of the Agreement calls on the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with CMMs including, where appropriate, rules concerning the boarding and inspection of vessels operating in the Agreement Area. This high seas boarding and inspection proposal is intended to meet this requirements of Article 6(1)(h) and to strengthen SIOFA's regulatory regime.

This proposal has been adapted from WCPFC's high seas boarding and inspection procedures (CMM 2006-08), including in relation to how the measure would apply to Contracting Parties, CNCPs and fishing entities (paragraphs 5 and 6). It seeks to integrate relevant Articles of the Agreement in relation to Contracting Party and flag State duties in the event of an alleged serious violation in a concise and practical format (paragraph 36).

The proposed measure requires the Executive Secretary to establish and maintain a register of Authorised Inspection Vessels and Inspection Authorities (paragraph 10) and by 2021 to establish a catalogue of relevant inspections activities that have been undertaken pursuant to the measure (paragraph 47). We also note that it contains areas requiring future action by the Meeting of the Parties - in relation to the development of a SIOFA inspection flag (paragraph 16), and a questionnaire to be used by inspectors to be translated into relevant languages (paragraph 19).

Substantial progress was made on this proposal during the fifth Meeting of the Parties. Australia and the EU have continued to consult interested Contracting Parties in the intersessional period and have made a number of revisions to the proposal. Significant revisions are shown in tracked changes and explained with comment boxes. Australia and the EU look forward to further constructive engagement with Contracting Parties and are hopeful that the sixth Meeting of the Parties can agree to strengthen SIOFA's MCS framework by adopting the proposal.

MoP6-Prop01_Rev1 *circulated 22:35*

Recommendations *(proposals only)*

1. That the Meeting of the Parties adopt the proposal by Australia and the EU
-

MoP6-Prop01_Rev1 circulated 22:35

CMM 2019/XX

Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the Southern Indian Ocean Fisheries Agreement (High Seas Boarding and Inspection Procedures)

Proposal by Australia and the EU

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECOGNISING that effective management of fishing vessels in the SIOFA Area of Application (Agreement Area) relies upon a number of monitoring, control and surveillance activities to be undertaken by Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities (CCPs);

FURTHER RECOGNISING that the boarding and inspection of fishing vessels requires procedures to be formalised so that all boarding and inspection activities are carried out in a safe, consistent and transparent manner;

RECALLING Articles 21 and 22 of the 1995 Agreement which give direction to Regional Fisheries Management Organisations and arrangements (RFMOs) to establish procedures for boarding and inspection in the high seas areas covered by RFMOs;

RECALLING ALSO the obligations in Article 6(1)(h) of the Agreement for the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures (CMMs) including where appropriate rules concerning the boarding and inspection of vessels operating in the Agreement Area;

MINDFUL that Article 6(1)(i) requires the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

RECALLING the commitments to be given by Cooperating non-Contracting Parties (CNCs) to abide by CMMs in Rule 17(4)(b) of the Rules of Procedure of the Meeting of the Parties;

CERTAIN that a specific SIOFA measure relating to at sea inspection of vessels in the Agreement Area will greatly assist in furthering the objective of the Agreement;

DESIRING to ensure the optimum use of the inspection vessels and inspectors including by ensuring that boarding and inspection operations are fully integrated with the other monitoring and compliance tools available pursuant to the Agreement and CMMs, by ensuring a non-discriminatory distribution of boarding and inspections of vessels present in the Agreement Area without compromising the opportunity to investigate possible serious infringements, and by ensuring compliance by vessels flying the same flag as the inspecting authorities.

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

1. The following procedures are established by the Meeting of the Parties, in accordance with Article 6(1)(h) of its Agreement, to govern high seas boarding and inspection of fishing vessels in the Agreement Area.

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Definitions

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:

- a. 'Authorities of the Inspection Vessel' means the authorities of the Contracting Party under whose flag the inspection vessel is operating;
- b. 'Authorities of the Fishing Vessel' means the authorities of the CCP under whose flag the fishing vessel is operating;
- c. 'Authorised Inspection Vessel' means any vessel included in the SIOFA register of Authorised Inspection Vessels and ~~Authorised Inspectors-Inspection Authorities~~ established under paragraph 10 and authorised to engage in boarding and inspection activities pursuant to these procedures; ~~and~~
- d. 'Authorised Inspector' means an inspector designated by the authorities of a Contracting Party responsible for boarding and inspection, ~~included in the SIOFA register~~ and assigned to conduct boarding and inspection activities pursuant to this CCM; ~~and-~~
- ~~e. 'Inspection Authorities' means the authorities responsible for boarding and inspection notified under paragraph 9(b)(i).~~

Purpose

3. Boarding and inspection conducted pursuant to this CMM shall be for the purpose of ensuring compliance with the provisions of the Agreement and the CMMs adopted by the Meeting of the Parties and in force.

Area of application

4. This measure shall apply throughout the Agreement Area.

General provisions

5. Each Contracting Party may, subject to these procedures, carry out boarding and inspection in the Agreement Area of fishing vessels flying the flag of a Contracting Party or CNCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement ~~for fishery resources~~.

5bis. Each CCP shall ensure that fishing vessels flying their flag accept and facilitate boarding and inspection carried out pursuant to this measure.

5.6. This measure shall also apply ~~mutatis mutandis~~, in their entirety as between a Contracting Party and a participating fishing entity, subject to a notification to that effect to the Meeting of the Parties from the ~~Contracting Party~~parties concerned.

6.7. Each CCP shall provide ~~this measure or a translation of it~~ to vessels flying its flag ~~a copy of this measure~~ and ensure that vessels flying its flag accept boarding and inspection by Authorised Inspectors in accordance with these procedures.

7.8. Contracting Parties shall ensure that Authorised Inspectors comply with this measure in the conduct of any boarding and inspection activities undertaken under these procedures.

Commented [GS1]: The changes to this paragraph, and the next paragraph, have been made to avoid the suggestion that the names of individual inspectors should be listed on the register. The intention is for 'Inspection Authorities' to be listed on the register, not individual inspectors (see paragraph 9(b)(i))

Commented [GS2]: As above.

Commented [GS3]: It is proposed that this term be defined here, instead of in paragraph 9(b)(i).

Commented [GS4R3]: REV1 – This has created some confusion about the difference between 'Authorities of the Inspection Vessel' and 'Inspection Authorities'.

'Inspection Authorities' is a term that is intended to cover the authorities nominated under paragraph 9(b)(i) as the authorities responsible for boarding and inspection. They are the authorities that are listed on the register of Authorised Inspection Vessels and Inspection Authorities. It is important that the register includes the names of Inspection Authorities, so that fishing vessels know which authorities are authorised to conduct boarding and inspection operations.

'Authorities of the Inspection Vessel' is different. It is the term used to describe the authority within a CP that sends/receives the various notifications contemplated in the CMM and is generally responsible for the CP's compliance with the CMM. This authority may be a different authority from the one that actually authorises inspectors.

The CMM does not create any obligations for 'Inspection Authorities' as such – the term just appears in the phrase 'register of Authorised Inspection Vessels and Inspection Authorities'. Suggest that it is not necessary to define the term.

Commented [GS5]: REV1 – Suggestion to make it clear that the measure is directed at the boarding of vessels fishing or suspected of fishing for SIOFA species – i.e. 'fishery resources'.

Commented [GS6]: REV1 – While there are already provisions requiring CCPs to do specific things to ensure that their vessels accept boarding and inspection (see para 24(b) and para 26), it is suggested that it would assist readers if paragraph 5 – indicating that CPs can conduct boarding and inspection – be accompanied by a clear statement that CCPs must accept such boarding and inspection.

Commented [GS7]: REV1 – These changes have been suggested by Chinese Taipei:

- deleting 'mutatis mutandis' and replacing it with 'in their entirety'
- Replacing 'subject to a notification to that effect to the Meeting of the Parties from the Contracting Party concerned' with 'subject to a notification to that effect to the Meeting of the Parties from the parties concerned'

Commented [GS8]: REV1 – Clarification that it is permissible to provide a translation of the measure

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Notification requirements

8bis. Each CCP shall, by [DATE], notify the Executive Secretary of two contact points within its national fisheries authority (including name, telephone, fax number and e-mail address) for the purposes of receiving and sending notifications, inspection reports and reports of alleged infringements to and from its Authorities of the Fishing Vessel pursuant to this CMM. Each Contracting Party intending to carry out boarding and inspection pursuant to this measure shall provide the same information for the purposes of receiving and sending notifications and reports to its Authorities of the Inspection Vessel pursuant to this CMM. The Executive Secretary shall include this information on the SIOFA website so that it is available to CCPs. Each CCP shall notify the Secretariat promptly of any changes to their contact points.

Commented [GS9]: REV1 – Suggest inclusion of a date by which these contact points must be supplied.

Commented [GS10]: REV1 – Suggest that the contact points need not be from within a CCP's national fisheries authority.

Commented [GS11]: REV1 – This paragraph was intended to be the means by which CCPs nominate contact points for their Authorities of the Fishing Vessel and (if applicable) Authorities of the Inspection Vessel. The changes suggested are intended to make this clearer.

Commented [GS12]: REV1 – Change suggested to ensure that these points of contact are kept up to date.

Priorities of Boarding

8ter The inspecting Contracting Party should give priority to inspecting a vessel flying the flag of a CCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement for fishery resources:

Commented [GS13]: REV1 – suggestion to make it clear that the measure is directed at the boarding of vessels fishing or suspected of fishing for SIOFA species – i.e. 'fishery resources'.

Commented [GS14]: REV1 – This language is taken from paragraph 5 and is intended to make it clear that the categories in the subparagraphs do not expand the scope of the measure.

Commented [GS15]: REV1 – CMM 2017/07 does not include 'eligibility' criteria as such. The intent is that Contracting Parties should prioritise the inspection of fishing vessels that are not on the Register of Authorised Vessels but that are fishing/suspected of fishing in the Agreement Area.

Commented [GS16]: REV1 – Suggestion from Seychelles. Suggest that it may be useful to refer to the paragraph of the IUU CMM that lists activities giving rise to a presumption of IUU fishing.

a. flying the flag of a CCP that is eligible for inclusion in the not included on the SIOFA Record of Authorised Vessels, but is not included;

b. where there are reasonable grounds to suspect the vessel is, or has been, engaged in IUU fishing activities (noting paragraph 5 of CMM 2018/06) or in any activity in contravention of the Agreement and CMMs;

c. included in the list of vessels that have engaged in IUU fishing activities adopted by a regional or sub-regional fisheries management organisation;

d. pursuant to a request by a CCP or a regional or sub-regional fisheries management organisation, supported by evidence of possible IUU fishing activities by the vessel in question;

e. flying the flag of a CCP which does not dispatch patrol vessels to the SIOFA Area to monitor its own vessels;

f. that does not have an observer on board; or

g. that has a known history of violating conservation and management measures adopted by a regional or sub-regional fisheries management organisation or national laws and regulations.

Commented [GS17]: REV1 – Japan indicated that it is difficult for them to send patrol vessels to the SIOFA Area. Japan affirmed that inspections should be equal and fair.

Participation

8-9. Each Contracting Party that intends to carry out boarding and inspection activities under this measure shall notify the Executive Secretary of this intention, and shall provide the following:

- a. with respect to each Authorised Inspection Vessel under these procedures:
 - (i) details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign), except where not applicable for military vessels;
 - (ii) notification that the inspection vessel is clearly marked and identifiable as being on government service and by clearly flying a SIOFA inspection flag once established by the Meeting

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of the Parties;

- b. with respect to Authorised Inspectors it designates pursuant to these procedures:
- (i) the name(s) of the authorities responsible for boarding and inspection ~~(the Inspection Authorities)~~;
 - (ii) an example of the credentials issued to its Authorised Inspectors;
 - (iii) notification that such Authorised Inspectors are fully familiar with the species and fishing activities to be inspected and the relevant provisions of the Agreement and CMMs in force; ~~and~~
 - (iv) notification that the Authorised Inspectors have received and completed training to safely carry out boarding and inspection activities at sea. Such training should include instruction on overcoming communication barriers and on de-escalation techniques; and
 - (v) notification that any Authorised Inspectors carrying arms have received and completed appropriate levels of training on the use of those arms.

9bis. Contracting Parties shall promptly notify the Executive Secretary of any changes to the information provided under paragraph 9.

~~9-10.~~ The Executive Secretary shall forward any notification provided in paragraph 9 to CCPs and establish and maintain a register of all Authorised Inspection Vessels and Inspection Authorities on the SIOFA website. The Executive Secretary shall circulate to CCPs any changes notified under paragraph 9bis without delay. Each CCP shall take necessary measures to ensure that the information on the register is circulated to each of its fishing vessels operating in the Agreement Area. Only vessels and inspectors from authorities listed on this SIOFA register are authorised under this measure to board and inspect fishing vessels within the Agreement Area ~~[unless for vessels flying the flag of the CCP undertaking the inspection, with the exception that a CP may use vessels and inspectors from authorities not listed on the SIOFA register when boarding and inspecting a fishing vessel flying its flag.]~~

~~10-11.~~

~~11-12.~~ Where military vessels are used for conducting boarding and inspection under this measure, the Authorities of the Inspection Vessel shall ensure that the boarding and inspection is safely carried out by ~~[unarmed]~~ inspectors fully trained in fisheries enforcement procedures and duly authorised for this purpose under national laws, and that boardings from such military vessels by Authorised Inspectors conform to the procedures contained within this measure.

~~12-13.~~

Cooperative activities

~~13-14.~~ Contracting Parties are encouraged to identify opportunities to place Authorised Inspectors on the Authorised Inspection Vessels of another Contracting Party. To this end, where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements, to develop joint training and information sharing mechanisms and otherwise facilitate communication and coordination between them for the purpose of implementing this measure.

14bis Contracting Parties deploying Authorised Inspection Vessels in the Agreement Area are encouraged to enter into arrangements as outlined in paragraph 14 and to embark Authorised Inspectors from another

Commented [GS18]: We recognize the concerns of some CPs about the potential for misunderstandings to occur between inspectors and fishers.

These suggested additions are directed at reducing the likelihood and consequences of any misunderstandings.

Commented [GS19]: It is important that the SIOFA register be kept up to date.

CPs are already incentivized to ensure that they keep the register up to date – because only vessels and inspection authorities on the register are authorized to board and inspect vessels (see para 10).

However, the text here has been suggested to make explicit the fact that CPs are obliged to notify the Executive Secretary of any changes to the information provided under paragraph 9.

Commented [GS20]: See new paragraph 9bis.

Commented [GS21]: This sentence (which is adapted from paragraph 17 of the equivalent WCPFC measure) has been included to ensure that fishing vessels are provided with the information on the register.

Commented [GS22]: The text proposed better reflects the intention of the bracketed text, which is to permit CPs to use vessels and inspectors from authorities not included on the SIOFA register when inspecting their own vessels.

Commented [GS23]: Note that blank paragraphs have been retained so as not to disrupt paragraph numbering, and to enable easier cross referencing with the version discussed at MoP5.

Commented [GS24]: The word unarmed was suggested by Cook Islands. We cannot accept this suggestion as it would be unworkable in practice for the only CP currently with the capacity to conduct inspections under this measure, and would be a significant departure from the existing legal framework under UNFSA. See paragraph 28bis for regulation of the carriage of arms.

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Contracting Party if available. Such foreign Authorised Inspectors may participate in all inspections conducted by the Authorised Inspection Vessel under this measure as arranged between the relevant Contracting Parties prior to deployment.

14ter Where a bilateral or multilateral arrangement referred to in paragraph 14 has been concluded, it shall be notified to the Executive Secretary and referred to in the SIOFA register of paragraph 10. The Executive Secretary shall develop a template with the minimum information to be included on such a notification.

~~14.15.~~

Procedures

~~15.16.~~ The Meeting of the Parties shall develop a SIOFA inspection flag in the intersessional period following the ~~5th~~ 6th Meeting of the Parties. Once the Meeting of the Parties has decided on the SIOFA inspection flag for use in accordance with this CMM, this flag shall be flown by Authorised Inspection Vessels, in clearly visible fashion, when carrying out activities under this CMM.

~~16.17.~~ Authorised Inspectors shall carry an official and valid identity card identifying the inspector as authorised to carry out boarding and inspection in accordance with these procedures.

~~17.18.~~ An Authorised Inspection Vessel that intends to board and inspect a fishing vessel in the Agreement Area that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement shall, prior to initiating the boarding and inspection:

- a. ~~initiate notice to notify~~ the Authorities of the Fishing Vessel, where known;
- b. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
- c. provide the following information to identify itself as an Authorised Inspection Vessel - name, registration number, international radio call sign, Authority of the Inspection Vessel, and contact frequency; and
- d. communicate to the master of the vessel its intention to board and inspect the vessel pursuant to this measure.

~~18.19.~~ In carrying out boarding and inspection pursuant to this measure, Authorised Inspectors shall make their best efforts to communicate with the master of the fishing vessel(s) in a manner that the master can understand. In order to facilitate communications between the Authorised Inspectors and the master of the vessel wherever possible, the Meeting of the Parties shall develop a standardised questionnaire during the intersessional period following the 6th Meeting of the Parties, which once adopted shall be translated into multiple languages and circulated to all ~~Contracting Parties with Authorised Inspection Vessels~~ CCPs and published on the SIOFA website. Contracting Parties are encouraged to take communication needs into account when planning operations under this measure.

~~19.20.~~ Authorised Inspectors shall have the authority to inspect, take evidence and samples, and record information on the fishing vessel, its license, gear, equipment, catch and production records, facilities, fishery resources and any other documents which may be relevant to verifying compliance with the CMMs in force and the Agreement.

~~20.21.~~ Contracting Parties shall seek to ensure that a maximum of 4 (four) Authorised Inspectors are

Commented [GS25]: The language proposed here is consistent with that used in article 22(1)(b) of UNFSA.

The change is intended to make it clear that the Authorised Inspectors do not need to wait for an acknowledgement of receipt of such a notification before boarding. The notification required here is not about obtaining consent for boarding (which will have already been provided through the adoption of this CMM). Rather, it is about keeping the relevant flag State informed.

Commented [GS26]: This change has been made in recognition that it would be useful for fishing vessels to have copies of the questionnaire too, to enable them to know in advance what questions they are likely to be asked.

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assigned as part of a boarding team from an Authorised Inspection Vessel unless the commanding officer of the Authorised Inspection Vessel decides additional Authorised Inspectors are required due to the anticipated complexity of the inspection. In all instances, the boarding team shall only contain the number of Authorised Inspectors necessary to conduct an effective inspection safely and securely.

~~21-22.~~ Boarding and inspection under this measure shall be conducted in a manner:

- a. that avoids risks to the safety of fishing vessels and crew, including by ensuring that the Authorised Inspection Vessel maintains a safe distance from the fishing vessel during the inspection;
- b. that does not unduly interfere with the lawful operation of the fishing vessel;
- c. that avoids actions that will adversely affect the quality of the catch; and
- d. that does not harass the officers, crew, or observers of the fishing vessel.

~~22-23.~~ In the conduct of a boarding and inspection, each Authorised Inspector shall:

- a. present their identity card to the master of the vessel;
- b. not interfere with the master's ability to communicate with the Authorities of the Fishing Vessel;
- c. collect and clearly document any evidence they believe indicates a violation of CMMs or the Agreement;
- d. provide to the master prior to leaving the vessel a copy of an interim report¹ on the boarding and inspection including any objection or statement² which the master wishes to include in the interim report; and
- e. complete the inspection within four hours of boarding unless evidence of a serious violation is found, or where a longer time period is required to obtain related documentation issued by the master. However, in special circumstances related to the size of the fishing vessel, and the quantities of fish retained onboard, the duration of the inspection may exceed the limit stipulated above. In such a situation the boarding team shall in no case stay on board the fishing vessel longer than the time required to complete the inspection.

Commented [GS27]: REV1 – Japan expressed a concern that it should be open to the master of the vessel to provide such a statement in their own language. A footnote has been suggested to make this clear.

~~23-24.~~ During the conduct of a boarding and inspection, each CCP shall require that the master and crew of any fishing vessel flying its flag shall:

- a. avoid risks to the safety of Authorised Inspection Vessels and Authorised Inspectors;
- b. accept and facilitate prompt and safe boarding by the Authorised Inspectors when directed or when intention to board and inspect has been communicated;
- c. cooperate with and assist in the safe inspection of the vessel pursuant to these procedures;
- d. not assault, resist, intimidate, interfere with, or obstruct or delay the Authorised Inspectors in the performance of their duties;

¹ An interim report can be an electronic report.

² The objection or statement of the fishing vessel master may be in a language other than English.

Formatted: English (Australia)

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- e. allow the Authorised Inspectors to promptly communicate with the crew of the Authorised Inspection Vessel, the Authorities of the Inspection Vessel, any observers on the fishing vessel, as well as with the crew and Authorities of the Fishing Vessel when directed;
- f. take such action as may be necessary to preserve the integrity of any seal affixed by the inspectors and of any evidence remaining on board, until otherwise directed by the flag CCP;
- g. to secure the continuity of evidence, where seals have been affixed and/or evidence has been secured, sign³ the appropriate section of the inspection report acknowledging the placement of seals;
- h. cease fishing when requested, and not resume fishing until:
 - i. the Authorised Inspectors have completed the inspection and secured any evidence, and
 - ii. the master has signed the appropriate section of the inspection report as referred to in Annex 1);
- i. provide the Authorised Inspectors onboard with reasonable facilities; and
- j. facilitate safe and prompt disembarkation by the Authorised Inspectors when directed.

~~24-25.~~ If the master or crew of a fishing vessel refuses to allow an Authorised Inspector to carry out a boarding and inspection in accordance with this measure, this person and the Master or officer on watch shall offer an explanation of the reason for refusing. Contracting Parties shall ensure that Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, as well as the Executive Secretary, of the refusal and the explanation offered.

~~25-26.~~ Except where generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, CCPs shall require the master of a fishing vessel flying its flag to accept the boarding and inspection. If the master does not comply with such direction, the relevant CCP shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The CCP shall immediately notify the Authorities of the Inspection Vessel and the Executive Secretary of the action it has taken in these circumstances.

Restrictions on the Use of force

~~26-27.~~ The use of force shall be avoided except when and to the degree necessary to ensure the safety of the Authorised Inspectors ~~or and~~ where the Authorised Inspectors are ~~assaulted or~~ obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required ~~under in~~ the circumstances.

~~27-28.~~ Contracting Parties shall ensure that any incident involving the use of force in relation to boarding and inspection under this measure shall be immediately reported to the Authorities of the Fishing Vessel, the Authorities of the Inspection Vessel, as well as to the Executive Secretary for circulation to ~~the Meeting of the Parties~~ all CCPs.

Restrictions on the carriage ~~and use~~ of arms

28bis Any arms carried by members of the boarding team shall be carried in a non-aggressive posture throughout the boarding and inspection unless otherwise required for the purpose of ensuring the safety and

Commented [GS28]: These changes have been suggested to make the text relevantly identical to the wording of UNFSA article 22 and paragraph 28 of the WCPFC measure.

Commented [GS29]: See below comment

³ In this measure a signature includes an electronic signature.

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security of the boarding team or the fishing vessel. ~~The use of any arms carried by members of the boarding team is subject to the restrictions on the use of force set out in paragraph 27.~~

Inspection reports

~~28-29.~~ Authorised Inspectors shall be required to prepare a full report on each boarding and inspection they carry out under this measure, including any supporting information, using the ~~data fields in the~~ Boarding and Inspection Reporting Form at Annex 1. The Authorities of the Inspection Vessel from which the boarding and inspection was carried out shall transmit an electronic copy of the boarding and inspection report to the Authorities of the Fishing Vessel of the inspected vessel, as well as the Executive Secretary, within 3 (three) working days of the completion of the boarding and inspection. Where it is not technically possible for the Authorities of the Inspection Vessel to provide this report to the Authorities of the Fishing Vessel within this timeframe, the Authorities of the Inspection Vessel shall inform the Authorities of the Fishing Vessel and shall specify the time period within which the report will be provided.

~~29-30.~~ The report shall include the name(s) and authority of the Authorised Inspector(s) and clearly identify any observed activity or condition that the Authorised Inspectors believe to be a violation of the Agreement or CMMs in force and indicate specific factual evidence relating to each alleged violation.

Serious violations

~~30-31.~~ Where Authorised Inspectors observe an activity or condition of a fishing vessel that may constitute a serious violation within the meaning of paragraph 37 (alleged serious violation), Contracting Parties shall ensure that the Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, directly and through the Executive Secretary.

~~31-32.~~ Upon receipt of a notification of an alleged serious violation in accordance with paragraph 31, CCPs shall ensure that the Authorities of the Fishing Vessel provide ~~without delay and in any case no later than within 3 (three) full working days~~ an initial response to the Authorities of the Inspection Vessel and Executive Secretary for circulation to ~~the Meeting of Parties~~ ~~all CCPs without delay and in any case no later than within 3 (three) full working days:~~

- a. notifying that the Authorities of the Fishing Vessels will investigate the alleged serious violation; or
- b. authorising the Authorities of the Inspection Vessel to undertake the investigation of the alleged serious violation.

~~32-33.~~ In the case of paragraph 32(a) above, Contracting Parties shall ensure that the Authorities of the Inspection Vessel provide, as soon as practicable, the specific evidence collected by the Authorised Inspectors to the Authorities of the Fishing Vessel.

~~33-34.~~ The Authorities of the Fishing Vessel shall provide a report of the investigation to the Executive Secretary and Authorities of the Inspection Vessel within 2 (two) months of the notification in paragraph 31, and if the evidence warrants, take enforcement action against the fishing vessel in question and notify the Authorities of the Inspection Vessel, as well as the Executive Secretary of any such enforcement action within 6 (six) months of the date of notification at paragraph 31. The Executive Secretary shall circulate ~~without delay~~ any report of an investigation by the Authorities of the Fishing Vessel and any notification of enforcement action against the fishing vessel to ~~all CCPs~~ ~~the Meeting of the Parties.~~

~~34-35.~~ In the case of paragraph 32(b) above, if the Authorities of the Inspection Vessel decide to undertake

Commented [GS30]: We recognize that the use of force and the carriage of arms are sensitive issues. One CP has queried whether it might be appropriate to include guidance in the measure on the circumstances in which it is appropriate to use different types of arms – for example, by stipulating that the use of pepper spray should be considered before a firearm is used.

While we agree with the idea behind this suggestion, in our view it is already a feature of the proposal. The restrictions on the use of force in paragraph 27 limit the degree of force that may be used to the degree of force that is reasonably required in the circumstances. Accordingly, if pepper spray is all that is 'reasonably required in the circumstances', then the use of a firearm would not be permitted.

The suggested sentence would make it especially clear that these restrictions on the use of force apply to the use of arms.

Commented [GS31]: This change has been suggested so as to not impose undue restrictions on the format in which the relevant data is collected and presented.

Commented [GS32]: This clause has been moved to make it clear that the 3 day time limit applies to the initial response from the Authorities of the Fishing Vessel, rather than being a timeframe within which the ES must circulate such response.

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an investigation, Contracting Parties shall ensure that the specific evidence collected by the Authorised Inspectors, along with the results of any investigation, is provided to the Authorities of the Fishing Vessel and the Executive Secretary immediately upon completion of the investigation and in any case no later than 6 (six) months after the date of the inspection. The Executive Secretary shall circulate without delay the results of any investigation to all CCPs~~the Meeting of the Parties~~.

~~35-36.~~ Notwithstanding paragraphs 32-35, any Contracting Party may request that the relevant authorities of a CCP investigate an alleged serious violation within the meaning of paragraph 37. Consistent with obligations in Articles 10(4) and 11(3) of the Agreement, the Contracting Party making such a request shall provide the relevant authorities of the nationals or fishing vessel concerned with ~~include~~ all relevant information in relation to the alleged serious violation ~~to the relevant authorities of the fishing vessel or nationals in the request~~. When such a request is made, CCPs shall provide a reply, including details of any action taken or proposed to be taken in relation to the alleged serious violation, to all Contracting Parties as soon as practicable and in any case within two (2) months of such a request. When the investigation is completed, the relevant CCP shall also provide a report on the outcome of the investigation to the Executive Secretary for circulation to all CCPs for consideration at the next ~~the~~ Meeting of the Parties.

~~36-37.~~ For the purposes of this measure, a serious violation includes the following violations of the provisions of the Agreement or CMMs:

~~e.a.~~ fishing without a valid license, permit or authorisation issued by the Authorities of the Fishing Vessel, in accordance with Article 11(2) of the Agreement, or failure to produce a valid license, permit or authorisation when requested by an Authorised Inspector;

~~f.b.~~ failure to maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements or significant misreporting of such effort, catch and/or catch-related data;

~~g.c.~~ fishing in a closed area, if established by the Meeting of the Parties;

~~h.d.~~ fishing during a closed season, if established by the Meeting of the Parties;

~~i.e.~~ intentionally taking or retaining a species in contravention of any applicable CMM;

~~j.f.~~ significant violation of effort and/or catch limits or quotas in force

~~k.g.~~ using prohibited fishing gear;

~~l.h.~~ falsifying, intentionally concealing or intentionally removing the markings, identity and/or registration of a fishing vessel;

~~m.i.~~ concealing, tampering with or disposing of evidence relating to an investigation being carried out under this measure, including the intentional breaking of seals or intentionally gaining access to sealed areas;

~~n.j.~~ failing to carry, or intentionally tampering with or disabling~~interfering with the operation of~~, the satellite monitoring system (VMS);

~~o.k.~~ presentation of falsified documents or intentionally providing false information to an Authorised Inspector that would prevent a serious infringement from being detected;

~~p.l.~~ multiple violations which taken together constitute a serious disregard of CMMs;

Commented [GS33]: REV1 – changes made to avoid the use of the term 'authorities of the fishing vessel', when the reference here is intended to be broader, encompassing authorities of nationals and fishing vessels.

Commented [GS34]: REV1 – correction to paragraph numbering

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Commented [GS35]: REV1 – Several changes to this paragraph have been suggested to clarify that it is intentional acts that constitute a serious violation

Commented [GS36]: REV1 – See comment on para 37(h).

Commented [GS37]: REV1 – It has been suggested that 'interfering with the operation of' was not sufficiently clear.

Commented [GS38]: REV1 – See comment on para 37(h). Suggest that it is not necessary to similarly qualify 'presentation of falsified documents' with 'intentional' because the term 'falsified' already indicates a deliberate intent.

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~~e.m.~~ refusal to accept or facilitate a safe and prompt boarding and inspection when directed by an Authorised Inspector, other than as provided in accordance with paragraph 26;

~~f.n.~~ assaulting, resisting, intimidating, sexually harassing, interfering with, or unduly obstructing or delaying an Authorised Inspector;

~~s.o.~~ breaching observer safety requirements after such requirements have been formally adopted by the Meeting of the Parties; and

~~t.p.~~ such other violations as may be determined by the Meeting of the Parties, once these are included and circulated in a revised version of this measure, or specified as a serious violation in any measure adopted by the Meeting of the Parties.

Enforcement

~~37-38.~~ Any evidence obtained as a result of a boarding and inspection under this measure with respect to a violation of the Agreement or CMMs by a fishing vessel shall be referred to the Authorities of the Fishing Vessel for action consistent with the provisions of Article 11 of the Agreement.

~~38-39.~~ For the purposes of this measure, each CCP shall ensure that it can effectively respond to any interference by a fishing vessel flying its flag, or its master or crew, with an Authorised Inspector, or an Authorised Inspection Vessel.

Annual reports

~~39-40.~~ Contracting Parties that authorise inspection vessels to operate under this measure shall report annually to the Meeting of the Parties through its implementation report required under Article 10(2) [or under CMM 2019/XX (the new CMS measure)] on the boarding and inspections carried out by its Authorised Inspection Vessels, as well as upon possible violations observed.

~~40-41.~~ Consistent with the obligation in Article 10(2), CCPs shall include in their implementation reports actions that they have taken in response to boarding and inspections that resulted in observation of alleged violations in relation to fishing vessels flying their flag or their nationals, including any proceedings instituted and sanctions applied.

Provisions relating to non-CCPs

~~41-42.~~ Authorised Inspection Vessels, while carrying out activities in accordance with this measure, shall aim to identify unauthorised or unidentified vessels of non-CCPs that are fishing in the Agreement Area. Contracting Parties shall report any such vessels to the Executive Secretary for notification to the Meeting of the Parties.

~~42-43.~~ Contracting Parties shall ensure that an Authorised Inspection Vessel attempts to inform any fishing vessel identified pursuant to paragraph 42 that it has been seen or identified as potentially engaging in fishing that undermines the effectiveness of the Agreement or CMMs. Contracting Parties shall ensure that this information is sent to the Executive Secretary for distribution to the Meeting of the Parties, as well as to the authorities of ~~the fishing vessel of~~ the relevant non-CCP.

~~43-44.~~ The Authorised Inspectors may request permission from the fishing vessel to board a vessel identified pursuant to paragraph 42. If the vessel master or the authorities consent to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to the Meeting of the Parties, as well as to the authorities of the relevant non-CCP.

Commented [GS39]: REV1 – Change suggested to avoid any confusion arising from a reference to the 'authorities of the fishing vessel' which is defined to mean the authorities of a vessel flying the flag of a CCP but which here, was intended to refer specifically to the authorities of non-CCPs.

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Claims for damage

~~44-45.~~ To the extent permissible under international law, any claim submitted for damage, injury, death or loss resulting from an operation carried out under this measure shall be considered by the Contracting Party whose official(s) are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Contracting Party.

Commented [GS40]: This is a claims provision the effect of which would be to provide that claims for loss/damage associated with a HSBI operation should be considered by the respondent in accordance with the respondent's domestic laws.

Meeting of the Parties coordination, oversight and review

~~45-46.~~ Contracting Parties shall seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational activities and/or information relevant to carrying out their responsibilities under these procedures.

~~46-47.~~ The Executive Secretary shall by 2021 develop an electronic capability to catalogue and share with Authorised Inspectors a list of prior high seas boarding and inspection activities. This list shall include information on the date of the inspection, fishing vessel, inspection vessel, gear type, species, the CMM related to any potential violations found during the boarding, and the penalty or sanction imposed as the result of any investigation, where applicable.

~~47-48.~~ The Meeting of the Parties shall keep under continuous review the implementation and operation of this measure, including review of implementation reports relating to this measure provided by CCPs and the implementation of paragraphs 27-28bis.

Settlement of disagreements

~~48-49.~~ In the event of a disagreement concerning the application or implementation of this measure between two or more CCPs (the CCPs), the CCPs concerned shall consult in an attempt to resolve the disagreement.

~~49-50.~~ If the disagreement remains unresolved following the consultations, the Executive Secretary shall, at the joint request of the CCPs, refer the disagreement to the next meeting of the Compliance Committee. The Compliance Committee shall establish a panel of five representatives, acceptable to the CCPs, to consider the matter.

~~50-51.~~ A report on the disagreement, including recommendations for the resolution of the disagreement, shall be drawn up by the panel, provided to the CCPs, and forwarded through the Chairperson of the Compliance Committee to the Executive Secretary for distribution to the Meeting of the Parties within two months of the Compliance Committee meeting at which the matter is reviewed.

Commented [GS41]: This change has been suggested to make it clear that the panel is to recommend ways of resolving the disagreement.

~~51-52.~~ Upon receipt of such report, the Meeting of the Parties may provide appropriate advice with respect to any such disagreement for the consideration of the CCPs.

~~52-53.~~ Application of these provisions for the settlement of disagreements, including with respect to the Compliance Committee panel reports and any advice provided by the Meeting of the Parties, shall be non-binding. These provisions shall not prejudice the rights of any Contracting Party or participating fishing entity to use the dispute settlement procedures provided in Article 20 of the Agreement.

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2. INFORMATION ON VESSEL INSPECTED

Vessel's name and registration number	
Country and port of registration	
International radio call sign	
Type of vessel (fishing, research)	

Tonnage (GRT or GT)	
Number of Crew	
Master's name	
Owner's name and address	

3. DESCRIPTION OF ACTIVITY IN WHICH THE FISHING VESSEL WAS ENGAGED

Vessel Activity When Sighted:	Vessel Activity When Boarded:

Vessel Activity - (Steaming, setting gear, hauling gear, towing gear, stationary, transshipping, other (specify))

4. DETAILS OF INSPECTION

4. a Observations of the master and Authorised Inspector regarding the position of the vessel at time of boarding:

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	Date (DD /MM/ YYYY)	Time UTC	Latitude		Longitude		Equipment used in determining position, e.g. GPS
			Deg.	Min.	Deg.	Min.	
Master							
Inspector							

4. b Type of fishing gear in current or recent use (e.g. bottom trawl, midwater trawl, longlining, traps)	
4. c Target species	

5. CATCHES RETAINED ON BOARD FROM LOGBOOK

5. a Quantities recorded by the master

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SPECIES (common name/scientific name/FAO 3-Alpha code)	DECLARED LIVE WEIGHT ON BOARD (kgs)	Where available, DECLARED PROCESSED WEIGHT ONBOARD (kgs)	PROCESSING Type	CONVERSION FACTOR (live weight / processed weight)
TOTAL				

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5b. Quantities On Board Determined by the Inspector

SPECIES (common name/scientific name/FAO 3-Alpha code/)	CALCULATED LIVE WEIGHT ON BOARD (kgs)	CALCULATED PROCESSED WEIGHT ON BOARD (kgs)	PROCESSING TYPE	CONVERSION FACTOR ⁴	DIFFERENCE (%) ⁵	OBSERVATIONS
TOTAL						

⁴ Conversation Factor as provided by the Master in 5.a

⁵ Difference between the quantities on board as determined by the Authorised Inspector and the total quantities on board as compared by the master.

Delegations are asked to complete the fields highlighted in **YELLOW**

6. COMPLIANCE WITH CURRENT CMMs

6.a Current CMMs applicable, in the opinion of the Authorised Inspector, to this fishery:

Reference CMM /Paragraph	Summary Title
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11	
12	

6. b Authorised Inspector's opinion on whether or not the CMMs outlined in paragraph 6.a above were complied with.

NB: An entry of NO must be followed by a statement by the Authorised Inspector. The master may also make a statement but is not obliged to do so.

Delegations are asked to complete the fields highlighted in **YELLOW**

Reference CMM /Paragraph	Compliant (Yes/No)	Seals affixed (serial number)	Comments
1.			
2.			
3.			
4.			
5.			
6.			
7.			

Delegations are asked to complete the fields highlighted in **YELLOW**

8.			
9.			
10.			

Evidence and/or samples collected from vessel

Evidence / Sample Type	Purpose	Number	Comments
<i>(example) - muscle tissue</i>	<i>DNA - species identification</i>	<i>20</i>	<i>Master claims species is alfonsino</i>

6.c Authorised Inspector's Statement

7. COMPLETION OF INSPECTION

Date

Time of departure (UTC)

6.d Master's Statement

Delegations are asked to complete the fields highlighted in **YELLOW**

Name of Authorised Inspector in charge	Signature of Authorised Inspector in charge

Name of second Authorised Inspector	Signature of second Authorised Inspector

Acknowledgment and receipt of report:

I, the undersigned, Master of the vessel....., hereby confirm that a copy of this report has been delivered to me on this date. I acknowledge being informed about any alleged infringements and any seals to secure evidence that are listed in the table set out in paragraph 6.b above. My signature does not otherwise necessarily constitute acceptance of any part of the contents of this report.

Date and Time

Name of Master

Signature of Master

Delegations are asked to complete the fields highlighted in **YELLOW**

The Southern Indian Ocean Fisheries Agreement (SIOFA) 6th Meeting of the Parties
01-05 July 2019

Pearle Beach Resort & Spa conference centre, Flic en Flac, Mauritius

MoP-06-Prop09[XX] / [secretariat to complete]

PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE ON SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY SIOFA

Relates to agenda item: 4.2

Proposal Working Paper Information Paper Other Document

Delegation of the European Union

Abstract

Currently the SIOFA framework does not provide any provision for the conservation and management of sharks caught in association with SIOFA fisheries. RFMOs that overlap geographically (e.g., IOTC) with or are adjacent to SIOFA (e.g., CCAMLR) have already adopted dedicated measures. The purpose of this proposal is to fill the gap and provide for specific measures for the conservation and management of sharks in SIOFA.

Recommendations *(proposals only)*

1. [The CC3 and MoP6 are invited to review, discuss and adopt this proposal.]

Delegations are asked to complete the fields highlighted in **YELLOW**

EU PROPOSAL FOR ~~the~~A CONSERVATION AND MANAGEMENT ~~of~~ MEASURE ON SHARKS
CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY SIOFA

[EU proposal]

Commented [SV1]: To meet SIOFA "jargon"

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING the relevant provisions of the Southern Indian Ocean Fisheries Agreement, in particular Article 4;

CONSIDERING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States to cooperate through regional fisheries organizations to ensure the sustainability of shark stocks;

RECOGNIZING the need to improve the collection of species-specific data on catch, effort, discards, and trade as a basis for improving the conservation and management of shark stocks;

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;

FURTHER RECALLING that United Nations General Assembly, adopted consensus Resolutions every year since 2007 (62/177, 63/112 , 64/72, 65/38, 66/68, 67/79, 68/71, 69/109, 70/75 and 71/123), calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization 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 each fin naturally attached;

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

ALSO AWARE that identifying sharks by species is rarely possible when the fins have been removed from the carcasses;

ADOPTS the following Conservation and Management Measures (CMM) in accordance with Article 4 and 6 of the Agreement:

1. This CMM applies to all fishing vessels of Contracting Parties, cooperating non-Contracting Parties (CNCPS) and participating fishing entities (PFEs) to the Agreement (collectively CCPs), engaged in fishing operations in the SIOFA area.

Delegations are asked to complete the fields highlighted in **YELLOW**

2. CCPs shall ensure that fishing vessels flying their flag do not target any **high-risk** deep-sea shark¹ species in the SIOFA area, until the SC defines and the MoP agrees on possible appropriate fishing mortality and harvest levels for any of these species.
3. CCPs shall ensure that fishing vessels flying their flag record and submit all reporting requirements as per CMM 2018/02 for **all** deep shark species caught as by-catch in SIOFA fisheries.
4. By 2020 the Scientific Committee shall advise the MoP on the need to adopt any appropriate by-catch limits for relevant SIOFA deep sea **shark** species and fleets, including on scientific and data needs for underpinning the elaboration of such advice.
5. **CCPs shall prohibit the removal of shark fins at sea and the retention on board, transshipment and landing of shark fins.**
6. **Without prejudice to paragraph 3, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before the first landing.**
7. **CCPs shall prohibit offering for sale, selling or purchasing shark fins that are taken, landed or possessed in contravention of this CMM.**
8. CCPs shall, where possible, undertake research to identify ways to make all relevant fishing gears more selective **to minimise deep sea sharks by-catch** and **shall** provide relevant information to the Scientific Committee.
9. CCPs shall, where possible, conduct research to identify shark nursery areas in the Agreement Area and provide relevant information to the Scientific Committee.
10. This CMM shall be reviewed every second year by the Scientific Committee and the Compliance Committee, unless the MoP decides otherwise.

Commented [MS(2): SC paper 04 19. The risk assessment looked at 101 shark species – the ones listed were just the ones that came out as highly or critically vulnerable to the fisheries in SIOFA

Commented [SV3]: JP, CT suggest to delete

¹ [For the purpose of this CMM « deep sea sharks » are the species listed in Annex 1](#)

Delegations are asked to complete the fields highlighted in **YELLOW**

[ANNEX 1: List of high risk “deep sea sharks” for the purpose of this CMM](#)

[Deania calcea](#)

[Centrophorus granulosus](#)

[Dalatias licha](#)

[Bythaelurus bachi](#)

[Chimaera buccanigella](#)

[Chimaera didierae](#)

[Chimaera willwatchi](#)

[Centroselachus crepidater](#)

[Scymnodon plunketi](#)

[Zameus squamulosus](#)

[Etmopterus alphas](#)

[Aristurus indicus](#)

[Harriotta raleighana](#)

[Bythaelurus tenuicephalus](#)

[Chlamydoselachus anguineus](#)

[Hexanchus nakamurai](#)

[Etmopterus pusillus](#)

[Somniosus antarcticus](#)

[Mitsukurina owstoni](#)

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EUROPEAN UNION

PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE ON MITIGATION OF SEABIRDS BYCATCH IN FISHERIES MANAGED BY SIOFA

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING the relevant provisions of the Southern Indian Ocean Fisheries Agreement, in particular Article 4 and 6;

CONSIDERING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Seabirds calls on States to cooperate through regional fisheries organizations to mitigate incidental by-catch of seabirds;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Southern Indian Ocean;

FURTHER TAKING INTO ACCOUNT the FAO Technical Guidelines for Responsible Fisheries concerning best practices to reduce incidental catch of seabirds in capture fisheries;

NOTING the Agreement on the Conservation of Albatrosses and Petrels (ACAP) has established best practice seabird bycatch mitigation measures for trawl and demersal longline fisheries;

ADOPTS the following CMM in accordance with Article 4 and 6 of the Agreement:

Application and geographic scope

- 1) This CMM applies to all fishing vessels of Contracting Parties, cooperating non-Contracting Parties (CNCPs) and participating fishing entities (PFEs) to the Agreement (collectively CCPs), engaged in fishing operations in the SIOFA area, south of 25°S.

General provisions for all demersal fishing vessels

2) Until such time that the SIOFA Scientific Committee has developed advice for the Meeting of Parties on the most appropriate response to mitigate and minimise incidental bycatch mortality encounters of seabirds by with demersal fishing gears deployed in the SIOFA area, CCPs shall require any demersal vessel flying their flag and operating in this area to apply the following mitigation measures:

i. There shall be no discharging of offal or discards immediately prior to and during the deployment or retrieval of fishing gear;

ii. The location and level of lighting shall be arranged so as to minimise illumination directed out from the vessel, consistent with the safe operation of the vessel and the safety of the crew;

iii. Information about birds colliding with the vessel, or caught by its gears will be recorded in accordance with CMM 2018/02 (Data collection); and

Commented [TB1]: Chinese TaiPei proposition

Commented [TB2]: Australian propositions

Commented [TB3]: Chinese TaiPei proposition

Commented [TB4]: Australian proposition

~~ii Every effort should be made to ensure that birds captured alive during fishing operations are released alive and, for longlining, that hooks are removed without jeopardising the life of the bird concerned wherever possible. all birds will be released alive where possible;~~

Commented [TB5]: Australian and French Territories proposition, For reference, consistent with CCAMLR CM 25-02, para 10.

Commented [TB6]: Australia questions the need for bird scaring lines on trawl gear.

Provisions applying to demersal and mid-water fishing trawlers

[3] In addition to the provisions in paragraph 2, CCPs shall require any fishing trawler flying their flag and operating in the SIOFA area to apply the following mitigation measures:

Commented [TB7]: Cook islands alternative Proposal (with an annex)

Commented [TB8R7]: UE would be in favour of putting the description of "bird bafflers" in annex 1

i Bird scaring lines shall be deployed while fishing to deter birds away from warp cables (see specifications in Annex 1);

Commented [MS9]: Japan expressed this may be useless if no bird is observed ever. Japan did not observe seabird interactions with trawlers. EU would like Japan to inform if bird scaring devices are already in use.

~~Bird scaring devices shall be deployed while fishing to deter birds away from net and warp cables (see example specifications in Annex 1). 'Bird Bafflers' are devices attached to the vessel that prevent seabirds from flying round the stern of the vessel. they can be permanently deployed. Bird scaring lines are attached to the vessel and to a trailing float in the water, these cannot be deployed during shooting and hauling operations but can provide added protection against warp strikes during the tow;~~

Commented [TB10]: Australia considers that net monitor cables need to be defined. The following is the CCAMLR definition:
Net monitor cable: A wire commonly suspended from the trawl gantry running to net monitoring equipment attached directly to the net.

ii Net monitor cables [definition footnote] shall not be used. Where this is impracticable, a snatch block shall be installed at the stern of a vessel to draw the net monitoring cable close to the water and thus reduce its aerial extent and bird scaring lines shall be deployed and specifically positioned to deter birds away from net monitoring cables while fishing;

Commented [TB11R10]: Cook islands proposes the following definition : "defined as data cables attached directly from the vessel to the net"

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Commented [TB12]: Australia considers that this is unnecessary as the risk to seabirds from trawlers is not during setting.

iii Nets shall be cleaned prior to shooting to remove any residue of fish or other items that may attract seabirds;

If there is strong preference that this paragraph be retained, Australia would strongly prefer that 'at least three times' is used as 5m intervals is excessive.

~~iv Nets shall be bound at least three times intervals of 5 m with 3 ply sisal string (or similar) with a breaking strength of 110 kg prior to setting;~~

Commented [TB13R12]: Cook islands consider that it's not required for this kind of fishery, and considers also that this is impractical and negative impact more likely from extending the time to shoot and haul the net. Contradicts provision 3)iv

v Vessels shall adopt shooting and hauling procedures that minimise the time that the net is lying on the surface of the water with the meshes slack. Net maintenance should, to the extent possible, not be carried out with the net in the water;

Commented [TB14R12]: UE would agree to delete this para

~~vi Vessels may add weight to the belly of the net to increase sinking rate and sinking/hauling angle of the net;~~

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vii

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~~South of latitude 42 bird scaring lines must be employed~~

Commented [TB15]: Australia does not support this. While contributing to seabird mitigation, there is also a safety risk and marine pollution risk, as there is an increased chance of snagging and damaging or losing nets.

~~viii~~

Commented [TB16R15]: Cook islands propose to delete with para, it adds that their Midwater trawls have all a ...

Provisions applying to demersal longliners

Commented [TB17R15]: UE would agree to delete this para

Commented [TB18]: Cook islands proposal

Commented [MS19]: All para 3 bracketed by Japan

2) In addition to the provisions in paragraph 2, CCPs shall require any fishing demersal longliner flying their flag and operating in the SIOFA area to apply the following mitigation measures:

- i ~~South of 42°S longline fishing shall only be conducted from 1 May to 14 September each year.~~
- ii ~~Lines shall be set only at night (i.e. during the hours of darkness between the times of nautical twilight). The exact times of nautical twilight are set forth in the Nautical almanac tables for the relevant latitude, local time and date.~~
- ~~iii – Lines shall be white color only, to increase visibility which decreases the by catches of birds.~~
- ii At least two bird scaring lines (see specifications in Annex 2) shall be deployed when setting lines and at least one bird exclusion device (BED; see specifications in Annex 3) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
- iii Fishing vessels using autoline systems shall add weights to the hookline or use integrated weight (IW) hooklines while deploying longlines. IW longlines of a minimum of 50 g/m or attachment to non-IW longlines of 5 kg weights at 50 to 60 m intervals are recommended;
- iv Fishing vessels using the Spanish method of longline fishing shall release weights before line tension occurs; traditional weights (made by rocks or concrete) of at least 8.5 kg mass shall be used, spaced at intervals of no more than 40 m, or traditional weights of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m, or solid steel weights of at least 5 kg mass shall be used, spaced at intervals of no more than 40 m;
- v Fishing vessels using the trotline system exclusively (not a mix of trotlines and the Spanish system within the same longline) shall deploy weights only at the distal end of the droppers in the trotline. Weights shall be traditional weights of at least 6 kg or solid steel weights of at least 5 kg.
- vi Fishing vessels alternating between the use of the Spanish system and trotline method shall use: (i) for the Spanish system: line weighting shall conform to the provisions in paragraph 4(iii); (ii) for the trotline method: line weighting shall be either 8.5 kg traditional weights or 5 kg steel weights attached on the hook-end of all droppers in the trotline at no more than 80 m intervals;

~~vii~~

3) For demersal-longliners of less than 25 m, at least one of the following measures shall apply:

- i At least one bird scaring line (see specifications in Annex 2) shall be deployed when setting lines, and at least one bird exclusion device (BED; see specifications in Annex 3) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
- ii Fishing vessels using autoline systems shall add weights to the hookline or use integrated weight (IW) hooklines while deploying longlines. ~~IW longlines shall have of~~

Commented [TB20]: Australian proposal, indicating it's consistent with CCAMLR CM 41-08

Commented [TB21R20]: UE indicates that It's not consistent with the general regulations of CCAMLR (CM 41-01), it's just regulated in this way in in 58-5-2 area (Hear Mc Donald); EU proposes to delete it and asks the question to the scientific committee.

Commented [TB22]: proposal from French territories and Australia

Commented [TB23]: French territories proposal, consistent with CCAMLR regulations

a minimum of 50 g/m or ~~a weights of a minimum of 5 kg attached to~~ non-IW longlines ~~of 5 kg weights at 50 to 60 m intervals are recommended.~~

~~iii: Lines shall be set only at night (i.e. during the hours of darkness between the times of nautical twilight). The exact times of nautical twilight are set forth in the Nautical almanac tables for the relevant latitude, local time and date.~~

Commented [TB24]: Australian proposal

Commented [TB25R24]: EU confirms it's related to CCAMLR measures

Commented [TB26]: Proposal of French territories and Australia

Other demersal fishing gears

~~4) In addition to the provisions in paragraph 2, CCPs shall require any fishing vessel flying their flag and operating in the SIOFA area using demersal pots or traps to use sinking (leaded) groundlines, and ensure that buoy lines shall not be left floating at the surface.~~

~~4) In addition to the provisions in paragraph 2, CCP shall require any fishing vessel flying their flag and operating in the SIOFA area using demersal pots or traps to ensure the cleanliness of the traps and pots not to attract birds, and ensure that buoy lines shall not be left floating at the surface.~~

Commented [TB27]: France territories : alternate proposal about pots and traps - having no hooks nor baits, trap lines are not subject to birds bycatch. On the contrary, the trap itself needs to be perfectly clean not to attract birds.

Final provisions

5) ~~CCPs shall undertake research for the evaluation of the effectiveness of existing mitigation methods and their improvement, as appropriate.~~

6) The Scientific Committee and the Compliance Committee will review this CMM every four years, unless the MoP decides otherwise.

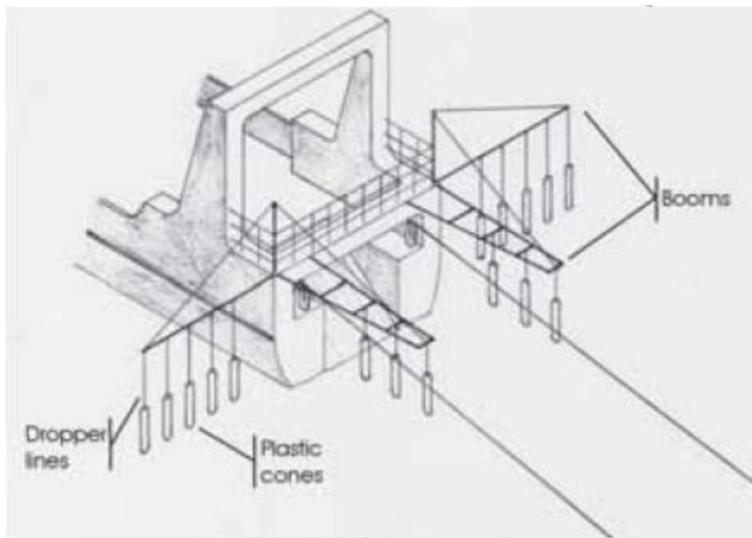
Commented [TB28]: Australia would ask guidance around such researches from scientific committee

ANNEX 1: Seabird Strike Reduction devices

Specification of Bird Bafflers

Exact design and placement is contingent on vessel shape.

- a) Each boom shall extend outwards not less than four metres from the side or stern of the vessel;
- b) Dropper lines, shall be attached to the booms no more than 2 metres apart;
- c) Plastic cones, rods or other brightly coloured and durable material shall be attached to the ends of the dropper lines, so that the bottom of the cone, rod or material is not more than 500 millimetres above the water, in the absence of wind and swell; and
- d) Lines or webbing may be attached between the dropper lines to prevent tangling.



Specification of bird scaring lines for demersal and mid-water trawlers

1. The main line shall consist of 50 m of 9 mm line.
2. Streamer lines shall be attached at 5 m intervals and must be long enough to extend beyond the point at which warp and net monitoring cables reach the water's surface. It is recommended that for every metre of block height, 5 m of backbone be deployed.
3. It is essential that streamers are made from semi-flexible tubing of high visibility. The recommended material is UV-protected fluorescent red polythene tubing and alternatives such as fire hose; old waterproofs and dark coloured tubing are not acceptable.
4. To avoid deflection of bird scaring lines away from cables in strong cross winds, the bird scaring lines must tow a buoy or cone attached to the end of line to create tension and keep the

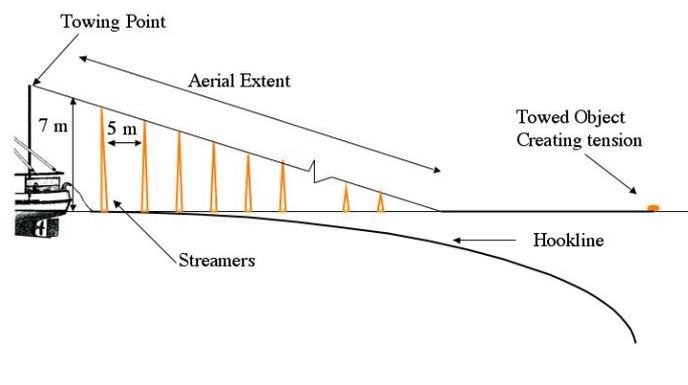
line straight. It is recommended that for every metre of block height, 1.2 kg of terminal object drag weight be used.

5. The lines shall be mounted two metres outboard of the trawl blocks on both the port and starboard sides. It may be necessary to weld short extension arms to the handrail in order to achieve this distance.

6. Streamer lines shall be deployed once the trawl doors are submerged and retrieved as net hauling commences. It is important to retrieve the streamer lines before hauling as vessels often go astern during this process, which can suck the buoys underwater and lead to problems.

7. A spare streamer line shall be carried and deployed in the event of loss or damage of a line.

ANNEX 2: Specification of bird scaring lines for demersal longliners



1. The aerial extent of the streamer line, which is the part of the line supporting the streamers, is the effective seabird deterrent component of a streamer line. Vessels are encouraged to optimise the aerial extent and ensure that it protects the hookline as far astern of the vessel as possible, even in crosswinds.

2. The streamer line shall be attached to the vessel such that it is suspended from a point a minimum of 7 m above the water at the stern on the windward side of the point where the hookline enters the water.

3. The streamer line shall be a minimum of 150 m in length and include an object towed at the seaward end to create tension to maximise aerial coverage. The object towed should be maintained directly behind the attachment point to the vessel such that in crosswinds the aerial extent of the streamer line is over the hookline.

4. Branched streamers, each comprising two strands of a minimum of 3 mm diameter brightly coloured plastic tubing (should be of a type that is manufactured to be protected from ultraviolet radiation) or cord, shall be attached no more than 5 m apart commencing 5 m from the point of attachment of the streamer line to the vessel and thereafter along the aerial extent of the line. Streamer length shall range between minimums of 6.5 m from the stern to 1 m for the seaward

end. When a streamer line is fully deployed, the branched streamers shall be of sufficient length to reach the sea surface in the absence of wind and swell. Swivels or a similar device should be placed in the streamer line in such a way as to prevent streamers being twisted around the streamer line. Each branched streamer may also have a swivel or other device at its attachment point to the streamer line to prevent fouling of individual streamers.

5. Vessels are encouraged to deploy a second streamer line such that streamer lines are towed from the point of attachment each side of the hookline. The leeward streamer line should be of similar specifications (in order to avoid entanglement the leeward streamer line may need to be shorter) and deployed from the leeward side of the hookline.

6. A spare streamer line shall be carried and deployed in the event of loss or damage of a line.

ANNEX 3: Specification of BEDs for demersal longliners

BEDs shall have the following operational characteristics:

(i) deterrence of birds from flying directly into the area where the line is being hauled;

(ii) prevention of birds that are sitting on the surface from swimming into the hauling bay area.



CCAMLR

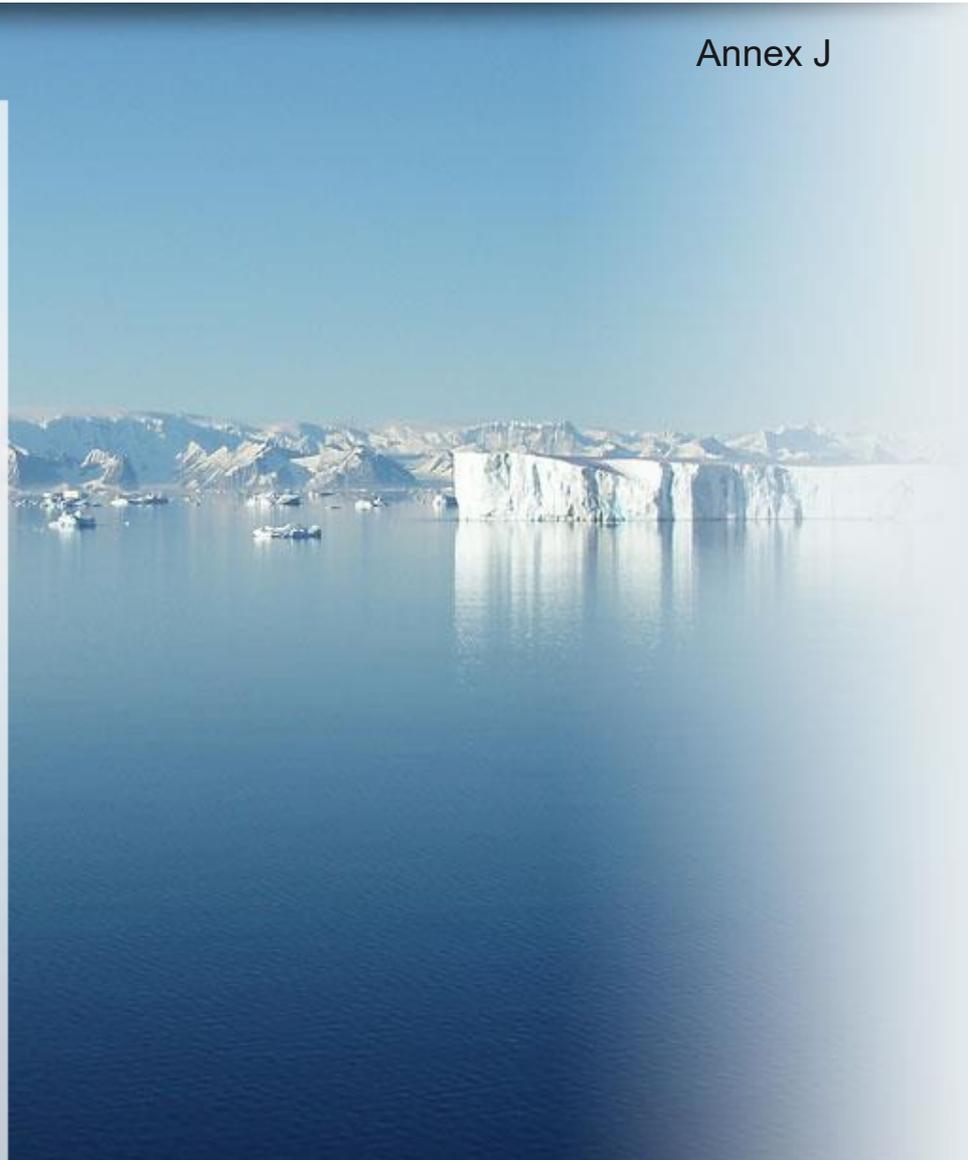
Commission for the Conservation of Antarctic Marine Living Resources
Commission pour la conservation de la faune et la flore marines de l'Antarctique
Комиссия по сохранению морских живых ресурсов Антарктики
Comisión para la Conservación de los Recursos Vivos Marinos Antárticos

Annex J

CCAMLR's CDS and SIOFA

Ms Bonney Webb
Fisheries Monitoring and
Compliance Manager
CCAMLR Secretariat

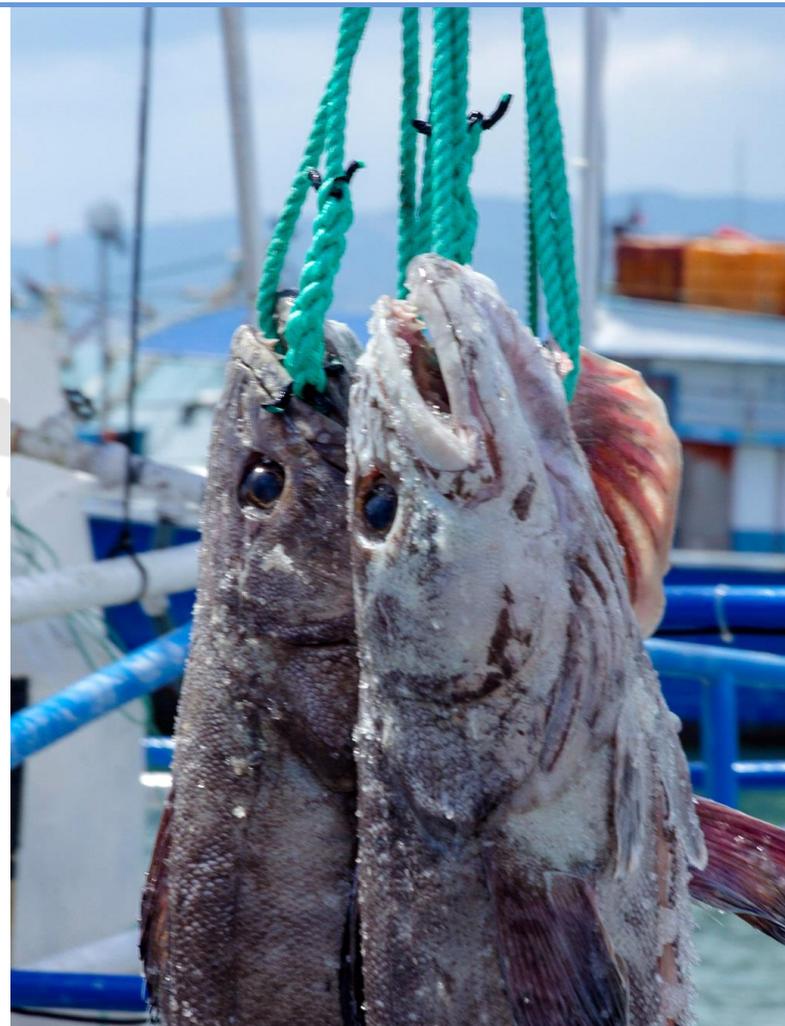
SIOFA
3rd Meeting of the Compliance
Committee
27-29 June 2019
Flic en Flac, Mauritius





Presentation Outline

- CCAMLR Overview
- *Dissostichus* spp. Catch Documentation Scheme
- Catches Beyond the Convention Area and the CDS
- Non-contracting Party (NCP) Engagement & Cooperation
- Cooperation Support from the Secretariat



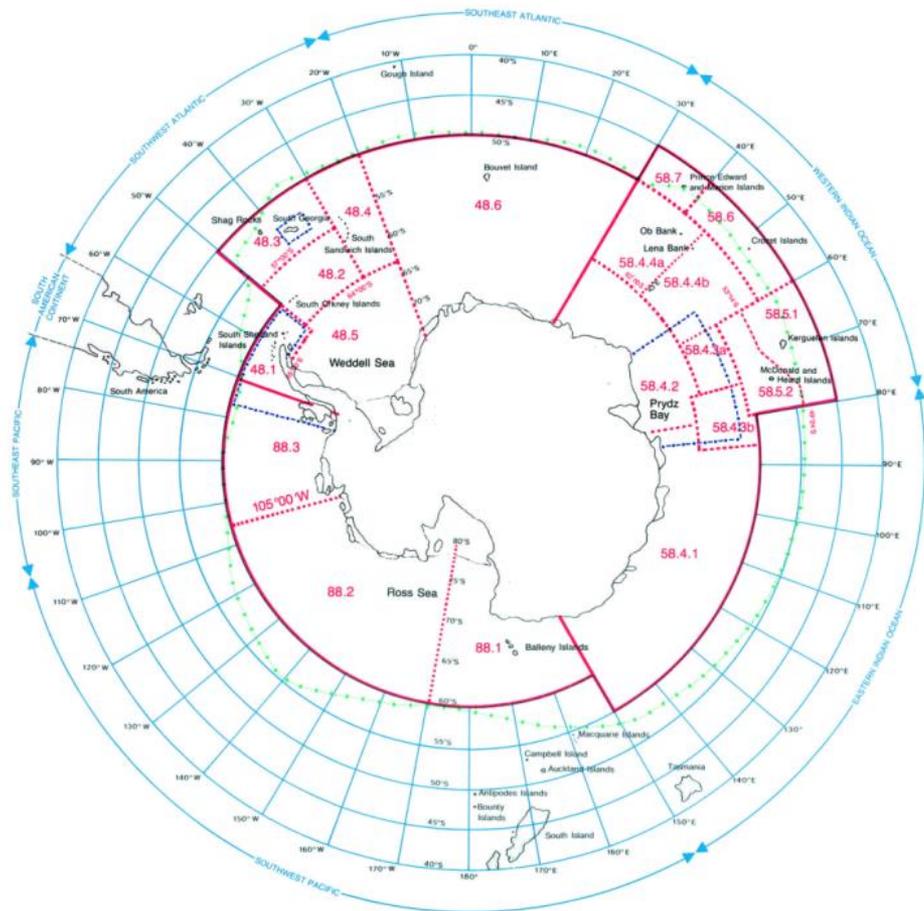


CCAMLR

Commission for the Conservation of Antarctic Marine Living Resources
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CCAMLR

Members

Argentina, Australia, Belgium, Brazil, Chile, China, European Union, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom, United States of America, Uruguay

Acceding States

Bulgaria, Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Islamic Republic of Pakistan, Republic of Panama, Peru, Vanuatu

Cooperating non-contracting Parties

Ecuador

Non-contracting Parties cooperating with CCAMLR through limited on-going access to the *Dissostichus* spp. Catch Documentation Scheme

Singapore



Antarctic Marine Living Resources

Fin fish

Patagonian toothfish (*Dissostichus eleginoides*)

Antarctic toothfish (*Dissostichus mawsoni*)

mackerel icefish (*Champsocephalus gunnari*)

Krill

Antarctic krill (*Euphausia superba*)

Crab

King crabs (*Lithodids* spp.)

Stone crabs (*Paralomis* spp.)





Catch Documentation Scheme (CDS)

- Tracks toothfish from the point of landing throughout the trade cycle
- **the cds is intended to establish the origin of all toothfish and follow the landing and trade to its destined market for consumption**
- Implemented by Conservation Measure 10-05 and its annexes
- Supported by an electronic CDS (e-CDS)
- Each participating state nominates CDS contact officers who manages other e-CDS users in that country
- The e-CDS is centrally managed by the Secretariat



CCAMLR Conservation Measures and Resolutions

CM 10-05 and annexes - CDS

- Paragraph 1 – Definition and tools
- Paragraphs 2 & 3 – Origin of fish to be established and accompanied by DCD
- Paragraph 5 – VMS
- Paragraph 9 – Verification
- Paragraph 13 – Power to prohibit import, export or re-export
- Paragraphs 14-24 – Dealing with unauthorised toothfish landing
- Annexes – Forms, CDS Fund & Procedure

CM 10-03 – Port Inspection

- Port inspection of all vessels carrying toothfish*

Resolutions

- [Resolution 10/XII](#) – Harvesting of stocks occurring within & outside of Convention Area
- [Resolution 14/XIX](#) – CDS implementation by Acceding States
- [Resolution 15/XXII](#) – Use of ports not implementing the CDS
- [Resolution 16/XIX](#) – Application of VMS in CDS
- [Resolution 17/XX](#) – Use of VMS and other measure for verification of CDS outside of the Convention Area
- [Resolution 18/XXI](#) – Harvesting *Dissostichus eleginoides* in areas outside of Coastal State jurisdiction adjacent to Convention Area in FAO Areas 51 & 57



Catches Beyond the Convention Area and the CDS

Exclusive Economic Zones

- Argentina
- Australia
- Chile
- Ecuador
- France
- Peru
- South Africa
- Uruguay

MoUs and Arrangements

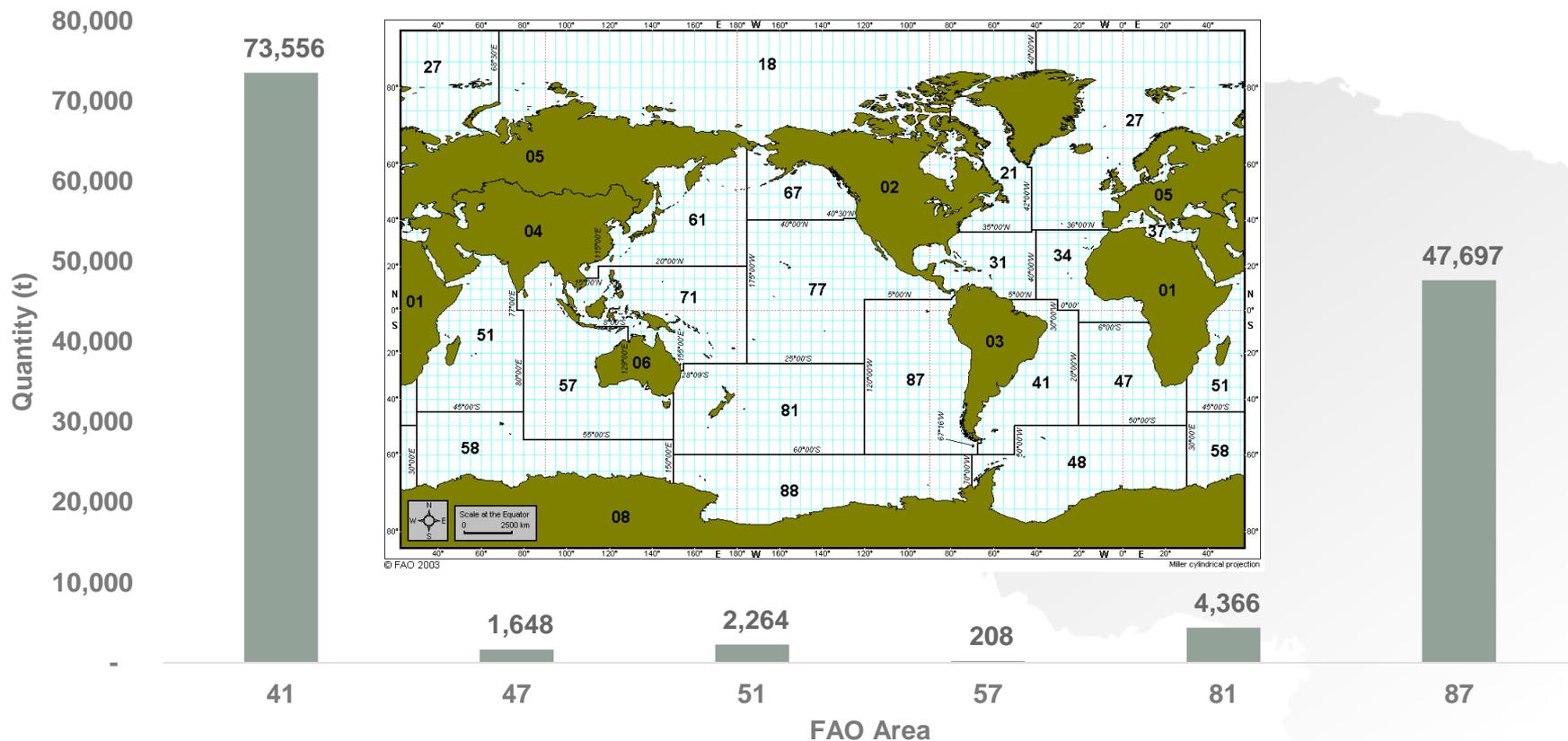
- [CCSBT](#)
- [SEAFO](#)
- [SPRFMO](#)
- [SIOFA](#)
- [WCPFC](#)





Catch Outside the Convention Area

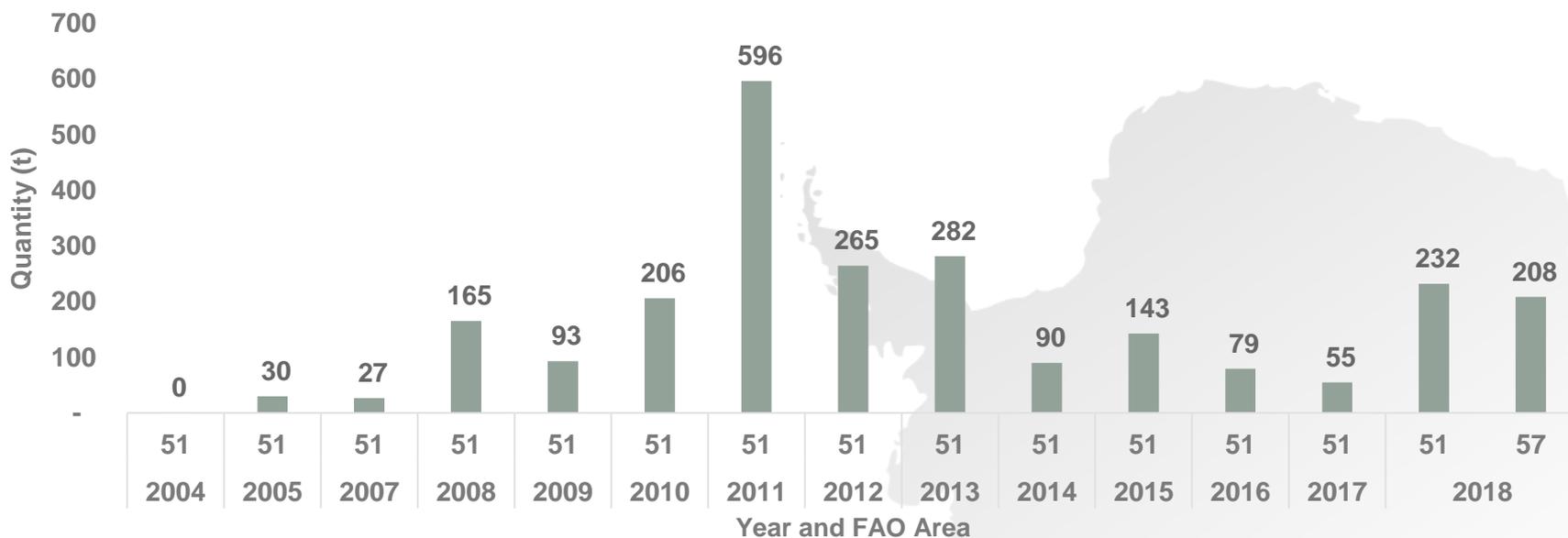
Total Catches Outside of Convention Area by FAO Area Landed in the CDS 2004-2018





Toothfish Catch in CDS from SIOFA 2009-2018

Total Catches in FAO Areas 51 & 57 2004-2018





Non-contracting Party (NCP) Engagement & Cooperation

- NCPs = States that are not Party to CCAMLR
- Some NCPs harvest, land and/or trade toothfish
- The eCDS has identified the following NCPs involved in toothfish trade in 2019:

Cayman Islands, Colombia, Curacao, French Polynesia, Guatemala, Hong Kong SAR, Iceland, Malaysia, Maldives, Mexico, Philippines, Sint Maarten (Dutch part), Switzerland, Taiwan, **Thailand**, Turkey, Trinidad and Tobago, United Arab Emirates

Cooperation by NCPs are strongly encouraged and supported by CCAMLR and its policy to enhance cooperation endorsed by the Commission



Non-contracting Party (NCP) Engagement & Cooperation

NCPs that trade in toothfish can cooperate with CCAMLR in a number of ways:

- By monitoring toothfish trade through limited access to the electronic CDS (e-cds)
- **By becoming a non-contracting party cooperating with CCAMLR by participating in the CDS**
- By becoming a contracting party

And:

- Attend meetings of CCAMLR
- Provide toothfish trade data
- Support efforts to combat IUU fishing



Cooperation Support

- Application drafting
- Capacity building – directly and workshops
- Development and provision of training resources
- Meeting attendance





Conclusion

- Established and well understood
- Accessible, fast and supported
- Cooperation promoted and supported
- Resources available

