

AMENDMENTS TO RESOLUTIONS 12/05, 13/02 AND 13/07 CONCERNING THE OBLIGATION FOR VESSELS ABOVE 24 METERS OR UNDER 24 METERS FISHING OUTSIDE THEIR EXCLUSIVE ECONOMIC ZONE (EEZ) TO HOLD AN IMO NUMBER

PART I

CONCERNING THE IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA OF COMPETENCE

SUBMITTED BY: EUROPEAN UNION, 30 APRIL 2014

Explanatory Memorandum

The proposed amendments aim that fishing vessels operating in the IOTC area of competence above 24 meters or less than 24 meters if fishing outside their EEZ hold an IMO numbers by 1 January 2016. This should include chartered vessels. In addition, vessels engaged in transshipment at sea in the IOTC area of competence shall report their IMO number if they have one.

The amendments concern:

- Resolution 13/02 *on the IOTC Record of vessels authorised to operate in the IOTC area of competence* (paragraph 2 and especially footnote 1),
- Resolution 13/07 *Concerning a Record of Licensed Foreign Vessels Fishing for IOTC Species in the IOTC Area of Competence and Access Agreement Information* (paragraph 2 and especially footnote 1),
- Resolution 12/05 *on Establishing a Programme for Transshipment by Large-Scale Fishing Vessels* (paragraph 12).

The current wording in Resolutions 13/02 and 13/07 concerning all vessels above 24 meters or less than 24 meters fishing outside their EEZ would be able to provide IMO numbers by 2015, does not provide sufficient clarity regarding the obligation of the owners of those vessels regarding the deadline to respect this obligation.

Resolution 12/05 currently does not make use of the IMO numbers.

Using IMO numbers as a unique vessel identifier (UVI) for fishing vessels is both useful to fight against IUU fishing and practical for vessel identification.

In 2013, CCAMLR, ICCAT and WCPFC strengthened their transparency requirements and mandated IMO numbers for fishing vessels.

RESOLUTION 14/XX13/02
CONCERNING THE IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels;

FURTHER RECALLING that IOTC adopted the [Resolution 01/06](#) *Concerning the IOTC Bigeye Tuna Statistical Document Programme* at its 2001 meeting;

FURTHER RECALLING that IOTC adopted the Resolution 01/02 [~~superseded by~~ [Resolution 13/02](#)] *Relating to Control of Fishing Activities* at its 2001 meeting;

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential to operate in the IOTC area of competence without timely registration with the Commission;

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organisation should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorised and records of vessels engaged in IUU fishing;

RECALLING that the IOTC Record of Active Vessels was established by the Commission on 1 July 2003, via Resolution 02/05 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area of competence*;

RECOGNISING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

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

1. The Commission shall maintain an IOTC Record of fishing vessels that are:
 - a) larger than 24 metres in length overall; or
 - b) in case of vessels less than 24 meters, those operating in waters outside the Economic Exclusive Zone of the Flag State;

and that are authorised to fish for tuna and tuna-like species in the IOTC area of competence (hereinafter referred to as 'authorised fishing vessels', or AFVs). For the purpose of this Resolution, AFVs that are not entered in the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.

2. Each Contracting Party and Cooperating Non-Contracting Party (hereinafter referred to as "CPC") shall submit electronically, where possible, to the IOTC Executive Secretary for those vessels referred to 1.a) and for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC area of competence. This list shall include the following information:
 - a) Name of vessel(s), register number(s);

- b) IMO number (if any)¹;
- c) Previous name(s) (if any);
- d) Previous flag(s) (if any);
- e) Previous details of deletion from other registries (if any);
- f) International radio call sign(s) (if any);
- g) Port of Registration;
- h) Type of vessel(s), length and gross tonnage (GT);
- i) Name and address of owner(s) and operator(s);
- j) Gear(s) used;
- k) Time period(s) authorised for fishing and/or transshipping.

In assessing compliance with the paragraph above, the Commission shall take into account exceptional circumstances in which a vessel owner is not able to obtain an IMO number despite following the appropriate procedures. Flag CPCs shall report any such exceptional situations to the Secretariat.

3. All CPCs which issue authorisations to fish to their flag vessels to fish for species managed by the IOTC shall submit to the IOTC Executive Secretary, by 15 February of 2014, an updated template of the official authorisation to fish outside National Jurisdictions, and update this information whenever this information changes. This information includes:
- a) name of the Competent Authority;
 - b) name and contact of personnel of the Competent Authority;
 - c) signature of the personnel of the Competent Authority;
 - d) official stamp of the Competent Authority.

The IOTC Executive Secretary shall publish the above information in a secure part on the IOTC website for MCS purpose.

4. The template in paragraph 3 shall be used exclusively for monitoring, control and surveillance purposes and a difference between the template and the authorisation carried onboard the vessel does not constitute an infraction, but will prompt the controlling State to clarify the issue with the identified Competent Authority of the flag State of the vessel in question.
5. Each CPC shall promptly notify, after the establishment of their initial IOTC Record, the IOTC Executive Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.

¹ If a vessel currently holds an IMO number, it must be reported in its information. Further, it is expected that all vessels greater than 24 m would be able to provide IMO numbers by 2015. Effective 1 January 2016, flag CPCs shall ensure that all their AFVs above 24 meters or less than 24 meters if fishing outside their EEZ, have IMO numbers issued to them.

6. The IOTC Executive Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
7. The flag CPCs of the vessels on the record shall:
 - a) authorise their vessels to operate in the IOTC area of competence only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures;
 - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures;
 - c) take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
 - d) ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels; the parties of the IUU incident have officially resolved the matter and sanctions have been completed; or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence;
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
8. CPCs shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive actions and sanctions and, in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission annually. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC Record to take further action to enhance compliance by those vessels with IOTC Conservation and Management Measures.
9.
 - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the vessels which are not entered into the IOTC Record.
 - b) To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs shall validate statistical documents only for the vessels on the IOTC Record;
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC area of competence, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC Record; and
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall cooperate to ensure that statistical documents are not forged or do not contain misinformation.

10. Each CPC shall notify the IOTC Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the IOTC Record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC area of competence.
11.
 - a) If a vessel mentioned in paragraph 10 is flying the flag of a CPC, the IOTC Executive Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC area of competence;
 - b) If the flag of a vessel mentioned in paragraph 10 cannot be determined or is of a non-Contracting Party without cooperating status, the IOTC Executive Secretary shall compile and circulate such information to all CPCs, without delay.
12. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU fishing vessels from the Indian Ocean to other oceans.
13. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall:
 - a) Ensure that each of its fishing vessels carry on board documents issued and certified by the competent authority of that Contracting Party or of that Cooperating Non-Contracting Party with IOTC, including, at a minimum, the following:
 - i. License, permit or authorisation to fish and terms and conditions attached to the licence, permit of authorisation;
 - ii. Vessel name;
 - iii. Port in which registered and the number(s) under which registered;
 - iv. International call sign;
 - v. Names and addresses of owner(s) and where relevant, the charterer;
 - vi. Overall length;
 - vii. Engine power, in KW/horsepower, where appropriate.
 - b) Verify above documents on a regular basis and at least every year;
 - c) Ensure that any modification to the documents and to the information referred to in 13.a) is certified by the competent authority of that Contracting Party or of that Cooperating Non-Contracting Party with the IOTC.
14. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that its fishing vessels authorised to fish in the IOTC area of competence are marked in such a way that they can be really identified with generally accepted standards such as the FAO Standard Specification for the Marking and Identification of Fishing vessels.
15.
 - a) Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that each gear used by its fishing vessels authorised to fish in the IOTC area of competence is marked appropriately, e.g., the ends of nets, lines and gear in the sea, shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent;



- b) Marker buoys and similar objects floating and on the surface, and intended to indicate the location of fixed fishing gear, shall be clearly marked at all time with the letter(s) and/or number(s) of the vessel to which they belong;
 - c) Fish aggregating devices shall be clearly marked at all time with the letter(s) and / or number(s) of the vessel to which they belong.
16. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that all their respective fishing vessels above 24 meters or less than 24 meters if fishing outside their EEZ~~greater than 24 m~~ LOA and authorised to fish in the IOTC area of competence, keep a bound fishing national logbook with consecutively numbered pages. The original recordings contained in the fishing logbooks shall be kept on board the fishing vessel for a period of at least 12 months.
17. This Resolution supersedes Resolution 13/0207/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area*~~and Resolution 01/02 Relating to Control of Fishing Activities~~.