



01 July 2019

## IOTC CIRCULAR 2019-27

Dear Sir/Madam

### **CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY THE IOTC AT ITS 23<sup>RD</sup> SESSION**

I have the honour to transmit to you the texts of the seven Conservation and Management Measures adopted by the Commission at its 23<sup>rd</sup> Session, held in Hyderabad, India, from 17 to 21 June 2019.

**Pursuant to Article IX.4 of the IOTC Agreement, these Conservation and Management Measures shall become binding on Members, 120 days from the date of this notification, i.e. 29 October 2019.**

Resolution 19/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of competence.*

Resolution 19/02 *Procedures on a fish aggregating devices (FADs) management plan.*

Resolution 19/03 *On the conservation of mobulid species caught in association with fisheries in the IOTC Area of Competence.*

Resolution 19/04 *Concerning the IOTC Record of Vessels Authorised to operate in the IOTC Area of Competence.*

Resolution 19/05 *On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna, and non-targeted species caught by purse seine vessels in the IOTC Area of Competence.*

Resolution 19/06 *On establishing a programme for transshipment by large-scale fishing vessels.*

Resolution 19/07 *On vessel chartering in the IOTC Area of Competence.*

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

Yours sincerely

Christopher O'Brien  
Executive Secretary

**Attachments:**

- CMMs adopted in 2019

Distribution

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

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**RESOLUTION 19/01**  
**ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN**  
**TUNA STOCK IN THE IOTC AREA OF COMPETENCE**

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

The Indian Ocean Tuna Commission (IOTC),

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

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

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

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

FURTHER RECALLING that Article 6, of UNFSA and IOTC Resolution 12/01 On the implementation of the precautionary approach, requires the States to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States;

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

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

FURTHER CONSIDERING the recommendations of the 18th Scientific Committee held in Bali, Indonesia, 23 – 27 November 2015 and the 21st session of the Scientific Committee held in Seychelles, 3 – 7 December 2018, that the catches of yellowfin tuna have to be reduced by 20% of the 2017 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2027 as specified in Kobe II Strategy Matrix;

FURTHER CONSIDERING the management advice of the 21st session of the Scientific Committee on the limitations and uncertainties in the stock assessment;

FURTHER CONSIDERING the concern of the 20th Session of the Working Party for Tropical Tuna held in Seychelles, 29 October – 3 November 2018, the change in strategy by increase of usage of FADs by the purse seine vessels to maintain catch level targets has led to a substantial increase of juvenile yellowfin tuna and bigeye tuna;

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

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

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

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

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

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

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

#### **Application**

1. This resolution shall apply to all fishing vessels targeting tuna and tuna like species in the Indian Ocean of 24 meters overall length and over, and those under 24 meters if they fish outside the EEZ of their flag State, within the IOTC Area of Competence.
2. The measures contained within this Resolution shall be considered as interim measure and will be reviewed by the Commission no later than at its annual Session in 2020.
3. Notwithstanding paragraph 2, this Resolution shall be reviewed when a formal Management Procedure for the management of the yellowfin tuna stock is adopted by the Commission and in effect.
4. Nothing in this resolution shall pre-empt or prejudice future allocation of fishing opportunities.

#### **Catch limits**

5. Purse seine: CPCs whose purse seine catches of yellowfin reported for 2014 were above 5000 MT to reduce their purse seine catches of yellowfin by 15 % from the 2014 levels.

6. Gillnet: CPCs whose Gillnet catches of yellowfin reported for 2014 were above 2000 MT to reduce their Gillnet catches of yellowfin by 10 % from the 2014 levels.
7. Longline: CPCs whose Longline catches of yellowfin reported for 2014 were above 5000 MT to reduce their Longline catches of yellowfin by 10 % from the 2014 levels.
8. CPCs' other gears: CPCs whose catches of yellowfin from other gears reported for 2014 were above 5000 MT to reduce their other gear catches of yellowfin by 5 % from the 2014 levels.
9. In applying the catch reductions by gears in provisions in paragraph 5, 6, 7 and 8, Small Island Developing States and Least Developed Countries can either choose between catches of yellowfin tuna reported for either 2014, or 2015. For such CPCs Paragraph 13(a) is applicable over the accumulated catch in 2018 and 2019.
10. Exceptionally for 2019 and 2020, Small Island Developing States CPCs that contributed less than 4% of the total yellowfin catch of the Indian Ocean in 2017, shall reduce their purse seine catch by 7.5% of 2018 levels.
11. Any CPC to whom para 5-10 do not apply and whose catches exceeded the threshold limits in any subsequent year (from 2017), shall reduce their catches to the levels prescribed for that particular gear as mentioned in paragraphs 5, 6, 7 and 8.
12. Flag States will determine appropriate methods for achieving these catch reductions, which could include capacity reductions, effort limits, etc., and will report to the IOTC Secretariat in their Implementation Report every year.

***Over catch of annual limit***

13. If over-catch of an annual limit for a given fleet of a CPC listed in paragraph 5 to 10 occurs, catch limits for that fleet shall be reduced as follows:
  - a. If the accumulated catch in 2017, 2018 and 2019 exceeds the sum of the catch limit for 2017, 2018 and 2019 the excess (over-catch) shall be deducted from the 2021 catch limit.
  - b. For 2020 and following years, 100% of that over-catch shall be deducted from the following two years limit; unless
  - c. Over-catch for that fleet has occurred in two or more consecutive years, in which case 125% of the over-catch shall be deducted from the following two years limit.
14. CPCs shall inform the Commission via the IOTC Compliance Committee, any reductions in the following year because of over catch in paragraph 13 in their implementation Report.
15. The revised limits will apply in the following year and CPCs compliance shall be assessed against the revised limits reported to the IOTC Compliance Committee.

***Supply Vessels***

16. CPCs shall gradually reduce supply vessels by 31 December 2022 as specified below in (a), (b), and (c). Flag States shall submit the status of reducing the use of supply vessel as part of the report of Implementation to the Compliance Committee.
  - a) From 1 January 2018 to 31 December 2019: 1 supply vessel in support of not less than 2 purse seiners, all of the same flag State.
  - b) From 1 January 2020 to 31 December 2020: 2 supply vessels in support of not less than 5 purse seiners, all of the same flag State<sup>4</sup>.
  - c) No CPC is allowed to register any new or additional supply vessel on the IOTC Record of Authorized Vessels after 31 December 2017.
17. A single purse seine vessel shall not be supported by more than one single supply vessel of the same flag State at any point of time.

18. Subparagraphs (a) and (b) of paragraph 16 shall not apply to flag States which use one supply vessel.
19. Complementary to Resolution 15/08 (superseded by Resolution 17/08, then by Resolution 18/08, then by Resolution 19/02) and to Resolution 15/02, CPC/flag States shall report annually before the 1 January for the coming year of operations which Purse seiners are served by each supply vessel. This information will be published on IOTC website so as to be accessible to all CPCs and is mandatory.
20. CPCs shall report by 1 March 2019, the number of FADs that were deployed in 2018 and 2019 by purse seine vessels and associated supply vessels per 1°x1° grid.

#### ***Gillnet***

21. Without prejudice to Article 16 of the IOTC Agreement, CPCs shall encourage phasing out or convert gillnet fishing vessels to other gears, considering the huge ecological impact of these gears and fast track the implementation of Resolution 17/07 On the Prohibition to use large-scale driftnets in the IOTC.
22. CPCs shall set their gillnets at 2m depth from the surface in gillnet fisheries by 2023 to mitigate ecological impacts of gillnets.
23. CPCs are encouraged to increase their observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human) verified by the IOTC Scientific Committee by 2023.
24. CPCs shall report the level of implementation of para 21 - 23 to the IOTC Commission via the Compliance Committee.

#### ***Administration***

25. The IOTC Secretariat, under advice of the Scientific Committee, shall prepare and circulate a table of allocated catch limits disaggregated as per the conditions set out in paragraphs 5 – 10 for preceding year, in December of the current year.
26. CPCs shall monitor the yellowfin tuna catches from their vessels in conformity with Resolution 15/01 On the recording of catch and effort data by fishing vessels in the IOTC area of competence and Resolution 15/02 Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non Contracting Parties (CPCs) and will provide a summary of most-recent yellowfin catches for the consideration of the IOTC Compliance Committee.
27. For the purposes of the implementation of this resolution, CPCs shall submit their catches of yellowfin disaggregated for vessel 24 m overall length and over, and those under 24 m meter if they fish outside the EEZ as per resolution 15/02.
28. Each year, the Compliance Committee shall evaluate the level of compliance with the reporting obligations and the catch limits deriving from this Resolution and shall make recommendations to the Commission accordingly.
29. The Scientific Committee via its Working Party on Tropical Tunas shall implement the “Workplan to improve current assessment of yellowfin tuna” and shall advice the Commission the financial and administrative requirements to further strengthen the work undertaken to minimize the issues and complexities regarding yellowfin tuna stock assessment.
30. The Scientific Committee via its Working Party on Tropical Tunas shall in 2019 undertake an evaluation of the effectiveness of the measures detailed in this Resolution, taking into account all sources of fishing mortality possible aiming at returning and maintaining biomass levels at the Commission’s target level.

31. This Resolution supersedes IOTC Resolution 18/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock.

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**RESOLUTION 19/02**  
**PROCEDURES ON A FISH AGGREGATING DEVICES (FADS)**  
**MANAGEMENT PLAN**

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

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

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

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

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

RECOGNISING that Fish Aggregating Devices under the competence of IOTC should be managed to ensure the sustainability of fishing operations;

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

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

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

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

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

and other species;

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

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

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

1. Definitions

***For the purpose of this Resolution:***

- a) Fish Aggregating Device (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture.
  - b) Drifting Fish Aggregating Devices (DFADs) means a FAD not tethered to the bottom of the ocean. A DFAD typically has a floating structure (such as a bamboo or metal raft with buoyancy provided by buoys, corks, etc.) and a submerged structure (made of old netting, canvass, ropes, etc.).
  - c) Anchored Fish Aggregating Devices (AFADs) means a FAD tethered to the bottom of the ocean. It usually consists of a very large buoy and anchored to the bottom of the ocean with a chain.
  - d) Instrumented buoy means a buoy with a clearly marked with a unique reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position.
  - e) Operational buoy means any instrumented buoy, previously activated, switched on and deployed at sea on a drifting FAD or log, which transmit position and any other available information such as eco-sounder estimates.
  - f) Activation of a buoy means the act of initializing satellite communication service, which is done by the buoy supplier company at the request of the vessel owner or manager.
  - g) Deactivation of a buoy means the act of cancelling satellite communications service, which is done by the buoy supplier company at the request of the vessel owner or manager.
  - h) Buoy owner means any legal or natural person, entity or branch, who is paying for the communication service for the buoy associated with a FAD, and/or who is authorized to receive information from the satellite buoy, as well as to request its activation and/or deactivation.
  - i) Reactivation: the act of re-enabling satellite communications services by the buoy supplier company at the request of the buoy owner or manager.
  - j) Buoy in stock means an instrumented buoy acquired by the owner which has not been made operational.
2. This Resolution shall apply to CPCs having purse seine vessels and fishing on Drifting Fish Aggregating Devices (DFADs), equipped with instrumented buoys for the purpose of aggregating target tuna species, in the IOTC area of competence. Only purse seiners and associated supply or support vessels are allowed to deploy DFADs in the IOTC Area of Competence.
  3. This resolution requires the use of instrumented buoy, as per the above definition, on all DFADs and prohibits the use of any other buoys, such as radio buoys, not meeting this definition.
  4. This Resolution sets the maximum number of operational buoys followed by any purse seine vessel at 300



at any one time. The number of instrumented buoys that may be acquired annually for each purse seine vessel is set at no more than 500. No purse seine vessel shall have more than 500 instrumented buoys (buoy in stock and operational buoy) at any time. An instrumented buoy shall be made operational only when physically present on board the purse-seine vessel to which it belongs or its associated supply or support vessel, and the event shall be recorded in the appropriate logbook, specifying the instrumented buoy unique identification number and the date, time and geographical coordinates of its deployment.

5. A CPC may adopt a lower limit than the one set out in paragraph 4 for vessels flying its flag. Further, any CPC may adopt a lower limit for DFADs deployed in its EEZ than that stated in paragraph 4. The CPC shall review the adopted limit to ensure that such limit is not more than the limit fixed by the Commission.
6. CPCs shall ensure that as from the effective date of this Resolution, each of its purse seiners already in operation does not exceed the maximum number of operational and instrumented buoys at any one time as set out in paragraph 4.
7. All purse seine vessel, supply or support vessel shall declare to its respective CPC, the number of instrumented buoys onboard, including each unique identifier of the instrumented buoy before and after each fishing trip.
8. Reactivation of an instrumented buoy shall only be possible once it has been brought back to port, either by the vessel tracking the buoy/ associated supply or support vessel or by another vessel and has been authorized by the CPC.
9. Notwithstanding the completion of any study undertaken at the request of the Commission including the study to be undertaken by the Working Group adopted at Resolution 15/09 in relation to FADs, the Commission may review the maximum number of instrumented buoys set out in paragraph 4.
10. CPCs shall require vessels flying their flag and fishing on DFADs to annually submit the number of operational buoys followed by vessel, lost and transferred (total number of DFADs tagged at sea, by deploying an instrumented buoy on a log or another vessel DFAD already in the water) by 1° by 1° grid area and month strata and DFAD type under the confidentiality rules set by Resolution 12/02 (or any subsequent superseding Resolution).
11. All CPCs shall ensure that all fishing vessels as referred to in paragraph 2 shall record fishing activities in association with FADs using the specific data elements found in Annex III (DFAD) and Annex IV (AFAD) in the section of the “FAD-logbook”.
12. CPCs having vessels flying their flag and fishing on FADs shall submit, to the Commission, on an annual basis, Management Plans for the use of FADs. Due to their specificity in terms of users, type of boat/vessel involved, fishing method and gear used and materials used in their construction, the Management Plans and Reporting Requirements for Drifting FADs (DFAD) and Anchored FADs (AFAD) shall be addressed separately for the purposes of this Resolution. The Plans shall at a minimum follow the Guidelines for Preparation for FAD Management Plans by each CPC as provided for DFADs in Annex I and AFADs in Annex II.
13. The Management Plans shall be analysed by the IOTC Compliance Committee.
14. The Management Plans shall include initiatives or surveys to investigate, and to the extent possible minimise the capture of small bigeye tuna and yellowfin tuna and non-target species associated with fishing on FADs. Management Plans shall also include guidelines to prevent, to the extent possible, the loss or abandonment of FADs.
15. In addition to the Management Plans, all CPCs shall ensure that all fishing vessels flying their flag and fishing on FADs, including supply vessels, shall record fishing activities in association with FADs using the specific data elements found in Annex III (DFAD) and Annex IV (AFAD).

16. CPCs shall submit to the Commission, 60 days before the Annual Meeting, a report on the progress of the management plans of FADs, including, if necessary, reviews of the initially submitted Management Plans, and including reviews of the application of the principles set out in Annex III.

#### ***Non-entangling and biodegradable FADs***

17. To reduce the entanglement of sharks, marine turtles or any other species, CPCs shall require their flagged vessels to use non-entangling designs and materials in the construction of FADs as outlined in Annex V.
18. To reduce the amount of synthetic marine debris, the use of natural or biodegradable materials in FAD construction should be promoted. CPCs shall encourage their flag vessels to use biodegradable FADs in accordance with the guidelines at Annex V with a view to transitioning to the use of biodegradable FADs, with the exception of materials used for the instrumented buoys, by their flag vessel from 1 January 2022. CPCs shall, from 1 January 2022, encourage their flag vessels to remove from the water, retain onboard and only dispose of in port, all traditional FADs encountered (e.g. those made of entangling materials or designs). The reference year prescribed above shall be reviewed in light of the Scientific Committee's recommendation pursuant to Resolution 18/04 *On BioFAD experimental project*.
19. CPCs are encouraged to conduct trials using biodegradable materials to facilitate the transition to the use of only biodegradable material for DFADS construction by their flagged vessels. The results of such trials shall be presented to the Scientific Committee who shall continue to review research results on the use of biodegradable material on FADs and shall provide specific recommendations to the Commission as appropriate.

#### ***FAD Marking***

20. A new marking scheme shall be developed by the ad-hoc FAD working group and shall be considered by Commission at its regular annual session in 2020.
21. Until the marking scheme referred to in paragraph 20 is adopted, CPCs shall ensure that the instrumented buoy attached to the DFAD contain a physical unique reference number marking (ID provided by the manufacturer of the instrumented buoy) and the vessel unique IOTC registration number clearly visible.

#### ***Data reporting and analysis***

22. CPCs shall submit the data elements prescribed in Annex III and Annex IV to the Commission, consistent with the IOTC standards for the provision of catch and effort data, and these data shall be made available for analysis to the IOTC Scientific Committee on the aggregation level set by Resolution 15/02 (or any subsequent superseding Resolution), and under the confidentiality rules set by Resolution 12/02 (or any subsequent superseding Resolution).
23. The IOTC Scientific Committee will analyse the information, when available, and provide scientific advice on additional FAD management options for consideration by the Commission, including recommendations on the number of FADs to be operated, the use of biodegradable materials in new and improved FADs design. When assessing the impact of FADs on the dynamic and distribution of targeted fish stocks and associated species and on the ecosystem, the IOTC Scientific Committee will, where relevant, use all available data on abandoned FADs (i.e. FADs without a beacon or which have drifted outside the fishing zone).

#### ***FAD Tracking and Recovery Procedures***

24. In order to support the monitoring of compliance with the limitation established in Paragraph 4, while protecting business confidential data, the instrumented buoy supplier company or the CPCs shall, starting 1

January 2020, report, or require their vessels to report, daily information on all active FADs to the Secretariat. Such information shall contain, date, instrumented buoy ID, assigned vessel and daily position, which shall be compiled at monthly intervals, to be submitted with a time delay of at least 60 days, but no longer than 90 days.

25. The Commission shall establish a DFAD tracking and recovery policy at its annual session in 2021, on the basis of recommendations from the ad-hoc FAD working group. The policy shall define DFAD tracking, reporting of lost DFADs, arrangements to alert coastal States of derelict/lost DFADs at risk of beaching in near real-time, how and who recovers the DFADs, how the recovery costs are collected and shared.
26. The IOTC Secretariat shall submit a report, on an annual basis, to the IOTC Compliance Committee on the level of compliance of each CPC with operational buoy limits, annual limits of instrumented buoys purchased.
27. This resolution shall be reviewed by the Commission, at the latest, at its session in 2022, based on recommendations from the Scientific Committee.
28. This resolution shall enter into force on 1 January 2020.
29. Resolution 18/08 *Procedures on a fish aggregating devices (FADs) management plan, including more detailed specification of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species* is superseded by this Resolution.

## ANNEX I

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

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

1. An objective
2. Scope
  - Description of its application with respect to:
    - vessel-types and support and tender vessels
    - DFAD numbers and DFADs beacon numbers to be deployed
    - reporting procedures for DFAD deployment
    - incidental bycatch reduction and utilisation policy
    - consideration of interaction with other gear types
    - plans for monitoring and retrieval of lost DFADs
    - statement or policy on “DFAD ownership”
3. Institutional arrangements for management of the DFAD Management Plans:
  - institutional responsibilities
  - application processes for DFAD and /or DFAD beacons deployment approval
  - obligations of vessel owners and masters in respect of DFAD and /or DFAD beacons deployment and use
  - DFAD and/or DFADs beacons replacement policy
  - reporting obligations
4. DFAD construction specifications and requirements:
  - DFAD design characteristics (a description)
  - DFAD markings and identifiers, including DFADs beacons
  - lighting requirements
  - radar reflectors
  - visible distance
  - radio buoys (requirement for serial numbers)
  - satellite transceivers (requirement for serial numbers)
5. Applicable areas:
  - Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.
6. Applicable period for the DFAD–MP.
7. Means for monitoring and reviewing implementation of the DFAD–MP.
8. DFAD logbook template (data to be collected specified in Annex IV).

**ANNEX II**  
**GUIDELINES FOR PREPARATION OF ANCHORED FISH AGGREGATING DEVICE (AFAD) MANAGEMENT PLANS**

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

1. An objective
2. Scope:
  - Description of its application with respect to:
    - a) vessel types
    - b) AFAD numbers and/or AFADs beacons numbers to be deployed (per AFAD type)
    - c) reporting procedures for AFAD deployment
    - d) distances between AFADs
    - e) incidental bycatch reduction and utilisation policy
    - f) consideration of interaction with other gear types
    - g) the establishment of inventories of the AFADs deployed, detailing AFAD identifiers, characteristics and equipment of each AFAD as laid down in point 4 of the present Annex, coordinates of the AFAD's mooring sites, date of set, lost and reset
    - h) plans for monitoring and retrieval of lost AFADs
    - i) statement or policy on “AFAD ownership”
3. Institutional arrangements for management of the AFAD Management Plans:
  - a) institutional responsibilities
  - b) regulations applicable to the setting and use of AFADs
  - c) AFAD repairs, maintenance rules and replacement policy
  - d) data collection system
  - e) reporting obligations
4. AFAD construction specifications and requirements:
  - a) AFAD design characteristics (a description of both the floating structure and the underwater structure, with special emphasis on any netting materials used)
  - b) anchorage used for mooring
  - c) AFAD markings and identifiers, including AFAD beacons if any
  - d) lighting requirements if any
  - e) radar reflectors
  - f) visible distance
  - g) radio buoys if any (requirement for serial numbers)
  - h) satellite transceivers (requirement for serial numbers)
  - i) echo sounder
5. Applicable areas:
  - a) coordinates of mooring sites, if applicable
  - b) details of any closed areas e.g., shipping lanes, Marine Protected Areas, reserves etc.
6. Means for monitoring and reviewing implementation of the AFAD–MP.
7. AFAD logbook template (data to be collected specified in Annex III).

**ANNEX III**  
**DATA COLLECTION FOR DFADS**

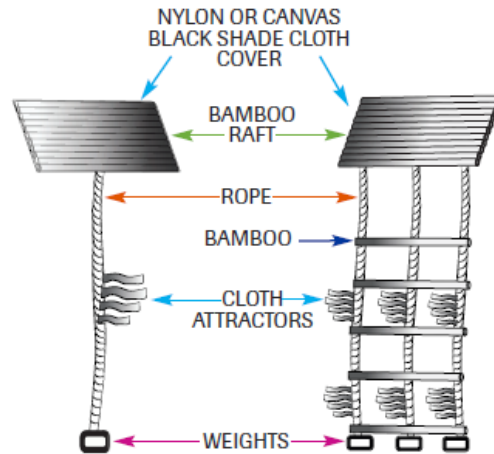
- a) For each activity on a DFAD, whether followed by a set or not, each fishing, support and supply vessel to report the following information:
- i. Vessel (name and registration number of the fishing, support or supply vessel)
  - ii. Position (as the geographic location of the event (Latitude and Longitude) in degrees and minutes)
  - iii. Date (as DD/MM/YYYY, day/month/year)
  - iv. DFAD identifier (DFAD or beacon ID)
  - v. DFAD type (drifting natural FAD, drifting artificial FAD),
  - vi. DFAD design characteristics
    - Dimension and material of the floating part and of the underwater hanging structure
  - vii. Type of the activity, (visit deployment, hauling, retrieving, loss, intervention to service electronic equipment).
- b) If the visit is followed by a set, the results of the set in terms of catch and bycatch, whether retained or discarded dead or alive. CPCs to report this data aggregated per vessel at 1\*1 degree (where applicable) and monthly to the Secretariat

**ANNEX IV**  
**DATA COLLECTION FOR AFADS**

- a) Any activity around an AFAD.
- b) For each activity on an AFAD (repair, intervention consolidation, etc.), whether followed or not by a set or other fishing activities, the,
  - i. Position (as the geographic location of the event (Latitude and Longitude) in degrees and minutes)
  - ii. Date (as DD/MM/YYYY, day/month/year)
  - iii. AFAD identifier (i.e. AFAD Marking or beacon ID or any information allowing to identify the owner).
- c) If the visit is followed by a set or other fishing activities, the results of the set in terms of catch and bycatch, whether retained or discarded dead or alive.

**ANNEX V**  
**PRINCIPLES FOR DESIGN AND DEPLOYMENT OF FADs**

**EXAMPLE OF NON-ENTANGLING FAD**



1. The surface structure of the FAD shall not be covered, or only covered with non-meshed material
2. If a sub-surface component is used, it shall not be made from netting but from non-meshed materials such as ropes or canvas sheets.



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## **RESOLUTION 19/03**

### **ON THE CONSERVATION OF MOBULID RAYS CAUGHT IN ASSOCIATION WITH FISHERIES IN THE IOTC AREA OF COMPETENCE**

**Keywords:** Mobula Rays, Manta Rays, Conservation

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

RECOGNISING Resolution 12/01 On the implementation of the Precautionary Approach calls on IOTC Contracting Parties and Cooperating Non-Contracting Parties to apply the precautionary approach when managing tuna and tuna-like species in accordance with Article 5 of the United Nations Fish Stocks Agreement and that, for sound fisheries management, such an approach applies also within areas under national jurisdiction;

RECALLING IOTC Resolution 05/05 *concerning the conservation of sharks caught in association with fisheries managed by IOTC*;

CONSIDERING that the species of the family Mobulidae, which includes manta rays and mobula rays (hereinafter mobulid rays), are extremely vulnerable to overfishing as they are slow-growing, late sexual maturity, have long gestation periods, and often give birth to only a few pups;

RECOGNISING the ecological and cultural significance of mobulid rays in the Indian Ocean;

CONCERNED about the possible impacts on these species by the different fisheries occurring from coastal areas to the high seas;

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

CONCERNED by the lack of complete and accurate data reporting concerning fishing activities on non-targeted species;

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

NOTING that the mobulid rays are listed in Appendix I and Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the range States to a migratory species shall endeavour to strictly protect them;

FURTHER NOTING that the mobulid rays are also listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for which trade shall be closely controlled under specific conditions including, inter alia, that trade will not be detrimental to the survival of the species in the wild;

ACKNOWLEDGING that the Scientific Committee (SC21) recently noted the declines of these species across the Indian Ocean and RECOMMEND that management actions, such as no-retention measures amongst other, are required and must be immediately adopted;

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

1. This Resolution shall apply to all fishing vessels flying the flag of a Contracting Party or Cooperating Non-Contracting Party (hereinafter referred to collectively as CPCs), and on the IOTC record of fishing vessels or authorized to fish for tuna and tuna like species managed by the IOTC.
2. CPCs shall prohibit all vessels from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set.
3. CPCs shall prohibit all vessels retaining onboard, transshipping, landing, storing, any part or whole carcass of mobulid rays caught in the IOTC Area of Competence.
4. Provisions of paragraphs 2 and 3 above do not apply to fishing vessels carrying out subsistence fishery<sup>1</sup> that, anyhow, shall not be selling or offering for sale any part or whole carcass of mobulid rays.
5. CPCs shall require all their fishing vessels, other than those carrying out subsistence fishery, to promptly release alive and unharmed, to the extent practicable, mobulid rays as soon as they are seen in the net, on the hook, or on the deck, and do it in a manner that will result in the least possible harm to the individuals captured. The handling procedures detailed in Annex I, while taking into consideration the safety of the crew shall be implemented and followed.
6. Notwithstanding paragraph 3, in the case of mobulid rays that are unintentionally caught by and frozen as part of a purse seine vessel's operation, the vessel must surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard them at the point of landing. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.
7. Notwithstanding paragraph 3, in the case of mobulid rays that are unintentionally caught by artisanal fishing<sup>2</sup> the vessel should report the information on the accidental catch to the responsible governmental authorities, or other competent authority, at the point of landing. Mobulid rays unintentionally caught may only be used for purposes of local consumption. This derogation will expire in 1 January 2022.
8. CPCs shall report the information and data collected on interactions (i.e. number of discards and releases) with mobulid Rays by vessels through logbooks and/or through observer programs. The data shall be provided to the IOTC Secretariat by 30 June of the following year, and according to the timelines specified in Resolution 15/02 (or any subsequent revision).
9. CPCs shall ensure that fishermen are aware of and use proper mitigation, identification, handling and releasing techniques and keep on board all necessary equipment for the release of mobulid rays in accordance with the handling guidelines of Annex 1.
10. Recreational and sport fishing shall release alive all caught mobulid rays and shall not be entitled to retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of mobulid rays.
11. CPCs, unless clearly demonstrate that intentional and/or incidental catches of mobulids do not occur in their fisheries, shall develop, with the assistance from the IOTC Secretariat where required, sampling plans for the monitoring of the mobulid rays catches by the subsistence and artisanal fisheries. The sampling plans, including their scientific and operational rationale, shall be reported in the national scientific reports to the Scientific Committee, starting in 2020, which will provide its advice on their soundness by 2021 at the latest. The sampling

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<sup>1</sup> A subsistence fishery is a fishery where the fish caught are consumed directly by the families of the fishers rather than being bought by middle-(o)men and sold at the next larger market, per the FAO Guidelines for the routine collection of capture fishery data. FAO Fisheries Technical Paper. No. 382. Rome, FAO. 1999. 113p.

<sup>2</sup> Artisanal fishing: fisheries other than longline or surface fisheries (i.e. purse seines, pole & line, gillnet fisheries, hand-line and trolling vessels), registered in the IOTC Record of Authorized Vessels (DEFINITION in footnote 1 of Res. 15/02).

plans, where required, will be implemented by the CPCs from 2022 onward taking into account the Scientific Committee advice.

12. CPCs are encouraged to investigate at-vessel and post-release mortality in mobulids including, but not exclusively, the application of satellite tagging programs that may be provisioned primarily through the national support complementing possible funds allocation from the IOTC to investigate the effectiveness of this measure.
13. The IOTC Scientific Committee shall review the status of *Mobula spp.* in the IOTC Area of Competence and provide management advice to the Commission in 2023 also to identify possible hot-spots for conservation and management of mobulids within and beyond EEZs. Moreover, the IOTC Scientific Committee is requested to provide, whenever considered adequate on the basis of evolving knowledge and scientific advice, further improvements to the handling procedures detailed in Annex 1.
14. Scientific observers shall be allowed to collect biological samples of mobulid rays caught in the IOTC Area of Competence that are dead at haul-back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee. In order to obtain the approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion shall be presented to the Scientific Committee.

### **ANNEX 1**

#### **Live release handling procedures**

1. Prohibit the gaffing of rays.
2. Prohibit the lifting of rays by the gill slits or spiracles.
3. Prohibit the punching of holes through the bodies of rays (e.g. to pass a cable through for lifting the ray).
4. Rays too large to be lifted safely by hand shall be, to the extent possible, brailed out of the net using best available method such as those recommended in document IOTC-2012-WPEB08-INF07.
5. Large rays that cannot be released safely before being landed on deck, shall be returned to the water as soon as possible, preferably utilizing a ramp from the deck connecting to an opening on the side of the boat, or if no such ramp is available, lowered with a sling or net.

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**RESOLUTION 19/04**  
**CONCERNING THE IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN**  
**THE IOTC AREA OF COMPETENCE**

**Keywords:** Authorised vessels; active vessels; auxiliary, supply and support vessels; IMO number; IUU fishing vessels.

**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, then Resolution 14/04, then Resolution 15/04) *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;

NOTING that supply or support vessels can increase the fishing capacity of purse seine vessels in an uncontrolled manner by setting fish aggregating devices [in areas closed to fishing];

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 organisations 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* [superseded by Resolution 05/02, then Resolution 07/02, then Resolution 13/02, then Resolution 14/04, then Resolution 15/04];

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) 24 metres in length overall or above; 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).
2. For the purpose of this Resolution, fishing vessels including auxiliary, supply and support vessels that are

not entered in the IOTC Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species or supporting any fishing activity or set drifting fish aggregation devices (DFADs) in the IOTC area of competence. This provision shall not apply to vessels less than 24 m in length overall operating inside the EEZ of the flag state.

3. Each Contracting Party and Cooperating Non-Contracting Party (hereinafter referred to as "CPC") shall submit electronically, 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), and national register number(s) or EU registration (CRF) number;
  - b) IMO number (if eligible under IMO requirements);
  - c) To allow the necessary time for CPCs to obtain an IMO number for eligible vessels that do not already have one, this paragraph is effective as of 1 January 2016. For vessels of less than 100 GT that are at least 12 metres in length overall, the requirement in this paragraph is effective as of 1 January 2020, CPCs shall ensure that all their fishing vessels that are registered on the IOTC Record of fishing vessels have IMO numbers issued to them (in line with IMO Assembly Resolution A.1117(30)). Paragraph 2.b on IMO number does not apply to vessels which are not eligible to receive IMO numbers.
  - d) Previous name(s) (if any) or indicate non-availability;
  - e) Previous flag(s) (if any) or indicate non-availability;
  - f) Previous details of deletion from other registries (if any) or indicate non-availability;
  - g) International radio call sign(s) (if any) or indicate non-availability;
  - h) Port of Registration;
  - i) Type of vessel(s), length overall (m) and gross tonnage (GT);
  - j) Total volume of fish hold(s) (in m<sup>3</sup>). This requirement will be effective from 1 January 2022;
  - k) Name and address of owner(s) and operator(s);
  - l) Name and address of beneficial owner(s), if known and different from vessel owner/operator and indicate non-availability;
  - m) Gear(s) used;
  - n) Time period(s) authorised for fishing and/or transshipping at sea;
  - o) Colour photographs of the vessel showing:
    - i. the starboard side and portside of the vessel, each showing the whole structure;
    - ii. the bow of the vessel;
    - iii. at least one of the photographs clearly showing at least one of the external markings specified in 2(a).
4. For vessels not authorized to operate outside the EEZ of the flag CPC, this requirement will be effective after 1 January 2022.
5. If any of the information above is not submitted, the vessel shall not be included in the IOTC Record. 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 IOTC Secretariat.

6. 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, 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.
7. The IOTC Executive Secretary shall publish the above information in a secure part on the IOTC website for MCS purpose.
8. 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.
9. 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.
10. The IOTC Executive Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
11. 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.
12. 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.

13. 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.
14. 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.
15. a) If a vessel mentioned in paragraph 14 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 14 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.
16. 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.
17. 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.

(viii) Verify above documents on a regular basis and at least every year;

- b) Ensure that any modification to the documents and to the information referred to in 17.a) is certified by the competent authority of that Contracting Party or of that Cooperating Non-Contracting Party with the IOTC.

18. 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.

- 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.

19. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that all their respective fishing vessels of 24 meters or above and vessels less than 24 meters if fishing outside their EEZ, and are registered on the IOTC Record of fishing vessels 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.

20. This Resolution supersedes Resolution 15/04 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area.*





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**RESOLUTION 19/05**  
**ON A BAN ON DISCARDS OF BIGEYE TUNA, SKIPJACK TUNA, YELLOWFIN TUNA, AND NON-TARGETED SPECIES CAUGHT BY PURSE SEINE VESSELS IN THE IOTC AREA OF COMPETENCE**

**Keywords:** Bigeye, yellowfin, skipjack, discards, purse seine

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **NON-RETENTION**

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

## **REVIEW**

6. The IOTC Scientific Committee, the IOTC Working Party on Tropical Tunas, and the IOTC Working Party on Ecosystems and Bycatch shall as a matter of priority:
  - a) act on its recommendation in the Report of the 18th Session of the IOTC Scientific Committee and undertake work to examine the benefits of retaining non-targeted species catches, other than those prohibited via IOTC Resolution, and present its recommendations to the 22nd Annual Session of the Commission. The work should take into account all species that are usually discarded on all major gears (i.e., purse-seines, longlines and gillnets), and should look at fisheries that take place both on the high seas and in coastal countries and the feasibility of both retraining on-board and processing of the associated landings.

## **IMPLEMENTATION**

7. This Resolution will be revised, according to the advice of the IOTC Scientific Committee resulting from the review of the IOTC Working Party on Tropical Tunas (for bigeye tuna, skipjack tuna and yellowfin tuna) and of the IOTC Working Party on Ecosystems and Bycatch (for non-target species).
8. This Resolution supersedes Resolution 17/04 *On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna and a recommendation for non-targeted species caught by purse seine vessels in the IOTC area of competence.*

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**RESOLUTION 19/06**  
**ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS**

**Keywords:** transhipment

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

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the Conservation and Management Measures already adopted by the IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large-scale longline vessels in the IOTC area of competence, including the control of their landings;

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

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

**SECTION 1. GENERAL RULE**

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

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

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

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

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

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

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

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

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

### **Flag State Authorization**

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

### **Notification obligations**

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

13. To receive the prior authorisation mentioned in paragraph 12 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of an intended transhipment:
- a. The name of the LSTLV, its number in the IOTC Record of Vessels, and its IMO number, if issued;
  - b. The name of the carrier vessel, its number in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC area of competence, and its IMO number, and the product to be transhipped;
  - c. The tonnage by product to be transhipped;
  - d. The date and location of transhipment;
  - e. The geographic location of the catches.
14. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transhipment, the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex III.

#### ***Receiving carrier vessel:***

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

#### ***Regional Observer Programme:***

18. Each CPC shall ensure that all carrier vessels transhipping at sea have on board an IOTC observer, in accordance with the IOTC Regional Observer Programme in Annex IV. The IOTC observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transhipment declaration.
19. Vessels shall be prohibited from commencing or continuing at-sea transhipping in the IOTC area of competence without an IOTC regional observer on board, except in cases of “force majeure” duly notified to the IOTC

Secretariat.

20. In the case of the eight Indonesian wooden carrier vessels listed on the IOTC Record of Authorised Vessel prior to 2015 and listed in Annex V, a national observer programme may be used in place of an observer from the regional observer programme. National observers shall be trained to at least one of tuna-RFMO regional observer programme standards and will carry out all of the functions of the regional observer, including provision of all data as required by the IOTC regional observer programme and the reports equivalent to those prepared by the ROP Contractor. This provision shall only apply to the eight specific wooden carrier vessels referenced in this paragraph as indicated in Annex V. Replacement of those wooden carrier vessels are only permitted if the material of substitute vessel shall remain wooden and the carrying capacity or fish hold volume not larger than the vessel (s) being replaced. In such case, the authorisation of the replaced wooden vessel shall be immediately revoked.
21. The provision of Paragraph 20 will be rescheduled in consultation with the IOTC Secretariat as a two-year pilot project to be started in 2019. The results of the project, including data collection, reports and the effectiveness of the project shall be examined in 2021 by the IOTC Compliance Committee on the basis of a report prepared by Indonesia and analysis by the IOTC Secretariat. This review shall include whether the programme offers the same level of assurances as those provided by ROP. It shall also explore the feasibility of obtaining an IMO number for the vessels concerned. The extension of the project or the integration of the project into ROP programme shall be subject to a new decision of the Commission.

## **SECTION 5. GENERAL PROVISIONS**

22. To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
  - a. In validating the Statistical Document, flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV
  - b. The flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transhipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme;
  - c. CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the IOTC area of competence, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transhipment declaration.
23. The CPCs shall report annually before 15 September to the IOTC Executive Secretary:
  - a. The quantities by species transhipped during the previous year;
  - b. The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year;
  - c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transhipment from their LSTLVs.
24. All tuna and tuna-like species and sharks landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transhipment declaration until the first sale has taken place.
25. Each year, the IOTC Executive Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.

26. The IOTC Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of Annex IV to this Resolution, also indicate evidence indicating possible infraction of IOTC regulations by LSTLVs/carrier vessels flagged to that CPC. Upon receiving such evidence, each CPC shall investigate the cases and report the results of the investigation back to the IOTC Secretariat three months prior to the IOTC Compliance Committee meeting. The IOTC Secretariat shall circulate among CPCs the list of names and flags of the LSTLVs/Carrier vessels that were involved in such possible infractions as well as the response of the flag CPCs 80 days prior to the IOTC Compliance Committee meeting.
27. Resolution 18/06 *On establishing a programme for transshipment by large-scale fishing vessels* is superseded by this Resolution.



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

**General**

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

**Notification obligations**

2. Fishing vessel:
  - 2.1. Prior to transhipping, the Captain of the LSTV must notify the following information to the port State authorities, at least 48 hours in advance:
    - a) the name of the LSTV and its number in the IOTC record of fishing vessels;
    - b) the name of the carrier vessel, and the product to be transhipped;
    - c) The tonnage by product to be transhipped;
    - d) the date and location of transhipment;
    - e) the major fishing grounds of the tuna and tuna-like species and sharks catches.
  - 2.2. The Captain of a LSTV shall, at the time of the transhipment, inform its Flag State of the following:
    - a) the products and quantities involved;
    - b) the date and place of the transhipment;
    - c) the name, registration number and flag of the receiving carrier vessel;
    - d) the geographic location of the tuna and tuna-like species and sharks catches.
  - 2.3. The captain of the LSTV concerned shall complete and transmit to its flag State the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex II not later than 15 days after the transhipment.
3. Receiving vessel:

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

**Landing State:**

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transhipment declaration, to the competent authorities of the landing State where the landing takes place.
5. The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC of the LSTVs shall include in its annual report each year to IOTC the details on the transhipments by its vessels.

## ANNEX II

### CONDITIONS RELATING TO TRANSHIPMENTS BETWEEN MALDIVIAN COLLECTOR VESSELS AND POLE AND LINE FISHING VESSELS

#### General requirements

1. The pole and line fishing vessel(s) involved shall be flagged in the Maldives and shall have a valid license to fish issued by the competent authorities of the Maldives.
2. The collector vessel(s) involved shall be flagged in the Maldives and shall have a valid license to operate issued by the competent authorities of the Maldives.
3. The vessel(s) involved shall not be authorized to fish or engage in fisheries related activities outside the area of national jurisdiction of the Maldives.
4. Transshipment operation shall only take place inside the atolls within the area of national jurisdiction of the Maldives.
5. The Collector Vessel(s) involved must be equipped and tracked by the competent authorities of the Maldives via a functional vessel monitoring system and shall also be equipped with an electronic observer system suitable for monitoring the transshipment activity. The requirement for monitoring through electronic observer system shall be achieved by 31 December 2019.
6. The fishing vessel(s) involved in the transshipment operation should be tracked by the competent authorities of the Maldives via a functional vessel monitoring system as required by the Resolution 15/03, On the vessel monitoring system (VMS) programme.

#### Reporting requirements

7. The flag state should report to the IOTC in its annual report each year the details on such transshipments by its vessels.
8. The data recording and reporting requirements set forth by the competent authorities of the Maldives for shore-based reporting or recording requirements shall also be applicable to transshipment operations between Maldivian collector vessels and pole and line fishing vessels.

**ANNEX III  
IOTC TRANSHIPMENT  
DECLARATION**

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

	Day	Month	Hour	Year				
Departure								
Return								
Transshipment								

from


to


Agent's name:

Master's name of LSTV:

Master's name of Carrier:

Signature:

Signature:

Signature:

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

\_\_\_\_\_kilograms

**LOCATION OF TRANSHIPMENT**

Species	Port		Sea	Type of product									
				Whole	Gutted	Headed	Filletted						

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

## ANNEX IV

### IOTC REGIONAL OBSERVER PROGRAMME

1. Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transhipments in the IOTC area of competence and which tranship at sea, to carry an IOTC observer during each transhipment operation in the IOTC area of competence.
2. The IOTC Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transhipments in the IOTC area of competence from LSTLVs flying the flag of Contracting Parties and of Cooperating Non-Contracting Parties that implement the IOTC observer program.  
Designation of the observers
3. The designated observers shall have the following qualifications to accomplish their tasks:
  - a) sufficient experience to identify species and fishing gear;
  - b) satisfactory knowledge of the IOTC Conservation and Management Measures;
  - c) the ability to observe and record information accurately;
  - d) a satisfactory knowledge of the language of the flag of the vessel observed.

#### **Obligations of the observer**

4. Observers shall:
  - a) Have completed the technical training required by the guidelines established by IOTC;
  - b) not be, to the extent possible, nationals of the flag State of the receiving carrier vessel;
  - c) be capable of performing the duties set forth in point 5 below;
  - d) be included in the list of observers maintained by the IOTC Secretariat;
  - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
  - a) On the Fishing Vessel intending to tranship to the carrier vessel and before the transhipment takes place, the observer shall:
    - i. check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna-like species and sharks in the IOTC area of competence;
    - ii. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
    - iii. check that the VMS is functioning and examine the logbook;
    - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;
    - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel's master,
    - vi. report the results of these duties on the fishing vessel in the observers report.

b) On the Carrier Vessel

Monitor the carrier vessel's compliance with the relevant Conservation and Management Measures adopted by the Commission. In particular, the observers shall:

- i. record and report upon the transshipment activities carried out;
  - ii. verify the position of the vessel when engaged in transshipping;
  - iii. observe and estimate products transhipped;
  - iv. verify and record the name of the LSTLV concerned and its IOTC number;
  - v. verify the data contained in the transshipment declaration;
  - vi. certify the data contained in the transshipment declaration;
  - vii. countersign the transshipment declaration;
  - viii. issue a daily report of the carrier vessels transshipping activities;
  - ix. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information;
  - x. submit to the IOTC Secretariat the aforementioned general report within 20 days from the end of the period of observation;
  - xi. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer.
7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
8. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

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

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
  - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
    - i. Satellite navigation equipment;
    - ii. Radar display viewing screens when in use;
    - iii. Electronic means of communication.
  - c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
  - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
  - e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

10. The IOTC Executive Secretary, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the flag CPC of the LSTLV, copies of all available raw data, summaries, and reports pertaining to the trip four months prior to the IOTC Compliance Committee meeting.

**Obligations of LSTLV during transhipment**

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

**Observer fees**

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

**ANNEX V**

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

No	Name of Wooden Carrier	Vessel Gross Tonnage
1	Mutiara 39	197
2	Hiroyoshi 17	171
3	Mutiara 36	294
4	Abadi jaya 101	387
5	Perintis Jaya 89	141
6	Bandar Nelayan 271	242
7	Bandar Nelayan 2017	300
8	Bandar Nelayan 2018	290

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## **RESOLUTION 19/07 ON VESSEL CHARTERING IN THE IOTC AREA OF COMPETENCE**

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

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

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

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

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

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

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

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

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

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

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

### **Part I: Definitions**

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

### **Part II: Objective**

2. Charter agreements may be allowed, predominantly as an initial step in the fishery development of the chartering nation. The period of the chartering arrangement shall be consistent with the development schedule of the chartering nation. The chartering agreement shall not undermine IOTC Conservation and Management Measures; in particular, shall not be utilized to avoid species-specific catch or effort limit applicable in any current and future Resolution (e.g. 18/01).



### Part III: General provisions

3. The chartering agreement shall contain the following conditions:
  - 3.1 The flag CP has consented in writing to the chartering agreement;
  - 3.2 The duration of the fishing operations under the chartering agreement does not exceed 12 months cumulatively in any calendar year;
  - 3.3 Fishing vessels to be chartered shall be registered to responsible Contracting Parties and Cooperating Non-Contracting Parties, which explicitly agree to apply IOTC Conservation and Management Measures and enforce them on their vessels. All flag Contracting Parties or Cooperating Non-Contracting Parties, concerned shall effectively exercise their duty to control their fishing vessels to ensure compliance with IOTC Conservation and Management Measures.
  - 3.4 Fishing vessels to be chartered shall be on the IOTC record of vessels authorized to operate in the IOTC Area of Competence, in accordance with IOTC Resolution 15/04 *Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence* (or any subsequent superseding revision).
  - 3.5 Without prejudice to the duties of the chartering CP, the flag CP shall ensure that the chartered vessel complies with both the chartering Contracting Party and the flag Contracting Party or Cooperating Non-Contracting Party shall ensure compliance by chartered vessels with relevant Conservation and Management Measures established by IOTC, in accordance with their rights, obligations and jurisdiction under international law. If the chartered vessel is allowed by the chartering CP to go and fish in the high seas, the flag CP is then responsible for controlling the high seas fishing conducted pursuant to the charter arrangement. The chartered vessel shall report VMS and catch data to both the CPs (chartering and flag) and to the IOTC Secretariat.
  - 3.6 All catches (historical and current/future), including bycatch and discards, taken pursuant to the chartering agreement (including pursuant to a chartering agreement that existed prior to the IOTC Resolution 18/10), shall be counted against the quota or fishing possibilities of the chartering CP. The observer coverage (historical, current/future) on board such vessels shall also be counted against the coverage rate of the chartering CP for the duration that the vessel fishes under the Charter Agreement.
  - 3.7 The chartering CP shall report to the IOTC all catches, including bycatch and discards, and other information required by the IOTC, and as per the Charter Notification Scheme detailed in **Part III** of this Resolution.
  - 3.8 Vessel Monitoring Systems (VMS) and, as appropriate, tools for differentiation of fishing areas, such as fish tags or marks, shall be used, according to the relevant IOTC Conservation and Management Measures, for effective fishery management.
  - 3.9 There shall be observer coverage of at least 5% of fishing effort, as measured in the manner specified in paragraph 2 of Resolution 11/04 (or any subsequent superseding resolution), for chartered vessels. All other provisions of Resolution 11/04 apply *mutatis mutandis* in the case of chartered vessels.
  - 3.10 The chartered vessels shall have a fishing license issued by the chartering CP, and shall not be on the IOTC IUU list as established by IOTC Resolution 17/03 [superseded by Resolution 18/03] *On Establishing a List of Vessels Presumed to Have Carried out Illegal, Unreported, and Unregulated Fishing Activities in the IOTC Area of Competence* (or any subsequent superseding resolution), and/or IUU list of other Regional Fisheries Management Organisations.
  - 3.11. When operating under charter agreements, the chartered vessels shall not, to the extent possible, be authorized to use the quota (if any) or entitlement of the flag Contracting Parties or Cooperating Non-Contracting Parties. In no case, shall the vessel be authorized to fish under more than one chartering agreement at the same time.
  - 3.12. Unless specifically provided in the chartering agreement, and consistent with relevant domestic law and regulation, the catches of the chartered vessels shall be unloaded exclusively in the Ports of the chartering Contracting Party or under its direct supervision in order to assure that the activities of the chartered vessels do not undermine IOTC Conservation and Management Measures.
  - 3.13 The chartered vessel shall at all times carry a copy of the documentation referred to in paragraph 4.1.

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

4. Within 15 days, or, in any case, prior to 72 hours before commencement of fishing activities under a Charter agreement:
  - 4.1 The chartering CP shall notify the IOTC Executive Secretary and copy the flag CP of any vessel to be identified as chartered in accordance with this Resolution by submitting electronically where possible the following information with respect to each chartered vessel:
    - a) the name (in both native and Latin alphabets) and registration of the chartered vessel, and International Maritime Organization (IMO) ship identification number (if eligible);
    - b) the name and contact address of the beneficial owner(s) of the vessel;
    - c) the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;
    - d) a copy of the chartering agreement and any fishing authorization or license it has issued to the vessel, including in particular, the quota allocation(s) or fishing possibility assigned to the vessel; and the duration of the chartering arrangement;
    - e) its consent to the chartering agreement; and
    - f) the measures adopted to implement these provisions.
  - 4.2 The flag CP or Cooperating Non-Contracting Party, shall provide the following information to the IOTC Executive Secretary and copy the chartering CP:
    - a) its consent to the chartering agreement;
    - b) the measures adopted to implement these provisions; and
    - c) its agreement to comply with IOTC Conservation and Management Measures.
5. Upon receipt of the information required in paragraph 4, the IOTC Executive Secretary shall circulate all the information within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.
6. Both the chartering CP and the flag CP or Cooperating Non-Contracting Party shall immediately inform the IOTC Executive Secretary of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.
7. The IOTC Executive Secretary shall circulate all the information pertaining to termination of a chartering agreement within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.
8. The chartering CP shall report to the IOTC Executive Secretary by 28 February each year, and for the previous calendar year, the particulars of charter agreements made and carried out under this Resolution, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels, in a manner consistent with IOTC data confidentiality requirements.
9. Each year the IOTC Executive Secretary shall present a summary of all the chartering agreements undertaken in the previous year, to the Commission which, at its annual meeting, shall review compliance with this Resolution under advice of the IOTC Compliance Committee.
10. This Resolution supersedes IOTC Resolution 18/10 *On Vessel Chartering in the IOTC Area of Competence*.