

MCS information collection and sharing
Compliance Policy Guideline 4
(Revised at the Twenty-Sixth Annual Meeting: 17 October 2019)

1. Introduction

In this policy all references to the Commission include the Extended Commission, and all references to Members include Cooperating Non-Members (CNMs) of the Extended Commission.

2. Purpose of policy

The purpose of this policy is to promote confidential and prompt sharing of MCS information:

- a) among relevant Members;
- b) between Port States and relevant Members;
- c) between coastal States and relevant Members;
- d) between market States and relevant Members; and
- e) with the Secretariat.

3. Policy statement

All Members are expected to:

- a) share relevant MCS information promptly with other Members' national fisheries agencies and the Secretariat;
- b) Provide to the Secretariat a list of current contacts for MCS purposes which can be shared with all Members;
- c) conduct inspections and share port inspection information with the relevant Member where there are grounds for suspecting that a vessel has engaged in IUU fishing or fishing related activities for SBT;
- d) share other port inspection information with Members as relevant/ appropriate;
- e) advise relevant non-Member Port States, coastal States and/or market States of information Members would like to receive to ensure the integrity of the SBT management regime; and
- f) follow the confidentiality and use guidelines provided at Annex I.

4. Circumstances where suspected IUU fishing is occurring or imminent

In cases where a Member has reasonable grounds to suspect a vessel is conducting IUU fishing or fishing activity relating to SBT, that Member is expected to:

- a) capture the information contained in Annex II; and
- b) if the suspected IUU activity involves a CCSBT Member flagged vessel, inform the relevant Member of the potential/suspected IUU activity and provide that Member with sufficient time to respond prior to providing the information to the Secretariat; or

- c) if the suspected IUU activity does not involve a Member flagged vessel, promptly provide the information collected to the Secretariat;

Upon receipt of information pertaining to suspected IUU activity, the Secretariat shall:

- d) share the information with the individual member contacts identified under paragraph 3 b) in accordance with the Guidelines for Confidentiality outlined in Annex I.

It is intended that information from routine aerial surveillance, port inspections, at-sea inspections, market monitoring and other information sources (*e.g.* AIS) or investigations would be shared with relevant Members as appropriate. Members are expected to respond to any information received that indicates potential non-compliance, and advise the Member, Port State, coastal State or market State providing the information of the response taken.

To encourage MCS information sharing, the Compliance Committee may:

- i) identify the MCS information to be collected and shared by Members, Port States, coastal States and market States;
- ii) recommend standardised formats for collecting and sharing this information;
- iii) provide and review guidelines to ensure information confidentiality; and
- iv) request the Secretariat to analyse information it may receive and report on any trends or unusual variations as appropriate.

In the absence of guidance from the Compliance Committee on items i) – iv) above, Members should share MCS information amongst themselves and with the Secretariat on a case by case basis as appropriate.

Members are encouraged to participate in the current fisheries MCS network, including building on existing bilateral arrangements and international networks such as the International Monitoring, Control and Surveillance Network (IMCSN). The Secretariat should continue to be an active member of the Tuna Compliance Network (TCN)¹, including cooperating and liaising with other tuna RFMOs through the TCN as appropriate.

Over time, there may be a need to establish a formal compliance network among Members and with members of other RFMOs. A formal compliance network would include obligations to provide information and respond to information received and may include reciprocity of enforcement powers.

¹ As long as the TCN continues to function

5. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	• Approve policy • Consider recommendations from Compliance Committee
Compliance Committee	• Recommend standardised MCS information to be collected and shared • Provide and review guidelines for information confidentiality • Review and revise policy
Secretariat	• Provide a confidential pathway for information to be exchanged • Analyse information it may receive and report on trends and variations within confidentiality constraints
Members	• Share information with relevant parties confidentially and as promptly as possible

6. Policy review

This policy is to be reviewed five years from the date of its most recent revision. The Commission may direct a review at any earlier time. A Member may request an earlier review. The request, setting out the reasons for the review, must be submitted to the annual meeting of the Compliance Committee.

Annex I: Guidelines for Confidentiality and Use of MCS Information

1. MCS information is confidential and may only be provided or used as permitted by this Policy.
2. The Secretariat:
 - may only share the MCS information it receives if permitted to do so by the Member that provided the information;
 - may restrict the sharing of MCS information to relevant Members, as appropriate, and/or to Members specified by the information provider.
3. Members that receive MCS information from another Member will maintain the confidentiality of that information and may not use the information except as specified in this Policy. In particular, Members that receive MCS information may only provide that information to Member representatives and officials for the purposes outlined in paragraph 4 of this Annex.
4. Members may only use the MCS information to monitor compliance with CCSBT conservation and management measures.

Annex II: Potential template to record IUU sighting information

In the event that a Member identifies a fishing vessel that may be conducting IUU fishing of SBT, the Member shall document as much information as possible on each sighting, including;

- a) Name and description of the vessel
- b) Vessel call sign
- c) Registration Number and Vessel IMO number (if applicable)
- d) Flag State of the vessel
- e) Photographs of the vessel
- f) Activity of the vessel (e.g. setting, hauling)
- g) Time and date of sighting
- h) Location of sighting