

## **RESOLUTION TO ESTABLISH AN EXTENDED COMMISSION AND AN EXTENDED SCIENTIFIC COMMITTEE**

The Commission for the Conservation of Southern Bluefin Tuna (the Commission):

RECOGNISING that ensuring the sustainability of the Southern Bluefin Tuna (SBT) stock requires that all those States and entities or fishing entities fishing this species work together through the Commission;

CONSIDERING that continued fishing for SBT by States and entities or fishing entities not adhering to the Commission's conservation and management measures substantially diminishes the effectiveness of those measures;

RECOGNISING the continuing need to encourage all States eligible to accede to the Convention for the Conservation of Southern Bluefin Tuna (the Convention) to do so, and to encourage entities or fishing entities with vessels fishing for SBT to implement the Commission's conservation and management measures;

Decides as follows:

1. Acting under Articles 8.3(b) and 15.4 of the Convention, the Commission hereby establishes an Extended Commission for the Conservation of Southern Bluefin Tuna (the Extended Commission) and an Extended Scientific Committee, whose Members shall be comprised of the Parties to the Convention and any entity or fishing entity, vessels flagged to which have caught SBT at any time in the previous three calendar years, that is admitted to membership by the Extended Commission pursuant to this Resolution.

2. The Extended Commission and the Extended Scientific Committee shall perform the same tasks as the Commission and the Scientific Committee including, but not limited to, deciding upon a total allowable catch and its allocation among the Members. All Members shall have equal voting rights. The provisions of the Convention relating to the Commission and the Scientific Committee (Articles 6 to 9, except for 6.9 and 6.10) shall apply *mutatis mutandis* with regard to the Extended Commission and the Extended Scientific Committee.

Any dispute concerning the interpretation or implementation of this Resolution, including the articles of the Convention specified in the Resolution, or the Exchange of Letters referred to in paragraph 6, shall be resolved by negotiation, inquiry, mediation, conciliation, arbitration or other peaceful means agreed by the parties to the dispute.

3. The Secretariat of the Commission shall function as the Secretariat of the Extended Commission.

4. The Extended Commission shall report forthwith to the Commission if the latter is in session, and in any other case before the latter's next meeting or session of a meeting, all decisions it adopts. Decisions so reported shall become decisions of the Commission at the end of the session of the meeting to which they were reported, unless the Commission decides to the contrary. Any decision of the Commission that affects the operation of the Extended Commission or the rights, obligations or status of any individual Member within the Extended Commission should not be taken without prior due deliberation of that issue by the Extended Commission.

5. The Rules of Procedure for the Extended Commission shall be as annexed to this Resolution. Any revision to the Rules shall be made by the Extended Commission.

6. Any entity or fishing entity, vessels flagged to which have caught SBT at any time in the previous three calendar years, may express its willingness to the Executive Secretary of the Commission to become a member of the Extended Commission. The Executive Secretary of the Commission, on behalf of the Commission, will conduct an Exchange of Letters with the representative of such entity or fishing entity to this effect. In so doing, the applicant shall give the Commission its firm commitment to respect the terms of the Convention and comply with such decisions of the Extended Commission as become decisions of the Commission pursuant to paragraph 4.

7. If the Extended Commission decides to admit the applicant, it shall negotiate with the applicant a formula to govern the level of catch of SBT by the applicant pending the next decision of the Commission setting a total allowable catch and its allocation among the Members. Upon the successful completion of the negotiations referred to in the previous sentence, the Executive Secretary will exchange letters with the applicant as referred to in paragraph 6; the applicant shall thereupon assume the status of Member of the Extended Commission.

8. Any Member of the Extended Commission that is not a Member of the Commission shall be entitled to appoint one representative, to be accompanied by experts and advisers, as an Observer to meetings of the Commission and its subsidiary bodies, including the Scientific Committee. Such representative shall be entitled to be present and speak as an Observer at meetings of the Commission and its subsidiary bodies.

9. The Extended Commission shall decide upon an annual budget. The contributions to the budget of an applicant that is admitted as its Member shall be determined by application *mutatis mutandis* of Article 11 of the Convention.

10. The provisions of this Resolution relating to participation by entities or fishing entities in the operations of the Extended Commission are solely for the purposes of the Convention.

11. The Rules of Procedure are amended by omitting paragraph 3 of Rule 5 and substituting the following:

“3. A provisional agenda for each annual meeting shall be prepared by the Executive Secretary in consultation with the Chair. The provisional agenda shall be despatched by the Executive Secretary to all the Members not less than 60 days before the date for the opening of the meeting. The provisional agenda shall include:

- (a) approval of decisions taken by the Extended Commission;
- (b) all items which the Commission has previously decided to include in the provisional agenda; and
- (c) all supplementary items the inclusion of which have been requested by any Member of the Commission.”

## **RULES OF PROCEDURE OF THE EXTENDED COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA**

### **Rule 1**

#### **Representation**

1. Each Member shall be represented on the Extended Commission by not more than three delegates who may be accompanied by experts and advisers. Each Member shall inform the Executive Secretary of the Extended Commission of the names of its delegates to the Extended Commission including identification of the head of the delegation and experts and advisers accompanying such delegates, and of any change thereof, as far in advance as possible before the commencement of each meeting of the Extended Commission.
2. Each Member shall designate a correspondent who shall have primary responsibility for liaison with the Executive Secretary during the periods between meetings and shall promptly inform the Executive Secretary of the name and address of such a correspondent and of any change thereof.

### **Rule 2**

#### **Other matters**

Except for Rule 4(3) and Rule 9, the Rules of Procedure of the Commission for the Conservation of Southern Bluefin Tuna apply *mutatis mutandis* to the Extended Commission on other matters.