PA4_817_REV/2023
13/11/2023 16:19

Original: English

Explanatory note on the Draft Recommendation by ICCAT for a Conservation and Management Plan for North Atlantic Swordfish

(submitted by Canada)

This proposal repeals and replaces the *Recommendation by ICCAT amending the Recommendation for the conservation of North Atlantic Swordfish, Rec. 16-03* (Rec. 17-02), the *Resolution by ICCAT on development of initial Management Objectives for North Atlantic swordfish* (Res. 19-14), and the *Recommendation by ICCAT replacing Supplemental Recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish* (Rec. 22-03). In practical terms, the proposed recommendation sets out a conservation and management plan for North Atlantic swordfish, including the adoption of a management procedure to implement the management strategy evaluation exercise that was mandated by the Commission in 2015 (Rec. 15-07).

Recognizing that the presentation of final results for various management procedures is still pending, this draft Recommendation does not, at this point, identify a proposed management procedure for the consideration of CPCs. Accordingly, total allowable catch (TAC) has been square bracketed.

The cumulative catch limits for the North Atlantic represent 115% of the 2023 total allowable catch. The fishery has been similarly overallocated since 2006 and in 2010, as North Atlantic swordfish emerged from a ten-year rebuilding plan, a commitment was undertaken to review future conservation and management plans in the context of SCRS advice and the ICCAT Criteria for the Allocation of Fishing Opportunities, as reflected first in Rec. 01-25 and subsequently in Res. 15-13. This commitment has gone unfulfilled since 2010. In this proposal, the catch limits table has been left blank, and past transfers have been put in square brackets.

Canada's intention at this year's Commission meeting is to engage in catch limit negotiations for the purposes of resolving the over-allocation of North Atlantic swordfish and providing sustainable economic opportunities for those CPCs that have exhibited the interest and ability to prosecute this fishery.

The resolution of the over-allocation of North Atlantic swordfish would appear within reach, as would a more equitable distribution of catch opportunities. The average cumulative catch of North Atlantic swordfish from 2010 to 2021 represents 83% of the 2023 total allowable catch (i.e., 13,200 t) and 72% of total catch limits. Additionally, 14 of the 20 CPCs that are currently in the North Atlantic swordfish catch limit table are harvesting less than 55% of their catch limits over this time period. On the eve of adopting a management protocol for North Atlantic swordfish, Canada thoroughly believes that now is the time to discuss the catch limits table to come to a complete resolution.

Draft Recommendation by ICCAT for a Conservation and Management Plan for North Atlantic Swordfish

(submitted by Canada)

RECALLING the *Supplemental Recommendation by ICCAT to amend the Rebuilding Program for North Atlantic Swordfish* (Rec. 06-02), the *Recommendation by ICCAT for the Conservation of North Atlantic Swordfish* (Rec. 10-02), the *Recommendation by ICCAT for the Conservation of North Atlantic Swordfish* (Rec. 16-03), the *Recommendation by ICCAT amending the Recommendation for the conservation of North Atlantic swordfish, Rec. 16-03* (Rec. 17-02), and the *Recommendation by ICCAT replacing Supplemental Recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish* (Rec. 22-03);

FURTHER RECALLING the *Recommendation by ICCAT on the Principles of Decision Making for ICCAT Conservation and Management Measures* (Rec. 11-13) and the *Recommendation by ICCAT on the Development of Harvest Control Rules and of Management Strategy Evaluation* (Rec. 15-07);

CONSIDERING that following both the 2017 and 2022 stock assessment, the SCRS indicated that the stock was not overfished and that overfishing was not occurring, as initially determined in the 2009 and 2013 stock assessments;

CONSIDERING the results of the 2022 North Atlantic swordfish stock assessment, which show that a constant catch at the current TAC level of 13,200 t will result in a 60% probability of the stock being in the green quadrant of the Kobe plot in 2033;

RECOGNIZING that the SCRS recommended that the Commission adopt one of the MSE-tested management procedures, and that the TAC be based on that MP for 2024 and beyond;

FURTHER RECOGNIZING that the total allocation of fishing opportunities for North Atlantic swordfish is superior to the TAC and the longstanding commitment to consider future conservation and management plans in the context the *Resolution by ICCAT on Criteria for the Allocation of Fishing Possibilities* (Res. 15-13)*;*

ACKNOWLEDGING that following the 2022 stock assessment the SCRS indicated that the biomass for North Atlantic swordfish is close to B_{MSY};

RECALLING the *Recommendation by ICCAT regarding compliance in the bluefin tuna and North Atlantic swordfish fisheries* (Rec. 96-14);

SEEKING to ensure that the total catch does not exceed the annual Total Allowable Catch (TAC);

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

Part I
General provisions

1. The Contracting Parties, and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) whose vessels have been actively fishing for swordfish in the North Atlantic shall take the following conservation and fishery management measures for North Atlantic swordfish, which include the Management Procedure (MP) set out in **Annex 1** for establishing annual Total Allowable Catches.

Management Objectives

2. The management objectives for the North Atlantic swordfish stock are:

(a) Stock Status:

- The stock should have a 60% or greater probability of occurring in the green quadrant of the Kobe plot (no overfishing occurring and not overfished);

(b) Safety:

- There should be a less than [15/10/5%] probability of the stock falling below B_{LIM}[1];

(c) Yield:

- Maximize overall catch levels; and

(d) [Stability:

- Any increase or decrease in TAC between consecutive management periods should be less than [25%].]

Performance Metrics (indicators) used to evaluate the performance of MPs for each management objective are found in **Annex 2**.

Part II
Management procedure and exceptional circumstances

3. Consistent with the management objectives specified in paragraph 2, the [XX] management procedure has been selected and is fully described in **Annex 1**.

4. In 2024, Panel 4 with scientific guidance from the SCRS shall develop a protocol of exceptional circumstances for this MP, for adoption by the Commission. The Exceptional Circumstances Protocol, once adopted, shall become **Annex 3** of this Recommendation once adopted. This protocol shall be used by the SCRS to assess the occurrence of exceptional circumstances (ECs). Furthermore, the protocol shall direct the actions of the Commission if ECs have been found to occur.

Part III
Catch limits

Total Allowable Catch and catch limits

5. Pursuant to the application of the MP established in **Annex 1**, constant annual TAC of [xx,xxx t] is established for the management period 2024-2026.

(a) The annual catch limits (landings and dead discards) as shown in the table below shall be applied for the years 2024[, 2025, and 2026].

[1] Recommendation 17-02, paragraph 6, identifies $0.4*B_{MSY}$ as the interim limit reference point to be used when assessing stock status and providing management recommendations to the Commission.

CPCs	*Catch limit** XYZ (t)*
European Union ***	[6,717.33*
United States***	3,907*
Canada	1,348*
Japan***	842*
Morocco	850
Mexico	200
Brazil	50
Barbados	45
Venezuela	85
Trinidad & Tobago	125
United Kingdom	35.67
France (St Pierre et Miquelon)	40
China (P.R.)	100
Senegal	250
Korea (Rep.)***	50
Belize***	130
Côte d'Ivoire	50
St Vincent & the Grenadines	75
Vanuatu	25
Chinese Taipei	270]

[* Notwithstanding the adjustment of the EU quota by 0.67 t in light of the Trade and Cooperation Agreement between the UK and the EU, which established their respective shares of North Atlantic swordfish and other stocks, catch limits of these four CPCs are based upon quota allocation shown in 3 c) of the 2006 *Supplemental Recommendation by ICCAT to Amend the Rebuilding Program for North Atlantic Swordfish* (Rec. 06-02).]

** The following transfers of annual catch limits shall be authorized:

[From Japan to Morocco: 100 t for each of 2018 and 2019; and 150 t for each of 2020, 2021, 2022, and 2023]
[From Japan to Canada: 35 t]
[From EU to France (St Pierre et Miquelon): 40 t]
[From Venezuela to France (St Pierre et Miquelon): 12.75 t]
[From Senegal to Canada: 125 t]
[From Trinidad & Tobago to Belize: 75 t]
[From Chinese Taipei to Canada: 35 t]
[From Brazil, Japan, and Senegal, to Mauritania: 25 t each for a total of 75 t for 2018, 2019, 2020, 2021, 2022, and 2023, on the condition that Mauritania submit its development plan per paragraph 5 of this Recommendation. If a development plan is not submitted, these transfers are considered null. Future decisions regarding access to the North Atlantic swordfish fishery by Mauritania shall be contingent upon submission of its development plan.]
[From Trinidad and Tobago to Morocco: 25 t for each of 2020, 2021, 2022, and 2023]
[From Chinese Taipei to Morocco: 20 t for each of 2020, 2021, 2022, and 2023]

[These transfers do not change the relative shares of CPCs as reflected in the above catch limits.]

*** [Japan shall be allowed to count up to 400 t of its swordfish catch taken from the South Atlantic management area against its uncaught North Atlantic swordfish catch limits.]

[The European Union shall be allowed to count up to 200 t of its swordfish catch taken from the South Atlantic management area against its uncaught North Atlantic swordfish catch limits.]

[The US shall be allowed to count up to 200 t of its swordfish catch taken from the area between 5°N and 5°S, against its uncaught North Atlantic swordfish catch limit.]

[Belize shall be allowed to count up to 75 t of its swordfish catch taken from the area between 5°N and 5°S, against its uncaught North Atlantic swordfish catch limit.]

[Korea (Rep.) shall be allowed to count up to 25 t of swordfish catch taken from the South Atlantic management area in 2018, 2019, 2020, 2021, 2022, and 2023 against its uncaught North Atlantic catch limit.]

6. Notwithstanding the *Recommendation by ICCAT Regarding the Temporary Adjustment of Quotas* (Rec. 01-12), in between meetings of the Commission, a CPC with a TAC allocation of North Atlantic swordfish, as per paragraph 5 a) may make a one-time transfer within a fishing year of up to 15% of its TAC allocation to other CPCs with TAC allocations, consistent with domestic obligations and conservation considerations. Any such transfer may not be used to cover overharvests. A CPC that receives a one-time catch limit transfer may not retransfer that catch limit.

7. If the annual catch exceeds the TAC of [xx,xxx t], CPCs that have exceeded their individual catch limits shall pay back their overharvest in accordance with [paragraph 8] of this Recommendation. Any amount of the overharvest remaining after such adjustment shall be deducted from the annual catch limit of each CPC two years following the year in which the excess occurred, on a *pro rata* basis of the catch limits in Table 5 a) above.

Underage and overage of catch

8. Any unused portion or excess of the annual adjusted quota may be added to/shall be deducted from, according to the case, the respective quota/catch limit during or before the adjustment year, as follows:

Catch year	*Adjustment year*
2022	2024
2023	2025
2024	2026
2025	2027
2026	2028

However, the maximum underage that a CPC may carryover in any given year shall not exceed 15% of its initial catch limit (as specified in paragraph 5 a) above excluding quota transfers) for those CPCs holding catch limits more than 500 t, and 40% for other CPCs.

9. If Japan's landings exceed its catch limits in any year, the overage shall be deducted in subsequent years so that total landings for Japan shall not exceed its total catch limits for the six-year period commencing in 2024. When annual landings by Japan are less than its catch limits, the underage may be added to the subsequent years' catch limits, so that total landings by Japan do not exceed its total for the same six-year period. Any underages or overages from the 2024-2026 management period shall be applied to the subsequent management period to be decided by the Commission in 2026.

Part IV
Scientific research and data reporting requirements

10. The SCRS shall continue to refine the MSE robustness tests 2024-2026. In support of this effort, the SCRS and Panel 4 shall discuss these tests and the development of exceptional circumstances at a Panel 4 meeting in 2024.

11. When assessing stock status and providing management recommendations to the Commission, the SCRS shall consider the interim limit reference (LRP) of $0.4*B_{MSY}$ or any more robust LRP established through further analysis.

12. All CPCs catching swordfish in the North Atlantic shall endeavour to provide annually the best available data and biological samples to the SCRS, including catch, catch at size, location and month of capture on the smallest scale possible, as determined by the SCRS. The data submitted shall be for broadest range of age classes possible, consistent with minimum size restrictions, and by sex when possible. The data shall also include discards (both dead and alive) and effort statistics, even when no analytical stock assessment is scheduled. The SCRS shall review these data annually.

13. The SCRS will host a workshop in [June 2024] to review a discarding estimation tool developed specifically for CPCs needing methods for estimating discarding in their fisheries. CPCs needing methods for estimating their discarding are encouraged to attend this workshop. No later than [2025], CPCs shall present to the SCRS the statistical methodology used to estimate dead and live discards. CPCs with artisanal and small-scale fisheries shall also provide information about their data collection programs. The SCRS shall review these methodologies and if it determines that a methodology is not scientifically sound, the SCRS shall provide relevant feedback to the CPCs in question to improve the methodologies. Once these methods are approved CPCs should update their catch reporting to incorporate these estimated dead and live discards.

Part V
Management Measures

14. In order to protect small swordfish, CPCs shall take the necessary measures to prohibit the taking of and landing of swordfish weighing less than 25 kg live weight, or in the alternative, measuring less than 125 cm lower jaw fork length (LJFL); however, CPCs may grant tolerances to boats which have incidentally captured small fish, with the condition that this incidental catch shall not exceed 15 percent of the number of swordfish per landing of the total swordfish catch of said boats.

15. Notwithstanding the provisions of paragraph 14, any CPC may choose, as an alternative to the minimum size of 25 kg / 125 cm LJFL, to take the necessary measures to prohibit the taking by its vessels in the Atlantic Ocean, as well as the landing and sale in its jurisdiction, of swordfish (and swordfish parts), less than 15 kg / 119 cm LJFL provided that, if this alternative is chosen, no tolerance of swordfish less than 15 kg / 119 cm LJFL shall be allowed. For swordfish that have been dressed, a cleithrum to keel (CK) measurement of 63 cm can also be applied. A CPC that chooses this alternative minimum size shall require appropriate record keeping of discards. The SCRS should continue to monitor and analyze the effects of this measure on the mortality of immature swordfish.

16. CPCs shall issue specific authorizations to vessels 20 meters LOA or greater flying their flag that are authorized to fish for North Atlantic swordfish in the Convention area. Each CPC shall indicate which of such vessels it has so authorized on its vessel list submitted pursuant to the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels 20 meters in Length Overall or Greater Authorized to Operate in the Convention Area* (Rec. 13-13[2]). Such vessels not entered into this record or entered without the required indication that fishing for North Atlantic swordfish is authorized are deemed not to be authorized to fish for, retain on board, transship, transport, transfer, process or land North Atlantic swordfish.

17. Notwithstanding the provisions of Article VIII, paragraph 2, of the Convention, with respect to the annual individual catch limits established above, the CPCs whose vessels have been actively fishing for North Atlantic swordfish shall implement this Recommendation as soon as possible in accordance with the regulatory procedures of each CPC.

18. CPCs may allow bycatch of North Atlantic swordfish by vessels not authorized to fish for North Atlantic swordfish pursuant to paragraph 17, if the CPC establishes a maximum onboard bycatch limit for such vessels and the bycatch in question is accounted for within the CPC's quota or catch limit. Each CPC shall provide in its Annual Report the maximum bycatch limit it allows for such vessels. That information shall be compiled by the ICCAT Secretariat and made available to CPCs.

[2] As amended by Rec. 21-14.

19. This Recommendation replaces and repeals the *Recommendation by ICCAT replacing Supplemental Recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish* (Rec. 22-03).

Annex 1

Management Procedure (MP) Specifications

[To be determined]

Annex 2

Performance Metrics for Management Objectives

Management objectives	***Corresponding key performance metrics***
Status The stock should have a 60% or greater probability of occurring in the green quadrant of the Kobe matrix.	**PGK*SHORT***: Probability of being in the Kobe green quadrant (i.e., SSB≥SSB_{MSY} and F<F_{MSY}) in years 1-10 **PGK*MED***: Probability of being in the Kobe green quadrant (i.e., SSB≥SSB_{MSY} and F<F_{MSY}) in years 11-20 **PGK*ALL***: Probability of being in the Kobe green quadrant (i.e., SSB≥SSB_{MSY} and F<F_{MSY}) over years 1-30 **PNOF:** Probability of not overfishing (F<F_{MSY}) over years 1-30
Safety There should be a [5, 10, 15%] or less probability of the stock falling below B_{LIM}.	**LRP*ALL***[1]: Probability of breaching the limit reference point (i.e., SSB<0.4*SSB_{MSY}) in any of years 1-30
Yield Maximize overall catch levels.	**TAC1[2]**: TAC in the first management cycle (years 1-3) **AvTAC*SHORT***: Median TAC (t) over years 1-10 **AvTAC*MED***: Median TAC (t) over years 11-20 **AvTAC*LONG***: Median TAC (t) over years 21-30
[Stability Any increase or decrease in TAC between management periods should be less than [25]%.]	**VarC**: Mean variation in TAC (%) between management cycles over years 1-30

Annex 3