

QUESTIONS FROM USA ON COMPLIANCE ISSUES AND RESPONSES RECEIVED

1. North Atlantic Shortfin Mako:

The United States of America (USA) notes that full implementation of Rec. 19-06 and any future conservation and management measure is of paramount importance to the rebuilding of this stock. In light of the requirements of Rec. 19-06, paragraphs 9 and 10, they seek explanations from the following CPCs about their specific plans to implement monitoring and reporting requirements for North Atlantic shortfin shark:

- EU-Spain, Morocco, Trinidad and Tobago, and Venezuela reported landings in 2020, but did not report dead discards or live releases.
- EU-Portugal, EU-France and Chinese-Taipei reported dead discards in 2020, but did not report live releases.
- Angola, Gabon, The Gambia, Guinea Bissau, Sierra Leone, and Suriname did not report any catch (i.e., no reports of landings, dead discards or live releases, and no nul-reports) according to COC-303 Appendix 3, and thus will be subject to landings prohibitions under Rec. 11-15 until these data are reported.

In addition to reporting the required data, they asked that each of these CPCs provide the Compliance Committee with detailed information on any actions they are taking to improve their monitoring and reporting of catches of this vulnerable stock.

2. Rec. 16-14 on Scientific Observer Programs

Due to concerns related to the lack of reporting of scientific observer data, the United States requests the Secretariat to note in COC-308 which CPCs are meeting the minimum required observer coverage level of 5% according to information provided in each CPC's Annual Report.

***Response.** It should be noted that COC-308 notes the compliance deficiencies and hence noting those which indicated 5% level (i.e. those that were in compliance), would not be appropriate. Having reviewed the Annual Reports a variety of incoherent responses have been noted, ranging from irrelevant responses such as "xxx has no small-scale vessels", to "xxx did not deploy scientific observers in 2020 (but did submit ST09 form with observer data)" or simply blank or "not applicable"; The Secretariat has therefore been guided more by the information contained in the ST09 forms which indicates, in most cases, the percentage of coverage reached, but has noted on COC-308 instances where this information was not available. It should be noted that the Secretariat has already included some deficiencies relating to this requirement on the first version of the "Draft Compliance Summary Tables [COC-308]", but as a result of this specific request has included those CPCs who explained lack of implementation in 2020 due to the pandemic.*

Furthermore, based on COC-317, it is our understanding that the following CPCs have not reported any scientific observer data during the period 2015-2020: Angola, Côte d'Ivoire, Gabon, The Gambia, Grenada, Guinea Bissau, Equatorial Guinea, Guinea Rep., Liberia, Mauritania, São Tomé et Príncipe, Sierra Leone, Syria, and Venezuela. We ask these CPCs to confirm whether this is the case, and if so, provide an explanation of any efforts to come into compliance with Rec. 16-14 or any difficulties they may be experiencing in the domestic implementation of a scientific observer program.

3. Joint Inspection Schemes (JIS) (COC-303, Annex 3)

We note that joint inspections resulted in the observation of many instances of potential non-compliance, including: no vessel logbook onboard, no ITD on board, no transfer authorization, and no boarding ladder (thus obstructing the boarding). We ask the CPCs involved, including Albania, Algeria, EU (EU-Malta, EU-Italy), Libya, Tunisia and Turkey, to provide additional information to this Committee on these instances of potential non-compliance and any relevant actions that have been taken in response.

Responses. Please see COC-303, Table 2A for the responses received in relation to the infringements detected through the JIS.

Direct response from Turkey: Turkey has been informed of potential non-compliance issues with the related JIS reports by the EU and Tunisia. The reported infringements were related to absence of a pilot ladder on some of the vessels and some of the logbooks not filled. The Ministry of Agriculture and Forestry (MoAF) initiated an investigation regarding each infringement reported by the EU and Tunisian inspectors with an official notification to the concerned operators. The results of investigations/clarifications and actions taken for the reported infringements were submitted in detail case-by-case to the EU, Tunisia and the Secretariat on 23 August 2021.

Turkey's explanation as a response to COC-308/21 has also been sent to the Secretariat on 28 October 2021.

To summarize, as a result of investigation:

Regarding potential non-compliance for the failure on logbook filling; it was observed that some vessels' skippers could not fill the logbook at the time of operation due to intense fishing and the case was not "no entry" but a "delayed entry" and necessary information were entered by the skippers for those operations. For those potential non-compliance instances reported under JIS reports; necessary administrative sanctions / fines have been imposed on the related operators in accordance with the Turkish Fisheries Law No.1380 by the MoAF.

Regarding potential non-compliance for the absence of a pilot ladder; it was observed there existed a boarding ladder on the questioned vessels (at least mobile stairs) which also used by the crew or a ladder could be provided from the support vessels in the fishing area to be boarded; however for some cases at the time of inspection there was adverse weather conditions on the area which did not allow to provide the stairs/ladder to the inspectors which also could pose a risk for the safety of the crew and the inspectors. As for some other cases, the ladder could not be provided due to the miscommunication between the skipper and inspectors that were reported to be caused by misconception of messages/requests of the inspectors that attempted to get on board of the fishing vessel.

There has been no question of obstructing the boarding of the inspectors and carrying out their duties. MoAF has thoroughly investigated the operational steps that involve at sea transfer, cagings subsequently, that are relevant to the reported potential infringements. No irregularities have been found in terms of number/ weight of fish as to the findings obtained by the Ministerial Inspectors.

Notwithstanding, as for those potential non-compliance incidents to which follow-up actions were deemed necessary by the Ministry, administrative sanctions have been imposed on the related operators in accordance with the Turkish Fisheries Law No. 1380 by the MoAF.

Specific Questions for Individual CPCs

Cabo Verde: Recalling our question to Cabo Verde in 2020, their response indicated that in the past few years, landing and transshipment activities of some tuna species by foreign fleets have increased. We appreciate Cabo Verde's commitment to providing more complete and objective information in this matter (COC-320/21). Could Cabo Verde provide an update through its report on in-port transshipment?

The Gambia: Could The Gambia please provide a status update on FV SAGE's registration? Also, is it still the case that no vessels flagged to The Gambia should be on the ICCAT authorized vessel list? We note that The Gambia does not appear on the drop-down menu for the authorized vessel list on ICCAT's website.

EU: We appreciate the EU's update on the Tarantelo Operation, which was launched in 2018 by the Spanish Government, in coordination with Europol, to dismantle a smuggling operation that transported illegally harvested EBFT into EU markets. The scale of this smuggling network was substantial, with estimates placing the annual illegal catch at double those of legal limits. During Compliance Committee meetings in 2019, the EU was asked to address the reported allegations and whether these activities may have led to IUU fish and fish products entering trade. The EU indicated that it and its Member States were fully

cooperating with criminal investigations on trade within the EU of the allegedly illegal product. We acknowledge the EU's latest response in COC-309; however, the United States remains concerned that the level of quota overharvests related to these smuggling operations may never be fully known or repaid per ICCAT rules. We hope this Committee will receive additional information from the EU as it becomes available on: 1) the scope and extent of the smuggling operation; 2) the progress of investigations; 3) MCS weaknesses that permitted the activity to occur undetected for years; 4) steps being taken by member States to address fishery and farming management weaknesses; and, 5) enforcement actions being taken against those responsible for these violations, including the imposition of penalties severe enough to deter similar activities in the future. The outcomes of this ongoing investigation, including the details of this overharvest and its consequences, are of direct relevance to the deliberations of this Committee. For this reason, we request that the Tarantelo Operation be noted in COC-308 for 2021.

Note from Secretariat: the issue has been added to the revised Draft Compliance Summary Tables [COC-308A] as requested.

In addition, we would like to request the EU to provide an explanation of several instances of apparent miscoding of billfish catches. We note that Spanish landings of 379 tons of black marlin (BLM), 99 tons of shortbill spearfish (SSP) and 225 tons of striped marlin (MLS) were reported in the Convention area in 2020 (beyond the geographic distribution for two of these species), while landings in longline fisheries of blue marlin, white marlin and roundscale spearfish, all species subject to landings limitations under Rec. 19-05, were reported at or near zero and dead discards were unreported for all species in longline fisheries. We find it unlikely that a fleet with a history of interacting with one set of species would suddenly have no interactions, instead interacting extensively with species not typically found in the Atlantic. We would like to request an investigation of this situation, a correction to any miscoded reported catches, and an explanation to ICCAT.

Mauritania: We note that Mauritania is receiving quota transfers of North Atlantic swordfish from some CPCs but is not reporting catches in its compliance tables or Task 1 data. We would like to confirm whether Mauritania is catching North Atlantic swordfish.

Namibia: Following several years of continued overharvest of blue marlin, Namibia notes that its reported blue marlin may instead be black marlin (COC-308). We appreciate Namibia's explanation about its efforts to improve reporting, but we ask for additional clarification on this issue given that black marlin is a species found in the Indian and Pacific Oceans, but not in the Atlantic.

Senegal: ICCAT Circular #7945/20 conveyed Senegal's determination to fight IUU fishing; we respectfully request a response to the 2020 COC letter, as multiple vessels flagged to Senegal at one point were sighted appearing to be engaged in IUU fishing.

St. Vincent and the Grenadines: We respectfully request a response to the 2020 letter from the COC, as we are very interested in more information on your recent efforts to counter IUU fishing.

Chinese Taipei: The United States has had several sightings of Chinese Taipei vessels fishing for ICCAT species under suspicious circumstances, as most recently noted in Circular #6799. In the interest of combating IUU fishing, the United States sought boarding authority from Chinese Taipei to conduct an inspection of one vessel at-sea; but it was declined. We appreciate Chinese Taipei's most recent response, as provided in Circular #7095. Could Chinese Taipei provide some ideas for how it can work jointly at-sea with other CPCs to ensure its fleet is operating in accordance with ICCAT?

To have real-time information on catch, we have implemented an electronic logbook (ELB) system for our longliners operating in the ICCAT Convention area for years. We require fishermen to report catch data daily, and have established a scheme to review the data reported. In addition, we also dispatched observers on board to collect fisheries-related data, and the observer coverage rate is more than 5% as required by ICCAT. Dead discards and live release of N-SMA reported and/or collected through ELB and observers are submitted to ICCAT in accordance with relevant requirements.

We notice that the idea of establishing high seas boarding and inspection (HSBI) scheme has been raised in several ICCAT meetings, including the upcoming Annual meeting. Considering that the HSBI scheme could enhance the monitoring, control, and surveillance regime of ICCAT, we welcome the adoption of such a scheme, provided that all CPCs have the right to equally participate and will work with other CPCs toward this end.

Costa Rica: We note that Costa Rica has had continued issues with incomplete data reporting. Although Costa Rica was subject to the provisions of Rec. 11-15, its response suggests continued catches. Further, we note our disagreement with Costa Rica's assertions regarding its rights and obligations as a flag State fishing in the Convention area. For example, contrary to Costa Rica's assertions, many ICCAT requirements apply to vessels under 20m in length, and in waters under national jurisdiction, including requirements under Rec. 19-05.