

**Report of the 16th Intersessional Meeting of the Working Group on  
Integrated Monitoring Measures (IMM)**  
*(hybrid/Osaka, Japan, 7-9 June 2023)*

## **1. Opening of the meeting and meeting arrangements**

The IMM Chair, Mr Neil Ansell (EU), opened the meeting and welcomed the delegates to the 16th Intersessional Meeting of the Working Group on Integrated Monitoring Measures (IMM). The ICCAT Executive Secretary also welcomed participants and introduced the thirty registered delegations: Algeria, Belize (online), Brazil (online), Cabo Verde (online), Canada, China (P.R.) (online), Cote d'Ivoire, Egypt, El Salvador (online), European Union, Gabon, Guatemala, Guinea (Rep.), Honduras, Japan, Korea (Rep.) (online), Morocco, Mauritania, Mexico (online), Norway (online), Panama (online), Philippines, Sao Tomé and Príncipe, Senegal, Sierra Leone (online), Tunisia, United Kingdom (online), United States, Uruguay (online), and Venezuela (online). The Executive Secretary also introduced three Cooperating Non-Contracting Parties, Entities, and Fishing Entities: Bolivia (online), Chinese Taipei and Costa Rica (online), in addition to one intergovernmental organization (General Fisheries Commission for the Mediterranean (GFCM), and five non-governmental observers (Brazilian Association of Fish Industries (ABIPECA), Ecology Action Centre (EAC), Federation of Maltese Aquaculture Producers (FMAP), International Seafood Sustainability Foundation (ISSF), and Pew Charitable Trusts (PEW)).

## **2. Nomination of rapporteur**

Ms. Caroline Potter (United States) was appointed to serve as rapporteur.

## **3. Adoption of agenda**

The IMM Chair summarized the agenda and expectations for the Working Group meeting. He asked delegations for any other topics CPCs would like to include under agenda Item 10, "Other matters". Japan stated that it had submitted "A question to IMM on the designation of prohibited areas for transshipment", which they proposed could be discussed under "Other matters". The agenda was adopted with no additional changes and is attached as **Appendix 1**. The list of participants is attached as **Appendix 2**.

## **4. Review of Statistical and Catch Documentation Schemes (SDP/CDSs)**

### **4.1 Consideration of outputs from the Ad Hoc Working Group on Catch Document Scheme (CDS)**

The IMM Chair summarized the main discussion points of the recent Meeting of the Ad Hoc Working Group on Catch Document Scheme (CDS WG) that was held on 6 June 2023, the overall work of the Working Group and the implementation of their workplan agreed in 2022.

The IMM Chair noted that there was general agreement that there are more advantages with a catch-based CDS versus a trade-based CDS; however, it was noted that broader discussion among CPCs was still needed. Several CPCs agreed that an electronic system is favored as opposed to a paper-based system.

Japan presented their proposal, "Draft Recommendation on establishment of a formal Catch Document Scheme Working Group (CDS WG)" and encouraged contributions and any comments to be sent to the ICCAT Secretariat by September 2023.

The IMM Chair reminded CPCs of the importance of receiving information, and in particular, for CPCs that had not already done so to respond to the questionnaire circulated by the ICCAT Secretariat in July 2022.

#### **4.2 Consideration of the work of the eBCD Technical Working Group (eBCD TWG) and any necessary actions**

The IMM Chair summarized relevant items of discussion from the [First Meeting of the eBCD Technical Working Group \(eBCD TWG\)](#) in January 2023 and the Second Meeting of the eBCD Technical Working Group (eBCD TWG) in June 2023, as well as the overall work of the eBCD TWG and implementation of the system. At the January meeting, the eBCD TWG discussed priority development items and decided on the order in which they should be developed. At the June meeting, the eBCD TWG was updated as regards TRAGSA's progress on these ongoing developments as well as a number of new items. It was noted that the first priority development item, access to the system by inspectors designated under the ICCAT Scheme of Joint International Inspection, was now complete and being tested by CPCs.

The IMM Chair underlined some issues that the eBCD TWG felt had policy implications and, hence, would be better placed for consideration by IMM. Firstly, in relation to paragraph 92 of the [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#), the eBCD TWG requested that IMM discuss and determine what is meant by a "link" between the transshipment declarations and the eBCD system. The eBCD TWG discussed potential interpretations and suggestions, which ranged in complexity, firstly that of including the eBCD number in the transshipment declaration, which some CPCs felt may require an amendment to the [Recommendation by ICCAT on transshipment \(Rec. 21-15\)](#) or, alternatively, including the transshipment number in the eBCD system via the notes field. More complex and expensive options included creating a new section that would upload transshipment declarations to the eBCD system where automatic checks and alerts could be created. It was decided to allow TRAGSA to continue developing the functionality that would allow transshipment documents to be uploaded as PDFs to the eBCD system before any further decisions were made on this matter.

It was recalled that Japan had submitted the "Discussion paper on BFT processing vessel (revised) (Proposal to amend Rec. 18-13 to record BFT processing activity)" (PA2\_607A/2022) at the 23rd Special Meeting of the Commission in 2022, which proposed an amendment to the [Recommendation by ICCAT replacing Recommendation 11-20 on an ICCAT Bluefin Tuna Catch Documentation Program \(Rec. 18-13\)](#) to record bluefin tuna processing activities. Many CPCs supported the proposal, while some suggested that it should first be discussed within IMM and/or the eBCD TWG. As a result, paragraph 195 was added to [Rec. 22-08](#), which stipulates that IMM and the eBCD TWG shall discuss the technical, administrative, and control requirements of Japan's proposal before it is considered at the Annual Meeting of the Commission in November 2023.

Japan presented their document "Discussion paper on bluefin tuna (BFT) processing on board (Proposal to amend [Rec. 18-13](#) to record BFT processing activity)". It informed the IMM that this proposal was a slightly modified version of the proposal presented at the [23rd Special Meeting of the Commission](#) in 2022 (PA2\_607A/2022) and that the scope had been extended to include dead tunas caught by traps, given that they are subject to the same issues as farmed fish regarding the absence of the processing information in the current eBCD system. After several small editorial suggestions, IMM endorsed the proposal, which is attached as **Appendix 3**.

The eBCD TWG requested that IMM consider removing the validator's name from the printed version of the eBCD system for reasons of data confidentiality. The EU explained that the internal legislation of some Member States gives their inspectors the right to protect their identity in documents that they issue, such as inspection reports. The EU expressed that it is only important to know internally for the validating authorities that have validated the eBCD. Therefore, the EU proposed that this information should remain in the system, but that the name of the competent validating authority or a validator's authorized number would be displayed rather than the agent's name being visible in the eBCD. However, concerning the latter option, a numbering or registry of validators does not currently exist and, therefore, would need to be developed. As such, IMM discussed whether the name of the competent authority is sufficient or if a registry of validators would be more appropriate. The EU expressed that, even though providing the name of the competent authority would address the confidentiality concern, it would nevertheless prefer a registry of validators. However, since this option requires system development and, as such, entails a cost, the EU proposed that TRAGSA be contacted to provide information on the time and cost involved before making a decision. As such, IMM agreed that the ICCAT Secretariat would contact TRAGSA to request a time/cost estimate for creating a registry of validators.

Norway recalled that, at the [23rd Special Meeting of the Commission](#) in 2022, the [Resolution by ICCAT on a pilot project for the short-term live storage of bluefin tuna \(Res. 22-07\)](#) was adopted by ICCAT. The Norwegian fishing plan, which was endorsed at the [Intersessional Meeting of Panel 2](#) held in March 2023, outlines the allocation of 18 t of bluefin tuna in 2023 for a scientific pilot study in line with [Res. 22-07](#). The objective of the study is to explore the feasibility of future short-term live storage of bluefin tuna in cages in Norway, while preserving the fish's quality during and after purse seine catch operations.

At the Second Meeting of the eBCD Technical Working Group (eBCD TWG) in June, Norway requested guidance regarding the viability and practicability of its proposed approach as detailed in the "Discussion paper on the application of electronic bluefin catch documentation (eBCD) in the pilot project for the short-term live storage of bluefin tuna". Such technical options were discussed by the eBCD TWG; however, the eBCD TWG felt that this should be considered by IMM. Norway presented the state of play of the project and highlighted that the main focus this year will be on catching and transferring the bluefin tuna to the transport and storage cages. If this was successful and the bluefin tuna is ready to be harvested in 2023, Norway will incorporate the catch into the eBCD system, which TRAGSA confirmed is currently possible from a technical perspective.

Some CPCs requested a more detailed explanation of how this pilot project complies with [Res. 22-07](#), in particular the possible harvesting of BFT directly from the transport cage and the use of stereoscopic cameras. In line with these concerns, following further responses from Norway and several editorial changes, IMM endorsed the document and the proposed way forward on the implementation of the pilot project throughout 2023.

The United States introduced its "Statistical Document Programme validation access and updates" and explained that the Swordfish Statistical Document Programme established in the [Recommendation by ICCAT establishing a Swordfish Statistical Document Program \(Rec. 01-22\)](#) and the Bigeye Tuna Statistical Document established in the [Recommendation by ICCAT concerning the ICCAT Bigeye Tuna Statistical Document Program \(Rec. 01-21\)](#) require that statistical documents be validated by a government official or other authorized individual or institution, of the flag CPC/State of the vessel that harvested the tuna/swordfish, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting CPC/State. The United States proposed that the programs' validating seals from CPCs be made available on the public portion of the ICCAT website, and that official seals would be watermarked and/or coded so they cannot be downloaded or screen captured, preventing any attempt to use them without approval. The United States explained that allowing importers to have access to validating seals would facilitate independent and advanced confirmation by dealers that the product was legal and would be accepted into the Custom's territory of the importing CPC before they purchased it. The United States offered to provide IT assistance if needed.

Separately, the U.S. paper discussed how [Rec. 01-21](#) and [Rec. 01-22](#) require that each Contracting Party shall provide to the ICCAT Executive Secretary sample forms of its statistical document and re-export certificate required with bigeye tuna/swordfish imports and information on validation in the format specified in Annex 4 of [Rec. 01-21](#) and Attachment 6 of [Rec. 01-22](#), respectively, and inform the ICCAT Executive Secretary of any change in a timely fashion. The United States reiterated a point first raised last year that some CPCs have not updated the information on their validating officials and authorized seals in many years. The ICCAT Secretariat explained that email requests to provide updated information were sent to CPCs that had not updated their information in the last two years. The ICCAT Secretariat explained that much feedback was received and offered that this could become a regular practice. The United States suggested that, to facilitate and automate the process of updating validation information (e.g., authorities, signatures, and seals), the Online Reporting Technology Working Group (WG-ORT) should consider this issue. When CPCs submit their Annual Reports through the IOMS system, it could display their current validation information and provide a means to easily update and confirm their information. The United States also requested that the [Statistical Document Program \(SDP\) web page](#) provide information about SDPs as well as links to [Rec. 01-21](#) and [Rec. 01-22](#), which the ICCAT Secretariat stated was feasible. In response to the U.S. paper, the EU stated that it currently has no issue with providing validating seals on the public portion of the ICCAT website; however, it has not received input from all of its Member States and, thus, reserves the right to come back to this issue later. The EU also stated that using IOMS, as suggested, is a good idea, but it is mindful of the heavy workload of the IOMS and current budget constraints.

IMM agreed to pursue having CPC seals made available on the public portion of the ICCAT website, including information about SDPs as well as links to [Rec. 01-21](#) and [Rec. 01-22](#) on the [SDP web page](#), and having in the future the WG-ORT considering a process of automating validation information updates, conditioning to the WG-ORT workload and available budget.

## **5. Consideration of measures relating to monitoring and inspection and flag State responsibilities**

### **5.1 Consideration of outputs (minimum standards) for Electronic Monitoring Systems (EMS) developed by the Electronic Monitoring Systems (EMS) Working Group**

The IMM Chair recalled that the Electronic Monitoring Systems Working Group (EMS WG), established by the [Resolution by ICCAT for the establishment of a Working Group on the use of Electronic Monitoring Systems \(Res. 21-22\)](#), continues to work in accordance with the Work Plan that was endorsed by the Commission in 2021. The IMM Chair summarized the [First Meeting of the Electronic Monitoring Systems \(EMS\) Working Group](#) that was held in February 2023 by highlighting the following: the pilot project established by the [Resolution by ICCAT establishing a pilot project for the implementation of Remote Electronic Monitoring \(REM\) on bluefin tuna processing vessels \(Res. 21-17\)](#) was discussed and CPCs were encouraged to update the EMS WG on new information about pilot projects they are undertaking; the EMS WG recognized the importance of continued close coordination with the SCRS and periodic reviews of potential standards in light of technological advances. It was noted that the EMS WG was mindful of striking a balance between standards that are for compliance and those for science, and that the minimum standards would not in and of themselves create a separate legal obligation to implement an EMS program. Instead, the implementation of the EMS programme requirements and minimum standards would only be required should CPCs elect to use EMS in those fisheries where there is a separate provision on the use of EMS for a specific purpose, such as to meet expanded observer requirements. The EMS WG noted that further work on minimum standards will continue intersessionally by way of a drafting committee in July and the Second Meeting of the Electronic Monitoring Systems (EMS) Working Group in early September.

To support the continued intersessional development of EMS minimum standards, the EU presented the “Draft Recommendation by ICCAT to Establish Minimum Standards and Program Requirements for the use of Electronic Monitoring Systems (EMS) on ICCAT Fisheries” and invited CPCs to provide feedback and comments. Regarding the nature of the instrument (Resolution versus Recommendation), they noted that this would not affect the technical content of the instrument and that the proposal can easily be adapted once a final decision has been made. One CPC expressed the view that the document should be non-binding, while several CPCs stressed the importance of having binding minimum standards for any potential use of EMS programs in ICCAT fisheries similar to the design and implementation of [Recommendation by ICCAT to establish minimum standards for fishing vessel scientific observer programs \(Rec. 16-14\)](#).

Several CPCs thanked the EU for its work on this effort and noted their intention to submit written comments. In response, the EU confirmed it will revise its document at the next informal drafting session in July on the basis of the contributions made, with the intention of submitting the proposal at the Annual Meeting in November 2023 after further discussion and potential revision by the EMS WG in September.

### **5.2 Review of progress on pilot projects**

#### **5.2.1 Remote Electronic Monitoring (REM) on processing vessels**

The ICCAT Secretariat presented the document “State of play of the pilot project on a REM system for BFT processing vessels”. The project, established by the [Resolution by ICCAT establishing a pilot project for the implementation of Remote Electronic Monitoring \(REM\) on bluefin tuna processing vessels \(Res. 21-17\)](#), is being carried out by Satlink on two freezer vessels, the *Paloma Reefer* and the *Princesa Guasimara*. Digital Observer Services has analyzed two months of data and identified and described 28 transshipments for *Paloma Reefer* and 25 events for *Princesa Guasimara*. The project is ongoing and the final report has not been completed. A more detailed update will be provided at the [Second Meeting of the Electronic Monitoring Systems \(EMS\) Working Group](#) in September 2023.

### 5.2.2 Stereoscopic cameras during first transfer

While preparations for the project were progressing well, the EU noted that it was unable to implement the project foreseen under the [Resolution by ICCAT establishing a pilot project to test the use of stereoscopic cameras during first transfer and the automation of video footage analysis \(Res. 22-15\)](#) for the 2023 fishing campaign but intends to implement it during the 2024 fishing campaign. They thanked the ICCAT Secretariat for their support and informed the IMM that they will further report on the project when information becomes available.

## 5.3 Review of issues arising from Rec. 22-08

### 5.3.1 Review of derogation (para 101)

Paragraph 101 of the [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#) grants a derogation to allow harvesting from farms of a small amount without a regional observer. This was deferred to IMM to obtain views on whether this derogation would be implemented by CPCs in 2023 or 2024 and, therefore, needs to be developed in the eBCD system. No comments were made by CPCs.

### 5.3.2 Review and possible revision of percentage of margin of error (paras 205 and 213)

The IMM Chair noted that the [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#) requires IMM to review this measure by 2023. No comments were provided by CPCs.

### 5.3.3 Consideration of any possible amendments in the use of ICCAT seals in E-BFT cages (para 237)

The IMM Chair explained that the [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#) requires IMM to review this measure by 2023. No comments were provided by CPCs.

### 5.3.4 Review of procedures for fresh harvest up to 50 t without ROP (paragraph 102)

The IMM Chair noted that the [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#) requires IMM to review this measure by 2023. No comments were provided by CPCs.

### 5.3.5 Issues deferred from Panel 2 (Annex 10 and Annex 14 of Rec. 22-08 and NORTUNA project in Cabo Verde)

At the [Intersessional Meeting of Panel 2](#) in March 2023, it was agreed that Annex 10 and Annex 14 of [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#) required an amendment which would be proposed by Morocco and the EU, respectively. Morocco presented "Proposed amendment to Annex 10 of Rec. 22-08", which IMM endorsed. The EU presented "Modification to [Recommendation by ICCAT amending the Recommendation 21-08 establishing a Multi-annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean \(Rec. 22-08\)](#) - Errors and inconsistencies". After some small edits, IMM agreed on the revised text. It was agreed that both would be forwarded to Panel 2 for consideration.

The [Intersessional Meeting of Panel 2](#) in March also discussed a project in Cabo Verde which would use artificially hatched BFT for farming, and referred this topic to IMM for further discussion and consideration. Cabo Verde was asked to update IMM on this initiative. Cabo Verde informed IMM that the first import of eggs from Malta would arrive in June. Over the course of June, the eggs will hatch and, in September, the fry will likely be caged at sea. Following questions from the EU on the economic model, Cabo Verde stated that the commercialized product from this activity will be marketed when the fish reached around 20-25 kg, which may take one or one and a half years. Cabo Verde underlined its intention to guarantee the origin of the product and provide a tag/seal that can certify that the product is from aquaculture and not the wild stock.



Japan presented the document “How to deal with bluefin tuna (BFT) originating from artificially hatched fries”, which raised several questions regarding Cabo Verde’s project. During the following discussion, Japan underlined that if Cabo Verde wants to exempt this activity from [Rec. 22-08](#), then [Rec. 22-08](#) would need to be amended and Cabo Verde should submit a proposal ahead of the Annual Meeting in November 2023. Other CPCs agreed that [Rec. 22-08](#) would need to be revised to incorporate this new activity into the management measure. Those CPCs also noted it is important that the fish marketed from this project be clearly distinguishable from wild stock products. It was also desirable to have a farming plan submitted to support transparency, even if the specific farming activities are likely exempt from [Rec. 22-08](#). Also, the trades should be tracked and fully introduced into the eBCD system to prevent loopholes, which will also require amendments to the respective management measures ([Recommendation by ICCAT amending Recommendation 21-18 on the application of the eBCD system \(Rec. 22-16\)](#) and [Recommendation by ICCAT amending Recommendation 18-13 replacing Recommendation 11-20 on an ICCAT bluefin tuna catch documentation program \(Rec. 21-19\)](#)). Finally, a number of CPCs raised further questions including the intended market of the final product, when the product is expected to reach market, and the intended age, size, and product of the final product.

Cabo Verde stated that it will submit the required information and proposals in time for the 2023 ICCAT Annual Meeting in order to address CPC questions and concerns.

#### **5.4 Review of the progress made by the Ad Hoc Working Group on Labour Standards (LSWG) and consideration of any necessary actions**

Ms. Alexa Cole (USA), LSWG Chair, informed IMM that, at the [Meeting of the Ad Hoc Working Group on Labour Standards \(LSWG\)](#) on 31 May 2023, the LSWG reviewed its work plan adopted in 2022, received updates from the International Labor Organization, and discussed and contributed to the Chair’s proposal “Draft Resolution by ICCAT on Core Principles on Labour Standards in ICCAT Fisheries”. The Chair noted there was general support in the LSWG for this to become a non-binding resolution to be considered by ICCAT at the Annual Meeting in November 2023. The IMM Chair requested that CPCs submit any further comments on the document to the ICCAT Secretariat in the coming weeks. Japan and the EU stated that they would provide written comments.

## **6. At sea boarding and inspection**

### **6.1 Review of pilot program established under Res. 19-17**

The IMM Chair opened the floor for updates on any programs as established in [Resolution by ICCAT amending the Resolution \(18-11\) by ICCAT establishing a pilot program for the voluntary exchange of inspection personnel in fisheries managed by ICCAT \(Res. 19-17\)](#). The EU indicated that during the COVID-19 pandemic, exchange of inspectors was not possible and now that restrictions have been lifted, the EU would like to relaunch these exchanges for control on bluefin tuna traps and farms, as foreseen under [Res. 19-17](#). They encouraged CPCs involved in these activities to participate in these exchanges and requested CPCs to express their interest and communicate their contact points, as provided under paragraph 4 of [Res. 19-17](#). Even though Senegal does not have bluefin tuna farms, it expressed interest in participating in order to exchange best practice and share information on farming practices. The United States shared its experience in professional exchanges under the [Pilot Program - Voluntary Exchange of Inspection Personnel](#) and explained that, through this voluntary exchange program, partnering nations have become more familiar with each other’s capabilities and opportunities to further at-sea enforcement, inspection, and information sharing. The United States urged other CPCs to add themselves to the ICCAT Monitoring, Control, and Surveillance (MCS) measures web page to express interest in participating. In addition, regarding [Recommendation by ICCAT on vessel sightings \(Rec. 19-09\)](#), the United States requested that all CPCs submit their point of contact information to the ICCAT Secretariat to facilitate cooperation and other appropriate actions foreseen under that measure.

### **6.2 High Seas Boarding and Inspection Schemes**

Canada presented its proposal “Draft Recommendation by ICCAT for a Joint International Inspection Scheme in the Convention Area in Areas Beyond National Jurisdiction”. Canada highlighted that multiple joint inspection schemes in the ICCAT Convention area could lead to inconsistencies in application and, hence, an overall Convention-wide approach would create a level playing field. The proposal would include

all the terms and conditions of existing ICCAT inspection schemes (BFT-E and MED swordfish) and would apply to the Convention area except waters under national jurisdiction. The existing inspection schemes would remain in effect until any adopted comprehensive joint inspection scheme enters into force.

Canada noted that the current proposal is almost identical to the draft presented at the [23rd Special Meeting of the Commission](#) in 2022 entitled “Explanatory note on the Draft Recommendation by ICCAT for a joint international inspection scheme in the Convention area in areas beyond national jurisdiction”. In 2022, Canada made progress to address the concerns of CPCs, including by narrowing the scope of the measure to apply to only Contracting Parties, refining the language around the use of force, and incorporating several provisions to make the joint inspection scheme an equitable tool with inclusiveness across all CPCs.

One CPC noted that it may not be able to support the proposal at this time due to concerns about this scheme’s mandate and its relation to other obligations created by the [United Nations Convention on the Law of the Sea \(UNCLOS\)](#) and the Cape Town Agreement of 2012. Several CPCs disagreed with this interpretation, noting that the proposed High Seas Boarding and Inspection (HSBI) scheme is fully consistent with UNCLOS and that the Cape Town Agreement of 2012, which has not entered into force, does not address IUU fishing since it largely pertains to fishing vessel safety. After several edits were made based on CPC comments, the document was endorsed by IMM to be forwarded to the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) for consideration at the 2023 Annual Meeting. The agreed text is attached as **Appendix 4**.

One CPC noted that at the 23rd Special Meeting of the Commission in 2022, several CPCs raised a concern about the potential inequity that an HSBI scheme would create between developing and developed Contracting Parties. The CPC noted that it had endeavored to work bilaterally to develop the capacity to deploy inspectors on board the other CPC inspection vessels. However, it was noted that developing CPCs are heavily reliant on the support of developed CPCs to create these types of bilateral relations to build capacity, so they can also participate in the HSBI scheme. Thus, the CPC noted that its continued cooperation with CPCs that have the capacity to implement such a scheme will be a driving force behind its eventual support of such a proposal.

The EU explained that it intends to organize a Seminar on High Seas Boarding Schemes in the ICCAT Context with other CPCs, as highlighted in ICCAT Circular No. 3502 of 27 April 2023. The EU announced that the seminar would take place in September in Vigo, Spain with the final dates to be announced shortly. The seminar would be under the coordination of the European Fisheries Control Agency (EFCA) and with the support of the United States and Canada. The objective of the seminar will be to share experiences and best practices, increase inclusivity and address CPC concerns about the practicalities of the HSBI scheme, especially for developing CPCs with limited operational capacity. In the coming weeks, the EU intends to send another letter to the ICCAT Secretariat for circulation to all CPCs to invite them to express interest in participating, and underlined that there would be support to cover CPC attendance in accordance with the rules of the [ICCAT Special Meeting Participation Fund](#). Gabon commented that it appreciates this initiative and plans to attend.

## **7. Port State measures**

### **7.1 Review of Rec. 18-09**

The EU presented “Revision of Rec. 18-09”, a proposal to improve reporting on port inspection activities and to address some inconsistencies in the language of [Recommendation by ICCAT on port State measures to prevent, deter and eliminate illegal, unreported and unregulated \(IUU\) fishing \(Rec. 18-09\)](#). They recalled that paragraph 29 of [Rec. 18-09](#) requires CPCs to inspect annually at least 5% of landing and transshipment operations made by foreign fishing vessels in their designated ports. Over recent years, the data reported by the different CPCs on inspections and detected infringements shows that only a very limited number of CPCs report information, which could point to weaknesses in the implementation of this Recommendation. However, with the information available on the basis of [Rec. 18-09](#), it is not possible to assess whether there are possible compliance issues regarding the minimum number of inspections required or whether there is a different explanation. To address this, the EU proposed amending paragraph 33 and adding an annex. The EU explained that these modifications will also be helpful when evaluating the Recommendation as foreseen by paragraph 44 of the measure. It also proposed modifying paragraph 35 to clarify some of the reporting provisions on this issue that are unclear in the existing Recommendation.

CPCs showed broad support for this document. Japan also expressed its support for the proposal and emphasized the problem that at sea transshipments are monitored 100% by observers, while not even 5% of landings and in port transshipments by foreign fishing vessels are monitored. After making some small edits based on CPC comments to streamline and clarify the document, IMM endorsed the document, which is attached as **Appendix 5**, and agreed to forward it to PWG for consideration.

The United States stated that, in principle, it supports this proposal but must reserve its final position on the issue for the Annual Meeting in November 2023. In particular, the United States noted that it will need to consult with its enforcement experts to assess some of these suggested changes, including to reporting.

## ***7.2 Consideration of output from the Meeting of the Port Inspection Expert Group for Capacity Building and Assistance (PIEG)***

The ICCAT Secretariat presented the document “Summary Report of the Meeting of the Port Inspection Expert Group for Capacity Building and Assistance (PIEG)”. Fourteen CPCs participated in this meeting, which took place in May 2023. Participants presented their recent training and capacity-building activities. The European Fisheries Control Agency (EFCA) presented information on their activities in the framework of the EU-funded PESCAO Project and the “training for trainers” session held in Lomé (Togo) in November 2022. In the meeting, the EU also mentioned the legal support provided to The Gambia, Senegal, and Togo on implementation of the Agreement on Port State Measures (PSMA) and ICCAT port inspection rules. The United States reported their activities in the Indian Ocean, Asia, and South America. Namibia reported on a training held in May 2023 in relation to PSMA with the support of a Non-Governmental Organization (NGO). NGOs have also supported training in Ghana. There has also been a recent scoping trip to Côte d’Ivoire to assess their ICCAT training needs. ICCAT intends to hold at least one training in Côte d’Ivoire. Currently, there is an ongoing needs assessment mission in Nigeria and, depending on the results, a training may also be held in this country this year. CPCs are encouraged to support this initiative by carrying out joint training or making contributions to the Monitoring, Control, and Surveillance Fund (MCSF). The manual developed by the PIEG has been updated and is being printed this year. IMM supported the ongoing work of the PIEG.

## **8. Vessel listing requirements**

### ***8.1 Consideration of vessels listing requirements for vessels taking ICCAT species as bycatch***

The United States presented the document “Discussion Paper: Exceptions to ICCAT’s authorized vessel listing requirements for vessels taking ICCAT species as bycatch”, which was previously discussed by PWG during the 23rd Special Meeting of the Commission in 2022. The United States explained that there are a number of measures that establish species-specific authorized vessel lists but include an exception for vessels catching that species as bycatch if the CPC establishes a maximum onboard bycatch limit for such vessels and reports this information in its Annual Report. However, the United States is concerned that the bycatch exceptions in authorized vessel list requirements undermine the monitoring, control, and surveillance of ICCAT fisheries because incomplete species-specific authorized vessel lists result in importers, port inspectors, and others being unable to immediately verify whether a vessel is authorized to land certain species. The United States noted that it does not intend to prohibit vessels that rarely catch a non-target but otherwise legal species from landing or trading that catch, but rather to ensure that vessels that are known to regularly take these species as bycatch are included on ICCAT’s relevant record of authorized vessels. The United States suggested that each Panel reconsider these provisions during the negotiation of any new management measures at the 2023 Annual Meeting and that the Compliance Committee (COC) review CPC compliance with the reporting requirements relevant to these provisions.

Several CPCs shared the U.S. concern and asked what an appropriate solution to this issue would be. The United States referred to Panel 3’s southern albacore measure, which, among other things, created a maximum per trip bycatch limit of 5% of the total catch. The United States expressed that a similar percentage may also be appropriate for other species, but that it would depend on the fishery and appropriate discussions and decision by the relevant Panel.

IMM agreed that this was an important MCS issue for the Panels to consider in 2023, and that it is important to have appropriate levels of bycatch that can be monitored in order to determine if vessels taking ICCAT species as bycatch are doing so in compliance with the current limits and reporting requirements.



The IMM Chair also raised the related issue detailed in point 4 of “Requests to IMM for clarification”, in which the ICCAT Secretariat draws attention to the request for clarification from Suriname in 2022 as to whether vessels which may take ICCAT species occasionally as bycatch should be registered on the ICCAT Record of Vessels.

In this document, the ICCAT Secretariat requested that CPCs provide clarification on whether, based on the [Recommendation by ICCAT replacing Recommendation 19-02 replacing Recommendation 16-01 on a Multi-annual Conservation and Management programme for Tropical Tunas \(Rec. 21-01\)](#), tropical tuna fishing (catching) vessels, e.g. longliners of less than 20 meters, can be entered in the ICCAT Record of TROP Vessels, and whether support vessels of less than 20 meters should be entered into this Record. IMM’s previous interpretation was that vessels of less than 20 meters should not be entered into the Record; however, during the discussions, CPCs did not all agree on this interpretation. Following further deliberations, IMM decided to refer this issue to Panel 1. In the meantime, it was decided to include vessels of less than 20 meters in the ICCAT Record of TROP Vessels.

The ICCAT Secretariat also requested input regarding the format for submissions of sport and recreational vessels authorized to catch albacore in the Mediterranean Sea under the [Recommendation by ICCAT amending the Recommendation 21-06 to establish a Rebuilding Plan for Mediterranean Albacore \(Rec. 22-05\)](#). IMM agreed that it should follow the format indicated for recreational Mediterranean swordfish vessels under [Recommendation by ICCAT replacing Recommendation 13-04 and establishing a Multi-annual Recovery Plan for Mediterranean Swordfish \(Rec. 16-05\)](#).

## 9. Progress on issues identified through the Performance Review

The IMM Chair referred to the document “Follow up of the ICCAT Performance Review – PWG” and explained that the last performance review was completed several years ago and since then, few updates have been made to the document. The intention was for IMM to update the document before it is sent to the Commission in November 2023. This may be the last opportunity to do so, should the Commission proceed with a third performance review. The United States noted there is one item relating to data confidentiality rules of procedure that was completed last year in the Plenary at the 2022 Annual Meeting and thus can be updated.

In the interests of time, the IMM Chair encouraged CPCs to provide comments in writing intersessionally in order that the most up-to-date version of the document be submitted to PWG at the Annual Meeting in November 2023, reflecting the PWG’s work on the Recommendations as accurately as possible.

## 10. Other matters

Japan presented the document “A question to IMM on the designation of prohibited areas for transshipment” and requested CPCs’ interpretation on paragraph 7 of [Recommendation by ICCAT on the conservation of the South Atlantic stock of shortfin mako caught in association with ICCAT fisheries \(Rec. 22-11\)](#), which stipulates that CPCs whose fishing vessels retain South Atlantic shortfin mako shall prohibit transshipping, whole or in part, of South Atlantic shortfin mako caught in association with ICCAT fisheries, specifically, the question related to whether or not the prohibition applies to areas outside the Convention area. A number of CPCs expressed their view that the prohibition also applies to areas outside the Convention area, noting that ICCAT has adopted measures that apply outside the Convention area in the past, particularly as they relate to MCS rules including the [Recommendation by ICCAT on transshipment \(Rec. 21-15\)](#).

Lastly, the ICCAT Secretariat requested clarification as to which transshipment declarations should be submitted to the ICCAT Secretariat in accordance with paragraph 21 of [Rec. 21-15](#) – specifically, whether in-port transshipment declarations should be sent to the ICCAT Secretariat. The interpretation of the ICCAT Secretariat that only at-sea transshipment declarations should be sent to the ICCAT Secretariat was agreed to by IMM. It was noted, however, the CPC that had previously indicated that their understanding of paragraph 21 of [Rec. 21-15](#) requires in-port transshipment declarations also be sent to the ICCAT Secretariat was not present at the IMM meeting.

The GFCM representative thanked IMM and expressed the hope that there would be further cooperation between GFCM and ICCAT in the future, particularly with regard to a possible joint workshop on sea turtles. He added that discussions were also being held with the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) with a view to furthering cooperation between all three bodies in areas of mutual interest.

## **11. Adoption of report and closure**

The CPCs agreed that the report would be adopted by correspondence.

The IMM Chair thanked everyone present for their contributions and noted particular appreciation to the meeting host Japan, and the untiring efforts by the ICCAT Secretariat and the interpreters to ensure a successful meeting. The Chair closed the meeting.

## Agenda

1. Opening of the meeting and meeting arrangements
2. Nomination of rapporteur
3. Adoption of agenda
4. Review of Statistical and Catch Documentation Schemes (SDP/CDSs):
  - 4.1 Consideration of outputs from the Ad Hoc Working Group on Catch Document Scheme (CDS)
  - 4.2 Consideration of the work of the eBCD Technical Working Group (eBCD TWG) and any necessary actions
5. Consideration of measures relating to monitoring and inspection and flag state responsibilities:
  - 5.1 Consideration of outputs (minimum standards) for Electronic Monitoring Systems (EMS) developed by the Electronic Monitoring Systems (EMS) Working Group
  - 5.2 Review of progress on pilot projects:
    - 5.2.1 Remote Electronic Monitoring (REM) on processing vessels
    - 5.2.2 Stereoscopic cameras during first transfer
  - 5.3 Review of issues arising from Rec. 22-08:
    - 5.3.1 Review of derogation (para 101)
    - 5.3.2 Review and possible revision of percentage of margin of error (paras 205 and 213)
    - 5.3.3 Consideration of any possible amendments in the use of ICCAT seals in E-BFT cages (para 237)
    - 5.3.4 Review of procedures for fresh harvest up to 50 t without ROP (paragraph 102)
    - 5.3.5 Issues deferred from Panel 2 (Annex 10 and Annex 14 of Rec. 22-08 and NORTUNA project in Cabo Verde)
  - 5.4 Review of the progress made by the Ad Hoc Working Group on Labour Standards (LSWG) and consideration of any necessary actions
6. At sea boarding and inspection:
  - 6.1 Review of pilot program established under Res. 19-17
  - 6.2 High Seas Boarding and Inspection Schemes
7. Port State measures:
  - 7.1 Review of Rec. 18-09
  - 7.2 Consideration of output from the Meeting of the Port Inspection Expert Group for Capacity Building and Assistance (PIEG)
8. Vessel listing requirements:
  - 8.1 Consideration of vessels listing requirements for vessels taking ICCAT species as bycatch
9. Progress on issues identified through the Performance Review
10. Other matters
11. Adoption of report and closure

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**Discussion paper on bluefin tuna (BFT) processing on board  
(proposal to amend Rec. 18-13 to record BFT processing activity)  
(submitted by Japan)**

## 1. Background and outline

Japan submitted the discussion paper (PA2\_607A/2022) to the 2022 Annual Meeting that proposes an amendment of Rec. 18-13 to record BFT processing activities. Many CPCs supported the proposal, while some CPCs argued that it should be first discussed within the Working Group on Integrated Monitoring Measures (IMM) and/or eBCD Technical Working Group (eBCD TWG). As a result, paragraph 195 was added to Rec. 22-08 which stipulates that IMM and the eBCD TWG shall discuss the technical, administrative, and control requirements of Japan's proposal before it can be considered by the Commission in 2023.

As the proponent of the proposal, Japan submits the following to amend Rec. 18-13 to record BFT processing activities. This proposal is a slightly modified version of our original proposal (PA2\_607A/2022), as the scope of the proposal has been extended and now includes "dead tunas caught by traps." As we reviewed our original proposal, we realized that not only farmed BFT but also BFT caught by traps should be the target of this proposal, as BFT caught by traps also have the same issues as farmed BFT regarding the absence of the information on processing in the current eBCD. In addition, Japan has provided a schematic chart (**Appendix 1**) that shows how the validation of the eBCD should be carried out when the proposed amendment is incorporated into Rec. 18-13.

## 2. Amendments to Rec. 18-13

A. The following column should be inserted between '7. Harvest Information' and '8. Trade Information' in Annex 2:

8. PROCESSING INFORMATION						
PROCESSING FACILITY DESCRIPTION						
NAME		FLAG			ICCAT REC. No.	
PRODUCT DESCRIPTION						
F	RD (kg)	GG (kg)	DR (kg)	FL (kg)	OT (kg)	TOTALWEIGHT (kg)
FR	RD (kg)	GG (kg)	DR (kg)	FL (kg)	OT (kg)	TOTALWEIGHT (kg)

B. The following new section should be added before "8. TRADE INFORMATION" in Annex 3:

### "8. PROCESSING INFORMATION

(1) Completion

(a) *General principles:*

This section is only applicable to dead farmed tunas and dead tunas caught by traps destined for processing.

The domestic seller or exporter or their authorized representative or an authorized representative of the CPC of the seller/exporter or the captain of the processing vessel, where applicable, shall be responsible for completion.

The PROCESSING INFORMATION section shall be completed within 48 hours after the completion of the processing operation for each farm or trap.

*(b) Specific instructions:*

"NAME": list the name of the processing vessel.

"FLAG/STATE": indicate the flag CPC.

"ICCAT REC. No": indicate the ICCAT number of the processing vessel.

"PRODUCT DESCRIPTION": indicate processed weight in kg for each type of processed product.

(2) Validation

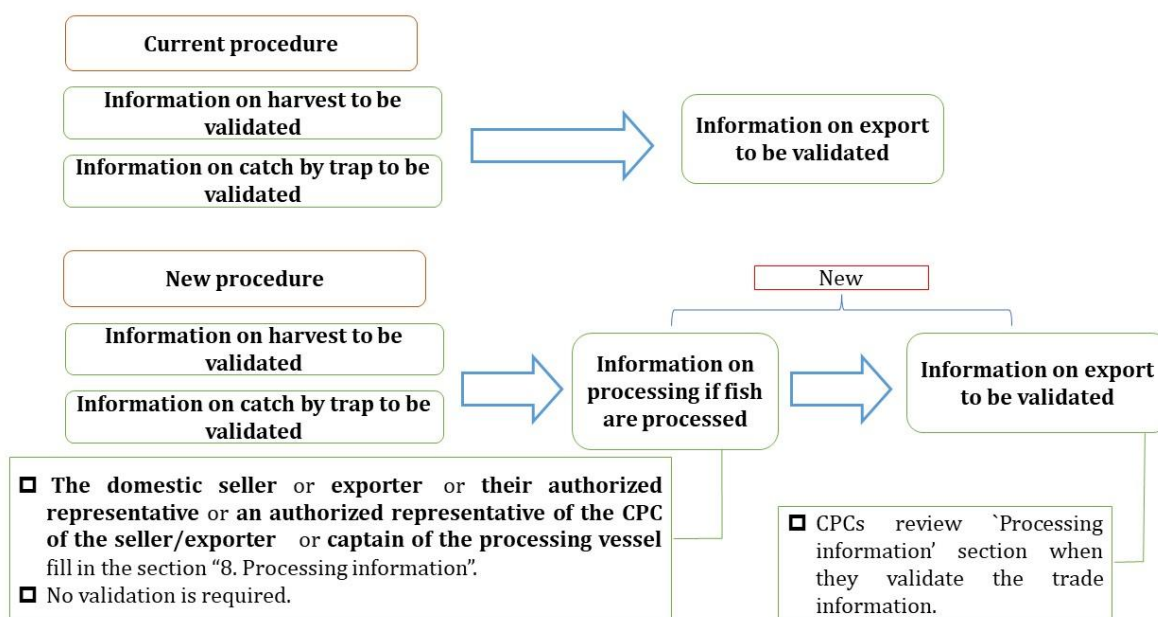
The validation of this section is not required.

C. First sentence in "8. TRADE INFORMATION (2) Validation" should be amended as follows:

"The CPC of the seller/exporter shall be responsible for validation of the TRADE INFORMATION section, after reviewing the PROCESSING INFORMATION, as appropriate, unless bluefin tuna are tagged in accordance with Paragraph 20 of the Recommendation. "

**Appendix 1**

**Schematic chart of validation of eBCD with proposed amendment**



**Explanatory note on the Draft Recommendation by ICCAT for a Joint International  
Inspection Scheme in the Convention Area in Areas Beyond National Jurisdiction**  
*(proposed by Canada and Senegal)*

In November 2022, Canada submitted a proposal to the PWG at the 23rd Special Meeting of the Commission to create a Scheme of Joint Inspection that would apply to all fishing occurring in the entire ICCAT Convention area in areas beyond national jurisdiction. Canada, as well as Senegal who joined the proposal as a co-sponsor, were pleased with the high level of support that many Contracting Parties expressed for the proposal, but recognized that some Contracting parties still had reservations, and in the end, consensus was not reached.

We are interested to continue to build toward consensus on this issue, especially in view of the current lack of a cooperative enforcement scheme in the western Atlantic, in contrast to the eastern Atlantic and Mediterranean where schemes are in place for eastern bluefin and Mediterranean swordfish. We remain concerned about illegal, unreported, and unregulated (IUU) fishing activity in the Convention area in areas beyond national jurisdiction, and its negative impacts on the sustainability of ICCAT stocks and the fishing opportunities of CPCs.

We recognize that multiple Schemes of Joint Inspection in the ICCAT Convention area could lead to inconsistencies in application. In order to bring a whole-of-Convention-area approach, we are pleased to submit this proposal for a single Scheme of Joint Inspection for the ICCAT Convention area in areas beyond national jurisdiction based on text presented in document PWG-415D in November 2022 (the last version considered by the PWG) for CPCs' consideration.

This Scheme of Joint Inspection would incorporate all terms and conditions of the existing inspection schemes for eastern bluefin and Mediterranean swordfish and would apply to all areas under the jurisdiction of ICCAT but beyond national jurisdiction. However, these existing inspection schemes would remain in effect until a single Scheme of Joint Inspection for ICCAT comes into force.

In 2022, we made great progress to address the concerns of different CPCs. During the 2022 Annual Meeting, we: narrowed the scope of the measure to apply only to Contracting Parties; refined the language around the use of force; and incorporated several provisions to make the joint inspection scheme an equitable and efficient tool in which all CPs can participate. Given the progress made last year, and the strong support gathered, we are therefore re-tabling the last version discussed at last year's annual meeting.

Canada and Senegal invite responses and comments from all CPCs on this draft Recommendation in the hope that it can be adopted at the 28th Regular Meeting of ICCAT in 2023.

**Draft Recommendation by ICCAT for a Joint International  
Inspection Scheme in the Convention Area in Areas Beyond National Jurisdiction**  
*(proposed by Canada and Senegal)*

*RECALLING* the *ICCAT Scheme of Joint International Inspection* (Ref.75-02), Annex 7 of the *Recommendation by ICCAT amending the Recommendation 18-02 establishing a Multi-annual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean* (Rec. 19-04), establishing a joint international inspection scheme for the eastern Atlantic and Mediterranean bluefin tuna fishery and Annex 1 of the *Recommendation by ICCAT replacing the Recommendation 13-04 and establishing a Multi-annual recovery plan for Mediterranean swordfish* (Rec. 16-05), establishing a joint international inspection scheme for the Mediterranean Swordfish fishery;

*FURTHER RECALLING* the *Recommendation by ICCAT on Vessel Sightings* (Rec. 19-09), and the *Recommendation by ICCAT concerning the ban on landings and transshipments of vessels from non-Contracting Parties identified as having committed a serious infringement* (Rec. 98-11);

*RECALLING ALSO* the *General outline of integrated monitoring measures adopted by ICCAT* at the 13th Special Meeting of the Commission (Ref. 02-31);

*DESIRING* to collaborate in the adoption of a system of joint international enforcement as provided in paragraph 3 of Article IX of the ICCAT Convention;

*INTENDING* to strengthen ICCAT's monitoring, control, and surveillance regime to promote compliance with the ICCAT Convention and the Recommendations of the Commission by expanding the use of a joint international inspection regime to the entire Convention srea beyond areas of national jurisdiction;

*RECOGNIZING* the value of establishing a Scheme of Joint International Inspection for the Convention Area beyond areas of national jurisdiction that reflects current international standards and is available to all fisheries or areas under the jurisdiction of ICCAT;

[*ENCOURAGING* Contracting Parties, as appropriate, to support, join and participate in regional and international monitoring, control and surveillance initiatives, working groups and networks and to share information and practices that strengthen enforcement of the ICCAT inspection scheme to combat IUU fishing;]

[*ENCOURAGING* Contracting Parties, as appropriate, to support, join and participate in regional and international monitoring, control and surveillance initiatives, working groups and networks and to share information and practices that strengthen the implementation of this Recommendation;]

THE INTERNATIONAL COMMISSION FOR THE  
CONSERVATION OF ATLANTIC TUNAS RECOMMENDS THAT:

A Scheme of Joint International Inspection be established as follows:

**Section I. Definitions**

For the purpose of the Scheme of Joint International Inspection:

1. "Fishing" means the catching, taking, or harvesting of fishery resources under the competence of ICCAT; the attempted catching, taking, or harvesting of such resources; or any other activity which can reasonably be expected to result in the catching, taking, or harvesting of such resources;
2. "Fishing activities" means fishing and any other activity in preparation for, in support of, or related to fishing, including storage, processing, transporting, transferring fish to or from cages, and transshipment of fish or fish products;



3. "Fishing vessel" means any powered vessel used for, intended to be used for, or equipped for use for fishing activities including catching vessels, support vessels, fish processing vessels, towing vessels, transport vessels, carrier vessels and any other vessel directly engaged in fishing activities;
4. "Inspection vessel" means any vessel authorized by a Contracting Party and assigned to the ICCAT register of inspection vessels under the Joint International Inspection Scheme;
5. "Inspector" means an official designated and authorized by a Contracting Party and assigned to conduct boarding and inspections in the ICCAT Convention area beyond areas of national jurisdiction under the Joint International Inspection Scheme;
6. "Scheme" means the Joint International Inspection Scheme established by this Recommendation;
7. "IUU fishing" means activities as defined in paragraph 3 of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and as further defined in paragraph 1 of *Recommendation by ICCAT amending Recommendation 18-08 establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activity* (Rec. 21-13).

## **Section II: Purpose and area of application**

8. International boarding and inspection conducted pursuant to this Scheme is intended to monitor compliance with the ICCAT Convention and related Recommendations in force.
9. This Scheme applies in the ICCAT Convention area beyond areas under national jurisdiction, and to the fishing activities by Contracting Parties that occur in that area.

## **Section III: General rights and provisions**

10. Each Contracting Party can, according to the provisions of this Recommendation, participate in this Scheme by conducting boarding and inspection of Contracting Parties' fishing vessels in the ICCAT Convention area beyond areas under national jurisdiction and to fishing activities that occurred in that area.

### ***Duties of the Contracting Parties***

11. All Contracting Parties are encouraged to provide inspectors and inspection vessels according to their capacity to do so, and may begin to participate in conducting inspections under this Scheme at any time.
12. Each Contracting Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag, their Masters, and its inspection vessels and/or inspectors if applicable, fulfil their respective duties and requirements as described in this Recommendation.

[...]

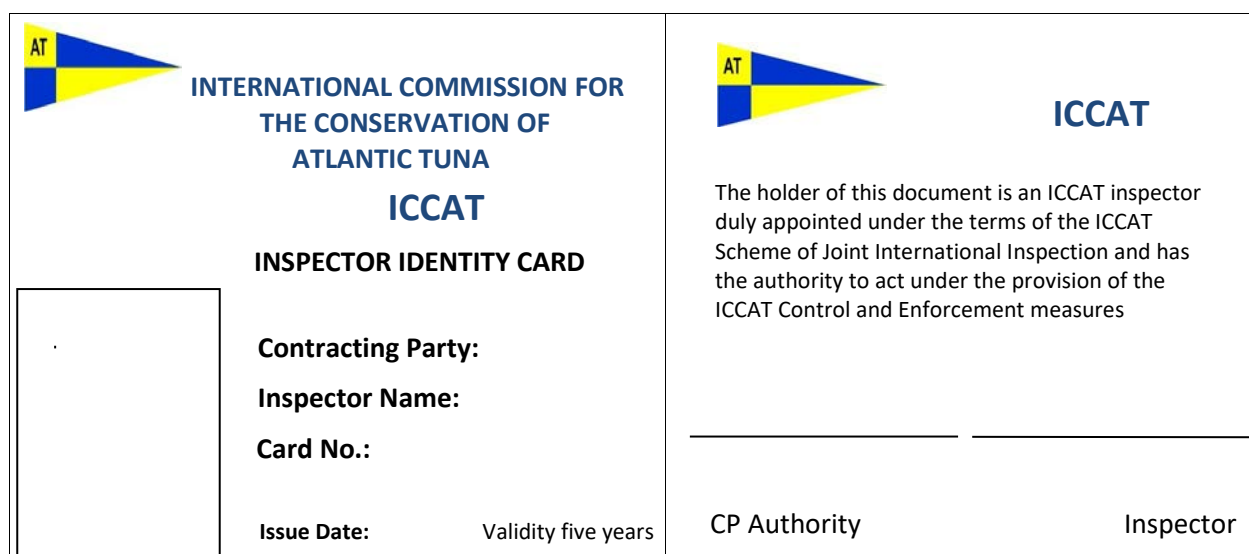
13. [The arrangements set out in this Recommendation and the plans for participation shall not apply between two Contracting Parties that have made an agreement to that effect and notified the Executive Secretary, specifying the date of entry into force of that agreement.]
14. Within 30 days of the start date of this Scheme, each Contracting Party shall advise the Executive Secretary of a point of contact for the purposes of receiving notifications, inspection reports and immediate notification of infringements pursuant to this Scheme. It shall notify any changes to this information to the Executive Secretary as soon as possible, but no more than 14 days after the effective date of the change.
15. Boarding and inspections shall be carried out by inspectors and inspection vessels assigned to the Scheme by a Contracting Party pursuant to paragraph 16 below.

**Notification requirements**

16. A Contracting Party that intends to participate in this Scheme by conducting boarding and inspection under the Scheme, including by deploying inspectors on board the inspection vessel of another Contracting Party pursuant to an agreement under paragraph 17, shall:

- a) so notify the Executive Secretary, no later than 30 days in advance of the inspection vessel or inspector’s deployment, providing the following particulars:
  - i. its national authority responsible for at-sea inspection, as well as the name and contact details (including telephone and e-mail address) for a point of contact within that authority;
  - ii. with respect to inspectors it assigns pursuant to these procedures: (A) the names of the authorities responsible for boarding and inspection; (B) notification that such authorities’ inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force; and (C) notification that such authorities’ inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission;
  - iii. an example of the credentials issued to inspectors by the national authority referred to in subparagraph (i) above, except where a Recommendation requires the following ICCAT-approved credential:

*Dimensions: Width 10.4cm, Height 7cm*



and

- iv. for each inspection vessel designated by a national authority referred to in subparagraph (i) above, its name, description, image, registration number, port of registry and, if different from the port of registry, the name of the port as marked on the hull, international radio call sign and particulars of any other communication capabilities.
- b) notify the Executive Secretary of any changes to the information it has provided pursuant to subparagraph (a) above as soon as possible and, in all cases, before a new inspection vessel or national authority participates in the Scheme;
- c) ensure that each inspection vessel it authorizes to participate in the Scheme is clearly marked and identifiable as being on government service, and displays the ICCAT inspection flag or pennant depicted in **Appendix 1**;

- d) ensure that the inspectors of any inspection vessel authorized and assigned to participate in the Scheme have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the Recommendations in force pursuant to the Convention; and
- e) ensure that any inspector it authorizes to participate in the Scheme remains under its operational control, is fully familiar with the fishing activities being inspected and has been issued the credentials notified pursuant to this paragraph.

### ***Exchange of inspectors***

17. Consistent with *the Resolution by ICCAT amending Resolution 18-11 by ICCAT establishing a Pilot Program for the Voluntary Exchange of Inspection Personnel in fisheries managed by ICCAT (Res. 19-17)*, Contracting Parties are encouraged to enter into standing or ad hoc arrangements to allow for an inspector, authorized by a Contracting Party, to be deployed on inspection vessels of another Contracting Party to facilitate communication and coordination for the purpose of implementing the Scheme.
- a) Such arrangements should establish a process for the timely identification of the authorized inspection vessels involved and include provisions for the cooperative deployment of personnel and the use of vessels, aircraft or other equipment for fisheries surveillance and law enforcement purposes.
  - b) In addition to the notification requirements of paragraph 16, the Contracting Parties involved shall notify the Executive Secretary of any arrangement reached under this paragraph.
  - c) Contracting Parties deploying inspection vessels should, subject to having an agreement as outlined in this paragraph, embark authorized inspectors from another Contracting Party if such inspectors are available. Foreign inspectors may participate in all inspections conducted by the inspection vessel under this Scheme as inspectors or as observing members of the inspection party, as agreed upon by the two Contracting Parties prior to deployment.

### ***Duties of the Executive Secretary***

18. The Executive Secretary shall,
- a) establish, maintain and post to the secure part of the ICCAT website accessible to all Contracting Parties:
    - i. a register, including the information notified by the Contracting Parties under subparagraph 16.a; and
    - ii. information on the arrangements referred to in paragraph 17.
  - b) issue the ICCAT inspection flag or pennant depicted in **Appendix 1** of this Recommendation to Contracting Parties deploying inspection vessels pursuant to the Scheme.

### **Section IV: Inspection**

19. Inspection shall be conducted in a transparent, non-discriminatory manner taking into account, *inter alia*, vessel fishing patterns and compliance records, the presence of observers, the frequency and results of prior inspections, and the full range of measures available to monitor compliance with ICCAT Recommendations.

### ***Priorities for inspections***

20. The inspecting Contracting Party should give priority to inspecting a fishing vessel:
- a) that does not have an observer deployed on the vessel;

- b) that is considered to be large-scale fishing vessel as per Rec. 21-14;
- c) entitled to fly the flag of a Contracting Party that is eligible for inclusion in the ICCAT Record of Fishing Vessels, but is not included;
- d) where there are reasonable grounds to suspect the fishing vessel is, or has been, engaged in IUU fishing or in any activity in contravention of the ICCAT Convention or Recommendations;
- e) included in the list of vessels that have engaged in IUU fishing adopted by a regional or sub-regional fisheries management organization;
- f) pursuant to a request by a Contracting Party or a regional or sub-regional fisheries management organization supported by evidence of IUU fishing by the vessel in question; or
- g) with a known history of violating conservation measures adopted by international agreement or any country's national laws and regulations.

#### ***Optimal use of inspection resources***

21. Contracting Parties shall direct their inspection vessels to seek to establish regular contact with other inspection vessels or coastal States conducting monitoring, control, and surveillance operating in the same area for the purpose of sharing information, as appropriate, on sightings, inspections and other operational elements relevant to their activities under the Scheme.

#### ***Fishing vessels without nationality and vessels of undetermined flag***

22. In accordance with the notification requirements of paragraph 2(b) of the *Recommendation by ICCAT on Vessel Sightings* (Rec. 19-09) and taking into account *Recommendation by ICCAT on Vessels Without Nationality* (Rec. 21-12), an inspecting Contracting Party that sights or identifies a fishing vessel without nationality or of indeterminate flag, engaged in fishing activities in the Convention area beyond areas under national jurisdiction, shall report the sighting or identification to the Executive Secretary, who shall forward the reports to all Contracting Parties. Where there are reasonable grounds to suspect that such a fishing vessel is targeting ICCAT species and is stateless, the inspecting Contracting Party may take such action as may be appropriate in accordance with international law and relevant ICCAT Recommendations.
23. In accordance with paragraph 2(b) of the *Recommendation by ICCAT on Vessel Sightings* (Rec. 19-09), an inspection vessel that sights or identifies a fishing vessel that may be fishing contrary to ICCAT conservation and management measures shall immediately report such sighting to the authorities of the inspecting Contracting Party who shall notify the flag State of the fishing vessel and the Executive Secretary of such sighting.
24. The inspection vessel shall, if possible, advise the Master of the sighted vessel that they are operating within the ICCAT Convention area beyond areas under national jurisdiction and may be fishing contrary to conservation and management measures adopted by ICCAT. The inspecting Contracting Party shall request permission from the flag State of the fishing vessel to board and inspect the fishing vessel. A report of the encounter and of any ensuing inspection shall be transmitted to the flag State of the fishing vessel and to the Executive Secretary.

#### ***Duties of the Executive Secretary***

25. The Executive Secretary shall,
- a) upon receipt, immediately distribute to the Contracting Parties the reports received pursuant to paragraphs 22, 23, and 24; and
  - b) compile, maintain, and post to the secure part of the ICCAT website a list of vessels reported pursuant to paragraphs 22 and 23.

## Section V: Boarding and inspection procedures

### *Conduct of inspections*

26. An inspection vessel that intends to undertake boarding and inspection of a fishing vessel entitled to fly the flag of a Contracting Party pursuant to the Scheme shall:
  - a) seek to establish contact with the fishing vessel by radio, using the appropriate International Code of Signals or other internationally accepted means of alerting the vessel;
  - b) identify itself as an inspection vessel by communicating its name, registration number, international radio call sign and frequency;
  - c) advise the vessel of its intention to board and inspect the vessel pursuant to the Scheme;
  - d) initiate notice through its authorities to the flag Contracting Party point of contact of the fishing vessel; and
  - e) display the ICCAT inspection flag or pennant depicted in **Appendix 1** in a clearly visible fashion.
27. The inspection vessel and the inspectors shall make best efforts to communicate with the Master of the fishing vessel in a language that the Master can understand.
28. The number of inspectors assigned to an inspection party by the inspecting Contracting Party shall be determined by the commanding officer of the inspection vessel taking into account relevant circumstances. The inspection party should be as small as possible to conduct an effective inspection safely and securely.
29. Boarding and inspection shall be conducted:
  - a) in accordance with generally accepted international standards, regulations, procedures and practices relating to the safety of the fishing vessel and its crew; and
  - b) to the extent possible, in a manner that avoids:
    - i. undue interference with the lawful activity of the fishing vessel;
    - ii. actions that would adversely affect the quality of the catch; and
    - iii. harassment of the fishing vessel, its officers or crew.
30. In conducting an inspection pursuant to this Scheme, the inspectors shall:
  - a) upon boarding, present their credentials, in accordance with paragraph 16 (a) (iii), to the Master;
  - b) present a copy of the text of the relevant measure in force pursuant to the Convention in the relevant area of the high seas;
  - c) avoid interfering with the Master's ability to communicate with the flag Contracting Party of the fishing vessel;
  - d) inspect and record such images of the fishing vessel's license, gear, equipment, facilities, fish and fish products on board, and logbooks, records and documents as may be necessary to verify compliance with, or establish any suspected infringements of, the ICCAT Convention or Recommendations, including relevant information provided by the Observer – if present;
  - e) collect, and clearly document in the inspection report, any evidence of a suspected infringement of the ICCAT Convention or Recommendations;

- f) record the inspection and any suspected infringement in the fishing vessel's logbook or, where the vessel's logbook is electronic, provide a written record of the inspection and any suspected infringement;
  - g) affix an identification mark approved by ICCAT to fishing gear which contravene ICCAT Recommendations and record this fact in his/her report;
  - h) provide the Master with a copy of the inspection report including any objection or statement which the master wishes to include in the report;
  - i) limit their enquiries to the ascertainment of the observance of the Commission's Recommendations in force in relation to the flag CPC of the vessel concerned;
  - j) complete the inspection within four 4 hours unless evidence of a serious infringement is found, or where a longer time period is required to monitor ongoing fishing operations and obtain related documentation issued by the Master; and
  - k) except where they have reasonable grounds to suspect that the fishing vessel has committed a serious infringement and other action is authorized pursuant to paragraph 41, promptly leave the vessel following completion of the inspection.
31. Where the inspectors have reasonable grounds to suspect that the fishing vessel has committed an infringement of the ICCAT Convention or Recommendations, they shall seek to so advise, without delay, any inspection vessel of the flag Contracting Party of the fishing vessel that may be present in the vicinity.

#### ***Use of force***

32. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.
33. The inspectors shall promptly report any incident involving the use of force to their national authorities responsible for at-sea inspection, who shall advise the contact point of the flag Contracting Party of the fishing vessel, and to the Executive Secretary.

#### ***Duties of the Master of the fishing vessel***

34. Each Contracting Party shall require that the Master of every fishing vessel entitled to fly its flag:
- a) when signaled by an inspection vessel displaying the ICCAT flag or pennant, using the International Code of Signals, accepts and, to the extent compatible with good seamanship, facilitates boarding by the inspectors, unless the vessel is directly engaged in fishing activities, in which case the Master shall maneuver to safely facilitate boarding as soon as possible;
  - b) provides a standardized boarding ladder and ensures safety measures are in place to prevent and respond as required to an accident during boarding, and from January 2024 ensures that the boarding ladder meets the requirements of IMO Resolution A.889(21);
  - c) cooperates with and assists in the inspection;
  - d) facilitates the inspection of, and provides access to such equipment, catch, gear and documents as the inspectors may consider necessary to verify compliance with the ICCAT Convention or Recommendations;
  - e) ensures that the crew avoids interfering with or obstructing the inspectors in the performance of their duties;
  - f) facilitates the taking of samples of processed fish by inspectors, for the purpose of species identification through DNA analysis;

- g) makes available the use of the vessel's communication equipment and operator, to the extent required by the inspectors;
- h) facilitates communication by the inspectors with the crew and the flag Contracting Party of the inspection vessel;
- i) provides the inspectors with reasonable facilities, including, where appropriate, food and accommodation;
- j) takes such action as may be necessary to preserve the integrity of any seal affixed by an inspector and of any evidence remaining on board;
- k) where the inspectors have made an entry in the logbooks, provides the inspectors with a copy of each page where such entry appears and, at the request of the inspector, signs each page to confirm that it is a true copy;
- l) refrains from resuming fishing activity until the inspectors have completed the inspection and, in the case of a serious infringement, secured the evidence; and
- m) facilitates the safe disembarkation of the inspectors.

### ***Refusal of boarding and inspection***

- 35. Where the Master of a fishing vessel refuses to allow boarding and inspection pursuant to this Scheme, the inspecting Contracting Party shall immediately so advise the point of contact of the flag Contracting Party of the fishing vessel and the Executive Secretary.
- 36. Upon receiving notification under paragraph 35, the flag Contracting Party of the fishing vessel shall:
  - a) except where generally accepted international regulations, procedures or practices relating to safety at sea make it necessary to delay the inspection, direct the Master to accept the inspection forthwith; and
  - b) where the Master does not comply with such direction:
    - i. order the Master to justify the refusal;
    - ii. where appropriate, take action in accordance with subparagraphs 43 (a) and (b); and
    - iii. promptly notify the Executive Secretary and the inspecting Contracting Party of the action it has taken.

## **Section VI: Inspection report and follow-up**

### ***Inspection reports***

- 37. Each Contracting Party shall require that its inspectors:
  - a) upon completion of an inspection, complete an inspection report in the form set out in **Appendix 2**;
  - b) sign the inspection report in the presence of the Master, who shall be given the opportunity to add or have added to the report any observations;
  - c) request the Master to sign the report only as an acknowledgement of receipt; and
  - d) before disembarking, provide a copy of the report to the Master, duly noting any refusal by the Master to acknowledge receipt.

***Transmission and dissemination of inspection reports***

38. Upon completion of the inspection, the inspecting Contracting Party shall transmit the inspection report, including a copy of all photographs taken, within 30 days, or sooner if possible, to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.
39. Notwithstanding paragraph 38, where inspectors have noted a serious infringement in the inspection report, the inspecting Contracting Party shall transmit, within 5 days, a copy of the inspection report and all supporting documents, images or audio recordings, to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.

**Section VII: Procedures relating to serious infringements*****Serious infringements***

40. Each of the following constitutes a serious infringement:
- a) fishing without a valid license, permit or authorization;
  - b) significant failure to maintain accurate records of catch or catch-related data in contravention of the ICCAT Convention or Recommendations, or significant misreporting of catch or catch-related data;
  - c) fishing in a closed area;
  - d) fishing during a closed season;
  - e) intentional taking or retention of species in contravention of ICCAT Recommendations;
  - f) significantly exceeding applicable catch limits or quotas;
  - g) intentional removal of fins and discarding of shark carcasses at sea in contravention of ICCAT Rec. 04-10;
  - h) using prohibited fishing gear;
  - i) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel or its gear, or failing to mark fishing gear;
  - j) concealing, tampering with or disposing of evidence related to an inspection or investigation of an infringement, including the breaking or tampering of marks or seals, or accessing sealed areas;
  - k) committing multiple infringements which, taken together, constitute a serious disregard of the ICCAT Convention or Recommendations;
  - l) assaulting, resisting, intimidating, harassing, interfering with, obstructing or unduly delaying inspectors or observers in the performance of their duties;
  - m) tampering with, disabling, or interfering with the vessel monitoring system (VMS) of the fishing vessel where VMS is required by ICCAT Recommendations;
  - n) operating a fishing vessel without VMS in contravention of ICCAT Recommendations;
  - o) presenting falsified documents or providing false information to an inspector so as to prevent a serious infringement from being detected;
  - p) fishing with the assistance of spotter planes in contravention of ICCAT Recommendations;
  - q) failure for the master of a vessel flagged to a Contracting Party to submit to an inspection;



- r) transshipping at sea in contravention of ICCAT Recommendations;
- s) operating a fishing vessel without an observer in contravention of ICCAT Recommendations; and
- t) such other violations identified as a serious infringement in future ICCAT Recommendations.

#### ***Duties of the inspectors***

41. Each Contracting Party shall require that, where its inspectors have noted a serious infringement in the inspection report, they:
- a) immediately notify their national authority responsible for at-sea inspection of all relevant particulars;
  - b) take all such measures as may be required to ensure the security and continuity of the evidence, including, as appropriate, marking or sealing the vessel's hold or gear for further investigation; and
  - c) where feasible, advise any inspection vessel of the flag Contracting Party of the fishing vessel they know to be in the vicinity of the serious infringement and of the action they have taken.

#### ***Duties of the inspecting Contracting Party***

42. Where notified by its inspectors of a serious infringement, the inspecting Contracting Party shall immediately transmit written notification of the serious infringement and a description of the supporting evidence to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.

#### ***Duties of the flag Contracting Party of the fishing vessel***

43. Upon receiving notification pursuant to paragraph 42, the flag Contracting Party of the fishing vessel shall:
- a) acknowledge receipt of the notification without delay;
  - b) require that the fishing vessel concerned:
    - i. ceases all fishing activity until it is satisfied that the infringement will not continue or be repeated and has so notified the Master;
    - ii. where appropriate to the conduct of a full and thorough investigation, proceed immediately to a port or other location it designates for investigation under its authority; and
    - iii. report to the Executive Secretary the measures it has taken pursuant to its laws in relation to the infringement.
44. The flag Contracting Party of the fishing vessel may authorize the inspecting Contracting Party to take such enforcement action as it may specify with respect to the vessel. It may also authorize an inspector from another Contracting Party to board or remain on board the vessel as it proceeds to port and to participate in the port inspection.

#### ***Failure of the flag Contracting Party to respond***

45. Where the flag Contracting Party of the fishing vessel fails to take action as required pursuant to paragraph 43, the inspectors shall immediately so advise their national authority responsible for at-sea inspection and record the failure in the inspection report.
46. The inspecting Contracting Party shall notify the Executive Secretary of the flag Contracting Party's failure to respond.

47. The flag Contracting Party shall, without delay, provide to the Executive Secretary a written explanation of its failure to respond.

#### ***Duties of the Executive Secretary***

48. The Executive Secretary shall,
- a) upon receipt, post any notifications received pursuant to paragraphs 42 or 46, and any explanation received pursuant to paragraph 43, to the secure part of the ICCAT website;
  - b) transmit, upon receipt, the justification received pursuant to paragraph 47 to the inspecting Contracting Party;
  - c) maintain a record of actions reported by the flag Contracting Party pursuant to paragraph 43, post such record to the secure part of the ICCAT website, and refer the information to the Commission for its consideration; and
  - d) review a serious violation under the procedures described in the *Recommendation by ICCAT amending Recommendation 18-08 on establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities* (Rec. 21-13), taking into account any response actions and other follow-up.

#### **Section VIII: Follow-up enforcement action**

##### ***Cooperation***

49. Contracting Parties shall cooperate to facilitate judicial or other proceedings initiated as follow-up to a report submitted by an inspector pursuant to the Scheme.

##### ***National treatment***

50. Each Contracting Party shall:
- a) without prejudice to their national legislation, treat interference by its fishing vessels, their Masters or crew with an inspector or an inspection vessel of another Contracting Party in the same manner as interference with its own inspectors within areas under its national jurisdiction; and
  - b) accord treatment to reports of inspections conducted by inspectors of another Contracting Party consistent with that accorded to reports of their own inspectors.

##### ***Duties of the Flag Contracting party of the fishing vessel***

51. A Contracting Party that has been notified of an infringement committed by a fishing vessel entitled to fly its flag shall:
- a) investigate immediately and fully, including as appropriate, by physically inspecting the fishing vessel at the earliest opportunity or, authorize the inspecting Contracting Party to take enforcement action as appropriate under the circumstances;
  - b) cooperate with the inspecting Contracting Party to preserve the evidence in a form that will facilitate proceedings in accordance with its laws;
  - c) if the evidence so warrants, take judicial or administrative action, as appropriate; and
  - d) ensure that any sanctions applied are adequate in severity to be effective in securing compliance, deterring further infringements and, to the extent possible, depriving the offenders of the benefits accruing from the infringement, including, *inter alia*:

- i. fines;
  - ii. seizure of the fishing vessel, illegal fishing gear and/or catches;
  - iii. suspension or withdrawal of authorization to fish; and
  - iv. reduction or cancellation of any fishing allocations.
- e) notify the Executive Secretary of the measures taken pursuant to this paragraph as soon as possible.

## **Section IX: Annual compliance report**

### ***Reports by the Contracting Parties***

52. Each Contracting Party shall for the period ending on September 30 of that year, include in its annual report to the Commission, a summary of:
- a) the boarding and inspection activities it has conducted pursuant to the Scheme;
  - b) the action it has taken in response to reported infringements by its fishing vessels, including any enforcement procedures and the sanctions it may have applied; and
  - c) an explanation regarding every reported infringement concerning which it has taken no action.

### ***Report of the Executive Secretary***

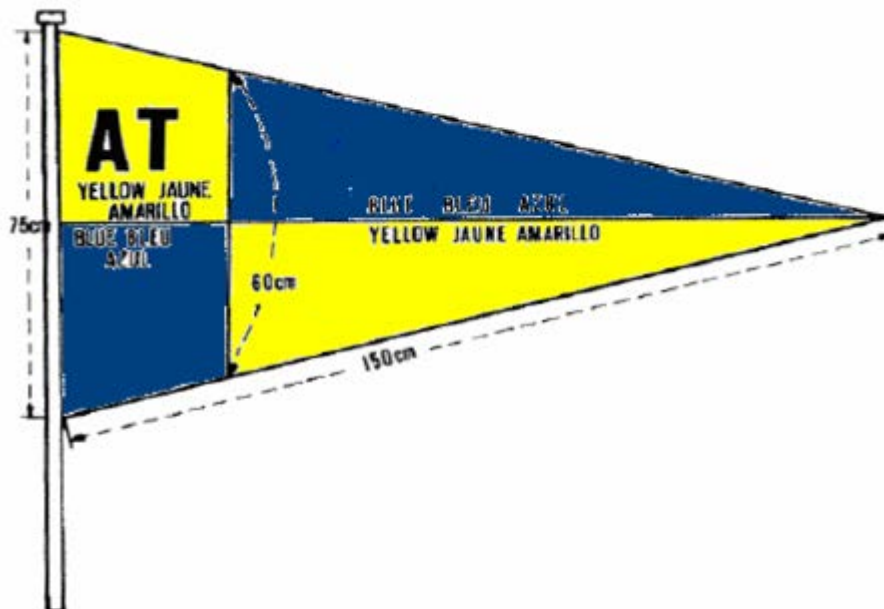
53. The Executive Secretary shall submit to the ICCAT Commission before each annual meeting a report setting out a description of:
- a) the boarding and inspection activities and follow-up actions taken, as reported by each Contracting Party, for the period ending 30 September;
  - b) the instances where boarding and inspection was refused by a fishing vessel of a Contracting Party, and any follow-up action taken by that Contracting Party in respect of such fishing vessel; and
  - c) the cases where force was used including the reported circumstances thereof.

## **Section X: Coming into force, transition from existing schemes, and review**

54. This Recommendation shall become effective as of 1 January 2025, except that application of this Scheme in the eastern Atlantic and Mediterranean bluefin tuna and Mediterranean swordfish fisheries may be further delayed until such time as the Commission agrees that the specificities of the inspection schemes included in the relevant Recommendations for those fisheries have been fully incorporated into the Scheme in this Recommendation.
55. The 2024 meeting of the Integrated Monitoring Measures (IMM) Working Group shall discuss implementation of the Scheme to prepare for the coming into force in 2025.
56. This Scheme shall be reviewed by the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), to identify areas for improvement, no more than 2 years after adoption and at regular intervals thereafter.
57. An ad hoc working group shall be established, to begin meeting regularly in 2024 to discuss implementation of the Scheme, develop recommendations on priorities for patrol activities and, once the Scheme has become effective, share information on best practices (including on uses of technology) and develop recommendations on how the measure can be improved. The reports of the working group will be circulated to the Commission and submitted to the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), for consideration during its annual review of this Recommendation.

ICCAT Inspection Flag or Pennant

ICCAT Pennant



**ICCAT Boarding and Inspection Report Form**

1. Inspection report No.		2. Inspection Vessel		
3. Inspecting authority				
4. Name of principal inspector		ID		
5. Location of inspection (as determined by inspecting vessel)		Lat.		Long.
6. Location of inspection (as determined by fishing vessel)		Lat.		Long.
7. Commencement of inspection		YYYY	MM	DD
8. Completion of inspection		YYYY	MM	DD
9. Last port and date of last port call		YYYY		MM
10. Vessel name		DD		
11. Flag State				
12. Type of vessel				
13. International Radio Call Sign				
14. Certificate of registry ID				
15. IMO ship ID, if available				
16. External ID, if available				
17. Port of registry				
18. Vessel owner(s) and address				
19. Vessel beneficial owner(s), (if known and different from vessel owner) and address				
20. Vessel operator(s), if different from vessel owner				
21. Vessel master name and nationality				
22. Fishing master name and nationality				
23. Vessel agent				
24. VMS		Type:		
25. Status in ICCAT and other RFMOs, including any IUU vessel listing				
Vessel identifier	RFMO	Flag State status	Vessel on authorized vessel list	Vessel on IUU vessel list

<b>26. Relevant fishing authorization(s)</b>					
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	
<b>27. Catch retained onboard (quantity)</b>					
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained (based on inspection)</i>	
<b>28. Examination of logbook(s) and other documentation</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>29. Compliance with applicable catch documentation scheme(s)</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>30. Compliance with applicable statistical document scheme(s)</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>31. Type of gear used</b>					
<b>32. Gear examined</b>		<i>Yes</i>	<i>No</i>	<i>Comments</i>	
<b>33. Findings by inspector(s)</b>					
<b>34. Description of photographs taken</b>					
<b>35. Apparent infringement(s) noted including reference to relevant legal instrument(s)</b>					

36. Comments by the Master
37. Action taken
38. Master's signature*
39. Inspector's signature

\*The Master's signature serves only as acknowledgment of receipt of a copy of the inspection report.

**Revision Rec. 18-09: Explanatory introduction***(submitted by the European Union)*

Paragraph 29 of Recommendation 18-09 requires that each year CPCs shall inspect at least 5% of landing and transshipment operations in their designated ports that are made by foreign fishing vessels.

Over recent years, the data reported by the different CPCs on inspections and detected infringements, shows that only a very limited number of CPCs report information. This could point to weaknesses in the implementation of this important Recommendation.

However, with the information available on the basis of Rec. 18-09, it is not possible to assess whether there is a possible compliance issue regarding the minimum number of inspections required, or whether the explanation is of another nature.

To address this situation, it is proposed to amend paragraph 33 and add an Annex. These modifications will also be helpful when evaluating the effectiveness of this recommendation, in particular in relation to compliance with the 5% minimum number of inspections to be carried out by the different CPCs. It is also proposed to modify paragraph 35 to clarify some of the reporting provisions on this issue that are unclear in the existing Recommendation.



18-09

GEN

**RECOMMENDATION BY ICCAT ON PORT STATE MEASURES TO PREVENT, DETER  
AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

*RECALLING* the 2009 FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing;

*RECOGNIZING* that many Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) currently have port inspection schemes in place;

*ACKNOWLEDGING* that port State measures provide a powerful and cost effective means of preventing, deterring, and eliminating IUU fishing;

RECALLING *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* (Rec. 97-10);

*ALSO RECALLING* the *Recommendation by ICCAT further Amending the Recommendation by ICCAT to Establish a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* (Rec. 11-18) and the *Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels from non-Contracting Parties Identified as Having Committed a Serious Infringement* (Rec. 98-11);

*EMPHASIZING* the importance of ensuring that the challenges faced by developing CPCs in the implementation of port State measures are adequately addressed and maximizing the use of funding established under the *Recommendation by ICCAT to Support Effective Implementation of Recommendation 12-07 by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* (Rec. 14-08) in that regard;

*AWARE* of the ongoing work of the Port Inspection Expert Group for Capacity Building and Assistance established under the *Recommendation by ICCAT to Clarify and Supplement the Process for Seeking Capacity Building Assistance Pursuant to ICCAT Recommendation 14-08* (Rec. 16-18); and

*DESIRING* to strengthen ICCAT's monitoring, control, and surveillance regime to promote implementation of and compliance with conservation and management measures;

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

### Definitions

1. For the purposes of this Recommendation:
  - a) "Fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity that can be reasonably expected to result in the attracting, locating, catching, taking or harvesting of fish;
  - b) "Fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not previously been landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
  - c) "Fishing vessel" refers to any vessel, ship of another type or boat, used for, equipped to be used for, or intended to be used for, fishing or fishing related activities; and
  - d) "Port" includes offshore terminals and marine areas of the port, and other installations for landing, transshipping, packaging, processing, refueling or resupplying.

## Scope

2. Nothing in this Recommendation shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Recommendation shall be construed to affect the exercise by CPCs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this Recommendation.

This Recommendation shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.

CPCs shall fulfill in good faith the obligations assumed pursuant to this Recommendation and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

3. With a view to monitor compliance with ICCAT conservation and management measures, each CPC, in its capacity as a port CPC, shall apply this Recommendation for an effective scheme of port inspections in respect of foreign fishing vessels carrying ICCAT-managed species and/or fish products originating from such species that have not been previously landed, hereinafter referred to as "foreign fishing vessels".
4. A CPC may, in its capacity as a port CPC, decide not to apply this Recommendation to foreign fishing vessels chartered by its nationals operating under its authority and returning to its port. Such chartered fishing vessels shall be subject to measures by the chartering CPC which are as effective as measures applied in relation to vessels entitled to fly its flag.
5. Without prejudice to specifically applicable provisions of other ICCAT Recommendations, and except as otherwise provided in this Recommendation, this Recommendation shall apply to foreign fishing vessels equal to or greater than 12 meters in length overall.
6. Each CPC shall subject foreign fishing vessels below 12 meters length overall, foreign fishing vessels operating under charter as referred to under paragraph 4, and fishing vessels entitled to fly its flag to measures that are at least as effective in combating IUU fishing as measures applied to vessels referred to in paragraph 3.
7. CPCs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant ICCAT conservation and management measures.

## Points of Contact

8. Each CPC that grants access to its ports to foreign fishing vessels shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 13 of this Recommendation. Each CPC shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 35(b) of this Recommendation. Each CPC shall transmit the name and contact information for its points of contact to the ICCAT Secretariat no later than 30 days following the entry into force of this Recommendation. Any subsequent changes shall be notified to the ICCAT Secretariat at least 14 days before such changes take effect. The ICCAT Secretariat shall promptly notify CPCs of any such change.
9. The ICCAT Secretariat shall establish and maintain a register of points of contact based on the lists submitted by the CPCs. The register and any subsequent changes shall be published promptly on the ICCAT website.

## Designated ports

10. Each CPC that grants access to its ports to foreign fishing vessels shall:
  - a) Designate its ports to which foreign fishing vessels may request entry pursuant to this Recommendation;

- b) Ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this Recommendation;
  - c) Provide to the ICCAT Secretariat within 30 days from the date of entry into force of this Recommendation a list of designated ports. Any subsequent changes to this list shall be notified to the ICCAT Secretariat at least 14 days before the change takes effect.
11. The ICCAT Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port CPCs. The register and any subsequent change shall be published promptly on the ICCAT web site.
12. Each CPC that does not grant access to its ports to foreign vessels shall so indicate in its Annual Report submitted under Ref. 12-13. Should it subsequently decide to grant access to its ports to foreign fishing vessels, it shall submit the information required under paragraphs 8 and 10(c) to the Secretariat at least 14 days before the change takes effect.

### **Advance request for port entry**

13. Each port CPC that grants access to its ports to foreign fishing vessels shall require foreign fishing vessels seeking to enter its ports to provide the following information at least 72 hours before the estimated time of arrival at the port:
- a) Vessel identification (External identification; Name; Flag State; ICCAT Record No., if any; IMO No., if any; and IRCS);
  - b) Name of the designated port, as referred to in the ICCAT register, to which it seeks entry and the purpose of the port call (e.g., resupplying, landing or transshipment);
  - c) Fishing authorization or, where appropriate, any other authorization held by the vessel to support fishing operations on ICCAT species and/or fish products originating from such species, or to transship related fishery products;
  - d) Estimated date and time of arrival in port;
  - e) The estimated quantities in kilograms of each ICCAT species and/or fish products originating from such species held on board, with associated catch areas. If no ICCAT species and/or fish products originating from such species are held on board, a report indicating that (i.e., a “nil” report) shall be transmitted;
  - f) The estimated quantities for each ICCAT species and/or fish products originating from such species in kilograms to be landed or transshipped, with associated catch areas.

The port CPC may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

14. Each CPC shall require any vessels flying its flag that is seeking entry to, or is in, the port of another CPC to:
- a) comply with obligations implemented by that port CPC pursuant to this Recommendation including obligations for the Master to provide information under paragraph 13; and
  - b) cooperate with the port CPC in inspections carried out pursuant to this Recommendation.
15. The port CPC may prescribe a longer or shorter advance notification period than specified in paragraph 13, taking into account, *inter alia*, the type of fishery products landed in its ports, the distance between the fishing grounds and its ports, and its resources and procedures for considering and verifying the information. In such a case, the port CPC shall inform the ICCAT Secretariat of its advance notification period, and the reasons therefor, within 30 days from the date of entry into force of this Recommendation. Any subsequent changes shall be notified to the ICCAT Secretariat at least 14 days before the change takes effect.

**Port entry, authorization or denial**

16. After receiving the relevant information pursuant to paragraph 13, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the port CPC shall decide whether to authorize or deny the entry of the vessel into its port.
17. Without prejudice to paragraph 19, when a CPC has sufficient proof that a foreign fishing vessel seeking entry to its port has engaged in IUU fishing or fishing related activities in support of such fishing the CPC shall deny that vessel entry into its port and shall communicate this decision to the master of the vessel or its representative.
18. In the event that the port CPC decides to deny the entry of the vessel into its port, it shall so notify the vessel or its representative and shall also communicate the decision to the flag State of the vessel, to the ICCAT Secretariat for posting on the secure part of the ICCAT website and, as appropriate and to the extent possible, to relevant coastal States, regional fisheries management organizations or arrangements (RFMO/As) and other inter-governmental organizations (IGOs).
19. Notwithstanding paragraph 17, a port CPC may allow entry to its port of a vessel referred to in that paragraph exclusively for the purpose of inspecting it and taking other appropriate actions in accordance with international law that are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
20. Where a vessel referred to in paragraph 17 is in port for any reason, the port CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, processing and for other port services including, *inter alia*, refueling and resupplying, maintenance and dry docking. Paragraph 22 applies *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

**Force majeure or distress**

21. Nothing in this Recommendation affects the entry of foreign fishing vessels to port in accordance with international law for reasons of Force Majeure or distress, or prevents a port CPC from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**Use of ports**

22. Where a foreign fishing vessel has entered one of its ports, the port State CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Recommendation, that vessel the use of the port for landing, transshipping, packaging, or processing fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry docking, if:
  - a) The port CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the ICCAT Convention area;
  - b) The port CPC receives clear evidence that the fish on board was taken in contravention of ICCAT conservation and management measures;
  - c) The flag CPC does not confirm within a reasonable period of time, on the request of the port CPC, that the fish on board was taken in accordance with relevant ICCAT conservation and management measures; or
  - d) The port CPC has reasonable grounds to believe that the vessel otherwise engaged in IUU fishing, or fishing related activities in support of such fishing, in the ICCAT Convention area, including in support of a vessel included in ICCAT's *List of Vessels Presumed to Have Carried Out IUU Fishing Activities in the ICCAT Convention Area and other areas*, unless the vessel can establish:

- i. that it was acting in a manner consistent with relevant ICCAT conservation and management measures,
  - ii. in the case of provision of personnel, fuel, gear and other supplies at sea to a vessel on ICCAT's IUU list, that the vessel that was provisioned was not, at the time of provisioning, included in the ICCAT IUU list.
23. Notwithstanding paragraph 22, the port CPC shall not deny a vessel referred to in that paragraph the use of port services:
  - a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
  - b) where appropriate, for the scrapping of the vessel.
24. Where a port CPC has denied a vessel the use of its ports, it shall promptly notify the vessel or its representative; the flag State of the vessel; the ICCAT Secretariat, for posting on the secure part of the ICCAT website, and, as appropriate and to the extent possible, relevant coastal States, RFMO/As, and other IGOs.
25. A port CPC shall withdraw its denial of the use of its port only if the port CPC is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous, or that such grounds no longer apply.
26. Where a port CPC has withdrawn its denial of the use of its port, it shall promptly notify those to whom a notification was issued pursuant to paragraph 24.
27. In case the port CPC decides to authorize the entry of the vessel into its port in accordance with paragraph 19, the provisions set forth in the following section on port inspection shall apply.

#### **Port inspections**

28. Inspections shall be carried out by properly qualified inspectors of a competent authority of the port CPC.
29. Each year CPCs shall inspect at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
30. In determining which foreign fishing vessels to inspect, the port CPC shall, in accordance with its domestic law, give priority to:
  - a) a vessel that has failed to provide complete and accurate information as required in paragraph 13;
  - b) a vessel that has been denied port entry by another CPC in accordance with this Recommendation;
  - c) requests from other CPCs or relevant RFMO/As that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing, or fishing related activities in support of such fishing, by the vessel in question;
  - d) other vessels for which clear grounds exist for suspecting that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, including information derived from inspection reports submitted under this scheme and information from other RFMO/As.

## Inspection procedure

31. Each inspector shall carry a document of identity issued by the port CPC. In accordance with domestic laws, port CPC inspectors shall examine all relevant areas, decks and spaces of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any documents, including fishing logbooks, Cargo Manifests and Mates Receipts and landing declarations in case of transshipment, relevant to verifying compliance with the ICCAT conservation and management measures. They may also question the Master, crew members, or any other person on the vessel being inspected. They may take copies of any documents they consider relevant.
32. In case the vessel is landing or transshipping ICCAT species, inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 13 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided, to the extent practicable.
33. On completion of the inspection, the port CPC inspector shall provide the Master of the foreign fishing vessel with the inspection report containing the findings of the inspection, including possible subsequent measures that could be taken by the port CPC, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The Master shall be given the opportunity to add any comments or objection to the report, and to contact the competent authority of the flag State, in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the Master.

[...]

34. Flag CPCs shall take necessary action to ensure that Masters facilitate safe access to the fishing vessel, cooperate with the competent authorities of the port CPC, facilitate the inspection and communication and do not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port CPC inspectors in the execution of their duties.

## Procedure in the event of apparent infringements

35. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed an infringement of the ICCAT conservation and management measures, the inspector shall:
  - a) record the infringement in the inspection report;
  - b) transmit the inspection report to the port CPC competent authority, which shall, within 14 days following the date of completion of the inspection, forward a copy to the ICCAT Secretariat and to the flag State point of contact and, as appropriate, the relevant coastal State. If the inspection report cannot be transmitted within 14 days, the port CPC should notify the ICCAT Secretariat within the 14-day time period the reasons for the delay and when the report will be submitted;
  - c) to the extent practicable, ensure safekeeping of the evidence pertaining to such infringement, including original documents where appropriate. If the port CPC refers the infringement to the flag State for further action, the port CPC shall promptly provide the evidence collected to the flag State.
36. Nothing in this Recommendation prevents a port CPC from taking actions that are in conformity with international law in addition to those specified in paragraph 38. The port CPC shall promptly notify the action taken to the flag State, the relevant coastal State, as applicable, and the ICCAT Secretariat, which shall promptly publish this information in the secure part of the ICCAT website.

37. Infringements that do not fall within the jurisdiction of the port CPC, and infringements referred to in paragraph 35 for which the port CPC has not taken action, shall be referred to the flag State and, as appropriate, the relevant coastal State. Upon receiving the copy of the inspection report and evidence, the flag CPC shall promptly investigate the infringement and notify the ICCAT Secretariat of the status of the investigation and of any enforcement action that may have been taken within 6 months of such receipt. If the flag CPC cannot notify the ICCAT Secretariat this status report within 6 months of such receipt, the flag CPC should notify the ICCAT Secretariat within the 6 month time period the reasons for the delay and when the status report will be submitted. The ICCAT Secretariat shall promptly publish this information in the secure part of the ICCAT website. CPCs shall include in their Annual Report (Ref. 12-13) information regarding the status of such investigations.
38. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in Rec. 18-08, the port CPC shall deny the vessel the use of port in accordance with paragraph 22, promptly report the case to the flag State, and the relevant coastal CPC, as applicable. The port CPC shall also notify as soon as possible the ICCAT Secretariat that the vessel has engaged in IUU fishing or fishing related activities, and provide supporting evidence. The ICCAT Secretariat shall include the vessel in the draft IUU list.

### **Annual reporting**

39. Port CPCs shall submit each year by 15 September, in relation to activity occurring between 1 January and 31 December of the previous year, the data listed in Annex 1 in the format to be provided by the Secretariat. The ICCAT Secretariat shall promptly publish this information in the secure part of the ICCAT website.

### **Requirements of developing CPCs**

40. CPCs shall give full recognition to the special requirements of developing CPCs in relation to a port inspection scheme consistent with this Recommendation. CPCs shall, either directly or through the ICCAT Secretariat, provide assistance to developing CPCs in order to, *inter alia*:
- a) Develop their capacity including by providing technical assistance and funding to support and strengthen the development and implementation of an effective system of port inspection at national, regional and international levels and to ensure that a disproportionate burden resulting from the implementation of this Recommendation is not unnecessarily transferred to them;
  - b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organizations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this Recommendation; and
  - c) Either directly or through the ICCAT Secretariat, assess the special requirements of developing CPCs concerning the implementation of this Recommendation.

### **General provisions**

41. CPCs are encouraged to enter into bilateral or multilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with ICCAT conservation and management measures. Information regarding such programs, including a copy of such agreements or arrangements, should be included in Annual Reports of CPCs (Ref. 12-13).
42. Without prejudice to domestic laws of the port CPC, the flag CPC may, in the case of appropriate bilateral or multilateral agreements or arrangements with the port CPC or at the invitation of that CPC, send its own officials to accompany the inspectors of the port CPC and observe or take part in the inspection of its vessel.

43. Flag CPCs shall consider and act on reports of infringements from inspectors of a port CPC on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. CPCs shall cooperate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Recommendation.
44. The Commission shall review this Recommendation no later than its 2020 Annual Meeting and consider revisions to improve its effectiveness.
45. The *Recommendation by ICCAT for an ICCAT Scheme of Minimum Standards for Inspection in Port* (Rec. 12-07) is repealed and replaced by this Recommendation.



### Data fields for the reporting of port inspections

[...]

- Number of landings from foreign fishing vessels landing ICCAT species in their ports;
- Number of transshipments from foreign fishing vessels transshipping ICCAT species in their ports;
- Port denials and withdrawal of denials and the reasons;
- Information on the inspections carried out on these vessels in accordance with the provisions of paragraph 29, including;
  - Date of entry into port
  - Port
  - Inspection report number
  - Flag of vessel
  - Vessel name
  - Date of inspection
  - Infringement reported (Y/N)
  - Infringement details
  - Actions taken as a result of the detected infringement
  - Observations
  - Responses from flag State