

**REPORT OF THE INTER-SESSIONAL MEETING OF THE CONSERVATION AND
MANAGEMENT MEASURES COMPLIANCE COMMITTEE (COC)**

(Barcelona, Spain – March 24 to 27, 2009)

1. Opening of the meeting

The Inter-Sessional meeting of the Conservation and Management Measures Compliance Committee (COC) was opened on Tuesday, March 24, 2009 in Barcelona, Spain under the chairmanship of Dr. Chris Rogers (USA).

The Chairman of ICCAT, Mr. Fabio Hazin, welcomed all parties to Barcelona and thanked the EC for hosting the meeting. He stated that it was time for ICCAT to show the world that it is committed to the protection of tuna. The rules should apply to all, including non ICCAT members.

The Executive Secretary, Mr. Driss Meski, informed the meeting of the recent passing of one of the ICCAT interpreters, Ms. Christine Marie Pierre Bourgoïn. A minute of silence was observed.

The Chair of the Compliance Committee reminded parties of the Terms of Reference of the Committee [Ref. 95-15] and the *Recommendation by ICCAT to Hold a Compliance Committee Inter-Sessional Meeting in 2009* [Rec. 08-13] which established the need for this inter-sessional meeting. There was a sense of urgency to ensure that measures are in place for the 2009 fishing season. The Chair recalled that issues previously highlighted by the SCRS included a lack of data and undeclared catches.

The List of Participants is attached at **Appendix 2**.

2. Nomination of Rapporteur

Mr. Conor O'Shea (European Community) was appointed Rapporteur.

3. Adoption of Agenda and meeting arrangements

The Agenda was adopted with one amendment proposed by the Chair. A new Agenda item 4 was inserted which allowed parties present to give a synopsis of the questionnaire they had submitted in advance of the meeting. The revised Agenda is attached at **Appendix 1**.

4. Initial review of responses to Questionnaire

The Chair invited CPCs to give a brief synopsis of the questionnaires they had completed and submitted prior to the meeting. Following the presentation of the synopsis by each CPC, other CPCs were invited to raise any preliminary queries they had on the questionnaire of the CPC concerned.

Following the Tour de Table, the Chair summarized the main points raised by the CPCs as follows:

- Parties were concerned about declarations of overharvest and believed a remedy must be found to address this.
- Joint Fishing Operations (JFOs) were mentioned several times and were considered problematic by CPCs present. There were issues of monitoring and control of these JFOs, and parties

expressed a need for clear authorization procedures together with follow up by the involved parties regarding approval of requests for JFOs.

- Parties noted that in some cases trade data (import and export figures) did not correspond. It was understood that differences could be due to conversion factors, growth rates, etc., but this needs to be examined in greater detail.
- Some parties were unclear about accounting for fish caught in traps and transferred to processing vessels. There was uncertainty about whether landing or transfer documents should be completed.
- Concerns were raised by CPCs about the capacity controls in the *Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 06-05] and the apparent lack of implementation by some CPCs.
- Several concerns were raised about application of the catch documentation scheme (CDS). In particular, accounting for catches under a chartering arrangement and correct implementation of the scheme when catch is exported through an intermediary country required clarification.
- Concerns were raised regarding the enforcement of minimum size limits at landing.
- Concerns were raised regarding reported infractions and the enforcement actions taken by CPCs.
- It was noted that some CPCs do not appear to be fully complying with VMS requirements. In response, several parties raised technical issues regarding transfer of VMS data to the ICCAT Secretariat.
- IUU catches of bluefin tuna continue to be a serious concern. SCRS reported that up to 60,000 t of bluefin may have been caught, which is nearly double the authorized TAC. Several parties noted such fish have a market and therefore this matter must be investigated.
- Several parties noted the need for clarity on the issue of the required level of observer coverage. It was suggested that a common terminology would provide a basis to calculate the percentage of observer coverage.
- Monitoring and recording of catches taken in sport and recreational fishing was seen as incomplete for some parties, especially with regard to Task II data.

The Chair then led an examination of the “Tabulation of Responses Received to the Compliance Questionnaire” (i COC-004) for the purposes of reviewing the situations of CPCs not present at the meeting. In some cases CPCs had not responded to the questionnaire. In other cases, responses were incomplete or indicated that compliance issues existed.

In the case of Panama, it was noted that no response to the questionnaire had been received. It was a concern that many of the tugs and carrier vessels were Panamanian flagged and VMS requirements were not being fulfilled. A second issue was raised in that there appeared to be transshipments by Panamanian vessels in EC ports in 2007 and 2008. The Committee agreed that the situation of Panama required further examination.

5. Review of implementation of and compliance with Rec. 06-05 based on the answers to the questionnaire on compliance

6. Review of implementation of and compliance with Rec. 06-07 based on the answers to the questionnaire on compliance

7. Examination of the compliance status of Contracting Parties based on point 6 of Rec. 08-13:

- a) undeclared overshooting of the CPC's quota;
- b) unjustified failing to provide catch and farming reports within the agreed ICCAT deadlines;
- c) failing to participate in the meeting of the COC where the concerned CPCs compliance status is discussed;
- d) lack of meaningful monitoring, verification and enforcement measures;
- e) failing to implement the Bluefin tuna catch documentation on the market.

Items 5, 6 and 7 of the Agenda were taken together in order to have a comprehensive review of each party's response to the questionnaire. The Chair led a detailed examination of each CPC's responses to the questionnaire by asking each party for explanations and inviting comments and questions by other CPCs.

Libya

The Delegate from Libya provided information on vessels that were no longer active and differences in the methodology used to compile the 2007 and 2008 catch data. The delegate updated the meeting of changes currently taking place in Libyan law to take into consideration Rec. 08-05. Libya provided information on the procedures followed to validate BCDs and on queries regarding import and export records.

A discussion ensued on JFO's conducted by Libyan vessels with EC and Turkish vessels.

The Delegate of the EC advised that the catch of any EC vessels involved in the JFOs with Libya had been recorded against EC quotas. They stated that the main element of EC control of a JFO is the assignment of an individual quota to the EC vessel. There is a requirement to record catches on a daily basis and a distribution key for each vessel is agreed beforehand.

In the case of Turkey in 2008, six Turkish vessels were listed as being involved in JFOs with Libya. There appeared to be a discrepancy between the catch figures recorded by Libya for these vessels and the figures reported by Turkey. The two parties agreed to investigate the catch figures and report back to the Committee in November 2009.

The EC expressed surprise that no infractions were detected by Libya in 2007 and 2008 because this has been recognized by the Committee as a difficult period for monitoring and control.

Libya also provided information on how its VMS system operated with all the information being sent directly to the ICCAT Secretariat. Libya confirmed the intent to put the infrastructure in place over the next two years to establish its own monitoring center.

The Delegate of Japan advised that he was happy to have this type of discussion and thanked the Delegate of Libya for the candid replies. Japan reminded CPCs of the purposes of the inter-sessional to identify non-compliance, to recommend actions for the CPCs and also to make improvements to monitoring and control measures.

The Delegate from Libya stated that its implementation situation is much better than it was a few years ago but asked parties to understand that more time is needed to improve.

The Delegate of Libya reported spotting three aircraft at the start of the fishing season but the nationality of these aircraft was not identified.

Uruguay

No questions were raised on the questionnaire submitted.

Japan

The Delegate from Japan provided an explanation on how the catch resulting from the charter arrangement with Algeria was dealt with.

The Delegate of EC asked Japan and the Secretariat to provide information on the implementation of the transshipment observer program and any problems encountered. Japan advised that so far no serious problems had been encountered but does have a concern about cost. The Secretariat acknowledged that the program was expensive, but recalled for CPCs that the Secretariat had undertaken a competitive tender process. The Secretariat believed that the program was working well but noted that placing an observer on a carrier vessel presents some logistical issues.

Japan was asked to provide information on how it calculates the percentage of observer coverage and whether the observer is on a vessel for the entire season. The Delegate of Japan responded that it is based on the number of fishing vessels and that an observer covers one voyage, although a vessel may make several voyages in a season. The Delegate of the United States commented that a common terminology was needed in order to agree on a basis to calculate the percentage of observer coverage.

Following the introduction of a document by the United States on an analysis of trade data (*i* COC-008), a discussion took place on how trade data was calculated. The Delegate of the United States stated that trade statistics provide an important catch monitoring tool and parties need to be diligent in analyzing the data.

The Delegate of Japan explained that one of the problems in using trade data to verify catches is that in some cases the date used on statistical documents is the date fish were harvested and in other cases it is the export date.

The Delegate of the EC stated that differences in the import and export statistics could be due to a carryover problem (especially for fish held in cages), double counting of processed product, different dates used for harvest from the wild or harvest from cages, etc.

The Delegate of Morocco raised the issues of recording gross or processed weight on the documents and also applying conversion factors for processed product. It was confirmed that the import and export data obtained from catch documents are intended to be processed weights.

All parties agreed to have further discussions in the margins of the meeting to reconcile trade figures and to address other concerns with this important issue of trade data.

Turkey

The Delegate of Turkey provided information on how Turkey was managing its fleet capacity. Turkey is looking at ways to manage fleet capacity by area. Further, Turkey informed the committee that regulatory efforts were underway to freeze bluefin tuna fishing capacity in 2009, followed by reductions to 50% of current levels in 2010 and to 30% of current levels in 2011. Turkey emphasized that its fleet was multi-purpose and did not only fish for bluefin tuna. Therefore, these levels should be considered targets and the actual reductions will depend on a balance of the needs for several different fisheries.

The Delegate of Libya noted that the number of Turkish vessels on the ICCAT list in 2008 (98) is greater than that in 2007 (76). Turkey advised that the number of licenses had increased but the number of vessels active in the bluefin fishery (that caught fish) was 46 in 2007 and 33 in 2008.

The Delegate of the EC asked about how the 46 purse seiners are controlled and, as it is a large fleet, how Turkey ensures that all listed vessels are not targeting bluefin tuna.

The Delegate of Turkey advised that from 1 May to 1 Sept fishing vessels are not allowed to fish for anything. Only authorized fishing vessels are allowed to fish for tuna and tuna-like species with a special permit in that time period. The vessels have a VMS system, designated ports and the same control measures as in other CPCs.

The Delegate of France (on behalf of St. Pierre & Miquelon) noted that, based on the number of licenses issued by Turkey, the allocation equated to approximately 10 t per vessel. Noting that the SCRS had used estimates of catch of 300 t per large vessel, he asked how in practical terms the system works to ensure catch quotas are not exceeded.

The Delegate of Libya raised the issue of Turkish vessels involved in JFOs with Libyan and EC vessels. The catch figures reported by Libya were greater than those reported by Turkey for the same vessels. In one case, there was a significant difference which the parties agreed warranted further investigation. The Delegation of Turkey undertook to work with Libya to resolve the differences in catch figures. The Delegate of Turkey indicated that action will be taken against the vessel if wrongdoing is discovered. It was noted that beginning in 2009, Turkish vessels will have an individual quota.

The EC Delegation undertook to work with Libya and Turkey on JFO discrepancies. It was agreed that active vessel management is necessary to monitor catches properly. SCRS has used estimates from 150 to 300 t for a 40 m purse seine vessel. The EC speculated that a 10 t quota is unrealistic and encourages fraud. There was a need to be more transparent on JFOs. Use should be made of the ICCAT website giving all details on JFOs which will allow CPCs to properly monitor these JFOs.

The Delegate of Japan raised concerns on the way Turkey was implementing the BCD program. It was questioned whether fish were being transferred to farms without a BCD being presented. Japan noted that this would not be in accordance with the procedure in Rec. 07-10. The Delegate of Turkey explained that this was a practical issue. Fish arriving at a farm are not allowed to be transferred into farming cages, but are accepted on a provisional basis until the BCD arrives.

The Delegate of Libya raised the issue of IUU activities involving the fishing vessels *Menara I* and *Menara II*. The Delegate of Turkey advised that Turkey never issued registration to these vessels or placed them on the ICCAT authorized vessel list. The EC informed the Committee that an inquiry is underway to investigate these vessels.

Canada

The Delegate of Canada provided information on how Canada manages its two annual recreational tournaments. Any catch comes from the commercial quota. Fish are weighed, measured and tagged and a minimum landing size applies.

Questions were raised about the lack of 2008 trade data in Canada's response to the questionnaire. The Delegate of Canada indicated that a manual data entry process was underway and updates would be provided. The Delegate of Japan pointed out many mistakes in entries of BCDs issued by Canada, and requested Canada to improve the situation. The Delegate of Canada said that it would consider the problem upon receiving actual cases.

United Kingdom (Overseas Territories)

No questions were raised on the questionnaire submitted.

Egypt

While Egypt had responded that the questionnaire was “Not Applicable”, an information paper was submitted regarding its bluefin fishery development plans. No questions were raised by the other CPCs.

Croatia

The Delegate of Croatia provided information on Croatia’s VMS system which is now in place. While Croatia was receiving VMS data from its vessels, there were technical issues regarding the transmission of this data to the ICCAT Secretariat.

The Delegate of Japan asked about the number of active vessels that were not successful in catching bluefin tuna. The Delegate of the United States asked about requirements for the BCD for fish placed in cages and Croatia indicated fish are not accepted without presenting a validated BCD.

Morocco expressed interest in the methods used to estimate the size of fish placed in cages and the Delegate of Croatia indicated that video cameras were used.

The EC asked if Croatia intended to continue raising smaller fish to market size or would change to a fattening operation with larger fish. The Delegate of Croatia stated that Croatia plans to continue its current operations.

Brazil

No questions were raised on the questionnaire submitted.

Tunisia

Tunisia provided information on an overharvest of approximately 13% of its 2008 quota. While Tunisia had under-harvested in the past, this is the first time the quota had been exceeded. Tunisia explained that it had closed the fishery before the ICCAT deadline and was being transparent in reporting final catch figures. Tunisia emphasized that it has implemented all ICCAT recommendations and has a vessel observer program in place. Several parties supported the transparency of Tunisia for declaring its overharvest in 2008.

The Delegate of Libya raised a question regarding a JFO involving Libyan, Italian and Tunisian vessels. Libya had not authorized its vessels to participate. Tunisia had approved participation by its vessel.

The Delegate of Japan questioned the landing declarations noting that the average size of some fish was less than 30 kg. Tunisia indicated that these catches were within the margin of tolerance of 8% and Tunisia will work towards the proper implementation of the minimum size requirement. Tunisia explained that the fishing guards and observers are able to verify the landing records.

Morocco

The U.S. Delegate asked for clarification of the reported by-catch figures. Morocco indicated that vessels which target small pelagics have occasional by-catch of bluefin tuna which amounted to 9 mt in 2008. Morocco was also questioned about its VMS program and replied that 100% of vessels **over**

24 m authorized for bluefin tuna have VMS and also have two observers. About 5% of smaller vessels targeting swordfish and small pelagics have VMS.

Equatorial Guinea

No questions were raised on the questionnaire submitted.

Syria

Syria was planning on having two Syrian vessels to target bluefin tuna in 2010, but indicated that it would be willing to fish their 2010 quota through a joint fishing operation. They would need assistance from other CPCs on training, monitoring, control, etc. For 2009, the fisheries sector is being restructured, for which reason there would be some delay in submitting the final Syrian bluefin tuna management plan for 2009. Syria requested that this belated submission be accepted by the Compliance Committee. The Syrian delegate also indicated that, in order to minimize pressure on the Mediterranean bluefin stock, Syria would not fish its quota in 2009, but carry this over to 2011.

No questions were raised on Syria's fishery development plan. However, the United States inquired about the average size of fish taken as by-catch in the Syrian nearshore fisheries. Syria responded that the by-catch is mostly smaller fish and this is a reason for developing a directed fishery further offshore.

Norway

No questions were raised on the questionnaire submitted. Norway reported that it had taken one bluefin tuna as by-catch off Ireland and it had been traded. Norway further reported that it was finalizing implementation of the BCD program.

United States

The Delegate of the United States provided information on the U.S. sport and recreational fishery. Bluefin of 185 cm or less are regarded as a recreational catch and cannot be sold. Permitted recreational vessels are allowed to take one commercial size bluefin tuna per year, which is called a "trophy" fish. In 2008, 13 trophy fish were reported, i.e. with a length greater than 185cm. As this catch is recreational, the trophy bluefin tuna cannot be sold. All recreational tournaments must be registered and all catches of bluefin tuna must be reported within 24 hours by telephone or internet. Failure to do so is subject to investigation and prosecution. The U.S. Coast Guard carries out at-sea inspections. The National Oceanographic and Atmospheric Administration (NOAA) Enforcement Officers carry out dockside fishing vessel inspections, including in cooperation with local State Enforcement Authorities. The EC asked the Delegate of the United States about compliance with the 10% allowance for small bluefin tuna. The U.S. Delegate replied that daily catch limits are adjusted to keep the recreational fleet within the allowable limit and that the United States has been in compliance with the provisions of relevant bluefin tuna recommendations. The EC also inquired about reducing monetary gain from the catch of small fish. The U.S. Delegate clarified that these fish cannot be sold. The EC and Japan Delegates had several questions on mortality of released fish. The U.S. Delegate indicated that mortality is estimated and reported to ICCAT as part of the scientific data transmitted to the Secretariat.

The EC noted discrepancies in the trade data between the EC and the United States. The parties agreed to consult with a view to resolving the differences.

China

The Delegate of China provided information on how China implemented the CDS program and that it has partially implemented the program. The Bureau of Fisheries, Ministry of Agriculture has informed buyers of the legislative requirements and instructed them not to buy IUU products. With respect to VMS, China indicated it has implemented the recommendation but has technical difficulties in transmitting data from its vessels to the Chinese monitoring station and then forwarding the data to the Secretariat. China provided information on an overharvest in 2008 and that it will be subject to a payback in 2009. Only two vessels are authorized to fish in 2009 to avoid a repetition of overharvest. There was a practical problem of this fish not being allowed to be exported to Japan until the issue of adjusting for the overharvest was resolved.

The Delegate of Japan expressed concern about how importers can check that the BCDs are fully validated. In Japan's view, this is the responsibility of Government officials. Japan asked how can the Chinese Government use ICCAT Regional Transshipment Observers to validate BCDs as this is not in conformance with the rules. The Delegate of China indicated that the observers verify catch but do not validate documents.

The Delegate of China indicated that China is working very hard to establish the ICCAT bluefin CDS. Information on catches is received from industry. He indicated that his country needs to look at implementation actions further, but noted the practical difficulty presented by the bluefin being caught in distant waters. China is looking to learn from other CPCs with distant water fleets, including the possibility of implementing a tagging program similar to Japan's.

The Delegate of Japan raised the issue of a large amount of tuna being processed in the free trade zone. China does not have any official monitoring scheme and this is a problem. Japan encouraged China to improve import controls and to monitor activities which occur in the free trade zone.

The Delegate of Japan noted that China's response to the questionnaire indicated landings in Japanese ports. Japan clarified that landings are not authorized for foreign vessels. China clarified that those were not direct landings, but transshipments.

Algeria

The Delegate of Algeria provided information on its observer program and emphasized that 100% of chartered vessels must have observers on board. Algeria keeps tight control to ensure that there are no difficulties in reporting catch and effort. This involves fishery control staff, the Coast Guard and scientific observers. On the national fleet, Algeria also has an observer program. With JFOs, Algeria needs to place a number of observers on different vessels. Because of difficulties in the past, JFOs will not be allowed in 2009. Algeria is trying to focus monitoring efforts on certain areas but it has a large coastline and must manage its artisanal fleet.

The Delegate of Japan asked about a proposed Algerian fleet renewal program. Algeria advised that this was a total fleet program so not all the vessels will be targeting bluefin tuna. These vessels will target small pelagics as part of the effort to reorganize the artisanal fleet.

Algeria has been late in implementing VMS. In 2008, all Algerian vessels were equipped with VMS. However, there was a problem as the data were not in the format required by ICCAT. Three different systems are used at present so an integration program is underway. In 2009, the VMS data will be collected in the correct format and will be sent to ICCAT.

There were questions about how the catch of chartered Japanese vessels was accounted for in the trade data reported by Algeria. The Chair noted that Algerian quota harvested by chartered vessels must be counted as Algerian catch and should be reflected in trade statistics if catch by chartered vessels is

exported. Given other available information, some parties noted a difficulty in reconciling the catch information provided.

Korea

The Delegate of Japan asked about how Korea validates BCDs. Korea indicated that the owner/operator of the fishing vessel informs the company headquarters in Korea of all catches, landings and transshipments. The company in turn informs the Ministry, which can contact the observer directly if it is necessary to verify information. Korea noted that only 2 BCDs were validated in 2008.

The Delegate of Japan inquired about a transfer of live bluefin to Malta with regard to validating the BCD. The Korean Delegate indicated that in this instance, the BCD was completed and delivered with the fish.

Korea noted it found discrepancies with the trade data of several parties and suggested the Secretariat convene a working group to reconcile trade data. The EC noted that when it received Korea's notification of a JFO with two French vessels, it did not meet EC requirements and was not approved. Korea noted that the JFO was authorized by two flag States, the Korean and the French government, and that 335 metric tons were already counted for the 2008 Korean quota.

France (St. Pierre & Miquelon)

The United Kingdom (Overseas Territories) noted there were no trade activities in respect of the bluefin tuna eastern stock and asked if there was any trade in the western stock.

The Delegate of France (St. Pierre & Miquelon) indicated that all catches were made by a vessel under charter from Canada. The products are landed in Canada and traded from the Canadian territory.

European Community

The U.S. Delegate asked the EC about JFOs, in particular, how they must be authorized under EC procedures and for what reasons the requests might be refused. Given the 2008 JFO which occurred with Korean and French vessels, the U.S. asked how JFO can be controlled if it is not authorized.

The EC Delegate advised that vessels in JFOs are fully monitored through the use of logbooks, VMS, catch reporting every five days, a crosschecking system, and real-time monitoring of catches on a daily basis. Each vessel over 24m has to have an individual quota. The EC has good cooperation with other CPCs in JFOs and while there may be difficulties with JFOs not being authorized, each EC vessel in a JFO has been fully monitored in terms of logbook checks and recording of catches against the vessel quota. The EC also uses other technologies such as Vessel Detection Systems. They also have independent 24/7 control which can be used on weekends when they cannot get full access to ICCAT information for third country vessels on the high seas.

Japan noted that JFOs are a concern for all parties and commended the EC for making great efforts. The establishment of a monitoring center in Vigo, Spain is to be welcomed. EC vessels are at the center of JFOs and EC should play a key role in monitoring activities.

The EC advised that on April 1 they will have put in effect new measures to monitor the EC fleet. They have 12 patrol boats and also aircraft available. The EC has introduced a specific monitoring program which was adopted on March 23, 2009. EC inspectors are available throughout the marketing chain, including at farms and at all points of transfer. In 2008, many infractions were detected and fines were imposed. The EC noted that it was the only CPC that closed its bluefin fishery for purse seiners on June 16 and this decision prevented overfishing in 2008.

The U.S. Delegate noted that catches of 11,125 t were initially reported for 2008 and there was a large increase in the amount reported in the Compliance Questionnaire.

The EC advised that 2008 data supplied as catch reporting were provisional. As a result of crosschecks and inspections, the figures were verified and updated as required. The definitive figures will be in the EC 2008 Annual Report. The EC advised that some artisanal fishing continued until the end of the calendar year. As checks are completed on catch reports, the total catch figure may be updated again.

The United States also requested information on the Panamanian vessel mentioned in the questionnaire. In response, the EC clarified that the Panamanian vessel was a processing vessel that landed the bluefin tuna in a community port.

The United States welcomed the increased monitoring and early closure of the bluefin fishery in 2008 but asked why the fishery was shut down so abruptly if individual vessels were assigned quotas. It was asked what catch data were missing from the early reports which led to the big increase in revised figures.

The EC Delegate advised that the catch rates increase exponentially in June compared with May. The catch level in a day can be very high. In June, fishermen tend to catch spawners, which are larger fish. Catch estimates were based on several factors, vessel reports, inspections, SCRS data, etc. Given the 5-day reporting requirement, the EC reported data on a provisional basis. In the meantime, with all the crosschecks and the inclusion of the artisanal fisheries data, the figure has increased to 14,963 t. This quantity includes catches by purse seiners having exhausted their quota (closure of the fishery on June 16, 2008) and also the catches by other fleets (longliners, baitboats and pelagic trawlers).

The United States requested clarification that a transfer document is used instead of a logbook. The EC responded that a transfer document is required along with a logbook and the vessel is subject to a fine for an infraction.

The Delegate of Japan inquired about the implementation of the bluefin CDS, which covers both domestic and international trade, and whether any information is available on artisanal trade within the EC.

The EC advised that they had written to Japan to confirm the full implementation of the bluefin tuna CDS by the EC in the context of domestic trade. The definition of domestic trade in Rec. 08-12 was intended to address movement between EC Member States. For bluefin tuna landed in a Member State and where the bluefin do not leave this Member State the catch is documented by a vessel logbook and sales notes data pending the validation of the BCD in accordance with paragraph 9d of Rec. 08-12.

The Delegate of Japan reiterated the significant amount of domestic consumption within the EC and believes a BCD should be used to document catches even within a Member State. The EC referred again to the systematic inspection of domestic landings and the use of logbooks and sales notes. Nearly 100% of the bluefin caught in the EC farms is exported, so the amounts consumed domestically are artisanal fisheries landings. On average, about 20% to 30% of fish caught is consumed in the EC.

The Delegate of Canada asked about sales of fish within EC and if there is a cross reference between sales notes and BCDs. The EC responded that cross references are carried out on logbooks, landing declarations, sales notes and BCDs.

The Delegate of Canada commended the EC on the considerable efforts put into monitoring and control in 2008, and asked if it is possible to provide an estimate of the total weight of fish associated with the catch reporting infringements that were detected. The EC could not provide the figure, but

noted that the levels of fines are commensurate with the gravity of the offence. The EC assured the Committee that all enforcement authorities are aware of the serious situation for bluefin tuna.

Canada recalled that, at the annual meeting in Morocco, the EC mentioned infractions associated with gillnet activity and requested an update on the situation. The EC advised that gillnets were prohibited since 2002 and the authorities continue to eradicate this type of activity. Before the end of 2009, the matter of driftnets should be effectively addressed.

The EC Delegate expressed concern that other CPCs have not sufficiently participated in monitoring and control of the bluefin fishery. The EC emphasized that it has a huge enforcement effort and it is important that all CPCs cooperate even though it is very expensive. There is also a need to involve CPCs that do not have fishing opportunities but provide tugs and transshipment vessels, as these vessels must also comply with the rules. The EC believes that the Secretariat should inform other CPCs that any vessels that do not comply will be detained as IUU vessels and it is very important that this message is sent out to those CPCs. The Chair and the Secretariat requested the assistance of the EC in drafting a communication for all CPCs that would highlight the EC efforts and intentions for monitoring the 2009 bluefin fishery.

Chinese Taipei

No questions were raised on the questionnaire submitted.

The Chairman then brought attention to the three CPCs that submitted a reply to the Questionnaire but were not present at the inter-sessional meeting to discuss their responses.

Albania

No questions were raised on the questionnaire submitted.

Iceland

The Delegate of Japan asked for clarification on the response to question 5 in Part A, which noted that if the Icelandic quota is not fished, it is transferred to the EC. The Chair advised that this was allowed for in the allocation scheme of Rec.02-08. The EC agreed with the Chair's interpretation but noted for the record that the transfer provision has never been used.

Mexico

No questions were raised on the questionnaire submitted.

Discussion on VMS

Given the number of questions raised by CPCs about implementation of the VMS requirements for the E-BFT fisheries, it was decided to continue with a general discussion on VMS to clarify the compliance issues.

The Delegate of China asked why frequent transmission of VMS data is necessary if the catch data are sent every 5 days. Is the VMS transmission necessary if nobody is looking at this vessel position information? The Chair advised that it was needed to plan and conduct at sea enforcement operations. China then asked if there should be a possibility of allowing the vessels to send VMS data directly to the Secretariat.

The Executive Secretary said that the SCRS was interested in access to the VMS data and that the Commission agreed in Marrakech that the Secretariat can allow access, provided that individual vessel information is kept confidential.

The EC Delegate stated that VMS is very important in order to know when the EC fleet enters other waters. It is used as part of cross checking procedure for logbooks and other reports. In addition, the EC Vessel Detection System is used to crosscheck the VMS data. There is a need for good cooperation so that CPCs can exchange data on exit and entry. It is very important that patrol vessels have access to fishing vessel VMS data and tug VMS data to make at sea inspection more efficient. The EC support SCRS access to VMS data so that fishing effort can be calculated.

The Delegate of Japan noted that there are very few Japanese flagged carrier vessels. Some vessels are flagged to other countries but are operated by Japanese companies and are required to have VMS. Japan questioned whether it is a requirement to provide carrier VMS information to the Commission.

The Delegate of Algeria asked if Japan sends VMS data to ICCAT for the vessels chartered by Algeria and Japan confirmed that it does so.

The Executive Secretary advised that the Secretariat only receives VMS data from fishing vessels and believed it had no mandate to get this information from carrier vessels. The Delegate of Libya remarked that carrier vessels were a very important part of the harvesting chain so we should consider the mandate of VMS and include carrier vessels. The Delegate of Turkey noted that Article 49 of Rec. 06-05 requires that carrier vessels should be included in the VMS program when carrying bluefin tuna. The Executive Secretary expressed concern that it was not clear that carrier vessels should have VMS and there was a need to address this at the November 2009 meeting.

It was Morocco's understanding that all vessels in the chain should have VMS and they understood this was mentioned at the Kobe meeting.

The Delegate of Turkey advised that in Article 3 of Rec. 06-05 the definition of a fishing vessel covers all vessels, including carrier vessels, and it is clear that VMS is required.

The Delegate of Japan stated that it is the flag State's responsibility and that this is a practical problem and is not working. Panama has flagged a number of these carrier vessels so they need to be asked to address these shortcomings. The EC remarked that there is a need to control all vessels. Therefore, they need to have VMS. The spirit of the bluefin recovery recommendation requires it.

The U.S. Delegate pointed out that, consistent with Recommendation 06-05, Rec. 08-05 defines fishing vessels to include carrier vessels and this applies from January 31, 2008.

The Chair confirmed that Rec. 06-05 and Rec. 07-10, taken together, include a VMS requirement for carrier vessels with BFT on board. However, the Chair advised CPCs to consult Rec. 08-05 as it comes into effect, to ensure that the changes which replace Rec. 06-05 have clarified the VMS requirement relative to carrier vessels for the 2009 season.

8. Examination of interim suspension or reduction of quota due to non-transmission of Task I and Task II reports for the year 2007

The Chair referred delegates to the meeting document (*i* COC-004A) which summarized the Task I and Task II data received from the concerned parties in advance of the meeting. The Chair noted that data were received from all parties in advance of the meeting with the exception of France (St. Pierre & Miquelon). In reply, the delegate from France indicated the bluefin tuna fishing conducted by St. Pierre & Miquelon was with a chartered vessel from Canada. It was noted that the French authorities

will meet with the Canadian authorities immediately after the COC meeting to establish an information exchange protocol and the transmission of data within the scope of this chartering. Canada confirmed that it would work with France to provide the data. The U.S. noted that although parties responded to the data submission deadline for the compliance inter-sessional, it was problematic that only three parties had supplied data in time for the 2008 stock assessment. Canada noted that the Compliance Committee should maintain this item on its agenda in order to improve the data situation for SCRS.

The Delegates then discussed the situations where data were received, but not in the format requested by SCRS. In most cases, the problems were related to spatial and temporal stratification of the data. In other cases, delegates noted the data reporting forms are not consistent with how the fisheries are currently operated, particularly live transfers to cages. It was decided to revisit this issue under the “Other Matters” agenda item in order to make recommendations to SCRS.

Finally, the Chair asked the delegates if they had any proposals for interim suspension or reduction of bluefin tuna quota in response to the data transmission issues. No proposals were made.

9. Examination of implementation of market measures in accordance with Rec. 06-05

The Chair noted that some discussion had already occurred on this subject as part of the review of the questionnaires. Parties were requested to report on any market measures (import prohibitions or import denials) that have been implemented pursuant to the obligations under Rec. 06-05 and under the CDS. Several parties indicated they were working bilaterally in the margins of the meeting to resolve discrepancies in trade data that had previously been identified. Several delegates commented that the confusion in trade figures is most likely related to specifying the date of catch relative to the date of export, especially in the case of live fish transferred to cages. Other parties noted that there may be some confusion in converting net weight to gross weight on BCDs and commercial trade documents.

10. Possible actions to be taken arising from Agenda items 5 to 9

Overall, it was noted that the new process of detailed examination of implementation programs must be continued for ICCAT to improve the functioning of its Compliance Committee. It was recommended that a systematic review of implementation of the BFT measures be conducted each year as needed until the level of compliance is demonstrated to have improved.

There was some discussion of the requirement for attendance at the Inter-sessional Compliance Committee Meeting as stipulated in Recommendation 08-13. It was noted that Panama, Iceland and Mexico had activities related to BFT, but did not attend the meeting. While Iceland and Mexico had responded to the questionnaire and informed the Secretariat that they could not attend that meeting, Panama had not. The Committee decided to send a letter to Panama regarding its lack of implementation of VMS for its flag carrier and tow vessels and to Iceland for clarification of its joint fishing operation with Libya and for an update on its reported difficulty with VMS implementation.

The Committee discussed the most productive way to record the outcome of the meeting and to determine next steps. It was decided to reflect on the discussions in several important areas where problems were identified by the CPCs: capacity controls, catch documentation, joint-fishing operations; and vessel monitoring systems.

Capacity Controls

The Committee expressed its concern with the problem of excess fishing capacity in the BFT fisheries as a whole, noting however that some CPCs had a level of capacity already above its fishing possibilities while others were still developing their fishing capacity to make it commensurate with its

possibilities. The Committee agreed that each CPC involved in the BFT fisheries should present a plan for managing its fishing capacity prior to the next commission meeting as established by Rec. 08-05.

Several CPCs indicated that they were implementing capacity reduction programs to conform more closely to their allocations of bluefin tuna. Turkey indicated that its current fisheries law did not provide the legal basis to limit licenses in all cases. To account for this shortcoming, specific authorizations are needed for directed fishing on bluefin tuna and a portion of the allocation is reserved for by-catch. Changes to the law are underway and Turkey informed the Committee that it is working to reduce its fleet by 50% in 2010 and to 30% of the current level by 2011, with some flexibility needed for the actual level of reduction to be achieved. Tunisia was questioned about managing its fishing capacity in light of its increased BFT catches in 2008. Tunisia indicated that it was allowing no new investment in fishing vessels except for replacement and also was converting some vessels from purse seiners to trawlers. In addition, Tunisia was not authorizing any charters of foreign vessels. The CPCs welcomed these efforts by Turkey and Tunisia and requested that these parties provide updates on their progress at the Compliance Committee Meeting in November.

Catch Documentation Scheme

Several CPCs indicated that they were still implementing aspects of the CDS. For example, China is undertaking the administrative processes but does not yet have a mandatory collection of BCDs upon import. Other parties have not yet implemented procedures for completing the BCD in the case of landings by artisanal fisherman and expressed their concern that this could be very problematic. In addition, the EU explained its application of the program with regard to fish that are consumed in the domestic market of the country of landing and emphasized that the BCD is required for all product traded between member states. The EU and other CPCs indicated they would undertake to cooperate in a review of any discrepancies in trade figures associated with the catch documents and identified at the special COC meeting and would provide reconciled figures to the Secretariat by July 31, 2009.

The Committee recommended that the CDS program be reviewed to determine what amendments are needed to clarify the requirements in relation to the problems raised. In the meantime, the Committee acknowledged the need to develop implementation guidelines. Also, the Committee recognized that artisanal fisheries in developing countries were not fully considered when the requirements of the BCD program were established and expressed its understanding of the difficulties that the current system may present to them. The Committee recognized that new procedures might be needed to accommodate the special requirements of artisanal fisheries in developing countries. The Committee also recognized the need to provide technical assistance to new members of the Commission such as Syria and Egypt. Progress reports on implementing the BCD program were requested from all parties with particular attention to the issues identified during the Inter-sessional Meeting of the Compliance Committee. These progress reports should be submitted on the same schedule as the CPC annual reports.

Joint Fishing Operations

The joint fishing operations that were notified to the Secretariat in 2008 included:

Croatia/EC-Italy (although this JFO did not occur)

Libya/Iceland

Korea/EC-France (reported by Korea but not authorized by EC)

Libya/EC-Italy/EC-Greece

Libya/EC-France/Morocco

Libya/EC-Italy/Morocco

Libya/EC-France/EC-Malta

Libya/Turkey

Libya/EC-France

Libya/Tunisia

Libya/Tunisia/EC-Italy (reported by Tunisia but not authorized by Libya)

Morocco/Turkey

There were questions raised about the activities of Turkish vessels with Algeria and Morocco, and whether these were, in fact, joint fishing operations or chartering arrangements. The Committee determined that in 2008, some of these joint fishing operations were undertaken in an opportunistic manner, some of them without authorization and/or sufficient control. It was agreed that past JFO activities would be investigated where inconsistencies were identified during the special COC meeting and that the results of this work would be reported to ICCAT this fall at its annual meeting.

The CPCs understand that the participants learned from the issues encountered in the 2008 operations. The Committee recommended that, in 2009, CPCs authorizing JFOs must report this information for posting on the password-protected section of the ICCAT website. If the operations are not posted at least 10 days prior to the beginning of the operation, CPCs can consider the operations as unauthorized. CPC's which participate in JFO's for its flag vessels should monitor the operations closely to ensure that activities are in conformance with the authorization and that all required reports are submitted.

For information purposes, the EC, Tunisia, Libya, Turkey and Korea indicated they would undertake JFOs in 2009. The Committee expressed its expectation that the parties involved in such operations will undertake joint enforcement and communicate these arrangements to the Secretariat in advance in conformity with the relevant Recommendations. The US requested that involved parties provide updated reports on the monitoring and control of JFOs for posting to the password-protected section of the ICCAT website.

Vessel Monitoring Systems

The Secretariat advised that some CPCs have not yet established transmission of VMS data to the Secretariat. China indicated that it receives messages from its vessels to its monitoring station, but cannot communicate from the monitoring station to the Secretariat. China is working with the Secretariat to have messages transmitted directly from vessels to ICCAT and will report on progress when this is accomplished. Croatia indicated that the problem was also in communicating with the Secretariat and noted that the cause of this problem is understood and will be resolved before the 2009 fishing season. Algeria indicated it is in the process of improving the format for transmitting data to the Secretariat. The Secretariat noted that all parties in need of technical assistance should request details on the data transmission formats.

In addition, several parties have not yet achieved automated transmission of geographic positions. The Committee requested that the Secretariat produce an analytical report on the status of VMS data transmissions from each CPC, including the types of systems in use, the data elements collected and received, and other factors relevant to an analysis of the effectiveness of the system for enforcement purposes. This report should be distributed to CPCs as soon as possible and would be considered by the Compliance Committee at the November meeting.

11. Other matters

The Committee discussed several issues under this Agenda item.

The Delegate of Korea presented his country's situation regarding carry forward of the under-harvest of bluefin tuna from 2006 and applying this amount to adjust quotas in subsequent years. Under the provisions of Rec. 06-05, Korea was allowed to carry forward 50% of the unharvested quota. However, Korea had not submitted its apportionment plan at the 2007 annual meeting and did not provide this to the Secretariat by the February 29, 2008 deadline. The Delegate of Korea explained that changes in the government administration prevented submission of the plan by the deadline. This issue was holding up a shipment of bluefin tuna to Japan because Japan was concerned about importing product above the quota authorized for Korea in the allocation key of Rec. 06-05. The Delegate of Korea requested that the Committee approve the carryover plan. For this matter, an information document (COC-007i/2009) was circulated and the delegation of Korea explained the carryover amounts would be 170 metric tons in 2007 and 166.95 metric tons in 2008.

The Delegate of Japan noted that this situation was awkward in that the fish had already been harvested in 2008 and that it should not become a precedent for future actions of the Compliance Committee. However, the Delegate of Japan noted that Korea had voluntarily reduced its allocation of bluefin tuna beginning in 2002 and this contributed to conservation under the recovery plan. For this reason, Japan supported flexibility by the Compliance Committee. Several other delegations supported the call for flexibility; there were no objections to Korea's proposal, it was agreed that this matter be referred to the Compliance Committee at the November 2009 meeting with the understanding of the need for flexibility.

The Delegate of China also requested flexibility for his country's situation regarding bluefin tuna over-harvest in 2008. This product was also awaiting approval for import by Japan. China had declared the over-harvest and announced plans to reduce the number of authorized vessels fishing for bluefin tuna in 2009. The Delegate of China also noted that China's under-harvest from 2006 could be carried forward to 2008 consistent with Rec. 06-05 except that the Compliance Committee did not adopt the compliance table for eastern bluefin in 2008. It was agreed that the Compliance Committee should examine this situation at the November 2009 meeting with the understanding of the need for flexibility.

In response to prior discussion on compliance of CPCs with data reporting obligations, several delegations expressed the need for further guidance from the SCRS with respect to the transmission of Task I and Task II data. In consideration of the issues associated with data, the Committee noted for the record the need for SCRS to carry out the following:

- Update the electronic forms used for submission of statistics in order to reflect recent changes in fishing activities, in particular transfer of live fish and farming operations.
- Clearly specify the minimum requirements for temporal and spatial stratification of Task I and Task II statistics for different gear types.
- Develop means to evaluate the quality of statistical data submitted by CPCs, taking into account the need for capacity building by developing CPCs.

On this last point, the Secretariat noted the availability of funds for assistance with scientific data collections. Several delegations supported the scheduling of future regional workshops to assist with capacity building.

In response to concerns about the difficulties of monitoring JFOs which were discussed at several points during the meeting, the Committee agreed that the Secretariat should post all the information

received from CPCs on JFO authorizations on the password-protected portion of the ICCAT website. It was stressed that the new measures of the *Recommendation Amending the Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 08-05] should help to correct some of the problems experienced in 2008. CPCs were encouraged to voluntarily implement the control measures of Rec. 08-05 in advance of its entry into force and to commit sufficient enforcement resources. The CPCs also agreed to note any continuing problems and to bring recommendations for improvement to the Panel 2 meeting in November 2009.

Implementation of the VMS requirements associated with Rec. 06-05 was also discussed. It was recommended that the Secretariat transmit a letter to all CPCs to remind them of the requirements for VMS on all vessels associated with the harvesting and transport of eastern bluefin, including towing vessels and carrier vessels. The EC noted that vessels operating without VMS are a serious infringement and such vessels are to be considered as engaging in IUU fishing. Several delegations expressed a need for technical assistance in establishing a VMS program.

The Delegate of Tunisia recalled a prior discussion on his country's over-harvest of bluefin tuna in 2008 and requested flexibility in determining a payback plan. Tunisia proposed reductions in 2009 and 2010 that would take into account the under-harvest that had been previously approved for carryover in those years by the Commission. Several delegations supported the need for flexibility in applying the adjustment rules because ICCAT should not discourage the declaration of over-harvest. It was agreed that Tunisia should present its payback plan to the Compliance Committee at the November 2009 meeting.

The Delegate of the EC recalled that the weather day provisions of paragraph 21 of Rec. 08-05 contained an error which rendered the provision not credible or feasible. The EC proposed that the reference to a wind speed of 7 knots be amended to read a wind force of Level 5 on the Beaufort scale. Several delegations supported the need for an amendment of the weather day provision. However, a number of delegates suggested a Level 4 on the Beaufort scale as an appropriate alternative. It was noted by the United States that the relevant point was to control the harvest by purse seine vessels to the assigned quota, so the exact level of wind speed was less important. The Committee Chair and the Secretariat expressed concern that the Compliance Committee did not have competence to amend a recommendation of Panel 2. Due to the urgency of implementing Rec. 08-05, it was agreed that a proposal for mail vote would be advanced to all parties by the Chairman of the Commission.

12. Adoption of the report and adjournment

It was agreed that the Report of the Inter-sessional Compliance Committee Meeting would be adopted by correspondence. The Chairman thanked the CPCs for their responses to the questionnaire and for the informative discussions during the course of the meeting. The Chairman also thanked the rapporteur, the interpreters, and the Secretariat staff for their work in support of the meeting. The meeting was adjourned on March 27, 2009.

AGENDA

1. Opening of the meeting
2. Nomination of rapporteur
3. Adoption of the agenda and meeting arrangements
4. Initial review of responses to questionnaire
5. Review of implementation of and compliance with Rec. 06-05 based on the answers to the questionnaire on compliance
6. Review of implementation of and compliance with Rec. 06-07 based on the answers to the questionnaire on compliance
7. Examination of the compliance status of Contracting Parties based on point 6 of Rec. 08-13:
 - a) undeclared overshooting of the CPC's quota
 - b) unjustified failing to provide catch and farming reports within the agreed ICCAT deadlines
 - c) failing to participate in the meeting of the COC where the concerned CPC's compliance status is discussed
 - d) lack of meaningful monitoring, verification and enforcement measures
 - e) failing to implement the bluefin tuna catch documentation on the market
8. Examination of interim suspension or reduction of quota due to non-transmission of Task I and Task II reports for the year 2007
9. Examination of implementation of market measures in accordance with Rec. 06-05
10. Possible actions to be taken arising from Agenda items 5 to 9
11. Other matters
12. Adoption of the report and adjournment

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