

**REPORT OF THE 11<sup>TH</sup> MEETING OF THE WORKING GROUP  
ON INTEGRATED MONITORING MEASURES (IMM)**  
*(Sapporo, Japan, 18-19 July 2016)*

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

The Chair of the Working Group, Mr. Fabrizio Donatella (EU), opened the meeting and welcomed the delegates to the eleventh meeting of the Working Group on Integrated Monitoring Measures (IMM). Japan, as the meeting host, also welcomed participants.

## **2. Nomination of Rapporteur**

Melanie King (USA) was nominated as rapporteur.

## **3. Adoption of the Agenda and meeting arrangements**

The United States requested that the Secretariat provide an update on the Consolidated List of Authorized Vessels (CLAV) under “Other matters.” In addition, the Chair suggested the addition of Agenda item 7.3 to discuss the note on capacity building for port inspection. The Agenda was adopted with these changes and is attached as **Appendix 1**.

The Executive Secretary introduced the Contracting Parties present at the meeting: Algeria, Belize, Brazil, Canada, People’s Republic of China, Côte d’Ivoire, European Union, Gabon, Republic of Guinea, Japan, Republic of Korea, Morocco, Senegal, Tunisia, and the United States.

The Executive Secretary also introduced Chinese Taipei as a Cooperating non-Contracting Party, Entity, or Fishing Entity.

Ecology Action Center (EAC), International Sustainable Seafood Foundation (ISSF), and Pew Charitable Trusts (PEW) participated as observers. The List of Participants is attached as **Appendix 2**.

## **4. Consideration of observer programmes**

### ***4.1 Review of ICCAT Regional Observer programme for transshipment***

The EU introduced its proposal *Draft Recommendation by ICCAT on Transshipment*, which is attached as **Appendix 3** and would amend *Recommendation by ICCAT on a Programme for Transshipment* [Rec. 12-06], explaining that the proposal would require all carrier vessels to be listed on ICCAT’s Record of Authorized Vessels, including those carrier vessels that receive transshipments in port.

Some CPCs noted that they would need more time to review the proposal, but were initially supportive in concept. It was noted that in the list of carrier vessels, it should be clear that vessels can be authorized to tranship both at sea and/or in port. It was also noted that extending the provisions for vessel monitoring systems (VMS) to carrier vessels that tranship in port should not be problematic, as those vessels generally are already equipped with VMS.

The EU responded that it agreed that it should be possible for vessels to be listed as authorized to tranship both at sea and in port and would amend the proposal accordingly. Later, in the meeting, the European Union presented an amended proposal in line with previous discussions. A friendly amendment was offered to **Annex 3** of the proposal to ensure the information offered by the captain of the fishing vessel at the time of transshipment includes the authorized carrier vessels ICCAT record number. With this amendment, the proposal was endorsed by the IMM for consideration at the 2016 Permanent Working Group meeting on the condition that any further input from the participants would not be excluded.

#### 4.2 Consideration of a scientific observer programme

The EU introduced its proposal *Draft Recommendation by ICCAT to Establish a Scientific Observer Programme within the ICCAT Convention Area*, which is attached as **Appendix 4** and would amend and replace Recommendation 10-10. This draft reflects amendments from proposals considered at past IMM and Permanent Working Group (PWG) meetings. Further, the EU noted that Rec. 10-10 had to be reviewed in 2012, but to date it has not been undertaken.

Several CPCs raised concerns about the purpose, scope, and procedures contained in the proposal. Some CPCs noted that while the proposal seemed to address national observer programmes, some aspects of it reflect elements of regional observer programmes. There was also concern that some of the duties of the observer reflect enforcement functions rather than scientific observation. Concern was expressed on several specific provisions, including those related to nationality of observers, language spoken, a debriefing with the master of the vessel, timelines for submission of information, and confidentiality provisions. It was noted that each CPC has the sovereign right to prescribe the roles of their scientific authorities and management authorities, according to the organization of their own government.

Regarding provisions related to electronic monitoring and the use of cameras, the Working Group recognized the emerging developments in this area and the potential utility of this technology, although some CPCs expressed concerns related to operational management and the costs of these programmes. It was noted that some functions of human observers cannot be effectively replaced by electronic monitoring. Several CPCs noted the need for more dialogue on this issue, including the need for SCRS advice. The Chair suggested that this issue be considered in Permanent Working Group (PWG) at the Annual meeting with a view towards requesting advice from the SCRS.

The EU thanked participants for specific comments on the proposal, noting that comments in writing would be greatly appreciated to allow the EU to circulate an amended proposal well in advance of the Annual meeting. CPCs agreed to endeavor to provide written comments by the end of July 2016.

#### 5. Consideration of a high seas boarding and inspection scheme

The United States introduced a proposal jointly sponsored by the European Union, Panama, Senegal, and United States entitled, *Draft [Recommendation] [Resolution by ICCAT for a [Model] Joint International Inspection Scheme* and accompanying explanatory note which is attached as **Appendix 5**. The United States explained that this proposal is unchanged from the document circulated at the 2015 Permanent Working Group (PWG) meeting, and while the co-sponsors realize some CPCs still have issues with the proposal, they hoped for a more detailed discussion of any concerns and asked for Parties to provide edits to the text to address technical or other concerns with it.

There were some questions with the type of document that the IMM should be considering – if the document would be adopted as guidelines or a recommendation or a resolution. Some CPCs expressed support for the approach and agreed to provide editorial drafting to the United States while another noted the utility of the approach to address IUU fishing. Some CPCs expressed concern with the proposal. One CPC suggested that any high seas boarding and inspection programme should mirror the WCPFC's scheme, but the proposed document has some deviations from that scheme. One CPC reiterated that any scheme should only apply to States agreeing to participate in the scheme. Another CPC expressed concerns regarding ICCAT considering such a scheme under terms of the current Convention.

The United States thanked CPCs for their comments and expressed its view that Article IX(3) of the Convention is intended to specifically authorize a high seas boarding and inspection scheme, and noted that under the current Convention, ICCAT has adopted and implemented a joint inspection scheme in the eastern Atlantic bluefin tuna fishery.

The Chair noted that there was no agreement on the proposal but encouraged Parties to continue to engage on this matter, and suggested that the issue be taken up again in the Permanent Working Group during the 2016 Annual meeting.

## **6. Consideration of any necessary actions regarding trade/catch/statistical document programmes**

### ***6.1 Update on progress and implementation of eBCD***

Mr. Neil Ansell, the Chair of the eBCD Technical Working Group (TWG) presented the state of play of the development of the eBCD system including the results of the April TWG meeting and recent developments in the implementation of the programme. In accordance with paragraphs 2 and 7 of Rec. [15-10] and, as communicated in ICCAT Circular #2274/16, the Chair also presented the TWGs decision on system readiness and explained that although core functionalities had been developed, delays in the development of some functionalities and their availability for testing resulted in the possibility to use paper through 30 June for bluefin not destined for farms, provided Parties so notified the Secretariat in accordance with the terms of Rec. 15-10. Afterwards, paper BCDs shall no longer be accepted except in the limited circumstances specified in paragraph 6 of Rec. 15-10.

The IMM Chair asked CPCs about their experiences with implementation of the programme. Several CPCs noted that overall the system is working well although with some technical issues and room for improvement. It was agreed that in accordance with paragraph 7 of Rec. [15-10] the TWG will continue their work, although future working methods and procedures, including the number of the meetings in 2017, will need to be discussed further.

Regarding financial and contractual issues, it was reminded that the current contract was extended until the end of 2016 including a higher level of support during the first months of full implementation of the system and main purse seine season in the eastern fishery. An extension of this support to encompass the caging and farming operations was raised and will be followed up by the TWG and the ICCAT Secretariat. The system is currently financed from the Working Capital Fund and any change to this would need to be decided in good time in order for the Commission to make the necessary decision in the 2016 Annual Session. In this regard the TWG will continue to discuss potential options and propose them to the Commission if requested.

It was noted that there were issues with entry of quotas in the system for some CPCs and alerts that quotas had been exceeded.

One Party noted problems with entering product caught in 2015 but traded and exported in 2016 and also their obligations with regard to catches in 2016 and possible future trades and exports in 2017.

Many CPCs noted that they were able to work with the Secretariat and Tragsa to quickly resolve problems, and commended the Secretariat for its efforts. The Secretariat noted that many issues that arose could be resolved through operator training.

The Secretariat provided an update on the number of eBCDs entered into the system and the costs. A total of 1,282 eBCDs have been electronically generated: 931 were received prior to 1 July and 351 were received since that date. Given that the BFTRC function was modified 28 June 2016, only 10 Re-export certificates have been entered. The system has cost 1.3 million Euros, and is expected to cost 220,000 Euros per year to maintain.

### ***6.2 Possible review of current statistical document programmes (SDPs)***

It was noted that there were efforts to enhance the statistical document programmes in the past, but there was not widespread support for those efforts within the IMM and PWG. A CPC noted that the existing SDPs were now somewhat dated and had been adopted under very different circumstances than the reality of the fisheries today. When the systems were adopted for bigeye tuna in the early 2000s there was concern about IUU on longline vessels. In the case of swordfish, the stock was overfished and there were a number of non-cooperating non-Members operating in the fishery. Now there is a need for a more evolved system. It was noted that the SDPs are administratively burdensome, and we should evaluate them periodically to determine whether they continue to provide valuable information to the Commission.

Another CPC noted that there are two loopholes in the SDP – for bigeye tuna, fresh product and product destined for canneries is not covered by the SDP. That CPC welcomed the idea of reviewing the strengths and weaknesses of the programmes but stressed the need for positive input from other CPCs.

The Chair noted that this issue could be taken up again in the Permanent Working Group.

### 6.3 Future extension of catch/trade tracking schemes

The Chair noted that this Agenda item is closely linked to Agenda item 6.2. No specific proposals were made regarding this Agenda item.

## 7. Other matters

### 7.1 Review of outdated Recommendations/Resolutions requiring update [Res. 94-09; Rec. 97-11]

The Chair introduced the document *Draft Text Resulting from Updating and Combining Two ICCAT Measures*, which is attached as **Appendix 6** and contains draft text combining the *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures* [Res. 94-09] with *Recommendation by ICCAT on Transshipments and Vessel Sightings* [Rec. 97-11]. The Chair explained that the document is an attempt to carry out decisions taken by the Commission in 2015 that these two out-of-date measures be amended and combined. He stressed that this was an initial attempt and required the input of CPCs.

Several CPCs thanked the Chair and the Secretariat for their efforts to develop this document and for initiating discussion on this important topic. They stressed there is a need to streamline and clarify the language in the proposal given significant developments in ICCAT since the adoption of these two measures. In particular, it was noted that the draft needs to take into account the adoption of Recommendation 12-07 on minimum standards for inspections in port, as well as the recent discussions related to high seas boarding and inspection, and consider the integration of the *Recommendation by ICCAT Concerning the Ban on Landing and Transshipments of Vessels from Non-Contracting Parties Identified as having Committed a Serious Infraction* [Rec. 98-11].

The Chair emphasized that this issue is now in the hands of CPCs and encouraged participants to make improvements to the document prior to the Annual meeting. Several CPCs expressed interest in efforts to develop a revised document.

### 7.2 Requests for clarification of provisions of ICCAT Recommendations

There was no discussion under this Agenda item.

### 7.3 Capacity Building for Port Inspection

The Secretariat presented the document *Information on the Implementation of Recommendations 12-07 and 14-08 Adopted on Port Inspection Measures*, which is attached as **Appendix 7**, explaining that in response to requests for assistance related to port inspection, the Secretariat received responses from Suriname, a Cooperating non-Contracting Party, for technical assistance related to port inspection and from Angola on a biological sampling programme. In order to implement its obligations under Recommendation 14-08, the Secretariat requested guidance from CPCs related to development of a manual and training course on port inspection.

Several CPCs noted ongoing efforts in other fora related to port inspection, including in IOTC, FAO, regional and sub-regional organizations, and by some Contracting Parties. Some participants considered that ICCAT should take similar action as the one developed by IOTC, and noted a need for the Secretariat to help review and coordinate this work for the benefit of developing CPCs. It was stressed that the Secretariat has an obligation to ensure the provisions of Rec. 12-07 and Rec. 14-08 are implemented, and it is important to be prepared in the event of a request for assistance.

A question was asked to the Secretariat regarding information related to whether coastal CPCs are meeting their obligation to inspect 5% of landings of foreign vessels, as required by Rec. 12-07. While the Secretariat reports to the Compliance Committee and the Permanent Working Group on the inspection reports it receives, it does not currently have information to assess port inspection coverage levels of CPCs. The Secretariat is committed to look into this issue in more detail prior to the Annual meeting so that capacity building efforts could be directed to areas of greatest need.

It was noted that developing coastal CPCs that are undertaking port inspections, are doing so in accordance with the means that are available, and they continue to need help from international partners to improve programmes.

The Chair noted the need for further discussions on this topic at the Commission level.

#### ***7.4 Consolidated List of Authorized Vessels (CLAV)***

The Secretariat provided an update on the CLAV, noting it was recommended during the Kobe meeting in 2007, and that the Secretariat has been supporting the work of the CLAV and in coordination with the other tuna RFMOs since the CLAV was launched in 2011. With support of an expert funded by the ABNJ Tuna Project, the CLAV project now is fully launched, with daily automatic updates and significant work to verify and double check vessel data. Duplicate vessels entries and missing data points have been reduced significantly due to this effort and constant feedback between the CLAV coordinator and the ICCAT Secretariat. The CLAV server currently located in IOTC, and ICCAT maintains its public access through the [tuna-org.org](http://tuna-org.org) website. The tuna RFMO Secretariats have recently agreed to move the server from IOTC to [tuna-org.org](http://tuna-org.org) which is hosted by ICCAT.

It was agreed that future support and funding for the CLAV, including engagement and cooperation with the other tuna RFMOs, would be considered at the 2016 Annual meeting.

#### **8. Adoption of report and adjournment**

The report of the Eleventh meeting of the Working Group on Integrated Monitoring Measures (IMM) was adopted and the meeting was adjourned.

**Agenda**

1. Opening of the meeting
2. Nomination of Rapporteur
3. Adoption of the Agenda and meeting arrangements
4. Consideration of observer programmes
  - 4.1 Review of ICCAT Regional Observer programme for transshipment
  - 4.2 Consideration of a scientific observer programme
5. Consideration of a high seas boarding and inspection scheme
6. Consideration of any necessary actions regarding trade/catch/statistical document programmes
  - 6.1 Update on progress and implementation of eBCD
  - 6.2 Possible review of current statistical document programmes
  - 6.3 Future extension of catch/trade tracking schemes
7. Other matters
  - 7.1 Review of outdated Recommendations/Resolutions requiring update (Res. 94-09; Rec. 97-11)
  - 7.2 Requests for clarification of provisions of ICCAT Recommendations
  - 7.3. Capacity building for Port inspection
  - 7.4. Consolidated List of Authorized Vessels
8. Adoption of report and adjournment

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## Appendix 3

**Draft Recommendation by ICCAT on Transshipment***(submitted by the European Union)*

*TAKING ACCOUNT* of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by ICCAT;

*EXPRESSING GRAVE CONCERN* that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

*IN VIEW THEREFORE OF THE NEED* to ensure the monitoring of the transshipment activities on tuna and tuna-like species and other species caught in association with these species that were harvested in the ICCAT Convention area, in particular by large-scale pelagic longline vessels (LSPLVs), including the control of their landings;

*TAKING ACCOUNT* of the need to ensure collection of catch data from such LSPLVs to improve the scientific assessments of those stocks;

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

**SECTION 1. GENERAL RULES**

1. Except under the program to monitor transshipment at sea established in Section 3 below, all transshipment operations:
  - a) within the Convention area of tuna and tuna-like species and other species caught in association with these species, and
  - b) outside the Convention area of tuna and tuna-like species and other species caught in association with these species that were harvested in the ICCAT Convention area,
 must take place in port.
2. The flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereafter referred to as CPCs) shall take the necessary measures to ensure that fishing vessels flying their flag comply with the obligations set out in **Annex 3 to Appendix 3**, when transshipping tuna and tuna-like species and other species caught in association with these species in port.
3. This Recommendation does not apply to harpoon vessels engaged in the transshipment of fresh swordfish<sup>2</sup> at sea.
4. This Recommendation does not apply to transshipments outside the Convention area where such transshipment is subject to a comparable monitoring program established by another regional fisheries management organization.
5. This Recommendation is without prejudice to additional requirements applicable to transshipment at sea or in port in other ICCAT recommendations.

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<sup>2</sup> For the purpose of this Recommendation, “fresh swordfish” means swordfish that are alive, whole or gutted / dressed but not further processed or frozen.

## SECTION 2. RECORD OF CARRIER VESSELS AUTHORISED TO RECEIVE TRANSHIPMENT IN THE ICCAT AREA

6. Transshipment of tuna and tuna-like species and other species caught in association with these species may only be authorized with regard to carrier vessels authorized in accordance with this Recommendation.
7. An ICCAT Record of Carrier Vessels authorized to receive tuna and tuna-like species and other species caught in association with these species in the Convention area shall be established. For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species and other species caught in association with these species in transshipment operations.
8. In order for its carrier vessels to be included on the ICCAT Record List of Carrier Vessels, a flag CPC or flag non-Contracting Party (NCP) shall submit each calendar year, electronically, and in the format specified by the ICCAT Executive Secretary, a list of the carrier vessels that are authorized to receive transshipments in the Convention area. This list shall include the following information:
  - Name of vessel, register number
  - ICCAT Record Number (if any)
  - IMO number (if any)
  - Previous name (if any)
  - Previous flag (if any)
  - Previous details of deletion from other registries (if any)
  - International radio call sign
  - Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
  - Name and address of owner(s) and operator(s)
  - Type of transshipment authorised (i.e., in port and/or at sea)
  - Time period authorised for transshipping
9. Each CPC shall promptly notify the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT Record of Carrier Vessels, at any time such changes occur.
10. The ICCAT Executive Secretary shall maintain the ICCAT Record of Carrier Vessels and take measures to ensure publicity of the Record through electronic means, including placing it on the ICCAT website, in a manner consistent with domestic confidentiality requirements.
11. Carrier vessels authorized for transshipment shall be required to install and operate a VMS in accordance with all applicable ICCAT recommendations, including the *Recommendation by ICCAT Amending Recommendation 03-14 by ICCAT concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 14-09], or any successor recommendation, including any future revisions thereto.

## SECTION 3. PROGRAMME TO MONITOR TRANSHIPMENT AT SEA

12. For the purposes of this Recommendation, LSPLVs shall be defined as those greater than 24 meters length overall.
13. At sea transshipment by LSPLVs for tuna and tuna-like species and other species caught in association with these species may only be authorized in accordance with the procedures set forth in this Section, in Section 4, and **Annexes 1 and 2 to Appendix 3** below.

### Large Scale Pelagic Longline Vessels (LSPLVs) authorized to tranship at sea

14. Each flag CPC that authorizes its LSPLVs to tranship at sea shall submit each calendar year electronically and in the format specified by the Executive Secretary, the list of its LSPLVs that are authorized to tranship at sea.

This list shall include the following information:

- Name of vessel, register number
- ICCAT Record Number
- Time period authorized for transshipping at sea
- Flag(s), name(s) and register number(s) of the carrier vessel(s) authorized for use by the LSPLVs

Upon receipt of the lists of LSPLVs authorized to transship at sea, the Executive Secretary shall provide to the flag CPCs of the carrier vessels the list of LSPLVs authorized to operate with its carrier vessels.

#### **Coastal State authorization**

15. Transshipments by LSPLVs in waters under the jurisdiction of a CPC are subject to prior authorization from that CPC. An original or copy of the documentation of coastal State prior authorization must be retained on the vessel and made available to the ICCAT observer when requested. CPCs shall take the necessary measures to ensure that LSPLVs flying their flag comply with the provisions of this Section, as follows:

#### **Flag CPC authorization**

16. LSPLVs are not authorized to transship at sea unless they have obtained prior authorization from their flag State. An original or copy of the documentation of prior authorization must be retained on the vessel and made available to the ICCAT observer when requested.

#### **Notification obligations**

##### ***Fishing vessel:***

17. To receive the prior authorization mentioned in paragraph 15 and 16 above, the master and/or owner of the LSPLV must notify the following information to its flag CPC authorities, and, where applicable, the coastal CPC, at least 24 hours in advance of the intended transshipment:
- the name of the LSPLV and its number in the ICCAT record of fishing vessels,
  - the name of the carrier vessel and its number in the ICCAT record of carrier vessels authorized to receive transshipments in the ICCAT area, and the product to be transhipped, by species, where known, and, if possible, by stock,
  - the quantities of tuna and tuna-like species and, if possible, by stock, to be transhipped,
  - the quantities of other species caught in association with tuna and tuna-like species by species, where known, to be transhipped,
  - the date and location of transshipment,
  - the geographic location of the catches by species and, where appropriate, by stock, consistent with ICCAT statistical areas.

The LSPLV concerned shall complete and transmit to its flag CPC, and, where applicable, the coastal CPC not later than 15 days after the transshipment, the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels in accordance with the format set out in **Annex 1 to Appendix 3**.

##### ***Receiving carrier vessel:***

18. The master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat and the flag CPC of the LSPLV, along with its number in the ICCAT record of carrier vessels authorized to receive transshipment in the ICCAT area, within 24 hours of the completion of the transshipment.
19. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT Convention area, to the competent authorities of the State where the landing is to take place.

### ***ICCAT Regional Observer Program***

20. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer in accordance with the ICCAT regional observer program specified in **Annex 2 to Appendix 3**. The ICCAT observer shall observe the adherence to this Recommendation, and, notably, that the transhipped quantities are consistent with the reported catch in the ICCAT transshipment declaration and, as feasible, as recorded in the fishing vessel logbook.
21. Vessels shall be prohibited from commencing or continuing transshipping at sea in the ICCAT Convention area without an ICCAT regional observer on board, except in cases of *force majeure* duly notified to the ICCAT Secretariat.

### **SECTION 4. GENERAL PROVISIONS**

22. To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Catch and Statistical Document Programs:
  - a) In validating the Catch or Statistical Documents, flag CPCs of LSPLVs shall ensure that transshipments are consistent with the reported catch amount by each LSPLV.
  - b) The flag CPC of LSPLVs shall validate the Catch or Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Recommendation. This confirmation shall be based on the information obtained through the ICCAT Observer Program.
  - c) CPCs shall require that the species covered by the Catch or Statistical Document Programs caught by LSPLVs in the Convention area, when imported into the area or territory of a CPC, be accompanied by catch or statistical documents validated for the vessels on the ICCAT record and a copy of the ICCAT transshipment declaration.
23. The flag CPCs of LSPLVs which have transhipped during the previous year and the flag CPCs of carrier vessels accepting transshipments shall report annually before 15 September to the Executive Secretary:
  - The quantities of tuna and tuna-like catches by species (and, if possible, by stock) transhipped during the previous year.
  - The quantities of other species caught in association with tuna and tuna-like species by species, where known, transhipped during the previous year.
  - The list of the LSPLVs which have transhipped during the previous year.
  - A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSPLVs.

These reports shall be made available to the Commission and relevant subsidiary bodies for review and consideration. The Secretariat shall post these reports to a password protected website.

24. All tuna and tuna-like species and other species caught in association with those species landed in or imported into the area or territory of CPCs, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the ICCAT transshipment declaration until the first sale has taken place.
25. The Flag CPC of the LSPLV engaged in at-sea transshipments, and the coastal CPC, where applicable, shall review the information received pursuant to the provisions of this Recommendation to determine consistency between the reported catches, transshipments, and landings of each vessel, including in cooperation with the landing State as necessary. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
26. At its request, and subject to ICCAT confidentiality requirements, the Standing Committee on Research and Statistics (SCRS) shall have access to the data collected under this Recommendation.

27. Each year, the Executive Secretary of ICCAT shall present a report on the implementation of this Recommendation to the annual meeting of the Commission which shall, *inter alia*, review compliance with this Recommendation.
28. This Recommendation replaces the *Recommendation by ICCAT on a Programme for Transshipment* [Rec. 12-06].



## Transshipment Declaration

**Carrier vessel**

Vessel Name and radio call sign:  
 Flag Country/Entity/Fishing Entity:  
 Flag State authorization number:  
 Domestic Registration Number:  
 ICCAT Record Number:  
 IMO Number, if any:

**Fishing vessel**

Vessel Name and radio call sign:  
 Flag CPC:  
 Flag CPC authorization number:  
 Domestic Registration Number:  
 ICCAT Record Number, if applicable:  
 IMO Number, if any:  
 External identification:

	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Fishing vessel Master's name:	Carrier vessel Master's name:
Departure	_ _	_ _	_ _	from	_ _ _			
Return	_ _	_ _	_ _	to	_ _ _	Signature:	Signature:	Signature:
Transshipment	_ _	_ _	_ _		_ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |\_|\_| kilograms

LOCATION OF TRANSHIPMENT.....

Species (by stock,* if applicable) <sup>2</sup>	Port	Area <sup>3</sup>		Type of Product <sup>1</sup> RD/GG/DR/FL/ST/OT	Net Weight (Kg)						

ICCAT Observer signature and date (if transshipment at sea):

<sup>1</sup> Type of Product should be indicated as Round (RD), Gilled and Gutted (GG), Dressed (DR), Fillet (FL), Steak (ST), Other (OT) (describe the type of product).

<sup>2</sup> A list of species by stock, with their geographic delineations, is included on the back of this form. Please provide as much detail as possible.

<sup>3</sup> Atlantic, Mediterranean, Pacific, Indian.

\*If stock level information is not available, please provide explanation.

### **ICCAT Regional Observer Programme**

1. Each CPC shall require carrier vessels included in the ICCAT record of vessels authorized to receive transshipments in the ICCAT area and which tranship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
2. The Secretariat of the Commission shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSPLVs flying the flag of CPCs that implement the ICCAT observer program.
3. The ICCAT Secretariat shall ensure observers are properly equipped to perform their duties.

#### **Designation of the observers**

4. The designated observers shall have the following qualifications to accomplish their tasks:
  - demonstrated ability to identify ICCAT species and fishing gear with a strong preference given to those with experience as observers on pelagic longline vessels;
  - satisfactory knowledge of the ICCAT conservation and management measures;
  - the ability to observe and record accurately;
  - a satisfactory knowledge of the language of the flag of the vessel observed.

#### **Obligations of the observer**

5. Observers shall:
  - a) have completed the technical training required by the guidelines established by ICCAT;
  - b) to the extent possible, not be nationals or citizens of the flag State of the receiving carrier vessel;
  - c) be capable of performing the duties set forth in point 6 below;
  - d) be included in the list of observers maintained by the Secretariat of the Commission;
  - e) not be a crew member of the LSPLV or the carrier vessel or an employee of the LSPLV or carrier vessel company.
6. The observer shall monitor the LSPLVs and carrier vessel's adherence to the relevant conservation and management measures adopted by the Commission. The observers' tasks shall be, in particular, to:
  - 6.1 Visit the LSPLV intending to tranship to a carrier vessel, taking into account the safety concerns reflected in paragraph 10 of this Annex, and before the transshipment takes place, to:
    - a) Check the validity of the fishing vessel's authorization or license to fish for tuna and tuna-like species and other species caught in association with those species in the Convention area;
    - b) Inspect the fishing vessel's prior authorizations to tranship at sea from the flag CPC and, if appropriate, the coastal State;
    - c) Check and record the total quantity of catch on board by species and, if possible, by stock, and the quantities to be transhipped to the carrier vessel;
    - d) Check that the VMS is functioning and examine the logbook and verify entries, if possible;
    - e) Verify whether any of the catch on board resulted from transfers from other vessels, and check the documentation on such transfers;
    - f) In the case of indication that there are any violations involving the fishing vessel, immediately report the violation(s) to the master of the carrier vessel (taking due regard of any safety considerations) and to the observer program implementing company, who shall promptly forward it to the flag CPC authorities of the fishing vessel; and
    - g) Record the results of these duties on the fishing vessel in the observer's report.
  - 6.2 Observe the activities of carrier vessel and:
    - a) record and report upon the transshipment activities carried out;
    - b) verify the position of the vessel when engaged in transshipping;

- c) observe and estimate quantities of tuna and tuna-like species transhipped by species, if known, and, if possible, by stock;
- d) the quantities of other species caught in association with tuna and tuna-like species by species, where known;
- e) verify and record the name of the LSPLV concerned and its ICCAT record number;
- f) verify the data contained in the transshipment declaration, including through comparison with the LSPLV logbook, where possible;
- g) certify the data contained in the transshipment declaration;
- h) countersign the transshipment declaration; and
- i) observe and estimate quantities of product by species when offloaded in the port where the observer is disembarked to verify consistency with quantities received during at sea transshipment operations.

6.3 In addition, the observer shall:

- a) issue a daily report of the carrier vessel's transshipping activities;
  - b) establish general reports compiling the information collected in accordance with the observer's duties and provide the captain the opportunity to include therein any relevant information;
  - c) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation;
  - d) exercise any other functions as defined by the Commission.
7. Observers shall treat as confidential all information with respect to the fishing operations of the LSPLV and of the LSPLV owners and accept this requirement in writing as a condition of appointment as an observer.
8. Observers shall comply with requirements established in the laws and regulations of the flag State and, where relevant, the coastal State, which exercises jurisdiction over the vessel to which the observer is assigned.
9. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 10 of this program.

### **Responsibilities of the Flag States of carrier vessels**

10. The conditions associated with implementation of the regional observer program *vis à vis* the flag States of the carrier vessels and their captains include the following, notably:
- a) Observers shall be allowed access to the vessel personnel, pertinent documentation, and to the gear and equipment;
  - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 6:
    - i) satellite navigation equipment;
    - ii) radar display viewing screens when in use;
    - iii) electronic means of communication; and
    - iv) scale used for weighing transhipped product.
  - c) Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
  - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties;

- e) Observers shall be allowed to determine the most advantageous location and method for viewing transshipment operations and estimating species/stocks and quantities transhipped. In this regard, the master of the carrier vessel, giving due regard to safety and practical concerns, shall accommodate the needs of the observer in this regard, including, upon request, temporarily placing product on the carrier vessel deck for inspection by the observer and providing adequate time for the observer to carry out his/her duties. Observations shall be conducted in a manner that minimizes interference and avoids compromising the quality of the products transhipped.
- f) In light of the provisions of paragraph 11, the master of the carrier vessel shall ensure that all necessary assistance is provided to the observer to ensure safe transport between the carrier and fishing vessels should weather and other conditions permit such an exchange; and
- g) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the flag CPC of the LSPLV, copies of all raw data, summaries, and reports pertaining to the trip.

The Secretariat shall submit the observer reports (covering the information and activities of both the fishing and carrier vessels) to the Compliance Committee and to the SCRS.

#### **Responsibilities of LSPLVs during transshipments**

- 11. Observers shall be allowed to visit the fishing vessel, if weather and other conditions permit, and shall be granted access to personnel, all pertinent documentation, and areas of the vessel necessary to carry out their duties set forth in paragraph 6 in this Annex. The master of the fishing vessel shall ensure that all necessary assistance is provided to the observer to ensure safe transport between the carrier and fishing vessels. Should conditions present an unacceptable risk to the welfare of the observer such that a visit to the LSPLV is not feasible prior to the start of transshipment operations, such operations may still be carried out.

#### **Observer fees**

- 12. The costs of implementing this program shall be financed by the flag CPCs of LSPLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the program.
- 13. No LSPLV may participate in the at-sea transshipment program unless the fees, as required under paragraph 12, are paid.

#### **Information sharing**

- 14. To facilitate information sharing and, to the extent possible, harmonization of at sea transshipment programs across relevant regional fisheries management organizations, all training materials, including observer manuals, and data collection forms developed and used to support implementation of ICCAT's at sea transshipment regional observer program shall be posted on the public portion of the ICCAT website.

#### **Identification Guides**

- 15. The SCRS shall work with the ICCAT Secretariat and others as appropriate to develop new or improve existing identification guides for frozen tuna and tuna-like species. The ICCAT Secretariat shall ensure that these identification guides are made broadly available to CPCs and other interested parties, including to ICCAT regional observers prior to deployment and to other regional fisheries management organizations running similar at sea transshipment observer programs.

**Annex 3 to Appendix 3****In-Port Transshipment**

1. In the exercise of their authority over ports located in areas under their jurisdiction, CPCs may adopt more stringent measures, in accordance with domestic and international law.
2. Pursuant to Section 1 of this Recommendation, transshipment in port by any CPC of tuna and tuna-like species and other species caught in association with these species from or in the Convention area may only be undertaken in accordance with *Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* [Rec. 12-07] and the following procedures:

**Notification obligations****3. Fishing vessel**

- 3.1 At least 48 hours in advance of transshipment operations, the captain of the fishing vessel must notify to the Port State authorities the name of the carrier vessel and date/time of transshipment.
- 3.2 The captain of a fishing vessel shall, at the time of the transshipment, inform its flag CPC of the following:
  - the quantities of tuna and tuna-like species, if possible, by stock, to be transhipped;
  - the quantities of other species caught in association with tuna and tuna-like species by species, where known, to be transhipped;
  - the date and place of the transshipment;
  - the name, registration number and flag of the receiving carrier vessel; and
  - the geographic location of the catches by species and, where appropriate, by stock, consistent with ICCAT statistical areas.
- 3.3 The captain of the fishing vessel concerned shall complete and transmit to its flag CPC the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, where applicable, in accordance with the format set out in **Annex 1 to Appendix 3** not later than 15 days after the transshipment.

**4. Receiving vessel**

- 4.1 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna-like species transhipped to his vessel, and complete and transmit the ICCAT transshipment declaration to the competent authorities within 24 hours.
- 4.2 The master of the receiving carrier vessel shall, at least 48 hours before landing, complete and transmit an ICCAT transshipment declaration to the competent authorities of the landing State where the landing takes place.

**Port and Landing State Cooperation**

5. The port State and the landing State referred to in the above paragraphs shall review the information received pursuant to the provisions of this Annex, including in cooperation with the flag CPC of the fishing vessel as necessary, to determine consistency between the reported catches, transshipments, and landings of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.

**Reporting**

6. Each flag CPC of the fishing vessel shall include in its Annual Report each year to ICCAT the details on the transshipments by its vessels.

**Appendix 4**

***Draft Recommendation by ICCAT to Establish a Scientific Observer  
Program within the ICCAT Convention Area  
(Presented by the EU)***

*RECALLING* that Article IX of the Convention requires Contracting Parties to furnish, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Convention;

*FURTHER RECALLING* the 2001 *Resolution by ICCAT on the Deadlines and Procedures for Data Submission* [Res. 01-16], in which the Commission established clear guidelines for the submission of Task I and Task II data;

*ACKNOWLEDGING* that poor quality data impacts the ability of the SCRS to complete robust stock assessments and provide management advice as well as the ability of the Commission to adopt effective conservation and management measures;

*CONSIDERING* that the constitution of an ICCAT Scientific Observer Programme, by enlarging the minimum standards for fishing vessel scientific observer programmes detailed in Recommendation 10-10, would ensure the availability of sound scientific information on fishing activities in the ICCAT Convention area;

*DETERMINED* to ensure the collection of data accounting for all sources of mortality in ICCAT fisheries, for both target species and by-catch, to improve the certainty of future scientific advice while taking into account ecosystem considerations;

*RECOGNIZING* that, in relation with the protection of juveniles, a specific focus should be given to surface fishing in association with fish aggregating objects, including FADs, where area/time closures are implemented by ICCAT;

*REITERATING* the responsibilities of the flag CPC to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting the ICCAT Recommendations in force;

*RECOGNIZING* that scientific observer programmes are used successfully at both the national and Regional Fisheries Management Organization (RFMO) level for the purposes of collecting scientific data;

*RECOGNIZING* the international nature of the fishing activity on ICCAT species and the consequent need to embark well-trained and mandated observers to improve the collection of relevant data, in terms of continuity, coherence and quality;

*TAKING INTO ACCOUNT* the needs of developing States with regard to capacity building;

*RECOGNIZING* the United Nations General Assembly Sustainable Fisheries Resolution 63/112, that encourages the development of observer programmes by Regional Fisheries Management Organizations and arrangements to improve data collection;

*ACKNOWLEDGING* that specific provisions for scientific observers apply to tropical tuna fisheries, including the mutual recognition of scientific observers, and that those provisions should continue to apply;

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

An ICCAT Scientific Observer Programme is established as follows:

**Definitions**

1. For the purpose of the ICCAT Scientific Observer Programme:

- a) "**ICCAT scientific observer**" means a person, hereafter referred to as the "**observer**", selected and appointed by a flag CPC to collect scientific information on fishing activities for ICCAT species;
- b) "**ICCAT species**" means tuna and tuna-like species, and other species caught in association with these species within the Convention area;
- c) "**National authority**" means the authority of a CPC designated by that CPC to select and appoint the observer, and to disseminate the scientific information collected by the observer;
- d) "**Scientific institute**" means a scientific body cooperating with the SCRS, designated by a CPC to mandate the observer, and to analyse and validate the scientific information collected by the observer;
- e) "**Observer data**" means the raw scientific information collected by the observer during its assignment on the vessel observed;
- f) "**Observer report**" means the report summarising the scientific information collected by the observer;
- g) "**Programme**" means the ICCAT Scientific Observer Programme established by this Recommendation;
- h) "**CPC**" means Contracting Parties and Cooperating non-Contracting Parties, Entities, or Fishing Entity.

**Aim of the Programme**

2. The aim of this Programme is:

- a) to ensure the collection by scientific observers of information related to fishing activities on ICCAT species in the ICCAT Convention area by vessels flying the flag of a CPC, within the domestic observer programmes of that CPC; and
- b) to transmit the observer reports and the observer data to the ICCAT Secretariat, which would make them available to the SCRS and to the concerned coastal CPC.

**General Provisions**

3. Notwithstanding additional requirements that may be in place or adopted by ICCAT in the future for specific fishing activities, each CPC shall take the measures as may be necessary to ensure that fishing vessels entitled to fly its flag, their Masters and the observers it has assigned to the Programme fulfil their respective tasks and requirements under the Programme.

***Notification requirements***

4. Each CPC shall notify the Executive Secretary:
  - a) its national authority (including telephone, fax numbers and e-mail address) in charge of implementing this Programme;
  - b) the national scientific institutes (including telephone, fax numbers and e-mail address) in charge of mandating the observer and collecting, analysing and validating the observer data;
  - c) the list of scientific observers it has assigned to the Programme, providing for each observer:
    - i. name, sex, date of birth, nationality and passport number;
    - ii. the date the qualification of scientific observer has been obtained, the training organization and the date of entry into the list of ICCAT scientific observers;
    - iii. the name of the scientific institute that mandates the observer.
  - d) any change to the information under a to c above as soon as possible, but no more than [14] days after the effective date of the change.

***Qualifications of Observers***

5. Without prejudice to any training or technical qualifications recommended by the SCRS, CPCs shall ensure that their observers have the following qualifications to accomplish their tasks:
  - a) sufficient knowledge and experience to identify ICCAT species and fishing gear configurations;
  - b) satisfactory knowledge of the ICCAT Conservation and Management measures in force;
  - c) the ability to observe and record accurately the information to be collected under the Programme;
  - d) be national of one of the CPCs;
  - e) be capable of performing the tasks set forth in point 10 below;
  - f) the ability to collect biological samples;
  - g) the ability to analyse images from on board cameras;
  - h) not be a crew member of the vessel being observed;
  - i) be independent of the vessel owner, the Master and any crew member, or of an NGO;
  - j) not have current financial or beneficial interests in the tuna fisheries;
  - k) a satisfactory knowledge of the language of the flag State of the vessel observed; and
  - l) be trained in safety and sea survival.

***Observer Coverage***

6. Each CPC shall ensure the following with respect to its domestic observer programs:



- a) A minimum of 5% observer coverage of fishing effort in each of the pelagic longline, purse seine, and, as defined in the ICCAT glossary, baitboat, traps and fixed gillnet fisheries, as measured:
  - a) for purse seine fisheries, in number of sets or trips;
  - b) for pelagic longline fisheries, in fishing days, number of sets, hooks or trips;
  - c) for baitboat and trap fisheries, in fishing days;
  - d) for fixed gillnet fisheries, in net length.
- b) the coverage rate in sub paragraph a) shall be adapted in accordance with specific ICCAT Recommendations requests;
- c) Notwithstanding paragraph 1a), for vessels less than 15 meters, where an extraordinary safety concern may exist that precludes deployment of an onboard observer, a CPC may employ an alternative scientific monitoring approach (sampling plan) that will collect data equivalent to that specified in this recommendation in a manner that ensures comparable coverage. In any such cases, the CPC wishing to avail itself of an alternative approach must present the details of the approach to the SCRS for evaluation. The SCRS will advise the Commission on the suitability of the alternative approach for carrying out the data collection obligations set forth in this Recommendation.
 

Alternative scientific monitoring approaches may consist in monitoring at the landing place by field samplers, providing these field samplers do collect information during the landing of the vessels concerned.
- d) Representative temporal and spatial coverage of the operation of the fleet to ensure the collection of adequate and appropriate data as required under this Recommendation and any additional domestic CPC observer programme requirements, taking into account characteristics of the fleets and fisheries;
- e) Data collection on all aspects of the fishing operation, including catch and fishing effort.

- 7. Each flag CPC may deploy either national or non-national observers on vessels flying its flag.
- 8. CPCs may conclude bilateral arrangements whereby one CPC places national observers on vessels flying the flag of another CPC, until the flag CPC provides a replacement, or the target coverage level is met.
- 9. CPC shall endeavour to ensure that observers alternate vessels between their assignments.

#### ***Tasks of the Observer***

- 10. CPCs shall require observers to:
  - a) record and report upon the fishing activity of the observed vessel, which shall include at least the following:
    - i. data collection, that includes quantifying total target catch, discards and by-catch (including sharks, sea turtles, marine mammals, and seabirds), size composition, disposition status (i.e., retained, discarded dead, released alive), the collection of biological samples for life history studies (e.g., gonads, otoliths, spines, scales), and the collection of tags markings;

- ii. fishing operation information, including:
  - area of catch by latitude and longitude;
  - fishing effort information (e.g., number of sets, number of hooks, etc.);
  - date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
  - use of fish aggregation objects, including FADs;
  - reasons for discarding, and general state of catch released animals.
- iii. exercise any other scientific work as recommended by SCRS and agreed by the Commission.
- b) observe and record the use of by-catch and discards mitigation measures, and other relevant information;
- c) analyse images from on board cameras, in support of the data collection referred to in a and b above;
- d) observe and report environmental related elements;
- e) present to their CPC, as feasible and appropriate, any proposals the observer considers appropriate to improve the efficiency of conservation measures and scientific monitoring;
- f) perform any other scientific related task as required by a specific ICCAT Recommendation.

### ***Obligations of the Observer***

11. CPCs shall ensure that the observer:

- a) carry a document identifying the observer as operating under the Programme;
- b) do not interfere with the electronic equipment of the vessel;
- c) be familiar with the emergency procedures aboard the vessel, including the location of life rafts, fire extinguishers and first aid kits;
- d) communicate regularly in the language of the flag CPC with the Master on relevant observer issues and tasks;
- e) do not hinder or interfere with the fishing activities and the normal operations of the vessel;
- f) minimize endangering situations for the observer or a discomfort for the Master and crew when performing their fishing activity;
- g) participate in a debriefing session with the Master, and possibly a delegate of the scientific institute or the national authority which appointed it;
- h) treat as confidential all the observer data and information with respect to the fishing activities of the vessel, and accept this requirement in writing as a condition of appointment as an observer;
- i) comply with requirements established in the laws and regulations of the flag CPC which exercises jurisdiction over the vessel to which the observer is assigned;

- j) respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the tasks of the observer under this Programme, and with the obligations of the Master set forth in paragraph 15;
- k) report without delay to its scientific institute, or to its national authority, for immediate information of the ICCAT Secretariat, any incident that may have occurred during the deployment.

***Obligations of the Master***

12. CPCs shall ensure that the Master of the vessel to which the observer is assigned shall:

- a) permit appropriate access to the vessel and its operations;
- b) allow the observer to carry out its responsibilities in an effective way, by
  - i. having access to the vessel's crew and gears;
  - ii. communicate at any time with the scientific institute, or a coordinator representing the scientific institutes participating in the Programme;
  - iii. authorize the observer on request, to have access to the following equipment, if present on the vessel on which the observer is assigned, and to facilitate the fulfilment of its duty:
    - Satellite navigation equipment
    - Radar display screens during utilisation
    - Electronic means of communication
- c) provide accommodation to observers, including lodging, food and adequate sanitary facilities, equal to those of officers;
- d) provide the observer adequate space on the bridge or pilot house to perform its tasks, as well as space on deck adequate for carrying out observers tasks;
- e) participate in a debriefing session with the observer, and possibly a delegate of the scientific institute or the national authority which appointed the observer.

***Observer Report***

13. CPC shall ensure that the observer:

- a) compiles the information collected in accordance with this Programme in an observer report, if possible in electronic format, and offers the Master the opportunity to include any relevant comment, and
- b) within [10] days after the fishing trip, submit the observer report and the observer data to the scientific institute which has mandated the observer, and to the Master.

***Timeframe for the boarding and reporting procedures***

14. CPC shall ensure that the following timeframe of the observer boarding is respected:

- a) the scientific institute that mandates the observer addresses the vessel owner a request for boarding and a related boarding planning 45 days in advance of the fishing trip;

- b) the vessel owner validates the boarding planning 30 days in advance of the fishing trip;
- c) at the end of fishing trip, a debriefing is organized between the observer, the Master and, if possible, the scientific institute;
- d) the observer report, the observer data and all supporting material are transmitted by the observer to the scientific institute and the Master within [10] days after the fishing trip;
- e) the observer report and the observer data are validated and made anonymous by the scientific institute within [30] days after the fishing trip. The validation may use the images recorded by the on board cameras;
- f) the scientific institute transmits the anonymous observer report and the observer data to the national authority of the flag CPC within [45] days after the fishing trip;
- g) in a manner consistent with its domestic confidentiality requirements, the flag CPC transmits the observer report and observer data within [90] days after the fishing trip to the Executive Secretary, to be stored in an observer database and made available to the SCRS and the national authority of the CPCs under whose jurisdiction the vessel has fished.

***Duties of the CPCs***

15. Each CPC shall:

- a) require its vessels, when conducting fishing activities on ICCAT species , to carry a scientific observer in accordance with the provisions of this Programme. No vessel shall be required to carry more than one observer at any time;
- b) ensure that the national scientific observers appointed under this Programme meet the qualification standards referred to in paragraph 5;
- c) ensure that the timeframe for boarding and reporting procedures set out in paragraph 14 are complied with;
- d) encourage their scientific institutes to enter into agreements with the scientific institutes of the other CPCs for the exchange of observer reports and observer data between them;
- e) provide in its Annual Report to the Commission:
  - i. the number of vessels monitored and the coverage achieved by gear type;
  - ii. information on how vessels are selected for coverage to achieve the target;
- f) compile the observer data in an electronic format adopted by the Commission and submit it every year to the Executive Secretary, to be made available to the SCRS.

16. The CPC shall meet the cost of the boarding, including the salary, the equipment and the insurance coverage.

***Safety of the observer***

17. CPCs shall take appropriate action with respect to their vessels to ensure safe working conditions, the protection, security and welfare of observers under this Programme, in the performance of their duties, and to provide them with medical care and safeguard their freedom and dignity in adherence to all pertinent international maritime regulations.
18. For transfers at sea, CPCs shall:
  - a) ensure that their vessel operators conduct transfers of observers under safe conditions and with the agreement of the observers;
  - b) conduct the transfer in a manner which maximizes the safety of observers and crew during the procedure; and
  - c) provide experienced crew members to assist observers during any transfer which is made.

***Duties of the Executive Secretary***

19. The Executive Secretary:
  - a) establishes, maintains and posts on the secure part of the ICCAT website a register of national authorities, scientific institutes and ICCAT scientific observers as referred to in paragraph 4;
  - b) with due consideration to the confidentiality requirements noted by CPCs, posts the observer reports and observer data in an observer database and make it available to the SCRS, and to the national authority of the CPCs under whose jurisdiction the vessel has fished.

***Duties of the SCRS***

20. The SCRS:
  - a) elaborates an observer working manual, including standardized data collection sheets and procedures, taking into account the experience acquired in ICCAT and in other tuna RFMOs;
  - b) if necessary, elaborates a template for the collection and reporting the observer data to be used by the observer;
  - c) reports to the Commission at the Annual meeting on the coverage level achieved by each CPC and by fishery;
  - d) provides the Commission with a summary of the scientific data and information collected and reported pursuant to this Programme, and any relevant associated findings;
  - e) makes recommendations as necessary and appropriate on how to improve the effectiveness of the Programme in order to meet the data needs of the Commission, including possible revisions to this Recommendation and/or with respect to implementation of these minimum standards by CPCs.

***Electronic Observer Systems***

21. Electronic observer systems may be installed on board of the fishing vessels as alternative to collect independent and accurate information on fishing activities, to complement or, where the Commission decides so, to replace the human observer on board.

22. Electronic observer systems shall:

- a) be certified and installed on board so to ensure a camera coverage allowing to identify species and size composition, discards and by-catch, gears and FADs identification, and allowing a real time information with alarm operation;
- b) record and store encrypted information in a manner that forbids deletion or manipulation;
- c) allow crosschecks with other monitoring data related to the fishing activity of the vessel (position, time, course, etc.);
- d) be remotely checked by authorized personnel, or accessible to human observers when on board.

***Support to Developing States***

23. The Commission shall take due regard of the special requirements of developing States in the implementation of the provisions of this Recommendation.

24. The ICCAT funds available may be used to support the implementation of this Programme in developing States, notably the training of observers and of field samplers.

***Final provision***

25. Rec. [10-10] is repealed and replaced by this Recommendation.

## Appendix 5

### **DRAFT [RECOMMENDATION] [RESOLUTION] BY ICCAT FOR A [MODEL] JOINT INTERNATIONAL INSPECTION SCHEME**

*(Proposed by the European Union, Panama, Senegal and the United States)*

*RECALLING* Recommendation 75-02 for a Scheme of Joint International Inspection and Annex 7 of Recommendation 14-04 establishing a joint international inspection scheme for the eastern Atlantic and Mediterranean bluefin tuna fishery;

*FURTHER RECALLING* Resolution 94-09 on Compliance with the ICCAT Conservation and Management Measures, Recommendation 97-11 on Transshipments and Vessel Sightings, and Recommendation 98-11 Concerning the Ban on Landings and Transshipments of Vessels from Non-Contracting Parties Identifies *sic* as Having Committed a Serious Infringement;

*RECALLING ALSO* the General Outline of Integrated Monitoring Measures adopted at the 13th Special Meeting of the Commission (Doc. 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; [and]

*INTENDING* to strengthen ICCAT's monitoring, control, and surveillance regime to promote compliance with the ICCAT Convention and the Recommendations of the Commission [; and

*RECOGNIZING* the value of establishing a Model Scheme of Joint International Inspection that reflects current international standards and is available for activation in fisheries under the jurisdiction of ICCAT].

#### **THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS [RECOMMENDS] [RESOLVES] THAT:**

[A Scheme of Joint International Inspection be established as follows:][Where a Scheme of Joint International Inspection is adopted in a fishery managed under the ICCAT Convention, such Scheme should be established based upon the following provisions, recognizing that additional elements may be needed to adapt the model scheme to a specific fishery:]

#### **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 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 authorized by a Contracting Party and assigned to conduct boarding and inspections in the ICCAT Convention area under the Joint International Inspection Scheme;
6. "Scheme" means the Joint International Inspection Scheme established by this Recommendation.

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

7. Boarding and inspection conducted pursuant to this Scheme is intended to monitor compliance with the ICCAT Convention and related Recommendations in force.
8. This Scheme applies in the ICCAT Convention area beyond areas under national jurisdiction.

8bis. The ICCAT Scheme of Joint International Inspection [1975-02] is hereby repealed [and replaced by this Scheme]. [Annex 7 of Recommendation 14-04 is hereby revoked and replaced by this Scheme.

## **Section III: General provisions**

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




9. Each Contracting Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag, their Masters, its inspection vessels, and inspectors it has assigned to the Scheme, fulfil their respective duties and requirements under the Scheme.
10. Within 30 days of the entry into force 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.
11. Boarding and inspections shall be carried out by inspectors and inspection vessels assigned to the Scheme by a Contracting Party.

### ***Notification requirements***

12. A Contracting Party that intends to conduct 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 13, 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 fax numbers and e-mail address) for a point of contact within that authority;
    - (ii) the names of the individual inspectors designated by the national authority referred to in subparagraph (i) above, where required by a Recommendation;
    - (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

<p><b>INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</b></p> <p><b>AT</b>  <b>ICCAT</b></p> <p><b>Inspector Identity Card</b></p>		<p><b>AT</b>  <b>ICCAT</b></p> <p>The holder of this document is an ICCAT inspector duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the International Commission for the Conservation of the Atlantic Tuna and has the authority to act under the provision of the ICCAT Control and Enforcement measures.</p>
<p> Photograph</p>	<p><b>Contracting Party:</b></p> <p><b>Inspector Name:</b></p> <p><b>Card n°:</b></p> <p><b>Issue Date:</b></p>	<p>Valid five years</p> <p>..... ICCAT Executive Secretary Issuing Authority</p> <p>..... Inspector</p>

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, inspector 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 **Annex 1 to Appendix 5**;
- d) ensure that the inspectors and crew of any inspection vessel authorized and assigned to participate in the Scheme are competent to conduct inspection at-sea consistent with generally accepted international standards and are conversant with and have access to the ICCAT Recommendations in force; 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***

13. 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 12, 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 available. Foreign inspectors may participate in all inspections conducted by the inspection vessel under this Scheme as agreed upon by the two Contracting Parties prior to deployment.

***Duties of the Executive Secretary***

14. The Executive Secretary shall,

- a) establish, maintain and post to the secure part of the ICCAT website accessible to all Contracting Parties and Cooperating Non-Contracting Parties, Entities or Fishing Entities:
  - i) a register, including the information notified by the Contracting Parties under subparagraph 12.a; and
  - ii) information on the arrangements referred to in paragraph 13.
- b) issue the ICCAT inspection flag or pennant depicted at **Annex 1 to Appendix 5** to Contracting Parties deploying inspection vessels pursuant to the Scheme;
- c) maintain and post to the secure part of the ICCAT website a standardized multi-language questionnaire developed by Contracting Parties for use in contacting fishing vessels and conducting boarding and inspection activities pursuant to the Scheme.

**Section IV: Inspections**

***Transparency and equitable treatment***

15. 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***

16. The inspecting Contracting Party should give priority to inspecting a fishing vessel:

- a) 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;
- b) 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;
- c) included in the list of vessels that have engaged in IUU fishing adopted by a regional or sub-regional fisheries management organization; or
- d) 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.

***Optimal use of inspection resources***

17. Contracting Parties shall direct their inspection vessels to seek to establish regular contact with other inspection vessels operating in the same area for the purpose of sharing information on sightings, inspections and other operational elements relevant to their activities under the Scheme.

***Non-Contracting Party Fishing Vessels and Vessels of Undetermined Flag***

18. Notwithstanding the notification requirements of *Recommendation by ICCAT on Transshipments and Vessel Sightings* [Rec. 97-11], an inspecting Contracting Party that sights a fishing vessel without nationality or of indeterminate flag, engaged in fishing activities in the Convention area, shall report the sighting to the Executive Secretary, who shall forward the reports to all Contracting Parties. Consistent with *Recommendation by ICCAT on Transshipments and Vessel Sightings* [Rec. 97-11], where there are reasonable grounds for suspecting 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.
19. In accordance with paragraph 4 of *Recommendation by ICCAT on Transshipments and Vessel Sightings* [Rec. 97-11], an inspection vessel that sights a non-Contracting Party 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. The Executive Secretary shall forward the reports to all Contracting Parties.
20. The inspection vessel shall, if possible, advise the Master of the sighted vessel that they are operating within the ICCAT Convention area and may be fishing contrary to conservation and management measures adopted by ICCAT. Where practicable, 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, who shall, in turn, forward the reports to all Contracting Parties.

***Duties of the Executive Secretary***

21. The Executive Secretary shall,
  - a) upon receipt, immediately distribute to the Contracting Parties the reports received pursuant to paragraphs 18, 19, and 20; and
  - b) compile, maintain, and post to the secure part of the ICCAT website a list of vessels reported pursuant to paragraphs 18 and 19 and encounters and inspections reported pursuant to paragraph 20.

**Section V: Boarding and inspection procedures**

***Conduct of inspections***

22. 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 point of contact of the fishing vessel; and
  - e) display the ICCAT inspection flag or pennant depicted in **Annex 1 to Appendix 5** in a clearly visible fashion.

23. 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 using the standardized multi-language questionnaire referred to in paragraph 14.c.
24. 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.
25. 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.
26. In conducting an inspection pursuant to this Scheme, the inspectors shall:
- a) upon boarding, present their credentials to the Master;
  - b) avoid interfering with the Master's ability to communicate with the flag Contracting Party of the fishing vessel;
  - c) 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;
  - d) collect, and clearly document in the inspection report, any evidence of an infringement of the ICCAT Convention or Recommendations;
  - e) 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;
  - f) provide the Master with a copy of the inspection report;
  - g) 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
  - h) except where they have reasonable grounds to believe 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.
27. Where the inspectors have reasonable grounds to believe 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***

28. 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.
29. 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***

30. Each Contracting Party shall require that the Master of every fishing vessel entitled to fly its flag:
- a) when signalled to do so 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 manoeuvre to safely facilitate boarding as soon as possible;
  - b) provides a standardized boarding ladder that meets the requirements of IMO Resolution A.889(21) and ensures safety measures are in place to prevent and respond as required to an accident during boarding;
  - c) cooperates with and assists in the inspection;
  - d) facilitates the inspection of 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) makes available the use of the vessel's communication equipment and operator, to the extent required by the inspectors;
  - g) facilitates communication by the inspectors with the crew and the flag Contracting Party of the inspection vessel;
  - h) provides the inspectors with reasonable facilities, including, where appropriate, food and accommodation;
  - i) 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;
  - j) 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;
  - k) refrains from resuming fishing activity until the inspectors have completed the inspection and, in the case of a serious infringement, secured the evidence; and
  - l) facilitates the safe disembarkation of the inspectors.

***Refusal of boarding and inspection***

31. 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.
32. Upon receiving notification under paragraph 31, 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 40.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***

33. Each Contracting Party shall require that its inspectors:
- a) upon completion of an inspection, complete an inspection report in the form set out in **Annex 2 to Appendix 5**;
  - 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***

34. Upon completion of the inspection, the inspecting Contracting Party shall transmit the inspection report, if possible within 30 days, to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.
35. Notwithstanding paragraph 34, where inspectors have noted an infringement in the inspection report, the inspecting Contracting Party shall transmit, within 10 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.

***Duties of the Executive Secretary***

36. The Executive Secretary shall, without delay, post the inspection report to the secure part of the ICCAT website.

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

### ***Serious infringements***

37. 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) using prohibited fishing gear;
- h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel or its gear, or failing to mark fishing gear;
- i) 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;
- j) committing multiple infringements which, taken together, constitute a serious disregard of the ICCAT Convention or Recommendations;
- k) assaulting, resisting, intimidating, harassing, interfering with, obstructing or unduly delaying inspectors or observers in the performance of their duties;
- l) tampering with, disabling, or interfering with the vessel monitoring system (VMS) of the fishing vessel where VMS is required by ICCAT Recommendations;
- m) operating a fishing vessel without VMS in contravention of ICCAT Recommendations;
- n) presenting falsified documents or providing false information to an inspector so as to prevent a serious infringement from being detected;
- o) fishing with the assistance of spotter planes in contravention of ICCAT Recommendations;
- p) failure to submit to an inspection;
- q) transshipping at sea in contravention of ICCAT Recommendations;
- r) operating a fishing vessel without an observer in contravention of ICCAT Recommendations; and
- s) such other violations identified as a serious infringement in future ICCAT Recommendations.

***Duties of the Inspectors***

38. 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***

39. 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***

40. Upon receiving notification pursuant to paragraph 39, 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, to 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.
41. 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***

42. Where the flag Contracting Party of the fishing vessel fails to take action as required pursuant to paragraph 40, the inspectors shall immediately so advise their national authority responsible for at-sea inspection and record the failure in the inspection report.
43. The inspecting Contracting Party shall notify the Executive Secretary of the flag Contracting Party's failure to respond.
44. 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***

45. The Executive Secretary shall,

- a) upon receipt, post any notifications received pursuant to paragraphs 39 or 42, and any explanation received pursuant to paragraph 44, to the secure part of the ICCAT website;
- b) transmit, upon receipt, the justification received pursuant to paragraph 44 to the inspecting Contracting Party; and
- c) maintain a record of actions reported by the flag Contracting Party pursuant to paragraph 40, post such record to the secure part of the ICCAT website, and refer the information to the Commission for its consideration.

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

***Cooperation***

46. 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***

47. 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***

48. 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***

49. 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.

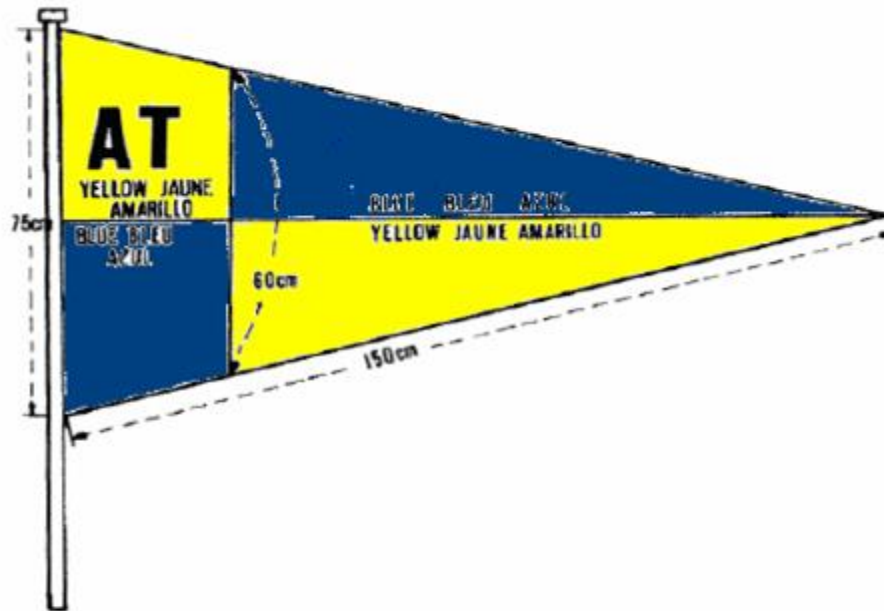
### ***Report of the Executive Secretary***

50. 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 September 30;
  - 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.

## Annex 1 to Appendix 5

## ICCAT Inspection Flag or Pennant

ICCAT Pennant



## Annex 2 Appendix 5

## 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	HH	
8. Completion of inspection	YYYY	MM	DD	HH	
9. Last port and date of last port call			YYYY	MM	DD
10. Vessel name					
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	
26. Relevant fishing authorization(s)					
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>
27. Catch retained onboard (quantity)					
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained (based on inspection)</i>	

28. Examination of logbook(s) and other documentation		Yes	No	Comments
29. Compliance with applicable catch documentation scheme(s)		Yes	No	Comments
30. Compliance with applicable statistical document scheme(s)		Yes	No	Comments
31. Type of gear used				
32. Gear examined	Yes	No	Comments	
33. Findings by inspector(s)				
34. Apparent infringement(s) noted including reference to relevant legal instrument(s)				

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

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

## Appendix 6

**Draft Text Resulting from Updating and Combining Two ICCAT Measures***(Presented by: PWG Chair)*

During the last Commission meeting (November 2015) in the course of the discussion of the streamlining of conservation and management measures, the Commission “*agreed that the Resolution 94-09 required amendment in the future, and could be combined with Recommendation 97-11.*” In order to advance work on this before the forthcoming Commission meeting (November 2016), the attached draft is being proposed for consideration. It should be noted that since the adoption of these two measures, several advances have been made in ICCAT, with specific measures having been adopted on transshipment (Rec. 12-06) and port inspection (Rec. 12-07), as well as species specific measures which would indicate a need for the texts to be extended to species beyond bluefin tuna.

The document comprises three parts 1) this introduction/explanatory note; 2) the combined texts with changes shown; and 3) a clean text with mark-up removed for easy reading.

The attached draft takes Resolution 94-09 as a base, inserting the relevant sections of Recommendation 97-11. Text taken from 97-11 is shown in italics. Underline and strikethrough show the parts which have been changed from the original texts.

From 97-11, the first paragraph has been omitted, as since then the Commission has adopted specific measures relating to transshipment, currently contained in Rec. 12-06. Paragraphs 2 and 3 of Rec. 97-11 were combined in the revision, as in the original, the only difference in treatment of CPCs and non-CPCs was the destination of the information (Compliance Committee for CPCs and other Contracting Parties for non-CPCs). Since the adoption of 11-24, however, the Compliance Committee is responsible for reviewing all activities which may undermine ICCAT conservation and management measures.

The preambles from both measures have been removed, as a new text may be required here. Whether this text should be converted into a Recommendation or a Resolution is a matter which will also require consideration by the delegates. The terminology in the text (binding shall or non-binding should) may need to be revised depending on the decision taken on this.

Text removed from 97-11:

- 1 *Contracting Parties shall ensure that fishing vessels and mother vessels flying their flag only transfer or receive at-sea transshipment of ICCAT species from Contracting Parties and Cooperating [Parties, Entities, or Fishing Entities], as defined in the Resolution by ICCAT on Becoming a Cooperating Party, Entity or Fishing Entity [Res. 97-17]\*. Such transshipment activities shall be reported annually to the Commission.*

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\* Resolution 97-17 was replaced by Recommendation 03-20.

*94-09: Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures*

Updated and Combined with

*97-11: Recommendation by ICCAT on Transshipments and Vessel Sightings*

Proposed by: PWG Chair

~~RECALLING that the Commission has taken various conservation and management measures on tuna and tuna-like species in the Convention Area;~~

~~NOTING the Recommendation on Supplemental Regulatory Measures for the Management of Eastern Atlantic Bluefin Tuna adopted at the Thirteenth Regular Meeting in 1993, which prohibits the fishing for bluefin tuna using longline fishing vessels greater than 24 m in length in the Mediterranean during the period from June 1 to July 31;~~

~~FURTHER NOTING the Recommendation on the Management of Bluefin Tuna Fishing in the Central North Atlantic Ocean adopted at the Thirteenth Regular Meeting in 1993, which limits the bluefin tuna catch in this area and prohibits the initiation of a new fishery targeting bluefin tuna for a period of two years;~~

~~BEING AWARE of the need to obtain and monitor cooperation from the non-Contracting Parties with ICCAT conservation and management measures to ensure the effectiveness of the Commission's recommendations;~~

~~RECOGNIZING the need to develop a mechanism to monitor fishing activities by non-Contracting Parties in the Convention Area and to take possible ways and means based on the collected information to deter fishing activities of non-Contracting Parties which undermine conservation and management measures of the Commission;~~

~~ALSO RECOGNIZING the need to improve compliance by Contracting Parties in the Convention Area;~~

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

1. The Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) should collect any information on the sighting of vessels of CPCs and non-Contracting Parties vessels that appear to be fishing for tuna or tuna-like species in the Convention area without being on the ICCAT Record of Vessels or contrary to any ICCAT conservation and management measures in force. This information should be collected through their enforcement and surveillance operations in the Convention Area. Such information should be transmitted promptly to the Executive Secretary through a sighting information sheet as attached in an Addendum.
  - a) ~~Large pelagic tuna longline fishing vessels greater than 24 m in length operating in the Mediterranean during the period from June 1 to July 31,~~
  - b) ~~Vessels that appear to be:~~
    - i) ~~fishing bluefin tuna in the north Atlantic without regard to the scientific monitoring quota in the western Atlantic;~~
    - ii) ~~directing a fishery on bluefin tuna spawning stocks in the Gulf of Mexico; or,~~
    - iii) ~~fishing bluefin tuna in the central North Atlantic (north of 40°N, between 35°W and 45°W) contrary to the relevant Commission recommendation.~~
    - iv) ~~fishing tuna and tuna-like species contrary to the relevant Commission Recommendations other than i, ii, and iii.~~



2. The Contracting Parties should encourage those of their fishermen who operate in the Convention Area to collect the information on the vessels set out in paragraph 1.
3. When a vessel described in paragraph 1 is sighted and:
  - a) flies the flag of a Contracting Party ~~or Cooperating Party, Entity or Fishing Entity, or a non-Contracting Party which can be identified, any observation by a Contracting Party vessel or aircraft of Contracting Parties' vessels that~~ and may be fishing contrary to ICCAT conservation measures, this sighting shall be reported immediately to the appropriate authorities of the flag-State making the observation. That Contracting Party shall then immediately notify the appropriate authorities of the flag-State of the vessel fishing and the Executive Secretary who shall, upon receiving the information from the Contracting Party which sighted the vessel, immediately transmit it to the relevant Contracting Party which shall immediately take appropriate action with respect to the vessel in question. Such Contracting Party shall promptly inform the Commission of the actions taken. Each Both the Contracting Party making the observation and the Contracting Party whose fishing vessels were observed shall provide the pertinent information, including information on the actions taken with respect to the vessel, to the ICCAT Secretariat which will forward the information to the Compliance Committee for review.
  - b) flies the flag of a non-Contracting Party, the Executive Secretary shall, upon receiving the information from the Contracting Party which sighted the vessel, immediately transmit it to the relevant non-Contracting Party and request that it promptly take appropriate action to ensure that the effectiveness of the ICCAT conservation measures are not undermined and inform the Commission of the results of such action. The Executive Secretary shall compile the information and provide it to the Commission.
  - b) the flag state cannot be identified, ~~the Executive Secretary shall compile the information received from the Contracting Parties which sight such vessels and provide it to the Commission. any sightings of vessels that appear to be without nationality (stateless) that may be fishing for ICCAT species shall be reported immediately to the appropriate authorities of the Contracting Party whose vessel or aircraft made the sighting. Where there are reasonable grounds for suspecting that a fishing vessel targeting ICCAT species on the high seas is stateless, a Contracting Party may board and inspect the vessel. Where evidence so warrants, the Contracting Party may take such action as may be appropriate in accordance with international law. Any Contracting Party receiving a report of a sighting or conducting an action against a stateless fishing vessel shall immediately notify the ICCAT Secretariat, which, in turn, shall notify all other Contracting Parties. In addition, Contracting Parties are encouraged to establish points of contact to facilitate cooperation and other appropriate actions.~~
4. Appropriate authorities of Contracting Parties are encouraged, upon the consent of the master, to board and collect information on pelagic fishing vessels of non-Contracting Parties fishing in the Convention Area. Information collected from such courtesy boardings shall be compiled and reported to the Commission.
5. Any Contracting Party in whose ports ~~bluefin tuna fishing or transport vessels enter and any Contracting Party which has ports identified by the Statistical Document Program as a point of export of bluefin tuna should make every effort to collect the following information on the tuna vessels of non-Contracting Parties in its ports required by the port inspection form contained in Rec. 12-07 (the appended sighting information sheet should be used for this purpose)~~ and report the information collected to the Commission.
  - a) ~~Vessel Type and Name~~
  - b) ~~Flag and Port of Registry~~
  - c) ~~International Radio Call Sign~~
  - d) ~~Registration Number~~
  - e) ~~Length and Gross Tonnage~~
  - f) ~~Fishing Gear Description (e.g. type, amount)~~

- ~~g) — Nationality of master, officers and crew~~
- ~~h) — Date of Entry and Departure~~
- ~~i) — Activities at port (supply, landing, transshipment, etc.)~~
- ~~j) — Other relevant information~~

~~6. Such Contracting Party should make every effort to photograph the vessels and collect the following information through interviews with vessel masters, officers or crew:~~

- ~~a) — Name and Address of the Owner~~
- ~~b) — Name and Address of the Operator~~
- ~~c) — Amount of catch, landing or transshipment by species~~
- ~~d) — Area, Target Species and Period of Fishing~~

7. Each Contracting Party shall make every effort to ensure that ~~bluefin tuna~~ and tuna-like species harvested by its vessels ~~and described in each Statistical Document~~ has not been taken contrary to the Commission's conservation and management measures.
8. Each Contracting Party should seek to discourage, in accordance with its law, its nationals from associating with the activities of non-Contracting Parties which undermine the effectiveness of the ICCAT conservation and management measures.
- ~~9. The Contracting Parties should review the ICCAT Scheme of Port Inspection with a view to developing an effective enforcement scheme to enhance compliance with the ICCAT Recommendations.~~
- ~~10. The Executive Secretary shall transmit this Resolution to all non-Contracting Parties and request their cooperation for the effective implementation of this Resolution.~~

*Addendum to Appendix 6*

SIGHTING INFORMATION SHEET			
1. Date of Sighting:	Month	Day	Year
2. Position of Vessel Sighted:			
<del>At Sea:</del>		Latitude	Longitude
<del>At Port:</del>		Name of Port	Country
3. Name of the Vessel Sighted:			
4. Flag Country:			
5. Port (and Country) of Registry:			
6. Type of Vessel:			
7. International Radio Call Sign:			
8. Registration Number:			
9. Estimated Length <u>Overall</u> and Gross Tonnage:		m	MTGT
10. Fishing Gear Description:			
Type:		Estimated quantity (units)	
11. Nationality of Captain:		Officer:	Crew:
12. Vessel Situation When Sighted at Sea (Please check):			
Fishing	Cruising	Drifting	Transshipping Other
13. Type of Activities of the Vessel Sighted at Sea (Please <del>check</del> <u>describe</u> ):			
<del>— 1) Large pelagic tuna longline fishing vessels greater than 24 m in length operating in the Mediterranean during _____ the period from June 1 to July 31</del> <del>— 2) Vessels actually or possible engaged in bluefin tuna fishing that is contrary to the quota established by the Commission for scientific monitoring purposes in the western Atlantic</del> <del>— 3) Vessels actually or possible engaged in a directed fishery on bluefin tuna spawning stocks in the Gulf of Mexico</del> <del>— 4) Vessels actually or possible engaged in fishing bluefin tuna contrary to the Commission's regulation in the _____ central north Atlantic (north of 40°N, between 35°W and 45°W).</del> <del>— 5) Vessels actually or possible engaged in fishing bluefin tuna contrary to the Commission Regulations other than above (Specify)</del>			
14. Date of Entry and Departure (Port Sighting Only)			
<del>— Entry: M _____, D _____, Y _____</del>		<del>Departure: M _____, D _____, Y _____</del>	
15. Activities at Port (Port Sighting Only) (Please check):			
<del>— Supply _____</del>		<del>Landing _____ Transshipment _____ Other (Specify) _____</del>	
16. Other Relative Information:			
NOTE: THE SECTIONS BELOW ARE FOR NON-CONTRACTING PARTIES' VESSELS SIGHTED AT <del>— PORT ONLY. Fill out the following when information is obtained by interviewing the vessel</del> <del>— master, officers and/or crew:</del>			
17. Name and Address of the Owner:			
18. Name and Address of the Operator:			

<p><del>19. Estimated Amount of Catch, Landing, or Transshipment (when possible, by species) in metric tons (MT):</del></p> <p> <del>TOTAL</del>   <del>MT</del> <del>BLUEFIN</del>   <del>MT</del> <del>BIGEYE</del>   <del>MT</del> <del>YELLOWFIN</del>   <del>MT</del>  <del>ALBACORE</del>   <del>MT</del> <del>SWORDFISH</del>   <del>MT</del> <del>BILLFISHES</del>   <del>MT</del> <del>OTHERS</del>   <del>MT</del> </p>			
<p><del>20. Fishing Area, Target Species, and Period of Fishing:</del></p> <p> <del>Fishing Area: _____ Target Species: _____ Fishing Period: From _____ to _____</del> </p>			
<p><del>21. Other Information:</del></p>   			
<p>THE ABOVE INFORMATION WAS COLLECTED BY:</p> <p>OFFICER'S NAME: _____ TITLE: _____</p> <p>NAME OF VESSEL: _____ AIRCRAFT: _____ OR PORT: _____</p> <p>DATE: (Month)      (Day)      (Year)</p> <p>SIGNATURE: _____</p>   			

**Draft Text Resulting from Updating and Combing two ICCAT Measures**

*[As above without markup]*

*94-09: Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures  
Updated and Combined with*

*97-11: Recommendation by ICCAT on transshipments and vessel sightings  
Proposed by: PWG Chair*

1. The Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) should collect any information on the sighting of vessels of CPCs and non-Contracting Parties Vessels that appear to be fishing for tuna or tuna-like species in the Convention area without being on the ICCAT Record of Vessels or contrary to any ICCAT conservation and management measures in force. This information should be collected through their enforcement and surveillance operations in the Convention Area. Such information should be transmitted promptly to the Executive Secretary through a sighting information sheet as attached in an Addendum.
2. The Contracting Parties should encourage those of their fishermen who operate in the Convention Area to collect the information on the vessels set out in paragraph 1.
3. When a vessel described in paragraph 1 is sighted and:
  - a) flies the flag of a Contracting Party or Cooperating Party, Entity or Fishing Entity, or a non-Contracting Party which can be identified, and may be fishing contrary to ICCAT conservation measures shall be reported immediately to the appropriate authorities of the flag-State making the observation. That Contracting Party shall then immediately notify the appropriate authorities of the flag-State of the vessel fishing and the Executive Secretary who shall, immediately transmit it to the relevant Contracting Party which shall immediately take appropriate action with respect to the vessel in question. Both the Contracting Party making the observation and the Contracting Party whose fishing vessels were observed shall provide the pertinent information, including information on the actions taken with respect to the vessel, to the ICCAT Secretariat which will forward the information to the Compliance Committee for review.
  - a) the flag state cannot be identified, sightings of vessels that appear to be without nationality (stateless) that may be fishing for ICCAT species shall be reported immediately to the appropriate authorities of the Contracting Party whose vessel or aircraft made the sighting. Where there are reasonable grounds for suspecting that a fishing vessel targeting ICCAT species on the high seas is stateless, a Contracting Party may board and inspect the vessel. Where evidence so warrants, the Contracting Party may take such action as may be appropriate in accordance with international law. Any Contracting Party receiving a report of a sighting or conducting an action against a stateless fishing vessel shall immediately notify the ICCAT Secretariat, which, in turn, shall notify all other Contracting Parties. In addition, Contracting Parties are encouraged to establish points of contact to facilitate cooperation and other appropriate actions
4. Appropriate authorities of Contracting Parties are encouraged, upon the consent of the master, to board and collect information on pelagic fishing vessels of non-Contracting Parties fishing in the Convention Area. Information collected from such courtesy boardings shall be compiled and reported to the Commission.
5. Any Contracting Party in whose ports tuna fishing or transport vessels enter collect the information on the vessels in its ports required by the port inspection form contained in Rec. 12-07 and report the information collected to the Commission.
6. Each Contracting Party shall make every effort to ensure that tuna and tuna like species harvested by its vessels has not been taken contrary to the Commission's conservation and management measures.
7. Each Contracting Party should seek to discourage, in accordance with its law, its nationals from associating with the activities of non-Contracting Parties which undermine the effectiveness of the ICCAT conservation and management measures.

*Addendum to Appendix 6*

SIGHTING INFORMATION SHEET				
1. Date of Sighting:	Month	Day	Year	
2. Position of Vessel Sighted:				
	Latitude	Longitude		
3. Name of the Vessel Sighted:				
4. Flag Country:				
5. Port (and Country) of Registry:				
6. Type of Vessel:				
7. International Radio Call Sign:				
8. Registration Number:				
9. Estimated Length Overall and Gross Tonnage:		m	GT	
10. Fishing Gear Description:				
Type:	Estimated quantity (units)			
11. Nationality of Captain:	Officer:	Crew:		
12. Vessel Situation When Sighted at Sea (Please check):				
Fishing	Cruising	Drifting	Transshipping	Other
13. Type of Activities of the Vessel Sighted at Sea (Please describe):				
14. Other Relative Information:				
THE ABOVE INFORMATION WAS COLLECTED BY:				
OFFICER'S NAME:		TITLE:		
NAME OF VESSEL:		AIRCRAFT:		
DATE: (Month)	(Day)	(Year)		
SIGNATURE:				

**Information on the Implementation of  
Recommendations 12-07 and 14-08 Adopted on Port Inspection Measures**

**Capacity Building for Port Inspection**

*(ICCAT Secretariat)*

In 2012, ICCAT adopted the *Recommendation by ICCAT for an ICCAT Scheme of Minimum Standards for Inspection in Port* [Rec. 12-07], and in 2014, a Recommendation to Support Effective Implementation of this [Rec. 14-08]. In addition, the FAO Port State Measures Agreement entered into force on 5 June 2016.

At the 2015 Commission meeting, “in relation to port inspection, the Chairman of the PWG concluded that CPCs should express their capacity building needs to the Secretariat. The Commission agreed with this suggestion, and indicated that the Secretariat should investigate the possibilities of developing training in line with the needs indicated, although it was recognised that training was not the only impediment to the full implementation of the ICCAT measure on port inspection”.

Through ICCAT Circular 2583/16, the Secretariat reiterated its request for information in order to be able to implement Rec. 14-08. In response to this Norway has made a contribution to the Monitoring, Control, and Surveillance Fund (MCSF), and Suriname reiterated its request for technical assistance. Suriname does not require financial assistance and would be willing to pay for training, but to date no CPC has offered any bilateral assistance in this regard. If any CPC is willing to assist in this regard, the Secretariat would be pleased to facilitate contacts. Angola responded to the Circular requesting assistance to establish a biological sampling programme for coastal tuna from the artisanal fisheries. The Secretariat will give consideration to Angola’s request under other data collection and capacity building funds, as the request does not seem, *a priori*, to relate to the provisions of Rec. 12-07. No other answers were received to the above mentioned circular.

In order to advance on this, the Secretariat would appreciate:

- 1) Further guidance on the need for a manual and training course;
- 2) More information on developing CPC requirements in this regard;
- 3) If such manual and course are required, receiving input (guidance on course content and materials);
- 4) Approval by the Commission for requesting proposals to develop manual and training Course;
- 5) Guidance on how to implement training once 3) is developed: through external contract or through CPC experts;
- 6) While funding for the development of a manual/course is already available through the funds approved, guidance on the funding of any future training courses is needed.

A brief summary of possible content, based on IOTC training programme is attached. CPC input would be required to finalise this before a possible call for tender could be launched for its development. Existing material from currently available sources is noted in square brackets. Any CPC wishing to make comments on the draft outline, and/or which could provide additional content are requested to contact the Secretariat. If comments are received in good time, a revised outline could then be presented to the Commission in November for further discussion on the points above.

**DRAFT CONTENT OF PORT INSPECTION MANUAL BASED ON IOTC COURSE**

**ICCAT organisation and role**

The Commission

Functions and responsibilities

Members and structure

    The Panels

    The Standing Committee on Statistics and Research (SCRS)

    The Compliance Committee (COC)

    The Standing Committee on Finance and Administration (STACFAD)

    The Permanent Working Group on Improvement of ICCAT Statistics (PWG)

    Others

Management responsibilities and adherence to measures

[If needed, adapt ICCAT Manual Chapter 1.1. Possibly redundant in light of same]

**Overview of the Atlantic Ocean tuna fishery**

The tuna resource

[Main species – ICCAT Manual and ROP transshipment training]

The fisheries:

*Longline*

*Purse seine*

*Baitboat (pole & line)*

*Other fishing gears*

        Gillnet

        Vessels with alternative gear

[ICCAT Manual Chapter 3. Possibly redundant in light of same]

*Carrier vessels*

[some information may be needed, not currently in ICCAT Manual]

**Port Activities**

The flow of tuna catches: in port versus at-sea transshipment

Ports supporting the Atlantic Ocean tuna fishery

Activities in ports

**Port State Measures**

**International instruments**

Historical development and International instruments

    FAO Compliance Agreement (1993)

    The UN Fish Stocks Agreement (1995)

    The FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001)

    Model Scheme on Port State Measures (2005)

    The FAO Port State Measure Agreement (2009)

[May not be necessary]



### **The ICCAT Port State Measures Recommendation**

The responsibility of the port State

The responsibility of the flag State

The responsibility of the vessel owner, operator or agent

The responsibility of the ICCAT Secretariat

[Use Rec. 12-07 as guide]

### **PART 2**

#### **Inspector appointment and training**

Ethics and confidentiality of information

Professional conduct

Uniforms and appearance

#### **Procedures for the implementation of the ICCAT Port State Measures**

Confidentiality of information

Health and safety on-board

Protective clothing

Safe working practices

Procedure for entering enclosed spaces

Fish and product identification [some information in ROP manual, but needs expanding]

On-board fish processing and preservation

Conversion factors [available on ICCAT Web site]

#### **Powers of fisheries inspectors**

Collection of evidence and follow-up actions

Expert witnesses, interviewing and communication

#### **Vessel advance request to enter port**

Assessment of vessel request to enter port

Risk Assessment processes

Procedures to assess the vessel request to enter port

Guide to complete the form "Check list - Assessment of the Advance Request of Entry in Port".

Inspection briefing

#### **Standard Operational Procedures – on board inspection of fishing vessel**

Pre-boarding process [take from ROP training manual]

Selection of fishing vessel and risk assessment

Preparation for boarding

On-board inspection - Standard Operating Procedures

#### **Vessel Monitoring Systems**

VMS functions and types - VMS identification guide [use ROP transshipment guide]

Means used by vessel operators to falsify VMS data that could be used by a vessel engaged in IUU fishing

On-board Inspection of the VMS

#### **Requirement of the Port State inspection**

##### ***Port State inspection - Standard Operating Procedures***

Monitoring offloading and transshipments in port

Preparation and planning offloading operations

Offloading from tuna longline vessels to shore or transshipping to a carrier vessel

Offloading from purse seine vessels

[Use ICCAT Manual Annex 2]

Offloading from carrier vessels

[Use ROP-transshipment manual?]

Sampling forms

[base on ST10-PortSamp for tropical tunas/adapt to other fisheries]

Follow up procedures and information sharing  
Reporting the results of inspections  
Port State actions following inspection and evidence of IUU fishing  
Flag State follow-up responsibilities  
Procedures for the implementation of the ICCAT Port State Measures  
Information systems on port State measures

**Appendix I:** ICCAT Rec. 12-07

**Appendix II:** Fishing gear design and specifications that can be encountered in the Atlantic Ocean region.

**Appendix III:** Latitude and longitude

**Appendix IV:** Form – Advance Request for Port Entry (as adopted by Commission)

**Appendix V:** Data field descriptions and guide to complete the advance request to enter port

**Appendix VI:** Check List - Assessment of the Advance Request of Entry in port

**Appendix VII:** Notification to fishing vessel following a request to enter port

**Appendix VIII:** Request for additional information following a request to enter port

**Appendix IX:** Data field descriptions and guide to complete the port inspection report form

**Appendix X:** *Port inspection report form (B) [no standard in ICCAT]*

**Appendix XI:** *Data field descriptions and guide to complete the offloading monitoring forms - [no standard in ICCAT]*

**Appendix XII:** Request for additional information following a port inspection

**Appendix XIII:** Codes for countries, fishing gears, fishing vessels and ICCAT species  
[available from ICCAT Web site]

**Abbreviations and acronyms**  
[to be based on final content]