

ISSUES REFERRED BY COC TO OTHER ICCAT SUBSIDIARY BODIES

During the COC sessions on November 10 and 11, the Compliance Committee referred the following matters to other bodies.

Chairs and members of these subsidiary bodies are requested to take these matters up at an appropriate point in their agenda.

In the case of compliance table issues, CPCs are encouraged to work with the Secretariat and Panel Chairs to resolve the issues in advance of the relevant Panel meetings, so as to minimize time taken on these matters during the Panel meetings. Chairs are requested to seek to resolve these early in their meeting during the Panel's compliance table agenda item, and then forward the tables and any outstanding issues to the COC prior to the Saturday session of the COC.

In the case of request for views of the subsidiary bodies, such as in response to Secretariat's requests for clarification, Chairs are requested to reflect views or conclusions on these matters in their meeting reports.

Panel 1

Compliance tables (COC-304, as revised) - potential issues as raised by CPCs in COC-321

Bigeye

CPCs on the BET quota table, concerning BET total allowable catch payback under Rec. 16-01 para 2(b): it is unclear if the payback for the TAC overage was taken into account in the 2017 catch limits for those on the quota table (except for Japan, which clearly stated that it did not), and China who does seem to have adjusted its 2017 adjusted limits down by about 3%. It appears the EU, Korea, and Chinese Taipei did not make this adjustment. We seek clarification from those CPCs on the quota table on how this requirement was taken into account.

EU: The adjusted catch limit for 2017 (19,699.78) is higher than the maximum allowed under the measure with the 15% carry forward limit (19,537.35) and does not take into account the para 2(b) reduction. This means that the EU's BET overharvest should be greater than what is calculated here. For 2018, the EU claims the maximum allowable adjusted quota of 19,537.35, despite the fact that it overharvested in 2017. We seek clarification on this issue and would appreciate adjustment of the compliance annex as appropriate.

Ghana: Ghana did not include an adjusted catch limit for BET in 2018. Based on the reported overharvest and quota payback/transfer plan, the adjusted catch limit should be 3,586.57 t. Ghana also reports a significant difference between its Task I BET catch (4,826 t) and its catch in the compliance tables (4,085.7 t). We seek clarification on this issue and would appreciate adjustment of the compliance annex as appropriate.

Japan: We seek clarification on the differences between Japan's reported catches in Task I data (10,980 t) and its catch reported in the compliance tables (9,437.6 t). From 2014 to 2017, there is an accumulated 15,001.4 t difference between Japan's reported BET Task I data and the catches reported in the compliance tables. We seek clarification on these discrepancies.

Panama: We seek clarification on the differences between Panama's reported BET catches in its Task I data (1,664 t) and its COC reported catches (1,413 t).

Issues in COC-303 or raised by individual CPCs that were referred by the COC to the Panel

Bigeye (Rec. 16-01): Quarterly reporting: A CPC requested that Panel 1 **explain the rationale for the quarterly reporting requirement, and consider whether it still needs to be in place.**

Bigeye (Rec. 16-01) - Paragraph 2(a) stipulates that: if the total of catches exceeds the TAC in a given year, the excess amount shall be paid back by CPCs to which a catch limit has been granted for the species concerned. Excess quantities shall be deducted the following year on a pro rata basis from the adjusted quotas/catch limits of the CPC concerned, as per paragraphs 9 and 10. **The Secretariat would appreciate having the pro rata proposed by Panel 1 and examined by the COC before the adoption of the compliance tables, in order to avoid the Secretariat having to take decisions beyond its mandate.**

Rec. 16-01 stipulates that fishing vessels on this list should be 20m or greater. The size limit for support vessels is not so clear to the Secretariat. **Clarification is sought as to whether all support vessels, regardless of size, should be included, or whether only support vessels of 20 m or greater need be reported.** In the COC, the Chair and a number of CPCs confirmed that they understood the size threshold to not apply to support vessels, which should be included regardless of size. **The COC Chair referred this interpretive issue for further consideration and confirmation by Panel 1.**

Panel 2

Compliance tables (COC-304, as revised) - potential issues as raised by CPCs in COC-321

Western Bluefin

Canada: Rec. 16-08, para 6d, specifies that, depending on availability, Mexico can transfer up to 108.98 t of its adjusted quota in 2017 to Canada to support cooperative research as specified in paragraph 20 of Rec. 16-08. The WBFT compliance annex for Mexico and Canada note differing information regarding a transfer in 2017. We would appreciate clarification of this matter (including the transfer year and the year the quota was applied) and adjustment of the compliance annex as appropriate.

Issues in COC-303 or raised by individual CPCs that were referred by the COC to the Panel

EBFT (Rec. 17-07): Request from Secretariat: In recent years, due to the status of E-BFT, reporting for this species was for the year in course i.e. the 2018 fishing season. Notwithstanding, for compliance review purposes, for all other species it is compliance in the previous year which is reviewed. **It is suggested that, from 2019 onward and given the improvement in the E-BFT stock, compliance review be aligned with other species i.e. reporting and review of implementation in previous year.** No objection was expressed to this by the COC, and it was noted that this would not require a change to the Recommendation. **The COC Chair referred to Panel 2 for confirmation that it is comfortable with this new approach starting in 2019.**

EBFT (Rec. 17-07) – Secretariat Request for clarification: The Secretariat understands that the non-submission of list of ports for landing/transshipment of E-BFT indicates that such activities must be prohibited in any non-authorised port. **Do all CPCs which do not authorise ports for E-BFT activity have to specifically state such prohibition through a submission or through the Annual Report?** In COC discussions, there was no consensus that port CPCs that do not authorize ports for E-BFT activity are required to prohibit E-BFT activity in their ports, **and the issue was referred to Panel 2 for further consideration.**

Panel 3

Compliance tables (COC-304, as revised) - potential issues as raised by CPCs in COC-321

Southern Albacore

EU: There is a significant difference between the EU's reported 2017 SALB landings in Task I data (435 t) and the COC table (178.2 t). Can the EU please explain this discrepancy?

Issues in COC-303 referred by the COC to the Panel

SALB (Rec. 16-07) - Request from the Secretariat: Application of the pro rata distribution of underages: Rec. 16-07, paragraph 4.b stipulates that *"by the time of the Commission Meeting, those CPCs with underages in the previous year shall inform the amount of their underage they intend to use in the following year."* The total underage from the TAC from one given year, minus the underages to be used by those CPCs wishing to do so, may be shared among those CPCs wishing to complement their quota, irrespective to their underages, to the limit of 25% of their original quota. The Secretariat would appreciate receiving this information from CPCs when submitting their Compliance tables (by 15 August, deadline established in Rec. 16-16). **This issue needs to be discussed at Panel 3 and examined by the CPCs and Compliance Committee before the adoption of the Compliance tables.**

Panel 4

Compliance tables (COC-304, as revised) - potential issues as raised by CPCs in COC-321

North Atlantic Swordfish

Barbados, Belize, Brazil, France (SP&M), Korea, Mexico, Trinidad & Tobago: Rec. 17-02, para 3, specifies that CPCs with initial NSW0 catch limits (as specified in para 2.b) of 500 t or less may carry over a maximum underage of 40% of their initial catch limit. The carry over amounts included in the compliance annex for Barbados, Belize, Brazil, France (in respect of St. Pierre et Miquelon), Korea, Mexico, and Trinidad and Tobago for 2018 appear inconsistent with this rule. We would appreciate clarification of this matter and adjustment of the compliance table annex as appropriate.

Canada, Japan, Senegal: Rec. 17-02, para 3, (as well as Rec. 13-02, para 6, and Rec. 16-03, para 3) specifies that CPCs with initial NSW0 catch limits (as specified in para 2.b) of more than 500 t (excluding quota transfers) may carry over a maximum underage of 15% of their initial catch limit. The calculations in the compliance annex for Canada, Japan, and Senegal appear inconsistent with this rule. These CPCs appear to be using adjusted catch limits when calculating their carry overs. We would appreciate clarification of this matter and adjustment of the compliance annex as appropriate.

Canada, Chinese Taipei/NSW0: The NSW0 total allowable catch includes landings and dead discards (vice the landings limits set for marlins). All catches, including dead discards, therefore, should be calculated against quotas in the North Atlantic swordfish fishery. The NSW0 compliance annex for Canada and Chinese Taipei do not appear to include dead discards although these are reported in SCRS and reflected in Task I. We would appreciate clarification of this matter and adjustment of the compliance annex as appropriate.

EU, Japan, Venezuela: The NSW0 catch reflected by the EU and Japan in the compliance annex differs from that in Task I for 2017. We would appreciate an explanation for this difference and adjustment of the compliance annex as appropriate. Further, Task I indicates that Venezuela caught NSW0 in 2017 but no compliance table appears to have been submitted. Venezuela should be asked to rectify this omission as soon as possible.

Guyana: Guyana continues to harvest NSW0 but does not have a catch limit under the relevant recommendations (Rec. 13-02, 16-03, and 17-02). [The COC Chair inquires as to whether its catch should be reflected on the compliance table, so that all catches are reflected on this document and the Panel and COC are therefore able to use this document to monitor all harvests from year to year, including by non-quota CPCs. If Panel 4 considers appropriate, please ask the Secretariat to add Guyana to the table.]

Blue Marlin

EU: It appears that the EU has carried forward 48 t of BUM to 2019 despite having just 11 t of underharvest of its reduced 2017 quota, and still has an additional 65.25 t to pay back in 2018. Can the EU please clarify its payback plan for blue and white marlin, explain the discrepancy between Task I reported BUM catch in 2017 (565 t) and the COC table reported catch (337.84 t), and describe measures in place to reduce interactions and fishing mortality?

Mexico: The BUM compliance table for Mexico shows 15 t overharvest of BUM in 2013 but the adjusted limit in 2015 only shows a 14 t reduction. Mexico reported BUM overharvest of its adjusted limit again in 2015, requiring 17 t payback in 2017. However, the adjusted 2017 limit does not reflect the 17 t reduction and indicates a potential carryforward. A similar problem exists for 2014, 2016, and 2018. We would appreciate clarification of this matter and adjustment of the compliance annex as appropriate.

White Marlin

Mexico: It does not appear that Mexico's 2013 or 2015 overharvest of WHM has been accounted for in its planned carry forward from 2014 to 2016 to 2018. It also does not appear that the proper adjustment year is applied in each case. We would appreciate clarification of this matter and adjustment of the compliance annex as appropriate.

Liberia: Liberia reported 98 t of WHM in 2016 in Task I, but its limit is 2 t. There was no compliance report submitted. We seek submission of the compliance table and payback of overharvest as appropriate.

Issues in COC-303 or raised by individual CPCs that were referred by the COC to the Panel

Med-SWO (Rec. 16-05): Request from the Secretariat: note that the total quotas allocated in Rec. 16-05 did not exactly equal the TAC, so reducing proportionally by 3% causes difficulties. **It is suggested that the exact figures available each year be calculated by Panel 4**, as the Secretariat does not have a role in assigning quotas (also, refer to paragraph 4: *Over the period 2018-2022, the TAC should be gradually reduced by 3% each year*).

Med-SWO (Rec. 16-05): Closures: a question has been raised during the course of the year regarding the interpretation of Rec. 16-05, paragraph 11, which stipulates that the choice of closed season must be notified by 15 January 2017. There is no provision regarding possible changes to such choice. **May CPCs modify the choice of closure, if this is reported in advance to the Secretariat?**

Med-SWO (Rec. 16-05): Quarterly reporting: A CPC requested that Panel 4 **explain the rationale for the quarterly reporting requirement, and consider whether it still needs to be in place.**

Seabirds (Recs 11-09; 07-07) The Secretariat suggested that these two measures could be combined, and the COC Chair referred the matter to Panel 4 to **consider developing a proposal consolidating these measures as a means of streamlining ICCAT measures and improving their implementation.**

Turtles (Recs. 10-09; 13-11) The Secretariat suggested that these two measures could be combined, and the COC Chair referred matter to Panel 4 to **consider developing a proposal consolidating these measures as a means of streamlining ICCAT measures and improving their implementation.**

PWG

Issues in COC-303 or raised by individual CPCs that were referred by the COC to the PWG

Port Inspection Reports (Rec. 12-07): Under this Recommendation, the port CPC shall transmit a copy of the inspection report to the ICCAT Secretariat no later than 14 days following the date of completion of the inspection. These have been maintained on file at the Secretariat, as the Recommendation is silent as to the actions the Secretariat should take following receipt of these reports, except in cases where an infringement has been found. One CPC questioned the rationale of requiring submission of reports that do not contain infringements, whereas another CPC said that they find these non-infringement reports as useful in developing risk profiles for vessels, which can inform CPC determinations on what vessels to inspect. **The COC referred to PWG any further discussion as to whether the requirement under Rec. 12-07 to submit all inspection reports to the Secretariat should be maintained in Rec. 12-07, and if it is, the issue of what the Secretariat should do with the non-infringement reports (e.g., on a password protected website).**

Transshipment reports (Rec. 16-15): Secretariat request for clarification: Paragraph 22 of Rec. 16-15 stipulates that: *These reports [by CPCs on transshipment] 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.* Currently the documents published for the Commission and subsidiary bodies are not password protected. **Is it necessary for the Secretariat to also publish the information on a password protected site if they are already available as a Commission document? Or should the information be password protected and the password distributed to participants at the Commission?**

Chartering arrangements (Rec. 13-14): The Secretariat notes that some difficulties remain in receiving coherent information on chartering arrangements from both parties involved in a timely manner. For this reason, and with a view to the possible future online reporting, **the Secretariat suggests that the forms for reporting information be modified to a vessel-by-vessel approach.**