

Original: English/French/Spanish

Appendix 3

**PNCs REPORTED BY ICCAT REGIONAL OBSERVERS DEPLOYED ON FARMS AND TRAPS  
(September 2019 to September 2020)**

	Request No.	CPC	Date of event	Date reported	PNC	In potential contravention of	Response
1	001EU0551	EU-Croatia	2020-06-04	2020-06-06	Following a caging operation on 4 June, the video record was not continuous and did not show the closing of the doors. Therefore, the observer was unable to make an independent estimate.	Rec. 19-04; Para 92 Annex 8 vii	An investigation was launched following the revision and comparison of video footage recorded by the video camera and SC footage of 2 stereoscopic cameras used during caging, it was concluded that the entire transfer operation was recorded. It was also confirmed that the video footage was not in line with Annex 8vii of Rec 19-04, and a corresponding action will be taken.
2	001EU0554	EU-Spain	2020-06-09	2020-06-10	Following a caging operation on 9 June, the observer was unable to make an independent estimate of the amount of fish transferred due to the video quality. This is in potential non-compliance with Paragraph 97 and the minimum video standards	Para 97; Annex 8 of 18-02 / 19-04	After the inspection services had viewed the video, it was concluded that the video was not valid and the caging operation was repeated on 26 June.
3	001EU0554	EU-Spain	2020-06-11	2020-06-12	Following a caging operation on 11 June, there was a difference of more than 10% between the estimation of the observer and the estimation of the farm operator. Farm estimation: 1,810 tunas; Observer estimation: 2,082 tunas; Difference : 15%	Para 98; Annex 8 of 19-04	After the inspection services had viewed the video, it was concluded that the video was valid, obtaining a difference of less than 10%

4	001EU0542	EU-Spain	2020-06-15	2020-06-15	Following a caging operation 1 on 15 June, the caging authorization number was not displayed on the video	Annex 8 iv of 19-04	The caging authorization number was displayed at the end of the video, in line with Annex 8 iv of Rec 19-04.
5	001EU0549	EU-Croatia	2020-06-15	2020-06-16	Following a caging operation on 9 June, the observer was unable to make an independent estimate of the amount of fish transferred due to the video quality.	Para 97; Annex 8 viii of 19-04	The first caging operation was performed on 8 June 2020 and the ICD was signed by the RO. The fishery inspection closely followed the operation and it is not clear what is the basis for this PNC, as the ICD was signed and no problems were detected with the video. In the second caging operation, performed on 15 June 2020, the video quality was not good enough for the analysis. For that reason, the operator requested a control caging operation, which was performed under the supervision of the fishery inspector on 23 June 2020
6	001EU0557	EU-Spain	2020-06-21	2020-06-22	Following a caging operation on 21 June, there was a difference of more than 10% between the observer's estimate of the amount of tuna caged and the farm's estimate. The farm registered 1,175 tuna and the observer estimated 1,352 tuna.	Rec. 19-04; Para 98	After the inspection services had viewed the video, it was concluded that the video was valid, obtaining a difference of less than 10%
7	001EU0554	EU-Spain	2020-06-22	2020-06-25	Following a caging operation on 22 June from the transport cage ESP033R to the farm cage ESP-033, the observer was unable to make an independent estimate of the amount of fish transferred due to the video quality	Para 97; Annex 8 of 18-02 / 19-04	After the inspection services had viewed the video, it was concluded that the video (SC) was valid, obtaining a difference of over 10% in the case of this caging operation. Once all of the caging operations of this JFO had been taken into account, and applying the criteria of compensation between cages, it was concluded that there was a difference of over 10%. An order to release the excess captures of this JFO was issued. The transport cage was ESP023R, NOT ESP033R, as stated by the observer.

8	001EU0557	EU-Spain	2020-06-24	2020-06-26	Following a caging operation on 24 June, there was a difference of more than 10% between the observer's estimate of the amount of tuna caged and the farm's estimate. The farm registered 1,325 tuna and the observer estimated 1,541 tuna	Rec. 19-04; Para 98	After the inspectors had viewed the video, it was concluded that there was a difference of over 10% in the case of this caging operation. Once all of the caging operations of this JFO had been taken into account, and applying the criteria of compensation between cages, it was concluded that there was a difference of over 10%.
9	001EU0554	EU-Spain	2020-06-26	2020-06-27	Following a control caging operation on 26 June, there was a difference of more than 10% between the observer's and the farm operator's estimate	Para 98; Annex 8 of 19-04	After the inspectors had viewed the video, it was concluded that there was a difference of over 10% in the case of this caging operation. Once all of the caging operations of this JFO had been taken into account, and applying the criteria of compensation between cages, it was concluded that there was a difference of over 10%.
10	001TN0563	Tunisie	2020-07-09	2020-09-09	Following a caging operation to transfer BFT from cage TUN-415 to cage TUN-401, the observer was unable to estimate the number of BFT transferred due to the insufficient video quality.	Para 97; Annex 8 Rec 19-04	A control transfer was ordered in order to allow the observer to estimate the number of fish caged. Following a control transfer, the regional observer estimated the number of fish, signed the ITD and validated the eBCD.
11	001EU0553	EU-Spain	2020-07-07	2020-07-13	Following the caging operation 10 and after receiving the farm estimation, there was a difference of more than 10% between the estimation of the observer and the estimation of the farm operator	Para 97; Annex 8 of 19-04	After the inspectors had viewed the video, it was concluded that there was a difference of over 10% in the case of this caging operation. Once all of the caging operations of this JFO had been taken into account, and applying the criteria of compensation between cages, it was concluded that there was a difference of over 10%.

12	002EU019	EU-Italy	2020-05-26	2020-06-01	Following a transfer operation on 26 May, the time and the date of the video were not continuously displayed on the video record gave to the observer.	Para 92 Annex 8 v of Rec. 19-04 / 18-02	After reviewing the original video, the inspector confirmed that date and time were not continuously displayed in the video footage of the transfer. The number of fish estimated by the inspector (803 specimens) was higher than the figure (751 specimens) reported in the ITD. However, the detected discrepancy (+7%) was within the 10% margin of tolerance. Therefore, in light of the above, an administrative procedure will start to follow up on the possible non-compliance. Taking into consideration that there is currently only 1 cage in the trap premises, the concerned cage is unblocked. However, in accordance with EFCA Decision, at the end of the last transfer operation (once the documentation has been finalized), the cage will be sealed by ITCG divers and a control transfer will be ordered to be carried out before caging upon arrival to the farm of destination.
13	001EU0557	EU-Spain	2020-06-20	2020-06-21	Following a caging operation on 20 June, there was a difference of more than 10% between the estimation of the observer and the estimation of the farm. The farm registered 1,020 tuna and the Observer estimated 1,216 tuna.	Rec. 19-04; Para 98	After the inspection services had viewed the video, it was concluded that the video was valid, obtaining a difference of less than 10%.

14	001EU0555	EU-Malta	2020-09-09	2020-07-13	Following the caging operation 10 and after receiving the farm estimation, there was a difference of more than 10% between the estimation of the observer and the estimation of the farm operator	Para 97; Annex 8 of 19-04	The final stereoscopic camera results as determined by the Maltese authorities for this caging operation (AUT 027) provided a figure of 1,971 pieces, and therefore did not exceed the 10% difference between the number of tuna declared in the ITD and the number of pieces declared in the ICD by the farm operator. Thus, this potential non-compliance raised by the Regional Observer does not need any further investigations as was followed and concluded through the results of the stereoscopic camera analysis.
15	002EU020	EU-Italy	2020-05-30	2020-06-04	During a transfer operation on 30 May, the time and the date of the video were not continuously displayed on the video record gave to the observer	Para 92 Annex 8 v of Rec. 19-04 / 18-02	After reviewing the original video, the inspector confirmed that date and time were not continuously displayed in the video footage of the transfer. The inspector estimated the same number of fish (150 specimens), which is reported in the ITD. Therefore, in light of the above, an administrative procedure will start to follow up on the possible noncompliance. Taking into consideration that there is currently only 1 cage in the trap premises ,the concerned cage is unblocked. However, in accordance with EFCA Decision, at the end of the last transfer operation (once the documentation has been finalized), the cage will be sealed by ITCG divers and a control transfer will be ordered to be carried out before caging upon arrival to the farm of destination.

16	001EU0548	EU-Spain	08-09/05/2020	2020-07-07	<p>The caging operations conducted by the trap/farm on 8 and 9 May 2020 have only been recorded by the farm in the BCD as one operation taking place on the 8 May 2020. Both cagings were from the trap into the farm cage N° 3. As such, the observer's observations of the caging operation, specifically the dates of the operation, were not consistent with the information contained in the eBCD. The observer's estimate of the total amount caged over the 2 cagings was 1,140, within 10% of the farm's estimate of 1,072 as recorded in section 6 of the corresponding BCD. The video provided was considered fully compliant by the observer. The observer signed the eBCD and corresponding ICD</p>	<p>Rec. 18-13; Annex 1 / Rec. 19-04; Para 85</p>	<p>The caging operation was performed on 8 May 2020. However, when a new operation was going to be performed the next day, it was discovered that there was an under-harvest of bluefin tuna in the chamber before cage 3, which was then put in cage 3. This movement was recorded with conventional and stereoscopic video camera and was carried out in the presence of the inspection services.</p>
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17	001TR0567	Turkey	2020-07-12	2020-07-13	Following a caging operation on 12 July, the observer was unable to independently estimate the amount of fish caged due to the insufficient video quality. Specifically, the video did not show the door for nine seconds between 11:59:50 and 11:59:59.	Rec. 19-04; Annex 8	The operator informed the Turkish Ministry of Agriculture and Forestry (MoAF) on 12 July 2020 before this PNC had been reported by the Regional Observer, regarding the impossibility of estimating the fish during caging into the farm. In any case, the Turkish Ministry of Agriculture and Forestry (MoAF) initiated an investigation in respect to the PNC reported with an official notification to the concerned operator. The video footage of the concerned transfers has been demanded from the operator. The operator has confirmed that due to the very high turbidity in the sea, the diver had to take a closer position to the cage door and, due to the diver's position and the fact that the diver shook with the waves, there were some moments when the diver could not record the entire cage door for a short time, as reported by the Regional Observer. The operator also confirmed that the Regional Observer did not accept to estimate the number from this video footage. Accordingly, in favorable conditions this caging operation has been completed under the supervision of an ICCAT regional observer and MoAF inspectors. As a result of a detailed inspection, MoAF did not conclude any serious infringements, suspicious or illegal activities for that operation. +J18
18	001TN0560	Tunisie	2020-07-16	2020-07-18	Following a caging operation, the observer could not estimate the number of BFT transferred due to the insufficient video quality	Para 97; Annex 8 Rec 19-04	A control transfer was ordered in order to allow the observer to estimate the number of fish caged. Following a control transfer, the regional observer estimated the number

							of fish, signed the ITD and validated the eBCD.
19	001EU0555	EU-Malta	2020-07-12	2020-07-20	There is a difference of more than 10% between the number declared on the section 6 of the eBCD and the estimation of the observer	Para 97; Annex 8 of 19-04	The final stereoscopic camera results for this caging operation (AUT 003) provided a figure of 1,381, and thus the difference between the number of tuna declared in the ITD and the number declared in the ICD by the farm operator did not exceed 10%. The respective eBCDs were amended with direct reference to the pieces estimated during the caging operation by the stereoscopic camera, in line with Annex 9 of ICCAT Rec. 19-04. Therefore, we are of the understanding that the potential non-compliance raised by the Regional Observer is deemed null and may be based on their lack of experience in conducting counting analyses.
20	001TN0569	Tunisie	2020-07-21	2020-07-22	The observer's estimate was more than 10% higher than the farm's estimate	Para 98; Annex 8 Rec 19-04	A control transfer was ordered in order to allow the observer to estimate the number of fish caged. Following a control transfer, the regional observer estimated the number of fish, signed the ITD and validated the eBCD.



21	001EU0551	EU-Croatia	2020-07-26	2020-07-26	<p>1) The farm carried out the operation before receiving the transfer authorisation. 2) no transfer authorization was shown at the beginning or the end of the transfer video and 3) the ITD issued did not contain details of the transfer authorization, nor the eBCD number/s.</p>	<p>Rec. 19-04; Para 87; Rec. 19-04; Para 92 Annex 8 iv; Rec. 19-04; Para 89 Annex 4</p>	<p>HR considers that this case constitutes a difference in interpretation of Rec 19-04, where HR recognises that this is a single transfer operation in two parts, where authorisation refers to the point of transferring fish to the second farm, while the first step, where fish is being transferred from the original farm to a towing cage, does not have to be done with individual authorisation, but under adequate surveillance of a national inspector. Moreover, our understanding is that the RO is required to be present only at the receiving farm and not at the donor farm, too. To conclude, all actions were performed in the presence of the national fishery inspector and with their agreement, and we do not consider this case as a non-compliance. The ITD was also signed by the national inspector. It is however clear that there is a need for an unambiguous interpretation of the relevant provisions of the ICCAT Recommendation, so as to ensure that all the parties involved have the same view and understanding of their respective obligations.</p>
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22	001TR0561	Turkey	19/06/2020 and 02/07/2020	2020-08-04	Transfer of the transport cage number to the farm cage following each caging	Rec. 06-07 Para 2a and Rec. 19-04 Para. 86	The Turkish Ministry of Agriculture and Forestry (MoAF) initiated an investigation with respect to the PNC reported with an official notification to the concerned operator. The operator indicated that the related ICCAT Recommendation had been interpreted in this way and to follow the fish in an easier process, the transport cage number had been given to the farm cage by the operator. As a result of investigation, the operator was given an official warning, as well as an administrative fine, to avoid repetition of this failure. MoAF checked, in detail, the logbook and ITD documents of this fishery and did not conclude any serious infringements, suspicious or illegal activities for that operation.
23	001EU0557	EU-Spain	2020-08-10	2020-08-14	Following a caging operation on 10 August, there was a difference of more than 10% between the observer's estimate of the amount of tuna caged and the farm's estimate. The farm registered 860 tuna and the observer estimated 1,004 tuna. As a result, the observer has not signed the eBCD, or the ICD produced for this operation.	Rec. 19-04; Para 98	After the inspection services had viewed the video, it was concluded that the video was valid, obtaining a difference of less than 10%.
24	001EU0557	EU-Spain	2020-08-19	2020-08-28	Following a caging operation on 18 August, the observer was unable to estimate the amount of tuna caged due to poor video quality.	Rec. 19-04; Para. 97, Annex 8 viii	After the inspection services had viewed the video, it was concluded that the (stereoscopic) video was valid and counting is still in progress.

25	001EU0557	EU-Spain	2020-08-31	2020-09-02	During the transfer operations conducted from Farm 1 to Farm 2 on 31 August, no physical movement of tuna from one cage to another was conducted from the donor farm, and as such there was no corresponding transfer video produced. This operation is defined as a transfer within the definitions of Rec. 19-04 (Para 3h) - " <i>any transfer of live bluefin tuna from one farm to another</i> ". Furthermore, to date, no ITD has been produced	Para. 89 and Annex 4 of Rec. 19-04; Rec. 19-04; Para 91	Due to an unexpected situation of force majeure, the cages of farm XXX had to be relocated. Therefore, the farm's cages were directly transported without transferring any tuna, meaning that no video record could be made. As there was no transfer and the cages were simply relocated due to an emergency, no ITD was issued. The inspection services and the ROP were kept informed of these operations at all times, and the Commission, France and the ROP Consortium were made aware of the situation.
26	001EU0557	EU-Spain	2020-09-03	2020-09-07	During caging operations conducted at Farm X on 3 September following inter-farm transfer operations, from Farm Y, no physical movement of tuna from one cage to another was conducted, and as such there was no corresponding video record produced. Furthermore, to date, no eBCD has been produced with these details	Rec.18-13 Annex 1; Rec. 19-04; Para 97	Due to an unexpected situation of force majeure, the farm's cages had to be relocated. Therefore, the farm's cages were directly transported without transferring any tuna, meaning that no video record could be made. As there was no transfer and the cages were simply relocated due to an emergency, no ITD was issued. The inspection services and the ROP were kept informed of these operations at all times, and the Commission, France and the ROP Consortium were made aware of the situation.

27	001EU0581	EU-Spain	05 - 07/09/2020	2020-09-07	During the caging operations conducted at Farm X on 5, 6 and 7 May 2020, following inter-farm transfer operations from Farm Y, no physical movement of tuna from one cage to another was conducted on delivery, and as such there was no corresponding video record produced. Furthermore, to date, no eBCD has been produced with these details	Rec. 18-13 Annex 1; Rec. 19-04; Para 97	Due to an unexpected situation of force majeure, the cages of farm X had to be relocated. Therefore, the farm's cages were directly transported without transferring any tuna, meaning that no video record could be made. As there was no transfer and the cages were simply relocated due to an emergency, no ITD was issued. The inspection services and the ROP were kept informed of these operations at all times, and the Commission, France and the ROP Consortium were made aware of the situation.
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