

Information received under Rec. 08-09

The *Recommendation by ICCAT to Establish a Process for the Review and Reporting of Compliance Information* (Rec. 08-09) provides that CPCs, as well as non-governmental organizations, may submit reports on non-compliance with ICCAT conservation and management measures to the Secretariat at least 120 days before the annual meeting.

Information within the deadline has been presented by Environmental Justice Foundation (EJF) and the European Union. The Chair of the Compliance Committee has agreed that these can be accommodated on the 2022 Agenda.

This document comprises the following:

1. Vessel Information Alert submitted by EJF. Sent to Venezuela 19 May 2022.
 - Appendix 1.** Letter from EJF: Vessel Activity Notification - Potential illegal fishing activities in the area under the competence of ICCAT
 - Appendix 2.** Response from Venezuela to information submitted by EJF
2. Issues of potential non-compliance. Sent to CPCs and NCP concerned 26 July 2022.
 - Appendix 3.** Letter from EU on Issues for Consideration by the Compliance Committee
 - Appendix 4.** Responses received in relation to **Appendix 3**
 1. Belize
 2. Senegal
 3. Chinese Taipei
 4. Colombia

4 May 2022

Vessel Activity Notification


Potential illegal fishing activities in the area under the competence of ICCAT

The Environmental Justice Foundation (EJF) is an international not for profit organisation working globally to combat illegal, unreported and unregulated (IUU) fishing. EJF promotes and encourages international information-sharing to enhance transparency in the fisheries sector.

To this end, EJF gathers information on fishing vessels' identities and activities through a combination of field investigations, satellite monitoring, open-source intelligence, community surveillance projects and gathering human intelligence.

Intelligence indicates that a fishing vessel ('GONE FISHING') reportedly flying the flag of Venezuela may have engaged in fishing in the area under the competence of the International Commission for the Conservation of Atlantic Tunas (ICCAT) while not on the ICCAT record of vessels^{1,2}.

Vessel's identity

Current name	IMO number	Reported MMSI	Reported IRCS	Other identifier ³	Vessel type	Reported length overall	Reported flag
GONE FISHING	Unknown	775993055	YYP5009	AGSP - 3951	Fishing vessel	26 m	Venezuela 

This table builds on the information contained in various sources including the following ones:

- ExactEarth Shipview⁴; and
- Social media⁵.

The flag state of the vessel, Venezuela, has not uploaded information in the FAO Global record of fishing vessels, refrigerated transport vessels and supply vessels⁶.

Vessel's activities

Using satellite-based tracking systems that allow for the observation of vessels equipped with an automatic identification system (AIS), EJF identified that the vessel GONE FISHING may have engaged in fishing in the high seas of the Western Central Atlantic (FAO major fishing area 31), an area under the competence of ICCAT, between 30 January and 27 April 2022.

¹ ExactEarth Shipview, accessed 04.05.2022, <https://shipview.exactearth.com> (subscription required).

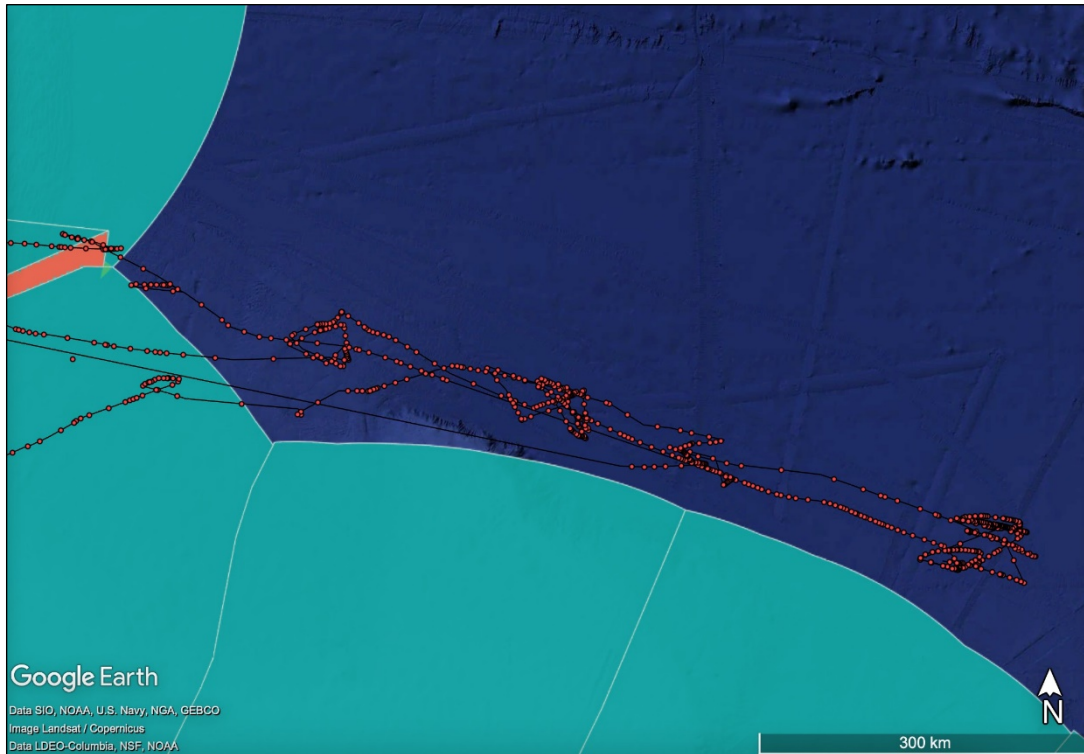
² ICCAT, ICCAT Record of Vessels, accessed 04.05.2022, <https://www.iccat.int/en/VesselsRecord.asp>.

³ See **Addendum 1**.

⁴ ExactEarth Shipview, accessed 04.05.2022, <https://shipview.exactearth.com> (subscription required).

⁵ Facebook, accessed 26.04.2024, <https://www.facebook.com>.

⁶ FAO, Global record of fishing vessels, refrigerated transport vessels and supply vessels, accessed 04.05.2022, <http://www.fao.org/global-record/information-system/en/>.



Track of the vessel from ExactEarth plotted on Google Earth (available upon request). The maritime zones and maritime delimitations depicted in the image are purely illustrative. A wider shot of the vessel's track is available in **Addendum 2**.

The track in the image above is based on AIS signals reportedly transmitted by the vessel GONE FISHING. AIS data was sought for the following period: 1 January 2022 – 4 May 2022. AIS data could be retrieved for a period starting on 14 January and ending on 28 April 2022. If existing, previous AIS data available for the vessel can be verified and made available upon request.

EJF believes that the AIS signals reportedly transmitted from the high seas of FAO 31 may be consistent with fishing activities targeting tuna, tuna-like fishes and such other species of fishes exploited in tuna fishing (based on movements, speed and location). As such, these activities may fall under the competence of ICCAT.

EJF particularly notes that the AIS signals transmitted could be suggestive of longlining activities with patterns of lines being set and later hauled⁷. EJF also notes that the signals were reportedly transmitted from known longline fishing grounds for tuna and tuna-like species⁸.

While this notification focuses on possible fishing activities in the high seas of FAO 31, EJF notes that it is possible

- based on AIS data available – that the vessel could have engaged in fishing activities in the waters under the national jurisdiction of coastal states in the area under the competence of ICCAT⁹.

⁷ de Souza EN, Boerder K, Matwin S, Worm B (2016) Improving Fishing Pattern Detection from Satellite AIS Using Data Mining and Machine Learning, PLoS ONE 11(7): e0158248, <https://doi.org/10.1371/journal.pone.0158248>.

⁸ ICCAT (2022) Statistical Bulletin, Vol. 47 (1950-2020), Section 4, Geographical distribution of historical catches of the major tuna and tuna-like species by decade, species and gear group, <https://www.iccat.int/sbull/SB47-2022/s4.html>.

⁹ See **Addendum 2** for a wider graphic representation of AIS signals available from ExactEarth.

Environmental Justice Foundation (EJF) is an international environmental and human rights organisation with representation in:
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 10. Reg number: 0746.464.686 | **Germany** Osterstrasse 58, 20259 Hamburg. Reg number: HRB 150827 | **Ghana** | **Korea** | **Liberia** |
Taiwan | **Thailand** | **Madagascar** | **Senegal** | **Philippines**. **EU Transparency Registration**: 817535514065-10.
info@ejfoundation.org, www.ejfoundation.org

At the time of writing this notification (4 May 2022, 12:50:17 UTC), the last AIS signal available transmitted by the GONE FISHING was on 28 April 2022 (10:08:56 UTC) at 10.495713, -64.207782 in the vicinity of Cumaná, Venezuela, at a reported speed of 0.2 knots.

Potential breaches to ICCAT rules

In accordance with paragraph 1 of ICCAT Recommendation 21-14, the regional fisheries management organisation “shall establish and maintain an ICCAT record of fishing vessels 20 metres in length overall or greater [...] authorised to fish for tuna and tuna-like species in the Convention Area”.

For the purpose of this conservation and management measure (CMM), fishing vessels “not entered into the record are deemed not to be authorised to fish for, retain on board, transship or land tuna and tuna-like species or species taken in association with those species”¹⁰.

As previously mentioned, EJF found that the vessel GONE FISHING, although reported to be greater than 20 metres in length overall, is not included in ICCAT’s record of vessels currently available from the regional fisheries management organisation website¹¹.

In addition, the vessel could not be found on any of the other lists published on the regional fisheries management organisation’s website (i.e. Active Vessels List, Inactive Vessels List and Inoperative Vessels List)¹².

Upon further investigation, should the activities described in this notification have taken place, they may fall under paragraph 1(a) of ICCAT Recommendation 21-13 which provides that: “vessels [...], are presumed to have carried out [IUU] fishing activities in the ICCAT [...] when [...] such vessels harvest tuna and tuna-like species in the Convention Area and are not registered on the relevant ICCAT list of vessels authorised to fish for tuna and tuna-like species in the ICCAT Convention Area”¹³.

Alleged activity	Possibly infringed CMMs
Engaging in fishing activities in ICCAT while not in ICCAT’s record of vessel	Paragraph 1(a) of ICCAT Recommendation 21-13

Recommendations

EJF recommends that *Venezuela*:

1. Clarifies the situation of the vessel concerned by this notification vis-à-vis ICCAT.
2. Ascertains the nature of its activities using all possible means (e.g., VMS data, logbook data, observer reports, port inspections, etc.).
3. If the vessel was found to have engaged in fishing activities, ascertains whether or not these activities were conducted in accordance with all relevant international, regional and national CMMs.
4. If the vessel was found to have operated in breach of the applicable CMMs or any other applicable rules, takes appropriate enforcement action.

¹⁰ ICCAT, Recommendation by ICCAT amending recommendation 13-13 concerning the establishment of an ICCAT Record of Vessels 20 metres in length overall or greater authorized to operate in the Convention Area, accessed 04.05.2022, <https://www.iccat.int/Documents/Recs/compendiopf-e/2021-14-e.pdf>.

¹¹ ICCAT, ICCAT Record of Vessels, accessed 04.05.2022, <https://www.iccat.int/en/VesselsRecord.asp>.

¹² ICCAT, ICCAT Record of Vessels, accessed 04.05.2022, <https://www.iccat.int/en/VesselsRecord.asp>.

¹³ ICCAT, Recommendation by ICCAT on Establishing a List of Vessels presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities, accessed 7.10.2020, <https://www.iccat.int/Documents/Recs/compendiopf-e/2021-13-e.pdf>.

In addition, EJF recommends that **Venezuela** uploads relevant information in the FAO Global record of fishing vessels, refrigerated transport vessels and supply vessels and ensures that such information is comprehensive and kept up to date.

EJF recommends that the **Secretariat of ICCAT**:

1. Considers this information under Recommendation 08-09¹⁴.
2. Confirms that the fishing vessel concerned by this notification was not included in its record of vessels for the period mentioned in this notification.
3. Contacts the country concerned by this notification to seek clarification on the status of the vessel and the nature of its potential activities vis-à-vis ICCAT as well as to stay abreast of the findings of the verifications this notification may trigger.

EJF recommends that **all states**¹⁵:

1. Publish details of access agreements and lists of vessels licensed to fish within their waters.
2. Publish the lists of vessels registered to their flag and of their vessels authorised to fish outside their EEZ.
3. Ensure that information made publicly available is comprehensive, credible and kept up to date as well as easily accessible, and – where applicable – consistent with and feed into information made available through the FAO Global record of fishing vessels, refrigerated transport vessels and supply vessels.
4. Publish information about sanctions handed out for IUU fishing and fisheries crimes.
5. Ratify and implement the international agreements that set clear benchmarks for standards on fishing vessels and the trade in fisheries products, including the FAO PSMA.
6. Consider implementing EJF's principles for global transparency in the fishing industry which consist of ten simple measures that can play a pivotal role in the battle against IUU fishing and fisheries crimes¹⁶.

¹⁴ ICCAT, Recommendation by ICCAT to establish a process for the review and reporting of compliance information, accessed 8.10.2020, <https://www.iccat.int/Documents/Recs/compendiopdf-e/2008-09-e.pdf>.

¹⁵ EJF (2020) EJF's Charter for Transparency. Bringing the fisheries sector out of the shadows. How best to implement principles three and four of the Charter for Transparency, https://ejfoundation.org/resources/downloads/Report_Principles-three-four-final.pdf.

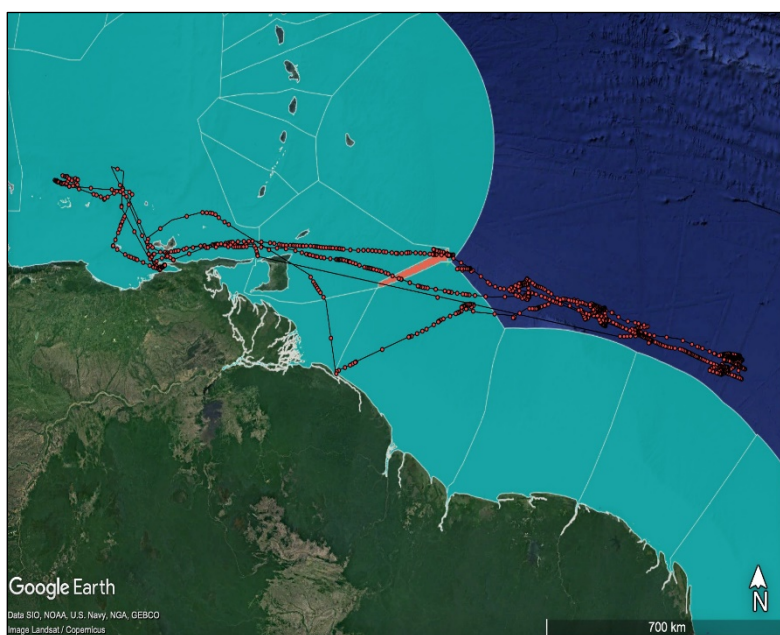
¹⁶ EJF (2018) The ten principles for global transparency, <https://ejfoundation.org/resources/downloads/EJF-Transparency-10-principles-final-1.pdf>.

Photograph of the vessel



Photograph presumably depicting the vessel retrieved from social media.

Wider graphic representation of AIS signals available



Wider graphic representation of AIS signals available from ExactEarth – for the period starting on 14 January and ending on 28 April 2022 – plotted on Google Earth. The maritime zones and maritime delimitations depicted in the image are purely illustrative.

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Taiwan | **Thailand** | **Madagascar** | **Senegal** | **Philippines**. **EU Transparency Registration:** 817535514065-10.
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Bolivarian Republic of Venezuela
Ministry of People's Power
of Fisheries and Aquaculture

DGDE-22-N: 0278

26 August 2022

Caracas,
3DG22
0826234

CAMILLE JEAN PIERRE MANEL
Executive Secretary
International Commission for the Conservation of Atlantic Tunas (ICCAT)

I have the honour to address you and to convey warm greetings to you on behalf of all the staff that Works in this Ministry, which are extensive to the work team that accompanies you in your management.

I would like to draw your attention in reference to ICCAT communication S22-03234 of 19 May 2022, whereby you request assessment of the Venezuelan-flagged vessel GONE FISHING, based on the reported provided by the Secretariat of Environmental Justice Foundation (EJF) in relation to possible fishing of species regulated by the Commission in the Convention area.

In this respect, this Fisheries Administration has carried out a full review of the case and has verified the following information:

1. The vessel GONE FISHING was incorporated into the national fleet in 2019 and its fishing permit was in date for the period under review (January-April 2022).
2. This Ministry has reiterated to the vessel owners of the industrial commercial fleet the duty to have an IMO number, an essential requirement to operate in the area of the Commission, according to Recommendation 13-13.
3. The vessel referred to above carried out its fishing activities in the area of the Western Central Atlantic (FAO area 31) between 29 January and 16 February 2022 and from 28 March to 28 April 2022, without appearing on the Commission Record of vessels because it did not meet the requirement of the IMO number at the time that this Ministry completed Format CP01 in 2021.

In this regard, we inform that the sanctions provided for in the Decree with the Status, Value and Force of Law on Fisheries and Aquaculture (2014) and other regulations of Venezuela's legal system on the vessel GONE FISHING, the vessel master and vessel owner, in compliance not only with the national legislation but also the mandates of the Commission to prevent, dissuade and stop illegal, unreported and unregulated fishing, which is a commitment of the Venezuelan State.

The sanctions referred to above provided for:

1. Suspension of vessel's fishing permit for one (1) year.
2. Suspension of the master's fishing permit for one (1) year.
3. Levy of a fine provided for in the Law.

With nothing further to add, I thank you in advance for your attention in this matter.

I remain at your disposal in the Ministry of People's Power of Fisheries and Aquaculture for anything you may need.

Regards,

[signed and sealed]

Pedro Emilio Guerra Castellano
Director General of the Office
Ministry of People's Power of Fisheries and Aquaculture

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

International Ocean Governance and Sustainable Fisheries
Regional Fisheries Management Organisations

Brussels
MARE.B2/

Mr. Camille Jean Pierre Manel
Executive Secretary
International Commission for the Conservation of Atlantic Tunas (ICCAT)
C. del Corazón de María, 8, 6ª Planta, 28002 Madrid
Spain

Dear Mr. Manel,

In accordance with ICCAT Recommendation 08-09 and with a view to facilitating the discussion of these issues during the next meetings of the Compliance Committee and the PWG, the European Union (EU) would like to request the comprehensive investigation of the following non-compliance with ICCAT conservation and management measures.

1. Senegal

a) Exportation to the EU of quantities of swordfish that exceeded the quota allocated to Senegal and issuance of ICCAT Swordfish statistical documents for illegal catches

Further to the letter sent to the Commission last year (**Annex 1**), the EU has been in contact with Senegal to clarify the issue of the export of 311 tons of northern swordfish (live weight equivalent) to the EU in 2020, whereas the quota allocated to Senegal for that year was 225 tons. Catches have been made by one single vessel (*MAXIMUS*, IMO 9038402 1) in one single fishing trip between 26 May and 30 June 2020.

While these intersessional exchanges confirmed irregularities in the issuance of ICCAT swordfish statistical documents (**Annex 2**), the EU notes the following concerns:

- 1) In spite of several requests to Senegal, part of the evidence requested by the EU (vessel logbook for the period 1 to 30 June 2020) is still missing. So far Senegal did not provide explanation for that.
- 2) The evidence received from Senegal (vessel logbook for the periods 3 to 30 May 2020, 1 to 7 July 2020 and 1 to 7 August 2020) suggests that there were catches of swordfish reported by the vessel in other periods than 26 May – 30 June, and even after the illegal exports to the EU (which occurred in July 2020). This is raising direct queries whether there were other catches of swordfish landed by the vessel in 2020, which for the moment are not accounted for.
- 3) The ICCAT swordfish statistical documents that accompanied the exports to the EU were issued in spite of the fact that these catches reportedly done in one single fishing trip exceeded the annual quota allocated to Senegal. This would require further clarifications from Senegal as to the processes in place for the validation of ICCAT statistical documents. The EU also notes, in that respect that, in spite of several requests, Senegal still did not provide the list of all ICCAT swordfish statistical documents validated for export to the EU in 2020. Mechanisms established by Senegal to ensure the traceability of these documents are therefore unclear to the EU.

¹ Now renamed *LUCAS* and flying the flag of The Gambia.

- 4) The EU is not aware of actions taken by Senegal to identify the vessels that might have been involved in illegal transshipments with the vessel. The failure to undertake these investigations would block any possibility to take the appropriate enforcement measures vis-a-vis these vessels.
- 5) The EU has also been unable to receive from Senegal detailed information on the sanctions imposed on the company that owned this vessel. The EU specifically notes that, on the contrary, this company – which in addition was also the owner of the *MARIO 11*, IUU-listed by ICCAT in 2020 – is still authorised by Senegal to operate another tuna longliner in ICCAT Convention area².

b) *Exportation to the EU of quantities of albacore tuna (*Thunnus alalunga*) that exceeded the quota allocated to Senegal*

Further verifications on Senegalese exports to the EU in 2020 have also resulted in the identification of exports of albacore tuna that exceeded the quota allocated to Senegal for that year³. The EU specifically notes that on the basis of the catch certificates validated by Senegal and accompanying these exports⁴, 579 tons would have been caught by the sole fishing vessel *LISBOA* (IMO 7929176)⁵. In accordance with ICCAT Recommendations 16-06 and 16-07, Senegal total albacore quota for 2020 was 240 tons (215 tons for northern albacore, and 25 tons for southern albacore).

Senegal has still not shared with the EU the outcome of its investigations (an indication that these investigations were ongoing was received on 17 May) or any information on sanctions adopted vis-a-vis the company, which is the same company that owned the vessels *MARIO 7*, *MARIO 11*, *MAXIMUS* and is currently still authorised by Senegal to operate another longliner in ICCAT. Senegal also did not reply to requests made by the EU to provide the VMS and logbook data of this vessel.

c) *Failure to fulfill, in respect of the above-mentioned vessels, the requirements and responsibilities under the ICCAT Convention and its conservation and management measures*

ICCAT Recommendation 13-13 states that “the flag CPCs of the vessels on the [ICCAT] record shall (a) authorize their LSFVs to operate in the Convention area only if they are able to fulfill in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures [and] (b) take necessary measures to ensure that their LSFVs comply with all the relevant ICCAT conservation and management measures”.

The EU notes that Senegal has authorised tuna longliners flying its flag to land in Dakar and export to other ICCAT Contracting Parties quantities that directly exceeded the quotas allocated to Senegal, and officially validated the legality of these catches. In addition, the way these vessels were monitored enabled vessel *MAXIMUS* (and most probably vessel *LISBOA*) to engage in illegal transshipments in the ICCAT Convention area without reaction from Senegal.

The EU also notes that the discussions that took place when the vessel *MARIO 11* was IUU listed by ICCAT demonstrated that (i) this vessel was able to carry out fishing activities in the Convention area although it was no longer authorised to fish there by Senegal, and (ii) that Senegal has repeatedly failed to provide the information requested in relation to *MARIO 7* in order to determine whether the vessel was also operating without authorization in the Convention area in 2020.

The above-mentioned facts raise questions about Senegal’s ability to comply with the ICCAT Convention. Therefore, causes of any non-compliance by Senegal with its responsibilities as a flag State require to be comprehensively investigated.

² Vessel *DIAMALAYE 1909*, ICCAT Serial Number AT000SEN00023.

³ And, similar to the issues identified for swordfish exports, are also not in line with catches officially reported to ICCAT.

⁴ Council Regulation N°1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate IUU fishing, Article 12.

⁵ Now renamed *KIKI*, and flying the flag of The Gambia.

d) Possible failure to implement ICCAT Recommendations on Port State Measures in relation to vessels illegally operating in the Convention area

The EU notes that in spite of several requests made to Senegal in the previous compliance meetings, Senegal did not provide the list of port calls made by the vessel *SAGE* in Dakar from 2017 to 2019, nor the species landed by the vessel and the activities and fishing authorizations it reported. The EU also notes that in 2020 the IUU-listed vessel *ISRAR 1* (using at that time the name *MARCO 21*) was authorised to call in Dakar with “produits de mer” on board, and that no information has been provided by Senegal in relation to the grounds for acceptance of this port call. Clarifications on these port calls and implementation by Senegal of ICCAT Recommendations on Port State Measures would be necessary.

2. The Gambia

Verifications of exports of ICCAT species to the EU have also resulted in the identification of illegal exports by The Gambia in 2020. The authorities of The Gambia confirmed that the vessels mentioned in the catch certificates⁶ are either vessels flagged in another country and / or without a valid fishing licence, and that therefore the certificates should not have been validated by the authorities. In addition, none of the vessels in the catch certificates are on the ICCAT Record of authorised vessels and the EU did not find evidence that these catches were reported to ICCAT.

Exchanges with The Gambia are ongoing and their conclusions will be shared with the Commission in the next meetings.

The EU will submit a complementary request for investigation of these illegal exports unless the current bilateral exchanges with The Gambia allow for a comprehensive reporting to ICCAT on the issue.

3. Belize

ICCAT Recommendation 06-14 states that “without prejudice to the primacy of the responsibility of the flag State, the Contracting Parties shall take appropriate measures, subject to and in accordance with their applicable laws and regulations: (i) to investigate allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction are engaged in the activities described, inter alia, in [the] Recommendation by ICCAT to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area”.

The EU notes that when the fishing vessels *ISRAR 2* and *ISRAR 3* (operating at that time under the names *RICOS No. 6* and *RICOS No. 3*) carried out the fishing activities that led to their IUU listing by ICCAT, their reported – or at least last known – owner was Great Visions Co., Ltd, Belize. The EU has taken note of the reply that Belize sent in relation to that in July 2021 (Doc COC_312 / 2021, page 77), but is of the view that the IUU listing of the vessels by ICCAT in November 2021 substantially changes the matter. Failure to investigate the issue and/or to provide evidence that at that point in time the vessels had a different owner would result in a possibility that a Belizean legal person has been directly engaging in IUU activities in the Convention area and yet escapes enforcement by Belize, contrary to the provisions of ICCAT Recommendation 06-14. Failure to provide if applicable updated information on the ownership of the vessel also prevents effective enforcement and investigation on the legal and natural persons that were actually responsible for the IUU activities in the Convention area. Therefore, the EU calls on Belize to reconsider its position, and share with ICCAT the outcome of its subsequent investigations.

⁶ Council Regulation N°1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate IUU fishing, Article 12.

We remain at your disposal should any further elements be need. Furthermore, please note that the EU is also currently investigating the imports referred to under Sections 1 and 2 of this letter with the relevant EU Member States.

Yours sincerely,

Anders C. Jessen
Head of the EU Delegation to ICCAT

Enclosure:

Attachment 1 – Letter from the EU to the ICCAT Compliance Committee in 2021

Annex 1 – Correspondence between the EU and Senegal – Logbook - vessel *MAXIMUS*
[not included in COC-312/2022]

MARE/B2/(2021)

Mr. D. Campbell
Chair of the Conservation and Management
Measures Compliance Committee

Mr. Camille Jean Pierre Manel
Executive Secretary
ICCAT
28002 Madrid, Spain

Subject: Issues for Consideration by the Compliance Committee

Dear Mr. Campbell,
Dear Mr. Manel,

Following up on our recent exchange with the Chair of the Compliance Committee (CoC), the EU would like to share the following points with you in advance of the CoC meeting.

Senegal

1. Catches of North Atlantic swordfish

The EU invites Senegal to provide clarifications on its catches of North Atlantic swordfish (N-SWO) for the year 2020.

In accordance with the figures provided by Senegal in Annex 1 of Doc. No. COC_304 / 2021, Senegal had a quota of 225 t for N-SWO for the year 2020. In addition, figures provided by Senegal in the same annex indicate that only 10 t of N-SWO have been caught in 2020.

However, verifications carried on imports into the EU demonstrate that in 2020 Senegal validated the export of 311 t of N-SWO by one single vessel (239 t of dressed weight, converted into 311 t of live weight).

The EU notes that, in addition, these catches would have been done in one single fishing trip of 36 days (from 26/05/2020 to 30/06/2020), and that the vessel concerned is the same vessel that was already identified by the USA as possibly engaged in illegal transshipment at sea.

This raises serious concerns on management of quotas and processes in place for the validation and verification of ICCAT statistical documents in Senegal, to be urgently clarified by the Senegalese authorities.

2. Controls at Dakar port

The EU would like to receive further clarifications as regards the calls made by vessel *SAGE* in DAKAR from 2017 to 2019 (as requested last year through written statements), as well as on calls made by the former *MEGA No. 2* (now called *ISRAR 1* and proposed for IUU listing this year).

In addition, in a reply submitted to the ICCAT Secretariat on 17 November 2020 (Doc. No. COC_312 / 2021, page 76), Senegal confirms that the vessels *RICOS 3* and *RICOS 6* came to Dakar port for repairs but does not specify the exact dates of these calls. The EU would appreciate receiving further clarifications on this, particularly for *RICOS 6*.

The EU is of the view that Senegal should be able to reassure ICCAT and all CPCs that Port State controls are carried out in a proper way in Dakar, and that vessels that engage in IUU fishing activities are not able to use Dakar port. The current information suggests the contrary, and given the importance of this port, this is a major concern.

3. Responsibilities as flag State

The EU would like to receive the clarifications requested last year in respect of vessels *MARIO 11* and *MARIO 7*. To date and as far as the EU has been informed, Senegal has still not replied to the questions raised by the EU in the written statement circulated to all CPCs last year.

The Gambia

The EU would like to receive further clarification on the:

- Actions taken towards vessel *SAGE* and its operator (in addition to the delisting);
- Mechanisms put in place by the authorities to avoid registering other IUU listed vessels under their flag;

Furthermore, there are currently no vessels flying the flag of The Gambia in the ICCAT record of vessels, while the EU has been made aware that the former Senegalese-flagged vessels *MAXIMUS* (IMO: 9038402) and *LISBOA* (IMO: 7929176), now named respectively *LUCAS* and *KIKI*, are now flying the flag of The Gambia. The EU is of the view that The Gambia should clarify the activities of these vessels and their current location.

Belize

The EU is concerned by the reply provided by Belize in relation to vessels *RICOS 3* and *RICOS 6*, (Doc. No. COC_312 / 2021, page 77) which confirms that the owner of those vessels (GREAT VISION CO., LTD.) was based in the country, but also states that: "The regulatory authority for international business companies, the International Financial Services Commission (IFSC) would very much wish to cooperate on this matter, however, in accordance with national regulation they can only disclose information on beneficial ownership to law enforcement authorities, banking, regulatory or supervisory authorities if reasonably required to facilitate a criminal investigation, prosecution or proceeding".

The EU underlines that the provisions of ICCAT Rec. 06-14 establish in paragraph 1(i) an obligation "to investigate allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction are engaged in the activities described [...] in Recommendation 06-12".

Rec. 06-12 clearly considers in paragraph 1.a) vessels that "harvest tunas and tuna-like species in the Convention area and are not registered on the ICCAT list of vessels authorized to fish for tuna and tuna-like species in the ICCAT Convention area" and in paragraph 1.i) vessels that "are without nationality and harvest tunas or tuna-like species in the ICCAT Convention area", which is exactly what *RICOS 3* and *6* are suspected of.

The EU is of the view that Belize should accordingly carry out further investigation in this case.

Trinidad and Tobago

The EU notes that the AIS data of two vessels that it suggested for IUU listing this year (vessels *ISRAR 1* and *ISRAR 2*) shows that these vessels have been able to make calls in Trinidad and Tobago although they were not or no longer on the ICCAT Record of authorized vessels.

The EU suggests that Trinidad and Tobago should accordingly be requested to provide further clarification on its implementation of ICCAT Rec. 18-09.

Chinese Taipei

The EU is concerned that two vessels recently engaged in IUU activities in the ICCAT area could be under the control of Chinese Taipei nationals. The EU would therefore urge Chinese Taipei to complete investigations into the ownership of FV *HALELUYA* and *SAGE*, which are both vessels currently listed on the ICCAT IUU list and with a registered owner in Chinese Taipei (information based for vessel *HALELUYA* on the details available in the official ICCAT IUU list, and for vessel *SAGE* on the deletion certificate that The Gambia sent to ICCAT and available in ICCAT Circular 7141/2020, p. 26).

Colombia

Following the reply provided by Colombia in Doc. N0. COC-310 / 2021, the EU would like to receive further explanations on the activities carried out by FV *HALELUYA*, as the information provided is contradictory.

Indeed, Colombia confirmed that FV *HALELUYA* has been authorised to leave its port while being a stateless vessel (on 26 June 2019 and on 5 October 2019) and indicated that: “fishing during this trip was carried out (bearing in mind that we do not know the arrivals of this motor vessel) without a flag State but with a valid AUNAP license”. However, Colombia also mentioned in the same document that: “Through a working panel, the maritime authority (DIMAR) and the fisheries authority (AUNAP) checked the records of departures and arrivals, which showed that the motor vessel *HALELUYA* did not make any fishing trips during the period in which it was unflagged but held a valid license.”

In addition, Colombia affirmed not knowing the arrivals of the vessel, but then confirmed that the vessel did not carry out any fishing activity. This would require further clarification.

The fact that FV *HALELUYA* has been authorised to leave port two times without having a valid registration certificate raises concerns as regards the port controls carried out by Colombian authorities.

Yours sincerely,

Anders C. Jessen
Head of the EU Delegation to ICCAT

BELIZE

BELIZE HIGH SEAS FISHERIES UNIT
BHSFU

REF: HSFU-RFMO-V08-2022(71) Vol.2

4 August 2022

Camille Jean Pierre Manel
Executive Secretary
International Commission for the Conservation of Atlantic Tunas
Corazon de Maria 8
28002 Madrid, Spain

**Subject: SUBMISSION FROM THE EU REGARDING POSSIBLE NON-COMPLIANCE WITH ICCAT
CONSERVATION AND MANAGEMENT MEASURE - BELIZE**

Dear Mr. Manel,

Belize acknowledges receipt of your letter dated 26 July 2022 regarding the subject matter.

Considering the listing of the ISRAR 2 and ISRAR 3, we fully appreciate the concerns of the European Union and the need to bring this matter back to our attention for possible further action. While we do not feel it is necessary to raise this matter at the compliance level we recognize that as a member of ICCAT we are obligated to act in accordance with Recommendation 06-14 to *“investigate allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction that are engaged in the activities described, inter alia, in Recommendation 06-12, para.1 and to take appropriate action in response to any verified activities referred to in para.1(i)”* of the aforesaid Recommendation.

Notwithstanding the above, and in accordance with Recommendation 06-14 para 1(iii) we wish to advise the Secretariat that Belize, under the mandate of its Financial Services Commission, has proceeded to initiate an investigation into these allegations. Once the investigation has concluded we will proceed to inform the Commission of the actions and measures taken in accordance with para.2 of this Recommendation.

We would appreciate if a copy of this letter can be circulated to the EU and to the Chair of the Compliance Committee.

I avail myself of this opportunity to renew the assurances of my highest consideration.

Sincerely,

(signed and sealed)

Valarie Lanza
Director for High Seas Fisheries

BELIZE HIGH SEAS FISHERIES UNIT
BHSFU

REF: HSFU-RFMO-V09-2022(73) Vol.2

20 September 2022

Camille Jean Pierre Manel
Executive Secretary
International Commission for the Conservation of Atlantic Tunas
Corazon de Maria 8
28002 Madrid, Spain

**Subject: SUBMISSION FROM THE EU REGARDING POSSIBLE NON-COMPLIANCE WITH ICCAT
CONSERVATION AND MANAGEMENT MEASURE - BELIZE**

Dear Mr. Manel,

Following your letter dated 26 July 2022 and Belize's response dated 8 August 2022 regarding the subject matter, we wish to provide additional data on this case.

The Director of the Financial Services Commission of Belize has approved the disclosure of information on the beneficial ownership of Great Vision Co. Ltd. The Secretariat will find attached the following documents.

1. Copy of Registers of
 - Director
 - Shareholder
 - Ultimate Beneficial Owner

In the meantime, we are still conducting our investigation, and will keep the Secretariat informed as we progress.

We ask that this communication be circulated to EU and the Chair of the Compliance Committee. I avail myself of this opportunity to renew the assurances of my highest consideration.

Sincerely,

(signed and sealed)

Valarie Lanza
Director for High Seas Fisheries

Register of Beneficial Owner

Name of company: GREAT VISION CO., LTD.		Company Number: 83929	
Name and Given names:	YANG, MINGHUI		
Former Names:		Passport number:	
Usual residential address:		Nationality:	Chinese
		Date of birth:	1978/03/27
		Business occupation:	Business Person
		Position:	Sole director and shareholder
Business address:	159 Yangjiapo Village, Fangyuan Sub-district Office, Haiyang City, Shandon Province, China	Date of appointment:	2017/05/17
		Date of resignation:	
		Notes:	Hold 100% interest of the company

Name and Given names:	MAXIMUM SPLENDOR CO., LTD.		
Former Names:		Company number:	1531955
Usual residential address:		Nationality:	British Virgin Islander
		Date of birth:	
		Business occupation:	Corporation
		Position:	Sole shareholder
Business address:	30, de Castro Street, Wickhams Cay 1, P.O. Box 4519, Road Town, Tortola, British Virgin Islands	Date of appointment:	2009/05/18
		Date of resignation:	2009/07/16
		Notes:	

Register of Beneficial Owner

Name of company: GREAT VISION CO., LTD.		Company Number: 83929	
Name and Given names:	YU GANG		
Former Names:		Passport number:	
Usual residential address:		Nationality:	South African
		Date of birth:	
		Business occupation:	Business Person
		Position:	Sole shareholder
Business address:	D3 BEACH BOULEVARD LUPIN CRESCENT MILNERTON 7441, SOUTH AFRICA	Date of appointment:	2009/07/16
		Date of resignation:	2017/05/17
		Notes:	

Register of Directors

Name of company: GREAT VISION CO., LTD.	Company Number: 83929
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Name and Given names:	YANG, MINGHUI		
Former Names:		Passport number:	
Usual residential address:		Nationality:	Chinese
		Date of birth:	1978/03/27
		Business occupation:	Business Person
		Position:	Sole Director
Business address:	159 Yangjiapo Village, Fangyuan Sub-district Office, Haiyang City, Shandong Province, China	Date of appointment:	2017/04/24
		Date of resignation:	
		Notes:	Hold 100% interest of the company

Name and Given names:	YU GANG		
Former Names:		Passport number:	
Usual residential address:		Nationality:	South African
		Date of birth:	
		Business occupation:	Business Person
		Position:	Sole Director
Business address:	D3 BEACH BOULEVARD LUPIN CRESCENT MILNERTON 7441, SOUTH AFRICA	Date of appointment:	2009/05/18
		Date of resignation:	2017/04/24
		Notes:	

Register of Members and Share Ledger

Name of Company: GREAT VISION CO., LTD.	Company Number: 83929
--	------------------------------

Member details

Name	YANG, MINGHUI	Profession	Business Person
Former name			
Address	159 Yangjiapo Village, Fangyuan Sub-district Office, Haiyang City, Shandon Province, China		
Passport number/Issuing Place	/China	ID Number	Nationality
			Chinese
Company number			Place of incorporation

Share details

Class of share	Denomination	Current holding	Date entered as a member	Date ceased to be a member
Ordinary	USD\$1.00	50,000 shares (100%)	2017/05/17	

Shares acquired

Date of acquisition or transfer	Number of shares acquired	Certificate number	Distinctive numbers of shares	Total Consideration USD	Amount still payable USD	Notes
2017/05/17	50,000 shares	3	1-50,000	\$50,000	0	

Shares transferred/disposed

Date of transfer	Number of shares transferred/ disposed	Certificate number	New Certificate number (if any)	Distinctive numbers of shares	Total Consideration USD	Transferee/Disposal Method

Register of Members and Share Ledger

Name of Company: GREAT VISION CO., LTD.	Company Number: 83929
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Member details

Name	YU GANG	Profession	Business Person
Former name			
Address	D3 BEACH BOULEVARD LUPIN CRESCENT MILNERTON 7441, SOUTH AFRICA		
Passport number/Issuing Place	ID Number	Nationality	South African
Company number	Place of incorporation		

Share details

Class of share	Denomination	Current holding	Date entered as a member	Date ceased to be a member
Ordinary	USD\$1.00	0	2009/07/16	2017/05/17

Shares acquired

Date of acquisition or transfer	Number of shares acquired	Certificate number	Distinctive numbers of shares	Total Consideration USD	Amount still payable USD	Notes
2009/07/16	50,000 shares	2	1-50,000	\$50,000	0	

Shares transferred/disposed

Date of transfer	Number of shares transferred/ disposed	Certificate number	New Certificate number (if any)	Distinctive numbers of shares	Total Consideration USD	Transferee/Disposal Method
2017/05/17	50,000 shares	2	3	1-50,000	\$50,000	YANG, MINGHUI

Register of Members and Share Ledger

Name of Company: GREAT VISION CO., LTD.	Company Number: 83929
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Member details

Name	MAXIMUM SPLENDOR CO., LTD.	Profession	Corporation
Former name			
Address	30, de Castro Street, Wickhams Cay 1, P.O. Box 4519, Road Town, Tortola, British Virgin Islands		
Passport number/Issuing Place	ID Number	Nationality	British Virgin Islander
Company number	1531955	Place of incorporation	BVI

Share details

Class of share	Denomination	Current holding	Date entered as a member	Date ceased to be a member
Ordinary	USD\$1.00	0	2009/05/18	2009/07/16

Shares acquired

Date of acquisition or transfer	Number of shares acquired	Certificate number	Distinctive numbers of shares	Total Consideration USD	Amount still payable USD	Notes
2009/05/18	50,000 shares	1	1-50,000	\$50,000	0	

Shares transferred/disposed

Date of transfer	Number of shares transferred/ disposed	Certificate number	New Certificate number (if any)	Distinctive numbers of shares	Total Consideration USD	Transferee/Disposal Method
2009/07/16	50,000 shares	1	2	1-50,000	\$50,000	Transfer to YU GANG

NOTARIAL CERTIFICATE

(Translation)

(2018) Lu Hai Yang Zheng Wai Zi No. 751

Applicant: Yang Minghui male, was born on March 27, 1978,
citizen ID No.:

Issue under notarization: residence

This is to certify that Yang Minghui resides at xxx Shandong Province,
China, which accords with his registered residence.

Haiyang Notary Public Office, Haiyang City, Shandong Province

The People's Republic of China

Notary Public: Liu Ping

December 24, 2018

IV0631958

[**Secretariat Note:** Passport numbers, ID numbers and usual residential addresses, as well as photo ID have been removed from the attachments.]

SENEGAL

Directorate of Maritime Fisheries (DPM)

to

Compliance Committee Chair

Subject: Potential non-compliance of Senegal with ICCAT conservation and management measures (ICCAT Circular S22-05407).

Chair,

I acknowledge receipt of ICCAT Circular S22-05407 of 26 July 2022 regarding a potential non-compliance of Senegal with ICCAT conservation and management measures.

In reply, I would like to inform you of the following elements of response.

a) Export to the EU of volumes of swordfish in excess of the quota allocated to Senegal and issue of ICCAT statistical documents for illegal catches of swordfish

- 1) As undertaken at the Regular Meeting of ICCAT in November 2021, Senegal had requested in the letter of 25 November 2022 (a copy of which has been attached) that the European Union make available the statistical documents referred to in the 2021 Annual Meeting. In the intervening period, however, Senegal has engaged in bilateral exchanges with the EU during 2022 and has been able to provide to it elements and information which are in its possession.

The elements of response transmitted to the EU indicated that the verifications carried out by the services concerned showed that exports of swordfish to the European market were made during the period referred to outside of the standard certification procedures, bringing into question the vessel *Maximus* (OMI 9038402) and the company HSIN FEI AND INVEST CO LTD.

These investigations show that the fraudulently certified products originated from the vessel *Maximus*; which would support the suspicions of unauthorised at-sea transshipment activities already raised by another ICCAT CPC (the United States). The VMS records for the vessel *Maximus* and other documents have been fully provided to the European Union (letters to the EU of 17 May, and 19 August 2022, attached).

- 2) Other swordfish catches: At this stage, the swordfish catches reported by the vessel concerned outside of the period from 26 May to 30 June, and even after the illicit exports to the EU, seriously need to be confirmed since our services do not possess information from which to draw a conclusion.

Senegal would like the EU, within the framework of cooperation, to share the information supporting its statements.

- 3) Based on the results of the investigations referred to above, administrative procedures were commenced against the people implicated in these frauds, which have resulted in disciplinary penalties. They have been struck from the list of signatories of ICCAT statistical documents and catch and export certification procedures. In addition, transfers of staff of the surveillance brigade of the port of Dakar of the Directorate of Fisheries Protection and Surveillance, responsible for inspection of vessels in the port, have been made (letter attached).
- 4) Other vessels implicated in transshipments: Chinese Taipei has recently this month (October 2022) approached Senegal regarding the vessels which would be implicated in these transshipment cases. This offer of collaboration could provide greater insight in the matter.

- 5) Penalties imposed: As to ICCAT, Senegal has submitted the proposal that the vessel *Maximus* be included in the IUU list, which has led to its inclusion in the 2022 draft IUU list.

As regards the company, it can no longer operate an authorised longliner since the vessel *Diamalaye 1909*, ICCAT serial number AT000SENO0023 has not been issued a license in 2021 or in 2022 in Senegal. It has been deflagged from Senegal and is no longer included in the list of fishing vessels authorised by ICCAT. The export agreement of the company has been suspended, giving rise to the withholding of the different payments made by the company to the Senegalese treasury.

The Infringements Commission will keep the record while awaiting new information that may enable the procedure to be resumed. In Senegal the infringement of illegal at-sea transshipments requires being caught in the act.

b) Export to the EU of volumes of albacore (*Thunnus alalunga*) in excess of the quota allocated to Senegal

Senegal reiterates to the EU that exports of albacore to the EU show fraudulent practices by the same people as those called into question for swordfish. The VMS records have been provided (Annex 2).

c) As regards the vessels referred to above, non-compliance with the requirements and responsibilities established under the ICCAT Convention and its conservation and management measures

Senegal denies the allegations and queries of the EU regarding its ability to comply with the ICCAT Convention of which it is a founding member and reminds the EU of the penalties referred to above against the people of its administration implicated in this matter.

d) Potential non-implementation of ICCAT Recommendations on port State measures as regards vessels operating illegally in the Convention area

The vessels *Maximus* and *Lisboa* have been deflagged from Senegal since 13 November 2020 and are no longer authorised to receive port services.

As regards the vessel *Sage*, it has been authorised to use the port of Dakar following submission of all the relevant documents (Gambian fishing license, certificate of Gambian citizenship, crew members etc.). Within the framework of cooperation between Senegal and The Gambia, the Senegalese authorities, in view of the official documents issued by The Gambia, had authorised the entries by *Sage* in the port of Dakar and had taken steps for routine inspection of the vessel during which no infringement was detected. The vessel has not returned to the port of Dakar since the Senegalese authorities were alerted about the matter. Senegal had supported, as in the case of the EU and the United States, its inclusion in the ICCAT IUU list.

Senegal reiterates its commitment in the fight against IUU fishing, and requests the cooperation of all ICCAT CPCs.

I have also attached all the documentation on the delisting of the vessels *Maximus*, *Lisboa* and *Diamalaye*.

Please accept, Chair, the assurances of my highest consideration.

CHINESE TAIPEI

Investigation Report on F/Vs *HALELUYA* and *SAGE*

Chinese Taipei
October 13, 2022

During the process of listing vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities in 2020 and 2021, two IUU fishing vessels, F/V *HALELUYA* and F/V *SAGE*, were alleged to have been operated by the nationals of Chinese Taipei. As those vessels did not obtain the prior authorization in accordance with Chinese Taipei's Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels (IA), investigations have been launched, the progress of which has been reported to ICCAT through correspondence and during the meeting. This report updates the progress and result of the investigations as follows.

- **F/V *HALELUYA***

To clarify the identity of the suspect, Mr. Chin Tien Chen, the Fisheries Agency (FA) of Chinese Taipei addressed letters to the flag State, Colombia, and also requested the Taipei Commercial Office in Bogota, Colombia to contact relevant Colombian authorities. However, no substantive response has been received. According to Taipei Commercial Office in Bogota, the Colombian authority denied to share the information on Mr. Chen owing to the protection of personal data.

Since the flag State did not share the necessary information, the FA had to endeavour to obtain clues from other channels so as to move forward. Thanks to sources, the FA managed to identify a possible candidate, who has emigrated to Colombia more than 20 years ago and whose name matches the English spelling.

With the collaboration between the FA and the Investigation Bureau, it is confirmed that Mr. Chin Tien Chen, the owner of F/V *HALELUYA*, is a national of Chinese Taipei. Inquired by the Investigation Bureau, Mr. Chen stated that F/V *HALELUYA* has been registered in Colombia since 2004, and operating only within the exclusive economic zone (EEZ) of Colombia with the fishing license duly issued by the Colombian Government until 2021. Catch data of every fishing trip have been reported to the fisheries authority of Colombia, which conducted landing inspections as well. The flagging to Tanzania from 2015 to 2019 was only in response to the Colombia Government's new policy on requiring national vessels to employ a certain percentage of Colombian crew onboard, but, even with this new flag, the vessel has never left the EEZ of Colombia, not to mention operating in the EEZ of Tanzania. The last fishing trip under the Tanzania's flag was from 18 May 2019 to 26 June 2019. Since then, it stayed in the Colombian port till the completion of reflagging back to Colombia, and sailed out for fishing operation on 4 November 2019.

Mr. Chen further argued that F/V *HALELUYA* has been operating in accordance with the requirements of the Colombian Government, including applying for the registration certificate, annual fishing license, operating within Colombia's EEZ, submitting the required data, being inspected, etc. In addition, the Colombian Government has not once informed him of any violation committed by the vessel, but the Government suddenly denied the application of the annual fishing license in September 2021 by reason of F/V *HALELUYA* being listed on the IUU vessel list of ICCAT. During the course of the inquiry, Mr. Chen also provided relevant certificates, licenses, and records to prove his statement.

Given that the violation of the IA is confirmed, as evidenced by the confession, the FA imposed a total of 4 million NTD (around 125,000 USD) fine on Mr. Chen in 2022, for not obtaining the prior authorization as required as well as operating a foreign flag fishing vessel listed on the IUU vessel list of a regional fisheries management organization (RFMO). It should be noted that, nonetheless, Mr. Chen has lodged an appeal against the decision of the FA, insisting that fishing activities of F/V *HALELUYA* comply with the law of the Colombian Government and it is the responsibility of the Colombian Government to become a member of ICCAT.

- **F/V *SAGE***

In ICCAT Circular 7141/2021 dated 20 September 2021, the deletion certificate of F/V *SAGE* as provided by The Gambia listed the owner, YU CHENG OCEANIC CO. LTD, as addressed in Chinese Taipei. In the hope of obtaining more information to facilitate the investigation, the FA sent letters twice to The Gambia requesting cooperation. Though The Gambia replied that the letter had been forwarded to the authorities for their information and necessary attention, nothing has been received so far.

Similar to the case of F/V *HALELUYA*, the FA had to seek alternatives to try to acquire the necessary information. One Chinese Taipei registered company, YU CHEN OCEANIC CO. LTD, the name of which resembles the one on the deletion certificate, was found. Through other cooperation mechanisms, the FA obtained further information on the company and also found that the AIS data of F/V *SAGE* on 28-29 November 2019 were transmitted on land from Chinese Taipei.

With all the information collected, this case has been transferred to the Investigation Bureau. As it is currently under investigation, not much could be reported at this stage. The Investigation Bureau only reveals that insurance against F/V *SAGE* has been found, with YU CHEN OCEANIC CO. LTD, the one registered in Chinese Taipei, as the policyholder. Nevertheless, the representative of the company is not a national of Chinese Taipei.

Chinese Taipei will update ICCAT on the result of this case once the investigation is concluded.

As a responsible cooperating non-Contracting Party to ICCAT, Chinese Taipei, in addition to fulfilling its responsibilities to control its vessels and nationals, reaffirms its willingness to combat IUU fishing jointly with like-minded partners. Despite not being the flag State in these two cases, the investigation progress and result elaborated above demonstrate Chinese Taipei's efforts and determination to manage its nationals. Chinese Taipei would also like to reiterate the importance of collaboration from all parties concerned, in particular the flag States. Assuming the flag States' responsibilities and cooperating when needed are essential to this fight against IUU fishing.

COLOMBIA

5-DIESA-22-23895.

The Ministry of Foreign Affairs – Directorate of Economic Social and Environmental Affairs – extend warm greetings to the honourable Executive Secretariat of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and has the honour to refer to the communication S22-05414 of 26 July 2022, which refers to the activities of the vessel *HALELUYA*.

In this regard, you are referred to the attached document which contains the verified facts and considerations of Colombia, following an joint in-depth review of the case by the relevant national authorities.

The Ministry of Foreign Affairs – Directorate of Economic Social and Environmental Affairs – takes the opportunity to renew to the honourable Executive Secretariat of the International Commission for the Conservation of Atlantic Tunas (ICCAT) the assurances of its highest and distinguished consideration.

(signed)

Bogota D.C., 26 September 2022

To the honourable
Executive Secretariat of the International Commission for the Conservation of Atlantic Tunas (ICCAT)
Madrid, Spain

I) Regarding the presumed fishing activities of the vessel *HALELUYA*:

1. The Maritime General Directorate (DIMAR) has found, during the review of the documents of the Captain's Office of the Port of Cartagena, that the motor-vessel *HALELUYA*, at the time flagged to TANZANIA, was authorized to set sail on 18 May 2019 for the fishing area of the Colombian Caribbean Sea, which had been requested by the maritime agency *Ape/mar Limitada Agentes Maritimos*. It is important to highlight that this type of vessels are granted a round trip for a period of 45 days, which may be extended.
2. The National Aquaculture and Fisheries Authority (AUNAP) has been able to verify that renewal of the vessel's licenses was requested and processed on 26 May 2019; at this time it had not lost the flag of the government of TANZANIA. Regarding the internal procedures for issue of licenses, AUNAP issued the renewal maintaining the continuity of the fishing authorisation.
3. According to the records of arrival and departure of the Integrated Traffic and Maritime Transport System (SITMAR) and the Maritime Traffic Control System, DIMAR has confirmed that it did NOT issue authorization to set sail on 26 June 2019 to the motor-vessel *HALELUYA*. For the period from 26 June to 6 October 2019, the motor-vessel was in the port of Cartagena (**Illustration 1**).

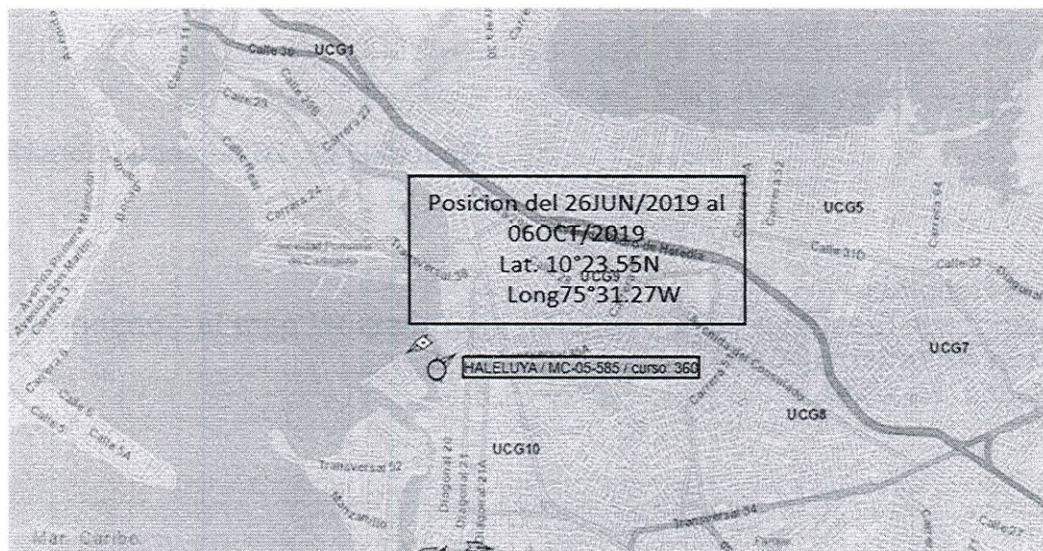


Illustration 1. Position of the motor-vessel from 26 June to 6 October 2019.

4. On 21 August 2019, the maritime agency Alpelmar informed of the unflagging from TANZANIA of the motor-vessel *HALELUYA*, which occurred on 27 June 2019, and requested that DIMAR process the deflagging of the motor-vessel registered under No. 152019108238. It is important to highlight that the motor-vessel *HALELUYA* was in port from 26 June to 6 October 2019.
5. As regards the presumed departure on 5 October 2019 of the motor-vessel *HALELUYA*, DIMAR has been able to verify that departure was NOT granted on that date, which is consistent with **illustration 1**.
6. On 7 October 2019, the provisional registration No. CP-05-0284-A of the Captain's Office of the Port of Cartagena was issued to the motor-vessel *HALELUYA*.
7. Subsequently, the vessel owner requested AUNAP to change the resolution with regard to its new registration No. on 8 October 2019, based on the provisional certificate issued by DIMAR, effective from 7 October 2019 to 7 April 2020; and in response to this request AUNAP issued RESOLUTION 2472 OF 31 OCTOBER 2019, reflecting the change of vessel flag.

8. According to the records of DIMAR, the motor-vessel *HALELUYA* was authorized to set sail by the Captain's Office of the Port of Cartagena on 4 November 2019, for the fishing area of the northern islands. According to the Maritime Traffic Control System, the motor-vessel entered the Port of Cartagena on 12 December 2019 (**Illustration 2**).

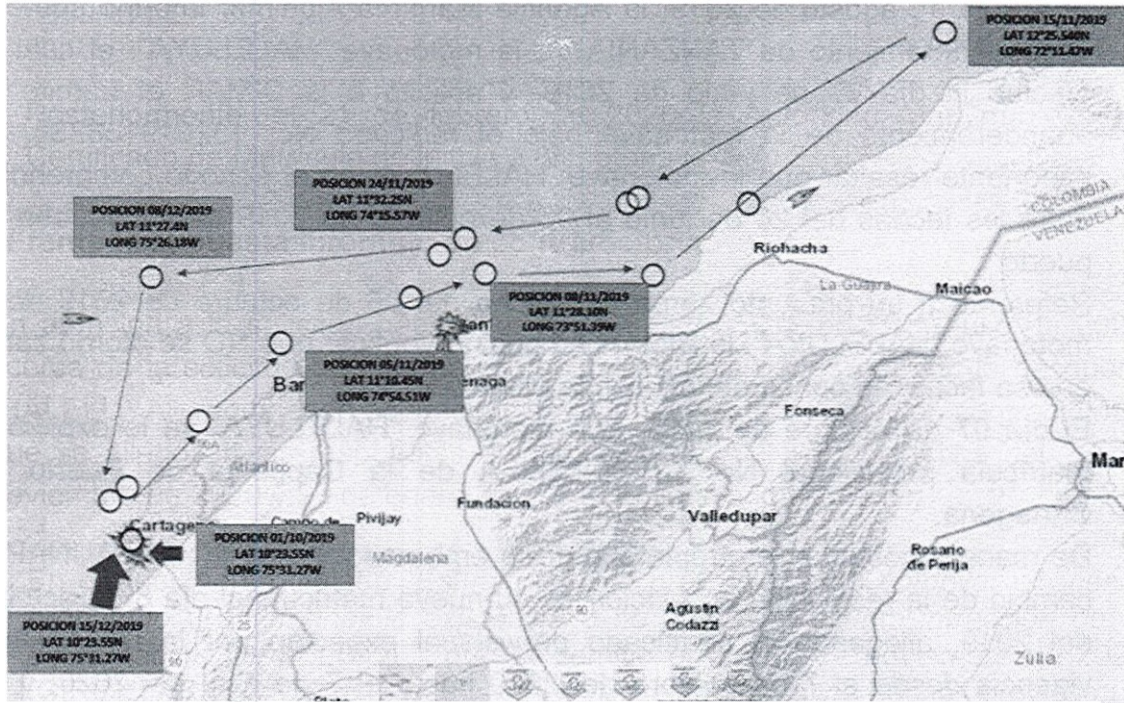


Illustration 2. Position of the motor-vessel from 1 October to 31 December 2019.

9. Subsequently, on 21 February 2020 the Maritime Authority issued the definitive Registration Certificate to the motor-vessel *HALELUYA*.

II) Regarding the alleged contradictory information:

In response to the request made through ICCAT S22-05412 on 26 July 2022 for information on the activities of the fishing vessel *HALELUYA*, requiring clarifications on the alleged contradictory information contained in the responses sent by AUNAP on 26 November 2020 and 27 January 2021, the following is indicated:

1. In the document titled “Preliminary Technical Study to Compile Evidence and Determine the Existence or Not of an Alleged Infringement by the Vessel *Haleluya*”, which was circulated on 26 November 2020 (ICCAT Circular # 8131/20), AUNAP set out all the prior facts transmitted by ICCAT and the actions of technical analysis carried out, concluding the following:

“Based on the above, it is determined that there is a gap in flagging of the vessel *Haleluya* between 27 June and 6 October 2019. AUNAP has requested the trips from the Captain's Office of the Port of Cartagena and the VMS navigation tracks from DIMAR to verify the vessel's operations during this period. In the document transmitted by Colombia to request Cooperating Non-Contracting Party status in ICCAT, the fishing vessels registered at national level were listed and the information was detailed that was submitted by the permit holder IMANELY SAS on requesting the procedures; on this date, the vessel owner of *Haleluya* had not yet requested or notified its change of flag to the fishing authority. Consequently, it is unclear for AUNAP if the details of this communication transmitted by Colombia to ICCAT constitutes an inclusion in the list of permit holders authorised to conduct fishing activities within the jurisdiction of this RFMO; therefore, ICCAT is requested to inform AUNAP if this vessel has a fishing permit within its jurisdiction” (not bolded in text).

As can be observed, in this response AUNAP does **NOT** confirm the departure or operation of the vessel *HALELUYA*; on the contrary, it states that it will consult the relevant Maritime Authority for it to provide the evidence of the activity of this vessel, and thereby constituting the evidence for clarification of the facts.

2. The second communication transmitted by AUNAP on 27 January 2021 (ICCAT Circular No. 508/2021) reiterates that there was a gap in flagging of the vessel *HALELUYA* from 27 June to 6 October 2019. However, it is indicated in its annexes that according to the certificate issued at that time by the Captain's Office of the Port of Cartagena, Colombia, "this motor-vessel was inactive during the period in question" (not bolded in the text). This has been corroborated by DIMAR through communication No. 29202204389 of 18 August 2022.
3. In light of the above, AUNAP, as the authority mandated, according to number 13 of Article 5 of Decree 4181 of 2011 to "Establish control and surveillance mechanisms for compliance with the rules that regulate the fishing activities and aquaculture in the national territory in coordination with (...) other authorities, within their respective powers", has indicated that, based on the above information, it finds that the vessel *HALELUYA* has not committed an infringement associated with the facts set out by ICCAT, which is why Colombia requests removal of the record on that list, in accordance with what is established in the *Recommendation by ICCAT on establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities* (Rec. 18-08).