

MODIFICATION OF THE E-BFT AND SWO JOINT INSPECTION SCHEMES (JIS) TO INCLUDE SPECIFICATIONS FOR BOARDING LADDERS

(Proposal submitted by the EU)

During the meeting of the ICCAT Working Group on Integrated Monitoring Measures (IMM) in June 2022, the EU presented a proposal to include specific boarding ladder provisions in the E-BFT and SWO Joint Inspection Schemes (JIS). The EU noted that contrary to other joint inspection schemes (NAFO, NEAFC, GFCM), the ICCAT schemes does not provide for specific measures for boarding ladders.

The motivation behind this amendment arose when, under the E-BFT JIS, some fishing vessels were not able to consistently provide ladders to allow ICCAT inspectors to board safely. In some cases, the vessels provided boarding ladders that the inspectors did not consider safe (i.e., swimming pool-type rigid ladders), and in other cases the vessels did not provide a ladder at all. This resulted in an impossibility to perform inspections at sea, but it also complicated the follow-up that can be given to these cases because the lack of specific regulation.

The EU's proposal was drafted to be harmonized with the specifications already required in the General Fisheries Commission for the Mediterranean (GFCM), which would prevent vessels participating in ICCAT BFT and GFCM fisheries from having to carry two separate boarding ladders. However, after discussion with a CPC that showed some concerns during the IMM meeting, the EU has changed the proposal as shown below.

Finally, during the IMM meeting, the EU also expressed the desirability that any breach of this provision to be considered a serious infringement.

The relevant modifications proposed are underlined below.

1. **Modification Annex 7 of Recommendation 21-08 (E-BFT ICCAT Scheme of Joint International Inspection)**

I. Serious violations

1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the Commission:

r) Not providing to ICCAT inspectors a boarding ladder meeting the requirements of IMO Resolution A.889(21) to facilitate safe access to any fishing vessel which requires a climb of 1,5 metres or more.

II. Conduct of inspections

9. Subject to the arrangements agreed under paragraph 15 of this Annex, a vessel flagged to a Contracting Government and fishing for tuna or tuna-like fishes in the Convention area outside waters under national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in paragraph 7 and carrying an inspector unless the vessel is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master of the vessel shall permit the inspection party, as specified in paragraph 10 of this Annex, to board it and must provide a boarding ladder meeting the requirements of IMO Resolution A.889(21), to facilitate safe and convenient access to any vessel which requires a climb of 1,5 metre or more. For compliance with the requirements of boarding ladders, a transitional period is allowed for vessels operating in the Atlantic, until January 2024.

The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify compliance with the ICCAT Commission's Recommendations in force in relation to the flag CPC of the vessel being inspected. Further, an inspector may ask for any explanations that he or she deems necessary.

2. Modification Annex 1 Recommendation 16-05 (**MED SWO ICCAT Scheme of Joint International Inspection**)

I. Serious violations

1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the Commission:

p) Not providing to ICCAT inspectors a boarding ladder meeting the requirements of IMO Resolution A.889(21) to facilitate safe access to any fishing vessel which requires a climb of 1,5 metres or more.

II. Conduct of inspections

9. Subject to the arrangements agreed under paragraph 16 of this Annex, a vessel flagged to a Contracting Government and fishing for tuna or tuna-like fishes in the Convention area outside waters under national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in paragraph 7 and carrying an inspector unless the vessel is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master of the vessel shall permit the inspection party, as specified in paragraph 10 of this Annex, to board it and must provide a boarding ladder meeting the requirements of IMO Resolution A.889(21), to facilitate safe and convenient access to any vessel which requires a climb of 1,5 metre or more. The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify compliance with the ICCAT Commission's recommendations in force in relation to the flag State of the vessel being inspected. Further, an inspector may ask for any explanations that he or she deems necessary.