

## Questions and answers from CPCs on compliance matters

*(ICCAT Secretariat)*

Through ICCAT Circular 11483/2023 of 20 October 2023, CPCs were invited to send questions to other ICCAT CPCs regarding possible compliance issues.

To date, one question was received from the European Union, but no response was available at the time of writing.

### **Question to Senegal on COC\_312/2023 on exports of swordfish and albacore tuna from Senegal**

The EU also draws the attention of the Commission and of the Senegalese authorities to the alert that the EU circulated in 2013 regarding Senegalese exports of albacore tuna exceeding the annual quota allocated to Senegal (ref. Ares(2013)182780). The EU invites Senegal to clarify the control measures that it adopted for its exports of albacore tuna following this alert, and requests that this information is also taken into account in the decisions made in the upcoming meeting of the Compliance Committee. The EU asks Senegal to provide clarifications in relation to these data (see COC\_312\_ANN\_1) ahead of the next Compliance Committee.

### **Statement by Senegal to the Compliance Committee (COC)**

By letter dated 1 November 2023, the ICCAT Secretariat transmitted to Senegal the letter from the European Union concerning additional information on the results of its further investigations on swordfish and albacore imports from Senegal from 2011 to 2021 for consideration and discussion by the Compliance Committee at its next meeting, in accordance with Recommendation 08-09.

The EU invites Senegal to clarify the control measures it has adopted for its albacore exports following an alert in 2011 and requests clarification on these data.

Senegal provides the following comments and responses to the EU's letter.

Shortcomings are noted in the procedure since the EU letter sent to us, in English, does not comply with paragraph 1 of Rec. 08-09, which expressly states that "Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) should submit to the Secretariat documented information that indicates possible non-compliance with ICCAT Conservation and Management Measures at least 120 days before the annual meeting."

The lack of documentation of the facts reported by the EU is very clear and we consider that a table of figures is not sufficient in this case.

In addition, the EU's letter sent bilaterally on 27 October and that sent by the Secretariat on 1 November 2023 do not comply with the time limits set out in Rec. 08-09 (120 days).

On the merits, Senegal notes that the EU has not complied with the provisions of paragraph 1 of Rec. 06-13, which mentions appropriate deadlines for the transmission of relevant information to the ICCAT Secretariat. In this respect, Senegal questions the EU's delay in transmitting this information.

The period covered by the data (2011-2021) also raises questions as to why the EU has waited all these years (10 years) to detect and investigate its own imports and share the information with the ICCAT COC, with the exception of the alert it circulated in 2013 concerning Senegalese albacore exports.

Senegal remains concerned about the EU's willingness to act on this issue.

In this respect, Senegal notes the failings of the EU services, which did not initiate requests in accordance with the usual procedure for collaboration on certification throughout this period. The measures taken in 2013 were notified to the ICCAT Secretariat by letter No. 00623 MPAM/DPM/SN of 11 April 2013, a copy of which is attached.

Moreover, Senegal expects precise responses from the European Union on these deficiencies, and requests to be provided with all the documentation necessary to carry out the appropriate investigations.

Senegal reiterates that there is no documented proof of regular catches and exports of those quantities of albacore on the European market during the period referred to above.

Nevertheless, Senegal has carried out preliminary investigations which have not found any trace of this export overshoot for albacore and swordfish in our records, and the catches reported and statistical documents transmitted to ICCAT do not correspond to the EU data.

With regard to albacore, Senegal reminds the EU that it does not have a quota, but rather a limit to which it must endeavour to keep its catches.

In addition, Senegal has always asked the EU to provide official documents in support of its allegations, but to date the EU has failed to do so. As a result, Senegal reserves the right to revisit the issue only when the EU provides evidence of these elements. Moreover, it is the EU that accompanied Senegal in setting up the certification system, which was even audited and evaluated by DG Mare on a mission in 2018. Senegal is surprised that the alleged shortcomings were not identified during this mission.

Senegal reaffirms its determination to combat IUU fishing and thanks all the CPCs that are cooperating with it in a spirit of mutual respect and transparency, and would like this statement to be attached to the proceedings of this meeting.