

Questions and answers from CPCs on compliance matters*(submitted by ICCAT Secretariat)*

Through ICCAT Circulars 11031/24 and 11038/24, both dated 23 October, CPCs were invited to send questions to other ICCAT CPCs regarding possible compliance issues.

The Secretariat received questions and comments from the European Union and the United States. Where possible, these questions have been sent in advance to the CPCs concerned, and those responses received to date are included here, if applicable. Given the short time available to prepare responses, those CPCs which were unable to provide a written response in advance of the meeting may respond verbally or in writing at or before the Compliance Committee.

To Angola:

While recognizing the progress made by Angola in reporting information, a CPC has noted that certain reporting requirements are still missing and there are several discrepancies between Angola's Task 1 data, catches reported in the Compliance Annex (COC_304/2024), and Angola's Annual Report. Given that the Annual Report notes 13.788 t of shortfin mako landings in 2023, the CPC asks whether Angola could confirm that it has regulations in place to implement Rec. 21-09. This CPC would also like to note that Angola has requested capacity building to improve reporting in artisanal fisheries, as they were not included in ICCAT's 2022 regional workshop in West Africa. This CPC is looking into the possibility of translating these workshop materials into Portuguese.

To Costa Rica:

As a new member, Costa Rica has undertaken a review of regulatory provisions in order to bring Costa Rican fisheries in line with relevant ICCAT Recommendations; could Costa Rica provide an update on recent amendments to its Caribbean Billfish Fishery Management Plan?

Response

After multiple efforts, Costa Rica achieved its status as a Contracting Party to ICCAT as from 7 June 2024. Currently, it has been building its capacity to comply with its responsibilities within ICCAT by developing the following actions:

- VMS is mandatory for use by medium-scale longline vessels (with autonomy up to 40 nm) and greater (with autonomy greater than 40 nm), which transmit information to the Satellite Monitoring Centre of the Costa Rica Institute of Fisheries and Aquaculture (INCOPECSA). These vessels carry out their fishing activities within the Exclusive Economic Zone of the Costa Rican Caribbean and have the most interaction with the species of the Commission.
- Improvements have been achieved in the collection and reporting of fishery statistics data, through adaptation of data collection forms for the Caribbean, and development of new data collection software, which is currently being tested in the field.
- Capacity has been built through the participation of officials in the ICCAT Workshop in the Caribbean (West Atlantic) region for the improvement of statistical data collection and reporting on small scale (artisanal) fisheries, February 2024, Panama City.
- Field trips have been increased to carry out fishery biological sampling on landing and to gain a better understanding of the fishery dynamics in the area.
- A biologist was hired at INCOPECSA to address ICCAT-related issues in the Costa Rican Caribbean region, who carries out biological fisheries sampling on landing.

As regards new ICCAT recommendations that will be communicated in the future, an annual review is planned to be carried out prior to their entry into force, in order to update the national regulations and to comply with the management measures established by ICCAT.

To Cote d'Ivoire:

Does Cote d'Ivoire have regulations in place to prohibit retention of hammerhead sharks and silky sharks, consistent with ICCAT Recs. 10-08 and 11-08? If Cote d'Ivoire permits any landings under the exemptions for coastal developing CPCs, could Cote d'Ivoire provide a citation to the national regulations that prohibit the export of these species as required by ICCAT Recs. 10-08 and 11-08?

To EU:

It is noted that the EU has answered the COC Chair's letter, including follow-up on historical catches of blue marlin that were miscoded as Pacific marlin species in 2020 and 2021. However, a CPC would like to note for the record that this issue pertained to EU catches of blue marlin and white marlin, as confirmed in a footnote to the 2023 Compliance Annex.

Response

The EU confirms that the revised data are relevant for the historical nominal catches of blue marlin, white marlin, and other billfish species. Additionally, I recall the EU has submitted a methodology to accompany the revised Task 1 data, where the process underpinning these revisions is well detailed.

To Ghana:

A CPC asks whether Ghana has regulations in place to prohibit retention of hammerhead sharks and silky sharks, consistent with ICCAT Recs. 10-08 and 11-08 and if Ghana permits any landings under the exemptions for developing coastal CPCs. Therefore, the CPC requests Ghana to provide a citation to the national regulations that prohibit the export of these species as required by ICCAT Recs. 10-08 and 11-08.

Response

Sections 89 and 90 of the current law, Fisheries Act (2002), Act 625, protect gravid and juvenile lobsters, other crustaceans, and juvenile fish, and Section 90 protects marine mammals.

The Fisheries and Aquaculture Bill 2024, laid before parliament, contains a clause protecting endangered, threatened, and protected species (Section 45), gravid and juvenile crustaceans, and any other fish species as may be determined by the Fisheries Commission (Section 46).

For Section 45, the Fisheries Commission shall, by Regulations, prescribe species considered endangered, threatened, and protected in accordance with international conventions and agreements.

For Section 45, the Minister shall make regulations to publish a list of prohibited or endangered fishery resources or fish species. It is envisaged that the conservation status of shark species will be featured in the regulation, and the export of the species will be prohibited, as in ICCAT Recs. 10-08 and 11-08, to obtain exemptions for coastal developing CPCs.

The Fisheries and Aquaculture Bill 2024 was gazetted on September 30, 2024, and is currently before the parliament for approval.

To Grenada:

While recognizing Grenada's efforts to provide Task 1 data this year, which is an important step. However, a CPC urges Grenada to comply with other reporting requirements that will confirm their implementation of ICCAT recommendations. In addition, this CPC recently became aware that a vessel formerly flagged to the United States as the FV *Queen Mary* has reflagged to Grenada. Now known as FV *Humility*, it is no longer listed on the ICCAT list of authorized vessels >20m. The CPC seeks confirmation from Grenada that regulations are in place to require the vessel's compliance with ICCAT Recommendations and to ensure the monitoring, control and surveillance of this vessel as required by ICCAT. Additionally, the CPC is investigating this situation internally, as the vessel may be a candidate for inclusion on the list of vessels engaged in IUU fishing.

To Mexico:

While appreciating the information Mexico provided to the COC last year, noting that NOM-059-SEMARNAT-2010 established measures for the protection of the whale shark, basking shark, great white shark, sawfish and giant manta rays. Mexico also explained in 2023 that other Atlantic shark species were being incorporated into the lists of this Official Mexican Standard. The CPC asks whether Mexico could provide an update on this matter. In particular, if Mexico has similar regulations in place to prohibit retention of oceanic whitetip sharks, hammerhead sharks and silky sharks, consistent with ICCAT Recs. 10-07, 10-08 and 11-08. If Mexico permits any landings under the exemptions for coastal developing CPCs, could Mexico provide a citation to the national regulations that prohibit the export of these species as required by ICCAT Recs. 10-07, 10-08 and 11-08?

Response

As regards this issue, I would like to say that Mexico has carried out various actions during 2024 for sustainable management of the shark species caught incidentally in the longline fishery in the Gulf of Mexico, through the Mexico Institute for Research on Sustainable Fisheries and Aquaculture (IMIPAS) and the National Commission of Aquaculture and Fisheries (CONAPESCA). These include activities for inclusion in the work plan so as to design the best strategy for identifying shark and ray species caught incidentally during fishing operations by the Mexican longline fleet, with the participation of experts who have discussed and designed identification codes. It is expected that these will be implemented during 2025 through training, evaluation and monitoring.

In addition to the above, joint work has been carried out for technical and scientific analysis of Recommendation 10-08 on hammerhead sharks (family *Sphyrnidae*) caught in association with fisheries managed by the International Commission for the Conservation of Atlantic Tunas (ICCAT), which envisages the possibility of developing a binding document to prohibit retention on board, transshipping, landing, storing, selling or offering for sale any part or whole carcass of hammerhead sharks of the family *Sphyrnidae*, (except *Sphyrna tiburo*), caught in the Convention area in association with ICCAT fisheries, and which is currently being reviewed by the competent fisheries authority. It should be noted that the same procedure is being carried out for silky sharks.

Recommendation 10-07

In this regard, it should be noted that bycatch of oceanic whitetip sharks (*Carcharhinus longimanus*) has been recorded and reported to the Secretariat in Tasks 1, 2 and 3, which include information on individuals landed, discarded dead and released alive. It has been observed that over the past 13 years the total catch decreased to 10 individuals in 2023.

It should be noted that efforts have been made to reduce retention of oceanic whitetip sharks. In the past four years live releases have increased, and work to avoid retention on board is being strengthened. However, 10 specimens were recorded in 2023, of which 6 were released in a timely manner, and four were landed; these were solely and exclusively for local consumption by fishers participating in the fishing operations.

Recommendation 10-08

As regards Recommendation 10-08, it should be noted that the presence of hammerhead sharks from the *Sphyrnidae* family has been recorded as bycatch in the longline fishery in the Gulf of Mexico. The records indicate that hammerhead sharks have been caught in all years, 1995 and 2001 being the years with the highest catches i.e. 183 and 130 individuals, respectively. However, since 2010 there have been intervals of one to 31 specimens, with a permanent reduction in individuals from 2020 onwards i.e. 1.5 individuals/year.

As to catch per unit effort (CPUE) in no. of individuals/1000 hooks, there are two periods: the first from 1993-2004 with significant fluctuations between the values of 0.0038 and 0.1707 individuals/1000 hooks; and the second from 2005-2023 with an interval between 0.0005 and 0.0232 individuals/1000 hooks. These were solely and exclusively for local consumption by fishers participating in the fishing operations.

Recommendation 11-08

Silky shark (*Carcharhinus falciformis*), which is in the category of blacktip shark, is included in the same work process to generate codes for identification by species.

In this regard, we would like to reiterate that there are undoubtedly still difficulties, which have already been identified. But in full compliance with the ICCAT provisions for 2025, these will be rectified in order to provide the SCRS with the best information by species for sharks and rays, as well as the appropriate legislation will be strengthened to facilitate the timely release of oceanic whitetip, hammerhead and silky sharks. It should also be noted that Mexico has a national observer programme, which undoubtedly is an excellent tool that will serve to properly monitor sharks by species.

If the United States needs further information, Mexico can be contacted directly.

To Morocco:

Morocco's 2024 Annual Report explains that a scientific observer program established in 2018 monitors the longline fleet targeting North Atlantic swordfish, and that this program collects information on bycatch and discards (although the program was suspended for 2020-21 during COVID). Further, Morocco's 2024 Annual Report states that observer data from 2022 and 2023 were submitted to the Secretariat using the ST09 form. However, it appears that catches of shortfin mako, blue shark, blue marlin and white marlin (including dead discards and live releases) were not included in Morocco's 2024 Task 1 data submission as specifically required by Rec. 21-09, Rec. 23-10, and Rec. 19-05. Could Morocco please confirm? This is a potentially significant unreported component of catches, as Morocco currently has 862 vessels >20m that are authorized to fish for North Atlantic swordfish and the aforementioned species are typically encountered as bycatch in that fishery. In addition, the 2024 Compliance Annex notes a negative balance for blue marlin, which should be reflected in COC_308 for Morocco.

Response

In response to the ICCAT request regarding the U.S. comments on the catches reported by Morocco for shortfin mako, blue shark and white and blue marlin by longliners greater than 20 metres, the following clarifications should be made:

Of all the longliners authorised to fish for tuna, only 13 greater than 20 m specialise in fishing for Atlantic swordfish. The others mainly target other species, in particular small tunas.

Morocco submitted Task 1 data for the above species for the years 2022 and 2023 to the ICCAT Secretariat using form ST01NC. Landings of shortfin mako (SMA) and white marlin (WHM) and blue marlin (BSH) were nil due to the prohibition on fishing for these species, which were already reported to ICCAT. It should be reminded that fishing for shortfin mako was banned in 2022, while fishing for marlin had been banned in 2018.

Furthermore, data on discards (dead and alive) of these species by longliners, collected under the observer programme, were transmitted to the Secretariat using the ST09 form, in accordance with ICCAT requirements. In addition, estimates of the total number of discards of shortfin mako and blue sharks for 2023 were submitted for the first time to the SCRS in September 2024, using a new methodology (SCRS/2024/170). The Subcommittee stated this in its response to the Commission. However, these estimates of discards could not be included in the Task 1 data (submitted in July 2024) as they were not approved by the Subcommittee and the SCRS until after September 2024. Consequently, they will be included in the Task 1 statistics for 2025.

Concerning white and blue marlin, it is important to highlight that these species have never been taken as bycatch by longliners greater than 20 m targeting swordfish in the Atlantic. However, these species were taken as bycatch by longliners less than 15 m targeting small tunas in the Atlantic. For this fleet, an alternative approach for estimating discards including marlins was submitted to the SCRS and validated in 2023 (SCRS/2023/132) and 2024 (SCRS/2024/169). It is expected that the first estimates of marlin discards based on this approach for vessels less than 15 metres, will be submitted to the 2025 meeting of the Subcommittee on Statistics for review and adoption by the SCRS.

To São Tomé e Príncipe:

A CPC has noted that COC_308 states that as of October 11, 2024, São Tomé e Príncipe had not yet submitted an Annual Report, Compliance Tables or checksheets. At the 2023 Annual Meeting, the Commission selected São Tomé e Príncipe for a special capacity building mission in 2024. The CPC would like to confirm whether this mission has occurred, and if so, could São Tomé e Príncipe explain the remaining challenges?

Response

It is true that as of 11 October São Tomé and Príncipe had not yet sent in its Annual Report. However, on 31 October São Tomé completed the report and submitted it to the IOMS platform.

In the first week of July this year, São Tomé received a special mission from the ICCAT Secretariat, which helped us with staff training and improving communication with the Secretariat, but on our side efforts are being made to improve our services.

Our challenge is to constantly train our staff, since the flow of emigration has left us short of staff.

To Panama:

While appreciating Panama's transparency in acknowledging the difficulties it has encountered with implementation of Rec. 19-05 and Rec. 16-11. The COC may be able to advise on appropriate action after reviewing Panama's billfish checksheet. In addition, a CPC noted that capacity building is available from the SCRS to support CPCs' use of a Bycatch Estimation Tool.

Response

Panama thanks the United States for its comments and interest in the difficulties that Panama has expressed as regards estimations of billfish discards. We look forward to any recommendations that the Compliance Committee may make at the next meeting. Moreover, we would like to express our keen interest in participating in the workshops held by ICCAT on this issue. It should be noted that Panama requested to participate in the workshop held in 2024, however, due to the criteria used for selection of participants, our letter of intent was not accepted.

To Senegal:

Senegal's response to the letter of identification references an action plan that was submitted on April 18, 2024. A CPC noted that 2023 catch data for ALB-N, ALB-S, and BFT-E are not reflected in COC_304. The CPC would also like to ask Senegal if regulations are in place to prohibit retention of silky sharks, consistent with Rec. 11-08. If Senegal permits landings under the exemption for developing coastal CPCs, could they provide a citation to the regulations that prohibit the export of silky sharks as required by Rec. 11-08?

Response

Senegal has already sent an action plan which was provided on 18 April 2024, as requested by the COC. Catch data for 2023 for ALB-N, ALB-S and BFT-E are not reflected in COC_304 because Senegal does not catch these species. Transposition into a single Order of the ICCAT recommendations on sharks, including silky shark, is in the process of being approved. This forthcoming regulation will prohibit the retention and entry into the international market of silky shark (Recommendation 11-08).

To Saint Vincent and the Grenadines:

A CPC is still reviewing Saint Vincent and the Grenadines' response to the COC Chair's letter. In the meantime, the CPC requests whether Saint Vincent and the Grenadines could explain the discrepancies in their reported 2023 catches between the SCRS report and COC_304.

To Uruguay:

Uruguay's Task 1 data includes zero catches (i.e. no landings, discards or live releases of any ICCAT species); their Annual Report explains that Uruguay's longline fleet was not active in 2023, and that Uruguay does not have any small scale fisheries or sport/recreational fisheries that capture tunas or tuna-like species. Although a CPC notes that the historical longline fleet has not been flagged to Uruguay for many years, the presence of blue marlin, blue sharks and other ICCAT species in Uruguay's waters is well documented. There also appear to be Uruguayan sport vessels specifically advertising online that they provide for-hire services to target swordfish, marlins, and tunas. Could Uruguay clarify whether its sport/recreational vessels are permitted to retain ICCAT species, and whether regulations are in place to implement the applicable ICCAT Recommendations? Does Uruguay have a means of collecting catch data from these vessels and reporting the catches to ICCAT?

Response

The referenced species occur in Uruguayan waters at depths from 100 metres and more, generally from 200 metres. These depths are generally found from 65-90 nautical miles from the coast. Sport fishing vessels do not have the autonomy to travel these distances and therefore there are no sport fisheries targeting these species.

If the honourable delegation of the United States has any information to the contrary, we would ask you to send it to us so that we can take note and verify it, and provide you with a more specific answer.

To Venezuela:

Venezuela's response letter notes that they are developing an action plan to address continued overharvest of white marlin. It would be helpful for the COC to review additional details from Venezuela, including a citation to regulations in place to implement Rec. 19-05 as well as the additional measures that are planned to address the overharvest and a timetable for payback.

To Guyana:

While recognizing Guyana's transparency in acknowledging its challenges related to the management of sharks. Given that Guyana is working to develop the necessary legislation, and anticipates implementation in 2025, a CPC would appreciate any future updates for the COC's consideration. Also, in Guyana's Annual Report under M:BIL01, M:BIL04, M:SHK05, M:SHK08, M:BYC01, M:BYC02, M:BYC03 and M:BYC04, the responses relate to other ICCAT Recommendations. The CPC encourages Guyana to provide the relevant explanatory text.