Clarifications requested on PWG matters and responses from CPCs

(previously presented as Appendix 7 to the Report of the 17th Meeting of the Working Group on Integrated Monitoring Measures)

	Issue	***Request***	***EU***	***Japan***	***USA***	***Conclusion***
1. Access Agreements	1.1 Para 5 of the *Recommendation by ICCAT on Access Agreements* (Rec. 14-07) stipulates that: *Flag CPCs and coastal CPCs involved in the agreements specified in paragraph 1 shall provide a summary of the activities carried out pursuant to each agreement, including all catches made pursuant to these agreements, in their annual report to the Commission.* A question has been raised regarding the reporting period which the summary should cover; e.g. should those agreements which concluded in 2022 be reported through the Annual Report submitted in 2023, or should partial reporting for 2023 also be included. **Given that in most cases the information contained in Annual Reports refers to**	The Secretariat requests confirmation that information submitted in 2023 should contain 2022 data, and that partial reporting for the year in course is not required.	The EU confirms that information submitted in 2023 should contain 2022 data, and that partial reporting for the year in course is not required.	Japan shares the same view as the Secretariat.	The Secretariat is correct that a CPC must provide the information for the previous year in their Annual Reports (i.e., for 2024 report, info on 2023 access agreements must be reported). A CPC can also, at its discretion, provide information on the current year (i.e., providing available info on 2024 access agreements in its 2024 Annual Report). Nothing in the rules precludes a CPC from providing the most up to date info available, and the Commission can benefit from information that is as up to date as possible.	Only data for the previous year need be reported, but if CPCs wish to do so, they may **also** send data for the year in course. [**Note from Secretariat**: separate forms for each year would be preferred]

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	year previous to the report being submitted, the Secretariat believes that the former is correct and that only information on access agreements which concluded the year before would be required. Confirmation of this is requested.					
	1.2 Advice regarding the three points detailed below is also requested to establish clear principles to guide report completion. i) In CP39A, the "Number of Vessels - No Vessels" is interpreted as the count of vessels holding licenses to target ICCAT species in a given year. It is worth noting that the EU Sustainable Fisheries Partners Agreement (SFPA) also specifies a maximum number of vessels that can operate within each category/gear. However, this maximum number does not necessarily match the actual number of licensed vessels. **Reporting the number of vessels with licenses is more informative than the**	Confirmation that the Commission agrees with the statements in **bold** is requested.	The EU can confirm the statements in bold.	Japan shares the same view as the Secretariat.	The United States agrees with the Secretariat regarding the importance of reporting the number of vessels actually permitted/licensed to fish under an access agreement in a given year. However, we understand CP39A to be the form through which paragraphs 1 and 3 of Rec. 14-07 are fulfilled, regarding information about the agreement itself. As such, the requirement in para 1 refers to the number of vessels authorized by the agreement, rather than the actual number of vessels with such a license in a given year. The number of vessels actually	The maximum number of vessels may be included at the time of first reporting (prior to beginning fishing activities, para 1 of Rec. 14-07), if this could be greater that licensed vessels but only actually licensed vessels should be reported in the annual summary information in para 5 of Rec. 14-07.

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	maximum potential, and thus, reporting the former is recommended. Confirmation of this from PWG is requested.				licensed to fish under the agreement in a given year is to be reported under form CP39B, which we understand to be the form through which para. 5 of Rec. 14-07 is fulfilled.	
	ii) In CP39B, the "Number of Vessels - No Vessels" should include all vessels licensed to target ICCAT species that were active during the given year. The same logic applies to reporting catches; only catches from vessels listed in the "Number of Vessels - No Vessels" column should be reported. **This approach excludes bycatches of ICCAT species that may have been caught by vessels licensed for fisheries other than ICCAT species. Confirmation of this from PWG is requested.**	Confirmation that the Commission agrees with the statements in **bold** is requested	The EU can confirm the statements in bold.	Japan shares the same view as the Secretariat.	The United States concurs with the Secretariat that bycatch by vessels not part of the access agreement do not need to be reported pursuant to Rec. 14-07, but they should be reported through other means and counted against the relevant CPC's quota for that species.	By-catch of ICCAT species by vessels not operating under an access agreement specifically involving ICCAT species does not need to be reported through CP39 (but should be included in Task 1 data and compliance tables as appropriate).

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	iii) Lastly, in CP39B, it is important to clarify that **the quota refers specifically to the CPC quota and not to any other catch limit or catch reference associated with a species in a given agreement.**	Confirmation that the Commission agrees with the statements in **bold** is requested	The EU can confirm the statements in bold.	Japan shares the same view as the Secretariat.	The United States appreciates the Secretariat's efforts to bring light to CP39B. It is important to clarify that the quota refers specifically to the fishing CPC's ICCAT quota and not to any other catch limit or catch reference associated with a species in a given agreement, as catches under an access agreement count toward the quota of the CPC to which the fishing vessels are flagged, not the quota of the coastal CPC that is allowing foreign vessels to fish in its waters.	All catches under an access agreement count toward the quota of the fishing CPC.
2. Transhipment declarations	2.1 The Secretariat would like clarification as to which transhipment declarations should be submitted to the Secretariat in accordance with paragraph 21 of the *Recommendation by ICCAT on transhipment* (Rec. 21-15).	Confirmation that the Secretariat's understanding of the statement in **bold** is requested.	The EU agrees that only at-sea transhipment declarations, (and not in-port transhipment declarations) should be sent to ICCAT.	Japan shares the same view as the Secretariat.	We concur with the Secretariat	Only at-sea transhipment declarations, and NOT in-port transhipment declarations, should be sent to the ICCAT Secretariat.

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	The Secretariat has understood that this related only to at-sea transhipment declarations, and that in-port transhipment declarations should be sent only to the CPC authorities as indicated in paragraph 3.3 of Appendix 3 of Rec. 21-15. However, one CPC has indicated that their understanding of paragraph 21 of Rec. 21-15 requires in-port transhipment declarations to be sent also to the Secretariat. Given the quantity of these, and the fact that not all CPCs send in-port transhipment declarations, clarification as to whether or not these should be sent is needed. This interpretation was endorsed by the Working Group on Integrated Monitoring Measures (IMM) and confirmation of PWG is not requested.					

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	2.ii) **The Secretariat is of the opinion that the declarations referred to in Rec. 21-15 are those which relate to ICCAT species or taken in conjunction with ICCAT fisheries**. Notwithstanding, the Secretariat continues to receive declarations and associated documentation (e.g., pre-transhipment notification) relating to non-ICCAT species (e.g., squid) from vessels which are not on the ICCAT Record. Confirmation is sought that these documents are not required and should not be sent to the Secretariat. This interpretation was endorsed by IMM and confirmation of PWG is not requested.	Confirmation that the Secretariat's understanding of the statement in **bold** is requested.	ii) The EU agrees that only declarations related to ICCAT species or species caught in association with these species should be sent to ICCAT.	Japan shares the same view as the Secretariat.	We concur with the Secretariat	Only declarations related to ICCAT species or species caught in association with these species should be sent to ICCAT. Transhipment declarations which do not contain ICCAT species or are not taken by vessels involved in ICCAT fisheries should **NOT** be sent.
3. Supply declarations	According to paragraph 23 of Rec. 21-15: A separate supply declaration is not required when the supply activity is conducted in association with transhipment that is monitored by an ICCAT Regional Observer. As ICCAT ROP observers include all supply	The Secretariat believes that the submission of supply declarations from carriers on which a Regional Observers is embarked is not necessary. Confirmation of	The EU's reading of paragraph 23 ICCAT Rec. 21-15 is that the supply declaration is always necessary unless the supply operation is made in association with a transhipment	We support the view that a supply declaration is not required for supply activities associated with transshipment of non-ICCAT species, with the presence of an ICCAT observer. In	The United States interprets Rec. 21-15 as not requiring a separate supply declaration if recorded by an ICCAT observer when ICCAT species are being transhipped. However, para. 23 requires that a supply declaration from the Master is required	The Secretariat's original interpretation **is** not fully correct; an at-sea supply declaration is required if an observer is on board but the supply is not being observed (i.e. -not in association with an ICCAT transshipment).

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	transshipments which they witness, clarification is sought as to whether supply declarations are required to be submitted to the ICCAT Secretariat if no ICCAT species are being transhipped at the same time, even if an ICCAT observer is on board, or whether the monitoring by an ICCAT observer is sufficient. The Secretariat would also like to note that many CPCs are not using the ICCAT format for supply declarations, which makes it difficult to identify these and to ensure they are correctly processed. The use of the correct format, or the inclusion of M:GEN41 (or CP54) in the title of the email would greatly facilitate this.	this understanding is requested.	operation (immediately before or after), and that these operations are monitored by the ICCAT Regional Observer. A supply operation that is not associated with a transhipment operation would therefore require the supply declaration to be sent to ICCAT.	accordance with paragraph 23 of Rec. 21-15, in the case of supply activities not involving transshipment, a supply declaration is required even if an ICCAT observer is on board. Our understanding is as follows. (Condition) A supply activity happens: with ICCAT observer on-board carrier vessel →No (SD required) →Yes (below) in association with transshipment →No (SD required) →Yes (below) transshipment of ICCAT species →No (SD not required) →Yes (SD not required)	in other circumstances, including when an ICCAT observer is onboard the vessel but the supply transshipment does not take place during transshipment of ICCAT species. In other words, the effect of the last sentence of para. 23 is to eliminate the requirement applicable to the master when it is redundant – that is, when the regional observer records the supply transshipment as part its monitoring of the transshipment of ICCAT species.	Therefore, supply declarations for all supply activities involving carrier vessels on the ICCAT Record of Vessels are required unless they take place in association with a transshipment monitored by an ICCAT Regional Observer.

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4. IUU Cross Listing	When there is discrepancy between the information from two different Regional Fishery Management Organisations (RFMOs) which cross list with ICCAT, the Secretariat seeks confirmation as to whether the information provided by the RFMO which originally listed the vessel should be taken as valid, even if the second RFMO provides additional information? Or should such additional information be included on the ICCAT Illegal, Unregulated and Unreported (IUU) list even when provided by an RFMO which was not the original lister of the vessel.	The Secretariat believes that information provided by the RFMO which originally listed the vessel should be taken as valid, even if the second RFMO provides additional information. Confirmation of this understanding is requested.	The EU would urge the ICCAT Secretariat that when receiving an update from a RFMO which is not the original one or upon noticing discrepancies between two lists, it forwards the update to the original RFMO and request that the Secretariat concerned check the additional information. If found to be valid, the information should be included.	Such additional information should be included on the ICCAT Illegal, Unregulated and Unreported (IUU) list even when provided by an RFMO which was not the original lister of the vessel" because more information on IUU vessels is useful for monitoring and inspection purposes. Information provided by an RFMO that is not the original lister can be included in ICCAT's IUU list as "additional information" or "notes".	The United States believes that all available, relevant information should help inform ICCAT's listing and delisting decisions; so we interpret Rec. 21-13 to support use of both RFMO's data to inform ICCAT's listing decisions. Where ICCAT cross-lists a vessel but the information differs across two RFMO IUU vessel lists, the information from the original listing RFMO should control, but the information from the other RFMO might be highly relevant as well. For example, one RFMO might have more timely updated a change of Flag than the other one. The United States suggests the Secretariat include both pieces of conflicting information but notes in parentheses from which RFMO the information originates.	From the responses, it seems that there is a general preference for the additional information to be included, even when coming from a different source than the original and this resulting in discrepancies among lists. [**Note from Secretariat:** the IUU vessel list has been constructed as a data base, and hence the option suggested by USA is not really feasible without restructuring, and may lead to confusion. Further discussion/guidance would be required to consider this option. The Secretariat would also like to urge the Commission to support any cross-organizational initiatives which aim to unify and centralise the information in the IUU list, as all RFMO Secretariats have noted the increasing burden and difficulties in maintaining coherence under the current system].