

Cover Sheet to accompany new proposals
(proposal submitted by the European Union)

Title of the Proposed Draft Recommendation/Resolution: *Draft Recommendation by ICCAT amending Recommendation 22-16 amending ICCAT Recommendation 21-18 on the application of the eBCD system*

Title of currently in force recommendation(s) or resolution(s) addressing the same or related issues: *Recommendation by ICCAT amending Recommendation 21-18 on the application of the eBCD system (Rec. 22-16)*

1. Does it create new **reporting obligation(s)** for CPCs?

Yes No

Brief Description of new reporting obligation(s):

2. Does it require additional input or **work by the SCRS**?

Yes No

Is this work already included in the current SCRS workplan?

Yes No

Brief description of new scientific work required (i.e. stock assessment, analysis, external consultant):

3. Does it involve the creation of a **new working group or intersessional process**?

Yes No

4. Does it require a new **programme or additional activities to be managed by the Secretariat**?

Yes No

Brief description of new Secretariat work required:

5. What is the proposed timeframe for implementation, and are there different specific timeframes for certain CPCs, fisheries, regions, etc.:

Entry into force 2025.

6. Is there any other relevant information regarding the resource and workload implications of the proposal:

Applicable within the European Union.

**Explanatory note on Draft Recommendation by ICCAT amending Recommendation 22-16
amending ICCAT Recommendation 21-18 on the application of the eBCD system**
(Proposal submitted by the European Union)

The validation of bluefin tuna trade between EU Member States imposes a significant administrative burden due to the high level of trade (43,945 trades between EU Member States – 23% of total EU trades) despite relatively low volumes (covering only 4,738 t – 9% of total weight traded).

The obligation of validating the eBCD for specifications such as “fillets” or “others”, is currently waived due to the temporary derogation under para 5b of [Recommendation by ICCAT amending Recommendation 21-18 on the application of the eBCD system \(Rec. 22-16\)](#). This derogation significantly reduces the administrative burden associated with the validation process, contributes towards achieving a more level playing field between the EU and the other ICCAT CPCs, and aligns with the principle of free market within the EU.

The detailed report prepared by the EU on the implementation of the derogation offers insights into the BFT trade data between EU Member States for 2023 and the past five years.

Based on the evidence provided and the reasons outlined above, the EU proposes to make the temporary derogation permanent. Therefore, it proposes to amend paragraph 5(b) of [Recommendation 22-16](#) to remove the reference to a final application date for the derogation.

**Draft Recommendation by ICCAT amending Recommendation 22-16 amending ICCAT
Recommendation 21-18 on the application of the eBCD system**

(Proposal submitted by the European Union)

TAKING INTO ACCOUNT the multi-annual recovery plan for eastern Atlantic and Mediterranean bluefin tuna and the commitment to develop an electronic bluefin tuna catch document (eBCD) system;

RECOGNIZING the developments in electronic information exchange and the benefits of rapid communication with regard to the processing and management of catch information;

NOTING the ability of electronic catch documentation systems to detect fraud and deter IUU shipments, expedite the validation/verification process of bluefin tuna catch documents (BCDs), prevent erroneous information entry, reduce pragmatic workloads and create automated links between Parties including exporting and importing authorities;

RECOGNIZING the necessity to implement the eBCD system to strengthen the implementation of the bluefin tuna catch documentation program;

FOLLOWING the work of the eBCD Technical Working Group (TWG) and the system design and cost estimates presented in the feasibility study;

CONSIDERING the commitments previously made in Recommendation by ICCAT Supplementing the Recommendation for an Electronic Bluefin Tuna Catch Document (eBCD) System (Rec. 13-17) and the decision made at the 19th Special Meeting regarding the status of program implementation;

FURTHER RECOGNIZING the technical complexity of the system and the need for ongoing development and resolution of outstanding technical issues;

ACKNOWLEDGING the full implementation of the eBCD system since 2016;

NOTING the review in 2017 of the relevance of specific derogations and their associated deadlines;

ACKNOWLEDGING that due to the pandemic caused by COVID-19 it has been difficult to have substantive discussions on conservation and management measures in particular a meaningful review of the provisions laid down in paragraphs 5 b) and 5 d) of this Recommendation which both expire on 31 December 2024;

FURTHER CONSIDERING the discussions held during the Annual Meetings from 2017 to 2024, where the European Union submitted the Annual Report to the ICCAT Working Groups, providing the required information on the specified European Union derogation, which demonstrates the excessive administrative burden and the unlevel playing field that these validation requirements would create.

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. All CPCs concerned shall, as soon as possible for eBCD system implementation, submit to the Secretariat the data necessary to ensure the registration of their users in the eBCD system. Access to and use of the system cannot be ensured for those who fail to provide and maintain the data required by the eBCD system.
2. Use of the eBCD system is mandatory for all CPCs and paper BCDs shall no longer be accepted, except in the limited circumstances specified in paragraph 6 below.

3. CPCs may communicate to the Secretariat and the TWG their experiences on technical aspects of system implementation including any difficulties experienced and identification of improvements to functionalities to enhance eBCD implementation and performance. The Commission may consider these recommendations and financial support to further develop the system.
4. The substantive provisions of Recommendation 23-21 will be applied mutatis mutandis to the electronic BCDs (eBCDs).
5. Notwithstanding paragraph 4 of this Recommendation, the following provisions shall be applied with respect to the BCD program and its implementation through the eBCD system:
 - a) Following the recording and validation of catch and first trade in the eBCD system in accordance with Part II of Recommendation 23-21, the recording of information on internal sales of bluefin tuna in the eBCD (i.e. sales occurring within one Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity (CPC) or, in the case of the European Union, within one of its Member States) is not required.
 - b) Following the recording and validation of catch and first trade in the eBCD, the domestic trade between Member States of the European Union shall be completed in the eBCD system by the seller consistent with paragraph 13 of Recommendation 23-21; however, in derogation to Recommendation 18-13, where such trade is of bluefin tuna that is in the following product forms listed on the eBCD, validation shall not be required: "fillets" (FL) or "other, specified" (OT). "Gilled and gutted" (GG), "dressed" (DR), and "round" (RD) product forms will require validation. When such product (FL and OT) is packaged for transport, however, the associated eBCD number must be written legibly and indelibly on the outside of any package containing any part of the tuna except for exempted products specified in paragraph 10 of Recommendation 23-21.

For such product (FL and OT), in addition to the requirements in the above paragraph, subsequent domestic trade to another Member State shall only take place when the trade information from the previous Member State has been recorded in eBCD system. Export from the European Union shall take place only if the previous trade between Member States has been properly recorded, and such export shall continue to require validation in the eBCD system consistent with paragraph 13 of Rec. 23-21.

The derogation in this paragraph shall be permanent, applicable from 1 January 2025. The European Union shall report to the Commission on the implementation of this derogation by 1 October each year of the derogation, and while the statistics contained in this report cannot be generated by the eBCD system, and made automatically available to all the ICCAT Commission and CPCs for their consultation. This report shall include information on its process for verification and the outcomes of that process and data about these trade events, including relevant statistical information.

The trade of live bluefin tuna including all trade events to and from bluefin farms must be recorded and validated in the eBCD system in accordance with the provisions of Recommendation 23-21 unless otherwise specified in this Recommendation. The validation of sections 2 (catch) and 3 (live trade) in the eBCD may be completed simultaneously in derogation to paragraph 3 of Recommendation 18-13. The amending and re-validation of sections 2 and 3 in the eBCD as required by paragraph 99 of Recommendation 18-02¹ may be completed following caging operation.

- c) Bluefin tuna harvested in sport and recreational fisheries for which sale is prohibited is not subject to the terms of Recommendation 18-13 and need not be recorded in the eBCD system.
- d) The provisions of paragraph 13 of Recommendation 23-21 for waiving government validation of tagged fish only apply when the domestic commercial tagging programs of the flag CPC for the vessel or trap that harvested the bluefin tuna under which the fish are tagged are consistent with the requirements of paragraph 21 of that Recommendation and meet the following criteria:

¹ Replaced by Rec. 19-04, which was replaced by Rec. 21-08, which has been replaced by Rec. 22-08.

- i. All bluefin tuna in the eBCD concerned are individually tagged;
 - ii. Minimum information associated with the tag includes:
 - Identifying information on the catching vessel or trap;
 - Date of capture or landing;
 - The area of harvest of the fish in the shipment;
 - The gear utilized to catch the fish;
 - The type of product and individual weight of the tagged bluefin tuna, which may be done through the appending of an annex. Alternatively for those fisheries concerned by the derogations to minimum size under the *Recommendation by ICCAT Establishing a Multi-Annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean Sea* (Rec. 18-02)¹, CPCs may instead provide the approximate weight of individual fish within the catch upon offloading, which is determined through representative sampling. This alternative approach shall apply through 2024 unless extended by the Commission after considering CPC reports on its implementation;
 - Information on the exporter and importer (where applicable);
 - The point of export (where applicable).
 - iii. Information on tagged fish is compiled by the responsible CPC.
- e) Bluefin tuna that die during the transfer, towing, or caging operations foreseen by paragraphs 86 to 102 of Recommendation 18-02¹ prior to harvesting may be traded by the purse seine vessel, auxiliary/support vessel(s), and/or farm representatives, where applicable.
 - f) Bluefin tuna that are caught as bycatch in the eastern Atlantic and Mediterranean by vessels not authorized to fish actively for bluefin tuna pursuant to Rec. 18-02¹ may be traded. In order to improve the functioning of the eBCD system access to the system by CPC authorities, port authorities and/or through authorised self-registration shall be facilitated, including by way of their national registration number. Such registration only permits access to the eBCD system and does not represent an authorisation by ICCAT; hence no ICCAT number will be issued. Flag CPCs of the vessels concerned are not required to submit a list of such vessels to the ICCAT Secretariat.
 - g) The requirement in paragraph 13 b) of Recommendation 23-21 providing that BCDs may only be issued when the accumulated validated amounts are within their quotas or catch limits of each management year, does not apply to CPCs whose domestic legislation requires that all dead or dying fish be landed, provided that the value of the catch is subject to confiscation in order to prevent the fishermen from drawing any commercial profit from such fish. The CPC shall take necessary measures to prevent the confiscated fish from being exported to other CPCs.
 - h) Paper BCDs shall continue to be used for the trade of Pacific bluefin tuna until such time as the functionality for such tracking is developed within the eBCD system. Such functionality will include the data elements listed in **Annexes 1 and 2** unless otherwise decided to address future data collection needs.
 - i) The trade section of an eBCD shall be validated prior to export. The buyer information in the trade section must be entered into the eBCD system as soon as available and prior to re-export.
 - j) Access to the eBCD system shall be granted to ICCAT non-CPCs to facilitate trade of bluefin tuna. Until such time as the functionality is developed that allows non-CPC access to the system, this shall be accomplished through completion by the non-CPC of paper BCD program documents consistent with the terms of paragraph 6 and submission to the ICCAT Secretariat for entry into the eBCD system. The Secretariat shall communicate without delay to those non-CPCs known to trade in Atlantic bluefin tuna to make them aware of the eBCD system and the provisions of the BCD program applicable to them.

- k) To the extent possible, reports generated from the eBCD system shall fulfill the annual reporting requirements in paragraph 34 of Recommendation 23-21. CPCs shall also continue to provide those elements of the annual report that cannot be produced from the eBCD system. The format and content of any additional reports will be determined by the Commission taking into account appropriate confidentiality rules and considerations. At a minimum, reports shall include catch and trade data by the CPCs that are appropriately aggregated. CPCs shall continue to report on their implementation of the eBCD system in their Annual Reports.
6. Paper BCD documents (issued pursuant to Recommendation 23-21) or printed eBCDs may be used in the following cases:
- a) Landings of quantities of bluefin tuna less than one metric ton or three fish. Such paper BCDs shall be converted to eBCDs within a period of seven working days or prior to export, whichever is first.
 - b) Bluefin tuna caught prior to the full implementation of the eBCD system as specified in paragraph 2.
 - c) Notwithstanding the requirement to use the eBCD system in paragraph 2, paper BCDs or printed eBCDs may be used as a back-up in the limited event that technical difficulties with the system arise that preclude a CPC from using the eBCD system, following the procedures as set forth in **Annex 3**. Delays by CPCs in taking necessary actions, such as providing the data necessary to ensure the registration of users in the eBCD system or other avoidable situations, do not constitute an acceptable technical difficulty.
 - d) In the case of trade of Pacific bluefin tuna as specified in paragraph 5 h).
 - e) In the case of trade between ICCAT CPCs and non-CPCs where access to the eBCD system through the Secretariat (pursuant to paragraph 5 j) above) is not possible or is not timely enough to ensure the trade is not unduly delayed or disrupted.

The use of a paper BCD document in the cases specified in sub-paragraphs a) through e) shall not be cited by importing CPCs as a reason to delay or deny import of a bluefin tuna shipment provided it complies with the existing provisions of Recommendation 23-21 and relevant provisions of this recommendation. Printed eBCDs that are validated in the eBCD system satisfy the validation requirement stipulated in paragraph 3 of Recommendation 23-21.

Where requested by a CPC, conversion of paper BCDs to eBCDs shall be facilitated by the ICCAT Secretariat or through the creation in the eBCD system of user profiles for CPC authorities at their request for this purpose, as appropriate.

7. The Technical Working Group shall continue its work and, through the ICCAT Secretariat, inform the developing consortium of the specifications on required system developments and adjustments and steer their implementation.
8. This Recommendation clarifies Recommendation 18-02¹ and clarifies and amends Recommendation 23-21.
9. This Recommendation repeals and replaces the *Recommendation by ICCAT Amending Recommendation 20-08 on the Application of the EBCD System* (Rec. 21-18).

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