

**REPORT OF THE INTER-SESSIONAL MEETING
OF THE COMPLIANCE COMMITTEE
(Madrid, Spain - February 24 to 26, 2010)**

1. Opening of the Meeting

Chairman Christopher Rogers (United States) opened the meeting and welcomed the delegations of Contracting Parties and Observers in attendance. A List of Participants is attached as **Appendix 2**.

2. Appointment of the Rapporteur

Dr. Andreina Fenech Farrugia (EU-Malta) was appointed Rapporteur for the meeting.

3. Adoption of Agenda and meeting arrangements

The Chairman briefed the Committee on the procedure to consider issues relative to each Agenda item. In particular, the Chairman noted that the Committee was charged under Recommendation 09-06 adopted in Recife to establish an allocation key for 2010 harvests of eastern Atlantic and Mediterranean bluefin tuna (E-BFT), to approve 2010 fishing vessel capacity management plans for each Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (CPC) with an allocation for eastern Atlantic and Mediterranean bluefin tuna, and to determine a limit on the number of Joint Fishing Operations (JFOs) to be authorized by each CPC for eastern Atlantic and Mediterranean bluefin tuna in 2010.

Additionally, the Chairman noted several issues which would be taken up under item 9 of the Agenda (Other matters):

- 1) Request from the Pew Environment Group for ICCAT to comment on its findings about port visits by vessels listed as having engaged in illegal, unregulated or unreported (IUU) fishing. It was envisioned that a brief discussion was needed to formulate a response to Pew.
- 2) Requests for inter-sessional removal of two vessels (“Tonina V” and “Daniaa”) from the ICCAT IUU Vessel List had been circulated. The Secretariat would provide an update on responses received from the CPCs.
- 3) The Secretariat had requested clarifications from the CPCs on the interpretation and applicability of several requirements. This request had been deferred from the meeting in Recife for consideration at the inter-sessional meeting.
- 4) The Chairman had circulated two texts addressing the operation of the Compliance Committee in Recife in response to discussions at the meeting of the Working Group on the Future of ICCAT in Sapporo in 2009. Discussion of these texts had been deferred from the meeting in Recife for consideration at the inter-sessional meeting.

Finally, the Chair called the CPCs’ attention to Circulars previously distributed by the Secretariat which have a direct relationship to the efficient operation of the Compliance committee: Circular 023/10 on the deadline and procedures for submission of information to the Commission and Circular 048/10 concerning the applicability of requirements to each CPC.

The Agenda was adopted without change (attached as **Appendix 1**). The Chair left open the possibility of delegations to raise additional concerns under “Other matters”.

4. Consideration and review of compliance with paragraph 1 of Rec. 09-06 in relation to the total allowable catch for eastern Atlantic and Mediterranean bluefin tuna

To begin this discussion, the Chairman recalled the commitments made by CPCs at the 2009 inter-sessional meeting of the Compliance Committee in Barcelona that the provisions of Rec. 08-05 would be respected from the beginning of the 2009 fishing season regardless of the date of entry into force for new measures. The Chairman asked the delegates if the same understanding would be applied to new measures adopted in Rec. 09-06 and Rec. 09-11. It was agreed by all parties that the provisions of these Recommendations would be observed by all CPCs from the beginning of the 2010 fishing season and not wait for legal entry into force. In this regard, the delegate of the EU confirmed that all legal measures had been taken to ensure implementation of eastern Atlantic and Mediterranean bluefin tuna recovery plan from the start of the 2010 campaign. Several other CPCs also affirmed that internal steps had been taken or were in process to ensure compliance with the new measures.

The Chairman then informed the delegates that he had requested the Secretariat to produce a table which applied the new Total Allowed Catch (TAC) for eastern Atlantic and Mediterranean bluefin tuna established in Rec. 09-06 to the allocation key established by Rec. 08-05. In addition, the calculations included the approved plans for carry forward of under-harvests and the requirements for payback of over-harvest which were agreed as part of Rec. 08-05 or by the Compliance Committee in Recife. This table was then circulated to the meeting participants. It was intended that, once adopted by the Committee, this table would become an integral part of Rec. 09-06 (see **Appendix 5**).

The CPCs then discussed the table as drafted by the Secretariat. It was initially observed by several parties that the 2010 TAC was established at 13,500 metric tons (t) but the table indicated a total 16 t higher. The Chairman recalled the carryover provisions for a few parties that had previously been approved (50% of under-harvests from 2005/2006) and that some CPCs had indicated plans to fish these allowances in 2010. As these plans had been approved and were not removed by Rec. 09-06, adjustments had to be made. Also, the applicable paybacks for over-harvest were not removed by Rec. 09-06 so these had to be made by certain parties. To be complete, the table contained adjustments for 2011 to refer to any further payback and also to the clause of Rec. 08-05 regarding voluntary reductions in 2009 which could be fished in 2011. The Chairman requested the CPCs to confirm the figures for 2010 by adopting the table for attachment to Rec. 09-06

Libya noted the on-going concerns about the status of eastern Atlantic and Mediterranean bluefin tuna and the need to reduce fishing mortality further than agreed in Recife. It was suggested that, among other adjustments, all payback of over-harvest should be done in 2010. Also, it was suggested that no carryover be permitted. Libya emphasized that ICCAT should not continue previous mistakes in setting the TAC too high and that the Compliance Committee needed to take a stronger position in view of the upcoming CITES meeting in Doha, Qatar in March 2010).

The EU noted a problem in the table with the figures carried over. EU domestic legislation had already carried out the calculation and the Secretariat was asked to check the method used to reach the figures. The Secretariat explained the calculation method was to take the percentage of each Contracting Party with quota and apply that percentage to the new TAC.

Japan agreed with Libya that all figures in the table should be discussed in view of the difficult CITES meeting expected in Doha. It was noted that an allocation table with a sum greater than the agreed TAC of 13,500 t would be problematic. Japan recalled that the carry forward of under-harvest was optional for CPCs and this could be declined. CPCs were encouraged to discuss any issue which could help with CITES.

Libya insisted that treatment of over-harvests and carryover amounts should be addressed by the Compliance Committee for all CPCs, not by only some CPCs on a voluntary basis.

The EU agreed with Libya and Japan that CPCs must show a firm commitment to the recovery plan and that the 2010 season be fully compliant with both the conservation and the monitoring measures. However, the agreed payback scheme was already put in place so it would be difficult for the EU to adjust by new regulations for the upcoming season. It was noted that ICCAT is the only RFMO with payback provisions for over-harvest and penalties including trade sanctions for non-compliance. It was recalled that the EU and Tunisia were transparent about previous over-harvest and payback schemes were already agreed by the Commission. It is important that Compliance Committee continue in its efforts to ensure that CPCs fulfill their obligations to the agreed measures.

The United States noted that one Contracting Party (Norway) and a fishing entity (Chinese Taipei) had already confirmed to the Secretariat that they would not fish their allocations in 2010. The United States asked if other parties would not fish and, if so, this fact should be recorded in the table.

Morocco observed that 16 CPCs are contained in the allocation table and suggested that, as a first step, each CPC could voluntarily reduce its share by 1 t. This would bring the total back to the agreed TAC of 13,500 t. Morocco then invited parties to consider whether there could be further voluntary reductions consistent with respective CPCs domestic processes.

Japan reminded the other delegations that ICCAT is facing a significant issue with regard to eastern Atlantic and Mediterranean bluefin tuna and the proposal to list the species under CITES. It was recalled that certain CPCs were not happy with the Recife outcome, in particular the TAC of 13,500 t. Japan called on any of these parties to suggest actions that would be more satisfactory in their view. Any such proposals should be considered very seriously in this meeting and the committee could take action.

Brazil supported the view of Japan and noted that ICCAT had a chance to demonstrate its commitment to the recovery and good management of bluefin tuna. It was suggested that this Agenda item should remain open to revisit later in the meeting after CPCs had an opportunity to consult. Libya agreed with Brazil and suggested the Chairman form a small working group to draft a proposal to be circulated and discussed later in the meeting.

The Chairman noted that the measures of Recommendations 08-05 and 09-06 are clear in terms of payback for over-harvest and that under-harvest may not be carried forward. Because of this, the TAC and allocations by CPC for 2010 are firmly established. The Chairman further observed that voluntary adjustments to quotas, carryovers or payback by the CPCs are always possible and could be accepted at the meeting or afterwards. However, if a firm change in the operative rules was to be considered, this would have to be referred back to the Commission for adoption by vote.

Several parties supported the negotiation of a written proposal that would be put to the Commission for an inter-sessional vote. Other parties supported voluntary adjustments.

Tunisia suggested that voluntary adjustments take economic capacity into account. Turkey expressed some support for both proposals but noted that a commitment could not be given at the meeting because the fishing year had already been planned and government consultations would be needed to amend the plan. Croatia also noted that its 2010 quotas were in place and would be difficult to change.

The Chairman suspended discussions on this Agenda item noting that the only agreement to this point was on voluntary reductions. CPCs were encouraged to consider alternative approaches and come back with proposals later in the meeting.

When the discussion resumed, it was recalled by the Chairman that Norway and Chinese Taipei had already indicated they would not fish their eastern Atlantic and Mediterranean bluefin tuna allocations in 2010. The Chairman asked if any another parties had decided to take voluntary reductions.

Brazil noted that Rec. 08-05 requires CPCs to submit annual fishing plans for eastern Atlantic and Mediterranean bluefin tuna. All CPCs understand this and must observe the agreed deadlines. If the required plan is not received at the Secretariat by March 1, it must be assumed that the CPC will not fish. The United States agreed with Brazil's statement.

The EU also agreed with this approach and emphasized that it is important for all CPCs to submit plans by March 1. In order to comply with the TAC of 13,500 t, the EU stated it would voluntarily adjust its quota and this would be noted in the fishing plan. The preliminary figure of reducing by 18 t was noted but by March 1, the EU will give exact numbers in its plan.

The Chairman noted that the meeting report would reflect how the Committee proceeded under this agenda item 4. The eastern Atlantic and Mediterranean bluefin tuna allocation table for 2010 would be appended to Rec. 09-06 and would reflect any voluntary reductions notified to the Secretariat in the annual fishing plans. The consensus of the Committee was that if the annual fishing plan was not received by the March 1 deadline, it would be interpreted that the CPC did not intend to fish its eastern Atlantic and Mediterranean bluefin tuna allocation.

In closing the discussion, Japan emphasized it would support further reductions in the TAC level since it believes that CITES Appendix 1 is the wrong choice for managing bluefin tuna.

Libya affirmed its support for a TAC of 8,500 t if all CPCs were prepared for this adjustment. Additionally, all paybacks should be taken in 2010 and all carryover should be given up. Libya emphasized that minor reductions through voluntary adjustments would not work to address the potential action by CITES.

Canada indicated that while it could support CPC actions to reduce quotas, it should be recalled that the TAC of 13,500 t is within range of the scientific advice and is defensible.

The Chairman emphasized again that the Compliance Committee is not Panel 2. If parties have continued interest in changing the TAC by amending Rec. 09-06, the inter-sessional procedures for a mail vote have to be followed.

The Compliance Committee agreed that it would adjust the allocation table consistent with any voluntary adjustments communicated to the Secretariat by March 1. Consistent with its charge at Recife, the table was adopted by the Committee to append to Rec. 09-06.

5. Consideration and review of compliance with paragraph 46 of Rec. 08-05 fishing capacity in accordance with the methodology approved at the 2009 annual meeting

The Chairman opened this Agenda item by recalling the fishing vessel capacity management plans for eastern Atlantic and Mediterranean bluefin tuna that had been reviewed in Recife. Because Rec. 09-06 reduced the 2010 TAC for eastern Atlantic and Mediterranean bluefin tuna, it was necessary to revise those capacity reduction plans. It was agreed that the same method for measuring fishing capacity that had been used in Recife would be applied for the revised plans. The best catch rates as estimated by SCRS would be matched to the respective CPC fleets for each vessel type and size class. The Secretariat performed these calculations based on the number of vessels authorized to fish for each CPC in 2008 and the vessels included in the revised capacity management plans for 2010. Rec. 08-05 required CPCs to reduce the number of vessels to account for at least 25% of the difference between the potential catch and the actual allocation of eastern Atlantic and Mediterranean bluefin tuna for 2010.

The CPCs engaged in a general discussion on capacity management and capacity reductions in regards to the recovery plan for eastern Atlantic and Mediterranean bluefin tuna.

The Secretariat explained the capacity tables that were constructed to facilitate review of the CPC reduction plans and these tables were distributed to the meeting. It was confirmed that the revised catch estimates by vessel type as presented by SCRS in BFTE-Table 1 (see page 128 of the 2009 SCRS Report, English version) to the Commission were used for the potential catch calculations.

Tunisia inquired whether the purse seine vessel catch estimates that have been used as a basis for the calculations had taken into account the reduced length of the fishing season in 2010. It was observed that average catch for a vessel would depend on whether it was fishing for 1 or 2 months. The Secretariat responded that the estimates obtained from the SCRS Report contain best catch rates for fishing seasons in the past. There was no information on how catch rates would be affected by the reduced length of the forthcoming season. The Chairman observed that adjustments in future years could take into account the shorter fishing season but for this meeting it would be necessary to continue with the published figures. This would take a conservative approach and result in fleet reductions that may be greater than would be required to meet the 25% reduction when taking into account the shorter season.

Several CPCs noted discrepancies in the number of vessels reported in the tables. Corrections were noted and the Secretariat issued an updated table. All CPCs confirmed the changes made by the Secretariat. It was recalled that under the terms of Recommendation 08-05 any CPC with overcapacity as reflected in the table (potential catch greater than allocation), must comply with at least 25% reduction for 2010.

Japan stated that there was no problem with the table itself, but noted that some countries still had significant overcapacity even after the 25% reduction target was achieved. Croatia indicated that although its figures in the table indicated there was still overcapacity, the number of vessels actually fishing will be reduced in 2010. It was

requested that other CPCs with overcapacity explain the approach to ensure there would be no overharvest in 2010.

Morocco agreed with Japan that ICCAT must ensure a match between fishing capacity and the quota allocated to each CPC. If overcapacity exists, it will be difficult to achieve conservation of the stock.

The Chairman recalled that the charge to the Committee was to finalize the 2010 capacity management plans required by Rec. 08-05, including at least 25% reduction for 2010. CPCs were encouraged to provide explanations if there were plans to reduce capacity in 2010 even further than the required amount. It was suggested that if CPCs could not commit to further reductions at the meeting, perhaps CPCs could address this in their 2010 fishing plans.

Libya noted that ICCAT must demonstrate the intention to manage bluefin tuna stocks in a satisfactory manner. Libya was prepared to take a 65% reduction in capacity if CPCs agreed to a TAC with the best scenario for stock recovery.

The EU emphasized its tremendous efforts to reduce capacity, especially a considerable reduction in the number of purse seiners. The EU has taken responsibility for this sector which contributed to overcapacity, and some purse seiners have already been scrapped. It was hoped that other CPCs would make the same effort. ICCAT should identify those CPCs which have not complied with the capacity controls. The EU observed that Algeria announced that it will increase its fleet. It was suggested that a letter of clarification should be sent by ICCAT to reinforce that fishing effort must be commensurate with the CPC allocation.

The Chairman recalled that in Rec. 08-05 there was a provision that a CPC could develop a fleet if this was needed to harvest its allocation. In such a case, an increase in vessels was allowable.

It was suggested that the Compliance Committee draft a letter to those CPCs with developing fisheries to express concern that any fleet development has to be consistent with the allocation. Libya commented that such a letter was not necessary because Algeria would receive the meeting report. It was agreed that the meeting report would reflect the concern about fleet development for Algeria and Albania and that these CPCs must keep vessel increases in line with the agreed bluefin tuna allocations.

The Committee continued review of the capacity tables for each CPC. It was confirmed that the plans of China, Croatia, Egypt, the EU, Iceland, Japan, Korea, Morocco, Syria, and Turkey were consistent with the 25% reduction.

Japan expressed appreciation for the efforts made by the EU but noted the exception of the artisanal fishery. The EU recalled that the obligation was for an overall fleet reduction. The purse seine fleet was the focus of reductions because the industrial fleet reflected the sector with the highest fleet capacity.

It was noted that in the revised table, Libya had reached only a 19% reduction in the potential catch relative to its allocation for 2010. Libya indicated this to be an error in that the correct number of vessels was 32 rather than 35 as indicated in the table. With this correction, the reduction would meet the required 25%. The Secretariat noted the correction would be made to the table (see **Appendix 3**).

Tunisia explained its overcapacity in that it had adopted a voluntary reduction in the past four years from 52 to 42 vessels. Using 2008 as a baseline would discount reductions already achieved in earlier years. Tunisia planned to maintain this level for 2010.

Japan then expressed appreciation for the Turkish effort to reduce its fleet but noted that there was still a significant level of overcapacity. It was learned from the 2009 season that group fishing was problematic and many vessels had been allocated very small quotas. Japan asked Turkey how the fishery would be managed in 2010.

Turkey recalled that it had already presented its capacity management plan and has committed to a significant amount of reduction. Turkey will present its annual fishing plan by 1 March 2010 in line with this capacity management plan. Turkey restated a concern that the SCRS criteria for estimating average catch rates should take the specific nature of each CPC into consideration. For Turkey, this would mean adjustments to reflect the group fishing method with individual vessel quotas well below the potential catch estimated by SCRS.

Japan had concerns with the explanation of Turkey and asked if any special efforts would be applied by Turkey to manage the large number of vessels. Turkey replied that it will assign individual quotas to the vessels which are consistent with Turkey's allocation of the TAC. Its intention is to strengthen inspections and participate in the ICCAT Joint Inspection Program. These steps will easily establish better control of group fishing operations.

The EU was thankful and would coordinate with Turkey for the Joint Inspection Program. It was announced that the inspector training courses would be held soon in Vigo, Spain.

The Chairman asked if the CPCs could adopt the revised capacity management plans as reflected in the tables. Morocco expressed concern to see so much overcapacity even after reducing the TAC in Recife and called upon CPCs to make a greater effort. Morocco recalled that the discussions in Recife were to submit capacity plans in line with allocations. Morocco cut its fleet by 63% to ensure no over catch. Control mechanisms must be in place to stop fishing when the quota is reached. Morocco questioned whether there was a new interpretation for fleet reduction targets.

Libya noted that the CPCs should keep within the terms of the Compliance Committee and not reinterpret agreed measures.

The Chairman observed that the agreed requirement was a reduction of 25%. Regardless of continuing overcapacity, CPCs still had an obligation to maintain catches within their respective allocations. CPCs are required to reduce overcapacity even further in future years and the TAC will be reviewed after the 2010 stock assessment.

Japan restated its concerns that the fleet of Turkey has a potential catch three times larger than its allocation. Japan indicated it would closely monitor bluefin tuna exports from Turkey to its market.

Turkey restated that it had met the capacity management requirement and has committed to increased inspections. Turkey did not believe that the concerns of Japan were necessary.

The EU encouraged all CPCs with excess capacity to monitor their fleet in real time. When a vessel reaches its individual allocation, it should be called back to port. The EU will apply zero tolerance on its fleet and expects that other CPCs will do likewise.

It was decided that the report would reflect the general concern of the Compliance Committee that although the capacity management plans met at least 25% reduction, overcapacity continues to be a problem and needs to be addressed. Such measures to reduce overharvest would include a mandatory order to return to port when individual vessels have reached their allocation. In addition, any CPCs undertaking fleet development must respect the obligation to fish within their quota.

The discussion under Agenda Item 5 was closed and the revised Capacity Management Plans were adopted by consensus of the Committee (see **Appendix 3**).

6. Consideration and review of compliance with other requirements of the multiannual recovery plan for eastern Atlantic and Mediterranean bluefin tuna, including limitation of number of joint fishing operations

The Chairman recalled for the delegates that Rec. 09-06 required that CPCs limit the number of joint fishing operations (JFOs) in 2010 according to the number authorized and notified to the Commission in 2007, 2008, or 2009.

The Chairman also reminded the delegates of the numerous reporting requirements and deadlines established in Rec. 08-05 and that the Secretariat had issued Circular 245/10 to facilitate compliance. The Secretariat also issued Circular 224/10 to update the CPCs on the status of the Regional Observer Program for bluefin tuna, an important component of the recovery plan and of the catch documentation scheme.

The Chair suggested that the Committee take up the matter of JFOs as the first activity.

It was recalled that Rec. 09-06 did not set the JFO limits so it was necessary for the Compliance Committee to agree on the limit for each CPC. The Secretariat created a table of JFOs that had been notified over the past three years (see **Appendix 7**). The CPCs were asked to look at the table, offer corrections and amendments as necessary, and finally indicate the limit that would be applied from 2010.

The Secretariat indicated that all information had not been received on time but was coming in gradually. In particular, the Secretariat noted that no information was available on 2007 and that for 2008, there are two sources of data: JFOs reported to the Secretariat during the season and JFOs reported by the CPCs in response to the questionnaire distributed for the inter-sessional meeting of the Compliance Committee. For some CPCs, these two figures for 2008 were different.

The Delegates confirmed the number of JFOs recorded for each year or provided corrected information. There was some question as to whether the requirement was to provide a one-time notice of the business arrangements between fishing vessels or a separate notice each time these vessels actually fished together.

Libya noted the missing information for 2007 and suggested the base year for the limits be set to the level of 2008. Libya recalled the discussions from Barcelona regarding illegal JFOs of two CPCs in 2008 and asked if actions against these vessels have been taken. All authorized JFOs must be notified to the Secretariat by all the CPCs involved.

The Chairman noted that the notification procedures for JFOs had not been established in 2007, but this was identified as a reference year by Rec. 09-06. If CPCs had this information for 2007, it should be given to the Secretariat.

Croatia recalled information it had provided in Barcelona that a JFO was authorized in 2008 but it did not take place.

The Secretariat asked the CPCs about the information they wished to retain in the tables. The Chairman suggested each CPC correct the information and select the reference year and therefore the number of JFOs from 2010.

Turkey recalled the discussions on this matter in Recife and in Barcelona concerning the monitoring and control problems posed by JFOs.

Libya agreed that the focus should be to minimize the number of JFOs and not to correct the data to increase the potential number which could be authorized in 2010. Libya objected to any corrections if the Secretariat did not receive authorizations from all flag states at the time

The Secretariat explained that ICCAT writes to all CPCs concerned to verify that there was mutual consent for the notification. Some parties did not accept a JFO when they were contacted.

The Chairman recalled that monitoring of JFOs was problematic in the past. Parties in Panel 2 decided to limit the number to exercise more control.

The EU commented that the Secretariat had done an excellent job to record and verify JFOs and this was not always easy. The Committee needs to take a decision regarding the limits to be adopted.

The CPCs provided corrected data to the Secretariat and the table was reviewed to determine limits for 2010.

Because several CPCs had not reported any JFOs in the past, the Chairman suggested it was appropriate to set the 2010 limit at zero. This was the case for Albania, Algeria, China, Egypt, Japan, Norway, Syria and Chinese Taipei. Several of these Parties confirmed that they would not be authorizing JFOs but Libya noted that Syria and Egypt were not present to confirm and they were relatively new members with interests in developing their fisheries. Morocco noted that Algeria was also absent, and should be contacted for confirmation.

Several CPCs supported flexibility for Syria, Algeria and Egypt. It was agreed that these Parties would be reminded of the obligation to submit a fishing plan by March 1 and this should include intentions for JFOs.

The Secretariat recalled the Rec. 09-06 stipulates that the number of JFOs must not be more than the maximum in 2007, 2008 or 2009. It was noted that the reminder should therefore indicate that for all these CPCs there were no JFOs notified in the reference years, although there was as yet no available information for 2007.

Turkey recalled that the Commission had received information from the new members that they want to learn about bluefin tuna fisheries and that JFOs might support their development efforts. Turkey also recalled a JFO with Algeria in 2008.

Morocco noted that Contracting Parties have a time limit to express their disagreement and it was not up to this Committee to decide. The Chairman stated that the Committee was charged to finalize the table with 2010 limits. The report would note the sentiments expressed by some Parties and the table were to be adopted. If objections are submitted by the affected Parties, the table will be amended.

Croatia and Korea indicated they would authorize only one JFO in 2010. Libya indicated it would authorize 11, Tunisia two, Turkey six, and Morocco indicated it would authorize three.

Iceland was not present but had reported one JFO in 2008. It was agreed the meeting report would record a 2010 limit of one JFO and the Secretariat would notify Iceland of the limit.

The EU indicated it would not authorize any JFOs between its Member States and other CPCs. However, the EU would continue to report JFOs between Member States on a voluntary basis.

Libya indicated there should be a limit since different Member States are involved and different flags fishing together will weaken control and monitoring. Even if under one CPC, the JFOs have to be limited.

The EU recalled that it is a single CPC at ICCAT representing all its Member States. The requirements for JFOs apply to operations between different CPCs. Regardless of the requirement, the EU will voluntarily observe the normal requirements for authorizing and notifying JFOs to the Commission.

Japan observed that in 2009 the EU reported 14 JFOs between its Member States. Libya requested the EU to set a limit.

The EU replied that it is under an obligation to limit JFOs with other CPCs and this will be set at zero. On a voluntary basis, the EU decided to move beyond the ICCAT recommendation and will notify ICCAT of operations between vessels of Member States. It was not possible to determine the potential activities of Member States at the time of the meeting and could not give a specific number in 2010.

Libya suggested the same treatment should be afforded vessels of Member States of the African Union. The Chair noted that the African Union is not a contracting party to ICCAT at this time. Libya disagreed that the situation was different and asked that its view be noted in the meeting report.

The EU restated that all JFOs will comply with the monitoring and reporting rules and the Secretariat will be notified of all JFOs.

There was some discussion on the questions posed by the Secretariat regarding clarifying the provisions of Rec. 08-05 on JFOs. These discussions were concluded under Agenda item 9 and are reported there.

The Chairman then reviewed each of the provisions of the multi-annual recovery plan for eastern Atlantic and Mediterranean bluefin tuna to confirm the common understanding of each requirement or invite CPCs to discuss the need for clarifications.

The first issue raised was the entry into force of the revised closed season for the purse seine fisheries. CPCs agreed that it was important to implement all new measures throughout whole 2010 fishing campaign. All CPCs confirmed that the revised purse seine season would begin May 16 and end June 14 as modified in Rec. 09-06 and the provision for weather days is cancelled.

The next issue addressed was the Regional Observer Program for the purse seine fisheries and the farms. The Chairman reviewed the outcomes of the discussions in Recife with the acknowledgement that the short time

available for contracting meant the program could not be implemented for the 2009 fishing season but some CPCs had implemented the program for the farms.

The Secretariat reviewed the status of the contract for 2010 recalling that bids were received and ICCAT had set up a selection committee. A company was selected for this program and it will be implemented as soon as funds are available from CPCs' operators, which should be lodged to a specific account held by the Secretariat. It was agreed that the information on costs would be circulated as soon as possible in order to allow the collection of funds for 2010 to start.

The Chairman recalled that the observer requirement was 100% for purse seiners and 100% at the transfer of fish to the farms and harvests of fish from the farms.

Tunisia noted that it does its best to cooperate and guarantee correct implementation of ICCAT measures but the ROP should be considered with attention given the high financial burdens for the vessels and the farms.

The EU underscored the importance of observers and recalled that in 2009, it had deployed national observers at 100% of its farms. The EU confirmed to ICCAT that it will fully implement the ROP in 2010 but would like to have an assessment of the program implemented this year so as to improve various areas such as cost. The assessment should take into consideration the work carried out by other RFMOs.

Croatia had implemented the ROP in 2009 and was concerned that only two CPCs had participated. This was a very expensive operation and Croatian farms are not convinced of its effectiveness. There was no obligation for the ICCAT observer to sign anything so they were forced to have national observers on the farms as well. An observer placement was completed in November and no report has been issued yet. Croatia is not satisfied with the program and it must be better defined in its details.

The Secretariat confirmed that only Turkey and Croatia had deposited funds and implemented the ROP at the farms in 2009. On the matter of costs, it was recalled that ICCAT set up the requirements for the program and the bidders submitted the prices. The CPCs adopted the Recommendation and the Secretariat has tried to implement it as efficiently as possible. On the matter of reports, it was noted that the necessary data are collected but there should be a place on the data forms for signature by the ROP observer. The contract for 2010 was not signed yet, so a provision will be included to ensure that reports are submitted within the 20 day time frame required by Annex 7 of Rec. 08-05.

Libya commented that the ROP was developed by the EU as part of the recovery plan. When Rec. 08-05 was adopted, all CPCs were aware of the potential costs and the expenses should not be a basis for not complying. While two CPCs fulfilled the obligation, the other CPCs with farms did not. Libya asked the Chairman how this issue of non-compliance could be addressed.

The Chairman reminded the delegates that this issue had been discussed at great length in Recife. CPCs that had not implemented the ROP explained their situations. Based on those discussions, the Chairman had proposed actions including letters of identification for those CPCs that failed to implement the ROP. No alternative actions were proposed by the delegates so this was how the situation was addressed in Recife. If delegates had new proposals for action on this matter, these could be taken up under Item 8 of the COC inter-sessional agenda.

Turkey agreed with Croatia on problems with the implementation of the ROP. The issues on observer signatures and reports should be clarified as soon as possible. Turkey supports the program but it is up to the Commission to decide if the actions taken by other CPCs that did not implement the program are acceptable.

The EU recalled the long debate on the ROP that took place in Recife – costs, deployments, scope. It would be useful for ICCAT to contact other RMFOs to examine how other ROPs work and to learn from them. ICCAT can make an assessment of problems and work to improve its program. The EU also confirmed that although the ROP was not implemented in 2009 for the reasons stated, 100% observer coverage was ensured by national observers whose tasks were in accordance with those of the ROP, the reports of which are available to ICCAT.

Tunisia confirmed it will implement the ICCAT ROP during the 2010 season though there are concerns about the financial implications of the program. Tunisia does have a national observer program as well and will assign an observer for each group of vessels. No BCDs will be validated without a signature by the observer.

Morocco also expressed concerns about the cost of the ROP. There is limited space aboard vessels so there is no place for regional observers in addition to national observers. If a national observer has validated the catch and transfer, this should be accepted. ICCAT should concentrate the ROP on farming operations.

Canada expressed disappointment with the nature of the discussion. In Doha, the CITES meeting will focus on compliance issues for ICCAT. It is regrettable if the ROP cannot be implemented. It is expensive but all CPCs supported the measure when it was adopted. One way to address the cost issue could be to not require CPCs to pay the full amount before signing the contract, but pay fees as the observers are carrying out the work.

Several CPCs expressed views that the Committee must look at the ROP implementation in 2009 to come up with new ideas to improve the program. It was stated that lack of funds cannot be accepted as a reason for not implementing the program. Turkey had implemented the program at considerable costs and insisted that the requirements must be applied equally to all CPCs.

Brazil expressed concern that CPCs were raising questions about the ROP because the mandate of the Compliance Committee is to review CPC compliance, not to renegotiate agreed measures. Brazil had not yet come up with a decision regarding the CITES proposal for bluefin tuna, but delegations need to be aware of the concerns about ICCAT compliance which will likely be raised in March 2010.

The EU described the inspections on the bluefin tuna fisheries that took place at considerable cost. All Member States have deployed national inspectors and set up joint inspection networks. All of the problems of past years were addressed with full transparency. Regardless, the EU did accept the identification in Recife, which under Rec. 06-13 can lead to restrictions on commercial trading. The EU will respond to ICCAT with the measures taken to correct the situation.

Japan recalled that it was made clear in Recife that there was non-compliance with the ROP implementation. Even if national observers were used, non-compliance with the ROP is a fact. The question for market States is how to address the non-compliance. Japan had noted many irregularities in bluefin tuna catch documents including catch validated after caging, a clear violation of the rules. Japan does not want to accept illegal product. If CPCs support a CITES listing, Japan is willing to prohibit bluefin tuna imports from those countries. The Compliance Committee must give clear instructions on this matter. Tunisia already agreed to release 560 t of bluefin tuna because of irregularity of the catch documents. EU-Malta also released huge amounts of tuna for this same reason. There is still a large amount of tuna on hold at customs in Japan because of document irregularities.

The Chairman reminded the delegates that the Committee was not convened to revisit actions taken in Recife or to revisit conservation or monitoring measures already adopted by the Commission. All these issues had been addressed in Recife and the Committee must take this opportunity for clarifying the measures to avoid differences in interpretation for 2010. If CPCs are concerned about continuing non-compliance, proposals for action can be taken under Agenda Item 8.

The Chairman indicated that the last interventions of Japan regarding catch documentation irregularities will be discussed under item 7.

To conclude the discussion on the ROP, the Chairman recognized the concerns expressed by the CPCs about the costs and reporting requirements of the program. It was agreed that the ROP should be revisited by Panel 2 after an assessment of the costs and effectiveness is completed by the ICCAT Secretariat, including a review of the regional observer programs of other RFMOs. The delegates agreed that the ICCAT ROP is a binding obligation and would be fully implemented in 2010.

Japan reserved its position on utilization of observer data from the ROP and the validation of catch documents. The delegates agreed that discussions on the relevance of observer activities would be reopened during the BFT CDS discussions under Agenda Item 7.

Finally, the Chairman acknowledged the commitments made, and the expenses incurred, by Croatia and Turkey for their implementation of the ICCAT ROP in 2009.

The Chairman then invited the CPCs to raise any other issues or concerns about the implementation of the eastern Atlantic and Mediterranean bluefin tuna recovery plan (Rec. 08-05). In particular, the Chairman asked

the delegates to recall those issues which were subject to discussion in Recife, and to seek clarifications regarding implementation of the measures for 2010. To facilitate this discussion, the Chairman took up the measures of Rec. 08-05 in sequence.

No concerns were expressed about the provisions for managing or monitoring sport and recreational fisheries, including allocation issues.

No concerns were raised about the deadline to submit annual fishing plans or the contents of these fishing plans.

CPCs acknowledged that no chartering of vessels to harvest eastern Atlantic and Mediterranean bluefin tuna is allowed in 2010. There was a discussion as to the scope of this prohibition and several parties insisted the interpretation shall be all vessels. The clarification is documented under Agenda Item 9 further in this report.

No concerns were raised about the March 1 deadline to provide a list of traps authorized to harvest eastern Atlantic and Mediterranean bluefin tuna.

Some concerns were raised about the list of active vessels. After the season, CPCs are required to confirm the vessels that actually fished eastern Atlantic and Mediterranean bluefin tuna and this list can be compared to the VMS information submitted to the Secretariat during the season. The delegates agreed that vessels cannot be posted to the list after catch occurs and BCDs cannot be validated for vessels not on the list. Unlisted vessels fishing for eastern Atlantic and Mediterranean bluefin tuna are committing a serious offense.

The Secretariat asked for clarification regarding the establishment of the vessel record for eastern Atlantic and Mediterranean bluefin tuna. It was noted that some CPCs give changes to ICCAT after the initial submission and the Secretariat is at the hands of the CPCs. The Chairman recalled that paragraph 55 of Rec. 08-05 allows for substitution of listed vessels under certain conditions and according to a certain procedure for supporting information. The Chairman suggested that if a change request does not appear to be in accordance with the procedures, the Secretariat should distribute a circular which includes the rationale for the change as submitted by the CPC and requests the other CPCs to comment on whether the change can be accepted. In no case should a BCD be validated or accepted if a vessel has not been included on the authorized list.

The EU also suggested that ICCAT should set an obligatory 24 hour time limit to release tuna when validated documents are not provided by the catching vessel to the transfer vessel.

Also, for the Joint Inspection Program, the EU proposed that with the presumption of a serious offense, the vessel should be immediately called to port by the flag State CPC. If a large number of vessels are together in the same area, a CPC patrol vessel should remain close by. The EU requested that other CPCs exchange views on procedures to improve the joint inspection scheme. This could make the scheme easier to implement by CPCs and avoid different interpretations about serious infractions.

There was a question about the limitation of listing a vessel on only one of the two lists created under paragraph 54 of Rec. 08-05. Morocco noted that during the 2009 fishing season the same vessel could be declared as a processing vessel and another type of support vessel. This could result in 2 different ICCAT numbers. An inquiry had been lodged with the Secretariat.

The EU considered that paragraph 54 of Rec. 08-05 requires that a vessel can either be a “catching” vessel or “other” vessel (support and auxiliary) during calendar year as defined by Rec. 08-05. The vessel must be registered under a single type and appear only on one list.

There was a discussion as to whether a single vessel can serve more than one support role, for example, both as a processing vessel and a carrier vessel. The results of this discussion are documented under Agenda Item 9 below.

Based on a 2009 situation when an inspection vessel found Tunisian vessels fishing together, the EU asked to clarify the definition of transshipment at sea. Transshipment at sea is prohibited for eastern Atlantic and Mediterranean bluefin tuna. The delegates concluded that transshipment at sea involves the transfer to a second vessel of catch that has been taken on board a first vessel. Two vessels fishing cooperatively where both are taking fish on board from the same net does not violate the ban on at-sea transshipment.

Regarding transshipment in port, there was a question about the information to be reported to the Secretariat for designated transshipment ports. It was clarified that the CPC with jurisdiction over the port must provide the inspection details on the time and place at the time of authorizing the transshipment.

With regard to vessel logbooks it was confirmed that all parties have implemented a logbook system. A question was raised about the procedures for transfer declarations as these cannot be sent off for flag state validation with an original signature and held on board the tug at the same time. It would be necessary to obtain the validation by electronic means while the vessel is at sea.

Based on its inspection of Turkish vessels, the EU noted some differences of interpretation of the ICCAT rules by Turkey. Bluefin tuna catch must be accompanied by a set of documents – the flag State authorization, the catch document, and the transfer authorization. It is compulsory to have all documents on board the vessel with the fish. The transfer declaration must be on the tugboat and accompany the fish when being towed. Lack of documents will be considered a serious infringement by inspectors.

Turkey noted that a problem occurs when a number of fishing vessels are operating cooperatively. The main catching vessel will retain all of the documents and this contributes to confusion during inspections. The ICCAT transfer declaration will accompany the tug boat each time. In each case, e-mails notifications will be sent about the catch of each of the participating vessels. There is no template or format for the prior notification and this may confuse inspectors. All 2009 operations took place under knowledge of other CPCs involved.

Morocco noted a concern with estimating catch upon transfer from a catching vessel to a tug. The transfer authorization is given for a certain amount of fish. The observer will report on the volume of fish transferred and record this on the transfer declaration. This may create a problem with the authorization issued before the transfer where the estimated amount by the catching vessels is different from the observer's estimate of the transfer. The difference in estimates is a fact and requires that the parties involved in the transfer therefore come up with an agreed estimate of catch. If not, the estimates from the BCD and the transfer declaration could be different.

It was noted that the obligation is upon the flag state of vessel to make best estimates possible for BCD validation. Then the vessels involved will complete the transfer declaration so that observer can fill in observer details.

Croatia noted that the video records of transfer from the purse seine net to the towing cage and the transfer from the towing cage to the farming cage will likely give different estimates. Several BCDs may be completed with different figures. This has been raised in discussions with Japan. In some instances, they have estimated 300 fish at catch and 350 fish at farming. In such cases, that number recorded at farming should be the final one. The transfer from the tug to the farming cage is a better controlled situation and the video record is more accurate. Which figure should be used for the catch document?

Japan noted that in discussion of the CDS, it was recognized that fishery management is based on catch from the wild stock. It is difficult to control farmed product. ICCAT is allowing JFOs and selling of bluefin tuna to tug boats and farms from different CPCs. Perhaps good management means that CPCs will farm fish only under their own allocation and there should be no transfers of live fish between CPCs. Recovery of the stock means reduced catch limits and strict compliance with control measures.

The EU agreed fully with Japan that ICCAT must ensure strict compliance to ensure that the real quantities are deducted from CPC quotas, including mortality/escape in transport. The responsibility lies with the flag state of harvest. The farming state is only fattening the fish so the controls must be on catch.

Tunisia noted it was in the same situation in 2009. In comparing estimates of catch and transfers, it could correct the number of fish but not weight. ICCAT must find consistency in the methods and recognize it is impossible to be accurate in counting live fish.

The Chairman observed that there was no clear way forward. The CPCs must acknowledge the difficulties and the likelihood of different estimates of the amount of fish. It is the responsibility of the flag state of the catching vessel to make the best estimate since the fish are deducted from its quota. This problem can be revisited under item 7.

Libya asked about an over-catch reported by the EU and why the fish were not released.

The EU reported on this in Recife and supplied film and photos to support the release of bluefin tuna from Spanish and Maltese farms in 2009, although this was due to irregularities with the associated documentation and not an over-catch. The overfishing in 2007 was admitted, but there was no way to rectify the situation. The overharvest is being paid back in 2010 and 2011. Now legal instruments are in place to require immediate release. The EU has set up strict rules to ensure compliance with quotas.

The Chairman asked the CPCs if there were any concerns regarding the requirement for landing bluefin tuna only at authorized ports that are registered with ICCAT and on the provision of weekly catch reports to the Secretariat. No issues or concerns were raised.

Regarding live fish transfer operations at sea, the EU recalled the debate in Recife on infractions recorded by the ICCAT Joint Inspection Scheme. In particular, the EU was concerned that transfer declarations were not on board Turkish vessels towing bluefin tuna.

Following the Recife meeting, Turkey did follow up investigations on the inspection reports and determined that some situations resulted from lack of communication. Turkey's interpretation had been different from that of the EU. The Turkish fishery is a group fishery and therefore all documents were available but remained on the mothership. No unreported fish were caged or transferred during 2009. Turkey explained that all transfers were validated by observers, that there were no over-catches and all information was reported in on time to the ICCAT Secretariat. All documents and VMS data were given to the ICCAT Secretariat and can be circulated to the CPCs. Turkey indicated that for 2010, all documents are to be available on the towing vessel carrying the fish and there will be 100% observers.

Japan had strong doubts on Turkish fishing operations carried out in 2009. During a bilateral meeting with Turkey, many of the documentation issues were clarified and the parties reached a common understanding on implementation of the bluefin CDS. However, Japan still had some pending issues with Turkey.

Turkey noted that, given the special circumstances of its group fishing methods, some provisions should be added to the catch documentation protocols during the Commission meeting.

The EU thanked Turkey for the explanation. All CPCs must agree on the importance of traceability of bluefin tuna catches. At all times in the harvesting and marketing process, bluefin tuna has to be monitored and controlled. Origin can only be proved with the right documentation. For its fishing operators, the EU will instruct that bluefin tuna must be traced at all times and it is a serious infringement if this is not the case. Zero tolerance must be adopted by all CPCs. The EU will deploy a number of patrol vessels again this year.

The CPCs acknowledged that they now had a common understanding that all applicable documents must be validated and accompany the fish at all times, from catching to transfer to caging.

Several CPCs requested reports from the EU and Tunisia regarding release of fish from farms after the meeting in Recife. The bluefin tuna were harvested by vessels flagged to Algeria and were transferred into farms without proper documentation.

After the Recife meeting, the European Commission contacted the Maltese authorities to communicate a procedure to release the bluefin tuna if the required documentation had not been received within a specific timeframe. The Maltese Attorney General presented the case and ordered release of 262 t of bluefin tuna. Prior to the release date, a storm destroyed the farm and the fish escaped. Photos of the destroyed farm are available.

Noting that several CPCs had released fish in 2009 because of documentation issues, the EU suggested setting time limits for release. If there is non-compliance with documentation, the flag States should require automatic release. This type of action leads to transparency and better implementation of the bluefin CDS.

Morocco questioned the procedures for caging operations when no notice is given by the farming state to the flag state of the harvesting vessel. The CPC where the farm is placed is to notify the flag State that transfer will start so the flag state can authorize the transfer.

The EU agreed with Morocco that if flag State authorization is not received, the fish cannot be transferred and/or caged. The CPCs confirmed that if the flag State does not confirm the catch and authorize the transfer and

caging, then the farm State must release the fish. Morocco clarified that if the transfer is approved, the fish are legal.

Japan emphasized that the farm State request must be in place. States must communicate with each other and the BCD was designed to cover these steps.

The CPCs then reviewed the 2009 experience with the Joint Inspection Scheme. It was agreed that for the recovery plan to succeed, it is essential to monitor all activities at sea.

The EU noted that it was almost alone in the patrol activities. It was proposed that there be a compulsory presence of a patrol vessel if a CPC has more than 15 vessels authorized to fish. Also, there should be requirements for automatic return to port in the case of serious infringements, as in NAFO. The EU noted this occurred for the Italian fleet in 2009 when on the basis of the presumption of infractions, 15 vessels were ordered to port. The inspection system should be strengthened and the new format for the at-sea inspection report means the situation will improve.

The EU announced it is organizing training sessions on implementation of its IUU regulation as well as the ICCAT Bluefin Recovery Plan. An invitation was extended to all CPCs to attend training at the EU facility in Vigo, Spain. Exchanges of knowledge and experiences between all CPCs as well as common interpretation of the ICCAT rules will strengthen the program.

The CPCs thanked the EU regarding the extraordinary efforts made on compliance through the joint inspection scheme in 2009. Given its experience, the Chairman asked the EU to draft a proposal on improving the at-sea inspection program for the coming season and this could be distributed for a mail vote or discussed at the next Commission meeting.

The CPCs then discussed the requirements of the eastern Atlantic and Mediterranean bluefin tuna recovery plan for vessel monitoring systems. CPCs were reminded that, beginning in 2010, the VMS requirement is applied to vessels greater than 15 meters length, including catching vessels, processing vessels and transport vessels.

The EU and Libya re-affirmed that vessels without VMS cannot be allowed to operate, including cargo vessels.

Several CPCs requested that the Secretariat provide information about vessels that are operating without transmitting VMS messages. The Secretariat noted that there is nothing in the VMS recommendation that instructs the Secretariat to report all information to all the CPCs, but the information on VMS transmission is provided once a month to the respective flag states.

It was agreed by the CPCs that if a vessel is encountered at sea with no functional VMS, a report should be filed by immediate contact with the flag state. The Secretariat explained that interaction on VMS issues is between Secretariat and the flag state of the vessel, not other CPCs. There is no other communication required by the Recommendation. There are potential confidentiality issues and therefore only the flag state of the vessel will be informed.

The Chairman asked about procedures if a Joint Inspection Program activity encountered a VMS infraction. It was confirmed that, after notification by the inspection vessel, ICCAT would communicate the vessel's situation immediately with the flag state CPC.

The EU proposed that in the Joint Inspection Scheme, VMS transmission must be verified in real time. The ICCAT Inspector will check for an operating VMS unit. Enforcement must be proactive and use all available means to promote compliance.

The Chairman suggested that the Secretariat could review the list of authorized bluefin tuna fishing and support vessels, verify the length above 15 meters, and consult the VMS data being transmitted. Each day, ICCAT could then inform flag states of any vessel not transmitting VMS during the previous 24 hours.

Japan recalled that according to current rules, all fishing and support vessels must be equipped with VMS. There should be simultaneous transmission of vessel positions to the flag State CPC and to ICCAT. The flag states should be aware of transmission problems before the Secretariat. Other parties supported the concept of

simultaneous transmission of VMS messages to ICCAT and to the flag State. There was some discussion as to the requirements for transmission of VMS data to the Secretariat “without delay” as indicated in paragraph 87 of Rec. 08-05. The EU offered to provide text if necessary to clarify the requirement for simultaneous transmission.

Libya requested from the Secretariat a list of registered vessels in Panama and whether signals of VMS had been sent to ICCAT. Panama should indicate which vessels are with VMS and which are not. Morocco also asked Panama to clarify the vessel lists submitted to ICCAT.

Panama noted the questions of interpretation for the VMS requirement that had been raised in the 2009 Barcelona meeting. Panama recalled for the CPCs that it has no allocation for eastern Atlantic and Mediterranean bluefin tuna and has not authorized any fishing vessels. There are only carrier vessels authorized to operate in the Mediterranean. Panama assured the CPCs that it is now fully compliant with VMS for these carrier vessels. The Secretariat confirmed that it had received VMS transmissions from Panama’s carrier vessels operating in the Mediterranean in 2009.

The Chairman asked if the Secretariat could make available to all CPCs information on the vessels which were transmitting VMS data. Each day the Secretariat could post data on the names of vessels from which transmissions were received the prior day. This would assist CPCs in enforcing the VMS requirements and facilitate the deployment of inspection vessels in the Joint Inspection Program.

The Secretariat responded that only the EU had asked for a regular report on VMS transmissions. The Secretariat sent this information because the EU asked for it this way. If other CPCs are interested in regular reports on VMS transmission by their flag vessels, the Secretariat will arrange for reports accordingly.

The Chairman asked if it could be recorded that the sense of the Committee was that the Secretariat should transmit daily to all CPCs all of the VMS messages for all vessels received on the previous day. The U.S. indicated it would have to consult with legal counsel regarding confidentiality of the data. Morocco was less interested in getting information on vessels of other CPCs and only needed information about Moroccan vessels. The Secretariat reports should be limited to the concerned CPCs.

The Secretariat asked the CPCs to clarify if it should report to each CPC regarding its own flag vessels or circulate all VMS information received to any CPC that requests it.

The EU stated that if the Secretariat receives information, it has to be used to support the Joint Inspection Scheme. It is needed to take action against those vessels which are not transmitting VMS messages. The Secretariat replied that it cannot disseminate data if not told by the Commission to do so. The Secretariat can act on a request by the CPCs.

The Chairman noted the request from EU to get information on where vessels are actually fishing is reasonable if the intent is to deploy patrol vessels to those areas.

Tunisia noted that the master of the vessel does not use the VMS unit as it is automated. All of the information is sent directly to the Ministry which in turn transmits it to ICCAT. Tunisia suggested CPCs should ask for feedback. If no information is being received, the Secretariat should notify the flag state.

It was agreed that Rec. 08-05 requires simultaneous transmission of VMS messages to the flag State Fishery Monitoring Center and to the ICCAT Secretariat. Further, all fishing and support vessels must be registered on the ICCAT lists and, if over 15 meters, transmitting VMS data. The Secretariat shall communicate receipt of VMS data to the concerned parties. Parties with active participation in the Joint Inspection Program shall independently advise the Secretariat of their needs regarding VMS information and the Secretariat will respond according to the protocol in paragraph 87 of Rec. 08-05.

The Committee then reviewed the case of two vessels observed in Malta that had problems with vessel registration and fishing authorizations. This case had been discussed by the Compliance Committee in 2009 at the Barcelona meeting and Libya provided an update of enforcement actions it had taken. According to Libya, the Manara I and Manara II departed the flag State of Libya for maintenance work in Malta. Upon return to Libya, officials observed that the arriving vessels were two completely different vessels. Libya stated that the two vessels were detained in Libya and the owners had been brought to court. The vessel owners have been sanctioned with fines and the vessels were confiscated. Libya asked the EU how two vessels could leave Valletta

harbor with false documentation. ICCAT must know the facts about the two original vessels which left Libya. There was a need for penalties and action.

The EU recalled for the CPCs the recent adoption of its IUU regulation. Consequently, the two vessels in Malta were denounced as IUU vessels. They tried to escape through use of multiple vessel registrations. The vessels cannot register with the EU. Further, the regulation states that when EU nationals are involved in IUU activities, they can no longer benefit from applicable subsidies. The status and location of these vessels are subject to continuing investigations. They do not have an EU flag. They are stateless vessels and both are on the ICCAT IUU list as the Sharon I and the Gala I. Consequently, they are banned from all activities. No steps have been taken to remove the vessels from the IUU list. Either a flag state sanctions the vessels or presents evidence of a new owner. If no State intervenes on behalf of the vessels, they will remain on the IUU list as stateless.

Libya then asked for a follow up on another situation that had been raised in 2009 at the Barcelona meeting. Specifically, Libya inquired whether actions were taken against vessels that had participated in a non-authorized joint fishing operation. Also, questions were raised in Recife about caging of nearly 600 t of bluefin tuna that had not been authorized by the flag State.

The EU responded relative to participation in a JFO by the Italian purse seine vessel Luigi Padre in 2008. Oceana sent a video clip to EU investigators and to ICCAT but there was no evidence that it was involved in a fishing operation. This pointed out the difficulty in controlling the activities of vessels in waters under the jurisdiction of other CPCs. Because of this, the EU confirmed it would not authorize JFOs with vessels from third countries in 2010.

Libya acknowledged that the EU can do what it deems necessary regarding future management of JFOs, but it was the purpose of the Compliance Committee to manage and stop IUU activities. This requires action by the concerned CPC when its vessels or its nationals are found to be involved in illegal activities.

Japan noted that according to information already given by the EU, 262 t of bluefin tuna received from Algeria without validated BCDs had been released from cages in Malta.

The EU noted that procedures exist in other RFMOs that have established a compliance committee. A reporting format exists in WCPFC and ICCAT could use this as a model. In 2010, the EU will transmit all infractions detected by its inspection vessels.

The Chairman suggested that the format for circulating information could be taken up by the Secretariat depending on the input received from the CPCs. Flag state CPCs of both fishing vessels and inspecting vessels should provide information to ICCAT and the Secretariat will summarize for circulation to all parties. It was recalled that the inspection report format had been agreed in Recife.

Libya agreed but asked whether the Compliance Committee had authority to take this approach. The Chairman observed that reports on potential violations are not new requirements. The authority exists in several recommendations including the Joint Inspection Program of Rec 08-05, the process for submitting information to the Compliance Committee in Rec. 08-09, and Rec. 06-14 procedures for reporting on actions taken to promote compliance by nationals of CPCs.

It was agreed by the Committee that all CPCs should transmit information on infractions and enforcement actions to the Secretariat for inclusion in a summary report to be circulated before the Compliance Committee meeting. It would facilitate the work of the Committee if the information is submitted two months before the meeting to enable the concerned CPCs to prepare responses for discussion.

No concerns were raised regarding the recovery plan requirements for access to video records or estimating and reporting conversion factors and growth factors.

Regarding the provisions for CPCs to exercise market measures, the EU suggested that CPCs transmit to ICCAT a list of authorized importers and a notice of actions taken against IUU importers. This register of authorized importers would make it possible to pinpoint responsibility all along the chain. This approach was compared to the new EU IUU regulation for a catch certificate to monitor imports into the EU. As this would be a new measure, the Chairman invited the EU to draft a proposal on this approach for consideration by Panel 2.

Japan noted that information on importers and exporters is already collected on the BCD. The data from the BCDs will provide a list of importers.

Libya supported the proposal regarding a list of importers. Libya also proposed a current report on the amount of fish held in the cages because 70% of the harvested bluefin tuna is in farms. New measures are needed so the amount of fish caged in farms would be known periodically.

The Chairman recalled that all authorized farms must be registered with ICCAT and the quantities placed in the cages are reported on caging declarations. Libya acknowledged the existing reports but emphasized that the amount of bluefin tuna in cages will change with growth, mortality and harvests so periodic information about inventories in cages will allow CPCs to verify the origin of fish. This could be made part of the inspection or observer program and should be considered at next ICCAT meeting.

A small group of interested CPCs spoke with the ROP contractors about reports and data collection during the coffee break. No further concerns about the requirements of the contract were raised by those CPCs likely to participate in the ROP.

The Secretariat reminded the CPCs that funds for the ROP have to be collected by March 19, 2010. A circular will be distributed to the CPCs regarding costs. If funds are deposited by the CPCs, the contract will be signed. It was recalled that the CPCs had agreed to fully respect the requirements of the ROP so it was necessary to sign the contract. The Secretariat also reminded the CPCs that no chartering of fishing vessels is authorized for eastern Atlantic and Mediterranean bluefin tuna in 2010, so chartered vessels could not be posted to the authorized vessel list for eastern Atlantic and Mediterranean bluefin tuna.

The discussion under Item 6 was closed.

7. Consideration and review of compliance with Rec. 08-12 regarding the ICCAT Bluefin Tuna Catch Documentation Program and implementation plans for the amendments to the program adopted in Rec. 09-11

Japan introduced several documents to begin the discussion on implementation of the bluefin tuna catch documentation scheme. The document on the “Results of Bilateral Meeting Between Turkey and Japan Dated December 8, 2009 and Follow-up After the Meeting” summarized CDS issues Japan had discussed bilaterally with Turkey and that on the “Results of Bilateral Meeting Between Tunisia and Japan Dated December 9, 2009” summarized CDS issues relative to shipments from Tunisia. At the invitation of Japan, the bilateral consultations had taken place in Tokyo after the ICCAT meeting in Recife. Finally, the “List of 2009 Fishing Season BCDs Which Japan has Received by 2010/2/17” documented irregularities in documentation discovered during an analysis of bluefin tuna shipments sent to Japan. Japan indicated that these shipments were being held at customs because of questions regarding the validity of the fish. Japan requested that the Compliance Committee determine whether these bluefin tuna were legally harvested.

Libya commented on the list of irregular catch documents received by Japan and indicated that all IUU tuna currently in cages should be immediately released.

The EU expressed concern about the basis for Japan’s questions on the bluefin tuna shipments. For shipments from the EU, all tuna was validated by each flag State. The EU would prepare a document to circulate its interpretation on the status of these fish so all CPCs will know the facts.

Japan provided more details on the irregularities noted by its analysis. In particular, notification of JFOs must be made 10 days before start of operation and not the start of catch. Also, a validated BCD must be provided prior to placing fish in cages. Without validation, farms cannot continue farming. In some instances, Turkey validated BCDs 50 days after caging. There were also irregularities in validation data by EU farms. In the case of live fish imported from Libya, the documents were validated in December. Japan indicated that these fish should be released because products of uncertain legal status cannot be accepted. Again Japan requested that the Committee clarify the legal status under these circumstances because the product is in cold storage and a final decision is needed.

Libya fully encouraged Japan to refuse the product if it is determined to be illegal. Libya explained that because Japan had announced in 2009 that it would not accept bluefin tuna in cases where CPCs had not implemented the ROP, it did not validate the catch documents. When it was known that bluefin tuna from CPCs without the ROP would be accepted in Japan, Libya then validated the BCDs.

Turkey provided a summary report reflecting on all the issues raised by Japan. In Turkey's view, all matters had been resolved and a common understanding was reached. For the Albanian case, the towing cage was anchored and not transferred. Fish were not fed until validated BCDs arrived. In other cases, Turkey explained procedures for customs clearance which can take more than one month. The caging declaration is validated on the same day but the issue is with customs procedures for validating imports. Efforts were made by Turkey to shorten the time periods by introducing electronic systems. Importation of bluefin tuna now follows new procedures and the time for customs clearance has been shortened. According to new ministerial procedures, catch validation must be by country of origin. Caging can only proceed in presence of inspectors and an observer from ICCAT's ROP. In the case of Moroccan origin BCDs, the fish were transferred to a cage because an observer was on board and an ICCAT transfer declaration was completed. It took time for Morocco to issue the BCDs because every CPC has its own procedures for validating the catch. When waiting for validated BCDs, fish can remain alive without feeding for two months or longer. Turkey has implemented and transposed the CDS into domestic regulation. ICCAT should reach a common understanding on the CDS implementation at the next commission meeting.

Morocco thanked the Turkish delegation for clarification on the receipt of BCDs. The analysis points to the need for harmonization of procedures.

The EU appreciated the report on the bilateral meeting between Turkey and Japan and noted it could not attend the meeting due to other previous engagements. It was agreed that validated documents have to accompany all fish but the EU expressed concern about an interpretation problem. The CDS recommendation contains procedures when there is doubt about the validity of documents. The importer must express its concerns to the exporter and the two CPCs shall cooperate to resolve the issues. The EU had previously sent a letter to Japan and asked the Secretariat to circulate it to the meeting. In response to Japan, the EU confirmed that the BCDs were valid and that the only problem was timing. CPCs must apply the same yardstick to avoid communication problems. CPCs need a common interpretation on the timing of validation. The EU expressed a view that validation of the BCD could occur during the transport time up to the time of caging at the farm. A fax copy is sent while waiting for the original signatures. The EU insisted that no illegal bluefin tuna were exported to Japan. The EU provided information that clarified its interpretation of the BCD validation procedures.

Japan first responded to the issue regarding the delayed implementation of the ROP and stated that it had accepted a compromise solution. During the Recife meeting, the Commission discussed at great length the decision by several CPCs to use national observers in place of the ROP. The Compliance Committee had acknowledged the requirement for the ROP and this was addressed in letters of identification to the appropriate parties. However, the COC also recognized the efforts made by CPCs to ensure that national observers served the function of the ROP.

Regarding the Turkey issues, Japan appreciated the explanations. Japan indicated that problems still exist with the documentation for group fishing activities. All the vessels with fish must be accompanied by validated documents. In several cases, dates of the activities or validation were modified after the fact. Customs clearance is a different matter than ICCAT documentation, so it is a questionable delay to wait for customs decisions.

In one case, Japan questioned why an Albanian authority validated a document when the catch was not authorized. Turkey checked the Albanian BCD on the ICCAT website and explained why validation was delayed. The validity of the Albanian quota was established. A document of procedures is to be given to the Secretariat for circulation to the CPCs.

Several CPCs responded to Japan's comments regarding the ROP. It was agreed that the ROP was a core and essential element to ensure the traceability of bluefin tuna through the farms. However, it was also recognized that it could not be implemented by all parties in 2009. It was questioned whether consensus was reached on this issue in Recife.

Libya requested clarification from the Secretariat and asked to review the Recife meeting record of the conversation between Libya and Japan regarding the ROP. Because of that conversation, Libya determined it would not issue any BCDs. It was questioned whether the Compliance Committee had accepted national

observers where the measures clearly indicate the catch is authorized only with an observer of the ROP. Libya encouraged Japan not to accept any single fish and if this approach is taken, 80% of the tuna will be sent back. Actions should be taken on this issue.

Japan responded that it had transmitted letters to CPCs in April 2009 to clarify its position that it would not import bluefin tuna without valid documentation. It had been agreed in Barcelona that all CPCs would implement Rec. 08-05 from the beginning of the season and this was circulated by the ICCAT Chairman. Regarding the ROP, Japan had raised this question in a letter transmitted in September 2009 and no CPCs replied. After an in-depth discussion in Recife, it was determined that only two Parties had implemented the ROP while others implemented 100% observers through national programs. Given the problems in implementing the ROP in the first year, Japan determined that if a CPC certifies that its national program had 100% observers of the same quality as the ROP, the BCDs could be accepted. However, illegal products cannot be accepted and flag state validation is a key part of the CDS. Japan must trust that the EU is monitoring but how can the EU confirm catches were made and deducted from quota if the validation is delayed? It is a matter of fairness that all CPCs apply the same standards. Inconsistent implementation should be stopped. Given the delays in validation, Japan requested the EU to explain how catch and caging control took place.

The EU noted that there are two different questions: the validity of documents themselves and the timing of validation as presented in the table of Japan. In the correspondence with Japan's importing authority, the EU clarified that all BCDs were valid on the basis of flag state and farm state authorizations. The validations were based on monitoring and control elements and documents, verification of logbooks, catch reports, etc. In reply to Japan, The EU confirmed that all catch documents are valid.

With regard to the interpretation of the catch documentation scheme, validation timing is an issue that requires clarification. While the EU is prepared to discuss this matter, its view was that there is no reason to dismiss the imports currently held up in Japan. Regarding timing, there is a gap between when the catch is made and the fish are caged. The essential point is that each action is validated on the BCD, even when the farming section is validated before the catch section.

The EU noted that in some cases, catch validation did occur after caging, but flag State authorization was in place. The EU has implemented various types of verification. If all measures are not complied with, the fish are released. Flag state authorization is necessary to transfer the fish to cages. Different CPCs have given different explanations regarding dates of validation. The issue is not questioning the validity of the catch but the timing of validation. When different flag States and farming States are involved, it is necessary to exchange documents between the CPCs. Japanese officials wanted the original documents and this exchange by correspondence takes time. Timing can be improved by using fax and electronic mail. In the Integrated Monitoring Measures working group, the EU introduced a draft Recommendation that permits online validation to avoid time lost in administrative correspondence.

Japan questioned the EU interpretation that a catch is still valid if a BCD is not validated. Without validation of the catch by the flag State, there is no valid document and the catch should not be transferred to a cage. In some cases, the catch section of the BCD was validated three months after caging. Japan recalled that in negotiating the CDS, the EU had promoted validation of the BCD immediately after catch.

The EU noted that it is important for ICCAT to have consistent dates and the EU does support harmonization of practices for the CDS. Validation of catch cannot take place after caging. But this has to start from the 2010 fishing season and should not call into question the validity of 2009 catch documents. For 2010, ICCAT must have a clear rule to be applied by all CPCs.

Libya expressed concerns that Japan did not make a clear statement of its intended actions and the EU explanation was not clear about when catches were validated. The Committee needs clear statements from all. Libya questioned whether the EU was weakening control of fishing in the Mediterranean if it cannot stop private sector companies from fishing anywhere else in the Mediterranean. If Libya gives a license to an EU vessel to fish in Libyan waters, it appears the EU cannot control that vessel. When the EU stops authorizing JFOs, they are creating more cloudiness for catch authorizations if vessels seek foreign licenses independent of the EU administration.

In response, the Chairman summarized the status of the discussion. Regarding the request from Libya for the EU to make a statement on controlling its vessels, the Chairman noted that the EU had made its position clear that JFOs will be authorized between vessels flagged to different Member States but not with third countries. This policy will effectively address the issue of controlling EU vessels. With regards to the tuna held by Customs in Japan, the position was clear that Japan is not able to accept the tuna given the information presented on the BCDs, but it is requesting further explanation from the concerned parties.

The EU confirmed its position on JFOs. No EU vessel can fish in non-EU waters without authorization. If an EU vessel hazards to fish in Libyan waters, it will be considered an IUU vessel and thus heavily sanctioned. Patrol boats and the new IUU regulations will ensure increased control of EU vessels.

The Chairman then called the CPCs attention to the need for a clear way forward on the timing for validation of catch documents. It is essential for the CPCs to decide the procedures to be applied for 2010.

The United States expressed concern that after two years of implementing the CDS, Parties are still discussing procedures. As the primary buyer, Japan is doing what it is required to do as a market state. The Compliance Committee must support that Japan is working in the right direction.

The EU again emphasized that all BCDs were correctly validated and sent to the ICCAT Secretariat. The only issue is the validation timing and there is no obligation on timing contained in the relevant Recommendations. All documents can be checked with Secretariat and this proves the bluefin tuna is legal. The Compliance Committee must solve the 2009 issues and harmonize the future, thus procedures on timing for validation need to be established here.

Brazil noted that it does not fish for eastern Atlantic and Mediterranean bluefin tuna and refrains to intervene on the subject. Regardless, it is also frustrated to witness such disagreements so long after adoption of the bluefin tuna CDS. Brazil encouraged the Committee to make a decision regarding the validity of past exports. For the future, the Committee must provide guidance that is crystal clear. No bluefin tuna should be accepted if the CPCs involved in the catching or farming have not implemented the ROP. No bluefin tuna should be put in cage unless a validated BCD has been issued by the harvesting flag. It is hard to understand such long delays for validation. The minimum is that all CPCs have a clear understanding of how the CDS functions.

Libya agreed with the comments of Brazil and noted that the requirements have been clarified. If there is no implementation of the ROP then there is no marketing of the catch. If there is no validation of the catch before transfer or caging, then there is no marketing of the catch. Libya further expressed reservations about the ability of the EU to control activity in the Mediterranean and requested details on how the EU would address this.

The EU recalled that it had adopted its IUU fishing regulation and its fishery control regulations and these have entered into force. Any fishing vessel fishing in community waters without authorization will be considered as IUU. There is a full inspection program. If an EU vessel without authorization enters Libyan waters, it will be called back to port and enforcement actions will be taken. The EU has deployed a high number of inspectors at an expense of over 10 million Euros. This year, all arrangements are in place to continue the ICCAT Joint Inspection Program and the EU has also chartered a vessel, Jean Charcot, to patrol all activities to ensure compliance. The EU assured the Committee that it has monitored all catches in real time and applied crosschecks. Vessels were sanctioned and called back to port with immediate effect. The EU was the only CPC to call vessels back to port. There was a 100% observer system in place with national observers. The EU indicated it would provide all this information to the Committee to show how it can guarantee the legality of the fish exported to Japan.

Regarding a clear understanding for 2010, the Chairman summarized the procedures based on the provisions of Rec. 08-05 (eastern Atlantic and Mediterranean bluefin tuna Recovery Plan) and Rec. 09-11 (Bluefin Tuna Catch Documentation Program). The sequence of events requires that a numbered BCD is issued to the vessel and this document cannot be validated in advance. The harvesting vessel operator must complete the form with the catch information. It is acknowledged that there are problems related to estimating numbers and weight for live fish capture. In the case of live fish taken for farming purposed, a transfer declaration is completed with a video record produced and the declaration signed by an ROP observer. Prior to caging, a complete catch document and all validations must be presented. This includes authorization by the flag state of the harvesting vessels that the catch may be caged and is consistent with the amounts recorded on the validated BCD. Upon transfer from the towing cage to the farm, a caging declaration is completed with a video record produced and the declaration

signed by an ROP observer. The farm state will revise the catch estimate if necessary based on video record of transfer and communicate this to the flag state of the harvesting vessel. At the time of harvest from the farm, the BCD is completed and validated by the government authority, signed by the ROP observer and transmitted to the Secretariat and the destination market state. A complete trail of information between the catch, transfer, caging and harvest must be maintained and must be consistent with the flag State authorization for catch to be deducted from the CPC allocation. If there is no validated BCD at the time fish arrive at the farm, the fish must be kept apart until all the required documents are validated and received.

Japan indicated that this interpretation of the CDS is correct. Japan was able to accept the explanations by Turkey with respect to some of the irregular documents where the sequence was not strictly followed. Japan confirmed that from now on, modifications on the original BCD will not be accepted. Japan indicated it may be willing to release some of the bluefin tuna shipments from Turkey, pending further clarifications from the Turkish government. With regard to the EU situation, Japan indicated it could not understand those cases of a three-month delay in validation. Japan requested further information from the EU.

The United States reminded the CPCs that the BCD requirements apply everywhere, so all market states must understand and enforce the procedures, for imports and re-exports.

Libya again requested clarification of the position of Japan regarding the imports in question. If the bluefin tuna is accepted, it will be IUU imports. In Libya's view, Japan was asking the COC to endorse a decision to accept illegal fish. If this is true, the message from the COC is that ICCAT is not in a position to manage the stocks. It must be determined by the Committee whether the documentation irregularities are a clear violation of the CDS recommendation or not.

The Chairman questioned if Japan was still in consultation with the EU, Turkey and Tunisia regarding the specifics of the documents. The Committee has been presented with various interpretations of how the catch documentation program should be implemented. Japan has exercised its diligence as a market state and has thus contacted exporting CPCs to clarify the issues as required. Parties have presented documentation in response. The Chairman noted that if the bilateral discussions are to continue, the Committee decisions should wait.

Japan stated again that it does not want to accept the product in question. This was the judgment of Japan given its understanding of the program requirements, but the understanding of other CPCs is needed to arrive at a final decision. Japan is awaiting further information from the exporters to determine the reasons for the irregularities in the documents.

Libya stated that bluefin tuna harvested without an ROP observer and without a validated BCD cannot be considered legal product. If Japan accepts this product it will be non-compliance. Libya expressed the opinion that the future of ICCAT depends on this compliance meeting and requested the Committee to make a decision.

The Chairman noted that his role is not to decide the issue, but to facilitate the work of the Committee. This responsibility must be taken seriously. This is a difficult process due to ambiguity in the relevant recommendations and the difference in interpretation by the CPCs. Many of the issues were raised and discussed in Recife. Actions were taken to address these issues through letters of identification. The Committee cannot undo those actions at the inter-sessional meeting because the process has been started. Parties will respond to the identifications and the responses will be considered at the next annual meeting. The question to be decided at this inter-sessional meeting is whether the Committee has a view on the status of bluefin tuna shipments currently held in Japan. Japan has efficiently carried out its responsibilities as a market state by examining the documents and raising questions with the exporters. Given the responses from the exporters, the question is on timing of the validations and not on whether the product was authorized by the respective flag and farming CPCs. Japan has concluded that the validations cannot occur after the fact, so the product cannot be accepted. The Chairman asked if further bilateral discussions could lead to clarifications.

Japan noted the need for transparency and not bilateral decisions. That is why Japan has presented all the information to the Committee. If the exporters have more information, it must be given to the Committee.

Turkey noted that as a result of bilateral talks with Japan, it is clear that all measures were respected by Turkey. There was strict observance of the ROP. It must be accepted that some systematic errors in communicating documents did occur but this did not result in the caging of any IUU fish in Turkey.

The United States noted that the bilateral discussions with Japan were helpful to Tunisia and Turkey. The CPCs are agreed that the ROP must be fully implemented in 2010 for the fish to be in compliance. Also, the CPCs understand that the documents have to be validated in real time. The United States recalled that it was agreed in Recife to send Letters of Identification. The United States congratulated those CPCs who released bluefin tuna in response to their investigations.

Japan restated that it has no desire to accept the shipments of fish in question. Regarding the time of validation, the irregularities led Japan to conclude that the fish are illegal. Japan asked that the meeting report reflect that the consensus of the Committee is that the shipments should be rejected.

The EU responded that the Committee should review its terms of reference. It must determine whether a CPC has complied or not, consistent with the rule of law. The Committee must identify the issue and try to seek a solution bearing in mind the requirements of the adopted recommendations. When a CPC determines that a BCD is invalid, import, export and re-export of the product is prohibited. In this case, the BCD's were valid and recorded with ICCAT so the harvested fish were legal. It is clear under Rec. 08-05 paragraph 94 that exports and imports without BCDs must be prohibited, but valid BCDs exist for these shipments. Perhaps legal experts must be consulted so that ICCAT has the right interpretation of the law. These validated documents would stand up in court and the EU will defend that ICCAT recommendations were followed. The EU is firmly behind prohibition of illegal trade, but the rule of law proves that this fish is legal.

The Chairman observed that the Committee could not achieve a consensus on the legality of the fish that were being held at Japanese customs because of discrepancies in timing of the validations. Consequently, there was no agreement on the import prohibition decision taken by Japan.

Turkey expressed concern that procedural discrepancies occurred due to different interpretations of recommendations. It would be discriminatory to accept product for one type of discrepancy and not another. Japan must accept product from all CPCs and not evaluating the circumstances of any single CPC. An independent observer is the best tool to verify implementation of the monitoring and control provisions. Evaluation of import acceptance should be made considering all the issues including the CDS and the ROP.

The Chairman acknowledged that the requirements of the CDS and the ROP were not complied with by all CPCs in all cases. Japan had proposed a way forward regarding the ROP implementation issue that was discussed in Recife and addressed by ICCAT through issuing Letters of Identification. Japan later presented a proposal to all CPCs that it would accept 2009 product if a CPC had implemented a 100% national observer program.

Turkey expressed an opinion that if the ROP issue can be addressed by derogation, the timing of validation can be addressed by derogation.

The Chairman noted that derogations have been developed by the respective Panels in recommending conservation measures. It is not the role of the Compliance Committee to grant derogations after measures have been adopted, only to assess CPC compliance with the adopted measures and to recommend actions to address non-compliance. In the case of the ROP, those CPCs which did not implement the program were determined to be out of compliance and the agreed action was a letter of identification. Japan had proposed a way forward to address the issue of bluefin tuna harvested in 2009 without the ROP and received no objections. Japan has now proposed a way forward to address the issue of non-compliance with the CDS in 2009. In this case, however, several CPCs are objecting to the proposal.

The Chairman asked again if the Committee could achieve consensus on Japan's proposal or if more information was necessary to decide.

Brazil shared the concerns of the Chairman and noted that the actions taken at Recife have already been decided and should not be under continued scrutiny. The action taken on the ROP issue is also clear. At this time, Japan has indicated it will not accept some bluefin tuna shipments because of delays in validation. Japan is not seeking further clarification. These are the decisions of the CPCs and the Committee must move on.

The Chairman confirmed that Japan does not seek further guidance on the matter and again noted the meeting report would reflect difference in opinion.

The EU questioned the provision in the CDS recommendation that would allow the conclusion that a deadline was missed. Verifications are required to have legal security for validation and these steps take time. ICCAT cannot remain ambiguous on this issue because farm operators could take the government to court. What is the rule that was contravened? The farming State must receive authorization from flag state of the harvesting vessel, but it is not clear about the timing.

Japan thanked the Chairman and Brazil for the summary of the issue. Rec. 08-12 clearly indicates that a complete and validated BCD was necessary before placing fish into the farms. Japan requested evidence that the BCDs were validated before caging.

The EU stated that it would circulate all of the bluefin tuna catch documents to the meeting. The Secretariat informed the delegates that all the BCD's submitted by EU to the Secretariat are available on CD. These could not be circulated because the document would be too large.

The EU made a presentation of the monitoring and control measures it had implemented to support the recovery plan and the catch documentation scheme. Details were given on the sequence of steps taken to verify the origin and destination of the bluefin tuna and to ensure traceability.

After the presentation, Libya requested that the Committee make a final decision on the issue. The Chairman noted there was still no consensus on the issue of legal status of bluefin tuna where validation of the BCD occurred after caging or other irregularities existed in the documentation. The Chairman noted that the CPCs present did not constitute a quorum for the Compliance Committee, so no vote could be taken. Libya asked that the Chairman request an opinion from each of the CPCs present, calling on each delegation in turn as was done for responses to the questionnaire at the Barcelona meeting in 2009.

The Chairman noted that such an exercise might be informative but could not be considered a vote that would bind the Committee to a decision. After a few delegations were consulted on their views, it was confirmed that there was no consensus. Norway and the EU questioned the usefulness of such a process. The Chairman agreed that continuing the process would not result in anything meaningful and suspended the inquiry.

It was acknowledged by the CPCs that the meeting report must record a difference of opinion on the matter of bluefin tuna shipments held in Japan due to suspicions of irregularities in the catch documents.

The Chairman then asked if there were any other questions or concerns about implementation of the Bluefin Tuna Catch Documentation Scheme.

The Greenpeace Observer requested clarification on the release of caged tuna by Tunisia. Given the two purse seine vessels associated with the catch by Algeria and the SCRS potential catch estimates, it appeared that all of the fish transferred to cages in Tunisia could not be accounted for by the fishing capacity of the two vessels. It seemed likely that the release of bluefin tuna by Tunisia was partly IUU fish.

Tunisia replied that a decision was decreed by Tunisian authorities to release the bluefin tuna within the context of importing transaction. This decision was taken by Tunisia after a time limit was set for receipt of the validated BCDs where two Algerian vessels were involved. After the expiration of the deadline, the Tunisian administration released bluefin tuna into the sea. The release occurred in January, 2010. There were two national observers and a video record was made. This step was taken in spite of great economic loss to the importers in Tunisia. The release was carried out even though the documents provided the exporting entity to Tunisia indicated the catches were legal and a transfer authorization was obtained.

The Chairman recalled that Algeria had reported to the Commission that several aspects of a court case were underway and in fact the BCDs for these catches were not validated. It is expected that full details will be provided by Algeria after concluding the court investigation.

The Chairman raised the issues of communication of validated catch documents to the receiving CPC and to the Secretariat within five days or sooner if fish would arrive in market States in less time. It was reported by the Secretariat that the communication of BCDs was not routinely respected by the exporting CPCs. Most documents came in bulk deliveries, well after validation dates. Such practices undermine the process of verification by the receiving CPCs.

Japan noted that only Croatia fulfilled the requirement to send BCDs to the market State within the five day time frame.

The CPCs agreed on the importance of this requirement and acknowledged an expectation to be fully compliant with communication of catch documents in 2010.

The EU noted that electronic transmission is provided for in the FAO IUU agreement. An electronic system is being put in place for the EU and this will facilitate communication between Member States. This system should facilitate compliance with the rapid communication of catch documents. The EU is developing a compulsory system and will share this during the next meeting.

Canada asked if the EU proposal on the electronic reporting of BCDs is necessary for compliance with prompt communication of BCDs. The EU confirmed that in 2010, BCDs will be transmitted within the deadline and this will not depend on implementing an electronic system.

The Observer from the World Wildlife Fund requested a clarification regarding the percentage of the 2009 catch that is accounted for by BCDs transmitted to the Secretariat. The Chairman noted that the figures from the BCDs will be included in the document on the BFT Catch Report Summary which was being circulated to the Committee. Regarding the aggregate total for information purposes, approximately 43% of the reported catch of 8614 t is accounted for by the BCDs transmitted to the Secretariat.

The Secretariat explained that all BCDs received by ICCAT are entered on a database with password protected access to the site. The database is updated with the BCDs that are received. It was noted that BCDs for 2009 are still being received and some have not yet been entered to the database (see **Appendix 6**).

Brazil thanked the Secretariat for its efforts to keep the database current and asked what factors account for the difference in catch from the weekly reports and the BCDs.

The EU asked the Secretariat to confirm that this figure does not cover all BCDs expected for fish caught in 2009 but only 1205 BCDs received and entered up to the time of the meeting. Also, the EU asked for a report on number received at the Secretariat that had not yet been entered to the database.

Japan indicated it had some information on catches by its fleet that had not yet been landed in Japan. The landings would be monitored and verified before completing the BCDs. It was noted that Japan's allocation accounts for 8% of the total.

Brazil asked if some amount of the difference could be that bluefin tuna are still in farms.

Croatia indicated that a large portion of its 2009 catch is still in cages and its practice was to send the BCDs after validating harvest from the cages. After the explanations of procedure given at the meeting, it was now understood that catch documents should be transmitted each time they are validated, including the original catch and the later steps of transfer, caging, and harvest.

Canada noted that the table of BCDs received by the Secretariat should be made available for the next Compliance Committee meeting. The Secretariat responded that processing the documents would be impossible before November if the Parties send them in bulk at the end of the year. Only if the BCDs are submitted by the CPCs as they are validated would the database be up to date in November.

The CPCs agreed that exporting countries would respect the requirement to send copies of BCDs to the Secretariat and the destination country within five days of validation or sooner if the fish will arrive earlier. Brazil and Japan requested that the Secretariat circulate a reminder of this requirement to all CPCs.

The Secretariat agreed to circulate this together with a reminder that all 2010 catch data for bluefin tuna be made available to SCRS before the September stock assessment.

The CPCs next discussed tagging of bluefin tuna and if there were any issues of concern by countries receiving tagged fish. Japan confirmed that tagging of fish is the only way to ensure compliance. Japan will propose this in

the next meeting, especially that tagging is mandatory for shipments of fresh fish. Canada asked for clarification regarding this tagging proposal and Japan indicated this would apply only to bluefin tuna.

No CPCs had any concerns about the CDS provisions for verification, cooperation and exchange of information. Many CPCs now have experience in working cooperatively when documents are in question. It was noted that in the past, there were some problems with validating authorities being kept up to date by the CPCs on the ICCAT web site.

No particular problems were raised about shipments of bluefin tuna from non-Contracting Parties. No issues were raised about the submission or distribution of annual reports on the CDS.

The United States observed that the Compliance Committee received a good summary of problems encountered with implementing the CDS. Solutions will have to be discussed in the appropriate working groups and should be tabled for future discussion.

The Committee then concluded its review of the bluefin tuna catch documentation scheme.

Japan and the United States circulated a resolution to affirm the responsibilities of CPCs in exercising their respective obligations as flag States, farming States, port States, exporting States and market States, especially with regard to validating and verifying bluefin catch documents. A revised “Draft Resolution by the ICCAT Compliance Committee on the Use of Market Measures to Enhance Compliance with ICCAT Requirements Concerning the Conservation and Management of Eastern Atlantic and Mediterranean Bluefin Tuna” was circulated to the meeting.

The Chairman noted that it was drafted as an ICCAT Resolution and it would be necessary to refer the document to the full Commission for adoption at the annual meeting. The Chairman asked the two proposing CPCs if the above-mentioned document could be revised to be a statement of consensus of the Compliance Committee. If so, the document could be attached to the meeting report and no further action is required.

Japan and the United States agreed with this approach and the Chairman read the required edits to the text. It was confirmed by the CPCs that the edited text would be attached to the meeting report as a statement by the ICCAT Compliance Committee (see **Appendix 4**).

The discussion under Agenda Item 7 was concluded.

8. Consideration of paragraph 11 of Rec. 09-06 and Recommendations to the Commission on possible “interim suspension of reduction of quota for the declared non-compliant CPC, depending on the extent of the established non-compliance.”

Japan observed that, in the past, only a few CPCs had reported catches which exceeded the agreed allocation. It was recalled that the EU presented a payback schedule for their declared overcatch and this schedule was adopted in Rec 08-05. Japan will undertake a review of all recent trade data and present information to the Committee if other CPCs had potential overcatch which had not been reported.

Several CPCs noted that it was premature to consider this Agenda item regarding overcatches and infringements because letters were sent to concerned CPCs after the Recife meeting. These CPCs needed to respond to the letters and these responses would be taken up by the Compliance Committee at the next annual meeting.

The EU noted that very few CPCs had reported overfishing, in particular the EU and Tunisia had been transparent about this and payback schedules were agreed. CPCs were reminded that in the past, SCRS had estimated significant unreported catches and had indicated these estimates in catch tables as NEI (not elsewhere included). The actions of some CPCs to investigate and report overcatch is a step forward towards more transparency. IUU catches are a continuing concern for ICCAT and measures should be taken to address this issue.

There were no specific proposals from the delegates regarding the suspension or reduction of quota for any CPCs with an allocation of eastern Atlantic and Mediterranean bluefin tuna. It was agreed that this matter would be revisited at the annual meeting.

9. Other matters

There were two requests for inter-sessional removal of vessels from the ICCAT IUU vessel list, according to the procedures of Rec. 06-12.

Korea had requested removal of the vessel “Tonina V” for reasons that had been presented and discussed at the annual meeting in Recife, namely confusion with a legitimate vessel of Korean registry (Tonina No. 5). Because the issue was not resolved in Recife, the Secretariat had circulated the background and requested CPCs to respond with regard to support or objection to the delisting. It was reported by the Secretariat that a majority of CPCs had responded in support of the removal.

The Republic of Guinea had requested removal of the vessel “Daniaa” from the ICCAT IUU list so that it could be posted to the ICCAT list of authorized vessels. This vessel had originally been listed due to a recorded catch of bluefin tuna while the vessel was reported to be flagged by the Republic of Guinea, a CPC without quota for bluefin tuna. At the 2008 meeting of the Commission, the Republic of Guinea confirmed that the vessel had not been issued a fishing authorization and the Committee decided to post the vessel to the IUU list as a vessel of unknown flag. According to the procedures for inter-sessional removal from the IUU list, the Secretariat had circulated new information from the Republic of Guinea regarding the ownership of the vessel, the management and control standards applied, and raising questions about the bluefin tuna catch which resulted in the original listing. The Secretariat reported to the Committee that a majority of CPCs had not responded in support of removing the vessel “Daniaa” from the IUU list and several CPCs had requested more information from the Republic of Guinea to clarify the situation of ownership at the time of the bluefin tuna catch that had recorded on an ICCAT statistical document.

9.1 Requests for clarification by the Secretariat

The Secretariat circulated a document at the 2009 Commission meeting in Recife requesting the Compliance Committee to clarify the meaning of several operative recommendations and reporting requirements. Such clarifications were needed to enable the Secretariat to respond to inquiries it had received from several CPCs. This discussion had been deferred to the inter-sessional meeting and the document entitled “Clarification and interpretation of provisions contained in ICCAT Recommendations” was re-circulated. Several CPCs had provided written responses in advance of the meeting and these were included in the meeting document. An addendum with written responses by the EU was circulated later in the meeting.

The CPCs considered the written responses and the discussions on the bluefin tuna questions which had occurred under relevant Agenda items earlier in the meeting.

Question 1): Regarding the applicability of the provisions of Rec. 08-05 to the two management units of bluefin tuna, the majority of responding CPCs confirmed that the measures applied only to the eastern Atlantic and Mediterranean fisheries. However, it was noted that references to the Bluefin Tuna Catch Documentation Scheme and the responsibilities of market States were obligations of all CPCs, regardless of whether they participated in the eastern Atlantic and Mediterranean bluefin tuna fisheries. There were no objections to this interpretation.

Question 2): It was clarified that a classification as a mothership on the ICCAT Record of Vessels authorized to participate in the eastern Atlantic and Mediterranean bluefin tuna fisheries would allow such a vessel to act as a carrier and/or a processor.

Question 3): It was recalled that Rec. 08-05 had provisions for phasing out chartering operations and that no chartering of catching vessels would be authorized in 2010. It was understood by several CPCs that support vessels could continue to be chartered. Libya asked for clarification of the meaning of support vessel. The Chairman noted that support vessels would not have ability to catch fish, but could support catching vessels by towing cages, processing fish or acting as a carrier. It was recalled by Tunisia and Canada that Rec. 08-05 does have a broad definition of fishing vessel, but makes a distinction in that vessels must be authorized to only one of two lists – catching vessels or other vessels. Japan noted that the prohibition was very clear for chartering and was directed at catching vessels of one flag CPC fishing under the quota allocation of another CPC. It was confirmed by the delegates that the prohibition on chartering applies to catching vessels as defined under Rec. 08-05 paragraph 2(b) and which are posted to the authorized vessel record under Rec. 08-05 paragraph 54(a).

Question 4): The Secretariat noted that Rec. 08-05 requires port states to designate transshipment ports and landing ports, including information on the time and place where such transshipment or landing can occur. While details on the time and place for inspections in designated ports were contemplated by the notification requirement, not all parties were providing this information. It was agreed by the CPCs that the requirement is satisfied by notifying the Secretariat of the name of the port and the time period for which transshipment and/or landing is authorized. However, it was emphasized that port states must provide details on the time and place within the port that inspectors are available at the time when individual vessels are given authorization for landing or transshipment.

Question 5): It was noted that Joint Fishing Operations (JFOs), which are subject to new limits and controls in 2010, are not well defined in terms of where participating vessels are located. While it was recognized that JFOs are situations where vessels are cooperating and coordinating fishing activities in the same fishing area, there was no consensus by the Committee on how to define fishing area. The Secretariat expressed concern about its role in recording the advance notification of JFOs, the participating vessels and their individual allocations, the recording of catches against allocations, and the receipt of VMS transmissions. It was recommended that the Secretariat take guidance from the meeting discussions which occurred under agenda item 6. It was not possible for the Committee to produce a definition of JFOs and the exact circumstances under which they are considered to be operating. Given the catch reports and VMS data supplied by the CPCs, the Secretariat should note any concerns about unauthorized/unreported JFOs in its annual report to the Compliance Committee.

Question 6): The Secretariat expressed concerns about vessels from one CPC starting fishing operations and a vessel from another CPC joining afterward. For the Secretariat, the issue was the recording of catches in relation to the JFO allocation key. In some instances it was not clear if a vessel's catch was part of a JFO or if the vessel was operating independently. In response to this question, the CPCs agreed that vessels could join a fishing operation at different points in time. The important point is that CPCs respect the JFO requirements to obtain authorizations from the flag states and to notify the Secretariat 10 days in advance of any activity under the JFO. In reporting catches, it is essential for the flag CPCs to clearly identify to the Secretariat when the vessels are operating under the declared JFO and how the vessel's catch is applied to the JFO allocation key.

Question 7): The Secretariat questioned the applicability of the JFO notification and control requirements for vessels flagged to the same CPC. Discussion of this issue had been concluded under Agenda item 6 in establishing the limits of JFOs. The CPCs clarified that vessels of the same CPC that are fishing cooperatively are not a JFO under the terms of Rec. 08-05 and not subject to that measures notification requirements or the limits of Rec. 09-06. The CPCs took note of the special situation of EU vessels flagged to different Member States, whereby the EU would declare the JFOs and observe the reporting protocols on a non-binding basis. However, such operations between vessels of different Member States would not be subject to limits.

Question 8): Although Rec.09-11 clearly indicates the Bluefin Tuna Catch Document (BCD) must be provided to the authorized catching vessels, the Secretariat requested clarification on whether the BCD can be validated in advance of the catching operation. All CPCs were in agreement that the purpose of validation by the government official or authorized entity is to ensure that the amount of catch is correctly recorded on the BCD and that the reported catch was taken in accordance with the vessel's fishing authorization from the flag State. For this reason, it was clear to all CPCs that uncompleted BCDs must not be validated when issued to vessels, and can only be validated after the catch is reported to the flag State and the information is recorded on the BCD. Once validated, the completed BCD must be carried on board the vessel with the fish or the towing vessel in the case of live fish transfer.

Question 9): The Secretariat asked CPCs for potential improvements to the reporting forms for harvest from the farming operations. Croatia asked about the distinction between the columns labeled "Flag of Catch" and "Source of Origin" and indicated it was reporting the same information in both columns. The Secretariat responded that the form was developed from information contained in the recommendation on bluefin tuna farming [Rec. 06-07) and wanted to work with those CPCs involved in farming operations to improve the report format.

Question 10): The exact method to assess compliance with the 5 percent limit on the weight of shark fins to shark carcasses has been a question since Rec. 04-10 was adopted. CPCs acknowledged the recommendation does not specify if the shark fins are measured as round (live) weight or dried weight and if the carcasses are measured as round (live) weight or dressed weight (head and guts removed). Canada noted that since the measure requires carcasses to be landed, but the head and guts may be removed prior to landing, it is the dressed

weight that forms the basis for calculating the ratio. Japan and Chinese Taipei considered the round weight as the appropriate measure. Morocco also concluded that round weight was intended as the basis for the ratio, but it has prohibited its vessels from removing fins prior to landing as this improves catch data and species identification. It was concluded that each CPC must determine the basis for calculating the 5% ratio according to the fishing practices it authorizes for its vessels. If CPCs determine that greater clarity is necessary for this issue, the matter must be taken back to Panel 4.

Question 11): The Secretariat indicated it had received inquiries as to whether the 5% ratio of shark fin weight to carcass weight is to be applied only to the point of first landing or transshipment by the catching vessel, or must be applied also to fins and carcasses on board carrier vessels. Several CPCs commented that the measure was intended to apply only to fishing vessels. Other CPCs noted that broad definitions have been applied to the term fishing vessel and this can include carrier vessels. The Committee concluded that the matter must be taken back to Panel 4 for clarification of the definition of fishing vessel.

Question 12): The Secretariat had received inquiries on what is meant by “relevant information” as indicated in Rec. 06-13. Some CPCs have commented that the form developed by the Secretariat to report information on potential compliance issues is not clear. The Committee observed that it is not mandatory to use the specific form in order to provide information to the Secretariat. Any information related to potential infractions is important for the Compliance Committee. If a CPC believes the information is relevant for consideration by the Compliance Committee, it should be submitted to the Secretariat for circulation it to the appropriate parties for comment and explanation. The Compliance Committee can then take up the matter for discussion during its next scheduled meeting.

– *Review of IUU Vessel information provided by Pew Environment Group*

The Observer from the Pew Environment Group had requested ICCAT CPCs to consider information it had posted to its internet site regarding visits of IUU listed vessels to ports of contracting parties to ICCAT. This material had been circulated by the Secretariat with the intent to undertake a review of the information during the COC inter-sessional meeting.

The Observer noted that the Pew Environment Group had requested that ICCAT CPCs address four questions relative to the information on port visits it had obtained and published on the ICCAT section of its web site:

1) *The accuracy of port visits documented by this research?*

No CPCs had any concerns about the accuracy of port visit information that had been documented by Pew.

However, Panama did emphasize that it is not appropriate to consider the Panama Canal as a port. The Pew web site country profile of Panama contains information about IUU vessels making passage through the canal. Panama emphasized that transit through the canal does not involve transshipment or landing of fish so it cannot be considered a port visit.

2) *Whether ICCAT is or Contracting Parties are aware of other port visits of vessels while they were on ICCAT's IUU vessel list?*

No CPCs had any additional information to present at the meeting regarding additional port visits by IUU listed vessels.

3) *Which of the port visits identified as a potential violation of ICCAT Conservation and Management Measures would be considered by ICCAT's Compliance Committee to be violations of such measures?*

In this regard, the CPCs reflected on the decision to delist the “Tonina V” from the ICCAT IUU vessel list. As was determined during the examination of the case of the “Tonina V”, the ICCAT listed vessel was not the same vessel which has been flagged to Korea (Tonina No. 5) for a number of years. Apparently, the port calls in Korea identified by the Pew researchers were made by the authorized Korean vessel and not the IUU listed vessel. As such, these port calls could not be considered a violation of ICCAT measures.

No CPCs had further information for the other potential violations listed on the Pew web site. However, it was noted that difficulties in making a firm determination of a vessel's identity may lead to the wrong conclusion about which vessel is on the IUU list and if this is the same vessel making a port visit.

4) *What recommendations, if any, would ICCAT's Compliance Committee suggest to improve the effective implementation of ICCAT port state measures?*

The CPCs observed that the text concluded by the Working Group on Integrated Monitoring Measures concerning port state measures will be forwarded for the consideration by the Commission, during its November 2010 meeting. It was also noted that continued work between the RFMOs, the FAO, and the IMO on unique identifiers for fishing vessels will help not only in posting more specific information to the IUU lists, but will also assist port states in conducting inspections. It was clearly highlighted that one of the difficulties is that if a vessel is posted to the IUU list without meaningful identity information, it is extremely difficult to exercise port state responsibility.

The Chairman requested any CPCs with further comments on the research to write directly to the Secretariat for communication to the Pew Research Group.

– Future operations of the Compliance Committee

The CPCs discussed two texts drafted by the Chairman that had been circulated at the meeting in Recife, but which could not be addressed during the annual meeting due to lack of time. These texts, "Compliance Committee Chairman's Proposal for an ICCAT Schedule of Compliance Actions" and the "Compliance Chairman's Proposal for a Compliance Task Force and Meeting Schedule" were re-circulated to the meeting. The first document proposed that a schedule of compliance actions be developed to improve the efficiency, transparency and equity of the ICCAT compliance process. The second document addressed the need for a Compliance Task Force to assist the Chairman and the Secretariat in the review and analysis of compliance information for presentation to the Committee.

Libya and the EU noted that the framework for ICCAT might be changed significantly by actions on bluefin tuna that could be taken at the upcoming CITES meeting. It was suggested that discussions on improving the compliance process should wait until after the CITES meeting in Doha. Other CPCs agreed and noted that the discussion should continue in the 2010 meeting of the Working Group on the Future of ICCAT.

Japan observed that the Compliance Committee was already in the process of improving its operations and progress is occurring. Waiting for the next meeting is not the answer. While there are some disappointing aspects to ICCAT's compliance process, this should not stop progress to be well prepared for a review of the next fishing season. Progress should not be postponed and a commitment was already made to establish a task force.

Canada agreed with Japan and noted the CPCs should not focus on CITES but on ICCAT. Major improvements have been made and ICCAT should keep moving.

The EU added its support to the creation of a compliance working group. It was noted that the group could assist the Committee in a synthesis of the growing amount of compliance information. The group should be convened straight away and could take time to study the important issues faced by ICCAT.

Canada supported both documents on the compliance process and emphasized the need to move forward or it will be another year before ICCAT takes any action. The United States and Brazil agreed with the approaches outlined in the two documents and noted that ICCAT should not lose an opportunity to advance its effectiveness.

The EU, Libya and Japan expressed support to convene the task force which should first develop a penalty and point system. This should be put on the agenda of the Future of ICCAT Working Group and then discussed at the annual meeting in Paris.

Brazil suggested that the task force consist of all ICCAT officers. This approach is reasonable because officers have been elected by the Commission and have broad representation since ICCAT is transparent. The meetings should include observers if they wish to participate.

It was noted by several CPCs that the concept of task force arose because of large volumes of information that need to be analyzed to facilitate operations of the full Compliance Committee. Delegates recalled that there were too many tables to review at the annual meeting. The task force would perform the preliminary work but it was not intended to be exclusive in any way.

Brazil suggested ICCAT officers as the core of the group but to balance both views, any interested CPCs should be allowed to participate in the work of the task force. The United States expressed support for a transparent process. Japan agreed with Brazil and it was suggested to set up an e-mail network. It was decided to take advantage of the several opportunities to get together on the margins of already planned working group meetings.

The final matter taken up by the Committee under this Agenda item was a statement by Japan regarding positions on bluefin tuna listing that CPCs were considering for the upcoming CITES meeting. Japan restated its position that ICCAT has taken positive steps to improve management of bluefin tuna and that a CITES listing would be unnecessary and harmful. CPCs were encouraged to carefully consider their respective positions regarding an Appendix I listing as it would prohibit trade. Japan encouraged those CPCs which would support a bluefin tuna listing at CITES to consider alternatives to the Japanese market when exporting bluefin tuna from their respective fisheries or farms. Japan observed that CPCs are not obligated in any way to send products to Japan, and if the CPC supports a suspension of bluefin tuna trade, it should act accordingly. In this way, there is no need for a CITES listing.

10. Adoption of Report

The Report of the meeting was adopted by correspondence.

11. Adjournment

The Chairman briefly recalled the Committee discussions on catch allocations, capacity management plans, limits on joint fishing operations and the implementation of the catch documentation scheme. Consistent with the charge to the Committee under Rec. 09-06, these matters were agreed and a common understanding was reached for the application of measures during the 2010 fishing season. In addition, direction was provided on the creation of the Compliance Task Force.

Several CPCs noted the improvements in the ICCAT compliance process that have occurred in recent years. ICCAT is in a position to work cooperatively and take sanctions against those CPCs that are not effectively implementing conservation or monitoring measures.

Libya agreed with some achievements from this meeting but expressed concern that ICCAT is not transparent enough. If ICCAT is not in a position to manage effectively, bluefin tuna will go to CITES.

Morocco noted that ICCAT has improved its monitoring measures and its compliance record in recent years. While there is still room for improvement, all CPCs stand to gain from continued efforts.

The Chairman thanked the CPC delegates and the Secretariat for their contributions to the discussion and the positive outcome of the meeting. The Chairman also acknowledged the excellent service of the interpreters and the Rapporteur. The 2010 inter-sessional meeting of the Compliance Committee was adjourned.

Appendix 1

AGENDA

1. Opening of the Meeting
2. Appointment of Rapporteur
3. Adoption of Agenda and Meeting Arrangements
4. Consideration and review of compliance with paragraph 1 of Rec. 09-06 in relation to the total allowable catch for eastern Atlantic and Mediterranean bluefin tuna.
5. Consideration and review of compliance with paragraph 46 of Rec. 08-05 fishing capacity in accordance with the methodology approved at the 2009 annual meeting.
6. Consideration and review of compliance with other requirements of the multiannual recovery plan for eastern Atlantic and Mediterranean bluefin tuna, including limitation of number of joint fishing operations.
7. Consideration and review of compliance with Rec. 08-12 regarding the ICCAT Bluefin Tuna Catch Documentation Program and implementation plans for the amendments to the program adopted in Rec. 09-11.
8. Consideration of paragraph 11 or Rec. 09-06 and Recommendations to the Commission on possible “interim suspension of quota for the declared non-compliant CPC, depending on the extent of the established non-compliance.”
9. Other matters
10. Adoption of Report
11. Adjournment

Appendix 2

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ESTIMATED BLUEFIN TUNA CAPACITY BY CPC, 2010

	<i>Vessel type</i>	<i>Catch rates SCRS</i>	<i>No. Vessels 2008</i>	<i>Capacity 2008</i>	<i>No. Vessels 2010</i>	<i>Capacity 2010</i>
ALBANIA	PS >40m	49.78			1	49.78
	PS between 24 & 40m					
	PS <24m					
	LL >40m	5.68			1	5.68
	LL between 24 & 40m					
	LL <24m					
	Total fleet/fishing capacity		0	0	2	55.46
	Quota Albania					33.83
	Carryover//quota transfer					0
	“Over-harvest reimbursement”					0
Adjusted Albanian quota		0			33.83	
Over-capacity					21.63	

% of over-capacity reduction

Not applicable

ALGERIA	PS >40m	70.66			1	70.66
	PS between 24 & 40m	49.78	7	348.46	11	547.58
	PS <24m	33.68			1	33.68
	LL >40m					0
	LL between 24 & 40m				1	6.59
	LL <24m	5	1	5	2	10
	Total fleet/fishing capacity		8	353.46	16	668.51
	Quota Algeria			1,460.04		684.9
	Carryover//quota transfer					0
	“Over-harvest reimbursement”					0
Adjusted Algerian quota			1,460.04		684.9	
Under-capacity			1,106.58		16.39	

% of over-capacity reduction

Not applicable

CHINA	PS >40m	25	4	200	2	50				
	PS between 24 & 40m									
	PS <24m									
	LL >40m									
	LL between 24 & 40m									
	LL <24m									
	Total fleet/fishing capacity						4	200	2	50
	Quota China							63.55		38.48
Carryover//quota transfer										
“Over-harvest reimbursement”										
Adjusted Chinese quota			101.44		38.48					
Over-capacity			98.56		11.52					

% of over-capacity reduction

92.87

COC INTER-SESSIONAL MEETING – MADRID 2010

CROATIA	PS 40	70.66	3	211.98	5	353.3
	PS 24-40	49.78	30	1493.4	22	1095.16
	PS 24	33.68	31	1044.08	15	505.2
	LL 24-40			0		0
	LL 24			0		0
	BB		4	0		
	HL	5	16	80	16	80
	Total fleet/fishing capacity		84	2829.46	58	2033.66
	Quota Croatia			833.08		393.5
	Carryover//quota transfer					0
	Under-harvest carryover 2009					0
	“Over-harvest reimbursement”					0
	Adjusted Croatian quota			833.08		393.5
	Overcapacity			1996.38		1640.16

% of over-capacity reduction

32.67

EGYPT	PS large (>40m)					
	PS med (24-40m)					
	PS small (≤24m)					
	LL (24-40m)					
	LL small(≤24m)					
	Total fleet/fishing capacity			0	0	
	Quota Egypt			0		33.83
	Adjusted Egyptian quota					33.83
Under-capacity					33.83	

% of over-capacity reduction

Not applicable

EU	PS large (>40m)	70.66	35	2473.1	23	1625.18
	PS med (24-40m)	49.78	61	3036.58	28	1393.84
	PS small (≤24m)	33.68	81	2728.08	0	0
	LL med (24-40m)	5.68	7	39.76	15	85.2
	LL small (≤24m)	5	329	1645	191	955
	BB >24m	19.75	64	1264	69	1362.75
	Handline	5	85	425	31	155
	Other artisanal	5	253	1265	376	1880
	Trawler	10	160	1600	78	780
	Trap	130	15	1950	13	1690
	Total fleet/fishing capacity		1090	16426.52	824	9926.97
	Quota EU			16210.75		7604.38
	Carryover//quota transfer					
	“Over-harvest reimbursement”					500
	Adjusted EU quota			16210.75		7104.38
	Over-capacity			215.77		2822.59

% of over-capacity reduction

69.72

COC INTER-SESSIONAL MEETING – MADRID 2010

ICELAND	PS >40m	70.66			0	0
	PS between 24 & 40m					
	PS <24m					
	LL >40m	25			2	
	LL between 24 & 40m					
	LL <24m					
	Trawler	10	1	10		
	Total fleet/fishing capacity			10	2	50
	Quota Iceland			51.53		31.2
	Carryover//quota transfer					0
	“Over-harvest reimbursement”					0
	Adjusted Icelandic quota		10	51.53		31.2
Under-capacity			41.53			
Over-capacity						18.8

% of over-capacity reduction

Not applicable

JAPAN	PS >40m					
	PS between 24 & 40m					
	PS <24m					
	LL >40m	25	45	1125	33	825
	LL between 24 & 40m					
	LL <24m					
	Total fleet/fishing capacity	25	45	1125	33	825
	Quota Japan			2,430.54		1148.05
	Carryover//quota transfer					0
	“Over-harvest reimbursement”					0
Adjusted Japanese quota			2,430.54		1148.05	
Under capacity			1,305.54			323.05

% of over-capacity reduction

Not applicable

KOREA	PS >40m	33.68				
	PS between 24 & 40m					
	PS <24m					
	LL >40m		1	33.68	1	33.68
	LL between 24 & 40m					
	LL <24m					
	Total fleet/fishing capacity		1	33.68	1	33.68
	Quota Korea			171.77		81.14
	Carryover//quota transfer					0
	“Over-harvest reimbursement”					0
Adjusted Korean quota			338.72		81.14	
Under capacity			305.04			47.46

% of over-capacity reduction

Not applicable

COC INTER-SESSIONAL MEETING – MADRID 2010

LIBYA	PS >40m	70.66	1	70.66		
	PS between 24 & 40m	49.78	31	1543.18	29	1443.62
	PS <24m	33.68	2	67.36	1	33.68
	LL >40m	25	5	125	2	50
	LL between 24 & 40m					
	LL <24m					
	Total fleet/fishing capacity		39	1806.2	32	1527.3
	Quota Libya			1,236.74		580.15
	Carryover//quota transfer					145
	“Over-harvest reimbursement”					0
Adjusted Libyan quota			1381.99		725.15	
Over-capacity				424.21		802.15

% of over-capacity reduction

25.80

				2008			2010		
				vessels	SCRS	MAROC	Vessels	SCRS	MAROC
	SCRS	MAROC							
MAROC	PS large	70.66	70.7	2	141.32	141.4	1	70.66	70.7
	PS med.	49.78	49.8	3	149.34	149.4	3	149.34	149.4
	PS small	33.68	33.7	1	33.68	33.7	0	0	0
	LL large	25	25			0	0	0	0
	LL med.	5.68	5.7			0	0	0	0
	LL small	5	5	63		315	3	15	15
	Trawl	10	10			0	1	10	9
	Other artisanal	5	5			0	0	0	5
	Trap	130	112.3	18	2340	2021.4	13	1690	1350
	Total fleet/fishing capacity				2664.34	2523.02		1935	1606.4
	Quota Maroc				2,728.56	2,728.56		1279.96	
	Carryover//quota transfer							327	
	“Over-harvest reimbursement”								
Adjusted Moroccan quota				3055.5	3055.5		1606.96		
Over-capacity							328.04		
Under-capacity					391.16	532.48			0.56

% of over-capacity reduction

Not applicable

SYRIA	PS >40m					
	PS between 24 & 40m					
	PS <24m					
	LL >40m					
	LL between 24 & 40m	5.68	1	5.68		
	LL <24m	5	2	10		
	Other artisanal Med	5			5	25
	Total fleet/fishing capacity			15.68		25
	Quota Syria		3	51.53		33.83
	Carryover//quota transfer					0
“Over-harvest reimbursement”					0	
Adjusted Syrian quota			51.53		33.83	
Under capacity				35.85		8.83

% of over-capacity reduction

Not applicable

COC INTER-SESSIONAL MEETING – MADRID 2010

TUNISIE	PS >40m	70.66			1	70.66
	PS between 24 & 40m	49.78	22	1095.16	25	1244.5
	PS <24m	33.68	15	505.2	15	505.2
	LL >40m					0
	LL between 24 & 40m					0
	LL <24m	5			1	5
	Handline	5	1	5		
	Total fleet/fishing capacity		38	1605.36	42	1825.36
	Quota Tunisia			2254.48		1064.89
	Carryover//quota transfer					202
	“Over-harvest reimbursement”					157.38
	Adjusted Tunisian quota			2364.48		1109.51
	Over-capacity					715.85
Under-capacity			759.12			

% of over-capacity Reduction

Not applicable

TURKEY	PS >40m	70.66	41	2897.06	12	847.92
	PS between 24 & 40m	49.78	49	2439.22	11	547.58
	PS <24m	33.68	3	101.04	0	
	LL >40m				0	
	LL between 24 & 40m					
	LL <24m					
	Trawler	10	26	260		
	Total fleet/fishing capacity		119	5697.32	23	1395.5
	Quota Turkey			887.19		419.06
	Carryover//quota transfer					0
	“Over-harvest reimbursement”					0
Adjusted Turkish quota			879.17		419.06	
Over-capacity			4818.15		976.44	

% of over-capacity Reduction

81.50

**STATEMENT BY THE ICCAT COMPLIANCE COMMITTEE
ON THE USE OF MARKET MEASURES TO ENHANCE COMPLIANCE WITH
ICCAT REQUIREMENTS CONCERNING THE CONSERVATION AND MANAGEMENT
OF EASTERN ATLANTIC AND MEDITERRANEAN BLUEFIN TUNA**

RECALLING that the objective of the Convention is to maintain tuna and tuna-like populations at levels that will support maximum sustainable catch (usually referred to as MSY), and further recalling that the SCRS has estimated the stock of Eastern Atlantic and Mediterranean bluefin tuna to be substantially below that level;

RECOGNIZING that the success of the *Recommendation Amending the Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 08-05] is dependent upon an effective system of reporting, monitoring, and control measures to ensure compliance with TAC and quotas, closed seasons, minimum size requirements, regulation of caging operations, and other measures;

CONCERNED that violations of reporting requirements, observer requirements, total allowable catch (TAC levels), and other relevant ICCAT measures are impeding the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock;

CONSIDERING the responsibilities of flag States, port States, farming States, and market States to ensure compliance with ICCAT requirements;

RECOGNIZING actions taken by ICCAT at its 2009 meeting to improve measures for the conservation and management of eastern Atlantic and Mediterranean bluefin tuna including, *inter alia*, lowered total allowable catch, lengthened time-area closure, and strengthened monitoring, control, and surveillance measures adopted in the *Recommendation by ICCAT Amending ICCAT Recommendation 08-05 to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 09-06];

FURTHER RECOGNIZING actions taken at its 2009 annual meeting to hold CPCs accountable for compliance infractions through identifications of certain CPCs pursuant to the *Recommendation by ICCAT Concerning Trade Measures* [Rec. 06-13], which can be the basis for future determinations by ICCAT to impose sanctions on identified CPCs, including the reduction of quotas and the adoption of non-discriminatory trade restrictive measures;

NOTING that *paragraph 94* of Rec. 08-05 requires exporting and importing CPCs to take certain market-related measures with respect to eastern Atlantic and Mediterranean bluefin tuna that is not harvested in compliance with certain relevant ICCAT requirements, is not accompanied by documentation required in Rec. 08-05 and the *Recommendation by ICCAT on an ICCAT Bluefin Catch Document Program* [Rec. 08-12]¹, or is from farms that do not comply with the *Recommendation by ICCAT on Bluefin Tuna Farming* [Rec. 06-07];

FURTHER NOTING that this resolution should be implemented in a fair, transparent, and non-discriminatory manner, in accordance with international law, including rights and obligations established in the World Trade Organization Agreement;

THE COMMITTEE ON COMPLIANCE OF THE
INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF THE ATLANTIC TUNAS (ICCAT) AFFIRMS THE OBLIGATION OF CPCs TO:

Continue and enhance the implementation of the market measures requirements of the *Recommendation Amending Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 08-05], including, *inter alia*, the prohibition of domestic trade landing, imports, exports, placing in cages for farming, re-exports, and transshipment, as appropriate, of eastern Atlantic and Mediterranean bluefin tuna that is not harvested in compliance with relevant ICCAT requirements,

¹ To be superseded by the *Recommendation by ICCAT Amending the Recommendation 08-12 on an ICCAT Bluefin Catch Document Program* [Rec. 09-11].

is not accompanied by documentation required in ICCAT Rec. 08-05 and the *Recommendation by ICCAT on an ICCAT Bluefin Catch Document Program*, [Rec. 08-12], or is from farms that do not comply with the *Recommendation by ICCAT on Bluefin Tuna Farming* [Rec. 06-07].

N.B. Excerpt from Rec. 08-05:

Market Measures

94. Consistent with their rights and obligations under international law, exporting and importing CPCs shall take the necessary measures:
- to prohibit domestic trade, landing, imports, exports, placing in cages for farming, re-exports and transshipments of eastern Atlantic and Mediterranean bluefin tuna species that are not accompanied by accurate, complete, and validated documentation required by this Recommendation and Rec. 08-12 on a bluefin tuna catch documentation program;
 - to prohibit domestic trade, imports, landings, placing in cages for farming, processing, exports, re-exports and the transshipment within their jurisdiction, of eastern and Mediterranean bluefin tuna species caught by fishing vessels whose flag State either does not have a quota, catch limit or allocation of fishing effort for that species, under the terms of ICCAT management and conservation measures, or when the flag State fishing possibilities are exhausted, or when the individual quotas of catching vessels referred to in paragraph 9 are exhausted;
 - to prohibit domestic trade, imports, landings, processing, exports from farms that do not comply with the *Recommendation by ICCAT on Bluefin Tuna Farming* [Rec. 06-07].

E-BFT ALLOCATION QUOTA FOR 2010

This table is based on the *Recommendation Amending Recommendation 08-05 to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 09-06] which set the TAC at 13,500 t in 2010. The allocation scheme established by ICCAT Recommendation 08-05 shall remain unchanged.

During the inter-sessional meeting of the Compliance Committee, the European Union stated that it would voluntarily adjust its quota by reducing 18 tons.

These figures have been approved by the Compliance Committee and this allocation table for 2010 shall be appended to Recommendation 09-06:

<i>CPC</i>	<i>2010 Rec. 08-05</i>	<i>%</i>	<i>2010 Rec. 09-06</i>	<i>Adjusted quotas 2010</i>	<i>Notes 2010</i>
Albania	50	0.2506266	33.83	33.83	
Algeria	1,012.13	5.0733333	684.9	684.9	
China (People's Rep.)	56.86	0.2850125	38.48	38.48	
Croatia	581.51	2.9148371	393.5	393.5	
Egypt	50	0.2506266	33.83	33.83	
European Union **	11,237.59	56.328772	7,604.38	7,086.38	(-500t) - (-18t)
Iceland	46.11	0.2311278	31.2	31.2	
Japan	1,696.57	8.5041103	1,148.05	1,148.05	
Korea (Rep.)	119.9	0.6010025	81.14	81.14	
Libya	857.33	4.2973935	580.15	725.15	+145t
Morocco	1,891.49	9.4811529	1,279.96	1,606.96	+327t
Norway	46.11	0.2311278	31.2	31.2	
Syria	50	0.2506266	33.83	33.83	
Tunisia	1,573.67	7.8880702	1,064.89	1,109.51	+202t-157.38t
Turkey*	619.28	3.1041604	419.06	419.06	
Chinese Taipei	61.48	0.3081704	41.6	41.6	
TOTAL	19,950.00	13,500.00	13,500.02	13,498.62	

* Objection to 2007-2010 quota (Annex 4 of Rec. 08-05).

** Includes voluntary reduction of 18 t.

**BLUEFIN TUNA CATCH REPORT SUMMARY AND NUMBER AND
TOTAL CATCH OF 2009 BCDS REPORTED TO THE SECRETARIAT (AS OF FEB. 26, 2010)**

2009		Flag										TOTAL	
Catch (kg)	Month	Algeria	China, P.R.	Croatia	European Union	Japan	Korea, Rep.	Libya	Morocco	Tunisia	Turkey		
	1				12.2			0	0		0	12.2	
	2				12.8			0	0		0	12.8	
	3				30.2			0	0		0	30.2	
	4	3.38		6.4	116.6			0	398.42	122.35	4	651.15	
	5	219.44		354.71	3427.9		0	266.77	1609.07	117.54	123.75	6119.17	
	6			247.79	4040.6		102.35	814.88	266.39	1691.83	537.72	7701.56	
	7			0.49	2291.6				2.27		0	2294.36	
	8			0.72	687.5	0						688.22	
	9		9.17	0.29	168.2	310.5						488.15	
	10		0.03	1.24	184.8	979.64						1165.7	
	11			4.27	40.4	515.44						560.11	
	12			1.84	44.1	39.23						85.16	
Total catch		222.82	9.19	617.73	11056.9	1844.81	102.35	1081.64	2276.15	1931.72	665.47	19808.79	
Initial Quota Rec. 08-05		1117.42	61.32	641.45	12406.62	1871.44	132.26	946.52	2088.26	1735.87	683.11		
Adjustments		0	-22.05	-1.45	-500	0	0	145.25	311.74	202	0		
Adjusted Quota		1117.42	39.27	640	11906.62	1871.44	132.26	1091.77	2400	1937.87	683.11		
% Initial Quota		19.94	14.99	96.3	89.13	98.58	77.39	114.28	109	111.28	97.41		
Adjusted Quota		19.94	23.41	96.52	92.86	98.58	77.39	99.08	94.84	99.68	97.41		
		Albania	Algeria	China P.R.	Croatia	European Union	Japan	Korea Rep.	Libya	Morocco	Tunisia	Turkey	TOTAL
No. BCDS	2				23	796		5	163	198	86	128	1401
Catch (t)	50				4	5043		102	964	2274	1546	661	10646

SUMMARY OF AUTHORIZED JOINT FISHING OPERATIONS 2007-2009

Paragraph 13 of the *Recommendation by ICCAT to establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 06-05] stipulated that “concerned” flag States would transmit to the Secretariat the composition of the operators involved and the duration of joint fishing operations (JFO). In 2007, this information was not transmitted to the Secretariat and hence no information concerning the JFOs during the 2007 fishing campaign is available at the Secretariat.

Paragraph 18 of the *Recommendation Amending the Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 08-05] established that Contracting Parties (CPCs) involved in JFO should transmit information to the ICCAT Secretariat at least ten days before the start of the operation. It also stipulated that a record of the authorized JFOs should be established.

It should be noted that for 2008 there is a difference between the figures received at the Secretariat and the figures informed at the inter-sessional meeting of the Compliance Committee. The number of JFOs per year is shown in the table below.

The complete information (duration, operators, individual vessels' quotas, allocation key, the fattening or farming farms of destination) – as presented in the tables annexed to the Secretariat reports to the Compliance Committee in 2008 and 2009 – is available upon request to the Secretariat.

Number of JFOs in which CPCs participated in 2007-2009

<i>CPC</i>	<i>2007</i>	<i>2008 information reported to Secretariat</i>	<i>2008 information reported at COC 2009</i>	<i>2009</i>
Albania	No info.	0	0	0
Algeria	No info.	0	0	0
China (People's Rep.)	No info.	0	0	0
Croatia	No info.	1	0	0
Egypt	No info.	0	0	0
European Union	No info.	10	6	10
Iceland	No info.	1	1	0
Japan	No info.	0	0	0
Korea (Rep.)	No info.	1	1	1
Libya	No info.	12	8	6
Morocco	No info.	2	3	2
Norway	No info.	0	0	0
Syria	No info.	0	0	0
Tunisia	No info.	2	2	0
Turkey	No info.	2	2	2
Chinese Taipei	No info.	0	0	0