

REPORT OF THE 9th MEETING OF THE WORKING GROUP ON INTEGRATED MONITORING MEASURES

(Barcelona, Spain - May 22 to 24, 2014)

1. Opening of the meeting

The Chair of the Working Group, Mr. Taoufik El Ktiri, opened the meeting and welcomed the delegates to the Ninth Meeting of the Working Group on Integrated Monitoring Measures.

2. Election of the Chair

The PWG Chair, Mr. Taoufik El Ktiri chaired the meeting.

3. Adoption of agenda and meeting arrangements

Turkey requested discussion of artificial reproduction of bluefin tuna by Turkish aquaculture operators under “Other matters.” This was accepted by the Delegations.

The United States requested to discuss the removal of measures from the Compendium as detailed in a U.S. letter to the Secretariat (Circular #2796 / 2014) and comments by Japan (Circular #2822 / 2014). They also requested discussion on the document “Draft Recommendation by ICCAT on Monitoring and Avoiding Cetacean Interactions in ICCAT Fisheries”. The Delegations accepted discussions of both of these issues under “Other matters.”

The meeting agenda is attached as **Appendix 1**.

The Executive Secretary introduced the following CPCs that attended the meeting: Algeria, Brazil, Canada, China, Cote d’Ivoire, Egypt, European Union, Ghana, Republic of Guinea, Japan, Republic of Korea, Morocco, Mauritania, Namibia, Nigeria, Norway, Sao Tomé and Príncipe, Senegal, Turkey, Tunisia, the United States, and Uruguay.

The Executive Secretary also introduced Chinese Taipei and Suriname as Cooperating non-Cooperating Parties, Entities, or Fishing Entities attending the meeting.

The following non-governmental organizations were admitted as observers: ISSF and Pew Environment Group, and the World Wildlife Fund.

The list of participants is attached at **Appendix 2**.

4. Nomination of rapporteur

Ms. Emma Htun (United States) was appointed rapporteur.

5. Review of operational details of ROP-TROP to cover the 2015 time/area closure

The Executive Secretary briefly summarized the technical difficulties that led to the cancellation of the ROP this year and reminded CPCs to provide their fishing plans as soon as possible to avoid a repeat of last year’s issues. The contract for the provision of the ROP services by Cofrepeche is due to expire at the end of October 2014, before the Annual Meeting.

The CPCs then took note of the ROP-TROP Programme Manual provided by the Consortium. There was general discussion of the useful nature of the Manual, but some CPCs noted that its scope was broader than necessary for the Regional Observer Program in Rec. 11-01. There was general agreement that CPCs required more time to review the ROP-TROP Manual before it could be finalized and would provide any comments to the Executive

Secretary. One CPC requested that the Manual be translated into English and uploaded onto the ICCAT server.

Regarding the formal disposition of the ROP-TROP, there was agreement among CPCs that the issue of whether the program should be terminated or continued must be decided by the Commission. The two CPCs directly involved with the ROP-TROP stated that they preferred the use of national scientific observers in place of the ROP, and would seek to amend the Rec. 11-01 at the Annual Meeting to terminate the ROP. Given the procedural, legal, and financial situation surrounding the implementation of the ROP-TROP, two CPCs suggested the way forward for 2015, would be to implement the ROP-TROP in 2015 and consider changes for 2016 and onward at the 2014 Annual Meeting. The European Union and Ghana consider that the implementation of the ROP-TROP in 2015 should take into account the financial contributions already paid by the ship owners for the previous expected implementation of the ROP-TROP.

In any case, the Secretariat informed the Working Group that it would circulate the request for the ROP-TROP 2015 season as early as possible in order to determine contractual needs.

6. Progress on the development of the eBCD system

The Chair of the eBCD Technical Working Group, Mr. Neil Ansell (EU) presented an overview of progress on the development of the eBCD system, including technical, policy, and contractual issues. These issues are detailed in the report of the eBCD Technical Working Group (**Appendix 3**). During the Barcelona intersessionals, the TWG discussed 12 policy issues referred to IMM from the March 2014 PWG Meeting in Madrid to facilitate discussion on the development of the eBCD system.

The TWG also discussed a means by which to maintain the services of the Consortium after their contract expires at the end of May 2014. There was consensus that the contract should be extended until the end of June 2015. The CPCs generally agreed with the TWG that in developing the contact extension, the tasks to be completed by the Consortium must be clearly prioritized and distinguished between those that had not yet been completed under the original contract for no additional cost, and those that would be new under the contract extension. The CPCs also recommended that the Secretariat pay an additional 157, 715.16 Euros charged by the Consortium for tasks completed outside the purview of the original contract.

The Executive Secretary informed the Working Group of the possibility of getting further funding for the eBCD system under the Global Environmental Facility (GEF) and questioned whether there was any objection to this possibility. The Working Group encouraged further discussions with GEF.

In an effort to clarify and amend certain aspects of the bluefin tuna catch documentation program and facilitate the application of the eBCD system, the United States introduced the document “Draft Recommendation by ICCAT to Clarify and Amend Aspects of ICCAT’s Bluefin Tuna Catch Documentation Program to Facilitate the Application of the eBCD System” to amend [Rec. 11-20]. Following discussion, a revised version of this document is attached as **Appendix 4**.

Although no consensus was reached, it was agreed that this document would be forwarded to the Commission to provide a basis for further discussion. It was noted that, depending on how certain issues were resolved, there could be a need for additional adjustments to the eBCD system.

The observer from Pew Environment Group presented a statement concerning the proposed exemption of internal sales from the eBCD, and the importance of ensuring that the eBCD tracks the significant majority of Atlantic bluefin catch and trade internationally and domestically, which is attached as **Appendix 5**.

7. Consideration of possible amendments to statistical and catch document programs

Japan referred to the draft recommendation on possible amendments to the statistical documentation program for bigeye tuna, which was submitted to the 2013 Annual Meeting, and stated that it did not want to discuss the draft at this time for several reasons.

First, Japan noted that a number of CPCs generally wished to avoid duplication of other trade documentation schemes. Several CPCs expanded on this point, emphasizing the need for harmonized documentation schemes. Second, Japan and other CPCs cited the current FAO process initiated at COFI to develop global standards for

catch documentation schemes. CPCs noted that it would be important to take these discussions into account in the development of any additional ICCAT schemes.

8. Review of at-sea vessel sighting and inspection programs, including high seas boarding

The United States introduced the document “Draft Recommendation by ICCAT for a Joint International Inspection Scheme”, which is a proposal for a joint high seas inspection and boarding regime co-sponsored by Canada, the European Union, and the United States and is attached as **Appendix 6**. The proposers noted that the proposal drew from other instruments, including the schemes that are being implemented in other RFMOs and the provisions of Annex VIII of Rec. 13-07. The draft, which would replace the current ICCAT scheme in Rec. 75-02, was also meant to provide a starting point for discussion on how the scheme could provide opportunity for all members, regardless of their capacity to deploy patrol vessels, to participate in the scheme.

There was no consensus on the proposal. While some CPCs noted that ICCAT already had a joint international inspection scheme (Rec. 75-02), others stated that such a joint inspection was voluntary and that they could not accept any regime that infringed upon the sovereignty of a CPC that was not voluntary in nature or based on the establishment of a ICCAT inspection vessel not flagged to any particular CPC to ensure reciprocity.

The Chair reminded CPCs of the mandatory nature of the inspection scheme in the eastern Atlantic bluefin fishery. One CPC mentioned that this scheme was in conformity with the Convention. One CPC noted that if members involved in that fishery agreed to that scheme, that did not mean that the scheme should be extended to all CPCs.

The proponents expressed their willingness to work with CPCs to address their concerns and their desire to continue discussions of this issue.

9. Review of Rec. 03-14 on VMS and consideration of necessary amendments

The United States introduced a proposal for setting the current VMS transmission rate co-sponsored by the European Union, Norway, Turkey, and Senegal. The proposal introduced a “step-down” approach which increased the transmission rate to 4 hours through December 31, 2015, then to 2 hours starting January 1, 2016. Noting that current technological advances made costs negligible, and that current SCRS advice calls for a 1 hour transmission rate, other CPCs offered their support for the proposal. Upon invitation by the Chair, the SCRS Chair emphasized the importance of detailed VMS information to help characterize fishing effort.

Citing continuing cost implications as well as a need to harmonize with other tuna RFMOs that utilize a 4-hour transmission rate, other CPCs supported a 4-hour transmission rate.

The sponsors of the original proposal introduced an amended version joined by Canada and Ghana. This version called for a 4-hour transmission rate. The proposal also encourages CPCs to adopt more stringent measures domestically and calls for the Commission to review the proposal no later than 2017 to determine any revisions, including further increases to the rate. There was general support for the concepts contained in the revised version. Following further discussion, a revised version by the title “Draft Recommendation Amending the Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System (VMS) for the ICCAT Convention Area” with one pending issue has been submitted and is attached as **Appendix 7**. The Working Group referred the document to the Commission for consideration and possible adoption at the 2014 Annual Meeting.

Côte d’Ivoire requested revision of Rec. 03-14 to reflect the legitimate right of coastal states to be informed about the presence of foreign vessels in their EEZ. It stated the intention to submit a draft proposal to PWG for consideration at the next meeting of the Commission.

10. Consideration of rules for submitting vessel lists

The Chair called up for discussion the document “Clarification of rules for submitting vessel lists” and its addendum, which is a list of issues regarding vessel lists on which the Secretariat requested clarification and guidance from CPCs. The list had been discussed at the 2013 Annual Meeting and the COC, but some issues had

been referred to IMM.

CPCs noted that though this Working Group could provide guidance on these issues to the Secretariat and make recommendations for the Commission to take up at the Annual Meeting, the IMM Working Group's recommendations would have to be approved by the Commission before action could be taken.

This list of all the Secretariat's questions is attached as **Appendix 8**. The following is the discussion provided by the CPCs, separated by sections and specific questions.

Section 1. Vessels 20m+, Rec. 11-12

Question 1 re: inclusion of vessels past 30 days

CPCs noted that the Secretariat does not have the mandate to deny vessel registrations, nor should it be put in the position to act as a gatekeeper. They advised in this situation that the Secretariat should still include the vessel on the list, but note the late submission so the CPC is aware of the 30-day rule and inform the Compliance Committee to take any necessary appropriate action.

Additionally, CPCs generally noted that this issue should be treated with flexibility, and that a recommendation to the Commission may be necessary.

Question 2 re: confidential information

Most CPCs were of the view that the Secretariat should not list those vessels for which CPCs provided incomplete information – i.e. missing one or more components of the list of 9 elements in Rec. 13-13 – noting that CPCs shall submit all the required information but may request the Secretariat not to publicize certain information due to domestic confidentiality requirements.

The United States disagreed with this view, interpreting Paragraph 4 of Rec. 13-13 to allow a CPC to withhold confidential information because such information is not to be maintained in the ICCAT Record – in such a case, the Secretariat would still list the vessel, but would note the confidentiality issue and refer the issue to the Compliance Committee to determine if there is a compliance concern.

Clarification re: carrier vessels

The current understanding is correct.

Section 2: BET/YFT vessels – TROP, Rec. 11-01

The CPCs noted that this issue will be referred to Panel 1.

Section 3: E-BFT Catching Vessels, Rec. 12-03/[13-07]

There was no comment by CPCs on Section 3.

Section 4: E-BFT Other vessels, Rec. 12-03/[13-07]

Questions 1 and 2

There were no diverging views from the clarifications the Secretariat had previously received from Panel 2 / COC.

Question 3 re: other vessels

Many CPCs were of the opinion that self-registration in the eBCD system was sufficient. Notwithstanding, it was agreed that by-catch vessels may be included in the BFT "Other vessels" list pending full implementation of the eBCD system.

Question 4

There were no diverging views from the clarifications the Secretariat had previously received from Panel 2 / COC.

Section 5: Transshipment, Rec. 12-06*Question re: carrier vessels*

It was generally agreed that the initial lists should be provided by 1 January but that changes could be submitted at any time. Additional vessels included on the list should not engage in transshipment activity until they appear on the ICCAT Record.

CPCs advised that retroactive reporting could be allowed for carrier vessels, provided that no transshipment takes place until the vessel is on the ICCAT Record.

Question re: longline vessels

CPCs advised that retroactivity could not be allowed for longline vessels.

Section 6: List of Mediterranean Swordfish Vessels, Rec. 11-03

CPCs generally agreed with the interpretation of the Secretariat. They reasoned that the submission of an annual list was desirable to prevent inactive fishing vessels from remaining on the ICCAT Record.

Section 7: List of Northern Albacore Vessels, Rec. 98-08

CPCs generally agreed with the interpretation of the Secretariat. They reasoned that the submission of an annual list was desirable to prevent inactive fishing vessels from remaining on the ICCAT Record.

Some CPCs noted that as the list is tied to a measure dealing with limiting capacity that had later been superseded, there is an underlying issue of whether the Secretariat even had to maintain the vessel list anymore, which may need to be discussed by the Commission.

Question “Clarification of rules for submitting vessel lists” (Addendum 1 of Appendix 8)

Due to concerns by some CPCs that this question was more appropriate for the Compliance Committee, this question was deferred to the Annual Meeting.

11. Consideration of capacity building for developing countries

There were two documents discussed under this agenda item. The first document was titled “Request from the Secretariat for Clarifications of Provisions Contained in ICCAT Conservation and Management Measures”, which is a request for clarification from the Secretariat on port inspections. This document, which contains the entirety of the Secretariat’s questions, is appended as **Appendix 9**. The second document, which was introduced by the United States, “Draft Recommendation by ICCAT to Support Effective Implementation of Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port (Rec. 12-07)”, is a proposal on facilitating capacity building to implement port inspection measures in developing countries and is attached as **Appendix 10**.

Request from the Secretariat for Clarifications of Provisions Contained in ICCAT Conservation and Management Measures*Question 1 re: authorised ports*

There were varying views of CPCs as to whether it was the duty of the flag CPC to prohibit their vessels from entering non-authorised ports. Some CPCs opined that it was duty of the flag CPC. Others said that the baseline obligation would be for the flag CPC to publicize the list of authorised ports to their vessels, but that they would not be obliged to mandate that their vessels not enter unauthorized ports. Some CPCs wished to note that as Rec.

12-07 applies only to foreign fishing vessels, only those CPCs who wished to grant port access to foreign fishing vessels must send their lists to the Secretariat.

Question 2 re: “foreign fishing vessels”

CPCs generally advised that carrier vessels are included but container vessels are exempt, in line with the FAO Port State Measures Agreement. On the exemption of container vessels, Japan noted in particular that it accepted the Recommendation specifically due to the understanding of this exemption and will not accept any other interpretation of the measure.

Question 3 re: reports without infringements

Several CPCs considered that the Secretariat should publish on the secure section of the ICCAT website all inspection reports provided by the CPCs, regardless of whether there are infringements. Others were of the view that they should be filed at the Secretariat for consultation on request.

Support Implementation of Minimum Standards

The document introduced by the United States is a proposal which would set a specific fund for “Monitoring, Control, and Surveillance” to provide technical assistance, informed by periodic reports to the Secretariat from developing CPCs on their implementation and challenges related to Rec. 12-07.

Several CPCs fully supported the proposal, noting that it reflects the needs of developing states for substantive support to improving their port inspection schemes but have expressed the need for broader coverage. It was also noted that port inspection deficiencies concern both developing CPCs and developed CPCs. Others declared the proposal a step in the right direction and provided a good basis for discussion, but noted that part of the discussion of this proposal must take place at the STACFAD as it involves budgeting including the use of the Working Capital Fund. Questions on the scope of the capacity-building activities contemplated in the proposal were also raised.

Referring to the creation of a specific fund, the European Union expressed concern on the potential administrative burden an additional fund will have for the ICCAT Secretariat, pointing out at other alternatives and effective means for capacity building implemented in other tuna RFMOs.

It was agreed that the Secretariat could continue to monitor developments in the IOTC electronic port measure scheme.

There was no consensus on the proposal, but general support. The United States will work with interested Delegations to further revise the proposal for presentation at the next Annual Meeting in November.

12. Review of Rec. 11-16 on access agreements

The Chair opened the floor for discussion on the document of the PWG “Draft Recommendation by ICCAT on Access Agreements”, which was submitted to the Plenary at the 2013 Annual Meeting. While there was general consensus at the Annual Meeting, one CPC still had reservations.

The CPC in question withdrew all reservations and gave support for its adoption. The draft recommendation will go to the Commission in November and is attached as **Appendix 11**.

13. Other matters

Removal of measures from the active Compendium

The Chair opened the floor for discussion on two documents: a U.S. letter on the removal of measures from the Compendium and Japan’s comments. The measures in question are those that the Secretariat had circulated to CPCs to suggest removal from the active Compendium due to redundancy or having been superseded by other Recommendations.

CPCs agreed to discuss the measures that fell under the purview of the IMM Working Group and provide the following recommendation to the Commission:

- The following measures should be removed from the active Compendium: [Rec. 11-21], [Rec. 00-22], [Res. 02-25], and [Res. 01-20].
- The following measures should be retained in the active Compendium: [Rec. 10-11] and [Rec. 06-16].

CPCs committed to reviewing electronically the remaining measures flagged by the Secretariat and to provide comments on their removal or retention by June 30, 2014. The Secretariat will then compile all the views of the CPCs and submit the compilation to the Commission at the Annual Meeting for its consideration and action.

Turkey

Turkey raised for discussion the issue of a pilot Turkish aquaculture project on artificial bluefin tuna reproduction. CPCs suggested that the issue be first raised at Panel 2 and PWG in the context of procedures required for identification, treatment, and trading of such products.

Monitoring and avoiding cetacean interactions

The United States introduced the document “Draft Recommendation by ICCAT on Monitoring and Avoiding Cetacean Interactions in ICCAT Fisheries”, which builds on existing ICCAT measures for other bycatch species, and noted that the proposal included monitoring aspects relevant to the IMM Working Group’s purview.

Some CPCs offered support and noted that the proposal spoke more generally to conservation issues and so should be raised in Panel 4. Norway recalled that management of marine mammals is already under the competence of other international organizations such as the North Atlantic Marine Mammal Commission. Japan requested the United States to provide a clear scientific basis for this proposal.

The proposal was deferred to Panel 4, and the document is attached for reference as **Appendix 12**.

14. Adoption of report and adjournment

The report was adopted and the Chairman adjourned the meeting.

Appendix 1

AGENDA

1. Opening of the meeting
2. Election of Chair
3. Adoption of agenda and meeting arrangements
4. Nomination of rapporteur
5. Review of operational details of ROP-TROP to cover the 2015 time/area closure
6. Progress on the development of the eBCD system
Consideration of outstanding policy and technical issues
 - Decision on the contract extension with the consortium
7. Consideration of possible amendments to statistical and catch document programmes
8. Review of at-sea vessel sighting and inspection programs, including high seas boarding and inspection, and consideration of necessary measures
9. Review of Rec. 03-14 on VMS and consideration of necessary amendments

10. Consideration of rules for submitting vessel lists for inclusion on the ICCAT Record
11. Consideration of capacity building for developing countries and any other necessary actions for the implementation of Rec. 12-07
12. Review of Recommendation 11-16 on access agreements and proposal of amendments if appropriate
13. Other matters
14. Adoption of Report and adjournment

Appendix 2

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Appendix 3

TECHNICAL ISSUES OF THE eBCD TECHNICAL WORKING GROUP MEETING REPORT

(Madrid, 21-24 January 2014)

The technical issues discussed by the WG were based on:

- those listed as 'open' issues in document IMM-017 (Sapporo IMM, July 2013);
- new issues received from CPCs (either directly to TRAGSA or WG since IMM 2013); and
- issues raised by WG members throughout the meeting.

Related issues have been grouped where applicable.

1. Interface with other domestic Electronic Reporting Systems

Although this matter was previously considered a 'low/medium priority' by the WG subject to completed and fully functional eBCD system, a common approach to the issue was agreed at the September 2013 WG meeting, and TRAGSA had been requested at that time to analyze the resource implications of developing their web service proposal and submit it to the WG as soon as possible and before the 2013 ICCAT annual meeting.

It was reminded that TRAGSA may be requested by CPCs to develop their own requirements subject to further discussions/agreement by WG/Commission on financial aspects.

2. Sport and recreational fisheries

Deferred to PWG – see **Appendix 3, Addendum 2**, item 1 “Policy issues referred to the Commission”.

3. Domestic trade

Deferred to PWG – see **Appendix 3, Addendum 2**, item 7.

4. Tagging

In order to cater for the current practice of the recording and treatment of tagged BFT both in the Western and Eastern fisheries, the WG requested TRAGSA to include the following functionalities in the eBCD system:

<i>W-BFT</i>	<i>E-BFT</i>
Remove optional function for entering information on each tagged fish (i.e. System should require the entry of information on each tagged fish for WBFT).	Retain as optional function for entering information on each tagged fish.
Remove checkbox ‘send to validation’ in situations where tag information is entered individually for each fish.	Retain checkbox ‘send to validation’, which would be optional if tagged fish information is completed and required if no tagged fish information is entered.
Retain ability to upload .xml file containing tagging information. If numbers of tags do not match the number of bluefin tuna, require validation.	Retain ability to upload .xml file containing tagging information. If numbers of tags do not match the number of bluefin tuna, require validation.
	Add a new free text field ‘Tag number range’.

Notwithstanding this temporary request, the overall issue was deferred to PWG – see **Appendix 3, Addendum 2**, item 8.

5. Treatment of dead fish [in purse seine fisheries]

Deferred to PWG – see **Appendix 3, Addendum 2**, item 2.

6. Joint Fisheries Operations

Deferred to PWG – see **Appendix 3, Addendum 2**, item 3.

7. By-catch

In order to cater for the current practice of recording and generation of an eBCD for by-catch (with respect to the eastern fishery) and the recording and generation of an eBCD for catch made by an authorized but unlisted vessel (with respect to the western fishery), the WG requested TRAGSA to include the following functionalities in the eBCD system:

<i>Operator self-registration and generation of eBCD for non-listed vessels West</i>	<i>CPC self-registration of non-listed vessels and CPC administrator/operator generation of eBCDs East</i>
In case of user self-registration, system generates an e-mail alert to his/her CPC authorities (administrator) once a new user inputs required registration information.	Operator (fisherman) informs CPC authorities of by-catch and/or registration request for non-authorized vessel.
CPC Administrator approves (or not) the self-registration request.	CPC Administrator enters new un-authorized vessel(s) into eBCD system.
System generates an e-mail alert to the applicant informing them that the information provided has been accepted (or not). If accepted, new username and password is generated and automatically transmitted to applicant.	System generates an e-mail alert to operator informing him/her that application is accepted together with account information (username and password).

<i>Operator self-registration and generation of eBCD for non-listed vessels West</i>	<i>CPC self-registration of non-listed vessels and CPC administrator/operator generation of eBCDs East</i>
New user (operator/fisherman or trader) can then log into the eBCD system and input catch or catch and trade information for bluefin tuna. Data for a non-listed vessel is entered through a free text field that provides for the entry of vessel name and national ID number. (Note need for development of a new user profile that allows one user to enter information related to both catch and first trade.)	Operator logs into system and enters catch/system generates BCD etc. AND/OR CPC Administrator remains in system and enters catch/system generates BCD etc. (if this option automated e-mail from previous step not needed).
CPC administrator is not required to approve unlisted vessel information entered in free text field. (Note: Not all western harvesters attended the January 2014 meeting. Depending on the requirements of those not in attendance, the ability to approve unlisted vessel information entered in the free text field may be requested. If requested, system should alert the CPC administrator when unlisted vessel information is entered and request approval/acceptance of entry. Once approved, system should generate an e-mail alert to user indicating that trade can continue.)	

Notwithstanding this temporary request, the overall issue was deferred to PWG – see **Appendix 3, Addendum 2**, item 4.

8. Carry-over in farms

Deferred to PWG – see **Appendix 3, Addendum 2**, item 12.

9. Inclusion of Pacific BFT and access by non-member CPCs

Deferred to PWG – see **Appendix 3, Addendum 2**, item 11.

10. Trade of <3/1 ton fish

Deferred to PWG – see **Appendix 1, Addendum 2**, item 5.

11. Grouping, splitting and numbering

Grouping

In order to reflect the requirements of paragraph of Rec. [11-20], it was agreed that:

- A 'grouped eBCD' can only be created by the farm user in the system.
- Upon entry and selection of the 'grouping function' by the farm user the system will create a new 'grouped eBCD' labeled with the prefix '-G'. All originating eBCDs will then be closed and linked to this eBCD-G.
- Information in sections 1-4 will be automatically summed by the system and displayed in eBCD-Gs (i.e. total catches, total live traded).

- For each eBCD-G the system will display (both on screen and in the printed version) the originating eBCD numbers (i.e. the non-grouped BCDs).

Splitting/numbering/trade key

Within the trade, transshipment, farming and harvesting sections, as provided for under Rec. [11-20], when a consignment is divided, eBCD supplementary numbers or branches are applied with the prefix.

The current eBCD system generates the trade key only in the trade section. One WG member, however, made the request to generate the trade key in all sections.

TRAGSA reminded the WG that if the key is generated in the catch section, access will be given to all related eBCD (splits) from that catch. As such this issue is also linked to the point 16 and remains open.

This aspect the trade key functionality was referred to PWG – see **Appendix 3, Addendum 2**, item 7.

12. Document annexing

The possibility to annex information to the live fish trade and trade sections of the BCD as well as under ‘transportation description’ is provided for in Rec. [11-20].

This feature shall be incorporated into the eBCD and facilitate uploading and viewing of trade related documents (invoice, bill of lading etc.). The format of these documents shall only be .pdf.

An annex field shall be included under the notes field in the catch description section and other sections as per the paper BCD.

The possibility to view these documents will only be made available to validator user accounts.

It was not agreed whether an administrator user profile has read/write access and given the link with point 16, this item remains pending.

13. JFO 'multi-flag/trade' functionality

The system shall facilitate the entry of JFOs comprising vessels of more than one flag and or trade companies in accordance with the relevant provisions of Rec. [11-20] and [13-07].

14. Multi-live trade

The possibility to enter further live trades prior to caging (farming) shall be developed.

15. System capacity

In general, WG members agreed that the system capacity (speed in particular) must be significantly improved and additional servers made available in accordance with the system requirements and expected user traffic.

TRAGSA stated that this issue will be addressed but noted that only following an extensive use/testing of the system by all users, will the adequacy of the current capacity be properly tested.

One CPC requested an offline functionality to reduce satellite communication time at sea. Although it was noted that the original specification of the system required an online system, it was agreed that this would need to be further discussed and agreed if such functionality was to be developed.

16. Data extraction tool and general security/confidentiality requirements

Deferred to PWG – see **Appendix 3, Addendum 2**, item 10.

17. Importer/Buyer field in Trade Section

Deferred to PWG – see **Appendix 3, Addendum 2**, item 6.

18. User functionality

As previously discussed and although largely addressed, further attention shall be given to improve user functionality. In particular, the list of fishing gears in the pull-down menus in the catch section shall be amended only to reflect what applies to a particular fishery, for example Mediterranean or trap as a gear choice shall not appear as options if W-BFT is selected, and so on.

In particular, TRAGSA demonstrated that the BCD user listing [where ‘open’ and ‘pending’ BCDs are displayed] will be improved to enhance usability.

TRAGSA informed the WG that further work will be undertaken in this regard.

Following the request of the one WG member, a profile of a view function for importing CPC was to be developed to facilitate the reading and printing of eBCDs (i.e. a user without the digital security installed such as those used for ‘validators’). However, TRAGSA explained that ‘administrator’ profile does not need to install the digital security while ‘validator’ does. Upon this explanation by TRAGSA, the WG member has withdrawn its request.

Another CPC member requested an additional administrator profile with only ‘read’ access (in addition to the ‘read/write’ access profile).

19. Requirement for additional/corrections to ‘alert’ functions

Alerts have been developed in the system directed to users and validating authorities, they concern errors in data entry as well as the entry of potentially non-compliant information.

A number of corrections and additions were noted by the WG, including:

- A new alert when the 5% limit of minimum size (8 to 30 kg) is exceeded (Rec. 12-03, Para.31) (in addition to the alert for fish entered under 30kgs which is already reflected in the system).
- Currently an error alert is generated when catches beyond an individual quota (IQ) for vessels operating in the eastern Atlantic and Mediterranean fishery is entered; however these quantities can still be validated with the message *“You are validating even with error alert. Do you continue a validation?”* This shall be removed with no possibility to validate quantities in excess of IQs.
- When validation date is later than the actual validating date, the *“Validation date cannot be earlier than the date of this section”* is displayed - this shall be corrected.
- Since the ‘send to validation’ label is only included at the end of Section 2, it was considered necessary to include a reminder at the end of Section 3, stating ‘please remember to send to validation’.

20. Conversion factors and biological parameters

As previously agreed by the WG, biological parameters relating to BFT, including growth rates, length weight relationships and conversion factors shall be integrated into the system and system alerts generated if and when applicable.

At the time of the WG meeting, parameters including conversion factors were not available. The WG requested the Secretariat to provide TRAGSA the current conversion/growth factors adopted by

SCRS/Commission for integration alongside new parameters when they become available.

In addition and as required in the original system requirements, an analytical data function (i.e. a series of queries) shall be developed allowing data to be selected and exported for further analysis.

TRAGSA reminded the WG, that this function has not yet been developed.

21. Editing functionality

Previous WG discussions considered what actions a validator was entitled to do in the context of the BCD programme.

It was decided and confirmed that validators only have user rights for validation and no administrative rights to edit eBCD unless separately designated to do so by their CPC authorities (i.e. listed both as a validator and administrator user).

Following a 'rejected' validation and the returning of the eBCD to the previous user, an additional functionality (editing) is required to allow these users the possibility to amend/correct information.

22. Regional Observer Programme

In light of the decisions of the WG and the Commission in 2013 it was confirmed that the development of the check box and date in the farming and harvesting sections indicate the presence of the regional observer as well as whether they have signed or not in accordance with the provisions of para 87 and Annex 7 of Rec. [13-07].

Given that access to the eBCD system requires a user profile which is communicated by an e-mail, a list of current [deployed] e-mail addresses of regional observers shall be maintained. It was noted again that no provision to do so is currently provided for in Annex 7 of Rec. [13-07].

The level of access to the eBCD system was discussed and, specifically, which eBCDs each deployed regional observers will have access to (e.g. all eBCDs relating to the farm on which they are deployed, or only those related to the operations they are observing). It was agreed that the access to information for the regional observer shall be discussed under the general confidentiality and security discussions under point 16.

On account of the last two points, deferred to PWG – see **Appendix 3, Addendum 2**, item 9.

23. Farm user view of trade section

One CPC member reported that farm users cannot view the trade section following validation.

TRAGSA recalled that this was due to the fact that the farm and the trader have different user profiles. Hence, if the farm user is also listed/registered as a trader they will be able to view the trade section.

The issue of when the buyer information needs to be completed was discussed in relation to this point; however, this is still pending the decision of the Commission (see point 17).

24. Format of eBCD printed version

It was previously agreed that where possible and without prejudice to any amendment/repealing of Rec. [11-20], the printed version of the eBCD shall be the same format/structure as the current paper BCD programme.

The WG discussed a number of technical examples to ensure that this is maintained, in particular:

- The validation seal field in the printed version of the eBCD currently contains the message '*this is an electronic BCD*' regardless of whether it has been validated or not.

It was agreed that a message should be included in the validation field seal indicating whether the BCD has been validated or not (i.e. 'validated' or 'not validated'). Furthermore if the consignment to which it relates is exempt of validation due to tagging, it should be indicated (i.e. 'Government validation is exempted in the context of Rec. 11-20').

An eBCD which has not yet been validated shall include in the validation seal field 'pending validation'.

25. Translation of eBCD system

In the technical specifications the system was requested to be developed in the three official ICCAT languages and specific to each user.

In order to cater for all commercial activities undertaken under the eBCD programme, the WG noted that additional flexibility was needed to allow each user to select languages while logged into the system and when printing eBCDs (i.e. each eBCD can be printed in any of the 3 languages regardless of the language of the user).

It was noted that field entries will not be translated (i.e. a farm name will not be translated).

26. Registry of trade agents

Following the request of one WG member, the profile of trade agents has been created based on the same read/write profile as importers/exporters.

Current functionality allows companies to be grouped for one or more trade agents. TRAGSA demonstrated this feature and as well as the functionality for this profile to be modified if needed.

27. Role of CPC administrator

Importing CPC administrators shall be able to amend the 'final' importers information if there is a change following the time of export/validation.

28. Other general improvement issues

The following issues were reported by one CPC and discussed/resolved:

- If an eBCD with error alert is edited and saved, sometimes the 'send to validation' box is not displayed and an e-mail alert is not sent to the validator; however, the validator is still able to view the eBCD. TRAGSA stated this potential error would be investigated and corrected.
- Sometimes an error alert is not displayed when a validation date is entered prior to the validation date of the previous section (there is a case of prior to more than one month). TRAGSA explained this could be a result of the flexibility built into the system to accommodate the 'time zone issue' discussed in July 2012; nonetheless, they would investigate and correct if needed.
- Despite previous decisions on the read/write access relating to those fields under the responsibility of the regional observer, an administrator was reported to be able to sign and enter data information in the farming and harvesting sections. It was agreed that this functionality should be removed from a CPC administrator profile and only granted to the ICCAT Secretariat administrator profile.

29. Transshipments

One member of the WG suggested that the 'transshipment' option could be deleted given the prohibition by ICCAT on at sea transshipment of bluefin tuna, while others stated that it should be retained since transshipment

in port was allowed. To ensure there was no confusion by users of the system on what transshipment activities were allowed, it was, therefore, suggested that the reference to transshipment be amended in the system to say 'transshipment in port'.

It was noted that Rec. [11-20] only refers to transshipment information and does not specify where it occurs, hence it was suggested that the position (Lat/Long) data field could be deleted. It was noted that the position field was a requirement of Rec. [11-20] and, therefore, any deletion would need to be agreed by the Commission or reflected in any amendment of Rec. [11-20].

The following additional issues related to transshipment in port were reported by one CPC and relayed to TRAGSA:

- A number of 'ports' relate to incorrect 'port states' (e.g. Cape Town – Japan).

The list of designated ports received under the provisions of Rec. [13-07] will be checked with the support of the Secretariat to see if there are mistakes in CPCs submissions or within the system. Alternatively, it may be that CPCs have designated ports in another CPC territory.

- Following a discussion on the system's ability to track product presentation during transshipments, it was decided that the system shall not generate alerts in the case of changes in product types between transshipments (i.e. fillets in the first transshipment and round in the second) but rather will include a check on plausible situations, hence would disallow entry of changes in product type that are not possible.
- Alerts shall be generated if the quantities traded are above those transshipped.

30. General issues associated with traders and registrations

The following issues were reported by one CPC and discussed:

- Similar to the last issue discussed in point 29, if different product types are selected between transshipment and trade (i.e. frozen in the transshipment and fresh trade), no error alert shall be generated upon validation. However, the system needs to differentiate between likely changes in product types and those which are impossible (i.e. the system shall allow a trade of 'frozen' products after they have been transshipped as 'fresh', but not a trade of 'whole' product if they have been transshipped as 'gutted and gilled') as explained in paragraph 29, bullet 2 above.
- It was demonstrated that several trades of one catch now have different branch numbers and reflect the splitting numbering agreed under point 11.
- The pull-down list of point of exportation in the Exporter/Seller file is composed of country names only.

It was recalled that the current provisions of Rec. [11-20] only require this information on importation and not exportation.

It was agreed to replace the drop down menu in the export field with a free text field to facilitate the entry of town/city/province.

- A number of cases of farm trades incorrectly saved on logout/login previously reported to TRAGSA were corrected and demonstrated.

31. Re-export certificate

The following issues were raised by one CPC and discussed/agreed:

- An annex field shall be included in the BFTRC as provided for under section 3 and 8 of the BCD.

- Further development is needed to ensure that the list of BCDs relating to imported products are correctly referenced and displayed in the BFTRC (currently catered under a 'batch' system).

In particular, an error alert shall be created if the quantities in the BFTRC exceed those of all originating BCDs.

The WG noted that some further discussion was needed on the final development in particular on the current 'batch' concept in order to facilitate the adequate recording and displaying of imported BCD numbers in the eBFTRC.

- A free text field is required when 'other' product presentation is selected.

32. Issues specific to the W-BFT fishery/WG members

It was agreed that TRAGSA will develop the following:

By-catch/directed fisheries

As referred to in point 18 above, further refinement should be made when displaying information in the system relevant only to the W-BFT fisheries:

- Type of catch ('by-catch' and 'directed' fishery) shall be deleted.
- A new profile "Western trader" shall be created. This new profile will be able to record new catches, register new vessels, and input trade data.
- One CPC WG member considers that the registry of new vessels shall be done directly in the system (user self-registration) while others prefer flexibility to send an annual list of vessels.
- The request of new user account must be approved by the CPC Authorities. TRAGSA and the ICCAT Secretariat recalled that during the transitional phase, each CPC will be required to send the list of traders, operators and vessels to TRAGSA for uploading into the system as required by para 2 of Rec. [13-17]. TRAGSA will upload this user information, although it was recalled that, at a certain point, any changes or new vessels, operators, and traders will need to be entered into the system by self-registration.*

*[Chair's comment: It should be noted that the deadline for the sending of this information as also requested in ICCAT Circular No. 0189 of 15/01/2014 was recently extended to 28 February 2015 during the March 2014 PWG meeting, as reflected in the report of that meeting page 5.]

Catch description/gear choices

As referred to in point 18 above, further refinement should be made when displaying information in the system relevant only to either the W- or E-BFT fisheries. Those recalled as reported by W-BFT in previous meetings include:

- The Catch Description for W-BFT in the eBCD system contains a field for the ICCAT Transfer Authorization which shall be deleted.
- RR (Rod and Reel) shall be added and FARM deleted.

Error and alert messages

For W-BFT WG members, the current error alerts are considered to be too limited and do not provide sufficient justification, which makes it impossible to determine where to make corrections (e.g. when saving eBCDs, the system sometime only provides an alert indicating that 'there was an error during saving' with no reason why).

It was agreed that errors messages in the W-BFT fishery need to be clarified and improved without risk to the information which has already been entered into the system.

Re-export certificate for W-BFT, including validation and process for handling re-exports of tagged fish held in cold storage after March 2015

Aspects of this issue were discussed under point 31, it was noted by W-BFT WG members that the ‘batch’ functionality, can be retained for W-BFT consignments; however, further information should be available for users on what this field represents and how it shall be completed.

It was suggested that the requirement to validate re-export certificates for tagged fish whose product form has not been altered should be reconsidered.

The WG also discussed how to handle the possible case of re-exports of tagged fish exported prior to the implementation of the eBCD system and held in cold storage.

These last two issues were deferred to PWG –see **Appendix 3, Addendum 2**, item 8.

33. Non-traded BFT

Deferred to PWG – see **Appendix 3, Addendum 2**, item 13.

34. Trade before validation

TRAGSA/ICCAT Secretariat raised the case where, in one WG member’s trap fishery, the trade takes place before validation of the catch and transshipment.

No system development was considered necessary in the system as the WG member concerned stated this will not occur in the future.

35. Trades companies of other country

TRAGSA/ICCAT Secretariat raised the case where BCDs have been received from companies registered in non-BFT catching CPCs.

This issue is linked to the security/confidentiality and access by non-ICCAT members referred to PWG (see point 16 above).

36. Parallel transfers from a live trade

TRAGSA/ICCAT Secretariat raised the cases where BCDs have been received indicating two live trades (so called ‘parallel transfer operations’).

The WG member, to whom this relates, explained this was due to insufficient category of the receiving towing vessel/cage and when one catch was divided/transferred to two towing vessels at the time of the first transfer operation.

It was agreed that functionality shall be developed to accommodate these operations, although without prejudice to any future decision of the Commission, it was agreed that each towing vessel shall have its own ICCAT Transfer Declaration (ITD) and, hence, be considered as two transfer operations in the system.

Addendum 1 of Appendix 3

SUMMARY REPORT OF THE eBCD WORKING GROUP MEETING

(Madrid, 21-24 January 2014)

1. Introduction

The eBCD Working Group (WG) was established in accordance with Rec. 10-11 to discuss and steer the

development, testing and implementation of the eBCD system.

During the 2013 Annual Meeting, the Working Group was given a clear instruction to continue their work and prioritize the resolution of the outstanding technical issues, collate those issues which need a decision of the Commission and facilitate the continuation of the programme including through a contract extension with the developing consortium (TRAGSA).

A meeting of the Working Group took place from 21-24 January 2014 inclusive, and the agenda and the meeting documents were uploaded on the SharePoint of the meeting (IMM-017, PWG-407, PWG-408, PWG-419) as well as the existing contract with TRAGSA, and further technical documents submitted by TRAGSA and Recs. 13-17, 12-03 and 13-07).

Participants included Canada, European Union, Japan, Morocco, Tunisia, United States and the ICCAT Secretariat.

Following general discussion on implementation of Rec. 13-17, it was agreed that a paper BCD would be treated as the original when a paper BCD and an eBCD version encoded by the Secretariat both exist.

2. Technical issues

Discussions on outstanding technical issues were based on those in Doc. IMM-017/2013 as well as additional issues in light of recent testing reported by Algeria, Japan, Morocco, Tunisia, Turkey, and TRAGSA. Many of the issues reported by CPCs were related to those already listed in IMM-017/2013 and hence were treated in turn. A number of new issues were also raised by participating CPCs throughout the meeting.

In total, 42 issues were discussed and resolved with only one remaining outstanding. The full list together with a description of each issue and the Working Group's decision are enclosed in **Appendix 3**. Issues which required significant discussions included those on tagging, bycatch, domestic trade and Joint Fishing Operations (JFOs) in the eastern fishery. It must be noted, that a number of items were considered to have policy implications, hence new technical issues may arise following any future decision of the Commission.

3. Policy issues

A number of policy issues have surfaced throughout the deliberations of the Working Group and ongoing development of the eBCD system. Policy issues are considered by the Working Group to be issues which may implicate an amendment or not to existing ICCAT conservation and management measures, and hence beyond their mandate. Some issues are clerical in nature and often only relate to a paper based reporting obligation which may not be technically compatible with the eBCD system, while others are considered more substantive in nature implying changes to current management measures (e.g. inclusion of sport and recreational fisheries).

The full list of policy issues referred to the Commission are enclosed in **Appendix 3, Addendum 2**.

4. Financial/contractual aspects

The existing contract with TRAGSA, which has already been extended, is due to expire in April 2014. As agreed by the Commission it was considered vital to maintain the services of TRAGSA in the ongoing development of the system, even if this goes beyond the timeframe and scope of their existing contract. Hence, the framework for a potential contract extension was agreed by the Commission in their last annual session together with the appropriate financial resources. In order to facilitate discussions on a contract extension, TRAGSA was requested to provide a preliminary estimate of their costs for 2014-2015 based on outstanding and new tasks (PWG-408/13).

The Working Group discussed this proposal and concluded some issues should have been completed under their current contract while others were indeed new tasks beyond the scope of the original specifications. The presentation of six month working schedules and the absence of number of resource units (e.g. person hours/days/months, equipment costs), however, prevented a more detailed evaluation by the Working Group.

It was therefore decided to request TRAGSA to re-submit a proposal for a one year period (1 May 2014- end April 2015) structured by system development, maintenance and support costs. Tasks shall include resource implications (both human and material) and number of units and their associated costs.

The following items were specifically requested by the WG to be removed from the extension proposal because these items were included in the existing contract or, in the case of the last two items, they were not part of the original contract specifications and did not need to be part of any extension:

- Delimitation of western and eastern bluefin tuna
- JFO multi-flag functionality
- Pacific bluefin tuna
- CPC Administrator for European Union
- Interface for electronic data exchange that includes at least catch and first trade information (the final scope to be defined as reflected in PWG 407/2013 point 1, Annex 1)
- Development for inclusion of sport and recreational fisheries (W/E BFT)
- Data entry of paper BCDs (scope to be defined)

The following items were specifically requested by the Working Group to be included in the extension proposal:

- A clear reporting and implementation schedule including the requirement for a mid-term report and deliverables, also mid-term progress meeting in Madrid (with eBCD Working Group)
- Data extraction tool to link BCD database and eBCD system (scope to be defined)
- Further elaboration of training manual for CPC end-users (i.e. developed in more detail for each fishing sector) and including references to ICCAT Recommendation No's
- One training course (FR, ES and EN) for "trainer of trainers" in early 2015
- Further training options (with itemized costs) for e-learning materials/courses

5. Next steps

It was agreed that the WG would meet in the margins of the inter-sessional meeting PA2, COC and PWG foreseen for the week 3-7 March 2014 to analyse this proposal and clarify any issues, including those that may arise from PWG discussions, prior to its formalization and implementation. In the meantime, TRAGSA confirmed that it would continue with system development, including many of the technical issues addressed both during the 2013 ICCAT annual meeting and the January 2014 Working Group meeting.

It was also agreed that an international role-play testing, if possible in the production environment, of the eBCD system would be planned at the above Working Group meeting and arranged by TRAGSA.

Addendum 2 of Appendix 3

POLICY ISSUES¹ REFERRED TO THE COMMISSION FROM THE eBCD TECHNICAL WORKING GROUP MEETING REPORT (21-24 January 2014)

Further details on each item, including technical details and previous deliberations of the WG can be found in Documents PWG-407/2013, IMM 017/2013 and eBCD WG meeting reports.

1. Sport and recreational fisheries

Previous discussions had not been conclusive on if and how the eBCD system should be developed to accommodate sport and recreational catches. The inclusion of sport and of recreational vessels was not considered appropriate by some WG members given existing conservation and management measures in place both the eastern and western stocks as well as new administrative burdens. The WG noted that this issue was discussed in the last Annual session in November 2013.

¹ Issues considered by the eBCD Working Group to be outside their mandate and which may imply a modification [or not] of ICCAT conservation and management measures.

Confirmation/clarification requested from the Commission

- Based on discussions of the Commission in particular during PWG in the 2013 annual meeting, sport and recreational fisheries both in the context of the eastern and western BFT fisheries will remain outside the scope of the eBCD Programme and hence will not be considered in eBCD system development.

2. Dead fish in purse seine fisheries

The WG previously agreed that the eBCD system needed to clearly distinguish between live fish trade and dead fish trade; furthermore quantities reported caught in the catch section must equal the quantities reported transferred/traded/dead in the live trade and transfer sections.

The WG agreed that if further transfers take place prior to farming, new transfer sections shall be generated by the system to facilitate the recording of dead fish at each transfer. It was noted that current conservation and management measures in particular, documentary and procedural elements, did not cover these operations, e.g., what documents shall accompany dead fish (either on the purse seine vessel or an auxiliary vessel) and how shall these operations be defined/considered.

Confirmation/clarification requested from the Commission

- System functionality shall require the total quantities reported in Sections 3 and 4 to equal the quantities reported in Section 2 – compliance alerts will be generated when this is not the case.
- The system shall facilitate the entry of dead fish at each transfer through the generation of new transfer sections.
- In order to provide instructions for system functionality, clear procedures for the reporting and recording of dead fish in purse seine fisheries are required in Rec.12-03/13-07.

It was noted by the Secretariat, that some CPCs in the past have not reported dead fish in the transfer section in the paper BCD, although less fish have been reported farmed than caught. Hence, it should be noted that any decision to amend existing ICCAT conservation and management measures would not resolve the issue of encoding paper BCDs issued throughout 2013.

3. Registering and treatment of Joint Fishing Operations

System functionality has been developed to reflect the current reporting requirements of Rec. 11-20 and 12-03/13-07. The issue of decimal places in the allocation key submitted in accordance with Annex 6 of Rec. 12-03/13-07 continues to cause issues due to incorrect and/or incomplete catch allocation. Also, in accordance with the paper-based BCDs, some CPCs noted that only the weight is automatically allocated and not the number, resulting in potentially different average weights between flags operating in the same JFO.

Furthermore, the 10 day advance reporting requirement under para 20 of Rec. 12-03/13-07 was considered inconsistent with some CPC requests to later amend trade companies associated with participating catching vessels.

The allocation of dead fish reported in catching and transfers was also considered an issue as some CPCs expressed the preference to allocate to one vessel/CPC while others preferred an automatic allocation based on the authorized key. One CPC proposed a secondary allocation key for the allocation of dead fish.

Confirmation/clarification requested from the Commission

- The reporting obligations for JFOs shall be adapted to ensure full functionality of the eBCD system, in particular the appropriate allocation of both number and weight in accordance with authorized allocation key.
- Modification of the 10 day notification rule in Rec. 12-03/13-07 to facilitate the later amendment of live trade companies should be considered.

- In order to provide instructions for system functionality, clear procedures on how the system shall allocate dead fish in the context of JFOs are required.

It should be noted that any decision to amend existing ICCAT conservation and management measures would not resolve the issue of encoding paper BCDs issued throughout 2013 and throughout the remaining transitional phase in which both paper and eBCDs are being used.

4. Bycatch

4.1 Eastern fishery

For the eastern stock it was agreed that the system would need to facilitate the entry of non-authorized vessels into the eBCD system. The entry of bycatch information either by port authorities or central CPC administrators was also considered necessary in order to cater for the preferences of CPCs when entering this information.

It was noted that the interpretation of BFT eastern vessel lists by some CPCs was also impacting the development of the eBCD system, in particular the use of “BFT other” lists by one CPC. Despite these not being categorized as catching vessels in Rec. 12-03/13-07 one CPC submits BCDs containing bycatch catches from these vessels.

In general, it was agreed that in order to provide instructions for system functionality, clear procedures were needed for the treatment of bycatch in accordance with Rec. 12-03/13-08.

4.2 Western fishery

In recognition of the different needs and requests of western stock CPCs, TRAGSA will develop functionalities for the entry of unlisted vessel information by dealers (through creation of a new user profile) and by vessels (self-registration). TRAGSA has been requested to work on different possibilities for W-BFT CPCs concerning approaches for registering unlisted vessels in the system and/or other data entry. It was noted that France (St. Pierre and Miquelon), Mexico, and UK-OT were not represented in the WG and that their needs will need to be accommodated in this aspect of the program functioning.

Confirmation/clarification requested from the Commission

- For the eastern stock, the system shall allow entry of bycatch information by non-authorized vessels.
- Access to the system by non-authorized eastern vessels with no prior ICCAT history shall be by self-registration.
- For the western stock, confirmation is needed on the preference for W-BFT CPCs for vessel registration and/or agent/government data entry. Further, the system will not distinguish between target catch and bycatch.
- For eastern harvesters, bycatch can be recorded in eBCDs by vessels authorized as non-catching vessels (BFT “other” vessels).
- In order to provide instructions for system functionality, clear procedures may be needed for the treatment of bycatch in the eastern fishery.

It should be noted that any decision to amend existing ICCAT conservation and management measures would not resolve the issue of encoding paper BCDs issued throughout 2013, in particular from the CPCs reporting BCDs from “BFT other vessels”.

5. Trade of <3 fish/1 ton

The WG discussed how they should interpret and instruct TRAGSA to develop the system in light of Paragraph 13.d of Rec. 11-20.

Confirmation/clarification requested from the Commission

- In the context of the eBCD programme, the WG considered that this provision only requires validation of the trade section prior to export, and hence no 7 day delay function shall be developed.

6. Importer/Buyer field in the trade section

It was discussed that in accordance with Rec.11-20, the trade shall be validated prior to the export and the re-export; however there was no clear agreement by the WG on how long the system shall allow the entry of importer/buyer information following validation.

Confirmation/clarification requested from the Commission

- The trade section can be validated without the importer/buyer information being completed.
- The time limit post validation that importer/buyer information needs to be completed must be decided. Control alerts shall be developed in the eBCD system on this basis.
- In order to provide instructions for system functionality, clear procedures are needed for this provision.

7. Domestic trade and trade key

Previous discussions on this issue considered a number of options on how the system should facilitate the trade of product when it is sold domestically prior to export and re-export as well as how the system shall track domestic trade for those EBFT CPCs subject to the domestic trade provisions of Rec. 11-20. The generation of a trade key in the printed version of the trade section was agreed although one CPC also requested to have the trade key generated in each section.

The WG considered it important to log the intermediary movement of fish (multiple domestic trade prior to export) for EBFT CPCs subject to the domestic trade provisions of Rec. 11-20 and underlined the importance of traceability in the eBCD programme.

One WG member proposed the temporary use of paper BCDs for some sectors/operations which would be transmitted to ICCAT following each validation in accordance with the procedures under Rec. 11-20. The workload as well as the working hours of the Secretariat would, however, need to be taken into account.

Confirmation/clarification requested from the Commission

- The trade key shall be generated following validation at the each applicable section of the eBCD [only displayed when printed].
- For eastern harvesters subject to the domestic trade provisions of Rec. 11-20, the temporary use of paper BCDs for some sectors/trades could be authorized provided they are submitted to the Secretariat in accordance with the current provisions of Rec. 11-20 (notwithstanding working regime of Secretariat) and provided a record is created in the eBCD system when the catch is made.
- In order to provide instructions for system functionality, clear procedures may be needed to facilitate import/export/re-export of WBFT and for the treatment of domestic trade (as specified in Rec. 11-20) in the eastern fishery.

It should be noted that this may not resolve the issue of tagged fish that are exported prior to the implementation of the eBCD system (see below).

8. Tagging, validation and re-export of tagged BFT held in cold storage after March 2015

How the eBCD system caters for information related to tagged fish has been extensively discussed. Some temporary decisions have been made, although given the different tagging approaches and purposes in both the eastern and western fishery, it was considered necessary to clearly define the provisions for tagging before

finalizing system development. Some CPCs in the eastern fishery also expressed concern on some tagging requirements in the current eBCD system that they consider go beyond the current provisions of Rec. 11-20, including the requirement to enter information on each individual tagged fish, rather than on the overall catch to which the eBCD relates. Others disagreed.

During the discussions one CPC expressed its intention to validate eBCDs even when the consignment to which it relates was tagged. Another CPC suggested that the requirement to validate re-export certificates for tagged fish whose product form has not been altered should be reconsidered.

The WG also discussed how to handle the possible case of re-exports of tagged fish exported prior to the implementation of the eBCD system and held in cold storage. In this situation, no eBCD record would have been created. It was suggested that paper documents be used in such instances although it was recognized that this could result in a derogation from the decision for full use of the system by March 2015.

Confirmation/clarification requested from the Commission

- Current commercial tagging programmes provided for under Rec. 11-20 shall remain exempt of eBCD validation; however, voluntary validation of such tagged fish will be accepted.
- In order to provide instructions for system functionality, clear procedures and objectives of commercial tagging programmes should be defined.
- Pending the above defining, weight/product presentation entry for individual tagged fish including uploading of excel/csv files will be optional for the eastern and compulsory for the western fishery, and a free-text field to enter 'range of tag number' will be added for the eastern fishery.
- Following a request of one CPC, the requirement to validate re-export certificates for tagged fish whose product form has not been altered should be reviewed.
- For re-exports of tagged fish that were exported prior to the implementation of the eBCD system and held in cold storage (and for which, therefore, no eBCD record was created), should paper re-export certificates be continued after March 2015 as needed.

9. Regional Observer Programme

The requirements of Rec. 12-03/13-07 concerning the tasks of the observer to sign at farming and harvesting were also discussed and confirmed. The main outstanding issue is access to the system by the observer and the development of his/her user account in light of the absence of an email address required in annex 7 of 12-03/13/07.

Confirmation/clarification requested from the Commission

- The provision of email addresses are needed for defining the user profile and implementation of observer tasks required under Rec.12-03/13-07.

10. Security and data confidentiality

How the information already maintained in the system as well as “annexed” to sections of eBCDs provided for by Rec. 11-20 (sections 2, 3, 4, 5, 6 and 8 as well as transportation description) would be viewed and accessed by users continues to be discussed by the WG.

In general, it was agreed that respecting operator confidentiality was necessary but not at the expense of the verification requirements required under Rec. 11-20. Furthermore, overall system integrity and data exchange protocols must be fully consistent with the Commission general rules on data confidentiality.

Confirmation/clarification requested from the Commission

- How shall information held and reported in the eBCD system be treated *vis-à-vis* the confidentiality rules adopted by the Commission at its 2010 meeting²?
- Who shall have access to “annexed” information, which is voluntarily added to an eBCD record?

11. Access by non-member CPCs and Pacific BFT

Although not currently developed, the inclusion of Pacific bluefin has been discussed in light of the current provisions of Rec. 11-20 and a request from one CPC. The WG recalled the discussions at the 2013 Commission meeting on this matter, where it was agreed that Pacific bluefin tuna should be included in the eBCD system to the extent it was covered by Rec. 11-20. The WG considered that Pacific bluefin tuna should, therefore, be included and discussed the data elements that should be required. The related issue of access by non-CPCs was also discussed both in the context of Pacific BFT and Atlantic BFT (e.g. bycatch or trade).

Confirmation/clarification requested from the Commission

- In light of the provisions of Rec.11-20, confirm that Pacific BFT is included in the eBCD system and decide what data elements/fields should be required.
- Shall access be granted to the eBCD system to non-members and if so what would be the type of access and how would it be managed.

12. Carry-over in farms

The WG has discussed in several meetings how the system should deal with the entry of paper BCDs relating to fish carried over in farms, in particular after the full implementation of the eBCD system in March 2015. The Secretariat reported that they are prioritizing the encoding of paper BCDs from 2013 and encouraged CPCs to inform them if they intended to export BFT with eBCD relating to fish carried over from previous years. Notwithstanding such requests, the WG noted the workload this would create and hence questioned its potential benefits vs. costs. The WG discussed options to reduce such workload and costs, including the entry of only selected fields in sections 1-4, or the development of tools to extract electronic information already maintained by the Secretariat in other databases and related to the paper BCDs concerned.

Confirmation/clarification requested from the Commission

- Shall eBCDs created by the Secretariat/TRAGSA from paper documents generated before the full implementation of the eBCD system omit data for Sections 1-4 and still be accepted in trade (notwithstanding additional workload for Secretariat/TRAGSA).
- In order to provide instructions for system functionality, clear procedures for these issues are required.

13. Non-traded BFT

The scope of the BCD Programme needs to be confirmed, since the Secretariat still receives BCDs relating to fish which have only been caught and landed but not traded. In this regard, the WG noted paragraph 3 of Rec. 11-20.

Confirmation/clarification requested from the Commission

- Is the scope limited to only BFT which is traded or to all BFT harvested for commercial purposes?

² Rules and procedures for the protection, access to, and dissemination of data compiled by ICCAT rules and procedures for the protection, access to, and dissemination of data compiled by ICCAT. ICCAT REPORT 2010-2011 (I), Annex 6.

It should be noted that any decision to amend existing ICCAT conservation and management measures would not resolve the issue of encoding paper BCDs issued throughout 2010-13.

Appendix 4

DRAFT RECOMMENDATION BY ICCAT TO CLARIFY AND AMEND ASPECTS OF ICCAT'S BLUEFIN TUNA CATCH DOCUMENTATION PROGRAM TO FACILITATE THE APPLICATION OF THE eBCD SYSTEM

(submitted by the United States)

RECALLING Recommendation by ICCAT Amending Recommendation 09-11 on an ICCAT Bluefin Tuna Catch Documentation Program [Rec. 11-20];

ALSO RECALLING Recommendation by ICCAT on an Electronic Bluefin Tuna Catch Document (eBCD) Programme [Rec. 10-11] and Recommendation by ICCAT Supplementing the Recommendation for an Electronic Bluefin Tuna Catch Document (eBCD) System [Rec.13-17];

RECOGNIZING the need to clarify the scope of application and certain limited provisions of Recommendation 11-20 to ensure appropriate development and implementation of the eBCD system;

CONSIDERING the discussions of the eBCD Technical Working Group, Working Group on Integrated Monitoring Measures, and Permanent Working Group on these matters; and

DESIRING to enhance the effectiveness of the bluefin tuna catch documentation program overall, including through electronic application;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS RECOMMENDS AS FOLLOWS:

1. Catch data for commercially harvested Atlantic bluefin tuna must be recorded in the eBCD system. The recording of information on internal sales of bluefin tuna in the eBCD (i.e. sales occurring within one Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity (CPC) or, in the case of the European Union, within one of its Member States) is not required. Such transactions need not be recorded in the eBCD system. However, the trade between EU Member States and of farmed products within a CPC as specified in paragraph 2(a) of Recommendation 11-20 are subject to the requirements of Rec 11-20, and must be recorded in the eBCD system.
2. Recreationally harvested bluefin tunas for which sale is prohibited are not subject to the requirements of Recommendation 11-20 and need not be recorded in the eBCD system.
3. Pacific bluefin tuna traded by ICCAT CPCs must be recorded in the eBCD system consistent with Recommendation 11-20; the following data elements are required:

Annex 1: ICCAT Bluefin Tuna Catch Document

Section 1: Bluefin Tuna Catch Document Number

Section 2: Catch information

- Name of catching vessel/trap
- Flag/CPC
- Area
- Total weight (kg)

Section 8: Trade information

- *Product description*
 - (F/FR; RD/GG/DR/FL/OT)

- Total weight (NET*)
- *Exporter/seller information*
 - Company name
 - Point of export/departure
 - State of destination
- *Transportation description*
- *Government validation*
- *Importer/buyer*
 - Company name, license number
 - Point of import or destination

Annex 2: ICCAT Bluefin Tuna Re-Export Certificate

Section 1. Bluefin Tuna Re-Export Certificate Number

Section 2: Re-export section

- Re-export country/entity/fishing entity
- Point of re-export

Section 3: Description of imported bluefin tuna

- Net weight (kg)
- BCD (or eBCD) number and date(s) of importation

Section 4: Description of bluefin tuna for re-export

- Net weight (kg)
- Corresponding BCD (or eBCD) number
- State of destination

Section 6: Government validation

4. The provisions in Recommendation 11-20 for waiving government validation of tagged fish only apply when the following criteria for domestic commercial tagging programs are met by the flag CPC for the vessel that harvested the bluefin tuna:
 - a. All bluefin tuna available for sale are individually tagged;
 - b. Minimum information relating to the tag includes:
 - Identifying information on the catching vessel or trap
 - Date of capture or landing
 - The area of harvest of the fish in the shipment
 - The gear utilized to catch the fish
 - Date of harvest from the farm (if applicable)
 - Identifying information on the farming facility (if applicable)
 - The type of product and weight of the individually tagged bluefin tuna
 - Information on the exporter and importer (where applicable)
 - The point of export (where applicable)
 - c. Information on tagged fish is compiled by the responsible CPC.
5. Government validation requirements set forth in paragraph 13 of Recommendation 11-20 may be waived when a tagged bluefin tuna imported by a CPC as fresh product is re-exported by that CPC in the same form (i.e. both product type and weight) in which it was received.
6. [Taking into account paragraph 13(d) of Recommendation 11-20 and as a derogation to Recommendation 13-17, validated paper BCDs may be used in the case of landings of quantities of fish less than 1 metric ton or 3

fish in light of the specific characteristics and needs of artisanal fleets. Notwithstanding, such paper BCDs shall be converted to eBCDs within a period of seven working days or prior to export, whichever is first.]

7. Where a paper BCD was issued prior to 1 March 2015 and as a derogation to Recommendation 13-17, CPCs may continue to use paper BCD program documents for the export or re-export of bluefin tuna covered by that BCD and held in cold storage or in a farm. Farm CPCs shall notify ICCAT by 1 March 2015 of the number and total weight of the bluefin tuna remaining in their farm that will continue to be tracked by paper BCD program documents. The Secretariat shall make this information available to all CPCs without delay. The use of a paper BCD to support the trade of bluefin tuna carried over in farms shall not be used by importing CPCs as a reason to delay or deny import of a bluefin tuna shipment.
8. Non-CPCs that use BCD program documents when trading bluefin tuna with ICCAT CPCs shall have access to the eBCD system. At least initially, this shall be accomplished through completion by the non-CPC of paper BCD program documents and submission to the ICCAT Secretariat for entry into system. Creation of an eBCD record based on the paper BCD program document shall be completed without undue delay. If access to the eBCD system is not possible for any reason, non-CPCs may continue to use paper BCDs until such time as the eBCD system becomes accessible to them. In such cases, the Secretariat shall notify ICCAT CPCs of any non-CPC that will need to use paper BCDs and the reason for this situation without delay. The use of a paper BCD in such a case shall not be used by importing CPCs as a reason to delay or deny import of a bluefin tuna shipment.
9. Once the eBCD system is fully implemented, the annual reporting requirement on the implementation of the BCD program specified in paragraph 34 of Recommendation 11-20 shall be replaced by reports generated from the eBCD system. The format and content of any additional reports will be determined by the Commission taking into account appropriate confidentiality rules and considerations. At a minimum, reports shall include catch and trade data by the CPCs that are appropriately aggregated for public distribution. CPCs shall continue to report on their implementation of the eBCD program in their annual reports.

Appendix 5

Statement from the Observer PEW to the 9th Meeting of the Working Group on Integrated Monitoring Measure (IMM)

After four years of development, the Commission is now on the verge of implementing a state-of-the-art electronic documentation system. Without comprehensive implementation of the eBCD, however, illegal fishing will continue to undermine catch limits set by ICCAT and compromise the recovery of Atlantic bluefin.

Pew appreciates the effort members have undertaken at this meeting to ensure a more comprehensive eBCD system. We welcome the US proposal to electronically track the trade between EU Member States and of farmed products within a CPC. Coupled with electronic tracking of catch and international trade, this will greatly improve tracking of important subsets of bluefin trade.

However, the proposal to exempt internal sales of Atlantic bluefin from tracking would result in an unacceptably large gap in traceability of bluefin products and would leave open opportunities for illegal fishing and fraud. Additionally, this exemption could undermine enforcement, as the lack of accompanying documentation for domestically-traded products would make distinguishing between legally and illegally-caught bluefin extremely difficult.

To ensure adequate traceability, domestic transactions must be tracked and validated. To this end, in place of an exemption of internal sales from all tracking, we encourage the inclusion of a threshold approach for electronic tracking of internal sales, which would exempt small-scale domestic buyers and sellers from having to use the electronic system, but where the threshold would be set to ensure that a significant majority of all bluefin catch and trade is tracked through the eBCD.

This is not the time to water down the effectiveness of the eBCD, or delay implementation further. It is time to finalize the development of robust electronic system that improves traceability and deters illegal activity, thus assuring buyers that all bluefin tracked through the eBCD has been caught legally.

WORKING DOCUMENT**DRAFT RECOMMENDATION BY ICCAT
FOR A JOINT INTERNATIONAL INSPECTION SCHEME***(Proposed by Canada, the European Union and the United States)*

RECALLING Recommendation 75-02 for a Scheme of Joint International Inspection and Annex 8 of Recommendation 13-07 establishing a joint international inspection scheme for the eastern Atlantic and Mediterranean Bluefin tuna fishery;

FURTHER RECALLING Resolution 94-09 on Compliance with the ICCAT Conservation and Management Measures, Recommendation 97-11 on Transshipments and Vessel Sightings, and Recommendation 98-11 Concerning the Ban on Landings and Transshipments of Vessels from Non-Contracting Parties Identifies [*sic*] as Having Committed a Serious Infringement;

RECALLING ALSO the General Outline of Integrated Monitoring Measures adopted at the 13th Special Meeting of the Commission (Doc. 02-31);

DESIRING to collaborate in the adoption of a system of joint international enforcement as provided in paragraph 3 of Article IX of the ICCAT Convention;

INTENDING to strengthen ICCAT's monitoring, control, and surveillance regime to promote compliance with the ICCAT Convention and the Recommendations of the Commission;

**THE INTERNATIONAL COMMISSION FOR THE
CONSERVATION OF ATLANTIC TUNAS RECOMMENDS THAT:**

A Scheme of Joint International Inspection be established as follows:

Section I: Definitions

For the purpose of the Scheme of Joint International Inspection:

1. "Fishing activity" means fishing and any other activity in preparation for, in support of, or related to fishing, including storage, processing, transporting, transferring fish to or from cages, and transshipment of fish or fish products;
2. "Fishing vessel" means any powered vessel used for, intended to be used for, or equipped for use for the purpose of commercial exploitation of fishery resources covered by the ICCAT Convention, including catching vessels, support vessels, fish processing vessels, towing vessels, vessels engaged in transshipment and transport of fishery resources, vessels equipped for the transportation of fishery products and auxiliary vessels, but does not include container vessels;
3. "Inspection vessel" means any vessel authorized by a Contracting Party and assigned to the ICCAT register of inspection vessels under the Joint International Inspection Scheme;
4. "Inspector" means an official authorized by a Contracting Party and assigned to conduct boarding and inspections in the ICCAT Convention area under the Joint International Inspection Scheme;
5. "Scheme" means the Joint International Inspection Scheme established by this Recommendation.

Section II: Purpose and area of application

6. Boarding and inspection conducted pursuant to this Scheme is intended to monitor compliance with the

ICCAT Convention and related Recommendations in force.

7. This Scheme applies in the ICCAT Convention area beyond areas under national jurisdiction.
8. The ICCAT Scheme of Joint International Inspection [1975-02] and Annex 8 of [13-07] are hereby revoked and replaced by this Scheme.

Section III: General provisions

Duties of the Contracting Parties

9. Each Contracting Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag, their Masters, its inspection vessels, and inspectors it has assigned to the Scheme, fulfil their respective duties and requirements under the Scheme.
10. Within 30 days of entry into force of this Scheme, each Contracting Party shall advise the Executive Secretary of a point of contact for the purposes of receiving notifications, inspection reports and immediate notification of infringements pursuant to this Scheme. It shall notify any changes to this information to the Executive Secretary as soon as possible, but no more than 14 days after the effective date of the change.
11. Boarding and inspections shall be carried out by inspectors and inspection vessels assigned to the Scheme by a Contracting Party.

Notification requirements

12. A Contracting Party that intends to conduct boarding and inspection under the Scheme, including by deploying inspectors on board the inspection vessel of another Contracting Party pursuant to an agreement under paragraph 13, shall:
 - a) so notify the Executive Secretary, no later than 30 days in advance of the inspection vessel or inspector's deployment, providing the following particulars:
 - (i) its national authority responsible for at-sea inspection, as well as the name and contact details (including telephone and fax numbers and e-mail address) for a point of contact within that authority;
 - (ii) the names of the individual inspectors designated by the national authority referred to in subparagraph i, where required by a Recommendation;
 - (iii) an example of the credentials issued to inspectors by the national authority referred to in subparagraph i except where a Recommendation requires the following ICCAT-approved credential:

Dimensions: Width 10.4cm, Height 7cm

<p style="text-align: center; font-size: small;">INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</p> <div style="display: flex; align-items: center; justify-content: center;"> <p style="font-size: large; font-weight: bold;">ICCAT</p> </div> <p style="text-align: center; font-weight: bold;">Inspector Identity Card</p> <p>Contracting Party:</p> <p>Inspector Name:</p> <p>Card n°:</p> <p>Issue Date: Valid five years</p> <div style="border: 1px solid black; width: 80px; height: 60px; margin-top: 10px; display: flex; align-items: center; justify-content: center; font-size: x-small;"> Photograph </div>	<div style="display: flex; align-items: center; justify-content: center;"> <p style="font-size: large; font-weight: bold;">ICCAT</p> </div> <p style="font-size: x-small;">The holder of this document is an ICCAT inspector duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the International Commission for the Conservation of the Atlantic Tuna and has the authority to act under the provision of the ICCAT Control and Enforcement measures.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center; width: 45%;"> <p style="font-size: x-small;">..... ICCAT Executive Secretary Issuing Authority</p> </div> <div style="text-align: center; width: 45%;"> <p style="font-size: x-small;">..... Inspector</p> </div> </div>
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and

- (iv) for each inspection vessel designated by a national authority referred to in subparagraph i, its name, description, image, registration number, port of registry and, if different from the port of registry, the name of the port as marked on the hull, international radio call sign and particulars of

any other communication capabilities.

- b) notify the Executive Secretary of any changes to the information it has provided pursuant to subparagraph (a) as soon as possible and, in all cases, before a new inspection vessel, inspector or national authority participates in the Scheme;
- c) ensure that each inspection vessel it authorizes to participate in the Scheme is clearly marked and identifiable as being on government service, and displays the ICCAT inspection flag or pennant depicted in Annex [X];
- d) ensure that the inspectors and crew of any inspection vessel authorized and assigned to participate in the Scheme are competent to conduct inspection at-sea consistent with generally accepted international standards and are conversant with and have access to the ICCAT Recommendations in force; and
- e) ensure that any inspector it authorizes to participate in the Scheme remain under its operational control, is fully familiar with the fishing activities being inspected and has been issued the credentials notified pursuant to this paragraph.

Exchange of Inspectors³

- 13. Contracting Parties are encouraged to enter into standing or *ad hoc* arrangements to allow for an inspector, authorized by a Contracting Party, to be deployed on inspection vessel of another Contracting Party to facilitate communication and coordination for the purpose of implementing the Scheme.
 - a) Such arrangements should establish a process for the timely identification of the authorized inspection vessels involved and include provisions for the cooperative deployment of personnel and the use of vessels, aircraft or other items of equipment for fisheries surveillance and law enforcement purposes.
 - b) In addition to the notification requirements of paragraph 12, Contracting Parties shall notify the Executive Secretary of any arrangement reached under this paragraph.
 - c) Contracting Parties deploying inspection vessels should, subject to having an agreement as outlined in this paragraph, embark authorized inspectors from another Contracting Party if available. Foreign inspectors may participate in all inspections conducted by the inspection vessel under this Scheme as agreed upon by the two Contracting Parties prior to deployment.

Duties of the Executive Secretary

- 14. The Executive Secretary shall,
 - a) establish, maintain and post to the secure part of the ICCAT website accessible to all Contracting Parties, Cooperating non Contracting Parties, Fishing Entities or Entities:
 - i) a register including the information notified by the Contracting Parties under subparagraph 12.a; and
 - ii) information on the arrangements referred to in paragraph 13.
 - b) issue the ICCAT inspection flag or pennant depicted at Annex [X] to Contracting Parties deploying inspection vessels pursuant to the Scheme;
 - c) maintain and post to the secure part of the ICCAT website a standardized multi-language questionnaire developed by Contracting Parties for use in contacting fishing vessels and conducting boarding and inspection activities pursuant to the Scheme.

³ This section is intended, in part, to address some of the concerns raised at the IMM in 2013 regarding reciprocity in boarding and inspections. It is important to ensure that all Contracting Parties have an opportunity to participate in the Scheme. We look forward to working with other Members on refining the language in this section so that this objective is achieved.

Section IV: Inspections

Transparency and equitable treatment

15. Inspection shall be conducted in a transparent, non-discriminatory manner taking into account, *inter alia*, vessel fishing patterns and compliance records, the presence of observers, the frequency and results of prior inspections, and the full range of measures available to monitor compliance with ICCAT Recommendations.

Priorities for inspections

16. The inspecting Contracting Party should give priority to inspecting a fishing vessel:
- a) entitled to fly the flag of a Contracting Party that is eligible for inclusion in the ICCAT Record of Fishing Vessels, but is not included;
 - b) where there are reasonable grounds to suspect the fishing vessel is, or has been, engaged in IUU fishing or in any activity in contravention of the ICCAT Convention or Recommendations;
 - c) included in the list of vessels that have engaged in IUU fishing adopted by a regional or sub-regional fisheries management organization; or
 - d) pursuant to a request by a Contracting Party or a regional or sub-regional fisheries management organization supported by evidence of IUU fishing by the vessel in question.

Optimal use of inspection resources

17. Contracting Parties shall direct their inspection vessels to seek to establish regular contact with other inspection vessels operating in the same area for the purpose of sharing information on sightings, inspections and other operational elements relevant to their activities under the Scheme.

[Non-Contracting Party Fishing Vessels and Vessels of Undetermined Flag⁴

18. An inspecting Contracting Party that sights a fishing vessel of a non-Contracting Party, or of indeterminate flag, engaged in fishing activities in the Convention area shall report the sighting immediately to the Executive Secretary.
19. A vessel reported pursuant to paragraph 18 is presumed to be undermining the effectiveness of the ICCAT Convention. The inspection vessel shall, where practicable, so advise the Master of the sighted vessel indicating that this information will be reported to the ICCAT Commission.
20. Where practicable, the inspection vessel shall request permission from the Master to board and inspect the fishing vessel. A report of the encounter and of any ensuing inspection shall be transmitted to the Executive Secretary.]

Duties of the Executive Secretary

21. The Executive Secretary shall,
- a) upon receipt, immediately distribute to the Contracting Parties the reports received pursuant to paragraphs 18 and 20; and
 - b) compile, maintain, and post to the secure part of the ICCAT website a list of vessels reported pursuant to paragraph 18 and encounters and inspections reported pursuant to paragraph 20.

⁴ It is important to address the issue of non-Contracting Party vessels and vessels of indeterminate flag in this Scheme in a manner that is consistent with what has already been agreed to by ICCAT (see Recommendation 97-11 and 98-11) as well as within other RFMOs. This text is bracketed only to reflect that further refinement of the wording is necessary to achieve that objective. We look forward to hearing the views of other Members.

Section V: Boarding and inspection procedures

Conduct of inspections

22. An inspection vessel that intends to undertake boarding and inspection of a fishing vessel entitled to fly the flag of a Contracting Party pursuant to the Scheme shall:
 - a) seek to establish contact with the fishing vessel by radio, using the appropriate International Code of Signals or other internationally accepted means of alerting the vessel;
 - b) identify itself as an inspection vessel by communicating its name, registration number, international radio call sign and frequency;
 - c) advise the vessel of its intention to board and inspect the vessel pursuant to the Scheme;
 - d) initiate notice through its authorities to the point of contact of the fishing vessel; and
 - e) display the ICCAT inspection flag or pennant depicted in Annex [X] in a clearly visible fashion.
23. The inspection vessel and the inspectors shall make best efforts to communicate with the Master of the fishing vessel in a language that the Master can understand using the standardized multi-language questionnaire referred to in paragraph 14.c.
24. The number of inspectors assigned to an inspection party by the inspecting Contracting Party shall be determined by the commanding officer of the inspection vessel taking into account relevant circumstances. The inspection party should be as small as possible to conduct an effective inspection safely and securely.
25. Boarding and inspection shall be conducted:
 - a) in accordance with generally accepted international standards, regulations, procedures and practices relating to the safety of the fishing vessel and its crew; and
 - b) to the extent possible, in a manner that avoids:
 - i) undue interference with the lawful activity of the fishing vessel;
 - ii) actions that would adversely affect the quality of the catch; and
 - iii) harassment of the fishing vessel, its officers or crew.
26. In conducting an inspection pursuant to this Scheme, the inspectors shall:
 - a) upon boarding, present their credentials to the Master;
 - b) avoid interfering with the Master's ability to communicate with the flag Contracting Party of the fishing vessel;
 - c) inspect and record such images of the fishing vessel's license, gear, equipment, facilities, fish and fish products on board, and logbooks, records and documents as may be necessary to verify compliance with, or establish any suspected infringements of, the ICCAT Convention or Recommendations;
 - d) collect, and clearly document in the inspection report, any evidence of an infringement of the ICCAT Convention or Recommendations;
 - e) record the inspection and any suspected infringement in the fishing vessel's logbook or, where the vessel's logbook is electronic, provide a written record of the inspection and any suspected infringement;
 - f) provide the Master with a copy of the inspection report;
 - g) complete the inspection within four [4] hours unless evidence of a serious infringement is found, or where a longer time period is required to monitor ongoing fishing operations and obtain related documentation issued by the Master; and

- h) except where they have reasonable grounds to believe that the fishing vessel has committed a serious infringement and other action is authorized pursuant to paragraph 41, promptly leave the vessel following completion of the inspection.
27. Where the inspectors have reasonable grounds to believe that the fishing vessel has committed an infringement of the ICCAT Convention or Recommendations, they shall seek to so advise, without delay, any inspection vessel of the flag Contracting Party of the fishing vessel that may be present in the vicinity.

Use of force

28. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.
29. The inspectors shall promptly report any incident involving the use of force to their national authorities responsible for at-sea inspection, who shall advise the contact point of the flag Contracting Party of the fishing vessel, and to the Executive Secretary.

Duties of the Master of the fishing vessel

30. Each Contracting Party shall require that the Master of every fishing vessel entitled to fly its flag:
- a) when signalled to do so by an inspection vessel displaying the ICCAT flag or pennant, using the International Code of Signals, accepts and, to the extent compatible with good seamanship, facilitates boarding by the inspectors, unless the vessel is directly engaged in fishing activities, in which case the Master shall manoeuvre to safely facilitate boarding as soon as possible;
 - b) provides a standardized boarding ladder that meets the requirements of IMO Resolution A.889(21) and ensures safety measures are in place to prevent and respond as required to an accident during boarding;
 - c) cooperates with and assists in the inspection;
 - d) facilitates the inspection of such equipment, catch, gear and documents as the inspectors may consider necessary to verify compliance with the ICCAT Convention or Recommendations;
 - e) ensures that the crew avoids interfering with, or obstructing the inspectors in the performance of their duties;
 - f) makes available the use of the vessel's communication equipment and operator, to the extent required by the inspectors;
 - g) facilitates communication by the inspectors with the crew and the flag Contracting Party of the inspection vessel;
 - h) provides the inspectors with reasonable facilities, including, where appropriate, food and accommodation;
 - i) takes such action as may be necessary to preserve the integrity of any seal affixed by an inspector and of any evidence remaining on board;
 - j) where the inspectors have made an entry in the logbooks, provides the inspectors with a copy of each page where such entry appears and, at the request of the inspector, signs each page to confirm that it is a true copy;
 - k) refrains from resuming fishing activity until the inspectors have completed the inspection and, in the case of a serious infringement, secured the evidence; and
 - l) facilitates the safe disembarkation of the inspectors.

Refusal of boarding and inspection

31. Where the Master of a fishing vessel refuses to allow boarding and inspection pursuant to this Scheme, the inspecting Contracting Party shall immediately so advise the point of contact of the flag Contracting Party of the fishing vessel and the Executive Secretary.
32. Upon receiving notification under paragraph 31, the flag Contracting Party of the fishing vessel shall:
 - a) except where generally accepted international regulations, procedures or practices relating to safety at sea make it necessary to delay the inspection, direct the Master to accept the inspection forthwith; and
 - b) where the Master does not comply with such direction:
 - i) order the Master to justify the refusal;
 - ii) where appropriate, take action in accordance with subparagraphs 40.a. and b; and
 - iii) promptly notify the Executive Secretary and the inspecting Contracting Party of the action it has taken.

Section VI: Inspection report and follow-up

Inspection reports

33. Each Contracting Party shall require that its inspectors:
 - a) upon completion of an inspection, complete an inspection report in the form set out in Annex [XX];
 - b) sign the inspection report in the presence of the Master, who shall be given the opportunity to add or have added to the report any observations;
 - c) request the Master to sign the report only as an acknowledgement of receipt; and
 - d) before disembarking, provide a copy of the report to the Master, duly noting any refusal by the Master to acknowledge receipt.

Transmission and dissemination of inspection reports

34. Upon completion of the inspection, the inspecting Contracting Party shall transmit the inspection report, if possible within [30] days, to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.
35. Notwithstanding paragraph 34, where inspectors have noted an infringement in the inspection report, the inspecting Contracting Party shall transmit, within [10] days, a copy of the inspection report and all supporting documents, images or audio recordings, to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.

Duties of the Executive Secretary

36. The Executive Secretary shall, without delay, post the inspection report to the secure part of the ICCAT website.

Section VII: Procedures relating to serious infringements

Serious infringements

37. Each of the following constitutes a serious infringement:
 - a) fishing without a valid license, permit or authorization;

- b) significant failure to maintain accurate records of catch or catch-related data in contravention of the ICCAT Convention or Recommendations, or significant misreporting of catch or catch-related data;
- c) fishing in a closed area;
- d) fishing during a closed season;
- e) intentional taking or retention of species in contravention of ICCAT Recommendations;
- f) significantly exceeding applicable catch limits or quotas;
- g) using prohibited fishing gear;
- h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel or its gear, or failing to mark fishing gear;
- i) concealing, tampering with or disposing of evidence related to an inspection or investigation of an infringement, including the breaking or tampering of marks or seals, or accessing sealed areas;
- j) committing multiple infringements which, taken together, constitute a serious disregard of the ICCAT Convention or Recommendations;
- k) assaulting, resisting, intimidating, harassing, interfering with, obstructing or unduly delaying inspectors or observers in the performance of their duties;
- l) tampering with, disabling, or interfering with the vessel monitoring system (VMS) of the fishing vessel where VMS is required by ICCAT Recommendations;
- m) operating a fishing vessel without VMS in contravention of ICCAT Recommendations;
- n) presenting falsified documents or providing false information to an inspector so as to prevent a serious infringement from being detected;
- o) fishing with the assistance of spotter planes in contravention of ICCAT Recommendations;
- p) failure to submit to an inspection;
- q) transshipping at sea in contravention of ICCAT Recommendations;
- r) operating a fishing vessel without an observer in contravention of ICCAT Recommendations; and
- s) such other violations identified as a serious infringement in future ICCAT Recommendations.

Duties of the Inspectors

38. Each Contracting Party shall require that, where its inspectors have noted a serious infringement in the inspection report, they:
- a) immediately notify their national authority responsible for at-sea inspection of all relevant particulars;
 - b) take all such measures as may be required to ensure the security and continuity of the evidence, including, as appropriate, marking or sealing the vessel's hold or gear for further investigation; and
 - c) where feasible, advise any inspection vessel of the flag Contracting Party of the fishing vessel they know to be in the vicinity of the serious infringement and of the action they have taken.

Duties of the inspecting Contracting Party

39. Where notified by its inspectors of a serious infringement, the inspecting Contracting Party shall immediately transmit written notification of the serious infringement and a description of the supporting evidence to the point of contact of the flag Contracting Party of the fishing vessel and to the Executive Secretary.

Duties of the Flag Contracting Party of the fishing vessel

40. Upon receiving notification pursuant to paragraph 39, the flag Contracting Party of the fishing vessel shall:
- a) acknowledge receipt of the notification without delay;
 - b) require that the fishing vessel concerned:
 - i) ceases all fishing activity until it is satisfied that the infringement will not continue or be repeated and has so notified the Master;
 - ii) where appropriate to the conduct of a full and thorough investigation, to proceed immediately to a port or other location it designates for investigation under its authority; and
 - iii) report to the Executive Secretary the measures it has taken pursuant to its laws in relation to the infringement.
41. The flag Contracting Party of the fishing vessel may authorize the inspecting Contracting Party to take such enforcement action as it may specify with respect to the vessel. It may also authorize an inspector from another Contracting Party to board or remain on board the vessel as it proceeds to port and to participate in the port inspection.

Failure of the flag Contracting Party to respond

42. Where the flag Contracting Party of the fishing vessel fails to take action as required pursuant to paragraph 40, the inspectors shall immediately so advise their national authority responsible for at-sea inspection and record the failure in the inspection report.
43. The inspecting Contracting Party shall notify the Executive Secretary of the flag Contracting Party's failure to respond.
44. The flag Contracting Party shall, without delay, provide to the Executive Secretary a written explanation of its failure to respond.

Duties of the Executive Secretary

45. The Executive Secretary shall,
- a) upon receipt, post any notifications received pursuant to paragraphs 39 or 42, and any explanation received pursuant to paragraph 44, to the secure part of the ICCAT website;
 - b) transmit, upon receipt, the justification received pursuant to paragraph 44 to the inspecting Contracting Party; and
 - c) maintain a record of actions reported by the flag Contracting Party pursuant to paragraph 40, post such record to the secure part of the ICCAT website, and refer the information to the Commission for its consideration.

Section VIII: Follow-up enforcement action

Cooperation

46. Contracting Parties shall cooperate to facilitate judicial or other proceedings initiated as follow-up to a report submitted by an inspector pursuant to the Scheme.

National treatment

47. Each Contracting Party shall:

- a) without prejudice to their national legislation, treat interference by its fishing vessels, their Masters or crew with an inspector or an inspection vessel of another Contracting Party in the same manner as interference with its own inspectors within areas under its national jurisdiction; and
- b) accord treatment to reports of inspections conducted by inspectors of another Contracting Party consistent with that accorded to reports of their own inspectors.

Duties of the flag Contracting Party of the fishing vessel

48. A Contracting Party that has been notified of an infringement committed by a fishing vessel entitled to fly its flag shall:
- a) investigate immediately and fully, including as appropriate, by physically inspecting the fishing vessel at the earliest opportunity or, authorize the inspecting Contracting Party to take enforcement action as appropriate under the circumstances;
 - b) cooperate with the inspecting Contracting Party to preserve the evidence in a form that will facilitate proceedings in accordance with its laws;
 - c) if the evidence so warrants, take judicial or administrative action, as appropriate; and
 - d) ensure that any sanctions applied are adequate in severity to be effective in securing compliance, deterring further infringements and, to the extent possible, depriving the offenders of the benefits accruing from the infringement, including, *inter alia*:
 - i) fines;
 - ii) seizure of the fishing vessel, illegal fishing gear and/or catches;
 - iii) suspension or withdrawal of authorization to fish; and
 - iv) reduction or cancellation of any fishing allocations.
 - e) notify the Executive Secretary of the measures taken pursuant to this paragraph as soon as possible.

Section IX: Annual compliance report

Reports by the Contracting Parties

49. Each Contracting Party shall for the period ending on September 30 of that year, include in its annual report to the Commission, a summary of:
- a) the boarding and inspection activities it has conducted pursuant to the Scheme;
 - b) the action it has taken in response to reported infringements by its fishing vessels, including any enforcement procedures and the sanctions it may have applied; and
 - c) an explanation regarding every reported infringement concerning which it has taken no action.

Report of the Executive Secretary

50. The Executive Secretary shall submit to the ICCAT Commission before each annual meeting a report setting out a description of:
- a) the boarding and inspection activities and follow-up actions taken, as reported by each Contracting Party, for the period ending September 30;
 - b) the instances where boarding and inspection was refused by a fishing vessel of a Contracting Party, and any follow-up action taken by that Contracting Party in respect of such fishing vessel; and
 - c) the cases where force was used including the reported circumstances thereof.

Appendix 7**DRAFT RECOMMENDATION AMENDING THE RECOMMENDATION BY ICCAT CONCERNING MINIMUM STANDARDS FOR THE ESTABLISHMENT OF A VESSEL MONITORING SYSTEM (VMS) FOR THE ICCAT CONVENTION AREA***(Proposed by Canada, the European Union, Ghana, Norway, Senegal, Turkey and the United States)*

NOTING the SCRS, in its 2011 report, indicated that the six hour time interval between VMS reports does not have enough resolution to be used for more useful scientific purposes and, therefore, recommended that VMS signals should be reported at no more than two hour interval;

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

Paragraph 3 of the *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System for the ICCAT Convention Area* [Rec. 03-14] shall be replaced with the following:

3. Each CPC shall ensure that the masters of fishing vessels flying its flag shall ensure that the satellite tracking devices are permanently operational and that the information identified in paragraph 1b) is collected and transmitted at least every four (4) hours. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel is not authorized to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorized to commence a fishing trip without the satellite tracking device having been repaired or replaced.

New paragraphs 7, 8, and 9 shall be added to the *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System for the ICCAT Convention Area* [Rec. 03-14] as follows:

7. CPCs are encouraged to adopt other measures more stringent than those provided in this Recommendation.
8. The Commission shall review this Recommendation no later than 2017 and consider revisions to improve its effectiveness, including by increasing the transmission frequency, taking into account SCRS advice, the different nature of various fisheries, cost implications, and other relevant considerations.
9. To inform this review, the SCRS is requested to provide advice on the VMS data that would most assist the SCRS in carrying out its work, including frequency of transmission for the different ICCAT fisheries.

Appendix 8**CLARIFICATION OF RULES FOR SUBMITTING VESSEL LISTS***ICCAT Secretariat*

There are now several ICCAT Recommendations which require the submission of vessels lists for inclusion in the ICCAT Record of Vessels. The rules pertaining to the submissions seem to differ, which complicates the management of the data base. In addition, the Secretariat has received requests for clarification during the year, and doubts have arisen as to the correct submission of each list. Below are a summary of the current requirements with requests for clarification or guidance where applicable. Some of these issues were discussed during the PA2/COC intersessional meeting in March 2014, and the findings of that group have been included in this updated document.

1. Vessels of 20 metres or greater (general positive list, all species, 20m+), Rec. 11-12

Each CPC shall submit to the ICCAT Executive Secretary, the list of its fishing vessels 20 metres in length overall or greater (referred as “LSFVs”) that are authorized to operate in the Convention area. The initial list and any subsequent changes shall be submitted electronically in a format provided by the Secretariat [CP01-

VessLsts]. This list **shall include** the following information:

- Name of vessel, register number
- IMO number (if any)
- Previous name (if any)
- Previous flag (if any)
- Previous details of deletion from other registries (if any)
- International radio call sign (if any)
- Type of vessels, length, gross registered tonnage (GRT), or, where possible, Gross Tonnage (GT)
- Name and address of owner(s) and operator(s)
- Gear used
- Time period authorized for fishing and/or transshipping. However, in no case shall the authorization period include dates more than 30 days prior to the date of submission of the list to the Secretariat.

Note: This list is not annual, and hence there is no deadline, other than the 30 day rule as noted in paragraphs 2 and 3 of Rec. 11-12.

Request for guidance:

1. *What action should the Secretariat take when a CPC requests inclusion of vessels with authorization periods prior to those stipulated, where the rule is known by the CPC but problems, e.g. with data systems or oversight are alleged.*

2. *Some CPCs do not submit all the information required on the grounds that it is not available or is confidential. Where this is ‘non-optional’ information, what action should the Secretariat take? Clarification on which elements can be excluded on the grounds of confidentiality is requested. Is confidentiality limited to information on vessel lists, or can this be extended to any submission requirement?*

Request for clarification:

*Rec. 11-12 refers to vessels which may “retain on board, tranship or land tuna and tuna like species” The **current understanding** of the Secretariat is that Carrier vessels mentioned in Rec. 12-06 are not required to be entered on the 20m+ list, nor does the 30 day retroactivity rule apply to carrier vessels.*

2. Bigeye/yellowfin vessels (vessels which fish BET/YFT or are used in support of BET/YFT fishing operations of 20 m or greater) – TROP, Rec. 11-01

CPCs shall by 1 July each year notify the list of authorized vessels to the Executive Secretary in an electronic form and in accordance with the format set in the Guidelines for Submitting Data and Information Required by ICCAT.

The same format as 1 [CP01-VessLsts] should be used, but dates should be inserted in both the 20m+ and the TROP columns on form B of CP01.

Note: This list is annual and should be received by 1 July. The retroactive listing of vessels shall not be allowed according to Rec. 11-01, but updates may be sent during the year in accordance with paragraph 6 of Rec. 11-01. It is therefore inferred that start dates for authorization must be the same or later than the date of notification of the vessel.

Clarification request: If deadline is 1 July, and the list is to be submitted annually, for what period should be vessels be reported? If no retroactive submissions are permitted, should this period be 1 July – 30 June each year? If changes are allowed at any time, what is the purpose of annual submission?

3 Eastern Atlantic and Mediterranean bluefin tuna fishing vessels (E-BFT catching vessels), Rec. 12-03 / [13-07]

“Each flag CPC shall submit electronically each year to the ICCAT Executive Secretary, at the latest one month before the beginning of the fishing seasons referred to in paragraphs 21 to 25, when applicable, and otherwise by 1 March, the list of its catching vessels authorized to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea referred to in paragraph 57.a)” [Rec. 12-03] / [13-07]

The form CP01-VessLsts should be used and the applicable columns under the E-BFT catching vessels section

completed. Note if the vessel is 20m or greater, it should **also** be reported for inclusion in that Record, which can be done by completing the dates in the 20m or greater column at the time of reporting for the E-BFT list, or in a separate submission, as preferred.

Deadlines for receipt:

- Large-scale pelagic longline catching vessels fishing in the area West of 10°W and North of 42°N: 1 July.
- Large-scale pelagic longline catching vessels fishing in areas other than West of 10°W and North of 42°N: 1 December.
- Purse seine vessels: 24 April.
- Baitboats and trollers: 1 June.
- Trawlers and Recreational /sport fishing vessels: 16 May.
- All other gears: 1 March.

Any changes to the original list must be justified.

4. Eastern Atlantic and Mediterranean bluefin tuna other vessels (E-BFT- Other vessels), Rec. 12-03 / [13-07]

The list of other vessels authorized to operate in the eastern Atlantic and Mediterranean Sea referred to in paragraph 57.b) shall be submitted one month before the start of their period of authorization (Rec. 12-03) / [13-07].

The form CP01-VessLsts should be used and the applicable columns under the E-BFT Other vessels section completed. Note if the vessel is 20m or greater, it should also be reported for inclusion in that Record, which can be done by completing the dates in the 20m or greater column at the time of reporting for the E-BFT list, or in a separate submission, as preferred.

Any changes to the original must be justified.

Requests for clarification:

1. Where vessels have been in BFT lists in previous years, can start date of authorisation remain as original, or should be changed to current year?

Current understanding: *The lists are annual and start date should change each year. Vessels which have expired (i.e. previous year vessels) should be removed from the list.*

From PA2/COC report 2014: The group agreed with the current understanding as expressed in the document mentioned above that lists are annual, the start date should change each year, and vessels whose authorizations have expired should be removed from the list.

2. For BFT_other lists Rec. 12-03/ [13-07] currently reads: The list of other fishing vessels authorized to operate in the eastern Atlantic and Mediterranean Sea referred to in paragraph 57.b) shall be submitted one month before the start of their period of authorisation.

Not all BFT_other vessels of a given CPC, however, have the same authorisation periods and hence a “list” cannot be submitted, but inclusions in the Record. Guidance is sought on the following:

- a) Can multiple submissions be accepted?*
- b) Must these lists be annual?*
- c) When a vessel is already on the Record, but an extension to the authorisation period is reported, does the one month in advance rule apply, or is notification before expiry sufficient?*

Current understanding: *As the Secretariat is unsure how to deal with this issue, in 2013 multiple submissions have been accepted, but on the general assumption that authorisations should be for yearly periods. For new vessels, or vessels which have already expired, the one month in advance rule should apply, but for vessels which are still authorised, extensions to authorisation periods are accepted any time before the expiry of the current authorisation.*

From PA2/COC report 2014: The group agreed with the current understanding noting that the extensions of authorization periods should be accepted at any time before the expiration of the current authorization and for new vessels, the one month advance rule should apply except for the replacements of authorized vessels.

3. Rec. 12-03 / [13-07] does not define “other” vessels beyond catching vessels being excluded. Catching vessels are defined as b) “Catching vessel” means a vessel used for the purposes of the commercial capture of bluefin tuna resources. Some CPCs have included vessels which may take bluefin tuna as by-catch in the BFT-other vessel list, as these the primary use of these vessels is not the commercial capture of bluefin tuna. This results in these vessels being assigned an ICCAT number, which is then used on the BCDs. Can BFT-other vessels catch bluefin and report BCDs?

Current understanding: *The Secretariat has included the lists of BFT-other vessels as reported by CPCs with by-catch vessels included. While Rec. 12-03 / [13-07] stipulates that a vessel cannot be on both BFT catching and BFT other lists, there is no provision to indicate that BFT-other vessels cannot take bluefin as by-catch. Confirmation that by-catch vessels may/should be included on BFT-other vessel list is sought.*

4. End of authorization Dates of Vessels BFT_Catching/BFT_other list:

When a vessel is reported as having finished its quota or finished operating in a given year, which of the following actions should be taken:

- a) *No action, the vessel remains in the Record for remainder of the current year with the original dates reported*
- b) *The dates of the vessel authorization should be amended to reflect the end date, but the vessel continues to appear on the web site for the remainder of the current year*
- c) *The vessel should be removed from the Record of authorized vessels (on the assumption it is no longer authorized)*

Current understanding: *The Secretariat is currently operating under the instructions of the CPCs and modifying dates (option b) when requested. Confirmation that this is in accordance with para 58 of 12-03 is sought.*

From PA2/COC report 2014: The group agreed that it should be up to each CPC to request modification of authorization dates and that they are allowed to do so.

5. Vessels involved in transshipment, Rec. 12-06

Two different lists are required since the entry into force of Rec. 12-06.

5.1 Carrier vessels

“In order for its carrier vessels to be included on the ICCAT Record List of Carrier Vessels, a flag CPC or flag non-Contracting Party (NCP) shall submit each calendar year, electronically, and in the format specified by the ICCAT Executive Secretary, a list of the carrier vessels that are authorized to receive transshipments from LSPLVs in the Convention area. This list shall include the following information:

- Name of vessel, register number
- ICCAT Record Number (if any)
- IMO number (if any)
- Previous name (if any)
- Previous flag (if any)
- Previous details of deletion from other registries (if any)
- International radio call sign
- Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
- Name and address of owner(s) and operator(s)
- Time period authorized for transshipping.”

According to the Recommendation, the list should be sent once a year, but no deadline is stipulated. There is no indication of whether or not retroactive reporting of vessels may be admitted.

Clarification request: Is retroactive reporting allowed, i.e. can start date be more than 30 days prior to notification?

NOTE regarding carriers: At the PA2/COC meeting, it was agreed that those Non-Contracting Parties which had reported vessels for inclusion in the ICCAT Record could also include those carriers on the E-BFT other list, but that this would be limited to NCP carriers and not extended to other vessel types.

5.2 LSPLVs authorized to transship at sea

“Each flag CPC that authorizes its LSPLVs to transship at sea shall submit each calendar year electronically and in the format specified by the Executive Secretary, the list of its LSPLVs that are authorized to transship at sea.

This list shall include the following information:

- Name of vessel, register number
- ICCAT Record Number
- Time period authorized for transshipping at sea
- Flag(s), name(s) and register number(s) of the carrier vessel(s) authorized for use by the LSPLVs.”

The form developed for reporting is CP46-VessTran. No deadline is specified for receipt of information. It is understood that this should be reported before transshipment takes place.

Clarification request: Is retroactive reporting allowed, i.e. can start date be more than 30 days prior to notification?

6. List of vessels authorised to catch Mediterranean swordfish, Rec. 11-03

1. At the latest on the 31 August 2012, and on the 15 January for the following years, CPCs shall provide to the ICCAT Secretariat the lists of all fishing vessels authorized to catch swordfish for the current year in the Mediterranean Sea. CPCs shall provide these lists according to the format set out in the Guidelines for Submitting Data and Information Required by ICCAT.
2. Procedures referred in the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels over 20 Meters in Length Overall or Greater Authorized to Operate in the Convention Area [Rec. 11-12]* shall apply *mutatis mutandis*.

Clarification request: If procedures from Rec. 11-12 apply, the Secretariat understands that the earliest authorization period for vessels reported by 15 January deadline is 16 December of previous year, but that changes can be made, as they arise to the list during the year (within 30 days of authorization). If changes are allowed at any time, what is the purpose of annual submission?

7. List of northern albacore vessels, Rec. 98-08

Rec. 98-08, paragraph 2 stipulates that “Contracting Parties, and non-contracting parties, entities or fishing entities shall submit, by 1 June 1999, a list of the vessels, exclusive of recreational vessels, participating in a directed fishery for northern albacore in the years referred to in paragraph 1 and, by 1 June and every year thereafter, the list of vessels which will participate in a directed fishery for this stock.”

No specific information is required by the Recommendation, but for coherency the Secretariat has included this in the ICCAT Record of Vessel format, although the information is not published. Despite a clear deadline being set, the Secretariat often receives changes to this list in the intersessional period.

Request for clarification: Should changes to the list sent on 1 June be processed, or should CPCs send only one list per year? If changes are allowed at any time, what is the purpose of annual submission?

*Addendum 1 of Appendix 8***CHANGES FROM TO BFT CATCHING TO BFT OTHER LISTS**

Can vessels which were initially reported for BFT-Catching change their authorisation to BFT-Other Vessels lists without applying the one month in advance of authorisation rule?

The following interpretation has been put forward:

- 1) The one month prior rule for BFT-Other vessels does not apply to vessels which were previously reported for BFT-Catching list within the relevant deadlines, but;
- 2) The waiver of the one month prior rule would only apply if the BFT catching vessel has not actually carried out or participated in any fishing operations for BFT. Vessels which caught BFT or participated in any fishing operation for BFT wishing to change lists would be subject to the one month in advance rule.
- 3) The waiver of the one month prior rule would apply only if the vessel was reported for BFT-Catching list, but not to vessels previously reported for other lists (MED-SWO, carrier, 20m+, N. ALB; TROP).
- 4) The change from BFT-catching list to BFT-other list is not retroactive; i.e. the change must be requested before the vessel commences any activity.

Appendix 9**REQUEST FROM THE SECRETARIAT FOR CLARIFICATIONS OF PROVISIONS CONTAINED IN ICCAT CONSERVATION AND MANAGEMENT MEASURES**

At the intersessional meetings of Panel II / COC and PWG meetings held in Madrid, March 2014, it was agreed that the issues below be referred to the IMM Working Group for consideration.

A. PORT INSPECTION: *Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* [Rec. 12-07]

1. Rec. 12-07: It has been noted that few CPCs have sent their lists of authorised ports, but the Secretariat has received information regarding vessels entering ports outside their CPC which are not on the list. The Recommendation is silent on the obligations of flag CPCs of the vessels in relation to this measure. In accordance with ICCAT Recommendations, can CPCs allow their vessels to enter ports which are not on the ICCAT Record of Authorised Ports?
2. CPCs shall apply Recommendation [12-07] in respect of foreign fishing vessels *carrying ICCAT-managed species and/or fish products originating from such species that have not been previously landed or transhipped at port, hereinafter referred to as "foreign fishing vessels"*. Does this include carrier vessels and container vessels, or only catching vessels?
3. Para 20 of Rec. 12-07 states that *"The port CPC shall transmit a copy of the inspection report to the ICCAT Secretariat no later than 14 days following the date of completion of the inspection. If the inspection report cannot be transmitted within 14 days, the port CPC should notify the ICCAT Secretariat within the 14 day time period the reasons for the delay and when the report will be submitted."* What should the Secretariat do with the reports received if no infringement is reported?
4. Para 26 c) of Rec. 12-07 provides that *"Either directly or through the ICCAT Secretariat, assess the special requirements of developing CPCs concerning the implementation of this Recommendation"*. To date, one Cooperating Party has requested assistance with training, and has indicated that they could pay for such training, but the Secretariat has no guidance to offer. What is the role of the Secretariat in the implementation of this provision?

Appendix 10

**DRAFT RECOMMENDATION BY ICCAT TO SUPPORT EFFECTIVE IMPLEMENTATION OF
RECOMMENDATION BY ICCAT FOR AN ICCAT SCHEME FOR MINIMUM STANDARDS FOR
INSPECTION IN PORT (Rec. 12-07)**

(Proposal by the United States)

RECALLING the 2009 Agreement on Port State Measures to Combat Illegal, Unreported, and Unregulated (IUU) fishing;

FURTHER RECALLING Recommendation by the International Commission for the Conservation of Atlantic Tuna (ICCAT) for an ICCAT Scheme for Minimum Standards for Inspection in Port (12-07);

HIGHLIGHTING, in particular, that Recommendation 12-07 requires Contracting Parties and Cooperating Non-Contracting Parties, Entities, and Fishing Entities (CPCs), either directly or through the ICCAT Secretariat, to provide assistance to developing CPCs in order to, among other things, (1) develop their capacity to support and strengthen the development and implementation of an effective system of port inspection; (2) facilitate their participation in meetings and/or training programs of relevant organizations that promote the effective development and implementation of such a system, and (3) assess the special requirements of developing CPCs concerning the implementation of Recommendation 12-07;

RECOGNIZING that the Commission, through Resolution 03-21 and Recommendations 11-26 and 13-19, has established several funds to facilitate attendance at meetings of the Commission and its subsidiary bodies, enhance the scientific capacity of developing state scientists, and improve data collection and quality assurance;

ALSO RECOGNIZING that a fund has been established under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Seas of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) to provide assistance to developing States Parties to the Agreement for a number of purposes, including to build capacity for activities in key areas such as monitoring, control and surveillance;

NOTING that several Contracting Parties, on their own initiative, have been carrying out capacity building activities to assist developing coastal States in improving their management of ICCAT fisheries, including tools and approaches for collecting and assessing data, conducting monitoring, control, and surveillance activities, and enhancing domestic legal frameworks;

DESIRING to take further concrete steps in ICCAT to support the implementation of CPC capacity building responsibilities with regard to Recommendation 12-07 to ensure the program is as effective as possible in promoting compliance with ICCAT conservation and management measures;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA [(ICCAT)]
RECOMMENDS THAT:

1. A special Monitoring, Control, and Surveillance Fund (MCSF) be established to support and strengthen the development and implementation of effective systems of port inspection by developing CPCs that meet or exceed the minimum standards set out in *Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* (12-07).
2. Funds from the MCSF shall be used to provide technical assistance to port inspectors and other relevant enforcement personnel from developing CPCs. Such technical assistance can include, among other things, conducting or arranging for in country training activities and supporting the participation of relevant developing CPC personnel in training programs offered by other CPCs or organizations that promote the effective development and implementation of port inspection systems, including monitoring, control and surveillance, enforcement and legal proceedings for infractions, and the resolution of disputes pursuant to Recommendation 12-07.
3. Notwithstanding paragraph 2, for participation in meetings of the Commission or its subsidiary bodies where port inspection issues may be discussed, developing CPCs should seek funding support through the Meeting

Participation Fund established per ICCAT Recommendation 11-26. Further, all potential eligible applicants for support through the MCSF should explore alternative avenues of funding available to developing CPCs, such as the UNSFA Part VII fund, prior to applying to the MCSF.

4. The MCSF shall be financed, at least initially, by ICCAT's Working Capital Fund. CPCs are encouraged to supplement the MCSF through voluntary contributions. The fund may also be supplemented from other sources as the Commission may identify. The Commission will identify a procedure for supplying funds to the MCSF in the future as needed.
5. The initial allocation to the MCSF will be determined based on an assessment of developing CPC needs. In that regard, developing CPCs interested in seeking assistance from the MCSF should provide a report to the Commission on their progress in implementing Recommendation 12-07 and identify specific areas where training or other assistance is needed.
6. The ICCAT Secretariat will administer the MCSF in accordance with the same financial controls as apply to regular budget appropriations.
7. The ICCAT Executive Secretary shall:
 - a. establish a process for notifying CPCs annually of the level of available funds in the MCSF;
 - b. develop a timeline and describe the format for the submission of applications for assistance, circulate this information to the Commission for intersessional review and approval, and, once agreed, post it on the public portion of the ICCAT website;
 - c. develop and circulate to the Commission for intersessional review and approval, a process and procedures for evaluating requests for assistance from the MCSF to determine the level and type of assistance to provide taking into account available resources, Commission priorities, and the need to ensure fair and balanced access to the fund;
 - d. notify the Commission and the requesting developing CPC of the details of the assistance to be provided without delay; and
 - e. submit an annual report to the Commission on the status of the MCSF, including a financial statement of contributions to and disbursements from the fund and a summary of all assistance provided.
8. CPCs with the ability to provide relevant technical assistance to developing CPCs are strongly encouraged to explore bilateral or other arrangements to provide such assistance. CPCs are also encouraged to consider ways they may be able to support any ICCAT-sponsored initiatives, such as by providing relevant experts to conduct trainings.
9. The Commission shall coordinate, where feasible and appropriate, its port inspection capacity building activities with such activities of other RFMOs, the FAO, and other relevant entities.
10. This recommendation will be evaluated and reviewed at the latest in 2017.

Appendix 11

DRAFT RECOMMENDATION BY ICCAT ON ACCESS AGREEMENTS

MINDFUL of the data reporting requirements for all CPCs and the importance of complete statistical reporting to the work of SCRS and the Commission;

MINDFUL of the need to ensure transparency among CPCs in respect of conditions for accessing the waters of coastal States, in particular to facilitate joint efforts to combat illegal, unreported, and unregulated fishing;

RECALLING the Recommendation by ICCAT on Vessel Chartering [Rec. 02-21] that establishes reporting and other requirements for chartering arrangements;

RECALLING the Recommendation by ICCAT Concerning the Duties of Contracting Parties and Cooperating

non-Contracting Parties, Entities or Fishing Entities in Relation to their Vessels in the ICCAT Convention Area [Rec. 03-12], which requires CPCs to ensure that their vessels do not conduct unauthorized fishing within areas under the national jurisdiction of other States, through appropriate cooperation with coastal States concerned, and other relevant means available to the flag CPC;

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

1. Contracting Parties and Cooperating non-Contracting Parties, Entities, and Fishing Entities (CPCs) that allow foreign-flagged vessels to fish in waters under their jurisdiction for species managed by ICCAT, and CPCs whose vessels fish in waters under the jurisdiction of another CPC or non-Contracting party (NCP) for species managed by ICCAT pursuant to an agreement, shall, individually or jointly, notify the Commission prior to beginning fishing activities of the existence of such agreements and provide to the Commission information concerning these agreements, including:
 - The CPCs, NCPs, or other entities involved in the agreement;
 - The time period or periods covered by the agreement;
 - The number of vessels and gear types authorized;
 - The stock or species authorized for harvest, including any applicable catch limits;
 - The CPC's quota or catch limit to which the catch will be applied;
 - Monitoring, control, and surveillance measures required by the flag CPC and coastal State involved with, for the coastal State, a particular specification of:
 - i) the National authority (contact coordinates) responsible for issuing fishing licences or permits,
 - ii) the National authority (contact coordinates) responsible for MCS activities.
 - Data reporting obligations stipulated in the agreement, including those between the parties involved, as well as those regarding information that must be provided to the Commission;
 - A copy of the written agreement.
2. For agreements in existence prior to the entry into force of this recommendation, the information specified in paragraph 1 shall be provided in advance of the 2014 Commission meeting.
3. When an access agreement is modified in a manner that changes any of the information specified in paragraph 1, these changes shall be promptly notified to the Commission.
4. Consistent with ICCAT data reporting requirements, flag CPCs involved in the agreements specified in paragraph 1 shall ensure that all target and incidental catches made pursuant to these agreements are reported to the SCRS.
5. Flag CPCs and coastal CPCs involved in the agreements specified in paragraph 1 shall provide a summary of the activities carried out pursuant to each agreement, including all catches made pursuant to these agreements, in their annual report to the Commission.
6. In cases where coastal CPCs allow foreign-flagged vessels to fish in waters under their jurisdiction for species managed by ICCAT through a mechanism other than a CPC-to-CPC or CPC-to-NCP agreement, the coastal CPC shall be solely responsible for providing the information required by this Recommendation. Flag CPCs with vessels involved in such an agreement, however, shall endeavour to provide to the Commission relevant information regarding that agreement as indicated in paragraph 1.
7. The Secretariat shall develop a form for reporting the information specified in this Recommendation and annually compile CPC submissions into a report to be presented to the Commission for consideration at its annual meeting.
8. This recommendation does not apply to chartering arrangements covered by the Recommendation by ICCAT on Vessel Chartering [Rec. 02-21].

9. All information provided pursuant to this Recommendation shall be consistent with domestic confidentiality requirements.
10. The Recommendation by ICCAT on access agreements [Rec. 11-16] is replaced by this Recommendation.

Appendix 12

DRAFT RECOMMENDATION BY ICCAT ON MONITORING AND AVOIDING CETACEAN INTERACTIONS IN ICCAT FISHERIES

(Document submitted by the United States)

RECOGNIZING the potential for interactions between cetaceans and ICCAT fisheries;

CONCERNED about incidental mortality or serious injury to cetaceans that may occur in ICCAT fisheries;

RECALLING that under Recommendation 10-10, Contracting Parties, non-Contracting Parties, Entities and Fishing Entities (CPCs) with national observer programs shall require their observers to record and report on, *inter alia*, the bycatch of marine mammals;

FURTHER RECALLING that Recommendation 11-10 requires CPCs with logbooks and observer programs to collect bycatch data in their domestic scientific observer programs and logbook programs, and report these data to the Secretariat in the format specified by SCRS;

NOTING measures adopted by other Regional Fisheries Management Organizations aimed at monitoring and avoiding cetacean interactions, and committed to taking similar measures in ICCAT fisheries;

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

1. Contracting Parties and Cooperating non-Contracting Parties, Entity, or Fishing Entities (CPCs) shall prohibit their flag vessels from using a purse seine net to intentionally encircle a cetacean in the Convention area.
2. CPCs shall require that, in the event that a cetacean is unintentionally encircled in the purse seine net, the master of the vessel shall take reasonable steps to ensure its safe release, while taking into consideration the safety of the crew. This shall include stopping the net roll and not recommencing fishing operations until the animal has been released and is no longer at risk of recapture.
3. CPCs, or the Secretariat in the case of regional observer programs, shall require observers to collect information necessary to determine whether and what species of cetaceans were killed or seriously injured in the sets or other gear deployments, and in the case of purse seine fisheries, whether a purse seine net was intentionally used to encircle a cetacean in the Convention area.
4. Where appropriate, based on the information collected under paragraph 3, an authorized representative of the CPC implementing the domestic observer program or an authorized representative of the regional observer program may certify in a written statement whether and what species of cetaceans were killed or seriously injured in the sets or other gear deployments in which ICCAT species were caught and, in the case of purse seine fisheries, whether such cetaceans were intentionally encircled during the fishing trip. Such certifications should be made available to the vessel owner or operator, if requested.
5. The Commission requests that the SCRS develop best practice guidelines for the safe release and handling of cetaceans, taking into account the guidelines already developed in other Regional Fisheries Management Organizations, and that these guidelines be submitted to the 2016 Commission meeting for endorsement.
6. CPCs shall report on the implementation of this Recommendation in their Annual Reports, including any instances of non-compliance with paragraph 1 by their flag vessels and actions taken to address such non-compliance.