

Original: English

**DRAFT RECOMMENDATION BY ICCAT REPLACING
THE RECOMMENDATION [13-04] AND ESTABLISHING A MULTI-ANNUAL
RECOVERY PLAN FOR MEDITERRANEAN SWORDFISH**

Proposal submitted by the European Union

RECOGNIZING the outcome of the stock assessment conducted by SCRS in 2016, and in particular the overfished status of the stock over the last 30 years, as well as its current overfishing;

NOTING the high proportion of juveniles swordfish in the catches and its negative impact of the spawning biomass per recruit levels;

TAKING INTO ACCOUNT the recommendation by SCRS to substantially reduce catches, and to increase the monitoring of landings and discards;

ACKNOWLEDGING the recommendation by SCRS to take into account the impact of the albacore fishery on the level of catches of juveniles swordfish;

RECALLING the provisions of ICCAT Recommendation [11-13] and, for stock overfished and subject to overfishing, the need to rebuild the stock and reduce fishing mortality;

ACKNOWLEDGING the socio economic dimension of the small scale Mediterranean fisheries and the need for a gradual approach and flexibility in managing these fisheries;

RECALLING the provisions of ICCAT Resolution [15-13] regarding the criteria for the allocation of fishing possibilities.

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

**Part I
General Provisions**

1. The Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs), whose vessels have been actively fishing for swordfish (*Xyphias gladius*) in the Mediterranean shall implement a 15 year Recovery plan starting in 2017 and continuing through 2031, with the goal of achieving B_{MSY} with at least 60% probability.

**Part II
Conservation Measures**

Total Allowable Catch

2. For the year 2017, a Total Allowable Catch (TAC) shall be set at 10,500 t¹. This shall not be prejudging of the discussions to take place in the context of the Working Group referred to under paragraph 3 of this Recommendation.
3. An ICCAT Working Group shall be established in February 2017 in order to:
 - a) establish a fair and equitable allocation scheme of the TAC of Mediterranean swordfish.

¹ On the basis of the levels of captures since 2010.

- b) establish a CPC quota for 2017 without prejudice to the allocation scheme aforementioned.
- c) establish the mechanism to manage the TAC.

The Working Group shall, in the context of the establishment of the allocation key, use transparent and objective criteria, including those of an environmental, social and economic nature, and notably take into consideration *Resolution by ICCAT on Criteria for the allocation of fishing possibilities* [Res. 15-13].

- 4. Over the period 2018-2022, the TAC should be gradually reduced by 3% each year.
- 5. The approach specified under paragraphs 2 and 4 shall continue to apply until a mutually agreed TAC allocation is adopted through a supplementary Recommendation.

Capacity limitations

- 6. A capacity limitation shall be applied for the duration of the Recovery plan. In 2017 CPCs shall limit the number of their fishing vessels authorised to fish for Mediterranean swordfish to the average yearly number of their vessels that fished for, retained on board, transhipped, transported, or landed Mediterranean swordfish over the period 2013-2016. However, CPCs may decide to use the number of their vessels that fished for, retained on board, transhipped, transported, or landed Mediterranean swordfish in 2016, if this number is inferior to the average yearly number of vessels over the period 2013-2016. This limit shall be applied by gear type for catching vessels.
- 7. By derogation to paragraph 6, developing CPCs may submit a list of fishing vessels less than 7m length overall, before the 15 January 2017. From 2017 onwards, these vessels will be added to the limits referred to under paragraph 6.
- 8. For the years 2017, 2018 and 2019, CPCs may apply a tolerance of 5% to the capacity limit referred to under paragraph 6 of this Recommendation.
- 9. Developing CPCs should be allowed to submit a plan of fleet development in accordance with the fishing opportunities allocated to them in ICCAT.
- 10. Starting in 2018, CPCs shall submit their fishing plan to ICCAT by 15 March each year. Such plan shall include detailed information regarding the quota allocated by gear type, including to sport and recreational fisheries (if applicable) and by-catches.

Closed fishing season

- 11. Mediterranean swordfish shall not be caught (either as a targeted species or as by-catch), retained on board, transhipped or landed during either:
 - a) the period from 1 October to 30 November and during an additional period of one month between 15 February and 31 March,
 - b) or, alternatively, during the period from 1 January to 31 March each year.

The CPCs shall communicate to the Commission, by 15 January 2017, the details of the closure periods of their choice.

- 12. In order to protect juvenile swordfish, a closure period shall also apply to longline vessels targeting Mediterranean albacore (*Thunnus alalunga*) from the 1 October to 30 November each year.
- 13. CPCs shall monitor the effectiveness of the closure periods referred to under paragraphs 11 and 12, and shall submit to the Commission, at the latest two months before the Annual meeting of the Commission, all relevant information on appropriate controls and inspections to ensure compliance with these measures.

Minimum size

14. Only entire specimens of swordfish, without removal of any external part, or gilled and gutted specimens, can be retained on board, landed, transhipped and first transported after landing.
15. In order to protect small swordfish, CPCs shall take the necessary measures to prohibit catching, retaining on board, landing, transporting, storing, selling, displaying or offering for sale Mediterranean swordfish measuring less than 100 cm LJFL or, in alternative, weighing less than 11,4 kg of round weight or 10,2 kg of gilled and gutted weight.
16. Prior to the 2017 Annual meeting, SCRS shall provide the Commission with the confirmed average round weight and gilled and gutted weight, corresponding to the LJFL of 100cm.
17. Incidental catch of Mediterranean swordfish below the minimum size referred to under paragraph 15 shall not be kept on board the fishing vessel, transhipped, landed, sold, displayed or offered for sale.

However, the CPCs may grant tolerance to vessels which have incidentally captured small fish below the minimum size, with the condition that this incidental catch shall not exceed 5 % by weight or/and number of pieces per landing of the total swordfish catch of the said vessels

Technical characteristics of the fishing gear

18. The maximum number of hooks that can be set or taken on board of vessels targeting swordfish should be fixed at 2500 hooks. A second set of rigged hooks may be allowed on board for trips longer than 2 days provided that it is duly lashed and stowed in lower decks so that it may not readily be used.
19. Hook size should never be smaller than 7 cm of height for fishing targeting swordfish.
20. The length of the pelagic longlines will be of maximum 30 NM (55 km).

Sport and recreational fisheries

21. CPCs shall provide to the ICCAT Secretariat the lists of all sport and recreational vessels authorized to catch swordfish in the Mediterranean Sea, at least 15 days before the exercise of the activities. Vessels not introduced on this list shall not be authorized to catch Mediterranean swordfish. The format for submitting such list shall be simplified and include the following information:
 - Name of vessel, register number
 - ICCAT Record Number (if any)
 - Previous name (if any)
 - Vessel's length
 - Name and address of owner(s) and operator(s)
22. Only 'rod and line' vessels shall be authorised for the purpose of sport and recreational fishing for Mediterranean swordfish.
23. CPCs shall take the necessary measures to prohibit the catch and retention on board, transhipment or landing of more than one Mediterranean swordfish per vessel per day for sport and recreational fisheries.
24. The marketing of Mediterranean swordfish caught in sport and recreational fishing shall be prohibited.
25. Each CPC shall take measures to record catch data including round weight and length (LJFL) of each Mediterranean swordfish caught in the context of sport and recreational fishing and transmit them to the SCRS.

26. Each CPC shall take the necessary measures to ensure, to the greatest extent possible, the release of Mediterranean swordfish caught alive in the framework of sport and recreational fishing, especially juveniles. Any Mediterranean swordfish however landed should be done so whole or gilled and gutted, and either in a designated port referred to under paragraph 31 of this recommendation, or with a tag affixed to each piece. Each tag shall have unique country specific number and be tamper proof. A summary of the implementation of the tagging programme shall be submitted to ICCAT Secretariat by the CPC. The use of such tags shall only be authorized when the accumulated catch amounts are within the quota allocated to the CPC.

Part III Control measures

ICCAT records of vessels authorized to catch Mediterranean swordfish

27. At the latest on the 15 January each year, CPCs shall provide to the ICCAT Secretariat the list of all catching vessels authorized to fish actively for swordfish. If needed, CPCs shall be able to modify this list during the year by providing an updated list to the ICCAT Secretariat.

CPCs shall provide this list according to the format set out in the Guidelines for Submitting Data and Information Required by ICCAT.

28. By 15 June 2017, CPCs shall provide to the ICCAT Secretariat the list of all catching vessels authorized to fish actively for Mediterranean albacore tuna (*Thunnus alalunga*). For the subsequent years the deadline is set at 15 March. CPCs shall provide this list according to the format set out in the Guidelines for Submitting Data and Information Required by ICCAT.
29. 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. 13-13] shall apply *mutatis mutandis*.

By-catch

30. CPCs may allow by-catch of Mediterranean swordfish by vessels not authorised to fish actively Mediterranean swordfish, as referred to under paragraph 27 of this recommendation, if the CPCs establish a maximum by-catch limit per vessel and per fishing operation and that the by-catch in question are deducted from the CPC's TAC. Each CPC shall provide, in its fishing plan referred to under paragraph 10 of this recommendation, the maximum by-catch limit it allows for its vessels.

Designated ports

31. Fishing vessels shall only land Mediterranean swordfish catches, including by-catches and fish caught in the context of sport and recreational fisheries but not tagged as referred to under paragraph 26, in designated ports of CPCs. To this end, each CPC shall designate ports in which landing Mediterranean swordfish is authorized and communicate a list of these ports to the ICCAT Secretariat by 1 March each year. For a port to be determined as designated port, the port State shall specify permitted landing times and places. On the basis of this information the ICCAT Secretariat shall maintain a list of designated ports on the ICCAT website.
32. Prior to entry into port, the fishing vessels or their representative shall provide the relevant authorities of the port with the following:
- a) estimated time of arrival;
 - b) estimate of quantity of Mediterranean swordfish retained on board;
 - c) the information on the geographic area where the catch was taken.

Port State authorities shall keep a record of all prior notices for the current year.

33. CPC shall establish the minimum length overall of the vessels concerned by paragraphs 31 and 32.

Controls of landings

34. Each CPC shall take the necessary measures to control landings of Mediterranean swordfish, and notify these measures to ICCAT when submitting its fishing plan as referred to under paragraph 10 of this recommendation.

Recording and Communication of catches

35. Each CPC shall ensure that during their period of authorisation, referred to under paragraph 27 of this recommendation, its catching vessels more than 15m fishing actively for Mediterranean swordfish communicate, by electronic or other means to their competent authorities, weekly information, including the date, time, location (latitude and longitude) and the weight and number of Mediterranean swordfish taken in the plan area. Such communication shall only be required when catches are reported over the period considered.
36. Each CPC shall take the necessary measures to ensure that all catches by vessels flying its flag are recorded and communicated without delay to the authority competent.
37. CPCs shall report quarterly the amount of Mediterranean swordfish caught by vessels flying their flag to the Secretariat within 30 days of the end of the period during which the catches were made.

Transshipment

38. Transshipment operations at sea of Mediterranean swordfish shall be prohibited.

Part IV

ICCAT Scheme of Joint International Inspection in International Waters

39. In the framework of the Multi-annual Recovery Plan for Mediterranean swordfish, each CPC agrees, in accordance with Article IX, paragraph 3, of the ICCAT Convention, to apply the ICCAT Scheme of Joint International Inspection adopted during its Fourth Regular Meeting, held in November 1975 in Madrid, as modified in **Annex 1**.
40. The Scheme referred to in paragraph 39 of this Recommendation shall apply in international waters until ICCAT adopts a monitoring, control and surveillance scheme which will include an ICCAT scheme for joint international inspection, based on the results of the Integrated Monitoring Measures Working Group, established by the *Resolution by ICCAT for Integrated Monitoring Measures* [Res. 00-20].
41. When at any time, more than 50 catching vessels of anyone CPC are engaged in Mediterranean swordfish directed fishing activities, the CPC shall, during that time have an inspection vessel in the Convention area, or shall cooperate with another CPC to jointly operate an inspection vessel.

Part V

Scientific information

42. CPCs shall ensure the maintenance or development of adequate scientific information for highly migratory pelagic species in the Mediterranean. In particular, CPCs shall take the necessary measures and actions to better estimate:
- Region specific size and age at maturity;
 - Habitat use for comparison of the availability of swordfish to the various fisheries, including comparisons between traditional and mesopelagic longlines;
 - The impact of the mesopelagic longline fisheries in terms of catch composition, CPUE series, size distribution of the catches; and

- Monthly estimation of spawner and recruit proportion in the catches.
43. By 31 July each year, CPCs shall communicate specific information for the fishing vessels that were authorized to carry out pelagic longline fisheries and harpoons in the Mediterranean during the preceding year:
- a) Specific information on the fishing vessel:
 - Name of the vessel (if no name, the registry number without country initials should be indicated);
 - Registry number;
 - ICCAT list number;

CPCs shall communicate this list electronically to the ICCAT Secretariat according to the format set out in the Guidelines for Submitting Data and Information Required by ICCAT.

- b) Specific information related to fishing activities, based on sampling or for the whole fleet:
 - Fishing period(s) and total annual number of fishing days of the vessel, by target species and area;
 - Geographical areas, by ICCAT statistical rectangles, for the fishing activities carried out by the vessel, by target species and area;
 - Type of vessel, by target species and area;
 - Number of hooks used by the vessel, by target species and area;
 - Number of longline units used by the vessel, by target species and area;
 - Overall length of all longline units for the vessel, by target species and area.
- c) Specific data on the catches, in the smallest time-area possible:
 - Size and, if possible, age distributions of the catches,
 - Catches and catch composition per vessel and,
 - Fishing effort (average fishing days per vessel, average number of hooks per vessel, average longline units per vessel, average overall length of longline per vessel).

These data shall be provided to SCRS in the format required by ICCAT.

Scientific observers

44. Each CPC shall ensure that national scientific observers are deployed on at least 5% of its pelagic longline vessels over 15 m length overall targeting Mediterranean swordfish. Each CPC shall design and implement a methodology to collect the information on the activities of the longline vessels below and up to 15 m length overall. Consistent with ICCAT Rec. [10-10] each CPC shall report this information to SCRS.

In addition to the requirement of ICCAT Rec. [10-10], scientific observers shall in particular assess and report on the level of discards of undersized swordfish.

Review

45. The SCRS shall provide in 2019 an updated assessment of the state of the stock on the basis of the most recent data available. It shall assess the effectiveness of this Recovery plan and provide advice on possible amendments of the various measures. SCRS shall advise the Commission on the appropriate characteristics of the fishing gear, the closure period for the sport and recreational fishery, as well as the minimum size to be implemented for Mediterranean swordfish.
46. Based on such scientific advice, by end of 2019 the ICCAT shall adopt changes of the management framework for swordfish, including the revision of the catch limits and alternative management scenarios, in case this is necessary to comply with the management objectives.

Repeals

47. This Recommendation replaces the *Recommendation by ICCAT for Management Measures for Mediterranean Swordfish in the Framework of ICCAT* [Rec. 13-04].

ICCAT Scheme of Joint International Inspection

Pursuant to paragraph 3 of Article IX of the Convention, the ICCAT Commission recommends the establishment of the following arrangements for international control outside the waters under national jurisdiction for the purpose of ensuring the application of the Convention and the measures in force thereunder:

I. Serious violations

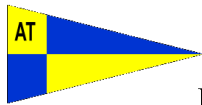
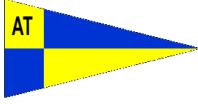
1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the Commission:
 - (a) fishing without a license, permit or authorization issued by the flag CPC,
 - (b) failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/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 any applicable conservation and management measure adopted by the ICCAT;
 - (f) significant violation of catch limits or quotas in force pursuant to the ICCAT rules;
 - (g) using prohibited fishing gear;
 - (h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
 - (i) concealing, tampering with or disposing of evidence relating to investigation of a violation;
 - (j) multiple violations which taken together constitute a serious disregard of measures in force pursuant to the ICCAT;
 - (k) assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector or observer;
 - (l) intentionally tampering with or disabling the vessel monitoring system;
 - (m) such other violations as may be determined by the ICCAT, once these are included and circulated in a revised version of these procedures;
 - (n) interference with the satellite monitoring system and/or operation of a vessel without a VMS system;
 - (o) transshipment at sea
2. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 1, the authorities of the flag State of the inspection vessel shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations, the inspector should, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.
3. ICCAT inspectors should register the inspections undertaken and the infringements detected (if any) in the fishing vessel logbook.
4. The flag State CPC shall ensure that, following the inspection referred to in paragraph 2 of this Annex, the fishing vessel concerned ceases all fishing activities. The flag State CPC shall require the fishing vessel to proceed within 72 hours to a port designated by it, where an investigation shall be initiated.
5. In the case where an inspection has detected an activity or condition that would constitute a serious violation, the vessel should be reviewed under the procedures described in the Recommendation by ICCAT Further Amending Recommendation 09-10 Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area [Rec. 11-18], taking into account any response actions and other follow up.

II. Conduct of inspections

6. Inspections shall be carried out by inspectors designated by the Contracting Governments. The names of the authorized government agencies and individual inspectors designated for that purpose by their respective governments shall be notified to the ICCAT Commission;
7. Ships carrying out international boarding and inspection duties in accordance with this Annex shall fly a special flag or pennant approved by the ICCAT Commission and issued by the ICCAT Secretariat. The names of the ships so used shall be notified to the ICCAT Secretariat as soon as practical in advance of the commencement of inspection activities. The ICCAT Secretariat shall make information regarding designated inspection vessels available to all CPCs, including by posting on its password-protected website;
8. Inspectors shall carry appropriate identity documentation issued by the authorities of the flag State, which shall be in the form shown in paragraph 21 of this Annex;
9. Subject to the arrangements agreed under paragraph 16 of this Annex, a vessel flagged to a Contracting Government and fishing for tuna or tuna-like fishes in the Convention area outside waters under national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in paragraph 7 and carrying an inspector unless the vessel is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master of the vessel shall permit the inspection party, as specified in paragraph 10 of this Annex, to board it and must provide a boarding ladder. The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify compliance with the ICCAT Commission's recommendations in force in relation to the flag State of the vessel being inspected. Further, an inspector may ask for any explanations that he or she deems necessary;
10. The size of the inspection 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 accomplish the duties set out in this Annex safely and securely.
11. Upon boarding the vessel, inspectors shall produce the identity documentation described in paragraph 8 of this Annex. Inspectors shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew, and shall minimize interference with fishing activities or stowage of product and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board; Inspectors shall limit their enquiries to the ascertainment of the observance of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned. In making the inspection, inspectors may ask the master of the fishing vessel for any assistance he may require. Inspectors shall draw up a report of the inspection in a form approved by the ICCAT Commission. Inspectors shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he or she may think suitable and must sign such observations.
12. Copies of the report shall be given to the master of the vessel and to the government of the inspection party, which shall transmit copies to the appropriate authorities of the flag State of the inspected vessel and to the ICCAT Commission. Where any infringement of ICCAT recommendations is discovered, the inspector should, where possible, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity;
13. Resistance to inspectors or failure to comply with their directions shall be treated by the flag State of the inspected vessel in a manner similar to such conduct committed with respect to a national inspector;
14. Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation, but they shall remain under the operational control of their national authorities and shall be responsible to them;

15. Contracting Governments shall consider and act on inspection reports, sighting information sheets as per Recommendation [94-09] and statements resulting from documentary inspections of foreign inspectors under these arrangements on a similar basis in accordance with their national legislation to the reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting Government to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Governments shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements;
16. a) Contracting Governments shall inform the ICCAT Commission by 1 January each year of their provisional plans for conducting inspection activities under this recommendation in that calendar year and the Commission may make suggestions to Contracting Governments for the coordination of national operations in this field including the number of inspectors and ships carrying inspectors;
- b) the arrangements set out in this recommendation and the plans for participation shall apply between Contracting Governments unless otherwise agreed between them, and such agreement shall be notified to the ICCAT Commission. Provided, however, that implementation of the scheme shall be suspended between any two Contracting Governments if either of them has notified the ICCAT Commission to that effect, pending completion of such an agreement;
17. a) the fishing gear shall be inspected in accordance with the regulations in force for the subarea for which the inspection takes place. Inspectors will state the subarea for which the inspection took place, and a description of any violations found, in the inspection report;
- b) inspectors shall have the authority to inspect all fishing gear in use or on board;
18. Inspectors shall affix an identification mark approved by the ICCAT Commission to any fishing gear inspected which appears to be in contravention of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned and shall record this fact in his report;
19. The inspector may photograph the gears, equipment, documentation and any other element he/she considers necessary in such a way as to reveal those features which in their opinion are not in conformity with the regulation in force, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag State;
20. Inspectors shall, as necessary, inspect all catch on board to determine compliance with ICCAT recommendations.
21. The model Identity Card for inspectors is as follows:

Dimensions: Width 10.4cm, Height 7cm

 <p>INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</p> <p>ICCAT</p> <p>Inspector Identity Card</p> <p>Contracting Party:</p> <p>Inspector Name:</p> <p>Card n°:</p> <p>Issue Date:</p> <p>Valid five years</p> <p>Photograph</p>	 <p>ICCAT</p> <p>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> <p>..... ICCAT Executive Secretary Issuing Authority</p> <p>..... Inspector</p>
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