

REPORT OF THE INTER-SESSIONAL MEETING OF THE PERMANENT WORKING GROUP FOR THE IMPROVEMENT OF ICCAT STATISTICS AND CONSERVATION MEASURES (PWG)

(Madrid, Spain, 6-7 March 2014)

1. Opening of the meeting

The Inter-Sessional Meeting of the PWG was opened by the Chair Mr. Taoufik El Ktiri (Morocco).

2. Adoption of the Agenda and meeting arrangements

The agenda was adopted as attached (**Appendix 1**). The list of participants is attached as **Appendix 2**.

3. Appointment of Rapporteur

Ms. Rachel Galea (EU-Malta) was appointed as Rapporteur.

4. Brief report of the January meeting of the eBCD Technical Working Group

The Summary Report of the eBCD Working Group Meeting, 21-24 January 2014 (**Appendix 3**) was circulated to the PWG. The Chair of the Technical eBCD Working Group reviewed the report, as well as the 13 policy issues appended thereto (**Annex 2**). Several CPCs expressed the opinion that testing the system internationally, and as soon as possible, for its general improvement is of utmost importance. Egypt sought clarification on the understanding of domestic trade operation and the issue of double validation requirements for export and import.

5. Consideration of remaining policy matters affecting the development of the eBCD system, including development of recommendations or other approaches for addressing the same

5.1 Sport and recreational fisheries

It was the general consensus that the BFT fished and landed in sport and recreational fisheries remains outside the scope of the eBCD system, the group having been reminded by the Chair that the Commission needs a definite answer from the PWG in order to guide the action to be taken. Recommendation 13-07 and Recommendation 13-09 state that the marketing of BFT caught and landed in recreational or sport fishing is prohibited.

One CPC noted that sport and recreational fishery data should be reported to ICCAT and quotas should be allocated accordingly.

5.2 Dead fish in purse seine fishery

Since no consensus was reached on this issue, the PWG decided to refer the matter to the forthcoming meeting of the Working Group on IMM, scheduled for May 2014.

5.3 Registering and treatment of JFO

The PWG Chair proposed two options for this issue: the issue could remain as pending business or alternatively be referred to the Working Group on IMM in May 2014, or to the Commission. One party called for flexibility and sought clarification on the JFO process. The EU indicated that that item needed to be clarified to prevent potential difficulties to carry out eBCD testing in the context of JFOs involving more than one Flag State.

Japan expressed that JFOs reporting obligations shall be adopted to ensure full functionality of the eBCD system, in particular the appropriate allocation of both number and weight in accordance with the authorized allocation key. The Chair asked operators to meet after the PWG meeting to present practical proposals for continuing the testing.

5.4 By-catch

5.4.1 Bycatch: Eastern fishery

Regarding section 4 of the Summary Report of the eBCD Working Group Meeting, 21-24 January 2014 (doc. PWG-002/i2014), Morocco asked how best to deal with vessels catching E-BFT as by-catch in the eBCD system. The PWG acknowledged that it is difficult for CPCs to determine which vessels are involved in by-catch fishery prior to the start of the fishing season. The Chair of the eBCD Working Group explained that at the eBCD Working Group in January 2014 it was considered that vessel data could be entered in the eBCD system using the national registry number and a free text field for the vessel name and, that this would in turn generate a shadow list with vessels' names but would not involve the creation of an ICCAT register vessel number. This is because a vessel that catches E-BFT as by-catch is not authorized to fish for BFT under Recommendation 12-03 (paragraph 57). The Working Group considered that with such a system errors of data entry into the eBCD system would be reduced.

The PWG noted that by-catch data for trading purposes should be included in the eBCD system by either of the following options: 1. Registration of the vessel in the BFT other list; or 2. Self-registration functionality, validated by the government. The PWG recognized that if traceability of BFT in the eBCD system is required, one of the above options must be chosen.

The Chair raised the subject of some importing CPCs not recognizing imports of BFT, even as by-catch. In fact, some countries refuse to import fish caught incidentally by other vessels. The question also arose of who should register the vessels, either the administration or the operator.

The Chair stressed that the situation where CPCs use the pretext of having small fleets to avoid registration of catch should be avoided at all costs. Self-registration of non-authorized vessels was acceptable to the group for validation of eBCDs. The Chair asked Japan, as an importing country, whether a paper BCD for by-catch issued by some CPCs would be legally acceptable and Japan answered in the affirmative.

5.4.2 Bycatch: Western fishery

The Chair asked whether the solution proposed for addressing the inclusion of catches by by-catch vessels in the eastern fishery in the eBCD was acceptable for the western bluefin tuna fishery. In response, one western bluefin tuna harvesting CPC noted that the distinction between by-catch and other catches in the eastern fishery did not apply to the western bluefin fishery and the eBCD system had already been revised to reflect that. However, there are instances of catches by vessels that are not included in the ICCAT Record of Vessels and, therefore, these vessels are not included in a relational database accessible by the eBCD system. This situation would need to be accommodated in the eBCD system development. The United States indicated it could support the approach proposed – that is, the creation of a free text box under the catch section of the eBCD program so that unlisted vessel data could be entered individually as needed. The United States noted, however, that it could not speak for the entirety of the western bluefin tuna harvesting CPCs, most of which were not present at the meeting.

The PWG agreed to discuss the matter again in the forthcoming meeting of the Working Group on IMM scheduled for May 2014.

5.5 Trade of <3 fish/1 ton

The PWG discussed the consideration raised by the eBCD Working Group concerning the validation of the trade section prior to export where the quantities of bluefin caught and landed are less than 1 metric ton or three fish.

The EU proposed that:

- Based on existing requirements regarding operators landing less than 3 fish/1 t (paragraph 13.d of ICCAT Rec. 11-20), the eBCD program should afford a similar degree of flexibility by enabling the use of a temporary paper-based BCD system.
- The eBCD and trade key would be pre-assigned on a yearly basis so as to ensure the effectiveness of the paper-based BCD system.
- The information should be sent to the ICCAT Secretariat within seven working days by the fisherman or his representative for entry into the eBCD system.

Noting the need to further consider how paragraph 13d of Recommendation 11-20 would be implemented in the e-BCD system, two CPCs requested more information on the abovementioned EU proposal.

The seven-day period of acceptance of paper BCDs prior to conversion into eBCDs was discussed. The PWG agreed that the Consortium would not develop a seven-day prior notification in the eBCD system.

5.6 Importer/buyer field in the trade section

On this issue, Japan stated that the seller may use a free text box temporarily to complete the importer/buyer information of section 8 and, consequently, the information may be changed in the future by the buyer, the importer or the importing country's authority.

In addition, the EU requested that a 15-day time period be allowed for completion of the information regarding the importer/buyer before an alert would be issued.

Several CPCs pointed out that in relation to ICCAT Rec.11-20, all the fields of the eBCD must be completed prior to validation.

The PWG agreed that this issue would need further consideration and would be discussed again in the forthcoming meeting of the Working Group on IMM scheduled for May 2014.

5.7 Domestic trade and trade key

Regarding a specific regime for implementation of eBCD for domestic trade, the EU made a proposal. One CPC noted that this appeared to be a derogation from ICCAT Recommendations and that changes to ICCAT Recommendations were not yet being discussed by the PWG.

The Chair requested the EU to present clearly its proposal so as to be included in the report of this meeting and to further facilitate consideration on that issue. The proposal was the following:

- For BFT traded domestically, and after the first trade, the trader has the option to enter the relevant trade information into the eBCD using section 8 of a blank paper version of the eBCD.
- This section 8 of the eBCD is generated by printing the original eBCD, and is also available as an annex of the ICCAT Recommendation if required for additional trade.
- The trader attaches this section 8 to the original printed paper eBCD.
- Each buyer shall verify that the information is complete for previous operations and trades.
- When the fish is exported outside the CPC, the exporter can access the corresponding eBCD using the eBCD number and trade key.
- The exporter completes the export data in the eBCD system and attaches the scanned copies of the section 8 for all previously completed trades.

As already stated under the discussion of agenda item 4, Japan requested the development a new user category in the eBCD system for the “trade agent”.

The observer from PEW presented a written statement (**Appendix 6**) concerning the document “Summary Report of the eBCD Working Group Meeting (21-24 January 2014)”.

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

The PWG reached a general consensus on the requests for confirmation and clarification from the eBCD Working Group on:

- Current commercial tagging programmes provided for under Rec. 11-20 which continue to be exempt from eBCD validation, however voluntary validation for such fish is acceptable.
- Clearly defined objectives and minimum standards are needed for commercial tagging programmes in order to provide instructions for system functionality.

It was discussed that a free text field that would allow the entering of a “range of tag numbers” could be added for the eastern fishery in the eBCD system.

The Chair requested the EU and Japan to produce a common text. The text, as agreed by Japan and the EU, read as follows: "The seller should have the option to be able to complete the buyer information using a free text box."

Regarding the request about the time limit after validation when the information concerning the importer/buyer needs to be completed, the EU used the following wording: "There should be a 15 day time-limit before an alert is issued".

It was agreed that the following issue needed further discussion, review and clarification by the IMM or the Commission:

- Whether the entry of the weight/product presentation for individual tagged fish including the uploading of Excel/csv files should be made optional in the eastern fishery and compulsory in the western fishery.

The United States noted that the BCD validation exemption was first established under the bluefin statistical document program (SDP) that preceded the current BCD program. The bluefin SDP included minimum criteria that were not expressly carried forward to the BCD program for a number of reasons. However, given the change in the implementation of the BCD with the eBCD program, the United States suggested tagging criteria for the BCD validation exemption should be adopted to prevent potential loopholes in the implementation of the eBCD.

5.9 Regional Observer Programme

On this issue, the Chair reminded the PWG that some fields of the BCD document require the signature of the Regional Observer for completion. The Chair asked how this procedure would be adapted for the eBCD system and how to deal with the practical problem of Regional Observers who change from one year to the next.

Tunisia tabled a pragmatic proposal whereby Regional Observers would provide their e-mail addresses. The Consortium could generate these e-mail addresses as well as act as the link between the operator and observer, automatically relaying information.

In this regard, it was agreed that the eBCD Working Group would have to contact the ROP BFT Consortium for a practical solution.

5.10 Security and data confidentiality

Japan suggested that a document attachment functions as "Annex(es)" field". This should be produced as transport description for sections 2, 3, 4, 5, 6, and 8 in relation to this matter. The EU agreed with the Chair of the PWG that a pragmatic approach should be adopted.

Three proposals were presented in this regard:

- i) Fishermen should only have access to the part of the eBCD which concerns them. As to CPCs, the flag and import State would have full access to all the information of the eBCD.
- ii) The eBCD Technical Working Group should revisit this issue since other parameters will be included at the request of a CPC.
- iii) Tunisia proposed that access should be limited in general while the administration should have full access. In addition, the administration alone should have access to annexes.

Since there was no consensus on these proposals, the item was referred to the IMM meeting in May 2014.

5.11 Access by non-member CPCs and Pacific BFT

Some delegations questioned the inclusion of Pacific BFT in the eBCD system since its management is not within the scope of ICCAT. Others noted that Pacific BFT has been covered by the existing paper BCD in order to reduce a potential loophole in the BCD program due to the inability to distinguish Pacific bluefin from Atlantic bluefin in the market. Both Japan and the United States supported the inclusion of Pacific BFT in the eBCD system.

Japan suggested the non-member CPCs with links to Pacific BFT should use the paper BCD which, in turn, would be forwarded to the Secretariat. The United States noted the trade obligations of ICCAT members to not impose additional trade burdens on ICCAT non-members. While the Commission has valid concerns regarding restricting access to the eBCD system to ICCAT members at this time, it needs to be clear that it will continue to afford non-members access to bluefin trade with the use of the paper BCD, but that is a temporary fix.

The United States presented the Draft Proposal Regarding Data Elements for Pacific BFT, which is attached as **Appendix 4**.

Since there was no consensus on the issue, it was agreed that the proposal by the United States would be discussed at the next Working Group on IMM to ensure decisions are taken in accordance with international trade rules.

5.12 Carry-over in farms

On the treatment of paper BCD and eBCD during the transitional period after March 2015, Japan declared that, as an importing country, it is not possible to accept any incomplete paper BCDs and eBCDs. Having stated this, however, all CPCs and the Secretariat will be able to handle a mixture of BCD and eBCD data. Japan also suggested that any catch taking place before the end of February 2015 would be classified as a paper-based BCD. Accordingly, a catch with a catch date before the end of February 2015 would be considered as requiring a paper-based BCD through to the end of export. Conversely, a catch with a date on or after 1 March 2015 will be treated entirely as an eBCD in the eBCD system through to the end of export.

The EU stated that due consideration is being given to testing and that testing will, in line with Japan's position, be conducted with the pre-production version. The EU will provide Japan with paper BCDs for the time being rather than the electronic version. The EU stated that testing would probably start in April 2014 but would not be completed by the next IMM meeting in May 2014. The EU requested confirmation from the Secretariat/TRAGSA that the server for the test version is capable of handling the data.

The Chair stated that the trade must not be affected during this transitional phase and that this matter should therefore be referred to the IMM meeting.

5.13 Non-traded BFT

Some CPCs indicated that, consistent with Rec. 11-20, all BFT caught and landed should be entered into the eBCD system. Other CPCs noted that eBCD is designed to cover traded bluefin tuna and that the eBCD was being developed consistent with the scope of the current BCD programme. The PWG recalled that Recommendations 13-07 and 13-09 prohibit the trade of bluefin tuna caught and landed in recreational or sport fisheries and that bluefin tuna taken in these fisheries are outside the scope of the eBCD system. However, it was agreed that further discussion was necessary regarding whether and how bluefin tuna that is harvested for commercial purposes by and landed in the territory of the CPC where the vessel is flagged or the trap is established but is not internationally traded shall be included in the eBCD system.

6. Update on the contract extension process with TRAGSA, including any implications from decisions on policy matters

The consortium presented three alternatives for continuing the project (see Annex to the document "Proposal for the Continuation of the Project"). In addition, the Executive Secretary pointed out that the terms of reference as well as the contract with the consortium TRAGSA/The Server Labs had been closely monitored.

The PWG examined the recommendations formulated by the Chair of the eBCD Working Group in its Summary Report of the eBCD Working Group Meeting (6 March 2014), attached to this report (**Appendix 5**), as well as the proposals tabled by the consortium on the continuation of this programme. The recommendations by the eBCD WG were approved by the PWG following consultation and they are to be circulated to the CPCs before the IMM meeting. In addition, it was agreed that the Secretariat should engage in negotiations with the consortium based on first alternative No. 1, with the possibility of including some elements of the other alternatives. The objective would be to lower the price.

The Executive Secretary reassured the PWG that, according to the contract with TRAGSA on the issue of copyright, it is documented that the eBCD project will be the sole property of ICCAT.

7. Any other eBCD issues

The EU provided solutions for technical elements:

- In cage description, the number of fish by weight distribution (8 to 30 kg and >30 kg) does not give a warning/alert when the 5% limit of undersized fish (8 to 30 kg) is exceeded. The EU would like to have a warning system/alert for this scenario.
- When a trade operation of harvested fish is registered, the system allows the selling of up to 10% more of the amount of fish harvested. In the absence of corresponding provisions in the ICCAT Recommendations, the EU would like to have this corrected.
- The current eBCD system offers the option to tag fish harvested in farms. The EU would like to have this option removed to reflect the ICCAT Recommendation.

In response to the concern raised by one CPC that the 28/03/2014 deadline for submitting the necessary data on users of the eBCD system (see ICCAT Circular # 0189 of 15/01/2014) is too soon and asked for more time, the Secretariat informed that this date had been set in light of constraints regarding the approaching termination of the contract with the consortium “GRUPO TRAGSA & THE SERVER LABS”. In this regard, the Secretariat will try to use the transition period to extend the deadline for submitting the necessary data for the purposes of continuing the development of the eBCD system to 28/02/2015, which is within the time limits of the contact.

8. Other matters

The subject of some importing CPCs not accepting imports of BFT caught as by-catch by vessels not included on the BFT “catching vessels list” was raised. It was noted that some CPCs have refused to import fish caught as by-catch by vessels included on the BFT “other vessel list.” The question also arose of who should register the vessels in the eBCD system, either the administration or the operator. This issue has been referred to the Working Group on IMM.

For the transitional period until 1 March 2015, and in the case of BCDs completed for by-catch of E-BFT by a vessel registered in the ICCAT BFT “other vessels list” or without any ICCAT identification but duly authorized by the flag CPC, some CPCs agreed on considering this fish as legal catch.

9. Adoption of the report and adjournment of the meeting

The meeting was adjourned and the report was adopted by correspondence.

AGENDA

1. Opening of the meeting
2. Adoption of agenda and meeting arrangements
3. Nomination of Rapporteur
4. Brief report of January eBCD TWG meeting
5. Consideration of remaining policy matters affecting eBCD system development, including development of recommendations or other approaches for addressing same
6. Update on the contract extension process with TRAGSA, including any implications from decisions on policy matters
7. Any other eBCD issues
8. Other matters
9. Adoption of Report and adjournment

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Appendix 3

SUMMARY REPORT OF THE eBCD WORKING GROUP MEETING
(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, the agenda and documents were uploaded on the SharePoint of the meeting (IMM-017, PWG-407, PWG-408, PWG-419), existing contract with TRAGSA, 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 to the Report of the 9th Meeting of the Working Group on Integrated Monitoring Measures**. Issues which required significant discussions included those on tagging, by-catch, 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 **Annex 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.

Annex 2

Policy issues¹ referred to the Commission

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.

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.

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.

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. By-catch

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 by-catch 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 by-catch 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 by-catch 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 by-catch 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 by-catch.
- For eastern harvesters, by-catch 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 by-catch 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. by-catch 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.

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.

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?

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 PROPOSAL RE DATA ELEMENTS FOR PACIFIC BLUEFIN TUNA (Submitted by United States)

Pacific Bluefin Tuna: For Pacific bluefin tuna traded by ICCAT CPCs, only a subset of the data elements required in Recommendation 11-20 must be completed, as follows:

-- Bluefin Tuna Catch Document

Section: Catch Information

- Flag
- Area
- Total Weight (kg)
- Condition (Fresh, frozen)
- Product Form (round, gilled & gutted, etc.)

Trade Information

- *Exporter/Seller*
- *Point of Export/Departure*
- *Transport description*
- *Government Validation*
- *Importer/buyer*
- *Point of import*

-- Bluefin Tuna Re-Export Certificate

- 2. *Re-Export Section*
- 3. *Description of Imported Bluefin Tuna*
 - Net Weight (kg)
 - Date of Import
 - BCD (or eBCD) number
- 4. *Description of Bluefin Tuna for Re-Export*
 - Net Weight (kg)
 - Corresponding BCD (or eBCD) number
- 6. *Government Validation*

Appendix 5

SUMMARY REPORT OF THE EBCD WORKING GROUP MEETING

(6 March 2014)

As agreed at the last meeting of the eBCD Working Group (WG), held from 21 to 24 January 2014, the WG met to discuss and evaluate the new contract extension proposal submitted by TRAGSA, which has been distributed as document PWG-003/14 and Annex.

On account of the ongoing discussions in the PWG and indications that some issues may be referred to the IMM WG meeting, the WG felt that a final decision on the contract extension and elements contained therein can only be taken after the PWG and IMM WG meetings (i.e. end of May 2014). Unfortunately, given the relatively late arrival of the proposal from TRAGSA and its availability, a full analysis/evaluation by the WG was not possible, nonetheless the following elements were noted and agreed:

- A number of issues requested by the WG to be removed remain in the new proposal (e.g. CPC Administrator and Data Extraction Tool).
- In general, the costs appear high, especially in light of the statement in the proposal that 90% of the tasks have already been completed.
- A significant proportion of the costs (approx. 70%) relate to support, maintenance tasks and overheads, and only a small amount to actual development costs.

In light of the above observations, the group favoured Option 1 in the TRAGSA proposal, provided that:

- The costs are further negotiated and reduced.
- Support maintenance as well as resolution of technical issues are included for a one-year period. This additional support was considered critical so as to cover the entire 2014 E-BFT purse seine fishing campaign and testing.
- Some items currently listed in Option 2 and /or 'extra' activities are included, based on requests of the WG and/or outcomes of the PWG and IMM WG meetings.
- The WG with support from the ICCAT Secretariat shall analyse in more detail which items should have been completed in TRAGSA's current contract and hence shall not be included in the contract extension.

The Secretariat with support from the WG shall initiate decisions with TRAGSA as soon as possible in order to negotiate specific and overall costs.

The final extension proposal shall be endorsed at the IMM WG meeting.

The contract extension with TRAGSA shall ensure/confirm that the ICCAT Secretariat has full and exclusive ownership of the eBCD system.

Future development of the system as well as ongoing maintenance and support shall be discussed by the Commission and further commercial contracts launched if and when required.

THE PEW CHARITABLE TRUSTS STATEMENT**In regards to policy issue 7 (domestic trade and trade key) in doc. PWG-002/i2014**

While The Pew Charitable Trusts recognizes the challenges of tracking domestic trade, which involves a wide range of buyers and sellers, both large and small, the proposal submitted during the meeting to allow the use of a paper system to record domestic trade is a clear step back from the current monitoring and enforcement provisions and contravenes the provisions in Recommendation 11-20. Unfortunately, this proposal would remove the existing requirements of government validation of domestic trade as well as timely submission of BCDs to the Secretariat. In light of the Chairman's earlier comments on the necessity of conforming to the agreed upon measures in 11-20, we urge the members of this Group to reconsider their endorsement of this proposal and instead support a system that fully complies with all requirements of the current recommendations. Additionally, we strongly encourage the Commission to maintain its earlier and repeated commitments to transparency and to ending illegal fishing by supporting a robust eBCD system that fully tracks all Atlantic bluefin trade and closes any existing loopholes in the current system. After three years of development, three delays in implementation, and with several governments ready to fully implement the new electronic system, now is not the time to add exemptions or loopholes that undermine those efforts.