

**REPORT OF THE SIXTH MEETING OF
THE WORKING GROUP ON CONVENTION AMENDMENT**
(Funchal, Portugal, 24-25 May 2018)

1. Opening of the meeting

The Chair of the Working Group, Ms. Deirdre Warner-Kramer (USA), opened the meeting and welcomed the delegations to the Sixth Meeting of the Working Group on Convention Amendment (Working Group). She introduced Mr. José Sousa Vasconcelos (Regional Secretary of Agriculture and Fisheries) who welcomed the participants to Madeira and emphasized the importance of the work of this meeting. The List of Participants is attached as **Appendix 2**.

The Chair reminded the parties of the long road leading to this final Working Group meeting and stressed that all parties would need to be ready to demonstrate flexibility so that a package of agreed amendments could be presented to the Commission at the 21st Special Meeting of the Commission in 2018.

The Executive Secretary, Mr. Driss Meski, introduced the 24 Contracting Parties and one Cooperating non-Contracting Party, Entity, and Fishing Entity in attendance (collectively CPCs). He also noted the participation of one intergovernmental organization (COMHAFAT). El Salvador was unable to attend the meeting but provided written input on the various issues to be faced by the Working Group (**Appendix 3**). Venezuela also provided its views on the issues in writing (**Appendix 4**).

2. Nomination of Rapporteur

Ms. Kimberly Blankenbeker (USA) served as rapporteur.

3. Adoption of agenda and meeting arrangements

Morocco proposed that agenda item 4 be amended slightly to read “Discussion of the text of the proposals for amendment” rather than “Finalizing the text of the proposals for amendment.” The Agenda was adopted with this small change (**Appendix 1**).

4. Discussion of the text of the proposals for amendment

The Chair summarized the significant progress made by the Working Group to date in developing a comprehensive set of proposed amendments to the ICCAT Convention. She reminded delegations that agreement appeared to be in reach at the 25th meeting of the Commission in 2017 but, in the end, there was not enough time to finalize the text of the last two remaining issues identified in the Working Group’s terms of reference, namely, non-party participation and dispute resolution procedures.

The Chair called the Working Group’s attention to the Chair’s proposal for amendment of the International Convention for the Conservation of Atlantic Tunas. She explained that she had developed this document based on discussions at the 25th meeting of the Commission in 2017. She indicated that the proposed new text, which was highlighted in grey, was intended to address remaining concerns on the two remaining issues. She asked delegations to focus their discussions during this meeting on that new text, most of which could be found in Article VIII bis (dispute resolution procedures) and Annex 2 (Fishing Entity Annex). It was noted that new text related to Annex 2 could also be found in Article XIII, and it should also be discussed.

Fishing Entity Annex

The Chair recalled that the Commission had decided by consensus to include non-party participation on Annex I of the Working Group's terms of reference (Rec. 12-10) and that this was a key issue for many delegations. She noted that some parties had previously expressed concerns that Annex 2 of the Convention needed further clarification concerning the fishing entity it was intended to cover. She had proposed to add text to paragraph 1 of Annex 2 to address that concern.

There was no consensus on the Chair's proposed addition to Annex 2. A number of alternative approaches for addressing the underlying need for legal certainty on the Fishing Entity question were discussed, including adopting a resolution specifying who the fishing entity covered by Annex 2 was and including a specific reference to that resolution in Annex 2. Several delegations stressed that a resolution might provide a way forward if its adoption was not contingent on a separate future action by the Commission. Rather, such a resolution would need to be adopted as an inseparable part of the Convention amendment package. If this approach were followed, the new sentence in paragraph 1 offered by the Chair could be deleted.

The Working Group agreed to move forward in this manner, and the United States tabled a draft resolution for consideration. Several parties offered revisions to the text to streamline and improve its specificity, which were incorporated. In addition, to ensure complete clarity that the resolution would be adopted concurrently with the adoption of the amendments to the Convention, language to this effect was added to the preamble. One CPC informed that it has no objection to the resolution, but that this proposal must have the agreement of its competent authorities. Similarly, a cross reference to the resolution was added to paragraph 1 of Annex 2. With these changes, the Working Group agreed to forward *Draft Resolution by ICCAT Regarding Participation of Fishing Entities Under the Amended ICCAT Convention* to the Commission for consideration as an integral part of the Convention amendment package (**Appendix 5**).

With regard to paragraph 4 of Annex 2 on dispute settlement, it was noted that this was closely linked to the outcome of discussions related to Article VIII bis on dispute resolution procedures. Once agreement was reached on Article VIII bis, the text of paragraph 4 of Annex 2 was revised to reflect parallel procedures.

Dispute Resolution Procedures

The Chair noted that the Working Group had made additional progress at the 25th Regular meeting of the Commission of 2017 on the development of dispute resolution procedures as required per the Working Group's terms of reference. She highlighted, in particular, the agreement that it would not be compulsory to enter into dispute resolution procedures but, if parties to a dispute agreed to do so, the outcome of those procedures would be binding.

The Chair pointed out new text offered in Article VIII bis aimed at addressing the remaining issues and indicated that a key question was whether Annex 1, which sets out specific procedures for dispute resolution, was needed or if the issue could be handled in a more general fashion. Some parties expressed the view that Annex 1 was not needed, noting that it was better to keep the text as streamlined as possible, that such specifics were not important since dispute resolution is not compulsory, and that it could be viewed as conflicting with Article 2. Others considered that Annex 1 provided useful guidance and should be interpreted in light of the terms of Article 2. The Working Group agreed to retain Annex 1, with additional text to make clear that the parties to any dispute may agree on the procedures for arbitration, including those set out in Annex 1 or any others that they mutually agree upon.

Regarding Article VIII bis, several proposals were made to clarify the text, including to bring the Spanish and English texts into alignment and to ensure there was no ambiguity about those aspects that are non-compulsory. A discussion arose regarding the list of peaceful means that could be used to settle a dispute and the reference to Contracting Parties in paragraph 3. Given the nature of that paragraph and/or for the sake of clarity, some parties strongly preferred to retain the reference to Contracting Parties and this was agreed. Regarding the list of peaceful means, some parties could not agree to include references to arbitration and judicial settlement. Rather than include some peaceful means but not others, the Working Group agreed to remove the reference in paragraph 3 to the specific types of peaceful means that could be used to settle a dispute.

Regarding paragraph 4 of Article VIII bis, changes were agreed that clarified and streamlined the text and eliminated repetition. In addition, a party suggested changing the phrase “generally accepted standards” to “standards expressly recognized by the parties.” Many parties expressed concern about the ambiguity of this new wording and how it could be operationalized in the context of dispute resolution. After significant discussion, the Working Group agreed to refer to “relevant standards recognized by the parties to the dispute.” Changes were also suggested to paragraph 5 to make it more forward looking.

After incorporating all agreed revisions, the Chair noted that there was agreement in principle on the text of Article VIII bis and to retain Annex 1.

Article XIII

The Chair reminded the Working Group that Article XIII provides that either a Contracting Party or the Commission can propose amendments to the ICCAT Convention, although in practice, all amendments to the Convention to-date have originated from the Commission as a whole. Given sensitivities with regard to Annex 2, new text had been proposed for Article XIII that would only allow the Commission to amend Annex 2. One party expressed concern about establishing a special rule applicable only to Annex 2. To address the two competing concerns, the Working Group revised Article XIII such that only the Commission, by consensus decision, can propose amendments to the Convention.

5. Arrangements for the formalization of the amended text

The Chair thanked the participants for their hard work and flexibility in finalizing the text of the last two issues of substance and noted that there was agreement in principle within the Working Group on the full suite of Convention amendments, a revised compilation of which was circulated at the meeting (**Appendix 6**).

a) Legal and technical Review

The Chair noted that a technical and legal scrub of the proposed amendments to the Convention is necessary with respect to the English, French, and Spanish versions as all three languages are equally authentic. She indicated that that such a scrub can occur either before or after the Commission makes its final decision on the proposal for amendment, but that it must occur before the proposal for amendment is officially transmitted to the Depositary for submission to the Contracting Parties for action.

b) Process for Commission approval and transmittal to Contracting Parties

The Chair reminded the Working Group that there were two options for finalizing the proposal for amendment to the Convention. Pursuant to Convention Article XIII, the Commission could approve the proposal for amendment at its Annual Meeting and, after the technical and legal scrub had been completed, forward it to the Depositary for appropriate action. In this case, the Commission would need to consider how to officially document the approval decision, including whether the amendments involve new obligations or not, as this determination affects when and how the amendments enter into force. A second option would involve creation of a protocol to the Convention for adoption by a Conference of Plenipotentiaries, as was done in the case of the Madrid and Paris Protocols. This second option would allow for development of entry into force provisions that differ from Article XIII, if so desired, but would have timing and resource implications.

c) Other associated Commission actions to be taken

The Chair recalled that, in 2015, the Working Group had developed *Draft Recommendation by ICCAT on Species Considered to be Tuna and Tuna-Like Species or Oceanic, Pelagic, and Highly Migratory Elasmobranchs*, which listed all the species subject to ICCAT competence upon entry into force of the amendments to the Convention. It had been re-circulated to the Working Group prior to the start of the meeting (**Appendix 7**). The Chair noted that this recommendation had not yet been forwarded to the Commission for consideration, as it was intended to be included in and adopted as an integral part of the Convention amendment package.

Japan noted a possible problem with the genus indicated for two species of ray – specifically, “manta” should be changed to “mobula” to be consistent with the most recent scientific information – and requested this be confirmed by SCRS.

China noted that it needed additional time to consider the draft recommendation and noted that it should be further discussed at the 21st Special meeting of the Commission in 2018. In advance of that, China agreed that the SCRS should conduct a technical review of the draft measure. The United States noted the need to settle any issues with the list of species in the recommendation - technical or otherwise - before the 2018 ICCAT meeting.

The Chair confirmed that the Working Group was not in a position to endorse the contents of the draft recommendation as this was the purview of the Commission. She reiterated, however, that the intention all along has been that such a recommendation would form a part of the Convention amendment package.

The Working Group agreed to submit the draft recommendation to the SCRS for a final technical review, in particular to ensure the taxonomic information was up-to-date, prior to the 21st Special meeting of the Commission in 2018. The Working Group also repeated its request that SCRS provide, in all three ICCAT languages, the common names of the elasmobranch species listed in the measure.

The Chair noted the productive discussions during the meeting on Annex 2 of the Convention and reiterated that the *Draft Resolution by ICCAT Regarding Participation by Fishing Entities Under the Amended ICCAT Convention*, attached as **Appendix 5**, would also form part of the Convention amendment package. As such, it and the recommendation containing the list of species, once reviewed by SCRS and agreed by the Commission, would be adopted concurrently with the amendments to the Convention.

6. Other matters

The Chair drew attention to the three recommendations from the Second ICCAT Performance Review relating to the Convention amendment process. She noted that recommendation 93 concerning dispute settlement had been addressed as the Working Group had finalized text for this new Convention Article. She noted that recommendations 1b and 90 related to the question of provisional application of some or all of the amendments, including those related to decision-making, after their adoption and she recalled that some concerns had been previously raised with regard to this idea and that a more detailed discussion of the issue should take place at the 21st Special meeting of the Commission in 2018.

7. Adoption of Report and adjournment

The Working Group agreed to adopt its report by correspondence.

Before adjourning the meeting, the Chair again acknowledged the flexibility and creativity shown by the parties to bring the six-year debate on the substantive Convention amendment issues to a close. She stressed that this was an important and proud moment for ICCAT that would not have been possible without the sincere respect shown by all for the views, concerns, and needs of others. On behalf of the Working Group, she also wholeheartedly thanked the Secretariat and interpreters for their excellent support and assistance in ensuring a highly successful meeting.

The Chair reminded delegations that this Working Group meeting was Mr. Meski’s last ICCAT meeting as Executive Secretary. She noted that the strong leadership shown by Mr. Meski during a period of unprecedented growth and change in ICCAT was critical to the continued success of the organization. On behalf of the Working Group, she thanked Mr. Meski for his many years of service. The Chair also recalled that Mr. Meski had been invited to attend the 21st Special meeting of the Commission in 2018 in Dubrovnik, Croatia, where time was being set aside to properly recognize his important contributions to the organization.

Mr. Meski thanked the Chair for her kind words. He noted that leading the Secretariat for 14 years was both demanding and rewarding and that the end of his tenure as Executive Secretary was an emotional time. He expressed pleasure that the Convention amendment process had come to a successful conclusion and that, in his experience, the Convention Working Group had the hardest job of any ICCAT Working Group. The Executive Secretary thanked the CPCs for their support over the years, and he also expressed his deep appreciation to the Secretariat staff and interpreters for their hard work, competence, and professionalism. He wished his successor, Mr. Manel, much good luck in the position when he assumes it in July.

The Working Group recognized and applauded the Chair's tireless efforts to guide the Working Group to a successful conclusion.

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

Agenda

1. Opening of the meeting
2. Nomination of Rapporteur
3. Adoption of the Agenda and meeting arrangements
4. Discussion of the text of the proposals for amendment
5. Arrangements for the formalisation of the amended text
 - a) Legal and technical review
 - b) Process for Commission approval and transmittal to Contracting Parties
 - c) Other associated Commission actions to be taken
6. Other matters
7. Adoption of the Report and adjournment

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Correspondence from El Salvador on their Position in Relation to Issues to be discussed at the Meeting of the Working Group on Convention Amendment

MINISTRY OF AGRICULTURE AND LIVESTOCK
GENERAL DIRECTORATE OF FISHERIES AND AQUACULTURE DEVELOPMENT
(CENDEPESCA)

000331

El Salvador, 23 May 2018

Mr. Driss Meski
Executive Secretary
International Commission for the Conservation of Atlantic Tunas
Madrid, Spain

Subject: Ref. Working Group on Convention Amendment meeting, 24-25 May

Dear Mr. Meski,

I am writing in connection with the meeting of the Working Group on Convention Amendment, having convened this week on the beautiful island of Madeira, Portugal. This event should result in a refined and consensual proposal which may be discussed and approved during the annual meeting of the Commission. In this context I would like to reiterate the position of my country in relation to the discussions which will undoubtedly take place this week in Madeira.

Article VIII bis

We support the wording of this article as per the version 16/05/ 18 (4: 18 PM) of document CONV_03/i2018. If any change is made, we would appreciate if the International Court of Justice or the International Tribunal for the Law of the Sea were not considered to be dispute settlement entities since El Salvador does not accept ipso facto the jurisdiction of the Court or Tribunal referred to above.

Annex 2

FISHING ENTITIES

We fully agree with wording of Annex 2 on Fishing Entities, as per version 16/05/18 (4:18 PM) of document CONV_03/i2018. In our view, if any changes are made, these should not affect the date of 10 July 2013 which is established as the deadline for having attained the status of Cooperator and becoming a Fishing Entity through submission of an instrument in writing to the Executive Secretary of the Commission, undertaking to be bound by the terms of the Convention and comply with the recommendations adopted.

With regard to “Draft Recommendation by ICCAT on species considered to be tuna and tuna like species or oceanic, pelagic, and highly migratory elasmobranchs” which was presented and discussed in 2015, we have no objection, since at the time the SCRS reviewed and approved it.

We will abide by the decision taken by the Working Group on how best to adopt amendments to the Convention and their entry into force, however, we urge that a way be found that does not involve too much bureaucracy but complies with the protocols established for this type of situations.

The Republic of El Salvador wishes success to the delegations in attendance, and takes this opportunity to greet them and express to them the assurances of our highest estimation and consideration.

Finally, we request that that this correspondence be circulated to the delegates in attendance at this latest meeting of the Working Group on Convention Amendment.

DIOS UNION LIBERTAD

Gustavo Antonio Portillo Portillo
Director General

Regards

**Statement by the Bolivarian Republic of Venezuela at
the Working Group meeting on Convention Amendment**

Once again, the Bolivarian Republic of Venezuela congratulates the admirable initiative and commitment undertaken by the Working Group responsible for completing the negotiations among Contracting Parties with regard to the proposals on Convention amendment.

The Bolivarian Republic of Venezuela considers that the final proposal to the Convention amendment reflected in the final Report of the 25th Regular meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), overall contains the observations and considerations of the Contracting Parties, in particular regarding the premise that, to solve disputes, negotiation, inquiry, arbitration and conciliation will be sought by peaceful means of resolution.

Thus, it is viable and feasible to approve the proposed text. However, we believe that as a principle of nations, the promotion of consensus and necessary consultations should continue in order to solve disputes in an amicable and harmonious way through dialogue between the Parties involved. The establishment of courts and binding measures are not the most suitable procedures. Other forms of dispute settlements which are less complex and which are accepted and based on reciprocity with the principles of each State, should be implemented. The ideals of brotherhood should be preserved. These ideals have been materialised throughout the existence of this Organization in the form of good and harmonious relations between all the States who comprise it.

Draft Resolution by ICCAT regarding Participation by Fishing Entities under the amended ICCAT Convention

Proposal by the United States

RECALLING that, at its 18th Special Meeting in 2012, ICCAT adopted the *Recommendation by ICCAT to Establish a Working Group to Develop Amendments to the ICCAT Convention* [Rec. 12-10];

NOTING that one of the areas for which the Working Group was directed by the Commission to formulate proposed amendments (Annex I of the 2012 Recommendation) was “Non-party participation;”

RECALLING that the reference to “Non-party participation” reflected, *inter alia*, the will of the Commission to provide for an enhanced level of participation by “Fishing Entities” in the Commission for the purpose of strengthening the effective conservation and management of ICCAT species;

RECOGNIZING that the Working Group has, in accordance with its mandate, developed a series of “proposed amendments to the Convention with respect to the items identified in Annex I” (of the 2012 Recommendation);

FURTHER RECOGNIZING that this series of proposed amendments includes Annex 2 concerning Fishing Entities;

RECALLING that this Annex provides that, “Any Non-Contracting Party, Entity, or Fishing Entity that obtains Cooperating Status after 10 July 2013 shall not be considered a Fishing Entity for purposes of this Annex and, thus, shall not enjoy the same rights and obligations as Members of the Commission as set forth in Articles III, IV, VI, VIII, IX, X, and XI of the Convention;”

NOTING that this resolution is adopted concurrent with the amended Convention;

The Commission hereby establishes and reaffirms that:

1. Chinese Taipei is the only Fishing Entity that has received Cooperating Status within ICCAT prior to 10 July 2013; and therefore,
2. Chinese Taipei is the only Fishing Entity that has met the qualifications specified in Annex 2 to the Convention; and therefore,
3. Upon entry into force of the amended Convention, including Annex 2, no Fishing Entity other than Chinese Taipei is to be eligible to participate in the work of the Commission pursuant to the provisions of that Annex.

**Proposal for Amendment of the
International Convention for the Conservation of Atlantic tunas**
(Prepared by the Working Group on Convention Amendment)

Preamble

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes and elasmobranchs that are oceanic, pelagic, and highly migratory found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit their long term conservation and sustainable use ~~maximum sustainable catch~~ for food and other purposes, resolve to conclude a Convention for the conservation of these resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

Article I

The area to which this Convention shall apply, hereinafter referred to as the “Convention area”, shall be all waters of the Atlantic Ocean, including the adjacent Seas.

Article II

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under international law. This Convention shall be interpreted and applied in a manner consistent with international law. ~~be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under international law.~~

Article III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as “the Commission”, which shall carry out the objectives set forth in this Convention. Each Contracting Party shall be a Member of the Commission.

2. Each of the ~~Contracting Parties~~ Members of the Commission shall be represented on the Commission by not more than three Delegates. Such Delegates may be assisted by experts and advisors.

3. ~~Except as may otherwise be provided in this Convention~~ Decisions of the Commission shall be taken by consensus as a general rule. Except as may otherwise be provided in this Convention, if consensus cannot be achieved, decisions shall be made by a two-thirds majority of the Contracting Parties Members of the Commission present and casting affirmative or negative votes, each Contracting Party Member of the Commission having one vote. Two-thirds of the Contracting Parties Members of the Commission shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the ~~Contracting Parties~~ Members of the Commission or by decision of the Council as constituted in Article V.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its ~~Contracting Parties Members~~ a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.
 8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.
9. The Commission shall submit a report to the ~~Contracting Parties~~ Members of the Commission every two years on its work and findings and shall also inform any ~~Contracting Party~~ Member of the Commission, whenever requested, on any matter relating to the objectives of the Convention.

Article III bis

The Commission and its Members, in conducting work under the Convention, shall act to:

- (a) apply the precautionary approach and an ecosystem approach to fisheries management in accordance with relevant internationally agreed standards and, as appropriate, recommended practices and procedures;
- (b) use the best scientific evidence available;
- (c) protect biodiversity in the marine environment;
- (d) ensure fairness and transparency in decision making processes, including with respect to the allocation of fishing possibilities, and other activities; and
- (e) give full recognition to the special requirements of developing Members of the Commission, including the need for their capacity building, in accordance with international law, to implement their obligations under this Convention and to develop their fisheries.

Article IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes ~~(the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*)~~ and elasmobranchs that are oceanic, pelagic, and highly migratory (hereinafter "ICCAT species"), and such other species ~~of fishes exploited caught in tuna fishing for ICCAT species in the Convention area, as are not under investigation by another~~ taking into account the work of other relevant international fishery-related organizations or arrangements. Such study shall include research on ~~the abundance, biometry and ecology of the fishes these species;~~ the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission may also study species belonging to the same ecosystem or dependent or associated with the ICCAT species. The Commission, in carrying out these responsibilities shall, insofar as feasible, utilise the technical and scientific services of, and information from, official agencies of the ~~Contracting Parties~~ Members of the Commission and their political sub-divisions and may, when desirable, utilise the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget with the cooperation of concerned Contracting Parties ~~Members of the Commission~~, independent research to supplement the research work being done by governments, national institutions or other international organizations. The Commission shall ensure that any information received from such institution, organization, or individual is consistent with established scientific standards regarding quality and objectivity.

2. The carrying out of the provisions in paragraph 1 of this Article shall include:
 - (a) collecting and analysing statistical information relating to the current conditions and trends of ~~the tuna fishery resources of ICCAT species in the Convention area;~~
 - (b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of ICCAT species ~~tuna and tuna-like fishes~~ in the Convention area at or above levels ~~which will permit the~~ capable of producing maximum sustainable catch yield and which will ensure the effective exploitation of these ~~species fishes~~ in a manner consistent with this yield catch;
 - (c) recommending studies and investigations to the ~~Contracting Parties~~ Members of the Commission;
 - (d) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to ~~the tuna fisheries of ICCAT species in the Convention area.~~

Article V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.
2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case:

- (a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;
- (b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the ~~Contracting Parties~~ Members of the Commission;
- (c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigation by the ~~Contracting Parties~~ Members of the Commission.

Article VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission.

The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe:

- (a) coordinating the programmes of investigation ~~by the Contracting Parties~~ carried out pursuant to Articles IV and VI;
- (b) preparing budget estimates for review by the Commission;
- (c) authorising the disbursement of funds in accordance with the Commission's budget;
- (d) accounting for the funds of the Commission;
- (e) arranging for co-operation with the organizations referred to in Article XI of this Convention;
- (f) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable ~~catch~~ yield of ~~tuna~~ stocks of ICCAT species;
- (g) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article VIII

1. (a) The Commission may, on the basis of scientific evidence, make recommendations designed to ~~maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch;~~
 (i) ensure in the Convention area the long-term conservation and sustainable use of ICCAT species by maintaining or restoring the abundance of the stocks of those species at or above levels capable of producing maximum sustainable yield; and
 (ii) promote where necessary the conservation of other species that are dependent on or associated with ICCAT species, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened.
 These recommendations shall be applicable to the ~~Contracting Parties~~Members of the Commission under the conditions laid down in paragraphs 2 and 3 of this Article.

(b) The recommendations referred to above shall be made:
 (i) at the initiative of the Commission if an appropriate Panel has not been established; or
 (ii) at the initiative of the Commission with the approval of at least two-thirds of all the ~~Contracting Parties~~Members of the Commission if an appropriate Panel has been established but a proposal has not been approved;
 (iii) on a proposal that has been approved by an appropriate Panel ~~if such a Panel has been established;~~
 (iv~~ii~~) on a proposal that has been approved by the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this Article shall become effective for all ~~Contracting Parties~~Members of the Commission ~~six~~ four months after the date of the notification from the Commission transmitting the recommendation to the ~~Contracting Parties~~Members of the Commission, unless otherwise agreed upon by the Commission at the time a recommendation is adopted and except as provided in paragraph 3 of this Article. However, under no circumstances shall a recommendation become effective in less than three months.

3. (a) If any ~~Contracting Party~~Member of the Commission in the case of a recommendation made under paragraph 1(b)(i) ~~or (ii)~~ above, or any ~~Contracting Party~~Member of the Commission which is also a member of a Panel concerned in the case of a recommendation made under paragraph 1(b)(iii) or (iv~~ii~~) above, presents to the Commission an objection to such recommendation within the ~~six~~ months period established pursuant to ~~provided for in~~ paragraph 2 above, the recommendation shall not become effective for ~~an additional sixty days~~ the Contracting PartiesMembers of the Commission concerned.

(b) ~~Thereupon any other Contracting Party may present an objection prior to the expiration of the additional sixty days period, or within forty five days of the date of the notification of an objection made by another Contracting Party within such additional sixty days, whichever date shall be the later.~~

(c) ~~The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.~~

(d) ~~However, if a recommendation has met with an objection presented by only one or less than one-fourth of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.~~

(e) ~~In the case referred to in sub-paragraph (d) above the Contracting Party or Parties concerned shall have an additional period of sixty days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.~~

(f) ~~If a recommendation has met with objection from more than one fourth but less than the majority of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.~~

- ~~(bg)~~ If objections have been presented by a majority of the ~~Contracting Parties~~Members of the Commission within the period established pursuant to paragraph 2 above, the recommendation shall not become effective for any ~~Contracting Party~~Member of the Commission.
- ~~(ch)~~ A ~~Contracting Party~~Member of the Commission presenting an objection in accordance with subparagraph (a) above shall provide to the Commission in writing, at the time of presenting its objection, the reason for its objection, which shall be based on one or more of the following grounds:
- ~~(i)~~ The recommendation is inconsistent with this Convention or other relevant provisions of international law; or
 - ~~(ii)~~ The recommendation unjustifiably discriminates in form or in fact against the objecting ~~Contracting Party~~Member of the Commission.
 - ~~(iii)~~ The ~~Contracting Party~~Member of the Commission cannot practicably comply with the measure because it has adopted a different approach to conservation and sustainable management or because it does not have the technical capabilities to implement the recommendation.
 - ~~(iv)~~ Security constraints as a result of which the objecting ~~Contracting Party~~Member of the Commission is not in a position to implement or comply with the measure.
- ~~(di)~~ Each ~~Contracting Party~~Member of the Commission that presents an objection pursuant to this Article shall also provide to the Commission, to the extent practicable, a description of any alternative conservation and management ~~and conservation~~ measures, which shall be at least equally effective as the measure to which it is objecting.

4. Any ~~Contracting Party~~Member of the Commission objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such ~~Contracting Party~~Member of the Commission immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.

5. The ~~Commission~~ Executive Secretary shall promptly circulate to all ~~Contracting Parties~~Members of the Commission the details of any objection and explanation received in accordance with this Article ~~notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of such an objection, and shall notify all Contracting Parties~~Members of the Commission of the entry into force of any recommendation.

Article VIII bis

1. Every effort shall be made within the Commission in order to prevent disputes, and the parties to any dispute shall consult each other in order to settle disputes concerning this Convention by amicable means and as quickly as possible.
2. Where a dispute concerns a matter of a technical nature, the parties to the dispute may jointly refer the dispute to an *ad hoc* expert panel established in accordance with the procedures to be adopted by the Commission. The panel shall confer with the parties to the dispute and shall endeavour to expeditiously resolve the dispute without recourse to binding procedures.
3. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, best efforts shall be made to have the dispute resolved by peaceful means.
4. Any such dispute that is not resolved through means set out in the paragraphs above, may be submitted to final and binding arbitration for settlement, at the joint request of the parties to the dispute. Prior to jointly requesting arbitration, the parties to the dispute should agree on the scope of the dispute. The parties to the dispute may agree that an arbitral tribunal be constituted and conducted in accordance with Annex 1 of this Convention or in accordance with any other procedures that the parties to the dispute may decide to apply by mutual agreement. Any such arbitral tribunal shall render its decisions in accordance with this Convention, international law and relevant standards recognized by the parties to the dispute for the conservation of living marine resources.

5. The dispute settlement mechanisms set out in this Article shall only apply to disputes that relate to any act, fact, or situation that occurs after the date of the entry into force of this Article.
6. Nothing in this Article shall prejudice the ability of parties to any dispute to pursue dispute settlement under other treaties or international agreements to which they are parties, in lieu of dispute settlement as provided for in this Article, in accordance with the requirements of that treaty or international agreement.

Article IX

1. The ~~Contracting Parties~~Members of the Commission agree to take all action necessary to ensure the enforcement of this Convention. Each ~~Contracting Party~~Member of the Commission shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The ~~Contracting Parties~~Members of the Commission agree:
- (a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;
 - (b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the ~~Contracting Parties~~Members of the Commission, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The ~~Contracting Parties~~Members of the Commission undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention.

4. ~~Contracting Parties undertake and in particular~~ to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a ~~s~~State is entitled under international law to exercise jurisdiction over fisheries.

Article X*

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each ~~Contracting Party~~Member of the Commission shall contribute annually to the budget of the Commission an amount calculated in accordance with a scheme provided for in the Financial Regulations, as adopted by the Commission. The Commission, in adopting this scheme, should consider *inter alia* each ~~Contracting Party's~~Member of the Commission's fixed basic fees for Commission and Panel membership, the total round weight of catch and net weight of canned products of Atlantic tuna and tuna-like fishes and the degree of economic development of the ~~Contracting Parties~~Members of the Commission.

The scheme of annual contributions in the Financial Regulations shall be established or modified only through the agreement of all the ~~Contracting Parties~~Members of the Commission present and voting. The ~~Contracting Parties~~Members of the Commission shall be informed of this ninety days in advance.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise reapportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

* As modified by the Madrid Protocol, which entered into force on March 10, 2005.

4. The Executive Secretary of the Commission shall notify each ~~Contracting Party~~Member of the Commission of its yearly assessment. The contributions shall be payable on January first of the year for which the assessment was levied. Contributions not received before January first of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the ~~Contracting Parties~~Members of the Commission copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than sixty days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each ~~Contracting Party~~Member of the Commission a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any ~~Contracting Party~~Member of the Commission when its arrears of contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a Working Capital fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

Article XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution**. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The ~~Contracting Parties~~Members of the Commission agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

Article XII

1. This Convention shall remain in force for ten years and thereafter until a majority of the Contracting Parties agree to terminate it.

** See FAO Agreement.

2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.
3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same December thirty-first by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than April first of that year.

Article XIII

1. At the initiative of aAny Contracting Party or of the Commission itself, the Commission may propose amendments to this Convention. Any such proposal shall be by consensus. Notwithstanding, only the Commission may propose amendments to Annex 2. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

Article XIII bis

The Annexes form an integral part of this Convention and a reference to this Convention includes a reference to the Annexes.

Article XIV***

1. This Convention shall be open for signature by the Government of any State which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.
2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.
3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval, or adherence on the date of such deposit.

*** As modified by the Paris Protocol, which entered into force on December 14, 1997.

4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

<ol style="list-style-type: none">5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of the provisions of the Convention as the other Contracting Parties. Reference in the text of the Convention to the term “State” in Article IX, paragraph [3]4, and to the term “government” in the Preamble and in Article XIII, paragraph 1, shall be interpreted in this manner.
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6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member states of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to the Director-General of the Food and Agriculture Organization of the United Nations.

Article XV***

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in paragraph 1 of Article XIV and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation on adherence, the entry into force of this Convention, proposals for amendment, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

Article XVI***

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies of it to the Governments referred to in paragraph 1 of Article XIV and to the organizations referred to in paragraph 4 of the same Article.

IN WITNESS WHEREOF the representatives duly authorized by their respective Governments have signed the present Convention. Done at Rio de Janeiro this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each version being equally authoritative.

ANNEX 1

PROCEDURES FOR DISPUTE RESOLUTION

1. The arbitral tribunal referred to in paragraph 4 of Article VIII bis should be composed, as appropriate, of three arbitrators who may be appointed as follows:
 - (a) One of the parties to the dispute should communicate the name of an arbitrator to the other party to the dispute that should, in turn, within a period of forty days following that notification, communicate the name of the second arbitrator. In disputes between more than two Members of the Commission, parties that have the same interest should jointly appoint one arbitrator. The parties to the dispute should, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who is not a national of either Member of the Commission and is not of the same nationality as either of the first two arbitrators. The third arbitrator should preside over the tribunal;
 - (b) If the second arbitrator is not appointed within the prescribed period, or if the parties are not able to concur within the prescribed period on the appointment of the third arbitrator, that arbitrator may be appointed, at the request of the parties to the dispute, by the Chair of the Commission within two months from the date of receipt of the request.
2. The decision of the arbitral tribunal should be made by a majority of its members, which should not abstain from voting.
3. The decision of the arbitral tribunal is final and binding on the parties to the dispute. The parties to the dispute should comply with the decision without delay. The arbitral tribunal may interpret the decision at the request of one of the parties to the dispute.

ANNEX 2**FISHING ENTITIES**

1. After the entry into force of the amendments to the Convention adopted on <date of adoption>, only the fishing entity that had attained by 10 July 2013 Cooperating Status in accordance with the procedures established by the Commission, as reflected in Resolution 18-XX adopted concurrent with this Annex, may, by a written instrument delivered to the Executive Secretary of the Commission, express its firm commitment to abide by the terms of this Convention and comply with recommendations adopted pursuant to it. Such commitment shall become effective 30 days from the date of receipt of the instrument. Such fishing entity may withdraw such commitment by a written notification addressed to the Executive Secretary of the Commission. The withdrawal shall become effective 1 year after the date of its receipt, unless the notification specifies a later date.
2. In case of any further amendment made to the Convention pursuant to Article XIII, the fishing entity referred to in paragraph 1 may, by a written instrument delivered to the Executive Secretary of the Commission, express its firm commitment to abide by the terms of the amended Convention and comply with recommendations adopted pursuant to it. This commitment of a fishing entity shall be effective from the dates referred to in Article XIII or on the date of receipt of the written communication referred to in this paragraph, whichever is later.
- 2bis. The Executive Secretary shall notify the Contracting Parties of its receipt of such commitments or notifications and make such notifications available to the Contracting Parties; provide notifications from the Contracting Parties to the fishing entity, including notifications of ratification, approval, or adherence and entry into force of the Convention and its amendments; and keep safe custody of any such documents transmitted between the fishing entity and the Executive Secretary.
3. The fishing entity referred to in paragraph 1 which has expressed, through the submission of the written instrument referred to in paragraphs 1 and 2, its firm commitment to abide by the terms of this Convention and comply with recommendations adopted pursuant to it may participate in the relevant work, including decision making, of the Commission, and shall, mutatis mutandis, enjoy the same rights and obligations as Members of the Commission as set forth in Articles III, IV, VI, VIII, IX, X, and XI of the Convention.
4. If a dispute involves the fishing entity referred to in paragraph 1 which has expressed its commitment to be bound by the terms of this Convention in accordance with this Annex and cannot be settled by amicable means, the dispute may, with the mutual agreement of the parties to the dispute, be submitted, as the case may be, to an ad hoc expert panel or, after seeking to agree on the scope of the dispute, for final and binding arbitration.
5. The provisions of this Annex relating to the participation of the fishing entity referred to in paragraph 1 are only for the purposes of this Convention.
6. Any Non-Contracting Party, Entity, or Fishing Entity that obtains Cooperating Status after 10 July 2013 shall not be considered a Fishing Entity for purposes of this Annex and, thus, shall not enjoy the same rights and obligations as Members of the Commission as set forth in Articles III, IV, VI, VIII, IX, X, XI of the Convention.

Draft Recommendation by ICCAT on Species Considered to be tuna and tuna-like Species or Oceanic, Pelagic, and Highly Migratory Elasmobranchs

*(Proposal by the Chair of the WG of the Convention Amendment)
(New proposal, discussed previously as CONV_10/2015 and not adopted)*

RECALLING the work of the Working Group on Convention Amendment to clarify the scope of the Convention through the development of proposed amendments to the Convention;

FURTHER RECALLING that the proposed amendments developed by the Working Group on Convention Amendment included defining “ICCAT species” to include tuna and tuna-like species and elasmobranchs that are oceanic, pelagic, and highly migratory;

NOTING the work of the Standing Committee on Research and Statistics (SCRS) to determine which modern taxonomic groupings correspond to the definition of “tuna and tuna-like fishes” in Article IV of the Convention, and which elasmobranch species would be considered “oceanic, pelagic, and highly migratory”;

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

1. Upon the entry into force of the amendments to the Convention as developed by the Working Group on Convention Amendment, the term “tuna and tuna-like species” shall be understood to include the species of the family *Scombridae*, with the exception of the genus *Scomber*, and the sub-order *Xiphoidei* as follows:

Scombrid

Acanthocybium solandri (Cuvier 1832) – Wahoo
Auxis rochei rochei (Risso 1810) – Bullet Tuna
Auxis thazard thazard (Lacepède 1800) – Frigate Tuna
Euthynnus alletteratus (Rafinesque 1810) – Little Tunny
Katsuwonus pelamis (Linnaeus 1858) – Skipjack Tuna
Orcynopsis unicolor (Geoffrey St. Hilaire 1817) – Plain Bonito
Sarda sarda (Bloch 1793) – Atlantic Bonito
Scomberomorus maculatus (Mitchill 1815) – Spanish Mackerel
Scomberomorus regalis (Bloch 1793) – Cero
Scomberomorus tritor (Cuvier in Cuvier & Valenciennes 1832) – West African Spanish Mackerel
Gasterochisma melampus (Richardson 1845) – Butterfly Kingfish
Allothunnus fallai (Serventy 1948) – Slender Tuna
Thunnus alalunga (Bonnaterre 1788) – Albacore
Thunnus albacares (Bonnaterre 1788) – Yellowfin Tuna
Thunnus atlanticus (Lesson 1831) – Blackfin Tuna
Thunnus obesus (Lowe 1839) – Bigeye Tuna
Thunnus thynnus (Linnaeus 1758) – Atlantic Bluefin Tuna
Thunnus maccoyii (Castelnau 1872) – Southern Bluefin Tuna

Istiophoridae

Istiompax indica (Cuvier 1832) – Black Marlin
Istiophorus platypterus (Shaw 1792) – Sailfish
Kajikia albida (Poey 1860) – White Marlin (currently known as *Tetrapturus albidus* in FAO and other CPCs species list that use FAO species names as reference)
Makaira nigricans (Lacepède 1802) – Blue Marlin
Tetrapturus belone (Rafinesque 1810) – Mediterranean Spearfish
Tetrapturus georgii (Lowe 1841) – Roundscale Spearfish
Tetrapturus pfluegeri (Robins & de Sylva 1963) – Longbill Spearfish

Xiphiidae*Xiphias gladius* (Linnaeus 1758) – Swordfish

2. Upon the entry into force of the amendments to the Convention as developed by the Working Group on Convention Amendment, the term “elasmobranchs that are oceanic, pelagic, and highly migratory” shall be understood to include the species as follows:

<i>Order</i>	<i>Family</i>	<i>Genus</i>	<i>Species</i>	<i>Authorship</i>
Orectolobiformes	Rhincodontidae	<i>Rhincodon</i>	<i>typus</i>	Smith 1828
Lamniformes	Pseudocarchariidae	<i>Pseudocarcharias</i>	<i>kamoharai</i>	Matsubara 1936
Lamniformes	Lamnidae	<i>Carcharodon</i>	<i>carcharias</i>	Linnaeus 1758
Lamniformes	Lamnidae	<i>Isurus</i>	<i>oxyrinchus</i>	Rafinesque 1810
Lamniformes	Lamnidae	<i>Isurus</i>	<i>paucus</i>	Guitart Manday 1966
Lamniformes	Lamnidae	<i>Lamna</i>	<i>nasus</i>	Bonnaterre 1788
Lamniformes	Cetorhinidae	<i>Cetorhinus</i>	<i>maximus</i>	Gunnerus 1765
Lamniformes	Alopiidae	<i>Alopias</i>	<i>superciliosus</i>	Lowe 1841
Lamniformes	Alopiidae	<i>Alopias</i>	<i>vulpinus</i>	Bonnaterre 1788
Carcharhiniformes	Carcharhinidae	<i>Carcharhinus</i>	<i>falciformis</i>	Müller & Henle 1839
Carcharhiniformes	Carcharhinidae	<i>Carcharhinus</i>	<i>galapagensis</i>	Snodgrass & Heller 1905
Carcharhiniformes	Carcharhinidae	<i>Carcharhinus</i>	<i>longimanus</i>	Poey 1861
Carcharhiniformes	Carcharhinidae	<i>Prionace</i>	<i>glauca</i>	Linnaeus 1758
Carcharhiniformes	Sphyrnidae	<i>Sphyrna</i>	<i>lewini</i>	Griffith & Smith 1834
Carcharhiniformes	Sphyrnidae	<i>Sphyrna</i>	<i>mokarran</i>	Rüppell 1837
Carcharhiniformes	Sphyrnidae	<i>Sphyrna</i>	<i>zygaena</i>	Linnaeus 1758
Myliobatiformes	Dasyatidae	<i>Pteroplatytrygon</i>	<i>violacea</i>	Bonaparte 1832
Myliobatiformes	Mobulidae	<i>Manta</i>	<i>alfredi</i>	Kreffft 1868
Myliobatiformes	Mobulidae	<i>Manta</i>	<i>birostris</i>	Walbaum 1792
Myliobatiformes	Mobulidae	<i>Mobula</i>	<i>hypostoma</i>	Bancroft 1831
Myliobatiformes	Mobulidae	<i>Mobula</i>	<i>japanica</i>	Müller & Henle 1841
Myliobatiformes	Mobulidae	<i>Mobula</i>	<i>mobular</i>	Bonnaterre 1788
Myliobatiformes	Mobulidae	<i>Mobula</i>	<i>rochebrunei</i>	Vaillant 1879
Myliobatiformes	Mobulidae	<i>Mobula</i>	<i>tarapacana</i>	Philippi 1892
Myliobatiformes	Mobulidae	<i>Mobula</i>	<i>thurstoni</i>	Lloyd 1908

3. The lists of species set forth in paragraphs 1 and 2 above will be reviewed periodically and may be amended, as appropriate, upon the receipt of advice from the SCRS.