

**REPORT OF THE 13TH MEETING OF  
THE WORKING GROUP ON INTEGRATED MONITORING MEASURES (IMM)**  
*(Madrid, Spain, 2-4 April 2019)*

**1. Opening of the meeting**

The Chair of the Working Group, Mr. Neil Ansell (EU), opened the meeting and welcomed the delegates to the 13th meeting of the Working Group on Integrated Monitoring Measures (IMM). The ICCAT Executive Secretary also welcomed participants.

**2. Appointment of Rapporteur**

Ms. Madison Harris (USA) was appointed as rapporteur.

**3. Adoption of Agenda and meeting arrangements**

The Chair summarized the points on the agenda for the meeting, in particular that the Vessel Sighting and Potential Non-Compliance (PNCs) in the Regional Bluefin Tuna Observer Program would be taken up under points 8 and 6, respectively.

The agenda was adopted with these clarifications (**Appendix 1**).

The Executive Secretary introduced the Contracting Parties present at the meeting: Brazil, Canada, Cote d'Ivoire, European Union, Gabon, Ghana, Japan, Morocco, Namibia, Nigeria, Senegal, Tunisia, United Kingdom (Overseas Territories), and the United States of America.

The Executive Secretary also introduced Chinese Taipei as a Cooperating Non-Contracting Party, Entity or Fishing Entity.

The list of participants is contained in **Appendix 2**.

**4. Statistical and Catch Documentation Schemes:**

The Chair opened the discussions of the first agenda item by suggesting that the Working Group discuss agenda items 4.1 and 4.2 together.

**4.1 Overall strategy for CDS programmes in ICCAT and**

**4.2 Review and consideration of possible amendments to swordfish and bigeye tuna Statistical Document Programmes**

The Chair opened by reflecting on conversations on this subject in 2018 that noted the existing Statistical Document Programmes (SDPs) for BET and SWO were outdated and potentially obsolete. In 2018 there was discussion of expanding SDPs or CDS to other species and the process that might entail. The Chair also noted the relevant Performance Review recommendation 84, which suggests moving towards CDS for these two species at ICCAT. In 2018 the Working Group asked the Secretariat to gather information that would be relevant to advising how ICCAT might proceed in identifying priority species or next steps for CDS. This information was made available at the 2018 annual meeting but time constraints prevented sufficient discussions.

Several CPCs agreed that past discussions suggested a willingness for ICCAT to consider the possibility of expanding CDS. Some CPCs also agreed with the view that current SDPs are obsolete and might benefit from an update. There was reflection on the proposal from EU and Japan in 2012 that had started this process but was then postponed to await the development of the FAO voluntary guidelines on CDS (which were finalized in 2017) and further development of the eBCD system. Several CPCs agreed that the FAO voluntary guidelines should be used as a helpful guide in developing any new CDS programs in ICCAT.

Several CPCs noted that BET should be considered for priority focus due to its current stock status and ongoing discussions. Nonetheless several CPCs discussed that SWO should also be considered for priority focus, though perhaps the need was more apparent for Mediterranean SWO.

The CPCs expressed thanks to the Secretariat for compiling the information to help guide this discussion. However, some CPCs felt the available information was insufficient to finalize a risk assessment that would help consistently identify priority candidates for a new CDS. A CPC noted data were difficult for the Secretariat to compile although this information may exist in public sources.

In discussing these concerns, several CPCs noted that the Group should proceed cautiously. Thus, a new CDS system should not be developed absent a thorough analysis of the factors discussed and should be implemented in parallel with specific management measures and as part of a suite of MCS measures. In the case of BET, several CPCs expressed that their first priority would be establishing a management measure of tropical tunas.

Regarding process, some CPCs expressed that there would need to be an assurance that ICCAT would make decisions that ultimately aim to eliminate the use of two documents in this process, and that all CPCs would ultimately accept one single new document. The EU responded to clarify that if ICCAT designs its CDS based on the FAO voluntary guidelines, this would still fall below the standard established by the EU IUU certification. If this were the case, the EU stated it would continue to require its own paper-based catch certification document for imports. Some CPCs then stated they would not be willing to move into a new CDS for any species unless all CPCs accepted the agreed document as a valid one without duplication.

Additionally, there was a discussion on the appropriate form any new CDS should take. Some CPCs suggested that a new CDS could start out as a paper system and then eventually progress to electronic to accommodate the needs of developing CPCs. One CPC insisted any future CDS should be electronic.

Ultimately, Japan offered to author an informal discussion paper for the next PWG meeting that would give a more tangible item for the Group to discuss. This document would be non-binding and would not presuppose any outcome. Brazil welcomed a proposal from Japan while emphasizing the need that the provisions related to chartering arrangements present in the SDP be retained in any new CDS to be proposed.

#### ***4.3 Progress of eBCD and consideration of any further actions***

The Chair reviewed the points deferred by the eBCD Technical Working Group (TWG) which he explained contained policy issues associated with some of the new measures in Rec. 18-02 (outlined in **Appendix 3**).

CPCs expressed gratitude to the Chair and the Secretariat for their continued leadership and work on these technically challenging and important issues.

Discussion began on the subject of intra-farm transfers and the TWG proposed approach of creating new 'intra-farm operations' sections in the eBCD system, which together with a new report function, would address a previous concern raised by Japan regarding traceability, thus an expansion of the eBCD grouping function would not be required. One CPC expressed concern whether or not this new eBCD requirement would actually increase traceability sufficiently or if a different, more robust procedure, such as tagging, would be required. Another CPC agreed on the importance of aiming for greater traceability, but also maintained that solutions should be pragmatic and that this was a reasonable first step toward addressing the issue of traceability within farms. Several other CPCs expressed support for this approach.

On the proposal for specifying minimum size derogations in the eBCD system, it was agreed that such a provision would be valuable, and to request a time-cost estimate from TRAGSA for this new feature that could assist CPCs in ensuring the respect of this measure. It was noted that the vessel specific derogations were already included in the information sent to the Secretariat.

Next, addition of a bycatch quota requirement in eBCD system was discussed given it is now a requirement to include this in CPC Fishing Plans. Several CPCs expressed concern that updating their bycatch quotas throughout a fishing season would create a burden on the Secretariat to continually track and update these changes in the system. It was also expressed that eBCD may not be the appropriate forum to accurately

track bycatch when there are other reporting measures in place. It was noted that the individual vessel bycatch tolerance could not currently be calculated in the system due to the absence of other species being required to be input in the system. As such it was agreed not to proceed with the development of this functionality at the current time.

A separate issue was raised on how to combine the ability granted to vessels 20 m and above in length that did not have a registered ICCAT number to issue an eBCD where Rec. 13-13 specifically prohibits such vessels to fish on ICCAT species. It was agreed that vessels 20 m and above could generate an eBCD, but CPC authorities will need to authorize these vessels in accordance with the 45 day retrospective provision as provided under paragraph 3 of Rec. 13-13 as amended by Rec. 14-10.

It was noted that the terms of paragraph 38 of Rec. 18-02 on bycatch limits could not be enforced at sea and that consideration of how to improve monitoring and control of this provision should be considered, perhaps as part of a new proposed working group on monitoring and control of the EBFT fishery.

CPCs discussed whether the language under paragraph 80 on transshipping could be addressed by requiring the noting of the appropriate eBCD number on corresponding transshipment declarations. It was noted that this was a way to establish a required “link” while avoiding costly technological system development. One CPC felt that this was unnecessary because transshipment declarations already contain an extensive amount of information and it was already straightforward to cross-check the relevant information. It was also noted that not all CPCs who transship were present at this IMM meeting and as a result, and on request for further consultation by a CPC, this topic was deferred to the PWG in November.

During the discussion of providing eBCD access for inspectors many CPCs agreed and stated support for granting access of the eBCD system to inspectors operating under the JSIS scheme in order to better facilitate their duties. Some CPCs expressed concerns about the practical aspects of system connection on the high seas. It was agreed that inspector access could be endorsed and TRAGSA would be asked to go ahead with a time/cost estimate. This was contingent on the understanding that access would be in accordance with standard confidentiality practices, support preparations for an inspection, and in no way hinder the current inspection practices and delivery of the inspection report.

On the subject of the three fish/one ton provision, several parties expressed agreement that the 7 day provision was clear in the relevant paragraphs of Recs. 18-12 and 18-13. The Group accepted the interpretation that there was an allowable 7 day period from the date of landing for a paper BCD to be converted into the eBCD system.

CPCs discussed how to prioritize what data were needed to be extracted from the eBCD system for CPCs to carry out their obligations, including those under Rec. 06-13. There was discussion amongst the CPCs whether to move forward with requesting a time-cost estimate on this data query. It was agreed to move forward with the various data query time-cost estimates with the exception of the BCD Report required under Annex 6 of Rec. 18-13, but the Group expressed it was prudent for the PWG to first review the various reporting needs and obligations to ensure that any required reports are useful. Additionally, one CPC raised the issue that the importing country currently is not allowed access to this information, and that a data query to extract this in a comprehensive manner would be useful for individual CPC analysis and records. The Chair closed this item summarizing that a time-cost estimate could be requested, but also encouraging CPCs to review information being submitted under paragraph 1 of Rec.06-13 to better understand what is most relevant for reporting. It was agreed that this discussion be taken up at the next PWG meeting.

All the above mentioned time-costs estimates will be reviewed by the eBCD TWG before being agreed and TRAGSA requested to develop them.

## **5. Consideration of measures towards a regional VMS**

The Chair opened the topic with a reminder that Recommendation 18-10 on minimum standards for vessel monitoring systems (VMS) was adopted at the 2018 annual meeting in Dubrovnik, repealing Recommendation 14-09. Recommendation 18-10 was responsive to aspects of Performance Review recommendation 72 in particular on adopting uniform standards, specifications, and procedures - although not specifically on moving towards a fully centralized VMS.

Several CPCs and the Chair noted that there could be different understandings of what is meant by “centralized” or “regional” VMS. Several CPCs noted two distinct forms or approaches centralized VMS could take, firstly to support developing countries that do not currently have VMS in place domestically. The other purpose motivating a regional VMS could be to support the implementation of inspection programmes or other MCS measures. Generally, it was agreed that the purpose, goals, and scope of such a centralized VMS system would need to be agreed before deciding how best to move forward with its development. Several CPCs made it clear that they do not support moving towards a fully centralized VMS at this time. However, there was agreement that regional or centralized VMS for specific fisheries could be useful in parallel with specific management measures and as part of a suite of integrated MCS measures.

Several concerns were raised regarding the administrative and cost burden, both to the Secretariat and to CPCs. Some parties expressed concern about who would be authorized to have access to the data of a centralized VMS system, particularly in the case of joint inspections on the high seas. It was noted that any use of the system in national waters would be governed by coastal State domestic laws.

The Group discussed gathering cost/technical information from other RFMOs which either have or are in the process of developing regional VMS systems (particularly IOTC and WCPFC). Several CPCs supported this idea and also suggested that the Secretariat could request such information from the IOTC Secretariat. The Chair also suggested that CPCs could independently request information on this subject from the other RFMOs that they are party to and report this back to the Secretariat. One CPC did not support the Secretariat investing time or resources in this regard in so far as it suggested an implicit agreement on moving towards a regional VMS at this time.

Ultimately, there was no consensus on moving towards a regional VMS at this time however there was an agreement for the Secretariat to reach out to other RFMOs to gather information about their VMS implementation which can be distributed to the PWG in November. This agreement was contingent on the scope of this information being limited to the possible development of a regional VMS for specific fisheries or management measures if the Commission decided to do so at a later time.

## **6. Consideration of Inspection Schemes and Observer Programmes**

### ***Health and safety of observers***

The United States re-introduced a “Draft Recommendation by ICCAT on Protecting the Health and Safety of Observers in ICCAT’s Regional Observer Programs” (**Appendix 4**). This draft recommendation remained unchanged from the 2018 PWG meeting where it received broad support but ultimately did not reach consensus. The United States thanked Gabon and Senegal for continuing to sponsor the proposal.

Many CPCs expressed support and thanked the United States for tabling the proposal again.

A CPC asked for clarification on whether any CPCs would need to make updates or investments into new resources in order to comply with this proposal. The United States responded that some necessary equipment would be or already is provided by MRAG. Other equipment might be provided by the vessels themselves, though it was noted that most already had the necessary provisions in place. The United States also added that this would apply to Regional Observer Programmes but would not affect CPCs’ domestic observer requirements.

Based on the consensus from the Group, the Chair confirmed that the proposal could be forwarded to the annual meeting in November endorsed by IMM.

### ***Regional Bluefin Tuna Observer Programme***

After CPCs had more time to review documents contained in **Appendices 5 and 6**, the Chair led a discussion that walked through each item that had been passed to the IMM for review from the eBCD Technical Working Group. Following the deferring of some points by Panel 2 and the lack of a consistent response from CPCs on other items, the intention was to clarify as many as possible in light of the meeting foreseen with interested CPCs and the Observer Consortium later in the week as proposed by the PWG in November. Several of the items were introduced by the Chair and then the respective drafted responses for each point were endorsed by the CPCs without further discussion.

One of the points that did encourage discussion amongst the CPCs was paragraph 8 addressing the carry-over of non-harvested tuna in farms. One CPC expressed that it was not happy with the approach developed by the eBCD TWG for carry-over of non-harvested tuna due to concerns that the eBCD development might not be complete in time for the fishing season and that this would lead to a lack of clarity on observer tasks in the meantime. The Chair acknowledged this and suggested that it would need to be made clear to the Observer Consortium that current practices would stand until the recommended change to the system had been developed.

Additionally, on paragraph 84, regarding the practice of observer sharing among farms, one party did not express a strong opinion but stated that the Observers should implement the most pragmatic approach. After further clarification, it was ultimately agreed that the sharing of observers for caging operations is not allowed outside of a *force majeure* situation as per Rec. 18-02.

The Chair opened discussions on paragraph 85 regarding stereoscopic video cameras, specifically observer access to and use of this footage. Some CPCs noted the inherent cost and technical capacity that would be associated with equipping observers to analyse stereoscopic videos including training, software licence fees and potentially other hardware. It was also noted that the stereoscopic video footage could be made available to observers at a later time, but would not likely be available during the observer deployment. Discussion among several parties continued, mostly revolving around what was mandated of observers in Rec. 18-02 given various circumstances. It was acknowledged by several parties that discrepancies existed on whether this would be required under caging or transfer operations and whether the mandate was for stereoscopic footage to support individual fish counts or weight estimates. After further discussion on the issue of access, the CPCs agreed that access to viewing stereoscopic video footage must be made available to the observers at the time of caging. Here, access means that observers are allowed to view the video at the same time as the CPC authorities, but does not mean a physical copy of the footage must be given. One CPC stated that the access provided to the observer would not lead to any additional cost.

### ***Voluntary at-sea inspector exchange***

Following up on the adoption of Resolution 18-11, the United States shared information on current at-sea inspection personnel exchange activities in the ICCAT Convention area, through the African Maritime Law Enforcement Partnership, with participation by five ICCAT members in 2019 (Nigeria, Cabo Verde, Ghana, Canada, and the United States). The United States noted that this voluntary cooperation is an opportunity for capacity building via direct knowledge and experience-sharing among partners. The United States encouraged other CPCs to enter into exchanges as part of the pilot programme, reminding CPCs that participation is voluntary and can be terminated at any time. The Secretariat confirmed its intention to establish a portion of the ICCAT web site dedicated to contain point of contact information for voluntary inspector exchanges, consistent with Res. 18-11. Canada confirmed its intention to continue to support the exchange and to provide contact information to the Secretariat. The EU also noted its support of the concept and shared that it is developing a programme of at-sea inspection capacity building through its control agency in Vigo.

## **7. Performance review follow-up**

The Chair provided an overview of the Performance Review recommendations matrix (**Appendix 7**), which outlines each of the recommendations and ICCAT's progress on each. It was noted that the activity reflected in the matrix is a result of the actions taken at the 2018 PWG and IMM meetings. The Chair opened discussion to the Group for any CPCs that wished to discuss particular recommendations and their recorded progress including the discussions and action taken in the current meeting.

The United States raised recommendation 6bis to remind CPCs to fully implement their reporting requirements for bycatch and discards, which is currently not being achieved, and to propose that this issue be added to the PWG agenda for the 2019 annual meeting. Other CPCs agreed with the spirit of this point but also lamented the burden of ICCAT reporting, broadly, and expressed an interest in continued efforts to streamline and simplify reporting. Some CPCs noted the importance of the development of an online reporting tool that would facilitate fulfillment of future CPC reporting obligations.

The United States also discussed recommendation 73 in order to express concern that observer coverage reporting requirements for CPCs were not currently being met. It was clarified that these are existing, rather than new, requirements that are needed to support the SCRS and should be included in the Annual Report. The United States noted the Compliance Committee's (COC) plans to review a Secretariat analysis of compliance with observer program requirements at the 2019 Annual Meeting and encouraged continued discussion at the next IMM meeting of how to improve observer programme implementation based on the outcomes of the COC discussion.

No other points were raised and the Performance Review update was agreed without further discussion.

## **8. Other matters**

### ***Vessel sighting***

The Chair introduced a working paper which aimed to remove out-of-date language and reduce redundancy of Resolution 94-09 regarding vessel sighting. Upon introduction, several CPCs proposed that more time should be spent trying to combine Resolution 94-09 and Rec. 97-11. This effort had been taken up by the United States through a proposal introduced at the 2016 PWG meeting. Given the current interest, the United States offered to re-introduce the most recent draft of this proposal for consideration from the Group.

CPCs expressed broad support for the proposal and spent time reviewing the 2016 draft (**Appendix 8**). The United States incorporated CPCs' concerns clarifying the binding and non-binding elements of the proposal, flag State authority, and added a provision related to sharing any available images of any sighted vessels. Upon final review, the IMM agreed to endorse the proposal circulated as IMM\_09b with brackets around paragraph 4.

### ***The role of IMM in ICCAT control measures***

At the request of the delegation of Morocco, CPCs discussed whether it would be appropriate and feasible for the additional measures to further strengthen the traceability of live bluefin tuna as laid down by paragraph 116, Rec. 18-02 to be discussed by the IMM as opposed to the informal technical working group meeting offered by the EU. It was proposed that this informal working group could report its findings and conclusions to the PWG instead of Panel 2, similar to what was done for the TWG for eBCD. The aim is to limit the work of this technical group to only those matters relating to the MCS.

After extensive discussion on the subject it was agreed the fisheries specific measures will continue to be discussed by their relevant panels in accordance with past practice, however there will be some discussions that involve other groups. In this regard the informal working group will report its suggested Terms of Reference to Panel 2 in the annual session.

### ***New IMO numbers***

The United States reminded CPCs of the discussion that took place at the 2018 annual meeting related to IMO's expanded numbering scheme. It was agreed that the exceptions to the requirement in Recommendation 13-13 that commercial vessels obtain IMO numbers should be read much more narrowly, and that the issue would be reviewed at the 2019 COC meeting. The United States encouraged CPCs to review their vessel lists and ensure all commercial vessels are issued IMO numbers.

## **9. Adoption of report and adjournment**

The Report was adopted and the meeting was adjourned.

**Agenda**

1. Opening of the meeting
2. Appointment of Rapporteur
3. Adoption of Agenda and meeting arrangements
4. Statistical and Catch Documentation Schemes:
  - 4.1 Overall strategy for CDS programmes in ICCAT
  - 4.2 Review and consideration of possible amendments to Swordfish and Bigeye Tuna Statistical Document Programmes
  - 4.3 Progress of eBCD and consideration of any further actions
5. Consideration of measures towards a regional VMS
6. Consideration of Inspection Schemes and Observer Programmes
7. Performance review follow-up
8. Other matters
9. Adoption of report and adjournment

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***OBSERVERS FROM COOPERATING NON-CONTRACTING PARTIES, ENTITIES, FISHING ENTITIES***

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### **eBCD Technical Working Group points for IMM Group**

A number of the points discussed in the recent eBCD TWG meeting while largely technical, had a policy component that the Group felt would benefit from consideration by the IMM Working Group:

#### **1. Intra-farm movements**

The approach considered for the various movements of BFT within farms and related measures (including Regional Observer tasks) - paras 8,9, 99, 100 and 103.

#### **2. Minimum size**

How/if the system could assist in CPCs obligations to ensure the various derogations under minimum size are complied with - paras 34-37.

#### **3. By-catch**

How/if the system could assist in CPCs obligations to ensure the implementation of the by-catch provisions are complied with - para 38.

In addition, whether a vessel of 20m+ without an ICCAT number or with an ICCAT number not active in the ICCAT Record of Vessels, can issue eBCD(s).

#### **4. Transshipment declaration**

How/if the system could assist in the CPCs obligation to ensure implementation of the measure related to transshipment - para 80.

#### **5. Inspector access**

Whether/how an CPC inspector(s) participating in the joint international inspection programme for EBFT should have access to the system , and if so, to which BCDs - paras 10-112 and annex 7.

#### **6. Three fish/1 ton**

How the 7-day provision as laid down by para 13d) of Rec. 18-13 and para 6a) of Rec.18-12 are being considered and reflected in the system.

#### **Data extraction**

Reflections on the relevant ICCAT reporting obligations in light of the possibilities of the eBCD system. Furthermore, the approach considered for “interfacing” with CPC domestic systems and interim options.

#### **List of Potential Non-Compliances considered under the Regional Observer Programme**

Reflection on the tasks of ROP-BFT in light of new requirements of Rec.18-02 which may also assist the ROP consortium/CPC meeting foreseen for 5 April 2019.

**Draft Recommendation by ICCAT on Protecting the Health and Safety of Observers  
in ICCAT's Regional Observer Programs**

*Proposal submitted by IMM Working Group*

*UNDERSCORING* that safety of life at sea is a longstanding objective of international maritime governance, that observers collect data that are essential to the functions of the Commission, and that the health, safety, and welfare of observers is critical to their ability to perform their duties;

*RECALLING* the regional observer programs (ROPs) established in the *Recommendation by ICCAT on a Program for Transshipment* [Rec. 16-15] and the *Recommendation by ICCAT Amending the Recommendation 14-04 on Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 17-07];

*CONCERNED* that ICCAT recommendations establishing these ROPs do not include requirements that adequately protect the health, safety, and welfare of observers;

*ACKNOWLEDGING* the need for comprehensive and consistent requirements in ICCAT to protect the health, safety, and welfare of observers, in particular to supply necessary safety equipment and to provide or ensure proper training and to establish emergency procedures with respect to ICCAT ROPs;

*RECALLING* that the International Convention on Standards of Training, Certification, and Watch keeping for Fishing Vessel Certification (STCW-F), adopted by the International Maritime Organization (IMO) in 1995, sets forth safety training standards for observers and other fishing vessel personnel;

*NOTING* the commitments in international law, including the provisions of the International Convention on Maritime Search and Rescue, with regard to the development of an international maritime search and rescue plan for the rescue of persons in distress at sea;

*NOTING* existing contracts between the ICCAT Secretariat and ICCAT ROP observer providers that include observer health and safety requirements as well as associated materials establishing procedures for the implementation of such requirements;

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

The following shall apply to ensure the health, safety, and welfare of observers deployed pursuant to ICCAT ROPs established in the *Recommendation by ICCAT on a Program for Transshipment* [Rec. 16-15] and the *Recommendation by ICCAT Amending the Recommendation 14-04 on Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 17-07]:

1. The observer provider shall provide or ensure observers have received safety training before they are deployed on a vessel for the first time and at appropriate intervals thereafter. Such training program must, at a minimum, meet the International Maritime Organization (IMO) safety training standards.
2. Before deploying an observer on a vessel for a trip, the observer provider shall ensure the observer is issued the following safety equipment:
  - a) an independent two-way satellite communication device and a waterproof personal life-saving beacon, which may consist of a single device such as a Satellite Emergency Notification Device, or a combination of an independent two-way satellite-based device, (e.g. an inReach messaging device) and a personal locator beacon (e.g., a ResQ Link device); and
  - b) other safety equipment, such as personal flotation devices (PFDs) and immersion suits, appropriate to the specific fishing operations and activities, including ocean area and distance from shore.
3. The observer provider shall have a designated contact point for deployed observers to use in cases of emergency.

4. The observer provider must have an established procedure for contacting and being contacted by the observer and the vessel, and, if necessary, for contacting the competent authority of the flag CPC or non-CPC. This procedure must provide for regularly scheduled contact with observers to confirm their health, safety, and welfare status and clearly describe the steps that must be taken in the event of various emergencies, including situations where an observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that puts his or her health or safety at risk, has been assaulted, intimidated, threatened or harassed while on board a vessel, or if the observer requests to be removed from the vessel prior to the conclusion of the trip.
5. Flag CPCs or non-CPCs shall ensure their vessels that carry observers under an ICCAT ROP are outfitted with appropriate safety equipment for the entirety of each voyage, including the following:
  - a) A life raft of sufficient capacity for all persons onboard and with a certificate of inspection that is valid throughout the observer's deployment;
  - b) Life jackets of sufficient number for all persons onboard, and compliant with International Convention for the Safety of Life at Sea (SOLAS) standards; and
  - c) A properly registered Emergency Position Indicating Radio Beacon (EPIRB) and a Search and Rescue Transponder (SART) that will not expire until after the observer deployment ends.

CPCs may choose to exempt their vessels less than 12m in length overall (LOA) and operating within 5 nm of the baseline from the requirement to have an EPIRB.

6. The observer provider shall not deploy an observer on a vessel unless and until the observer is allowed to inspect all vessel safety equipment and document and report its status to the observer provider; observers shall not be deployed on vessels with outstanding safety discrepancies, in particular if the vessel does not meet the requirements of paragraph 5. If, during deployment, the observer provider or flag CPC or non-CPC determines that a serious risk to the health, safety, or welfare of the observer exists, the observer shall be removed from the vessel unless and until the risk is addressed.
7. Flag CPCs and non-CPCs with vessels carrying observers deployed under an ICCAT ROP shall develop and implement an Emergency Action Plan (EAP) to be followed in the event an observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that threatens his or her health, safety, or welfare, or has been assaulted, intimidated, threatened or harassed. Such EAPs must include, *inter alia*, the elements in **Annex 1** of this Recommendation.

These EAPs shall be submitted to the Executive Secretary for posting on the ICCAT web site as soon as possible after the entry into force of this recommendation. New or amended EAPs shall be provided to the Executive Secretary for posting when they become available.

8. Beginning on 1 January 2020, vessels flagged to CPCs or non-CPCs that have not submitted EAPs shall not be eligible to carry an observer from an ICCAT ROP. Further, should available information indicate that an EAP is not consistent with the standards set out in **Annex 1**, the Commission may decide that the deployment of an observer on a vessel of the concerned flag CPC or non-CPC shall be delayed until the inconsistency has been sufficiently addressed.
9. The Commission may also decide that a vessel is ineligible to carry an ICCAT regional observer where the flag CPC or non-CPC has previously failed to investigate any reported instances of observer interference, harassment, intimidation, assault, or unsafe working conditions or, where warranted, to take appropriate corrective action, consistent with their domestic law.
9. The observer provider and flag CPCs and non-CPCs with vessels carrying observers deployed under an ICCAT ROP shall submit to the Executive Secretary reports on observer incidents triggering provisions of the EAP, including any corrective action taken by the flag CPC or non-CPC. The Executive Secretary shall transmit such reports to the Commission, consistent with applicable confidentiality rules, for its review at each annual meeting or, where warranted, more frequently.

11. Flag CPCs and non-CPCs shall cooperate to the maximum extent possible with and provide for the participation of, as appropriate and consistent with domestic law, the CPC or non-CPC of the observer in search and rescue operations and investigations of cases where the observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that threatens his or her health or safety, or has been assaulted, intimidated, threatened or harassed while on board a vessel.
12. The Executive Secretary shall notify concerned flag CPCs and non-CPCs that a condition of participating in any ICCAT ROP is the development, implementation, and submission of an EAP as described in paragraphs 7 and 8 above.
13. Nothing in this recommendation shall prejudice the exercise of discretion by the observer provider not to deploy an observer on a vessel because of concerns about risk to the observer's health, safety, or welfare.
14. Nothing in this measure shall prejudice the rights of relevant CPCs and non-CPCs to enforce their laws with respect to the safety of observers consistent with international law.

**Elements of ROP Emergency Action Plan (EAP)**

1. In the event that an ROP observer dies, is missing or presumed fallen overboard, the CPC or non-CPC to which the fishing vessel is flagged shall take necessary measures to require that the fishing vessel:
  - a) immediately ceases all fishing operations;
  - b) immediately notifies the appropriate Maritime Rescue Coordination Center (MRCC), flag CPC or non-CPC, and the observer provider;
  - c) immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the flag CPC or non-CPC to continue searching<sup>2</sup>;
  - d) immediately alerts other vessels in the vicinity by using all available means of communication;
  - e) cooperates fully in any search and rescue operation;
  - f) whether or not the search is successful, promptly returns to the nearest port for further investigation, as agreed by the flag CPC or non-CPC and the observer provider;
  - g) promptly provides a report on the incident to the observer provider and appropriate flag State authorities; and
  - h) cooperates fully in all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
  
2. In addition, in the event that an ROP observer dies while deployed, the flag CPC or non-CPC shall require that the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy and investigation.
  
3. In the event that an ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the CPC or non-CPC to which the fishing vessel is flagged shall take necessary measures to require that the fishing vessel:
  - a) immediately ceases fishing operations;
  - b) immediately notifies the flag CPC or non-CPC, observer provider, and relevant MRCC to advise if a medical evacuation is warranted;
  - c) takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
  - d) where necessary and appropriate, including as directed by the observer provider, if not already directed by the flag CPC or non-CPC, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
  - e) cooperates fully in any and all official investigations into the cause of the illness or injury.
  
4. For the purposes of paragraphs 1 through 3, the flag CPC or non-CPC shall ensure that the appropriate MRCC, observer provider, and the Secretariat are immediately notified of the incident, actions taken or underway to address the situation, and any assistance that may be required.
  
5. In the event that there are reasonable grounds to believe an ROP observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the CPC or non-CPC to which the fishing vessel is flagged that they wish for the observer to be removed from the fishing vessel, the CPC or non-CPC to which the fishing vessel is flagged shall take necessary measures to require that the fishing vessel:
  - a) immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
  - b) notifies the flag CPC or non-CPC and the observer provider of the situation, including the status and location of the observer, as soon as possible;
  - c) facilitates the safe disembarkation of the observer in a manner and place, as agreed by the flag CPC or non-CPC and the observer provider, that facilitates access to any needed medical treatment; and
  - d) cooperates fully in any and all official investigations into the incident.

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<sup>2</sup> In the event of force majeure, CPCs and non-CPCs may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

6. In the event that there are reasonable grounds to believe that an ROP observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the CPC or non-CPC to which the fishing vessel is flagged shall take necessary measures to require that the fishing vessel:
  - a) takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
  - b) notifies the flag CPC or non-CPC and the observer provider of the situation as soon as possible; and
  - c) cooperates fully in all official investigations into the incident.
7. If any of the events in paragraphs 1 through 5 occur, port CPCs or non-CPCs shall facilitate entry of the fishing vessel to allow disembarkation of the ROP observer and, to the extent possible, assist in any investigations if so requested by the flag CPC or non-CPC.
8. In the event that, after disembarkation from a fishing vessel of an ROP observer, an observer provider identifies, such as during the course of debriefing the observer, a possible situation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag CPC or non-CPC and the Secretariat.
9. If notified, under paragraph 5b, 6b, or 8, that an observer has been assaulted or harassed, the flag CPC or non-CPC shall
  - a) investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
  - b) cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
  - c) promptly notify the observer provider and the Secretariat of the results of its investigation and any actions taken.
10. CPCs shall also encourage vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving an ROP observer.
11. Where requested, relevant observer providers and CPCs or non-CPCs shall cooperate in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs 1 through 6 to facilitate any investigations as appropriate.

## Requests for clarification from the ROP-BFT implementing Consortium

Paragraph of 18-02	Requested clarification	Response
8	<p><b>Carry over of non-harvested tuna</b></p> <p>If an observer observes harvest of carry-over tuna, will they need to see an authorization? In the absence of any authorization, will they be able to sign the eBCD?</p> <p>If no authorization is seen by the observer, does that need to be reported, and does it constitute a PNC?</p> <p>Can the carry-over date please be confirmed?</p>	<p>The estimation of carry-over will be done under the supervision of CPC authorities. An observer may request to see documentation including transfer authorisations, but eBCD should be signed even if this is not shown (unless some other PNC or reason for non-signing has been detected). Carry over transfers will be subject to CPC validation. If new development in the eBCD is not finished before the deadline for reporting carry-over, the procedures of 2018 will apply.</p> <p>No, unless development is not finished and authorisation is requested and not shown</p> <p>Will depend on each CPC - 15 days before the start of purse seiners.</p>
9	<p><b>Traceability of carried over fish</b></p> <p>What documents should be provided to demonstrate full traceability of carried over fish?</p> <p>Does the observer have to sight these before signing the eBCD?</p>	<p>This will be done through eBCD, observer does not need to sign any additional documents</p> <p>No</p>
30	<p><b>Open fishing season extensions</b></p> <p>Can the notification process to the Consortium for additional days please be clarified?</p>	<p>The Secretariat will make every attempt to inform the consortium in good time. Observers embarked should be available for 10 days after the end of each season, just in case. It is understood that this may require reinforcement of the observer pool to ensure the availability of observers on farms for caging operations.</p>
84	<p><b>ICCAT Regional Observer Programme</b></p> <p>Please clarify 'One ICCAT regional observer shall be assigned to each farm for the whole period of caging operations.' Does this indicate that individual farms will now be obliged to request an observer for the entire anticipated time required for caging, rather than using a series of short extensions as is currently the case?</p> <p>Please also clarify if multi-farm deployments will be approved outside of a <i>force majeure</i> situation.</p>	<p>Sharing of observers for caging operations no longer allowed.</p> <p>Not for caging operations</p>

Paragraph of 18-02	Requested clarification	Response
	Please indicate how the Consortium will be informed of a <i>force majeure</i> situation allowing the sharing of an observer between farms for caging operations.	Normally through the Secretariat
85	<p><b>ICCAT Regional observer tasks – stereoscopic video footage</b></p> <p>Please clarify the level of ‘access’ required by observers to the stereoscopic camera footage.</p> <p>Does this mean that stereoscopic camera footage either may or must be used by observers estimating the number of fish transferred / caged?</p> <p>If so, we assume the stereoscopic video record has the same requirements established by Annex 8 as for previous video footage? Does lack of access to stereoscopic camera footage constitute a new PNC?</p> <p>Does this mean that observers will now be required to make length, and subsequently weight, estimates of tuna using the stereoscopic camera system for both transfers and cagings? If so, we would require training and guidance on the required protocol, e.g. methods, sample size, quality checks, conversion factors.</p> <p><b>ICCAT Regional observer tasks</b></p> <p>Verification of ITD / BCD</p> <p>1. Please clarify procedures used to indicate presence of observer at transfer on the ITD.</p> <p>How will an ITD that has been signed by an observer be distinguished from one in which the observer has indicated their presence but does not agree with the information contained? A BCD will only be signed during cagings, which will be through the eBCD system. This allows the observer to indicate they were present, by putting the date, but does not agree, by not checking the box.</p>	<p>Access to viewing stereoscopic video footage must be made available to the observers at the time of caging, Access means that observers are allowed to view the video at the same time as the CPC authorities.</p> <p>It may be but not must be. If feasible they can do this, but are not obliged to do so.</p> <p>Requirements for stereoscopic cameras are outlined in Annex 9. Yes, but access does not mean that a physical copy must be given, only that the observer is allowed to view at the same time as the CPC authorities.</p> <p>No. If any observers are already familiar with such systems they may do so, but if not, they will not be expected to do so.</p> <p>For 2019, a new drop down list of PNCs will appear in the eBCD. The observer should indicate the reason for not signing by choosing one from this list. If "other" is chosen, then free text box will appear. If observer does not agree with ITD, s/he can sign but add PNC/reason to indicate that s/he does not agree with the figures.</p>

Paragraph of 18-02	Requested clarification	Response
	The Consortium notes that the reasons for refusing to sign and the relevant article of the Rec. are to be indicated in the PNC and the final report. Please clarify if this also applies to the ITD/BCD.	Yes
Annex 6	<b>ICCAT Regional Observer Programme</b>	
Para 7 (a i)	By a system by which PNCs may be communicated securely, does this preempt the use of the vessel's communications? Is an independent system of communications required?	No change from 17-07, so current system can continue.
Annex 8 Caging and Transfer Ops (ix)	The Consortium notes various inconsistencies between the terminology and occurrence for new, voluntary and control transfers.  Please clarify if the Consortium's assumption that this indicates that, if a video record is not suitable for counts then a new transfer, with a new authorization number, is required. This new transfer would not be a control transfer.	If at sea (PS to towing cage), it would not be a control transfer. See definition para 3j of 18-02.

## Potential Non-Compliance [PNC]

Potential non-compliance [PNC] event fishing season	
PNC Event	Reference
<b>Relative to YOUR fishing vessel</b>	
<b>Specific events:</b>	
Observer access to satellite navigation, radar screens or electronic communication facilities denied	Rec. 18-02; Annex 6 – Para 11b
Observer obstructed, intimidated, interfered with, bribed or attempted to bribe in the performance of his/her duties	Rec. 18-02; Annex 6 – Para 11
Unauthorised transshipment in port (dead tuna)	Rec. 18-02; Para 77 / 78
Transshipment at-sea involving <b>your vessel</b> (dead tuna)	Rec. 18-02; Para 77
Fishing outside designated season	Rec. 18-02; Para 29
Fish below minimum size retained, transferred or landed	Rec. 18-02; Para 34
Observer prevented from taking size measurements, biological samples or examining tags	Rec. 18-02; Para 85
<b>Problems with the official documentation (Logbook, eBCD, ITD):</b>	
No electronic BFT Catch document ( <b>eBCD</b> ) produced	Rec. 11-20
Dead tuna incorrectly recorded in the <b>vessel logbook and/or eBCD</b>	Rec. 18-02; Annex 11
Information in the <b>eBCD</b> is incorrect or inconsistent (operation dates, vessel/cage details, number and weight of fish transferred)	Rec. 11-20; Annex 1
No <b>logbook</b> entry made for that day (as per requirements of Annex 2 of Rec. 18-02)	Rec. 18-02; Para 63 / Annex 2
No <b>logbook</b> entry for a fishing operation (successful or not) before 0900 the following day	Rec. 18-02; Para 66
Incomplete <u>and/or</u> incorrect <b>logbook</b> information	Rec. 18-02; Para 63 / Annex 2
<b>ICCAT Transfer declaration (ITD)</b> not completed in accordance with Para. 89 and Annex 4 of Rec. 18-02.	Rec. 18-02; Para 89 / Annex 4
<b>Problems with the transfer:</b>	
Tuna <b>transferred</b> to vessel(s) not on <b>ICCAT record of authorized vessels</b> or to a cage without a unique identifiable number	Rec. 18-02; Para 49 / 86
<b>Transfer</b> conducted before receiving <b>transfer authorisation</b>	Rec. 18-02; Para 87
<b>Pre-transfer notification</b> not sent (or not sent prior to transfer)	Rec. 18-02; Para 86
<b>Problems with the video during a Transfer: (for a control transfer add the letter “C” before the PNC code)</b>	
<b>Transfer</b> not monitored by video	Rec. 18-02; Para 91
The electronic storage device not provided to the observer as soon as possible after <b>transfer</b> operation	Rec. 18-02; Para 92 Annex 8 i
Video record of <b>transfer</b> did not show opening <u>and/or</u> closure of door at the start <u>and/or</u> the end of <b>transfer</b>	Rec. 18-02; Para 92 Annex 8 vi
Video record of <b>transfer</b> did not show date <u>and/or</u> time continuously	Rec. 18-02; Para 92 Annex 8 v
Video record of <b>transfer</b> was not continuous or did not cover the entire transfer operation	Rec. 18-02; Para 92 Annex 8 vii
Video record of <b>transfer</b> did not show the receiving and donor cage to see if they already held / still hold tuna before and after the <b>transfer</b> operation	Rec. 18-02; Para 92 Annex 8 vi
Video record of <b>transfer</b> did not show Transfer Authorisation number at beginning or end of the video	Rec. 18-02; Para 92 Annex 8 iv

Independent observer estimate of <b>transfer</b> amount was not possible due to video quality or clarity	Rec. 18-02; Para 92 Annex 8 viii
Observer estimate for the <b>transfer</b> more than 10% different than vessel's	Rec. 18-02; Para 92
Copy of video record of <b>transfer</b> not provided to the observer	Rec. 18-02; Para 92 Annex 8 iii
No <b>unique identifiable cage number</b> on a cage	Rec. 18-02; Para 86
<b>Logbook</b> not completed in line with requirements of Annex 2 of Rec. 18-02 following transfer operation	Rec. 18-02; Para 63; Para 89c / Annex 2
<b>Problems with the video during a Release:</b>	
Release not monitored by video	Rec. 18-02; Para 88 Annex 10
Tuna not <b>released</b> following a release order	Rec. 18-02; Para 88
Video of tuna <b>release</b> from farming cage to the sea not provided to the observer	Rec. 18-02; Para 88 Annex 10
<b>Relative to OTHER vessel(s) / aerial support</b>	
Aerial support used during searching operations (e.g. drone, plane)	Rec. 18-02; Para 48
Vessel not on <b>ICCAT record of authorized vessels</b> involved in fishing operations	Rec. 18-02; Para 53
Transshipment at-sea (dead tuna) – between <b>other vessels</b>	Rec. 18-02; Para 77
<b>Potential Non-Compliance [PNC] Event Farm &amp; Trap Deployments</b>	
<b>Specific Events</b>	
Observer obstructed, intimidated, interfered with, bribed or attempted to bribe in the performance of his/her duties	Rec. 18-02; Annex 6 - Para 11d
Landing in non-designated port (fishing)	Rec. 18-02; Para 71
Unauthorised transshipment in port (including transshipment in unauthorised port)	Rec. 18-02; Para 77 / 78
Vessel not on <b>ICCAT record of authorized vessels</b> involved in operations	Rec. 18-02; Para 53
Observer prevented from taking size measurements, biological samples or examining tags	Rec. 18-02; Para 85
<b>Problems with the official documentation (eBCD, ICD):</b>	
ICCAT Caging Declaration ( <b>ICD</b> ) not completed	Rec. 06-07; Para 2b
Electronic BFT Catch document ( <b>eBCD</b> ) not produced or incomplete following caging	Rec. 11-20; Annex 1
Observer observations of caging operation do not agree with those in the <b>eBCD</b> (for example, different dates, cage numbers, numbers of tuna)	Rec. 11-20; Annex 1, Rec. 18-02; Para 85
A <b>group BCD</b> reference number was allocated to fish from more than one JFO, or from more than one vessel not in the same JFO	Rec. 11-20; Para 6
A <b>group BCD</b> reference number was allocated to caging operation > 1 day	Rec. 11-20; Para 6
A <b>group BCD</b> reference number was allocated to more than one farm cage	Rec. 11-20; Para 6
Information in the electronic BFT Catch document ( <b>eBCD</b> ) not completed following a harvest (Harvest) / Harvested fish not allocated to an <b>eBCD</b>	Rec. 11-20; Annex 1
Observer observations of harvested tuna do not agree with those in the <b>eBCD</b> (for example, date, cage, number harvested)	Rec. 11-20; Annex 1 Rec. 18-02; Para 85

<b>Problems with the caging:</b>	
Tuna <b>caged</b> before authorisation received	Rec. 18-02; Para 95
Fish below minimum size <b>caged</b>	Rec. 18-02; Para 34
Transport cage anchored within 0.5 nm of farming facilities prior to start of caging operations	Rec. 18-02; Para 94
Fish caged without eBCD and/or ICD	Rec. 18-02; Para 96
Caging not covered by stereoscopic video	Rec. 18-02; Para 99
Tuna caged are not separated by JFO	Rec. 11-20; Para 5
Tuna caged are not separated by flag of the catching vessel (outside of JFO)	Rec. 11-20; Para 5
Carried over tuna from previous year/s not placed in separate cages	Rec. 11-20; Para 8
Unauthorised <b>caging</b> after 22 of August, or any caging after 7 of September	Rec. 18-02; Para 95
Internal transfer of bluefin tuna between farm cages not authorized or not in presence of CPC control authorities	Rec. 18-02; Para 100
Independent observer estimate of amount <b>caged</b> was not possible due to video quality	Rec. 18-02; Annex 8 viii
Observer estimate more than 10% different than farm's ( <b>caging</b> )	Rec. 18-02; Para 98
An accurate copy of the video record of the caging was not provided to the observer on the farm	Rec. 18-02; Para 92 Annex 8 iii
BFT caged by a vessel(s) not on ICCAT <b>record of authorized vessels</b>	Rec. 18-02; Para 53
Farm / transport cage without a unique identifiable number	Rec. 18-02; Para 86
<b>Problems with the video during a caging: (for a control caging add the letter "C" before the PNC code)</b>	
<b>Caging</b> not monitored by video	Rec. 18-02; Para 97
The electronic storage device containing the original <b>caging</b> video record was not provided to the regional observer as soon as possible after the operation	Rec. 18-02; Para 92 Annex 8 i
Video record of <b>caging</b> did not show opening and/or closing of the door at the start and/or end of the operation	Rec. 18-02; Para 92 Annex 8 vi
Video record of the <b>caging</b> did not show date and/or time continuously	Rec. 18-02; Para 92 Annex 8 v
Video record of <b>caging</b> was not continuous or did not cover the entire operation	Rec. 18-02; Para 92 Annex 8 vii
Video record did not show the receiving and donor cage to see if they already held / still hold tuna before and after the <b>caging</b> operation	Rec. 18-02; Para 92 Annex 8 vi
Video record of transfers did not show <b>Caging Authorisation</b> number at beginning or end of each video	Rec. 18-02; Para 92 Annex 8 iv
<b>Problems with the Release:</b>	
Tuna not <b>released</b> following a release order	Rec. 18-02; Para 95
<b>Problems with the video during a Release:</b>	
<b>Release</b> not monitored by video	Rec. 18-02; Annex 10
Copy of the video record of the <b>release</b> not provided to the observer	Rec. 18-02; Annex 10

<b>Problems during a Harvest deployment:</b>	
Observer obstructed, intimidated, interfered with, bribed or attempted to bribe in the <b>performance of his/her duties</b>	Rec. 18-02; Annex 6 – Para 11d
Observer observations of number and weight of harvested tuna inconsistent with that in the <b>eBCD</b>	Rec 11-20; Annex 1 Rec. 18-02; Para 85
<b>Internal transfer</b> of bluefin tuna between farm cages not authorized or not in presence of CPC control authorities	Rec. 18-02; Para 100
No traceability, for <b>internal transfers</b> of tuna within a farm	Rec. 18-02; Para 103
Farm cage without a <b>unique identifiable cage number</b>	Rec. 18-02; Para 86 Rec. 06-07; Para 2a
Vessel(s) not on ICCAT <b>record of authorized vessels</b> involved in operations	Rec. 18-02; Para 49
Fish below minimum size <b>harvested</b>	Rec. 18-02; Para 34
Simultaneous harvest occurred with a single observer	Rec. 18-02; Annex 6 b

## Follow up of the ICCAT Performance Review – PWG

Chapter	Recommendations	LEAD	Timeframe	Proposed Next Steps	Observations/ Comments	Action to be taken, or already taken	Completion status following annual meeting	Comments
Data Collection and Sharing	6. The Panel recommends that a mechanism be found to allow minor occasional harvesters without allocations to report their catches without being subject to sanctions.	COC						
	6bis. The Panel concludes that ICCAT scores well in terms of agreed forms and protocols for data collection but, while progress has been made, more needs to be done particularly for bycatch species and discards.	SCRS		PWG will review implementation of measures designed to improve collection and reporting of bycatch and discard data (e.g., Recs. 16-14 and 11-10) at 2019 annual meeting.				See comments SCRS_BIL WG.

	67. Amends Rec. 12-07 to ensure more consistency with the PSM Agreement, in particular by including definitions and requiring CPCs to impose key port State measures such as denial or use of port in certain scenarios.	PWG	S	Refer to PWG for consideration and appropriate action.		IMM discussed at the April 2018 meeting; Agenda Item 5.d.; Proposal was adopted as Rec. 18-10.	Done.	
<b>Port State Measures</b>	68. Closely follows IOTC's efforts to enhance effective implementation of its port State measures through, inter alia, its e-PSM system, and, where appropriate, adopt similar efforts within ICCAT.	PWG	S/M	Refer to Online Reporting Working Group for analysis.	South Africa is already sending Port Inspection Reports to ICCAT through ePSM. IOTC have updated the referential tables to include the necessary ICCAT codes/ references etc.	The Working Group on Online Reporting agreed that exploration of developments in other fora would be appropriate before any decisions were taken, such as the forthcoming FAO workshop which would also give consideration to Port State Measure implementation or the next Kobe meeting. The WG on Online Reporting agreed to await the outcomes of this workshop and to revert to this issue intersessionally during the coming year.		

	69. Make more efforts to assess substantive compliance with its port State measures and to specify consequences for non-compliance.	COC	S	Refer to PWG to review implementation and determine any technical improvements that might be needed. Refer to COC to consider any issues non-compliance and recommend appropriate actions.		IMM considered amendments to Rec. 12-07 that are intended to improve the Commission's review of compliance with the measure. PWG will be able to use any recommendations coming from the COC in order to make technical improvements in that area. Revised proposal on Port Inspection was adopted as Rec. 18-10.	Actions ongoing by COC. New measures taken, but compliance assessment will be ongoing.	
<b>Integrated MCS Measures</b>	70. Gives priority to adopting a modern HSBI scheme - through a Recommendation and not a Resolution - that extends to all key ICCAT fisheries as such, but can be applied in practice to selected fisheries according to the COC's compliance priorities.	PWG	M	Refer to the PWG as work on this matter is ongoing.		Adopting a modern high seas boarding inspection scheme remains open, and text remains on the table to facilitate those discussions. Discussed at the April 2018 IMM; Agenda Item 5c; A proposal was accepted for a voluntary measure that promotes the concept of at-sea inspector exchanges, adopted at the annual meeting.	Done.	

	<p>71. Evaluates the need and appropriateness of further expanding coverage by national and non-national on-board observers for fishing and fishing activities.</p>	<p>PWG</p>	<p>M</p>	<p>Refer to PWG for consideration and also the Panels as observer program requirements can be and some have been agreed as part of management measures for specific fisheries.</p> <p>IMM will revisit this issue following the 2019 COC discussions and Secretariat analysis on compliance with observer program requirements.</p>	<p>SCRS evaluation of current observer program requirements is pending due to lack of reporting.</p>	<p>Expansion of observer coverage by ICCAT remains under consideration. CPC's concerned are also requested to report on their observer coverage by way of their annual report. Request the Compliance Committee to confirm whether CPCs are complying with the requirements contained in Rec. 16-14.</p>		
	<p>72. Considers expanding VMS coverage, adopting uniform standards, specifications and procedures, and gradually transforming its VMS system into a fully centralized VMS.</p>	<p>PWG</p>	<p>S</p>	<p>Refer to PWG for consideration as Rec. 14-07 must be reviewed per para 6 in 2017. Also refer to the Panels as VMS requirements can be and some have been agreed as part of management measures for specific fisheries.</p>		<p>Discussed at the April 2018 IMM Meeting; Agenda item 5a; A proposal was introduced and discussions are ongoing. Frequency of reporting increased, but no further centralisation yet considered. In 2018, frequency of reporting further increased through Rec. 18-10.</p>		

	<p>73. Works towards replacing all SDPs with electronic CDPs that are harmonized among tuna RFMOs where appropriate - in particular for bigeye tuna - while taking account of the envisaged FAO Voluntary Guidelines on Catch Documentation Schemes.</p>	<p>PWG</p>	<p>M</p>	<p>Refer to PWG for further analysis.</p>		<p>Discussed at the April 2018 IMM Meeting; Agenda item 4b; IMM requested that the Secretariat in time for the 2018 Commission annual meeting compile information to inform Commission consideration of the risks posed to ICCAT stocks by IUU activities and/or other potential threats and possible ways to address any such threats, such as the use of Catch Documentation Schemes. Not completed, to be further considered by IMM in 2019.</p>		
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	74. Considers, in the interest of transparency, incorporating all measures relating to distinct MCS measures - in particular transshipment and on-board observers - in one single ICCAT Recommendation, so that CPCs have only one reference document to consult.	PWG	M	Refer to PWG for assessment of the pros and cons of this approach.		Because of the significant administrative burden of this exercise, it is suggested to maintain separate recommendations, to systematically delete obsolete measures to refresh references in the remaining ones.	Separate measures to be maintained, procedure for removal agreed.	
<b>Cooperative Mechanisms to Detect and Deter Non-Compliance</b>	79. The Panel recommends that independent information from the fisheries, through inspections at sea and in port, and through effective observer programmes, are made available to the COC, in order for the COC to conduct an effective compliance assessment.	PWG	M	Refer to PWG to consider if there are technical reasons for implementation failures and how to address them if so; Refer to COC to consider extent of any non-compliance and recommend appropriate action.	Some independent information is available to COC due to ICCAT requirements but implementation and reporting problems exist in some cases that can limit evaluation of compliance by CPCs.	Observer and inspection reports are made available to the Commission and subsidiary bodies. Discussed at the April 2018 IMM Meeting; Agenda item 5d; A proposal was introduced and discussions are ongoing.		

<p><b>Market-Related Measures</b></p>	<p>84. The Panel, noting Rec. 12-09, commends ICCAT for its initiatives in this area and recommends that catch documents, preferably electronic, be introduced for bigeye and swordfish species.</p>	<p>PWG</p>	<p>M</p>	<p>See Recommendation 73 above for proposed action.</p>		<p>Discussed at the April 2018 IMM Meeting; Agenda item 4b; IMM requested that the Secretariat in time for the 2018 Commission annual meeting compile information to inform Commission consideration of the risks posed to ICCAT stocks by IUU activities and/or other potential threats and possible ways to address any such threats, such as the use of Catch Documentation Schemes.</p>		
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<p><b>Reporting Requirements</b></p>	<p>85. The Panel recommends that ICCAT, though its Panels 1 to 4, should undertake an overall review of the current reporting requirements, on a stock by stock basis, both in relation to Task I and Task II data contained in the myriad of recommendations, in order to establish whether the reporting obligations in question could be reduced or simplified.</p>	<p>PWG</p>	<p>M</p>	<p>Refer to PWG to undertake this review and present its findings and suggestions to the Panels for their approval.</p>	<p>Such a review will involve many recommendations including proposals developed by virtually all the Panels. PWG is well placed to take a comprehensive look at all these measures. SCRS and the Secretariat could also provide support for this work where appropriate. The Online Reporting Group has also requested that requirements be streamlined and simplified.</p>	<p>Request that, after receiving input from the Online Reporting Working Group by 30 June, the Secretariat circulate to Subsidiary Bodies a list of reporting requirements and how they are used. The Panel can consider which of these reporting requirements is redundant or unnecessary. Work on this is still ongoing, but progress is expected in 2019.</p>		
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<p>87. The Panel recommends that ICCAT consider introducing a provision in new recommendations, whereby the introduction of new reporting requirements would only become effective after a 9 to 12 month period has elapsed. This would assist Developing States to adapt to new requirements. This is particularly relevant where the volume and/or nature of the reporting have changed significantly. The difficulties Developing States encounter in introducing new administrative/reporting requirements at short notice, is well documented in the compliance context. The option for Developed CPCs to apply immediately the new reporting requirements may of course be maintained, if those CPCs consider it opportune.</p>	<p>COM - to be considered by all bodies</p>	<p>S</p>	<p>Refer to all ICCAT bodies that can recommend binding reporting requirements for consideration when developing such recommendations. Commission to coordinate action among the bodies.</p>		<p>A global standard may not be appropriate. Application should be handled on a case-by-case basis rather than a blanket coverage for all recommendations.</p>	<p>This may be taken into consideration in specific measures, but no further action currently required by PWG.</p>	
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<b>Confidentiality</b>	97. Considers further improvements, for instance by making more of its data and documents publicly available and - as regards documents - explaining the reasons for classifying certain documents as confidential.	COM - referred to PWG	M	Refer the issue to the Commission / PWG and SCRS to begin a review of ICCAT's rules on confidentiality and their application and needed adjustments can be identified, if any.		There is merit in the SCRS reviewing data confidentiality rules and consider processes within other RFMOs. The PWG should consider this recommendation at the 2018 annual meeting.		
	98. Conducts a review of its Rules and Procedures on Data Confidentiality as envisaged in its paragraph 33, taking into account the need for harmonization among tuna RFMOs consistent with Rec KIII-1. As part of this review, it should adopt an ICCAT's Information Security Policy (ISP), where appropriate.	PWG	M	Refer the issue to the PWG and SCRS to begin a review of ICCAT's rules on confidentiality and their application and needed adjustments can be identified, if any.		There is merit in an external review of the Secretariat's current security policies. The PWG should consider this recommendation at the 2018 annual meeting.		

<p><b>Capacity building - port State measures</b></p>	<p>110 a) Urges developing CPCs to make the necessary efforts to assist the ICCAT Secretariat in identifying their capacity building needs;</p>	<p>PWG</p>	<p>S</p>	<p>Refer to the PWG where work is already underway through the Port Inspection Experts Group (established per Rec. 16-18).</p>		<p>The Port Inspection Expert Group had developed a two tier questionnaire which has been circulated to all CPCs and responses have been requested by 30 April. The report of the Port Inspection Expert Group was and Commission agreed to Call for Tender for ICCCAT training module and to start with the needs assessments of the two CPs nominated by the Expert Group.</p>		
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	<p>110 b) Closely coordinates the operation of Rec 14-08 with existing and future capacity building initiatives undertaken by other intergovernmental bodies.</p>	<p>PWG</p>	<p>S/M</p>	<p>Refer to the PWG where work is already underway through the Port Inspection Experts Group (established per Rec. 16-18).</p>		<p>The Port Inspection Expert Group invited an expert (funded by ABNJ) to its meeting last October, in order to better learn of initiatives and developments in that RFMO. Discussed at the April 2018 IMM Meeting;-Port Inspection Expert Group taking current initiatives into account.</p>		
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### Draft Recommendation by ICCAT on Vessel Sightings

*Proposal submitted by the IMM Working Group*

*RECOGNIZING* the ongoing efforts by ICCAT and its CPCs to combat Illegal, Unreported, and Unregulated fishing for ICCAT species;

*AWARE* that those efforts will be informed and supported by an effective mechanism for CPCs and their flagged vessels to gather and report information on sightings of foreign-flagged vessels or vessels without nationality that may be operating in the Convention Area in a manner contrary to ICCAT conservation and management measures;

*NOTING*, therefore, the utility of combining and updating the *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures* (Res. 94-09) and the *Recommendation by ICCAT on Transshipments and Vessel Sightings* (Rec. 97-11);

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

1. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) shall collect, through enforcement and surveillance operations conducted by their competent authorities in the Convention area, as much information as feasible when a foreign-flagged vessel or vessel without nationality is sighted as engaged in fishing or fishing related activities (e.g., transshipment) that are presumed to be illegal, unreported, and unregulated, as defined under paragraph 1 of Recommendation 18-08. An indicative list of information to be collected is included in the sighting information sheet (**Annex**), which should be used for transmitting information on vessel sightings to the Executive Secretary as specified below.
2. When a vessel is sighted pursuant to paragraph 1 the sighting CPC shall without undue delay notify and provide any recorded images of the vessel to the appropriate authorities of the flag CPC or flag non-CPC of the sighted vessel, and:
  - a) If the sighted vessel is flagged to a CPC, the flag CPC shall, without undue delay, take appropriate action with respect to the vessel in question. Both the sighting CPC and the flag CPC of the sighted vessel shall provide, as appropriate, information on the sighting to the Executive Secretary, including details of any follow-up actions taken.
  - b) If the sighted vessel is flagged to a non-CPC, is of indeterminate flag, or is without nationality, the sighting CPC shall, without undue delay, provide to the Executive Secretary all appropriate information related to the sighting.
3. When a vessel is sighted pursuant to paragraph 1 and there are reasonable grounds to suspect the vessel is without nationality, a Contracting Party is encouraged to board the vessel to confirm its nationality. If the vessel is confirmed to be without nationality, a competent authority of the Contracting Party is encouraged to inspect the vessel, consistent with international law and, if evidence so warrants, the Contracting Party is encouraged to take such action as may be appropriate, in accordance with international law. Any Contracting Party that conducts a boarding of a vessel operating without nationality shall notify the Executive Secretary without undue delay.
4. [CPCs are encouraged, upon the consent of the flag State or vessel master, to board and inspect vessels of non-CPCs conducting fishing or fishing related activities for tuna and tuna-like species and other species caught in association with these species, in waters of the Convention Area beyond national jurisdiction. Appropriate information collected from such boardings shall be reported to the Executive Secretary. If a CPC concludes, following boarding and inspection under this paragraph, that the non-CPC vessel was not, in fact, undermining ICCAT conservation measures, the vessel shall not be subject to the presumption under paragraph 1 of Rec. 98-11.]

5. CPCs should encourage their fishing and support vessels that operate in the Convention Area to collect and report relevant information to their appropriate domestic authorities to support the vessel sighting process set forth in this Recommendation.
6. The Executive Secretary shall promptly forward any information received pursuant to this Recommendation to all CPCs and report it to the Commission for consideration at the next ICCAT annual meeting.
7. CPCs are encouraged to notify the Executive Secretary of their points of contact to facilitate cooperation and other appropriate actions under this recommendation. The Executive Secretary shall publish this information on the ICCAT website.
8. This recommendation replaces and repeals *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures* (Res. 94-09) and the *Recommendation by ICCAT on Transshipments and Vessel Sightings* (Rec. 97-11).

## Annex

SIGHTING INFORMATION SHEET			
1. Date of Sighting:	Time	Day	Month Year
2. Position of Vessel Sighted:			
3. Name of the Vessel Sighted:			
4. Flag Country:			
5. Port (and Country) of Registry:			
6. Type of Vessel:			
7. International Radio Call Sign:			
8. Registration Number:			
9. ICCAT Serial Number:			
10. IMO Number:			
11. Estimated Length Overall and Gross Tonnage:		m	GT
12. Fishing Gear Description (if applicable):			
13. Nationality of Captain:		Officer:	Crew:
14. Vessel Situation (Please check):			
<input type="checkbox"/> Fishing <input type="checkbox"/> Cruising <input type="checkbox"/> Drifting <input type="checkbox"/> Supplying <input type="checkbox"/> Transshipping <input type="checkbox"/> Other (Specify)			
15. Type of Activities of the Vessel Sighted (Please describe):			
16. Description of vessel:			
17. Other Relevant Information:			
18. THE ABOVE INFORMATION WAS COLLECTED BY:			
NAME:		TITLE:	
MEANS OF SIGHTING (including vessel/aircraft name, where appropriate):			
DATE: (Month) (Day) (Year)		SIGNATURE:	