

**RECOMMENDATION BY ICCAT REGARDING CONTROL OF
CHINESE TAIPEI'S ATLANTIC BIGEYE TUNA FISHERY**

RECOGNIZING the authority and responsibility of ICCAT to manage populations of tuna and tuna-like species in the Atlantic Ocean and adjacent seas, at the international level;

NOTING the need for all non-Contracting Parties, Entities or Fishing Entities fishing for such species in the Atlantic Ocean or its adjacent seas to cooperate with ICCAT's conservation and management measures;

EXPRESSING CONCERN with regard to the overfished status of bigeye tuna in the Atlantic Ocean;

RECALLING the adoption in 2003 of the *Resolution by ICCAT Concerning Trade Measures* [Res. 03-15];

CALLING ATTENTION to the 2004 decision by the Commission, based on data and associated information submitted by Contracting Parties, Cooperating non-Contracting Parties, Entities, or Fishing Entities, to identify Chinese Taipei pursuant to the *Resolution by ICCAT Concerning Trade Measures* [Res. 03-15] because of its excessive catches and laundering activities in bigeye tuna fisheries and that the Commission duly notified Chinese Taipei of the identification and requested that it rectify the situation;

CAREFULLY REVIEWING the information regarding efforts by the Commission to obtain the cooperation of Chinese Taipei since the 2004 meeting, including information that Chinese Taipei has taken insufficient action to rectify the situation and continues to operate in a manner that diminishes the effectiveness of ICCAT conservation and management measures by, *inter alia*, the continuation of excessive catch and laundering activities in bigeye fisheries, failing to control effectively the large-scale longline vessels registered to Chinese Taipei and continuous involvement of Chinese Taipei fishing vessels in illegal, unregulated and unreported (IUU) fishing;

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

- 1 By way of derogation from the provisions of paragraphs 4 a) and 5 of the *Recommendation by ICCAT on a Multi-Year Conservation and Management Program for Bigeye Tuna* [Rec. 04-01], the catch limit of Atlantic bigeye tuna for Chinese Taipei in 2006 shall be 4,600 t for the following fishing operations by Chinese Taipei's fishing vessels in the Convention area:
 - By-catch in the albacore fishery by 60 fishing vessels up to a maximum annual catch of 1,300 t of bigeye.
 - Targeted fishing campaign for bigeye tuna as provided in the paragraph 2 below.

No other fishing for bigeye tuna by Chinese Taipei's fishing vessels is authorized in 2006 in the Convention area. All fishing vessels of Chinese Taipei, other than the 60 vessels engaged in albacore fishing and the targeted fishing campaign for bigeye (in paragraph 2) shall be deleted from the ICCAT record of fishing vessels over 24 meters authorized to operate in the Convention area.
- 2 To ensure compliance with the ICCAT conservation and management measures, Chinese Taipei may allow no more than 15 fishing vessels under its registry to conduct a directed fishing campaign for bigeye tuna with a maximum catch of 3,300 t of Atlantic bigeye tuna in the Convention area. The list of these 15 vessels and their individual vessel quota of 220 t shall be notified to the Commission by December 20, 2005. The vessels shall be subject to the following monitoring and enforcement measures.
 - No at-sea transshipment is permitted for these 15 vessels and their catch must be transhipped or landed at two designated ports (Cape Town and Las Palmas).
 - The vessels shall visit one of these ports every three months, where they will be subject to mandatory port inspection by Chinese Taipei officers and port state officials. The inspection reports shall be transmitted to ICCAT at the latest one week after the inspection.
 - Daily catch reporting to Chinese Taipei authorities, by VMS or radio.

- Chinese Taipei authorities will send a quarterly catch report to ICCAT.
- Once the individual vessel quota of 220 t is exhausted, the vessel must return to its home port.
- 100% compliance observer coverage will be ensured in the entire targeted fishing campaign.

In addition, Chinese Taipei shall comply with the conditions set out in the **Attachment** to this recommendation. Chinese Taipei shall report to the Commission the result of the targeted fishing campaign and monitoring and enforcement activities no later than one month before the 2006 Commission meeting.

- 3 By the 2006 Annual Meeting, Chinese Taipei shall demonstrate that it has complied with the conditions set out in this recommendation and the attachment. The Commission shall then evaluate Chinese Taipei's compliance with such conditions as well as any other applicable ICCAT conservation and management measures and consider any new information in this regard. In the event that this leads to a finding that Chinese Taipei has neither complied with these conditions nor otherwise rectified the situation, the Commission shall decide on the imposition of non-discriminatory trade-restrictive measures against Chinese Taipei pursuant to paragraph 7 of the Resolution 03-15.

***Attachment to the Recommendation by ICCAT Regarding Control of
Chinese Taipei's Atlantic Bigeye Tuna Fishery***

Vessel reductions:

Vessels greater than 24 meters: Chinese Taipei (CT) has already committed to scrapping 120 vessels from its fleet. CT shall increase that number by at least an additional 40, for a total of 160 vessels, to ensure that capacity is commensurate with fishing possibilities for ICCAT species in the Atlantic. This fleet reduction program shall be completed by December 31, 2006, and shall include effective measures to halt fishing activities by the vessels that are to be scrapped during the scrapping period, such as by calling vessels back and confining them to their home ports until scrapping is complete. CT shall promptly provide to ICCAT a report that includes:

- A description of the each vessel being scrapped (e.g., name, identification number, size, age, fishing and documentation history for the past 5 years, disposition of scrapped vessel and equipment).
- Proposed timing of these activities (including detailed description of any intermediate steps, which must include effective steps to remove vessels from the Atlantic bigeye fleet).
- Expected reduction in catch, by ocean area and stock, when the scrapping is completed.

Vessels between 20 and 24 meters: CT shall report to ICCAT by July 1, 2006, on the vessels fishing for tuna and other highly migratory species, by ocean, under its flag and foreign flags owned or controlled by CT businesses, including:

- An analysis of the number of vessels and their capacity.
- Comparison of fishing capacity to harvest possibilities (including by-catches) within each Regional Fisheries Management Organization's (RFMO's) area of jurisdiction.
- A fleet adjustment plan designed to reduce any overcapacity of these vessels, when considered together with its large-scale vessels.

Quarterly reports: Quarterly progress reports shall be submitted to ICCAT on the process of implementation of these programs.

Port inspection and sampling programs:

- CT's limited port sampling program must be promptly expanded to cover a statistically adequate percent (5-10%) of its catch.
- More importantly, CT shall institute a combined port inspection and sampling program to verify compliance by its fleet with quotas and other rules, as well as to sample catches, which includes, *inter alia*, periodic mandatory visits of its fishing vessels to designated ports.
- CT shall prohibit landing by its fleet in any port, including a foreign port, which does not have a CT port inspector.
- CT shall submit to ICCAT the specifics of this program by March 31, 2006 and thereafter submit quarterly reports.

Observer coverage:

- CT shall increase its observer program to cover at least 5% by effort for its Atlantic longline fleet.
- CT shall place observers on all of its transport vessels to monitor transshipment at sea and shall ensure that its fishing vessels only transship to vessels carrying CT observers or, in the case of foreign flagged transport vessels, third party observers.
- CT vessels shall not conduct at-sea transshipments to any fishing vessel unless observers are present on one of the vessels.

These steps shall be taken as soon as possible and reported to ICCAT by November 1, 2006.

VMS: To complement its implementation of VMS on its fishing vessels over 24 meters, CT shall:

- Extend the VMS requirement to all vessels 20 meters or greater in length.
- Place VMS on all of its transport vessels.
- Monitor the vessels with VMS consistent with ICCAT rules.

Efforts to control IUU fishing: CT shall control IUU fishing by vessels of any size that fish for ICCAT species in the Atlantic Ocean, by:

- Thoroughly investigating alleged 2003, 2004 and 2005 laundering activities by its flag vessels, taking appropriate enforcement actions, and submitting a complete report of the investigations and resulting actions to ICCAT by July 1, 2006.
- Identifying foreign flagged vessels owned or controlled by CT businesses and submitting to ICCAT by July 1, 2006, a comprehensive report on each such vessel, including a description of the nature of the economic and beneficial relations between such CT business interests and the vessel.
- Taking effective steps, including meaningful enforcement measures with respect to CT flag vessels and CT business interests that own foreign flag vessels, to eliminate IUU fishing activities through, at a minimum:
 - Cutting beneficial and financial relations with IUU operators.
 - Working with the respective flag countries, to the extent practicable, to improve monitoring and control of vessels and stopping foreign flagged vessels owned by CT business interests from exporting under the name of CT.

Quarterly reports shall be submitted to ICCAT on the progress made in implementing these and other steps to eliminate IUU fishing.

Data:

- CT shall take steps to ensure that its data are reported consistent with ICCAT rules.
- Moreover, CT must evaluate past reports submitted to ICCAT and correct them as necessary, including providing the basis for any corrections.

In undertaking these improvements, CT shall develop and submit to the Commission an implementation schedule, consistent with the above, by July 1, 2006. CT must report on the results of implementation of these items/issues to ICCAT in accordance with the above implementation schedule.