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**BACKGROUND TO DRAFT RECOMMENDATION BY ICCAT AMENDING THE RECOMMENDATION 14-04
BY ICCAT TO ESTABLISH A MULTI-ANNUAL RECOVERY PLAN FOR BLUEFIN TUNA IN THE EASTERN
ATLANTIC AND MEDITERRANEAN [PA2-611/17]
[ICCAT Circular #6999 dated 25 September 2017]**



The International Commission
for the Conservation of Atlantic Tunas
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Recommendation 14-04 by ICCAT Amending the Recommendation 13-07 by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean

At this year's regular meeting of the Commission, Recommendation 14-04 by ICCAT amending the Recommendation 13-07 by ICCAT to establish a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean will be subject to revision. In this respect Norway would highlight some areas where amendments are called for.

Discard Obligation – Landing Obligation

As explained a number of times in various ICCAT meetings, the Norwegian fisheries legislation (as the legislation of other countries in the North East Atlantic) contains a general landing obligation pertaining to all catches. The purpose of this provision is to improve the resource control by counting all landings against the established quotas, thus providing for correct catch statistics. This contributes i.a. to preventing overfishing and to providing the scientists with catch figures corresponding to the actual catches. With a more accurate input on catches the scientists have a more solid basis for elaborating their advice on the outtake from the stocks.

In accordance with the landing obligation all catches of bluefin tuna by Norwegian vessels must be landed. However, the legislation provides for an exemption for live bluefin tuna. When caught as incidental by-catch in fisheries for other species, all live by-catches shall be released, whereas dead or dying by-catches shall be landed. Targeting bluefin tuna is prohibited for all Norwegian vessels both in international waters and in waters under Norwegian fisheries jurisdiction, except for the vessel(s) authorised to target bluefin tuna in accordance with the relevant ICCAT recommendations and the Norwegian fishing and inspection plan. Nevertheless, incidental by-catches may occur. However, the value of such by-catches is confiscated, thus preventing the fishermen concerned from drawing any commercial profit from these catches. In order to remove any incentive to discard such incidental by-catches, the fishermen would be compensated for the costs of bringing the by-catch to port. Also in the directed fisheries for bluefin tuna, live catches can be released. This would for instance be the case if the catch exceeds the quota. But also here all dead or dying fish must be landed.

Recommendation 14-04 includes several provisions imposing a discard obligation, regardless of whether the bluefin tuna is alive or dead or dying. However, unregistered dead or dying discards will prevent the SCRS from obtaining the correct catch figures although their evaluation of the stock situation to a large extent is based on fishery dependant data. Although some paragraphs provide an exception for CPCs whose domestic legislation requires that all dead fish be landed, there are still provisions imposing a discard obligation. To ensure equal treatment of all CPCs, the relevant paragraphs in Recommendation 14-04 should be amended to take into account the landing obligation in the domestic legislation of some CPCs such as Norway.

For instance, paragraph 26 provides that CPCs shall take the necessary measures to prohibit catching, retaining on board, transshipping, transferring, landing, transporting, storing, selling, displaying or offering for sale bluefin tuna weighing less than 30 kg or with fork length less than 115 cm. This text should be amended in order to include an exemption for those CPCs whose domestic legislation requires that all dead or dying fish be landed.

For catching vessels fishing actively for bluefin tuna, paragraph 28 provides that an incidental catch of maximum 5% of bluefin tuna weighing between 8 and 30 kg or with fork length between 75-115 cm may be authorised. Furthermore, it is provided that this percentage is calculated on the total catches in number of fish retained on board this vessel at any time after each fishing operation in the above mentioned weight or length categories. For the sake of clarity this article should also state that this provision should not apply to CPCs whose domestic legislation require that all dead or dying fish be landed.

Paragraph 29 provides that the prohibition against retaining by-catches of bluefin tuna exceeding more than 5% of the total catch by weight or number of pieces does not apply to CPCs whose domestic legislation requires that all dead fish be landed. In this sentence the word "dying" should be added: "...that all dead or dying fish be landed."

Paragraph 29 further states that all by-catches must be deducted from the quota of the flag State CPC. This is a principle we fully share. Nevertheless, it seems that the quantities set aside by CPCs for by-catches and the few discards recorded indicate that there is no general implementation of this provision. Hence, there does not seem to be a level playing field between the CPCs. Paragraph 29 should also be evaluated in relation to the payback provisions in Recommendation 00-14. In fact, it does not seem fair to require payback in the case of CPCs with a landing obligation until the current provision on reporting of discards and by-catch is fully implemented by all concerned CPCs.

Confiscation

Paragraph 29 also provides that if no quota has been allocated to the CPC of the fishing vessel or trap concerned, or if the quota has already been exhausted, dead bluefin tuna must be landed, whole and unprocessed, and shall be subject to confiscation and appropriate follow-up action. As long as the value of the by-catch is confiscated, this should be a sufficient measure to remove the incentive of illegal fishing provided that the fishermen cannot draw any commercial profit from the fish. Therefore, the prohibition against selling such by-catch seems redundant. The practice of destroying valuable food should in our view be avoided. As the fish in this case is already dead, efforts should rather be made to do the utmost to maintain the quality and not waste our common resources. Therefore, the requirement of landing such dead fish whole and unprocessed should be lifted.

Market Measures

Paragraph 94, which pertains to market measures, provides i.a. that exporting and importing CPCs shall take the necessary measures to prohibit amongst others, domestic trade, imports, landings, processing, exports, re-exports and the transshipment within their jurisdiction, of bluefin tuna caught by fishing vessels when the flag State fishing possibilities are exhausted, or when the individual quotas of catching vessels referred to in paragraph 10 are exhausted. However, for CPCs which prohibit retention of live bluefin tuna and have a landing obligation for dead or dying bluefin, there is no reason to prohibit trade of such fish as long as the value of the catch is confiscated and the fishermen who caught this fish cannot draw any commercial profit from the trade of this fish. Hence, it should also be possible to issue valid eBCDs for such fish.

Inspection in Port

Norway also notes that according to paragraph 64 all landings shall be controlled by the relevant control authorities and a percentage shall be inspected based on a risk assessment system involving quota, fleet size and fishing effort. Full details of this control system adopted by each CPC shall be detailed in their annual inspection plan referred to in paragraph 8 of Recommendation 14-04. This also applies for harvest operations. It is our view that the control requirement of "a percentage" should imply an agreed minimum level for inspections in port, including for the landings of the flag States' own vessels. Until now, the Norwegian regulations for bluefin tuna fishing require that 100 % of the landings from the vessels targeting bluefin tuna must be inspected, prohibiting the vessels to start landing before an inspector is present on the landing site.

Allocation Key

At an intersessional meeting in Tokyo in January 2007 the allocation key for eastern bluefin tuna was established. At every annual meeting after this the question of the sharing of the stock between the parties has come up in the discussions of the rebuilding plan. Nevertheless, no general discussion of substance on this issue has taken place. However, transparent discussions are long-overdue. The Norwegian quota established in 2007 is for instance completely arbitrary and was not based on any criteria contained in resolution 01-25 on the allocation of fishing possibilities. As a coastal state to eastern bluefin tuna we have been allocated a quota of 0,23 %. Over the last years the revisions of the rebuilding plan have resulted in reducing this share. After last year's decision on a further reduction this year - in practice a phasing-out of our share - we had no other choice than to lodge a formal objection to recommendation 14-04. Norway would therefore suggest that ICCAT initiates a process with the aim of establishing a fair allocation key for eastern bluefin tuna.

Fishing Capacity Reduction

According to paragraph 41 each CPC shall manage its fishing capacity [...] so as to ensure there is no discrepancy between its fishing capacity and its fishing capacity commensurate with its allocated quota in accordance with the methodology approved at the 2009 annual meeting. Paragraph 42 further states that to calculate its fishing capacity reduction, each CPC shall take into account, inter alia, the estimated yearly catch rates per vessel and gear to be estimated by SCRS. The calculations made by the SCRS are, however, based on data from the Mediterranean Sea. There is no evidence that these calculations can automatically apply to the North East Atlantic. Hence these two paragraphs should not apply to the fishing fleet operating in the North East Atlantic.

Please circulate this letter among all CPCs.

Yours sincerely,

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This document has been signed electronically and therefore it is not signed by hand.

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