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**REPORT OF THE 12TH MEETING OF  
THE WORKING GROUP ON INTEGRATED MONITORING MEASURES (IMM)**  
*(Madrid, Spain, 9-12 April 2018)*

**1. Opening of the meeting**

The Chair of the Working Group, Mr. Neil Ansell (EU), opened the meeting and welcomed the delegates to the 12th meeting of the Working Group on Integrated Monitoring Measures (IMM). The ICCAT Executive Secretary also welcomed participants.

**2. Nomination of a Rapporteur**

Ms. Katie Moore (USA) was nominated as rapporteur.

**3. Adoption of the agenda and meeting arrangements**

The Chair noted the modified agenda circulated before the meeting, and the participants adopted the agenda without changes (**Appendix 1**). The Chair stated that he planned to go through the agenda as written but noted that relevant Performance Review Recommendations would be brought up under the agenda items to which they related. Other Performance Review Recommendations and the approach of reporting to the Commission would be addressed under agenda item 7. Issues in the paper "U.S. Views Regarding Issues Raised in PWG-401/2017" (**Appendix 9**) would also be taken up under the agenda items to which they related.

The Executive Secretary introduced the Contracting Parties present at the meeting: Algeria, Belize, Brazil, Canada, Cote D'Ivoire, European Union, Gabon, Honduras, Japan, Mauritania, Morocco, Namibia, Nicaragua, 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 Pew Charitable Trusts (PEW) participated as observers.

The List of Participants is attached as **Appendix 2**.

**4. Review of Catch and Statistical document programmes, including:**

**4.1 Catch Documents Programmes and consideration of amendments to the BCD/e-BCD Programme**

The Chair reported on recent activities of the e-BCD Technical Working Group (TWG) in his role as Chair of the TWG. The TWG last met in January 2018. The e-BCD system generally continues to work well, and the focus of the TWG now is on secondary development issues related to system functioning. A first list of desired functionalities to address these issues was sent to Tragsa after the meeting, and the TWG recently received cost/time estimates for each item on the list. The TWG is now prioritizing the items based on CPCs needs and costs. Funding is limited, so prioritization is essential. The Tragsa contract has been renewed for another year. The Secretariat thanked the EU for their voluntary contribution of €100,000 in support of the system, which also contributes to ensuring the required system hosting and support remains in place.

Recent discussions of the TWG included in particular data extraction considerations. There was discussion at the ICCAT 2017 annual meeting about how CPCs can extract information from the e-BCD system and whether those capabilities fully allow CPCs to meet their reporting obligations (especially under Recs. 11-20, 06-13 and

17-09). Japan reminded the IMM Working Group that it had introduced a proposal regarding reporting pursuant to Rec. 06-13 at the 2017 annual meeting and that it was deferred pending technical discussion on the data extraction function of the eBCD system by the TWG. The TWG agreed that CPCs need to be able to access appropriate data from the e-BCD system and is working with Tragsa on how to design user-friendly and cost effective query capabilities. The TWG is mindful that an integrated, holistic approach to the data query issue should be less expensive in the long run than development of query functionalities in a piecemeal manner.

Several CPCs noted that the Commission will likely want to reconsider CPC reporting obligations to be sure information extracted from e-BCD and submitted to ICCAT meets current needs. In the meantime, CPCs will have to work with the existing system to meet their 2018 reporting requirements. In this regard, the Chair encouraged the assistance of Tragsa to assist CPCs to conduct this year's data extraction and reporting, in particular the annual report under Rec. 11-20.

The Chair also recalled the proposals tabled by Norway at ICCAT 2017 annual meeting relating to issuing BCDs for catches in excess of quota. Discussions at the annual meeting were lengthy and the PWG recommended those discussions continue at the IMM. As Norway was not present at the Working Group meeting, however, this issue was not discussed.

The policy question of how the 7-day provision as laid down by para 13d) of Rec. 11-20 and para 6a) of Rec. 17-09 should be implemented and, thus, reflected in the e-BCD system was briefly discussed. In addition, whether and how an CPC inspector participating in the joint international inspection programme for eastern bluefin tuna should have access to the e-BCD system was considered but both remain unresolved. The Chair recommended continued discussions via correspondence with a view to settling these matters at the ICCAT annual meeting in November.

It was agreed that the e-BCD TWG should continue its work and, in particular, discuss data extraction at the technical level. The IMM Working Group encouraged the PWG to review e-BCD data extraction and reporting matters at the 2018 ICCAT annual meeting by which time costs on the various data extraction options would be known and could help inform decisions. The Chair noted that the e-BCD TWG may need to meet again prior to the annual meeting, perhaps in September, in order to prepare such issues and report to the PWG.

#### ***4.2 Statistical Document Programmes and consideration of possible improvements***

The Chair mentioned there were no proposals on this agenda item. The Chair stated there were discussions in past PWG and IMM meetings regarding the statistical document programmes (SDPs) adopted in 2001, noting that some had indicated these programmes may no longer be addressing the needs they were originally adopted to address, and that there may be desire to revisit the measures (Recs. 01-21 and 01-22).

Some CPCs expressed interest in expanding the SDPs to catch documentation schemes (CDS) and/or to expand SDPs to other product types and/or species. It was noted however, there has been opposition to developing a blanket CDS for all species in the past. Japan had previously recommended that, as a first step, two loopholes/exemptions in the existing bigeye tuna SDP should be addressed, namely, expanding the programme to include fresh and canned products. Japan noted that these represent the majority of bigeye catches. Japan also noted a lack of progress on this topic since the discussions in 2012 and the representative stressed that Japan would prefer to see progress by ICCAT on this topic that would contribute to combating IUU fishing in the ICCAT Convention area. Some CPCs stressed the value of such a multilateral approach in the development of any new programmes, in particular, as this would ensure that a single document could be used to trade ICCAT products. They urged that any such programme should take into account and recognize national programmes/documents that may already meet minimum ICCAT and CPC standards. A CPC noted that Performance Review Rec. #84 is also relevant to this discussion, especially regarding swordfish. The EU said that it would be open to re-tabling its 2012 proposal as a starting point for further discussions. Inspiration from other catch document programmes and recent work of the FAO may also be used to improve the programmes used in ICCAT. It was suggested to separate discussions on which species and overall programme scope from the type of systems that should be used (i.e, paper vs. electronic), because there may not be a one-size-fits-all system.

Several CPCs suggested the need for a stepwise approach, assessing the needs by stock based on the criteria included in Rec. 12-09. That work could then inform decisions on the scope and capabilities of any potential new system. It was noted that cost is an important additional consideration. Several participants voiced support for an electronic system. Some CPCs noted that implementation may take time for some developing countries and that use of paper may be necessary in the meantime. Some participants stated the value of possibly updating the statistical document to fulfil the data requirements of existing unilateral catch certificates.

The EU introduced a proposal regarding a “Suggested Approach to Review and Evaluate the Need for, and if appropriate, expand Catch Documentation Scheme (CDS) Programs in ICCAT”. The Chair summarized that this proposal is ongoing. This version of the proposal is appended as **Appendix 3** for information.

Based on the foregoing discussion, the IMM requested the Secretariat to compile, to the extent possible and in close coordination with the Chair of the PWG and the SCRS, information to inform an assessment by the Commission, through the PWG, of the risk of IUU activities and other relevant threats to the conservation status of ICCAT species/stocks. In that regard, the PWG will consider ways to address these threats, including the potential need for and, where appropriate, the possible roles that a Catch Documentation Scheme could play in addressing IUU fishing and enhancing the conservation and management of these stocks/species.

The information compiled by the Secretariat should, to the extent possible, relate to the following factors, and, as appropriate, others set forth in Recommendation 12-09 and the 2017 FAO Voluntary Guidelines on Catch Documentation Schemes:

- i. The overall level of trade by species and product type as well as the CPCs and non-Contracting Parties, Entities or Fishing Entities (NCPs) involved;
- ii. The overall landed value of the targeted species/stock as well as the retail values at point of landing and on major markets;
- iii. The conservation status and the vulnerability (including low reproductive output or high age at maturity, or both) of the respective ICCAT species/stocks;
- iv. The monitoring and control measures currently in place, including catch and trade tracking programmes, and their scope of effectiveness (i.e., percentage of the overall fleet, landings, or product in trade covered under each of the various measures);
- v. The level of incidence of non-compliance events detected for each fishery/stock;
- vi. How ICCAT fisheries are conducted (e.g., fishing grounds, gear types, transshipment activities, harvesting CPCs, etc.);
- vii. The ways in which products from ICCAT fisheries are processed, transported, and traded; and
- viii. Any other relevant factors, including, but not restricted to, potential duplication with existing catch document schemes.

The Secretariat should provide the requested information in advance of the 2018 ICCAT annual meeting and, if possible, provide ranked lists of the various ICCAT fisheries and stocks/species based on, and, where feasible, sorted by the level of reported non-compliance by ICCAT members and any unreported non-member fishing; the comprehensiveness of the monitoring and control measures in place for each fishery; and/or the relative stock status/vulnerability.

The EU noted that it intends to develop a proposal on the next steps of this process for consideration at the 2018 annual meeting.

#### **4.3 Other issues**

No additional items were raised under this agenda item.

## **5. Consideration of measures relating to monitoring and inspection, including:**

### **5.1 Vessel monitoring systems**

The Chair noted that ICCAT's current VMS measure (Rec. 14-09) required review in 2017, but the PWG did not have time to undertake that work and referred the topic to the IMM. He also noted that Performance Review Rec. #72 stated, among other things, that ICCAT should transition to centralized VMS.

The United States introduced its VMS proposal, entitled "Draft Recommendation by ICCAT Concerning Minimum Standards for Vessel Monitoring Systems in the ICCAT Convention Area". The proposal updates three key elements of Rec. 14-09: expanding the group of vessels that would be required to be equipped with VMS, increasing the frequency of polling to 1 hour (vice 4 hours), and including language that clarifies and strengthens provisions prohibiting tampering with VMS units. The United States noted SCRS advice regarding the utility of higher frequency of VMS reporting and emphasized the increased utility to CPCs of having more detailed data on their vessels' activities.

A number of CPCs provided comments on the proposal. Regarding the size of vessels covered, one CPC requested that the reference to any vessels operating outside the flag-CPCs jurisdiction was too vague. Instead, it was suggested that only vessels 12 m LOA and above and authorized to fish outside the waters under the jurisdiction of the flag CPCs should be covered. Several CPCs made comments about the proposal to increase VMS polling frequency. One CPC expressed the view that 4 hours is a sufficient polling rate for pelagic longline vessels for the purpose of compliance due to the nature of the operation, but the Commission could consider a higher frequency for other gear types, particularly the purse seine fishery. Several CPCs suggested that a 2 hour polling rate would be sufficient. Those CPCs noted that they could accept 2 hour polling but would have concerns with a rate higher than that due to increased costs. One CPC noted that VMS data alone cannot prove fishing activity. One CPC suggested adding language related to circumstances in which it would be permissible to switch off the VMS unit in port. Regarding language related to a proposed requirement for tamper-evident units and data spoofing prohibitions, a few CPCs expressed concerns with the ability of CPCs to monitor how VMS data are treated by VMS providers, and suggested that this role was more appropriate for vessel masters. There was also a suggestion to include reporting of vessel heading and speed, as is required in some other RFMOs. In addition, there was a discussion regarding the utility of cross-checking AIS and VMS to check the validity of data provided by vessels suspected of tampering with their VMS systems, but some CPCs expressed concerns regarding the appropriateness of using AIS data in this manner given that AIS was designed for vessel safety.

The United States thanked parties for their views and agreed to present an amended measure, recognizing that the proposal on the table is very technical, and encouraged CPCs to undertake internal consultations, in particular looking into the potential costs to their fleet costs of an increased the polling rate.

Additional discussion focused on the concept of a centralized VMS as noted in Performance Review Rec. #72. The rationale put forward by one CPC is for a timelier exchange of VMS information between CPCs participating in the international inspection schemes and ultimately deterring IUU fishing. Participants discussed cost considerations and the potential need for the Secretariat to hire additional staff to operate a centralized system. Some CPCs suggested that a fully centralized system may be premature at this time. One CPC noted that there may be utility in considering a transition towards a centralized system on a fishery-by-fishery basis to be considered by the Panels and with clear information about the costs of such programmes. The observer from Pew noted the organization's support for moving toward greater use of centralized VMS in ICCAT.

The United States presented a modified proposal based on the previous discussion, and CPCs provided additional comments. The United States noted that it was considering additional language regarding situations in which it is acceptable to power down a VMS unit, and several CPCs described their domestic procedures and discussed how such a provision could be framed. Some concerns remained regarding the proposed minimum standards for tamper-evident VMS equipment. One CPC suggested that rather than having the provision prohibiting interruption of power to the unit, the measure should include a provision requiring automatic notification to the flag State if the power supply to a unit is interrupted. Noting the need to consult internally, one CPC reserved its position regarding the revised scope of vessels covered by the proposal, which had been narrowed to include only those commercial fishing vessels 12 m LOA or greater and authorized to operate outside waters under the jurisdiction of the relevant flag State.

Based on these discussions, the United States presented a third version of its proposal, recognizing the need for CPCs to consult internally on technical aspects and that the discussion on the VMS polling rate and vessels covered by the measure remained open. CPCs offered initial reactions to the updated proposal, and the United States committed to continuing working intersessionally to refine the text before the annual meeting.

The Chair summarized that this proposal is ongoing and looks forward to discussions between CPCs in advance of the annual meeting, using this proposal as the basis. This version of the proposal is appended as **Appendix 4** for information.

Pew thanked the US for the proposal and for the supportive comments around the table. Pew suggested that ICCAT consider tightening controls on tropical tuna fishing through simultaneous transmission of VMS data to the CPC and the Secretariat.

## **5.2 Observer Programmes**

The Chair noted that Performance Review Recs. #71 and 79 were relevant to this agenda item.

The United States introduced its proposal entitled *Draft Recommendation by ICCAT on Protecting the Health and Safety of Observers in ICCAT's Regional Observer Programs (IMM\_09A/i2018)* with the goal of clearly identifying the responsibilities of the Secretariat, flag CPCs and non-CPCs, observer providers, and vessel operators in the event that an observer dies, is missing or presumed fallen overboard, suffers from serious illness or injury, or is intimidated, threatened, or harassed. The United States noted that the proposal is similar to that proposed at the 2017 annual meeting “Draft Recommendation by ICCAT on Protecting the Health and Safety of Observers in ICCAT's Regional Observer Programs” with the addition, based on discussion at that meeting, of elements of an Emergency Action Plan (EAP) included as an addendum. The Secretariat also introduced the document “Consortium Responses to Observer Safety” that described how MRAG's Observer Safety Policy fulfills the role of the proposed EAP.

Many CPCs expressed support for the proposal in general but had several specific concerns with some of the text in the document, including the process for review of EAPs, the role of the Maritime Rescue Coordination Centers, and the required safety gear on small supply/relay vessels. After considering the information from the Consortium as well as subsequent versions of the proposal based on input from the participants, most issues were addressed. Additional work, however, is needed on the process and timing for submitting EAPs and the roles of the Secretariat, CPCs, and the Compliance Committee in determining whether an EAP has been submitted and complies with the elements of the EAP in the proposal. The most revised version of the proposal discussed by the IMM Working Group is appended as **Appendix 5** for information.

The United States thanked participants for specific comments on the proposal, which had improved the document, noting that additional text edits in writing on the remaining issues would be greatly appreciated to allow the United States to circulate an amended proposal well in advance of the annual meeting.

## **5.3 At sea boarding and inspection**

The Chair summarized past discussions in the IMM and PWG related to high seas boarding and inspection (HSBI) and noted the relevant Performance Review Recommendations. He also noted a relevant proposal by the United States and requested that it be presented.

The United States noted ongoing efforts to advance a modern HSBI scheme by several CPCs and recalled that the comprehensive scheme proposed several years ago remains on the table. Related to those efforts, the United States began work to advance the concept of a voluntary exchange of inspection personnel beginning in 2016. In that regard, the United States introduced a proposal, co-sponsored by the EU, entitled “Draft Resolution by ICCAT Establishing a Pilot Program for the Voluntary Exchange of Inspection Personnel in Fisheries Managed by ICCAT”, which would establish a non-binding framework for CPCs to enter bilateral arrangements to facilitate such exchanges. The United States noted that the proposal reflects input on a previous proposal considered at the 2017 PWG meeting and emphasized that it would be a voluntary programme, allowing

participating parties to decide how to structure the cooperation based on their specific needs and domestic requirements. Several CPCs noted their support. One CPC raised questions about whether the proposal envisions a one-for-one exchange of personnel that would require matching capacity by each CPC, which of the partnering CPCs is responsible for reporting lessons learned to the Secretariat, and whether resources will be made available to aid participation in the exchange under the proposal. The United States clarified the intention of the exchange to be similar to a ship-rider agreement and not a one-for-one exchange of personnel and agreed to clarify reporting provisions. Taking into account the discussion, the United States presented an updated proposal to clarify the appropriate participants in exchanges as well as reporting provisions.

The document was endorsed by the IMM and is appended as **Appendix 6**. The EU confirmed its willingness to continue as a co-sponsor. The Chair noted that Gabon and Canada also requested to join as co-sponsors, and that the document would be forwarded to the Commission for consideration at the annual meeting.

The Chair opened the discussion up to the broader topic of high seas boarding and inspection (beyond **Appendix 6**). One CPC raised again Performance Review Recommendation #70, noting some CPCs had differing interpretations as to whether Article IX(3) of the ICCAT Convention allows for adoption of a high seas boarding and inspection scheme. There was general agreement with the view that Article IX(3) of the current Convention is intended to specifically authorize a high seas boarding and inspection scheme. It was highlighted that under the current Convention, ICCAT has already adopted and implemented a joint international inspection scheme in the eastern Atlantic and Mediterranean bluefin tuna fishery and more recently for Mediterranean swordfish.

The Chair noted efforts for the IMM and PWG to continue to work toward a modern HSBI scheme.

#### ***5.4 Port State measures, including progress of Port Inspection Expert Group and discussions on Rec. 12-07 in light of developments in international instruments***

The Chair recalled that there were discussions on this topic at the PWG and COC meetings in November 2017 and that a Port Inspection Experts Group has been convened to help support implementation of Rec. 12-07 through Capacity Building. The Chair noted that the Expert Group reported their progress in November 2017, and they will meet again in September 2018. The United States on behalf of the Chair of the Experts Working Group noted that the report of the last meeting of the Experts Group had been finalized, reminded all CPCs that the Secretariat had circulated a self-assessment questionnaire developed by the Expert Group in Circular 1619/2018, with a deadline for responses of 30 April 2018, and encouraged CPC submissions.

The United States introduced its proposal entitled “Draft Recommendation by ICCAT on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing” that is associated with the Performance Review Recs. #67, #68, and #69. The United States noted that it had been almost six years since adoption of Rec. 12-07 and that much has happened since that time, most notably the entry into force of the 2009 FAO Agreement on Port State Measures to Prevent, Deter, Eliminate Illegal, Unreported and Unregulated Fishing. The United States noted that 22 ICCAT CPCs are now party to that Agreement. Consistent with Performance Review Rec. #67 from the Second ICCAT Performance Review, the United States considered that ICCAT’s port inspection scheme should be revised and strengthened by aligning it more closely to the Port State Measures Agreement (PSMA).

The U.S. proposal included revisions to Rec. 12-07 to expand its scope to all foreign fishing vessels carrying ICCAT species that have not previously been landed regardless of whether they intend to land or transship ICCAT species while in port; require CPCs to deny entry where they have sufficient proof that the vessel seeking entry to its port has engaged in IUU fishing activity, unless the vessel is being allowed to enter port for the sole purpose of inspection or other enforcement action; specify notification procedures for denial of entry into port; establish criteria for prioritizing vessels for inspection; and set forth procedures for denial of use of port and port services to vessels determined to have engaged in IUU activity. The proposal includes an exception for vessels in port for reasons of force majeure or distress. The United States also noted that its proposal provided an opportunity to address the question of clarification raised by the Secretariat in **Addendum 1 to Appendix 9** concerning the disposition of port inspection reports submitted to them per paragraph 20 of Rec. 12-07, where a port CPC has not found evidence of an apparent infringement. In this regard, the United States recalled its response to this matter, as presented in **Appendix 9**.

Several CPCs thanked the United States for developing the proposal and expressed a willingness to discuss its details while noting that, given the complexity of the measure, its legal and technical implications, further internal consultations would be needed and consensus would not be reached at IMM. One participant suggested including further definitions from the PSMA, particularly the definition of port as well as amendments to the definition of fishing vessel. A few participants had concerns about how the measure could be implemented by CPCs that had not yet ratified the PSMA, while others were of the view that, because the scope of the Agreement was limited to vessels carrying ICCAT species, the authority to implement it was derived from a port CPC's sovereign rights and the ICCAT Convention such that ratification of the PSMA was not a prerequisite for implementation. Two participants explained that it would be very difficult for them to agree to any proposal at the annual meeting that deviated too far from the provisions of the PSMA.

One participant noted that other RFMOs (NAFO and IOTC) that have implemented systems with advanced notice of arrival information automatically forwarded this information to a vessel's flag State to confirm catch legality; this helps inform the port State's decision on allowing entry. There was support for an electronic system in ICCAT to share inspection reports and to inform a risk-based approach to identifying inspection priorities at port. There were comments that all personnel who engage in inspection activity should be able to have access to this kind of centralized system.

Some CPCs noted difficulty in applying Rec. 12-07, noting that there are technical processes that require improvement in order to be able to fully implement it. For instance, one CPC noted that it is logistically challenging to ensure vessels' compliance with the requirement to notify a port State 72 hours in advance if the port State does not know if the vessel has ICCAT-managed species onboard. That CPC suggested expanding the advance notice requirement to all vessels to address that concern. One CPC noted that they do not allow foreign fishing vessels to land catch, so the obligations in the proposal are not relevant to them and asked that the proposal be revised to eliminate any additional reporting requirements for CPCs that do not allow foreign fishing vessels into their ports. Other suggestions included adding provisions to address flag State obligations, clarifying the deadlines and responsible parties for some obligations, and ensuring alignment between this measure and the IUU listing process.

Taking into account issues raised, the United States updated its proposal and circulated a second version, which is appended as **Appendix 7** for information.

The Chair encouraged CPCs to continue discussions between now and the 2018 annual meeting with a view to possibly adopting a revised measure at that time.

## **5.5 Other issues**

No other issues were raised.

## **6. Review of vessel listing measures**

### **6.1 Rec. 11-18, including identification criteria for IUU vessel listing and procedures**

At the 2017 annual meeting, the *Secretariat Report to the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)* published in the *Report for Biennial Period, 2016-17 Part II (2017) – Vol. 4* and the *IUU List 2017* contained in Appendix 4 to ANNEX 10 of the *Report for Biennial Period, 2016-17 Part II (2017) – Vol. 1* involved discussions on vessel listings. The former was recirculated to the IMM and is contained in **Addendum 1 to Appendix 9**. Discussions occurred on the listing, delisting, and cross-listing procedures in Rec. 11-18 and related guidelines (Res. 14-11) with a recommendation that there needed to be a review of the measures for streamlining and clarification.

The United States introduced its proposal entitled “Draft Recommendation by ICCAT on Establishing a List of Vessels Presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities” (IMM\_07/i2018) to amend Rec. 11-18 and Res. 14-11 to clarify and simplify the procedures for listing and delisting IUU vessels.

The proposal also aimed to improve the effectiveness of the measure by making it a more dynamic process that can respond in a timely manner to IUU activity, including through amending reporting timelines and revising the intersessional delisting process.

Several challenges with the current process were noted, including the inability for a real-time response to IUU fishing, lack of clarity of the text of Rec. 11-18, and imprecise criteria for listing. Some CPCs noted that there is a lack of clarity on how the existing provision related to intersessional delisting is to be interpreted. Other concerns included lack of updated information on vessels that could facilitate their identification by authorities.

In reaction to the U.S. proposal, participants discussed who would update the list, the decision-making process for intersessional delisting (e.g., consensus or a majority of affirmative votes), feasibility of providing data for all data fields if the vessel is solely sighted and not boarded, references to beneficial owner versus administrative owner, notification and communication with the flag State of IUU vessel to convey listing status, clarification regarding the role of port States in the listing process, CPCs review of the list when making reflagging decisions, and deleting the provision concerning trade related measures against vessels included on the provisional IUU list. Participants also discussed creating a dedicated page on the ICCAT website for access to information related to listed vessels. One CPC suggested that ICCAT may want to reconsider expanding the scope of cross-listing provisions to include non-tuna RFMOs. It was noted that this issue will be discussed in IOTC in May and the outcome of those discussions could help inform consideration of this issue at the annual meeting.

Following initial discussions, the United States updated its proposal taking into account comments received. One CPC stressed the need to ensure that sanctions against IUU vessels are effectively implemented before a vessel is delisted. Edits were made on the floor to address this issue, and the IMM endorsed the proposal as amended. The document is appended as **Appendix 8**. The Chair noted that it would be forwarded to the Commission for consideration and possible adoption at the 2018 ICCAT annual meeting. He also noted that these adjustments should effectively address the question of clarification from the Secretariat reflected in **Addendum 1 to Appendix 9**.

## ***6.2 Consideration of actions required for future management of CLAV database***

The Secretariat introduced the document entitled “Future Management of the Consolidated List of Authorised Vessels (CLAV)” (IMM\_06/i2018) drafted by the ICCAT Secretariat, ABNJ Tuna Project Coordinator, and CLAV database manager. The CLAV consists of all the authorized vessel lists of all the tuna RFMOs. The lists were previously merged manually and are now auto-synced; however, duplicates and inoperative vessel listings occur and require time-consuming manual correction by the Secretariat and CPCs. A contract supports this effort however it is soon ending. Without regular maintenance, the quality of the data included in the CLAV deteriorates very quickly.

The Chair requested feedback on whether the Commission should support continued CLAV maintenance and asked participants whether the tool is being used and whether CPCs find it valuable. Although some participants noted that they did not use the CLAV regularly, there was both a recognition of its utility and general support for continuing its maintenance taking into account its cost.

While informal calculations indicated that the CLAV would require only modest investment by ICCAT for its support, IMM agreed to refer this issue to STACFAD to consider the cost and decide on future support. One CPC suggested that decisions related to future improvements of the CLAV’s interface and functionality should be deferred until after current planned improvements are implemented.

The Chair noted that there was unanimous support of the CLAV’s utility, taking into account cost considerations, and that the matter should be further considered by STACFAD at the 2018 annual meeting.



### **6.3 Other issues**

#### *6.3.1 Maintenance of the authorized vessel list*

In response to questions by CPCs, the Secretariat explained that duplicates and other errors usually occur when a previously inactive vessel becomes active again, and the CPC reports it without its corresponding ICCAT serial number resulting in multiple ICCAT serial numbers end up being issued to the same vessel. Some CPCs emphasized that there is no measure requiring CPCs to maintain up-to-date information on the list of inactive vessels, but agreed that the Secretariat should maintain the inactive list to ensure the appropriate record, including the ICCAT Serial Number, is associated with any vessel that become active again. Participants also noted that some data points on the authorized vessel list are not strictly required under Rec. 13-13. For instance, radio call signs must only be reported if available, but can be left blank if a number is not assigned. Some CPCs stressed the need to prioritize maintenance of the active list and encouraged all CPCs to do a comprehensive review to ensure vessel data on that list are accurate and current. In addition, the Secretariat stressed the need when submitting new vessels to the list to review both the active and inactive lists to reduce the likelihood of duplications. They also noted that they were available to assist CPCs in this regard, including by sending lists of inactive vessels to CPCs. The Chair noted that input related to this issue was included in the document contained in **Appendix 9**.

#### *6.3.2 Additional information on IUU listed vessels*

The Secretariat introduced the document entitled “Possible Updates to IUU List” (IMM\_12/i2018) updating information on IUU listed vessels. The Working Group was asked if the information suited them and if the list should be submitted to the Commission for consideration at the annual meeting. The Secretariat explained that information primarily came from non-governmental organizations and other information publicly available on the Internet (e.g., iuuvessel.org, IOTC, etc.) A CPC asked if a dedicated portion of the ICCAT website could be used for this topic so the information is centralized, and the Secretariat said that this was possible with some guidance from CPCs. A suggestion included soliciting from the flag States information on those vessels already identified. Chinese Taipei noted that the vessel YU FONG 168, which was now listed as flagged to Chinese Taipei has been deregistered after sanctions were imposed, and asked CPCs for any assistance in locating the vessel as they had not been able to for some years. Some CPCs agreed on the merits of including in the list all previous names and photographs, if available, and using Internet sites to augment and update information on the list.

The Chair summarized that the Secretariat would contact relevant flag CPCs and non-CPCs regarding vessels on the list where new information is available, and the list would be presented to the Commission, through the PWG, at the annual meeting to consider next steps. The IMM also recommended ensuring the vessel information is made available to all CPCs in an informative way prior to the annual meeting, if possible. CPCs would finally make best efforts to check lists of inactive vessels, including by using the assistance of the Secretariat, when authorizing new vessels.

### **7. Analysis of recommendations emanating from Performance Review and consideration of possible necessary items**

The Chair recalled the “Template for Monitoring the Progress in the Implementation of the Action Plan to Implement the Recommendations from the Second Independent Performance Review of ICCAT” that established the procedures for which the ICCAT bodies would work and move forward in considering relevant recommendations stemming from ICCAT’s second performance review. In that regard, he called attention to the document entitled “Recommendations by Performance Review Panel”. The Chair proposed that, in accordance with such procedures, IMM should work to populate the “Actions to be Taken” column of this document as a report to the PWG, ideally as appended to the IMM meeting report.

Many CPCs voiced concerns about the difficulty of completing the task given that some recommendations are complex and not wholly applicable to all CPCs and/or the PWG. After considering the process for vetting the document, a second version of this document was produced. The Secretariat provided additional information on the resolution and recommendation streamlining process and a status update on security and confidentiality processes in order to assist the IMM in responding to some of the Performance Review Recommendations. Lengthy discussions involved the roles of the Panels and other subsidiary bodies to the Commission, as several Performance Review Recommendations would probably best involve multiple leads.

After additional consideration and adjustment, the IMM Working Group produced the third version (**Appendix 10**), which will be relayed to the PWG to inform discussions at the annual meeting.

#### **8. Review of outdated recommendations/resolutions requiring update**

The Secretariat provided a status update on “Streamlining of ICCAT Conservation and Management Measures” (IMM\_03/i2018). It is an annual task to review streamlining needs which can take a long period of time for decisions to be made on the suggested actions. Participants noted the value in systematically deleting obsolete measures and updating references in the remaining ones. It was noted that the current approach was developed by STACFAD so any suggestions to improve the process should be raised in that body.

Participants discussed that the task at hand was largely administrative and stressed the need to ensure the record of decisions is clear with respect to the revision of any measure. This would mean that measures affected by Recs. 08-11 and 09-09, even if no longer in effect, should be updated to reflect amendments agreed through other recommendations together with footnotes providing a reference to the amending recommendation. Once all recommendations that have been amended by Recs. 08-11 or 09-09 are no longer active, these recommendations should be deactivated and removed from the Compendium.

In light of discussions, the IMM requested the Secretariat to update the affected measures as discussed to ensure the record of decision is clear and to present information on the changes made as well as those measures that were still active to the PWG for its review and possible agreement at the 2018 ICCAT annual meeting.

#### **9. Other matters**

There were no additional matters proposed.

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

It was agreed to adopt the IMM meeting report by correspondence. The Chair acknowledged the important progress made by the IMM Working Group on a wide variety of issues, thanked the participants, the Secretariat, and the interpreters for their hard work over the last four days and adjourned the meeting.

**Agenda**

1. Opening of the meeting
2. Nomination of Rapporteur
3. Adoption of the agenda and meeting arrangements
4. Review of Catch and Statistical document programmes, including:
  - a. Catch Documents Programmes and consideration of amendments to the BCD/eBCD programme
  - b. Statistical Document Programmes and consideration of possible improvements
  - c. Other issues
5. Consideration of measures relating to monitoring and inspection, including:
  - a. Vessel monitoring systems
  - b. Observer Programmes
  - c. At sea boarding and inspection
  - d. Port State measures, including progress of Port Inspection Expert Group and discussions on Rec. 12-07 in light of developments in international instruments
  - e. Other issues
6. Review of vessel listing measures, including:
  - a. Rec. 11-18, including identification criteria for IUU Vessel listing and procedures
  - b. Consideration of actions required for future management of CLAV data base
  - c. Other issues
7. Analysis of recommendations emanating from Performance Review and consideration of possible necessary actions
8. Review of outdated Recommendations/Resolutions requiring update
9. Other matters
10. Adoption of report and adjournment

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**Suggested approach to review and evaluate the need for and, if appropriate, expand Catch Documentation Schemes (CDS) programs in ICCAT**

1. The first step should be to identify challenges facing ICCAT stocks and fisheries and then consider the possible role a Catch Documentation Scheme (CDS) could play in addressing those challenges. Towards that end, the Commission needs to have an analysis of the degree of IUU risks in relation to the various ICCAT fisheries and stocks, as well as other potentially relevant considerations such as the conservation status and level of vulnerability of the species/stocks, current monitoring and enforcement measures, and possible unnecessary barriers to trade in relation to the duplication of requirements for the provision of information under different CDS schemes.
  - The ICCAT Secretariat in close coordination with the Chair of the PWG should, to the extent possible, conduct this risk analysis based on the terms of reference presented below and report to the PWG by November for consideration at the 2018 ICCAT annual meeting.
  - CPCs should actively cooperate with the Secretariat to provide data if required, and should also be able to provide their own priorities (with detailed rationale).
2. In light of this risk analysis, the Commission should decide if further consideration should be given to developing new CDS or amending existing ones, and/or if other tools should be explored to help address IUU fishing and improve the conservation of the stocks/species,
3. If the Commission considers that there is value in further exploring the use of CDS for one or more stocks/fisheries, it should:
  - Begin a practical assessment of whether and how a CDS could be designed to ensure it will be an effective tool in combating IUU fishing and improving conservation and management,
  - Consider the development of a roadmap to guide this work. It is suggested that under this roadmap, the Commission could possibly consider the adoption of terms of reference for the creation of a CDS Working Group. If established, this Working Group could assess and advise the Commission on practical matters related to, *inter alia*, structure and design aspects of CDS, including extent (fisheries or stocks), format (paper vs electronic) and other relevant matters. Based on that assessment, the Working Group could also advise on the potential benefits to relevant stocks/fisheries of expanding CDS. The information on the practical aspects of CDS would also be essential should the Commission decide, based on the Working Group's advice, to seek an estimate of the costs associated with developing and implementing CDS. This Working Group could also be responsible for establishing a work plan for the modification/adoption of CDSs should the Commission decide that CDS should be developed for one or more stocks. Should the Commission decide to establish a CDS Working Group, it is suggested that consideration should be given to incorporating the current eBCD technical WG into the CDS WG, which could be a forum for considering and providing advice to the Commission on both policy oriented and more technical issues.

**TORs for the Secretariat to conduct the analysis of risks of IUU activities and other threats for ICCAT species/stocks:**

The Secretariat should to the extent possible, and in close coordination with the Chair of the PWG, conduct an analysis of the risk of IUU activities, and other relevant threats to the conservation status of ICCAT species/stocks, to inform Commission consideration of the potential need for and, where appropriate, the possible role that a Catch Documentation Scheme could play in addressing IUU fishing and enhancing the conservation and management of these stocks/species.

Informed by this analysis, the Secretariat should develop a ranked list for ICCAT fisheries and stocks, from those most at risk to those least at risk.

This analysis should, to the extent possible, take into consideration the following factors, and, as appropriate, others set forth in Recommendation 12-09 and the 2017 FAO Voluntary Guidelines on Catch Documentation Schemes:

- i) The overall level of trade by species and product type as well as the CPCs and non-Contracting Parties, Entities or Fishing Entities (NCPs) involved;
- ii) The overall value of the targeted species/stock, fisher's income, as well as the retail values at point of landing and on major markets;
- iii) The conservation status and the vulnerability (low reproductive output or high age at maturity, or both) of the respective ICCAT species/stocks;
- iv) The monitoring and control measures currently in place, including catch and trade tracking programs, and their effectiveness and utility;
- v) The level of incidence of non-compliance events detected for each fishery/stock.
- vi) How ICCAT fisheries are conducted (e.g. fishing grounds, gear types, transshipment activities, harvesting CPCs, etc.);
- vii) The ways in which products from ICCAT fisheries are processed, transported, and traded; and
- viii) Any other relevant factors, including, but not restricted to, potential duplication with existing catch documentation schemes.

**U.S. Explanatory Note Regarding the Proposal for a Recommendation by ICCAT Concerning Minimum Standards for Vessel Monitoring Systems in the ICCAT Convention Area**  
*(a proposal to amend Recommendation 14-09)*

*Submitted by the United States*

Satellite-based vessel monitoring systems (VMS) are valuable tools for fisheries monitoring, control and surveillance. Further, data collected by such systems can provide valuable scientific information. ICCAT first adopted minimum standards for VMS in the Convention Area in 2003 (Rec. 03-14). ICCAT has only revised its VMS minimum standards once, in 2014, to change the frequency of data collection and transmission from every 6 hours to every 4 (Rec. 14-09). Recommendation 14-09 required that the Commission review the VMS measure no later than 2017 to consider revisions to improve its effectiveness, including by changing the transmission frequency, taking into account SCRS advice, the nature of various fisheries, costs, and other relevant considerations. As there was no time at the 2017 ICCAT Annual meeting to undertake the required review, the matter was referred to the 2018 IMM Working Group intersessional meeting.

In its 2014 report, the SCRS noted that polling at the highest temporal resolution possible was crucial to improve the resolution and precision of total catch composition and fishing effort data across all CPCs. In 2017, the SCRS again noted that “the higher the frequency of reporting the more useful the VMS data” and that “the 4-hour frequency of transmission in Rec. 14-09 is insufficient to detect fishing activity for many gear types.”

In light of the advice from SCRS and the recognized need to improve scientific information in ICCAT fisheries, the important role of VMS in combating IUU fishing, and the advancements in VMS best practices, the United States has developed proposed revisions to Rec. 14-09 to further improve and strengthen it. The proposal clarifies and elaborates the existing obligation to ensure that VMS units shall not be tampered with, are reporting at all times, and that VMS data is not altered in any way (based on language adopted by other RFMOs in their VMS measures), increases the frequency with which vessel data are collected and transmitted to one-hour intervals, and expands the scope of the measure to all commercial fishing vessels that are authorized to fish in waters outside the jurisdiction of their flag CPC, regardless of their size.

More frequent collection and transmission of a vessel's location gives CPCs a much more precise fishing signature for their vessels, and provides the ability to identify other types of activities, such as at sea transshipment. More detailed information provides a better understanding of fishing patterns; thus, facilitating monitoring and control of vessels, including those operating great distances from their flag CPCs. It also provides additional information on the activities of fishing vessels that can help reduce uncertainty in scientific advice.

**Draft Recommendation by ICCAT Concerning Minimum  
Standards for Vessel Monitoring Systems in the ICCAT Convention Area**  
*(a new proposal amending existing measure Rec. 14-09)*

*Proposed by the United States*

*RECALLING* previous recommendations by ICCAT establishing minimum standards for satellite-based vessel monitoring systems (VMS), in particular Recommendation 03-14;

*RECOGNIZING* the developments in satellite-based VMS, and their utility within ICCAT;

*RECOGNIZING* the legitimate right of coastal States to monitor the vessels fishing in waters under their jurisdiction;

*CONSIDERING* that real-time transmission to the Fishing Monitoring Center (FMC) of the coastal State of VMS data of all the vessels (including catching, carrier and support vessels) flying the flag of a CPC authorised to fish ICCAT species facilitates monitoring, control and surveillance by the coastal State to ensure the effective implementation of ICCAT conservation and monitoring measures;

*MINDFUL* that the SCRS acknowledged in its 2017 report that the higher the frequency of reporting the more useful VMS data are and that a 4-hour frequency of transmission is insufficient to detect fishing activity for many gear types;

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

1. Notwithstanding stricter requirements that may apply in specific ICCAT fisheries, each flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereinafter referred to as CPC) shall implement a Vessel Monitoring System (hereinafter referred to as VMS) for its commercial fishing vessels exceeding 20 meters between perpendiculars or 24 meters length overall (LOA) as well as those above 12 meters LOA authorized to fish in waters beyond jurisdiction of the flag-CPC and:
  - a) Require its fishing vessels to be equipped with an autonomous, tamper-evident system that continuously, automatically, and independently of any intervention by the vessel, transmits messages to the FMC of the flag CPC to track the position, course, and speed of a fishing vessel by the flag CPC of that vessel.
  - b) Ensure that the satellite tracking device fitted on board the fishing vessel collects and transmits continuously to the FMC of the flag CPC the following data:
    - i) the vessel's identification;
    - ii) the geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 meters, with a confidence interval of 99%;
    - iii) the date and time.
  - c) Ensure that the FMC of the flag CPC receives an automatic notification if communication between the FMC and the satellite tracking device is interrupted.
  - d) Ensure, in cooperation with the coastal State, that the position messages transmitted by its vessels while operating in waters under the jurisdiction of that coastal State are also transmitted automatically and in real time to the FMC of the coastal State that has authorized the activity. In implementing this provision, due consideration should be given to minimizing the operational costs, technical difficulties, and administrative burden associated with transmission of these messages.

- e) In order to facilitate the transmission and receipt of position messages, as described in subparagraph 1(d), the FMC of the flag State and the FMC of the coastal State shall exchange their contact information and notify each other without delay of any changes to this information. The FMC of the coastal State shall notify the flag State FMC of any interruption in the reception of consecutive position messages. The transmission of position messages between the FMC of the flag State and that of the coastal State shall be carried out electronically using a secure communication system.
2. Each CPC shall take appropriate measures to ensure that the VMS messages are transmitted and received, as specified in paragraph 1, and use this information to continuously track the position of its vessels.
3. Each CPC shall ensure that the masters of fishing vessels flying its flag ensure that the satellite tracking devices are permanently and continuously operational and that the information identified in paragraph 1(b) is collected and transmitted at least every [hour]. In addition, CPCs shall require that their vessel operators ensure that:
  - a) the satellite tracking device is not tampered with in any way;
  - b) VMS data are not altered in any way;
  - c) the antennae connected to the satellite tracking device is not obstructed in any way;
  - d) the satellite tracking device is hardwired into the fishing vessel and the power supply is not intentionally interrupted in any way; and
  - e) the satellite tracking device is not removed from the vessel except for the purposes of repair or replacement.
4. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month from the time of the event, unless the vessel has been removed from the list of authorized LSFVs. The vessel shall not be authorized to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip, the repair or the replacement shall take place as soon as the vessel enters a port; the fishing vessel shall not be authorized to commence a fishing trip without the satellite tracking device having been repaired or replaced.
5. Each CPC shall ensure that a fishing vessel with a defective satellite tracking device shall communicate to the FMC, at least daily, reports containing the information in paragraph 1(b) by other means of communication (radio, web-based reporting, electronic mail, telefax or telex).
6. [A CPC may allow a vessel to power down its satellite tracking device only if the vessel will not be fishing for an extended period of time (e.g., in dry dock for repairs) and it requests and receives approval from the competent authorities of its flag CPC. The vessel must provide justification for its request, and approval shall be considered on a case-by-base basis and confirmed in writing. The vessel shall not resume fishing operations prior to re-activating its satellite tracking device.]
7. CPCs are encouraged to extend the application of this Recommendation to their fishing vessels not already covered pursuant to paragraph 1 as appropriate to ensure the effective monitoring of compliance with ICCAT conservation and management measures.
8. The Commission shall review this Recommendation no later than [2025] and consider the need for revisions to improve its effectiveness.
9. To inform this review, the SCRS is requested to provide advice on the VMS data that would most assist the SCRS in carrying out its work, including frequency of transmission for the different ICCAT fisheries.
10. This measure repeals and replaces Recommendation 14-09.

**U.S. Explanatory Note for IMM\_09/18:  
Draft Recommendation by ICCAT on Protecting the Health and  
Safety of Observers in ICCAT's Regional Observer Programs**  
*(a new proposal, previously discussed but not adopted as PWG-407A/2017)*

*Submitted by the United States*

Observers may spend days, weeks, or months aboard fishing and transshipment vessels. The work is intense, and conditions can be uncomfortable and even dangerous. Commercial fishing is one of the most hazardous occupations, and fisheries observers are exposed to similar risks. The United States has noted with great concern recent incidents in other RFMOs where fisheries observers have been lost at sea.

Preparing observers for safe deployment requires an active partnership among fisheries managers, observers, observer provider companies, and the fishing industry. Current ICCAT observer-related measures do not include sufficient provisions on the health and safety of observers. Given the importance of regional observers to the work of the Commission and the often dangerous nature of observing fishing operations at sea, ICCAT must ensure that its regional observer programs (ROPs) uphold minimum standards that ensure the health and safety of observers placed on vessels while participating in ROPs that are both mandated and run by ICCAT. U.S. proposal IMM\_09/18 seeks to codify such minimum standards for the health and safety of observers deployed by ICCAT in its ROPs. We consider that it is past time for ICCAT to adopt minimum standards for the health and safety of observers deployed in ROPs, a step that is both within the organization's competency and a critical responsibility.

A proposal to establish minimum standards for the health and safety of observers has been discussed previously by ICCAT, most recently at its 2017 Annual meeting as document PWG-407A/17. Document IMM\_09/18 builds on that proposal by taking on board comments made during the 2017 Permanent Working Group meeting, in particular regarding the need to include more specific details on the elements of an emergency action plan (EAP). The elements included in the plan specify the responsibilities of the Secretariat, flag CPCs and non-CPCs, observer providers, and vessel operators in the event that an observer dies, is missing or presumed fallen overboard, suffers from serious illness or injury, or is intimidated, threatened, or harassed. The content is consistent with EAP minimum standards already adopted in other RFMOs, in particular the WCPFC and CCAMLR.

The proposal also includes the use of personal life-saving equipment in coordination with Maritime Rescue Coordination Centers (MRCCs) to aid in observer health and safety. In order to establish an internationally coordinated system for the maritime search and rescue of people, the IMO approved the International Convention on Maritime Search and Rescue which describes the structure of MRCCs. MRCCs provide coordination for cooperation of neighboring states for search and rescue operations at the regional level. MRCCs are geographically focused and work to optimize use of maritime assets, both governmental and commercial, to the aid of mariners. MRCCs use specialized maritime search and rescue software and hardware, including communication to personal life saving equipment such as emergency position indicating radio beacons. Additional information on MRCCs and contact information is available at: <http://www.imo.org/en/OurWork/Safety/RadioCommunicationsAndSearchAndRescue/SearchAndRescue/Pages/GlobalSARPlan.aspx>; and <https://www.inmarsat.com/services/safety/maritime-rescue-coordination-centres/>

In summary, adoption of this proposal would ensure that there is an unambiguous ICCAT requirement to protect the health and safety of observers deployed in the Commission's regional observer programs. It would also clarify the obligations of CPCs and non-CPCs to ensure that their vessels comply with such requirements and ensure that procedures are put in place to address emergencies with a clear articulation of roles and responsibilities for carrying out those procedures.

Any increase in costs to the Commission resulting from formalizing these requirements in an ICCAT Recommendation are likely to be negligible as the observer providers participating in ICCAT's ROPs are already training or requiring prerequisite training of observers and issuing safety equipment to them in line with the provisions of this proposal.

**Draft Recommendation by ICCAT on Protecting the  
Health and Safety of Observers in ICCAT's Regional Observer Programs**  
*(a new proposal, previously discussed but not adopted as PWG-407A/2017)*

*Proposed by the United States*

*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 established in the *Recommendation by ICCAT on a Program for Transshipment* [Rec. 16-15] and the *Recommendation 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* [Rec. 14-04];

*CONCERNED* that ICCAT's recommendations establishing these regional observer programs do not include requirements that adequately protect the health, safety, and welfare of observers;

*ACKNOWLEDGING* the need to include comprehensive and consistent requirements in relevant ICCAT recommendations to protect the health, safety, and welfare of observers, in particular to supply necessary safety equipment and to supply or ensure proper training and to establish emergency procedures with respect to ICCAT Regional Observer Programs (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* existing contracts between the ICCAT Secretariat and 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 an ICCAT Regional Observer Program (ROP) established in the *Recommendation by ICCAT on a Program for Transshipment* [Rec. 16-15] and the *Recommendation 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* [Rec. 14-04]:

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. This 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. 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) Properly registered Emergency Personal Indicator Response Beacon (EPIRB) or a Search and Rescue Transponder (SART) that will not expire until after the observer deployment ends.
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. EAPs must include, *inter alia*, the elements in **Addendum 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 and no later than 30 days in advance of the 2019 Annual meeting so they are available for review by interested CPCs. New or amended EAPs shall be provided to the Executive Secretary when they become available. The Executive Secretary will inform the Compliance Committee of compliance with this requirement.

8. The Executive Secretary shall remind flag CPCs and notify non-CPCs participating in any ICCAT ROP that a condition of participating in the ROP is the development, implementation, and submission of an EAP as described in paragraph 7.
9. 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 **Addendum 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.
10. 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.
11. 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.



12. 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.
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.

**Addendum 1 to Appendix 5****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 and flag CPC or non-CPC;
  - 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 and relevant maritime rescue coordination center 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 maritime rescue coordination center, 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;

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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.

- 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.
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 – 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.

**U.S. Cover Note on the Draft Resolution by ICCAT Establishing a  
Pilot Program for the Voluntary Exchange of Inspection Personnel in Fisheries Managed by ICCAT**  
*(a new proposal, previously discussed but not adopted as PWG-408A/2017)*

In recent years, ICCAT has been discussing the potential for the exchange of CPC personnel involved in at sea boarding and inspection activities. The benefits of such programs include improving understanding among CPCs of fishery management challenges and opportunities, strengthening CPC cooperation and collaboration, and providing capacity building opportunities. A number of CPCs are already familiar with such benefits through their participation in exchanges within the context of schemes of joint international inspection implemented by RFMOs and otherwise. For example, in the Atlantic, several CPCs engage in inspector exchanges pursuant to the inspection scheme adopted by the Northwest Atlantic Fisheries Organization. Some CPCs have had similar experiences in other tuna RFMOs (e.g., the Western and Central Pacific Fisheries Commission, WCPFC) or through bilateral arrangements. The United States has had positive experiences with inspector exchanges and believes them to be a very valuable monitoring, control and surveillance (MCS) tool to support effective fisheries management. To assist the Commission in considering this matter, in 2016 and 2017, we shared information on our existing partnerships with other CPCs, including Cabo Verde, Canada, France, Ghana, Senegal and UK. Moreover, in 2016, we circulated a concept note on the issue that included, among other things, elements to be considered in establishing an inspector exchange program. The concept note and exchange information were well-received.

At the 2017 ICCAT Annual meeting, the United States circulated a proposal aimed at operationalizing the concept of an inspector exchange program within ICCAT. A number of CPCs commented on the proposal, and it was agreed that the matter should be further considered during the 2018 intersessional meeting of the Working Group on Integrated Monitoring Measures. The attached draft reflects improvements based on comments and input received to-date on the draft proposal discussed by the PWG in 2017 (PWG-408A). The intent of the proposal has not changed since the 2017 Annual meeting. Specifically, the draft resolution would establish a pilot program for the exchange of inspection personnel to help familiarize personnel from one CPC with the boarding and inspection processes and procedures of another, thereby enhancing understanding and building knowledge of such activities. Participation in the program will also help build capacity by providing direct experience both in the conduct of at-sea boarding and inspections, and in post-inspection cooperation and flag State follow-up. Participation is expected to provide particular benefits to developing CPCs who may have limited capacity to directly train inspection personnel in such procedures or to deploy inspection vessels.

Participation in this pilot program is completely voluntary, but broad participation will substantially strengthen cooperation and collaboration among CPCs. The details of each exchange should be determined by the CPCs involved in the bilateral arrangements referred to in paragraph 9, and would cover topics such as the geographic areas to be covered by such exchanges and the role and responsibilities of inspectors. Each CPC can develop these agreements or arrangements to be tailored to their individual authorities, circumstances, and preferences.

Costs to ICCAT for supporting such a pilot program will be minimal as the Secretariat's role will be to collect information on relevant authorities and points of contact for participating CPCs and post that information on ICCAT's website. It is anticipated that this will require no more than 20 hours of staff time per year and a minimal amount of space on the ICCAT server.

**Draft Resolution by ICCAT Establishing a Pilot Program  
for the Voluntary Exchange of Inspection Personnel in Fisheries Managed by ICCAT**  
*(a new proposal, previously discussed but not adopted as PWG-408A/2017)*

*Proposal by United States, the European Union, Gabon and Canada*

*RECALLING* Recommendation 75-02 for a Scheme of Joint International Inspection and Annex 7 of Recommendation 14-04 establishing a joint international inspection scheme for the eastern Atlantic and Mediterranean bluefin tuna fishery, both relating to areas beyond national jurisdiction;

*FURTHER RECALLING* paragraph 3 of Article IX of the ICCAT Convention and the General Outline of Integrated Monitoring Measures adopted at the 13th Special Meeting of the Commission (Ref. 02-31);

*NOTING* the joint inspection activities that have been carried out by CPCs in the Atlantic and other oceans;

*RECOGNIZING* that exchanges of inspection personnel through a voluntary pilot program will contribute to the capacity of CPCs, particularly developing CPCs, to conduct at sea inspections in ICCAT fisheries; and

*FURTHER RECOGNIZING* that lessons learned through a voluntary pilot program may inform future discussions in ICCAT regarding the development and implementation of a revised Scheme of Joint International Inspection, whether such a scheme would be applicable to a particular, or to all, ICCAT fisheries.

THE INTERNATIONAL COMMISSION FOR THE  
CONSERVATION OF ATLANTIC TUNAS RESOLVES THAT:

**Program Objectives**

1. A pilot program is established for the voluntary exchange of inspection personnel to participate in boarding and inspection activities as inspectors or as participating or observing members of the inspection party, conducted by CPCs in fisheries managed by ICCAT pursuant to their existing authorities. Such exchanges are intended to facilitate the sharing of information and expertise needed to strengthen at-sea inspection capabilities and capacities, enhance cooperation and collaboration among CPCs on this important area of fisheries monitoring, control, and surveillance, and inform future discussions on this issue within ICCAT.

**Participation and Points of Contact**

2. All CPCs are encouraged to participate in the pilot program and may join or leave it at any time.
3. CPCs interested in participating in the pilot program should submit to the Executive Secretary the following information:
  - a) National authority responsible for at-sea inspection and other supporting maritime agencies as may be appropriate, and
  - b) Designated point(s) of contact (POC) within that authority with responsibility for program implementation, including name, telephone, fax numbers, and e-mail address.
4. The Executive Secretary will make the information provided under paragraph 3 available on the public portion of the ICCAT website.

**Pilot Program Process and Procedures**

5. CPCs that have elected to participate in the pilot program should communicate with one another to identify opportunities for exchanges of inspection personnel pursuant to this program.

6. CPCs deploying patrol vessels in fisheries managed by ICCAT should:
  - a) Consider their participation in the pilot program in developing patrol plans and strive, where possible, to arrange patrols that can accommodate one or more personnel from other CPCs; and
  - b) Provide relevant information to other participating CPCs, as appropriate, in order to determine their interest in an exchange of inspection personnel, either on a particular patrol or on a patrol that may be planned in the future.
7. CPCs wishing to place inspection personnel on another CPC's inspection vessel should contact the POC of the CPC that has provided information under paragraph 6, to indicate its interest.
8. When a CPC has provided notice of its interest in an exchange of inspection personnel under paragraph 7, the concerned CPCs should consult to determine whether such an exchange could be accommodated, taking into consideration operational limitations as well as training, operational and information security, and medical and physical requirements. CPCs deploying inspection vessel(s) should make special efforts to accommodate requests from developing CPCs, in particular.
9. CPCs that have elected to establish an exchange of inspection personnel under the pilot program should enter into a standing or *ad hoc* bilateral agreement or arrangement to address relevant details of the deployment, including whether the scope of the agreement should be limited to inspections in areas beyond national jurisdiction or include national EEZs, the role of personnel deployed under the arrangement or agreement, as well as further provisions for the cooperative deployment of inspection personnel and the use of vessels, aircraft or other resources for fisheries surveillance and control purposes, and the protection of law enforcement sensitive or otherwise confidential or protected information from inappropriate disclosure.

#### **Reporting and Review**

10. CPCs who engage in such exchanges should coordinate reporting to the Commission annually on any activities carried out under the pilot program for consideration by the Permanent Working Group for the Improvement of Statistics and Conservation (PWG). CPCs are also encouraged to provide information related to joint inspection activities undertaken outside the ICCAT context, as appropriate.
11. This pilot program should be reviewed no more than 3 years after adoption.

**U.S. Explanatory Note for Draft Recommendation by ICCAT on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**  
*(a new proposal amending existing measure 12-07)*

Proposed by the United States

It has been six years since the adoption of the *Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* (Rec. 12-07). Since that time, the FAO Port State Measures Agreement (PSMA) has entered into force and a number of ICCAT CPCs have ratified it. Consistent with recommendation number 67 from the Second ICCAT Performance Review, the United States considers ICCAT's port inspection scheme should be revised and thereby strengthened by making it more consistent with PSMA.

To support discussion of this important issue, we have proposed revisions to Recommendation 12-07 to require CPCs to deny entry where they have sufficient proof that the vessel seeking entry to its port has engaged in IUU fishing activity, unless it is being allowed to enter port for the sole purpose of inspection or other enforcement action. In addition, the proposal specifies notification procedures for denial of entry into port, criteria for prioritizing vessels for inspection, and procedures for denial of use of port and port services to vessels determined to have engaged in IUU activity. The measure includes an exception for vessels in port for reasons of Force Majeure or distress. The proposal also revises certain existing provisions of Rec. 12-07 to improve their effectiveness and make more consistent with PSMA.

**Draft Recommendation by ICCAT on Port State Measures  
to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**  
*(a new proposal amending existing measure 12-07)*

Proposed by the United States

*RECOGNIZING* that many Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) currently have port inspection schemes in place;

*ACKNOWLEDGING* that port State measures provide a powerful and cost effective means of preventing, deterring, and eliminating IUU fishing;

*RECALLING* *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10];

*ALSO RECALLING* the *Recommendation by ICCAT further Amending the Recommendation by ICCAT to Establish a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [Rec. 11-18] and the *Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels from non-Contracting Parties Identified as Having Committed a Serious Infringement* [Rec. 98-11];

*FURTHER RECALLING* the 2009 FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing;

*EMPHASIZING* the importance of ensuring that the challenges faced by developing CPCs in the implementation of port State measures are adequately addressed and maximizing the use of funding established under the *Recommendation by ICCAT to Support Effective Implementation of Recommendation 12-07 by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* [14-08] in that regard;

*AWARE* of the ongoing work of the Port Inspection Expert Group for Capacity Building and Assistance established under the *Recommendation by ICCAT to Clarify and Supplement the Process for Seeking Capacity Building Assistance Pursuant to ICCAT Recommendation 14-08* [Rec. 16-18]; and

*DESIRING* to strengthen ICCAT's monitoring, control, and surveillance regime to promote implementation of and compliance with conservation and management measures;

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

**Definitions**

1. For the purposes of this Recommendation:
  - a) "Fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity that can be reasonably expected to result in the attracting, locating, catching, taking or harvesting of fish;
  - b) "Fishing related activities" means any operation in support of , or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not previously been landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
  - c) "Fishing vessel" refers to any vessel, ship of another type or boat, used for, equipped to be used for, or intended to be used for, fishing or fishing related activities; and
  - d) "Port" includes offshore terminals and marine areas of the port, and other installations for landing, transshipping, packaging, processing, refueling or resupplying.



## Scope

2. Nothing in this Recommendation shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Recommendation shall be construed to affect the exercise by CPCs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this Recommendation.

This Recommendation shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.

CPCs shall fulfill in good faith the obligations assumed pursuant to this Recommendation and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

3. With a view to monitor compliance with ICCAT conservation and management measures, each CPC, in its capacity as a port CPC, shall apply this Recommendation for an effective scheme of port inspections in respect of foreign fishing vessels carrying ICCAT-managed species and/or fish products originating from such species that have not been previously landed, hereinafter referred to as "foreign fishing vessels".
4. A CPC may, in its capacity as a port CPC, decide not to apply this Recommendation to foreign fishing vessels chartered by its nationals operating under its authority and returning to its port. Such chartered fishing vessels shall be subject to measures by the chartering CPC which are as effective as measures applied in relation to vessels entitled to fly its flag.
5. Without prejudice to specifically applicable provisions of other ICCAT Recommendations, and except as otherwise provided in this Recommendation, this Recommendation shall apply to foreign fishing vessels equal to or greater than 12 meters in length overall.
6. Each CPC shall subject foreign fishing vessels below 12 meters length overall, foreign fishing vessels operating under charter as referred to under paragraph 4, and fishing vessels entitled to fly its flag to measures that are at least as effective in combating IUU fishing as measures applied to vessels referred to in paragraph 3.
7. CPCs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant ICCAT conservation and management measures.

## Points of Contact

8. Each CPC that grants access to its ports to foreign fishing vessels shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 13 of this Recommendation. Each CPC shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 35(b) of this Recommendation. Each CPC shall transmit the name and contact information for its points of contact to the ICCAT Secretariat no later than 30 days following the entry into force of this Recommendation. Any subsequent changes shall be notified to the ICCAT Secretariat at least 14 days before such changes take effect. The ICCAT Secretariat shall promptly notify CPCs of any such change.
9. The ICCAT Secretariat shall establish and maintain a register of points of contact based on the lists submitted by the CPCs. The register and any subsequent changes shall be published promptly on the ICCAT website.

## Designated ports

10. Each CPC that grants access to its ports to foreign fishing vessels shall:
  - a) Designate its ports to which foreign fishing vessels may request entry pursuant to this Recommendation;

- b) Ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this Recommendation;
  - c) Provide to the ICCAT Secretariat within 30 days from the date of entry into force of this Recommendation a list of designated ports. Any subsequent changes to this list shall be notified to the ICCAT Secretariat at least 14 days before the change takes effect.
11. The ICCAT Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port CPCs. The register and any subsequent change shall be published promptly on the ICCAT web site.
12. Each CPC that does not grant access to its ports to foreign vessels shall so indicate in its Annual Report. Should it subsequently decide to grant access to its ports to foreign fishing vessels, it shall submit the information required under paragraphs 8 and 9(c) to the Secretariat at least 14 days before the change takes effect.

#### **Advance request for port entry**

13. Each port CPC that grants access to its ports to foreign fishing vessels shall require foreign fishing vessels seeking to enter its ports, at least 72 hours before the estimated time of arrival at the port, the following information:
- a) Vessel identification (External identification; Name; Flag State; ICCAT Record No., if any; IMO No., if any; and IRCS);
  - b) Name of the designated port, as referred to in the ICCAT register, to which it seeks entry and the purpose of the port call (e.g., resupplying, landing or transshipment);
  - c) Fishing authorization or, where appropriate, any other authorization held by the vessel to support fishing operations on ICCAT species and/or fish products originating from such species, or to transship related fishery products;
  - d) Estimated date and time of arrival in port;
  - e) The estimated quantities in kilograms of each ICCAT species and/or fish products originating from such species held on board, with associated catch areas. If no ICCAT species and/or fish products originating from such species are held on board, a 'nil' report shall be transmitted;
  - f) The estimated quantities for each ICCAT species and/or fish products originating from such species in kilograms to be landed or transshipped, with associated catch areas.

The port CPC may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

14. The port CPC may prescribe a longer or shorter advance notification period than specified in paragraph 13, taking into account, *inter alia*, the type of fishery products landed in its ports, the distance between the fishing grounds and its ports, and its resources and procedures for considering and verifying the information. In such a case, the port CPC shall inform the ICCAT Secretariat of its advance notification period, and the reasons therefor, within 30 days from the date of entry into force of this Recommendation. Any subsequent changes shall be notified to the ICCAT Secretariat at least 14 days before the change takes effect.

#### **Port entry, authorization or denial**

15. After receiving the relevant information pursuant to paragraph 13, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the port CPC shall decide whether to authorize or deny the entry of the vessel into its port.

16. Without prejudice to paragraph 18, when a CPC has sufficient proof that a foreign fishing vessel seeking entry to its port has engaged in IUU fishing or fishing related activities in support of such fishing the CPC shall deny that vessel entry into its port.
17. In case the port CPC decides to deny the entry of the vessel into its port, it shall so notify the vessel or its representative and shall also communicate the decision to the flag State of the vessel, the Secretariat to be posted on the secure part of the ICCAT web site and, as appropriate and to the extent possible, relevant coastal states, regional fishery management organizations or arrangements (RFMO/As) and other inter-governmental organizations (IGOs).
18. Notwithstanding paragraph 15, a port CPC may allow entry to its port of a vessel referred to in that paragraph exclusively for the purpose of inspecting it and taking other appropriate actions in accordance with international law that are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
19. Where a vessel referred to paragraph 16 is in port for any reason, the port CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, processing and for other port services including, *inter alia*, refueling and resupplying, maintenance and dry docking. Paragraph 21 applies *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

#### **Force majeure or distress**

20. Nothing in this Recommendation affects the entry of foreign fishing vessels to port in accordance with international law for reasons of Force Majeure or distress, or prevents a port CPC from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

#### **Use of ports**

21. Where a foreign fishing vessel has entered one of its ports, the port State CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Recommendation, that vessel the use of the port for landing, transshipping, packaging and processing for fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry docking, if:
  - a) The port CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the ICCAT Convention area;
  - b) The port CPC receives clear evidence that the fish on board was taken in contravention of ICCAT conservation and management measures;
  - c) The flag CPC does not confirm within a reasonable period of time, on the request of the port CPC, that the fish on board was taken in accordance with relevant ICCAT conservation and management measures; or
  - d) The port CPC has reasonable grounds to believe that the vessel otherwise engaged in IUU fishing, or fishing related activities in support of such fishing, in the ICCAT Convention area, including in support of a vessel included in ICCAT's *List of Vessels Presumed to Have Carried Out IUU Fishing Activities in the ICCAT Convention Area and other areas*, unless the vessel can establish:
    - i. that it was acting in a manner consistent with relevant ICCAT conservation and management measures,
    - ii. in the case of provision of personnel, fuel, gear and other supplies at sea to a vessel on ICCAT's IUU list, that the vessel that was provisioned was not, at the time of provisioning, included in the ICCAT IUU list.

22. Notwithstanding paragraph 21, the port CPC shall not deny a vessel referred to in that paragraph the use of port services:
  - a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
  - b) where appropriate, for the scrapping of the vessel.
23. Where a port CPC has denied the use of its ports, it shall promptly notify the flag State and the ICCAT Secretariat, to be posted on the secure part of the ICCAT web site. The ICCAT Secretariat shall communicate this decision to all CPCs and to other relevant RFMO/As.
24. A port CPC shall withdraw its denial of the use of its port only if the port CPC is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous, or that such grounds no longer apply.
25. Where a port CPC has withdrawn its denial of the use of its port, it shall promptly notify those to whom a notification was issued pursuant to paragraph 23.
26. In case the port CPC decides to authorize the entry of the vessel into its port in accordance with paragraph 18, the provisions set forth in the following section on port inspection shall apply.

### **Port inspections**

27. Inspections shall be carried out by properly qualified inspectors of a competent authority of the port CPC.
28. Each year CPCs shall inspect at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
29. In determining which foreign fishing vessels to inspect, the port CPC shall, in accordance with its domestic law, give priority to:
  - a) a vessel that has failed to provide complete and accurate information as required in paragraph 13;
  - b) a vessel that has been denied port entry by another CPC;
  - c) requests from other CPCs or relevant RFMO/As that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question;
  - d) other vessels for which clear grounds exist for suspecting that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, including information derived from inspection reports submitted under this scheme and information from other RFMO/As;

### **Inspection procedure**

30. Each inspector shall carry a document of identity issued by the port CPC. In accordance with domestic laws, port CPC inspectors shall examine all relevant areas, decks and spaces of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any documents, including fishing logbooks, Cargo Manifests and Mates Receipts and landing declarations in case of transshipment, relevant to verifying compliance with the ICCAT conservation and management measures. They may also question the Master, crew members, or any other person on the vessel being inspected. They may take copies of any documents they consider relevant.

31. In case the vessel is landing or transshipping ICCAT species, inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 13 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided, to the extent practicable.
32. On completion of the inspection, the port CPC inspector shall provide the Master of the foreign fishing vessel with the inspection report containing the findings of the inspection, including possible subsequent measures that could be taken by the port CPC, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The Master shall be given the opportunity to add any comments or objection to the report, and to contact the competent authority of the flag State, in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the Master.

The port CPC shall transmit a copy of the inspection report to the ICCAT Secretariat no later than 14 days following the date of completion of the inspection. If the inspection report cannot be transmitted within 14 days, the port CPC should notify the ICCAT Secretariat within the 14 day time period the reasons for the delay and when the report will be submitted.

33. Flag CPCs shall take necessary action to ensure that Masters facilitate safe access to the fishing vessel, cooperate with the competent authorities of the port CPC, facilitate the inspection and communication and do not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port CPC inspectors in the execution of their duties.

#### **Procedure in the event of apparent infringements**

34. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed an infringement of the ICCAT conservation and management measures, the inspector shall:
  - a) record the infringement in the inspection report;
  - b) transmit the inspection report to the port CPC competent authority, which shall promptly forward a copy to the ICCAT Secretariat and to the flag State point of contact and, as appropriate, the relevant coastal State;
  - c) to the extent practicable, ensure safekeeping of the evidence pertaining to such infringement, including original documents where appropriate. If the port CPC refers the infringement to the flag State for further action, the port CPC shall promptly provide the evidence collected to the flag State.
35. If the infringement falls within the legal jurisdiction of the port CPC, the port CPC may take action in accordance with its domestic laws. The port CPC shall promptly notify the action taken to the flag State, the relevant coastal State, as applicable, and the ICCAT Secretariat, which shall promptly publish this information in the secure part of the ICCAT website.
36. Infringements that do not fall within the jurisdiction of the port CPC, and infringements referred to in paragraph 36 for which the port CPC has not taken action, shall be referred to the flag State and, as appropriate, the relevant coastal State. Upon receiving the copy of the inspection report and evidence, the flag CPC shall promptly investigate the infringement and notify the ICCAT Secretariat of the status of the investigation and of any enforcement action that may have been taken within 6 months of such receipt. If the flag CPC cannot notify the ICCAT Secretariat this status report within 6 months of such receipt, the flag CPC should notify the ICCAT Secretariat within the 6 month time period the reasons for the delay and when the status report will be submitted. The ICCAT Secretariat shall promptly publish this information in the secure part of the ICCAT website. CPCs shall include in their Annual Report [Ref. 12-13] information regarding the status of such investigations.

37. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in Rec. 11-18, the port CPC shall deny the vessel the use of port in accordance with paragraph 21, promptly report the case to the flag State, and the relevant coastal CPC, as applicable. The port CPC shall also notify as soon as possible the ICCAT Secretariat that the vessel has engaged in IUU fishing or fishing related activities, and provide supporting evidence. The Secretariat shall include the vessel in the draft IUU list.

### **Requirements of developing CPCs**

38. CPCs shall give full recognition to the special requirements of developing CPCs in relation to a port inspection scheme consistent with this Recommendation. CPCs shall, either directly or through the ICCAT Secretariat, provide assistance to developing CPCs in order to, *inter alia*:
- a) Develop their capacity including by providing technical assistance and funding to support and strengthen the development and implementation of an effective system of port inspection at national, regional and international levels and to ensure that a disproportionate burden resulting from the implementation of this recommendation is not unnecessarily transferred to them;
  - b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organizations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this Recommendation; and
  - c) Either directly or through the ICCAT Secretariat, assess the special requirements of developing CPCs concerning the implementation of this Recommendation.

### **General provisions**

39. CPCs are encouraged to enter into bilateral or multilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with ICCAT conservation and management measures. Information regarding such programs, including a copy of such agreements or arrangements, should be included in Annual Reports of CPCs [Ref. 12-13].
40. Without prejudice to domestic laws of the port CPC, the flag CPC may, in the case of appropriate bilateral or multilateral agreements or arrangements with the port CPC or at the invitation of that CPC, send its own officials to accompany the inspectors of the port CPC and observe or take part in the inspection of its vessel.
41. Flag CPCs shall consider and act on reports of infringements from inspectors of a port CPC on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. CPCs shall cooperate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Recommendation.
42. The Commission shall review this Recommendation no later than its 2020 Annual Meeting and consider revisions to improve its effectiveness.
43. The *Recommendation by ICCAT for an ICCAT Scheme of Minimum Standards for Inspection in Port* [Rec. 12-07] is repealed and replaced by this Recommendation.

**U.S. Explanatory Note Regarding Draft Recommendation by ICCAT on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities**  
*(a new proposal amending existing recommendation 11-18)*

Proposed by the United States and Honduras

IUU vessel lists are a well-accepted tool for RFMOs to combat IUU fishing. ICCAT originally adopted an IUU vessel list measure in 2002, and it has been amended a number of times since then, most recently as Recommendation 11-18. As an organization, ICCAT has struggled with the implementation of its IUU vessel listing recommendations from the beginning. For example, there have been several instances where the process and procedures for disseminating information and modifying the IUU list intersessionally, including cross-listing vessels from other tuna RFMO IUU lists, have not been followed. With respect to the RFMO cross-listing process, the Commission attempted to clarify the procedures to be followed in Resolution 14-11, but irregularities surrounding implementation of the cross listing procedures have continued.

U.S. Proposal IMM-07 attempts to address these issues and make other improvements by amending Rec. 11-18 to clarify, streamline, and modernize the process and procedures for the establishment of ICCAT's Final IUU Vessel List. The intent is not to change the definition of IUU fishing or activities that would lead to listing. Rather, the United States is seeking to ensure clarity regarding when and how information should be gathered, reported, and circulated; when requests for listing and delisting should be made; how annual and intersessional decisions are taken in the establishment of ICCAT's Final IUU Vessel list; and how to improve the utility of that list.

Beyond questions of process, this proposal seeks to improve the information that is collected and maintained on listed IUU vessels, both at the time of listing and subsequently, to better make it easier for CPCs to detect and take appropriate action with respect to those vessels over time - even if they change name or flag or make false claims with respect to flag.

**Draft Recommendation by ICCAT on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities**  
(a new proposal amending existing recommendation 11-18)

Proposed by the United States and Honduras

*RECALLING* that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out Illegal Unregulated and Unreported (IUU) activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way,

*CONCERNED* by the fact that IUU fishing activities in the ICCAT area continue, and these activities diminish the effectiveness of ICCAT conservation and management measures,

*FURTHER CONCERNED* that there is evidence of a large number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with ICCAT management and conservation measures, and to evade the ICCAT-adopted non discriminatory trade measures,

*DETERMINED* to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant ICCAT instruments,

*CONSIDERING* the results of the ICCAT *Ad Hoc* Working Group on Measures to Combat IUU Fishing, which was held in Tokyo from May 27 to 31, 2002,

*CONSCIOUS* of the urgent need to address the issue of large-scale fishing vessels as well as other vessels conducting IUU fishing and fishing related activities in support of IUU fishing,

*NOTING* that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement, and

*DESIRING* to streamline and improve IUU listing procedures and requirements in previous ICCAT recommendations and resolutions.

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

**Definition of IUU activities**

1. For the purposes of this Recommendation, vessels flying the flag of a Contracting Party or a Cooperating non-Contracting Party, Entity or Fishing Entity (hereinafter referred to as CPC), or a non-CPC, are presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities in the ICCAT Convention area, *inter alia*, when a CPC presents evidence that such vessels:
  - a) Harvest tuna and tuna-like species in the Convention area and are not registered on the relevant ICCAT list of vessels authorized to fish for tuna and tuna-like species in the ICCAT Convention area;
  - b) Harvest tuna and tuna-like species in the Convention area, and the vessel's flag State is without quota, catch limit or effort allocation under relevant ICCAT conservation and management measures;
  - c) Do not record or report their catches made in the ICCAT Convention area, or make false reports;
  - d) Take or land undersized fish in contravention of ICCAT conservation measures;
  - e) Fish during closed fishing periods or in closed areas in contravention of ICCAT conservation measures;
  - f) Use prohibited fishing gear or fishing methods in contravention of ICCAT conservation measures;



- g) Transship or participate in other operations, such as re-supplying or re-fueling, with vessels included in the IUU vessels list;
- h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the Convention area without authorization or infringe on that State's laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels;
- i) Are without nationality and harvest tuna or tuna-like species in the ICCAT Convention area, and/or
- j) Engage in fishing or fishing related activities contrary to any other ICCAT conservation and management measures.

### **Information on alleged IUU activities**

2. CPCs shall transmit every year to the Executive Secretary, at least 70 days before the annual meeting, information on any vessels presumed to be carrying out IUU fishing activities within the last three years, accompanied by all available supporting evidence concerning the presumption of IUU fishing activity and vessel identification information.

This information on vessels shall be based on the information collected by CPCs, *inter alia*, under relevant ICCAT recommendations and resolutions. CPCs shall submit available information on the vessel and the IUU fishing activity in the format attached as **Addendum 1** of this Recommendation.

Upon receipt of such information, the Executive Secretary shall promptly send this information to all CPCs and to any non-CPC concerned and request that, where appropriate, CPCs and any such non-CPC investigate the alleged IUU activity and/or monitor the vessels.

The Executive Secretary shall request the flag State to notify the owner of the vessel regarding the CPC's submission of the vessel for its inclusion in the Draft IUU List and of the consequences that may result if they are included on the Final IUU Vessel List adopted by the Commission.

### **Development of Draft IUU List**

3. On the basis of the information received pursuant to paragraph 2, the ICCAT Executive Secretary shall draw up a Draft IUU List in conformity with **Addendum 2**. The Secretary shall transmit the Draft IUU List, together with all the information provided, to all CPCs, and to non-CPCs whose vessels are included on these lists, at least 55 days before the annual meeting. CPCs and non-CPCs shall transmit any comments, including any evidence showing that the listed vessels did not engage in any activity described in paragraph 1, or any actions taken to address such activity, at least 30 days before the annual meeting of ICCAT.

Upon receipt of the Draft IUU List, CPCs shall closely monitor the vessels on that List and shall promptly submit to the Secretariat any information they may have related to the vessels' activities and possible changes of name, flag, call sign or registered owner.

### **Development and adoption of Final IUU List**

4. Two weeks in advance of the ICCAT annual meeting, the Executive Secretary shall recirculate to the CPCs and non-CPCs concerned the Draft IUU List, all information received pursuant to paragraphs 2 and 3, and any other information obtained by the Executive Secretary.
5. CPCs may at any time, and preferably before the annual meeting, submit to the Executive Secretary any additional information that might be relevant for the establishment of the Final ICCAT IUU Vessel List. The ICCAT Executive Secretary shall promptly circulate any such additional information to all CPCs and to the non-CPCs concerned.
6. The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall examine, each year, the Draft IUU List, as well as the information referred to in paragraphs 2, 3, 4, and 5. The results of this examination may, if necessary, be referred to the Conservation and Management Measures Compliance Committee.

The PWG shall propose to remove a vessel from the Draft IUU List if it determines that:

- a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
  - b)
    - i) The flag CPC or non-CPC has adopted measures so that this vessel conforms with ICCAT conservation measures, and
    - ii) The flag CPC or non-CPC has and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the ICCAT Convention area, and
    - iii) Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity, or
  - c) The vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.
7. Following the examination referred to in paragraph 6, at each ICCAT annual meeting, the PWG shall develop a Proposed IUU Vessel List, noting which, if any, vessels are proposed for removal from the ICCAT IUU Vessel List adopted at the previous annual meeting and the reasons therefor, and submit it to the Commission for adoption as the Final ICCAT IUU Vessel List.

#### **Actions following adoption of Final IUU Vessel List**

8. On adoption of the Final IUU Vessel List, the Executive Secretary shall request CPCs and non-CPCs whose vessels appear on the Final ICCAT IUU Vessel List to:
  - notify the owner of the vessel identified on the Final IUU Vessel List of its inclusion on the list and the consequences which result from being included on the list, as referred to in paragraph 9;
  - take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
9. CPCs shall take all necessary measures, under their applicable legislation to:
  - ensure that the fishing vessels, support vessels, refuelling vessels, the mother-ships and the cargo vessels flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the IUU Vessels List;
  - ensure that IUU vessels are not authorized to land, tranship re-fuel, re-supply, or engage in other commercial transactions; prohibit the entry into their ports of vessels included on the IUU list, except in case of *force majeure*, unless vessels are allowed entry into port for the exclusive purpose of inspection and effective enforcement action;
  - ensure the inspection of vessels on the IUU list, if such vessels are otherwise found in their ports, to the extent practicable;
  - prohibit the chartering of a vessel included on the IUU vessels list;
  - refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing;
  - prohibit the import, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;

- encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU list;
  - collect and exchange with other CPCs any appropriate information with the aim of searching for, controlling and preventing false documentation (including import/export certificates) regarding tunas and tuna-like species from vessels included in the IUU list; and
  - monitor vessels included in the IUU list and promptly submit any information to the Executive Secretary related to their activities and possible changes of name, flag, call sign and/or registered owner.
10. The Executive Secretary will ensure publicity of the Final IUU Vessel List adopted by ICCAT pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it, along with any additional supporting information on the vessels and IUU activities, on a dedicated portion of the ICCAT web site, to be updated as information changes or additional relevant information becomes available. Furthermore, the ICCAT Executive Secretary will transmit the Final IUU Vessels List and supporting information on newly added vessels promptly to other RFMOs for the purposes of enhanced co-operation between ICCAT and these organizations in order to prevent, deter and eliminate IUU fishing.

### **Intersessional modification of ICCAT's Final IUU Vessel List**

#### ***Incorporation of IUU Vessel Lists of other [Tuna] RFMOs***

11. Upon receipt of the final IUU vessel list established by another RFMO [managing tuna or tuna-like species] and supporting information considered by that RFMO, and any other information regarding the listing determination, such as relevant sections of the RFMO's meeting report, the Executive Secretary shall circulate this information to the CPCs and to any relevant non-CPC. Vessels that have been included on the respective lists shall be included on the Final ICCAT IUU Vessel List, unless any Contracting Party objects to the inclusion on the Final ICCAT IUU List within 30 days of the date of transmittal by the Executive Secretary on the grounds that:
- i) there is satisfactory information to establish that:
    - a) The vessel did not engage in the IUU fishing activities identified by the other RFMO, or
    - b) That effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity that have been complied with,

or
  - ii) There is insufficient supporting information and other information regarding the listing determination to establish that none of the conditions in sub-paragraph 11.i) above have been met.
- In the event of an objection to a vessel listed by another RFMO [managing tuna or tuna-like species] being included on the Final ICCAT IUU Vessel List pursuant to this paragraph, such vessel shall be placed on the Draft IUU Vessel List and considered by the PWG pursuant to paragraph 6.
12. The ICCAT Executive Secretary shall implement paragraph 11 in accordance with the following procedures:
- a) The ICCAT Secretariat shall maintain appropriate contacts with the Secretariats of other RFMOs managing tuna or tuna-like species in order to obtain copies of these RFMOs' IUU vessel lists in a timely manner upon adoption or amendment, including by requesting a copy of these RFMOs' IUU vessel lists annually upon conclusion of the RFMO's meeting at which its final IUU list is adopted.
  - b) As soon as possible after adoption or amendment of an IUU vessel list by another RFMO managing tuna or tuna-like species, the ICCAT Secretariat shall collect all supporting documentation available from that RFMO regarding the listing/delisting determinations.

- c) Once the ICCAT Secretariat has received/collected the information outlined in paragraphs (a) and (b), it shall, consistent with paragraph 11 of this Recommendation, promptly circulate the other RFMO's IUU vessel list, supporting information, and any other relevant information regarding the listing determination to all CPCs. The requisite circular shall clearly state the reason the information is being provided, explain that ICCAT Contracting Parties have 30 days from the date of the circular to object to the inclusion of the vessels on the ICCAT IUU vessel list, and that absent any such objection the vessel will be added at the expiration of the 30 day period to the Final IUU Vessel List.
- d) The ICCAT Secretariat shall add any new vessels contained in the other RFMOs' IUU vessel list to the Final ICCAT IUU Vessel List at the end of the 30-day period provided no objection to such inclusion is received from a Contracting Party pursuant to paragraph 11 of this Recommendation.
- e) Where a vessel has been included on the ICCAT Final IUU Vessel List solely due to its inclusion on another RFMO's IUU vessel list, the ICCAT Secretariat shall immediately remove that vessel from the Final ICCAT IUU Vessel List when it has been deleted by the RFMO that originally listed it.
- f) Upon the addition or deletion of vessels from the Final ICCAT IUU Vessel List pursuant to paragraph 11 or 12(e) of this Recommendation, the ICCAT Secretariat shall promptly circulate the Final ICCAT IUU Vessel List as amended to all ICCAT CPCs and non-CPCs concerned.

***Intersessional removal from the Final IUU Vessel List***

- 13. A CPC or non-CPC whose vessel appears on the Final IUU Vessel List that wishes to request the removal of its vessel from the Final IUU Vessel List during the intersessional period shall submit this request to the ICCAT Executive Secretary no later than July 15 of each year accompanied by information to demonstrate that it meets one or more of the grounds for removal specified in paragraph 6.
- 14. On the basis of the information received by the July 15 deadline, the Executive Secretary will transmit the removal request, with all supporting information to the Contracting Parties within 15 days following receipt of the removal request.
- 15. The Contracting Parties shall examine the request to remove the vessel and reply within 30 days following the notification by the Executive Secretary if they object to the removal of the vessel from the Final IUU Vessel List.
- 16. The result of the examination of the request by mail will be checked by the Executive Secretary at the end of the 30-day period following the date of the notification by the Executive Secretary referred to in paragraph 15.

If a Contracting Party objects to the removal request, the Executive Secretary shall maintain the vessel on the Final ICCAT IUU List and the removal request shall be forwarded to the PWG for consideration at the annual meeting, if requested by the CPC seeking intersessional removal. If no Contracting Party objects to request to remove the vessel, the Executive Secretary shall promptly remove the vessel concerned from the Final ICCAT IUU Vessel List, as published on the ICCAT web site.

- 17. The Executive Secretary shall promptly communicate the result of the delisting process to all CPCs as well as non-CPCs concerned. Moreover, the ICCAT Executive Secretary shall forward the decision to remove the vessel to other RFMOs.

**General dispositions**

- 18. This recommendation shall apply *mutatis mutandis* to fish processing vessels, tug and towing vessels, vessels engaged in transshipment, and support vessels, and other vessels engaged in fishing related activities managed by ICCAT.
- 19. This Recommendation repeals and replaces Recommendation 11-18 and Resolution 14-11.

**Addendum 1 to Appendix 8****ICCAT reporting form for IUU activity**

Pursuant to paragraph 2 of *Recommendation by ICCAT on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported, And Unregulated Fishing Activities [Rec. xx-xx]*, attached are details of alleged IUU activity and available vessel information.

**A. Details of vessel**

*(Please detail information on the vessel and the incidents(s) in the format below, where such information is applicable and available)*

<b>Item</b>		<b>Available Information</b>
A	Name of vessel and previous names	
B	Flag and previous flags	
C	Owner and previous owners, including beneficial owner	
D	Owner's place of registration	
E	Operator and previous operators	
F	Call sign and previous call signs	
G	IMO number	
H	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	
I	Length overall	
J	Photographs	
K	Date first included on the ICCAT IUU list	
L	Date of alleged IUU fishing activities	
M	Position of alleged IUU fishing activities	
N	Summary of alleged IUU activities (see also section B)	
O	Summary of any actions known to have been taken in response to the activities	
P	Outcome of any actions taken	
Q	Other relevant information, as appropriate (e.g., possible false flags or vessel names used, modus operandi, etc.)	

**B. Details of alleged IUU activity**

*(Indicate with an "X" the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

<b>Rec. XX para. xx</b>	<b>Vessel fished for species covered by the ICCAT Convention within the Convention area and:</b>	<b>Indicate and provide details</b>
a	Harvest tunas and tuna-like species in the Convention area and are not registered on the relevant ICCAT list of vessels authorized to fish for tuna and tuna-like species in the ICCAT Convention area	
b	Harvest tuna and tuna-like species in the Convention area, and the vessel's whose flag State is without quotas, catch limit or effort allocation under relevant ICCAT conservation and management measures	
c	Do not record or report their catches made in the ICCAT Convention area, or make false reports	
d	Take or land undersized fish in contravention of ICCAT conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of ICCAT conservation measures	
f	Use prohibited fishing gear or fishing methods in contravention of ICCAT conservation measures	
g	Transship with, or participate in other joint operations, such as re-supplying or re-fueling, with vessels included in the IUU vessels list	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the Convention area without authorization and/or infringes on that State's laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels	
i	Are without nationality and harvest tunas or tuna-like species in the ICCAT Convention area	
j	Engage in fishing or fishing related activities contrary to any other ICCAT conservation and management measures	

**Addendum 2 to Appendix 8**

**Information to be included in all IUU Lists (Draft and Final)**

The Draft IUU List shall include information on vessels listed on ICCAT's Final IUU List as well as information on new vessels submitted by CPCs for listing. The Draft IUU List shall contain the following details, where applicable and available:

- i) Name of vessel and previous name(s);
- ii) Flag of vessel and previous flag(s);
- iii) Name and address of owner of vessel and previous owners, including beneficial owners, and owners' place of registration;
- iv) Operator of vessel and previous operator(s);
- v) Call sign of vessel and previous call sign;
- vi) Lloyds/IMO number;
- vii) Photographs of the vessel;
- viii) Date vessel was first included on the IUU List;
- ix) Summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities;
- x) Other relevant information.

### U.S. Views Regarding Issues Raised in PWG-401/2017

At the 2017 ICCAT Annual Meeting, the PWG Chair asked CPCs to provide written responses to the issues in need of clarification contained in the Secretariat Report to the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG). In response to that request, the United States would like to share its views on relevant issues in advance of the April 2018 meeting of the Integrated Monitoring Measures (IMM) Working Group.

*Port Inspection Reports:* The Secretariat posed a question in Section 6 of PWG-401/2017 on what to do with copies of port inspection reports submitted under paragraph 20 of Rec. 12-07 when reports do not contain infractions. In the U.S. view, there is value in making relevant information from port inspection reports, even those without infractions, easily accessible as such information can be used by CPCs to take a risk-based approach in determining which vessels to prioritize for inspection. In that regard, accessibility of reports that do not include infractions should benefit those vessels with a clean inspection history. There are a number of approaches that could be taken to ensure relevant information from port inspections is made available to CPCs—from posting each report on the password-protected section of the ICCAT website in a searchable format to extracting and posting basic information from these reports, including the name of the inspected vessel, its flag State, its ICCAT record number (if any), the date and location of the inspection, and information on the port State conducting the inspection. As Recommendation 12-07 will be reviewed at the 2018 IMM Working Group meeting in April, we suggest this matter be discussed during the relevant agenda item with a view to finding an appropriate way forward. In addition, mechanisms used by other RFMOs, such as IOTC, to share information on port inspections could help inform consideration of this matter by the IMM Working Group.

*Authorized Vessel List:* With respect to the Secretariat's request in Section 7 regarding the need to avoid duplication of vessels included on the authorized vessel list and ensure that complete vessel information is reported, the United States would like to commend the Secretariat on its extensive efforts in this regard. We fully agree that it is important for CPCs to work to ensure that their authorized vessel lists are up-to-date and accurate, including by cross-referencing vessel information against previously reported information and by providing all required data. Toward that end, we agree that CPCs should request from the Secretariat a dataset of both its active and inactive vessels whenever it develops an update to its authorized vessel list submission to avoid the creation of duplicate records. We would note, however, that updating vessel list records does not extend to revising information for inactive vessels unless and until they become active and are authorized once again. Additionally, paragraph 2 of Rec. 13-13 requires certain information to be provided, such as an international radio call sign (IRCS), only if assigned. It does not create a positive obligation for vessels to obtain an IRCS as implied in the Secretariat's report. We look forward to discussing this matter further at the April IMM Working Group meeting as needed.

*IUU Vessel List:* In Section 10, the Secretariat's Report to PWG also requested clarification on the procedures for intersessional removal of vessels from the IUU vessel list under paragraphs 19 and 20 of Rec. 11-18. In the U.S. view, paragraph 19 requires that a majority of CPCs respond affirmatively to a delisting request in order for a vessel to be removed from the list intersessionally. Lack of response from a CPC should not be interpreted as agreement with an intersessional delisting request. This is consistent with the applicable decision rule for removing a vessel from the provisional IUU list during the Annual meeting, where a decision to delist would require either consensus or a majority agreeing to the delisting. We do not believe ICCAT established a process in Rec. 11-18 whereby it is easier to delist a vessel from the IUU list intersessionally than at the Annual meeting. However, as acknowledged at the 2017 Annual meeting, the IUU vessel listing procedures, in particular for cross listing and intersessional delisting vessels, have been the subject of considerable confusion over the years and should be reviewed. The United States looks forward to discussing possible improvements to these processes at the upcoming IMM Working Group meeting.



## Feedback from 2018 IMM on Performance Review

Performance Review Feedback							Not started/little progress	
							Progress/requiring additional work	
						Completed/significant progress made		
Chapter	Recommendations	LEAD	Timeframe	Proposed Next Steps	Observations/ Comments	Action to be taken, or already taken; *** INPUT FROM 2018 IMM ***	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						
Port State Measures	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 is still under consideration.		
	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.		

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Integrated MCS Measures	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.			
	71. Evaluates the need and appropriateness of further expanding coverage by national and non-national on-board observers for fishing and fishing activities.	PWG	M	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.	SCRS evaluation of current observer program requirements is pending due to lack of reporting.	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.			
	72. Considers expanding VMS coverage, adopting uniform standards, specifications and procedures, and gradually transforming its VMS system into a fully centralized VMS.	PWG	S	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.			Discussed at the April 2018 IMM Meeting; Agenda item 5a; A proposal was introduced and discussions are ongoing.		
	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.	PWG	M	Refer to PWG for further analysis.			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.		
	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.		
Cooperative Mechanisms to Detect and Deter Non-Compliance	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.			

Market-Related Measures	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.	PWG	M	See Recommendation 73 above for proposed action.		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.		
Reporting Requirements	85. The Panel recommends that ICCAT, through 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.	PWG	M	Refer to PWG to undertake this review and present its findings and suggestions to the Panels for their approval.	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.	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.		
	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.	COM - to be considered by all bodies	S	Refer to all ICCAT bodies that can recommend binding reporting requirements for consideration when developing such recommendations. Commission to coordinate action among the bodies.		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		

Confidentiality	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 XIII-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.		
Capacity building - port State measures	110 a) Urges developing CPCs to make the necessary efforts to assist the ICCAT Secretariat in identifying their capacity building needs;	PWG	S	Refer to the PWG where work is already underway through the Port Inspection Experts Group (established per Rec. 16-18).		The Port Inspection Expert Group had developed a two tier questionnaire which has been circulated to all CPCs and responses have been requested by 30APR. Discussed at the April 2018 IMM Meeting; Agenda item 5d; A proposal was introduced and discussions are ongoing.		
	110 b) Closely coordinates the operation of Rec 14-08 with existing and future capacity building initiatives undertaken by other intergovernmental bodies.	PWG	S/M	Refer to the PWG where work is already underway through the Port Inspection Experts Group (established per Rec. 16-18).		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; Agenda item 5d; A proposal was introduced and discussions are ongoing.		