

Original: English

## **STREAMLINING OF ICCAT CONSERVATION AND MANAGEMENT MEASURES**

*ICCAT Secretariat, in consultation with Chairs of subsidiary bodies*

At its 24<sup>th</sup> Regular meeting, the Commission followed the procedure adopted by STACFAD in 2014 *whereby once the recommendations and resolutions adopted annually enter into force, the Secretariat should review, together with the Chairs of the Panels and of the Compliance Committee, the existing measures, for the purpose of compiling, in the inter-sessional period, a list of those measures which could be eliminated, either because they have become obsolete, or have expired or due to duplication, and that this list be submitted to the Commission for its consideration.*

A list of the Recommendations which were specifically repealed by the measures adopted in 2017 is contained for information in **Attachment 1**. These measures will not be included in the 2018 Compendium. At the 2017 meeting, the Commission agreed to rescind the three additional measures shown in **Attachment 2**, which will also be excluded from the 2018 Active Compendium.

Several issues have been deferred from previous years, as no final decision was taken on these. Suggested actions for consideration will need to be confirmed or rejected by the Commission. A small amount of these issues need to be considered by Plenary, but the majority are for first consideration by Panel 4 and PWG. The IMM Working Group made some progress on those of the PWG in April 2018, but their suggestions need to be agreed by PWG (and then Plenary). In one case, the most rapid way to proceed may be a simple repeal and replace, for which a draft is suggested in **Attachment 3**. This attachment has also been included in document **PWG-404/2018** for consideration by PWG.

In addition, notwithstanding that the current approach was developed by STACFAD and that they would be best placed to discuss suggested improvements to the process, the IMM WG was of the view that the Commission could re-consider the procedure for streamlining of measures, given the time lag which the current system requires.

A draft proposal is contained in **Attachment 4** for consideration.

**PANEL 1 – Currently no outdated measures**

**PANEL 2 – See document PA2-602/2018**

**PANEL 3 – Currently no outdated measures**

**PANEL 4 – See document PA4-803/2018**

**PWG – See document PWG-404/2018**

### **PLENARY**

**(in conjunction with Panels 2 and 4, see also documents PA2-602/2018 and PA4-803/2018)**

[96-14] *Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries*

[97-08] *Recommendation by ICCAT Regarding Compliance in the South Atlantic Swordfish*

[01-13] *Supplemental Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and Atlantic Swordfish Fisheries*

Treatment of overage and underage on western Atlantic bluefin tuna and Atlantic swordfish is stipulated specifically in Rec. 17-06 (WBFT), Rec. 17-02 (NSWO) and Rec. 17-03 (SSWO). However, paragraph 3 of Rec. 96-14 is missing in Rec. 16-03 and 16-04. Rec. 17-07 for eastern Atlantic and Mediterranean bluefin tuna has no specific provision on payback in case of overharvest.

**Suggested action:** The Secretariat had suggested that the Commission consider inserting paragraph 3 of Rec. 96-14 when amending Rec. 16-03 and 16-04 and paragraphs 2 and 3 when amending Rec. 14-04 by which Recs. 96-14, 97-08 and 01-13 may be repealed. These suggestions were not taken on board when developing / adopting new measures in 2017. Opinion is sought on whether CPCs believe that these Recommendations should remain as are, and no further efforts made to streamline these three.

**Attachment 1**

**Recommendations which were specifically repealed by the  
measures adopted in 2017 and have been deactivated**

**Panel 2**

[14-04] *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*

Repealed by Rec. 17-07, para 103

[16-08] *Recommendation by ICCAT Amending the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program*

Repealed by Rec. 17-06, para 28

**Panel 4**

[16-03] *Recommendation by ICCAT for the Conservation of North Atlantic Swordfish*

Repealed by Rec. 17-02, para 15

[16-04] *Recommendation by ICCAT for the Conservation of South Atlantic Swordfish*

Repealed by Rec. 17-03, para 14

**PWG**

[15-10] *Recommendation by ICCAT to Clarify and Amend Aspects of ICCAT's Bluefin Tuna Catch Documentation Program to Facilitate the Application of the eBCD System*

Repealed by Rec. 17-09, para 9

**Attachment 2**

**Agreed for removal from Active Compendium at the 2017 meeting  
(already removed from Active Compendium)**

[06-19] *Resolution by ICCAT to Establish a Capacity Working Group*

[11-25] *Resolution by ICCAT on a Program of Work for the Working Group on the Future of ICCAT*

[14-12] *Recommendation by ICCAT to establish an ad hoc Working Group for Preparing the Next Performance Review*

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SDP

**RECOMMENDATION BY ICCAT AMENDING FOUR  
RECOMMENDATIONS AND ONE RESOLUTIONS**

RECOGNISING that the ~~Recommendation by ICCAT on an~~ ICCAT Bluefin Tuna Catch Documentation Program [~~Rec. 07-10~~] replaced the ICCAT Bluefin Tuna Statistical Document Program;

NOTING that many previously adopted Recommendations and Resolutions make reference to the Bluefin Tuna Statistical Document and to Statistical Document Programs in general;

CONSIDERING that the coverage of bluefin tuna is intended in references to Statistical Document Programs in general;

FURTHER NOTING that the measures adopted for the previous bluefin tuna statistical document program pertained to the bigeye tuna and swordfish statistical document programs;

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

1. References to the 'bluefin tuna statistical document program' and 'bluefin tuna statistical documents' be replaced by 'bluefin tuna catch document program' and 'bluefin tuna catch documents' in the following provisions:

- i) ~~Recommendation by ICCAT Concerning Unreported Catches of Bluefin Tuna, Including Catches Classified as Not Elsewhere Included~~ [~~Rec. 97-03~~], paragraph 3;
- ii) ~~Recommendation by ICCAT to Establish a Multi-annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean~~ [~~Rec. 06-05~~], in ANNEX 1, paragraph 11 b);
- i) ~~iii)~~ Recommendation by ICCAT on Bluefin Tuna Farming [Rec. 06-07]: paragraphs 2b and 2f, paragraph 4, paragraph 8, paragraph 9f and the Caging Declaration contained in the Annex to the Recommendation;
- ii) ~~iv)~~ Recommendation by ICCAT Concerning Trade Measures [Rec. 06-13], paragraph 2b.

2. The phrases 'Statistical Document Programs' and 'Statistical Documents' be replaced respectively by the phrases 'Statistical or Catch Document Programs' and 'Statistical Documents or Catch Documents' in the following Recommendations and Resolutions: Resolution by ICCAT on Compliance with the ICCAT Conservation and Management measures [Res. 94-09], paragraph 5 and paragraph 7;

- i) ~~Resolution by ICCAT on Compliance with the ICCAT Conservation and Management measures~~ [Res. 94-09], paragraph 5 and paragraph 7;
- ii) ~~Resolution by ICCAT Concerning a Management Standard for Large-Scale Tuna Longline Fishery~~ [Res. 01-20], Attachment 1, paragraph 2)iii and Attachment 2, Section B;
- iii) ~~Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels over 24 meters Authorized to Operate in the Convention area~~ [Rec. 02-22], paragraph 7b;
- iv) ~~Resolution by ICCAT Concerning the Measures to Prevent the Laundering of Catches by Illegal, Unreported and Unregulated (IUU) Large-Scale Tuna Longline Fishing Vessels~~ [Res. 02-25], paragraph 1 and 2;
- v) ~~Recommendation by ICCAT to Change the Terms of Reference of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)~~ [Rec. 02-28], paragraph 3 and paragraph 4;

- vi) ~~Recommendation by ICCAT Establishing a Program for Transshipment [Rec. 06-11], SECTION 5. GENERAL PROVISIONS, paragraph 17;~~
- vii) ~~Recommendation by ICCAT on Additional Measures for Compliance of the ICCAT Conservation and Management Measures [Rec. 06-15], paragraph 1, paragraph 2 and paragraph 3.~~
3. The first sentence of paragraph 2(3) of the *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [Rec. 01-21] and the *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [Rec. 01-22] be replaced, *mutatis mutandis*, by paragraphs A-D of the *Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document* [Res. 93-02].
4. Paragraph 14 of the *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [Rec. 01-21] and paragraph 13 of the *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [Rec. 01-22] be replaced *mutatis mutandis* by the *Recommendation by ICCAT on Validation of the Bluefin Tuna Statistical Document by the European Community* [Rec. 98-12].
5. ~~Paragraph 2 of the Recommendation by ICCAT 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. 06-12] be replaced by the following text:~~
- ~~“Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall transmit every year to the Executive Secretary at least 120 days before the annual meeting, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the Convention area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.~~
- ~~This list shall be based on the information collected by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, *inter alia*, under:~~
- ~~– 1994 Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures [Res. 94-09];~~
  - ~~– 1997 Recommendation by ICCAT on Transshipments and Vessel Sightings [Rec. 97-11];~~
  - ~~– 1997 Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme [Rec. 97-10];~~
  - ~~– 2002 Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels over 24 meters Authorized to Operate in the Convention Area [Rec. 02-22];~~
  - ~~– 2007 Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Documentation Program [Rec. 07-10]; 2001 Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program [Rec. 01-21]; and 2001 Recommendation by ICCAT Establishing a Swordfish Statistical Document Program [Rec. 01-22];~~
  - ~~– 2006 Recommendation by ICCAT Concerning Trade Measures [Rec. 06-13].”~~

5. This measure repeals and replaces Recommendation 08-11.

**Draft proposal for amending the procedure to  
streamline ICCAT conservation and management measures**

1. Each year, at least 45 days before the entry into force of the Recommendations adopted by the Commission the previous year, the Secretariat will review the measures in the Active Compendium and circulate to all CPCs a list of possibly outdated or redundant measures to be removed from the Active Compendium, together with a brief rationale for their proposed removal.
2. Before circulation, the Secretariat will also review the reference numbers of Resolutions and Recommendations cited in the measures contained in the Active Compendium and update any outdated references as appropriate. In order to allow the historical record to be maintained, a footnote to that effect will be included in such updated measures. CPCs will be invited to review these references and inform the Secretariat within 45 days of any discrepancies.
3. In the event that any CPC objects, within 45 days of circulation, to the removal of any measure on this list, such measure shall be maintained in the Active Compendium.
4. In the case that no CPC has objected to their removal, the Secretariat will remove such measures from the Active Compendium at the time of entry into force of the Recommendations adopted the previous year.
5. A list of all measures removed will be submitted each year to the Commission at its annual meeting, at which time the Commission may agree to reinstate any measure removed. Any CPC wishing to propose the reinstatement of a measure may do so at that time.
6. Where measures are not sufficiently outdated to be repealed but may contain provisions which require updating or consolidation into another measure, the Secretariat will bring such provisions to the attention of the relevant subsidiary body Chairs for consideration and review in advance of the annual meeting. The Chairs of the relevant subsidiary bodies, assisted by the Secretariat as required, may develop draft revised measures that incorporate suggested revisions. The relevant subsidiary body should include an agenda item for review of such measures on its meeting agenda and, as appropriate, propose amendments to be adopted by the Commission.
7. At the time of entry into force of the Recommendations adopted the previous year, the Secretariat should also review the reference numbers of Resolutions and Recommendations cited in the measures contained in the Active Compendium and update any outdated references as appropriate. In order to allow the historical record to be maintained, a footnote to that effect will be included in such updated measures.