

Original: English/French/Spanish

### QUESTIONS FROM CPCs TO CPCs AND ANSWERS RECEIVED

#### A. Questions posed by Japan

##### European Union:

1. What is the relationship between towing vessel and moved cage?

In the attached text, submitted by the European Union to the Secretariat, the EU did not mention the towing vessel "NOU CALPE QUATRE / ATEU0ESP01157".

2. Does this case relate to define geographical coordinates (with a clear definition of longitude and latitude for each one of the points of the polygon)?

When cages are moved, the geographical coordinates will be changed.

##### **Response:**

1. As a consequence of bad weather, 8 cages were moved from the farm *Caladeros del Mediterráneo* to the farm *Tuna Graso*. NOU CALPE QUATRE was needed and the only one available out of those already authorized until 31 August to be used for the towing operations. This vessel was not mentioned in the justification because we understood that the justification requested related only to weather conditions.

"We thank you and acknowledge receipt on 31 August 2020 of the EU's mail along with the EU-Spain "CP01-VessLsts"-submission [for 6 existing/active "P20m"-Towing Vessels "TW/NAP" for authorization updates, with 5 also active in "E-BFT Others"-list (until 31 August 2020), extended from 1 September 2020 to 30 October 2020 for presumably weather conditions having affected/moved farm cages (need for justifications!)"

2. About the second question, the operator sent us all the new and temporal positions in *Tuna Graso* farm and we reported them to ICCAT and EU. We did not ask for coordinates because new locations were placed on existing *Tuna Graso* polygons.

#### B. Questions posed by USA

**Belize:** The United States was pleased to read in its response to the Compliance Committee Chair that Belize is undertaking an internal MOU to collect better data on fisheries for ICCAT species within its EEZ. It is critical that CPCs provide data and apply ICCAT's management measures in all fisheries, both inside and outside their EEZs and for commercial, recreational, and artisanal fisheries. Given substantial landings of Atlantic swordfish and yellowfin tuna captured via longlines, we seek clarification from Belize on the lack of 2019 Task 1 data for blue marlin, white marlin and roundscale spearfish.

**Response:** Belize thanks the United States for its question and would like to reassure the Commission that ALL catches from its long line fishery for 2019 was reported in our Task 1 data which was submitted to the Commission on July 9th 2020. Regretfully, catch data from our sport and recreational fisheries is currently unavailable; however, this will be remedied upon the completion of the internal MOU for Data Sharing and Cooperation between the competent authorities. Notwithstanding, the Game Fishing Association, which coordinates 3 fishing tournaments annually, have a strict catch and release policy in place. Sport fishers are only allowed to take their largest catch which is judged to determine the winner of the tournament. Belize must emphasize that it is illegal for the product of sport or recreational fisheries to be sold commercially; therefore, these catches can be considered as negligible.

**Cabo Verde:** Documented COC\_317 indicated Porto Grande has a high volume of port activity with unknown purpose, and a lack of reports through the ROP program or in-port transshipment reporting. The United States supports the Recommendation in this document [COC\_317] for increased port inspection controls and measures in Porto Grande to ensure compliance to transshipment and landing controls. The United States requests Cabo Verde provide additional information on Porto Grande activities to inform that discussion.

**Response:** The Ministry of Maritime Economy, through the General Directorate of Marine Resources (DGRM), confirms receipt of your email of 16 November 2020 regarding the concern expressed by the United States in connection with transshipment and landing activities at Porto Grande, Cabo Verde.

In this respect, we take this opportunity to confirm to the ICCAT Secretariat that in the past few years, landing and transshipment activities of some tuna species by foreign fleets have increased in Cabo Verde in response to investment in two conservation and processing units, as well as logistical improvements to support fishing operations at Porto Grande in Cabo Verde.

We would like to hereby inform the ICCAT Secretariat that all landing and transshipment operations of ICCAT species in Cabo Verde are closely monitored and observed by the Fisheries Inspection Services (IGP), which is an entity of the Ministry of Maritime Economy and is responsible for catch certification and sanitary control of all transshipment and landing activities carried out in Cabo Verde.

To clarify, we inform that in 2019, the total volumes of transshipment and landing operations carried out by foreign fleets were 14,828 t and 30,596 t, respectively. A total volume of 45,425 t was landed or transhipped at Puerto Grande. Among the ICCAT species that are landed and transhipped in Porto Grande in Cabo Verde, we highlight the following in order of importance: SKJ-*Katsuwonus pelamis* (48.6%); YFT-*Thunnus albacares* (17%), BSH-*Prionace glauca* (11%), BET- *Thunnus obesus* (8%), SWO-*Xiphias gladius* (5%) and BFT-*Thunnus thynnus* (4%).

It is important to note that landings are used to supply raw material to the two fish companies that conserve and process fish.

Naturally, there are issues and difficulties with transshipment and landing operations statistics. However, the Ministry of Maritime Economy through the General Directorate of Marine Resources is working to provide the fisheries inspection services with a database that can respond more quickly and effectively to reporting needs in this area. In addition, we anticipate that the next annual report of Cabo Verde will contain more complete and objective information to ensure all the necessary transparency that this matter warrants for both the Secretariat and any CPC.

Finally, Cabo Verde would like to reiterate its full availability and commitment to work and cooperate closely with the ICCAT Secretariat to fulfil and comply with the ICCAT obligations and recommendations on inspection and control of transshipment activities in Cabo Verde.

**China:** The United States requests an explanation from China as to why no Task 1 data was submitted for North or South Atlantic shortfin mako. An updated shark Check Sheet was not submitted by China and thus, the United States was unable to assess why no data were submitted, which would have otherwise been addressed in response to *Recommendation by ICCAT on the conservation of North Atlantic stock of shortfin mako caught in association with ICCAT fisheries* [Rec. 19-06], paragraph 10.

**Response:** There has been some misinterpretation by the data staff the reporting requirement and input "0 catch" in the Task I sheet (which actually required input as landing + discard). We will compile and submit the revised data sets (and shark sheet) as soon as possible, based on estimate from observer program.

**Côte d'Ivoire:** The United States noted the large increases in Côte d'Ivoire's landings for a number of species particularly for sailfish. The United States would appreciate an explanation from Côte d'Ivoire of the reasons behind these increases, such as changes in fishing practices or data collection methods.

**Response:** In recent years, Côte d'Ivoire has started to commission vessels flying its flag to carry out fishing activities. In 2018, Côte d'Ivoire acquired 11 vessels which fly the Côte d'Ivoire flag. Of this total, only 2 engaged in activity throughout the year while the other 9 effectively started their activities in November 2018 i.e. two months of activity. In 2019, Côte d'Ivoire acquired another 16 vessels, bringing the total to 27 Côte d'Ivoire flagged vessels. All these vessels are longliners. They mainly catch tuna but also catch billfish, taking sailfish as bycatch. Full time activity by all these vessels has led to an increase in production of all species, including sailfish.

**El Salvador:** El Salvador's response to their 2019 Identification letter is concerning. The record from last year's meeting clearly reflects the Commission decision to identify El Salvador under Rec. 06-13. Any effort to alter retroactively that decision inevitably undermines the integrity of ICCAT's compliance process and the work of the Commission as a whole. The United States insists that El Salvador accept the clear and unquestionable outcome of the 2019 Commission meeting on this matter - a meeting in which they participated. The United States also takes note that El Salvador appears once again to have not taken steps to show that it endeavored to remain within the 2019 bigeye tuna limit of 1,575 t, reporting a catch of 2,464 t for 2019. In the context of El Salvador's response to the Commission's letter of identification, we are concerned that this may indicate an intentional disregard of the requirement to endeavor to stay within that limit. This situation is made all the more troubling given the poor status of bigeye tuna. We would greatly appreciate clarification from El Salvador of this situation and details on what measures it has put in place to control its harvests in line with the terms of *Recommendation by ICCAT Concerning Trade Measures* [Rec. 06-13].

**Response:** Firstly, we wish to reiterate that El Salvador is fully convinced and committed to comply with the provisions of the ICCAT Convention, its Recommendations and Resolutions. I would also like to highlight that our country has the relevant technical, logistical and regulatory infrastructure to ensure this compliance. In this sense, following adoption of Recommendation 19-02 imposing provisional bigeye catch limits for 2020, the internal control measure was imposed on 22 January 2020. It entailed allocation of catch limits to vessels, definition of control measures and establishment of the obligation for vessel owners to present their management and contention plan of the duly allocated catches; all within the context of the *Resolution establishing the compliance control mechanism for the bigeye catch limit in the Atlantic Ocean in accordance with Recommendation 19-02 of the International Commission for the Conservation of Atlantic Tunas*. All these actions ensure that El Salvador will not exceed the catch limit adopted for the country by the Commission.

My Government disagrees with the comments contained in the introduction of the United States delegation's enquiry, and El Salvador appreciates the opportunity to transmit to the United States and the Commission the following warranted and essential clarifications:

- i. My delegation has been carrying out, within the framework of the due process and in the exercise of its rights as an ICCAT Contracting Party, the actions that it considers to be essential in light of our sovereignty, so that the decisions of the Commission that were adopted in the course of the meetings held, in particular, those held in November 2019, are correctly reflected in the Commission Proceedings and its corresponding Committees. On this basis, it is not correct to infer that this clarification process initiated by my country in any way implies retroactive alteration of the Commission decisions, or that this procedure undermines the integrity of ICCAT compliance functions and the work of the Commission as a whole. This is particularly true when the evidence from the audio and video recordings provided by the Commission reveal that the reality of events during the respective meetings was not accurately reflected in the report or in the proceedings.
- ii. In response to the sentence "...The United States insists that El Salvador accept the clear and unquestionable outcome of the 2019 Commission meeting regarding this issue, a meeting in which they participated ...", my delegation respectfully encourages the distinguished United States delegation to review the audios and videos in the custody of the Secretariat, both of the Compliance Committee meeting and the Commission meeting. This will enable the United States delegation to reflect on the relevance of its request, since it also participated in both meetings, and it will see that not a single measure was adopted at any point against my country, in relation to the provisions contained in Rec. 06-13 on trade measures. In fact, the Compliance Committee Chair, Mr. Derek Campbell, introduced El Salvador's situation regarding possible overharvests to the Committee, by stating the following:

*"... I would like to note one item that I've requested to the Secretariat that we considered adding under "Other Issues", under, again, these are potential issues of noncompliance; they are not necessarily issues that have been determined to be noncompliance, and that is bigeye tuna harvest. I understand from the compliance table that, in the case of El Salvador, the harvest was 2,634 t, and that there is an obligation for CPCs such as El Salvador to endeavor, or shall endeavor, to keep catches at 1,575 t. **So, even though it's not a hard limit, there is a binding obligation to take best efforts - "all endeavor" to keep catches to that level.** And this is quite high compared to that 1,575 t level at 67% above the limit, so I think that raises questions about the sufficiency of management measures, monitoring control, etc., to keep the catches to that goal. So, **I wanted to suggest that is added, and because El Salvador didn't have the opportunity to respond to that particular issue in their written response, welcome any thoughts that El Salvador may have, or other CPCs, for that matter, and that can also be addressed in a follow-up written response.**" (emphasis added, maintaining the language in which the verbal intervention was made)*

The Compliance Committee Chair recognized that, as originally provided for in paragraph 4 (a) of Rec. 16-01, my country was not subject to a mandatory limit. Therefore, the main point of analysis was whether El Salvador had fulfilled its *bona fide* commitment to maintain its annual bigeye catches below 1,575 t, in light of the subjective criterion of the Chair, who indicated that catches 67% above this level "raise questions regarding the sufficiency of measures on management, monitoring, control, etc." We firmly disagree with that subjective criterion, on account of the reasons amply covered in the response transmitted to the Compliance Committee Chair in January of this year. The provision contained in paragraph 4 (a) of Rec. 16-01 did not establish an obligation as to result, but a midway commitment to make an effort to contain increases, which El Salvador satisfied. Any other interpretation would undermine the legality of the Commission, as it would impose sanctions without having firstly established, with absolute clarity, the objectionable conduct.

Furthermore, it is very clear that the Compliance Committee Chair recognized that my delegation had not had the opportunity to respond in writing in relation to this matter and, in accordance with due process, decided – without any objection from any of the Parties - that he would welcome a feedback in this regard from El Salvador or any other CPC, and which could be expanded on in a subsequent written response.

The only enquiry at the meeting came from the United States, but in relation to a different context. They requested clarification as to whether El Salvador operated 5 vessels in the Convention area and I categorically answered that only 4 fishing vessels operate in that area. And in response to the Compliance Committee Chair, I informed that my country reserved the right granted to it to respond in writing. Following direct consultations with the Chair, it was decided that a response should be provided by 31 January 2020, which is effectively what happened.

Therefore it is true to say that the Compliance Committee did not finish the discussion on overharvests by my country, which would have allowed substantive analysis of the case. Instead the matter was put on hold until the written response of my country could be analysed. The 2019 COC report completely omits this sequence of events, which debase the following sentence that was included in the report:

*"The COC also recommended that the Commission identify the following seven CPCs in accordance with Rec. 06-13 on trade measures: El Salvador, [...]"*

This is particularly the case if it is considered that the COC report, the Commission proceedings, and the recordings reviewed do not indicate that the procedures set out in paragraph 2, sub-paragraphs a), b) and c), among others, of Rec. 06-13 had been complied with, yet again implying an infringement of due process.

- iii The contested Commission Proceedings do not correctly reflect the events of the meeting held in Palma de Mallorca in 2019, in that it states that the COC report was adopted by correspondence, in the past tense. This is inaccurate, because this report was only published for the first time in July 2020. Therefore, the Commission Proceedings should indicate that the report would be adopted by correspondence, if appropriate. Certainly, in the verbal report provided by the Compliance Committee Chair to the Commission, there was no kind of reference to any action being taken against El Salvador in compliance with Rec. 06-13, which is why the Commission did not take note of the identification of my country in accordance with this Recommendation and, unquestionably this is what should be on record.
- iv Another very significant event took place, of no less importance: As dictated by the consolidated practice in ICCAT, and in the other international bodies, in the adoption process of proceedings and reports, it is recognized that there is a need to submit the drafts to the members of the respective collegiate bodies - either the Commission itself or the Compliance Committee - so that any relevant observations or amendments may be included. All delegations can attest to this practice and, within the context of good will and due process that mark the spirit of collaboration of these bodies, it is expected that this practice is embedded in legality, which implies taking into account the principle of "closure of process proceedings", whereby a phase that has been advanced for certain, cannot be reopened.

My delegation does not object to expanding on this special issue to the extent required, beyond what has been hereby courteously and concisely expressed. However, unable to ignore the omissions, inaccuracies, and incorrect information related to the issues discussed above contained in the 2019 Commission proceedings and 2019 Compliance Committee report, my delegation submitted the respective observation and proposal for text corrections to the Secretariat and the Chairs of the respective collegiate bodies. Through ICCAT Circular #5356/2020, dated 3 August 2020, the Secretariat circulated to CPCs for review the sixth draft of the Commission proceedings and the second draft of the Compliance Committee Report, enabling CPCs to submit comments up to 18:00 hrs (Madrid time) on 12 August 2020. It was also indicated that:

*"If no comments are received by this deadline, these proceedings of the 26th Regular Meeting of the Commission will be considered adopted."*

Through Circular ICCAT #5590/2020, of 13 August 2020, the Executive Secretary informed CPCs that:

*In response to ICCAT Circular #5356 of 3 August 2020, requesting changes or corrections to the 2019 Commission Plenary Report and Report of the Compliance Committee the Secretariat has received minor editorial corrections to the Report of the Compliance Committee and has incorporated them accordingly. No changes of substance were received.*

*The 2019 Commission Proceedings are now considered final and have been published on the ICCAT web site (click here).*

*Please accept the assurances of my highest consideration"*

For my delegation, it is therefore clear that no reservation or objection was lodged by any delegation in relation to the information communicated by the Secretariat in its Circular #5356/20, including the clarifications relevant to my country. Therefore, and in view of this obvious fact, there was no reason for the surprising communications of 27 August 2020 from the Compliance Committee Chair as well as the Executive Secretary, informing that the legal certainty of the changes had been undermined. These had been accepted by all Parties, for being appropriate, including the honourable delegation of the United States, which did not object to the timeframe from 3 August to 12 August 2020.

My delegation completely rejects the concern expressed by that Party in its comments to the effect that my country's attitude, in defending its rights, constitutes "*intentional negligence with regard to the requirement to endeavour to remain within that limit*" referring to bigeye resources.

El Salvador has provided compelling evidence over time of its correct, transparent and disciplined attitude towards strengthening ICCAT objectives. As all CPCs are aware, the problem of bigeye in the Atlantic, which is a concern to everyone, is not the result of the catches taken by my country. The overages, which are well above the agreed TAC, derive from the same management structure which is currently under review by the SCRS, Panel 1 and the Commission itself, as these overages are greater than the annual 20,000 t; this is also associated with an unequal and discriminatory structure of fishing rights which must be resolved.

When Rec. 16-01 was drafted - which was in force during the years in which my country, as a developing State, was finding a footing in the tropical tuna fisheries - El Salvador was included with the countries that were not subject to catch limits (paragraph 4 (a)). For these countries, reference amounts were established that do not constitute hard limits, as recognised by the Compliance Committee Chair, and for which, as has been the case for other countries with much higher reference amounts (3,500 t), the need for limits or quotas would be assessed if necessary.

In accordance with Rec. 16-01, my country has not failed to comply with any obligation. In fact, El Salvador has maintained a catch contention scheme for its 4 purse seine vessels, which entails a reduction in their catches to below the average of the average productivities of the vessels, with significant sacrifices. This accounts for the reduction that occurred between 2018 and 2019. The sacrifices were greater in 2020, due to the strengthening of the catch contention strategy, which entailed an effort to reduce their basic potential by more than 40%, which is much higher than the 21% reduction required of those countries included in paragraph 3 of Rec. 19-02.

In the hope that this communication satisfies the requests for clarification, my delegation wishes to reiterate to the United States and the other CPCs its firm desire for proper management and joint efforts, inspired by the principles of international law and with a view to safeguard conservation and sustainable use of fisheries resources, in particular, those under the Commission's administration. I will happily expand on the comments contained in this communication, either bilaterally or multilaterally, as deemed necessary.

**European Union:** In addition to discrepancies in the blue marlin and white marlin data reported to Task 1 compared to the compliance tables, it is not clear that the EU is implementing a repayment plan for overharvest of white marlin in 2014-2016. The EU states that they will "undertake to compensate the overharvest for 2016 by reducing white marlin catch to zero for the years 2017, 2018, 2019 and 2020," however, landings are reported in 2017-2019, including 9 t of white marlin landings by Spain reported in Task 1. Additionally, the EU white marlin landings limit was already reduced by 22.4 t each year in 2018-2020 to payback overharvest in 2015. We would like to ask the EU to provide an explanation with regard to these matters.

In regards to the Shark Check Sheet, the EU states they allow retention of North Atlantic shortfin mako under the authority of Rec. 19-06 paragraph 3. We seek clarification on this response so that the COC can understand which specific provisions of the recommendation EU is implementing and how they are doing so. In that regard, more detailed information about the extent of observer and/or electronic monitoring coverage for this fleet is requested. Additionally, we seek clarification on how the EU implements minimum size requirements as stated in response to Rec. 19-06, paragraph 4.

**Response:** The European Union (EU) refers to the questions from the United States (US) in appendix 1 of COC-318 and is pleased to provide the following additional details:

Regarding the discrepancies between the blue marlin and white marlin data reported to Task I and in the compliance tables, we previously explained that these differences are due to the fact that scientific data is provided in task I, which consists of estimations based on sampling data, while catches declared in the compliance table corresponds to the official figures based on the professional fishermen's catch declarations and validated by EU Member states authorities.

The catch limit of white marlin for EU at ICCAT level was fixed at 27.60 t in 2019, in order to compensate for the overharvest in previous years. To prevent overfishing occurring again, a zero-catch limit for the EU-MS was established at the EU level in the (EU) regulation 2019/124 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. Despite this zero-catch limit, incidental catches occurred in 2019 and have been declared in the compliance table and Task I. Those incidental catches remain far below the catch limit established for the EU for 2019.

With regards to the information provided in the shark check sheet, we confirm that catches of shortfin mako reported by the EU fleet have been made under the provisions of para 2.1 of Recommendation 19-06, corresponding to fish caught already dead, as verified through the coverage by observers or electronic monitoring systems. This coverage has been steadily increasing in the last years and is always above the ICCAT requirements of 5% (e.g. [9,94] % in 2017, [5,15] % in 2018 and [7,81] % in 2019) measured in terms of observer fishing days in the ICCAT Convention area. Additionally, following the US comments, we identified a mistake in page 19 of the shark check sheet regarding the implementation of para 4 of Recommendation 19-06. The item must be considered as non-applicable taking into account that the EU has not established any minimum size in its legislation, and consequently no authorisations have been delivered to EU vessels in relation to the provision under para 4 of Rec. 19-06. The EU vessels have not been authorised to kill shortfin mako, and instead can only retain fish caught already dead. While we thank the US for highlighting this erroneous reference in the shark sheet, we would in turn be interested in better understanding to what extent the catches of northern shortfin mako retained on board and reported by the US occurred in the context of paragraph 4 of Rec 19-06.

**The Gambia:** The United States notes that The Gambia, a new Member of the Commission, has missed a number of critical reporting requirements. In addition, the IUU listed vessel *Sage* is operating under The Gambia's flag. We encourage The Gambia to work to improve its adherence to ICCAT's reporting requirements. The United States also noted that no vessels flagged to The Gambia appear on ICCAT's authorized vessel list (established per *Recommendation by ICCAT concerning the Establishment of an ICCAT Record of Vessels 20 meters in Length Overall or Greater Authorized to Operate in the Convention area* [Rec. 13-13]) and would like to inquire whether that is an oversight or whether The Gambia does not currently flag any vessels that are 20 m LOA or greater.

**Response:**

It is understood that the fishing vessel SAGE is Gambian flagged. Currently the vessel has no authorization to fish in The Gambia. The vessel was last licensed to fish in The Gambia waters from 9 October 2019 to 8 January 2020 and operated for only seven days. During the above-mentioned period fisheries observer was posted on board but after the seven days the fishing vessel left for Dakar Port. However, the Department of Fisheries is in contact with The Gambia Maritime Administration (GMA) as the competent authority for registration of vessels for the procedural measures to delete SAGE from The Gambian Register. This deletion certificate will serve internationally for the arrest and prosecution of the vessel in conduct of IUU fishing. Currently there are no Gambian flag fishing vessels authorized to fish in the ICCAT region.

**Japan:** In *2019 Compliance tables received in 2020* [COC\_304A], it appears that Japan is claiming a quota carry forward of North Atlantic swordfish that exceeds the maximum allowed under *Recommendation by ICCAT Amending the Recommendation for the Conservation of North Atlantic Swordfish, Rec. 16-03* [Rec. 17-02]. We understand the rules to only allow a carry forward of up to 126.3 t based on Japan's initial quota allocation. We also seek clarification of why Japan answered "No" to Rec. 19-06, paragraph 1, in the Shark Check Sheet, as live North Atlantic shortfin mako should be released in a manner that causes the least harm independent of allowing retention of dead shortfin mako under paragraph 3.

**Response:**

*Northern swordfish:*

Japan's swordfish catch is by-catch, which has been fluctuating year by year mainly due to the shift of the fishing ground for bigeye tuna. For this reason, the four-year block quota is applied to Japan in accordance with paragraph 4 of Recommendation 17-02. Therefore, the maximum limit of carryover (15% of initial catch limit) does not apply to Japan.

*North Atlantic shortfin mako:*

Japan confirms that live shortfin mako are released. It answered “No” to Rec. 19-06, paragraph 1, because it reads, when separated from para 3, as if asking whether release is mandatory without any exception. Since there is an exception in accordance with para 3, Japan responded “No”. In order to avoid any misunderstanding, we will elaborate our measure on live release in the next year’s Shark Check Sheet.

**Korea:** Based on Korea’s Shark Check Sheet, it is unclear to us whether retention of North Atlantic shortfin mako is required or prohibited by Korea, and we request clarification of this matter. We also seek clarification as to why no discard data in 2019 was reported for the North Atlantic shortfin mako.

**Response:** At the moment, we can answer the second question from the US only : For 2019, there was no reported discard of North Atlantic Shortfin Mako although we have discard reports of South Atlantic Shortfin Mako for 2019. As for the first question, we will do our best to provide our response as soon as possible.

**Liberia:** Document COC\_317 states that Liberia's carrier vessel fleet had the highest number of high seas loiterings with no regional observer onboard and questions whether unreported transshipments were occurring. The United States requests information from Liberia regarding how it monitors the activities of its carrier vessels while on the high seas and why there is a large instance of loitering by these vessels.

**Response:** This is in response to your inquiry concerning the question from the U.S.A. as it relates to Liberia’s carrier vessel fleet and the alleged increased number of high seas “loitering” with no regional observer onboard and whether unreported transshipments are occurring.

Liberia confirms that it monitors its entire fleet by means of Automatic Identification System (AIS) and Long-Range Identification Tracking (LRIT). All vessels flagged to Liberia are required by law and international obligations to install AIS and LRIT thereby enabling the flag Administration to track and monitor vessel’s movements. In addition to AIS and LRIT, carrier vessels engaged in high seas transshipment activities are monitored via the Vessel Monitoring System (VMS), which is also required by Liberia fisheries law and regulations.

Liberia’s Fish Monitoring Center (FMC) is primarily responsible for monitoring Liberian flagged and foreign vessels’ activities. The FMC is the nucleus in Liberia’s effort to combat illegal, unreported and unregulated (IUU) fishing activities through close collaboration with national and regional authorities.

To this end, kindly provide a list (including names, dates and location activities) of Liberian carrier vessels that are allegedly “loitering” on the high seas to enable us do our diligence promptly.

**Morocco:** We would like to seek clarification on two issues from Morocco. We noted that the 2019 Task 1 tables in the SCRS report do not include data on discards of North Atlantic shortfin mako for Morocco, yet Morocco’s Shark Check Sheet indicates that these data have been submitted (see Shark Check Sheet response to Rec. 19-06, paragraph 10). Regarding Rec. 19-05, paragraph 9, Morocco reports that dead discards are prohibited for blue and white marlin. Given that, we would expect to see landings by Morocco reported to SCRS. There are, however, no reported landings for Morocco in the 2019 Task 1 data for either species. We would appreciate it if Morocco would clarify this situation.

**Response:** As regards shark, please note that while the 2019 data on discards of shortfin mako indicated in the Shark Sheet do not appear in the SCRS Report, they have been communicated to the ICCAT Secretariat in form ST09. As regards marlin, I inform that Morocco has banned fishing for blue and white marlin in national waters for 5 years as from November 2018.

**Mauritania:** The United States noted that Mauritania is not reporting catches of North Atlantic swordfish in its compliance tables or Task 1 data but is receiving quota transfers from some CPCs. We would like to confirm whether Mauritania is actively fishing for this species.



**Response:** Following a transfer, Mauritania had obtained a quota of 100 t of swordfish. This amount was reduced by 25 t, which previously had been granted to the United States as they wanted to have these 25 t. Our country has tried to persuade national operators to shift efforts over to this fishery. While some fishers are interested, they are hesitant to invest fully, as they consider the quota to be derisory (75 t). In short, Mauritania does not report any catches of these resources, because they have not fished them.

**Panama:** We noted that Panama did not report blue marlin catch in either its compliance tables or Task 1 data. Given past catches and overharvests of this species by Panama, we would like to confirm whether Panama has, in fact, eliminated all catches of blue marlin in 2019 or if reporting of the catch data has been delayed.

**Response:** I would like to thank the United States delegation for their enquiry regarding blue marlin reporting in the compliance tables and Task 1 data. First, we would like to indicate that blue marlin is not a target species in the fisheries operated by Panamanian vessels within the Convention area, and that the data reflected in the blue marlin catch reports correspond to bycatch taken by our fleet. Panama has not eliminated all the blue marlin catches for 2019. While it is true that the Task 1 data did not include marlin catches, the observers report identified recording of this species. Therefore, we are correcting the table for 2020. The CP13 report has been attached with the updated data for recording at the Secretariat and in the compliance reports.

**Senegal:** The United States noted that Senegal's compliance tables did not seem to take into account transfers in place for North Atlantic swordfish. The United States also notes a number of concerns related to the activities of current or former Senegal-flagged vessels and would like to express concern related to apparent difficulties being encountered by Senegal with regard to the fulfilment of its flag State responsibilities.

**Response:** In response, we confirm the omission of the transfer of 125 t of swordfish from the North to Canada for the year 2019. We send you attached COC\_304A, Annex 1 and the compliance table to which we have made the appropriate corrections. With regard to the second point raised by the United States on concerns about the exercise of the responsibilities of the Flag State, we will send you a reply within the deadline.

**St. Vincent and the Grenadines:** Document COC\_317 provides information about an at-sea encounter between two vessels flagged to St. Vincent and the Grenadines, one of which may have been a carrier vessel and the other, which was a longline vessel. This encounter may have been a transshipment at sea but it was not reported through the ROP. This is the second time such activity has been reported, and, as it would be outside ICCAT's rules on transshipment, a recommendation that ICCAT strengthen its transshipment rules to better discern and control transshipment activity has been made. The United States requests additional information from St. Vincent and the Grenadines on the rules it has in place and the steps it takes to monitor potential transshipment activities of its flagged vessels.

**Chinese Taipei:** In response to Rec. 19-06, paragraph 10 in the Shark Check Sheet, Chinese Taipei indicated that they reported the "number of dead discards and live releases" of North Atlantic shortfin mako, and that Chinese Taipei no longer allows the retention of this species. However, given our understanding of Chinese Taipei's fisheries, we would expect the level of discards to be much higher. The United States requests an explanation of how these estimates are determined.

**Response:** We have prohibited the retention of NSMA since 2018 for conservation purpose. Our numbers of NSMA dead discards presented in T1NC are from the amount reported by our fishermen through the electronic logbook system. NSMA is the bycatch species for our tuna longliners, and the percentage of its landing and/or discards amount accounting for the total catch amount of targeted species has been stable in recent years. It is our understanding that SMA is primarily found in coastal and offshore waters which are not the typical fishing grounds of our vessels. As such, our NSMA amount reported is low due to less interactions with the NSMA. In addition, our observers have reported quite small amount of NSMA retention and/or discards as well. Relevant data are submitted to ICCAT in accordance with applicable requirements.

It is also observed that our NSMA amount (landing and discards) reported is on a downward trend, likely reflecting the declining population of this species."

**Colombia:** The United States recalls the discussions from 2019 when the Commission was considering granting Cooperating status to Colombia and particularly the request for additional information on its fishing interests and management regime. We also take note of the Secretariat's request for information on Colombia's access agreements. In response to these matters, we request Colombia to provide all relevant information to the Commission without delay. This request includes an update on the status of the development of Colombia's tropical tuna fishery as notified to Panel 1 earlier this year.

**Responses:** Colombia has reported the following information through a revised Annual Report on Access Agreements: For 2019, Colombia presented an access agreement with Tanzania and Japan with the FV HALELUYA and FV KOYU MARU No. 7, respectively. It should be noted that on 7 October 2019 the FV shipowner requested a change of flag to the competent Authority of Colombia. The FV HALELUYA reported 68,600 kg of landings. The FV KOYU MARU No. 7 reported 755,043 kg of catches. This information should coincide with the reports presented by the flag states of Tanzania and Japan, respectively.

Colombia has also requested that the information contained in Documents COC-322 be considered also as response to the above.