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ISSUES FOR CONSIDERATION BY THE COMPLIANCE COMMITTEE

Presented by the European Union

EUROPEAN COMMISSION
Directorate-General for Maritime Affairs and Fisheries

International Ocean Governance and Sustainable Fisheries
Regional Fisheries Management Organisations
The Deputy Director and Head of Unit

Brussels,
MARE/B2/(2021)

Mr. D. Campbell
Chair of the Conservation and Management Measures Compliance Committee
Mr. Camille Jean Pierre Manel
Executive Secretary ICCAT
28002 Madrid Spain

SUBJECT: ISSUES FOR CONSIDERATION BY THE COMPLIANCE COMMITTEE

Dear Mr. Campbell, Dear Mr. Manel,

Following up on our recent exchange with the Chair of the Compliance Committee (CoC), the EU would like to share the following points with you in advance of the CoC meeting.

Senegal

1. Catches of North-Atlantic Swordfish

The EU invites Senegal to provide clarifications on its catches of North-Atlantic Swordfish (N- SWO) for the year 2020.

In accordance with the figures provided by Senegal in Annex 1 of Doc. No. COC_304 / 2021, Senegal had a quota of 225 t for N-SWO for the year 2020. In addition, figures provided by Senegal in the same annex indicate that only 10 t of N-SWO have been caught in 2020.

However, verifications carried on imports into the EU demonstrate that in 2020 Senegal validated the export of 311 t of N-SWO by one single vessel (239 t of dressed weight, converted into 311 t of live weight).

The EU notes that, in addition, these catches would have been done in one single fishing trip of 36 days (from 26/05/2020 to 30/06/2020), and that the vessel concerned is the same vessel that was already identified by the USA as possibly engaged in illegal transshipment at sea.

This raises serious concerns on management of quotas and processes in place for the validation and verification of ICCAT statistical documents in Senegal, to be urgently clarified by the Senegalese authorities.

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2. Controls at Dakar port

The EU would like to receive further clarifications as regards the calls made by vessel SAGE in DAKAR from 2017 to 2019 (as requested last year through written statements), as well as on calls made by the former MEGA No. 2 (now called ISRAR 1 and proposed for IUU listing this year).

In addition, in a reply submitted to the ICCAT Secretariat on 17 November 2020 (Doc. No. COC_312 / 2021, page 76), Senegal confirms that the vessels RICOS 3 and RICOS 6 came to Dakar port for repairs but does not specify the exact dates of these calls. The EU would appreciate receiving further clarifications on this, particularly for RICOS 6.

The EU is of the view that Senegal should be able to reassure ICCAT and all CPCs that Port State controls are carried out in a proper way in Dakar, and that vessels that engage in IUU fishing activities are not able to use Dakar port. The current information suggests the contrary, and given the importance of this port, this is a major concern.

3. Responsibilities as flag authority

The EU would like to receive the clarifications requested last year in respect of vessels MARIO 11 and MARIO 7. To date and as far as the EU has been informed, Senegal has still not replied to the questions raised by the EU in the written statement circulated to all CPCs last year.

The Gambia

The EU would like to receive further clarification on the:

- Actions taken towards vessel SAGE and its operator (in addition to the delisting);
- Mechanisms put in place by the authorities to avoid registering other IUU listed vessels under their flag;

Furthermore, there are currently no vessels flying the flag of The Gambia in the ICCAT record of vessels, while the EU has been made aware that the former Senegalese-flagged vessels MAXIMUS (IMO: 9038402) and LISBOA (IMO: 7929176), now named respectively LUCAS and KIKI, are now flying the flag of The Gambia. The EU is of the view that The Gambia should clarify the activities of these vessels and their current location.

Belize

The EU is concerned by the reply provided by Belize in relation to vessels RICOS 3 and RICOS 6, (Doc. No. COC_312 / 2021, page 77) which confirms that the owner of those vessels (GREAT VISION CO., LTD.) was based in the country, but also states that: "The regulatory authority for international business companies, the International Financial Services Commission (IFSC) would very much wish to cooperate on this matter, however, in accordance with national regulation they can only disclose information on beneficial ownership to law enforcement authorities, banking, regulatory or supervisory authorities if reasonably required to facilitate a criminal investigation, prosecution or proceeding".

The EU underlines that the provisions of ICCAT Rec. 06-14 establish in paragraph 1(i) an obligation "to investigate allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction are engaged in the activities described [...]in Recommendation 06-12".

Rec. 06-12 clearly considers in paragraph 1.a) vessels that "harvest tunas and tuna-like species in the Convention area and are not registered on the ICCAT list of vessels authorized to fish for tuna and tuna-like species in the ICCAT Convention area" and in paragraph 1.i) vessels that "are without nationality and harvest tunas or tuna-like species in the ICCAT Convention area", which is exactly what RICOS 3 and 6 are suspected of.

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The EU is of the view that Belize should accordingly carry out further investigation in this case.

Trinidad and Tobago

The EU notes that the AIS data of two vessels that it suggested for IUU listing this year (vessels ISRAR 1 and ISRAR 2) shows that these vessels have been able to make calls in Trinidad and Tobago although they were not or no longer on the ICCAT Record of authorized vessels.

The EU suggests that Trinidad and Tobago should accordingly be requested to provide further clarification on its implementation of ICCAT Rec. 18-09.

Chinese Taipei

The EU is concerned that two vessels recently engaged in IUU activities in the ICCAT area could be under the control of Chinese Taipei nationals. The EU would therefore urge Chinese Taipei to complete investigations into the ownership of FV HALELUYA and SAGE, which are both vessels currently listed on the ICCAT IUU list and with a registered owner in Chinese Taipei (information based for vessel HALELUYA on the details available in the official ICCAT IUU list, and for vessel SAGE on the deletion certificate that The Gambia sent to ICCAT and available in ICCAT Circular 7141/2020, p. 26).

Colombia

Following the reply provided by Colombia in Doc. N.º COC-310 / 2021, the EU would like to receive further explanations on the activities carried out by FV HALELUYA, as the information provided is contradictory.

Indeed, Colombia confirmed that FV HALELUYA has been authorised to leave its port while being a stateless vessel (on 26 June 2019 and on 5 October 2019) and indicated that: "fishing during this trip was carried out (bearing in mind that we do not know the arrivals of this motor vessel) without a flag State but with a valid AUNAP license". However, Colombia also mentioned in the same document that: "Through a working panel, the maritime authority (DIMAR) and the fisheries authority (AUNAP) checked the records of departures and arrivals, which showed that the motor vessel HALELUYA did not make any fishing trips during the period in which it was unflagged, but held a valid license."

In addition, Colombia affirmed not knowing the arrivals of the vessel, but then confirmed that the vessel did not carry out any fishing activity. This would require further clarification.

The fact that FV HALELUYA has been authorised to leave port two times without having a valid registration certificate raises concerns as regards the port controls carried out by Colombian authorities.

Yours sincerely,

Anders C. JESSEN
Head of the EU Delegation to ICCAT