

Original: English

**DRAFT RECOMMENDATION BY ICCAT TO AMEND REC. 20-08
ON THE APPLICATION OF THE EBCD SYSTEM**

Proposal submitted by the Chair of the Permanent Working Group (PWG)

TAKING INTO ACCOUNT the multi-annual recovery plan for eastern Atlantic and Mediterranean bluefin tuna and the commitment to develop an electronic bluefin tuna catch document (eBCD) system;

RECOGNIZING the developments in electronic information exchange and the benefits of rapid communication with regard to the processing and management of catch information;

NOTING the ability of electronic catch documentation systems to detect fraud and deter IUU shipments, expedite the validation/verification process of bluefin tuna catch documents (BCDs), prevent erroneous information entry, reduce pragmatic workloads and create automated links between Parties including exporting and importing authorities;

RECOGNIZING the necessity to implement the eBCD system to strengthen the implementation of the bluefin tuna catch documentation program;

FOLLOWING the work of the eBCD Technical Working Group (TWG) and the system design and cost estimates presented in the feasibility study;

CONSIDERING the commitments previously made in *Recommendation by ICCAT Supplementing the Recommendation for an Electronic Bluefin Tuna Catch Document (eBCD) System* (Rec. 13-17) and the decision made at the 19th Special Meeting regarding the status of program implementation;

FURTHER RECOGNIZING the technical complexity of the system and the need for ongoing development and resolution of outstanding technical issues;

ACKNOWLEDGING the full implementation of the eBCD system since 2016;

NOTING the review in 2017 of the relevance of specific derogations and their associated deadlines;

ACKNOWLEDGING that due to the pandemic caused by COVID-19 it is difficult to have substantive discussions on conservation and management measures in particular a meaningful review of the provisions laid down in paragraphs 5b and 5d of this Recommendation which both expire on 31 December 2021;

MINDFUL that under such circumstances a rollover of these measures for a further year would offer an opportunity to revisit them in 2022;

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

1. All CPCs concerned shall, as soon as possible for eBCD system implementation, submit to the Secretariat the data necessary to ensure the registration of their users in the eBCD system. Access to and use of the system cannot be ensured for those who fail to provide and maintain the data required by the eBCD system.
2. Use of the eBCD system is mandatory for all CPCs and paper BCDs shall no longer be accepted, except in the limited circumstances specified in paragraph 6 below.
3. CPCs may communicate to the Secretariat and the TWG their experiences on technical aspects of system implementation including any difficulties experienced and identification of improvements to functionalities to enhance eBCD implementation and performance. The Commission may consider these recommendations and financial support to further develop the system.

4. The substantive provisions of Recommendation 18-13 will be applied *mutatis mutandis* to the electronic BCDs (eBCDs).
5. Notwithstanding paragraph 4 of this recommendation, the following provisions shall be applied with respect to the BCD program and its implementation through the eBCD system:
 - a) Following the recording and validation of catch and first trade in the eBCD system in accordance with part II of Recommendation 18-13, the recording of information on internal sales of bluefin tuna in the eBCD (i.e. sales occurring within one Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity (CPC) or, in the case of the European Union, within one of its Member States) is not required.
 - b) Following the recording and validation of catch and first trade in the eBCD, the domestic trade between Member States of the European Union shall be completed in the eBCD system by the seller consistent with paragraph 13 of Recommendation 18-13; however, in derogation to Recommendation 18-13, where such trade is of bluefin tuna that is in the following product forms listed on the eBCD, validation shall not be required: "fillets" (FL) or "other, specified" (OT). "Gilled and gutted" (GG), "dressed" (DR), and "round" (RD) product forms will require validation. When such product (FL and OT) is packaged for transport, however, the associated eBCD number must be written legibly and indelibly on the outside of any package containing any part of the tuna except for exempted products specified in paragraph 10 of Recommendation 18-13.

For such product (FL and OT), in addition to the requirements in the above paragraph, subsequent domestic trade to another Member State shall only take place when the trade information from the previous Member State has been recorded in eBCD system. Export from the European Union shall take place only if the previous trade between Member States has been properly recorded, and such export shall continue to require validation in the eBCD system consistent with paragraph 13 of Rec. 18-13.

The derogation in this paragraph expires on 31 December 2022. The European Union shall report to the Commission on the implementation of this derogation by 1 October each year of the derogation. This report shall include information on its process for verification and the outcomes of that process and data about these trade events, including relevant statistical information. Based on these reports and any other relevant information brought to the Commission, the Commission shall review the validation derogation at its 2022 annual meeting for decision on its possible extension.

The trade of live bluefin tuna including all trade events to and from bluefin farms must be recorded and validated in the eBCD system in accordance with the provisions of Recommendation 18-13 unless otherwise specified in this recommendation. The validation of sections 2 (catch) and 3 (live trade) in the eBCD may be completed simultaneously in derogation to paragraph 3 of Recommendation 18-13. The amending and re-validation of sections 2 and 3 in the eBCD as required by Paragraph 99 of Recommendation 18-02¹ may be completed following caging operation.

- c) Bluefin tuna harvested in sport and recreational fisheries for which sale is prohibited is not subject to the terms of Recommendation 18-13 and need not be recorded in the eBCD system.
- d) The provisions of paragraph 13 of Recommendation 18-13 for waiving government validation of tagged fish only apply when the domestic commercial tagging programs of the flag CPC for the vessel or trap that harvested the bluefin tuna under which the fish are tagged are consistent with the requirements of paragraph 21 of that recommendation and meet the following criteria:
 - i) All bluefin tuna in the eBCD concerned are individually tagged;
 - ii) Minimum information associated with the tag includes:
 - Identifying information on the catching vessel or trap;
 - Date of capture or landing;
 - The area of harvest of the fish in the shipment;

¹ Replaced by Rec. 19-04.

- The gear utilized to catch the fish;
- The type of product and individual weight of the tagged bluefin tuna, which may be done through the appending of an Annex. Alternatively for those fisheries concerned by the derogations to minimum size under the *Recommendation by ICCAT Establishing a Multi-Annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean Sea* (Rec. 18-02)¹, CPCs may instead provide the approximate weight of individual fish within the catch upon offloading, which is determined through representative sampling. This alternative approach shall apply through 2022 unless extended by the Commission after considering CPC reports on its implementation;
- Information on the exporter and importer (where applicable);
- The point of export (where applicable).

iii) Information on tagged fish is compiled by the responsible CPC.

- e) Bluefin tuna that die during the transfer, towing, or caging operations foreseen by paragraphs 86 to 102 of Recommendation 18-02¹ prior to harvesting may be traded by the purse seine vessel, auxiliary/support vessel(s), and/or farm representatives, where applicable.
- f) Bluefin tuna that are caught as by-catch in the eastern Atlantic and Mediterranean by vessels not authorized to fish actively for bluefin tuna pursuant to Rec. 18-02¹ may be traded. In order to improve the functioning of the eBCD system access to the system by CPC authorities, port authorities and/or through authorised self-registration shall be facilitated, including by way of their national registration number. Such registration only permits access to the eBCD system and does not represent an authorisation by ICCAT; hence no ICCAT number will be issued. Flag CPCs of the vessels concerned are not required to submit a list of such vessels to the ICCAT Secretariat.
- g) The requirement in paragraph 13 b) of Recommendation 18-13 providing that BCDs may only be issued when the accumulated validated amounts are within their quotas or catch limits of each management year, does not apply to CPCs whose domestic legislation requires that all dead or dying fish be landed, provided that the value of the catch is subject to confiscation in order to prevent the fishermen from drawing any commercial profit from such fish. The CPC shall take necessary measures to prevent the confiscated fish from being exported to other CPCs.
- h) Paper BCDs shall continue to be used for the trade of Pacific bluefin tuna until such time as the functionality for such tracking is developed within the eBCD system. Such functionality will include the data elements listed in Annexes 1 and 2 unless otherwise decided to address future data collection needs.
- i) The trade section of an eBCD shall be validated prior to export. The buyer information in the trade section must be entered into the eBCD system as soon as available and prior to re-export.
- j) Access to the eBCD system shall be granted to ICCAT non-CPCs to facilitate trade of bluefin tuna. Until such time as the functionality is developed that allows non-CPC access to the system, this shall be accomplished through completion by the non-CPC of paper BCD program documents consistent with the terms of paragraph 6 and submission to the ICCAT Secretariat for entry into the eBCD system. The Secretariat shall communicate without delay to those non-CPCs known to trade in Atlantic bluefin tuna to make them aware of the eBCD system and the provisions of the BCD program applicable to them.
- k) To the extent possible, reports generated from the eBCD system shall fulfill the annual reporting requirements in paragraph 34 of Recommendation 18-13. CPCs shall also continue to provide those elements of the annual report that cannot be produced from the eBCD system. The format and content of any additional reports will be determined by the Commission taking into account appropriate confidentiality rules and considerations. At a minimum, reports shall include catch and trade data by the CPCs that are appropriately aggregated. CPCs shall continue to report on their implementation of the eBCD system in their Annual Reports.

¹ Replaced by Rec. 19-04.

6. Paper BCD documents (issued pursuant to Recommendation 18-13) or printed eBCDs may be used in the following cases:
- a) Landings of quantities of bluefin tuna less than one metric ton or three fish. Such paper BCDs shall be converted to eBCDs within a period of seven working days or prior to export, whichever is first.
 - b) Bluefin tuna caught prior to the full implementation of the eBCD system as specified in paragraph 2.
 - c) Notwithstanding the requirement to use the eBCD system in paragraph 2, paper BCDs or printed eBCDs may be used as a back-up in the limited event that technical difficulties with the system arise that preclude a CPC from using the eBCD system, following the procedures as set forth in **Annex 3**. Delays by CPCs in taking necessary actions, such as providing the data necessary to ensure the registration of users in the eBCD system or other avoidable situations, do not constitute an acceptable technical difficulty.
 - d) In the case of trade of Pacific bluefin tuna as specified in paragraph 5(h).
 - e) In the case of trade between ICCAT CPCs and non-CPCs where access to the eBCD system through the Secretariat (pursuant to paragraph 5(j) above) is not possible or is not timely enough to ensure the trade is not unduly delayed or disrupted.

The use of a paper BCD document in the cases specified in sub-paragraphs a) through e) shall not be cited by importing CPCs as a reason to delay or deny import of a bluefin tuna shipment provided it complies with the existing provisions of Recommendation 18-13 and relevant provisions of this recommendation. Printed eBCDs that are validated in the eBCD system satisfy the validation requirement stipulated in paragraph 3 of Recommendation 18-13.

Where requested by a CPC, conversion of paper BCDs to eBCDs shall be facilitated by the ICCAT Secretariat or through the creation in the eBCD system of user profiles for CPC authorities at their request for this purpose, as appropriate.

7. The Technical Working Group shall continue its work and, through the ICCAT Secretariat, inform the developing consortium of the specifications on required system developments and adjustments and steer their implementation.
8. This recommendation clarifies Recommendation 18-02¹ and clarifies and amends Recommendation 18-13.
9. This Recommendation repeals and replaces the *Recommendation by ICCAT Replacing Recommendation 17-09 on the Application of the EBCD System* (Rec. 18-12).

¹ Replaced by Rec. 19-04.

Annex 1

Data requirement for the Trade of Pacific Bluefin Tuna under the BCD program

Section 1: Bluefin Tuna Catch Document Number

Section 2: Catch information

Name of catching vessel/trap

Flag/CPC

Area

Total weight (kg)

Section 8: Trade information

Product description

- (F/FR; RD/GG/DR/FL/OT)
- Total weight (NET)

Exporter/seller information

- Company name
- Point of export/departure
- State of destination

Transportation description

Government validation

Importer/buyer

- Company name, license number
- Point of import or destination

Annex 2

ICCAT Bluefin Tuna Re-Export Certificate

Section 1. Bluefin Tuna Re-Export Certificate Number

Section 2: Re-export section

Re-export country/entity/fishing entity

Point of re-export

Section 3: Description of imported bluefin tuna

Net weight (kg)

BCD (or eBCD) number and date(s) of importation

Section 4: Description of bluefin tuna for re-export

Net weight (kg)

Corresponding BCD (or eBCD) number

State of destination

Section 6: Government validation

Annex 3

**Procedures to allow the issuance of paper BCDs or printed eBCDs
due to technical difficulties with the eBCD system**

A. If the technical difficulty occurs during working hours of the Secretariat and the eBCD implementing consortium:

1. As an initial step, the CPC encountering the technical difficulty shall contact the implementing consortium to confirm and try to resolve the technical difficulty and also include the Secretariat in these communications. The implementing consortium shall provide an acknowledgement of the technical difficulty to the CPC.
2. In the case where a technical difficulty that has been confirmed by the implementing consortium cannot be resolved before a trade event must occur, the CPC shall inform the Secretariat of the nature of the technical difficulty and provide it with the information set out in the attached **Appendix** as well as a copy of the confirmation of the technical difficulty from the implementing consortium.
3. The Secretariat shall notify other CPCs that paper BCDs may temporarily be used by the CPC encountering the technical difficulty by posting the information provided in paragraph 2 above on the public part of the ICCAT website without delay. The CPC may then use a paper BCD or a printed eBCD for the trade event.
4. A CPC encountering the technical difficulty shall continue to work with the implementing consortium and, as appropriate, the Secretariat to resolve the issue.
5. The CPC shall report when the technical difficulty has been resolved, either through the eBCD system self-reporting incident site or to the Secretariat, for immediate posting on the ICCAT website. The CPC will then follow the procedures in Section C, below.

B. If the technical difficulty occurs outside working hours of the Secretariat and the eBCD implementing consortium:

1. The CPC encountering the technical difficulty shall immediately communicate to the Secretariat and the implementing consortium via email that it is unable to use the eBCD system with an explanation of the technical difficulty encountered. To proceed with a trade, the CPC must then access the self-reporting incident site to enter the required information specified in the attached **Appendix**. Through the site, this information will be automatically uploaded to the ICCAT website to notify other CPCs that paper BCDs or printed eBCDs may temporarily be used by the CPC encountering the technical difficulty. The CPC may then use a paper BCD or a printed eBCD for the trade event.
2. If the technical difficulty is not resolved before the start of the next business day of the Secretariat and the implementing consortium, the CPC encountering the technical difficulty shall contact the implementing consortium and, as needed, the Secretariat, as soon as possible during that next business day in order to resolve the technical difficulty.
3. The CPC shall report when the technical difficulty has been resolved, either through the self-reporting incident site or the Secretariat, for immediate posting on the ICCAT website. The CPC will then follow the procedures in Section C, below.

C. In all cases where a paper BCD or printed eBCD has been used in accordance with the procedures specified in sections A or B above, the following also applies:

1. The CPC shall resume use of the eBCD system as soon as the technical difficulty is resolved.

2. Paper BCDs shall be converted into an eBCD by the CPC that used the paper BCD or by the ICCAT Secretariat if the CPC requests it to do so, as soon as possible following resolution of the technical difficulty. In case that conversion cannot be fully completed by the CPC that used the paper BCD, it shall contact those CPCs which received the paper BCD and request its cooperation to complete the conversion for the e-BCD sections directly under the responsibility of the CPC which received a paper BCD. Such CPC that carried out or requested the conversion of the paper BCD shall be responsible for reporting to the Secretariat that the technical difficulty has been resolved, and, where appropriate, uploading relevant information to the self-reporting incident site. As soon as possible after resolution of the technical difficulty, a CPC that has received a paper BCD shall take appropriate actions to ensure that the paper BCD is not used for subsequent trade events.
 3. Where a printed eBCD has been used, CPCs shall ensure that any missing data from the eBCD record is uploaded into the eBCD system as soon as the technical difficulty is resolved for the sections under their direct responsibility.
 4. Paper BCDs or printed eBCDs may continue to be used until such time as the technical difficulty is resolved and the paper BCDs concerned are converted into eBCDs in accordance with the procedure above.
 5. Once a paper BCD has been converted to an eBCD, all subsequent trade events of product associated with that paper BCD shall be carried out only in the eBCD system.
- D. In the case of technical difficulties experienced by importing CPCs, the importing CPC may request the exporting CPC concerned to issue a paper BCD or printed eBCD to support trade after notice of the technical difficulty has been posted on the ICCAT website in accordance with the procedures specified in sections A or B above. The exporting CPC shall verify that the notification of the technical difficulty is posted on the ICCAT website before issuing the paper BCD or printed eBCD. Importing CPCs shall report when the technical difficulty has been resolved, either through the self-reporting incident site or the Secretariat, for immediate posting on the ICCAT website.
- E. Throughout the year, the Secretariat shall compile information on cases where a CPC reported a technical difficulty and/or paper documents were issued, for review by the PWG at the subsequent ICCAT Annual meeting. If the PWG determines that the reporting procedures set forth above were not followed or that the use of paper was not otherwise consistent with the provisions of this Recommendation, the PWG will consider appropriate actions, including possible referral to the Compliance Committee, if appropriate.
- F. The procedures set forth above will be reviewed in 2019 and revised, as appropriate.

Appendix

- Date
- CPC
- BCD(s) concerned
- Summary of Issue
- Date of resolution
- Incidence Number (if available)