

**EXPLANATORY NOTE TO DRAFT RECOMMENDATION BY ICCAT TO AMEND  
RECOMMENDATION 18-13 BY ICCAT REPLACING RECOMMENDATION 11-20  
ON AN ICCAT BLUEFIN TUNA CATCH DOCUMENTATION PROGRAM**

*Proposal by Norway*

According to Recommendation 18-13 by ICCAT replacing Recommendation 11-20 on an ICCAT bluefin tuna catch documentation program, a Bluefin Tuna Catch Document (BCD) shall be completed for each bluefin tuna. The BCD must be validated, and this shall be done, amongst others, only when the accumulated validated amounts are within "their quotas or catch limits of each management year". According to paragraph 13b of Recommendation 18-13, there is an exemption for CPCs whose domestic legislation requires that all dead or dying fish be landed, where the BCD can still be validated even if the amounts of bluefin tuna is not within their quotas or catch limits of each management year, provided that the CPC takes necessary measures to prevent the confiscated fish from being exported to other CPCs. The wording in paragraph 13b is unclear, and this causes fish, which could have been exported from Norway, to be destructed. Recommendation 18-12 on the application of the eBCD system has a similar derogation as Recommendation 18-13.

In the case of Norway, there is a general requirement in the Norwegian Marine Resources Act (Section 15) and the Regulations relating to Seawater Fisheries (Section 48) that all dead or dying fish be landed. This means that even if a vessel exceeds its quota, the vessel is not allowed to release dead or dying fish back into the sea.

In 2021 two Norwegian vessels exceeded their vessel quota for bluefin tuna in 2021. The reason for the overfishing was large schools of bluefin tuna which made it difficult for the fishermen to limit the catch. The Norwegian bluefin tuna season in Norway is unpredictable in the way that the season is highly affected by the weather conditions. The fishermen fishing for bluefin tuna also participate in other fisheries, such as mackerel.

The Norwegian legislation requires, as mentioned above, that all dead or dying fish be landed. The value of the fish which exceeds the vessel quota is subject to confiscation. Due to the regulation in Recommendation 18-13, the catch exceeding the vessel quota does not, as we understand it, qualify for export. Thus, the bluefin tuna mentioned above could only be sold on the domestic market. The Norwegian market is, as of today, relatively small, and the fish ended up being destructed.

We believe that the intention in paragraph 13b is to prevent overfishing of the national quota. As long as a vessel is overfishing its quota and there is still a quota left on national level, a catch should not be prevented from being exported. In the Norwegian case, it is important to stress that if the bluefin tuna which exceeded the quota had been exported, the money from the sale would have been confiscated by the Norwegian government. The fishermen would thus, not have received more money, but Norway would have been able to utilize high quality fish which has been fished within the Norwegian quota instead of destroying the fish. On that note, Norway is of the opinion that it is problematic to destroy fish which could have been used for human food. In order to avoid catch, which is within the national quota, from being destroyed in the future, Norway suggest that a clarification is made in Rec. 18-13.

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b) The CPCs shall validate the BCD for all bluefin tuna products only when all the information contained in the BCD has been established to be accurate as a result of the verification of the consignment, and only when the accumulated validated amounts are within their quotas or catch limits of each management year, including, where appropriate, individual quotas allocated to catching vessels or traps, and when those products comply with other relevant ICCAT provisions of the conservation and management measures.

The requirement that CPCs shall only validate BCDs 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 CPCs shall take necessary measures to prevent catch, which is over its total allowable catch (TAC), the confiscated fish ~~from~~ being exported to other CPCs.”