

DRAFT RECOMMENDATION TO PROMOTE COMPLIANCE BY NATIONALS OF CONTRACTING PARTIES, COOPERATING NON-CONTRACTING PARTIES, ENTITIES, OR FISHING ENTITIES WITH ICCAT CONSERVATION AND MANAGEMENT MEASURES REPEALING AND REPLACING RECOMMENDATION 06-14

(Submitted by the European Union)

CONVINCED that illegal, unreported and unregulated (IUU) fishing compromises the objectives of the Convention,

CONCERNED that some flag States do not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the Convention area, and that as a result these vessels are not under the effective control of such flag States,

AWARE that the lack of effective control facilitates fishing by these vessels in the Convention area in a manner that undermines the effectiveness of ICCAT conservation and management measures, and can lead to illegal, unreported and unregulated (IUU) fishing,

CONCERNED that vessels that carry out activities in the Convention area which do not comply with the ICCAT conservation and management measures are benefiting from the support provided by persons subject to the jurisdiction of Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs), including, *inter alia*, through participation in transshipment, transport and trade of illegally harvested catches or engagement on board or in the management of these vessels,

CONSCIOUS that, without prejudice to the primacy of the responsibility of the Flag State, taking action in accordance with existing domestic law against individuals who engage in, or support, IUU fishing can be an effective way to combat IUU fishing,

MINDFUL of the fact that international corporate structures, insurance providers and other financial arrangements are often employed by IUU operators to limit their liability and avoid legitimate acceptable codes of behaviour, the CPCs undertake to encourage and support investigation of such practices,

NOTING that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing calls on States to take measures to discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures,

RECALLING that CPCs should cooperate in taking appropriate action to deter any activities, which are not consistent with the objective of the Convention,

RESOLVED to reinforce its integrated administrative and political measures aiming at eliminating IUU fishing in the ICCAT Convention area,

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

1. Without prejudice to the primacy of the responsibility of the flag State, the CPCs shall take appropriate measures, subject to and in accordance with their applicable laws and regulations:
 - (i) to investigate and to verify any allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction who engaged in, benefited from or supported the activities described (e.g., as operators, owners, including beneficial owners, logistics and service providers, including of insurance and other financial services), *inter alia*, in paragraph 1 of 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. 18-08).

- (ii) to take appropriate, effective and deterrent action in response to any verified activities referred to in paragraph 1(i); and
 - (iii) to cooperate for the purpose of implementing the measures and actions referred to in paragraph 1(i). To this end, relevant agencies of CPCs should cooperate to implement ICCAT conservation and management measures and CPCs shall seek cooperation by industries within their jurisdiction.
2. To assist with the implementation of this recommendation, CPCs shall, subject to national laws on confidentiality, submit reports to the ICCAT Secretariat and the CPCs on the actions and measures taken in accordance with paragraph 1, in a timely fashion.
 3. Recommendation 06-14 is repealed and replaced by this Recommendation.