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DRAFT RECOMMENDATION AMENDING RECOMMENDATION 13-13 BY ICCAT CONCERNING THE ESTABLISHMENT OF AN ICCAT RECORD OF VESSELS 20 METRES IN LENGTH OVERALL OR GREATER AUTHORIZED TO OPERATE IN THE CONVENTION AREA
(Submitted by the European Union and the United States)

RECALLING that ICCAT adopted at its 2000 meeting a *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area* (Rec. 00-17),

FURTHER RECALLING that ICCAT adopted at its 1994 meeting a *Resolution by ICCAT Regarding the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas* (Res. 94-08),

FURTHER RECALLING that the Commission has been taking various measures to prevent, deter and eliminate the illegal, unreported and unregulated (IUU) fisheries conducted by large-scale tuna fishing vessels,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential of operating in the Convention area without timely registration with the Commission,

RECALLING that the FAO Council adopted on June 23, 2001 an International Plan of Action (IPOA) aiming to prevent, to deter and to eliminate illegal, unreported and unregulated fishing, that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

FURTHER RECALLING that the Commission, in 2002, established an ICCAT Record of Vessels 24 meters in length overall or greater and then, in 2009, expanded the list to include all vessels 20 meters in length overall or greater,

FURTHER NOTING that the International Maritime Organization's Maritime Safety Committee, at its 92nd meeting, approved amendments to the IMO Ship Identification Number Scheme that remove the exclusion of vessels solely engaged in fishing, which will be considered for final adoption by IMO Assembly at its 28th meeting in November 2013,

ACKNOWLEDGING that in 2017 the International Maritime Organization adopted Resolution A.1117(30), expanding the IMO Number eligibility criteria to all motorised inboard fishing vessels, including wooden ones, down to a size limit of 12 metres authorised to operate outside waters under the national jurisdiction of the flag State,

RECOGNIZING the utility and practicality of using IMO numbers as a unique vessel identifier (UVI) for fishing vessels,

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

1. The Commission shall establish and maintain an ICCAT record of fishing vessels 20 meters in length overall or greater (hereinafter referred to as "large scale fishing vessels" or "LSFVs") authorized to fish for tuna and tuna-like species in the Convention area. For the purpose of this recommendation, LSFVs not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species or species taken in association with those species.
2. Each CPC shall submit to the ICCAT Executive Secretary, the list of its LSFVs that are authorized to operate in the Convention area. The initial list and any subsequent changes shall be submitted electronically in a format provided by the Secretariat. This list shall include the following information:
 - Name of vessel, register number
 - IMO or LR number*
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign (if any)
 - Type of vessels, length, and gross registered tonnage (GRT), or, where possible, Gross Tonnage (GT)
 - Name and address of owner(s) and operator(s)
 - Gear used
 - Time period authorized for fishing and/or transshipping. However, in no case shall the authorization period include dates more than 45 days prior to the date of submission of the list to the Secretariat.

The ICCAT record shall consist of all LSFVs submitted under this paragraph.

3. Each CPC shall promptly notify the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record at any time such changes occur. Periods of authorization for modifications or additions to the list shall not include dates more than 45 days prior to the date of submission of the changes to the Secretariat. The Secretariat shall remove from the ICCAT Record of Vessels any vessel for which the period of authorization has expired.
4. The ICCAT Executive Secretary shall maintain the ICCAT record, and take any measure to ensure publicity of the record and make the record available through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements noted by CPCs.
5. The flag CPCs of the vessels on the record shall:
 - a) Authorize their LSFVs to operate in the Convention area only if they are able to fulfill in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures;
 - b) Take necessary measures to ensure that their LSFVs comply with all the relevant ICCAT conservation and management measures;
 - c) Take necessary measures to ensure that their LSFVs on the ICCAT record keep on board valid certificates of vessel registration and valid authorization to fish and/or transship;
 - d) Ensure that their LSFVs on the ICCAT record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their LSFVs are not engaged in or associated with IUU fishing;

* All LSFVs must obtain an IMO or LR number unless an exception specified in paragraph 7 of this recommendation applies.

- e) Ensure, to the extent possible under domestic law, that the owners and operators of their LSFVs on the ICCAT record are not engaged in or associated with tuna fishing activities conducted by LSFVs not entered into the ICCAT record in the Convention area; and
 - f) Take necessary measures to ensure, to the extent possible under domestic law, that the owners of the LSFVs on the ICCAT record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. Flag CPCs shall authorize their commercial LSFVs to operate in the Convention area only if the vessel has an IMO number or a number in the seven-digit numbering sequence allocated by IHS-Fairplay (LR number), as applicable. Vessels without such a number shall not be included in the ICCAT record.
 7. Paragraph 6 shall not apply to:
 - a) LSFVs unable to obtain an IMO/LR number, provided that the flag CPC provides an explanation of its inability to obtain an IMO/LR number in its submission of information pursuant to paragraph 2.
 - b) Wooden LSFVs that are not authorized to fish on the high seas, provided that the flag CPC notifies the Secretariat of the LSFVs for which it is exercising this exemption in its submission of information pursuant to paragraph 2.
 8. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report any relevant results of the review to the Commission at its annual meeting. In consideration of any CPC reports on the relevant results of such reviews, the Commission shall, if appropriate, request the flag CPCs of LSFVs on the ICCAT record to take further action to enhance compliance by those vessels to ICCAT conservation and management measures.
 9.
 - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species, and species taken in association with those species, by the LSFVs which are not entered into the ICCAT record.
 - b) To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs or, if the vessel is under a charter arrangement, the exporting CPC shall validate statistical documents only for the LSFVs on the ICCAT record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by LSFVs in the Convention area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the ICCAT record and,
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall cooperate to ensure that statistical documents are not forged or do not contain misinformation.
 10. Each CPC shall notify the ICCAT Executive Secretary of any factual information showing that there are reasonable grounds for suspecting LSFVs not on the ICCAT record to be engaged in fishing for and/or transshipment of tuna and tuna-like species and species taken in association with those species in the Convention area.
 11.
 - a) If a vessel mentioned in paragraph 10 is flying the flag of a CPC, the Executive Secretary shall request that CPC to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the Convention area.

- b) If the flag of a vessel mentioned in paragraph 10 cannot be determined or is of a non-Contracting Party without cooperating status, the Executive Secretary shall compile such information for future consideration by the Commission.
12. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU LSFVs from the Atlantic to other oceans.
13. The *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) is repealed and replaced in its entirety by this Recommendation. The *Recommendation by ICCAT to Harmonize and Guide the Implementation of Vessel Listing Requirements* (Rec. 14-10) is replaced by provisions in this Recommendation.