

**Discussion Paper: Exceptions to ICCAT's authorized vessel listing requirements
for vessels taking ICCAT species as bycatch**

(Prepared by the United States)

A number of ICCAT conservation and management recommendations include vessel listing provisions that supplement the requirements of *Recommendation by ICCAT Amending Recommendation 13-13 Concerning the Establishment of an ICCAT Record of Vessels 20 Meters in Length Overall or Greater Authorized to Operate in the Convention Area* (Rec. 21-14). The conservation and management recommendations with such provisions include tropical tunas, North Atlantic swordfish, South Atlantic swordfish, Mediterranean swordfish, North Atlantic albacore, and South Atlantic albacore. Each of these measures include exceptions from inclusion on authorized vessel lists for vessels that harvest these species as bycatch. See **Table 1** below. At the 2021 ICCAT Annual Meeting, the United States expressed concern that these provisions undermine monitoring and control of the relevant fisheries and suggested the Commission consider eliminating them. To facilitate consideration of this issue, we agreed to submit a discussion paper on this matter at the 2022 ICCAT Annual meeting. A further explanation of our concerns with respect to these provisions follows.

The provisions of the species recommendations allow vessels to be excluded from the relevant species-specific list of authorized vessels if the CPC establishes a maximum onboard bycatch limit for such vessels and the bycatch in question is accounted for within the CPC's quota or catch limit. Each CPC is required to explain how it implements this provision and manages these vessels in its Annual Report. We note that this information is to be compiled by the ICCAT Secretariat and made available to CPCs. We look forward to reviewing the Secretariat's compilation of this information, which should help in the consideration of this matter, at the 2022 ICCAT Annual meeting.

This issue was discussed at the *14th Meeting of 2021 Integrated Monitoring Measures (IMM) Working Group* meeting, where it was noted that incomplete species-specific authorized vessel lists mean importers, port inspectors, and others cannot immediately verify whether a vessel is authorized to land certain species. The United States is concerned that these vessel listing derogations can represent a significant loophole with respect to the monitoring and control of ICCAT fisheries. Vessel listing derogations can make it more difficult to verify the legality of catch and hinder trade-tracking and the implementation of other monitoring, control, and surveillance (MCS) measures. Such has been the case in some recent at-sea sightings of foreign fishing vessels. The United States has sighted vessels catching bigeye tuna but because they were retaining bigeye tuna as bycatch, these vessels were not on the authorized vessel list. To verify that the vessels were harvesting bigeye tuna legally required time-consuming outreach to the relevant CPC. Had the vessel been on the ICCAT record of authorized vessels for tropical tunas, it would have been an easy matter to verify the situation in real-time by reviewing the ICCAT vessel record, which is available online. Improving this aspect of ICCAT's vessel listing requirements is also essential from the standpoint of ICCAT's current and potential future catch documentation schemes (CDS) since effective CDS in ICCAT rely at least in part on robust authorized vessels lists. The bottom line is that addressing the loophole created by these vessel listing derogations will make the ICCAT authorized vessel list a more robust and useful tool to assist in the implementation of MCS measures by ICCAT CPCs and port States globally.

All that said, the U.S. intention is not to prohibit vessels that very rarely catch a non-target but otherwise legal species from landing or trading that catch. Rather, it is to ensure that vessels that are known to regularly take these species as bycatch are included on ICCAT's relevant record of authorized vessels. If additional edits are necessary to measures in order to make this intention clear, they should be considered by the relevant Panel.

The United States asks that the PWG discuss this important issue and that each Panel reconsider these provisions during the negotiation of new management measures. The United States will suggest that such provisions be struck in relevant management measures on the table for negotiations this year. The United States also suggests that the COC review which CPCs have complied with their reporting requirements relevant to these provisions in their Annual Reports.

Table 1. Bycatch exception provisions currently in force.

<i>Rec.</i>	<i>Species</i>	<i>Paragraph</i>
21-01	Tropical Tunas	43. A CPC may allow by-catch of tropical tunas by vessels not authorized to fish for tropical tunas pursuant to paragraph 41 and 42, if this CPC establishes a maximum onboard by-catch limit for such vessels and the by-catch in question is accounted for within the CPC's quota or catch limit. Each CPC shall provide in its Annual Report the maximum by-catch limit it allows for such vessels and information about how the CPC ensures compliance with the limit. That information shall be compiled by the ICCAT Secretariat and made available to CPCs.
17-02	North Atlantic Swordfish	14. CPCs may allow bycatch of North Atlantic swordfish by vessels not authorized to fish for North Atlantic swordfish pursuant to paragraph 13, if the CPC establishes a maximum onboard bycatch limit for such vessels and the bycatch in question is accounted for within the CPC's quota or catch limit. Each CPC shall provide in its Annual Report the maximum bycatch limit it allows for such vessels. That information shall be compiled by the ICCAT Secretariat and made available to CPCs.
17-03	South Atlantic Swordfish	9. CPCs may allow bycatch of South Atlantic swordfish by vessels not authorized to fish for South Atlantic swordfish pursuant to paragraph 8, if the CPC establishes a maximum on board bycatch limit for such vessels and that the bycatch in question is accounted for within the CPC's quota or catch limit. Each CPC shall provide in its Annual Report the maximum bycatch limit it allows for such vessels. That information shall be compiled by the ICCAT Secretariat and made available to CPCs.
16-05	Mediterranean Swordfish	30. CPCs may allow by-catch of Mediterranean swordfish by vessels not authorised to fish actively Mediterranean swordfish, as referred to under paragraph 27 of this recommendation, if the CPCs establish a maximum by-catch limit per vessel and per fishing operation and that the by-catch in question are deducted from the CPC's TAC. Each CPC shall provide, in its fishing plan referred to under paragraph 10 of this recommendation, the maximum by-catch limit it allows for its vessels.
21-04	North Atlantic Albacore	13. CPCs may allow bycatch of North Atlantic albacore by vessels not authorized to fish for North Atlantic albacore pursuant to paragraph 12, if the CPC establishes a maximum onboard bycatch limit for such vessels and the bycatch in question is accounted for within the CPC's quota or catch limit. Each CPC shall provide in its Annual Report the maximum bycatch limit it allows for such vessels. That information shall be compiled by the ICCAT Secretariat and made available to CPCs.
16-07	Southern Atlantic Albacore	11. CPCs may allow bycatch of southern Atlantic albacore by vessels not authorized to fish southern Atlantic albacore pursuant to paragraph 10, if the CPC establishes a maximum onboard bycatch limit for such vessels and the bycatch is accounted for within the CPC's catch limit. Each CPC shall provide in its Annual Report the maximum bycatch limit it allows for such vessels. That information shall be compiled by the ICCAT Secretariat and made available to CPCs.