

#4

10-01

BET

**RECOMMENDATION BY ICCAT  
TO AMEND THE RECOMMENDATION  
BY ICCAT ON A MULTI-YEAR CONSERVATION AND MANAGEMENT  
PROGRAM FOR BIGEYE TUNA**

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

1. The terms of the 2004 *Recommendation by ICCAT on a Multi-Year Conservation and Management Program for Bigeye Tuna* [Rec. 04-01] shall be extended through 2011 except for:

- The Total Allowable Catch (TAC) for 2011 is 85,000 t.
- The following catch limits shall be applied for 2011:

<i>CPC</i>	<i>Catch limit 2011</i>
China	5,572
European Union	22,667
Ghana	4,722
Japan	23,611
Panama	3,306
Philippines	1,983
Korea	1,983
Chinese Taipei	15,583

- For developing coastal CPCs not shown in the above table, if the catch exceeds 3,500 t, in 2011, an appropriate catch limit shall be established for that CPC for the following years.
  - Notwithstanding the *Recommendation by ICCAT on a Multi-year Conservation and Management Program for Bigeye Tuna* [Rec. 04-01], the *Recommendation by ICCAT Regarding Chinese Taipei* [Rec. 06-01] and the *Recommendation by ICCAT to Amend the Recommendation by ICCAT on a Multi-year Conservation and Management Program for Bigeye Tuna* [Rec. 09-01], Chinese Taipei may allow 75 longline vessels, Philippines 10 vessels and Korea 16 vessels to fish for bigeye tuna in the Convention area in 2011.
2. All underages or overages of the annual catch limit of bigeye tuna in 2011 may be added to or shall be deducted from the annual catch limit in 2012 and/or 2013.
3. The 3000 t transfer of bigeye tuna catch limit from Japan to China in 2011 and the 800 t transfer of bigeye tuna catch limit from Japan to Korea in 2011 shall be authorized.

**RECOMMENDATION BY ICCAT  
FOR THE CONSERVATION OF NORTH ATLANTIC SWORDFISH**

*RECALLING* the *Supplemental Recommendation by ICCAT to Amend the Rebuilding Program for North Atlantic Swordfish* [Rec. 06-02] and its amendments [Rec. 08-02] and [Rec. 09-02];

*TAKING INTO ACCOUNT* the management recommendation from the SCRS that in order to maintain the stock at a level that could produce MSY, with greater than 50% probability, the catch limits should be reduced to no more than 13,700 t;

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

1. The Contracting Parties, and non-Contracting Parties, Entities or Fishing Entities (CPCs) whose vessels have been actively fishing for swordfish in the North Atlantic shall take measures to ensure the conservation of North Atlantic swordfish with the goal of maintaining  $B_{MSY}$ , with greater than 50% probability.
2. For this purpose, a total allowable catch (TAC) of 13,700 t shall be set for 2011.
3. The catch limits for 2011 shall be as indicated below:

	<i>Catch limit 2011</i>
European Union	6,718*
United States	3,907*
Canada	1,348*
Japan	842*
Morocco	850
Mexico	200
Brazil	50
Barbados	45
Venezuela	85
Trinidad & Tobago	125
United Kingdom (OTs)	35
France (St. Pierre et Miquelon)	40
China	75
Senegal	400
Korea	50
Belize	130
Philippines	25
Côte d'Ivoire	50
St. Vincent & the Grenadines	75
Vanuatu	25
Chinese Taipei	270

\* Catch limits of these four CPCs are based upon quota allocation shown in 3.c) of the 2006 *Supplemental Recommendation by ICCAT to Amend the Rebuilding Program for North Atlantic Swordfish* [Rec. 06-02].

- (1) The United States may harvest up to 200 t of its annual catch limit within the area between 5 degrees North latitude and 5 degrees South latitude.
- (2) For each year of this catch quota allocation, the United States will transfer 25 t to Canada. This transfer does not change the relevant shares of Parties as reflected in the above allocation.
- (3) The European Union shall be allowed to count up to 200 t of its swordfish catch taken from the South Atlantic management area against its uncaught North Atlantic swordfish quota.
- (4) The 100 t transfer of swordfish catch limit from Senegal to Canada in 2011 shall be authorized.
- (5) The 20 t transfer of swordfish catch limit from EU to France (St. Pierre et Miquelon) shall be authorized.
- (6) The 50 t transfer from Japan to Morocco shall be authorized.

4. If the total catch exceeds the TAC of 13,700 t in 2011, the exceeded amount, except for the possible overage of each CPC over its adjusted quota, shall be deducted from the quotas in 2013 on a *pro rata* basis of the 2011 quotas.
5. The Commission shall establish at its 2011 meeting a multi-year conservation and management plan with the goal of maintaining  $B_{MSY}$ , with greater than 50% probability, on a basis of the SCRS advice. Each CPC shall submit to the Secretariat by 15 September, 2011, a report on history of its swordfish fishing and a development/management plan of its swordfish fishery. Consideration of the multi-year conservation and management plan in 2011 shall be based upon those reports and development/management plans as well as the *ICCAT Criteria for the Allocation of Fishing Possibilities* [rec. 01-25].
6. In advance of the next assessment of North Atlantic swordfish, the SCRS shall develop a Limit Reference Point (LRP) for this stock. Future decisions on the management of this stock shall include a measure that would trigger a rebuilding plan, should the biomass decrease to a level approaching the defined LRP as established by the SCRS.
7. Any unused portion or excess of the annual adjusted quota may be added to/shall be deducted from, according to the case, the respective quota/catch limit during or before the adjustment year, in the following way:

<i>Catch year</i>	<i>Adjustment year</i>
2009	2011
2010	2012
2011	2013

However, the maximum underage that a Party may carryover in any given year shall not exceed 50% of the original quota.

8. Provisions of the *Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries* [Rec. 96-14] adopted at the 1996 Commission Meeting, and of paragraph 7 above, shall be applied to the implementation of the individual quotas in paragraph 3 and for over-harvests that occurred in 2009 and/or 2010, for each CPC. Each year is considered a separate management period, as that term is used in the *Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries*, except for Japan, for which the management period is three years (2009-2011).
9. If Japan's landings exceed its quota in any year, the overage shall be deducted in subsequent years so that total landings for Japan shall not exceed its total quota for the three-year period commencing in 2009. When annual landings by Japan are less than its quota, the underage may be added to the subsequent years' quota, so that total landings by Japan do not exceed its total for the same three-year period. Any underages or overages from the 2007-2008 management period shall be applied to the three-year management period specified herein.
10. Japan shall be allowed to count up to 400 t of its swordfish catch taken from the part of the North Atlantic management area that is East of 35°W and South of 15°N, against its uncaught South Atlantic swordfish quota;
11. Japan shall implement a national observer program on 8% of vessels operating in the North Atlantic by the end of 2011.
12. All CPCs catching swordfish in the North Atlantic shall endeavor to provide annually the best available data to the SCRS, including catch, catch at size, location and month of capture on the smallest scale possible, as determined by the SCRS. The data submitted shall be for broadest range of age classes possible, consistent with minimum size restrictions, and by sex when possible. The data shall also include discards and effort statistics, even when no analytical stock assessment is scheduled. The SCRS shall review these data annually.
13. In order to protect small swordfish, CPCs shall take the necessary measures to prohibit the taking of and landing of swordfish in the entire Atlantic Ocean weighing less than 25 kg live weight, or in alternative, 125 cm lower jaw fork length (LJFL); however, the CPCs may grant tolerances to boats which have incidentally captured small fish, with the condition that this incidental catch shall not exceed 15 percent of the number of swordfish per landing of the total swordfish catch of said boats.
14. Notwithstanding the provisions of paragraph 13, any CPCs may choose, as an alternative to the minimum size

of 25 kg/ 125 cm LJFL, to take the necessary measures to prohibit the taking by its vessels in the Atlantic Ocean, as well as the landing and sale in its jurisdiction, of swordfish (and swordfish parts), less than 119 cm LJFL, or in the alternative 15 kg, provided that, if this alternative is chosen, no tolerance of swordfish smaller than 119 LJFL, or in the alternative 15 kg, shall be allowed. A Party that chooses this alternative shall require appropriate record keeping of discards.

The SCRS should continue to monitor and analyze the effects of this measure on the mortality of immature swordfish.

15. Notwithstanding the provisions of Article VIII, paragraph 2, of the Convention, with respect to the annual individual quotas established above, the CPCs whose vessels have been actively fishing for North Atlantic swordfish shall implement this recommendation as soon as possible in accordance with the regulatory procedures of each CPC.
16. Notwithstanding the *Recommendation by ICCAT Regarding the Temporary Adjustment of Quotas* [Rec. 01-12], in between meetings of the Commission, a CPC with a TAC allocation of North Atlantic swordfish, as per section 3 may make a one-time transfer within a fishing year of up to 15% of its TAC allocation to other CPCs with TAC allocations, consistent with domestic obligations and conservations considerations. Any such transfer may not be used to cover over harvests. A CPC that receives a one-time quota transfer may not retransfer that quota.
17. This Recommendation replaces the *Supplemental Recommendation by ICCAT to Amend the Rebuilding Program for North Atlantic Swordfish* [Rec. 06-02], the *Supplemental Recommendation by ICCAT to Amend the Rebuilding Program for North Atlantic Swordfish* [Rec. 08-02] and the *Supplemental Recommendation by ICCAT to Amend the Rebuilding Program for North Atlantic Swordfish* [Rec. 09-02].

**SUPPLEMENTAL RECOMMENDATION BY ICCAT  
CONCERNING THE WESTERN ATLANTIC BLUEFIN TUNA REBUILDING PROGRAM**

*RECALLING* the 1998 Recommendation by ICCAT to Establish a Rebuilding Program for Western Atlantic Bluefin Tuna [Rec. 98-07], the Recommendation by ICCAT Concerning Conservation of Western Atlantic Bluefin Tuna [Rec. 02-07], the Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program and the Conservation and Management Measures for Bluefin Tuna in the Eastern Atlantic and Mediterranean [Rec. 04-05], the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 06-06], and the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 08-04],

*FURTHER RECALLING* that the objective of the Convention is to maintain populations at levels that will support maximum sustainable catch (usually referred to as MSY),

*CONSIDERING* that the 2010 scientific advice from the Standing Committee on Research and Statistics (SCRS) indicates that under the low recruitment scenario the western Atlantic bluefin tuna stock is above the biomass level that can support MSY and that under the high recruitment scenario (under which higher sustainable yields are possible in the future), the stock remains overfished and overfishing will continue under the current TAC,

*ACKNOWLEDGING* that the SCRS concluded that there is no strong evidence to favor either the low or high recruitment scenario over the other,

*HIGHLIGHTING* that the SCRS noted that considerable uncertainties remain for the outlook of the western stock, including the effects of mixing, age at maturity, and recruitment,

*RECOGNIZING* a desire to further improve the rebuilding program for western Atlantic bluefin tuna in a manner that takes into account the two recruitment scenarios and the resulting scientific advice in the 2010 stock assessment,

*UNDERSCORING* the SCRS advice that the Commission may wish to protect the strong 2003 year class until it reaches maturity and can contribute to spawning,

*FURTHER ACKNOWLEDGING* that management actions taken in the eastern Atlantic and Mediterranean are likely to affect recovery in the western Atlantic, given that the productivity of the western Atlantic bluefin tuna stock and fisheries is linked to the eastern Atlantic and Mediterranean fishery,

*FURTHER RECOGNIZING* the ICCAT Criteria for the Allocation of Fishing Possibilities [Rec. 01-25],

*RENEWING* the commitment to the full implementation of existing mandatory reporting obligations including those in the Recommendation by ICCAT Concerning the Recording of Catch by Fishing Vessels in the ICCAT Convention Area [Rec. 03-13],

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

1. The Contracting Parties whose vessels have been actively fishing for bluefin tuna in the western Atlantic will continue the 20-year rebuilding program that began in 1999 and continues through 2018.

*Effort and capacity limits*

2. In order to avoid increasing fishing mortality of bluefin tuna in the eastern or western Atlantic, Contracting Parties, non-Contracting Parties, Entities and Fishing Entities will continue to take measures to prohibit any transfer of fishing effort from the western Atlantic to the eastern Atlantic and Mediterranean and from the eastern Atlantic and Mediterranean to the western Atlantic.

*TACs, TAC allocations, and catch limits*

3. The rebuilding program for bluefin tuna in the western Atlantic, which began in 1999 and will continue through 2018, will have a total allowable catch (TAC), inclusive of dead discards, of 1,750 t in 2011 and in 2012.
4. The annual TAC, maximum sustainable yield (MSY) target, and the 20-year rebuilding period may be adjusted based upon subsequent SCRS advice. No adjustment to the annual TAC or the 20-year rebuilding period shall be considered unless SCRS advice indicates that the TAC under consideration will allow the MSY target to be achieved within the rebuilding period with a 50 percent or greater probability.
5. If the SCRS stock assessment detects a serious threat of stock collapse, the Commission shall suspend all bluefin fisheries in the western Atlantic for the following year.
6. The allocation of the annual TAC, inclusive of dead discards, will be indicated as follows:

a) The annual TAC shall include the following allocations:

<i>CPC</i>	<i>Allocation</i>
USA (by-catch related to longline fisheries in vicinity of management area boundary)	25 t
Canada (by-catch related to longline fisheries in vicinity of management area boundary)	15 t

b) After subtracting the amounts under paragraph 6 (a), the remainder of the annual TAC will be allocated as follows:

<i>CPC</i>	<i>If the remainder of the annual TAC is:</i>			
	<i>&lt;2,413 t (A)</i>	<i>2,413 t (B)</i>	<i>&gt;2,413-2,660 t (C)</i>	<i>&gt;2,660 t (D)</i>
United States	54.02%	1,303 t	1303 t	49.00%
Canada	22.32 %	539 t	539 t	20.24%
Japan	17.64 %	426 t	426 t + all increase between 2,413 t and 2,660 t	24.74%
United Kingdom (in respect of Bermuda)	0.23%	5.5	5.5	0.23%
France (in respect of St. Pierre & Miquelon)	0.23%	5.5	5.5	0.23%
Mexico	5.56%	134	134	5.56%

c) Consistent with paragraphs 1 and 6 (b), the TAC for each of 2011 and 2012 results in the following CPC-specific quota allocations (not including by-catch allowances listed in 6 a):

	<i>2011</i>	<i>2012</i>
	1,750 t	1,750 t
United States	923.70 t	923.70 t
Canada	381.66 t	381.66 t
Japan	301.64 t	301.64 t
United Kingdom (in respect of Bermuda)	4 t	4 t
France (in respect of St. Pierre & Miquelon)	4 t	4 t
Mexico	95 t	95 t

In no case shall the allocation to France (St. Pierre et Miquelon) and to the United Kingdom (Bermuda) be less than 4 t each in any single year unless the fishery is closed.

- d) Requirements in place during the 2009 and 2010 fishing years limiting Canada's two-year combined total catch (excluding by-catch allowed under paragraph 6.a of Rec. 08-04) to 970 t remain valid obligations under this recommendation.
  - e) Depending on availability, Mexico can transfer to Canada for 2011 and 2012 up to 86.5 t of its quota, as a special arrangement.
7. A CPC's total quota shall include its allocations in paragraph 6, adjusted for underharvest or overharvest consistent with the remainder of this paragraph and paragraph 8. Any underharvest of a CPC's total quota in a given year may be carried forward to the next year. However, in no event shall the underharvest that is carried forward exceed 10% of the CPC's initial quota allocation under paragraph 6, with the exception of those CPCs with initial allocations of 100 t or less, for which the underharvest that is carried forward shall in no event exceed 100% of the initial allocation under paragraph 6. Each year shall be considered as an independent management period for the purposes of paragraph 8.
8. a) If, in the applicable management period, and each subsequent management period, any CPC has an overharvest of its total quota, its total quota will be reduced in the next subsequent management period by 100% of the amount in excess of such total quota; and ICCAT may authorize other appropriate actions.
- b) Notwithstanding paragraph 8.a), if a CPC has an overharvest of its total quota during any two consecutive management periods, the Commission will recommend appropriate measures, which may include, but are not limited to, reduction in the CPC's total quota equal to a minimum of 125% of the overharvest amount and, if necessary, trade restrictive measures. Any trade measures under this paragraph will be import restrictions on the subject species and consistent with each CPC's international obligations. The trade measures will be of such duration and under such conditions as the Commission may determine.
9. Notwithstanding the *Recommendation by ICCAT Regarding the Temporary Adjustment of Quotas* [Rec. 01-12], in between meetings of the Commission, a CPC with a quota allocation under paragraph 6 may make a one-time transfer within a fishing year of up to 15% of its quota allocation to other CPCs with quota allocations, consistent with domestic obligations and conservation considerations. The transfer shall be notified to the Secretariat. Any such transfer may not be used to cover overharvests. A CPC that receives a one-time quota transfer may not retransfer that quota. For parties with an allocation of 4 t, the transfer may be up to 100% of the allocation.

***Minimum fish size requirements and protection of small fish***

10. Contracting Parties, non-Contracting Parties, Entities and Fishing Entities will prohibit the taking and landing of western Atlantic bluefin tuna weighing less than 30 kg or, in the alternative, having a fork length of less than 115 cm.
11. Notwithstanding the above measures, Contracting Parties, non-Contracting Parties, Entities and Fishing Entities may grant tolerances to capture western Atlantic bluefin tuna either weighing less than 30 kg, or in the alternative, having a fork length of less than 115 cm, provided they limit the take of these fish so that the average over the 2011 and 2012 fishing periods is no more than 10% by weight of the total bluefin tuna quota for each CPC, and institute measures to deny economic gain to the fishermen from such fish.
12. Contracting Parties, non-Contracting Parties, Entities and Fishing Entities will encourage their commercial and recreational fishermen to tag and release all fish less than 30 kg or, in the alternative, having a fork length less than 115 cm.

***Area and time restrictions***

13. There shall be no directed fishery on the bluefin tuna spawning stocks in the western Atlantic in spawning areas such as the Gulf of Mexico.

***Transshipment***

14. Transshipment at-sea shall be prohibited.

***Scientific research and data and reporting requirements***

15. In 2012, and thereafter every three years, the SCRS will conduct a stock assessment for bluefin tuna for the western Atlantic and eastern Atlantic and Mediterranean and provide advice to the Commission on the appropriate management measures, inter alia, on total allowable catch levels for those stocks for future years.
16. If scientific evidence results in an SCRS recommendation to alter the definition of management units, or to take explicit account of mixing between management units, then the rebuilding program shall be reevaluated.
17. CPCs that harvest western Atlantic bluefin tuna should contribute to ICCAT's Atlantic-wide Bluefin Tuna Research Program (GBYP). In particular, CPCs should make special efforts to enhance biological sampling activities in order to provide significant new information for the new assessment. Priority research should be obtaining new information on natal origin, maturity, and age of the catch in all fisheries, following protocols to be developed by the SCRS. Complementary information will also be required for the eastern Atlantic and Mediterranean stock in order to evaluate the effects of mixing. In addition, it is also important to enhance, and where needed develop, an accurate abundance index for juvenile fish.
18. All Contracting Parties, non-Contracting Parties, Entities and Fishing Entities shall monitor and report on all sources of fishing mortality, including dead discards, and shall minimize dead discards to the extent practicable.
19. As part of its next assessment of western Atlantic bluefin tuna, the SCRS is requested to provide guidance on a range of fish size management measures for western Atlantic bluefin tuna and their impact on yield per recruit and spawner per recruit considerations. The SCRS should also comment on the effect of fish size management measures on their ability to monitor stock status.
20. The SCRS is required to investigate the identification of spawning areas for western Atlantic bluefin tuna.
21. Each CPC shall report its provisional monthly catches of bluefin tuna. This report shall be sent to the ICCAT Secretariat within 30 days of the end of the calendar month in which the catches were made.
22. All Contracting Parties, non-Contracting Parties, Entities and Fishing Entities shall provide the best available data for the assessment of the stock by the SCRS, including information on the catches of the broadest range of age classes possible, consistent with minimum size restrictions.
23. This Recommendation replaces the *Supplemental Recommendation by ICCAT Concerning the Western Atlantic Rebuilding Program* [Rec. 08-04].



**RECOMMENDATION AMENDING THE RECOMMENDATION BY ICCAT  
TO ESTABLISH A MULTI-ANNUAL RECOVERY PLAN FOR BLUEFIN  
TUNA IN THE EASTERN ATLANTIC AND MEDITERRANEAN**

*FOLLOWING* the advice of the SCRS based on the stock assessment carried out in 2010,

*DESIRING* to achieve a stock level consistent with the objective of the Convention through 2022,

*CONVINCED* that to achieve this objective, it is necessary to strengthen the recovery plan for that stock adopted in 2006. The objective is to recover the stock through a combination of management measures which will protect the spawning stock biomass and reduce juvenile catches,

*RECOGNIZING* that the success of the recovery plan involves the strengthening of the control system, which should include a set of effective control measures to ensure the respect of the management measures and to ensure the traceability of all the catches,

*CONSIDERING* the necessity to improve the responsibility of the industry, flag States, port States, farm States and market States to ensure compliance with the present recommendation,

*GIVEN* the need to address the overcapacity of the fleet and the farming capacity;

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

**Part I  
General provisions**

1. The Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs), whose vessels have been actively fishing for bluefin tuna (*Thunnus thynnus thynnus*) in the eastern Atlantic and Mediterranean shall implement a 15 year Recovery Plan for bluefin tuna in the eastern Atlantic and Mediterranean starting in 2007 and continuing through 2022, with the goal of achieving  $B_{MSY}$ , with at least 60% probability.

**Definitions**

2. For purposes of this Plan:
  - a) "Fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support ships, tug and towing vessels, vessels engaged in transshipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;
  - b) "Catching vessel" means a vessel used for the purposes of the commercial capture of bluefin tuna resources;
  - c) "Processing vessel" means a vessel on board of which fisheries products are subject to one or more of the following operations, prior to their packaging: filleting or slicing, freezing and/or processing;
  - d) "Auxiliary vessel" means any vessel used to transport dead bluefin tuna (not processed) from a cage or a tuna trap to a designated port and / or to a processing vessel.
  - e) "Fishing actively" means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;
  - f) "Joint fishing operation" means any operation between two or more catching vessels where the catch of one catching vessel is attributed to one or more other catching vessels in
  - g) "Transfer operations" means:
    - any transfer of live bluefin tuna from the catching vessel net to the transport cage;
    - any transfer of live bluefin tuna from the transport cage to another transport cage;

- any transfer of the cage with bluefin tuna from a towing vessel to another towing vessel;
  - any transfer of dead bluefin tuna from the transport cage to an auxiliary vessel;
  - any transfer from a bluefin tuna farm or a tuna trap to a processing vessel, transport vessel, or transfer of cage containing bluefin tuna from one farm to another;
  - any transfer of live bluefin tuna from the trap to the transport cage.
- h) "Trap" means fixed gear anchored to the bottom usually containing a guide net that leads bluefin tuna into an enclosure.
- i) "Caging" means the transfer of bluefin tuna from the transport cage to the fattening and farming cages.
- j) "Fattening" means caging of bluefin tuna for a short period (usually 2-6 months) aiming mostly at increasing the fat content of the fish.
- k) "Farming" means caging of bluefin tuna for a period longer than six months, aiming to increase the total biomass.
- l) "Transshipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel.
- m) "Sport fishery" means a non-commercial fishery whose members adhere to a national sport organization or are issued with a national sport license.
- n) "Recreational fishery" means a non-commercial fishery whose members do not adhere to a national sport organization or are not issued with a national sport license.

#### Length of vessels

3. All lengths of vessels referred to in this Recommendation shall be understood as length overall.

### Part II Management measures

#### TAC and quotas

4. The total allowable catches (TACs) shall be set at 12,900 t annually, effective beginning in 2011 and thereafter, until such time the TAC is changed following the SCRS advice.
5. The SCRS shall monitor and review the progress of the Plan. In 2012, and thereafter every three years, the SCRS will conduct a stock assessment and provide advice to the Commission on the appropriate management measures, *inter alia*, on total allowable catch levels for future years.

The SCRS shall present a Kobe II strategy matrix reflecting recovery scenarios of eastern Atlantic and Mediterranean bluefin tuna in accordance with the multiannual recovery plans of the present Recommendation.

6. The recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean shall be reviewed in 2012.
7. If the SCRS stock assessment detects a serious threat of fishery collapse, the Commission shall suspend all the fisheries for eastern Atlantic and Mediterranean bluefin tuna in the following year. CPCs shall immediately intensify research activities so that SCRS can conduct further analysis and present recommendations on conservation and management measures necessary to resume the fisheries.
8. The allocation scheme from 2011 is set in the table below.

<i>CPC</i>	<i>Quota</i>	<i>%</i>
Albania	32.33	0.2506266
Algeria	138.46	1.0733333
China	36.77	0.2850125
Croatia	376.01	2.9148371
Egypt	64.58	0.5006266

European Union	7,266.41	56.3287720
Iceland	29.82	0.2311278
Japan	1,097.03	8.5041103
Korea	77.53	0.6010025
Libya	902.66	6.9973935
Morocco	1,223.07	9.4811529
Norway	29.82	0.2311278
Syria	32.33	0.2506266
Tunisia	1,017.56	7.8880702
Turkey	535.89	4.1541604
Chinese Taipei	39.75	0.3081704
<b>TOTAL</b>	<b>12,900</b>	<b>100</b>

9. With a view to ensuring compliance with the provisions of this Recommendation, each CPC shall submit fishing, inspection and capacity reduction plans to the inter-sessional meeting of the Compliance Committee scheduled before the 2011 fishing season starts. If the Compliance Committee finds a serious fault in the plans submitted by a CPC and cannot endorse the plans, the Commission shall decide on suspension of bluefin tuna fishing by that CPC in 2011 by mail vote. Such plans for the 2012 and 2013 fishing seasons shall be submitted to the Commission one month prior to its annual meeting in the preceding year for their endorsement, without which the CPC shall not engage in bluefin tuna fishing in that fishing season. Such system shall be reviewed at the 2012 annual meeting of the Commission.

#### **Associated conditions to TAC and quotas**

10. Each CPC shall take the necessary measures to ensure that the fishing effort of its catching vessels and its traps are commensurate with the fishing opportunities on bluefin tuna available to that CPC in the eastern Atlantic and Mediterranean Sea, including by establishing individual quotas for its catching vessels over 24 m included in the list referred to in paragraph 55.a).
11. Each CPC shall draw up an annual fishing plan for the catching vessels and traps fishing bluefin tuna in the eastern Atlantic and Mediterranean Sea. The annual fishing plan shall identify, *inter alia*, the catching vessels over 24 meters included in the list referred to in paragraph 55.a) and the individual quota allocated to them and the method used to allocate quota as well as the measure to ensure the respect of the individual quota.
12. Each CPC shall also allocate a specific quota for the purpose of recreational and sport fisheries as defined in paragraph 2.m) and n).
13. No later than 1 March each year, the annual fishing plan shall be transmitted by each CPC to the ICCAT Executive Secretariat. Any subsequent modification to the annual fishing plan or to the specific method used to manage their quota shall be transmitted to the ICCAT Executive Secretariat at least 10 days before the exercise of the activity corresponding to that modification.
14. No later than 15 October, each CPC shall report to the ICCAT Executive Secretariat on the implementation of their annual fishing plans for that year. Those reports shall include:
- a) the number of catching vessels actually engaged in active fishing activities involving bluefin tuna in the eastern Atlantic and Mediterranean;
  - b) the catches of each catching vessel; and
  - c) the total number of days each catching vessel fished in the eastern Atlantic and Mediterranean.
15. The flag CPC may require the catching vessel to proceed immediately to a port designated by it when the individual quota is deemed to be exhausted.
16. a) No carry-over of any under-harvests shall be made under this Plan.
- b) By derogation to paragraph 4 of the 2002 *Recommendation by ICCAT Concerning a Multi-year Conservation and Management Plan for Bluefin Tuna in the East Atlantic and Mediterranean* [Rec. 02-

08], no more than 50 % carry-over of any under-harvests arising from 2005 and/or 2006 may be made under this Plan. Paragraph 2 of the 1996 *Recommendation by ICCAT Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries* [Rec. 96-14] shall not apply for the overages in 2005 and 2006.

- c) The underages of Libya, Morocco and Tunisia in 2005 and 2006 may be carried over to 2009 and 2010 as follows:

<i>CPCs</i>	<i>2009</i>	<i>2010</i>
Libya	145 t	145 t
Morocco	327 t	327 t
Tunisia	202 t	202 t

- d) Any overage of a CPC shall be deducted from the next year's quotas of that CPC. Notwithstanding this provision, the payback of the European Union for its overage in 2007 shall be spread over 2009-2012 (500 t in 2009 and 2010, 1,510 t in 2011 and 2012). This payback shall be reviewed in the light of a general transparency and incentive provision on overages to be adopted by ICCAT at the latest in 2010.
17. CPCs shall be encouraged to voluntarily reduce their catches of bluefin tuna in eastern Atlantic and Mediterranean in 2009. Notwithstanding paragraph 16.a), the voluntary reduced portion of the CPC's allocation may be carried over to 2011 on condition that such voluntary reduced portion is notified to the ICCAT Secretariat before 1 March 2009.
18. Private trade arrangements and or transfer of quotas/catch limits between CPCs shall be done only under authorization by the CPCs concerned and the Commission.
19. To comply with paragraph 1 of 2002 *Recommendation by ICCAT on Vessel Chartering* [Rec. 02-21], the percentage of a CPC's bluefin tuna quota/catch limit that may be used for chartering shall not exceed 60%, 40% and 20% of the total quota in 2007, 2008, 2009, respectively. No chartering operation for the bluefin tuna fishery is permitted from 2010.
20. No JFOs between different CPCs shall be permitted. However, a CPC with less than 5 authorized purse seiners may authorize joint fishing operations with any other CPC. Each CPC conducting a JFO shall be responsible and accountable for the catches made under this JFO.

Any CPC joint fishing operation for bluefin tuna shall only be authorized with the consent of the CPC if the vessel is equipped to fish bluefin tuna and has an individual quota, and in accordance with the following requirements.

At the moment of the application for the authorization, following the format set in **Annex 6**, each CPC shall take the necessary measures to obtain from its catching vessel(s) participating in the joint fishing operation the following information:

- duration,
- identity of the operators involved,
- individual vessels' quotas,
- the allocation key between the vessels for the catches involved, and
- the information on the fattening or farming farms of destination.

Each CPC shall transmit all this information to the ICCAT Secretariat at least ten days before the start of the operation.

The Commission shall establish and maintain an ICCAT record of all joint fishing operations authorized by the CPCs in the eastern Atlantic and Mediterranean Sea.

#### **Closed fishing seasons**

21. Bluefin tuna fishing shall be prohibited in the eastern Atlantic and Mediterranean by large-scale pelagic longline catching vessels over 24 m during the period from 1 June to 31 December with the exception of the

- area delimited by West of 10°W and North of 42°N, where such fishing shall be prohibited from 1 February to 31 July.
22. Purse seine fishing for bluefin tuna shall be prohibited in the eastern Atlantic and Mediterranean during the period from 15 June to 15 May.
  23. Bluefin tuna fishing by baitboats and trolling boats shall be prohibited in the eastern Atlantic and Mediterranean during the period from 15 October to 15 June.
  24. Bluefin tuna fishing by pelagic trawlers shall be prohibited in the eastern Atlantic during the period from 15 October to 15 June.
  25. Bluefin tuna recreational and sport fishing shall be prohibited in the eastern Atlantic and Mediterranean from 15 October to 15 June.

#### **Spawning grounds**

26. The SCRS shall continue working on the identification as precisely as possible of spawning grounds, in the Atlantic and Mediterranean. It shall advise the Commission in 2012 on the creation of sanctuaries.

#### **Use of aircraft**

27. CPCs shall take necessary measures to prohibit the use of airplanes or helicopters for searching for bluefin tuna in the Convention area.

#### **Minimum size**

28. CPCs shall take the necessary measures to prohibit catching, retaining on board, transshipping, transferring, landing, transporting, storing, selling, displaying or offering for sale bluefin tuna weighing less than 30 kg.
29. By derogation of paragraph 28, a minimum size for bluefin tuna of 8 kg. shall apply to the following situations in accordance with the procedures set out in **Annex 1**.
  - a) Bluefin tuna caught by baitboats and trolling boats in the eastern Atlantic.
  - b) Bluefin tuna caught in the Adriatic Sea for farming purposes.
  - c) Bluefin tuna caught in the Mediterranean Sea by the coastal artisanal fishery for fresh fish by baitboats, longliners and handliners.
30. For catching vessels fishing actively for bluefin tuna, an incidental catch of maximum 5% of bluefin tuna weighing between 10 and 30 kg may be authorized. This percentage is calculated on the total incidental catches in number of fish retained on board this vessel, or their equivalent in percentage in weight. Incidental catches must be deducted from the quota of the flag State CPC. The procedures referred to in paragraphs 62, 63, 64, 65, 67, 68 and 69 shall apply to the incidental catch.

#### **By-catch**

31. Catching vessels not fishing actively for bluefin tuna are not authorized to retain on board bluefin tuna exceeding more than 5% of the total catch on board by weight or/and number of pieces. By-catches must be deducted from the quota of the flag state CPC.

The procedures referred to in paragraphs 62, 63, 64, 65, 67, 68 and 69 shall apply to the by-catch.

#### **Recreational fisheries**

32. Recreational fisheries on bluefin tuna shall be subject to the authorization for each vessel issued by the flag State CPC.
33. CPCs shall take the necessary measures to prohibit the catch and retention on board, transshipment or landing of more than one bluefin tuna in each sea trip.

34. The marketing of bluefin tuna caught in recreational fishing shall be prohibited except for charitable purposes.
35. Each CPC shall take measures to record catch data from recreational fishing and transmit them to the SCRS. Catches of recreational fisheries shall be counted against the quota allocated to the CPC in accordance with paragraph 12.
36. Each CPC shall take the necessary measures to ensure, to the greatest extent possible, the release of bluefin tuna caught alive, especially juveniles, in the framework of recreational fishing.

#### **Sport fisheries**

37. CPCs shall take the necessary measures to regulate sport fishing, notably by fishing authorizations.
38. The marketing of bluefin tuna caught in sport fishing competitions shall be prohibited except for charitable purposes.
39. Each CPC shall take measures to record catch data from sport fishing and transmit them to the SCRS. Catches of sport fishing shall be counted against the quota allocated to the CPC in accordance with paragraph 12.
40. Each CPC shall take the necessary measures to ensure, to the greatest extent possible, the release of the bluefin tuna caught alive, especially juveniles, in the framework of sport fishing.

### **Part III Capacity measures**

#### **Adjustment of fishing capacity**

41. Each CPC shall ensure that its fishing capacity is commensurate with its allocated quota.
42. To that purpose each CPC shall establish a management plan over 2010-2013. Such plan shall be submitted to the Commission by 15 September 2009 for discussion and approval by the Commission at its annual meeting in 2009. Such plan shall be reviewed and, if necessary, revised and submitted on an annual basis for discussion and approval by the Commission for the remaining period. Such plan shall include the information referred to in paragraphs 43 to 49, as well as detailed information regarding the ways used by CPCs to eliminate overcapacity in addition to scrapping.

#### **Freezing of fishing capacity**

43. CPCs shall limit the number, and the corresponding gross registered tonnage, of their fishing vessels to the number and tonnage of their vessels that fished for, retained on board, transshipped, transported, or landed bluefin tuna during the period 1 January 2007 to 1 July 2008. This limit shall be applied by gear type for catching vessels and by vessel type for other fishing vessels.
44. Paragraph 43 shall not be interpreted to affect the measures contained in **Annex 1** paragraphs 1 and 2 of this Recommendation.
45. CPCs shall limit the number of their traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery to the number authorized by each CPC by 1 July 2008.
46. This freezing may not apply to certain CPCs, in particular developing States that demonstrate that they need to develop their fishing capacity so as to fully use their quota. Such CPCs shall indicate in their management plans the programming of the introduction of additional fishing capacity into the fishery.

#### **Reduction of fishing capacity**

47. Without prejudice to paragraph 45, each CPC shall reduce its fishing capacity referred to in paragraphs 43, 44 and 45 so as to ensure that the discrepancy between its fishing capacity and its fishing capacity

commensurate with its allocated quota, in accordance with the methodology approved at the 2009 annual meeting, shall be reduced by:

- a) at least 25% in 2010;
- b) at least 75% in 2011;
- c) at least 95% in 2012;
- d) 100% in 2013.

- 48. To calculate its fishing capacity reduction, each CPC shall take into account *inter alia*, the estimated yearly catch rates per vessel and gear.
- 49. This reduction may not apply to certain CPCs that demonstrate that their fishing capacity is commensurate with their allocated quotas.

#### **Adjustment of farming capacity**

- 50. Each farming or fattening CPC shall establish a management plan over 2010-2013. Such plan shall be submitted to the Commission by 15 September 2009 for discussion and approval by the Commission at its annual meeting in 2009, and shall be reviewed at its annual meeting in 2010. Such plan shall include the information referred in paragraphs 51 to 54.
- 51. Each CPC shall limit its tuna farming capacity to the farming capacity of the farms that were registered in the ICCAT list or authorized and declared to ICCAT as of 1 July 2008.
- 52. Each CPC shall establish for 2010 a maximum input of wild caught bluefin tuna into its farms at the level of the input quantities registered with ICCAT by its farms in 2005, 2006, 2007 or 2008.
- 53. Within the maximum input quantity of wild caught bluefin tuna referred to in paragraph 52, each CPC shall allocate inputs to its farms.
- 54. Further adjustment of farming capacity shall be decided by the Commission at its annual meeting in 2010, depending on the level of the TAC after 2010.

### **Part IV Control measures**

#### **Records of ICCAT vessels authorized to fish bluefin tuna**

- 55. a) The Commission shall establish and maintain an ICCAT record of all catching vessels authorized to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea.
- b) The Commission shall establish and maintain an ICCAT record of all other fishing vessels (i.e. catching vessels excluded) authorized to operate for bluefin tuna in the eastern Atlantic and Mediterranean Sea.

During a calendar year, a fishing vessel shall be registered in only one of the ICCAT records referred to paragraphs a) and b). Without prejudice to paragraph 31, for the purposes of this recommendation, fishing vessels not entered into one of the ICCAT records referred to in paragraph a) and b) are deemed not to be authorized to fish for, retain on board, tranship, transport, transfer, process or land bluefin tuna in the eastern Atlantic and Mediterranean Sea.

- 56. Each flag CPC shall submit electronically each year to the ICCAT Executive Secretary, at the latest one month before the beginning of the fishing seasons referred to in paragraphs 21 to 24, when applicable, and otherwise by 1 March, the list of its catching vessels authorized to fish actively for bluefin tuna and the list of its other fishing vessels authorized to operate in the eastern Atlantic and Mediterranean Sea referred to in paragraph 55.a), in accordance with the format set in the Guidelines for Submitting Data and Information Required by ICCAT.

No retroactive submissions shall be accepted. Any subsequent changes shall not be accepted unless a notified fishing vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances, the CPC concerned shall immediately inform the ICCAT Executive Secretary, providing:

- a) full details of the intended replacement fishing vessel(s) referred to in paragraph 55;
  - b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
57. Conditions and procedures referred in the 2009 *Recommendation 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* [Rec. 09-08] (except paragraph 3) shall apply *mutatis mutandis*.

#### **ICCAT record of tuna traps authorized to fish for bluefin tuna**

58. The Commission shall establish and maintain an ICCAT Record of all tuna traps authorized to fish for bluefin tuna in the eastern Atlantic and Mediterranean Sea. For the purposes of this recommendation, tuna traps not entered into the record are deemed not to be authorized to be used to fish for, retain, transfer or land bluefin tuna.
59. Each CPC shall submit electronically to the ICCAT Executive Secretary, by 1 March each year, the list (including the name of the traps, register number) of its authorized tuna traps referred to in paragraph 58. Conditions and procedures referred in Recommendation Rec. 09-08 (except paragraph 3) shall apply *mutatis mutandis*.

#### **Information on fishing activities**

60. By 1 March each year, each CPC shall notify the ICCAT Secretariat the list of the catching vessels included in the ICCAT record referred to in paragraph 55.a)) that have fished for bluefin tuna in the eastern Atlantic and Mediterranean in the preceding fishing year.
61. Each CPC shall notify the ICCAT Secretariat of any information concerning vessels not covered in paragraph 60 but known or presumed to have fished for bluefin tuna in the eastern Atlantic and Mediterranean. The ICCAT Secretariat shall forward such information to the flag State for action as appropriate, with a copy to other CPCs for information.

#### **Transshipment**

62. Transshipment at sea operations of bluefin tuna in the eastern Atlantic and Mediterranean Sea shall be prohibited.
63. Fishing vessels shall only tranship bluefin tuna catches in designated ports of CPCs. To this end, each CPC shall designate ports in which transshipping of bluefin tuna is authorized and communicate a list of these ports to the ICCAT Secretariat by 1 March each year.

For a port to be determined as designated port, the port State shall specify permitted transshipping times and places.

The Port State shall ensure full inspection coverage during all transshipping times and at all transshipping places.

On the basis of this information the ICCAT Secretariat shall maintain a list of designated ports on the ICCAT website.

The masters of the transshipping fishing vessels shall complete the ICCAT transshipment declaration in accordance with the format set out in **Annex 3**.

64. Prior to entry into any port, the receiving fishing vessel or its representative, shall provide the relevant authorities of the port State at least 48 h before the estimated time of arrival, with the following:
- a) estimated time of arrival,
  - b) estimated quantity of bluefin tuna retained on board, and information on the geographic area where it was taken;



- c) the name of the transshipping fishing vessel and its number in the ICCAT record of catching vessels authorized to fish actively for bluefin tuna or in the ICCAT record of other fishing vessels authorized to operate in the eastern Atlantic and Mediterranean Sea,
- d) the name of the receiving fishing vessel, its number in the ICCAT record of catching vessels authorized to fish actively for bluefin tuna or in the ICCAT record of other fishing vessels authorized to operate in the eastern Atlantic and Mediterranean Sea,
- e) the tonnage and the geographic area of the catch of bluefin tuna to be transshipped.

Any transshipment requires the prior authorization from the flag State of the transshipping fishing vessel concerned.

The master of the transshipping fishing vessel shall, at the time of the transshipment, inform its Flag State of the following:

- a) the quantities of bluefin tuna involved,
- b) the date and port of the transshipment,
- c) the name, registration number and flag of the receiving fishing vessel and its number in the ICCAT record of catching vessels authorized to fish actively for bluefin tuna or in the ICCAT record of other fishing vessels authorized to operate in the eastern Atlantic and Mediterranean Sea,
- d) the geographical area of the catch of bluefin tuna.

The relevant authority of the port State shall inspect the receiving vessel on arrival and check the cargo and documentation related to the transshipment operation.

The relevant authority of the port State shall send a record of the transshipment to the flag State authority of the transshipping fishing vessel, within 48 hours after the transshipment has ended.

#### **Recording requirements**

65. The masters of catching vessels shall keep a bound or electronic logbook of their operations, indicating particularly the quantities of bluefin tuna caught and kept on board, whether the catches are weighed or estimated, the date and location of such catches and the type of gear used in accordance with the requirements set out in **Annex 2**.

66. The masters of the catching vessels involved in a joint fishing operation shall record in their logbook:

- a) as regards the catching vessel transferring the fish into cages:
  - its name and international radio call sign;
  - the date and the time of the catch and of the transfer,
  - the location of the catch and of the transfer (longitude/latitude),
  - amount of catches taken on board, and amount of catches transferred into cages,
  - amount of catches counted against its individual quota,
  - the name of the tug boat and its ICCAT number.
- b) as regards the other catching vessels not involved in the transfer of the fish:
  - their names and international radio call signs;
  - the date and the time of the catch and of the transfer,
  - the location of the catch and of the transfer (longitude/latitude),
  - that no catches have been taken on board or transferred into cages,
  - amount of catches counted against their individual quotas,
  - the name and the ICCAT number of the catching vessel referred to in (a),
  - the name of the tug boat and its ICCAT number.

67. Fishing vessels shall only land bluefin tuna catches in designated ports of CPCs. To this end, each CPC shall designate ports in which landing of bluefin tuna is authorized and communicate a list of these ports to the ICCAT Secretariat by 1 March each year.

For a port to be determined as designated port, the port State shall specify permitted landing times and places. The port State shall ensure full inspection coverage during all landing times and at all landing places.

On the basis of this information the ICCAT Secretariat shall maintain a list of designated ports on the ICCAT website.

68. Prior to entry into any port, the fishing vessels or their representative, shall provide the relevant authorities of the port, at least 4 hours before the estimated time of arrival, with the following:
- a) estimated time of arrival,
  - b) estimate of quantity of bluefin tuna retained on board,
  - c) the information on the geographic area where the catch was taken;

Port State authorities shall keep a record of all prior notices for the current year.

Each landing or caging shall be subject to an inspection by the relevant authorities of the port.

The relevant authority shall send a record of the landing to the flag State authority of the fishing vessel, within 48 hours after the landing has ended.

After each trip and within 48 hours of landing, the masters of catching vessels shall submit a landing declaration to the competent authorities of the CPC where the landing takes place and to its flag State. The master of the authorized catching vessel shall be responsible for the accuracy of the declaration, which shall indicate, as a minimum, the quantities of bluefin tuna landed and the area where they were caught. All landed catches shall be weighed and not only estimated.

69. The masters of fishing vessels shall complete and transmit to their flag State the ICCAT transshipment declaration no later than 48 hours after the date of transshipment in port.

#### **Communication of catches**

70. a) Each CPC shall ensure that its catching vessels fishing actively for bluefin tuna shall communicate by electronic or other means, to their competent authorities, a weekly catch report, with, as a minimum, information on the catch amount, including nil catch returns, the date and the location (latitude and longitude) of the catches. This report shall be transmitted by the latest Monday noon with the catches taken in the Plan Area during the preceding week ending Sunday midnight GMT. This report shall include information on the number of days in the Plan Area since the beginning of the fishing or since the last weekly report.
- b) Each CPC shall ensure that its purse seine catching vessels and its other catching vessels over 24 m fishing actively for bluefin tuna shall communicate, except in case of nil catch returns, by electronic or other means, to their competent authorities, a daily catch report, with, as a minimum, information on the catch amount, the date and the location (latitude and longitude) of the catches. If a CPC requires such daily reports even in case of nil catch returns, the weekly reports referred to in a) shall not be required.
- c) On the basis of the information referred to in (a) and (b), each CPC shall transmit without delay weekly catch reports for all vessels to the ICCAT Secretariat in accordance with the format set out in **Annex 5**.

#### **Reporting of catches**

71. Each CPC shall report its provisional monthly catches of bluefin tuna. This report shall be sent to the ICCAT Secretariat within 30 days of the end of the calendar month in which the catches were made.
72. The ICCAT Secretariat shall within 10 days following the monthly deadlines for receipt of the provisional catch statistics collect the information received and circulate it to CPCs together with aggregated catch statistics.

73. The Executive Secretary shall notify without delay all CPCs of the date on which the accumulative reported catch taken by catching vessels of the CPCs is estimated to equal 85% of the concerned CPC quota for this stock. The CPC shall take the necessary measures to close its bluefin tuna fisheries before its quota is exhausted and notify this closure without delay to the ICCAT Secretariat which will circulate this information to all CPCs.

#### **Cross check**

74. CPCs shall verify, including by using inspection reports and observer reports, VMS data, the submission of logbooks and relevant information recorded in the logbooks of their fishing vessels, in the transfer/transshipment document and in the catch documents.

The competent authorities shall carry out cross checks on all landings, all transshipment or caging between the quantities by species recorded in the fishing vessel logbook or quantities by species recorded in the transshipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoice and/or sales notes.

#### **Transfer operations**

75. Before any transfer operation, as defined in paragraph 2.g), the master of the catching or towing vessel or its representatives or the representative of the farm or trap, where the transfer in question originates as appropriate shall send to its flag State or farm state CPC authorities before the transfer, a prior transfer notification indicating:
- name of the catching vessel or farm or trap and ICCAT number record,
  - estimated time of transfer,
  - estimate of quantity of bluefin tuna to be transferred,
  - information on the position (latitude/longitude) where the transfer will take place and identifiable cage numbers,
  - name of the towing vessel, number of cages towed and ICCAT number record where appropriate,
  - Port, farm or cage of destination of the bluefin tuna.
76. The flag State shall assign and communicate to the master of the fishing vessel, or trap or farm as appropriate, an authorization number for each transfer operation. The transfer operation shall not begin without the prior authorization issued in accordance with a unique numbering system that includes the 3 letters CPC code, 4 numbers showing the year and 3 letters that indicate either positive authorization (AUT) or negative authorization (NEG) followed by sequential numbers, by the CPC flag State authorities of the catching vessel, the towing vessel, farm or trap.

If the flag State of the catching vessel, the towing vessel or the authorities of the CPC where the farm or trap is located considers on receipt of the prior transfer notification that:

- a) the catching vessel or the trap declared to have caught the fish does not have sufficient quota,
- b) the quantity of fish has not been duly reported by the catching vessel or a trap or had not been authorized to be caged and not taken into account for the consumption of the quota that may be applicable,
- c) the catching vessel declared to have caught the fish is not authorized to fish for bluefin tuna, or
- d) the tug vessel declared to receive the transfer of fish is not registered in the ICCAT record of all other fishing vessels referred to in paragraph 55.b) or is not equipped with a Vessel Monitoring System,

it shall not authorize the transfer.

In case the transfer is not authorized the catching CPC shall issue a release order to the master of the catching vessel, shall inform the master of the catching vessel that the transfer is not authorized and to proceed to the release of the fish into the sea according to the procedures described in the paragraph below.

The transfer shall be authorized or not authorized by the flag State of the catching vessel farm or trap as appropriate within 48 hours following the submission of the prior transfer notification. In case that the

transfer is not authorized the captain of the catching vessel, the owner of the farm or trap as appropriate has to release the fish into the sea according to the following procedures.

The release of bluefin tuna into the sea shall be recorded by video camera and observed by an ICCAT regional observer who shall draft and submit the report together with the video recording to the ICCAT Secretariat.

77. The masters of catching or towing vessels or the representative of the farm or trap shall complete and transmit to their flag State the ICCAT transfer declaration at the end of the transfer operation in accordance with the format set out in **Annex 4**.
- a) The transfer declaration forms shall be numbered by the flag authorities of the vessel, farm or trap from where this transfer originates. The numbering system shall include the 3 letters CPC code, followed by 4 numbers showing the year and 3 sequential numbers followed by the 3 letters ITD (CPC-20\*\*/xxx/ITD).
  - b) The original transfer declaration shall accompany the transfer of fish. A copy of the declaration must be kept by the catching vessel or trap and towing vessel.
  - c) Masters of vessels carrying out transfer operations (including towing vessels, shall report on their daily log the quantities transferred and the number of fish, as well as the catching vessel name, flag and ICCAT number, the name of the other vessel(s) involved and their ICCAT number, the date and position of transfer and the farm of destination. The daily log shall contain the details of all transfers carried out during the fishing season. The daily log shall be kept on board and be accessible at any time for control purposes.
78. The authorization for transfer by the flag State does not prejudice the authorization of the caging operation.
79. The master of the catching vessel or the representative of the farm or trap, where appropriate, shall ensure that the transfer activities shall be monitored by video camera in the water.

One video record shall be produced and transmitted each to the regional observer and to the CPC observer aboard the towing vessel, the latter of which shall accompany the transfer declaration and the associated catches to which it relates. At the beginning and/or end of each video, the ICCAT transfer declaration number must be displayed. The time and the date of the video shall be continuously displayed through out each video record.

The CPCs shall provide copies of video records to the SCRS upon request. SCRS shall keep confidentiality of commercial activities.

80. The ICCAT Regional Observer on board the catching vessel, as referred to in the ICCAT Regional Observer Programme (**Annex 7**), shall record and report upon the transfer activities carried out, verify the position of the catching vessel when engaged in transfer operation, observe and estimate catches transferred and verify entries made in the prior transfer authorization as referred to in paragraph 76 and in the ICCAT transfer declaration as referred to in paragraph 77.

In cases where the estimation by the regional observer is at least 10% higher by number and/or average weight than declared by the master of the catching vessel, an investigation shall be initiated by the flag State of the catching vessel and concluded prior to the time of caging at the farm. Pending the results of this investigation, caging shall not be authorized and the catching section of the BCD shall not be validated.

81. The ICCAT Regional Observer shall sign with clearly written name and ICCAT number the ICCAT transfer declaration. He shall verify that the ICCAT transfer declaration is properly filled and transmitted to the master of the tug vessel.

The tuna trap operator shall complete and transmit to its CPC the ICCAT transfer declaration at the end of the transfer operation to the fishing vessel, in accordance with the format set out in **Annex 4**.

#### **Caging operations**

82. The CPC under whose jurisdiction the farm for bluefin tuna is located shall submit within one week a caging report, validated by an observer, to the CPC whose flag vessels has fished the tuna and to the ICCAT

Secretariat. This report shall contain the information referred to in the caging declaration as set out in the *Recommendation by ICCAT on Bluefin Tuna Farming* [Rec. 06-07].

When the farming facilities authorized to operate for farming of bluefin tuna caught in the Convention area (hereafter referred to as FFBs) are located beyond waters under jurisdiction of CPCs, the provisions of the previous paragraph shall apply, *mutatis mutandis*, to CPCs where the natural or legal persons responsible for FFBs are located.

83. Before any caging operation into a farm, the flag CPC of the catching vessel shall be informed by the competent authority of the farm State of the caging of quantities caught by catching vessels flying its flag. If the flag CPC of the catching vessel considers on receipt of this information that:
- a) the catching vessel declared to have caught the fish had not sufficient quota for bluefin tuna put into the cage,
  - b) the quantity of fish has not been duly reported by the catching vessel and not taken into account for the calculation of any quota that may be applicable,
  - c) the catching vessel declared to have caught the fish is not authorized to fish for bluefin tuna,

it shall inform the competent authority of the farm State to proceed to the seizure of the catches and the release of the fish into the sea according to the procedures described in paragraph 76.

The caging shall not begin without the prior authorization of the catching vessel's flag State.

Fish shall be caged before the 31<sup>st</sup> of July unless the farm CPC receiving the fish provides valid reasons including force majeure, which shall accompany the caging report when submitted.

84. The CPC under whose jurisdiction the farm for bluefin tuna is located shall take the necessary measures to prohibit placing in cages for farming or fattening bluefin tuna that are not accompanied by accurate, complete and validated documentation required by ICCAT.
85. The caging shall be authorized or not authorized by the flag State of the catching vessel farm, as appropriate, within 48 hours following the submission of the information mentioned in paragraph 83. In case the caging is not authorized the catching vessel CPC shall issue a release order to the flag CPC of the towing vessel and/or CPC farm authority, as appropriate, according to the procedures described in paragraph 76.
86. The CPC under whose jurisdiction the farm is located shall ensure that transfer activities from cages to the farm shall monitored by video camera in the water.

One video record shall be produced for each caging operation. At the beginning or end of each video, the ICCAT transfer declaration number must be displayed. The time and the date of the video shall be continuously displayed through out each video record.

In cases where there is more than a 10% difference either by average weight and/or number between the estimate by the regional observer and the farm operator an investigation shall be initiated by the farm CPC in cooperation with flag state of the catching vessel. This difference is calculated by number and/or average weight. If the investigation is not concluded within 10 working days or if the outcome of the investigation indicates that the number and or average weight of bluefin tuna is in excess of 10% of that declared by the farm operator, then the flag CPCs authorities of the catching vessel shall issue a release order for the number and or weight in excess.

The CPCs farm authorities shall ensure that the release order is carried by the farm operator within 48 hours following the arrival of a regional observer. The release shall be carried out in accordance to the procedures described in paragraph 76. Pending the results of this investigation, harvesting shall not take place and the farming section of the BCD shall not be validated.

In the event that the final estimation at the time of caging in the farm is greater than the final estimation at the time of first transfer from the catching vessel, the CPC of the catching vessel shall decide on the final quota uptake that they shall validate in the BCD(s) concerned.

87. CPCs shall initiate pilot studies on how to better estimate both the number and weight of bluefin tuna at the point of capture and caging including through the use of stereoscopic systems and report the results to the SCRS.

SCRS shall explore operationally viable technologies and methodologies for determining the size and biomass at the points of capture and caging.

A sampling programme and/or an alternative programme shall be established at the time of caging in order to improve the counting and the weight estimations of the caged fish.

#### **Trap activities**

88. CPCs shall take the necessary measures to ensure the record of the catches after the end of every fishing operation and the transmission of these data together with the estimated quantities remaining in the trap simultaneously by electronic means or other means within 48 hours after the end of every fishing operation to the competent authority, which shall transmit these data without delay to the ICCAT Secretariat.

#### **VMS**

89. Without prejudice to paragraph 1.d) of Recommendation Rec.06-07, CPCs shall implement a vessels monitoring system for their fishing vessels over 24 m , in accordance with the 2003 *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14].

Without prejudice to paragraph 1d) of Recommendation Rec. 06-07, with effect from 1 January 2010 this measure shall be applied for their fishing vessels over 15 m.

No later than 31 January 2008, each CPC shall communicate without delay messages pursuant to this paragraph to the ICCAT Secretariat, in accordance with the data exchange formats and protocols adopted by the Commission in 2007.

The ICCAT Executive Secretary shall make available without delay the information received under this paragraph to CPCs with an active inspection presence in the Plan Area and to SCRS, at its request.

On request from CPCs engaged in inspection at sea operations in the convention area in accordance with the ICCAT scheme of joint international inspection referred to in paragraphs 99 and 100 of this Recommendation, the ICCAT Secretariat shall make available the messages received under paragraph 3 of *Recommendation by ICCAT Concerning Data Exchange Format and Protocol in Relation to the Vessel Monitoring System (VMS) for the Bluefin Tuna Fishery in the ICCAT Convention Area* [Rec. 07-08] to all fishing vessels.

The transmission of VMS data by fishing vessels included in the ICCAT bluefin tuna record of catching vessels to ICCAT shall start at least 15 days before the opening of the fishing seasons and shall continue at least 15 days after the closure of the fishing seasons unless the vessel is removed by the flag State authorities.

For control purposes, the transmission of VMS bluefin tuna authorised fishing vessels shall not be interrupted when vessels are in port unless there is a system of hailing in and out of port.

Fishing vessels included in the ICCAT bluefin tuna record of other vessels shall transmit VMS data to ICCAT throughout the whole period of authorization.

#### **CPC Observer Programme**

90. Each CPC shall ensure observer coverage on vessels active in the bluefin tuna fishery on at least:
- 100% of its active purse seine vessels equal or less than 24 m in 2011,
  - 100% of its active purse seine vessels equal or less than 20 m in 2012,
  - 20% of its active pelagic trawlers (over 15m),
  - 20% of its active longline vessels (over 15m),
  - 20% of its active baitboats (over 15m),

- 100% during the harvesting process for tuna traps,
- 100% of towing vessels.

The observer tasks shall be, in particular, to:

- a) monitor a catching vessel compliance with the present recommendation,
- b) record and report upon the fishing activity, which shall include, *inter alia*, the following:
  - amount of catch (including by-catch), that also includes species disposition, such as retained on board or discarded dead or alive,
  - area of catch by latitude and longitude,
  - measure of effort (e.g., number of sets, number of hooks, etc.), as defined in the *ICCAT Manual* for different gears.
  - date of catch,
- c) observe and estimate catches and verify entries made in the logbook,
- d) sight and record vessels that may be fishing contrary to ICCAT conservation measures.

In addition, the observer shall carry out scientific work, such as collecting Task II data, when required by the Commission, based on the instructions from the SCRS.

In implementing this observer requirement, CPCs shall:

- a) ensure representative temporal and spatial coverage to ensure that the Commission receives adequate and appropriate data and information on catch, effort, and other scientific and management aspects, taking into account characteristics of the fleets and fisheries;
- b) ensure robust data collection protocols;
- c) ensure observers are properly trained and approved before deployment;
- d) ensure, to the extent practicable, minimal disruption to the operations of vessels fishing in the Convention area.

Data and information collected under each CPCs observer programme shall be provided to the SCRS and the Commission, as appropriate, in accordance with requirements and procedures to be developed by the Commission by 2009 taking into account CPC confidentiality requirements.

For the scientific aspects of the programme, the SCRS shall report on the coverage level achieved by each CPC and provide a summary of the data collected and any relevant findings associated with that data. SCRS shall also provide any recommendations to improve the effectiveness of CPC observer programmes.

#### **ICCAT Regional Observer Programme**

91. An ICCAT Regional Observer Programme shall be established to ensure an observer coverage of 100%:

- of purse seine vessels over 24 m length during the 2011 fishing season (**Annex 7**);
- of purse seine vessels over 20 m length during the 2012 fishing season (**Annex 7**);
- of all purse seine vessels irrespective of their length during all the annual fishing season from 2013 onward, (**Annex 7**);
- during all transfer of bluefin tuna to the cages and all harvest of fish from the cage.

Such purse seine vessels without an ICCAT regional observer shall not be authorized to fish or to operate in the bluefin tuna fishery.

In case that bluefin tuna is harvested from the cage and traded as fresh products the regional observer that observes the harvest may be a national of the farm CPC.

92. An ICCAT Regional Observer Programme shall ensure an observer presence during all transfer of bluefin tuna to the cages and all harvest of fish from the cage.

The observer tasks shall be, in particular, to:

- observe and monitor farming operation compliance with Recommendation 06-07,
- validate the caging report referred to in paragraph 82,
- carry out such scientific work, for example collecting samples, as required by the Commission based on the directions from the SCRS.

#### **Enforcement**

93. CPCs shall take enforcement measures with respect to a fishing vessel, where it has been established, in accordance with its law that the fishing vessel flying its flag does not comply with the provisions of paragraphs 21 to 25, 28 to 30 and 65 to 69 (closed seasons, minimum size and recording requirements).

The measures may include in particular depending on the gravity of the offence and in accordance with the pertinent provisions of national law:

- fines,
- seizure of illegal fishing gear and catches,
- sequestration of the vessel,
- suspension or withdrawal of authorization to fish,
- reduction or withdrawal of the fishing quota, if applicable.

94. The CPC under whose jurisdiction the farm for bluefin tuna is located shall take enforcement measures with respect to a farm, where it has been established, in accordance with its law that this farm does not comply with the provisions of paragraphs 82 to 86 and 92 (caging operations and observers) and with Recommendation 06-07.

The measures may include in particular depending on the gravity of the offence and in accordance with the pertinent provisions of national law:

- fines,
- suspension or withdrawal of the record of FFBs,
- prohibition to put into cages or market quantities of bluefin tuna.

#### **Access to and requirements for video records**

95. Each CPC shall take the necessary measures to ensure that the video records as referred in paragraphs 79 and 86 are made available to the ICCAT inspectors and ICCAT observers.

The CPC under whose jurisdiction the farm for bluefin tuna is located shall take the necessary measures to ensure that the video records as referred in paragraphs 79 and 86,) are made available to its inspectors and its observers.

Each CPC shall establish the necessary measures to avoid any replacement, edition or manipulation of the original video record.

#### **Market measures**

96. Consistent with their rights and obligations under international law, exporting and importing CPCs shall take the necessary measures:

- to prohibit domestic trade, landing, imports, exports, placing in cages for farming, re-exports and transshipments of eastern Atlantic and Mediterranean bluefin tuna species that are not accompanied by accurate, complete, and validated documentation required by this Recommendation and the *Recommendation by ICCAT Amending Recommendation 08/12 on an ICCAT Bluefin Tuna Catch Documentation Programme* [Rec. 09-11] on a Bluefin Tuna Catch Documentation Programme.
- to prohibit domestic trade, imports, landings, placing in cages for farming, processing, exports, re-exports and the transshipment within their jurisdiction, of eastern and Mediterranean bluefin tuna species caught by fishing vessels whose flag State either does not have a quota, catch limit or allocation of



fishing effort for that species, under the terms of ICCAT management and conservation measures, or when the flag State fishing possibilities are exhausted, or when the individual quotas of catching vessels referred to in paragraph 11 are exhausted;

- to prohibit domestic trade, imports, landings, processing, exports from farms that do not comply with Recommendation Rec. 06-07.

#### **Conversion factors**

97. The conversion factors adopted by SCRS shall apply to calculate the equivalent round weight of the processed bluefin tuna.

#### **Growth factors**

98. Each CPC shall define growth factors to be applied to bluefin tuna farmed in its cages. It shall notify to ICCAT Secretariat and to the SCRS the factors and methodology used. The SCRS shall review this information at its annual meetings in 2009 and 2010 and shall report to the Commission. The SCRS shall further study the estimated growth factors and provide advice to the Commission for its annual meeting in 2010.

### **Part V**

#### **ICCAT Scheme of Joint International Inspection**

99. In the framework of the multi-annual management plan for bluefin tuna, each CPC agrees, in accordance with Article IX, paragraph 3, of the ICCAT Convention, to apply the ICCAT Scheme of Joint International Inspection adopted during its Fourth Regular Meeting, held in November 1975 in Madrid\*, as modified in **Annex 8**.
100. The Scheme referred to in paragraph 99 shall apply until ICCAT adopts a monitoring, control and surveillance scheme which will include an ICCAT scheme for joint international inspection, based on the results of the Integrated Monitoring Measures Working Group, established by the *Resolution by ICCAT for Integrated Monitoring Measures* [Res. 00-20].
101. When at any time, more than 15 fishing vessels of anyone CPC are engaged in bluefin tuna fishing activities in the Convention area, the CPC shall, during that time have an inspection vessel in the Convention area, or shall cooperate with another CPC to jointly operate an inspection vessel.

### **Part VI**

#### **Final provisions**

#### **102. Availability of data to the SCRS**

The ICCAT Secretariat shall make available to the SCRS all data received in accordance with the present Recommendation.

All data shall be treated in a confidential manner.

#### **103. Evaluation**

All the CPCs shall submit each year to the Secretariat regulations and other related documents adopted by them to implement this Recommendation. In order to have greater transparency in implementing this Recommendation, all the CPCs involved in the bluefin tuna chain shall submit each year, no later than 15 October, a detailed report on their implementation of this Recommendation.

#### **104. Cooperation**

All the CPCs involved in the bluefin tuna chain are encouraged to enter into bilateral arrangements in order to improve the compliance with the provisions of this Recommendation. These arrangements could notably cover exchanges of inspectors, joint inspections and data sharing.

---

\* Note from the Secretariat: See Appendix II to Annex 7 in the *Report for Biennial Period, 1974-75, Part II (1975)*.

## 105. Repeals

This Recommendation repeals paragraph 10 of the *Recommendation by ICCAT on Bluefin Tuna Farming* [Rec. 06-07] and paragraph 6 of the *Recommendation by ICCAT Concerning Data Exchange Format and Protocol in Relation to the Vessel Monitoring System (VMS) for the Bluefin Tuna Fishery in the ICCAT Convention Area* [Rec. 07-08].

This Recommendation replaces the *Recommendation Amending the Recommendation by ICCAT to Establish a Multi-annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 08-05] and the *Recommendation Amending Recommendation 08-05 to Establish a Multi-annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 09-06].

**Specific Conditions Applying to the Catching Vessels Referred to in Paragraph 29**

1. CPCs shall limit:
  - The maximum number of its baitboats and trolling boats authorized to fish actively bluefin tuna to the number of the vessels participating in directed fishery for bluefin tuna in 2006.
  - The maximum number of its artisanal fleet authorized to fish actively bluefin tuna in Mediterranean to the number of the vessel participating in the fishery for bluefin tuna in 2008.
  - The maximum number of its catching vessel authorized to fish actively bluefin tuna in Adriatic to the number of the vessel participating in the fishery for bluefin tuna in 2008. Each CPC shall allocate individual quotas to the concerned vessels.
2. By 30 January each year, CPCs shall submit to ICCAT Secretariat, the number of catching vessels established pursuant to paragraph 1 of this Annex.
3. CPCs shall issue specific authorizations to the catching vessel referred to in paragraph 1 and shall transmit the list of such catching vessels to ICCAT Secretariat.
4. Any subsequent changes shall not be accepted unless a notified catching vessel is prevented from participation due to legitimate operational reasons or force majeure. In such circumstances CPC concerned shall immediately inform the ICCAT Executive Secretariat, providing:
  - a) full details of the intended replacement of the catching vessel referred to in paragraph 3 of this Annex;
  - b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
5. Each CPC shall allocate no more than 7% of its quota for bluefin tuna among its baitboats and trolling boats, with up to a maximum of 100 t of bluefin tuna weighing no less than 6.4kg caught by baitboat vessels of an overall length of less than 17 m by derogation to paragraph 29 of this Recommendation.
6. Each CPC may allocate no more than 2% of its quota for bluefin tuna among its coastal artisanal fishery for fresh fish in the Mediterranean.

Each CPC may allocate no more than 90% of its quota for bluefin tuna among its catching vessel in Adriatic for farming purposes.
7. Authorized catching vessels pursuant to paragraph 1 of this Annex shall only land bluefin tuna catches in designated ports. To this end, each CPC shall designate ports in which landing of bluefin tuna is authorized and communicate a list of these ports to the ICCAT Secretariat by 1 March each year.

For a port to be determined as designated port, the port State shall specify permitted landing times and places. The port State shall ensure full inspection coverage during all landing times and at all landing places.

On the basis of this information the ICCAT Secretariat shall maintain a list of designated ports on the ICCAT website for these fisheries.
8. Prior to entry into any designated port, authorized catching vessels in accordance with paragraph 4 of this Annex or their representative, shall provide the competent port authorities at least 4 hours before the estimated time of arrival with the following:
  - a) estimated time of arrival,
  - b) estimate of quantity of bluefin tuna retained on board,
  - c) information on the zone where the catches were taken;

Each landing shall be subjected to an inspection in port.

Port state authorities shall keep a record of all prior notice for the current year.

9. CPCs shall implement a catch reporting regime that ensures that an effective monitoring of the utilization of each vessels quota.
10. Bluefin tuna catches may not be offered for retail sale to the final consumer, irrespective of the marketing method, unless appropriate marking or labeling indicates:
  - a) the species, fishing gear used,
  - b) the catch area and date.
11. Beginning 1 July 2007, CPCs whose baitboats, longliners, handliners and trolling boats are authorized to fish for bluefin tuna in the eastern Atlantic and Mediterranean shall institute tail tag requirements as follows:
  - a) Tail tags must be affixed on each bluefin tuna immediately upon offloading.
  - b) Each tail tag shall have a unique identification number and be included on bluefin tuna catch documents and written on the outside of any package containing tuna.
12. The master of the catching vessel shall ensure that any quantity of bluefin tuna landed in designated port shall be weighed before first sale or before being transported elsewhere from the port of landing.

**Minimum specification for logbooks:**

1. The logbook must be numbered by sheets.
2. The logbook must be filled in every day (midnight) or before port arrival
3. The logbook must be completed in case of at sea inspections
4. One copy of the sheets must remain attached to the logbook
5. Logbooks must be kept on board to cover a period of one-year operation.

**Minimum standard information for logbooks:**

1. Master name and address
2. Dates and ports of departure, Dates and ports of arrival
3. Vessel name, register number, ICCAT number and IMO number (if available). In case of joint fishing operations, vessel names, register numbers, ICCAT numbers and IMO numbers (if available) of all the vessels involved in the operation.
4. Fishing gear:
  - a) Type FAO code
  - b) Dimension (length, mesh size, number of hooks ...)
5. Operations at sea with one line (minimum) per day of trip, providing:
  - a) Activity (fishing, steaming...)
  - b) Position: Exact daily positions (in degree and minutes), recorded for each fishing operation or at noon when no fishing has been conducted during this day.
  - c) Record of catches:
6. Species identification:
  - a) by FAO code
  - b) round (RWT) weight in kg per day
  - c) number of pieces per day
7. Master signature
8. Observer signature (if applicable)
9. Means of weight measure: estimation, weighing on board and counting.
10. The logbook is kept in equivalent live weight of fish and mentions the conversion factors used in the evaluation.

**Minimum information in case of landing, transshipment/transfer:**

1. Dates and port of landing /transshipment/transfer
2. Products
  - a) presentation
  - b) number of fish or boxes and quantity in kg
3. Signature of the Master or Vessel Agent



Document No.		ICCAT Transfer Declaration		Annex 4
<b>1 - TRANSFER OF LIVE BFT DESTINATED FOR FARMING</b>				
Fishing vessel name:		Trap name:		Farm of destination name:
ICCAT Register no.		ICCAT Register no.		ICCAT Register no:
Call sign:		Call sign:		
Flag:		Flag:		
Flag State transfer authorisation no.		ICCAT Register no:		
ICCAT Register no.		External identification:		
External identification:				
Fishing logbook no.				
JFO no.				
<b>2 - TRANSFER AFTER HARVESTING</b>				
Farm name:		Trap name:		Processing carrier vessel name:
ICCAT Register no.		ICCAT Register no.		Call sign:
		Flag:		Flag:
		External identification:		ICCAT Register no:
				External identification:
<b>3 - TRANSFER INFORMATION</b>				
Date: / /	Place or position:	Port:	Lat:	Long:
Number of individuals:	Total weight in Kg:		Species:	
Type of product: Live <input type="checkbox"/> Whole <input type="checkbox"/> Guttled <input type="checkbox"/>	Other (Specify):			
Master of fishing vessel / trap operator / farm operator name and signature:				
Master of receiver vessel (tug, processing, carrier) name and signature:				
<b>4 - TRANSFER OF DEAD FISH TO AUXILIARY VESSEL</b>				
Auxiliary vessel name:		Flag:		Quantity in Kg
Date: / /	Position:	Lat:	Long:	Port of landing:
<b>5 - FURTHER TRANSFERS</b>				
Date: / /	Place or position:	Port:	Lat:	Long:
Tug vessel name:	Call sign:		Flag:	ICCAT Register no.
Farm State transfer authorisation no:	External identification:		Master of receiver vessel name and signature:	
Date: / /	Place or position:	Port:	Lat:	Long:
Tug vessel name:	Call sign:		Flag:	ICCAT Register no.
Farm State transfer authorisation no:	External identification:		Master of receiver vessel name and signature:	
Date: / /	Place or position:	Port:	Lat:	Long:
Tug vessel name:	Call sign:		Flag:	ICCAT Register no.
Farm State transfer authorisation no:	External identification:		Master of receiver vessel name and signature:	







### ICCAT Regional Observer Programme

1. Each CPC shall require its farms and all its purse seine vessels as referred to in paragraph 91 to carry an ICCAT observer during all the fishing and harvesting period in the Convention area.
2. The Secretariat of the Commission shall appoint the observers before 1 March each year, and shall place them into farms and on board the purse seine vessels flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the ICCAT observer program. An ICCAT observer card shall be issued for each observer.
3. The Secretariat shall issue a contract listing the rights and duties of the observer and the master of the vessel or farm operator. This contract shall be signed by both parties involved.
4. The Secretariat shall establish an ICCAT Observer Programme Manual.

#### Designation of the observers

5. The designated observers shall have the following qualifications to accomplish their tasks:
  - sufficient experience to identify species and fishing gear;
  - satisfactory knowledge of the ICCAT conservation and management measures assessed by a certificate provided by the CPCs and based on ICCAT training guidelines;
  - the ability to observe and record accurately;
  - a satisfactory knowledge of the language of the flag of the vessel or farm observed.

#### Obligations of the observer

6. Observers shall:
  - a) have completed the technical training required by the guidelines established by ICCAT;
  - b) be nationals of one of the CPCs and, to the extent possible, not of the farm State or flag State of the purse seine vessel;
  - c) be capable of performing the duties set forth in point 8 below;
  - d) be included in the list of observers maintained by the Secretariat of the Commission;
  - e) not have current financial or beneficial interests in the bluefin tuna fishery.
7. The observer tasks shall be, in particular:
  - a) As regards observers on purse-seine vessels, to monitor the purse seine vessels' compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
    - i) In cases where the observer observes what may constitute non compliance with ICCAT recommendation he/she shall submit this information without delay to the observer implementing company who shall forward it to the flag state authorities of the catching vessel. For this purpose the observer implementing company shall set up a system through which this information can be securely communicated.
    - ii) record and report upon the fishing activities carried out;
    - iii) observe and estimate catches and verify entries made in the logbook;
    - iv) issue a daily report of the purse seiner vessels' transfer activities;
    - v) sight and record vessels which may be fishing in contravention to ICCAT conservation and management measures;
    - vi) record and report upon the transfer activities carried out;
    - vii) verify the position of the vessel when engaged in transfer;
    - viii) observe and estimate products transferred, including through the review of video recordings;

- ix) verify and record the name of the fishing vessel concerned and its ICCAT number;
  - x) carry out scientific work such as collecting Task II data when required by the Commission, based on the directives from the SCRS.
- b) As regards observers in the farms, to monitor the farms' compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
- i) verify the data contained in the transfer declaration and caging declaration, including through the review of video records;
  - ii) certify the data contained in the transfer declaration and caging declaration;
  - iii) issue a daily report of the farms' transfer activities;
  - iv) countersign the transfer declaration and caging declaration;
  - v) carry out such scientific work, for example collecting samples, as required by the Commission, based on the directives from the SCRS.
- c) establish general reports compiling the information collected in accordance with this paragraph and provide the master and farm operator the opportunity to include therein any relevant information.
- d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
- e) exercise any other functions as defined by the Commission.
8. Observers shall treat as confidential all information with respect to the fishing and transfer operations of the purse seiners and of the farms and accept this requirement in writing as a condition of appointment as an observer;
9. Observers shall comply with requirements established in the laws and regulations of the flag or farm State which exercises jurisdiction over the vessel or farm to which the observer is assigned.
10. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel and farm personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel and farm personnel set forth in paragraph 11 of this Programme.

**Obligations of the flag States of purse seine vessels and farm States**

11. The responsibilities regarding observers of the flag States of the purse seine vessels and their masters shall include the following, notably:
- a) Observers shall be allowed to access to the vessel and farm personnel and to the gear, cages and equipment;
  - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 8:
    - i) satellite navigation equipment;
    - ii) radar display viewing screens when in use;
    - iii) electronic means of communication;
  - c) Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
  - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
  - e) The flag States shall ensure that masters, crew, farm and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the farm State or flag State of the purse seine vessel, copies of all raw data, summaries, and reports pertaining to the trip. The Secretariat shall submit the observer reports to the Compliance Committee and to the SCRS.

**Observer fees**

12. a) The costs of implementing this program shall be financed by the farm operators and purse seiner's owners. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the program;
- b) No observer shall be assigned to a vessel or farm for which the fees, as required under subparagraph a), have not been paid.

### ICCAT Scheme of Joint International Inspection

Pursuant to paragraph 3 of Article IX of the Convention, the ICCAT Commission recommends the establishment of the following arrangements for international control outside the waters under national jurisdiction for the purpose of ensuring the application of the Convention and the measures in force thereunder:

#### I. Serious violations

1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the Commission:
  - a) fishing without a license, permit or authorization issued by the flag CPC,
  - b) failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
  - c) fishing in a closed area;
  - d) fishing during a closed season;
  - e) intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the ICCAT;
  - f) significant violation of catch limits or quotas in force pursuant to the ICCAT rules;
  - g) using prohibited fishing gear;
  - h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
  - i) concealing, tampering with or disposing of evidence relating to investigation of a violation;
  - j) multiple violations which taken together constitute a serious disregard of measures in force pursuant to the ICCAT;
  - k) assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector or observer;
  - l) intentionally tampering with or disabling the vessel monitoring system;
  - m) such other violations as may be determined by the ICCAT, once these are included and circulated in a revised version of these procedures;
  - n) fishing with assistance of spotter planes;
  - o) interference with the satellite monitoring system and/or operates without VMS system;
  - p) transfer activity without transfer declaration.
  - q) transshipment at sea
2. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 1, the authorities of the flag State of the inspection vessels shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations the inspector should, where possible, also inform the competent authorities of the flag State of the fishing vessel, as notified to the ICCAT Secretariat, and any inspection ship of the flag State of the fishing vessel known to be in the vicinity.
3. ICCAT inspectors should register the inspections undertaken and the infringements detected (if any) in the fishing vessel logbook.
4. The flag State CPC shall ensure that, following the inspection referred to in paragraph 2 of this Annex, the fishing vessel concerned ceases all fishing activities. The flag State CPC shall require the fishing vessel to proceed within 72 hours to a port designated by it, and where an investigation shall be initiated.

If the vessel is not called to port; the CPC must provide due justification in a timely manner to the Executive Secretary, who shall make it available on request to other Contracting Parties.

In the case an inspection that has detected an activity or condition that would constitute a serious violation, the vessel should be reviewed under the procedures described in the *Recommendation to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [Rec. 09-10], taking into account any response actions and other follow up.

## **II. Conduct of inspections**

5. Inspection shall be carried out by inspectors of the fishery control services of Contracting Governments. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the ICCAT Commission;
6. Ships carrying inspectors shall fly a special flag or pennant approved by the ICCAT Commission to indicate that the inspector is carrying out international inspection duties. The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the ICCAT Commission, as soon as may be practical;
7. Each inspector shall carry an identity document supplied by the authorities of the flag State in the form shown in paragraph 20 of this Annex and giving him an appointment stating that he has authority to act under arrangements approved by the ICCAT Commission. This identity document shall be valid for a minimum of five years;
8. Subject to the arrangements agreed under paragraph 15 of this Annex, a vessel employed for the time being in fishing for tuna or tuna-like fishes in the Convention area outside the waters within its national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless it is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master\* of the vessel shall permit the inspector, who may be accompanied by a witness, to board it and in this respect must provide a boarding ladder. The master shall enable the inspector to make such examination of catch or gear and any relevant documents as the inspector deems necessary to verify the observance of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned and the inspector may ask for any explanations that he deems necessary;
9. An inspector party shall consist of a maximum of two ICCAT inspectors unless additional inspectors are warranted by circumstances. An assistant can accompany the inspector party for trainee purposes only.
10. On boarding the vessel an inspector shall produce the document described in paragraph 6 of this Annex. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience and the quality of the fish does not deteriorate. An inspector shall limit his enquiries to the ascertainment of the observance of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. He shall draw up a report of his inspection in a form approved by the ICCAT Commission. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations.
11. Copies of the report shall be given to the master of the vessel and to the inspector's government, which shall transmit copies to the appropriate authorities of the flag State of the vessel and to the ICCAT Commission. Where any infringement of the recommendations is discovered the inspector should, where possible, also inform the competent authorities of the flag State, as notified to the ICCAT Commission, and any inspection ship of the flag State known to be in the vicinity;
12. Resistance to an inspector or failure to comply with his directions shall be treated by the flag State of the vessel in a manner similar to resistance to any inspector of that State or a failure to comply with his directions;
13. Inspector shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them;

---



\* Master refers to the individual in charge of the vessel.

14. Contracting Governments shall consider and act on reports of foreign inspectors under these arrangements on a similar basis in accordance with their national legislation to the reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting Government to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Governments shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements;
15. a) Contracting Governments shall inform the ICCAT Commission by 1 March each year of their provisional plans for participation in these arrangements in the following year and the Commission may make suggestions to Contracting Governments for the coordination of national operations in this field including the number of inspectors and ships carrying inspectors;
- b) the arrangements set out in this recommendation and the plans for participation shall apply between Contracting Governments unless otherwise agreed between them, and such agreement shall be notified to the ICCAT Commission.

Provided however, that implementation of the scheme shall be suspended between any two Contracting Governments if either of them has notified the ICCAT Commission to that effect, pending completion of an agreement;

16. a) the fishing gear shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The inspector will state the nature of this violation in this report;
- b) inspectors shall have the authority to inspect all fishing gear in use or that fishing gear on deck ready for use;
17. The inspector shall affix an identification mark approved by the ICCAT Commission to any fishing gear inspected which appears to be in contravention of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned and shall record this fact in his report;
18. The inspector may photograph the gear in such a way as to reveal those features which in his opinion are not in conformity with the regulation in force, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag State;
19. The inspector shall have authority, subject to any limitations imposed by the ICCAT Commission, to examine the characteristics of catches, to establish whether the ICCAT Commission's recommendations are being complied with.  
He shall report his findings to the authorities of the flag State of the inspected vessel as soon as possible.
20. New proposed model Identity Card for inspectors.

*Dimensions: Width 10.4cm, Height 7cm*

<p style="text-align: center;"><b>INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</b></p> <div style="display: flex; align-items: center; justify-content: center;">  <div style="margin-left: 10px;"> <p style="font-size: 24px; margin: 0;"><b>ICCAT</b></p> <p style="margin: 0;"><b>Inspector Identity Card</b></p> </div> </div> <p><b>Contracting Party:</b></p> <div style="display: flex; margin-top: 10px;"> <div style="border: 1px dashed black; width: 80px; height: 60px; margin-right: 10px; display: flex; align-items: center; justify-content: center;"> <p style="font-size: 8px;">Photograph</p> </div> <div> <p><b>Inspector Name:</b></p> <p><b>Card n°:</b></p> <p><b>Issue Date:</b></p> </div> </div> <p style="text-align: right; margin-top: 10px;">Valid five years</p>	<div style="display: flex; align-items: center; justify-content: center; margin-bottom: 10px;">  <div style="margin-left: 20px;"> <p style="font-size: 24px; margin: 0;"><b>ICCAT</b></p> </div> </div> <p style="font-size: 8px; margin: 0;">The holder of this document is an ICCAT inspector duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the International Commission for the Conservation of the Atlantic Tuna and has the authority to act under the provision of the ICCAT Control and Enforcement measures.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; border-top: 1px dotted black; padding-top: 5px;"> <p style="font-size: 8px; margin: 0;">ICCAT Executive Secretary Issuing Authority</p> </div> <div style="width: 45%; border-top: 1px dotted black; padding-top: 5px;"> <p style="font-size: 8px; margin: 0;">Inspector</p> </div> </div>
---	--

10-05

BIL

**RECOMMENDATION BY ICCAT  
ON THE PLAN TO REBUILD  
BLUE MARLIN AND WHITE MARLIN POPULATIONS**

*RECALLING* the 2006 *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Atlantic Blue Marlin and White Marlin Populations* [Rec. 06-09];

*TAKING INTO ACCOUNT* the management recommendation from the SCRS that the Commission should, at a minimum, continue the management measures already in place because the marlins have not yet recovered;

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

1. The terms of the 2006 *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Atlantic Blue Marlin and White Marlin Populations* [Rec. 06-09] shall be extended through 2011.
2. Contracting Parties and Cooperating non-Contracting Parties, Entities and Fishing Entities (CPCs) agree to establish at the 2011 Commission meeting a multi-year plan to rebuild blue marlin and white marlin populations on the basis of the SCRS advice.



**RECOMMENDATION BY ICCAT  
ON ATLANTIC SHORTFIN MAKO  
SHARKS CAUGHT IN ASSOCIATION WITH ICCAT FISHERIES**

*CONSIDERING* that Atlantic shortfin mako sharks (*Isurus oxyrinchus*) are caught in association with fisheries managed by ICCAT;

*TAKING INTO ACCOUNT* that the 2008 ICCAT Standing Committee on Research and Statistics (SCRS) stock assessment indicated North Atlantic shortfin mako stock was depleted to about 50 percent of biomass estimated for the 1950s, and some model outcomes indicated that the stock biomass was near or below the level that would support MSY and current harvest levels are above  $F_{MSY}$ ;

*RECALLING* Recommendation by ICCAT Concerning the Conservation of Sharks Caught in Association with Fisheries Managed by ICCAT [Rec. 04-10], Recommendation by ICCAT to Amend Recommendation [Rec. 04-10] Concerning the Conservation of Sharks Caught in Association with Fisheries Managed by ICCAT [Rec. 05-05], and the Supplemental Recommendation by ICCAT Concerning Sharks [Rec. 07-06], including the obligation of CPCs to annually report Task I and Task II data for catches of sharks, in accordance with ICCAT data reporting procedures;

*ALSO RECALLING* the need to improve species-specific Task I and Task II data for sharks, as recommended by SCRS;

*RECOGNIZING* the continuing obligation to reduce mortality of North Atlantic shortfin mako sharks under Recommendations 05-05 and 07-06;

*NOTING* that the 2008 ecological risk assessment conducted by the SCRS concluded that the shortfin mako shark has low biological productivity, making it susceptible to overfishing even at low levels of fishing mortality;

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

1. CPCs shall include information in their 2012 Annual Reports on actions taken to implement Recommendations 04-10, 05-05, and 07-06, in particular the steps taken to improve their Task I and Task II data collection for direct and incidental catches;
2. Actions taken by CPCs, as described in paragraph 1, shall be reviewed annually by ICCAT's Compliance Committee, beginning in 2012;
3. CPCs that do not report Task I data for Atlantic shortfin mako sharks, in accordance with SCRS data reporting requirements, shall be prohibited from retaining this species, beginning in 2013 until such data have been received by the ICCAT Secretariat;
4. The SCRS shall conduct a stock assessment for shortfin mako sharks in 2012 and advise the Commission on:
  - a) the annual catch levels of shortfin mako that would support MSY;
  - b) other appropriate conservation measures for shortfin mako sharks, taking into account species identification difficulties;
5. The SCRS shall complete its shark identification guide and circulate it to CPCs before the 2011 Commission meeting.

**RECOMMENDATION BY ICCAT  
ON THE CONSERVATION OF OCEANIC WHITETIP SHARK CAUGHT  
IN ASSOCIATION WITH FISHERIES IN THE ICCAT CONVENTION AREA**

*CONSIDERING* that oceanic whitetip sharks (*Carcharhinus longimanus*) are caught as by-catch in the ICCAT Convention area,

*TAKING INTO ACCOUNT* that (a) the oceanic whitetip shark has been ranked as one of the five species with the highest degree of risk in an ecological risk assessment; (b) it has high at-vessel survival and constitutes a small portion of the shark catch; (c) it is one of the easiest shark species to identify; and (d) that a significant proportion of the species catch is composed of juveniles,

*FURTHER CONSIDERING* that SCRS recommends adoption of a minimum size of 200 cm total length to protect juveniles,

*RECOGNIZING* that such minimum size regulation may cause enforcement difficulties,

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

1. Contracting Parties, and Cooperating non-Contracting Parties, Entities or Fishing Entities (hereafter referred to as CPCs) shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in any fishery.
2. CPCs shall record through their observer programs the number of discards and releases of oceanic whitetip sharks with indication of status (dead or alive) and report it to ICCAT.

**RECOMMENDATION BY ICCAT ON HAMMERHEAD SHARKS  
(FAMILY *SPHYRNIDAE*) CAUGHT IN ASSOCIATION  
WITH FISHERIES MANAGED BY ICCAT**

*RECALLING* that the Commission adopted the *Resolution by ICCAT on Atlantic Sharks* [Res. 01-11], the *Recommendation by ICCAT Concerning the Conservation of Sharks caught in Association with Fisheries Managed by ICCAT* [Rec. 04-10], the *Recommendation by ICCAT to Amend the Recommendation 04-10 on the Conservation of Sharks Caught in Association with the Fisheries Managed of ICCAT* [Rec. 05-05] and the *Supplemental Recommendation by ICCAT Concerning Sharks* [Rec. 07-06].

*NOTING* that *Sphyrna lewini* and *Sphyrna zygaena* are among the shark species for which there are sustainability concerns.

*CONSIDERING* that it is difficult to differentiate between the various species of hammerhead sharks except for the bonnethead (*Sphyrna tiburo*) without taking them on board and that such action might jeopardize the survival of the captured individuals.

*RECALLING* the need to annually report Task I and Task II for catches of sharks in conformity with the *Recommendation by ICCAT Concerning the Conservation of Sharks Caught in Association with Fisheries Managed by ICCAT* [Rec. 04-10];

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

1. Contracting Parties, and Cooperating non-Contracting Parties, Entities or Fishing Entities (hereafter referred to as CPCs) shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of hammerhead sharks of the family *Sphyrnidae* (except for the *Sphyrna tiburo*), taken in the Convention area in association with ICCAT fisheries.
2. CPCs shall require vessels flying their flag, to promptly release unharmed, to the extent practicable, hammerhead sharks when brought alongside the vessel.
3. Hammerhead sharks that are caught by developing coastal CPCs for local consumption are exempted from the measures established in paragraphs 1 and 2, provided these CPCs submit Task I and, if possible, Task II data according to the reporting procedures established by the SCRS. If it is not possible to provide catch data by species, they shall be provided at least by genus *Sphyrna*. Developing coastal CPCs exempted from this prohibition pursuant to this paragraph should endeavor not to increase their catches of hammerhead sharks. Such CPCs shall take necessary measures to ensure that hammerhead sharks of the family *Sphyrnidae* (except of *Sphyrna tiburo*) will not enter international trade and shall notify the Commission of such measures.
4. CPCs shall require that the number of discards and releases of hammerhead sharks are recorded with indication of status (dead or alive) and reported to ICCAT in accordance with ICCAT data reporting requirements.
5. CPCs shall, where possible, implement research on hammerhead sharks in the Convention area in order to identify potential nursery areas. Based on this research, CPCs shall consider time and area closures and other measures, as appropriate.
6. As appropriate, the Commission and its CPCs should, individually and collectively, engage in capacity building efforts and other cooperative activities to support the effective implementation of this Recommendation, including entering into cooperative arrangements with other appropriate international bodies.

**RECOMMENDATION BY ICCAT  
ON THE BY-CATCH OF SEA TURTLES IN ICCAT FISHERIES**

*RECOGNIZING* that some fishing operations carried out in the Convention area can adversely affect sea turtles and there is a need to implement measures to mitigate these adverse effects;

*EMPHASIZING* the need to improve the collection of scientific data regarding all sources of mortality for sea turtle populations, including but not limited to data from fisheries within the Convention area;

*CONSISTENT* with the call for the minimization of waste, discards, catch of non-target species (both fish and non-fish species), and impacts on associated or dependent species, in particular endangered species, in the FAO Code of Conduct for Responsible Fisheries and U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks;

*GIVEN THAT* the United Nations Food and Agriculture Organization (FAO) adopted the *Guidelines to Reduce Sea Turtle Mortality in Fishing Operations* at its Twenty-sixth Session of the Committee on Fisheries, held in March 2005, and recommended their implementation by regional fisheries bodies and management organizations;

*NOTING* the importance of harmonizing conservation and management measures with other organizations responsible for managing international fisheries, in particular following through on the commitments that have been made throughout the Kobe meeting process;

*RECALLING* the recommendation from the independent performance review in September 2008 that ICCAT “develop a stronger approach generally to by-catch and develop and adopt appropriate mitigation measures including reporting on the effectiveness of these measures throughout the fisheries”;

*FURTHER RECALLING* the *Resolution by the ICCAT on Sea Turtles* [Res. 03-11] and the *Resolution by ICCAT on Circle Hooks* [Res. 05-08];

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

1. Each CPC shall collect, and annually report to ICCAT no later than 2012 information on the interactions of its fleet with sea turtles in ICCAT fisheries by gear type, including catch rates that take into consideration gear characteristics, times and locations, target species, and disposition status (i.e., discarded dead or released alive). Data to be recorded and reported must also include a breakdown of interactions by sea turtle species, and, where possible, include the nature of the hooking or entanglement (including with Fish Aggregating Devices or FADs), bait type, hook size and type, and the size of the animal. CPCs are strongly encouraged to use observers to collect this information.
2. CPCs shall require that:
  - a) purse seine vessels flagged to that CPC operating in the Convention area avoid encircling sea turtles to the extent practicable, release encircled or entangled sea turtles, including on FADs, when feasible, and report interactions between purse seines and/or FADs and sea turtles to their flag CPC so that this information is included in the CPC reporting requirements specified in paragraph 1;
  - b) pelagic longline vessels flagged to that CPC operating in the Convention area carry on board safe-handling, disentanglement and release equipment capable of releasing sea turtles in a manner that maximizes the probability of their survival;
  - c) fishermen on pelagic longline vessels flagged to that CPC operating under their flag use the equipment specified in item 2b above to maximize the probability of sea turtle survival and are trained in safe-handling and release techniques.

3. In advance of the 2011 SCRS meeting, if possible, and no later than 2012, the ICCAT Secretariat shall compile the data collected under paragraph 1 as well as available information from the scientific literature and other relevant sea turtle by-catch mitigation information, including that provided by CPCs and report it to the SCRS for its consideration.
4. SCRS shall also provide advice to the Commission on approaches for mitigating sea turtle by-catch in ICCAT fisheries, including reducing the number of interactions and/or the mortality associated with those interactions. Such advice should be provided, as appropriate, whether or not an assessment as envisioned in paragraph 5 has been conducted.
5. Based on the activities undertaken in paragraph 3, SCRS shall initiate an assessment of the impact of the incidental catch of sea turtles resulting from ICCAT fisheries as soon as possible and no later than 2013. After the initial assessment is complete and the results presented to the Commission, SCRS shall advise the Commission on the timing of future assessments.
6. Upon receipt of advice from the SCRS, the Commission shall consider additional measures to mitigate sea turtle by-catch in ICCAT fisheries, if necessary.
7. As appropriate, the Commission and its CPCs should, individually and collectively, engage in capacity building efforts and other cooperative activities to support the effective implementation of this recommendation, including entering into cooperative arrangements with other appropriate international bodies.
8. In their Annual Reports to ICCAT, CPCs shall report on the implementation of this Recommendation, focusing on paragraphs 1, 2, and 7. In addition, CPCs should report on other relevant actions taken to implement FAO's *Guidelines to Reduce Sea Turtle Mortality in Fishing Operations* with respect to ICCAT fisheries in their Annual Reports.
9. This recommendation replaces the *Resolution by ICCAT on Sea Turtles* [Res. 03-11] in its entirety.

**RECOMMENDATION BY ICCAT TO ESTABLISH MINIMUM  
STANDARDS FOR FISHING VESSEL SCIENTIFIC OBSERVER PROGRAMS**

*RECALLING* that Article IX of the Convention requires Contracting Parties to furnish, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Convention;

*FURTHER RECALLING* the 2001 *Resolution by ICCAT on the Deadlines and Procedures for Data Submission* [Res. 01-16], in which the Commission established clear guidelines for the submission of Task I and Task II data;

*TAKING ACCOUNT OF* the observations in the report of the Independent Review Panel on the performance of ICCAT about the completeness and reliability of data for many ICCAT fisheries and its recommendation that Commission members and cooperating non-members collect and transmit to the Secretariat in a timely way accurate Task I and Task II data;

*ACKNOWLEDGING* that poor quality data impacts the ability of the SCRS to complete robust stock assessments and provide management advice as well as the ability of the Commission to adopt effective conservation and management measures;

*DETERMINED* to ensure the collection of data accounting for all sources of mortality in ICCAT fisheries, for both target species and by-catch, to improve the certainty of future scientific advice while taking into account ecosystem considerations;

*ACKNOWLEDGING* the discussion and recommendations of the Working Group on the Future of ICCAT concerning the importance of observer programs in developing and implementing an ecosystem approach to management;

*WELCOMING* the planned future work of the SCRS Sub-Committee on Ecosystems and the Sharks Species Group to advise on minimum observer coverage levels needed to ensure sufficient data and information are available to support robust species estimates, particularly of by-catch species;

*RECOGNIZING* that observer programs are used successfully at both the national and Regional Fisheries Management Organization (RFMO) level for the purposes of collecting scientific data;

*TAKING INTO ACCOUNT* the needs of developing States with regard to capacity building;

*RECOGNIZING* the United Nations General Assembly Sustainable Fisheries Resolution 63/112, that encourages the development of observer programs by regional fisheries management organizations and arrangements to improve data collection;

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

1. Notwithstanding additional observer program requirements that may be in place or adopted by ICCAT in the future for specific fisheries for the collection of scientific information, each Contracting Party and Cooperating non-Contracting Party, Entity, or Fishing Entity (CPC) shall ensure the following with respect to its domestic observer programs:
  - a) A minimum of 5% observer coverage of fishing effort in each of the pelagic longline, purse seine, and, as defined in the ICCAT glossary, baitboat fisheries, as measured in number of sets or trips for purse seine fisheries; fishing days, number of sets, or trips for pelagic longline fisheries; or in fishing days in baitboat fisheries;

- b) Notwithstanding paragraph 1a), for vessels less than 15 meters, where an extraordinary safety concern may exist that precludes deployment of an onboard observer, a CPC may employ an alternative scientific monitoring approach that will collect data equivalent to that specified in this recommendation in a manner that ensures comparable coverage. In any such cases, the CPC wishing to avail itself of an alternative approach must present the details of the approach to the SCRS for evaluation. The SCRS will advise the Commission on the suitability of the alternative approach for carrying out the data collection obligations set forth in this Recommendation. Alternative approaches implemented pursuant to this provision shall be subject to the approval of the Commission at the annual meeting prior to implementation, except in the case of the 2011 fishing season. For the 2011 fishing season, alternative plans must be submitted to the SCRS prior to the commencement of the fishing season and shall be subject to the approval of the Commission at the 2011 annual meeting.
- c) Representative temporal and spatial coverage of the operation of the fleet to ensure the collection of adequate and appropriate data as required under this recommendation and any additional domestic CPC observer program requirements, taking into account characteristics of the fleets and fisheries;
- d) Data collection on all aspects of the fishing operation, including catch, as specified in paragraph 2 below.
2. In particular, CPCs shall require observers to:
- a) record and report upon the fishing activity, which shall include at least the following:
- i) data collection that includes quantifying total target catch and by-catch (including sharks, sea turtles, marine mammals, and seabirds), size composition, disposition status (i.e., retained, discarded dead, released alive), and the collection of biological samples for life history studies (e.g., gonads, otoliths, spines, scales);
- ii) fishing operation information, including:
- area of catch by latitude and longitude;
  - fishing effort information (e.g., number of sets, number of hooks, etc.);
  - date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
- iii) other scientific work as recommended by SCRS and agreed by the Commission.
- b) observe and record the use of by-catch mitigation measures and other relevant information;
- c) present to their CPC, as feasible and appropriate, any proposals the observer considers appropriate to improve the efficiency of conservation measures and scientific monitoring.
3. In implementing these observer requirements, CPCs shall ensure use of robust data collection protocols, including, as necessary and appropriate, the use of photography, and that observers are properly trained and approved before deployment. Toward that end, CPCs shall ensure that their observers have the following qualifications to accomplish their responsibilities:
- a) sufficient knowledge and experience to identify species and collect information on different fishing gear configurations;
- b) satisfactory knowledge of the ICCAT conservation and management measures;
- c) the ability to observe and record accurately data to be collected under the program;
- d) the ability to collect biological samples;
- e) not be a crew member of the fishing vessel being observed; and
- f) not be an employee of a fishing vessel company involved in the observed fishery.

In addition, CPCs shall ensure their observed flag vessels permit appropriate access to the vessel and its operations to allow the observer to carry out its responsibilities effectively.

4. Each year, CPCs shall report information collected under domestic observer programs to the SCRS for stock assessment and other scientific purposes in line with procedures in place for other data reporting requirements and consistent with domestic confidentiality requirements, including, *inter alia*, catch rates, the coverage level achieved within their respective fisheries, and details on how coverage levels were calculated.
5. CPCs shall also provide a preliminary report to SCRS by 31 July 2011 on the structure and design of their domestic observer programs to be followed by an updated report on 31 July 2012. These reports shall include, *inter alia*, the following information:
  - a) target level of observer coverage by fishery and how measured,
  - b) data required to be collected,
  - c) data protocols in place,
  - d) information on how vessels are selected for coverage to achieve the CPC's target level of observer coverage,
  - e) observer training requirements, including any training materials, such as a training manual,
  - f) observer qualification requirements.

Following the submission of the reports referred to in this paragraph, any changes to CPC observer programs shall be reported to the SCRS through CPC Annual Reports.

6. Beginning in 2012 and every three years thereafter SCRS shall:
  - a) report to the Commission on the coverage level achieved by each CPC by fishery;
  - b) provide the Commission with a summary of the data and information collected and reported pursuant to this Recommendation and any relevant findings associated with that data and information;
  - c) review the minimum standards established for CPC observer programs as set out in this recommendation; and
  - d) make recommendations as necessary and appropriate on how to improve the effectiveness of observer programs in order to meet the data needs of the Commission, including possible revisions to this Recommendation and/or with respect to implementation of these minimum standards by CPCs.
7. The Commission shall take due regard of the special requirements of developing States in the implementation of the provisions of this Recommendation.
8. The Commission shall review this Recommendation no later than its 2012 annual meeting and every three years thereafter, and consider revising it in light of information on CPC observer programs received pursuant to paragraphs 4 and 5 and SCRS advice pursuant to paragraph 6.
9. The ICCAT Secretariat shall facilitate the required exchange of information between each CPC concerned and the SCRS and the implementation of any other aspects of this Recommendation as necessary and appropriate.



**RECOMMENDATION BY ICCAT ON AN ELECTRONIC  
BLUEFIN TUNA CATCH DOCUMENT PROGRAMME (eBCD)**

*TAKING INTO ACCOUNT* the multi-annual recovery plan for eastern Atlantic and Mediterranean bluefin tuna.

*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 and the creation of automated links between Parties including exporting and importing authorities.

*RECOGNIZING* the necessity to develop and strengthen the implementation of the bluefin tuna catch documentation by the implementation of an electronic document system.

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

An electronic Bluefin Tuna Catch Documentation System (eBCD) shall be developed and maintained at the ICCAT Secretariat covering all bluefin tuna caught, farmed, harvested and traded.

The technical specifications of the eBCD system along the lines of the concepts presented in the enclosed document together with full details of its implementation shall be developed by the Secretariat in collaboration with CPCs through the formation of an eBCD Working Group.

This Working Group shall meet throughout 2011 and discuss in detail which elements shall be developed by the Secretariat, based on their experience and management of other databases such as the ICCAT Record of Vessels, and those that will need to be undertaken by outsourced technical services.

On this basis the development and testing of the system will proceed under the guidance of the Working Group so as to be completed prior to the 2011 annual meeting.

The *Recommendation by ICCAT Amending Recommendation 08-12 on an ICCAT Bluefin Tuna Catch Documentation Program* [Rec. 09-11] shall then be amended at the 2011 annual meeting so that the eBCD system is fully operational by 1 March 2012.

**The Bluefin Tuna Catch Documentation (BCD) Programme –  
The way forward through the development of an electronic BCD system (eBCD)**

## **1. Background**

As part of the measures to sustainably manage eastern Atlantic and Mediterranean bluefin tuna, improve the quality and reliability of statistical data and prevent, deter and eliminate illegal, unregulated and unreported fishing, ICCAT adopted in 2007 a catch documentation programme for bluefin tuna entitled the blue-fin catch document (BCD) which must accompany bluefin tuna products from catch to trade.

Each BCD is composed of different sections (catch, transfer, farming, harvesting, trade) which must each be completed by concerned operators and subsequently validated by their flag and/or farm States. By validating, flag State authorities confirm that the products referred to each section of the BCD have been caught and transferred in accordance with appropriate conservation and management measures.

The programme has, however, suffered from a number of shortcomings which have been discussed during the 2009 ICCAT annual meeting as well as the 2010 intersessional Compliance Committee, which if not improved could weaken the management of E-BFT particularly within the purse seine and farming sectors.

In light of the discussions at the Second Joint Meeting of Tuna Regional Fisheries Management Organisations in San Sebastian, Spain, in 2009 which concluded that minimum standards or best practices for catch document systems should be adopted, and in the context of the draft recommendation for an electronic catch document pilot programme proposed by the Working Group on Integrated Monitoring Measures in Madrid, Spain in February 2010, the framework in ICCAT for technological developments to the BCD programme are well founded.

## **2. Current situation**

The BCD programme is currently 100% paper based with validation authorities, seals, signatures and numbers provided by flag CPC authorities and registered with ICCAT.

A number of sections must be completed by operators while others by the competent validating authorities. The provisions of ICCAT Recommendation [09-11] require a copy of a BCD to be sent to the ICCAT Secretariat by the CPC authorities within five days of validation.

The EU considers the main problems associated with the programme to date include, but are not limited to:

### ***(1) Delays in validation***

Issues have been observed in the validation procedures associated with the relevant sections of the BCD. This concerns both delays in validation as well as the order in which the validations have taken place.

### ***(2) Traceability***

This specifically relates to where there have been variations in the numbers of individual eastern Atlantic and Mediterranean bluefin tuna throughout the supply chain, particularly the case in live trade and split shipments (lots).

### ***(3) Security / confidentiality of information***

The lack of real-time centralisation of information cannot safeguard its integrity and confidentiality.

### ***(4) Errors and unreadable entries***

There are also cases, often due to faxed or scanned copies, where the entries have become unreadable and impossible to verify. Alternatively, there are cases where data has been entered incorrectly and/or in the wrong field.

### 3. The way forward

In light of recent developments in electronic information exchange, processing and management it is clear that electronic systems can improve the BCD Programme through the treatment of shipments (lots), the ability to detect fraud and deter IUU shipments and the facilitation of automated links between the various actors involved including exporting and importing authorities.

Alongside the deficiencies in the Programme, there is therefore the need through technological advances to strengthen and further develop the BCD Programme.

An electronic BCD system should be developed and maintained at the ICCAT Secretariat to ensure the legitimacy of actions and data related to the programme which will also facilitate enhanced monitoring and control at the critical control points.

### 4. Technical overview of the eBCD system

An electronic BCD system (eBCD) should involve a central database at the ICCAT Secretariat that can only be accessed by secure web-based technology by each respective 'actor'<sup>1</sup> involved in the catching, farming, harvesting and trading of bluefin tuna.

The online BCD form used by each actor will have the same appearance and be completed in the same way as the paper version.

The rights and obligations of each actor will be strictly related to their role in the BCD Programme by way of secured access or administrative rights, i.e. such that a validating authority can only validate, while a fisherman can only enter catch data.

The access to the system will be based on standard technology and users need only have an internet connection (with the required security installed). Alternatively, the system should be able to receive data automatically provided by catch information systems in the CPCs, for example systems managing electronic logbook data.

The system will be progressive in accordance with the known traceability of bluefin tuna, so for example the farming section cannot be filled in before the catch section is completed and subsequently validated. See **Figure 1**, which represents the basic flow of information and involvement of the different 'actors' within the BCD Programme.

The system can be customised for error and/or non-compliance prevention, so for example catch can only be recorded weighing between 8 and 500 kgs can be entered or catch can not be validated in a closed season / area. The system should be linked with other ICCAT information sources such as the Record of Vessels, so that only those vessels authorised and active can report a catch. Likewise, other sources like the VMS Registry or the list of Joint Fishing Operation repartition keys could be linked to the eBCD system.

As there is a requirement for the BCD to follow the fish, it can be envisaged for a user to print out and display the BCD number and/or barcode on a shipment/lot. This BCD number barcode identifier could then be cross-checked by an inspector, who need only log onto to the secure ICCAT website. The compliance aspects / features should be further discussed between CPCs (e.g. prior authorisations could be dealt with by the system).

An important element of the system will be dedicated to managing the user accounts with the login name, password, contact details and/or security certificate. Every actor should receive one or more user accounts associated to their rights in the eBCD system. Every CPC shall manage the user accounts dedicated to them.

For the actors themselves, they will obtain the necessary information and/or security certificate from the system in order to start using the eBCD system simply with a default internet connection and web browser.

Account details and security certificates will also need to be implemented for automatic data exchange, for which the uniform data exchange format needs to be developed.

---

<sup>1</sup> 'Actors' refer to operators (fisherman, farms) and/or their representatives and validating authorities.

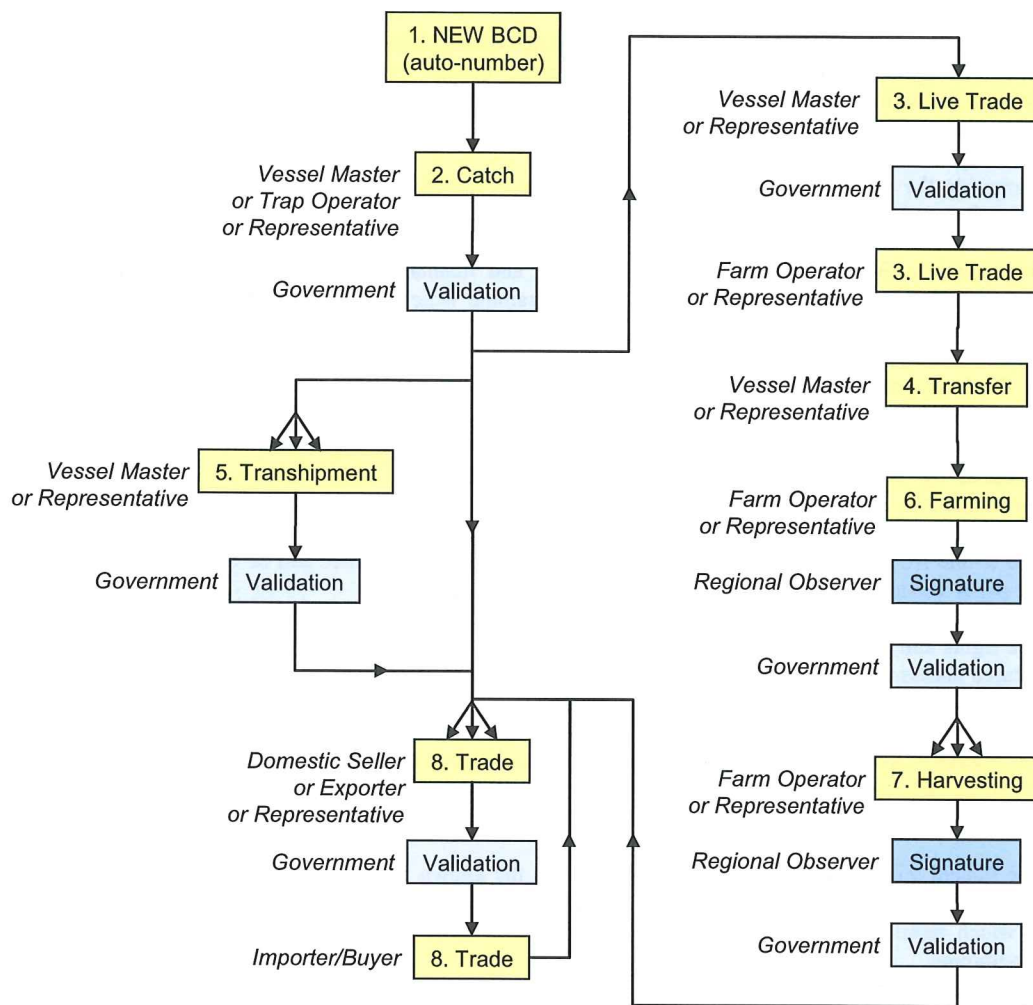


Figure 1. Basic flowchart of BCD sections with related actors.

##### 5. Example actions and related actors:

Each 'action' in the system has different applications, each of which has its own actor's specific to it. Below are a number of example actions:

- **Validating:** after the completion of the catching, farming, trading and harvesting sections, a validating authority must validate the content before the eBCD can pass to the next actor.
- **Inserting** a new quantity into the system: can only be done by fishermen or trap owners which by doing so generates a new BCD and unique BCD ID number.
- **Transmitting:** actors like transfer vessels or transport companies cannot amend the entries relating to the quantities of bluefin tuna reported caught, but only complete transmit them to the next actor. Farming is a specific case as the number of individuals will remain equal while the weight increases.
- **Splitting:** Includes fish processing so the catch is split in different products, also splitting of shipments for different trade destinations.
- **Combining:** contrary to splitting, several batches of tuna could be combined into one before continuing the trade.

- **Exiting:** usually when the fish is sold on the market, it exits from the eBCD chain and becomes inactive nonetheless the data remains on the eBCD database.

The system should also have an 'alerting' function, such that each actor is alerted by means of an email which will direct them (URL link) to the eBCD system.

## **6. Advantages of the eBCD system**

The electronic system will manage all aspect of the eBCD programme, also the printed BCD numbers which accompany the fish.

In general the eBCD system will look to improve the following:

- Copying, scanning, emailing etc.
- Delays in sending BCDs for validation
- Errors and poor quality entries
- Encoding of BCD data (within CPCs or by Secretariat)
- Non-compliance
- Administrative burden.

As mentioned, the system could be further expanded for control purposes and allow connections with other systems.

## **7. Way forward**

The EU proposes that a system be discussed and agreed with a view to developing system specification and/or minimum standards, which could assist the Secretariat in the development of the system. External technical services may also be needed for some aspects of system development.

Following the agreement of the Commission, the *Recommendation by ICCAT Amending the Recommendation 08-12 on an ICCAT Bluefin Tuna Catch Documentation Program* [Rec. 09-11] will then be revisited at the 2011 annual meeting with a view to incorporating the eBCD system.

Given the time required for the development and testing it is realistic to envisage the system being operational in 2012.

It would be more appropriate to have a instantaneous switch-over as opposed to a phased approach, consequently 1 March 2012 would be a suitable date for the system to go online as this date in the context of the eastern Atlantic and Mediterranean bluefin tuna Recovery Plan this represents the beginning of the campaign (submission date for authorised vessel lists, annual fishing plans).

The ICCAT Secretariat shall therefore establish an ICCAT eBCD system so as to be fully operational by 1 March 2012.

