

**RECOMMENDATION BY ICCAT ON
SOUTH ATLANTIC SWORDFISH CATCH LIMITS**

CONSIDERING that the Standing Committee on Research and Statistics (SCRS) indicates that the current estimated fishing mortality rate is likely below that which would produce maximum sustainable yield (MSY), and the current biomass is likely above that which would result from fishing at F_{MSY} in the long term;

CONSCIOUS that the SCRS recommends that annual catch should not exceed the estimated MSY (about 15,000 t);

RECOGNIZING that this multi-annual approach for the management of South Atlantic swordfish reflects the thrust of the *ICCAT Criteria for the Allocation of Fishing Possibilities* [Ref. 01-25], adopted by the Commission in 2001, for the period concerned;

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

1. For 2010, 2011, 2012 and 2013, the Total Allowable Catch (TAC) and the catch limits shall be as follows:

(Unit: t)

	2010	2011	2012	2013
TAC (1)	15,000	15,000	15,000	15,000
Brazil (2)	3,666	3,785	3,940	3,940
European Union	5,282	5,082	4,824	4,824
South Africa	932	962	1,001	1,001
Namibia	1,168	1,168	1,168	1,168
Uruguay	1,165	1,204	1,252	1,252
United States (3)	100	100	100	100
Cote d'Ivoire	125	125	125	125
China	263	263	263	263
Chinese Taipei (3)	459	459	459	459
United Kingdom	25	25	25	25
Japan (3)	901	901	901	901
Angola	100	100	100	100
Ghana	100	100	100	100
St. Tome & Principe	100	100	100	100
Senegal	389	401	417	417
Philippines	50	50	50	50
Korea	50	50	50	50
Belize	125	125	125	125

- (1) The total catch for the four-year management period of 2010-2013 shall not exceed 60,000 t (15,000 t x 4). If the yearly total catch of any of the four years exceeds 15,000 t; the TAC(s) for the following year(s) shall be adjusted to ensure that the four-year total will not exceed 60,000 t. If the total catch in 2013 exceeds 15,000 t and if the four-year total catch exceeds 60,000 t, the exceeded amount for four years shall be adjusted in the next management period. In general, these adjustments shall be carried out through prorate reduction of the quota for each Contracting Party and Cooperating non-Contracting Party, Entity and Fishing Entity (CPC).
- (2) Brazil may harvest up to 200 t of its annual catch limit within the area between 5 degrees North latitude and 15 degrees North latitude.
- (3) Japan's, U.S.A's and Chinese Taipei's underage in 2009 may be carried over to 2010 up to 800 t, 100 t and 400 t, respectively, in addition to their quotas specified in this table. Those CPCs may also carry over unused portions during 2010-2013 but such carried over amounts each year shall not exceed the amounts specified here.

2. Any unused portion or excess of the annual quota/catch limit 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 for South Atlantic swordfish:

<i>Catch Year</i>	<i>Adjustment Year</i>
2010	2012
2011	2013
2012	2014
2013	2015

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

3. 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 degrees W and south of 15 degrees N, against its uncaught South Atlantic swordfish quota.
4. The European Union shall be allowed to count up to 200 t of its swordfish catch taken from the North Atlantic management area against its uncaught South Atlantic swordfish quota.
5. The 50 t quota transfers from South Africa, Japan and United States to Namibia (total: 150 t), the 25 t quota transfers from United States to Côte d'Ivoire and the 25 t quota transfer from United States to Belize shall be authorized. The quota transfers shall be reviewed annually in response to a request from an involved CPC.
6. None of the arrangements in this Recommendation shall be deemed to prejudice a future arrangement relating to South Atlantic Swordfish.
7. The *Recommendation by ICCAT on South Atlantic Swordfish Catch Limit* [Rec. 09-03] is repealed and replaced by this Recommendation.

**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], the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 08-04], and the Supplemental Recommendation by ICCAT Concerning the Western Atlantic Bluefin Tuna Rebuilding Program [Rec. 10-03],

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 2012 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 is consistent with the Convention objective. 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 total allowable catch (TAC),

FURTHER CONSIDERING that the SCRS has estimated MSY to be 2,634 t under the low recruitment scenario and 6,472 t under the high recruitment scenario,

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

HIGHLIGHTING that the SCRS has noted that considerable uncertainties remain for the outlook of the western stock, including the effects of mixing, age at maturity, and recruitment, and that the short intermission between the 2010 and 2012 assessments did not allow sufficient time for key research projects conducted under the Atlantic-wide Research Program for Bluefin Tuna (GBYP) to be completed and resulting information to be incorporated into the 2012 assessments,

RECOGNIZING, however, that the 2015 stock assessments will incorporate new data from the research conducted under the GBYP and related activities and is expected to utilize new methodologies and an assessment peer review process,

FURTHER RECOGNIZING the value of increasing biological sampling to provide additional support toward addressing key stock assessment uncertainties,

FURTHER ACKNOWLEDGING the need to re-evaluate the western Atlantic bluefin tuna rebuilding program no later than 2015 in light of the 2015 stock assessment results and resulting advice from SCRS,

UNDERSCORING that the SCRS continues to advise that protecting the strong 2003 year class would enhance its contribution to the spawning stock biomass, which has the potential to increase the productivity of the stock in the future,

UNDERSCORING FURTHER that SCRS has advised that increases in spawning stock biomass may help resolve the issue of low and high recruitment potential,

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 fisheries is linked to the eastern Atlantic and Mediterranean stock,

FURTHER RECOGNIZING the ICCAT Criteria for the Allocation of Fishing Possibilities [Ref. 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:

- Contracting Parties and Cooperating non-Contracting Parties, Entities and Fishing Entities (CPCs) 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

- In order to avoid increasing fishing mortality of bluefin tuna in the eastern or western Atlantic, CPCs 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

- The rebuilding program for bluefin tuna in the western Atlantic will have a TAC, inclusive of dead discards, of 1,750 t in 2013. The annual TAC for 2014 will be set in 2013.
- The annual TAC, MSY target, and the 20-year rebuilding period shall be reviewed and, if appropriate, 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.
- If the SCRS stock assessment detects a serious threat of stock collapse, the Commission shall suspend all bluefin tuna fisheries in the western Atlantic for the following year.
- The allocation of the annual TAC, inclusive of dead discards, will be indicated as follows:
 - 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

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

CPC	<i>If the remainder of the annual TAC is:</i>			
	<2,413 t (A)	2,413 t (B)	>2,413-2,660 t (C)	>2,660 t (D)
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 t	5.5 t	0.23%
France (in respect of St. Pierre & Miquelon)	0.23%	5.5 t	5.5 t	0.23%
Mexico	5.56%	134 t	134 t	5.56%

- c) Consistent with paragraphs 1 and 6(b), the TAC for 2013 results in the following CPC-specific quota allocations (not including by-catch allowances listed in 6(a)):

	<i>2013</i>
	1,750 t
United States	923.70 t
Canada	381.66 t
Japan	301.64 t
United Kingdom (in respect of Bermuda)	4 t
France (in respect of St. Pierre & Miquelon)	4 t
Mexico	95 t

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

- d) Depending on availability, Mexico can transfer up to 86.5 t of its adjusted quota in 2013 to Canada to support cooperative research as specified in paragraph 19.
- e) Depending on availability, the United Kingdom (in respect of Bermuda) can transfer up to the amount of its adjusted quota in 2013 to the United States to support cooperative research as specified in paragraph 19.
- f) Depending on availability, France (in respect of St. Pierre & Miquelon) can transfer up to the amount of its adjusted quota in 2013 to Canada to support cooperative research as specified in paragraph 19.
- g) CPCs planning to engage in the cooperative research activities specified in paragraphs 6(d), 6(e) and 6(f) above shall notify the Commission and the SCRS of the details of their research programs to be undertaken before they commence and shall present the results of the research to the SCRS in time to inform the 2015 stock assessments.
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. Each year shall be considered as an independent management period for the remainder of this paragraph.
- a) 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 (i.e., the total quota for such CPC shall not exceed twice its annual quota in any given year).
- b) If, in the applicable management period, and each subsequent management period, any CPC has an overharvest of its total quota, its initial quota for the next subsequent management period will be reduced by 100% of the excess of such total quota, and ICCAT may authorize other appropriate actions.
- c) Notwithstanding paragraph 7(b), 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.

Minimum fish size requirements and protection of small fish

8. CPCs 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.

9. Notwithstanding the above measures, CPCs 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 to 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. CPCs granting such a tolerance will prohibit the taking and landing of western Atlantic bluefin tuna having a fork length of less than 67 cm.
10. CPCs 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 and report on steps taken in this regard in their Annual Report.

Area and time restrictions

11. There shall be no directed fishery on the bluefin tuna spawning stock in the western Atlantic spawning grounds (i.e., the Gulf of Mexico).

Transshipment

12. Transshipment at-sea shall be prohibited.

Scientific research and data and reporting requirements

13. In 2015, and thereafter every three years, the SCRS will conduct a stock assessment for bluefin tuna for the western Atlantic stock and for the eastern Atlantic and Mediterranean stock and provide advice to the Commission on the appropriate management measures, approaches, and strategies, including, *inter alia*, regarding TAC levels for those stocks for future years.
14. The SCRS shall prepare and present a Kobe II strategy matrix reflecting recovery scenarios of western Atlantic bluefin tuna consistent with *Resolution by ICCAT to Standardize the Presentation of Scientific Information in the SCRS Annual Report and in Working Group Detail Reports* [Res. 11-14].
15. In 2013, a working group of fisheries managers and scientists will be convened as described in **Annex 1**.
16. The SCRS shall annually review available fishery and stock indicator trends and evaluate whether they warrant advancing the scheduling of the next stock assessment. In support of this evaluation, CPCs shall make special efforts to update abundance indices and other fishery indicators annually and provide them in advance of the SCRS annual species group meetings.
17. In preparation for the 2015 stock assessment, the SCRS should thoroughly review the evidence that initially was used in support of each recruitment scenario as well as any additional information available as a means of informing the Commission on which recruitment scenario is more likely to reflect the current stock recruitment potential. If the SCRS is unable to support one scenario over the other, the SCRS then should provide the Commission with management advice that takes into consideration the risks (e.g., risk of not achieving the Convention objective, lost yield) that would be associated with opting to manage the stock under a scenario that does not accurately reflect the stock-recruit relationship.
18. 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 western Atlantic rebuilding program shall be re-evaluated.
19. CPCs that harvest western Atlantic bluefin tuna should contribute to ICCAT's (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 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.
20. All CPCs shall monitor and report on all sources of fishing mortality, including dead discards, and shall minimize dead discards to the extent practicable.

21. As part of the 2015 stock assessment, the SCRS shall review and report to the Commission on new available information on the potential existence of additional western Atlantic bluefin tuna spawning grounds.
22. 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.
23. The ICCAT Secretariat shall, within 10 days following the monthly deadline for receipt of the provisional catch statistics, collect the information received and circulate it to CPCs together with aggregated catch statistics.
24. All CPCs 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.
25. This Recommendation replaces the *Supplemental Recommendation by ICCAT Concerning the Western Atlantic Rebuilding Program* [Rec. 10-03].

**Working Group of Fishery Managers and Scientists
in Support of the WBFT Stock Assessment**

Structure

Establish a Working Group of Fisheries Managers and Scientists, which reports to the Commission.

The Working Group shall be comprised of fishery managers and scientists from Contracting Parties. The Working Group shall be Co-Chaired by the SCRS Chair and an individual (to be selected) who has fishery management expertise. The meeting shall be open to ICCAT-accredited observers.

The Group will convene a Workshop in mid-2013, to guide the work of the SCRS leading up to the next assessment. The Workshop participants will discuss ways to improve the communication of management goals, stock assessment results including the associated uncertainties, and management advice between scientists and managers. The Workshop will provide an opportunity for managers to provide input to scientists on the development of management advice.

Scope of Meeting

1. Describe the history of the science advice and management of the western Atlantic bluefin tuna stock prior to and during the rebuilding period that commenced in 1998, including the management actions taken by ICCAT and the stock responses.
2. Review the current knowledge of population mixing between the western Atlantic and eastern Atlantic and Mediterranean stocks, and stock assessment methods being considered that can accommodate such mixing between the stocks and the implications for the perception of stock status. Such approaches would facilitate the evaluation of the effects of the conservation and management measures in the eastern Atlantic and Mediterranean on the perceived status of the western Atlantic stock.
3. Review the basis for the current assumptions concerning spawning stock biomass and recruitment, including any evidence of changes in the ecosystem, such as environmental conditions, that could have had an impact on stock productivity.
4. Consider any other relevant issues relating to science and management of western Atlantic bluefin tuna.

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

**Part I
General provisions**

1. The Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs), whose vessels have been actively fishing for bluefin tuna (*Thunnus 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 powered vessel used or intended for use for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support vessels, 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) "Towing vessel" means any vessel used for towing cages. "Support vessel" means any other fishing vessel referred to under 2a).
 - f) "Fishing actively" means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;
 - g) "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 accordance with the allocation key;
 - h) "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 live bluefin tuna from one farm to another;
 - any transfer of live bluefin tuna from the trap to the transport cage.
 - i) "Trap" means fixed gear anchored to the bottom usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting.
 - j) "Caging" means the transfer of live bluefin tuna from the transport cage or trap to the farming cages.
 - k) "Farming" means caging of bluefin tuna in farms and subsequent feeding aiming to fatten and increase their total biomass.
 - l) "Farm" means installation used for the farming of bluefin caught by traps and/or purse seiners.

- m) "Harvesting" means the killing of bluefin tuna in farms or traps.
- n) "Transshipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel.
- o) "Sport fishery" means a non-commercial fishery whose members adhere to a national sport organization or are issued with a national sport license.
- p) "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 13.400 t annually, effective beginning in 2013 and thereafter, until such time the TAC is changed following the SCRS advice.
- 5. In 2014 the SCRS will conduct an update of the stock assessment and provide advice to the Commission.
- 6. Furthermore, the SCRS shall work towards the development of new assessment modeling approaches and inputs, in a view to minimize uncertainties, which shall be used in a stock assessment in 2015 and thereafter every three years.
- 7. The Plan shall be reviewed and, if appropriate, adjusted based upon SCRS advice.
- 8. 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.
- 9. The allocation scheme from 2013 is set in the table below:

<i>CPC</i>	<i>Quota (t)</i>	<i>%</i>
Albania	33.58	0.2506266
Algeria	143.83	1.0733333
China	38.19	0.2850125
Croatia	390.59	2.9148371
Egypt	67.08	0.5006266
European Union	7548.06	56.328772
Iceland	30.97	0.2311278
Japan	1139.55	8.5041103
Korea	80.53	0.6010025
Libya	937.65	6.9973935
Morocco	1270.47	9.4811529
Norway	30.97	0.2311278
Syria	33.58	0.2506266
Tunisia	1057.00	7.8880702
Turkey	556.66	4.1541604
Chinese Taipei	41.29	0.3081704
TOTAL	13,400	100

10. Notwithstanding paragraph 9 above, and taking into account the historical allocation for this stock, Algeria is granted an extra and temporary allocation of 100t/year for the years 2013 and 2014 prior to any future revisions. The re-establishment of the historical allocation of Algeria will be considered as a priority in future revisions of the TAC. All relevant provisions of this Recommendation apply to such allocation.

The quota transfer of 10t from Chinese Taipei to Egypt in 2013 shall be authorized.

The request of Libya to carryover unused 2011 quota will be considered in 2013.

11. With a view to ensuring compliance with the provisions of this Recommendation, each CPC shall submit fishing, inspection and capacity management plans to the ICCAT Secretariat by 15 February each year. If prior to 31 March the Commission finds a serious fault in the plans submitted by a CPC and cannot endorse the plans, the Commission shall decide on the suspension of bluefin tuna fishing in that year by that CPC by mail vote.

Non-submission of the plans referred to above shall automatically lead to suspension of bluefin tuna fishing in that year.

Associated conditions to TAC and quotas

12. 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 lists referred to in paragraph 57.a).
13. 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 the quotas allocated to each gear group referred to paragraphs 21 to 26, the method used to allocate and manage quotas as well as the measure to ensure the respect of the individual quotas and by-catch.
14. Each CPC may also allocate a specific quota for the purpose of recreational and sport fisheries as defined in paragraphs 2.o) and 2.p).
15. Any subsequent modification to the annual fishing plan or the individual quotas allocated for catching vessels over 24 m and included in the lists referred to in paragraph 57.a), shall be transmitted to the ICCAT Executive Secretariat at least 48 hours before the exercise of the activity corresponding to that modification.
16. 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.
17. No carry-over of any under-harvests shall be made under this Plan.
18. The transfer of quotas between CPCs shall be done only under authorization by the CPCs concerned and the Commission.
19. No chartering operation for the bluefin tuna fishery is permitted from 2013.
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.

Open fishing seasons

21. Bluefin tuna fishing shall be permitted in the eastern Atlantic and Mediterranean by large-scale pelagic longline catching vessels over 24 m during the period from 1 January to 31 May with the exception of the area delimited by West of 10°W and North of 42°N, where such fishing shall be permitted from 1 August to 31 January.
22. Purse seine fishing for bluefin tuna shall be permitted in the eastern Atlantic and Mediterranean during the period from 26 May to 24 June.
23. Bluefin tuna fishing by baitboats and trolling boats shall be permitted in the eastern Atlantic and Mediterranean during the period from 1 July to 31 October.
24. Bluefin tuna fishing by pelagic trawlers shall be permitted in the eastern Atlantic during the period from 16 June to 14 October.
25. Bluefin tuna recreational and sport fishing shall be permitted in the eastern Atlantic and Mediterranean from 16 June to 14 October.
26. Fishing for bluefin tuna by other gears not mentioned in paragraphs 21 to 25 shall be permitted throughout the entire year in accordance with the conservation and management measures included in this recommendation.

Spawning grounds

27. 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 on the creation of sanctuaries.

Use of aircraft

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

Minimum size

29. 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 or with fork length less than 115cms.
30. By derogation of paragraph 29, a minimum size for bluefin tuna of 8 kg or 75cms fork length 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.

31. For catching vessels and traps fishing actively for bluefin tuna, an incidental catch of maximum 5% of bluefin tuna weighing between 8 and 30 kg or with fork length between 75-115 cm may be authorized. This percentage is calculated on the total incidental catches in number of fish retained on board this vessel at any time after each fishing operation in the above mentioned weight or length categories. Incidental catches must be deducted from the quota of the flag State CPC. The procedures referred to in paragraphs 64, 65, 66, 67, 69, 70, 71 and 96 shall apply to the incidental catch.

By-catch

32. Catching vessels not fishing actively for bluefin tuna are not authorized to retain at any time following each fishing operation, bluefin tuna exceeding more than 5% of the total catch by weight or number of pieces. Number of pieces shall only apply to tuna and tuna-like species managed by ICCAT.

This prohibition does not apply to CPCs whose domestic legislation requires that all dead fish be landed.

All by-catches must be deducted from the quota of the flag State CPC.

If no quota has been allocated to the CPC of the fishing vessel or trap concerned or if it has already been consumed, the catching of bluefin tuna as by-catch is not permitted and CPCs shall take the necessary measures to ensure their release. If however such bluefin tuna dies it must be landed where it shall be subject to confiscation and the appropriate follow-up action. CPCs shall report information on such quantities on an annual basis to the ICCAT Secretariat who shall make it available to SCRS.

The procedures referred to in paragraphs 64, 65, 66, 67, 69, 70, 71 and 96 shall apply to by-catch.

Recreational fisheries

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

This prohibition does not apply to CPCs whose domestic legislation requires that all dead fish be landed.

35. The marketing of bluefin tuna caught in recreational fishing shall be prohibited except for charitable purposes.
36. Each CPC shall take measures to record catch data including weight and length overall of each bluefin tuna 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 14.
37. 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. Any bluefin tuna however landed should be done so whole, gilled and gutted.

Sport fisheries

38. CPCs shall take the necessary measures to regulate sport fishing, notably by fishing authorizations.
39. The marketing of bluefin tuna caught in sport fishing competitions shall be prohibited except for charitable purposes.
40. 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 14.
41. 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. Any bluefin tuna however landed should be done so whole, gilled and gutted.

Part III
Capacity management measures

Adjustment of fishing capacity

42. Each CPC shall adjust its fishing capacity to ensure that it is commensurate with its allocated quota.
43. To that purpose each CPC shall establish an annual fishing management plan for discussion and approval by the Commission. Such plan shall include the information referred to in paragraphs 42 to 51, as well as detailed information regarding the ways used by CPCs to eliminate overcapacity in addition to scrapping.
44. 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.
45. Paragraph 44 shall not be interpreted to affect the measures contained in **Annex 1** paragraphs 1 and 2 of this Recommendation.
46. 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.
47. This adjustment 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.
48. Without prejudice to paragraph 47, each CPC shall manage its fishing capacity referred to in paragraphs 44, 45 and 46 so as to ensure there is no 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.
49. To calculate its fishing capacity reduction, each CPC shall take into account, *inter alia*, the estimated yearly catch rates per vessel and gear.
50. The SCRS shall consider the estimated yearly catch rates and update the Commission of any changes annually prior to the Commission meeting.
51. This adjustment may not apply to certain CPCs that demonstrate that their fishing capacity is commensurate with their allocated quotas.

Adjustment of farming capacity

52. Each farming CPC shall establish an annual farming management plan in case of modification of the plan approved in 2009 for discussion and approval by the Commission. Such plan shall include the information referred in paragraphs 53 to 55.
53. Each CPC shall limit its tuna farming capacity to the total farming capacity of the farms that were registered in the ICCAT list or authorized and declared to ICCAT as of 1 July 2008.
54. Each CPC shall establish an annual 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.
55. Within the maximum input quantity of wild caught bluefin tuna referred to in paragraph 54, each CPC shall allocate maximum annual inputs to its farms.
56. The plans referred to in paragraphs 42 to 55 shall be submitted according to the procedures laid down in paragraph 11 of this recommendation.

Part IV

Control measures

ICCAT Record of vessels authorized to fish bluefin tuna

57. 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 32, for the purposes of this recommendation, fishing vessels not entered into one of the ICCAT records referred to in paragraphs a) and b) are deemed not to be authorized to fish for, retain on board, transship, transport, transfer, process or land bluefin tuna in the eastern Atlantic and Mediterranean Sea.

58. 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 25, when applicable, and otherwise by 1 March, the list of its catching vessels authorized to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea referred to in paragraph 57.a).

The list of other fishing vessels authorized to operate in the eastern Atlantic and Mediterranean Sea referred to in paragraph 57.b) shall be submitted one month before the start of their period of authorisation. Submissions shall be undertaken 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 57;
- b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

The ICCAT Secretariat will forward cases to the Compliance Committee not sufficiently justified or incomplete as per the conditions in this paragraph. The Contracting Party concerned shall be notified when such cases are forwarded to the Compliance Committee within 5 days of their original change request.

59. Conditions and procedures referred in the 2009 *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels 20 Meters in Length Overall or Greater Authorized to Operate in the Convention Area* [Rec. 11-12] (except paragraph 3) shall apply *mutatis mutandis*.

ICCAT record of tuna traps authorized to fish for bluefin tuna

60. 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.
61. 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 60. Conditions and procedures referred in Recommendation Rec. 11-12 (except paragraph 3) shall apply *mutatis mutandis*.

Information on fishing activities

62. By 1 April each year, each CPC shall notify the ICCAT Secretariat detailed information on bluefin tuna catches in the eastern Atlantic and Mediterranean in the preceding fishing year. This information should include:

- a) the name and ICCAT number of each catching vessel;
- b) the period of authorisation(s) for each catching vessel;
- c) the total catches of each catching vessel including nil returns throughout the period of authorisation(s);
- d) the total number of days each catching vessel fished in the eastern Atlantic and Mediterranean throughout the period of authorisation(s); and
- e) the total catch outside their period of authorisation (by-catch) including nil returns.

For all vessels which were not authorised to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean but which caught bluefin tuna as by-catch:

- a) the name and ICCAT number or national registry number of the vessel, if not registered with ICCAT;
- b) the total catches of bluefin tuna.

63. Each CPC shall notify the ICCAT Secretariat of any information concerning vessels not covered in paragraph 62 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

64. Transshipment at sea operations of bluefin tuna in the eastern Atlantic and Mediterranean Sea shall be prohibited.
65. 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**.

66. 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 5 days after the transshipment has ended.

Recording requirements

- 67. The masters of catching vessels shall maintain a bound or electronic fishing logbook of their operations in accordance with the requirements set out in **Annex 2**.
- 68. The masters of towing vessels, auxiliary vessels and processing vessels shall record their activities in accordance with the requirements set out in **Annex 2**.
- 69. 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.

- 70. 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;

If the fishing grounds are less than four hours from the port, the estimated quantities of bluefin tuna retained on board may be modified at any time prior to arrival.

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

All landings shall be controlled by the relevant control authorities and a percentage shall be inspected based on a risk assessment system involving quota, fleet size and fishing effort. Full details of this control system adopted by each CPC shall be detailed in their annual inspection plan referred to in paragraph 11 of this recommendation. This shall also apply for harvest operations.

All caging operations and transshipments shall be inspected by the relevant authorities of the farming and designated port CPC authorities.

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.

71. 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

72. a) Each CPC shall ensure that its catching vessels fishing actively for bluefin tuna communicate during the whole period in which they are authorised to fish bluefin tuna, by electronic or other means to their competent authorities, daily information from logbooks, including the date, time, location (latitude and longitude) and the weight and number of bluefin tuna taken in the plan area, including nil returns.

For purse seiners such daily report shall be on a fishing operation by fishing operation basis including those where the catch was zero.

Such reports shall be transmitted on a daily basis for purse seiners and vessels over 24 meters and for other catching vessels by the latest Tuesday noon for the preceding week ending Sunday.

- b) Each CPC shall ensure that its traps fishing actively for bluefin tuna communicate a daily catch report (weight and number of fish), within 48 hours by electronic or other means to their competent authorities including zero catches during the whole period they are authorised to fish bluefin tuna.
- 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 and traps to the ICCAT Secretariat. Submissions shall be undertaken in accordance with the format set in the Guidelines for Submitting Data and Information Required by ICCAT.

Reporting of catches

73. Each CPC shall report its provisional monthly catches by gear type of bluefin tuna including by-catch and from sport and recreational fisheries and nil returns to the ICCAT Secretariat within 30 days of the end of the calendar month in which the catches were made.
74. 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.
75. CPCs shall report to the ICCAT Secretariat the dates when they have closed the fisheries referred to in paragraphs 21 to 26 as well as when their entire quota of bluefin tuna has been utilized. The ICCAT Secretariat shall promptly circulate this information to all CPCs.

Cross check

76. 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, transfers 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

77. Before any transfer operation, as defined in paragraph 2.h), 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, cage destination of the bluefin tuna.

For this purpose, CPCs shall assign a unique number to all cages. Numbers shall be issued with a unique numbering system that includes at least the three letters CPC code followed by three numbers.

78. 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 letter 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 57.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 or trap or farm as appropriate inform them 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.

79. 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 shall report their activities in accordance with the requirements set out in **Annex 2**.

80. The authorization for transfer by the flag State does not prejudice the confirmation of the caging operation.

81. For transfers of live bluefin tuna as defined in paragraph 2.h), 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. The minimum standards and procedures for the video recording shall be in accordance with **Annex 9**:

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

82. The ICCAT Regional Observer on board the catching vessel and trap, as referred to in the ICCAT Regional Observer Programme (**Annex 7**) and paragraphs 91 and 92, shall record and report upon the transfer activities carried out, observe and estimate catches transferred and verify entries made in the prior transfer authorization as referred to in paragraph 78 and in the ICCAT transfer declaration as referred to in paragraph 79.

In cases where there is more than a 10% difference by number between the estimates made by either the regional observer, relevant control authorities and/or the master of the catching vessel, or representative of the trap, or when the video record is of insufficient quality or clarity to make such estimations, an investigation shall be initiated by the flag State of the catching vessel, farm or trap and concluded prior to the time of caging at the farm or in any case within 96 hours of it being initiated. Pending the results of this investigation, caging shall not be authorized and the relevant section of the BCD shall not be validated.

83. Without prejudice to the verifications conducted by inspectors, the ICCAT Regional Observer shall sign with clearly written name and ICCAT number the ICCAT transfer declaration only when his/her observations are in accordance with ICCAT conservation and management measures and that the information contained within it is consistent with his/her observations including a compliant video record as per the requirements in paragraphs 81 and 82. He/she shall also verify that the ICCAT transfer declaration is transmitted to the master of the tug vessel or farm/trap representative where applicable.

Operators shall complete and transmit to its CPC the ICCAT transfer declaration at the end of the transfer operation to their respective competent authorities, in accordance with the format set out in **Annex 4**.

Caging operations

84. The CPC under whose jurisdiction the farm for bluefin tuna is located shall submit within one week a caging report, signed by a Regional 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.

85. Before any caging operation into a farm, the flag CPC of the catching vessel or trap shall be informed by the competent authority of the farm State of the caging of quantities caught by catching vessels or traps flying its flag. If the flag CPC of the catching vessel or trap considers on receipt of this information that:
- a) the catching vessel or trap 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 or trap and not taken into account for the calculation of any quota that may be applicable,
 - c) the catching vessel or trap 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 78.

The caging shall not begin without the prior confirmation of the catching vessel's or trap flag State which must be given within 48 hours of the request.

Fish shall be caged before the 15 August unless the farm CPC receiving the fish provides valid reasons including *force majeure*, which shall accompany the caging report when submitted.

86. 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 the documents required by ICCAT as confirmed and validated by the catching vessel or trap CPC authorities.

87. The CPC under whose jurisdiction the farm is located shall ensure that transfer activities from cages to the farm shall be monitored by video camera in the water.

One video record shall be produced for each caging operation in accordance with the procedures in **Annex 9**.

In cases where there is more than a 10% difference by 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 and or trap where appropriate. If the investigation is not concluded within 10 working days or if the outcome of the investigation indicates that the number and or 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 and or trap shall issue a release order for the number and or weight in excess. The catching and farm flags undertaking the investigations may use other information at their disposal including the results of the caging programmes referred to under paragraph 88 which use stereoscopic cameras systems or alternative techniques that provide the equivalent precision, to refine the number and weight of the fish being caged.

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 78. Pending the results of this investigation, harvesting shall not take place and the farming section of the BCD shall not be validated.

88. CPCs shall implement 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 continue to explore operationally viable technologies and methodologies for determining the size and biomass at the points of capture and caging and report to the Commission at the 2013 Annual meeting.

A programme using stereoscopic cameras systems or alternative techniques that provide the equivalent precision shall cover 100% of all cagings in order to refine the number and weight of the fish in each caging operation.

The quantities derived in the programme shall be used to complete the caging declarations and relevant sections of the BCD. When the quantities of bluefin tuna are found to differ from the quantities reported caught and transferred, the catching CPC shall be informed and an investigation launched. 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 that declared caught and transferred, the flag CPCs authorities of the catching vessel and or trap shall issue a release order for the excess which must be released in accordance with the procedures laid down in paragraph 78.

The results of this programme shall be submitted annually to SCRS by all farming CPCs. The SCRS should evaluate such procedures and results and report to the Commission by the 2013 Annual meeting.

VMS

89. Without prejudice to paragraph 1.d) of Recommendation 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 1.d) of Recommendation 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 over 15m in length included in the ICCAT bluefin tuna record of 'catching' and 'other' vessels to ICCAT shall start at least 15 days before their period of authorisation and shall continue at least 15 days after their period of authorisation 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.

The ICCAT Secretariat shall immediately inform CPCs in term of delays or non-receipt of VMS transmissions and distribute monthly reports to all CPCs. Such reports shall be weekly during the period 1 May to 30 July.

CPC Observer Programme

90. Each CPC shall ensure observer coverage on vessels and traps active in the bluefin tuna fishery on at least:

- 20% of its active pelagic trawlers (over 15m),
- 20% of its active longline vessels (over 15m),
- 20% of its active baitboats (over 15m),
- 100% of towing vessels,
- 100% of harvesting operations from traps.

The observer tasks shall be, in particular, to:

- a) monitor fishing vessel and trap 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 and traps 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 implemented to ensure an observer coverage of 100%:

- on all purse seiners authorised to fish bluefin tuna;
- during all transfers of bluefin tuna from purse seiners
- during all transfers of bluefin tuna from traps to transport cages;
- during all cagings of bluefin tuna in farms;
- during all harvesting of bluefin tuna from farms.

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

92. The observer tasks shall be, in particular, to:

- observe and monitor fishing and farming operations in compliance with the relevant ICCAT conservation and management measures,
- sign the ICCAT transfer declarations, caging report and BCDs when he/she is in agreement that the information contained within them is consistent with his/her observations,
- 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 26, 29 to 31 and 67 to 72 (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 84 to 87 and 95 (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 81 and 87 are made available to the ICCAT inspectors and ICCAT and CPC 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, reexports 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 13 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. The SCRS shall review information from BCDs and other submitted data and further study growth rates so as to provide updated growth tables to the Commission by the 2013 Annual meeting.

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.

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

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.

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. 10-04] 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 30

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.

CPCs shall issue specific authorizations to the vessels referred to in paragraph 1 of this Annex. Such vessels shall be indicated in the list of catching vessels referred to in paragraph 58 of this Recommendation, where the conditions for changes shall also apply.

2. 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 6,4 kgs or 70 cms fork length caught by baitboat vessels of an overall length of less than 17 m by derogation to paragraph 30 of this Recommendation.
3. 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.

4. CPCs whose baitboats, longliners, handliners and trolling boats are authorized to fish for bluefin tuna in the eastern Atlantic and Mediterranean under the conditions of this Annex 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.

Logbook Requirements

A – CATCHING VESSELS

Minimum specification for fishing 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 fishing logbooks:

1. Master name and address
2. Dates and ports of departure, Dates and ports of arrival
3. Vessel name, register number, ICCAT number international radio call sign and IMO number (if available).
4. Fishing gear:
 - a) Type by FAO code
 - b) Dimension (length, 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 including:
 - i) FAO code
 - ii) round (RWT) weight in kg per day
 - iii) number of pieces per day

For purse seiners this should be recorded by fishing operation including nil returns.
6. Master signature
7. Means of weight measure: estimation, weighing on board and counting.
8. The logbook is kept in equivalent live weight of fish and mentions the conversion factors used in the evaluation.

Minimum information for fishing logbooks in case of landing or transshipment:

1. Dates and port of landing /transshipment
2. Products
 - a) species and presentation by FAO code
 - b) number of fish or boxes and quantity in kg
3. Signature of the Master or Vessel Agent
4. In case of transshipment: receiving vessel name, its flag and ICCAT number.

Minimum information for fishing logbooks in case of transfer into cages:

1. Date, time and position (latitude / longitude) of transfer
2. Products:
 - a) Species identification by FAO code
 - b) Number of fish and quantity in kg transferred into cages,
3. Name of towing vessel, its flag and ICCAT number
4. Name of the farm of destination and its ICCAT number

5. In case of joint fishing operation, in complement of information laid down in points 1 to 4, the masters shall record in their log book:

a) as regards the catching vessel transferring the fish into cages:

- amount of catches taken on board
- amount of catches counted against its individual quota,
- the names of the other vessels involved in the JFO;

b) as regards the other catching vessels not involved in the transfer of the fish:

- the name of the other vessels involved in the JFO, their international radio call signs and ICCAT numbers,
- 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).

B –TOWING VESSELS

1. Masters of towing vessels shall record on their daily logbook, the date, time and position of transfer, the quantities transferred (number of fish and quantity in kg), the cage number, as well as the catching vessel name, flag and ICCAT number, the name of the other vessel(s) involved and their ICCAT number, the farm of destination and its ICCAT number, and the ICCAT transfer declaration number.
2. Further transfers to auxiliary vessels or to other towing vessel shall be reported including the same information as in point 1 as well as the auxiliary or towing vessel name, flag and ICCAT number and the ICCAT transfer declaration number.
3. The daily logbook shall contain the details of all transfers carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

C – AUXILIARY VESSELS

1. Masters of auxiliary vessels shall record their activities daily in their logbook including the date, time and positions, the quantities of bluefin tuna taken onboard, and the fishing vessel, farm or trap name they are operating in association with.
2. The daily logbook shall contain the details of all activities carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

D – PROCESSING VESSELS

1. Masters of processing vessels shall report on their daily logbook, the date, time and position of the activities and the quantities transshipped and the number and weight of bluefin tuna received from farms, traps or catching vessel where applicable. They should also report the names and ICCAT numbers of those farms, traps or catching vessel.
2. Masters of processing vessels shall maintain a daily processing logbook specifying the round weight and number of fish transferred or transshipped, the conversion factor used, the weights and quantities by product presentation.
3. Masters of processing vessels shall maintain a stowage plan that shows the location and the quantities of each species and presentation.
4. The daily logbook shall contain the details of all transshipments carried out during the fishing season. The daily logbook, processing logbook, stowage plan, original of ICCAT transshipment declarations shall be kept on board and be accessible at any time for control purposes.

Document No. ICCAT Transhipment Declaration

<p>Carrier vessel Name of vessel and radio call sign: Flag: Flag State authorization No. National Register No. ICCAT Register No. IMO No.</p>	<p>Fishing Vessel Name of the vessel and radio call sign: Flag: Flag State authorization No. National register No. ICCAT Register No. External identification: Fishing logbook sheet No.</p>	<p>Final destination: Port: Country: State:</p>
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Departure	Day	Month	Hour	Year	[2_]0_[]_[]_[]	F.V Master's name:	Carrier vessel Master's name:
Return	Day	Month	Hour	To:	From: []_[]_[]_[]	Signature:	Signature:
Tranship.	Day	Month	Hour	To:	From: []_[]_[]_[]		

For transhipment, indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: [] kilograms.

LOCATION OF TRANSHIPMENT

Port	Sea		Species	Number of unit of fishes	Type of product live	Type of product whole	Type of product gutted	Type of product head off	Type of product filleted	Type of product	Further transhipments
	Lat.	Long.									
											Date: _____ Place/Position: _____ Authorization CP No. _____ Transfer vessel Master signature: _____
											Name of receiver vessel: _____ Flag _____ ICCAT Register No. _____ IMO No. _____ Master's signature _____
											Date: _____ Place/Position: _____ Authorization CP No. _____ Transfer vessel Master's signature: _____
											Name of receiver vessel: _____ Flag _____ ICCAT Register No. _____ IMO No. _____ Master's signature _____

Obligations in case of transhipment:

1. The original of the transhipment declaration must be provided to the recipient vessel (processing/transport).
2. The copy of the transhipment declaration must be kept by the correspondent catching vessel or trap.
3. Further transhipping operations shall be authorized by the relevant CPC which authorized the vessel to operate.
4. The original of the transhipment declaration has to be kept by the recipient vessel which holds the fish, up to the landing place.
5. The transhipping operation shall be recorded in the logbook of any vessel involved in the operation.

Document No.	ICCAT Transfer Declaration		
1 - TRANSFER OF LIVE BFT DESTINATED FOR FARMING			
Fishing vessel name:	Trap name:	Tug vessel name:	Name of destination farm:
Call sign:	ICCAT Register no.	Call sign:	ICCAT Register no:
Flag:		Flag:	Cage Number:
Flag State transfer authorisation no.		ICCAT Register no:	
ICCAT Register no.		External identification:	
External identification:			
Fishing logbook no.			
JFO no.			
2 - TRANSFER INFORMATION			
Date: __/__/____	Place or position: Port:	Lat:	Long:
Number of individuals:		Species:	
Type of product: Live <input type="checkbox"/> Whole <input type="checkbox"/> Gutted <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:		Observer Names, ICCAT No. and signature:
3 - FURTHER TRANSFERS			
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, traps and purse seine vessels as referred to in paragraph 91 to deploy an ICCAT regional observer.
2. The Secretariat of the Commission shall appoint the observers before 1 March each year, and shall place them on farms, traps 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 programme. 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 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 7 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 without delay 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 and traps to monitor their 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, caging declaration and BCDs, including through the review of video records;
 - ii) certify the data contained in the transfer declaration, caging declaration and BCDs;
 - iii) issue a daily report of the farms' and traps transfer activities;
 - iv) countersign the transfer declaration and caging declarations and BCDs only when he/she agrees that the information contained within them are consistent with his/her observations including a compliant video record as per that requirements in paragraphs 81 and 82;
 - 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 and trap 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, farm and trap 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 7 of this Programme.
 - 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, trap 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 and organization

12. a) The costs of implementing this program shall be financed by the farm and trap 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, trap and farm for which the fees, as required under subparagraph a), have not been paid.
- c) The current programme/contract shall be evaluated prior to its re-tender in 2013.
- d) Based on this evaluation and a review of costs of other observer programmes, maximum unit costs shall be established for the programme, including but not limited to, daily rates for vessels, farms and traps and mobilization and training fees.
- e) The Commission shall assist the ICCAT Secretariat on the construction of the terms of reference and training manual prior to the launching of the new tender. New tenders shall be evaluated in accordance with the unit costs referred to in point d).

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 operation of a vessel without a 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 vessel shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations, the inspector should, also inform 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, where an investigation shall be initiated.
5. In the case where an inspection has detected an activity or condition that would constitute a serious violation, the vessel should be reviewed under the procedures described in the *Recommendation by ICCAT Further Amending Recommendation 09-10 Establishing a List of Vessels Presumed to Have Carried Out*

Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area [Rec. 11-18], taking into account any response actions and other follow up.

II. Conduct of inspections

6. Inspections shall be carried out by inspectors designated by the Contracting Governments. The names of the authorized government agencies and individual inspectors designated for that purpose by their respective governments shall be notified to the ICCAT Commission;
7. Ships carrying out international boarding and inspection duties in accordance with this Annex shall fly a special flag or pennant approved by the ICCAT Commission and issued by the ICCAT Secretariat. The names of the ships so used shall be notified to the ICCAT Secretariat as soon as practical in advance of the commencement of inspection activities. The ICCAT Secretariat shall make information regarding designated inspection vessels available to all CPCs, including by posting on its password-protected website;
8. Inspectors shall carry appropriate identity documentation issued by the authorities of the flag State, which shall be in the form shown in paragraph 21 of this Annex;
9. Subject to the arrangements agreed under paragraph 16 of this Annex, a vessel flagged to a Contracting Government and fishing for tuna or tuna-like fishes in the Convention area outside waters under national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in paragraph 7 and carrying an inspector unless the vessel 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 inspection party, as specified in paragraph 10 of this Annex, to board it and must provide a boarding ladder. The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify compliance with the ICCAT Commission's recommendations in force in relation to the flag State of the vessel being inspected. Further, an inspector may ask for any explanations that he or she deems necessary;
10. The size of the inspection party shall be determined by the commanding officer of the inspection vessel taking into account relevant circumstances. The inspection party should be as small as possible to accomplish the duties set out in this Annex safely and securely.
11. Upon boarding the vessel, inspectors shall produce the identity documentation described in paragraph 8 of this Annex. Inspectors shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew, and shall minimize interference with fishing activities or stowage of product and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board; Inspectors shall limit their 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 the inspection, inspectors may ask the master of the fishing vessel for any assistance he may require. Inspectors shall draw up a report of the inspection in a form approved by the ICCAT Commission. Inspectors 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 or she may think suitable and must sign such observations.
12. Copies of the report shall be given to the master of the vessel and to the government of the inspection party, which shall transmit copies to the appropriate authorities of the flag State of the inspected vessel and to the ICCAT Commission. Where any infringement of ICCAT recommendations is discovered, the inspector should, where possible, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity;
13. Resistance to inspectors or failure to comply with their directions shall be treated by the flag State of the inspected vessel in a manner similar to such conduct committed with respect to a national inspector;
14. Inspectors 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.

15. Contracting Governments shall consider and act on inspection reports, sighting information sheets as per Recommendation [94-09] and statements resulting from documentary inspections 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;
16. a) Contracting Governments shall inform the ICCAT Commission by 1 January each year of their provisional plans for conducting inspection activities under this recommendation in that calendar 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 such an agreement;
17. a) the fishing gear shall be inspected in accordance with the regulations in force for the subarea for which the inspection takes place. Inspectors will state the subarea for which the inspection took place, and a description of any violations found, in the inspection report;
- b) inspectors shall have the authority to inspect all fishing gear in use or on board;
18. Inspectors 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;
19. The inspector may photograph the gears, equipment, documentation and any other element he/she considers necessary in such a way as to reveal those features which in their 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;
20. Inspectors shall, as necessary, inspect all catch on board to determine compliance with ICCAT recommendations.
21. The model Identity Card for inspectors is as follows:

Dimensions: Width 10.4cm, Height 7cm

<p style="text-align: center;">INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</p> <div style="display: flex; align-items: center; justify-content: center;">  <div style="margin-left: 20px;"> <p style="font-size: 24px; font-weight: bold; margin: 0;">ICCAT</p> <p style="font-weight: bold; margin: 0;">Inspector Identity Card</p> </div> </div> <p>Contracting Party: _____</p> <p>Inspector Name: _____</p> <p>Card n°: _____</p> <p>Issue Date: _____ Valid five years</p> <div style="border: 1px dashed black; width: 100px; height: 80px; margin-top: 10px; display: flex; align-items: center; justify-content: center;"> <p style="font-size: 10px; color: gray;">Photograph</p> </div>	<div style="display: flex; align-items: center; justify-content: center;">  <div style="margin-left: 20px;"> <p style="font-size: 24px; font-weight: bold; margin: 0;">ICCAT</p> </div> </div> <p style="font-size: 10px; margin-top: 10px;">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; text-align: center;"> <p style="font-size: 10px; margin: 0;">Issuing Authority</p> </div> <div style="width: 45%; border-top: 1px dotted black; text-align: center;"> <p style="font-size: 10px; margin: 0;">Inspector</p> </div> </div>
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Minimum standards for video recording procedures

Transfers operations

- i) The electronic storage device containing the original video record shall be provided to the observer without delay after the end of the transfer operation who shall immediately initialize it to avoid any further manipulation.
- ii) The original recording shall be kept on board the catching vessel or by the farm or trap operator where appropriate, during their entire period of authorisation.
- iii) Two identical copies of the video record shall be produced. One copy shall be transmitted to the regional observer on board of the purse seine vessel and one to the CPC observer on board the towing vessel, the latter of which shall accompany the transfer declaration and the associated catches to which it relates. This procedure should only apply to CPC observers in the case of transfers between towing vessels.
- iv) At the beginning and/or the end of each video, the ICCAT transfer authorisation number shall be displayed.
- v) The time and the date of the video shall be continuously displayed throughout each video record.
- vi) Before the start of the transfer, the video shall include the opening and closing of the net/door and whether the receiving and donor cages already contain bluefin tuna.
- vii) The video recording must be continuous without any interruptions and cuts and cover the entire transfer operation.
- viii) The video record should be of sufficient quality to estimate the number of bluefin tuna being transferred.
- ix) If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, then a new transfer shall be requested by the control authorities. The new transfer must include all the bluefin tuna in the receiving cage into another cage which must be empty.

Caging operations

- i) The electronic storage device containing the original video record shall be provided to the regional observer without delay after the end of the caging operation who shall immediately initialize it to avoid any further manipulation.
- ii) The original recording shall be kept by the farm where applicable, during their entire period of authorisation.
- iii) Two identical copies of the video record shall be produced. One copy shall be transmitted to the regional observer deployed on the farm.
- iv) At the beginning and/or the end of each video, the ICCAT transfer authorisation number shall be displayed.
- v) The time and the date of the video shall be continuously displayed throughout each video record.
- vi) Before the start of the caging, the video shall include the opening and closing of the net/door and whether the receiving and donor cages already contain bluefin tuna.
- vii) The video recording must be continuous without any interruptions and cuts and cover the entire caging operation.
- viii) The video record should be of sufficient quality to estimate the number of bluefin tuna being transferred.
- ix) If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, then a new caging operation shall be requested by the control authorities. The new caging operation must include all the bluefin tuna in the receiving farm cage into another farm cage which must be empty.

**RECOMMENDATION BY ICCAT TO FURTHER STRENGTHEN THE PLAN
TO REBUILD BLUE MARLIN AND WHITE MARLIN STOCKS**

RECALLING the 2000 *Recommendation by ICCAT to Establish a Plan to Rebuild Blue Marlin and White Marlin Populations* [Rec. 00-13] from ICCAT to rebuild Atlantic blue marlin and Atlantic white marlin,

FURTHER RECALLING that the *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin Populations* [Rec. 11-07] called for Contracting Parties, non-Contracting Parties, Entities and Fishing Entities (CPCs) to establish at the 2012 Commission meeting a multi-year plan to rebuild blue marlin and white marlin populations on the basis of advice of the Standing Committee on Research and Statistics (SCRS), including the establishment of total mortality limits by CPC;

RECOGNIZING that the objective of the Convention is to maintain populations at levels that will support maximum sustainable catch (usually referred to as maximum sustainable yield or MSY),

FURTHER RECOGNIZING that the *Recommendation by ICCAT on the Principles of Decision Making for ICCAT Conservation and Management Measures* [Rec. 11-13] states that for stocks that are subject to overfishing, the Commission shall immediately adopt management measures, taking into account, *inter alia*, the biology of the stock and SCRS advice, designed to result in a high probability of ending overfishing in as short a time as possible.

CONSIDERING that the 2011 SCRS stock assessment indicates that the blue marlin stock is below B_{MSY} (the stock is overfished) and that fishing mortality is above F_{MSY} (overfishing is occurring) and that unless the recent catch levels are substantially reduced to 2000 t or less and that the Commission adopts measures to manage fishing mortality by non-industrial fleets, the stock will likely continue to decline,

TAKING NOTE OF the results of the 2012 white marlin assessment, which indicated that the stock remains overfished and that overfishing is probably not occurring, while noting significant uncertainty associated with species composition in the historical time series of catch (white marlin vs. spearfish) and the actual magnitude of the catch due to the underreporting of discards, and acknowledging that SCRS concluded that, at a minimum, the Commission should ensure that white marlin catches do not exceed current levels of approximately 400 t;

NOTING that, due to the misidentification problems between white marlin and spearfishes (genus *Tetrapturus*), the SCRS also recommended that management measures should be applied to these species together as a mixed stock complex until more accurate species identification and differentiation of species catches are available,

FURTHER RECALLING the obligations of CPCs to require the collection of discard data in their existing domestic observer and logbook programs under the *Recommendation by ICCAT on Information Collection and Harmonization of Data on By-catch and Discards in ICCAT Fisheries* [Rec. 11-10], and the minimum standards for scientific observer programs established in the *Recommendation by ICCAT to Establish Minimum Standards for Fishing Vessel Scientific Observer Programs* [Rec. 10-10],

COGNIZANT that marlins are caught in industrial, artisanal and recreational fisheries, and that fair and equitable conservation actions are needed to support rebuilding,

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

1. An annual limit of 2,000 t for blue marlin and 400 t for white marlin/spearfish is established for these stocks, for 2013, 2014 and 2015. This landings limit shall be implemented as follows:

<i>Blue Marlin</i>	<i>Landings Limit (t)</i>
Brazil	190
China, P.R.	45
Chinese Taipei	150
Côte d'Ivoire	150
European Union	480
Ghana	250
Japan	390
Korea Rep.	35
Mexico	70
S. Tome & Príncipe	45
Senegal	60
Trinidad and Tobago	20
Venezuela	100
TOTAL	1,985

<i>White Marlin/Spearfish</i>	<i>Landings Limit (t)</i>
Barbados	10
Brazil	50
Canada	10
China, P.R.	10
Chinese Taipei	50
European Union	50
Côte d'Ivoire	10
Japan	35
Korea Rep.	20
Mexico	25
S. Tome & Principe	20
Trinidad and Tobago	15
Venezuela	50
TOTAL	355

The United States shall limit its landings to 250 recreationally-caught Atlantic blue marlin and white marlin/spearfish combined on an annual basis. All other CPCs shall limit their landings to a maximum of 10 t of Atlantic blue marlin and 2 t of white marlin/spearfish combined.

2. To the extent possible, as the CPC approaches its landings limits, such CPC shall take appropriate measures to ensure that all blue marlin and white marlin that are alive by the time of boarding are released in a manner that maximizes their survival. For CPCs that prohibit dead discards, the landings of blue marlin and white marlin/spearfish that are dead when brought alongside the vessel and that are not sold or entered into commerce shall not count against the limits established in paragraph 1, on the condition that such prohibition be duly informed to the ICCAT Secretariat.
3. Any unused portion or excess of the annual landing limit established in Paragraph 1 may be added to/shall be deducted from, according to the case, the respective landing limit during or before the adjustment year, in the following way:

<i>Catch Year</i>	<i>Adjustment Year</i>
2013	2015
2014	2016
2015	2017

However, the maximum underage that a party may carryover in any given year shall not exceed 10% of its landing limit, for those CPCs whose landing limit is larger than 45 t, or 20% of its landing limit, for those CPCs whose landing limit is lower or equal to 45 t.

4. All CPCs with recreational fisheries shall maintain 5% scientific observer coverage of blue marlin and white marlin/spearfish tournament landings.
5. All CPCs with recreational fisheries shall adopt domestic regulations that establish minimum sizes in their recreational fisheries that meet or exceed the following lengths: 251 cm LJFL for blue marlin and 168 cm LJFL for white marlin/spearfish, or comparable limits by weight.
6. CPCs shall prohibit the sale, or offering for sale, of any part or whole carcass of blue marlin or white marlin/spearfish caught in recreational fisheries.
7. In their Annual Reports, beginning in 2013, CPCs shall inform the Commission of steps taken to implement this Recommendation through domestic law or regulations, including monitoring, control and surveillance measures.
8. All CPCs shall report to the SCRS by July 31, 2013, on their methods for estimating live and dead discards of blue marlin and white marlin/spearfish, as these estimates are critical to support the stock assessment process. The SCRS shall review these reports and provide advice to the Commission on any improvements needed.
9. The Secretariat, in conjunction with the SCRS, shall research and review existing regional or individual CPC data collection programs, including capacity building programs, for artisanal fisheries. The Secretariat and the SCRS will present their findings at the 2013 Commission meeting, including a plan to work with relevant regional and sub-regional international organizations and CPCs to expand such programs or implement them in new areas to improve data on billfish catches in these fisheries.
10. At its next assessments of blue marlin and white marlin/spearfish stocks, the SCRS shall evaluate progress toward the goals of the rebuilding programs for blue marlin and white marlin/spearfish.

This Recommendation consolidates and replaces the following Recommendations:

- *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin Populations* [Rec. 06-09];
- *Recommendation by ICCAT on the Plan to Rebuild Blue Marlin and White Marlin Populations* [Rec. 10-05];
- *Recommendation by ICCAT to Further Strengthen the Plan to Rebuild Blue Marlin and White Marlin Populations* [Rec. 11-07].

**RECOMMENDATION BY ICCAT ON COMPLIANCE WITH
EXISTING MEASURES ON SHARK CONSERVATION AND MANAGEMENT**

RECALLING that ICCAT has put in place recommendations that prohibit the retention of shark species identified as at risk due to the impact of fisheries within the ICCAT Convention area: bigeye thresher (09-07), oceanic whitetip (10-07), hammerhead (10-08), silky sharks (11-08).

NOTING that these shark recommendations have now been in place for up to three years, and that contrary to other species explicitly covered by the Convention, there are no extensive records of compliance by Contracting Parties, non-Contracting Parties, Entities and Fishing Entities (CPCs) on shark recommendations.

RECALLING the *Recommendation by ICCAT Concerning the Conservation of sharks Caught in Association with Fisheries Managed by ICCAT* [Rec. 04-10] that highlights the need for action and co-operation for the proper conservation and management of sharks in the ICCAT convention area and that establishes the obligation to annually report Task I and Task II data for catches of sharks, in accordance with ICCAT data reporting procedures.

FURTHER RECALLING the *Recommendation by ICCAT on Penalties Applicable in Case of non-Fulfillment of Reporting Obligations* [Rec. 11-15] that establishes the obligation of CPCs to include information in their Annual Reports on actions taken to implement their reporting obligations for all ICCAT fisheries, including shark species caught in association with ICCAT fisheries;

RECOGNIZING the need to follow the precautionary approach at all times when dealing with shark management and conservation, given sharks inherent vulnerability to overexploitation;

NOTING that the 30th Session of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations, which met in July 2012 stated that: *The Committee recognized that further actions by States and RFMOs need to be taken for shark conservation and management;*

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

All CPCs submit to the ICCAT Secretariat, in advance of the 2013 annual meeting, details of their implementation of and compliance with shark conservation and management measures [Recs. 04-10, 07-06, 09-07, 10-08, 10-07, 11-08 and 11-15].

RECOMMENDATION BY ICCAT ON A PROGRAMME FOR TRANSSHIPMENT

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by ICCAT;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transshipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale pelagic longline vessels (LSPLVs) in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to ensure collection of catch data from such LSPLVs to improve the scientific assessments of those stocks;

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

SECTION 1. GENERAL RULES

1. Except under the program to monitor transshipment at sea established in Section 2 below, all transshipment operations:
 - a) within the Convention area of tuna and tuna-like species and other species caught in association with these species, and
 - b) outside the Convention area of tuna and tuna-like species and other species caught in association with these species that were harvested in the ICCAT Convention area,
 must take place in port.
2. The flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereafter referred to as CPCs) shall take the necessary measures to ensure that fishing vessels flying their flag comply with the obligations set out in **Annex 3**, when transshipping tuna and tuna-like species and any other species caught in association with these species in port.
3. This Recommendation does not apply to harpoon vessels engaged in the transshipment of fresh swordfish¹ at sea.
4. This Recommendation does not apply to transshipments outside the Convention area where such transshipment is subject to a comparable monitoring program established by another regional fisheries management organization.
5. This Recommendation is without prejudice to additional requirements applicable to transshipment at sea or in port in other ICCAT recommendations.

SECTION 2. PROGRAMME TO MONITOR TRANSSHIPMENT AT SEA

6. At sea transshipment by LSPLVs for tuna and tuna-like species and other species caught in association with these species may only be authorized in accordance with the procedures set forth in Sections 3, 4 and 5, and **Annexes 1 and 2** below.

¹ For the purpose of this Recommendation, "fresh swordfish" means swordfish that are alive, whole or gutted / dressed but not further processed or frozen.

7. For the purposes of this Recommendation, LSPLVs shall be defined as those greater than 24 meters length overall.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSSHIPMENT IN THE ICCAT AREA

8. Transshipment of tuna and tuna-like species and other species caught in association with these species may only be authorized with regard to carrier vessels authorized in accordance with this Recommendation.
9. An ICCAT Record of Carrier Vessels authorized to receive tuna and tuna-like species and any other species caught in association with these species in the Convention area from LSPLVs shall be established. For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species and any other species caught in association with these species in transshipment operations.
10. In order for its carrier vessels to be included on the ICCAT Record List of Carrier Vessels, a flag CPC or flag non-Contracting Party (NCP) shall submit each calendar year, electronically, and in the format specified by the ICCAT Executive Secretary, a list of the carrier vessels that are authorized to receive transshipments from LSPLVs in the Convention area. This list shall include the following information:
 - Name of vessel, register number
 - ICCAT Record Number (if any)
 - IMO number (if any)
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign
 - Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
 - Name and address of owner(s) and operator(s)
 - Time period authorized for transshipping

Each flag CPC that authorizes its LSPLVs to transship at sea shall submit each calendar year electronically and in the format specified by the Executive Secretary, the list of its LSPLVs that are authorized to transship at sea.

This list shall include the following information:

- Name of vessel, register number
- ICCAT Record Number
- Time period authorized for transshipping at sea
- Flag(s), name(s) and register number(s) of the carrier vessel(s) authorized for use by the LSPLVs

Upon receipt of the lists of LSPLVs authorized to transship at sea, the Executive Secretary shall provide to the flag CPCs of the carrier vessels the list of LSPLVs authorized to operate with its carrier vessels.

11. Each CPC shall promptly notify the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record, at any time such changes occur.
12. The ICCAT Executive Secretary shall maintain the ICCAT record and take measures to ensure publicity of the record through electronic means, including placing it on the ICCAT website, in a manner consistent with domestic confidentiality requirements.
13. Carrier vessels authorized for at-sea transshipment and LSPLVs which transship at sea shall be required to install and operate a VMS in accordance with all applicable ICCAT recommendations, including the *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14], or any successor recommendation, including any future revisions thereto.

SECTION 4. AT-SEA TRANSSHIPMENT

14. Transshipments by LSPLVs in waters under the jurisdiction of a CPC are subject to prior authorization from that CPC. An original or copy of the documentation of coastal State prior authorization must be retained on the vessel and made available to the ICCAT observer when requested. CPCs shall take the necessary measures to ensure that LSPLVs flying their flag comply with the provisions of this Section, as follows:

Flag CPC authorization

15. LSPLVs are not authorized to transship at sea unless they have obtained prior authorization from their flag State. An original or copy of the documentation of prior authorization must be retained on the vessel and made available to the ICCAT observer when requested.

Notification obligations

Fishing vessel:

16. To receive the prior authorization mentioned in paragraph 14 and 15 above, the master and/or owner of the LSPLV must notify the following information to its flag CPC authorities, and, where applicable, the coastal CPC, at least 24 hours in advance of the intended transshipment:
- the name of the LSPLV and its number in the ICCAT record of fishing vessels,
 - the name of the carrier vessel and its number in the ICCAT record of carrier vessels authorized to receive transshipments in the ICCAT area, and the product to be transshipped, by species, where known, and, if possible, by stock,
 - the quantities of tuna and tuna-like species and, if possible, by stock, to be transshipped,
 - the quantities of other species caught in association with tuna and tuna-like species by species, where known, to be transshipped,
 - the date and location of transshipment.
 - the geographic location of the catches by species and, where appropriate, by stock, consistent with ICCAT statistical areas

The LSPLV concerned shall complete and transmit to its flag CPC, and, where applicable, the coastal CPC not later than 15 days after the transshipment, the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels in accordance with the format set out in **Annex 1**.

Receiving carrier vessel:

17. The master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat and the flag CPC of the LSPLV, along with its number in the ICCAT record of carrier vessels authorized to receive transshipment in the ICCAT area, within 24 hours of the completion of the transshipment.
18. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT Convention area, to the competent authorities of the State where the landing is to take place.

ICCAT Regional Observer Program

19. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer in accordance with the ICCAT regional observer program specified in **Annex 2**. The ICCAT observer shall observe the adherence to this Recommendation, and, notably, that the transshipped quantities are consistent with the reported catch in the ICCAT transshipment declaration and, as feasible, as recorded in the fishing vessel logbook.
20. Vessels shall be prohibited from commencing or continuing transshipping in the ICCAT Convention area without an ICCAT regional observer on board, except in cases of *force majeure* duly notified to the ICCAT Secretariat.

SECTION 5. GENERAL PROVISIONS

21. To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Catch and Statistical Document Programs:
 - a) In validating the Catch or Statistical Documents, flag CPCs of LSPLVs shall ensure that transshipments are consistent with the reported catch amount by each LSPLV.
 - b) The flag CPC of LSPLVs shall validate the Catch or Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Recommendation. This confirmation shall be based on the information obtained through the ICCAT Observer Program.
 - c) CPCs shall require that the species covered by the Catch or Statistical Document Programs caught by LSPLVs in the Convention area, when imported into the area or territory of a CPC, be accompanied by catch or statistical documents validated for the vessels on the ICCAT record and a copy of the ICCAT transshipment declaration.
22. The flag CPCs of LSPLVs which have transshipped during the previous year and the flag CPCs of carrier vessels accepting transshipments shall report annually before 15 September to the Executive Secretary:
 - The quantities of tuna and tuna-like catches by species (and, if possible, by stock) transshipped during the previous year.
 - The quantities of other species caught in association with tuna and tuna-like species by species, where known, transshipped during the previous year.
 - The list of the LSPLVs which have transshipped during the previous year.
 - A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSPLVs.

These reports shall be made available to the Commission and relevant subsidiary bodies for review and consideration. The Secretariat shall post these reports to a password protected website.
23. All tuna and tuna-like species and any other species caught in association with those species landed in or imported into the area or territory of CPCs, either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the ICCAT transshipment declaration until the first sale has taken place.
24. The Flag CPC of the LSPLV engaged in at-sea transshipments, and the coastal CPC, where applicable, shall review the information received pursuant to the provisions of this Recommendation to determine consistency between the reported catches, transshipments, and landings of each vessel, including in cooperation with the landing State as necessary. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
25. At its request, and subject to ICCAT confidentiality requirements, the Standing Committee on Research and Statistics (SCRS) shall have access to the data collected under this Recommendation.
26. Each year, the Executive Secretary of ICCAT shall present a report on the implementation of this Recommendation to the annual meeting of the Commission which shall, *inter alia*, review compliance with this Recommendation.
27. This Recommendation replaces the *Recommendation by ICCAT Establishing a Programme for Transshipment by Large-scale Longline Fishing Vessels* [Rec. 06-11].

ICCAT Regional Observer Programme

1. Each CPC shall require carrier vessels included in the ICCAT record of vessels authorized to receive transshipments in the ICCAT area and which transship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
2. The Secretariat of the Commission shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSPLVs flying the flag of CPCs that implement the ICCAT observer program.
3. The ICCAT Secretariat shall ensure observers are properly equipped to perform their duties.

Designation of the observers

4. The designated observers shall have the following qualifications to accomplish their tasks:
 - demonstrated ability to identify ICCAT species and fishing gear with a strong preference given to those with experience as observers on pelagic longline vessels;
 - satisfactory knowledge of the ICCAT conservation and management measures;
 - the ability to observe and record accurately;
 - a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

5. Observers shall:
 - a) have completed the technical training required by the guidelines established by ICCAT;
 - b) to the extent possible, not be nationals or citizens of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 6 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of the LSPLV or the carrier vessel or an employee of the LSPLV or carrier vessel company.
6. The observer shall monitor the LSPLV's and carrier vessel's adherence to the relevant conservation and management measures adopted by the Commission. The observers' tasks shall be, in particular, to:
 - 6.1 Visit the LSPLV intending to transship to a carrier vessel, taking into account the safety concerns reflected in paragraph 10 of this Annex, and before the transshipment takes place, to:
 - a) Check the validity of the fishing vessel's authorization or license to fish for tuna and tuna-like species and any other species caught in association with those species in the Convention area;
 - b) Inspect the fishing vessel's prior authorizations to transship at sea from the flag CPC and, if appropriate, the coastal State;
 - c) Check and record the total quantity of catch on board by species and, if possible, by stock, and the quantities to be transshipped to the carrier vessel;
 - d) Check that the VMS is functioning and examine the logbook and verify entries, if possible;
 - e) Verify whether any of the catch on board resulted from transfers from other vessels, and check the documentation on such transfers;
 - f) In the case of indication that there are any violations involving the fishing vessel, immediately report the violation(s) to the master of the carrier vessel (taking due regard of any safety considerations) and to the observer program implementing company, who shall promptly forward it to the flag CPC authorities of the fishing vessel; and
 - g) Record the results of these duties on the fishing vessel in the observer's report.
 - 6.2 Observe the activities of carrier vessel and:
 - a) record and report upon the transshipment activities carried out;
 - b) verify the position of the vessel when engaged in transshipping;
 - c) observe and estimate quantities of tuna and tuna-like species transshipped by species, if known, and, if possible, by stock;

- d) the quantities of other species caught in association with tuna and tuna-like species by species, where known;
- e) verify and record the name of the LSPLV concerned and its ICCAT record number;
- f) verify the data contained in the transshipment declaration, including through comparison with the LSPLV logbook, where possible;
- g) certify the data contained in the transshipment declaration;
- h) countersign the transshipment declaration; and
- i) observe and estimate quantities of product by species when offloaded in the port where the observer is disembarked to verify consistency with quantities received during at sea transshipment operations.

6.3 In addition, the observer shall:

- a) issue a daily report of the carrier vessel's transshipping activities;
- b) establish general reports compiling the information collected in accordance with the observer's duties and provide the captain the opportunity to include therein any relevant information.
- c) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
- d) exercise any other functions as defined by the Commission.

- 7. Observers shall treat as confidential all information with respect to the fishing operations of the LSPLV and of the LSPLV owners and accept this requirement in writing as a condition of appointment as an observer;
- 8. Observers shall comply with requirements established in the laws and regulations of the flag State and, where relevant, the coastal State, which exercises jurisdiction over the vessel to which the observer is assigned.
- 9. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 10 of this program.

Responsibilities of the Flag States of carrier vessels

10. The conditions associated with implementation of the regional observer program *vis à vis* the flag States of the carrier vessels and their captains include the following, notably:

- a) Observers shall be allowed access to the vessel personnel, pertinent documentation, and to the gear 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 6:
 - i) satellite navigation equipment;
 - ii) radar display viewing screens when in use;
 - iii) electronic means of communication; and
 - iv) scale used for weighing transshipped product;
- 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;
- e) Observers shall be allowed to determine the most advantageous location and method for viewing transshipment operations and estimating species/stocks and quantities transshipped. In this regard, the master of the carrier vessel, giving due regard to safety and practical concerns, shall accommodate the needs of the observer in this regard, including, upon request, temporarily placing product on the carrier vessel deck for inspection by the observer and providing adequate time for the observer to carry out his/her duties. Observations shall be conducted in a manner that minimizes interference and avoids compromising the quality of the products transshipped.

- f) In light of the provisions of paragraph 11, the master of the carrier vessel shall ensure that all necessary assistance is provided to the observer to ensure safe transport between the carrier and fishing vessels should weather and other conditions permit such an exchange; and
- g) The flag States shall ensure that captains, crew 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 flag State of the carrier vessel under whose jurisdiction the vessel transshipped and to the flag CPC of the LSPLV, copies of all raw data, summaries, and reports pertaining to the trip.

The Secretariat shall submit the observer reports (covering the information and activities of both the fishing and carrier vessels) to the Compliance Committee and to the SCRS.

Responsibilities of LSPLVs during transshipments

- 11. Observers shall be allowed to visit the fishing vessel, if weather and other conditions permit, and shall be granted access to personnel, all pertinent documentation, and areas of the vessel necessary to carry out their duties set forth in paragraph 6 in this Annex. The master of the fishing vessel shall ensure that all necessary assistance is provided to the observer to ensure safe transport between the carrier and fishing vessels. Should conditions present an unacceptable risk to the welfare of the observer such that a visit to the LSPLV is not feasible prior to the start of transshipment operations, such operations may still be carried out.

Observer fees

- 12. The costs of implementing this program shall be financed by the flag CPCs of LSPLVs wishing to engage in transshipment operations. 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.
- 13. No LSPLV may participate in the at-sea transshipment program unless the fees, as required under paragraph 12, are paid.

Information Sharing

- 14. To facilitate information sharing and, to the extent possible, harmonization of at sea transshipment programs across relevant regional fisheries management organizations, all training materials, including observer manuals, and data collection forms developed and used to support implementation of ICCAT's at sea transshipment regional observer program shall be posted on the public portion of the ICCAT website.

Identification Guides

- 15. The SCRS shall work with the ICCAT Secretariat and others as appropriate to develop new or improve existing identification guides for frozen tuna and tuna-like species. The ICCAT Secretariat shall ensure that these identification guides are made broadly available to CPCs and other interested parties, including to ICCAT regional observers prior to deployment and to other regional fisheries management organizations running similar at sea transshipment observer programs.

In-Port Transshipment

1. In the exercise of their authority over ports located in areas under their jurisdiction, CPCs may adopt more stringent measures, in accordance with domestic and international law.
2. Pursuant to Section 1 of this Recommendation, transshipment in port by any CPC of tuna and tuna-like species and any other species caught in association with these species from or in the Convention area may only be undertaken in accordance with *Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* [Rec. 12-07] and the following procedures:

Notification obligations

3. Fishing vessel

- 3.1 At least 48 hours in advance of transshipment operations, the captain of the fishing vessel must notify to the Port State authorities the name of the carrier vessel and date/time of transshipment.
- 3.2 The captain of a fishing vessel shall, at the time of the transshipment, inform its flag CPC of the following:
 - the quantities of tuna and tuna-like species, if possible, by stock, to be transshipped;
 - the quantities of other species caught in association with tuna and tuna-like species by species, where known, to be transshipped;
 - the date and place of the transshipment;
 - the name, registration number and flag of the receiving carrier vessel; and
 - the geographic location of the catches by species and, where appropriate, by stock, consistent with ICCAT statistical areas.
- 3.3 The captain of the fishing vessel concerned shall complete and transmit to its flag CPC the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, where applicable, in accordance with the format set out in **Annex 1** not later than 15 days after the transshipment.

4. Receiving vessel

- 4.1 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna-like species transshipped to his vessel, and complete and transmit the ICCAT transshipment declaration to the competent authorities within 24 hours.
- 4.2 The master of the receiving carrier vessel shall, at least 48 hours before landing, complete and transmit an ICCAT transshipment declaration to the competent authorities of the landing State where the landing takes place.

Port and Landing State Cooperation

5. The port State and the landing State referred to in the above paragraphs shall review the information received pursuant to the provisions of this Annex, including in cooperation with the flag CPC of the fishing vessel as necessary, to determine consistency between the reported catches, transshipments, and landings of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.

Reporting

6. Each flag CPC of the fishing vessel shall include in its Annual Report each year to ICCAT the details on the transshipments by its vessels.

**RECOMMENDATION BY ICCAT FOR AN
ICCAT SCHEME FOR MINIMUM STANDARDS FOR INSPECTION IN PORT**

RECOGNIZING that many Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) currently have port inspection schemes in place;

RECALLING *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10];

ALSO RECALLING the *Recommendation by ICCAT further Amending the Recommendation by ICCAT to Establish a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [Rec. 11-18] and the *Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels from non-Contracting Parties Identified as Having Committed a Serious Infringement* [Rec. 98-11];

FURTHER RECALLING the 2009 Agreement on Port State Measures to Combat Illegal Unreported and Unregulated (IUU) Fishing; and

DESIRING to take a step that will strengthen ICCAT's monitoring, control, and surveillance regime to promote implementation of and compliance with conservation and management measures;

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

Scope

1. Nothing in this Recommendation shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Recommendation shall be construed to affect the exercise by CPCs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this Recommendation.

This Recommendation shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.

CPCs shall fulfill in good faith the obligations assumed pursuant to this Recommendation and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

2. With a view to monitor compliance with ICCAT conservation and management measures, each CPC, in its capacity as a port CPC, shall apply this Recommendation for an effective scheme of port inspections in respect of foreign fishing vessels carrying ICCAT-managed species and/or fish products originating from such species that have not been previously landed or transhipped at port, hereinafter referred to as "foreign fishing vessels".
3. A CPC may, in its capacity as a port CPC, decide not to apply this Recommendation to foreign fishing vessels chartered by its nationals operating under its authority and returning to its port. Such chartered fishing vessels shall be subject to measures by the chartering CPC which are as effective as measures applied in relation to vessels entitled to fly its flag.
4. Without prejudice to specifically applicable provisions of other ICCAT Recommendations, and except as otherwise provided in this Recommendation, this Recommendation shall apply to foreign fishing vessels equal to or greater than 12 meters in length overall.
5. Each CPC shall subject foreign fishing vessels below 12 meters length overall, foreign fishing vessels operating under charter as referred to under paragraph 3, and fishing vessels entitled to fly its flag to measures that are at least as effective in combating IUU fishing as measures applied to vessels referred to in paragraph 4.

6. CPCs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant ICCAT conservation and management measures.

Points of Contact

7. Each CPC wishing to grant access to its ports to foreign fishing vessels shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 11 of this Recommendation. Each CPC shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 22(b) of this Recommendation. It shall transmit the name and contact information for its points of contact to the ICCAT Secretariat no later than 30 days following the entry into force of this Recommendation. Any subsequent changes shall be notified to the ICCAT Secretariat at least 14 days before such changes take effect. The ICCAT Secretariat shall promptly notify CPCs of any such change.
8. The ICCAT Secretariat shall establish and maintain a register of points of contact based on the lists submitted by the CPCs. The register and any subsequent changes shall be published promptly on the ICCAT website.

Designated ports

9. Each CPC wishing to grant access to its ports to foreign fishing vessels shall:
 - a) designate its ports to which foreign fishing vessels may request entry pursuant to this Recommendation;
 - b) ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this Recommendation;
 - c) provide to the ICCAT Secretariat within 30 days from the date of entry into force of this Recommendation a list of designated ports. Any subsequent changes to this list shall be notified to the ICCAT Secretariat at least 14 days before the change takes effect.
10. The ICCAT Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port CPCs. The register and any subsequent change shall be published promptly on the ICCAT website.

Prior notification

11. Each port CPC wishing to grant access to its ports to foreign fishing vessels shall require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transshipment to provide, at least 72 hours before the estimated time of arrival at the port, the following information:
 - a) Vessel identification (External identification; Name; Flag State; ICCAT Record No., if any; IMO No., if any; and IRCS);
 - b) Name of the designated port, as referred to in the ICCAT register, to which it seeks entry and the purpose of the port call (landing and/or transshipment);
 - c) Fishing authorization or, where appropriate, any other authorization held by the vessel to support fishing operations on ICCAT species and/or fish products originating from such species, or to transship related fishery products;
 - d) Estimated date and time of arrival in port;
 - e) The estimated quantities in kilograms of each ICCAT species and/or fish products originating from such species held on board, with associated catch areas. If no ICCAT species and/or fish products originating from such species are held on board, a 'nil' report shall be transmitted;
 - f) The estimated quantities for each ICCAT species and/or fish products originating from such species in kilograms to be landed or transshipped, with associated catch areas.

The port CPC may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

12. The port CPC may prescribe a longer or shorter notification period than specified in paragraph 11, taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port CPC shall inform the ICCAT Secretariat, which shall publish the information promptly on the ICCAT website.
13. After receiving the relevant information pursuant to paragraph 11, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the port CPC shall decide whether to authorize or deny the entry of the vessel into its port. In case the port CPC decides to authorize the entry of the vessel into its port, the following provisions on port inspection shall apply.

Port inspections

14. Inspections shall be carried out by a competent authority of the port CPC.
15. Each year CPCs shall inspect at least 5 % of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
16. In determining which foreign fishing vessel to inspect, the port CPC shall, in accordance with its domestic law, take into account, *inter alia*:
 - a) Whether a vessel has failed to provide complete information as required in paragraph 11;
 - b) requests from other CPCs or relevant regional fisheries management organizations (RFMOs) that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question;
 - c) whether clear grounds exist for suspecting that a vessel has engaged in IUU fishing, including information derived from RFMOs;

Inspection procedure

17. Each inspector shall carry a document of identity issued by the port CPC. In accordance with domestic laws, port CPC inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, Cargo Manifests and Mates Receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the ICCAT conservation and management measures. They may also question the Master, crew members, or any other person on the vessel being inspected. They may take copies of any documents considered relevant.
18. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 11 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided, to the extent practicable.
19. On completion of the inspection, the port CPC inspector shall provide the Master of the foreign fishing vessel with the inspection report containing the findings of the inspection, including possible subsequent measures that could be taken by the port CPC. The Master shall be given the opportunity to add any comments or objection to the report and to contact the flag State. The inspector and the Master shall sign the report and a copy of the report shall be provided to the Master. The Master's signature shall serve only as acknowledgement of the receipt of a copy of the report.
20. The port CPC shall transmit a copy of the inspection report to the ICCAT Secretariat no later than 14 days following the date of completion of the inspection. If the inspection report cannot be transmitted within 14 days, the port CPC should notify the ICCAT Secretariat within the 14 day time period the reasons for the delay and when the report will be submitted.

21. Flag CPCs shall take necessary action to ensure that Masters facilitate safe access to the fishing vessel, cooperate with the competent authorities of the port CPC, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port CPC inspectors in the execution of their duties.

Procedure in the event of apparent infringements

22. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed an infringement of the ICCAT conservation and management measures, the inspector shall:
 - a) record the infringement in the inspection report;
 - b) transmit the inspection report to the port CPC competent authority, which shall promptly forward a copy to the ICCAT Secretariat and to the flag State point of contact and, as appropriate, the relevant coastal State;
 - c) to the extent practicable, ensure safekeeping of the evidence pertaining to such infringement. If the infringement is to be referred to the flag State for further action, the port CPC shall promptly provide the evidence collected to the flag State.
23. If the infringement falls within the legal jurisdiction of the port CPC, the port CPC may take action in accordance with its domestic laws. The port CPC shall promptly notify the action taken to the flag State, the relevant coastal State, as applicable, and the ICCAT Secretariat, which shall promptly publish this information in the secure part of the ICCAT website.
24. Infringements that do not fall within the jurisdiction of the port CPC, and infringements referred to in paragraph 23 for which the port CPC has not taken action, shall be referred to the flag State and, as appropriate, the relevant coastal State. Upon receiving the copy of the inspection report and evidence, the flag CPC shall promptly investigate the infringement and notify the ICCAT Secretariat of the status of the investigation and of any enforcement action that may have been taken within 6 months of such receipt. If the flag CPC cannot notify the ICCAT Secretariat this status report within 6 months of such receipt, the flag CPC should notify the ICCAT Secretariat within the 6 month time period the reasons for the delay and when the status report will be submitted. The ICCAT Secretariat shall promptly publish this information in the secure part of the ICCAT website. CPCs shall include in their Annual Report [Ref. 12-13] information regarding the status of such investigations.
25. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in Rec. 11-18, the port CPC shall promptly report the case to the flag State, and the relevant coastal CPC, as applicable, and notify as soon as possible the ICCAT Secretariat, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

Requirements of developing CPCs

26. CPCs shall give full recognition to the special requirements of developing CPCs in relation to a port inspection scheme consistent with this Recommendation. CPCs shall, either directly or through the ICCAT Secretariat, provide assistance to developing CPCs in order to, *inter alia*:
 - a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this recommendation is not unnecessarily transferred to them;
 - b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organizations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this Recommendation; and
 - c) Either directly or through the ICCAT Secretariat, assess the special requirements of developing CPCs concerning the implementation of this Recommendation.

General provisions

27. CPCs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with ICCAT conservation and management measures. Information regarding such programs, including a copy of such agreements or arrangements, should be included in Annual Reports of CPCs [Ref. 12-13].
28. Without prejudice to domestic laws of the port CPC, the flag CPC may, in the case of appropriate bilateral agreements or arrangements with the port CPC or at the invitation of that CPC, send its own officials to accompany the inspectors of the port CPC and observe or take part in the inspection of its vessel.
29. Flag CPCs shall consider and act on reports of infringements from inspectors of a port CPC on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. CPCs shall cooperate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Recommendation.
30. The ICCAT Secretariat shall develop model formats for prior notification reports and inspection reports required under this Recommendation, taking into account forms adopted in other relevant instruments, such as the FAO Port State Measures Agreement and other RFMOs, for consideration at the 2013 Integrated Monitoring Measures meeting and adoption as annexes to this Recommendation at the 2013 Annual Meeting of the Commission.
31. The Commission shall review this Recommendation no later than its 2014 Annual Meeting and consider revisions to improve its effectiveness.
32. The *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10] is repealed and replaced by this Recommendation.

**RECOMMENDATION BY ICCAT SUPPLEMENTING THE RECOMMENDATION OF AN
ELECTRONIC BLUEFIN TUNA CATCH DOCUMENT (eBCD) PROGRAMME**

TAKING INTO ACCOUNT the multi-annual recovery plan for eastern Atlantic and Mediterranean bluefin tuna and the commitment to develop an electronic bluefin tuna catch document (eBCD) programme;

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, expedite the validation/verification process of bluefin tuna catch documents (BCDs), prevent erroneous information entry, reduce pragmatic workloads and create automated links between Parties including exporting and importing authorities;

RECOGNIZING the necessity to implement the eBCD programme to strengthen the implementation of the bluefin tuna catch documentation programme;

FOLLOWING the work of the eBCD Technical Working Group from 2011 to 2012 and the system design and cost estimates presented in the feasibility study; and

CONSIDERING the commitments previously made in *Recommendation by ICCAT Amending Recommendation 10-11 on an Electronic Bluefin Tuna Catch Document Programme (eBCD)* [Rec. 11-21] to seek “full implementation of the eBCD system before the 2013 purse seine season,” and recognizing that “a level of flexibility will be maintained based on the results of the pilot phase,” and given the progress in the on-going development of the eBCD system;

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

1. The eBCD system shall be fully completed and technically operational for all Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) by 16 May 2013.
2. During a transitional phase from 16 May 2013 to the end of February 2014, both eBCDs and existing paper BCDs shall be accepted. However, all paper-based BCDs validated after 16 May 2013 shall be submitted to the Secretariat in accordance with paragraph 19 of *Recommendation by ICCAT Amending Recommendation 09-11 on an ICCAT Bluefin Tuna Catch Documentation Programme* [Rec. 11-20] and entered into the eBCD system by the Secretariat.
3. EBCDs will fully replace the paper-based BCDs by 1 March 2014.
4. The ICCAT Secretariat will submit to the Technical Working Group a Programme Manual and user group training plan for their review and endorsement by 1 March 2013. Any necessary revisions will be made by 1 October 2013, with the final version submitted to the Commission for consideration and adoption at the 2013 Annual Meeting.
5. CPCs are encouraged to communicate with the Secretariat on technical aspects of system implementation. CPCs shall report to the Permanent Working Group a summary of their experiences and suggestions before the 2013 Annual Meeting.
6. The Permanent Working Group will submit the eBCD programme to the Commission for formal consideration and adoption at the 2013 Annual Meeting.

**RECOMMENDATION BY ICCAT ON A PROCESS TOWARDS THE ESTABLISHMENT
OF A CATCH CERTIFICATION SCHEME FOR TUNA AND TUNA-LIKE SPECIES**

RECOGNIZING the impact that market factors have on the fishery;

CONCERNED by the impact that illegal, unregulated and unreported (IUU) fishing has in the ICCAT Convention area;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting ICCAT conservation and management measures;

NOTING the need for improved and strict control on all the components involved in the tuna and tuna-like species fisheries;

UNDERLINING the complementary role that importing States also have in the control of the catches of tuna and tuna-like species to ensure compliance with ICCAT conservation and management measures;

RECALLING ICCAT's statistical document program for bigeye tuna and swordfish and their objectives;

RECOGNIZING that properly tracing tuna and tuna-like species from the point of capture to their final import has significant operational and technical aspects that would need to be addressed for any effective catch certification scheme;

COMMITTED to taking steps that conform with international law, notably as regards the World Trade Organization (WTO), and to ensure that tuna and tuna-like species entering markets of Contracting and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) of ICCAT and non-members of ICCAT is caught in the Convention area in a manner that does not diminish the effectiveness of ICCAT conservation and management measures;

CONSIDERING the discussions on traceability system in the 7th Meeting of the Working Group on Integrated Monitoring Measures (hereinafter referred to as the 7th IMM WG),

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

1. The next meeting of the Working Group on Integrated Monitoring Measures in 2013 shall address technical and practical issues associated with the development of a Catch Certificate Scheme for tuna and tuna-like species, taking into consideration Appendix 3 of the Report on the 7th IMM WG and taking into account the following factors:
 - i) The conservation status of ICCAT species/stocks;
 - ii) Monitoring and control measures currently in place, including catch and trade tracking programs, and their effectiveness and utility;
 - iii) Which species, stocks, ocean areas, and/or fisheries would most benefit from additional monitoring and control measures, and which approaches or tools, including catch certification schemes, could best be used to enhance the effectiveness of ICCAT conservation and management measures;
 - iv) How ICCAT fisheries are conducted (e.g., fishing grounds, gear types, transshipment activities, harvesting CPCs, etc);
 - v) The ways in which products from ICCAT fisheries are processed, transported, and traded;
 - vi) The overall level of trade by species and product type as well as the CPCs and non-Contracting Parties, Entities or Fishing Entities (NCPs) involved;
 - vii) Operational issues, capacity requirements, and costs associated with various monitoring and control approaches, including data collection, submission, handling, analysis, reconciliation and dissemination associated with catch certification schemes and options for addressing the costs; and

viii) Any other relevant issues or information.

2. The Commission shall also hold a Working Group on Integrated Monitoring Measures meeting in 2014 to review the draft recommendation on catch certification in Appendix 3 of the Report of the 7th IMM WG and consider the development of catch certification schemes in light of the results of the discussions on paragraph 1 above.
3. In considering matters mentioned in paragraphs 1 and 2, CPCs shall take into account the progress of developments of the Electronic Bluefin Tuna Catch Documentation (eBCD) programme and each CPC's experience of existing catch documentation schemes.
4. The Commission at its 2014 Annual Meeting shall consider any draft recommendations on catch certification schemes for tuna species for their adoption with a view to implementing such scheme in 2015.

**RECOMMENDATION BY ICCAT TO ESTABLISH A WORKING GROUP
TO DEVELOP AMENDMENTS TO THE ICCAT CONVENTION**

RECALLING that, further to the 2005 *Resolution by ICCAT to Strengthen ICCAT* [Res. 05-10], the Commission should review ICCAT's conservation and management program and develop a work plan to address the strengthening of the organization;

RECOGNIZING the results of the Independent Performance Review of ICCAT;

RECALLING the discussions held during the meetings of the Working Group on the Future of ICCAT pursuant to the *Resolution by ICCAT to Strengthen ICCAT* [Res. 06-18];

TAKING INTO ACCOUNT developments in relevant international fisheries governance since the signature of the Convention;

FURTHER TAKING INTO ACCOUNT the outcome of the 2012 meeting of the Working Group on the Future of ICCAT acknowledging that to address certain issues, amendments to the ICCAT Convention are necessary;

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

A Working Group is established with the following Terms of Reference:

- a) Develop proposed amendments to the Convention with respect to the items identified in the **Annex 1** and produce draft recommendations or amendments to the Convention, if the draft recommendations cannot address the issue, with respect to the items identified in the **Annex 2**, in order to further strengthen ICCAT to ensure it can fully meet current and future challenges.
- b) In developing proposed amendments and producing draft recommendations, take into account the input of ICCAT Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs), including proposals considered during the Future of ICCAT Working Group process.
- c) The Working Group will carry out its work in accordance with the following work plan:

2013	2014	2015
Meet intersessionally to discuss proposed amendments to the Convention, including draft text, and to produce draft recommendations for their possible adoption at the 2013 Commission meeting.	Meet intersessionally to continue discussion of proposed amendments to the Convention, and develop a consolidated draft of proposed amendments that will serve as a negotiating text for future meeting(s).	Meet intersessionally to finalize, if possible, proposed amendments to the Convention. Present the final proposed Convention amendment text for adoption.

- d) The Working Group should seek to advance issues electronically, where possible.
- e) All CPCs should participate in the Working Group.
- f) Pursuant to Article 13 of the Convention, only Contracting Parties may propose amendments to the Convention and have the decision-making power on the adoption of the amendments to the Convention.

- g) A special Working Group Meeting Fund financed through voluntary contributions and, if necessary, the ICCAT Working Capital Fund is established to assist with the cost of participation of up to two representatives from each of those ICCAT Contracting Parties which are developing States.
- h) In carrying out this exercise, principles related to monitoring, control, and surveillance measures (MSC), *force majeure*, and responsible international trade should be duly taken into account.

Annex 1

(not in priority order)

Convention scope, in particular shark conservation and management

Decision-making processes and procedures:

- Entry into force provisions for recommendations
- Voting rules/quorum
- Objection procedures
- Dispute resolution

Non-party participation

Annex 2

Precautionary Approach

Ecosystem considerations

Capacity building and assistance

Allocation of fishing possibilities

Transparency

**RESOLUTION BY ICCAT REGARDING THE PRESENTATION
OF OBJECTIONS IN THE CONTEXT OF PROMOTING EFFECTIVE
CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY ICCAT**

RECALLING that pursuant to Article VIII of the Convention, Contracting Parties may present objections to recommendations adopted by the Commission;

CONCERNED that the presentation of objections by ICCAT Contracting Parties has increased;

CONSIDERING that the presentation of an objection does not exempt a Contracting Party from the obligation to cooperate with Contracting Parties in pursuing the objectives of the ICCAT Convention;

FURTHER CONSIDERING that in conformity with the aims of the Commission and in view of the rights accorded by Article VIII of the Convention and taking account of the fundamental obligation of all Contracting Parties not to undermine the ICCAT objectives, it is essential that the terms relating to the presentation of objections be clearly defined;

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

1. Contracting Parties wishing to present objections should do so no less than 45 days before the end of the extended objection period, so not as to delay further the entry into effect of a recommendation.
2. Each Contracting Party that presents an objection pursuant to Article VIII of the Convention should provide to the Commission, at the time of presenting its objection, the reasons for its objection, based on, *inter alia*, the following grounds:
 - The recommendation is inconsistent, with UNCLOS, the UN Fish Stocks Agreement, the ICCAT Convention or another ICCAT recommendation still in effect;
 - The recommendation unjustifiably discriminates in fact or law against the objecting Contracting Party;
 - The recommendation is inconsistent with a domestic measure that pursues compatible conservation and management objectives and that is at least as effective as the recommendation.
3. Each Contracting Party that presents an objection pursuant to Article VIII of the Convention should, at the same time, to the extent applicable, specify to the Commission the alternative management and conservation measures consistent with the objectives of the Convention it proposes to adopt and implement.
4. At each Commission meeting thereafter while its objection is maintained, the Contracting Party concerned should communicate to the Commission the alternative conservation and management measures it has adopted to respect the objectives of ICCAT and their effectiveness.
5. The Executive Secretary should provide all Contracting Parties with the details of all information and clarifications that have been received in conformity to paragraphs 2 and 3.
6. Each year the Commission should consider the effectiveness of the measures identified in paragraph 3.

RESOLUTION BY ICCAT ON THE SARGASSO SEA

RECALLING the *Resolution by ICCAT on Pelagic Sargassum* [Res. 05-11] which called upon the Standing Committee on Research and Statistics (SCRS) to examine available and accessible information and data on the status of pelagic *Sargassum* and its ecological importance to tuna and tuna-like species;

RECOGNISING that relevant new information is available concerning *Sargassum* and the Sargasso Sea;

NOTING also that the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks calls for the protection of biodiversity in the marine environment and refers to the need to take ecosystem considerations into account;

NOTING further that the International Commission for the Conservation of Tunas (ICCAT) has already incorporated ecosystem considerations into fisheries management;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS RESOLVES THAT:

1. The SCRS will examine the available data and information concerning the Sargasso Sea and its ecological importance to tuna and tuna-like species and ecologically associated species.
2. The SCRS will provide an update on the progress of this work in 2014 and report back to the Commission with its findings in 2015.