

INTER-AMERICAN TROPICAL TUNA COMMISSION

**94<sup>TH</sup> MEETING**

Bilbao, Spain, 22-26 July 2019

**PROPOSAL IATTC-94 G-2**

**SUBMITTED BY ECUADOR**

**RESOLUTION ON ESTABLISHING A MANDATORY PROGRAM FOR  
TRANSSHIPMENTS IN AUTHORIZED PORTS BY LARGE-SCALE  
FISHING VESSELS IN REPLACEMENT OF RESOLUTION C-12-07**

**RESOLUTION C-19-XX**

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IN REPLACEMENT OF RESOLUTION C-12-07**

*The Inter-American Tropical Tuna Commission (IATTC), gathered in Bilbao, Spain, on the occasion of its 94<sup>th</sup> Meeting:*

~~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 the IATTC;~~

~~Expressing grave concern that organized tuna laundering operations have been conducted, and a significant amount of catches by IUU tuna longline fishing vessels have been transhipped 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 longline vessels in the Antigua Convention Area, including the control of their landings;~~

~~and Aware of the need to amend consequently its Resolution C-11-09 on establishing a program for transshipments by large scale fishing vessels;~~

*Deeply concerned* that illegal, unreported and unregulated fishing has a detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

*Conscious* of the importance of the Port State to combat illegal, unregulated and unreported fishing and to monitor the compliance with measures adopted by Regional Fisheries Management Organizations for the sustainable use and the long-term conservation of living marine resources;

*Bearing in mind* that, under the 1995 FAO Code of Conduct for Responsible Fisheries, the right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of living aquatic resources;

*Recognizing* that the fight to combat illegal, unreported and unregulated fishing should be based on diligent and coordinated actions among Flag States, Coastal States and Port States, using all their sovereignty and jurisdiction in accordance with international law;

*Noting* that transshipments of fish on the high seas contribute to hiding illegal, unreported and unregulated (IUU) fishing and **degrading labor practices prohibited by the Maritime Labour Convention adopted in Geneva, Switzerland, on 7 February 2006**, which threaten food security, the traceability of catches and facilitate the impunity of the perpetrators; while such operations, when carried out in authorized ports, make it possible to adopt and implement effective measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, strengthen the human rights of crew members and ensure the traceability and legality of catches.

*Recalling* the relevant provisions of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993, the 1995 FAO Code of Conduct for Responsible Fisheries, and the Agreement on Port State Measures aimed at preventing, deterring and eliminating Illegal, Unreported and Unregulated fishing, and other relevant international law;

*Agrees:*

## **SECTION 1. GENERAL RULES**

- ~~1. Except under the program to monitor transshipment at sea outlined below in Section 2,~~ All transshipment operations in the Antigua Convention Area of tuna and tuna-like species and sharks caught in association with the fisheries covered by the Convention (hereinafter referred to as “tuna and tuna-like species ~~and sharks~~”) must take place in port.
2. Each Member and Cooperating Non-Member of the Commission (CPC) shall take the necessary measures to ensure that large-scale tuna-fishing vessels<sup>1</sup> (LSTFVs) flying its flag comply with the obligations set out in Annex 1 when transshipping in port.
3. This Resolution does not apply to troll vessels, pole-and-line vessels or vessels **under 24 meters of length overall** engaged in the trans-shipment of fresh fish at sea.

## ~~SECTION 2. PROGRAM TO MONITOR TRANSSHIPMENTS AT SEA~~

~~4. The Commission hereby establishes a program to monitor transshipments at sea, which applies only to large-scale tuna longline fishing vessels (LSTLFVs) and to carrier vessels authorized by their respective flag CPC to receive transshipments from these vessels at sea. No at-sea transshipment of tu-na and tuna-like species and sharks caught by fishing vessels other than LSTLFVs shall be allowed.~~

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<sup>1</sup> For the purposes of this Resolution, “Large-scale tuna fishing vessels” are defined as all vessels **greater than 24 meters length overall** fishing beyond areas of national jurisdiction or beyond each CPC-controlled areas and targeting tuna, tuna-like species **or sharks**.

~~5. Each CPC shall determine whether or not to authorize its LSTLFVs to transship at sea. Only LSTLFVs that are included in the IATTC list of authorized longline vessels and that operate under the jurisdiction of CPCs that participate in the observer program established by this Resolution and that finance the costs of its implementation are authorized to make transshipments at sea. The Director will maintain a list of such vessels. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution.~~

## **SECTION 2. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSSHIPMENTS AT SEA IN THE CONVENTION AREA**

4. The Commission shall establish and maintain a record of carrier vessels authorized by their respective flag CPCs to receive tuna and tuna-like species ~~and sharks~~ at sea from LSTLFVs in the Convention Area (IATTC Record of Carrier Vessels). For the purposes of this Resolution, carrier vessels not on this Record are deemed not to be authorized to receive tuna and tuna-like species ~~and sharks in-at-sea~~ transshipment operations **at authorized ports**.

5. Each CPC shall submit to the Director, in electronic format if possible, the **updated initial** list of the carrier vessels that it has authorized to receive at-sea transshipments from its LSTLFVs in the Convention Area. This list shall include the following information for each vessel:

- a. The flag of the vessel;
- b. Name of vessel, register number;
- c. Previous name (if any);
- d. Previous flag (if any);
- e. Details of previous deletion from other registries (if any);
- f. International radio call sign;
- g. Type of vessel, length, gross tonnage (GT) and carrying capacity;
- h. Name and address of owner(s) and operator(s); and
- i. Time period authorized for transshipping **at authorized ports**.

6. Each CPC shall promptly notify the Director, ~~after the establishment of the initial IATTC Record,~~ of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.

7. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record through electronic means, including placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.

8. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution ~~C-14-02 C-04-06\*~~ on the establishment of a Vessel Monitoring System (VMS).

## **SECTION 3. ~~AT-SEA~~ TRANSSHIPMENTS IN PORT**

9. Transshipments by LSTLFVs in **waters ports** under the jurisdiction of the CPCs are subject to prior authorization from the **Port State of said port**. ~~Coastal CPC concerned~~. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

## Flag CPC Authorization

10. LSTLFVs are not authorized to transship at sea unless they have obtained prior authorization from their flag CPC, as evidenced by their inclusion in the Commission's **RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSSHIPMENTS IN THE CONVENTION AREA**.

### Fishing vessel:

11. Before the transshipment, ~~To receive the prior authorization mentioned in paragraph 12,~~ the master and/or owner of the LSTLFV must notify the following information to its flag CPC authorities and the Port State at least 24 hours in advance of an intended transshipment

- a. the name of the LSTLFV, and its number in the LSTLFV List,
- b. the name of the carrier vessel and its number in the IATTC Record of Carrier Vessels, and the product to be transshipped,
- c. the tonnage by product to be transshipped,
- d. the date and location of transshipment, and
- e. the geographic location of the tuna ~~and tuna-like species and sharks~~ catches.

The LSTLFV concerned shall complete and transmit to its flag CPC, not later than ~~4~~5 days after the transshipment, the IATTC transshipment declaration, along with its number in the IATTC LSTLFV List, in accordance with the format set out in Annex 2.

### Receiving carrier vessel:

12. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to the Director, the flag CPC of the LSTLFV, along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.

13. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IATTC transshipment declaration, along with its number in the IATTC Record of Carrier Vessels, to the competent authorities of the CPC where the landing takes place (Port State) which shall authorize and monitor the operation.

### ~~Regional Observer Program~~

~~14. Each CPC shall ensure that all its carrier vessels that transship at sea have on board an IATTC observer, in accordance with the IATTC Regional Observer Program in Annex 3. The IATTC observer shall monitor compliance with this Resolution, and notably that the transshipped quantities are consistent with the catch reported on the IATTC transshipment declaration.~~

~~15. Vessels shall be prohibited from commencing or continuing at sea transshipping in the Convention Area without an IATTC observer on board, except in cases of *force majeure* duly notified to the Director.~~

## SECTION 4. GENERAL PROVISIONS

14. To ensure the effectiveness of the IATTC conservation and management measures ~~pertaining to species covered by Statistical Document Programs:~~

- a) ~~In validating the Statistical Document,~~ The flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV, **and confirm that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program and the information gathered by the CPC of the Port State.**
- b) ~~The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program; and~~
- b) CPCs shall require that the catches of species covered by the Statistical Document Programs by LSTLFVs in the Convention Area, when imported into the territory or area of a CPC, be accompanied by validated statistical documents and a copy of the IATTC transshipment declaration.

15. Each CPC shall report annually before 15 September to the Director:

- a. The quantities by species transshipped **by their vessels and/or at its ports** during the previous year.
- b. The names of ~~it's the vessels on the IATTC~~ LSTLFVs **and carrier vessels authorized to receive transshipments, registered with the IATTC, List** which have transshipped during the previous year; ~~and~~
- e. ~~A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from its LSTLFVs.~~

16. All tuna and tuna-like species and sharks landed in, or imported into, the territory or area of a CPC, either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the IATTC transshipment declaration until the first sale has taken place.

17. Each year, the Director shall present a report on the implementation of this Resolution to the annual meeting of the Commission, which shall review compliance with this Resolution.

18. **These provisions shall apply from...**

19. **The Commission shall review and, as appropriate, amend this Resolution at the next annual meeting.**

19. This Resolution replaces Resolution **C-12-07** ~~C-11-09~~.