INTER-AMERICANA TROPICAL TUNA COMMISSION

104TH MEETING

Lisbon, Portugal
31 August - 4 September 2026

PROPOSAL IATTC-104 I-1

SUBMITTED BY BELIZE, COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS, NICARAGUA, AND PANAMÁ

AMENDMENT TO RESOLUTION C-19-02 THAT AMENDS RESOLUTION C-15-01 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED, AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN

EXPLANATORY MEMORANDUM

Resolution C-19-02 is one of the main instruments adopted by the Inter-American Tropical Tuna Commission (IATTC) to prevent, deter, and eliminate illegal, unreported, and unregulated (IUU) fishing in the Convention Area, by establishing transparent procedures for the identification and inclusion of vessels allegedly involved in this type of activity.

Experience gained during the application of this resolution has shown that, although the current procedure has been adequate for most cases, there are certain exceptional circumstances that are not expressly regulated and that may limit the effectiveness of the IUU vessel identification mechanism.

Especially, administrative and judicial proceedings arising from alleged serious fisheries violations frequently require complex actions which, by their legal, judicial, or administrative nature, may extend for periods longer than the ordinary period currently provided for the submission of applications for inclusion of vessels in the IUU List. This situation is especially evident when the competent authorities must carry out prolonged technical investigations, obtain international cooperation, collect evidence from different jurisdictions, conduct tests, resolve incidents, and wait for the conclusion of administrative or judicial procedures necessary to ensure full respect for due process.

Additionally, international practice shows that, in certain cases, those responsible for IUU fishing activities carry out activities aimed at preventing or delaying the effective enforcement of imposed sanctions, including changes of flag, modifications in the ownership structure, corporate reorganizations, or other actions aimed at hindering the execution of decisions adopted by the competent authorities. These circumstances may create incentives contrary to the objectives pursued by the Commission and reduce the effectiveness in the fight against IUU fishing.

The purpose of this amendment is to address, correct, and remedy these regulatory and procedural gaps, to ensure that the effectiveness of the system does not depend solely on the time when the alleged IUU fishing activity occurred, but also on the time when the competent authorities receive documented information about said activity, carry out the corresponding investigations, and conclude the procedures necessary to determine the responsibility of the vessel involved.

To this end, the proposal incorporates specific rules that allow:

- recognizing the suspension of the deadline when there are ongoing investigations or sanctioning procedures duly initiated by the competent authority;
- for the exceptional extension of the period for submitting a nomination when there is a formally communicated preliminary investigation, and it is necessary to gather additional evidence;
- enabling the inclusion of vessels that, once their responsibility has been determined, deliberately evade compliance with the sanctions imposed by the competent national authorities; and
- strengthening international cooperation between flag States, coastal States, and the Commission Secretariat during the development of these procedures.

These modifications do not alter the procedural guarantees currently recognized by Resolution C-19-02. On the contrary, they strengthen the balance between protecting due process and the need to preserve the effectiveness of the Commission's compliance system, ensuring that no person or vessel can benefit from procedural delays, loopholes, or maneuvers designed to evade the enforcement of legally imposed sanctions.

Furthermore, the proposal is fully consistent with the FAO International Plan of Action to prevent, deter, and eliminate illegal, unreported, and unregulated fishing. (IPA-IUU), with the principles of transparency, objectivity, proportionality, and non-discrimination that inspire international compliance mechanisms, and with the practice developed by various regional fisheries management organizations.

Consequently, this amendment strengthens the Commission's institutional capacity to combat IUU fishing, increases the legal certainty of the procedure for inclusion on the IUU List, and helps ensure the effectiveness of the compliance system against those who seek to carry out actions addressed to avoid, delay, obstruct, or evade the effective enforcement of the corresponding sanctions.

The Inter-American Tropical Tuna Commission (IATTC):

Recalling that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

Concerned that IUU fishing activities in the Convention Area undermine the effectiveness of the IATTC conservation and management measures.

Further concerned that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with IATTC management and conservation measures.

Determined to address the challenge of an increase in IUU fishing activities by way of measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of flag States under the relevant IATTC instruments.

Considering the action undertaken in other regional tuna fisheries management organizations to address this issue;

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities; and

Noting that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement;

Bearing in mind that the process of identifying the circumstances justifying the inclusion of a vessel in the List of Vessels Suspected to be Involved in Illegal, Unreported, and Unregulated Fishing Activities comprises different stages, from the detection of possible IUU activity, the development of investigations, the determination of the corresponding responsibility, up to the possible participation in activities aimed at evading compliance with the sanction imposed pursuant to national legislation and applicable international law;

Recognizing the importance of due process and of the participation of the interested parties;

Resolves as follows:

IDENTIFICATION OF IUU ACTIVITIES:

1. At each Annual Meeting, the Commission shall identify those vessels that have participated in fishing activities for species covered by the IATTC Convention in the Convention Area in a manner that undermines the effectiveness of the Convention and the IATTC Conservation measures in force, due to serious non-compliance, and shall establish and amend in subsequent years if necessary a list of such vessels (The IUU Vessel List), in accordance with the criteria and procedures established in this resolution.
2. This identification shall be clearly and suitably documented, based on, *inter alia,* reports from CPCs related to compliance with IATTC resolutions in force, trade information obtained from relevant commercial data, such as data from the Food and Agriculture Organization of the United Nations (FAO), statistical documents and other verifiable national or international statistics, as well as any other documented information obtained from port States and/or collected in fishing grounds. The information from CPCs shall be provided in the format approved by the Commission.
3. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention within the IATTC Convention Area are presumed to have carried out IUU fishing activities when an IATTC Member or cooperating non-Member (collectively "CPCs") presents suitably document information that such vessels:
    a. Harvest species covered by the Convention and are not on the IATTC Regional Vessel Register, or
    b. Harvest species covered by the Convention in waters under the national jurisdiction of the coastal State in the Convention Area without authorization and/or in contravention of its laws and regulation, without prejudice to the sovereign rights of coastal States to take measures against such vessels;
    c. Make false reports or fail to record or report their catches made in the Convention Area, or
    d. Engage in fishing activities in a closed area or during a closure period, or
    e. Use prohibited fishing gear or fishing methods, or
    f. Transship with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List, or
    g. Conduct transshipment operations at sea with vessels not included on the IATTC Record of Carrier Vessels, or
    h. Are without nationality, or
    i. Engage in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures, or
    j. Are under the control of the owner or operator of any vessel on the IATTC IUU Vessel List. (Procedures for applying this paragraph are attached as Annex B.)
4. At the latest 70 days before the Annual Meeting, each CPC shall transmit to the Director their list of vessels presumed to be carrying out IUU fishing activities in the Convention Area over the past ~~two~~ three (3) years, accompanied by suitably documented evidence concerning the presumption of the IUU fishing activity.

5. The identification of a vessel shall proceed even if the alleged IUU fishing activity occurred **or is known** in a period of more than three years, and it has not been previously included in the IUU List for that same activity, provided that the proponent has acted with due diligence, proving that:
   a. the alleged IUU fishing activity was reported to the flag State, in the case of a foreign vessel;
   b. the corresponding administrative or judicial proceedings were initiated, in accordance with its competences and within the scope of its jurisdiction;
   c. as soon as permitted by its domestic law and applicable procedural rules, the Director was informed, and the other CPCs through him, regarding the existence of the proceedings and of the intention to apply for inclusion of the vessel on the IATTC IUU List, providing such documentation as could legally be disclosed, without prejudging the outcome of the procedure; and
   d. Once the corresponding procedure has been concluded, and liability has been determined by a final decision that the vessel has carried out objectively verifiable acts aimed at evading compliance with the sanction imposed.

   For the purposes of this paragraph, the period stated in paragraph 4 shall be understood to be suspended from the date on which the CPC initiated the proceedings provided for in paragraphs a), b), and c), if the requirements established in paragraph d) are subsequently accredited.
6. When a CPC has duly substantiated information on the possible IUU fishing activities by a particular vessel but requires additional time to collect the relevant evidence, the three-year period shall be extended for an additional period of two years, provided that, as soon as permitted by its domestic law and applicable procedural rules, the Director and the flag State have been informed, as appropriate, of the existence of an ongoing preliminary investigation. If the investigation results in sufficient evidence to initiate proceedings under paragraph 5 above, that CPC may proceed pursuant to paragraph 4, and the Director shall act in accordance with the procedure provided for in this resolution, subject to confirmation of the communication set forth in this paragraph.

6 bis. For the purposes of paragraphs 5 and 6, when domestic legislation, the confidentiality of the investigation, judicial or administrative confidentiality, or an order of the competent authority prevent notification or disclosure of the documentation within the ordinary time limit, that period shall begin from the date on which the restriction ceases, the competent authority authorizes the disclosure, or the decision becomes final or enforceable, as appropriate, in accordance with the legal system of the CPC concerned. This provision shall not compel a CPC to disclose confidential information, affect an ongoing investigation or proceeding, or preempt a determination of liability. Where legally possible, the CPC shall forward to the Director a preliminary communication limited to the existence and general status of the proceedings, and the Director shall circulate it to the CPCs subject to the Commission's confidentiality rules.

7. If a vessel that has been found liable for IUU fishing activities fails to comply with its sanction or performs objectively verifiable acts aimed at evading or preventing compliance, including, but not limited to, reflagging, the sanctioning State may require the vessel to be included in the IUU List, for the purpose of promoting international cooperation until the effective enforcement of the sanction.

8. Information on IUU vessel activity submitted by CPCs pursuant to ~~this~~ paragraphs 4 and 5 herein should be provided in the format attached as Annex A of this Resolution.

9. Before or at the same time as transmitting a list of presumed IUU vessels to the Director, the CPC shall also notify the relevant flag State, either directly or through the Director, of its request to include the vessel on the list of presumed IUU vessels, provide a copy of the suitably documented information, and request the flag State to promptly acknowledge receipt of the notification. If no acknowledgement is received from the relevant flag State within 10 days of the date of transmittal, the CPC shall retransmit the notification through an alternative means of communication. Upon receipt of information pursuant to paragraphs 4, 5, 6, or 6bis, the Director shall also inform the flag State of its vessel's inclusion on the list of presumed IUU vessels, provide a copy of the suitably documented information, and inform the flag State about the procedures of this Resolution, including the opportunity of the flag State and

interested parties to provide information in response to the listing proposal.

DRAFT IUU VESSEL LIST:

10. On the basis of the information received pursuant to paragraphs 4, 5, 6, or 6bis and any other suitably documented information at his disposal, the Director shall draw up a draft IATTC IUU Vessel List, together with the current IUU list, and shall transmit it, together with all the supporting evidence provided, to all CPCs, as well as to non-Members with vessels on the List, 55 days before the Annual Meeting. The Director shall ask each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owners of the vessels of their inclusion in the list and of the consequences of the vessels being included in the IATTC IUU list.

11. The Draft IUU Vessel List, as well as the Provisional IUU Vessel List and the IUU Vessel List described below, shall contain the following details for each vessel, where available:

    i. Name of vessel and previous names, if any;
    ii. Flag of vessel and previous flag, if any;
    iii. Name and address of owner of vessel and previous owners, including beneficial owners, if any, and owner's place of registration;
    iv. Operator of vessel and previous operators, if any;
    v. Call sign of vessel and previous call sign;
    vi. IMO number, if any;
    vii. Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier;
    viii. Photographs of the vessel;
    ix. Length overall;
    x. Date vessel was first included on the IUU List (if applicable);
    xi. Position of alleged IUU fishing activities;
    xii. Summary of alleged IUU activities;
    xiii. Summary of any actions known to have been taken in respect of the alleged IUU fishing activities and its outcome.

12. CPCs and non-Members shall transmit, at the latest 30 days before the Annual Meeting, their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO.

13. Upon receipt of the draft IATTC IUU Vessel List, CPCs shall closely monitor the vessels included in the draft List to determine their activities and possible changes of name, flag and/or registered owner.

PROVISIONAL IUU VESSEL LIST

14. Based on the information received pursuant to paragraph ~~8~~ 12, the Director shall draw up a provisional IATTC IUU Vessel List, and transmit it, 15 days in advance of the Annual Meeting of the Commission, to the CPCs and the non-Members concerned, together with all the evidence provided.

15. CPCs may at any time submit to the Director any additional information which might be relevant for the establishment of the IATTC IUU Vessel List. The Director shall circulate the information, together with all the evidence provided, to the CPCs and to the non-Members concerned, at the latest before the Annual Meeting of the Commission.

16. The Committee for the Review of the Implementation of Measures Adopted by the Commission shall each year examine the provisional IATTC IUU Vessel List, as well as the information that supports the inclusion, and shall remove a vessel from the provisional IATTC IUU Vessel List if the vessel's flag State demonstrates that:

    a. The vessel did not engage in any of the IUU fishing activities described in paragraph 3, or
    b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia,* prosecution, and imposition of sanctions of adequate severity.

17. Following the examination referred to in paragraph ~~12~~ 16, the Committee for the Review of the Implementation of Measures Adopted by the Commission shall recommend that the Commission approve the provisional IATTC IUU Vessel List, with the amendments agreed there.

FINAL IUU VESSEL LIST

18. At its Annual Meeting, the Commission shall review the provisional IUU Vessel List, considering the supporting evidence and new evidence supplied through the Director.

19. Once the IATTC IUU Vessel List is adopted by the Commission, the Commission shall ask non-Members with vessels on the IATTC IUU Vessel List to take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect. The Director shall ask each CPC and non-CPC with vessels on the Final IUU List to notify the owners of the vessels of their inclusion in the list and of the consequences of the vessels being included in the IATTC IUU list.

20. CPCs shall take all necessary measures, under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:

    a. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support, or re-supply vessels on the IATTC IUU Vessel List;

    b. ensure that vessels on the IATTC IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein;

    c. prohibit the entry into their ports of vessels included on the IUU list, except in case of force majeure or where the vessel is allowed entry into port for the exclusive purpose of inspection and effective enforcement action;

    d. prohibit the chartering of a vessel on the IATTC IUU Vessel List;

    e. refuse to grant their flag to vessels on the IATTC IUU Vessel List, unless the vessel has changed owner, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel or, having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing;

    f. prohibit commercial transactions[1], imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List;

    g. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IATTC IUU Vessel List;

    h. collect, and exchange with other CPCs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List.

21. The Director shall take any measure necessary to ensure publicity of the IATTC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the IATTC website. Furthermore, the Director shall transmit the IATTC IUU Vessel List as soon as possible to other regional fisheries management organizations (RFMOs) for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.

22. Upon receipt of the final IUU vessel list established by another RFMO managing tuna or tuna-like

[1] Transactions are permitted in the case of fish seized and sold because of judicial or administrative sanctions.

species and supporting information considered by that RFMO, and any other information regarding the listing determination, the Director shall circulate this information to the CPCs.

SPECIAL PROCEDURE FOR CROSS-LISTING IUU VESSELS FROM OTHER ORGANIZATIONS

23. In addition to any relevant organization that has expressed an interest in receiving the IUU Vessel List, the Director shall transmit the IATTC Final IUU Vessel List to the FAO and to the secretariats of the following organizations for the purposes of enhancing co-operation between IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the General Fisheries Commission for the Mediterranean (GFCM), the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the North Pacific Fisheries Commission (NPFC), the South East Atlantic Fisheries Organization (SEAFO), Southern Indian Ocean Fisheries Agreement (SIOFA), the South Pacific Regional Fisheries Management Organization (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC).

24. Notwithstanding paragraphs 1 to 3, IUU vessels listed by the organizations set out in paragraph 19 may be added to or deleted from the IATTC IUU Vessel List, provided that the procedures specified in paragraphs 21 to 24 are followed.

25. Notwithstanding paragraphs 6 to 10, upon receipt of the Final IUU Vessel Lists established by CCAMLR, CCSBST, ICCAT, IOTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SIOFA, SPRFMO and WCPFC, the Director shall circulate the lists to CPCs for the purpose of amending the IUU Vessel List during the intersessional period. Vessels that have been added to or deleted from the respective organizations' Final IUU Vessel Lists shall be incorporated into or deleted from, as appropriate, the IUU Vessel List, unless any CPC formally objects in writing within 30 days of the date of transmittal by the Director.

26. In the event of an objection to including in the IATTC Final IUU Vessel List a vessel listed by CCAMLR, CCSBST, ICCAT, IOTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SIOFA SPRFMO or WCPFC, the case shall be brought to the following session of the Committee for the Review of Implementation of Measures Adopted by the Commission for its examination. The Committee shall provide a recommendation to the Commission on the inclusion of the relevant vessel/s in the IUU Vessel List.

27. Vessels that have been listed under the procedures specified in paragraphs 21 and 22 and that have been removed from the Final IUU vessel lists of the relevant organizations set out in paragraph 19 shall be removed from the IATTC Final IUU Vessel List.

28. Upon amendment of the IATTC IUU Vessel List pursuant to paragraphs 20 or 22, the Director shall circulate the revised Final IUU Vessel List to all CPCs.

REMOVAL OF A VESSEL FROM THE IUU VESSEL LIST

29. CPCs and non-CPCs of a vessel on the IUU Vessel List may request the removal of the vessel from the list at any time, including on the period between sessions, by submitting to the Director suitably documented information that proves that:

    a.

    i. it has adopted measures intended to guarantee that the vessel complies with all IATTC measures, and;

    ii. it can effectively assume its responsibilities regarding monitoring and control of the fishing

activities of the vessel in the Convention Area; and

iii. it has undertaken effective actions in response to the IUU fishing activities which include judicial actions and imposition of suitably severe sanctions; or

b. the vessel has been sunk or scrapped; or

c. the vessel has changed ownership, and the new owner can prove that the previous owner no longer has any legal, financial, or real interest in the vessel, nor does he exert control over it and that the new owner has not been involved in IUU activities in the previous five years.

30. The Director shall transmit the request for removal together with all the supporting information submitted by the requestor to the CPCs within 15 calendar days of the receipt of the request. CPCs shall promptly acknowledge receipt of the request for removal and may, at that time, request additional information from the requestor.

31. The decisions by the Commission regarding a request for removal of a vessel in the period between sessions shall follow the procedures established in the IATTC Rules of Procedure for intersessional decisions.

32. If the CPCs approve the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph ~~21~~ 25, the Director shall without delay proceed to remove the vessel in question from the IATTC IUU Vessel List and shall as soon as possible inform other RFMOs of the removal of the vessel, including the effective date of removal.

33. All the information received in the process of including vessels in, or excluding them from, the IATTC IUU List shall be subject to the IATTC rules of confidentiality.

34. This resolution shall apply to any fishing vessel greater than 23 meters overall length.

35. Without prejudice to the rights of CPCs and coastal states to take proper action, consistent with international law, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IATTC IUU Vessel Lists, or that have been removed from the IATTC IUU Vessel List, on the grounds that such vessels are involved in IUU fishing activities.

36. This resolution replaces Resolution C-19-02 ~~C-15-01~~.

ANNEX A - IATTC REPORTING FORM FOR IUU ACTIVITY

Pursuant to paragraphs 4, 5, 6, or 6bis of IATTC Resolution [C-19-02] to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, attached are details of alleged IUU activity.

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item		Available Information
a	Name of vessel and previous names (if any)	
b	Flag and previous flags (if any)	
c	Owner and previous owners, including beneficial owner (if any)	
d	Owner's place of registration	
e	Operator and previous operators	
f	Call sign and previous call signs (if any)	
g	IMO number (if any)	
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier	
i	Length overall	
j	Photographs	
k	Date first included on the IATTC IUU list (if applicable)	
l	Date of alleged IUU fishing activities	
m	Position of alleged IUU fishing activities	
n	Summary of alleged IUU activities (see also section B)	
o	Summary of any actions known to have been taken in response to the activities	
p	Outcome of any actions taken	

B. Details of Alleged IUU Activity

(Indicate with an "X" the applicable elements of the activity and provide relevant details including date, location, source of information. Extra information can be _ provided in an attachment if necessary.)

C-19 02, para. 3	**Vessel fished for species covered by the IATTC Convention within the Convention Area and:**	**Indicate**
a	Are not on the IATTC Regional Vessel Register	
b	Harvested species covered by the Convention in waters under the jurisdiction of another State, without permission of that State, or in contravention of its laws and regulations	
c	Made false reports or fail to record or report their catches made in the Convention Area	
d	Engaged in fishing activities in a closed area or during a closure period	
e	Used prohibited fishing gear or fishing methods	
f	Transshipped with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List	
g	Conducted transshipment operations with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of other RFMOs	
h	Are without nationality	
i	Engaged in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures	
j	Are under the control of the owner or operator of any vessel on the IUU Vessel List	

Annex B.

PROCEDURES FOR APPLYING PARAGRAPH 3(j) OF IATTC RESOLUTION C-19-02

These procedures are to be followed by the Commission in applying paragraph 3(j) of this Resolution. The procedures must work in concert and not conflict with the procedures outlined in this Resolution, and the rules and responsibilities of the Committee for the Review of the Implementation of Measures Adopted by the Commission (Review Committee) and the Commission.

OWNERSHIP AND CONTROL

1. For the purposes of these procedures, the legal or natural person(s) or entity/entities that own and control a vessel (the "owner(s) of record") are those indicated on the IATTC Regional Vessel Register or IATTC list of large-scale tuna longline fishing vessels (LSTLFVs). If a vessel is not on either of those lists, then the owner of record is the owner or owners as indicated on the vessel's national registration document.
2. For the purposes of these procedures, a vessel shall be considered to have the same owner(s) of record where one or more of the legal or natural person (s) or entity/entities indicated on the IATTC Regional Vessel Register or IATTC list of LSTLFVs is the same. If a vessel is not on either of those lists, then the owner(s) of record is/are the same where one or more of the legal or natural person/s or entity/entities indicated on the vessel's national registration document is/are the same.
3. For the purpose of considering whether to add or remove a vessel or vessels from the Provisional IUU Vessel List or the IUU Vessel List pursuant to paragraph 3(j) and paragraph 19 of this Resolution, the owner(s) of record will not be considered to have changed unless the new owner(s) of record provides suitably documented information demonstrating to the satisfaction of the Commission that the ownership of the vessel has changed, that the previous owner(s) of record no longer has any legal, financial or real interests in it, and that the new owner(s) of record has not participated in any IUU fishing activities.

IDENTIFICATION AND NOMINATION OF VESSELS

4. For the purposes of these procedures, a vessel may be nominated by a CPC under paragraph 3(j) of this Resolution if it meets the condition in paragraph (a) below, and the conditions in either paragraphs (b) or (c) below:
   a. The fishing vessel to be nominated:
      i. is currently operating in the Convention Area; or
      ii. has operated in the Convention Area at any time since the date of the activity that led to the listing of the underlying vessel(s) on the IUU Vessel List (as defined below in paragraph (b)); and
      iii. is, or was at any time since the date of activity that led to the listing of the underlying vessel(s) (as defined below in paragraph (b)) on the IUU Vessel List, on the IATTC Regional Vessel Register or IATTC list of LSTLFVs.
   b. The owner of record is the owner of record of three or more vessels currently on the IUU Vessel List (hereafter "the underlying vessel(s)").
   c. The owner of record has one or more vessels that have been included on the IUU Vessel List for the last two years or more.
5. For the purposes of these procedures, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) shall be considered together and either all or none will be placed on the IUU Vessel List. Similarly, all additional vessels fully or partly

owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) will be considered as one and either all or none will be removed from the IUU Vessel List.

INFORMATION TO BE PROVIDED

6. CPCs shall submit suitably documented information demonstrating that the fishing vessels they wish to nominate under paragraph 3(j) of this Resolution meet the criteria set out in paragraph 4 of these procedures. CPC s shall submit this information to the Director 70 days before the Annual Meeting of the Commission along with the list of fishing vessels being nominated (hereinafter "3(j)" vessels).

7. Before or at the same time as transmitting a list of 3(j) vessels to the Director, the CPC shall notify, either directly or through the Director, the relevant flag State of the vessels' inclusion on this 3(j) list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification. If no acknowledgment is received within 10 days of the date of transmittal, the CPC shall retransmit the notification through an alternative means of communication.

DRAFT IUU VESSEL LIST

8. The Director shall include on the Draft IUU Vessel List, which is drawn up and circulated in accordance with the provisions of this Resolution, those 3(j) vessels that have been nominated by CPC s in accordance with these procedures.

9. The Director shall notify the relevant flag states of the inclusion of their 3(j) vessels on the draft IUU Vessel List and of the consequences of these vessels being confirmed on the IUU Vessel List.

10. As appropriate, relevant flag states with 3(j) vessels on the Draft IUU Vessel List may transmit to the Director, at least 30 days before the Annual Meeting, suitably documented information showing the 3(j) vessels do not meet the criteria outlined in paragraph 4 of these procedures. The Director shall circulate this information to all CPC s immediately upon receipt of such information.

PROVISIONAL AND CURRENT IATTC IUU VESSEL LIST

11. At its annual meeting, with respect to 3(j) vessels that are on the Draft IUU Vessel List, the Review Committee shall:

    a. consider suitably documented information, if any, provided by a CPC or a non-CPC , as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings;

    b. following consideration of this information, decide whether to include the nominated 3(j) vessels on the Provisional IUU Vessel List developed in accordance with the provisions of this Resolution.

12. As appropriate, relevant flag states with 3(j) vessels on the current IUU Vessel List may transmit, at least 30days before the Annual Meeting of the Commission, but may submit at any time, to the Director, suitably documented information showing the 3(j) vessels do not meet the criteria outlined in paragraph 4 of these procedures, or any other relevant information. The Director shall circulate this information to all CPCs immediately upon receipt of such information.

13. The Review Committee shall not include 3(j) vessels on the Provisional IUU Vessel List if suitably documented information is provided by any CPC or relevant flag State that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4.

14. At its annual meeting, with respect to 3(j) vessels that are on the current IUU Vessel List the Review

Committee shall:

a. consider suitably documented information, if any, provided by a CPC or non-CPC, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings; and

b. following consideration of the suitably documented information, recommend to the Commission whether the 3(j) vessels should be removed from the IUU Vessel List.

15. The Review Committee shall recommend removal of 3(j) vessels from the current IUU Vessel List if suitably documented information:

    a. is provided that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or

    b. is provided that demonstrates that significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3(j) vessels, and the CPC that originally submitted the 3(j) vessels for listing is satisfied.

IUU VESSEL LIST

16. Once 3(j) vessels are included on the Provisional IUU Vessel List, they shall be treated as part of that list and, where appropriate, the IUU Vessel List, in accordance with paragraphs 14-17 of this Resolution.

MODIFICATION OF THE IATTC IUU VESSEL LIST

17. Relevant flag states may request to remove 3(j) vessels from the IUU Vessel List at any time during the inter-sessional period by submitting to the Director suitably documented information that:

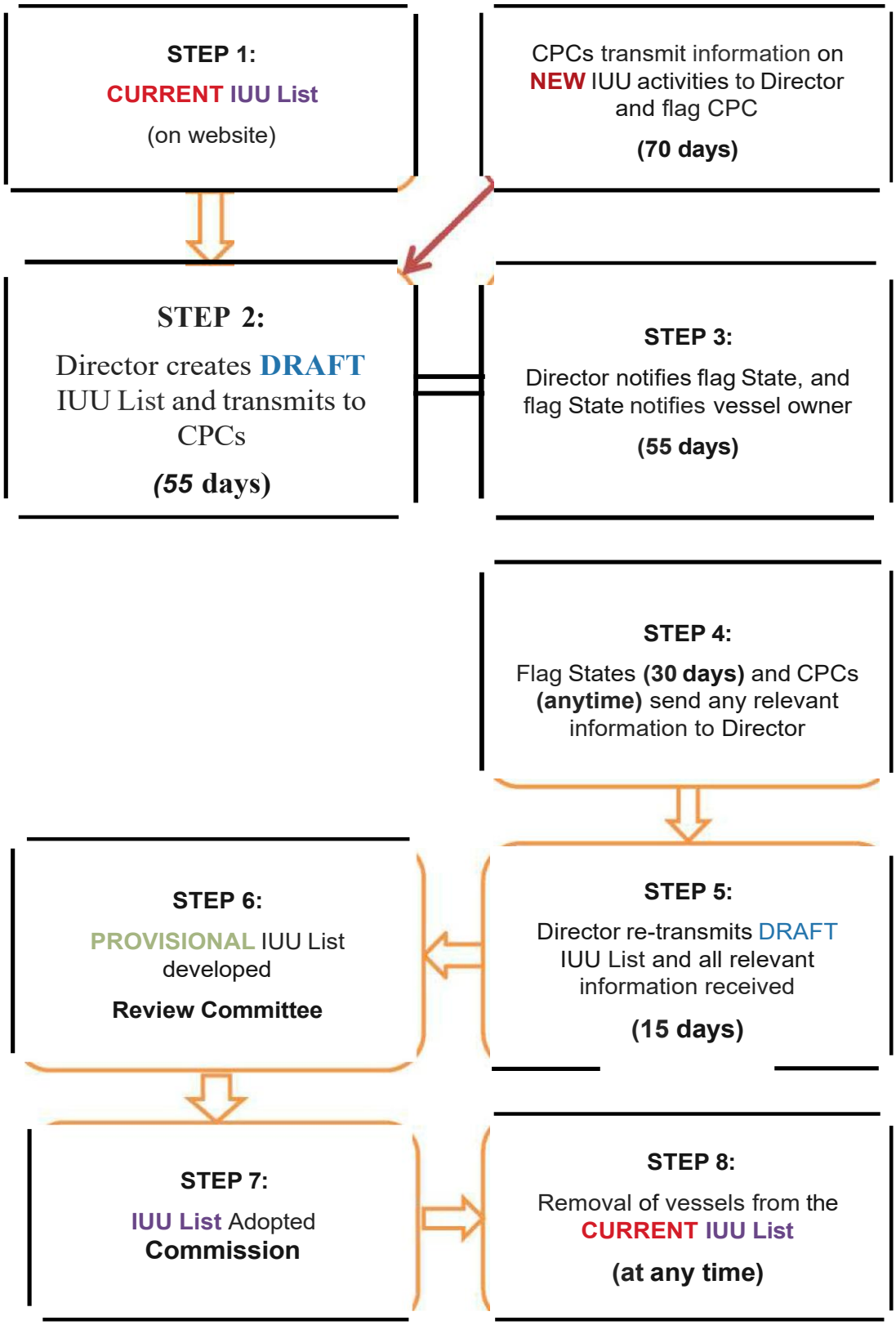
    a. the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or

    b. significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3(j) vessels, and the CPC that originally submitted the 3(j) vessels for listing is satisfied.

18. Removal requests for 3(j) vessels shall be treated in accordance with paragraphs 19-22 of this Resolution.

19. If the underlying vessel is removed from the IUU List, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) and listed pursuant to the 3(j) procedures contained herein will be automatically removed at the same time.

Step	Before Annual Meeting	**Action to be taken**	Paragraph
1	70 days	CPCs transmit to the Director information on **NEW** IUU activities; CPCs and DIRECTOR notify the relevant flag States	4,5
2	55 days	DIRECTOR creates the **DRAFT** IUU List, based on the **CURRENT** IUU List and **NEW** vessels, and transmits it to all CPCs and to those non-CPCs with vessels on the List	6,7
3	55 days	(a) DIRECTOR notifies relevant flag States (b) FLAG STATES notify vessel owners	7
4	30 days	(a) FLAG STATES transmit to the Director information in defense of their vessels' activities	8
	Any time	(b) CPCs transmit to the Director any additional information related to the vessels on the **DRAFT** List	11
5	15	DIRECTOR re-circulates the **DRAFT** List, with all the information received, to all CPCs and to those non-CPCs with vessels on the **DRAFT** List	10
6	Review Committee	(a) Reviews the **DRAFT** List and all the information received (b) Creates the **PROVISIONAL** List	12
		1. Recommends which vessels on the **CURRENT** List should be removed	13
		2. Recommends which **NEW** vessels should be retained	13
7	Commission	(a) Reviews the **PROVISIONAL** List and all the information received	14
		(b) Amends the **PROVISIONAL** List, as appropriate	14
		(c) Adopts a new **IUU List**	15
8	Any time	Director receives request for vessel removal and all supporting information	19
		15 days from receipt of request: DIRECTOR transmits request and all supporting information to CPCs	20
		30 days from receipt of request: CPCs respond with their position on removal; if CPCs approve, Director removes vessel from IUU list	21, 22


STEP 1:
CURRENT IUU List
(on website)
CPCs transmit information on NEW IUU activities to Director and flag CPC
(70 days)
STEP 2:
Director creates DRAFT IUU List and transmits to CPCs
(55 days)
STEP 3:
Director notifies flag State, and flag State notifies vessel owner
(55 days)
STEP 4:
Flag States (30 days) and CPCs (anytime) send any relevant information to Director
STEP 5:
Director re-transmits DRAFT IUU List and all relevant information received
(15 days)
STEP 6:
PROVISIONAL IUU List developed
Review Committee
STEP 7:
IUU List Adopted
Commission
STEP 8:
Removal of vessels from the CURRENT IUU List
(at any time)