

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF
MEASURES ADOPTED BY THE COMMISSION

13TH MEETING

Phoenix, Arizona, USA

29- 30 July 2022

DOCUMENT COR-13-04 REV

IATTC IUU VESSEL LIST

IATTC Resolution [C-19-02](#), which amended and replaced IATTC Resolution [C-15-01](#), requires that, at its annual meeting, the Commission establish a list of the vessels that it identified as having participated in (IUU) fishing activities in the Antigua Convention Area, based on information collected by Members and Cooperating Non-Members (CPCs) and from any other relevant sources.

Paragraph 12 of Resolution C-19-02 states that the Committee shall “*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 [...], 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.*”

Likewise, paragraph 13 indicates that, following the examination mentioned in paragraph 12, the Committee shall “*recommend that the Commission approve the provisional IATTC IUU Vessel List, with the amendments agreed there.*”

As reported through memorandum 260-410 dated June 15, 2022, the Director reported that in accordance with the provisions of Resolution C-19-02 *IUU fishing*, paragraph 4, the Ecuadorian authorities requested to be included in the draft IUU list to the Colombian-flagged vessel Patricia Lynn, as well as all the information that had been sent by the Ecuadorian authorities to prove the fact. (**Annex 1**).

Likewise, through communication 252-544 dated June 10, 2022, the Colombian authorities were informed about this nomination, making it clear that the Government with a vessel nominated for the IUU list can transmit its comments to the Director, as appropriate, including the evidence that demonstrate that their vessels have not fished in contravention of IATTC conservation and management measures or did not have the opportunity to fish for species covered by the IATTC Convention in the EPO.. Colombia sent a communication to the Secretariat informing about the actions taken regarding this case, which can be consulted in **Annex 2**.

As indicated in paragraph 10 of Resolution C-19-02:

“On the basis of the information received pursuant to paragraph 8, 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”

This list, which is considered the provisional list was circulated on July 13, 2022, through the memorandum 0300-410 and is included as **Annex 3** for the consideration of the Review Committee at its meeting on July 29 and 30, 2022 and, if appropriate, for the adoption by the Commission.

Annex 1

(informal translation)

ECUADOR'S MINISTRY OF PRODUCTION,
FOREIGN TRADE, INVESTMENTS AND FISHERIES

Letter No. MPCEIP-VAP-2022-0159-O
Guayaquil, 20 May 2022

Subject: ECUADOR: List of IUU Fishing C-19-02

Mr.

Jean-François Pulvenis

IATTC Director (interim)

INTER-AMERICAN TROPICAL TUNA COMMISSION, IATTC

In his Office

Dear Director,

The Fisheries Authority of Ecuador, in compliance with Resolution C-19-02 adopted in Bilbao, Spain, in July 2019 during the 94th meeting of the Commission, which is an "Amendment to Resolution C-19-02 on establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the eastern Pacific Ocean", hereby requests that the Members consider the inclusion of the vessel PATRICIA LYNN on the IUU Vessel List, which is on the IATTC Regional Vessel Register #2698 under Colombian flag.

EXECUTIVE SUMMARY

- The Colombia-flagged vessel PATRICIA LYNN maintained a PARTNERSHIP AGREEMENT as supplier of an Ecuadorian tuna processing company since 08 January 2015 for a three-year term, which could be extended for up to two more years with prior authorization and through which it was authorized to operate in Ecuadorian jurisdictional waters for the duration of the agreement.
- On 2 July 2019, the PARTNERSHIP AGREEMENT was renewed for two years for the supply of tuna to the Ecuadorian company.
- On 10 September 2020, the Ecuadorian tuna processing company TERMINATED THE PARTNERSHIP AGREEMENT it had with the vessel PATRICIA LYNN, which was duly communicated to the vessel owner.
- The vessel PATRICIA LYNN departed from the Port of Manta, Ecuador, on 23 September 2020 and arrived at the Port of Manta, Ecuador, on 22 October 2020:
 - The vessel's tracking was reviewed and it was determined that unauthorized fishing activity occurred in Ecuadorian waters on the following dates and positions:

	Date and time	Latitude	Longitude	Observation
Activity 1	2020-09-24 13:32:00.0	1° 3'10.002" North	82° 31'33" West	Conducting fishing activities in Ecuadorian continental waters.
	2020-09-24 16:32:00.0	1° 3'55.002" North	82°32'19.998" West	

Activity 2	Date and time	Latitude	Longitude	Observation
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	2020-10-02 17:32:00.0	3° 35'24" North	90° 8'12" West	Conducting fishing activities in Ecuadorian continental waters.
	2020-10-02 19:32:00.0	5° 36'4.002" North	91° 40'7.002" West	

	Date and time	Latitude	Longitude	Observation
Activity 3	2020-10-11 17:33:00.0	1° 5'17.004" North	93° 22'9" West	Conducting fishing activities in Ecuadorian continental waters.
	2020-10-11 19:33:00.0	0° 54'10.002" North	93° 21'34.998" West	

	Date and time	Latitude	Longitude	Observation
Activity 4	2020-10-13 09:33:00.0	1° 1'5.004" North	93° 21'3" West	Conducting fishing activities in Ecuadorian continental waters.
	2020-10-13 13:22:00.0	1° 2'55.998" North	93° 22'14.004" West	

	Date and time	Latitude	Longitude	Observation
Activity 5	2020-10-16 05:52:00.0	2° 22'22.002" North	91° 27'48" West	Conducting fishing activities in Ecuadorian continental waters.
	2020-10-16 09:52:00.0	2° 19'30" North	91° 24'10.002" West	

	Date and time	Latitude	Longitude	Observation
Activity 6	2020-10-17 09:52:00.0	1° 38'15" North	88° 43'23.004" West	Conducting fishing activities in Ecuadorian continental waters.
	2020-10-17 13:52:00.0	1° 41'53.004" North	88° 39'15.996" West	

- A quality and safety control inspection of the vessel's wells was carried out and it was determined that there were 150 tons of Grade A freshness index fish on board.
- Based on the evidence found, precautionary measures were taken in compliance with national regulations. On 30 October 2020, the catch was retained in storage wells for preservation and immobilization of the vessel while the corresponding legal procedure was being carried out. A deadline of 17 November 2020 was established for the vessel to present the documentation corresponding to the discharge of the imputed activities.
- On 15 November 2020, at approximately 00h00, the vessel departed from the Port of Manta, disobeying the provisions of the Fisheries Authority of Ecuador, while the precautionary measure imposed by the Fisheries Authority of this State Agency was in force, and without having sent the requested information in order to continue with the legal process.
- In accordance with the elements presented, the administrative proceeding was resolved with a monetary fine of US\$ 80,400 and a 60-day suspension of fishing activities, as well as the seizure of the resources caught in the fishing operation.

On the other hand, on 12 August 2021, the vessel departed from the Port of Manta, returning on 2 September 2021. Upon return of the vessel and by virtue of the background recorded in 2020, the tracking of this vessel was reviewed, and the following was determined:

- Since the departure of the vessel on 12 August 2021, specifically on 13 and 14 August, and from 24 August to 1 September 2021, there were movements in its navigation that indicate fishing activity. In addition, when reviewing the navigation logbook, "searching" and "searching for fishing signal" were reported within Ecuadorian jurisdictional waters, without having the necessary authorization for this purpose.

- Likewise, upon return to Ecuador, once the tracking and inspection of the vessel were carried out, a catch of 8 tons of tuna was identified (6 tons of skipjack SKJ and 2 tons of yellowfin tuna), which was immobilized as a precautionary measure.
- In accordance with the provisions of the Antigua Convention, fishing activity is understood as "2. (a) the actual or attempted searching for, catching, or harvesting of the fish stocks covered by this Convention", and was therefore determined to be a repeat offence as established in Resolution C-19-02, paragraph 3:

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;

- Due to the activities described above, the vessel underwent a sanctioning administrative proceeding that resulted in a fine of US\$ 80,400 and a 60-day suspension of fishing activities. The vessel is currently anchored in the Port of Manta awaiting fulfillment of the legal requirements.
- The information described in this document was notified to the Colombian delegation by e-mail on 13 May 2022.

Therefore, in view of the aforementioned events, the Fisheries Authority of Ecuador requests the General Directorate of the Inter-American Tropical Tuna Commission to include the vessel PATRICIA LYNN on the Commission's draft IUU Fishing List, in compliance with the provisions established in Resolution C-19-02.

Supporting documents can be found at the following link:
<http://nube.acuaculturaypesca.gob.ec:85/index.php/s/CUeAf59Rs7zV6qS>

Sincerely,

Electronically signed document

Diana Estefania Poveda Lazo

ACTING VICE-MINISTER OF AQUACULTURE AND FISHERIES

ANNEX A - IATTC REPORTING FORM FOR IUU ACTIVITY

Pursuant to paragraphs 4 of IATTC Resolution [C-15-01] 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

Item	Available Information
a	Name of vessel and previous names (if any) Patricia Lynn
b	Flag and previous flags (if any) Colombia
c	Owner and previous owners, including beneficial owner (if any) Owner Agropesquera Industrial Bahía Cupica Ltda. C1
d	Owner's place of registration Address: Av. Simón Bolívar Km 4 No. 22-88-Buenaventura y Cra. 6 No. 29-30-Cali-Colombia
e	Operator and previous operators Operator Pesquera del Pacifico Oriental S.A. Address: Trump Ocean Club Office-Tower Piso 2 Oficina 2-15-Ciudad de Panamá-Panamá
f	Call sign and previous call signs (if any) HJIN
g	IMO number (if any) 8949513
h	Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier Registration No. MC-01-0499
i	Length overall 32.91 meters
j	Photographs 

		 <p>The top photograph shows the bow of a dark blue fishing vessel with 'PATRICK LYNN' written on the side. The middle photograph shows a smaller white boat alongside a larger vessel with yellow buoys. The bottom photograph shows a fishing vessel with a crane on the water.</p>
k	Date first included on the IATTC IUU list (if applicable)	Not Applicable (N/A)
l	Date of alleged IUU fishing activities	<p>Fishing trip departing from the Port of Manta on 23 September 2020 and arriving at the Port of Manta on 22 October 2020.</p> <p>Date of IUU activities:</p> <p>Activity 1: 24 September 2020 Activity 2: 02 October 2020 Activity 3: 11 October 2020 Activity 4: 13 October 2020 Activity 5: 16 October 2020 Activity 6: 17 October 2020</p>
m	Position of alleged IUU fishing activities	<p>Position of IUU activities:</p> <p>Activity 1 - Latitude: 1°3'10.002" North Longitude: 82°31'33" West Activity 2 - Latitude: 3°35'24" North Longitude: 90°8'12" West Activity 3 - Latitude: 1°5'17.004" North Longitude: 93°22'9" West</p>

		<p>Activity 4 - Latitude: 1°1'5.004" North Longitude: 93°21'3" West</p> <p>Activity 5 - Latitude: 2°22'22.002" Norte Longitude: 91°27'48" West</p> <p>Activity 6 - Latitude: 1°38'15" North Longitude: 88°43'23.004" West</p>
n	Summary of alleged IUU activities (see also section B)	<p>In contravention of Resolution C-19-02, paragraph 3, subparagraph b, the vessel 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.</p> <p>Through memorandum No. MPCEIP-SRP-2020-22638-M, dated 26 October 2020, the Directorate of Fisheries Control of this Undersecretariat of Fisheries Resources determined activities carried out by the vessel PATRICIA LYNN—international registration No. 17839—according to its identified fishing gear (purse seine), activities were recorded within the EEZ of Ecuador on the fishing trip from 23 September 2020 to 22 October 2020. During this trip, parameters indicating fishing activities were recorded, as described in boxes (l) Date of alleged IUU fishing activities and (m) Position of alleged IUU fishing activities.</p> <p>The satellite positions recorded low speeds of less than 3,000 knots, necessary to conduct fishing operations. In addition, the vessel's courses were different, ruling out the possibility that it was drifting or in transit. Therefore, it was determined that the vessel Patricia Lynn carried out fishing activities in Ecuador's EEZ during the fishing trip from 23 September 2020 to 22 October 2020, without authorization from the Ecuadorian Fisheries Authority. It was determined that 150 tons of tuna were caught during this fishing trip.</p>
o	Summary of any actions known to have been taken in response to the activities	<p>Among the actions taken by the Ecuadorian Fisheries Authority, the relevant administrative proceeding was initiated regarding the activities carried out by the vessel PATRICIA LYNN in order to initiate legal action.</p> <p>Through memorandum No. MPCEIP-SRP-2020-22729-M, dated 27 October 2020, the Directorate of Fisheries Control informed about its port inspection procedure of the vessel Patricia Lynn, which determined that the vessel was carrying approximately 150 tons of fish (tuna) distributed in the following wells: 1 Port, 1 Starboard, 2 Port, 2 Starboard and 3 Port. During the inspection, the corresponding documents were requested and it was confirmed that they did not have the authorization documents issued by the Undersecretariat of Fisheries Resources to carry out fishing activities, in contravention of the legal regulations in force.</p>

		<p>Therefore, the corresponding Certificate of Retention No. MPCEIP-SRP-DCP-ARE-000821 was issued, with which the 150 tons of frozen fish were immobilized within the same wells. After this, following the internal process, the entire catch was unloaded and transferred to authorized storage wells for immobilization.</p> <p>Likewise, a notice of temporary immobilization of the vessel PATRICIA LYNN was issued, so that the Port Authority of Manta, within the scope of its authority, may take the relevant actions and procedures to ensure strict compliance with the precautionary measure and not allow the vessel in question to depart.</p>
p	Outcome of any actions taken	<p>As a result of the actions taken by the Fisheries Authority of Ecuador, the legal procedure was carried out through Administrative Sanctioning File No. 537-2020-LODAP, dated 28 October 2020, which concluded that the fishing regulations in force were violated by engaging in unauthorized fishing activities in waters of the Ecuadorian exclusive economic zone, in accordance with the provisions of the Organic Law for the Development of Aquaculture and Fisheries. Therefore, the vessel was sanctioned with a monetary fine and the definitive seizure of the retained fish, as well as the suspension of the activity of the industrial vessel PATRICIA LYNN (international registration No. 17839) for 60 days.</p> <p>Finally, in compliance with the procedures established by the Undersecretariat of Fisheries Resources, the retained catch of the vessel PATRICIA LYNN was donated.</p>

Annex 2. Colombia's communication

Dear IATTC Director *a.i.*, Mr. **Jean-François Pulvenis**,

I have the honor to address you to refer to memorandum 0252-544, dated 7 June 2022, informing Colombia of the request of the authorities of Ecuador to nominate the vessel *Patricia Lynn* (IMO No. 8949513) flying the Colombian flag and listed in the IATTC Regional Vessel Register under No. 2698, to be included in the Commission's draft IUU list, for alleged irregular fishing activities.

In this regard, it should be noted that, upon receipt of the various details and materials related to the case, the Colombian authorities have taken immediate action, following national legislation, to investigate and respond to the alleged IUU fishing activities. These actions, whose supporting documents are attached hereto, are summarized below:

1. The National Authority of Aquaculture and Fisheries (AUNAP), through the Technical Directorate of Inspection and Surveillance (DTIV), in fulfillment of its functions contained in paragraph 6 of Article 16 of Decree 4181 of 2011, which reads: "*ARTICLE 16. Technical Directorate of Inspection and Surveillance. The functions of the Technical Directorate of Inspection and Surveillance are the following: 6. To advance the proceedings of administrative investigation for infringement of the general fishing statute or applicable legal system*", undertook administrative actions.

In this regard, AUNAP summoned to hold a hearing for alleged illegal fishing activity in Ecuadorian maritime territory between September and October 2020, through the issuance of **order number 00076 of 17 June 2022** "*Which sets the date and time to hold the concentrated hearing contained in Law 1851 of 2017, against the legal person AGROPESQUERA INDUSTRIAL BAHIA CUPICA LTDA C.I, identified with Tax Identification Number: 800144334-5, as holder of a fishing permit for the tuna fishing vessel PATRICIA LYNN, with fishing patent number 09157 of 06/03/2020, within the administrative investigation NUR: 113-2022, for alleged illegal fishing activity in Ecuadorian maritime territory between September and October 2020.*" This administrative act was notified on 21 June 2022.

2. On the other hand, regarding the actions attributed to the tuna vessel PATRICIA LYNN, between August and September 2021, the Technical Directorate of Inspection and Surveillance (DTIV) of the AUNAP is advancing the administrative investigation NUR: 114- 2022, during which order 0077, of 17 June 2022, was issued "*Which sets the date and time to hold the concentrated hearing contained in Law 1851 of 2017, against the legal person AGROPESQUERA INDUSTRIAL BAHIA CUPICA LTDA*

C.I, identified with Tax Identification Number: 800144334-5, as holder of

a fishing permit for the tuna fishing vessel PATRICIA LYNN, within the administrative investigation NUR: 114-2022, for alleged illegal fishing activity in Ecuadorian maritime territory between August and September 2021,” setting the date and time to hold the hearing on 28 July 2022.

3. In this context, through communication No. S2022NC001307 dated 22 June 2022, AUNAP has reiterated *“the existing commitment to combat unreported and unregulated illegal fishing, in compliance with international commitments and the Colombian fishing regulations. Therefore, during the development of the administrative investigation, if the existence of the alleged infringement is proven, sanctions will be rigorously applied in accordance with the provisions of Article 7 of Law 1851 of 2017 “Whereby measures are established against illegal fishing and the crime of illegal fishing activity in the Colombian maritime territory” under the provisions of Article 55 of Law 13 of 1990 “General Fishing Statute.”*
4. As per an email on 17 June, the General Maritime Directorate of Colombia (DIMAR) sent the National Directorate of Aquatic Spaces of Ecuador communication No. 29202203157 on the same date, reporting that the vessel Patricia Lynn *“... which is in the port of Manta, Ecuador... currently has the status of NON-OPERATIONAL, considering the expiration of the statutory certification of the vessel since 28 May 2022”* and that *“the Cielo Mares Maritime Agency that represents this vessel has been notified to keep it in its home port (Manta) until the certification is obtained, and that the vessel had its last departure in Colombian territory on 29 September 2006, from the port of Buenaventura bound for Manta.”*
5. Representatives of the Colombian authorities that participate in the Colombian Section and its Consultative Committee before the IATTC (AUNAP, Ministry of Foreign Affairs, Ministry of Agriculture and Rural Development, Ministry of Environment and Sustainable Development, and Ministry of Commerce, Industry and Tourism), as well as DIMAR, have met and exchanged information with the authorities of Ecuador, particularly with representatives of the Ministry of Production, Foreign Trade, Investment, and Fisheries, to have more elements to advance in the investigation of this case.

In view of the above, it is clear that Colombia, upholding the provisions of IATTC Resolution C-19-02, has taken immediate action to resolve this case, activating the

mechanisms stipulated in the national legislation while observing the principle of due process and considering the deadlines established by our regulations.

In this regard, we consider that the Commission does not yet have the results of the advanced proceedings in Colombia and, therefore, it is not in a position to decide on the inclusion of the vessel Patricia Lynn in the IUU list since the case is under full investigation by the Colombian authorities. Only after the procedural stages are exhausted will it be possible for the national authorities to make a substantive decision on the matter to present it formally to the Commission.

Finally, Colombia requests the cooperation of the Member States and those participating in the Commission as Cooperating Non-Members to ensure that, in accordance with the communication from the Colombian Maritime Authority-DIMAR, indicating that the vessel Patricia Lynn *“has the status of NON-OPERATIONAL, considering the expiration of the statutory certification of the vessel since 28 May 2022,”* it does not continue to operate, under the protection of the means or authorizations of third parties.

Lastly, I would like to reiterate Colombia’s permanent commitment to comply with the Commission’s resolutions and to continue cooperating more and more in all of the organization’s tasks to advance and strengthen the sustainability of fisheries.

I would like to take this opportunity to reiterate Colombia’s willingness to be of support in all appropriate ways while the investigation mentioned above is underway.

Sincerely,

DUVÁN REYNERIO OCAMPO PINZÓN

Minister Plenipotentiary

Coordinator – Internal Working Group on Economic Affairs Directorate of
Economic, Social and Environmental Affairs

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Annex 3**Provisional IUU vessel list**

	IATTC Vessel number	Name	Gear	Flag
1	14613	<i>Neptune</i>	LL	GEO
2	12290	<i>Bhaskara No. 10</i>	LL	UNK
3	12291	<i>Bhaskara No. 9</i>	LL	UNK
4	9407	<i>Camelot</i>	LL	UNK
5	125	<i>Chia Hao No. 66</i>	LL	UNK
6	6163	<i>Dragon III</i>	LL	UNK
7	6591	<i>Goidau Ruey No. 1</i>	LL	UNK
8	9505	<i>Jyi Lih 88</i>	LL	UNK
9	11369	<i>Orca</i>	LL	UNK
10	95	<i>Reymar 6</i>	LL	UNK
11	9405	<i>Ta Fu 1</i>	LL	UNK
12	13568	<i>Tching Ye No. 6</i>	LL	UNK
13	129	<i>Wen Teng No. 688</i>	LL	UNK
14	2698	<i>Patricia Lynn</i>	PS	COL

Flag	Description
UNK	Unknown
GEO	Georgia
VEN	Venezuela

Gear	Description
LL	Long line
PS	Purse-Seine