

INTER-AMERICAN TROPICAL TUNA COMMISSION

82<sup>ND</sup> MEETING

La Jolla, California (USA)

4 – 8 July 2011

MINUTES OF THE MEETING

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## **1. Opening of the meeting**

The meeting was opened by Dr. Guillermo Compeán, Director of the Commission. The attendees are listed in Appendix 1.

It was announced that Kiribati had deposited its instrument of adhesion to the Antigua Convention on 29 June 2011, so the Convention would enter into force for Kiribati on 29 July 2011. The Commission invited the delegation of Kiribati to take a seat among the Members of the IATTC.

## **2. Election of Chairman and Deputy Chairman**

Mr. William Gibbons-Fly, of the United States, and Mr. Luis Torres, of Ecuador, were elected for a period of one year to the post of Chair and Vice-Chair, respectively, of the Commission.

## **3. Adoption of the agenda**

The agenda was adopted with the following changes:

- a) The item regarding the reports of the working groups was moved to item 7.
- b) The item regarding the review of new resolutions was moved to item 8, with the additional inclusion, at the request of China, of Recommendations C-10-01, C-10-02 and C-10-03, adopted at the 81st meeting of the IATTC in June 2010, in order to approve them as resolutions.
- c) An item on administrative issues (item 9) was added.
- d) The item regarding the question of transshipments was removed, since it had already been addressed in the Review Committee.

## **4. Approval of the minutes of the 81<sup>st</sup> Meeting of the IATTC**

The minutes were approved with the change requested by Mexico to correct the map in Recommendation C-10-03 on seabirds to exclude the Mexican Exclusive Economic Zone (EEZ); also, a paragraph was included, at the request of the European Union, to express its willingness to work on a pilot program on fish-aggregating devices (FADs).

## **5. a) The fishery in 2010 and status of the tuna and billfish stocks**

Dr. Compeán presented Document IATTC-82-05, noting that, as regards yellowfin tuna, fishing mortality is below the maximum sustainable yield (MSY), and it is not considered to be overexploited. Regarding bigeye tuna, recruitment has stayed high, but fishing mortality remained above the MSY, so great caution must be used in applying management measures. As regards skipjack tuna, catches have been greater than normal in recent years, thus the precautionary approach requires close monitoring of this species. However, there is insufficient information about the current status of skipjack to suggest that fixing catch or effort limits is necessary.

The Commission highlighted the reduction in the longline catches of bigeye, but noted that the total catches of bigeye are approaching the MSY, which implies the need to apply the precautionary approach in management measures.

Furthermore, it expressed concern regarding the lack of information on catches by artisanal longline and sport fisheries, and stressed the need for obtaining this information, in order to have a more complete overview and assessment of the status of the fishery.

One delegation reiterated the importance of having the Scientific Advisory Committee play a greater part in the work of assessing the tuna populations carried out by the Commission staff.

Clarification was requested regarding whether the capacity of the active purse-seine fleet was at the level of 210 thousand metric tons. The Director stated that this was the capacity operating in 2010 and that it was approximately 5% less than the active capacity in 2002, when Resolution C-02-03 on fleet capacity

was adopted.

#### **b) Review of the Commission staff's research**

Drs. Richard Deriso and Martín Hall, in charge of the tuna and bycatch research programs, respectively, presented information on the work being carried out by the Commission staff. They noted that they carry out, among others, stock assessments, tuna tagging, studies of tuna biology and of bycatches of turtles, seabirds, and sharks, plus programs for data collecting and capacity building, by means of courses and workshops on tagging, estimating bycatches, and collection and standardization of databases, which enables them to keep well informed on the latest developments in these fields and share their knowledge with other organizations.

Several delegations expressed their satisfaction for the work carried out, and stressed that it was one of the valuable aspects of the IATTC. One delegation noted that, under the Antigua Convention, a greater linkage should be established between those activities and the work of the Scientific Advisory Committee. The Commission agreed that priorities in research activities should be established, and some delegations pointed out, among these priorities, the previously-mentioned importance of obtaining information on catches made by artisanal longline fisheries and sport fisheries, given the lack of corresponding data. The Director reminded the meeting of the responsibility of the Members of the Commission regarding the provision of information on the operations of their fleets, which should include data on small longliners and the sport fishery. Some delegations highlighted as a priority the issue of fish-aggregating devices (FADs), regarding which one delegation stated that this should not be limited to a pilot program and that, *inter alia*, a system of unique identification numbers for FADs should be established.

#### **c) Staff conservation recommendations**

Dr. Deriso presented the following recommendations by the staff, contained in Document [IATTC-82-05c](#), for the adoption of conservation measures the:

##### **Yellowfin and bigeye tunas**

- a. Purse-seine fishery (vessels of IATTC capacity classes 4-6):
  - i. Closure applicable for 3 years (2011-2013), with a duration of 62 days in the eastern Pacific Ocean (EPO) (29 July – 28 September or 18 November – 18 January).
  - ii. Closure of the high-seas area established in Recommendation C-10-01 from 29 September to 29 October.
  - iii. Full retention of tuna caught.
- b. Longline fishery:
  - i. Maximum catch limits during 2011-2013 for China, Korea, Japan, and Chinese Taipei.
  - ii. Catches by other fleets no greater than their catches in 2001 or 500 t.
  - iii. Tagging and identification de FADs.

##### **Bluefin tuna**

- a. Commercial fishery: annual catches during 2011-2012 no greater than the 1994-2007 average.
- b. Sport fishery: effort no greater than the maximum during 2006-2010.
- c. Monthly reports of catches and effort in the sport fishery.

##### **Sharks**

- a. Improve the chances of survival after being caught by means of rapid release.
- b. CPCs provide the IATTC available data on total catches.

- c. Development of sampling programs.
- d. Development of programs to research the causes of bycatches of sharks, and improve the survival of sharks brought aboard.
- e. Initiate a longline observer program (up to 5% coverage).
- f. Establish a Shark Research Fund.
- g. Standardized data collection and database structures.

## 6. Report of the second meeting of the Scientific Advisory Committee

The Director presented the [report of the second meeting](#) of the Scientific Advisory Committee (SAC), held in May 2011, and highlighted the 10 recommendations by the Committee.

Various points were discussed related to the organization and development of the work of the Committee. First, the question of the required quorum: taking into account that, for the second time, quorum was not reached, the Commission agreed to consider appropriate solutions within the framework of the definition of rules of procedure applicable to the Committee, to facilitate reaching a quorum without undermining the effective participation of all the Members. Also discussed were ways of supporting and facilitating participation by scientists of Members, in particular developing Members, and the advisability of considering training programs.

The second matter, previously mentioned, was that of the relationship between the Committee and the IATTC scientific staff, under the Antigua Convention, and in particular the advisability of a closer relationship which would allow, *inter alia*, a greater contribution by scientists of the Members. It was stressed that the work of the scientific staff is an essential feature of the IATTC compared to the other regional fisheries management organization (RFMOs), and that, *inter alia*, its work benefits Members that lack a specialized scientific staff.

The third matter was the availability of information. In addition to considering the possibility of contributions by scientists of other geographical areas and organizations interested in the work of the Commission, some delegations expressed themselves in favor of a public domain where outside scientists could have access to information derived from the work of the Committee; they also indicated that the structure of the reports should be harmonized with those of other RFMOs, in accordance with recommendations arising from the series of meetings of the tuna RFMOs (Kobe process). This led also to a debate on the applicable rules of confidentiality and on the advisability of updating them.

Regarding substantive matters, the Commission took note of the recommendations of the Committee in paragraph 19 of its report, without any objections.

## 7. Reports of working groups:

### a) Permanent Working Group on Fleet Capacity

The Chair of the working group, Mr. Luis Dobles, of Costa Rica, presented the report of its 11<sup>th</sup> meeting. The group made [recommendations](#), available on the Commission's website, and reviewed requests for capacity, which it classified in three categories and which should be addressed in the following order:

- a. Requests by coastal countries based on the footnote in Resolution C-02-03;
- b. Claims arising from disputes resulting from capacity transfers and/or discrepancies in the implementation of Resolution C-02-03 since it came into force;
- c. Requests for new increases in capacity by EPO coastal countries and by non-coastal countries.

Peru presented anew its request for 5,000 cubic meters (m<sup>3</sup>) of well volume, and Colombia reiterated its request for 2,240 m<sup>3</sup> de capacity. Costa Rica stated a similar position regarding the footnote to Resolution C-02-03, and reiterated its right, as a coastal country, to utilize that capacity in the future subject to sus-

tainability criteria. Guatemala presented a written statement (Appendix 4a). El Salvador reiterated its request for 1,861 m<sup>3</sup> of additional capacity in consideration of its status as a coastal country.

The Republic of Korea indicated that, taking into account the prevalent pessimism in the stock assessments, and the recommendations of the IATTC scientific staff, it would not insist on its original request regarding the introduction of Korean purse-seine vessels, reducing number of vessels, days fishing, and area boundaries. This is to avoid that the introduction of Korean purse-seine vessels have a negative effect on the condition of these stocks and the closure periods. Korea also stated that it would send the modified request to the Secretariat in writing, for an assessment of its impact on the status of the species managed by the IATTC, and that it would use the results as a basis for a future request for introducing capacity.

The Commission decided to form a subgroup, chaired by Mr. Torres, to review the [requests for capacity](#) and the [recommendations](#) of the working group. This subgroup met on three occasions independently of the Commission plenary, and Mr. Torres reported to the plenary that the result of the deliberations of the subgroup was as follows:

1. Recommend to the Commission the allocation to Peru of a capacity of 5,000 m<sup>3</sup> of well volume, in accordance with the footnote in Resolution C-02-03.
2. There was no consensus on the request by Colombia for an additional capacity of 2,024 m<sup>3</sup>. However, the subgroup noted that Colombia was implementing administrative processes that could result in sanctions for Colombian vessels that did not comply with the closure in 2009, and that under the new administration no permits would be granted for new vessels to operate when outside the IATTC Regional Vessel Register.
3. There was no consensus on accepting the request by Costa Rica for 5,000 m<sup>3</sup> of capacity, in accordance with the footnote in Resolution C-02-03.
4. Regarding the formation of an ad hoc group for resolving the disputes referred to in paragraph 1 b) of the recommendations, the subgroup determined that:
  - a. The *ad hoc* group should be external to the Commission, and the FAO and the Hamburg International Tribunal on the Law of the Sea, among other bodies, were suggested as points of contact.
  - b. The Secretariat should provide to the experts all the relevant information that it has available, and the interested Members are free to provide to the *ad hoc* group documentation supporting its requests.
  - c. In each case, the costs of contracting the experts should be covered by the Members that are parties to the dispute.
  - d. The recommendations of the *ad hoc* group shall be elements for analysis for the decisions that the Commission plenary shall take in each case.

Specifically, the subgroup made the following recommendations:

1. That the Secretariat contact the bodies that may make up the *ad hoc* group, in order to have choices in their selection.
2. That the Secretariat draft the terms of reference for the ad hoc group.
3. That the members of the ad hoc group not be nationals of the parties to the dispute, nor associated with them.
4. That the subgroup continue working on a process and a schedule for evaluating the requests pending under paragraph 1 of the recommendations, as well as recommendations 7, 8 and 9 of the 11th meeting of the working group.

The Commission adopted the recommendations of the subgroup. Regarding Peru's request for 5,000 m<sup>3</sup>

of carrying capacity, it adopted Resolution C-11-12 (Appendix 2l).

#### b) Review Committee

The Chair of the Committee, Mr. David Hogan, of the United States, presented the report of the 2<sup>nd</sup> meeting. The Commission adopted the Committee's recommendations (Appendix 5d), noting in particular the following aspects:

- a. To include in the IUU List (Appendix 5d) the vessel *Mar Cantábrico* (Bolivia), and remove from the List the vessels *Caribbean Star 31* (Colombia), and *Permata, Permata 102, Permata 138, y Mutiara 28* (all Indonesia).
- b. Grant Cooperating Non-Member status to Cook Islands.
- c. Ask the Director to notify Bolivia and Honduras that their vessels would be removed from the Regional Register because those countries do not have the status of Cooperating Non-Members of the IATTC. It was decided to allow a period of 30 days for their vessels to cease fishing in the EPO, and if they continue to operate beyond that period, their activities would be identified as IUU fishing.

The Chair also recalled the statement made by Venezuela on the circumstances that led to the inclusion of three of its vessels in the compliance report. He mentioned that several delegations had agreed with Venezuela on the need for equitable treatment, and that those vessels did not violate the resolution C-09-01 and therefore should not have been included in the report. He noted that, therefore, the Committee recommended to the Commission to consider that these vessels had not committed an infraction.

The Commission agreed that in future no exceptions or exemptions regarding the closure periods would be allowed, as proposed by the Venezuela and supported by the majority of the delegations.

#### c) Working group on finance

The Chair of the working group, Mr. Brad Wiley, of the United States, made an oral report on the meeting of the working group held on 1 July 2011. The discussion focused on the "utilization" component; various members requested that it be done away with, and others that it be maintained with at least 10% of the total budget. The following four scenarios were examined, but no consensus was reached.

Scenario	Component (%)			
	Base	Operational	Catch	Utilization
1	10	10	70	10
2	10	10	72.5	7.5
3	10	12.5	70	7.5
4	10	12.5	72.5	5

The Commission decided to implement for the current year the distribution in scenario 1, which was used for the previous year, and asked the working group to continue its work intersessionally in order to find a formula acceptable in the long term.

## 8. Resolutions

The Commission reviewed a total of 24 proposals for resolutions, of which it approved twelve.

### 8.1. Resolutions adopted

- a. **Resolution on tuna conservation (C-11-01;** Appendix 2a). Recommendation C-10-01 was approved as a resolution, with the addition that, once the closure periods for purse Seine vessels were chosen, no exceptions changes would be allowed. Japan stated that it would transfer 3000 t of its bigeye catch limit to China this year.
- b. **Resolution on seabirds (C-11-02;** Appendix 2b). Recommendation C-10-02 was approved as a

resolution, with a correction to the map of the mitigation area to exclude the Mexican EEZ, and the addition of two footnotes for greater clarity. Even though there was no agreement to accept the request of Ecuador then the waters under Ecuadorian jurisdiction be excluded from the mitigation area, that delegation did not oppose the consensus.

- c. **Resolution on research buoys (C-11-03; Appendix 2c).** Recommendation C-10-03 was approved as a resolution. Japan stated that, in the spirit of compromise and taking into account the importance of the matter, it would not oppose the consensus, but it harbored doubts about whether the IATTC could adopt this binding resolution.
- d. **Resolution on financing for 2012 (C-11-04; Appendix 2d).**
- e. **Resolution on a list of longline vessels over 24 meters (C-11-05; Appendix 2e).** The Commission approved the proposal by Japan to revise Resolution C-03-07 on the list of longline vessels, which it replaces.
- f. **Resolution on the Regional Vessel Register (C-11-06; Appendix 2f).** The Commission approved the proposal by Japan to amend Resolution C-00-06 on the Regional Register, which it replaces.
- g. **Resolution on compliance (C-11-07; Appendix 2g).** The Commission approved Japan's proposal. It establishes a process for improving compliance with the Commission's resolutions by means of a questionnaire on compliance with each one.
- h. **Resolution on observers on longline vessels (C-11-08; Appendix 2h).**
- i. **Resolution on transshipments by longline vessels at sea (C-11-09; Appendix 2i).** The Commission approved Japan's proposal to amend Resolution C-08-02, which it replaces. It establishes that only vessels on the list of authorized carrier vessels and that cover the costs of the observer program may transship fish at sea.
- j. **Resolution on the conservation of oceanic whitetip shark (C-11-10; Appendix 2j).** The Commission approved the joint proposal by the European Union and Japan. It prohibits the retention, sale, unloading, transshipment, or storage of this species.
- k. **Resolution on the creation of a fund to strengthen the capacity of developing countries (C-11-11; Appendix 2k).**
- l. **Resolution on the carrying capacity of Peru (C-11-12; Appendix 2l).**

## 8.2. Proposals not adopted

1. **Catch documentation system.** The European Union presented a proposal similar to that of the previous year (**Proposal A-2; Appendix 3a**) and Japan a similar one (**Proposal A-1; Appendix 3b**). In spite of the arguments by both proponents, as well as their willingness to present an amended proposal, some delegations stated that more preparatory work was required before adopting a system like the one proposed. Various delegations also stated their concern regarding the costs of such a system would imply. The European Union and Japan said that they would take into account the comments received with a view to preparing a revised proposal before the next meeting.
2. **Review of the performance of the IATTC (Proposals G1-A and IATTC-81-H1; Appendices 3c and 3d).** Neither of these proposals, presented by the European Union, Japan, and the United States, and by Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama and Venezuela, respectively, was approved.
3. **Regional register of longline vessels (Proposal J-1; Appendix 3e).** The European Union presented this proposal to create a list of active longline vessels and that would limit fishing effort to the levels recorded in 2008. Some delegations opposed this measure; one indicated that it would support it only



if it were accompanied by the implementation of a system for allocating catch quotas to purse-seine vessels in order to have a balanced and fair measure.

4. **Modification of proposal IATTC-80-1-A on IUU fishing (Proposal IATTC-81-K1; Appendix 3f).** This proposal, presented by Belize, Costa Rica, Guatemala, Nicaragua, El Salvador, Panama, was not approved.
5. **Port State measures (Proposal L-1; Appendix 3h).** The European Union presented a new proposal on port State measures, which incorporated the comments received at the previous meeting of the IATTC, but there was no consensus to adopt it. Various delegations indicated that it was not possible to adopt it while the possible ratification of the agreement approved at FAO on this matter was being discussed in their respective countries. Other delegations agreed with the IATTC adopting these types of measures, provided they were designed by the Commission itself, taking into account that the FAO agreement contains items about which some Members of the IATTC have reservations.
6. **Management of FADs (Proposal P-1-A; Appendix 3l).** The proposal presented by Colombia was supported by the majority of the delegations, who described it as a necessary measure. However, although two draft resolutions were presented, there was no consensus for their adoption.
7. **Bluefin tuna (Proposal Q-1; Appendix 3m).** This proposal, presented by Canada, China, Chinese Taipei, Japan, Korea, and the United States, is intended to keep the commercial catch of bluefin tuna during 2012-2013 below the average levels of 1994-2007. Mexico did not agree with the measure, but presented its alternative proposal too late to be discussed at the plenary session. Various delegations and non-governmental organizations regretted that, as a result, a measure on bluefin tuna was not adopted at this meeting, and six Members made a statement in this regard (Appendix 4b). Mexico indicated that it would report on the measures it would take to limit the catches of this species, and added that its status was not precarious in the eastern Pacific but in the western Pacific.
8. **Hammerhead sharks (Proposal K-1-B; Appendix 3g).** The European Union presented a proposal on hammerhead sharks, intended to prohibit the retention, sale, and international trade in the species, and require its prompt release if caught. After intensive discussions, the proposal did not achieve the consensus necessary for its adoption.
9. **New resolutions to replace Resolutions C-05-07 on IUU fishing and C-06-05 on trade measures (Proposals M1 and N1; Appendices 3i and 3j).** These two proposals, presented by the United States, were not approved.
10. **Proposal to strengthen Resolution C-05-03 on sharks (Proposal O1; Appendix 3k).** Belize, Colombia, Costa Rica, Guatemala, Nicaragua, El Salvador, and Panama presented this proposal. Despite presenting two successive texts, to take into account the comments received on the original version, the proposal did not achieve the consensus necessary for its adoption. Japan stated that its longliners with superfreezers would have difficulty in implementing the proposed system.

## 9. Administrative issues

Under this agenda item the matter of rules of procedure for the IATTC was reviewed. Ms. Heidi Hermsmeyer, of the United States, reported on the meeting of the open working group formed to discuss this matter. She indicated that a draft text (Appendix 5b) had been drawn up, with brackets around two points that could not be resolved due to lack of time.

It was agreed that the group would meet again, possibly on the occasion of the meetings of the AIDCP in October 2011.

## 10. Technical assistance to developing countries

Mr. Ricardo Belmontes, of the IATTC staff, presented this subject, indicating that, at its previous meeting, the Commission approved the establishment of a special fund for development of the capacity of de-

veloping Members. Left pending was a decision whether the contributions to this fund would be voluntary or paid from the regular IATTC budget, as well as a review of the draft resolution on the subject presented by seven countries.

After discussing the matter, the proposal was adopted as Resolution C-11-11 (Appendix 2k). It establishes a fund the development of the scientific and technical capacity of developing Members of the IATTC, with an initial contribution of 50,000 USD from the Commission's regular budget.

### **11. Recommended research program and budget for 2012 and 2013**

Ms. Nora Roa-Wade, of the IATTC staff, presented this item, noting that an operative budget of 6,811,245 USD was being requested for 2012, which includes an increase of 2% to compensate for inflation. Furthermore, an additional annual contribution of 229,000 USD would be necessary to cover the deficit of 3.4 million USD in the pension fund. This led to an extensive discussion, at the end of which it was agreed to add 165,070 USD to the sum of the operative budget for 2011. In order to allow for this increase, and direct the 165,070 USD to the pension fund, various reductions in the proposed costs were also introduced.

With these adjustments, the Commission adopted for 2012 a budget of 6,210,793 USD (Resolution C-11-04; Appendix 2d), an increase of 3% compared to 2011. The contributions to the adopted budget were shared among the 21 Members of the Commission (including Kiribati), applying the formula utilized in 2011.

The Members asked the Director to not hire new staff until the financial situation improves, emphasizing that he is allowed to fill vacant posts. The Secretariat was asked to prepare a document explaining the deficit in the pension fund, to enable a discussion of the matter before taking any decision on it.

### **12. IATTC-WCPFC cooperation**

Ambassador Jean-François Pulvenis, of the IATTC staff, presented this subject. He noted that the memorandum of cooperation on the mutual recognition of the observers approved by the WCPFC and the IATTC is still pending approval. He presented a comparative table of the two versions of the memorandum, the last text that resulted from the discussion during the 81<sup>st</sup> meeting of the IATTC in June 2010, and the text that the WCPFC had approved in December 2010.

The Commission decided to approve the memorandum (Appendix 5a) already approved in the WCPFC, in order to avoid any further delays in its implementation.

### **13. Meetings of the five tuna regional fisheries management organizations**

Dr. Compeán reminded the Commission that a joint meeting of the IATTC and the WCPFC would be held on Monday, 11 July, and that on the following day the work of the Kobe III meeting would begin. The Commission took note of this information, and some delegations indicated that the matter of the area that is under the competence of both Commissions (the "overlap area" between the 130°W and the 150°W meridians from the 4°S parallel to the 50°S parallel) should be addressed at the joint meeting with the WCPFC, to clarify that vessels on the IATTC Regional Vessel Register are fully entitled to operate in that area, provided they comply with the management measures adopted by the IATTC.

### **14. Review of the IATTC's performance**

The Chair informed the meeting that there were two very similar draft resolutions (**81-H1** and **82-G1A**; Appendices 3c and 3d) on this matter, and that they needed to be combined. The main difference between the two proposals is whether the performance review should include the AIDCP or not. During the discussion, many delegations expressed themselves in favor of the inclusion of the AIDCP in the review, since the Antigua Convention expressly establishes, in its Article VII.1(t), that the Commission should provide the Secretariat for the AIDCP, and in addition, the Commission covers 30% of the costs of the AIDCP observer program, which is the source of much of the information used in the work of the IATTC.

Furthermore, those delegations stressed that the AIDCP has received international recognition, especially from FAO, for its contribution to responsible fishing, and that merited its being taken into account as part of the review of the IATTC's work.

The delegations stated that it could not support the inclusion of the AIDCP in the review, since it was not a Party to that Agreement. Two more delegations supported this position, although they could accept that two parallel and simultaneous reviews could be carried out.

**15. Resolution [C-06-05](#), Trade Measures to Promote Compliance**

The United States, as the proposer of this draft resolution (**Proposal N1**; Appendix 3j), stated that it would withdraw the proposal for this year, because it did not consider, after informal consultations with some delegations that had made observations about it at previous meetings, that consensus could be reached during the current meeting of the Commission.

**16. Amendment of Resolution [C-05-07](#), IUU vessel list**

The United States presented proposal M-1 (Appendix 3i) to modify Resolution C-05-07 on the procedures for including vessels in the IUU list, to introduce procedures similar to those already adopted in the WCPFC. Although some delegations proposed that the proposal be adopted for one year and review the following year, it was not possible to achieve the consensus necessary for its adoption. Some delegations recalled that the Central American countries had presented a proposal on this matter (K1; Appendix 3f) at the meeting of the Commission in 2010.

On commencing the consideration of the proposal, the delegation of Colombia stated that it has relevant national legislation on the matters under discussion, and recalled that, when it deposited its instrument of ratification, it presented an Interpretive Statement by which it affirmed that “none of the provisions of the Convention nor of the subsequent decisions adopted in relation to it and not provided for in it, among others the definition of the area of the Eastern Pacific Ocean (EPO), the incorporation or exclusion of vessels from the Vessel Register and the allocation of carrying capacities, may be interpreted as a modification of the position of the Republic of Colombia with regard to that Convention or to the International Law of the Sea.” It therefore stated that it did not recognize this discussion.

**17. Scientific observers on longline vessels**

After extensive discussions of the appropriate level of observer coverage, Resolution C-11-08 (Appendix 2h) was adopted, with the caveat that it would be reviewed in order to increase the 5% level of coverage in the future.

World Wildlife Fund (WWF) congratulated the Commission for the adoption of this measure.

**18. Size limit for inclusion of vessels in the IUU Vessel List**

This item was not discussed during the meeting.

**19. Election of Chairs of Working Groups**

The current chairs of the working groups and the Review Committee were re-elected by the commission, as follows:

<b>Working group/Committee</b>	<b>Chair</b>
Bycatch	Luis Fleischer (Mexico)
Capacity	Luis Dobles (Costa Rica)
Review Committee	David Hogan (United States)
Financing	Brad Wiley (United States)

## **20. Other business**

1. **Chair and Vice-Chair.** The decision was ratified that the Chair and Vice-Chair, Messrs. Gibbons-Fly and Torres, respectively, would assume the role for one year.
2. **Working subgroup on fleet capacity.** The delegation of Colombia indicated that there were errors in the notes of the Chair of the subgroup on fleet capacity regarding the sanctioning process for violations of the closure in 2009, as well as with respect to national fisheries regulations. Numerous delegations, as well as the Chair of the subgroup, expressed their agreement with the comments of the delegate of Colombia.

## **21. Place and date of next meeting**

It was agreed that the next meeting of the Commission will be held in June 2012 in La Jolla, or in some other place if an invitation was received from a Member.

## **22. Adjournment**

The meeting was adjourned at 6:30 p.m. on 8 July 2011.

## Appendix 1.

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INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**RESOLUTION C-11-01**

**RESOLUTION ON A MULTI-ANNUAL PROGRAM FOR THE  
CONSERVATION OF TUNA IN THE EASTERN PACIFIC OCEAN IN  
2011-2013**

*The Inter-American Tropical Tuna Commission (IATTC):*

**Aware** of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its members and cooperating non-members (CPCs) with regard to these resources;

**Recognizing** that the potential production from the resource can be reduced if fishing effort is excessive;

**Aware** that the capacity of the purse-seine fleets fishing for tunas in the eastern Pacific Ocean (EPO) continues to increase;

**Taking into account** the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach;

**Recognizing** the importance of conservation measures taken by the Western and Central Pacific Fisheries Commission (WCPFC) for the tuna stocks in that region and the stocks of highly migratory tunas in the Pacific Ocean;

Agrees:

To apply in the EPO the conservation and management measures for yellowfin and bigeye tuna set out below, and requests that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and report on such activities at the next meeting of the IATTC;

1. These measures are applicable in the years 2011-2013 to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the eastern Pacific Ocean (EPO).
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (less than 182 metric tons carrying capacity) are not subject to these measures.
3. All purse-seine vessels covered by these measures must stop fishing in the EPO for a period of 62 days in 2011, 62 days in 2012, and 62 days in 2013. These closures shall be effected in one of two periods in each year as follows:
  - 2011 – 29 July to 28 September, or from 18 November to 18 January 2012.
  - 2012 – 29 July to 28 September, or from 18 November to 18 January 2013.
  - 2013 – 29 July to 28 September, or from 18 November to 18 January 2014.

4. Notwithstanding the provisions of paragraph 3, purse-seine vessels of IATTC capacity class 4 (between 182 and 272 metric tons carrying capacity) will be able to make only one single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).
5. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S illustrated in Figure 1 shall be closed from 0000 hours on 29 September to 2400 hours on 29 October.

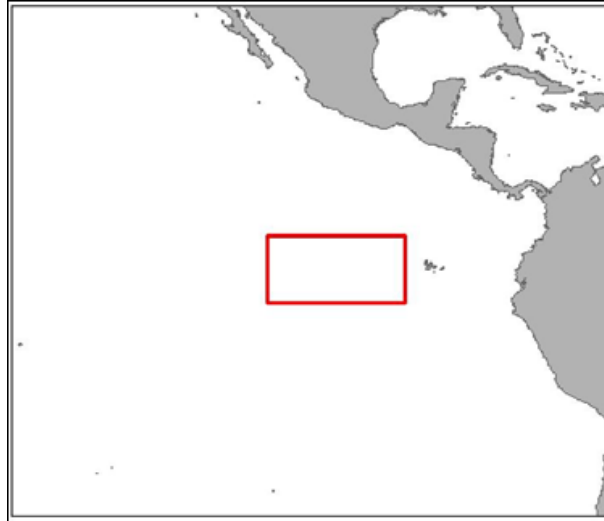


Figure 1. Closure area

6.
  - a. In each one of the years in which these measures are applicable, and for each one of the two closure periods, each CPC shall notify the Director, by 15 July, the names of all the purse-seine vessels that will observe each closure period;
  - b. Every vessel that fishes during 2011-2013, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7. Each CPC shall, for purse-seine fisheries:
  - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;
  - b. Inform all interested parties in its tuna industry of the closure;
  - c. Inform the Director that these steps have been taken;
  - d. Ensure that at the time a closure period begins, and for the entire duration of that period, all the purse-seine vessels fishing for yellowfin, bigeye, or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the EPO are in port, except that vessels carrying an observer from the AIDCP On-Board Observer Program may remain at sea, provided they do not fish in the EPO. The only other exception to this provision shall be that vessels carrying an observer from the AIDCP On-Board Observer Program may leave port during the closure, provided they do not fish in the EPO.
8. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the EPO during 2011-2013 do not exceed the following levels:

<b>Metric tons</b>	<b>2011-2013</b>
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555

9. For 2012 and 2013, the total annual longline catches of bigeye tuna in the EPO shall be adjusted appropriately based on any conservation measures that may be adopted for purse-seine vessels in those years, as ratified or adjusted in accordance with paragraph 18.
10. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the EPO during 2011-2013 do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001<sup>1,2</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director. For 2012 and 2013, the limits in this paragraph shall remain in effect if the conservation measures for purse-seine vessels are maintained, as ratified or adjusted in accordance with paragraph 18.
11. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to CPCs to assist them in this regard.
12. Each CPC shall notify the Director, by 15 July of each year, of actions taken to implement these measures, including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
13. In order to evaluate progress towards the objectives of these measures, in 2012 and 2013 the IATTC scientific staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.
14. The Director is requested to develop, in consultation with interested CPCs, a pilot program for research into, and gathering information on, the FADs used to aggregate tunas in the EPO. The program shall include, *inter alia*, provisions for the marking of FADs, maintaining a record of the numbers of FADs on board each vessel at the beginning and end of each fishing trip, and recording the date, time, and position of deployment of each FAD. The Director is requested to report on the status of this effort at the next annual meeting of the IATTC. The information collected shall be held by the IATTC staff.
15. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
16. For 2012, renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when

<sup>1</sup> The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the EPO.

<sup>2</sup> The Commission acknowledges that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

there may be insufficient well space remaining to accommodate all the tuna caught in that set. At its annual meeting in 2012, the IATTC will review the results of the program, including compliance, and decide whether to continue it.

17. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.
18. a. In 2011 the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the scientific staff of the IATTC, the duration of the closure for 2012 shall be ratified or adjusted;  
b. In 2012 the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the scientific staff of the IATTC, the duration of the closure for 2013 shall be ratified or adjusted.
19. No exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 6.a of this resolution, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.



INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4 – 8 JULY 2011

**RESOLUTION C-11-02**

**RESOLUTION TO MITIGATE THE IMPACT ON SEABIRDS OF  
FISHING FOR SPECIES COVERED BY THE IATTC**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting:

*Recognizing* that some threatened and endangered seabird populations are found in the eastern Pacific Ocean (EPO);

*Understanding* that bycatches of seabirds are known to occur in the longline fisheries operating in some areas of the EPO;

*Noting* that the Antigua Convention calls for the adoption of conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing for the fish stocks;

*Reaffirming* the importance of implementing the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (“IPOA-Seabirds”);

*Recalling* that tuna Regional Fisheries Management Organizations responsible for other ocean areas have adopted measures to mitigate the accidental bycatch of seabirds in longline fisheries;

*Believing* that fisheries observer programs can greatly increase the understanding of the extent of interactions between seabirds and fisheries, and the evaluation of how seabird bycatch mitigation measures can be most effectively applied;

*Taking account of* the work of the IATTC, including the IATTC Technical Meeting on Seabirds held on 11 May 2009, that has showed that combining different mitigation measures is more effective than using a single measure in reducing bycatch of seabirds;

*Noting* that scientific research into mitigation of seabird bycatch in longline fisheries has shown that the effectiveness of measures depends on the type of vessel, the season, and the species of seabirds present; and

*Noting* that effective mitigation measures can reduce the loss of bait and therefore increase catches;

Agrees that;

1. Members and cooperating non-Members (CPCs) shall report to the IATTC on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for reducing incidental catches of seabirds in longline fisheries.

2. CPCs shall require their longline vessels<sup>3</sup> of more than 20 meters length overall that use hydraulic, mechanical, or electrical systems and that fish for species covered by the IATTC in the EPO north of 23°N (except in Mexican waters as described in the minutes of the 81<sup>st</sup> meeting of the IATTC and as shown on the map in Annex 1) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S (see Annex 1) to use at least two of the mitigation measures in Table 1, including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.

**Table 1: Mitigation measures**

Column A	Column B
Side-setting with bird curtains and weighted branch lines <sup>4</sup>	<i>Tori</i> line <sup>5</sup>
Night setting with minimum deck lighting	Weighted branch lines
<i>Tori</i> line	Blue-dyed bait
Weighted branch lines	Deep-setting line shooter
	Underwater setting chute
	Management of offal discharge

3. CPCs with longline vessels fishing in the EPO other than the area mentioned in paragraph 2, are encouraged to voluntarily employ at least one of the mitigation measures included in Table 1.
4. Minimum technical standards for measures are shown in Annex 2, subject to possible modifications based on research and evaluations mentioned in paragraphs 6 and 11.
5. CPCs shall inform the IATTC, by 1 September 2011, and annually thereafter, of the mitigation measures that their flag vessels plan to employ in the implementation of this resolution.
6. CPCs are encouraged to work, jointly and individually, to undertake research, especially on specifications for weighted branch lines, to further develop and refine methods for mitigating seabird bycatch, including measures for use during the process of hauling in longlines, and shall submit to the IATTC any information derived from such efforts. Preferably, research should be undertaken in the fisheries and areas in which the measures will be used.
7. CPCs shall provide annually to the IATTC any available information regarding interactions with seabirds involving their flag vessels in the fishery, including bycatches of seabirds and details of seabird species and all relevant information available from observer or other monitoring programs.

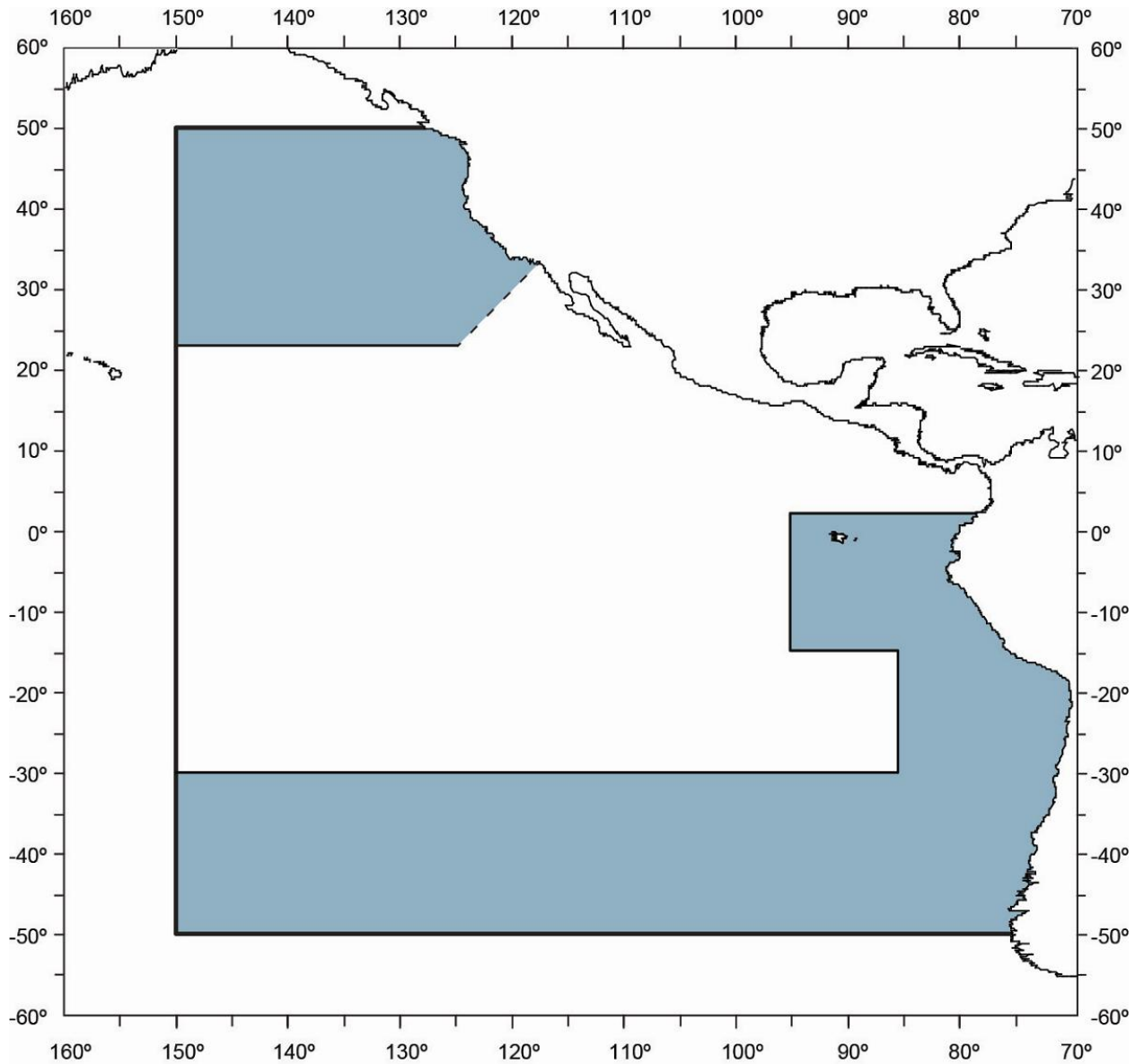
<sup>3</sup> Vessels propelled by outboard motors are not subject to this resolution

<sup>4</sup> This measure can only be applied in the area north of 23°N until research establishes the utility of this measure in waters south of 30°S. If using side setting with a bird curtain and weighted branch lines from column A this will be counted as two mitigation measures.

<sup>5</sup> If *tori* line is selected from both Column A and Column B this equates to simultaneously using two (i.e. paired) *tori* lines.

8. CPCs are encouraged to establish national programs to place observers aboard longline vessels flying their flags or fishing in their waters, for the purpose of, *inter alia*, gathering information on the interactions of seabirds with the longline fisheries.
9. CPCs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longline fishing operations are released alive and in the best condition possible, and that, whenever possible, hooks are removed without jeopardizing the life of the seabird.
10. CPCs shall begin implementation of this resolution no later than 1 September 2011 for their longline vessels equal to or greater than 24 meters in length overall, and no later than 1 September 2012 for their longline vessels less than 24 meters in length overall. The technical specifications for measures most suitable for use by vessels less than 24 meters in length overall shall be considered by the Working Group on Bycatch, the Scientific Advisory Committee (SAC), and the IATTC scientific staff.
11. The effectiveness of this resolution to reduce seabird bycatch in the EPO, including the mitigation measures in Table 1, the area of application, and the minimum technical specifications adopted pursuant to this resolution, shall be subject to review and possible modification, taking into account the scientific advice from the Working Group on Bycatch, the SAC, and the IATTC scientific staff.
12. The Working Group on Bycatch, and the SAC will also consider the need to extend this resolution to other fleets operating in the EPO.
13. This resolution replaces IATTC Resolution C-05-01.

## Annex 1



Areas<sup>6</sup> (shaded) within the EPO in which the use of at least two mitigation measures for reducing seabird bycatch is required: north of 23°N (except in Mexican waters) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 20°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S.

<sup>6</sup> This map is for illustrative purposes only

## **Annex 2**

### **Specifications for Column A mitigation measures**

#### **1.a. Tori lines**

- i. Minimum length: 100 m
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of the point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 5m apart, be using swivels and long enough so that they are as close to the water as possible.
- v. If the tori line is less than 150 m in length, must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.
- vi. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### **1.b. Tori line (light streamer)**

- i. Minimum length of tori line: 100 m or three times the total length of the vessel.
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 1m apart and be 30 cm in minimum length.
- v. If two (*i.e.* paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### **2. Side setting with bird curtain and weighted branch lines**

- i. Mainline deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.
- ii. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- iii. Bird curtain must be employed:
  - Pole aft of line shooter at least 3 m long;
  - Minimum of 3 main streamers attached to upper 2 m of pole;
  - Main streamer diameter minimum 20 mm;
  - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

#### **3. Night setting**

- i. No setting between local sunrise and one hour after local sunset.

- ii. Deck lighting to be kept to a minimum, noting requirements for safety and navigation.

#### **4. Weighted branch lines**

- i. Following minimum weight specifications are required:
- ii. Minimum weights attached to all branch lines is 45 g, with the following options:
  - less than 60 g weight attached to within 1 m of the hook; or
  - greater than 60 g and less than 98 g weight attached to within 3.5 ms of the hook; or
  - greater than 98 g weight attached to within 4 m of the hook.

### **Specifications for Column B mitigation measures**

#### **1. Weighted branch lines**

- i. Following minimum weight specifications are required:
- ii. Minimum weights attached to all branch lines is 45 g, with the following options:
  - less than 60 g weight attached to within 1 m of the hook; or
  - greater than 60 g and less than 98 g weight attached to within 3.5 m of the hook; or
  - greater than 98 g weight attached to within 4 m of the hook.

#### **2. Blue dyed bait**

- i. The IATTC Secretariat shall distribute a standardized color placard.
- ii. All bait must be dyed to the shade shown in the placard.

#### **3. Management of offal discharge**

- i. Either:
  - No offal discharge during setting or hauling; or
  - Strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.

**Appendix 2c.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**RESOLUTION C-11-03**

**RESOLUTION PROHIBITING FISHING ON DATA BUOYS**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting:

*Aware* that many nations, including Members of the Commission, operate and deploy data buoys throughout the Eastern Pacific Ocean and oceans worldwide to gather information used to improve weather and marine forecasts, provide assistance to fisheries by collecting data on sea surface and subsurface temperatures, provide assistance to search and rescue efforts at sea, and collect critical data used to conduct research on meteorological and oceanographic topics and climate prediction;

*Knowing* that highly migratory species, in particular tunas, aggregate in the vicinity of data buoys;

*Recognizing* that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that vandalism and damage to data buoys by fishing vessels are a significant problem in the Pacific Ocean and worldwide;

*Concerned* that vandalism or damage to data buoys results in significant loss of data critical to weather forecasting, to the study of marine conditions, to tsunami warnings, to support search and rescue efforts at sea, and that Members of the Commission expend considerable time and resources to locate, replace, and repair data buoys damaged or lost due to fishing activities or vandalism;

*Alarmed* that the loss of data critical to the study of marine conditions from vandalism or damage to data buoys undermines analyses by Commission scientists seeking better understanding of tuna habitat use and relationships between climate and tuna recruitment, and research by environmental scientists in general; and

*Mindful* that several data buoy programs publish information on the internet describing the type and location of such buoys;

Agrees:

To apply in the Antigua Convention Area the following measures regarding fishing on data buoys:

For the purpose of this Resolution, data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities, and which have been notified to the Commission by a Member or Cooperating non-Member of the Commission (CPC).

1. CPCs shall:

- a. Prohibit their fishing vessels from interacting with data buoys in the Antigua Convention Area. Interactions include, but are not limited to, encircling the buoy with fishing gear, tying up to or attaching the vessel, fishing gear, or any part or portion of the vessel, to a

data buoy, or cutting its anchor line;

- b. Prohibit their longline and purse-seine fishing vessels from deploying fishing gear within one nautical mile of an anchored data buoy in the Antigua Convention Area;
  - c. Prohibit their fishing vessels from taking on board a data buoy, unless specifically authorized or requested to do so by a CPC or owner responsible for that buoy;
  - d. Encourage their fishing vessels operating in the Antigua Convention Area to keep watch for data buoys at sea and require vessels to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with drifting data buoys;
  - e. Require their fishing vessels whose gear becomes entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible.
2. CPCs are encouraged to require their fishing vessels to report to them all entanglements and provide the date, location, and nature of the entanglement, along with any identifying information on the data buoy. CPCs shall notify the Commission of all such reports.
  3. Fishing activities inconsistent with paragraph 1 shall be deemed to undermine the effectiveness of the resolutions adopted by the IATTC in accordance with Article XVIII of the Antigua Convention, and shall, for the purposes of paragraph (1)(h) of IATTC Resolution C-05-07, be considered to be engaging in fishing activities contrary to an IATTC conservation and management measure.
  4. Notwithstanding paragraph 1, scientific research programs notified to the Commission may operate fishing vessels within one nautical mile of a data buoy, provided they do not interact with the data buoy, as described in paragraph 1.



**Appendix 2d.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-04**

**FINANCING FOR FISCAL YEAR 2012**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting:

*Understanding* the importance of ensuring sufficient funding for the Commission in a timely manner so it may continue to effectively develop and implement the agreed conservation and management program for the living marine resources of the eastern Pacific Ocean (EPO) and conduct the associated data collection and research;

*Noting* that non-payment of the agreed contributions may impair the Commission's ability to continue its operations;

*Aware* that the allocation of the costs of supporting the Commission among Parties should be transparent, fair and equitable, stable, and predictable, but also should allow for redistribution of costs as new Parties join;

*Aware* that the Commission at its 81<sup>st</sup> Meeting, agreed on a formula for calculating the contributions of the Parties to the Commission's budget;

*Taking into account* the relevant provisions of the Antigua Convention;

*Noting* that several non-Parties derive benefits from catching or utilizing fish covered by the Convention, but do not make contributions to the Commission's budget;

*Taking note* of the staff's proposals regarding the budget presented in Document IATTC-82-08; and

*Recognizing* the need to seek economies in the operation of the Commission, in order to reduce costs;

Agrees:

1. To adopt the budget of US\$ 6,210,793 for fiscal year (FY) 2012.
2. That the Members shall contribute to the budget of the IATTC for FY 2012 in accordance with the following schedule, which was developed using the funding formula approved by the 81<sup>st</sup> Meeting of the Commission in October 2010.

	<b>FY 2012 (US\$)</b>
Belize	40,262
Canada	136,204
China	34,642
Colombia	239,711
Korea	128,217
Costa Rica	56,532
Ecuador	895,602
El Salvador	73,966
United States	1,746,553
France	107,791
Guatemala	51,096
Japan	360,614
Kiribati	29,799
Mexico	890,499
Nicaragua	40,825
Panama	492,817
Peru	48,290
Chinese Taipei	124,309
European Union	286,944
Vanuatu	51,257
Venezuela	374,864
<b>Total</b>	<b>6,210,793</b>

3. That the Director shall inform each Member, at least two months prior to the annual meeting, of its projected contribution for the following two fiscal years.
4. That the Commission shall not pay more than 30% of the costs associated with the AIDCP On-Board Observer Program for vessels of Members.
5. In the case of a Member that is also a member of the Western and Central Pacific Fisheries Commission, only 50% of catches made by its flag vessels in the overlap area between the two Commissions shall be included in the calculation of that Member's contribution based on catch.
6. That the contributions of any new Member of the Commission shall be determined on the same basis as the contributions of existing Members, subject to the Commission's financial regulations.
7. That States not presently members of the IATTC, and fishing entities which have vessels fishing for fish covered by the Convention, should make, and request their flag vessels to make, voluntary contributions to the Commission, preferably on the same basis as the contributions of existing members.
8. To invite non-governmental organizations interested in the work of the IATTC to make contributions to the Commission's budget.
9. The Working Group on Finance shall continue its deliberations on the formula in order to achieve consensus among the Members regarding the use of the formula to determine each Member's contribution to the Commission's budget for 2013 and the longer term.

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-05**

**RESOLUTION (AMENDED) ON THE ESTABLISHMENT OF A LIST OF  
LONGLINE FISHING VESSELS OVER 24 METERS (LSTLFVs)  
AUTHORIZED TO OPERATE IN THE EASTERN PACIFIC OCEAN**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting:

*Recalling* Resolution C-03-07 on the establishment of a list of longline fishing vessels over 24 meters (LSTLFVs) authorized to operate in the eastern Pacific Ocean (EPO);

*Noting* that LSTLFVs are highly mobile, and can easily change fishing grounds from one ocean to another, and thus have a high potential for operating in the Antigua Convention Area without timely registration with the Commission;

*Considering* that other regional fisheries management organizations have been taking measures in their areas of competence to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing by LSTLFVs;

*Recognizing* that this resolution will be implemented in conjunction with the *Resolution on Criteria for Attaining the Status of Cooperating non Parties or Fishing Entity in IATTC (C-07-02)*; and

*Noting* that nothing in this Resolution will preclude the rights and obligations of Parties based on other international agreements;

Agrees that:

1. The Commission shall maintain a list of longline fishing vessels larger than 24 meters overall length (“the LSTLFV List”). For the purposes of this resolution, LSTLFVs not included the LSTLFV Record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species in the EPO.
2. The LSTLFV List shall consist of the LSTLFVs of only Members and Co-operating non-Members of the Commission (CPCs) on the IATTC Regional Vessel Register. The LSTLFV List shall include the following information for each vessel:
  - a. name of vessel, registration number, previous names (if known), and port of registry;
  - b. a photograph of the vessel showing its registration number;
  - c. previous flag (if known and if any);
  - d. International Radio Call Sign (if any);
  - e. name and address of owner or owners;
  - f. where and when built;
  - g. length, beam, and moulded depth;
  - h. freezer type, freezer capacity, and number and capacity of fish holds, in cubic meters;

- i. name and address of operator(s) and/or manager(s) (if any);
- j. type of fishing method or methods;
- k. gross tonnage;
- l. power of main engine or engines; and
- m. the nature of the authorization to fish granted by the flag CPC such as main target species.

Each CPC shall notify the Director of any changes affecting the LSTLFV List at any time they occur.

3. The Director shall maintain the LSTLFV List, and shall ensure its publicity, including placing it on the IATTC website, in a manner consistent with the confidentiality requirements of the pertinent CPCs.
4. The flag CPCs of the vessels on the LSTLFV List shall:
  - a. authorize their vessels on the LSTLFV List to operate in the EPO only if they are able to fulfill, in respect of these vessels, the requirements and responsibilities under the Convention and its conservation and management measures;
  - b. take the measures necessary to ensure that their vessels on the LSTLFV List comply with all relevant IATTC conservation and management measures;
  - c. take the measures necessary to ensure that their vessels on the LSTLFV List keep on board valid certificates of vessel registration and valid authorizations to fish and/or transship;
  - d. ensure that their vessels on the LSTLFV List have no history of IUU fishing activities or, if any vessel does have such history, that the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over the vessel, or that, having taken into account all relevant information, the vessel is not engaged in, or associated with, IUU fishing;
  - e. ensure, to the extent possible under domestic law, that the owners and operators of their vessels on the LSTLFV List are not engaged in, or associated with, tuna fishing activities conducted in the EPO by LSTLFV not included in the LSTLFV List; and
  - f. take measures necessary to ensure, to the extent possible under domestic law, that the owners of the vessels on the LSTLFV List are citizens or legal entities within the flag CPCs, so that any control or punitive actions can be effectively taken against them.
5. CPCs shall review their own internal actions and measures taken pursuant to paragraph 4, including punitive and sanction actions and, in a manner consistent with domestic law, report the results of the review to the Commission annually. In considering the results of such reviews, the Commission shall, if appropriate, request the flag CPCs of LSTLFVs on the LSTLFV List to take further actions to enhance compliance by their vessels with IATTC conservation and management measures.
6. With respect to LSTLFVs:
  - a. CPCs shall take measures, under their applicable legislation, to prohibit fishing for, retaining on board, transshipment and landing of tuna and tuna-like species by LSTLFVs not included in the LSTLFV List.
  - b. To ensure the effectiveness of IATTC conservation and management measures pertaining to species covered by Statistical Document Programs:
    - i. Flag CPCs shall validate statistical documents only for vessels on the LSTLFV List;
    - ii. CPCs shall require that species covered by Statistical Document Programs caught by LSTLFVs in the EPO, when imported into the territory or area of CPCs, be accompanied by statistical documents validated for vessels on the LSTLFV List; and
    - iii. CPCs importing species covered by Statistical Document Programs and the flag CPCs of vessels shall cooperate to ensure the accuracy and legitimacy of statistical documents.

7. Each CPC shall notify the Director of any factual information indicating that LSTLFVs not on the LSTLFVs List are engaged in fishing for, and/or transshipment of, tuna and tuna-like species in the EPO.
8.
  - a. If a vessel mentioned in paragraph 7 is flying the flag of a CPC, the Director shall ask that CPC to take the measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the EPO.
  - b. If the flag of a vessel mentioned in paragraph 7 cannot be determined or is of a non-CPC, the Director shall report this to the Commission.
9. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies, to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU LSTLFVs from the EPO to other oceans.
10. This resolution replaces Resolution C-03-07.

**Appendix 2f.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-06**

**RESOLUTION (AMENDED) ON A REGIONAL VESSEL REGISTER**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA) on the occasion of its 82<sup>nd</sup> Meeting:

*Affirming* the importance of ensuring that all vessels fishing in the Antigua Convention Area comply with the conservation and management measures agreed by the Commission;

*Reaffirming* the need to have pertinent information relative to the operations of vessels fishing in the eastern Pacific Ocean (EPO);

*Recalling* that Article XII, paragraph 2 (k), of the Antigua Convention stipulates that the Director shall maintain the record of vessels fishing in the Convention Area based, *inter alia*, on the information provided pursuant to Annex 1 of the Convention;

*Concerned* that the current IATTC Regional Vessel Register includes fishing vessels not from Members and Co-operating non-Members of the Commission (CPCs) and the Commission cannot confirm whether these vessels are complying with relevant IATTC resolutions; and

*Aware* of the need to amend consequently its Resolution C-00-06 on a regional vessel register:

Agrees that:

1. The Director shall establish and maintain a record of vessels that have been authorized to fish in the Antigua Convention Area for species covered by the Convention, on the basis of the information detailed in paragraph 2. The record shall contain only vessels that fly the flags of CPCs.
2. Each CPC shall supply to the Director the following information with respect to each vessel under its jurisdiction to be included in the record established pursuant to paragraph 1:
  - a. name of vessel, registration number, previous names (if known), and port of registry;
  - b. a photograph of the vessel showing its registration number;
  - c. previous flag (if known and if any);
  - d. International Radio Call Sign (if any);
  - e. name and address of owner or owners;
  - f. where and when built;
  - g. length, beam, and moulded depth;
  - h. freezer type, freezer capacity, and number and capacity of fish holds, in cubic meters;
  - i. name and address of operator(s) and/or manager(s)(if any);
  - j. type of vessel;
  - k. type of fishing method or methods;

- l. gross tonnage;
  - m. power of main engine or engines; and
  - n. the nature of the authorization to fish granted by the flag CPC (such as main target species).
3. Each CPC shall promptly notify the Director of any modifications to the information listed in paragraph 2.
  4. Each CPC shall also promptly notify the Director of:
    - a. any additions to the record;
    - b. any deletions from the record by reason of:
      - i. the voluntary relinquishment or non-renewal of the fishing authorization by the owner or operator of the vessel;
      - ii. the withdrawal of the fishing authorization issued to the vessel in accordance with Article XX, paragraph 2, of the Convention;
      - iii. the fact that the vessel is no longer entitled to fly its flag;
      - iv. the scrapping, decommissioning or loss of the vessel; and
      - v. any other reason,specifying which of the reasons listed above are applicable.
  5. The Director shall request each CPC to provide complete data for its vessels in accordance with paragraph 2 if the CPC does not provide all the required information.
  6. This resolution replaces Resolution C-00-06.

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-07**

**RESOLUTION ON THE PROCESS FOR IMPROVED COMPLIANCE  
OF RESOLUTIONS ADOPTED BY THE COMMISSION**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting:

*Reaffirming* that compliance by Members with measures adopted by the Commission is one of the key elements to achieve the objective of the Antigua Convention;

*Concerned* that in general the level of compliance within the Commission needs to be improved in order to ensure the long-term conservation and sustainable use of the fish stocks covered by the Convention; and

*Aware* that other tuna regional fisheries management organizations (RFMOs) have already started a comprehensive program for reviewing each member's compliance status;

*Agrees that:*

1. This Resolution shall be applied to Members and co-operating non-Members of the Commission (CPCs).

**A) Meetings of the Committee for the Review of Implementation of Measures adopted by the Commission (the Committee)**

2. Unless otherwise decided by the Commission: (a) Committee meetings shall be held for a period of at least two days in the week preceding the Commission's ordinary meeting; (b) Committee meetings shall be held during the ordinary meeting of the Commission in case there are Members that did not participate in the Committee meeting, but are participating in that Commission meeting. Committee meetings may also be held, if necessary, during the ordinary meeting of the Commission for other reasons.

**B) Committee preparatory work**

3. In preparation for Committee meetings, the following procedures shall be followed:

(a) Three months prior to the Committee meeting, the Director shall send each CPC a standard questionnaire on compliance with IATTC resolutions (Annex). The contents of the questionnaire shall be kept updated by the Director, in consultation with the Chair of the Committee, to reflect amendments to, or repeals of, existing resolutions, or the adoption of new resolutions.

(b) The Director shall extract information on possible non-compliance with IATTC resolutions from the reports of the IATTC observers for purse-seine fishing vessels and at-sea transshipment as well as other available information, and send to each CPC, three months prior to the Committee meeting, such information related to the fishing vessels flagged to that CPC.



- (c) Each CPC shall fill in the questionnaire and send it back to the Director two months prior to the Committee meeting at the latest. Each CPC shall also investigate the possible non-compliance cases in sub-paragraph (b) and report the results of the investigation back to the Director two months prior to the Committee meeting.
- (d) The Director shall circulate all the filled-in questionnaires to all CPCs one month prior to the Committee meeting. The Director shall also circulate to all CPCs, one month prior to the Committee meeting, the list of names and flags of the fishing vessels involved in the possible non-compliance cases as well as the response of the flag CPCs to such cases.

**C) Committee mandate and meetings**

- 4. The Committee meeting shall review each CPC's compliance and enforcement of IATTC resolutions during the inter-sessional period preceding the meeting, based on, *inter alia*, the filled-in questionnaires, the compliance report provided by the Director and the information on possible non-compliance cases with IATTC resolutions in paragraph 3 (d). The Committee meeting shall also discuss non-submission or late submission of the questionnaire by CPCs as well as repeated absences at Committee meetings. The order of such reviews shall be decided by the Chairman of the Committee in a fair and transparent manner.
- 5. At the end of the meeting, the Committee shall identify, for each CPC, the compliance record, areas of possible improvement as well as any recommended actions for consideration of the Commission based on the results of the review and discussion in paragraph 4. Such identifications and recommendations shall be recorded in the report of the Committee, which shall be sent to the Commission.
- 6. Before proceeding with actions under section D, the CPCs will have the opportunity to reply during the meeting of the Committee, either orally or in writing,

**D) Follow-up of the Committee's work**

- 7. Upon receiving the report from the Committee, the Commission shall consider any comments or replies from the CPC concerned. If necessary, the Commission will subsequently decide actions for improving compliance by each CPC, which includes sending a letter from the Commission Chairman to each CPC, indicating each CPC's compliance record and identifying areas of possible improvement.
- 8. CPCs for which areas of possible improvement have been identified shall submit a plan of action for such improvement within three months of the end of the Commission's ordinary meeting.
- 9. The Committee may consider development of a scheme of sanctions and incentives as well as a mechanism for their application to improve compliance by all CPCs to be submitted to the Commission for consideration and possible adoption.
- 10. To facilitate the implementation of IATTC reporting requirements and review pursuant to this Resolution, the Committee shall also develop a set of common guidelines and formats for data submissions.

## Annex

## Standard Questionnaire on Compliance with IATTC Resolutions

Name of member:			
Resolution	Para-graph No.	Specific obligations	Compliance Status Please answer Yes or No or NA (not applicable). If the answer is No, please use the attachment to explain the details
C-11-01	3	All class 5 and 6 purse seiners stopped fishing for 62 days in one of the two closure periods.	
	4	Any class-4 purse seiner that fished during a closure period made only one fishing trip of up to 30 days, with an observer on board.	
	5	All class 4 to 6 purse seiners did not fish in the offshore closure area from 29 September to 29 October.	
	6.a	CPC informed the Director of the names of all class 4 to 6 purse seiners that would observe each closure period.	
	7.a	CPC took the legal and administrative measures to implement the closure before the start of the closure.	
	7.b	CPC informed all interested parties in its tuna industry of the closure.	
	7.c	CPC informed the Director that the steps in 7a and 7b of the Resolution had been taken.	
	7d	All class 4 to 6 purse seiners were in port at the time their respective closure began. Vessels that were not in port had AIDCP observers on board and did not fish in the EPO.	
	8	The longline catch of bigeye tuna did not exceed the allocation per paragraph 8 of the Resolution.	
	10	The catch of bigeye tuna did not exceed 500 t or the catch level in 2001. If the catch exceeded 500 t, CPC provided monthly reports to the Director.	
	12	CPC notified the Director, by 15 July, of its actions taken to implement the measures contained in this resolution.	
	16	All class 4 to 6 purse seiners landed all bigeye, skipjack and yellowfin tuna except for cases stipulated in paragraph 16 of the Resolution.	

<b>C-11-02</b>	1	CPC reported to the IATTC on its implementation of the IPOA-Seabirds.	
	2	All longline fishing vessels used at least two seabird bycatch mitigation measures in the areas specified in the Resolution.	
	5	CPC informed the IATTC, by 1 September, of the mitigation measures that its longline fishing vessels plan to use.	
	7	CPC provided any available information on interactions with seabirds involving its longline fishing vessels.	
<b>C-11-03</b>	1.a	Fishing vessels did not fish near or interact with a data buoy in a manner stipulated in the Resolution.	
	1.b	Fishing vessels did not take on board a data buoy.	
	1.d	Fishing vessels entangled with a data buoy removed the entangled fishing gear with as little damage to the buoy as possible.	
<b>C-11-04</b>	2	The IATTC fee was paid	
<b>C-11-05</b>	2	CPC notified the Director of any change in the list of its LSTFLVs at the time it occurred.	
	4.a	CPC authorized its LSTFLVs on the list to fish in the Convention Area after checking their ability to comply with IATTC resolutions.	
	4.b	LSTFLVs on the list complied with all relevant IATTC resolutions.	
	4.c	LSTFLVs possessed valid certificates of vessel registration and valid authorizations to fish/transship.	
	4.d	CPC ensured that none of its LSTFLVs had been, were and would be involved in IUU activities.	
	5	CPC reported to the Commission the results of the review of internal actions and measures taken pursuant to paragraph 4 of the Resolution.	
	6	CPC prohibited its LSTFLVs not on the list from fishing for, retaining, transshipping and landing tuna and tuna-like species.	
<b>C-11-06</b>	2	CPC notified the Director of all the information listed in para 2 on each of its vessels on the Regional Vessel Register.	
	3	CPC notified the Director of any modification to the information in paragraph 2 of the	

		Resolution.	
	4	CPC notified the Director of any additions or deletions of vessels.	
	5	CPC notified the Director of any fishing vessel no longer flying its flag.	
<b>C-11-09</b>	1	Fishing vessels transshipped tuna and tuna-like species at sea only under the IATTC regional observer program for at-sea transshipment.	
	2	LSTLFVs conducted in-port transshipment in accordance with Annex 1 of the resolution.	
	5	CPC decided whether or not to authorize its LSTLFVs to transship at sea.	
	7	CPC submitted to the Director the list of carrier vessels authorized to receive tuna in at-sea transshipment operations.	
	8	CPC notified the Director of any change of the authorized carrier vessels.	
	10	Carrier vessels are equipped with an operating VMS.	
	11	At-sea transshipments by LSTLFVs within waters under national jurisdiction were conducted with the prior authorization of the coastal State.	
	12	At-sea transshipments were conducted by LSTLFVs with the prior authorization of CPC.	
	13	The master and/or owner of the LSTLFV provided CPC with the necessary information at least 24 hours before the transshipment.	
	14	The master of the carrier vessel completed and transmitted the transshipment declaration to the Director and CPC along with the IATTC Record number within 24 hours of the completion of the transshipment.	
	15	The master of the carrier vessel transmitted the transshipment declaration along with the IATTC Record number to the authorities of the landing country 48 hours before landing.	
	16	All carrier vessels that transshipped at sea had IATTC observers on board.	
	17	LSTLFVs/carrier vessels did not transship without IATTC observers present.	
	18.a	The quantity of fish transshipped was consistent with the catches reported by the	

		LSTLFV.	
	18.b	CPC validated Statistical Documents after confirming that the transshipment had been conducted in accordance with this resolution.	
	18.c	Import of transshipped bigeye tuna was made only with valid Statistical Documents and copies of the corresponding transshipment declarations.	
	19	CPC made necessary notification to the Director before 15 September.	
	20	All landed or imported tuna which had been transshipped was accompanied by transshipment declarations.	
<b>Annex 3</b>	9	Carrier vessels implemented the stipulated obligations.	
	11	LSTLFVs gave necessary access to IATTC observers.	
	14	The observer fee was paid.	
<b>C-11-10</b>	1	CPC prohibited retaining on board, transshipping landing, storing selling, or offering for sale any part or whole carcass of oceanic whitetip shark	
	2	CPCs required to promptly release unharmed, to the extent practicable, whitetip sharks when brought alongside the vessel.	
	3	CPCs recorded through, <i>inter alia</i> , the observer programs, the number of discards and releases of oceanic whitetip sharks with indication of status (dead or alive) and report it to IATTC.	
<b>C-09-04</b>	.	CPC placed an observer on each trip of purse seiners of capacity greater than 363 t and ensured that at least half of the observers were IATTC observers.	
<b>C-07-03</b>	1	CPC is implementing the FAO Guidelines on sea turtles.	
	2	CPC reported to the IATTC by 30 June on the progress of implementation of the FAO Guidelines.	
	3	CPC enhanced the implementation of sea turtle bycatch reduction measures and collaborated with other CPCs in the exchange of information.	
	4	CPC implemented observer programs for fisheries that may impact sea turtles.	
	6.c	Purse-seine fishing vessels released all sea turtles entangled with FADs.	

	6.d	Research was conducted to modify FADs to reduce sea turtle entanglement.	
	7.a	Longline fishing vessels carried and used the equipment to promptly release incidentally-caught sea turtles.	
	7.b	CPC continued to improve technique to reduce sea turtle bycatch.	
	7.c	CPC conducted fishing trials for reduction of sea turtle bycatch and provided the results to the IATTC.	
<b>C-05-02</b>	2	The level of fishing effort by vessels fishing for North Pacific albacore tuna did not increase.	
	3	CPC reported all catches of albacore tuna, by gear type, to the IATTC every six months.	
<b>C-05-03</b>	3	Retained sharks were fully utilized.	
	4	The vessels did not have on board shark fins that totaled more than 5% of the weight of sharks on board up to the first point of landing.	
	11	CPC reported required data for catches, effort by gear type, landing and trade of sharks by species.	
	11	CPC sent a comprehensive annual report of the implementation of the resolution by 1 May.	
<b>C-04-05</b>	2	Fishermen on purse-seine vessels were required to promptly release unharmed, to the extent practicable, all sharks, billfishes, rays, dorado, and other non-target species.	
	4.a	Fishermen were required to promptly release unharmed, to the extent practicable, all sea turtles.	
	4.b.	The Commission was provided with all data on bycatches of sea turtles in all fisheries targeting species covered by the Convention.	
	4.d.ii.	Vessels were prohibited from disposing of salt bags or any other type of plastic trash at sea.	
	4.d.iii	Sea turtles entangled in FADs and other fishing gear were released, when practicable	
	4.d.v	Longline vessels carried on board the necessary equipment ( <i>e.g.</i> de-hookers, line cutters and scoop nets) for appropriate release of	

		incidentally caught sea turtles.	
	4.e	Specific measures for the protection of encircled or entangled sea turtles were implemented.	
<b>C-04-06</b>	1	Fishing vessels 24 meters or more in length carried an operating VMS on board.	
<b>C-03-01</b>	1	All bigeye tuna imported were accompanied by validated Statistical Documents or Re-export Certificates.	
	2	Statistical Documents and Re-export Certificates accompanying exported bigeye tuna were validated by government officials or authorized individuals or institutions.	
	3	CPC has provided to the Director sample forms of Statistical Documents and Re-export Certificates and information on validation as well as any change.	
	5	CPC reported to the Director the data on imported bigeye tuna by 1 April and 1 October, respectively.	
	6	CPC examined export data upon receiving the import data from the Director and reported the results to the Commission.	
<b>C-03-05</b>	2	Catch and effort data were submitted by 30 June by species and fishing gear.	
	2	Length-frequency data were submitted by 30 June by species and fishing gear.	

#### **Attachment**

1. Details of the the possible case of non-compliance
2. Current status of the fishing vessel
3. Status or result of investigation
4. Actions taken based on the result of the investigation, including sanctions and preventive actions

**Appendix 2h.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-08**

**RESOLUTION ON SCIENTIFIC OBSERVERS FOR LONGLINE  
VESSELS**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA) on the occasion of its 82<sup>nd</sup> Meeting:

*Recognising* the need to collect scientific information on target species as well as comprehensive data on interactions with non-target species, in particular, sea turtles, sharks and seabirds;

*Noting* the need to ensure uniform and equitable treatment of all tuna-fishing vessels operating in the Convention Area;

*Noting* that large purse-seine vessels operating in the Antigua Convention Area are required to carry scientific observers aboard, in accordance with the Agreement on the International Dolphin Conservation Program;

*Taking* into account that 5% observer coverage of high-seas fishing operations was noted as the initial level at the Kobe II workshop on Monitoring, Control, and Surveillance, held in Barcelona, Spain, in June 2010;

Agrees that:

1. Each Member and cooperating non-Member (CPCs) shall ensure that, from 1 January 2013, at least 5% of the fishing effort made by its longline fishing vessels greater than 20 metres length overall carry a scientific observer. In 2014, based on the results of the observer programs, the Secretariat, after consulting the Scientific Advisory Committee, will recommend to the Commission on the efficiency level needed to accomplish the objectives of this Resolution, and particularly on the potential increase of the required coverage rate. This coverage rate shall be then subject to the approval of the Commission at the corresponding ordinary meeting.
2. The Scientific Advisory Committee shall indicate, at its 2012 session, how fishing effort should be determined (sets, fishing days, number of vessels or other alternative options).
3. Each CPC shall endeavor to ensure that observer coverage will be representative of the activities of its fleet.
4. The main task of the scientific observers shall be to record any available biological information, the catches of targeted fish species, and species composition, as well as any interactions with non-target species such as sea turtles, seabirds and sharks.
5. The Director, in cooperation with the Scientific Advisory Committee, shall draw up a common reporting format detailing the required data to be collected by scientific observers.
6. Scientific observers shall submit to their flag CPC authorities a report on these observations at the latest 30 days after the end of each fishing trip.
7. Every year, CPCs shall submit to the Scientific Advisory Committee, through the Director, by 31 March, the scientific observers' information on the previous year's fishery in a format established by the Scientific Advisory Committee.



INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**RESOLUTION C-11-09**

**RESOLUTION (AMENDED) ON ESTABLISHING A PROGRAM FOR  
TRANSHIPMENTS BY LARGE-SCALE FISHING VESSELS**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA) on the occasion of its 82<sup>nd</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 transhipment 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-08-02 on establishing a program for transhipments by large-scale fishing vessels;

Agrees:

**Section 1. General Rules**

1. Except under the special conditions outlined below in Section 2 for transhipment operations at sea, all transhipment operations of tuna and tuna-like species in the Antigua Convention Area 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>7</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 engaged in the transhipment of fresh fish<sup>8</sup> at sea.

**SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA**

4. The Commission hereby establishes a program to monitor transhipments at sea, which applies initially to large-scale tuna longline fishing vessels (LSTLFVs) and to carrier vessels authorized by

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<sup>7</sup> For the purposes of this Resolution, “large-scale tuna fishing vessels” are defined as all vessels fishing beyond areas of national jurisdiction or beyond each CPC-controlled areas and targeting tuna or tuna-like species.

<sup>8</sup> For the purposes of this Resolution, “fresh fish” means tuna or tuna-like species that are alive, whole or dressed/gutted, but not further processed or frozen.

their respective flag CPC to receive transshipments from these vessels at sea.

5. Each CPC shall determine whether or not to authorize its LSTLFVs to tranship 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 3. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSHIPMENTS AT SEA IN THE Convention area**

6. The Commission shall establish and maintain a record of carrier vessels authorized by their respective flag CPCs to receive tuna and tuna-like species 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 in at-sea transshipment operations.
7. Each CPC shall submit to the Director, in electronic format if possible, the 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.
8. 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.
9. 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.
10. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-04-06 on the establishment of a Vessel Monitoring System (VMS).

### **SECTION 4. AT-SEA TRANSHIPMENT**

11. Transshipments by LSTLFVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal CPC concerned. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

#### **Flag CPC Authorization**

12. LSTLFVs are not authorized to tranship at sea unless they have obtained prior authorization from their flag CPC.

#### **Notification obligations**

**Fishing vessel:**

13. To receive the prior authorization mentioned in paragraph 11, the master and/or owner of the LSTLFV must notify the following information to its flag CPC authorities 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 transhipped,
  - c. the tonnage by product to be transhipped,
  - d. the date and location of transshipment, and
  - e. the geographic location of the tuna catches.

The LSTLFV concerned shall complete and transmit to its flag CPC, not later than 15 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:**

14. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to the Director and 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.
15. 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.

**Regional Observer Program**

16. Each CPC shall ensure that all its carrier vessels that tranship 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.
17. 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 5. General Provisions**

18. 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, flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV;
  - b. The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transhipped 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
  - c. 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.
19. Each CPC shall report annually before 15 September to the Director:
  - a. The quantities by species transshipped during the previous year.
  - b. The names of its vessels on the IATTC LSTLFV List which have transhipped during the

previous year; and

- c. 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.
20. All tuna and tuna-like species landed in, or imported into, the territory or area of a CPC, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IATTC transshipment declaration until the first sale has taken place.
21. 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.
22. This Resolution replaces Resolution C-08-02.

## **Annex 1**

### **Conditions relating to in-port transhipment by LSTFVs**

#### **General**

1. Transhipment operations in port may only be undertaken in accordance with the procedures detailed below.

#### **Notification obligations**

2. Fishing vessel:
  - 2.1. At least 48 hours prior to transhipping, the captain of the LSTFV must notify the following information to the Port State authorities:
    - a. the name of the vessel and its number in the IATTC Regional Vessel Register,
    - b. the name of the carrier vessel, and the product to be transhipped,
    - c. the tonnage, by product, to be transhipped,
    - d. the date and location of transhipment,
    - e. the major fishing grounds of the tuna and tuna like species catches.
  - 2.2. The captain of an LSTFV shall, at the time of the transhipment, inform the vessel's Flag State of the following;
    - a. the products and quantities involved,
    - b. the date and place of the transhipment,
    - c. the name, registration number and flag of the receiving carrier vessel,
    - d. the geographic location of the tuna and tuna like species catches.
  - 2.3. The captain of the LSTFV shall complete and transmit to the vessel's flag CPC not more than 15 days after the transhipment, the IATTC transhipment declaration, along with the vessel's number in the IATTC LSTFV List, in accordance with the format set out in Annex 2.

#### **Receiving vessel**

3. Not later than 24 hours before the beginning and at the end of the transhipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of catches of tuna and tuna-like species transhipped to the carrier vessel, and complete and transmit to the competent authorities of the vessel's flag CPC the IATTC transhipment declaration.

#### **Landing State**

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an IATTC transhipment declaration, and transmit it to the competent authorities of the landing State where the landing is to take place.
5. The Port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received, and shall cooperate with the flag CPC of the LSTFV to ensure that landings are consistent with the catches reported by the 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.
6. Each flag CPC with LSTFVs shall report each year to the IATTC the details of the transhipments by its vessels.

**ANNEX 2  
IATTC TRANSHIPMENT DECLARATION**

Carrier Vessel	Fishing vessel
<b>Name of the Vessel and Radio Call Sign:</b> <b>Flag:</b> <b>Flag CPC license number:</b> <b>Register Number, if available:</b> <b>IATTC Register Number, if available:</b>	<b>Name of the Vessel and Radio Call Sign:</b> <b>Flag:</b> <b>Flag CPC license number:</b> <b>Register Number, if available:</b> <b>IATTC Register Number, if available:</b>

Day    Month    Hour    Year    \_\_\_\_ \_\_\_\_    Agent's name    Master name of LSTV    Master's name of carrier

Signature

Signature

Signature

Departure \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_

from \_\_\_\_\_

Return \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_

to \_\_\_\_\_

Transshipment \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_

Indicate the weight in kilograms or the unit (e.g. box, basket) and the landed weight in kilograms of this unit \_\_\_\_ kilograms LOCATION OF TRANSSHIPMENT

Species	Port	Sea	Type of product											
			Whole	Ground	Headed	Filleted								

If transshipment effected at sea. IATTC observer signature:

## ANNEX 3

# IATTC REGIONAL OBSERVER PROGRAM

1. Each CPC shall require carrier vessels included in the IATTC Record of Carrier Vessels which tranship at sea, to carry an IATTC observer during each transhipment operation in the Convention Area.
2. The Director shall appoint the observers, and shall place them on board the carrier vessels authorized to receive transhipments in the Convention Area from LSTLFVs flying the flag of CPCs that implement the IATTC observer program established by this Resolution.

### **Designation of the observers**

3. The designated observers shall have the following qualifications to accomplish their tasks:
  - a. sufficient experience to identify species and fishing gear;
  - b. satisfactory knowledge of IATTC conservation and management measures;
  - c. the ability to observe and record information accurately; and
  - d. a satisfactory knowledge of the language of the flag of the vessel observed.

### **Obligations of the observer**

4. Observers shall:
  - a. not be, to the extent possible, nationals or citizens of the flag CPC of the receiving carrier vessel;
  - b. be capable of performing the duties set forth in point 5 below;
  - c. be included in the list of observers maintained by the Director; and
  - d. not be a crew member of an LSTLFV or an employee of an LSTLFV company.
5. The observer's tasks shall be, in particular, to:
  - 5.1. on the LSTLFV intending to tranship to a carrier vessel, and before the transhipment takes place:
    - i. check the validity of the fishing vessel's authorization or license to fish for tuna and tuna-like species in the Convention Area;
    - ii. check and record the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
    - iii. check that the VMS is functioning, and examine the logbook;
    - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check the documentation on such transfers;
    - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the master of the carrier vessel; and
    - vi. record the results of these duties on the fishing vessel in the observer's report.
  - 5.2. on the carrier vessel:
    - a. monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
      - i. record and report upon the transhipment activities carried out;
      - ii. verify the position of the vessel when engaged in transshipping;
      - iii. observe and estimate products transhipped;
      - iv. verify and record the name of the LSTLFV concerned and its registration number;
      - v. verify the data contained in the transhipment declaration;
      - vi. certify the data contained in the transhipment declaration; and
      - vii. countersign the transhipment declaration;

- b. issue a daily report of the carrier vessel's transshipping activities;
  - c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
  - d. submit to the Director the aforementioned general report within 20 days from the end of the period of observation; and
  - e. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLFVs and of the LSTLFVs owners and accept this requirement in writing as a condition of appointment as an observer.
  7. Observers shall comply with requirements established in the laws and regulations of the flag CPC which exercises jurisdiction over the vessel to which the observer is assigned.
  8. 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 9 of this program.

**Obligations of the flag CPCs of carrier vessels**

9. The responsibilities regarding observers of the flag CPCs of the carrier vessels and their captains shall include the following, notably:
  - a. Observers shall be allowed access to the vessel personnel 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 5:
    - i. satellite navigation equipment;
    - ii. radar display viewing screens when in use; and
    - 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 CPCs 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.
10. The Director, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag CPC of the carrier vessel under whose jurisdiction the vessel transhipped and to the flag CPC of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip three months prior to the meeting of the Committee for the Review of Implementation of Measures adopted by the Commission.

**Obligations of LSTLFVs during transhipments**

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit, and shall be granted access to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
12. The Director shall submit the observer reports to the Committee for the Review of Implementation of Measures adopted by the Commission p and to the Scientific Advisory Committee.

**Observer fees**

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLFVs 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 Director and the Director shall



manage the account for implementing the program;

14. No observer shall be assigned to a vessel for which the fees, as required under paragraph 13, have not been paid.

**Appendix 2j.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-10**

**RESOLUTION ON THE CONSERVATION OF OCEANIC WHITETIP  
SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES IN THE  
ANTIGUA CONVENTION AREA**

The Inter American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting:

*Recalling* that Article VII, paragraph 1 (f) of the Antigua Convention establishes that the Commission shall adopt, as necessary, conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by the Convention, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

*Taking due note* that the Scientific Advisory Committee expressed concern about the recent declining trend in catches of oceanic whitetip shark (*Carcharhinus longimanus*) by purse seiners; and

*Recognizing* that the Scientific Advisory Committee recommends that conservation measures for this species be taken immediately without waiting for the results of the stock assessment;

Agrees that:

1. Members and Cooperating non-Members (CPCs) shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in the fisheries covered by the Antigua Convention.
2. CPCs shall require vessels flying their flag to promptly release unharmed, to the extent practicable, whitetip sharks when brought alongside the vessel.
3. CPCs shall record *inter alia*, through the observer programs, the number of discards and releases of oceanic whitetip sharks with indication of status (dead or alive) and report it to IATTC.
4. This Resolution shall enter into force on 1st January 2012.

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**RESOLUTION C-11-11**

**RESOLUTION ON THE CREATION OF THE SPECIAL  
SUSTAINABLE DEVELOPMENT FUND FOR FISHERIES FOR  
HIGHLY MIGRATORY SPECIES TO STRENGTHEN THE  
INSTITUTIONAL CAPACITY OF DEVELOPING COUNTRIES**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking into account* the provisions of Article XXIII of the Antigua Convention that the Commission shall seek to adopt measures relating to technical assistance, technology transfer, training and other forms of cooperation, to assist developing countries that are members of the Commission to fulfill their obligations under the Convention, as well as to enhance their ability to develop fisheries under their respective national jurisdictions and to participate in high seas fisheries on a sustainable basis;

*Recalling* that the Antigua Convention in its Article XXIII likewise establishes that the members of the Commission shall facilitate and promote such cooperation, especially financial and technical, and the transfer of technology, as may be necessary for the effective implementation of the previous paragraph;

*Considering* that the Antigua Convention in its Article VII, paragraph (b) indicates that one of the functions of the Commission is that it shall adopt standards for collection, verification, and timely exchange and reporting of data concerning the fisheries for fish stocks covered by the Convention;

*Likewise taking into account* that the Antigua Convention in its Article VII, paragraph (f) indicates that conservation and management measures and recommendations shall be adopted, as necessary, for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by the Convention, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

*Likewise taking into account* that the Antigua Convention in its Article VII, paragraph (i) indicates that the Commission shall establish a comprehensive program for data collection and monitoring which shall include such elements as the Commission determines necessary, and that each member of the Commission may also maintain its own program consistent with guidelines adopted by the Commission; and

*Recalling* that the Commission has agreed various resolutions that commit its Members to submit information on catches of tunas and bycatches, among others;

Agrees that:

1. The “*Special fund for strengthening the institutional capacity of developing countries for the sustain-able development of fisheries for highly migratory species*” (the Fund) is created, which shall be administered by the IATTC.
2. The resources of the Fund shall proceed from contributions obtained from the Members or

from national and international bodies or entities interested in strengthening the capacities of developing countries. Such contributions may be declared by the donor for a specific use, consistent with the nature of the Fund, or may be subject to the ordinary use of investments in building capacity for developing countries.

3. The Director shall budget for 2013 an item of fifty thousand (50,000) US dollars set aside to constitute the initial capital of the Fund.
4. The Director shall present to the Commission for its approval every year the strategic investment plan chargeable to the Fund, which shall be constructed on the basis of the requirements of the developing countries and the analyses carried out by the Commission staff.
5. The administration of the Fund shall be the responsibility of the Director and shall be subject to the auditing rules of the Commission and the financial regulations for the administration of the Fund to be developed by the Commission.
6. The purpose of the utilization of the Fund shall be the development of technical and scientific capacity, that will allow the developing countries to duly follow and comply with their obligations established under the Antigua Convention, particularly:
  - a. The creation of a standardized system for collecting, processing and analyzing data, as regards the stocks of tunas and tuna-like species and other species of fish caught by vessels that fish for tunas and tuna-like species in the Antigua Convention area.
  - b. Education and training, mainly in relation to the implementation and development of databases, analysis of fisheries statistics and data, and stock assessments, among others.
  - c. The participation of representatives of developing countries in the annual meetings of the Commission or its subsidiary bodies, as well as of scientific experts in the meetings of the Scientific Advisory Committee.
  - d. Facilitate the support of the IATTC scientific staff necessary for fulfilling the aims of this resolution in support of developing countries.
  - e. The creation of a standardized program for collecting, processing, and analyzing data, in order to match the processes with the Commission's systems.
  - f. Others that the Commission may decide, strictly for the creation of capacity development.
7. Members are encouraged to make contributions to the Fund.
8. The Director will be asked, within his program of work, to explore and identify other options to strengthen the capacity of Members. This shall include opportunities for partnership with other organizations that work in this field, and providing guidance to these organizations on the needs and priorities of the countries.

**Appendix 2l.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**RESOLUTION C-11-12**

**RESOLUTION ON THE CARRYING CAPACITY OF PERU**

The Inter-American Tropical Tuna Commission, gathered in La Jolla, California (USA), on the occasion of its 82<sup>nd</sup> Meeting

*Recalling* the provisions of the footnote of Resolution C-02-03 on the Capacity of the tuna fleet operating in the EPO and of paragraph 10 of that Resolution;

*Considering* the request submitted by the Government of Peru;

*Noting* the positive recommendation submitted by the Permanent Working Group on Carrying Capacity; and

*Taking into account* that the present operating capacity is not higher than the operative capacity as included in the Regional Register in 2002;

Agrees to:

Approve the granting to Peru of 5,000 cubic meters of carrying capacity, to be utilized by vessels flying the Peruvian flag which shall operate only in the marine areas under jurisdiction of Peru.

It is further understood that this capacity cannot be transferred to other flags nor used for the chartering of vessels of other flags.

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**PROPOSAL IATTC-82-A-1**

**PRESENTED BY JAPAN**

**DRAFT RESOLUTION ON IATTC CATCH DOCUMENTATION  
SCHEME**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Concerned* that illegal, unreported and unregulated (IUU) fisheries are still one of the factors hampering sustainable use of fishery resources;

*Recognizing* that the ICCAT Catch Documentation Scheme for Atlantic bluefin tuna is working effectively to prevent IUU products from entering the market;

*Recalling* that one of the reasons why some countries proposed to list several shark species in CITES Appendix II at the COP 15 of CITES in Doha was lack of information on sharks;

*Further recalling* that participants in the Joint Tuna RFMO workshop on Monitoring, Control and Surveillance held in Barcelona from 3 to 5 June 2010 supported the expansion of the catch documentation scheme to species other than Atlantic bluefin tuna and southern bluefin tuna;

*Recognizing* that special consideration should be given to implementation of the catch documentation scheme for sharks;

*Determined* to take further measures to combat IUU fisheries and collect information on catch and trade;

*AGREED that:*

**PART I  
GENERAL PROVISIONS**

1. Each Member and Cooperating non-Member of the Commission (hereinafter referred to as "CPC") shall take the necessary steps to implement an IATTC Catch Documentation Scheme for the purpose of identifying the origin of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area to which conservation and management measures apply. Initially, the species subject to the Scheme (hereinafter referred to as "the Species") shall be bigeye tuna (*Thunnus obesus*) and shark species which shall be decided at the 2012 annual meeting of IATTC, taking into account advice from the Scientific Advisory Committee. The Scientific Advisory Committee shall, at its 2012 plenary session, make such advice based on the various factors such as resource status, requirement of data collection and actual trade of shark species as well as advice from the IATTC staff.
2. For the purposes of this Program:
  - a. "Export" means:

any movement of the Species caught in the Convention Area by a fishing vessel of a CPC which entitled the fishing vessel to fly its flag (flag CPC) to the territory or area of another

CPC or a non-CPC, or from the fishing grounds to the territory or area of a CPC which is not the flag CPC or to the territory or area of a non-CPC;

b. "Import" means:

any introduction of the Species in their caught or processed forms into the territory or area of a CPC, which is not the flag CPC of the fishing vessel;

c. "Re-export" means:

any movement of the Species in their caught or processed forms from the territory or area of a CPC to which it had been previously imported;

d. "Transshipment" means:

any transfer of fish from vessels that have caught the fish to carrier vessels, either at sea or in port.

## **PART II CATCH DOCUMENTS**

3. Each consignment of the Species imported into or exported or re-exported from the territory or area of a CPC shall be accompanied by a validated IATTC catch document (IACD) and, as applicable, a validated IATTC re-export certificate (IARC). Any such import, export or re-export of the Species without a completed and validated IACD or IARC shall be prohibited.
4. Each CPC shall provide IACD forms only to fishing vessels authorized to catch the Species in the Convention Area. Such forms are not transferable to another fishing vessel. Each IACD form shall have a unique document identification number. Document numbers shall be specific to the flag CPC and assigned to the fishing vessel.
5. Copies of IACD shall follow each part of split consignments or processed product, using the unique document number of the original IACD in order to track them.
6. CPCs shall keep copies of IACDs issued or received for at least two years.
7. Export, import and re-export of fish parts other than the meat and shark fins (i.e., heads, eyes, roes, guts, bones and tails) shall be exempted from the requirements of this Resolution. Products for hand carrying by travelers shall also be exempted from the requirements of this Resolution.
8. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CPC shall complete the IACD, by providing the required information in appropriate sections and request its validation for catch information and transshipment information in accordance with paragraph 10. The exporter shall complete the IACD for the trade information and request its validation in accordance with paragraph 10.
9. The form of the IACD shall be **Annex 1**. Each space may be expanded as necessary. All the annexes shall be filled-in in accordance with instruction sheets to be established by the Commission before the starting of the Scheme.
10. a. The Catch Information section, the Transshipment Information section, and the Trade information section of the IACD shall be validated respectively by an authorized CPC official, or other authorized individual or institution, of the flag CPC of the fishing vessel. Each section shall not be validated until the previous section is validated.
  - b. Notwithstanding paragraph a), if a fishing vessel operates under a charter arrangement with another CPC (hereinafter referred to as "chartering CPC"), the Catch Information section of the IACD shall be validated by an authorized CPC official, or other authorized individual or institution, of the chartering CPC.
  - c. Each section of the IACD shall be validated only when all the information contained in the section has been established to be accurate as a result of the verification of the consignment, and only when those products comply with all relevant provisions of the IATTC conservation and management measures.

- d. Validation shall not be required in the event that each fish available for sale is tagged, in accordance with paragraph 21, by the flag CPC of the fishing vessel that caught the Species. However, the IACD shall be completed and accompany the products. In the case that the Species is traded in a fresh or chilled form, a tag shall be attached to it. By the end of 2013, the IATTC shall develop an electronic tagging system in which the information can be retrieved instantly from the tag by any person with a designated scanner.
  - e. The IATTC shall develop an electronic validation scheme by the end of 2013 where electronic forms are electronically validated and communicated to other CPCs and the Secretariat.
11. When the Species quantities caught and landed are less than one metric ton, the vessel logbook or the sales note may be used as a temporary IACD, pending the validation of the IACD within seven days and prior to export.
  12. Where the Species are caught by artisanal fishing vessels and exported, one IACD may cover catches of more than one fishing vessel to aggregate their catches. In this case, all the names of the fishing vessels as well as their corresponding registration numbers shall be written in the Fishing Vessel Information section of IACD or attached as annex (Flag, Call Sign, IMO/Loyd's #, Fishing License # and License Expiration Date do not have to be written).

### **PART III**

#### **SPECIES DESTINED TO PROCESSING PLANTS**

13. In the case that the Species is caught by purse seiners and brought to processing plants, the catch information may be validated at processing plants. Such processing plants shall be registered with the Commission.
14. Notwithstanding paragraph 10 a), validation at processing plants may be done by an authorized CPC official, or other authorized individual or institution of the country or entity where the processing plant is situated as long as such a country or entity is a CPC. In the case that the processing plant is situated in a non-CPC, validation at processing plants shall be done by an authorized CPC official, or other authorized individual or institution, of the flag CPC of the fishing vessel.

### **PART IV**

#### **SHARKS**

15. If sharks caught and landed by different fishing vessels are aggregated and the whole or part of the aggregated products is transacted and traded, **Annex 2** may be used to record such transaction and trade. In this case, **Annex 2** shall be accompanied by the copy or original of all the relevant IACDs.

### **PART V**

#### **RE-EXPORT CERTIFICATES**

16. Each CPC shall ensure that the Species consignment which is re-exported from its territory or area be accompanied by a validated IARC.
17. The operator who is responsible for the re-export shall complete the IARC by providing the required information in its appropriate sections and request its validation for the Species consignment to be re-exported. The completed IARC shall be accompanied by a copy of the validated IACD(s) relating to the Species products previously imported.
18. The IARC shall be validated by an authorized CPC official, or other authorized individual or institution.
19. The CPC shall validate the IARC for the Species product only when:
  - a. all the information contained in the IARC has been established to be accurate;
  - b. the validated IACD(s) submitted in support to the IARC had been accepted for the importation of the products declared on the IARC;
  - c. the products to be re-exported are wholly or partly the same products on the validated



IACD(s); and

- d. a copy of the IACD(s) shall be attached to the validated IARC.
20. The form of the IARC shall be **Annex 3**. Each space may be expanded as necessary.

## **PART VI TAGGING**

21. In the case that each fish available for sale is tagged, the flag CPCs shall require their fishing vessels to affix a tag to each fish no later than the time of landing or transshipping. Tags shall have unique country or area-specific numbers and be tamper-proof. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CPC shall complete **Annex 4** to be attached to **Annex 1** and indicate the total by species in the Catch Information Section of **Annex 1**. A summary of the implementation of the tagging program shall be submitted to the Secretariat by the CPC.
22. When sharks are separated into bodies and fins on board the catching vessels and tagged, bodies and fins shall be tagged, respectively. CPCs that implement tagging for sharks shall develop special tags which shall allow matching of bodies and fins from the same individuals.

## **PART VII COMMUNICATION AND VERIFICATION**

23. Each CPC shall communicate electronically to the Secretariat a copy of all validated IACDs or IARCs within five working days following the date of validation, or without delay where the expected duration of the transportation should not be more than five working days. In the case of tagging, each CPC shall communicate electronically a copy of all IACDs including **Annex 4** as soon as possible to the Secretariat.
24. The Secretariat shall extract from the IACDs or IARCs communicated under paragraph 23 above the information marked with an asterisk in **Annex 1** through **4** and enter this information in a database on a password protected section of its website, as soon as practicable. At its request, the Scientific Advisory Committee shall have access to the catch information contained in the database, except the vessel names.
25. Each CPC shall ensure that its competent authorities, or other authorized individual or institution, take steps to identify each consignment of the Species imported into or exported or re-exported from its territory or area and request and examine the validated IACD(s) and related documentation of each consignment of the Species. These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the IACD and in related documents and, where necessary, shall carry out verifications with the operators concerned.
26. If, as a result of examinations or verifications carried out pursuant to paragraph 25, a doubt arises regarding the information contained in the IACD, the importing CPC and the CPC whose competent authorities validated the IACD(s) or IARC(s) shall cooperate to resolve such doubts.
27. If a CPC involved in trade of the Species identifies a consignment with no IACD or no valid IACD, it shall notify the findings to the exporting CPC and, where known, the flag CPC.
28. Pending the examinations or verifications under paragraph 25 to confirm compliance of the Species consignment with the requirements in the present Resolution and any other relevant measures adopted by IATTC, the CPC shall not grant its release for import or export.
29. When a CPC, as a result of examination or verifications under paragraph 25 and in cooperation with the validating authorities concerned, determines that an IACD or IARC is invalid, the import, export or re-export of the Species products concerned shall be prohibited.
30. The Commission shall request the non-CPCs that are involved in import, export or re-export of the Species to cooperate with the implementation of the Scheme to provide to the Commission data obtained from such implementation.

**PART VIII  
COMMUNICATION OF DATA**

31. CPCs that validate IACDs in respect of their flag fishing vessels and/or IARCs, shall notify to the Secretariat:
  - a. the name and full address of their authorities responsible for validating and verifying IACDs or IARCs; and
  - b. the name, title, and signature of the validating officials who are individually empowered. This notification shall indicate the date at which this title comes into force. A copy of the provisions adopted in national law for the purpose of implementing the catch documentation program shall be communicated with the initial notification. Updated details on validating authorities, officials and national provisions shall be communicated to the Secretariat in a timely fashion.
32. The information on validating authorities and officials transmitted by notifications to the Secretariat shall be placed on a password protected section of its website held by the Secretariat. The list of the CPCs having notified their validating authorities and officials, and the dates of entry into force of the title, shall be placed on a publicly accessible website held by the Secretariat. CPCs are encouraged to access this information to help verify the validation of IACDs and IARCs.
33. Each CPC shall notify to the Secretariat the points of contact (name and e-mail address) that should be informed when there are questions related to IACDs or IARCs.
34. Notification pursuant to paragraphs 31, 32 and 33 shall be sent by CPCs to the Secretariat, by electronic means.
35. CPCs shall provide to the Secretariat a report each year by April 1 for the preceding year to provide the information described in **Annex 5**. The Secretariat shall post these reports on a password protected section of the website, as soon as practicable. At its request, the Scientific Advisory Committee shall have access to the reports received by the Secretariat.

**PART IX  
OTHERS**

36. This Resolution shall enter into force on January 1, 2013. The Commission will hold a preparatory workshop in 2012, which shall establish draft instruction sheets to be formally adopted at the 2012 Commission meeting.
37. This Resolution will be reviewed and revised if necessary in 2014 with the view to expanding the scope of application of the Catch Documentation Scheme to species other than the Species as well as any other elements deemed to be revised. Such expansion of the scope shall take into account scientific advice from the Scientific Advisory Committee.
38. Resolution C-03-01 (Resolution on IATTC Bigeye Tuna Statistical Document Programme) is superseded by this Resolution.

## Appendix 3b

### INTER-AMERICAN TROPICAL TUNA COMMISSION

### 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

### PROPOSAL IATTC-82-A-2

### SUBMITTED BY THE EUROPEAN UNION

### RESOLUTION ON A TROPICAL TUNAS AND SWORDFISH CATCH CERTIFICATION SCHEME

*The Inter American Tropical Tuna Commission (IATTC),*

*RECOGNIZING* the impact that market factors have on the fishery;

*CONCERNED* by the impact that illegal, unregulated and unreported (IUU) fishing has in the IATTC Convention Area;

*REITERATING* the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IATTC Resolutions;

*NOTING* the need for improved and strict control on all the components involved in tropical tunas and swordfish fisheries;

*MINDFUL* of the rights and obligations of port States to promote the effectiveness of management measures adopted by regional fisheries management organizations;

*UNDERLINING* the complementary role that importing States also have in the control of the catches of tropical tunas and swordfish to ensure compliance with IATTC Resolutions;

*RECOGNIZING* that in order to have effective control of the movements of tropical tunas and swordfish, strict tracking of the product from the point of capture throughout the whole operation to its final market has to be established;

*COMMITTED* to taking steps that conform with international law, notably as regards the World Trade Organization (WTO), and to ensure that tropical tunas and swordfish entering markets of Commission Members, Associate members of IATTC and non-members of IATTC is caught in IATTC Convention Area in a manner that does not diminish the effectiveness of IATTC Resolutions;

*UNDERLINING* that the adoption of this measure is intended to help support the implementation of Resolutions as well as scientific research for tropical tunas and swordfish stocks;

*ADOPTS*, in accordance with the provisions of Article IX, paragraph 1, of the Convention establishing the IATTC, the following:

#### **PART I**

#### **GENERAL PROVISIONS**

1. Each Contracting party and Cooperating Non-Contracting party (hereafter referred to as CPCs) shall take the necessary steps to implement an IATTC Certification Scheme for the purpose of identifying the origin of tropical tunas and swordfish to which Resolutions apply.
2. For the purpose of this Scheme:
  - a. "Export" means:  
Any movement of tropical tunas and swordfish caught in the IATTC Convention Area by a

fishing vessel flying the flag of a CPC to the territory of another CPC or non-Member to the IATTC, or from the fishing grounds to the territory of a CPC which is not the flag CPC of the fishing vessel or to the territory of a non-Member to the IATTC.

b. b) "Import" means:

Any introduction, including for transshipment purposes, of tropical tunas and swordfish in their caught or processed forms into the territory of a CPC, which is not the CPC where the fishing vessel is flagged.

c. c) "Re-export" means:

Any movement of tropical tunas and swordfish in their caught or processed forms from the territory of a CPC where it had been previously imported.

d. d) "Tropical tunas" means:

yellowfin, bigeye and skipjack tunas species.

## **PART II**

### **TROPICAL TUNAS AND SWORDFISH CATCH CERTIFICATES**

3. Each consignment of tropical tunas and swordfish imported into or exported or re-exported from the territory of a CPC shall be accompanied by a validated tropical tunas and swordfish catch certificate (TTCC) and, as applicable, a validated tropical tunas and swordfish re-export certificate (TTRC). Any such import, export or re-export of tropical tunas and swordfish without a completed and validated TTCC or TTRC shall be prohibited.
4. Each CPC shall provide TTCC forms only to fishing vessels authorized to catch tropical tunas and swordfish in the IATTC Convention Area. Such forms are not transferable to another fishing vessel. Each TTCC form shall have a unique document identification number. Document numbers shall be specific to the flag CPC and assigned to the fishing vessel.
5. Copies of TTCC shall follow each part of split consignments or processed product, using the unique document number of the original TTCC in order to track them.
6. CPCs shall keep copies of documents issued and received for at least two years.
7. Export, import and re-export of fish parts other than the meat (i.e., heads, eyes, roes, guts and tails) shall be exempted from the requirements of this Resolution.
8. The fishing vessel masters, or their authorized representative, or the authorized representative of the flag CPC shall complete the TTCC, if possible electronically, by providing the required information in appropriate sections and request its validation in accordance with paragraph 10, on each occasion that they export tropical tuna and swordfish products.
9. A validated TTCC shall include the information identified in **Annex 1** forms attached. In cases where a section of the TTCC model does not provide enough room to completely track movement of tropical tunas and swordfish from catch to trade, the needed information section may be expanded as necessary and attached as annex. The competent authority of the CPC shall validate the annex as soon as possible, but not later than the next movement of tropical tunas and swordfish.
10. a. The TTCC must be validated by an authorized government official, or other authorized individual or institution, of the flag CPC of the fishing vessel.  
b. The flag CPC shall validate the TTCC for tropical tuna products only when all the information contained in the TTCC has been established to be accurate as a result of the verification of the consignment, and only when those products comply with all relevant provisions of the Resolutions.
11. Where the tropical tunas and swordfish quantities caught and landed are less than 1 metric ton or three fish, the logbook or the sales note may be used as a temporary TTCC, pending the validation of the TTCC within seven days and prior to export.

### **PART Iibis – TROPICAL TUNAS AND SWORDFISH SIMPLIFIED CATCH**

## **CERTIFICATE**

12. This Part shall apply to fishing vessels of CPCs with an overall length of less than 12 meters without towed gear; or with an overall length of less than 8 meters with towed gear; or without a superstructure; or of less than measured 20 GT.
13. Catches from CPC fishing vessels referred to in point 12 which are only landed in the flag CPC of the vessels and which together constitute one consignment may be accompanied by a simplified catch certificate instead of the catch certificate referred to in Part II, points 3-11, of this resolution.
14. The simplified catch certificate shall contain all the information specified in Annex IV of this resolution and shall be validated by a public authority of the CPC with necessary powers to attest the accuracy of the information.
15. The validation of the simplified catch certificate shall be requested by the exporter of the consignment upon submission to the public authority of all information specified in the specimen shown in Annex IV of this resolution.

## **PART III**

### **TROPICAL TUNAS AND SWORDFISH RE-EXPORT CERTIFICATES**

16. Each CPC shall ensure that each tropical tunas and swordfish consignment which is re-exported from its territory be accompanied by a validated TTRC.
17. The operator who is responsible for the re-export shall complete the TTRC by providing the required information in its appropriate sections and request its validation for the tropical tunas and swordfish consignment to be re-exported. The completed TTRC shall be accompanied by a copy of the validated TTCC relating to the tropical tuna and swordfish products previously imported.
18. The TTRC shall be validated by an authorized government official or authority.
19. The CPC shall validate the TTRC for tropical tunas and swordfish product only when:
  - a. all the information contained in the TTRC has been established to be accurate,
  - b. the validated TTCC(s) submitted in support to the TTRC had been accepted for the importation of the products declared on the TTRC,
  - c. the products to be re-exported are wholly or partly the same products on the validated TTCC(s) and
  - d. a copy of the TTCC(s) shall be attached to the validated TTRC.
20. The validated TTRC shall include the information identified in Annex 2 forms attached.

## **PART IV**

### **COMMUNICATION AND VERIFICATION**

21. Each CPC shall communicate, if possible electronically, a copy of all validated TTCCs or TTRCs within fifteen working days following the date of validation, or without delay where the expected duration of the transportation should not take more than fifteen working days, to the following:
  - a. the competent authorities of the CPC where the tropical tunas and swordfish will be imported, and
  - b. the IATTC Secretariat.
22. The IATTC Secretariat shall extract from the validated TTCCs or communicated under paragraph 17 above the information marked with an asterisk in Annex 1 or Annex 2 forms and enter this information in a database on a password protected section of its website, as soon as practicable.

At its request, the Scientific Committee shall have access to the catch information contained in the database, except the vessel names.

23. Each CPC shall ensure that its competent authorities, or other authorized individual or institution, take steps to identify each consignment of tropical tunas and swordfish imported into or exported or re-exported from its territory and request and examine the validated TTCC(s) and related documentation of each consignment of tropical tunas and swordfish.

These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the TTCC and in related documents and, where necessary, shall carry out verifications at with the operators concerned.

24. If, as a result of examinations or verifications carried out pursuant to paragraph 23, a doubt arises regarding the information contained in a TTCC, the final importing CPC and the CPC whose competent authorities validated the TTCC(s) or TTRC(s) shall cooperate to resolve such doubts.
25. If a CPC involved in trade of tropical tunas and swordfish identifies a consignment with no TTCC or no valid TTCC, it shall notify the findings to the exporting CPC and, where known, the flag CPC.
26. Pending the examinations or verifications under paragraph 23 to confirm compliance of the tropical tunas and swordfish consignment with the requirements in the present Resolution and any other relevant measures adopted by IATTC, the CPC shall not grant its release for import or export.
27. Where a CPC, as a result of examination or verifications under paragraph 23 and in cooperation with the validating authorities concerned, determines that a TTCC or TSRC is invalid, the import, export or re-export of the tropical tunas and swordfish products concerned shall be prohibited.
28. The Commission shall request the non-CPCs that are involved in import, export or re-export of tropical tunas and swordfish to cooperate with the implementation of the Scheme and to provide to the Commission data obtained from such implementation.

#### **PART V COMMUNICATION OF DATA**

29. CPCs that validate TTCCs in respect of their flag fishing vessels and/or TTRCs, shall notify to the IATTC Secretariat:
  - a. the name and full address of their authorities responsible for validating and verifying TTCCs or TTRCs, and
  - b. the name, title, signature and sample impression of stamp or seal of the validating officials who are individually empowered.

This notification shall indicate the date at which this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the tropical tunas and swordfish catch certification scheme shall be communicated with the initial notification. Updated details on validating authorities, officials and national provisions shall be communicated to the IATTC Secretariat in a timely fashion.

30. The information on validating authorities and officials transmitted by notifications to the IATTC Secretariat shall be placed on a password protected page of the database on validation held by the IATTC Secretariat. The list of the CPCs having notified their validating authorities, officials and the dates of entry into force of the entitlement shall be placed on a publicly accessible website held by the IATTC Secretariat.

CPCs are encouraged to access this information to help verify the validation of TTCCs and TTRCs.

31. Each CPC shall notify to the IATTC Secretariat the points of contact (name and full address of the authorities) that should be informed when there are questions related to TTCCs or TTRCs.
32. Notification pursuant to paragraphs 25, 26 and 27 shall be sent by CPCs to the IATTC Secretariat, by electronic means, whenever possible.

33. CPCs shall provide to the IATTC Secretariat a report each year by October 1 for the period from July 1 of the preceding year to June 30 of the current year to provide the information described in **Annex 3**.

The IATTC Secretariat shall post these reports on a password protected section of the IATTC website, as soon as practicable. At its request, the Scientific Committee shall have access to the reports received by the IATTC Secretariat.

34. This Resolution will be revised during the IATTC 2012 Annual Meeting, with the view of expanding the scope of application of the IATTC Catch Certification Scheme to all tuna and tuna like species falling under the IATTC competence as well as any other elements deemed to be revised.
35. CPCs will also consider the implementation of an integrated electronic catch certification scheme in a view to progressively and completely replace the paper-based one.
36. The provisions of this recommendation enter into force on 1st January 2012.
37. IATTC Resolution C-03-01 concerning the IATTC Bigeye tuna statistical document programme is superseded by this Resolution.

### **Annex 1**

#### **IATTC tropical tunas (yellowfin, bigeye and skipjack) and swordfish catch certificate**

# IATTC CATCH CERTIFICATE

**Document number\***

## 1. Validating Authority

**Name**

**Address**

**Tel.:**

**e-mail:**

**Fax:**

## 2. Fishing Vessel

**Fishing Vessel Name \***

**Flag\* - Home Port and Registration Number**

**Call Sign**

**IMO/Lloyd's Number (if issued)**

**Fishing licence No.**

**Valid until**

**Inmarsat No. Telefax No. Telephone No. E-mail address (if issued)**

## 3. Description of Product (See next page)

## 4. Applicable Resolutions

**References of applicable Resolutions**

## 5. Master of fishing vessel

**Name of master of fishing vessel**

**Signature**

**Seal**



## IATTC CATCH CERTIFICATE

### 3. Description of Product

Species *	Product code	Catch area(s) and dates*	Estimated live weight (kg)*	Estimated weight to be landed (kg)	Verified Weight Landed (kg) where appropriate	Type of processing authorised on board

**6. Declaration of Transshipment at Sea**

<b>Name of Master of Fishing vessel</b>		<b>Signature</b>	<b>Date</b>
<b>Transshipment Date</b>	<b>Transshipment Area</b>	<b>Transshipment Position</b>	<b>Estimated weight (kg)</b>
<b>Master of Receiving Vessel</b>		<b>Signature</b>	
<b>Vessel Name</b>	<b>Call Sign</b>	<b>IMO/Lloyds Number (if issued)</b>	

**7. Transshipment authorisation within a port area**

<b>Name</b>	<b>Authority</b>	<b>Signature</b>
<b>Address</b>	<b>Tél.</b>	
<b>Port of Landing</b>	<b>Date of Landing</b>	<b>Seal</b>

**8. Exporter**

<b>Name and address of Exporter</b>		
<b>Signature</b>	<b>Date</b>	<b>Seal</b>

**9. Flag State Authority Validation**

<b>Name/Title</b>		
<b>Signature</b>	<b>Date</b>	<b>Seal</b>

**10. Transport details : See Appendix I**

**APPENDIX I. TRANSPORT DETAILS**

<b>1. Exporting country*</b>		<b>2. Exporter Signature</b>	
Country of exportation			
Port/airport/other place of departure			
<b>Name</b>	<b>Address</b>	<b>Signature</b>	
<b>Vessel name and flag</b>		<b>Container number(s)</b>	
<b>Flight number/airway bill number</b>			
<b>Truck nationality and registration number</b>			
<b>Railway bill number</b>			
<b>Other transport document</b>			

**Annex 2**

**IATTC tropical tunas and swordfish species re-export certificate  
IATTC RE-EXPORT CERTIFICATE**

**Document Number\*:**

**RE-EXPORT SECTION**

**1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY:**

**2. POINT OF RE-EXPORT\***

**3. DESCRIPTION OF IMPORTED TROPICAL TUNAS AND SWORDFISH**

Product Type		Net weight (kg)*	Flag CPC	Date of import*	TTCC No*
F/FR	RD/GG/DR/FL/OT				

**4. DESCRIPTION OF TROPICAL TUNAS AND SWORDFISH FOR RE-EXPORT**

Product Type*		Net weight (kg)*	Corresponding TTCC number from section 3.
F/FR	RD/GG/DR/FL/OT		

F= Fresh, FR= Frozen, RD= Round, GG= Gilled & Guttled, DR= Dressed, FL=Filet, OT= Others (Describe the type of the product):

STATE OF DESTINATION\*:

**5. RE-EXPORTER STATEMENT:**

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

<b>Name</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>
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**6. GOVERNMENT VALIDATION**

I validate that the above information is complete, true and correct to the best of my knowledge and belief.

<b>Name &amp; Title</b>	<b>Signature</b>	<b>Date</b>	<b>Government Seal</b>
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**IMPORT SECTION**

**7. IMPORTER STATEMENT:**

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

**Importer Certification**

<b>Name</b>	<b>Adress</b>	<b>Signature</b>	<b>Date</b>
-------------	---------------	------------------	-------------

<b>Final point of import*: City</b>	<b>State/Province</b>	<b>CPC</b>
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NOTE: if a language other than English is used in completing this form, please attach the English translation to this form.

NOTE: Valid transport documents and copies of TTCC shall be attached.

**APPENDIX I. STATEMENT BY THE PROCESSING PLANT.**

**I confirm that the processed fishery products: (product description and Combined Nomenclature code) have been obtained from catches imported under the following catch certificate(s):**

<b>Catch certificate number</b>	<b>Vessel name(s) and flag(s)</b>	<b>Validation date(s)</b>	<b>Catch description</b>	<b>Total landed weight (kg)</b>	<b>Catch processed (kg)</b>	<b>Processed fishery product (kg)</b>

**Name and address of the processing plant**

**Name and address of the exporter (if different from the processing plant)**

**Approval number of the processing plant**

**Health certificate number and date:**

<b>Responsible person of the processing plant :</b>	<b>Signature and seal</b>	<b>Date:</b>	<b>Place:</b>
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**Endorsement by the competent authority:**

<b>Official</b>	<b>Signature and seal</b>	<b>Date:</b>	<b>Place:</b>
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### **Annex 3**

#### **Report on the Implementation of the IATTC tropical tunas and swordfish Catch Certification Scheme**

Reporting CPC:

Period of reference: July 1 [2XXX] to June 30 [2XXX]

##### 1. Information extracted from TTCCs

- number of TTCCs validated;
- number of validated TTCCs received;
- total amount of tropical tuna and swordfish products imported, exported, re-exported with breakdown by CPC of origin, re-export or destination, fishing areas and fishing gears;
- number of verifications of TTCCs requested to other CPCs and summary results;
- number of requests for verifications of TTCCs received from other CPCs and summary results;
- total amount of tropical tunas and swordfish consignments subject to a prohibition decision with breakdown by products, nature of operation (import, export, re-export), reasons for prohibition and CPCs and/or non-Members of origin or destination.

##### 2. Information on cases under Part IV paragraph 19

- number of cases
- total amount of tropical tunas and swordfish with breakdown by products, nature of operation (import, export, re-export), CPCs or other countries referred to in Part IV paragraph 19 above.

#### **Annex 4. IATTC simplified catch certificate**

Document number	
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**1. VALIDATING AUTHORITY**

Name
------

Address
---------

Tel.:
-------

e-mail:
---------

Fax:
------

**2. DESCRIPTION OF PRODUCT**

Species	Product code	Verified Weight Landed (kg) where appropriate

**3. APPLICABLE RESOLUTIONS**

References of applicable Resolutions

**4. LIST OF VESSELS THAT HAVE PROVIDED CATCHES AND THE QUANTITIES BY EACH VESSEL (See next page)**

**5. EXPORTER**

Name, address, tel. and fax of Exporter
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Signature	Date	Stamp/seal
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**6. FLAG STATE AUTHORITY VALIDATION**

Name/Title
------------

Signature	Date	Stamp/seal
-----------	------	------------

**7 TRANSPORT DETAILS: see appendix I**

**8. IMPORTER DECLARATION**

Name and address of Importer
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Signature	Date	Stamp/seal	Product CN Code
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**9. IMPORT CONTROL AUTHORITY**

Name/Title/Place	Status of importation (mark as appropriate) Authorised / Suspended	Verification requested - date	
Customs declaration (if issued)	Number	Date	Place

**4. LIST OF VESSELS**

List no:.....  
.....)

Page: (..... /

<b>Catch Certificate no:</b>
<b>Exporter:</b>

**Vessels list**

No.	Name of the vessel	Registration number	Product	Quantity (kg)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
<b>Total:</b>				

**Signature and seal/stamp of the exporter:**

Flag State Validating Authority

Name/title	Date and Signature	Seal/stamp
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**APPENDIX I. TRANSPORT DETAILS**

<b>1. Exporting country:</b>		<b>Port/airport/other place of departure</b>	
<b>2. Exporter Signature</b>			
<b>Name</b>	<b>Address</b>	<b>Signature</b>	
<b>Vessel name and flag</b>	<b>Container number(s)</b>		
<b>Flight number/airway bill number</b>			
<b>Truck nationality and registration number</b>			
<b>Railway bill number</b>			
<b>Other transport document</b>			

<b>Document Number:</b>					
<b>RE-EXPORT SECTION</b>					
<b>1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY:</b>					
<b>POINT OF RE-EXPORT</b>					
<b>3. DESCRIPTION OF IMPORTED PRODUCT</b>					
Product Type		Net weight (kg)	Flag CPC	Date of import	TTCC No*
F/FR	RD/GG/DR/FL/OT				
<b>4. DESCRIPTION OF PRODUCTS FOR RE-EXPORT</b>					
Product Type		Net weight (kg)	Corresponding TTCC number from section 3.		
F/FR	RD/GG/DR/FL/OT				
<p>F= Fresh, FR= Frozen, RD= Round, GG= Gilled &amp; Gutted, DR= Dressed, FL=Filet, OT= Others (Describe the type of the product):</p> <p>* STATE OF DESTINATION:</p>					
<b>5. RE-EXPORTER STATEMENT:</b>					
I certify that the above information is complete, true and correct to the best of my knowledge and belief.					
<b>Name</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>		
<b>6. GOVERNMENT VALIDATION</b>					
I validate that the above information is complete, true and correct to the best of my knowledge and belief.					
<b>Name &amp; Title</b>	<b>Signature</b>	<b>Date</b>	<b>Government Stamp/seal</b>		
<b>IMPORT SECTION</b>					
<b>7. IMPORTER STATEMENT:</b>					
I certify that the above information is complete, true and correct to the best of my knowledge and belief.					
Importer Certification					
<b>Name</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>		
<b>Final point of import: City</b>	<b>State/Province</b>	<b>CPC</b>			

**NOTE: if a language other than English is used in completing this form, please attach the English translation**  
**NOTE: Valid transport documents and copies of TTCC shall be attached.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**80<sup>TH</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
8-12 JUNE 2009

**PROPOSAL H1**

**PRESENTED BY COSTA RICA, EL SALVADOR, GUATEMALA,  
MEXICO, NICARAGUA, PANAMA, AND VENEZUELA**

**RESOLUTION ON THE REVIEW OF THE PERFORMANCE OF THE  
ORGANIZATION**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking into account* the agreements and considerations emanating from FAO at its session of [...], as well as UN Resolution 61/105 of 2006 which exhorts Regional Fisheries Management Organizations (RFMOs) to undertake a review of their performance;

*Noting* the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan, on 26 January 2007, and in particular those related to Performance Reviews, as well as the considerations emanating from the meeting of the Chairs of tuna organizations held in March 2007 in San Francisco, California;

*Recognizing* that other RFMOs have made progress in the process of Performance Reviews; and

*Aware* of the importance of developing comprehensive evaluation criteria for measuring the performance of RFMOs appropriate to the reality of the organization, the fisheries that it regulates and their markets;

*Resolves as follows:*

1. The Commission shall conduct a review of its performance, for presentation at its annual meeting in 2010, with the goal of improving its effectiveness and efficiency in fulfilling its mandates.
2. This review shall be carried out on the basis of the criteria in Annex A taking into account all the programs and activities under the IATTC's responsibility and the relevant international agreements, and instruments related to the conservation and management of fisheries resources.
3. A Review Panel shall be constituted, which shall be responsible for carrying out the review of the performance of the IATTC, in accordance with this Resolution. This panel shall be composed of two/three representatives of IATTC Parties, a member of the Secretariat, and three external experts with suitable experience in fisheries science, in the management of fisheries resources, and in the legal regulation of fisheries, respectively.

The external experts shall be internationally recognized, and shall have experience in, and knowledge on, matters for which the IATTC has responsibility. The members of the Panel should be nationals of the member countries with representations of four identified regions: North, Central and South America, and distant water fishing nations, with knowledge in fisheries management and international fisheries organizations, especially in IATTC's programs and activities.

4. The Review Panel Chairperson shall be a member of the Panel, elected by its members. The Panel may adopt its own rules of procedure and any guideline to perform its work as the members may

deem necessary.

5. In order to integrate the Panel, the IATTC Secretariat shall prepare a list of 10 candidates each for both the experts and country representatives, which shall be sent to the Parties through email so they can indicate their respective preferences. The persons that receive the most votes will be selected to integrate the Panel. Member countries may submit the name of a prospective panelist.
6. The Panel shall assess in its final report, the efficiency status of the organization, it shall identify the circumstances which implied such efficiency level and will provide to the Commission with the advice on tools, strategies and main actions to improve the level of efficiency assessed.
7. In reviewing the performance of the Commission and formulating its recommendations the Panel take into consideration the implications of the entering into force of the Antigua Convention
8. The IATTC Secretariat shall provide logistical support to the Review Panel, and its staff will participate in the work of the Panel as required by the members of the Panel.
9. Travel and accommodation costs for the participation in the meetings of the Review Panel for the external experts shall be borne by the IATTC budget. IATTC Parties shall bear the costs of their own representatives who participate in the sessions of the Review Panel. However, if this is not possible for them, their participation shall also be covered by the Commission's budget.
10. The Chair of the Panel shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2010 Annual Meeting. The Director shall distribute the report and recommendations to the IATTC Parties and observers, and publish them on the Commission's website. The Parties may then make their respective observations.
11. The Commission shall consider, and as appropriate adopt, such actions as may improve their performance, in accordance with the results of the review that that Panel presents, identifying, as appropriate, the necessary resources that this may imply on the basis of a cost-benefit approach.

**Annex A**

**Suggested criteria for reviewing the performance of the Commission**

	<b>AREA</b>	<b>General Criteria</b>	<b>Detailed Criteria</b>
<b>1</b>	<i>Collection, analysis, and scientific evaluation of information (data)</i>	Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has agreed formats, specifications and timeframes for data submissions.</li> <li>• Extent to which the Parties and cooperating non-members of the IATTC, individually or through the Commission, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs.</li> <li>• Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required.</li> <li>• Extent to which the data collected by the Commission complies with the stock assessment needs</li> <li>• Degree to which the financial resources allocated to data collection are appropriate</li> <li>• Availability of resources for such data collection.</li> </ul>
		Living marine resources	<ul style="list-style-type: none"> <li>• Status of the principal fish stocks under the purview of the IATTC in relation to the maximum sustainable yield or other pertinent biological parameters</li> <li>• Trends in the status of those stocks.</li> <li>• Status of the species that belong to the same ecosystems as, or that are associated with or depend on, the main target stocks (hereafter “non-target species”).</li> <li>• Trends in the status of those species.</li> </ul>
		Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.</li> <li>• Extent to which IATTC has developed capacity and infrastructure for carrying out in depth scientific analyses.</li> </ul>
<b>2</b>	<i>Adoption of conservation and management measures</i>	Basis and efficiency of measures adopted	<ul style="list-style-type: none"> <li>• Degree of correspondence between the scientific recommendations made by the scientific staff of the Commission and the conservation measures adopted by the Parties</li> <li>• Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Extent to which the IATTC has adopted the best practices for fisheries management in accordance with the pertinent international instruments, especially those relating to the management of fisheries resources</li> <li>• Extent to which the precautionary approach and ecosys-</li> </ul>

			<p>tem considerations are applied including the application of precautionary reference points.</p> <ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or over-fished stocks.</li> <li>• Extent to which the IATTC has moved toward the adoption of conservation and management measures for previously unregulated fisheries resources (?)</li> <li>• Extent to which IATTC has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fishing on living marine resources and marine ecosystems.</li> <li>• Extent to which fishing gear and methods are selective, minimize discards and catches of juveniles, and are harmless to the marine environment</li> <li>• Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost, abandoned or unutilized fishing gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species</li> <li>• Extent to which the marking of fishing gear, in accordance with the Code of Conduct for Responsible Fishing, has been attempted</li> </ul>
		Capacity management	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>
		Fishing allocations and opportunities	<ul style="list-style-type: none"> <li>• Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants in accordance with the status of the resources and taking into consideration article 5 of the Code of Conduct for Responsible Fishing and other applicable international instruments.</li> <li>• Extent to which the IATTC allocates fishing opportunities among its members in accordance with international standards.</li> </ul>
<b>3</b>	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> <li>• Extent to which IATTC Parties are fulfilling their duties as flag States under the treaty establishing the IATTC pursuant to decisions and measures adopted by IATTC and under other applicable international instruments.</li> </ul>
		Port State measures	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted pertinent and necessary measures relating to the exercise of the rights and duties of its members as port States.</li> <li>• Extent to which Port State measures adopted by IATTC are effectively implemented taking into consideration the logistical resource capacity available in Developing</li> </ul>

			States
		Monitoring, control and surveillance (MCS) *	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, certification and catch documentation and trade tracking schemes, restrictions on transshipment)</li> <li>• Extent to which MCS measures are effectively implemented .</li> <li>• Extent to which these systems contribute to the objectives for which they were created, including, VMS, and the tuna tracking and certification scheme.</li> </ul>
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance).</li> <li>• Extent to which the IATTC, its Parties and cooperating non-members monitor and follow up on infractions of management measures</li> <li>• Extent to which these mechanisms are being effectively utilized</li> <li>• Extent to which there is reciprocity with other organizations and other states for the exchange of pertinent information</li> </ul>
		Trade, market Access related measures and Sustainability	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its members as market States</li> <li>• [Extent to which the adoption of trade related measures by the IATTC, has contributed to the effective implementation of provisions of the IATTC Convention and conservation and management related measures adopted by the Commission and its Programs, including the AIDCP,, in accordance with the applicable provisions of the Commission and consistent with the contents of section 11.2 of the Code of Conduct for Responsible Fishing, including paragraphs 11.2.4, 11.2.5 and 11.2.6.</li> <li>• Extent to which these trade-related measures are effectively implemented</li> <li>• Extent to which market access is restricted by members to the entry of fisheries products for which the IATTC has responsibility and that have been captured in a manner either consistently or inconsistently with the conservation and management measures adopted by the Commission or those of the AIDCP, in accordance with the WTO.</li> </ul>
4	<i>Functioning of the Organization</i>	Decision-making	<ul style="list-style-type: none"> <li>• Extent to which IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner</li> </ul>

			<ul style="list-style-type: none"> <li>• Extent to which the decision-making procedures are effective and are a factor in the development and adoption of conservation measures</li> </ul>
		Transparency	<ul style="list-style-type: none"> <li>• Extent to which the IATTC is operating in a transparent manner, including the participation of NGOs with experience in fisheries resource conservation and management.</li> <li>• Extent to which the IATTC's decisions, reports of meetings, the scientific advice on which decisions are taken, and other relevant materials are made available to the public in a timely manner</li> </ul>
		Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate mechanisms for resolving disputes.</li> </ul>
			<ul style="list-style-type: none"> <li>•</li> </ul>
<b>5</b>	<i>International cooperation</i>	Relationship to cooperating non-members	<ul style="list-style-type: none"> <li>• Extent to which the IATTC facilitates cooperation between the Parties and non-members, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.</li> </ul>
		Cooperation with other RFMOs	<ul style="list-style-type: none"> <li>• Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>
		Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with fishing allocations or opportunities and the development of their capability effectively participate in the scientific assessments made within the framework of the IATTC, and their ability to participate in relevant meetings</li> <li>• Extent to which IATTC Parties, individually or through the IATTC, provide relevant assistance to developing States</li> </ul>
<b>6</b>	<i>Financial and administrative issues</i>	Availability of resources for IATTC activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions.</li> <li>• Extent to which IATTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> <li>• Extent to which the cost of the Commission's projects and activities justify their financial costs, principally but not exclusively, by means of a cost-benefit analysis.</li> </ul>



## Appendix 3d

### INTER-AMERICAN TROPICAL TUNA COMMISSION

### 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

### PROPOSAL IATTC-82-G-1A

### PRESENTED BY CANADA, THE EUROPEAN UNION, JAPAN, AND THE UNITED STATES

This proposal contains elements from several previous proposals on this matter, presented at various meetings of the Commission since 2007. It seeks to include all the important points raised by the various members in their proposals, and combine them into a single text which reflects these different views and is acceptable to all members of the Commission, so that this important matter can be resolved. A file showing the changes made from the [proposal](#) on which this document is based is available [here](#).

### RESOLUTION BY IATTC TO UNDERTAKE A PERFORMANCE REVIEW OF THE ORGANIZATION

*The Inter-American Tropical Tuna Commission (IATTC):*

*Noting* the Course of Actions for RFMOs identified at the Joint Tuna RFMOs Meeting in Kobe, Japan on 26 January 2007, and notably those in relation to Performance Reviews and Annex I to Appendix 14 of the Report of the Joint RFMO Meeting;

*Taking into account* the desirability for IATTC to respond positively to the 2010 UN Resolution 65/38 calling for Regional Fisheries Management Organisations (RFMOs), such as IATTC, to undertake urgently a Performance Review;

*Further noting* the communication of 30 April 2007 from the Facilitator of the Performance Review Discussion identifying criteria to be used in the undertaking of a Performance Review;

*Recalling* that CCSBT, ICCAT and IOTC have already conducted Performance Reviews and WCPFC has started the process of undertaking a Performance Review;

*Recognizing* that a performance review of the AIDCP should be conducted separately by the Parties to the AIDCP since not all members and Cooperating Non-Member of the Commission (hereinafter referred to as "CPC") are Parties to the AIDCP;

*Further recognising* the urgency in which such Performance Reviews should be undertaken;

*AGREED* as follows:

1. The Commission shall conduct a Performance Review, which shall be carried out on the basis of the attached provisional list of criteria (ANNEX), taking into account all the programs and activities under the IATTC's responsibility and the relevant international agreements, and instruments related to the conservation and management of fisheries resources .

2. A Review Panel composed of a representative from 4 Members of IATTC (each from North, Central and South America, and distant water fishing members), a representative from an IATTC NGO observer, and 2 external experts with notably scientific, fisheries management and legal experience, respectively, shall be constituted. The external experts shall be internationally recognised, but not be involved with or have experience of IATTC. The Review Panel Chairperson shall be a Panel member selected by the Panel. The Chairperson must be from a State that is not a Member to the IATTC.
3. The Secretariat shall prepare a list of 5 candidates for external experts, which shall be sent to the Members for their consideration. Members may also submit names of external experts for consideration, which the Secretariat shall circulate to all Members. 2 external experts shall be selected from these names based on the voting of Members.
4. The IATTC Secretariat will not be part of the Review Panel, but it will act as facilitators of its activities, providing logistical support and access to the information to the Review Panel, and will participate in the work of the Panel as the Panel deems necessary.
5. Travel and accommodation costs for the participation in the Review Panel meetings for external experts shall be borne by the IATTC Budget. IATTC Members shall bear the costs of their own representatives participating in the Review Panels proceedings.
6. The Panel Chairperson shall communicate the report and recommendations of the Review Panel to the Chairman of the IATTC and the Director at least 60 days in advance of the 2012 Annual Meeting. The Director shall distribute the report and recommendations to Members and Cooperating Non-Members as well as observers and place them on the Commission's website.

**ANNEX**  
**Suggested Criteria for Reviewing the Performance of IATTC**

	AREA	General Criteria	Detailed Criteria
1	<i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> <li>• Status of major fish stocks under the purview of the IATTC in relation to maximum sustainable yield or other relevant biological parameters.</li> <li>• Trends in the status of those stocks.</li> <li>• Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter referred to as “non-target species”).</li> <li>• Trends in the status of those species.</li> </ul>
		Data collection and sharing	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has agreed formats, specifications and timeframes for data submission, taking into account relevant international standards.</li> <li>• Extent to which IATTC members and cooperating non-members, individually or through the IATTC, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner.</li> <li>• Extent to which fishing data and fishing vessel data are gathered by the IATTC and shared among members and other RFMOs.</li> <li>• Extent to which the IATTC is addressing any gaps in the collection and sharing of data as required.</li> <li>• Extent to which the data collected by the Commission complies with the stock assessment needs.</li> <li>• Availability of the financial resources necessary for collecting data.</li> </ul>
		Quality and provision of scientific advice	<ul style="list-style-type: none"> <li>• Extent to which the IATTC receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.</li> </ul>
		Adoption of conservation and management measures	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted conservation and management measures for both target stocks and non-target species that ensures the long-term sustainability of such stocks and species and are based on the best scientific evidence available.</li> <li>• Degree of correspondence between the scientific recommendations made by the Scientific Advisory Committee and/or the scientific staff of the Commission and the conservation measures adopted by the Commission.</li> <li>• Extent to which the IATTC has applied the best practices for fisheries management, including the precautionary approach and ecosystem approach, in accordance with the pertinent international instruments such as the Code of Conduct for Responsible Fisheries.</li> <li>• Extent to which the IATTC has adopted and is implementing effective rebuilding plans for depleted or overfished stocks.</li> <li>• Extent to which the IATTC has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries.</li> <li>• Extent to which the IATTC has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems, including minimization of discards and catches of juveniles.</li> <li>• Extent to which the IATTC has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.</li> <li>• Extent to which the IATTC has adopted measures requiring the marking of</li> </ul>

			<p>fishing gear, in accordance with the Code of Conduct for Responsible Fisheries.</p> <ul style="list-style-type: none"> <li>• Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>
		Capacity management	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries.</li> <li>• Extent to which the IATTC has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>
		Compatibility of management measures	<ul style="list-style-type: none"> <li>• Extent to which measures have been adopted in a manner to ensure compatibility between high seas and areas under national jurisdiction or under each CPC controlled areas.</li> </ul>
		Fishing allocations and opportunities	<ul style="list-style-type: none"> <li>• Extent to which the IATTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants, taking into account relevant international agreement and the status of resources.</li> <li>• Extent to which the IATTC allocates fishing opportunities among its members.</li> </ul>
2	<i>Compliance and enforcement</i>	flag CPC duties	<ul style="list-style-type: none"> <li>• Extent to which CPCs are fulfilling their duties as flag CPCs under the 1949 Convention Establishing an IATTC and the Antigua Convention, pursuant to measures adopted by the IATTC, and under other international instruments, as applicable.</li> </ul>
		Port State measures	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted port state measures, relating to the exercise of the rights and duties of its CPCs as port States.</li> <li>• Extent to which these measures are effectively implemented, taking into consideration the logistical resource capacity available in developing CPCs.</li> </ul>
		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes).</li> <li>• Extent to which these measures are effectively implemented.</li> <li>• Extent to which its CPCs monitor infractions of management measures.</li> <li>• Extent to which these measures are achieving their objectives.</li> </ul>
		Follow-up on infringements	<ul style="list-style-type: none"> <li>• Extent to which the IATTC, its CPCs follow up on infringements to management measures.</li> </ul>
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about noncompliance).</li> <li>• Extent to which these mechanisms are being effectively utilized.</li> <li>• Extent to which the IATTC cooperates with other relevant organizations and States in order to enhance MCS.</li> </ul>
		Market-related measures	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has adopted measures relating to the exercise of the rights and duties of its CPCs as market States or area.</li> <li>• Extent to which these market-related measures are effectively implemented.</li> <li>• Extent to which the market-related measures adopted by the IATTC contribute to the sustainable use of fishery resources.</li> </ul>
3	<i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.</li> <li>• Extent to which the decision-making procedures of the IATTC are effective and contribute to the development and implementation of conservation measures that are in alignment with management objectives.</li> </ul>
		Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which the IATTC has established adequate mechanisms for resolving disputes.</li> </ul>
		Transparency	<ul style="list-style-type: none"> <li>• Extent to which the IATTC is operating in a transparent manner, as reflected in relevant international instruments, and the participation of NGOs with adequate experience is permitted.</li> <li>• Extent to which the IATTC decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.</li> </ul>

4	<i>International cooperation</i>	Relationship to cooperating non-members	<ul style="list-style-type: none"> <li>• Extent to which the IATTC facilitates cooperation between members and non-members, including through the adoption and implementation of procedures for granting cooperating status.</li> </ul>
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> <li>• Extent of fishing activity by vessels of non-members that are not cooperating with the IATTC, as well as measures to deter such activities.</li> </ul>
		Cooperation with other RFMOs	<ul style="list-style-type: none"> <li>• Extent to which the IATTC cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.</li> </ul>
		Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which the IATTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities and capacity building to participate in scientific work and increase monitoring, control and compliance capabilities, taking into account relevant international instruments.</li> <li>• Extent to which IATTC members, individually or through the IATTC, provide relevant assistance to developing States.</li> </ul>
5	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of the IATTC and to implement the IATTC's decisions.</li> </ul>
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> <li>• Extent to which the IATTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> <li>• Extent to which the IATTC conducts cost-benefit analyses of its programs.</li> </ul>

**Appendix 3e.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**PROPOSAL IATTC-82-J-1**

**SUBMITTED BY THE EUROPEAN UNION**

**RESOLUTION FOR THE LIMITATION OF FISHING CAPACITY IN  
TERMS OF NUMBER OF ACTIVE LONGLINE VESSELS**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Taking note* in particular of the recommendation by the IATTC staff to introduce precautionary measures for the main targeted stocks in the IATTC area of competence;

*Conscious* of the need to avoid an overexploitation of those stocks targeted by this fleet in their entire area of distribution;

*Aware* that the issue of excess fishing capacity is of worldwide concern, and is the subject of an International Plan of Action (IPOA) developed by the United Nations Food and Agriculture Organization (FAO);

*Noting* that the FAO IPOA for the Management of the Fishing Capacity stipulates in its Objectives and Principles that States and Regional Fisheries Management Organizations (RFMOs) confronted with an overcapacity problem which is undermining the achievement of long-term sustainability outcomes, should endeavor initially to limit at the present level and progressively reduce the fishing capacity applied to affected fisheries;

*Mindful* of the IATTC 2005 Plan for Regional Management of Fishing Capacity, which states in its Objectives and Principles the need for an efficient, equitable and transparent management of fishing capacity in the EPO in order to assist in achieving long-term sustainability of the fishery targeting species covered by the Convention, and that this plan clearly states that capacity limitation should apply to all segments of the fleet active in the Convention Area, through an holistic approach to capacity management;

*Aware* that the above Plan considers management of fleet capacity as a complement to other measures taken to conserve the stocks of species covered by the Convention, and that IATTC members and all participants in these fisheries should limit the total fleet capacity to the present level and to reduce it, as appropriate;

*Believing* that it is important to limit fishing capacity in the Convention Area in order to ensure that the fisheries in the region are conducted at a sustainable level;

*Adopts*, in accordance with the Antigua Convention, the following Resolution:

1. Members and cooperating non-members shall notify to the Director, by 31 December 2011, the lists of longline vessels, by gear type, greater than 20 meters length overall and their respective overall capacity, expressed in gross tonnage (GT), that actually fished in the Convention Area in 2008;

2. When notifying the Director in accordance with paragraph 1, the members and cooperating non-members shall confirm that they have verified the effective presence and fishing activities of these vessels in the Convention Area in 2008, through their VMS records, catch reports, port calls, or by other means. The staff shall have access to such information upon request.
3. Members and cooperating non-members will provide, by 1 June of each year, a list of the vessels which have fished in the Convention Area during the previous year.
4. The Director will establish a list of active longline vessels and will keep it regularly updated.
5. Members and cooperating non-members shall limit the number of their vessels of 20 m length overall and fishing in the Convention Area to the number of their vessels active in this fishery in 2008.
6. This limitation of number of vessels shall be commensurate with the corresponding overall gross tonnage and, where vessels are replaced, the overall tonnage shall not be exceeded.
7. Members and cooperating non-members shall ensure that, when there is a proposed transfer of capacity to their respective fleet, the vessel(s) to be transferred are on the IATTC Record of Longline Vessels or on the Record of Vessels of other tuna RFMOs. No vessels on the List of IUU Vessels of any RFMO may be transferred.
8. This Resolution shall not prejudice the legitimate rights and obligations under international law of coastal developing States and Territories in the Convention Area who may wish to pursue a responsible level of development of their own fisheries in the Convention Area. These States will submit to the IATTC Secretariat the development plans of their longline fleet.
9. This Resolution is applicable during 2012 and 2013. The Commission shall review its implementation at its Annual Meeting in 2013.

Appendix 3f.

COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

82ª REUNIÓN

LA JOLLA, CALIFORNIA (EE.UU.) LA JOLLA, CALIFORNIA (EE.UU.)  
4-8 DE JULIO DE 2011

PROPOSAL K-1

PRESENTED BY BELICE, COSTA RICA, EL SALVADOR,  
GUATEMALA, NICARAGUA AND PANAMA

REVISION TO PROPOSAL IATTC-80 A1-A

Proposal IATTC A1-A was presented by the United States at the 80th meeting of the Commission in June 2009. The present proposal would modify paragraphs 2 and 3 of the section *Identification of IUU Activities*, and also the last two paragraphs of that proposal.

RESOLUTION TO ESTABLISH A LIST OF VESSELS THAT HAVE  
ENGAGED IN ILLEGAL, UNREPORTED AND UNREGULATED FISHING  
ACTIVITIES IN THE EASTERN PACIFIC OCEAN

1. ....

2. This identification shall be ~~based, with clear, precise and consistent, inter alia,~~ on reports from CMCs relating to IATTC ~~measures~~ in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, and other national or international verifiable statistics, as well as any other ~~suitably documented~~ information obtained from Port States and/or gathered from the fishing grounds. Information from CMCs should be provided in the format approved by the Commission.

3. For the purposes of this resolution, vessels fishing<sup>1</sup> for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities ~~within the Convention Area~~, when a CPC presents ~~evidence~~ that such vessels ~~have engaged in the activities set forth in any of the following paragraphs:~~

- a. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations and whose catches have not been reported, or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
- b. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations and whose activities have been carried out in the zone of competence of the IATTC, have not been reported, or have been reported inaccurately, in contravention of the reporting procedures of the Commission.
- c. Carried out by national or foreign vessels, or vessels without nationality, in waters under the jurisdiction of a State or fishing entity, in the zone of application of the IATTC when the flag State or fishing entity in which they are registered, is not a CMC of the IATTC, in a manner which is not consistent with or is in contravention of the conservation and management meas-

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<sup>1</sup> Fishing, as included here, shall also pertain to activities of carrier and bunker vessels operating in the IATTC Convention Area.



1. ....

2. This identification shall be ~~based, with clear, precise and consistent, inter alia,~~ on reports from CMCs relating to IATTC ~~measures~~ in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, and other national or international verifiable statistics, as well as any other ~~suitably documented~~ information obtained from Port States and/or gathered from the fishing grounds. Information from CMCs should be provided in the format approved by the Commission.

3. For the purposes of this resolution, vessels fishing<sup>1</sup> for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities ~~within the Convention Area~~, when a CPC presents ~~evidence that such vessels have engaged in the activities set forth in any of the following paragraphs:~~

- a. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations and whose catches have not been reported, or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
- b. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations and whose activities have been carried out in the zone of competence of the IATTC, have not been reported, or have been reported inaccurately, in contravention of the reporting procedures of the Commission.
- c. Carried out by national or foreign vessels, or vessels without nationality, in waters under the jurisdiction of a State or fishing entity, in the zone of application of the IATTC when the flag State or fishing entity in which they are registered, is not a CMC of the IATTC, in a manner which is not consistent with or is in contravention of the conservation and management meas-

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<sup>1</sup> Fishing, as included here, shall also pertain to activities of carrier and bunker vessels operating in the IATTC Convention Area.

measures of the IATTC.

- d. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without its permission, or in contravention of its laws and regulations in zones or in relation to fish stocks for which there are no applicable conservation or management measures and in which such fishing activities are carried out in a manner which is not consistent with responsibilities regarding the conservation of living marine resources that concern the State or fishing entity, by virtue of international law.
  - e. Carried out by vessels that fly the flag of a CMC of the IATTC, but fish in contravention of conservation and management measures adopted by the IATTC and by virtue of which the CMCs are bound, or the pertinent provisions of applicable international law and that have not been reported or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
  - f. Carried out by vessels that fly the flag of a CMC of the IATTC, but fish in contravention of conservation and management measures adopted by the IATTC and by virtue of which the CMCs are bound, or the pertinent provisions of applicable international law and carried out in the zone of competence of the IATTC, that have not been reported or have been reported inaccurately, in contravention of the reporting procedures of the IATTC.
  - g. Carried out in violation of national laws or international obligations, contracted by the CMC of the IATTC and that have not been reported or have been reported inaccurately, to the competent national authority, in contravention of national laws and regulations.
  - h. Carried out in violation of national laws or international obligations contracted by the CMC of the IATTC and that have not been reported or have been reported inaccurately, in contravention of the reporting procedures of the IATTC.
  - i. Carried out in violation of national laws or international obligations contracted by the CMC of the IATTC and in zones or in relation to fish stocks for which there are no applicable conservation or management measures and in which such fishing activities are carried out in a manner which is not consistent with responsibilities regarding the conservation of living marine resources that concern the State or fishing entity, by virtue of international law.
4. ...

#### **Final clauses**

- 30. This resolution shall apply to all fishing vessels over 22 meters length overall.
- 31. This resolution replaces Resolution C-05-07.

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**PROPOSAL IATTC-82-K-1B**

**SUBMITTED BY THE EUROPEAN UNION**

IATTC RESOLUTION ON THE CONSERVATION OF HAMMERHEAD SHARKS  
(FAMILY *SPHYRNIDAE*) CAUGHT IN ASSOCIATION WITH FISHERIES IN THE  
IATTC CONVENTION AREA

*The Inter American Tropical Tuna Commission (IATTC)*

*CONSIDERING* that hammerhead sharks of the family *Sphyrnidae* are caught as target species or incidentally in the IATTC Agreement area;

*NOTING* that the international scientific community points out that the hammerhead sharks of the species *Sphyrna lewini* and *Sphyrna zygaena* are ranked among the species with the lowest productivity;

*CONSIDERING* that it is difficult to differentiate between the various species of hammerhead sharks without taking them on board and that such action might jeopardize the survival of the captured individuals;

*Agrees* to adopt the following Resolution in conformity of Article IX of the IATTC Convention:

1. Members, and Cooperating non-Members (hereafter referred to as CPCs) shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of hammerhead sharks of the family *Sphyrnidae*, taken in the IATTC area of competence.
2. CPCs shall require vessels flying their flag, to promptly release unharmed, to the extent practicable, hammerhead sharks when brought alongside the vessel.
3. Hammerhead sharks that are caught by developing coastal CPCs for local consumption through artisanal fisheries carried out by vessels of no more than 15 meters are exempted from the measures established in paragraphs 1 and 2, provided that these CPCs report catch data according to the procedures established by the Commission.
4. Coastal CPCs exempted from this prohibition pursuant to paragraph 3 should endeavor not to increase their catches of hammerhead sharks. Such CPCs shall take necessary measures to ensure that hammerhead sharks of the family *Sphyrnidae* will not enter international trade and shall notify the Commission of such measures.
5. CPCs shall record through their observer programs the number of discards and releases of hammerhead sharks with indication of status (dead or alive) and report it to IATTC
6. The IATTC scientific staff and the Scientific Advisory Committee shall carry out studies that will allow the status of the stocks of hammerhead sharks, especially *Sphyrna lewini* and *Sphyrna zygaena*, to be understood, and shall formulate recommendation to the Commission for the review of this Resolution.

7. This resolution shall enter into force on 1<sup>st</sup>January 2012. The Commission shall review the implementation of this resolution in 2014.

**Appendix 3h.**

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

**PROPOSAL IATTC-82-L-1**

**SUBMITTED BY THE EUROPEAN UNION**

**RESOLUTION ON PORT STATE MEASURES TO PREVENT, DETER  
AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED  
FISHING**

*The Inter American Tropical Tuna Commission (IATTC),*

*Deeply concerned* about the continuation of illegal, unreported and unregulated fishing in the IATTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Developing States,

*Conscious* of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

*Recognizing* that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

*Recognizing* that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing,

*Aware of* the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures,

*Recognizing* the need for assistance to developing countries to adopt and implement port State measures and thereby noting the requirements laid down in Article 23 of the IATTC Convention,

*Taking note of* the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the IATTC Area,

*Bearing in mind* that, in the exercise of their sovereignty over ports located in their territory, CPCs may adopt more stringent measures, in accordance with international law,

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

*Recalling* the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

Noting the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting,  
*Having regard to Article XX and XXI of the IATTC Convention,*  
*Agrees to adopt the following Resolution in conformity of Article IX of the IATTC Convention:*

## **PART I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### *Use of terms*

For the purposes of this Conservation and management measure:

- a. “fish” means all species of living marine resources whether processed or not that are under the competence of the IATTC ;
- b. “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish in the IATTC Convention area;
- c. “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- d. “illegal, unreported and unregulated fishing”, hereinafter referred as IUU fishing, refers to the activities set out in paragraph 1 of IATTC Resolution C-05-07 to establish a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing in the Eastern Pacific Ocean, as may be amended from time to time;
- e. “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying; and
- f. “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

#### *Article 2*

##### *Objective*

The objective of this Resolution is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IATTC Convention Area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

#### *Article 3*

##### *Application*

1. Each CPC shall, in its capacity as a port State, apply this Resolution in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:
  - a) vessels of a neighboring State, with an overall length of less than 12 meters, or without super-structure, or of less than measured 20 GT, that are engaged in artisanal fishing for subsistence,

provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing ; and

- b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
2. A CPC may, in its capacity as a port State, decide not to apply this Resolution to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be the subject to measures by the CPC, which are as effective as measures applied in relation to vessels entitled to fly its flag.
3. This Resolution shall be applied to CPCs' ports within the IATTC area of competence. The CPCs situated outside the IATTC area of competence shall endeavour to apply this Resolution.
4. The provisions of this Resolution applicable to flag States and port States shall apply, *mutatis mutandis*, to all members of the Commission.
5. This Resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.

#### *Article 3bis*

##### *Relationship with international law*

Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Resolution shall be construed to affect the sovereignty of CPCs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zones, and the exercise by CPCs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent port State measures than those provided for in this Resolution.

#### *Article 4*

##### *Integration and coordination at the national level*

Each CPC shall, to the greatest extent possible:

- a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and
- c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Resolution.

#### *Article 5*

##### *Cooperation on exchange of information*

1. In the implementation of this Resolution and with due regard to appropriate confidentiality and data protection requirements, CPCs shall cooperate and exchange information with the IATTC Secretariat and the relevant flag State, as appropriate, by:

- a) requesting information from, and providing information to, relevant databases;
  - b) requesting and providing cooperation to promote the effective implementation of this Resolution.
2. Each CPC shall, to the greatest extent possible, ensure that its fisheries related information system allow for the direct electronic exchange of information on port State measures with other CPCs and with the IATTC Secretariat, in order to facilitate the implementation of this Resolution.
  3. CPCs shall cooperate through the IATTC Secretariat in the effective implementation of this Resolution.

#### *Article 6*

##### *Competent authorities*

1. Each CPC, in its capacity as a port or flag State, shall designate the competent authority to serve as contact point for the purposes of receiving notifications, providing or receiving confirmations, and issuing authorizations pursuant to this Resolution. It shall transmit the name and contact information for its competent authority to the IATTC Secretariat no later than 45 days after the entry into force of this Resolution. Any subsequent changes shall be notified to the IATTC Secretariat at least 15 days before the change takes effect.
2. The IATTC Secretariat shall establish and maintain a register of competent authorities based on the lists submitted by the CPCs. The register shall be posted on the IATTC website.

#### **PART 2**

#### **ENTRY INTO PORT**

#### *Article 7*

##### *Designation of ports*

1. Each CPC wishing to grant access to its ports by vessels not entitled to fly its flag shall designate and publicize any of its ports to which vessels may request entry pursuant to this Resolution. Each CPC shall provide a list of its designated ports to IATTC Secretariat within three months from the date of entry into force of this Resolution. Any subsequent changes to this list shall be notified to the IATTC Secretariat at least 15 days before the change takes effect.
2. Each CPC shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Resolution.
3. The IATTC Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port State CPCs. The register shall be posted on the IATTC website.

#### *Article 8*

##### *Advance request for port entry*

Each CPC shall require the master of a vessel or its authorised representative to provide the information in Annex 1 at least 72 hours in advance of the requested port entry to the competent authority of the port State CPC. However, a port State CPC may make provision for a longer or shorter notification period, taking into account, *inter alia*, the type of fish or fish product and the distance between the fishing grounds and its ports, and providing that the port State CPC must have enough time to examine the above mentioned information. In such a case, the port State CPC concerned shall inform the IATTC Secretariat,



which shall post the information on the IATTC website.

## *Article 9*

### *Port entry, authorization or denial*

1. After receiving the relevant information required pursuant to Article 8, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, the port State CPC shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the master of the vessel or to its representative.
2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the CPC upon the vessel's arrival at port.
3. In the case of denial of entry, the port State CPC shall communicate its decision to the flag CPC of the vessel, and to the IATTC Secretariat, to be posted on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations.
4. Without prejudice to paragraph 1 of this Article, when a port State CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, after the IATTC has had an opportunity to review and confirm the listing of such vessel, the port State CPC shall deny that vessel entry into its ports.
5. Notwithstanding paragraphs 3 and 4 of this Article, a port State CPC may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, the port State CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, refueling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 11 apply mutatis mutandis in such cases. Denial of such use of ports shall be in conformity with international law.

## *Article 10*

### *Force majeure or distress*

Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State CPC from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

**PART 3**  
**USE OF PORTS**

*Article 11*

*Use of ports*

1. Where a vessel has entered one of its ports, the port State CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Conservation and management measure, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if:
  - a) The information provided by the vessel in Annex 1 is found to be false;
  - b) the port State CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities in the IATTC Convention area; or
  - c) the port State CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by the coastal State in respect of areas under the national jurisdiction of that State;
  - d) the port State CPC receives clear evidence that the fish on board was taken in contravention of the IATTC Resolutions and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
  - e) the flag State does not confirm within 14 days, on the request of the port State, that the fish on board was taken in accordance with the IATTC Resolutions and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State; or
  - f) the port State CPC has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing in the IATTC Convention area, including in support of a vessel included in the list of IUU vessels referred to in Article 9, paragraph 4, unless the vessel can establish:
    - i. that it was acting in a manner consistent with relevant IATTC Resolutions; or
    - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, included in the list of IUU vessels referred to in Article 9, paragraph 4 .
2. Notwithstanding paragraph 1 of this Article, the port State CPC shall not deny a vessel referred to in that paragraph the use of port services:
  - a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
  - b) where appropriate, for the scrapping of the vessel.
3. Where a port State CPC has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and the IATTC Secretariat, which will post this information on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations.

4. A port State CPC shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.
5. Where a port State CPC has withdrawn its denial of the use of its ports, it shall promptly notify those to whom a notification was issued pursuant to paragraph 4 of this Article.

## **PART 4**

### **INSPECTIONS AND FOLLOW-UP ACTIONS**

#### *Article 12*

##### *Levels and priorities for inspection*

1. Each CPC shall carry out inspections of at least 10% of landings and transshipments from fishing vessels in its ports during each reporting year.
2. Inspections shall involve the monitoring of the entire discharge or transshipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transshipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.
3. In determining which vessels to inspect, the port State CPC shall give priority to:
  - a) vessels that have previously been denied entry or use of a port in accordance with this recommendation;
  - b) requests from other CPCs or regional fisheries management organizations that particular vessels be inspected, particularly where such requests are supported by evidence of IUU fishing, or fishing related activities in support of such fishing, by the vessel in question; and
  - c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing, or fishing related activities in support of such fishing, in particular vessels that appear on IUU lists adopted by other regional fisheries management organizations.

#### *Article 13*

##### *Conduct of inspections*

1. Each port State CPC shall ensure that its inspectors carry out the functions set forth in Annex 2 as a minimum standard.
2. Each port State CPC shall, in carrying out inspections in its ports:
  - a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 17;
  - b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
  - c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with IATTC Resolutions;

- d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
  - e) in case of appropriate arrangements with the flag State of the vessel, invite the flag State to participate in the inspection;
  - f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
  - g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
  - h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
  - i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.
3. The port CPC may invite inspectors of other CPCs to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by fishing vessels flying the flag of another CPC.

#### *Article 14*

##### *Results of inspections*

Each CPC shall, as a minimum standard, include the information set out in Annex 3 in the written report of the results of each inspection.

#### *Article 15*

##### *Transmittal of inspection results*

1. The port State CPC shall transmit a copy of the inspection report to the flag State and to the IATTC Secretariat within [thirty full working days] of the completion of the inspection and, as appropriate, as soon as possible to:
  - a) States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing in those States' waters within IATTC Convention area; and
  - b) the State of which the vessel's master is a national
  - c) the flag State of any vessel that transshipped catch to the inspected vessel.

#### *Article 16*

##### *Electronic exchange of information*

1. To facilitate the implementation of this Resolution, each CPC shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information relevant to

this Resolution, with due regard to appropriate confidentiality and data protection requirements and the guidelines in Annex 4.

2. Each CPC shall designate a competent authority that shall act as a contact point for the exchange of information under this Resolution. Each CPC shall notify the pertinent designation to the IATTC Secretariat to be posted on the IATTC website.
3. The IATTC Secretariat shall and with due regard to appropriate confidentiality and data protection requirements, coordinate and facilitate the electronic exchange of information relevant to the implementation of this Resolution between CPCs as well as coordinate with other global or regional electronic information-exchange systems that may be established to assist with the implementation of port State measures to combat IUU fishing and fishing related activities.

#### *Article 17*

##### *Training of inspectors*

Each CPC shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex 5. The CPCs shall seek to cooperate in this regard.

#### *Article 18*

##### *Port State actions following inspection*

1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting CPC shall:
  - a) promptly notify the flag State, and as appropriate, the relevant Coastal State and the IATTC Secretariat and the State of which the vessel's master is a national of its findings; and
  - b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution.
2. Notwithstanding paragraph 1 of this Article, a port State CPC shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.
3. Nothing in this Resolution prevents a CPC from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

#### *Article 19*

##### *Information on recourse in the port State*

1. A port State CPC shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CPC pursuant to Articles 7, 9, 11 or 15, including in-

formation pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CPC.

2. The port State CPC shall inform the flag State, the owner, operator, master or representative and the IATTC Secretariat, as appropriate, of the outcome of any such recourse. The port State CPC shall inform the IATTC Secretariat of any change in its decision pursuant to Articles 7, 9, 11 or 15. The IATTC Secretariat shall post the new decision on the secure part of the IATTC website.

## **PART 5**

### **ROLE OF FLAG STATES**

#### *Article 20*

#### *Role of flag States*

1. Each CPCs shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Resolution.
2. When a CPC has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Resolution.
3. Each CPC shall encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Resolution. CPCs are encouraged to develop fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Resolution.
4. Where, following port State inspection, a flag State CPC receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
5. Each CPC shall, in its capacity as a flag State, report to other CPCs, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
6. Each CPC shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in point 1 of Article 3.

## PART 6

### REQUIREMENTS OF DEVELOPING STATES

#### *Article 21*

##### *Requirements of developing States*

1. CPCs shall give full recognition to the special requirements of CPCs developing States in relation to the implementation of this Resolution. To this end, CPCs shall, either directly or through the IATTC Secretariat, provide assistance to CPC developing States in order to, inter alia:
  - a) enhance their ability, in particular the least-developed among them, to develop a legal basis and capacity for the implementation of effective port State measures;
  - b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
  - c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.
2. CPCs shall give due regard to the special requirements of developing CPCs port States, in particular the least-developed among them , to ensure that a disproportionate burden resulting from the implementation of this Resolution is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, CPCs shall cooperate to facilitate the implementation by the relevant CPCs developing States of specific obligations under this Resolution.
3. CPCs shall assess the special requirements of CPCs developing States concerning the implementation of this Resolution.
4. IATTC CPCs shall cooperate to establish appropriate funding mechanisms to assist CPCs developing States in the implementation of this Resolution. These mechanisms shall, inter alia, be directed specifically towards:
  - a) developing national and international port State measures;
  - b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
  - c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
  - d) assisting CPCs developing States with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Resolution.
5. Cooperation with and among developing States CPCs in implementing this Resolution may include the provision of technical and financial assistance through bilateral, multilateral, and regional channels.
6. CPCs shall establish an ad hoc working group to periodically report and make recommendations to the CPCs on the establishment of funding mechanisms including a scheme for contributions, identification and mobilization of funds, the development of criteria and procedures to guide implementation, and progress in the implementation of the funding mechanisms. The ad

hoc working group shall also take into account, *inter alia*.

- a) the assessment of the needs of developing States CPCs;
  - b) the availability and timely disbursement of funds;
  - c) transparency of decision-making and management processes concerning fundraising and allocations; and
  - d) accountability of the recipient developing States CPCs in the agreed use of funds.
7. CPCs shall take into account the reports and any recommendations of the ad hoc working group and take appropriate action.

## **PART 7**

### **ENTRY INTO FORCE**

#### *Article 22*

#### *Entry into force*

The present Resolution shall enter into force on 1<sup>st</sup> January 2011.



**ANNEX 1 Information to be provided in advance by vessels requesting port entry**

**1. Intended port of call**

**2. Port State**

**3. Estimated date and time of arrival**

**4. Purpose(s)**

**5. Port and date of last port call**

**6. Name of the vessel**

**7. Flag State**

**8. Type of vessel**

**9. International Radio Call Sign**

**10. Vessel contact information**

**11. Vessel owner(s)**

**12. Certificate of registry ID**

**13. IMO ship ID, if available**

**14. External ID, if available**

**15. IATTC ID**

**16. VMS**                      No                      Yes: National                      Yes: RFMO(s)                      Type:

**17. Vessel dimensions**                      Length                      Beam                      Draft

**18. Vessel master name and nationality**

**19. Relevant fishing authorization(s)**

<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing ar-</i>	<i>Species</i>	<i>Gear</i>
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**20. Relevant transshipment authorization(s)**

<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>
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<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>
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**21. Transshipment information concerning donor vessels**

<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species</i>	<i>Product form</i>	<i>Catch a are</i>	<i>Quantity</i>
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**22. Total catch onboard**

<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>
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**23. Catch to be offloaded**

<i>Quantity</i>
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## **ANNEX 2 Port State inspection procedures**

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or IATTC Secretariat or other relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and

- j) arrange, where necessary and possible, for translation of relevant documentation.

**ANNEX 3**  
**IATTC Port inspection report form**

<b>1. Inspection report no</b>				<b>2. Port State</b>			
<b>3. Inspecting authority</b>							
<b>4. Name of principal inspector</b>			<b>ID</b>				
<b>5. Port of inspection</b>							
<b>6. Commencement of inspection</b>		<i>YYYY</i>		<i>MM</i>		<i>DD</i>	
						<i>HH</i>	
<b>7. Completion of inspection</b>		<i>YYYY</i>		<i>MM</i>		<i>DD</i>	
						<i>HH</i>	
<b>8. Advanced notification received</b>			<i>Yes</i>			<i>No</i>	
<b>9. Purpose(s)</b>		<i>LAN</i>	<i>TRX</i>	<i>PRO</i>	<i>OTH (specify)</i>		
<b>10. Port and State and date of last port call</b>				<i>YYYY</i>		<i>MM</i>	
						<i>DD</i>	
<b>11. Vessel name</b>							
<b>12. Flag State</b>							
<b>13. Type of vessel</b>							
<b>14. International Radio Call Sign</b>							
<b>15. Certificate of registry ID</b>							
<b>16. IMO ship ID, if available</b>							
<b>17. External ID , if available</b>							
<b>18. Port of registry</b>							
<b>19. Vessel owner(s)</b>							
<b>20. Vessel beneficial owner(s), if known and different from vessel</b>							
<b>21. Vessel operator(s), if different from vessel owner</b>							
<b>22. Vessel master name and nationality</b>							
<b>23. Fishing master name and nationality</b>							
<b>24. Vessel agent</b>							
<b>25. VMS</b>		<i>No</i>	<i>Yes: National</i>	<i>Yes: RFMOs</i>		Type:	

<b>26. Status in IOTC, including any IUU vessel listing</b>						
<i>Vessel identifier</i>	<i>RFMO</i>	<i>Flag State status</i>	<i>Vessel on authorized vessel list</i>	<i>Vessel on IUU vessel list</i>		
<b>27. Relevant fishing authorization(s)</b>						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
<b>28. Relevant transshipment authorization(s)</b>						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<b>29. Transshipment information concerning donor vessels</b>						
<i>Name</i>	<i>Flag State</i>	<i>ID no</i>	<i>Species</i>	<i>Product</i>	<i>Catch</i>	<i>Quantity</i>
<b>30. Evaluation of offloaded catch (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>31. Catch retained onboard (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>32. Examination of logbook(s) and other</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>33. Compliance with applicable catch</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>34. Compliance with applicable trade</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>35. Type of gear used</b>						
<b>36. Gear examined in</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
<b>37. Findings by inspector(s)</b>						

<b>38. Apparent infringement(s) noted including reference to relevant legal instrument(s)</b>
<b>39. Comments by the master</b>
<b>40. Action taken</b>
<b>41. Master's signature</b>
<b>42. Inspector's signature</b>

#### **ANNEX 4 Information systems on port state measures**

In implementing this Resolution, each CPC shall:

- a) seek to establish computerized communication;
- b) establish, to the extent possible, websites to publicize the list of ports designated in accordance with Article 5 and the actions taken in accordance with the relevant provisions of this Resolution;
- c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;
- d) utilize, to the extent possible, the international coding system below in Annexes 1 and 3 and translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
vessel types:	ISSCFV code (known as FAO alpha code)
gear types:	ISSCFG code (known as FAO alpha code)

#### **ANNEX 5 Guidelines for the training of inspectors**

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;

2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and Resolutions of the IATTC, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.

## Appendix 3i.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

### 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

### PROPOSAL IATTC-82-M-1

### SUBMITTED BY THE UNITED STATES

This proposal was originally presented at the 80th meeting of the Commission in June 2009. It seeks to include all the important points raised by the various members during previous discussions. The original proposal on which this document is based is available as Appendix 3.b of the [minutes of the 80th Meeting](#) of the IATTC.

### RESOLUTION TO ESTABLISH A LIST OF VESSELS THAT HAVE ENGAGED IN ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN

*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), which 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 diminish the effectiveness of the conservation and management measures adopted by the IATTC;

*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 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 members and cooperating non-members (collectively "CPCs") and non-CPCs under the relevant IATTC instruments;

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

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

*Noting* that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments, and in accordance with the rights and obligations established in the World Trade Organization (WTO) Agreement; and

*Acknowledging* the importance of due process and the participation of the parties involved;

*Resolves as follows:*

#### **Identification of IUU Activities**

1. At each Annual Meeting, the Commission shall identify those vessels that have engaged in fishing

activities for species covered by the Convention within the Convention Area in a manner which has diminished the effectiveness of the Convention and the IATTC measures in force, and shall establish, and amend in subsequent years as necessary, a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out in this Resolution.

2. This identification shall be suitably documented, based on, *inter alia*, reports from CPCs relating to IATTC resolutions in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds. Information from CPCs should be provided in the format approved by the Commission.
3. For the purposes of this resolution, vessels fishing<sup>1</sup> for species covered by the IATTC Convention within the Convention Area are presumed to have carried out IUU fishing activities, as described in the IPOA-IUU, when a CPC presents suitably documented information that such vessels:
  - a. Are not on the IATTC Regional Vessel Register, or
  - b. Harvest 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<sup>2</sup>
  - 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 with vessels not included on the IATTC Regional Vessel Register or the relevant vessel registers of the WCPFC or the IOTC, or
  - h. Are without nationality, or
  - i. Engage in fishing activities that diminish the effectiveness of 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 IUU Vessel List.
4. A CPC that discovers any vessel presumably engaged in IUU fishing activities in the Convention Area shall make efforts to advise and provide suitably documented information to the pertinent flag State, if known. The flag State shall promptly acknowledge receipt of the notification and initiate investigations of the alleged activities. After the investigation is completed, the flag State shall transmit a report of the investigation of the alleged case to the reporting CPC, with a copy to the Director.
5. At least 120 days before the Annual Meeting, each CPC shall transmit to the Director a list of vessels presumed to have carried out IUU fishing activities in the Convention Area during the current or previous two years, accompanied by suitably documented information relating to the provisions of paragraphs 2 or 3 above concerning the presumption of IUU fishing activity, and shall also make efforts to simultaneously send the same information to the flag State of the vessel, if known.

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<sup>1</sup> Fishing, as included here, shall also pertain to activities of carrier and bunker vessels operating in the IATTC Convention Area.

<sup>2</sup>This provision is not intended to prejudice the rights or obligations of any CPC with regard to matters or claims under international law of maritime jurisdiction or boundaries, or disputes related thereto.



### **Draft IUU Vessel List**

6. On the basis of the information received pursuant to paragraph 5 above, or other information as described in this paragraph, the Director shall draw up a Draft IUU Vessel List with the list of potential IUU vessels received per paragraph 5. The Director shall also automatically include on this Draft IUU Vessel List any vessel, which during the current or previous 2 years fished in the Convention Area in a manner that meets the criteria established in paragraph 3 of this resolution. At least 90 days before the Annual Meeting of the Commission, the Director shall transmit the consolidated Draft IUU Vessel List, together with all the available supporting information, to all CPCs, as well as to non-CPCs with vessels on the Draft IUU Vessel List.
7. 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:
  - a. Name and previous names;
  - b. Flag and previous flags;
  - c. Owner and previous owners;
  - d. Operator and previous operators;
  - e. Call sign and previous call signs;
  - f. Length overall;
  - g. LHS Fairplay number<sup>1</sup>;
  - h. Photographs;
  - i. Date first included on the List; and
  - j. Summary of activities that justify inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities.
8. The Director shall make documented efforts to notify the relevant flag States, at least 75 days before the annual meeting, of their vessel's inclusion on the Draft IUU Vessel List and/or presumed IUU activities and provide a copy of the pertinent suitably documented information. The Director shall 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 Director shall retransmit the notification through an alternate means or channels of communication and in a manner that can be documented.
9. The Director shall request each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owner of the vessels of their inclusion on the Draft List, and of the consequences should they be included in the IATTC IUU Vessel List to be adopted by the Commission at its Annual Meeting.
10. Upon receipt of the Draft IUU Vessel List, CPCs shall closely monitor the vessels included in that List in order to follow their activities and possible changes of name, flag, operator and/or registered owner.
11. As appropriate, CPCs and non-CPCs with vessels on the Draft IUU Vessel List may transmit comments to the Director at any time, but no later than 30 days before the Annual Meeting, including suitably documented information pursuant to paragraph 15.
12. CPCs may at any time submit to the Director any additional information that may be relevant to the vessels on the Draft IUU Vessel List. The Director may also add any relevant information in this

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<sup>1</sup> Formerly Lloyd's Register-Fairplay.

regard for the reference of the CPCs.

13. The Director shall re-circulate, at least two weeks in advance of the Annual Meeting of the Commission, to the CPCs and the non-CPCs concerned, the Draft IUU Vessel List, together with all of the suitably documented information received pursuant to paragraphs 5, 11, and 12.

#### **Provisional IUU Vessel List**

14. At its annual meeting, the IATTC Committee for the Implementation of Measures Adopted by the Commission (Implementation Committee) shall examine the Draft IUU Vessel List, which includes any new vessels identified pursuant to paragraph 6, as well as the information referred to in paragraph 12, in order to develop a Provisional IUU Vessel List. The Implementation Committee shall also make recommendations to the Commission regarding any vessels that should be removed from the current IUU Vessel List after review of any information provided to the Director pursuant to paragraph 23 of this resolution.
15. The Implementation Committee shall not include in the Provisional IUU Vessel List any vessel that is not on the current IUU Vessel List if the vessel's flag State has demonstrated that:
  - a. The vessel fished in a manner consistent with IATTC conservation and management measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the IATTC Convention, 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, or
  - c. The case regarding the vessel or vessels involved in IUU fishing activities has been settled to the satisfaction of both the CPC that originally submitted the vessel for listing and the flag State involved, or
  - d. The vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not recently participated in IUU fishing activities.
16. The Implementation Committee shall not include a vessel on the Provisional IUU List if the notification provisions of paragraph 4 and 5 were not followed.
17. Following the examination referred to in paragraph 14, the Implementation Committee shall submit the Provisional IATTC IUU Vessel List to the Commission for its consideration.

#### **New IUU Vessel List**

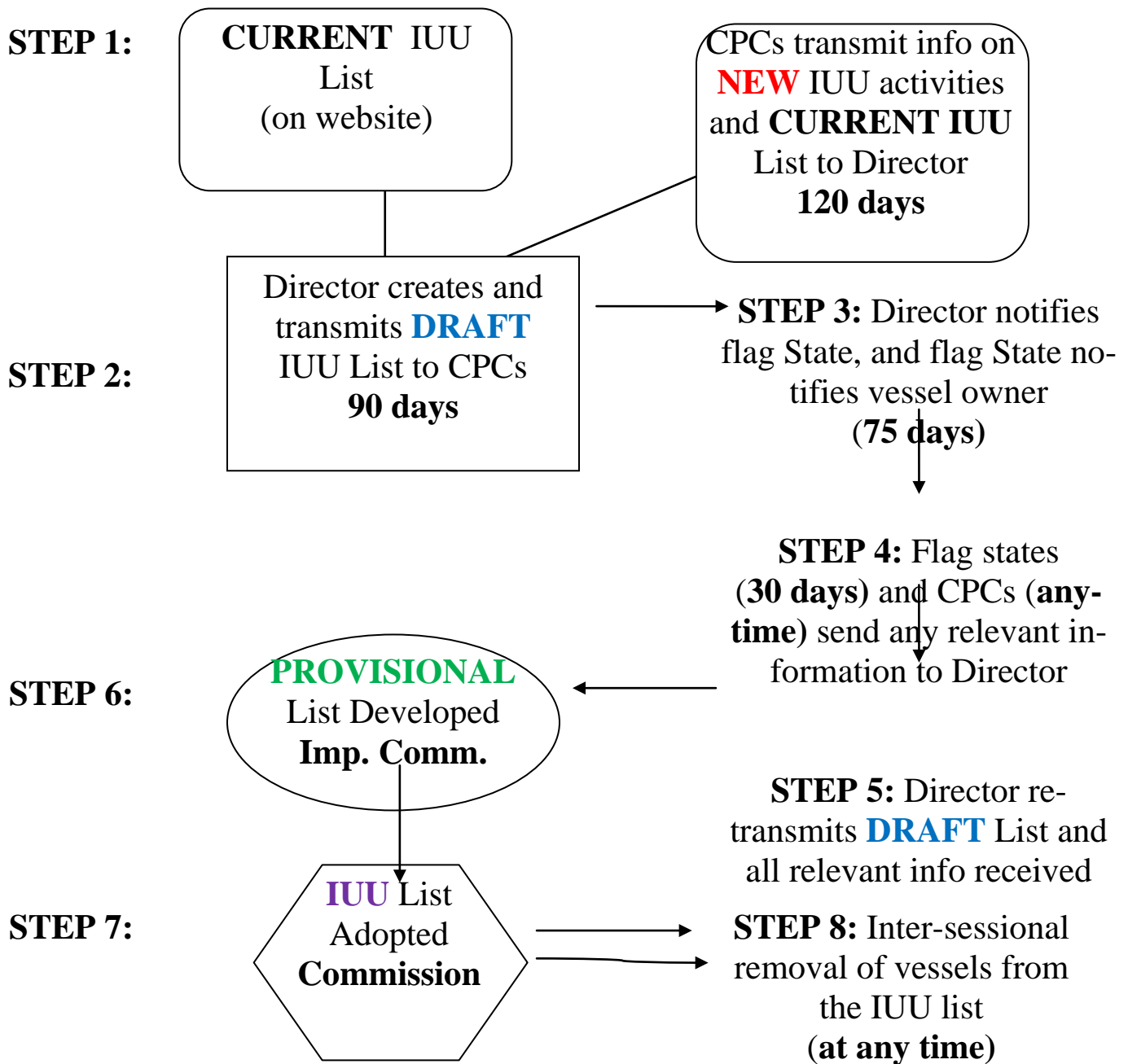
18. At its Annual Meeting, the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on that List and any recommendations to amend the current IUU Vessel List and adopt a new IUU Vessel List. The Commission shall remove a vessel from the current IATTC IUU Vessel list only if the vessel's flag State submits to the Director the suitably documented information described in paragraph 23 of this resolution. Any objection to the removal of a vessel from the IUU Vessel List should be based on the listing criteria in paragraph 3 and the information provided pursuant to paragraph 23.
19. Upon adopting the new IUU Vessel List, the Commission shall request CPCs and non-CPCs with vessels on the IUU Vessel List to:
  - a. Notify the owner of the inclusion of their vessel(s) on the IUU Vessel List and the consequences that result from being included in the List, and
  - b. Take all necessary measures to eliminate those 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.

20. CPCs shall take all necessary non-discriminatory measures under their applicable legislation, consistent with international law and each CPC's international obligations and paragraphs 36, 56, and 66 of the IPOA-IUU, to:
  - a. Ensure that fishing vessels, support vessels, mother ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support, or resupply, vessels on the IUU Vessel List;
  - b. Ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land, transship, refuel or resupply therein, except in situations of *force majeure* or for rendering assistance to vessels, or persons on those vessels, in danger or distress, but are inspected upon entry;
  - c. Prohibit the chartering of a vessel on the IUU Vessel List;
  - d. Refuse to grant their flag to vessels on the IUU Vessel List;
  - e. Prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IUU Vessel List;
  - f. 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 IUU Vessel List;
  - g. 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 IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including publishing it on the IATTC website. Furthermore, the Director shall transmit the IUU Vessel List to the FAO and other regional fisheries management organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.
22. Without prejudice to the rights of CPCs and coastal States to take proper action, consistent with international law, including WTO obligations, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the Draft or Provisional IUU Vessel Lists, pursuant to paragraphs 6 or 17, or that have been removed from the IUU Vessel List, pursuant to paragraphs 18 and 26, on the grounds that such vessels are involved in IUU fishing activities.

#### **Modification of the IUU Vessel List**

23. CPCs and non-CPCs with a vessel on the IUU Vessel List may request the removal of the vessel from the list at any time, including during the inter-sessional period, by submitting to the Director suitably documented information demonstrating that:
  - a. i) It has adopted measures that will seek to ensure that the vessel complies with all IATTC measures;
  - ii) It will be able to assume effectively flag State duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and
  - iii) It has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or
  - b. The vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not recently participated in IUU fishing activities, or

- c. The case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CPC that originally submitted the vessel for listing and the flag State involved, or
  - d. the vessel no longer exists.
24. The Director will transmit the removal request, with all the supporting information, to the CPCs within 15 days following the receipt of the removal request. CPCs shall promptly acknowledge receipt of the removal request and may, at that time, request additional information from the requesting flag State. If no acknowledgement is received by the Director within 10 days of the date of transmittal, the Director shall retransmit the removal request and, to the extent practicable, shall use additional means available to ensure that the request has been received.
  25. Commission decisions on a request to remove a vessel during an inter-sessional period shall follow procedures established for decisions by correspondence together with the procedures outlined in paragraphs 26 and 27. Each CPC shall examine the removal request and notify the Director in writing of its response, and the rationale therefore, regarding the removal of the vessel within 30 days following the notification by the Director. Lack of response from a CPC by the 30-day deadline shall be considered acceptance of the request to remove the vessel.
  26. If CPCs agree to the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph 25, the Director will inform CPCs, non-CPCs, FAO and other regional fisheries management organizations, and will remove the vessel from the IUU Vessel List, as published on the IATTC website.
  27. If a CPC disagrees with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the IUU Vessel List and the Director will inform the CPCs and/or non-CPCs that made the removal request.
  28. All information provided to the Implementation Committee shall be subject to the confidentiality rules of the IATTC.
  29. With respect to longline vessels, this resolution shall apply to vessels measuring 22 meters or more in length overall.
  30. This resolution shall be subject to review, and as appropriate, revised.
  31. This resolution replaces Resolution C-05-07.



	<b>Before Annual Meeting</b>	<b>Action to be taken</b>	<b>Paragraph</b>
<b>STEP 1</b>	120 days	CPCs transmit to the DIRECTOR information on <b>NEW</b> IUU activities, and notify the relevant flag States	5
<b>STEP 2</b>	90 days	DIRECTOR creates the <b>DRAFT</b> IUU List, based on the <b>CURRENT</b> IUU List and <b>NEW</b> vessels, and transmits it to all CPCs and to those non-CPCs with vessels on the List	6, 7
<b>STEP 3</b>	75 days	(a) DIRECTOR notifies relevant flag States	8
		(b) FLAG STATES notify vessel owners	9
<b>STEP 4</b>	30 days	(a) FLAG STATES transmit to the DIRECTOR information in defense their vessels' activities	11
	At any time	(b) CPCs transmit to the DIRECTOR any additional information related to the vessels on the <b>DRAFT</b> List	12
<b>STEP 5</b>	2 weeks	The DIRECTOR re-circulates the <b>DRAFT</b> List, with all the information received, to all CPCs and to those non-CPCs with vessels on the <b>DRAFT</b> List	13
<b>STEP 6</b>	Implementation Committee	(a) Reviews the <b>DRAFT</b> List and all the information received	14
		(b) Creates the <b>PROVISIONAL</b> List	
		1. Recommends which vessels on the <b>CURRENT</b> List should be removed	14
		2. Recommends which <b>NEW</b> vessels should be retained	14-17
<b>STEP 7</b>	Commission	(a) Reviews the <b>PROVISIONAL</b> List and all the information received	18
		(b) Amends the <b>PROVISIONAL</b> List, as appropriate	18, 23
		(c) Adopts a new <b>IUU List</b>	18
<b>STEP 8</b>	Between meetings	DIRECTOR receives request for vessel removal and all supporting information	23
		<b>15 days</b> from receipt of request: DIRECTOR transmits request and all supporting information to CPCs	24
		<b>30 days</b> from receipt of request: CPCs respond with rationale for position	25

## Appendix 3 j

### INTER-AMERICAN TROPICAL TUNA COMMISSION

### 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

### PROPOSAL IATTC-82-N-1

### SUBMITTED BY THE UNITED STATES

This proposal was originally presented at the 80th meeting of the Commission in June 2009. It seeks to include all the important points raised by the various members during previous discussions. The original proposal on which this document is based is available as Appendix 3.d of the [minutes of the 80th Meeting](#) of the IATTC.

### RESOLUTION ON THE ADOPTION OF TRADE MEASURES TO PROMOTE COMPLIANCE

*The Inter-American Tropical Tuna Commission (IATTC), meeting in La Jolla, California, on the occasion of its 82<sup>nd</sup> Meeting;*

*Noting* that the objective of the IATTC is to maintain the populations of species covered by the IATTC Convention in the eastern Pacific Ocean (EPO) at the level which will permit maximum sustainable catches;

*Considering* the need for action to ensure the effectiveness of the measures to achieve the objectives of the IATTC;

*Considering* the importance, for the achievement of those objectives, that all members and non-members take action to respect IATTC conservation and management measures;

*Further considering* the importance of having all members and cooperating non-members (collectively “CPCs”), and non-CPCs cooperate with the IATTC, in particular by taking measures or exercising effective control to ensure that their vessels do not engage in any activity that diminishes the effectiveness of IATTC conservation and management measures;

*Recognizing* that positive incentives constitute an important factor for promoting compliance with fisheries conservation and management measures, and further recognizing the importance of market access, consistent with national legislation, for fish and fish products caught in conformity with the conservation and management measures of the IATTC;

*Aware* of the need for sustained efforts by CPCs to ensure the enforcement of IATTC’s conservation and management measures, and the need to encourage non-CPCs to abide by these measures;

*Noting* that trade restrictive measures should be implemented only as a last resort, where other measures have proven unsuccessful to prevent, deter, and eliminate any act or omission that diminishes the effectiveness of IATTC conservation and management measures;

*Noting* that trade restrictive measures should be implemented in accordance with the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU);

*Also noting* that trade restrictive measures must be adopted and implemented in accordance with international law, including the World Trade Organization (WTO) Agreement, and, to this end, must be implemented in a fair, transparent and non-discriminatory manner;

*Resolves as follows:*

1. CPCs that import products of species covered by the IATTC Convention, or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible on such products, and submit the following information to the Commission, where available, each year:
    - a. names and flags of the vessels that caught and produced such products;
    - b. species of the products;
    - c. areas of catch (inside or outside the EPO);
    - d. product weight by product type;
    - e. points of export;
    - f. names and addresses of owners of the vessels; and
    - g. vessel registration number.
  2. a. The Commission, through the Committee for the Implementation of Measures Adopted by the Commission (Implementation Committee) shall identify each year:
    - i. CPCs that have failed to fulfill their obligations under the IATTC Convention in respect of IATTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IATTC conservation and management measures by vessels flying their flags; and/or
    - ii. Non-CPCs that have failed to take measures or exercise effective control to ensure that vessels flying their respective flags do not engage in any activity that diminishes the effectiveness of IATTC conservation and management measures.
  - b. These identifications shall be based on a review of all information provided in accordance with paragraph 1 and any other relevant information, where available, such as: the catch data compiled by the Commission; trade information on these species obtained from national statistics; any IATTC statistical document program; the IATTC IUU Vessel List; as well as any other information obtained in ports and on fishing grounds.
  - c. In deciding whether to make such an identification, the Implementation Committee should consider all relevant matters, including the history, nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of IATTC conservation and management measures.
3. The Commission shall ask the CPCs and non-CPCs identified under paragraph 2 to rectify the act or omission that led to their identification, and shall notify them of the following:
  - a. the reason(s) for the identification, with all available supporting evidence;
  - b. the opportunity to respond to the Commission in writing, at least 30 days prior to the next Annual Meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and



- c. in the case of a non-CPC, invite it to participate as an observer at the Annual Meeting where the issue will be considered and, as appropriate, invite it to consider becoming a cooperating non-member.
4. CPCs are encouraged, jointly and individually, to ask the CPCs or non-CPCs identified pursuant to paragraph 2 to rectify the act or omission that led to their identification under paragraph 2 so as not to diminish the effectiveness of IATTC conservation and management measures.
  5. The Commission, through the Director, shall, by more than one means of communication, transmit the Commission's request and notification to the identified CPC or non-CPC, and seek to obtain confirmation from the CPC or the non-CPC that it received the notification.
  6. The Implementation Committee shall evaluate the response of each CPC or non-CPC, together with any new information, and recommend that the Commission decide on one of the following actions to be applied to each CPC and non-CPC:
    - a. revoke its identification made pursuant to paragraph 2;
    - b. continue its identification made pursuant to paragraph 2; or
    - c. adopt non-discriminatory trade restrictive measures.

Notwithstanding the consultation requirement, the absence of a response from CPCs or non-CPCs within the time limit set forth in paragraph 3 shall not prevent action by the Commission.

Trade-restrictive measures shall be considered by the Committee for Implementation of Measures Adopted by the Commission only after efforts have been made to consult, pursuant to paragraphs 3, 4 and 5 above, and only when other actions to promote compliance that are reasonably available to the Commission have proven unsuccessful.

7. The Commission shall notify the CPCs and non-CPCs concerned of the decision made pursuant to paragraph 6 and the underlying reasons for such a decision, in accordance with the notification procedures specified in paragraph 5.
8. If the Commission decides on the action described in paragraph 6.c, it shall recommend to the CPCs, pursuant to Articles I.2 and II.5 of the IATTC Convention, to take specific non-discriminatory trade restrictive measures, consistent with their respective international obligations, including those contained in the WTO Agreement.
9. CPCs shall notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with paragraph 8.
10. In order for the Commission to recommend discontinuing an identification, or the lifting of trade restrictive measures, the Implementation Committee shall review each year all trade restrictive measures adopted in accordance with paragraphs 6 and 8 and provide, as appropriate, opportunities for participation in the review by any affected CPC or non-CPC. Should this review show that the situation has been rectified, the Implementation Committee shall recommend to the Commission discontinuing the identification or the lifting of the non-discriminatory trade restrictive measures, as appropriate. Such decisions should also take into consideration whether the CPCs and/or non-CPCs concerned have taken concrete measures capable of achieving a lasting improvement of the situation.
11. Where exceptional circumstances so warrant, or where the available information clearly shows that, despite the lifting of trade restrictive measures, a CPC or non-CPC continues to diminish the effectiveness of IATTC conservation and management measures, the Commission may recommend immediate action regarding that CPC or non-CPC, including, as appropriate, recommending the re-imposition of trade restrictive measures in accordance with paragraph 8. Before making such a decision, the Commission shall ask the CPC or non-CPC concerned to immediately rectify the act or omission which the Commission has determined requires immediate action and shall provide the CPC

or non-CPC with a reasonable opportunity to respond.

12. The Commission shall establish annually a list of CPCs and non-CPCs that are subject to a trade-restrictive measure pursuant to paragraph 8.
13. The Commission recognizes the importance of market access, consistent with national legislation, for fish and fish products caught in conformity with the conservation and management measures of the IATTC, to promote compliance with such measures.

## Appendix 3k

### INTER-AMERICAN TROPICAL TUNA COMMISSION

## 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

### PROPOSAL IATTC-82-O-1

## SUBMITTED BY BELIZE, COLOMBIA, COSTA RICA, GUATEMALA, EL SALVADOR, NICARAGUA, AND PANAMA

### STRENGTHENING OF THE CONSERVATION AND MANAGEMENT OF SHARKS IN THE EASTERN PACIFIC OCEAN

*The Inter-American Tropical Tuna Commission (IATTC):*

*Recalling* that the United Nations Food and Agriculture Organization International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks;

*Considering* that many sharks are part of pelagic ecosystems in the Convention Area, and that sharks are captured in fisheries targeting tunas and tuna-like species;

*Recognizing* the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species of sharks, as part of shark conservation and management of these resources;

*Concerned* that it is reported that a large number of shark-fishing vessels, including some slightly smaller than 24 meters length overall, about which the Commission has little information, make an extensive not regulated fishing shark activity in the Convention Area;

*Noting* that the IATTC has adopted, in its Consolidated Resolution on Bycatch, a requirement for fishermen on purse-seine vessels to release unharmed non-target species, to the extent practicable, including sharks, and that governments with longline fleets also provide the required bycatch information as soon as possible;

*Noting* that the IATTC has adopted, in its Resolution C-05-03, a scheme for bringing aboard sharks caught by purse-seine and longline vessels in the Convention Area, which promotes compliance with the IPOA-Sharks and establishes a percentage limit for fins that vessels are allowed to have on board up to the first point of unloading.

*Recognizing* that it has been promoted in recent years the natural adherence technique of all fins to the shark carcass to the first point of unloading, with a partial cut that permits the fins union with the carcass in a sufficient percentage to identify the match with the fins and the carcass, as a mechanism that will guarantee without any doubt the eradication of finning;

*Believing* that specific measures to be respected by vessels of all fishing gears are necessary for the

conservation of sharks in the Convention Area;

*Resolves as follows:*

1. Each IATTC member and cooperating non-member should establish and implement a National Plan of Action for the Conservation and management of shark stocks, in accordance with the *FAO International Plan of Action for the Conservation and Management of Sharks*.
2. In 2011, the IATTC, in cooperation with scientists of members and cooperating non-members and, if possible, the Western and Central Pacific Fisheries Commission, shall provide preliminary advice on the stock status of key shark species and propose a research plan for a comprehensive assessments of these stocks.
3. Members shall take the measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing.
4. Unloading of shark fins shall be unloaded naturally attached to the carcass, with partial cuts in the fins that allow efficient bleeding and suitable storage for entire utilization of the body, without separating the fins from the body completely, to guarantee that these products do not result from finning.
5. It is prohibited for fishing vessels to retain on board, transship, land or trade in any fins harvested in contravention of this Resolution.
6. In fisheries for tunas and tuna-like species that are not directed at sharks, members and cooperating non-members shall encourage their fishermen, to the extent practicable, to release live sharks that are caught incidentally and are not used for food and/or subsistence, with special attention to juveniles.
7. Members and cooperating non-members are encouraged, where possible, to conduct research to identify shark nursery areas.
8. The Commission shall consider the technical and financial assistance that should be given to developing members and cooperating non-members for the collection of data on their shark catches.
9. Each member shall annually report data on catches, effort by gear type, landings, and trade of shark species, where possible, in accordance with IATTC reporting procedures, including available historical data. Members shall send to the IATTC Secretariat, by 1 May at the latest, a comprehensive annual report of the implementation of this Resolution during the previous year.
10. Paragraphs 2 to 9 of this resolution apply only to the caught sharks in association with the fisheries under the IATTC competence.

## Appendix 3I

### INTER-AMERICAN TROPICAL TUNA COMMISSION

### 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)  
4-8 JULY 2011

### PROPOSAL IATTC-82-P-1A

### SUBMITTED BY COLOMBIA AND THE EUROPEAN UNION

### A MANAGEMENT PLAN TO REGULATE FISHING EFFORT ON FISH- AGGREGATING DEVICES IN THE PURSE-SEINE FISHERY OF THE EASTERN PACIFIC OCEAN

*The Inter-American Tropical Tuna Commission (IATTC)*

*Reaffirming* its commitment to the application of the precautionary approach, which establishes that a lack of scientific information must not be used as a pretext for not taking management measures for the fisheries resources of the eastern Pacific Ocean (EPO);

*Aware* that tunas aggregate naturally under floating objects adrift in the ocean;

*Recalling* that the regulation of fishing effort is one of the most efficient conservation measures for maintaining tuna stocks at sustainable levels;

*Attentive* to the provisions of IATTC Resolution [C-99-07](#) on measures related to the regulation of fish-aggregating devices (FADs);

*Taking into account* Resolution [C-04-05](#) on bycatch, especially with regard to catches of juvenile tunas and bycatches of non-target species;

*Reiterating* the need to reduce bycatches of juvenile yellowfin and bigeye tunas in the purse-seine fishery of the EPO;

*Concerned* about the difficulties there have been in quantifying purse-seine fishing effort on FADs;

*Concerned* about the effect on the average length of the catches of the three main tuna species, mainly bigeye tuna, caught with purse seines on FADs (Document [SAC 02-13](#));

*Noting* the substantial increase in the number of purse-seine sets made on FADs since 1993, increasing the catches of juvenile tuna and fishing mortality in general for the EPO, the impact of this fishing method being currently much greater than that of the longline fishery for bigeye tuna (Document [SAC-02-07](#));

*Conscious* of the need to address, as a matter of priority, the elimination and reduction to the lowest possible level illegal, unreported and unregulated (IUU) fishing activities;

**AGREES TO:**

1. Ask the Director to carry out the pilot research project and data collection on FADs that are used to aggregate tunas in the EPO, in accordance with paragraph 14 of Resolution C-11-XX;
2. MCMs that fish with FADs in the area of the EPO shall submit a FAD management plan by 1 January 2012 that may include the information included in Annex I of this Resolution.
3. The information collected in the framework of the pilot research project and the management plans

submitted by the MCMs shall be made available to the Scientific Advisory Committee for analysis.

4. In 2013 the scientific staff of the IATTC, in coordination with the Scientific Advisory Committee, shall present the results of its analyses of the information collected, and on the basis of these results shall formulate opportune recommendations for regulating the management of the affected stocks.

## **ANNEX 1.**

### **GUIDELINES FOR PREPARATION OF FAD MANAGEMENT PLANS**

To support obligations in respect of FADs in Resolution IATTC-11-XX, the FAD Management Plan (FADMP) for a CPC purse-seine fleet to be submitted to the Commission could include, for example:

- An objective
- Scope:
  - o Description of its application with respect to:
    - Vessel-types and support and tender vessels,
    - FAD types [anchored (AFAD) AND drifting (DFAD)],
    - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
    - reporting procedures for AFAD and DFAD deployment,
    - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
    - minimum distance between AFADs,
    - incidental by-catch reduction and utilization policy,
    - consideration of interaction with other gear types,
    - statement or policy on "FAD ownership".
- Institutional arrangements for management of the FAD Management Plans
  - o Institutional responsibilities,
  - o application processes for FAD deployment approval,
  - o Obligations of vessel owners and masters in respect of FAD deployment and use,
  - o FAD replacement policy,
  - o reporting obligations,
  - o observer acceptance obligations,
  - o relationship to Catch Retention Plans,
  - o conflict resolution policy in respect of FADs.
- FAD construction specifications and requirements
  - o FAD design characteristics (a description),
  - o FAD markings and identifiers,
  - o Lighting requirements,
  - o radar reflectors,
  - o visible distance,
  - o radio buoys [requirement for serial numbers],
  - o satellite transceivers [requirement for serial numbers].
- Applicable areas
  - o Details of any closed areas or periods e.g. territorial waters, shipping lanes,

- proximity to artisanal fisheries, etc.
- Applicable period for the FAD-MP
  - Means for monitoring and reviewing implementation of the FAD-MP.
  - Means for reporting to the Commission

INTER-AMERICAN TROPICAL TUNA COMMISSION

**82<sup>ND</sup> MEETING**

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

**PROPOSAL IATTC-82-Q1**

**SUBMITTED BY JAPAN, CANADA, CHINA, CHINESE TAIPEI, KOREA,  
AND THE UNITED STATES**

**DRAFT RESOLUTION ON THE CONSERVATION AND MANAGEMENT  
MEASURE OF PACIFIC BLUEFIN TUNA IN THE EASTERN PACIFIC  
OCEAN**

*The Inter-American Tropical Tuna Commission (IATTC):*

*Recognizing* the recommendations of the IATTC staff at the 81st and 82<sup>nd</sup> meetings of IATTC that the annual catches of Pacific bluefin tuna in the Convention Area by the commercial vessels of each member shall not exceed the average annual level of such catches during 1994-2007;

*Aware* that the WCPFC at its 7<sup>th</sup> Regular Session adopted Conservation and Management Measure for Pacific bluefin tuna (CMM2010-04) based on the conservation advice of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), which includes measures to reduce catches of juveniles (age 0-3) below the 2002-2004 levels;

*Recognizing* that Pacific bluefin tuna migrate throughout the North Pacific Ocean, for which conservation and management measures should be introduced in the entire North Pacific Ocean in a timely and consistent manner; and

*Recalling* that paragraph 1, Article XXIV of the Antigua Convention requires cooperation between the IATTC and other organizations including the WCPFC with the goal of promoting the achievement of the objective of this Convention, obtaining the best available scientific information;

Resolves as follows:

1. Members of the Commission and cooperating non-Members (hereinafter called "CPCs") shall take measures necessary to ensure that their average annual catch during the period of 2012-2013 of Pacific bluefin tuna in the Convention Area by their-flagged commercial vessels is below their average annual catch during the period '1994-2007.'
2. CPCs shall take measures necessary to prohibit the sale of Pacific bluefin tuna caught by recreational vessels.
3. The Commission shall review this resolution at its 2013 meeting based on recommendations from the 4<sup>th</sup> meeting of the Scientific Advisory Committee and the new ISC stock assessment for Pacific bluefin tuna and take appropriate actions.
4. CPCs shall also take measures necessary to strengthen data collecting systems for Pacific bluefin tuna fisheries in order to improve the data quality and timeliness of all the data reporting.
5. CPCs shall report to the Director by 30 April 2012 and 2013 measures they used to implement paragraphs 1 and 2 of this Resolution.



## Appendix 4a.



MINISTERIO DE AGRICULTURA,  
GANADERÍA Y ALIMENTACIÓN

**VICEMINISTERIO DE SANIDAD AGROPECUARIA Y REGULACIONES**  
**DIRECCIÓN DE NORMATIVIDAD DE LA PESCA Y ACUICULTURA**  
Km. 22 Carretera al Pacífico  
3er. Nivel, Edificio La Ceiba

### Unofficial translation

#### **STATEMENT OF THE REPUBLIC OF GUATEMALA BEFORE THE 82<sup>nd</sup> MEETING OF THE INTER-AMERICAN TUNA COMMISSION**

The Republic of Guatemala wants to state its position in relation to its claim of 3,762 cubic meters of well volume, which are property of the State, and which were, without its consent, subject to an attempted transfer to a third country.

As a Member of the Commission, it is with satisfaction and hope that Guatemala came out of the last 11<sup>th</sup> Meeting of the Permanent Working Group on Fleet Capacity, considered as the institutional channel to resolve this protracted issue. The possibility of activating a dispute settlement mechanism, inspired in paragraph 3 of Article XXV of the Antigua Convention, was offering new and interesting avenues to find justice for Guatemala.

However, in the 82<sup>nd</sup> Meeting of the Commission, the consideration of issues related to capacity was separated from the work of the whole and was commissioned to a small working group that met outside the hours of the Plenary. Despite the efforts and goodwill of the participants and its President, this approach could not produce but meager results, only for some countries that wished to utilize the footnote in Resolution C-02-03. The review of the case of Guatemala was limited, due to time constraints and the attention given to other cases that required it. At the same time, the activation of the dispute settlement mechanism took a path that deviated from the norm that inspired it, that is in seeking to declare binding the conclusions reached by the experts; this is a substantive issue that requires consultation with other institutions of the Guatemalan State.

Finally, this was a well-meaning but unproductive episode in terms of providing a final solution. Unlike other Members, Guatemala has not chosen to replace, unilaterally, its assets with vessels outside the Register. Unfortunately, its compliance with an unjust legal order, which has failed to solve this long-standing claim, has not been translated into facilitating a response in favor of justice and equity.

Consequently, Guatemala must reaffirm, once again, its rights to replace its well volume, through recourse to the relevant mechanisms contemplated in Domestic Law and International Law.

In La Jolla, USA, on the eighth day of July, two thousand eleven.

## Appendix 4b.

### INTER-AMERICAN TROPICAL TUNA COMMISSION

### 82<sup>ND</sup> MEETING

LA JOLLA, CALIFORNIA (USA)

4-8 JULY 2011

## JOINT STATEMENT BY JAPAN, THE UNITED STATES, THE EUROPEAN UNION, CHINA, CHINESE TAIPEI AND KOREA

It was deeply regrettable that the IATTC again failed to adopt conservation and management measures for Pacific bluefin tuna, following the failure at the 81st IATTC meeting last year, despite a series of efforts by certain members toward the establishment of a sound management measure.

Because Pacific bluefin tuna migrate throughout the North Pacific Ocean, conservation and management measures have to be introduced throughout the entire North Pacific Ocean in a timely and comprehensive manner. This means that both WCPFC and IATTC need to take action. In the western Pacific, the WCPFC introduced in 2009 its conservation and management measure (CMM2009-07), and it further strengthened the measure by introducing catch limits on juvenile fish last year (CMM2010-04).

The International Science Committee for Tuna and Tuna-like Species (ISC) has already provided conservation advice that the current fishing mortality be decreased below the 2002-2004 levels, particularly on juveniles (age 0-3). The IATTC Staff and the Scientific Advisory Committee also presented clear advice that in 2011-2012, the annual catches of Pacific bluefin tuna in the IATTC Convention Area by the commercial vessels of each member should not exceed the average annual level of such catches during 1994-2007. It is essential that IATTC take timely action to ensure concurrent and consistent management measures throughout the Pacific, based on this advice.

Thus, it is very unfortunate that in the eastern Pacific, the IATTC has yet to adopt any management measure on the Pacific bluefin tuna. Since the recent proposal within CITES to list Atlantic bluefin tuna, bluefin tuna has been subject to the strong attention of the international community. The consecutive failures by the IATTC to introduce a sound management measure for Pacific bluefin tuna will not only decrease its viability but also significantly undermine the effectiveness of the WCPFC conservation and management measure.

During the 82nd IATTC meeting this week, a number of members showed their strong support for the joint draft proposal (IATTC-82-O1) which had been formulated based on the recommendations of the IATTC staff, while providing flexibility on implementation by fishing members.

However, Commission Members once again failed to reach consensus on measures based on the scientific advice, again resulting in a complete absence of internationally-agreed conservation and management measures for Pacific Bluefin Tuna in the eastern Pacific Ocean.

Japan, the United States, the European Union, China, Chinese Taipei and Korea have a grave concern that the prolonged absence of management measures of Pacific bluefin tuna in the eastern Pacific will result in detrimental impacts to this important stock. Under such circumstances, we will continue to work through the Commission and also explore any other mechanisms that can contribute to the sustainability of this stock.

## Appendix 5a.

**MEMORANDUM OF COOPERATION (MOC) ON THE CROSS-ENDORSEMENT OF  
WCPFC AND IATTC APPROVED OBSERVERS WHEN OBSERVING ON THE HIGH  
SEAS OF THE CONVENTION AREAS OF BOTH ORGANIZATIONS**  
**between**  
**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY  
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**  
**and**  
**THE INTER-AMERICAN TROPICAL TUNA COMMISSION**

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC):

UNDERSTANDING the value of undertaking cooperative efforts to facilitate the operation of vessels that fish in both Convention Areas during the same fishing trip;

CONSIDERING the Memorandum of Understanding between WCPFC and IATTC signed in 2006 and the Memorandum of Cooperation signed in 2009;

CONFIRM the following conditions for the cross-endorsement of approved observers to operate on authorized vessels that undertake fishing operations in the convention areas of both organizations:

1. The IATTC and the WCPFC recognize the importance of facilitating mutual cooperative participation among the members of both Commissions.
2. The IATTC and the WCPFC recognize that their respective observer programs meet the standards of both Commissions by collecting accurate data on fishing activities essential to the conservation and management of the fish stocks covered by their respective Conventions.
3. Vessels with observers may fish in the IATTC Convention Area only if they are included on the IATTC Regional Vessel Register, or may fish in the WCPFC Convention Area only if they are included on the WCPFC Record of Fishing Vessels.
4. Cross-endorsement for an observer will be given only when the IATTC and WCPFC Secretariats agree that the observer has met the necessary training requirements for operating on vessels that fish on the high seas in both Convention Areas and such requirements will be of the same standard.
5. It is understood that the relevant data and information requirements of each Commission will be met by the cross-endorsed observers when the vessel in question is in the high seas in the respective Convention Areas.
6. All data and information collected by observers operating on trips that extend into the high seas of the Convention Area of the other organization will be provided to both the IATTC and WCPFC Secretariats, in accordance with procedures for the respective Commission and will be considered to be held by the respective Commission.
7. Each Secretariat will identify the data and information required for its Commission and will ensure that observers will be able to meet all such requirements with respect to vessels fishing within the high seas in that Commission's Convention Area.
8. Data and information collected by an observer cross-endorsed by the IATTC and WCPFC Secretariats may be used for compliance purposes and in legal proceedings.
9. The Secretariats may assist in facilitating the training of observers that meet crossendorsement requirements, with a view towards developing a core group of observers who may be assigned to vessels operating on the high seas in both Convention Areas to meet the requirements of both IATTC

and WCPFC with respect to observers.

10. The provisions of this MOC may also apply to specified areas of either organisation which are not high seas, in accordance with relevant approval procedures of each Commission, and when so advised by the Secretariat of the relevant Commission to the other Secretariat that the coastal CCM/CPC in question has requested use of cross-endorsed observers.
11. Cross-endorsement for an observer by the IATTC and WCPFC Secretariats does not affect the application of domestic legislation and procedures of coastal CCM/CPC of either organisation.
12. An observer cross-endorsed by the IATTC and WCPFC remains under the control of the respective national or subregional observer programme and will be made available to fulfil duties in the IATTC Convention Area subject to approval of such programmes. Unless agreed otherwise by such programmes, this MOC does not create any obligation on cross-endorsed observers or programmes.
13. This MOC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

Signed on behalf of the WCPFC and the IATTC:

Chairman, WCPFC

Director, IATTC

Date: Date

## Appendix 5b.

### IATTC DRAFT RULES OF PROCEDURE

#### I. SCOPE OF APPLICATION

1. Except as otherwise provided in the Convention or decided by the Commission, these Rules of Procedure shall apply, *mutatis mutandis*, to all subsidiary bodies of the Commission, including the Scientific Advisory Committee and the Committee for the Review of the Application of Measures Adopted by the Commission.

#### II. REPRESENTATION

2. Each Member shall communicate to the Director, as soon as possible, the names of its Commissioners, as well as the contact points who shall have primary responsibility for correspondence with the Secretariat. Any change and replacement shall be immediately communicated to the Director.
3. Before any meeting of the Commission each Member shall communicate to the Director the names of the delegates, experts and advisers that it has appointed pursuant to art. VI.2 of the Convention.

#### III. MEETINGS OF THE COMMISSION

4. Pursuant to art. VIII.1 of the Convention, the Commission shall meet at least once per calendar year. The date and place of the meeting shall be decided by the Commission.
5. The announcement of an ordinary meeting shall be communicated by the Director to all the Members and to all the non-Parties and intergovernmental organizations invited by the Commission as observers to the meeting, pursuant to Annex 2 paragraph 1 to the Convention, normally at least ninety (90) days in advance of the date fixed for the meeting. This announcement shall also be posted on the website of the Commission as soon as possible.
6. Pursuant to art. VIII.2 of the Convention, an extraordinary meeting may be convened at any time. The date and place of an extraordinary meeting shall be those that the Commission determines.
7. The announcement of an extraordinary meeting shall be communicated by the Director to all the Members and to all the non-Parties and intergovernmental organizations invited by the Commission as observers to the meeting, , pursuant to Annex 2 paragraph 1 to the Convention, normally at least forty-five (45) days in advance of the date fixed for the meeting. This announcement shall also be posted on the website of the Commission as soon as possible.
8. The Director, in consultation with the Chair, shall draw up an agenda for ordinary or extraordinary meetings, and shall circulate it to the Members together with a communication of the announcement of the meetings of the Commission and its subsidiary bodies. The agenda should normally be circulated at least sixty (60) days in advance of the date fixed for the ordinary meeting and thirty (30) days in advance of the date fixed for the extraordinary meeting.
9. Any member of the Commission may, at least forty-five (45) days before the date fixed for the opening of the ordinary meeting, or twenty-five (25) days in case of an extraordinary

meeting, request the inclusion of supplementary items in the provisional agenda. A request of supplementary items in the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such items shall be communicated to all Members and Cooperating non-Members of the Commission (hereinafter referred to as “CPCs”) at least thirty (30) days before the opening of the ordinary meeting and twenty (20) days before the opening of the extraordinary meeting.

10. The Commission shall appoint a rapporteur from one of the Members at the beginning of each meeting in order to assist the Chair in the production of a meeting report.
11. The meeting of the Commission shall be held at the headquarters of the Commission unless it decides otherwise.

#### **IV. POSTING AND CIRCULATION OF DOCUMENTS AND SUBMISSION OF PROPOSALS**

12. For the submission of proposals Members shall use the agreed templates which shall be posted on the Commission website.
13. If a draft proposal is either an amendment to an existing resolution or recommendation, or an amendment to a previous proposal by the same proponent, it shall be submitted and circulated in both a clean version and a track change version.
14. All background documents to be prepared by the Director for the next ordinary meeting shall be posted on the Commission’s website and circulated among all CPCs and observers at least forty-five (45) days in advance of the meeting unless otherwise decided by the Commission. These documents shall include, *inter alia*, the report of the Scientific Advisory Committee, the staff conservation recommendations, the compliance report, the at-sea transshipment reports, the draft annual budget, and the auditor’s report.
15. Any proposal or other relevant document to be discussed at a meeting shall be submitted to the Director not less than twenty-one (21) days before the opening of the meeting. These shall be posted on the Commission website immediately in their original language. The Director shall translate and circulate proposals to all CPCs at the latest ten (10) days before the beginning of the meeting.

#### **V. OBSERVERS**

16. Participation of observers is governed by the provisions of Annex 2 to the Convention. Unless otherwise decided by the Commission, observers other than NGOs cannot attend meetings held in executive session and the meetings of Heads of Delegations.

#### **VI. CHAIR AND VICE-CHAIR**

17. At the end of each of its meetings the Commission shall elect individuals to serve as Chair and Vice-Chair. These individuals shall be from different Parties unless the Commission decides otherwise. The Chair and Vice-Chair shall remain in office for a period of one year. The Chair and Vice-Chair may be re-elected unless they are no longer able to carry out their respective functions or their successors are elected. If the Commission is not able to elect a Chair and/or a Vice-Chair, the host Member (the Member that will host the annual meeting in that year) shall provide the Chair and the previous host Member the Vice-Chair.
18. The duties of the Chair are to be exercised both during the meeting and during the interses-

sional period. These are to:

- a. declare the opening and the closing of the meeting;
  - b. preside over the meetings of the Commission;
  - c. Decide on all questions of order that may arise at the meetings of the Commission. However, delegates may request that any decision by the Chair be submitted to the Commission for approval or rejection.
  - d. Encourage and facilitate consensus on matters under consideration at the meetings of the Commission.
  - e. Act in representation of the Commission in accordance with the tasks that the Commission may assign.
  - f. In general, carry out such functions as the Commission may assign.
19. If the Chair is unable to carry out its functions at any time, the Vice Chair shall act as Chair until such time as the Chair is able to resume carrying out its functions or a new Chair is elected. If neither the Chair nor the Vice-Chair are able to carry out their functions, the host Member shall provide a Chair and the previous host Member a Vice-Chair.

## **VII. DIRECTOR**

20. The Commission shall establish criteria and procedures to appoint a Director, whose competence in the field of the Convention is established and generally recognized, in particular in its scientific, technical and administrative aspects. In the appointment of the Director, the views of the Members shall be expressed through a secret ballot should one of the Members so request.
21. The terms and functions of the Director shall be pursuant to art. XII of the Convention.

## **VIII. INTERSESSIONAL DECISION-MAKING**

22. Without prejudice to the provisions of Article IX of the Convention, where a decision cannot be deferred until the next meeting of the Commission, a matter may be decided during the period between meetings electronically (e.g. email, secure website). Matters to be decided under this section shall not include those in paragraph 2 and 3 of Article IX of the Convention.
23. The Chair, on his or her initiative, the Director, or at the request of at least three (3) members of the Commission that have made a proposal, may move for adoption without delay of such proposal by intersessional decision. In doing so, the Chair, in consultation with the Vice-Chair, shall determine the necessity of considering the proposal intersessionally.
24. Where the Chair determines that it is not necessary to consider the proposal intersessionally, the Chair shall promptly notify the members referred in paragraph 23 of such determination and the reasons. Within ten (10) days of the notification, the members may request an intersessional decision on the Chair's determination.
25. Where the Chair determines that it is necessary to consider the proposal intersessionally, the Chair shall promptly transmit to all members of the Commission:
- a. The proposal, including any explanatory note,

- b. The determination made by the Chair under this paragraph, and
  - c. A request for an intersessional decision.
26. Members shall promptly acknowledge receipt of the transmittal under paragraph 29. If no acknowledgment is received within seven (7) days of the date of transmittal, the Director shall retransmit the transmittal, using all additional means available to ensure that the transmittal has been received. Confirmation by the Director that the transmittal has been received shall be deemed conclusive regarding the participation of the member in the decision-making process.
  27. Members shall respond within thirty (30) days of the date of the initial transmittal, if they do not agree with the proposal, or if they require additional time to consider the matter. If a member of the Commission requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one fifteen (15) day extension will be permitted. In the event of such an extension, the Director shall inform all members of the final date by which responses must be received.
  28. If no reply from a member is received within thirty (30) days of transmittal, or by the extended deadline specified by the Director in the event of a fifteen (15) day extension to consider the proposal, that member shall be deemed to have joined the consensus, as long as the Director has confirmed receipt of the transmittal by that member pursuant to paragraph 27.
  29. The result of a decision taken by intersessional decision-making shall be ascertained by the Director at the end of the decision-making period and promptly notified to all members. If any explanations of positions are received, these shall also be transmitted to all members.
  30. Proposals adopted intersessionally shall become effective for all CPCs pursuant to Article IX of the Convention.
  31. Proposals transmitted for intersessional decision-making shall not be subject to amendment during the decision-making period.
  32. A proposal that has been rejected by intersessional decision for any reason shall not be re-considered until the following meeting of the Commission.

#### **IX. COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION**

33. The functions, rules and procedures of the Committee shall be those established in Article X and Annex 3 of the Convention.
34. The Committee shall elect an individual from among the [Members] [Parties, unless otherwise decided by the Commission], as Chair, who shall serve for a term of two years and may be re-elected.

#### **X. SCIENTIFIC ADVISORY COMMITTEE**

35. The functions, rules and procedures of the Committee shall be those established in Article XI and Annex 4 of the Convention.
36. The Director shall serve as Chair of the Committee pursuant to article XI paragraph 6 of the Convention..



37. The Scientific Advisory Committee may consider documents submitted by individuals and entities other than CPCs and Observers.

#### **XI. OTHER SUBSIDIARY BODIES**

38. Subsidiary bodies shall hold their meetings with the frequency and at the date and place that the Commission may determine..
39. In the case of a request or recommendation for an intersessional meeting, the Director will consult the Commission pursuant to section VIII of these rules of procedure.
40. Each subsidiary body shall elect its own Chair.

#### **XII. REPORTS AND MINUTES**

41. The Director shall prepare an annual report of the activities of the Commission during the previous year and circulate it among Members at least forty-five (45) before the ordinary meeting.
42. The draft report of the Commission shall include all decisions adopted by the Commission.
43. The draft reports of the meetings of the Commission, its Committees and other subsidiary bodies, shall be transmitted within fourteen (14) days after the end of the meeting by the Director, in coordination with the Chair of the Commission and of the respective Committee or other subsidiary bodies, to all CPCs for their comments.
44. Any comments shall be submitted no later than fourteen (14) days from the reception of the draft report. The Director, in coordination with the Chair of the meeting, shall make every effort to reflect these comments and send the revised version of the report within fourteen (14) days for final endorsement. If there are still any outstanding issues, the Director will consult with the concerned CPCs to resolve the issue and prepare a revised report which will be the final draft.
45. The final draft shall be submitted for approval to the Commission through intersessional decision-making.
46. The final reports of the Commission, Committees and other subsidiary bodies shall be sent electronically to all CPCs and published on the Commission's website.

#### **XIII. DOCUMENTS**

47. Upon request, the Commission shall provide to any CPC copies of any documents pertaining to the Commission. The Director shall consider electric means of distributing documents to save cost and paper.
48. Reports and statistics of individual fisheries production and details of the operations that companies individually provide to the Commission or its staff shall be considered as confidential and treated in accordance with rules on confidentiality established by the Commission.

#### **XIV. AMENDMENTS**

49. These Rules of Procedure may be amended as deemed necessary by the Commission, and in accordance with Article IX of the Convention and/or Section VIII of these Rules of Procedure.

## **XV. LANGUAGES**

50. English or Spanish may be used during meetings of the Commission and simultaneous interpretation and translation into the other language will be provided. The reports, minutes, official documents, and official publications of the Commission shall be in both languages. Official correspondence of the Commission, communications, or documents formulated by the CPCs should be circulated in both languages to the extent practicable and taking into account budgetary constraints.

## **XVI APPLICABILITY**

51. These Rules of Procedures replace those adopted by the Commission at its 4<sup>th</sup> meeting on August 13, 1952, as amended.

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

**2<sup>ND</sup> MEETING**

**La Jolla, California (USA)**  
**29-30 June 2011; 09:00**

**RECOMMENDATIONS<sup>12</sup>**

1. **Rules of Procedure** – The Committee recommended that the Commission consider adopting a comprehensive set of Rules of Procedure that could apply for meetings of the Commission and, *mutatis mutandis*, its subsidiary bodies.
2. **Administrative and Procedural matters** – The Committee recommended that the Commission consider the following items:
  - a. That where available vessel flags and names be reported in the presentation of the annual compliance report;
  - b. That where possible both the national and the IATTC observer data be reflected in the annual compliance report, or that the report indicate where such data is not fully included; and
  - c. That the annual compliance report include information on implementation of and compliance with the IUU listing and Longline Transshipment resolutions.
3. **National Observer Programs** – The Committee recommended that the Members with national observer programs consult with the Secretariat regarding the possibility and usefulness of convening a meeting of the national and IATTC observer programs to address the timeliness of data exchange and other administrative matters.
4. **Shark Resolutions** – the Committee recommended that the Commission review and consider amending the resolutions addressing sharks in order to clarify the Commission’s intent regarding retention and other matters that have resulted in some inconsistencies and difficulties in implementation at the national level.
5. **National Reporting Format** – The Committee recommended that the Commission consider establishing a format for national reporting on implementation and compliance, considering a possible consolidation of the Secretariat’s paper COR-02-09 and the proposal from the EU and Japan. In so doing, the Commission can also examine the development of a format for data reporting as required by the Commission’s resolutions.
6. **IATTC IUU List** - The Committee made the following recommendations:

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<sup>12</sup> Reflection of full discussions will be included in Chair’s Report and/or Minutes

- a. That the vessel *Mar Cantábrico* (BOL) be added to the IUU list; and
  - b. That the following vessels be deleted from the IUU list:
    - i) *Caribbean Star 31* (COL)
    - ii) *Permata* (IDN)
    - iii) *Permata 102* (IDN)
    - iv) *Permata 138* (IDN), and
    - v) *Mutiara 28* (IDN)
7. **Cooperating Non-Members** – The Committee recommended that Cook Islands be granted Cooperating Non-Member status, and be reminded by the Commission of the requirements and deadlines for that status.
8. **Relationship of Non-Cooperating Non-Members to the IATTC** – The Committee recommends that the Commission consider the proposal of Japan regarding the removal of non-cooperating non-Members from the IATTC Regional Vessel Register, per the decisions of the Commission in the resolution establishing the Register and taking into account the aspects of procedure and due process raised by a number of Member delegations with regard to such an action
9. **Venezuelan Vessels** – the Committee recommended that the Commission reflect in the minutes of the meeting of the committee that the Committee received the report of Venezuela characterizing the circumstances of the three vessels included in section 2.4.1 of the compliance report COR-02-07 and the discussion that followed. The Committee also recommends that the Commission recognize that until it establishes a general procedure for exemptions or exceptions to the conservation and management measures it adopts or has adopted, such exemptions or exceptions are not provided for and requests for or use of exemptions or exceptions should not be considered.
10. **Improved data reporting** – The Committee recommends that the Commission review the data reporting requirements established in its measures and improve and strengthen the requirements regarding data reporting from all gear types for all species covered by the Convention, with emphasis on reporting from longline fisheries, in particular smaller longline vessels.

Appendix 5d

IUU VESSEL LIST

	IATTC vessel number	Name	Gear	Flag
1.	6525	<a href="#"><i>Mar Cantabrico</i></a>	PS	BOL
2.	9435	<a href="#"><i>Marta Lucia R.</i></a>	PS	COL
3.	14613	<a href="#"><i>Neptune</i></a>	LL	GEO
4.	141	<a href="#"><i>Bhineka</i></a>	LL	IDN
5.	5829	<a href="#"><i>Hiroyoshi 17</i></a>	LL	IDN
6.	5833	<a href="#"><i>Jimmy Wijaya 35</i></a>	LL	IDN
7.	5911	<a href="#"><i>Permata 1</i></a>	LL	IDN
8.	5813	<a href="#"><i>Permata 2</i></a>	LL	IDN
9.	5815	<a href="#"><i>Permata 6</i></a>	LL	IDN
10.	5907	<a href="#"><i>Permata 8</i></a>	LL	IDN
11.	12290	<a href="#"><i>Bhaskara No. 10</i></a>	LL	UNK
12.	12291	<a href="#"><i>Bhaskara No. 9</i></a>	LL	UNK
13.	9407	<a href="#"><i>Camelot</i></a>	LL	UNK
14.	125	<a href="#"><i>Chia Hao No. 66</i></a>	LL	UNK
15.	6163	<a href="#"><i>Dragon III</i></a>	LL	UNK
16.	6591	<a href="#"><i>Goidau Ruey No. 1</i></a>	LL	UNK
17.	9505	<a href="#"><i>Jyi Lih 88</i></a>	LL	UNK
18.	11369	<a href="#"><i>Orca</i></a>	LL	UNK
19.	95	<a href="#"><i>Reymar 6</i></a>	LL	UNK
20.	9405	<a href="#"><i>Ta Fu 1</i></a>	LL	UNK
21.	13568	<a href="#"><i>Tching Ye No. 6</i></a>	LL	UNK
22.	129	<a href="#"><i>Wen Teng No. 688</i></a>	LL	UNK

Flag	Description	Gear	Description
UNK	Unknown	PS	Purse seine
COL	Colombia	LL	Longline
BOL	Bolivia		
IDN	Indonesia		
GEO	Georgia		