

INTER-AMERICAN TROPICAL TUNA COMMISSION

85TH MEETING

**Veracruz, Veracruz (Mexico)
10-14 June 2013**

PROPOSAL IATTC-85 L-1

SUBMITTED BY COSTA RICA

**AMENDMENT TO RESOLUTION C-05-07 ON ESTABLISHING A
LIST OF VESSELS INVOLVED IN ILLEGAL, UNREPORTED AND
UNREGULATED FISHING ACTIVITIES IN THE EASTERN
PACIFIC OCEAN**

EXPLANATORY MEMORANDUM

The fight against illegal, unreported and unregulated (IUU) fishing constitutes in modern fisheries management, one of the fundamental and high-priority issues, on whose effectiveness the effectiveness of fisheries management in good measure depends, as it impacts the competitiveness of related fisheries sectors. More importantly, IUU fishing constitutes a constant threat to the sustainability of the resources and the ecosystem, by preventing the correct development and collection of the information necessary for the administration of those resources.

In the Inter-American Tropical Tuna Commission Resolution C-05-07 is in force, whose task is, from the point of view of this regional fisheries management organisation, define the bases for action and manage the joint activities of the members for preventing, discouraging and eliminating IUU fishing. However, within merely one year of this resolution entering into force, the Commission has had to constantly analyse the concern shown in situations which the implementation of this resolution difficult, in the context of the due process specific to States governed by the rule of law. This difficulty of process shows up weaknesses that must be attended to and rectified in this resolution.

Costa Rica, as a Member of the IATTC and in the exercise of the Presidency *pro tempore* of the Organismo del Sector Pesquero y Acuícola Centroamericano (OSPESCA), in dealing with the points of the meeting held in this Central American forum, echoes the concerns expressed by various IATTC delegations since the year 2006 and gathers substantive contributions from the various proposals received, intending that it be subjected to discussion to develop the necessary improvements to Resolution C-05-07, this is achieved by means of the proposal for comprehensive reform in the following proposed terms:

AMENDMENT TO RESOLUTION C-05-07 ON ESTABLISHING A LIST OF VESSELS INVOLVED 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). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

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

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

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

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

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

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

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

Resolves as follows:

IDENTIFICATION OF IUU ACTIVITIES:

1. At each Annual Meeting, the Commission shall identify those vessels that have participated in fishing activities for species covered by the IATTC Convention in the Convention Area in a manner that has substantially undermined the effectiveness of the Convention and the IATTC Conservation measures in force, due to serious non-compliance, and shall establish and amend in subsequent years if necessary a list of such vessels (The IUU Vessel List), in accordance with the criteria and procedures established in this resolution.
2. This identification shall be suitably documented, in a conclusive manner, with clear and precise evidence, based on, *inter alia*, reports from CPCs related to compliance with IATTC resolutions in force, trade information obtained from relevant commercial data, such as data from the United Nations Food and Agriculture Organisation (FAO), statistical documents and other verifiable national or international statistics, as well as any other documented information obtained from port States and/or collected in fishing grounds. The information from CPCs shall be provided in the format approved by the Parties.
3. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention are understood to have carried out IUU fishing activities in the Convention Area when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively "CPCs") presents evidence that such vessels have carried out the activities set forth in any one of the

following paragraphs:

- a. carried out by national or foreign vessels in waters under the jurisdiction of a state or fishing entity, without their permission, or contravening their 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 their permission, or contravening their laws and regulations and whose activities have been carried out in the IATTC area of competence, that have not been reported or have been reported inaccurately, in contravention of the procedures agreed by 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 IATTC implementation area, when the Flag State or the fishing entity where they are registered, is not an IATTC CPC, thus being in contravention of the IATTC conservation and management measures.
 - d. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without their permission, or contravening their laws and regulations in areas or with regard 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 that is not consistent with the responsibilities regarding the conservation of living marine resources that are incumbent upon the State or fishing entity under international law.
 - e. Carried out by vessels flying the flag of the IATTC CPC, but that fish contravening the conservation and management measures adopted by the IATTC and by which the CPCs are obliged, or the relevant provisions of applicable International law and that have not been reported, or have been reported inaccurately to the competent national authority, in contravention of applicable laws and regulations.
 - f. Carried out by vessels flying the flag of the IATTC CPC, but that fish contravening the conservation and management measures adopted by the IATTC and by which the CPCs are obliged, or the relevant provisions of applicable International Law and carried out in the IATTC area of competence, that have not been reported, or have been reported inaccurately, in contravention of the procedures agreed by the Commission.
 - g. Carried out in violation of national laws or international obligations assumed by the IATTC CPCs and 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 assumed by the IATTC CPCs and have not been reported or have been reported inaccurately to the competent national authority, in contravention of the procedures agreed by the Commission.
 - i. Carried out in violation of national laws or international obligations assumed by the IATTC CPCs and in areas or with regard to fish stocks, regarding which there are no applicable conservation or management measures and in which such fishing activities are carried out in a manner that is not consistent with the responsibilities regarding the conservation of living marine resources incumbent upon the State under International Law.
4. A CPC that discovers a vessel carrying out IUU fishing activities in the Convention Area shall attempt to inform the flag State, if known, and will provide it with the suitably documented information. The Flag State shall promptly acknowledge receipt of the notification and will initiate investigations of the alleged activities. Once the investigation is finished, the flag State will transmit a report of the investigation carried out to the CPC that reported the case with a copy to the IATTC Director.

5. At the latest 120 days before the Annual Meeting, each CPC should transmit to the Director a list of vessels that have been involved in IUU fishing activities in the Convention Area during the period since the last annual meeting.

DRAFT IUU VESSEL LIST :

6. On the basis of the information received pursuant to paragraph 5, adding automatically those vessels that are on the IATTC IUU list, the Director shall draw up a draft IATTC IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all CPCs, as well as to non-parties with vessels on the List, 90 days before the Annual Meeting. The Director shall ask each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owners of the vessels of their inclusion in the list and of the consequences of the vessels being included in the IATTC IUU list.
7. CPCs and non-parties shall transmit, at the latest 75 days before the Annual Meeting, their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO.
8. Upon receipt of the draft IATTC IUU Vessel List, CPCs shall closely monitor the vessels included in the draft List in order to determine their activities and possible changes of name, flag and/or registered owner.

PROVISIONAL IUU VESSEL LIST

9. On the basis of the information received pursuant to paragraph 3, the Director shall draw up a provisional IATTC IUU Vessel List, and transmit it, 45 days in advance of the Annual Meeting of the Commission, to the CPCs and the non-parties concerned, together with all the evidence provided.
10. CPCs may at any time submit to the Director any additional information which might be relevant for the establishment of the IATTC IUU Vessel List. The Director shall circulate the information, together with all the evidence provided, to the CPCs and to the non-parties concerned, at least two weeks before the Annual Meeting of the Commission.
11. The Committee for the Review of the Implementation of Measures Adopted by the Commission shall each year examine the provisional IATTC IUU Vessel List, as well as the information that supports the inclusion, and shall remove a vessel from the provisional IATTC IUU Vessel List if the vessel's flag State demonstrates that:
 - a. The vessel did not engage in any of the IUU fishing activities described in paragraph 1, 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.
12. Following the examination referred to in paragraph 11, the Committee for the Review of the Implementation of Measures Adopted by the Commission shall recommend that the Commission approve the provisional IATTC IUU Vessel List, with the amendments agreed there.

NEW LIST OF VESSELS

13. At its Annual Meeting, the Commission shall review the provisional IUU Vessel List, taking into account the supporting evidence and new evidence supplied through the Director.
14. As a result of the review, the Commission shall order the removal of the vessels that would have been included, when the act cannot be irrefutably proven or it is considered of lesser severity because it does not undermine the measures adopted by the Commission. Likewise the vessels shall be removed from the list, for which the Flag State proves that it has imposed on the respective vessel owner sanctions of sufficient severity to discourage IUU activities in accordance with its internal legislation.
15. Any objection to the removal of a vessel on the IATTC IUU Vessel list shall be for cause and reasons

of opportunity or lack of interest shall not be valid.

16. Once the IATTC IUU Vessel List is adopted by the Commission, the Commission shall ask non-parties with vessels on the IATTC IUU Vessel List to take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
17. CPCs shall take all necessary measures, under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
 - a. ensure that vessels flying their flag do not transship with vessels on the IATTC IUU Vessel List;
 - b. ensure that vessels on the IATTC IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein;
 - c. prohibit the chartering of a vessel on the IATTC IUU Vessel List;
 - d. refuse to grant their flag to vessels on the IATTC IUU Vessel List, unless the vessel has changed owner, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel or, having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing;
 - e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC 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 IATTC 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.
18. The Director shall take any measure necessary to ensure publicity of the IATTC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the IATTC website. Furthermore, the Director shall transmit the IATTC IUU Vessel List to other regional fisheries organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.

MODIFICATION OF THE IUU VESSEL LIST

1. CPCs and non-CPCs of a vessel on the IUU Vessel List may request the removal of the vessel from the list at any time, including on the period between sessions, by submitting to the Director suitably documented information that proves that:
 - i. it has adopted measures intended to guarantee that the vessel complies with all IATTC measures.
 - ii. it can effectively assume its responsibilities with regard to monitoring and control of the fishing activities of the vessel in the Convention Area; and
 - iii. it has undertaken effective actions in response to the IUU fishing activities which include judicial actions and imposition of suitably severe sanctions; or
- b. the vessel has changed ownership and the new owner can prove that the previous owner no longer has any legal, financial, or real interest in the vessel, nor does he exert control over it and that the new owner has not been involved in IUU activities in the previous five years, or
- c. the case of the vessel or vessels involved in IUU fishing activities has been resolved to the satis-

faction of the CPC that originally proposed that the vessel be included in the list and the Flag State in question; or

- d. The vessel no longer exists.
2. The Director shall transmit the request for removal together with all the supporting information submitted by the requestor to the CPCs within 15 calendar days of the receipt of the request. CPCs shall promptly acknowledge receipt of the request for removal and may, at that time, request additional information from the requestor.
3. The decisions by the Commission regarding a request for removal of a vessel in the period between sessions shall follow the procedures established for decisions by correspondence, with each CPC's duly supported response within 30 days following the communication of the request to the CPCs by the Director. The absence of a response within that period shall be equivalent to acceptance of the request.
4. If the CPCs approve the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph 21, the Director shall proceed to remove the vessel in question from the IATTC IUU Vessel List.
5. All the information received in the process of including vessels in, or excluding them from, the IATTC IUU List shall be subject to the IATTC rules of confidentiality.
19. This resolution shall apply to any fishing vessel greater than 23 meters overall length.
20. Without prejudice to the rights of CPCs and coastal states to take proper action, consistent with international law, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IATTC IUU Vessel Lists, pursuant to paragraphs 3 or 4, or that have been removed from the IATTC IUU Vessel List, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.
21. This resolution replaces Resolution C-05-07.

AMENDMENT TO RESOLUTION C-05-07 ON ESTABLISHING A LIST OF VESSELS INVOLVED IN ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE EASTERN PACIFIC OCEAN

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The Inter-American Tropical Tuna Commission (IATTC):

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

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

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

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

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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; and

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

Recognising the importance of due process and of the participation of the interested parties:

Resolves as follows:

IDENTIFICATION OF IUU ACTIVITIES:

1. At each Annual Meeting, the Commission shall identify those vessels that have participated in fishing activities for species covered by the IATTC Convention in the Convention Area in a manner that has substantially undermined the effectiveness of the Convention and the IATTC Conservation measures in force, due to serious non-compliance, and shall establish and amend in subsequent years if necessary a list of such vessels (The IUU Vessel List), in accordance with the criteria and procedures established in this resolution.
2. This identification shall be suitably documented, in a conclusive manner, with clear and precise evidence, based on, *inter alia*, reports from CPCs related to compliance with IATTC resolutions in force, trade information obtained from relevant commercial data, such as data from the United Nations Food and Agriculture Organisation (FAO), statistical documents and other verifiable national or international statistics, as well as any other documented information obtained from port States and/or collected in fishing grounds. The information from CPCs shall be provided in the format approved by the Parties.
3. For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention are understood to have carried out IUU fishing activities in the Convention Area, when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively "CPCs") presents evidence that such vessels have carried out the activities set forth in any one of the

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following paragraphs:

- a. carried out by national or foreign vessels in waters under the jurisdiction of a state or fishing entity, without their permission, or contravening their 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 their permission, or contravening their laws and regulations and whose activities have been carried out in the IATTC area of competence, that have not been reported or have been reported inaccurately, in contravention of the procedures agreed by 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 IATTC implementation area, when the Flag State or the fishing entity where they are registered, is not an IATTC CPC, thus being in contravention of the IATTC conservation and management measures.
 - d. Carried out by national or foreign vessels in waters under the jurisdiction of a State or fishing entity, without their permission, or contravening their laws and regulations in areas or with regard 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 that is not consistent with the responsibilities regarding the conservation of living marine resources that are incumbent upon the State or fishing entity under international law.
 - e. Carried out by vessels flying the flag of the IATTC CPC, but that fish contravening the conservation and management measures adopted by the IATTC and by which the CPCs are obliged, or the relevant provisions of applicable International law and that have not been reported, or have been reported inaccurately to the competent national authority, in contravention of applicable laws and regulations.
 - f. Carried out by vessels flying the flag of the IATTC CPC, but that fish contravening the conservation and management measures adopted by the IATTC and by which the CPCs are obliged, or the relevant provisions of applicable International Law and carried out in the IATTC area of competence, that have not been reported, or have been reported inaccurately, in contravention of the procedures agreed by the Commission.
 - g. Carried out in violation of national laws or international obligations assumed by the IATTC CPCs and 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 assumed by the IATTC CPCs and have not been reported or have been reported inaccurately to the competent national authority, in contravention of the procedures agreed by the Commission.
 - i. Carried out in violation of national laws or international obligations assumed by the IATTC CPCs and in areas or with regard to fish stocks, regarding which there are no applicable conservation or management measures and in which such fishing activities are carried out in a manner that is not consistent with the responsibilities regarding the conservation of living marine resources incumbent upon the State under International Law.
4. A CPC that discovers a vessel carrying out IUU fishing activities in the Convention Area shall attempt to inform the flag State, if known, and will provide it with the suitably documented information. The Flag State shall promptly acknowledge receipt of the notification and will initiate investigations of the alleged activities. Once the investigation is finished, the flag State will transmit a report of the investigation carried out to the CPC that reported the case with a copy to the IATTC Director.

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5. At the latest 120 days before the Annual Meeting, each CPC should transmit to the Director a list of vessels that have been involved in IUU fishing activities in the Convention Area during the period since the last annual meeting.

DRAFT IUU VESSEL LIST :

6. On the basis of the information received pursuant to paragraph 5, adding automatically those vessels that are on the IATTC IUU list, the Director shall draw up a draft IATTC IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all CPCs, as well as to non-parties with vessels on the List, 90 days before the Annual Meeting. The Director shall ask each CPC and non-CPC with vessels on the Draft IUU Vessel List to notify the owners of the vessels of their inclusion in the list and of the consequences of the vessels being included in the IATTC IUU list.
7. CPCs and non-parties shall transmit, at the latest 75 days before the Annual Meeting, their comments to the Director, as appropriate, including evidence showing that the vessels neither have fished in contravention of IATTC conservation and management measures nor had the possibility of fishing for species covered by the IATTC Convention in the EPO.
8. Upon receipt of the draft IATTC IUU Vessel List, CPCs shall closely monitor the vessels included in the draft List in order to determine their activities and possible changes of name, flag and/or registered owner.

PROVISIONAL IUU VESSEL LIST

9. On the basis of the information received pursuant to paragraph 3, the Director shall draw up a provisional IATTC IUU Vessel List, and transmit it, 45 days in advance of the Annual Meeting of the Commission, to the CPCs and the non-parties concerned, together with all the evidence provided.
10. CPCs may at any time submit to the Director any additional information which might be relevant for the establishment of the IATTC IUU Vessel List. The Director shall circulate the information, together with all the evidence provided, to the CPCs and to the non-parties concerned, at least two weeks before the Annual Meeting of the Commission.
11. The Committee for the Review of the Implementation of Measures Adopted by the Commission shall each year examine the provisional IATTC IUU Vessel List, as well as the information that supports the inclusion, and shall remove a vessel from the provisional IATTC IUU Vessel List if the vessel's flag State demonstrates that:
- The vessel did not engage in any of the IUU fishing activities described in paragraph 1, or
 - 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.
12. Following the examination referred to in paragraph 11, the Committee for the Review of the Implementation of Measures Adopted by the Commission shall recommend that the Commission approve the provisional IATTC IUU Vessel List, with the amendments agreed there.

NEW LIST OF VESSELS

13. At its Annual Meeting, the Commission shall review the provisional IUU Vessel List, taking into account the supporting evidence and new evidence supplied through the Director.
14. As a result of the review, the Commission shall order the removal of the vessels that would have been included, when the act cannot be irrefutably proven or it is considered of lesser severity because it does not undermine the measures adopted by the Commission. Likewise the vessels shall be removed from the list, for which the Flag State proves that it has imposed on the respective vessel owner sanctions of sufficient severity to discourage IUU activities in accordance with its internal legislation.
15. Any objection to the removal of a vessel on the IATTC IUU Vessel list shall be for cause and reasons

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 <#>Harvest species covered by the IATTC Convention in the EPO and are not on the IATTC Regional Vessel Register, or ¶
 <#>Do not record or report their catches made in the EPO, or make false reports, or ¶
 <#>Take or land undersized fish in contravention of IATTC conservation measures, or ¶
 <#>Fish during closures in contravention of IATTC conservation measures, or ¶
 <#>Use prohibited fishing gear in contravention of IATTC conservation measures, or ¶
 <#>Transship with vessels included in the IATTC IUU Vessel List, established by this resolution, or ¶
 <#>Are without nationality and harvest species covered by the IATTC Convention in the EPO, or ¶
 <#>Engage in fishing activities contrary to any other IATTC conservation and management measures, or ¶
 <#>Are under the control of the owner of any vessel on the IATTC IUU Vessel List. ¶
 <#>Each CPC shall transmit to the Director, before 1 February of every year, a list of any vessels presumed to have carried out IUU fishing activities in the EPO during the current and previous years, accompanied by the evidence supporting the presumption of IUU fishing activity. ¶
 The IATTC IUU Vessel List shall be based on information collected by CPCs and from any other relevant sources. Information from CPCs should be provided in the format approved by the Parties. ¶

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The Joint Working Group**Deleted:** 6**Deleted:** Joint Working Group**Deleted:** as amended by the Joint Working Group

of opportunity or lack of interest shall not be valid.

16. Once the IATTC IUU Vessel List is adopted by the Commission, the Commission shall ask non-parties with vessels on the IATTC IUU Vessel List to take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
17. CPCs shall take all necessary measures, under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
- ensure that vessels flying their flag do not transship with vessels on the IATTC IUU Vessel List;
 - ensure that vessels on the IATTC IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein;
 - prohibit the chartering of a vessel on the IATTC IUU Vessel List;
 - refuse to grant their flag to vessels on the IATTC IUU Vessel List, unless the vessel has changed owner, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel or, having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing;
 - prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List;
 - encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IATTC IUU Vessel List;
 - 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.
18. The Director shall take any measure necessary to ensure publicity of the IATTC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the IATTC website. Furthermore, the Director shall transmit the IATTC IUU Vessel List to other regional fisheries organizations for the purposes of enhancing co-operation between the IATTC and these organizations aimed at preventing, deterring and eliminating IUU fishing.

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MODIFICATION OF THE IUU VESSEL LIST

- CPCs and non-CPCs of a vessel on the IUU Vessel List may request the removal of the vessel from the list at any time, including on the period between sessions, by submitting to the Director suitably documented information that proves that:
 - it has adopted measures intended to guarantee that the vessel complies with all IATTC measures.
 - it can effectively assume its responsibilities with regard to monitoring and control of the fishing activities of the vessel in the Convention Area; and
 - it has undertaken effective actions in response to the IUU fishing activities which include judicial actions and imposition of suitably severe sanctions; or
- the vessel has changed ownership and the new owner can prove that the previous owner no longer has any legal, financial, or real interest in the vessel, nor does he exert control over it and that the new owner has not been involved in IUU activities in the previous five years, or
- the case of the vessel or vessels involved in IUU fishing activities has been resolved to the satis-

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faction of the CPC that originally proposed that the vessel be included in the list and the Flag State in question; or

d. The vessel no longer exists.

2. The Director shall transmit the request for removal together with all the supporting information submitted by the requestor to the CPCs within 15 calendar days of the receipt of the request. CPCs shall promptly acknowledge receipt of the request for removal and may, at that time, request additional information from the requestor.
3. The decisions by the Commission regarding a request for removal of a vessel in the period between sessions shall follow the procedures established for decisions by correspondence, with each CPC's duly supported response within 30 days following the communication of the request to the CPCs by the Director. The absence of a response within that period shall be equivalent to acceptance of the request.
4. If the CPCs approve the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph 21, the Director shall proceed to remove the vessel in question from the IATTC IUU Vessel List.
5. All the information received in the process of including vessels in, or excluding them from, the IATTC IUU List shall be subject to the IATTC rules of confidentiality.
19. This resolution shall apply to any fishing vessel greater than 23 meters overall length.
20. Without prejudice to the rights of CPCs and coastal states to take proper action, consistent with international law, the CPCs shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IATTC IUU Vessel Lists, pursuant to paragraphs 3 or 4, or that have been removed from the IATTC IUU Vessel List, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.
21. This resolution replaces Resolution C-05-07.

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