

COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
7TH MEETING

LA JOLLA, CALIFORNIA (USA)
20-21 FEBRUARY 2004

MINUTES OF THE MEETING

AGENDA

1. Opening of the meeting
2. Election of Chairman
3. Adoption of the agenda
4. Review of implementation of the [*Resolution on the capacity of the tuna fleet operating on the EPO*](#)
5. Draft Regional Plan of Capacity
6. Recommendations to the Commission
7. Other business
8. Adjournment

DOCUMENTS

- [CAP-7-04 REV](#) Implementation and proposed modification of the June 2002 resolution on fleet capacity (C-02-03)
- [CAP-7-05](#) Draft Plan for Regional Management of Fishing Capacity

APPENDICES

1. List of attendees
2. Draft Resolution on the capacity of the tuna fleet operating in the eastern Pacific Ocean
3. Proposal CAP-7-4D by Guatemala and Panama
4. Statement by Japan
5. Plan for Regional Management of Fishing Capacity

The 7th Meeting of the IATTC Permanent Working Group on Fleet Capacity was held in La Jolla, California (USA) on February 20-21, 2004. The attendees are listed in Appendix 1.

1. Opening of the meeting

The Director of the Commission, Dr. Robin Allen, opened the meeting.

2. Election of Chairman

Mr. David Hogan, of the United States, was elected to chair the meeting.

3. Adoption of the Agenda

The provisional agenda was approved without changes.

4. Review of implementation of the [Resolution on the capacity of the tuna fleet operating in the EPO](#)

Dr. Allen presented [Document CAP-7-04 REV](#), *Implementation and proposed modification of the June 2002 resolution on fleet capacity (C-02-03)*, which is based on Document IATTC-70-10a, *Proposals to strengthen the June 2002 resolution on fleet capacity*, presented at the 70th meeting of the IATTC in June 2003, with additional comments by Guatemala, Panama, the United States and the staff.

Mr. Brian Hallman, of the IATTC staff, reviewed the implementation of the fleet capacity resolution to date, and explained in detail the proposals to strengthen it, pointing out the practical matters related to dates and similar topics, and the substantive changes being recommended by the staff for consideration by the Commission, notably those related to flag transfers (timing, procedures) and to the nature of the active/inactive lists of the Regional Vessel Register.

The discussion centered mainly on two topics: the proposed changes to the Resolution, both substantive and practical, and the matter of vessels on the Register changing flag, both in general terms and in the particular case of a disputed transfer of flag of two vessels from Guatemala to Panama.

The Working Group discussed several modifications of the Resolution, but could not agree on all of them. It did agree to add some words of clarification in paragraph 5 of the resolution, and to delete the penultimate sentence of that same paragraph and the footnote to paragraph 13, as proposed in Document CAP-7-04 REV. In the draft resolution to be considered by the Commission at its 72nd meeting (Appendix 2), text that was discussed but not agreed upon is enclosed in brackets, including paragraphs 7 (flag changes and replacement of vessels), 9 (active and inactive vessels), and 12 (the exception for United States vessels fishing mostly in the western Pacific). Regarding paragraph 12, Vanuatu asked that the record reflect that several concerns would need to be addressed before any amendment to the paragraph could be adopted. Regarding flag changes, Vanuatu indicated that, unless a system was in place that made it clear that vessels could change flag to another participant without being removed from the Register, it would be forced to consider going back to the capacity levels contained in the Resolution of October 1998, with vessels from the region or from outside it.

Regarding the disputed transfer of flag of two vessels from Guatemala to Panama, the importance of communication among agencies involved in flagging vessels and flag transfers, both within and between governments, was stressed, and Guatemala and Panama brought forward a proposal (Appendix 3) for consideration by the meeting. Several delegations expressed reservations about the proposal, and it was agreed that Guatemala and Panama should consult further in light of the comments by delegations and consider bringing forward a new proposal for discussion at the 72nd meeting of the Commission in June.

Other topics discussed included suggestions by the European Union for revising the target capacity figure of 158,000 m³ for the purse-seine fleet and for developing target levels for other fleets, and that the Working Group on Stock Assessment analyze both issues; a statement by Japan regarding 35 large purse-seine vessels not on the Regional Vessel Register and currently fishing in the western Pacific that might wish to fish in the EPO in the future (Appendix 4); and a proposal by Costa Rica for an addition to paragraph 10.1. Several delegations questioned the necessity of the Costa Rican proposal and expressed

their disagreement with it.

Regarding what is to be done with the difference in capacity when a vessel is replaced by a vessel or vessels of lesser capacity, Dr. Allen indicated that the staff's understanding had been that no account should be taken of such differences. However, the Working Group decided that these differences should be recorded and be available for use for future changes or additions in the Register. Dr. Allen said that the staff would try to recreate the history of replacements and changes to the Register and report the results.

5. Draft Regional Plan of Capacity

The Working Group reviewed in detail the EPO Capacity Plan in [Document CAP-7-05](#) (*Draft Plan for Regional Management of Fishing Capacity*), which incorporated the changes suggested during the last discussion of the plan at the 70th meeting of the IATTC in June 2003, and some comments received from Japan after the amended plan had been distributed for review by the Commission.

Several minor changes were agreed, including changing “shall” to “should” in several paragraphs, and harmonizing the text with the Antigua Convention in its references to “species covered by the Convention”. It was also agreed to include references to the longline fishery in certain paragraphs, to restructure paragraph 10b (phased implementation), and to include a reference in paragraph 23 to a target date for implementation, to be determined by the Commission.

Changes were also discussed in paragraph 31a (transfer of vessels), and a new paragraph 31c was proposed on the same topic. The Working Group did not agree on these two changes, nor on the mention of ecosystem considerations with regard to overall capacity target levels in paragraph 30 and of longline fisheries in paragraph 10e.

6. Recommendations to the Commission

On the basis of the staff's proposals and a number of points raised during the discussion, the Working Group agreed on several modifications to the *Resolution on the capacity of the tuna fleet operating in the EPO*, including changes to paragraphs 5 and 9. These, and certain other proposed changes that were not agreed, are reflected in the text to be presented to the Commission for discussion at its meeting in June 2004 (Appendix 2).

The Working Group approved most of the draft Capacity Plan, with minor modifications. The paragraphs still pending are bracketed in the document in Appendix 5, also to be presented to the Commission for discussion and approval at its meeting in June 2004.

7. Other business

No other business was discussed.

8. Adjournment

The meeting was adjourned on February 21, 2004.

Appendix 1.

**COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION**

**WORKING GROUP ON FLEET CAPACITY
GRUPO DE TRABAJO SOBRE LA CAPACIDAD DE LA FLOTA**

7th MEETING – 7^a REUNION

**February 20-21, 2004 – 20 al 21 de febrero de 2004
La Jolla, California**

ATTENDEES - ASISTENTES

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ECUADOR

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NICARAGUA

MIGUEL A. MARENCO

Administración Nacional de Pesca y Acuicultura - MIFIC

PANAMA

ARNULFO FRANCO

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STAFF – PERSONAL

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ALEJANDRA FERREIRA

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BERTA JUAREZ

JOYDELEE MARROW

NICHOLAS WEBB

Appendix 2.

INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
7TH MEETING

LA JOLLA, CALIFORNIA (USA)
20-21 FEBRUARY 2004

**DRAFT RESOLUTION ON THE CAPACITY OF THE TUNA FLEET
OPERATING IN THE EASTERN PACIFIC OCEAN**

The Parties to the Inter-American Tropical Tuna Commission (IATTC):

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

Understanding that excess fishing capacity in a region makes it more difficult for governments to agree on and implement effective conservation and management measures for the fisheries of that region;

Concerned that purse-seine fishing capacity in the eastern Pacific Ocean (EPO) has been increasing in recent years;

Believing that it is important to limit fishing capacity in the EPO in order to help ensure that the tuna fisheries in the region are conducted at a sustainable level;

Aware of the importance of tuna fishing to the economic development of the Parties;

Committed to giving full effect to the relevant rules of international law, as reflected in the United Nations Law of the Sea Convention;

Recalling the resolutions to limit the capacity of the tuna purse-seine fleet in the EPO approved by the IATTC at its 62nd Meeting in October 1998 and by correspondence on 19 August 2000;

Seeking to address the problem of excess capacity in the tuna purse-seine fleet operating in the EPO by limiting such capacity to a level which, in harmony with other agreed management measures and projected and actual levels of catch, will ensure that tuna fisheries in the region are conducted at a sustainable level:

Have agreed as follows:

1. For the purposes of this Resolution, the EPO is defined as the area bounded by the coastline of the American continents, the 40° North parallel, the 150° West meridian and the 40° South parallel.
2. For the purposes of this Resolution, and without setting any precedent, “participant” means Parties to the IATTC, and States and regional economic integration organizations (REIOs), and fishing entities that have applied for membership of the Commission or that cooperate with the management and conservation measures adopted by the Commission. The Commission shall determine which States, REIOs and fishing entities are considered to be cooperating with such management and conservation measures.
3. To finalize and adopt, as soon as possible, a plan for regional management of fishing capacity, as specified in the resolution on fleet capacity of 19 August 2000. Such a plan shall take into account the right of coastal States and other States with a longstanding and significant interest in the tuna fisheries of the EPO to develop and maintain their own tuna fishing industries.

4. To review on a regular basis, and modify if necessary, the methods for estimating fishing capacity and the target level of 158,000 m³, established in the resolution on fleet capacity of 19 August 2000, for the total capacity of the purse-seine fleet, taking into account the level of the stocks of tuna and other relevant factors.
5. To use the Regional Vessel Register (“the Register”) established by the resolution of the 66th Meeting of the Commission, as of 28 June 2002, with any subsequent modifications that do not increase the total capacity of purse-seine vessels established in the Register, except as provided in this resolution, as the definitive list of purse-seine vessels authorized by the participants to fish for tunas in the EPO. Any purse-seine vessel fishing for tunas in the EPO that is not on the Register would be considered to be undermining IATTC management measures. The Register shall include only vessels flying the flags of participants. Each participant shall verify the existence and operational status of, and confirm the accuracy of the information on, its vessels, as required by that resolution, including the requirement to promptly notify the Director of the Commission (“the Director”) of any modifications to that information. ~~For purse-seine vessels, the Register shall include only vessels that have fished in the EPO before 28 June 2002.~~ A participant may remove any vessel flying its flag from the Register by notifying the Director.
6. The well volume of each purse-seine vessel, once confirmed by the relevant participant and verified by an independent survey supervised by the Director, shall be reflected in the Register.
7. [Except as provided in paragraphs [7 bis.a] and 10, purse-seine vessels cannot be added to the Register.

7 bis. A participant may at any time:

- (a) Remove from the Register any purse-seine vessel flying its flag and replace it, provided that the total capacity of any replacement vessel or vessels does not exceed that of the vessel or vessels replaced; or
- (b) Agree with another participant that a purse-seine vessel on the Register flying its flag may change flag to that other participant without being removed from the Register. In such cases, the vessel may not be replaced.]

~~7. To prohibit the entry of new vessels, defined as those not included in the Register, to the EPO purse-seine fleet, except to replace vessels removed from the Register, and provided that the total capacity of any replacement vessel or vessels does not exceed that of the vessel or vessels replaced.~~

8. To prohibit increasing the capacity of any existing purse-seine vessel unless a purse-seine vessel or vessels of equal or greater capacity is removed from the Register.
9. [A participant may notify the Director by January 1 of any year that one or more of the purse-seine vessels operating under its jurisdiction and listed on the Register will not operate in the EPO during that year. Any vessel identified pursuant to this paragraph shall remain on the Register as “inactive” and shall not fish in the EPO during that year. However, an active vessel may be changed to inactive at any time by the participant notifying the Director of the change. An inactive vessel on the Register may, at any time during a year, replace a vessel of the same flag whose status has changed from active to inactive pursuant to this paragraph and fish in the EPO, provided that the total active capacity of purse-seine vessels flying the flag of that participant is not increased by the replacement.

Any inactive vessel on the Register that changes, in accordance with this resolution, to the flag of another participant must remain inactive until such time as it may change to active status pursuant to the requirements of this resolution.]

~~9. Notwithstanding paragraphs (7) and (8), above, by January 1 of each year, a participant may notify~~

~~the Director of any purse seine vessel operating under its jurisdiction and listed on the Register that will not fish in the EPO in that year. Any vessel identified pursuant to this paragraph shall remain on the Register as “inactive” and shall not fish in the EPO in that year. In such cases, the participant may substitute another purse seine vessel or vessels on the Register, and those vessels shall be authorized to fish in the EPO provided that the total “active” capacity of purse seine vessels flying the flag of that participant in any year does not exceed the capacity listed for such vessels on the Register as of 28 June 2002.~~

10. Subject to the provisions of this resolution:

10.1. Notwithstanding paragraphs (7) and (8), the following participants may add purse-seine vessels to the Register after 28 June 2002, within the following limits*:

Costa Rica:	9364 m ³
El Salvador:	861 m ³
Nicaragua: ⁴	5300 m ³
Peru:	3195 m ³

10.2. Guatemala may increase its purse-seine fleet by 1700 m³ and commits to obtaining that capacity within a period of two years.

11. In the implementation of paragraph (10.1) above, a participant wishing to bring a new vessel into the EPO shall (1) so notify the other participants, through the Director, and (2) undertake efforts to find a suitable vessel from the Register for at least four months following such notification before bringing a new vessel into the EPO.

12. ~~[Notwithstanding paragraphs (7) and (8), a limit of 32 fishing trips in the EPO by United States vessels authorized and licensed to fish in other areas of the Pacific Ocean under an alternative international fisheries management regime, and that may occasionally fish to the east of 150° West, shall be authorized ~~to fish in the EPO~~ provided that: a) ~~the fishing activity of any such vessels in the EPO is limited to a single trip not to exceed 90 days in one calendar year;~~ b) the vessels do not possess a Dolphin Mortality Limit pursuant to the Agreement on the International Dolphin Conservation Program; and be the vessels carry an approved observer. A similar exception shall be considered for vessels of other participants with a similar record of participation in the EPO tuna purse-seine fishery and that meet the criteria listed above.~~

For purposes of the exception noted in the foregoing paragraph, the definition of a fishing trip is as follows:

An EPO trip begins at the time an authorized vessel enters the EPO and initiates a set on tuna, and ends when the vessel enters port and unloads two-thirds or more of its catch. No trip inside the EPO may exceed ninety days.]

13. Nothing in this resolution shall be interpreted to limit the rights and obligations of any participant to manage and develop the tuna fisheries under its jurisdiction or in which it maintains a longstanding and significant interest.²

14. [For purposes of the implementation of this resolution and of the maintenance of the Register, the following procedures shall apply with respect to vessels on the Register that change flag:

* Costa Rica, Colombia, and Peru maintain long-term capacity requests of up to 16,422 m³, 14,046 m³, and 14,046 m³, respectively. The Parties also acknowledge that France has expressed an interest in developing a tuna purse-seine fleet on behalf of its overseas territories in the EPO.

¹ ~~4038 m³ in the original resolution adopted in June; modified by consensus of the Parties, 3 November 2002~~

² ~~This paragraph was agreed *ad referendum* pending consultations among Costa Rica, El Salvador, Nicaragua, and Venezuela on a possible alternative.~~

- (a) Any change of flag will be recognized in the Register only with the the consent of both participants involved.
- (b) A change of flag by a vessel from one participant to another shall not be considered effective until the Director has received official notification of the transfer from both governments involved.]

15. To urge all non-Parties to provide the information required by this resolution and comply with its provisions.

Appendix 3.

PROP CAP-7-4D

PROPOSAL BY GUATEMALA AND PANAMA

DRAFT RESOLUTION

The Parties to the IATTC have agreed as follows:

For purposes of the implementation of the Resolution on Capacity, and of the maintenance of the Regional Vessel Register (Register), and without setting any precedent, as of 26 November 2003:

1. The vessels *Albacora Doce* and *Albacora Catorce* are recognized as operating under the jurisdiction of Panama; and
2. Guatemala may add additional vessels to the Register up to 3760 m³.

Appendix 4.

Japanese statement in relation to paragraph 12 of the Capacity Resolution

February 21, 2004

Japan has issued 35 licenses for large scale purse seine fisheries, and they are mainly operating in the Western Central Pacific Ocean. However, some of them have been authorized to fish in the EPO since well before the establishment of the Regional Vessel Register. They do not operate in the EPO for many years and will not start, in the immediate future, operations in the EPO except beyond the area of duplication. Then Japan did not put these vessels in the Regional Vessel Register although they are authorized to fish in the EPO. In the future, they may operate in the EPO beyond the area of duplication. When such a case would occur, Japan will inform the Commission of it at that time.

Appendix 5.

**INTER-AMERICAN TROPICAL TUNA COMMISSION
PERMANENT WORKING GROUP ON FLEET CAPACITY
7TH MEETING**

LA JOLLA, CALIFORNIA (USA)
20-21 FEBRUARY 2004

PLAN FOR REGIONAL MANAGEMENT OF FISHING CAPACITY

INDEX

1. Introduction.....	9
2. Nature and scope of the Regional Plan of Action	9
3. Objective and principles	10
4. Phase One.....	11
5. Phase Two.....	12
6. Phase Three.....	12
7. Compliance	12
8. Periodic review and adjustments.....	13
9. Operational procedures	13
10. Cooperation with other organizations and arrangements.....	13

1. INTRODUCTION

1. The overall issue of fishing capacity in the EPO is one that should be considered within the context of the FAO Code of Conduct for Responsible Fisheries and its general objective of sustainable fisheries. The Code of Conduct provides that States shall take measures to prevent or eliminate excess fishing capacity and shall ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.
2. The International Plan of Action for the Management of Fishing Capacity was adopted at the 23rd Session of the FAO Committee on Fisheries in February 1999. The IATTC has recognized that the issue of managing fishing capacity in the tuna fishery of the Eastern Pacific Ocean (EPO) needs to be addressed. Excessive fishing capacity is a problem that can contribute to overfishing, the degradation of marine fisheries resources, and the decline of food production potential, and inevitably causes economic waste.
3. At its 66th Meeting, held in San Jose, Costa Rica, on 12-15 June 2000, the IATTC adopted two resolutions that instructed the Director to prepare a comprehensive draft plan for the regional management of fishing capacity in the EPO.

2. NATURE AND SCOPE OF THE REGIONAL PLAN OF ACTION

4. This Plan of Action for the Regional Management of Tuna Fishing Capacity (the EPO Plan) has been elaborated within the framework of the FAO International Plan of Action for the Management of Fishing Capacity and the FAO Code of Conduct for Responsible Fisheries, as envisaged by Article 2(d) of the Code. The provisions of Article 3 of the Code apply to the interpretation and application of this Regional Plan of Action and its relationship with other international instruments.

5. The EPO Plan reflects the commitment of all Participants³ to implement the Code of Conduct. Participants should apply this Plan in a manner consistent with international law.
6. The EPO Plan is an element of fishery conservation and sustainable management. It is a policy document that establishes the general framework for managing the capacity of the fleet targeting species covered by the Convention, and it will be implemented by resolutions adopted by the Commission.

3. OBJECTIVE AND PRINCIPLES

7. The objective of the EPO Plan is to achieve, by 1 January 2006, an efficient, equitable and transparent management of fishing capacity in the EPO, to assist in achieving long-term sustainability of the fishery targeting species covered by the Convention. The management of fleet capacity will complement other measures taken to conserve the stocks of species covered by the Convention. Participants should endeavor to limit the total fleet capacity at the present level and to reduce it, as appropriate, in accordance with an agreed program. After any targets for the fleet capacity have been achieved, Participants should exercise caution to avoid growth in fleet capacity.
8. The immediate objective should be achieved through a series of actions related to two main strategies:
 - a. The updating of a comprehensive regional assessment of fishing capacity and improvement of the capability for monitoring fishing capacity;
 - b. The consideration of a reduction schedule to effectively manage fishing capacity.
9. These strategies may be implemented through complementary mechanisms to promote implementation of this EPO Plan: awareness building and education, technical cooperation at the international level, and coordination.
10. The management of fishing capacity should be based on the FAO Code of Conduct for Responsible Fisheries and should take into consideration the following major principles and approaches.
 - a. **Participation:** The EPO Plan should be implemented through the IATTC, in cooperation with other appropriate intergovernmental organizations.
 - b. **Phased implementation:** The management of fishing capacity should be achieved through actions in the following three phases: (1) assessments and monitoring of fishing capacity, and periodic adjustment of target levels established for the fleet and/or fishery, as appropriate; (2) capacity limits; and (3) economic incentives.
 - c. **Holistic approach:** The management of fishing capacity in the EPO should be comprehensive and consider all factors affecting capacity in both national and international waters.
 - d. **Conservation:** The management of fishing capacity should facilitate the conservation and sustainable use of tuna stocks in the EPO and the conservation of the marine environment. It should be consistent with the precautionary approach, the need to minimize bycatch, waste, and discards, and ensure selective and environmentally safe fishing practices and the protection of biodiversity in the marine environment.
 - e. **Priority:** Priority should be given to managing the fishing capacity in the tuna purse-seine [and longline] fisheries, in which there already exists excess fishing capacity. However, the management of capacity in other fisheries should also be addressed.
 - f. **New technologies:** The management of fishing capacity should take into account the

³ For the purposes of this document, “Participant” means Parties to the IATTC, and States, Regional Economic Integration Organizations and Fishing Entities that have applied for membership of the Commission or that cooperate with the management and conservation measures adopted by the Commission.

incorporation of environmentally sound and evolving technology in all fisheries covered by this Plan.

- g. **Mobility:** The management of fishing capacity should encourage the efficient use of fishing capacity, allow the legitimate transfer of vessels among Participants, and discourage entry of new vessels into the EPO if that leads to excess capacity.
 - h. **Transparency:** The EPO Plan should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.
 - i. **Awareness building and education.** Participants should develop information programs at national and regional levels to increase awareness about the need for the management of fishing capacity, and the costs and benefits resulting from adjustments in that capacity in the EPO.
 - j. **Scientific and technical cooperation.** Participants should support training and institutional strengthening and consider providing financial, technical, and other assistance to developing countries on issues related to the management of fishing capacity.
 - k. **International collaboration.** Participants should strive to collaborate, through FAO and through international arrangements, in research, training, and the production of information and educational material aiming to promote the effective management of fishing capacity. The IATTC should keep FAO updated on progress on the assessment, development, and implementation of the EPO Plan.
11. The implementation of the EPO Plan should give due recognition to Article 5 of the Code of Conduct, in relation to enhancing the ability of developing countries to participate in fisheries targeting species covered by the Convention, including access to such fisheries, in accordance with their legitimate rights and their obligations under international law.
 12. In the implementation of the EPO Plan, the right of coastal countries and other countries with a longstanding and significant interest in the tuna fisheries in the EPO to develop and maintain their own tuna-fishing industries should be acknowledged and affirmed.
 13. The economic importance of the fleets targeting species covered by the Convention and the need to limit the size of these fleets to a level commensurate with economic viability should be considered in implementing the EPO Plan.
 14. The EPO Plan is a policy document that establishes the general framework for managing the capacity of the fleets targeting species covered by the Convention. It should be implemented by resolutions adopted by the IATTC, in particular the resolutions (including any future amendments) on fleet capacity (*Resolution on the Capacity of the Tuna Fleet Operating in the eastern Pacific Ocean (Revised)*) and on the Regional Vessel Register (*Resolution on a Regional Vessel Register*, which are an integral part of the EPO Plan.

4. PHASE ONE

4.1. Assessment and monitoring of fishing capacity

4.1.1. *Measurement of fishing capacity*

15. The IATTC should monitor, through the Permanent Working Group on Fleet Capacity, the capacity of the fleet targeting species covered by the Convention. The well volume of vessels, in cubic meters (m³), will be used as the primary basis for measuring the capacity of the purse-seine fleet.

4.1.2. *Diagnosis and assessment*

16. The IATTC should establish the target fishing capacity of all the fleets targeting species covered by the Convention.

17. The target level for the purse-seine fishery is 158,000 m³ of total well volume. This target level should be reviewed on a regular basis, and modified, if necessary, taking into account the status of the stocks.
18. The IATTC should also establish the target fishing capacity for longliners and for other fleets.

4.1.3. Regional Vessel Register

19. The IATTC has established, in accordance with its Resolution of June 2000, a Regional Register of Vessels authorized to fish in the Convention Area for species covered by the Convention. Participants should provide the Director with information concerning any change to their fleets.
20. Participants should support FAO in the development of appropriate and compatible standards for records of fishing vessels.
21. The IATTC should maintain a list of vessels of non-Participants fishing in a manner that undermines either the EPO Plan or other management measures adopted by the Commission.

5. PHASE TWO

5.1. Capacity Limits

5.1.1. Purse-seine fleet

22. Each Participant should limit the capacity of its purse-seine fleet targeting species covered by the Convention consistent with the objective of this Plan and the Resolution on Fleet Capacity.
23. The Permanent Working Group on Fleet Capacity will, by 1 January 2006, evaluate the necessity and feasibility of a reduction plan to achieve the target level of well volume, with a target date for implementation to be determined by the Commission.

5.1.2. Longline fleets and other fleets

24. The Permanent Working Group on Fleet Capacity will develop mechanisms to limit the capacity of longline and other fleets targeting species covered by the Convention using gears other than purse seines and propose target levels for such fleets and a reduction plan to achieve them.⁴

6. PHASE THREE

6.1. Economic incentives

25. Participants should assess the possible impact of all factors, including vessel construction for export, contributing to overcapacity on the sustainable management of fisheries targeting species covered by the Convention, distinguishing between factors which contribute to overcapacity and unsustainability and those which produce a positive effect or are neutral.
26. Participants should reduce and progressively eliminate all factors, including economic incentives and other factors that contribute, directly or indirectly, to the build-up of excessive fishing capacity, thereby undermining the sustainability of the species covered by the Convention.

7. COMPLIANCE

27. The Permanent Working Group on Compliance should review and monitor compliance with the EPO Plan, and should recommend to the IATTC appropriate measures for addressing matters related to compliance with the EPO Plan.
28. The IATTC should identify Participants whose vessels fish for species covered by the Convention

⁴ The Commission adopted a *Resolution on the management of fishing capacity of large-scale tuna longline fishery* in June 1999

that do not exercise effective jurisdiction and control over their vessels, or whose vessels do not comply with the EPO Plan. Participants should take measures to encourage such Participants to implement the EPO Plan.

8. PERIODIC REVIEW AND ADJUSTMENTS

29. At least every four years, the IATTC should review the implementation of the EPO Plan to identify cost-effective strategies for increasing its effectiveness and the consideration of different management systems and fishing capacity.
30. The overall capacity target should be reviewed regularly to ensure [that it takes into account ecosystem considerations and] that it remains in balance with the available fishery resources and management objectives.

9. OPERATIONAL PROCEDURES

31. The Permanent Working Group on Fleet Capacity should recommend to the IATTC measures for addressing matters related to the EPO Plan, including adjustments as appropriate, and should review annually the entry of new vessels to the fleet targeting species covered by the Convention. The entry of new vessels should be governed by the following considerations:
 - a. [No transfer of vessels to the jurisdiction of another Participant should be allowed without the express consent and formal authorization of both Participants, and should be subject to any relevant Commission resolutions.]
 - b. A system to deal with new vessels (defined as those not included in the Regional Vessel Register) entering the fleet targeting species covered by the Convention should be developed. The system should include rules to address how vessels not currently participating in the fishery targeting species covered by the Convention might do so in the future, the replacement of lost or retired vessels.
 - c. [A Flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.]
32. Participants should provide the Director, in a timely manner and in accordance with Commission resolutions, all the information regarding their flag vessels necessary for the proper maintenance of the Register.

10. COOPERATION WITH OTHER ORGANIZATIONS AND ARRANGEMENTS

33. Participants should consider participating in international agreements that relate to the management of fishing capacity, in particular the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.
34. The IATTC should support co-operation and the exchange of information with FAO and relevant regional fisheries organizations.