

INTER-AMERICAN TROPICAL TUNA COMMISSION**90TH MEETING (RESUMED)**

La Jolla, California (USA)

12-14 October 2016

PROPOSAL IATTC-90 G-2B**SUBMITTED BY COLOMBIA AND ECUADOR****MULTIANNUAL PROGRAM FOR THE CONSERVATION OF TUNA
IN THE EASTERN PACIFIC OCEAN DURING 2017-2018**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 90th Meeting (resumed):

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 Convention Area continues to increase;

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

Understanding that those recommendations recognize that the purse-seine capacity has increased by 10% since 2014 and include an increase in the days of closure for large purse-seine vessels in order to maintain the populations at levels of abundance that can produce the maximum sustainable yield.

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 Convention Area 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 Commission;

CHAPTER I**TEMPORAL AND SPATIAL CLOSURE FOR THE PURSE-SEINE TUNA FLEET**

1. These measures are applicable in the years 2017-2018 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 Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) are not subject to these measures.
3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 62 days in 2017 and 62 days in 2018. These closures shall be effected in one of two periods in each year as follows:

2017 – 29 July to 28 September, or from 18 November to 18 January 2018.

2018 – 29 July to 28 September, or from 18 November to 18 January 2019.

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.
 - a. In each one of the years in which these measures are applicable, and for each one of the 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 2017-2018, 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.
6.
 - a. Notwithstanding the provisions of subparagraphs 5a and 5b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*¹ rendering said vessel unable to proceed to sea outside said closure period during at least a period equivalent to the closure period prescribed in paragraph 3 above or a vessel that was in port and did not fish during at least 120 consecutive days, shall be sent to the Secretariat.
 - b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure* or to being in port and not fishing during at least 120 consecutive days.
 - c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
 - d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.
 - e. If the request for exemption is accepted:
 - i. the vessel shall observe a reduced closure period of 30 consecutive days in the same year during which the *force majeure* event occurred or to staying in port during at least 120 consecutive days and without conducting fishing activities, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
 - ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event occurred or to staying in port during at least 120 consecutive days and without conducting fishing activities, it shall observe a reduced closure period of 30 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.

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;

¹ For the purposes of paragraph 7, only cases of vessels disabled by mechanical and/or structural failure, fire, or explosion shall be considered *force majeure*

- 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 Convention Area 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 Convention Area. 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 Convention Area.

CHAPTER II

BIGEYE AND YELLOWFIN CATCH LIMITS FOR PURSE-SEINE TUNA FLEET IN SETS ON FLOATING OBJECTS

Countries	Tons
Colombia	3,282.30
Ecuador	60,752.40
Mexico	2,399.40
Nicaragua	2,597.10
Panama	10,651.80
European Union	1,998.60
United States	1,040.10
Venezuela	1,764.90
Others (according to IATTC register)	5,052.00

8. From the year 2017 to the year 2018 Class-6 purse-seine vessels, that are on the IATTC Regional Vessel Register, shall limit the catches of bigeye and yellowfin tuna caught in sets on floating objects, for which a maximum catch limit of 89,538.60 tons is established for the entire EPO, calculated on the basis of average of the historical catches in sets on floating objects between the years 2013 and 2015 (99,487.33 t) by the tuna purse-seine fleet in the Eastern Pacific Ocean with a reduction of 10% (9,948.73 t).
9. The global catch limit shall be allocated for each country in accordance with its historical average of catches 2013-2015 during the years that its vessels have operated minus 10%, which shall be allocated as follows:
 - a. The 5% reduced from the general catch limit for bigeye and yellowfin tuna which are 4,974.37 tons, shall be considered as a reserve that would be issued under a rate of up to 0.50 tons of bigeye and yellowfin tunas/cubic meter of well per vessel and year, for CPCs whose allocation is less than 5% of the global catch limit.
 - b. For which the following criteria shall apply:
 - i. Vessels that entered the fishery on FADs during 2015 and 2016 and that have a minimal historical value.
 - ii. Active vessels on the IATTC Register that did not make sets on FADs before the year 2015.
 - iii. Fortuitous cases with that demonstrate that they could not operate for more than a continuous year during the period between 2013 and 2015.
 - iv. Inactive and sunk vessels on the IATTC Register that do not have a history.
 - c. The rules for distributing this remainder are the following:
 - i. That xxx % of the catch limit allocated to the CPC has been utilized.

- ii. That the country makes the initial request to the IATTC Secretariat.
 - iii. That the request does not exceed 100 % of the allocation to the CPC.
 - d. On the other hand, the remaining 5% of the determined global catch limit, for the catches of bigeye and yellowfin tunas in sets on floating objects during the 2013 to 2015 period, shall not be utilized, with the objective of reducing the fishing mortality of these two species contributing to the conservation of both species.
10. The rate for allocating the catch limit from the 5% shall be reviewed by the IATTC scientific staff every year, to recommend to the Commission whether it needs to be modified in accordance with the levels of maximum sustainable yield of bigeye and yellowfin tuna.
11. The catch limit allocated to each CPC for bigeye and yellowfin tuna in the EPO in accordance with paragraph 8 of this same resolution, shall be distributed as an individual catch limit by the CPC, in accordance with the following rules:
- a. The modality for allocating the individual catch limit that each CPC establishes shall be communicated to the IATTC Secretariat by 15 December of each year.
 - b. Appropriate monitoring of the catches with on-board observers shall be established, together with other equipment that help to improve the monitoring of possible discards.
 - c. The catch limit of bigeye and yellowfin tuna for each vessel, shall be applied only to sets on floating objects, therefore, they will not be applied to sets on breezers or dolphins.
 - d. The fisheries authority of each CPC shall monitor the unloadings of bigeye and yellowfin tuna, which shall be corroborated in the processing plants up to 72 hours after the unloading. For appropriate compliance with this paragraph, each CPC shall develop a protocol for monitoring and verifying unloadings within a maximum period of 60 days from the approval of this resolution.
 - e. Once the vessel reaches 80% of the individual bigeye and yellowfin tuna catch limit, the fisheries authority shall notify this immediately to the vessel owner with copy to the IATTC Secretariat, so that it ceases to make fishing sets on floating objects on reaching 100%.
 - f. CPCs shall send monthly reports to the IATTC Secretariat on the use of their allocated catch limit.
 - g. If the CPC exceeds its allocated annual catch limit, the excess shall be deducted from its catch limit for the following year.
 - h. The catch limit allocated to each CPC shall be used among its flag vessels and the only exception for transfer to another CPC shall be under the cases in which there is a temporary transfer of capacity, subject to the approval by the CPC and informing the IATTC Director.
 - i. Vessels with a historical record that do not fish their allocated catch limit nor transfer it to any other vessel, may request a reduction in the number of days of the closure period referred to in paragraph 3 of this resolution for the following year, in accordance with the parameters that the IATTC scientific staff may establish at the time that the individual catch limit is allocated.
12. With the aim of helping with the objective of reducing the catch of bigeye and yellowfin on floating objects, it is stipulated that the depth of the nets of purse-seine vessels shall not be greater than 24 strips.

CHAPTER III

BIGEYE CATCH LIMITS FOR LONGLINE TUNA FLEET

13. China, Japan, Korea, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2017-2018 do not exceed the following levels:

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China	2,507

Japan	32,372
Korea	11,947
Chinese Taipei	7,555

14. For the year 2018, the total annual longline catches of bigeye tuna in the Convention Area 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 19.
15. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during 2017-2018 do not exceed the greater of 750 metric tons or their respective catches of bigeye tuna in 2001^{2,3}. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director during the remainder of that calendar year. For 2018, 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 19.
16. The excess of an annual bigeye catch limit established for a CPC in paragraph 9 or 11 shall be deducted from the CPC's annual catch limit for the following year.

CHAPTER IV

MISCELLANEOUS PROVISIONS

17. 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.
18. Each CPC shall submit to the Director, by 15 July of each year, a national report on its updated national compliance scheme and 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.
19. In order to evaluate progress towards the objectives of these measures, in 2018 and 2019 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.
20. The Director shall prioritize in his research program the experiments with sorting grids or other technological mechanisms for reducing the catch of juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs, 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 likewise for other technological mechanisms that it may be desirable to implement. 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.
21. For 2017, renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, with only three minor exceptions so that tropical tunas may be discarded when they are:

² The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

³ 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.

- a. considered unfit for human consumption for reasons other than size (*i.e.*, size is not a reason for considering the fish unfit for human consumption and is therefore not a reason for discarding it).
- b. caught in the final set of a trip, when there is not sufficient well space available to load all the tuna caught in that set.
- c. when serious equipment failures occur.

Notwithstanding the above, it will not be considered an infraction if the discards do not exceed 0.5% of the catches for the fishing trip.

At its annual meeting in 2018, the IATTC will review the results of the program, including compliance, and decide whether to continue it.

22. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the 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.
 - a. In 2017 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 IATTC scientific staff, in consultation with the Scientific Advisory Committee, based on such evaluation, the Commission shall adopt conservation and management measures for the sustainable use of tuna and tuna-like species at its meeting in 2017.
 - b. In 2018, the results of these measures shall be evaluated in the context of the results of the stock assessment and of changes in the level of active capacity in the purse seine fleet and, depending on the conclusions reached by the IATTC staff, in consultation with the Scientific Advisory Committee, based on such evaluation, the Commission shall adopt conservation and management measures for the sustainable use of the tunas and tuna-like species at its meeting in 2018.
23. Except in cases of *force majeure* and of vessels staying in port during at least 120 consecutive days and without conducting fishing activities as prescribed in paragraph 7, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 6a, nor with regard to effort.
24. Any vessel that enters the Regional Vessel Register as a substitute for another vessel that has carried out the closure in the first period shall not be considered for complying with a new closure period.
25. Any vessel that enters the Register in the second semester as a substitute for a vessel that was inactive for more than six months shall not be obliged to carry out any closure period.