

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

13th MEETING

Del Mar, California (USA)

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DOCUMENT CAP-13-08

PROTOCOL FOR SEALING FISH WELLS ON PURSE-SEINE VESSELS

1. INTRODUCTION

Sealing wells as a mechanism for reducing the capacity of vessels was discussed extensively during the 74th meeting of the IATTC in June 2006.

The discussion focused on the concept of sealing wells on a vessel in order to reduce its capacity to a level that the flag country has available, thus allowing it to participate in the fishery. It was noted that, in order to comply with Resolution C-02-03, a vessel wishing to reduce its capacity in this manner must physically seal the wells in a credible and verifiable manner, remove the refrigeration system from the sealed wells, be inspected by the appropriate authorities, carry an observer, and not change its registered capacity on the IATTC Regional Vessel Register.

At that meeting, some countries presented a proposal on this matter, but various delegations expressed concerns and reservations about this method of meeting the requirements of Resolution C-02-03. However, it was agreed that a technical working group would be formed to consider the issue and recommend guidelines for the process of sealing wells.

The Working Group met in October 2006, and discussed a draft protocol for sealing fish wells on purse-seine vessels prepared by the IATTC staff, based largely on the above-mentioned proposal. Considerable progress was made towards agreement on a text, but some differences of opinion were not resolved and were left bracketed in the proposal (Appendix A). It was therefore decided to refer the matter to the Commission for a decision, but the Commission did not take it up, and it has been pending since then.

2. CURRENT SITUATION

Although the IATTC has not adopted a protocol, some countries have asked the staff to change the capacities on the Regional Register of vessels that sealed or disabled wells for fish storage. The following cases are currently recorded:

| Vessel (current name ¹) | Flag | Total capacity (m ³) | Capacity on Register (m ³) | Volume of sealed or disabled wells (m ³) |
|--|------|----------------------------------|--|--|
| <i>Atunmanta</i> | ECU | 555 | 477 | 78 |
| <i>Cabo Marzo</i> | ECU | 1,242 | 1,083 | 159 |
| <i>Vicente</i> | GTM | 3,158 | 1,958 | 1,200 |

The following vessels sealed wells in the past and later unsealed them, returning to their original total capacities.

¹ Does not necessarily correspond to the vessel's name when the wells were sealed

| Vessel (current name) | Total capacity (m ³) | Capacity on Regional Register (m ³) | Capacity of sealed or disabled wells (m ³) | Date sealed | Date un- sealed |
|---------------------------|-------------------------------------|---|--|-------------|--------------------|
| <i>María Isabel I</i> | 511 | 351 | 160 | 13-nov-2002 | 14-nov-2006 |
| <i>Margot I</i> | 1,487 | 1,407 | 80 | 4-ene-2008 | 22-jun-2009 |
| <i>Jeannine*</i> | 1,281 | 657 | 624 | 20-jun-2006 | 21-jun-2007 |
| <i>Tiuna</i> | 1,202 | 1,152 | 50 | 29-sep-2009 | 9-dic-2009 |
| <i>Cape Horn</i> | 1,274 | 660 | 614 | 22-ago-2006 | 15-feb-2007 |
| <i>Capt. Vincent Gann</i> | 1,581 | 1,449 | 132 | 27-ene-2006 | 20-may-2008 |
| <i>Capt. Vincent Gann</i> | 1,581 | 1,214 | 367 | 23-feb-2009 | 22-jun-2009 |
| <i>Wargandi</i> | 1,581 | 1,449 | 132 | 27-ene-2006 | 3-dic-2007 |
| <i>Mary Lynn</i> | 250 | 138 | 112 | 13-sep-2007 | 6-dic-2007 |
| <i>Florentino</i> | 3,158 | 1,958 | 1,200 | 4-ene-2008 | 23-may-2011 |

*Withdrawn from the Regional Register

Because Resolution C-02-03 does not regulate the sealing of wells, but also does not prohibit it, the staff includes in the records of vessels on the Regional Register notes on any capacity changes resulting from sealed or disabled wells.

In each of the above cases, the flag government has been asked to supply a diagram of the vessel showing the position and volume of the sealed or disabled wells. Also, governments are asked to abide by the following two requirements, which were generally supported by the working group in October 2006 and, in the case of the second requirement, by the Parties to the AIDCP:

1. A vessel whose original total capacity was 363 t or more, and was therefore required to carry an AIDCP observer on board, shall continue to be subject to that requirement even if its capacity is reduced below that level as a result of sealing or disabling wells.
2. Fees paid to the AIDCP observer program shall be calculated on the basis of the vessel's total capacity, regardless of any sealed or disabled wells.

3. ISSUES FOR CONSIDERATION BY THE WORKING GROUP

Considering the fact that several Members have allowed their vessels to seal or disable wells in order to reduce capacity, and that agreement on a protocol was almost reached in October 2006, it would be advisable for the Working Group to consider reviewing and resuming the task of developing a protocol to govern such cases.

If no protocol is adopted, the staff will continue to use the procedures outlined above in cases of requests by governments to reduce vessel capacity by sealing or disabling wells.

Appendix A

PROTOCOL FOR SEALING FISH WELLS ON PURSE-SEINE VESSELS

If vessel wells are sealed, with the aim of reducing the vessel's overall capacity, this protocol shall be followed. This protocol, by regulating the sealing of wells as exceptional cases, shall be applied in a way that does not contravene the provisions of Resolution C-02-03, in particular its articles 6 and 7, regarding the system for verifying capacity measurements and the introduction of new vessels. In order for the reduced well volume of the vessel to be recorded on the Regional Vessel Register for purposes of the implementation of Resolution C-02-03 on fleet capacity, the following procedure must be followed by all vessels with wells sealed after the adoption of Resolution C-02-03:

1. A sealed well is defined as any space on board a vessel, intended for the freezing, maintenance, or storage of fish, access to which has been blocked to prevent its use for these purposes.
2. The well must be physically sealed in a tamper-proof manner, and in such a way that it does not communicate with any other space on the vessel [and that its use for any other storage is prevented].
3. It should be possible to open a sealed well in case an emergency arises. If a sealed well is opened at sea, the observer must be present both when the well is opened and when it is resealed.
4. [All refrigeration equipment must be removed from the well.]
5. Any wells that are sealed must be inspected by the vessel's flag government to verify compliance with this protocol, and the results reported to the Director.
6. Any vessel [whose carrying capacity was originally 363 t or more] with one or more of its wells sealed to reduce its well volume recorded on the Regional Vessel Register shall be required to carry an AIDCP observer on board.
7. Observers shall be notified as to which vessels are operating with sealed wells, and shall report any instances of sealed wells being used for storing fish.
8. Unloadings and transshipments by vessels with sealed wells shall be closely monitored [by IATTC staff] to ensure that the sealed wells have not been used.

Recommendation for the Parties to the AIDCP

The Working Group recommends that the Commission inform the Parties to the AIDCP of this protocol, and recommend that they adopt paragraphs 6 and 7 and base the assessments of vessels with sealed wells on the well volume of the vessel before any wells were sealed.