

INTER-AMERICAN TROPICAL TUNA COMMISSION

94TH MEETING

Bilbao, Spain
22-26 July 2019

PROPOSAL IATTC-94 G-1B**SUBMITTED BY THE EUROPEAN UNION****AMENDMENTS TO RESOLUTION C-11-09 TO STRENGTHEN TRANSSHIPMENTS****EXPLANATORY MEMORANDUM**

The present EU proposal aims to enhance the fight against IUU fishing through the strengthening of the IATTC provisions on transshipment. Notably it reinforces the obligation that reefer vessels are to be flagged to CPCs in order to better monitor their activities; it stresses the obligations to deliver IMO numbers in coherence with Resolution C-14-01 on the Regional Vessel Registry; it ensures the applicability of the VMS provisions to vessels involved in transshipment activities; it introduces further transparency on the list of authorised vessels to transship and it reinforces the information exchanges with coastal States when a transshipment takes place in their EEZs.

RESOLUTION C-19-XX**AMENDMENT TO RESOLUTION C-11-09 ON ESTABLISHING A PROGRAM FOR TRANSSHIPMENTS BY LARGE-SCALE FISHING VESSELS**

The Inter-American Tropical Tuna Commission (IATTC), gathered in **Bilbao, Spain**, on the occasion of its **94th** Meeting:

Taking account of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the IATTC;

Expressing grave concern that organized tuna -laundering operations have been conducted, and a significant amount of catches by IUU tuna longline fishing vessels have been transshipped under the names of duly licensed fishing vessels;

In view therefore of the need to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Antigua Convention Area, including the control of their landings; and

Aware of the need to amend consequently its Resolution C-11-09 on establishing a program for transshipments by large-scale fishing vessels;

Agrees:

SECTION 1. GENERAL RULES

1. Except under the program to monitor transshipment at sea outlined below in Section 2, all transshipment operations in the Antigua Convention Area of tuna and tuna-like species and sharks caught in association with the fisheries covered by the Convention (hereinafter referred to as "tuna and tuna-like species and sharks") must take place in port.

2. Each Member and Cooperating Non-Member of the Commission (CPC) shall take the necessary measures to ensure that large-scale tuna-fishing vessels¹ (LSTFVs) flying its flag comply with the obligations set out in Annex 1 when transshipping in port.
3. This Resolution does not apply to troll vessels, pole-and-line vessels or vessels engaged in the transshipment of fresh fish² at sea.

SECTION 2. PROGRAM TO MONITOR TRANSSHIPMENTS AT SEA

4. The Commission hereby establishes a program to monitor transshipments at sea, which applies only to large-scale tuna longline fishing vessels (LSTLFVs) and to carrier vessels authorized by their respective flag CPC to receive transshipments from these vessels at sea. No at-sea transshipment of tuna and tuna-like species and sharks caught by fishing vessels other than LSTLFVs shall be allowed.
5. Each CPC shall determine whether or not to authorize its LSTLFVs to transship at sea. Only LSTLFVs that are included in the IATTC list of authorized longline vessels and that operate under the jurisdiction of CPCs that participate in the observer program established by this Resolution and that finance the costs of its implementation are authorized to make transshipments at sea. The Director will maintain a publicly searchable list of such vessels LSTLFVs authorized to conduct at-sea transshipment. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution.

SECTION 3. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSSHIPMENTS AT SEA IN THE CONVENTION AREA

6. The Commission shall establish and maintain a record of carrier vessels authorized by their respective flag CPCs to receive tuna and tuna-like species and sharks at sea from LSTLFVs in the Convention Area (IATTC Record of Carrier Vessels). Only carrier vessels flagged to a CPC may be authorized to receive tuna and tuna-like species and sharks in at-sea transshipment operations. **CPCs shall ensure that their LSTLVs only engage in transshipments with vessels on the IATTC Record of Carrier Vessels.** For the purposes of this Resolution, carrier vessels not on this Record are deemed not to be authorized to receive tuna and tuna-like species and sharks in at-sea transshipment operations.
7. Each CPC shall submit to the Director, in electronic format if possible, the list of the carrier vessels that it has authorized to receive at-sea transshipments from its LSTLFVs in the Convention Area. This list shall include the following information for each vessel:
 - i. ~~Flag of the vessel;~~
 - ii. Name of vessel, register number;
 - iii. **IMO number;**
 - iv. Previous name (if any);
 - v. Previous flag (if any);
 - vi. Details of previous deletion from other registries (if any);
 - vii. International radio call sign;
 - viii. Type of vessel, length, gross tonnage (GT) and carrying capacity;
 - ix. Name and address of owner(s) and operator(s); and
 - x. Time period authorized for transshipping.

¹ For the purposes of this Resolution, “Large-scale tuna fishing vessels” are defined as all vessels fishing beyond areas of national jurisdiction or beyond each CPC-controlled areas and targeting tuna or tuna-like species.

² For the purposes of this Resolution, “fresh fish” means tuna or tuna-like species that are alive, whole or dressed/gutted, but not further processed or frozen.

8. Each CPC shall promptly notify the Director, after the establishment of the initial IATTC Record, of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.
9. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record through electronic means ~~including by~~ placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. **Regardless of vessel size**, all carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-04-06*³ on the establishment of a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSSHIPMENT

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

Flag CPC Authorization

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

Notification obligations

Fishing vessel:

13. To receive the prior authorization mentioned in paragraph 12, the master and/or owner of the LSTLFV must notify the following information to its flag CPC authorities at least 24 hours in advance of an intended transshipment. **When transmitting the following information, the LSTLFV shall provide a copy of this information to the Director and the relevant Coastal State ~~whereif the,~~ if transshipment occurs within an EEZ:**
 - a. the name of the LSTLFV, its number in the LSTLFV List, **and the IMO number,**
 - b. the name of the carrier vessel, ~~and~~ its number in the IATTC Record of Carrier Vessels, **its IMO number,** and the product to be transshipped,
 - c. the tonnage by product to be transshipped,
 - d. the date and location of transshipment, and
 - e. the geographic location of the tuna and tuna-like species and sharks catches.

The LSTLFV concerned shall complete and transmit to its flag CPC, not later than ~~15 days~~ **15 days** after the transshipment, the IATTC transshipment declaration, along with its number in the IATTC LSTLFV List, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to ~~the Director,~~ the flag CPC of the LSTLFV; **and the Coastal States, ~~whereif the if~~ transshipment occurs within an EEZ,** along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IATTC transshipment declaration, along with its number in the IATTC Record of Carrier Vessels, to the competent

³ [Note: Resolution C-14-02 (amended) on the establishment of a vessel monitoring system (VMS) replaced Resolution C-04-06 on 1 January 2016]

authorities of the CPC where the landing takes place.

Regional Observer Program

16. Each CPC shall ensure that all its carrier vessels that transship at sea have on board an IATTC observer, in accordance with the IATTC Regional Observer Program in Annex 3. The IATTC observer shall monitor compliance with this Resolution, and notably that the transshipped quantities are consistent with the catch reported on the IATTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the Convention Area without an IATTC observer on board, except in cases of *force majeure* duly notified to the Director.

SECTION 5. GENERAL PROVISIONS

18. To ensure the effectiveness of the IATTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a. In validating the Statistical Document, flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV;
 - b. The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program; and
 - c. CPCs shall require that the catches of species covered by the Statistical Document Programs by LSTLFVs in the Convention Area, when imported into the territory or area of a CPC, be accompanied by validated statistical documents and a copy of the IATTC transshipment declaration.
19. Each CPC shall report annually before 15 September to the Director:
 - a. The overall quantities by species transshipped during the previous year.
 - b. The names and IMO numbers of its vessels on the IATTC LSTLFV List which have transshipped during the previous year and/or received transshipments and the quantities and species recorded for each transshipment operation either as a transshipping or receiving vessel; and
 - c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from its LSTLFVs.
20. All tuna and tuna-like species and sharks landed in, or imported into, the territory or area of a CPC, either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the IATTC transshipment declaration until the first sale has taken place.
21. Each year, the Director shall present a report on the implementation of this Resolution to the annual meeting of the Commission, which shall review compliance with this Resolution.
22. This Resolution replaces Resolution C-11-09.

Annex 1

CONDITIONS RELATING TO IN-PORT TRANSSHIPMENT BY LSTFVS

General

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

Notification obligations

2. Fishing vessel:
 - 2.1. At least 48 hours prior to transshipping, the captain of the LSTFV must notify the following information to the Port State **authorities**:
 - a. the name of the vessel and its number in the IATTC Regional Vessel Register,
 - b. the name of the carrier vessel, and the product to be transshipped,
 - c. the tonnage, by product, to be transshipped,
 - d. the date and location of transshipment,
 - e. the major fishing grounds of the tuna and tuna like species and sharks catches.
 - f. **the vessel IMO number**
 - 2.2. The captain of an LSTFV shall, at the time of the transshipment, inform the vessel's Flag CPCs of the following;
 - a. the products and quantities involved,
 - b. the date and place of the transshipment,
 - c. the name, **IMO number**, registration number and flag of the receiving carrier vessel,
 - d. the geographic location of the tuna and tuna like species and sharks catches.
 - 2.3. The captain of the LSTFV shall complete and transmit to the vessel's flag CPC not more than ~~15~~ **day 15 days 24 hours** after the transshipment, the IATTC transshipment declaration, along with the vessel's number in the IATTC LSTFV List, in accordance with the format set out in Annex 2.

Receiving vessel

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

Landing State

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an IATTC transshipment declaration, and transmit it to the competent authorities of the landing State where the landing is to take place.
5. The Port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received, and shall cooperate with the flag CPC of the LSTFV to ensure that landings are consistent with the catches reported by the vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC with LSTFVs shall report each year to the IATTC the details of the transshipments by its vessels.

ANNEX 2

IATTC TRANSSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag: <u>IMO Number:</u>	Flag: <u>IMO Number if available:</u>
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IATTC Register Number, if available:	IATTC Register Number, if available:

Day Month Hour Year

Agent's name: Master's name of LSTV: Master's name of Carrier:

Daparture					from	
Return					to	
Transshipment						

Signature: Signature: Signature:

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the bonded weight in kilograms of this unit: kilograms

LOCATION OF TRANSHIPMENT:

Species	Port		Sea	Type of product													
				Whole	Gutted	Headed	Filleted										

If transshipment effected at sea, IATTC Observer Signature:

ANNEX 3

IATTC REGIONAL OBSERVER PROGRAM

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

Designation of the observers

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

Obligations of the observer

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

- vi. certify the data contained in the transshipment declaration; and
 - vii. countersign the transshipment declaration;
- b. issue a daily report of the carrier vessel's transshipping activities;
 - c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d. submit to the ~~Director~~ coastal State (as appropriate) and to the flag States the aforementioned general report within ~~20 days~~ 24 hours ~~20 days from~~ of the end of the period of observation; and
 - e. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLFVs and of the LSTLFVs owners and accept this requirement in writing as a condition of appointment as an observer.
 7. Observers shall comply with requirements established in the laws and regulations of the flag CPC which exercises jurisdiction over the vessel to which the observer is assigned.
 8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the flag CPCs of carrier vessels

9. The responsibilities regarding observers of the flag CPCs of the carrier vessels and their captains shall include the following, notably:
 - a. Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i. satellite navigation equipment;
 - ii. radar display viewing screens when in use; and
 - iii. electronic means of communication.
 - c. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e. The flag CPCs shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.
10. The Director, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag CPC of the carrier vessel under whose jurisdiction the vessel transshipped and to the flag CPC of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip three months prior to the meeting of the Committee for the Review of Implementation of Measures adopted by the Commission.

Obligations of LSTLFVs during transshipments

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit, and shall be granted access to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.

12. The Director shall submit the observer reports to the Committee for the Review of Implementation of Measures adopted by the Commission and to the Scientific Advisory Committee.

Observer fees

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLFVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the Director and the Director shall manage the account for implementing the program;

14. No LSTLFV may participate in the at-sea transshipment program unless the fees, as required under paragraph 13, have been paid.