

AMERICAN TROPICAL TUNA COMMISSION

98TH MEETING

(RESUMED)

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PROPOSAL IATTC-98 E-1 REV

SUBMITTED BY ECUADOR

**RESOLUTION ON ESTABLISHING A MANDATORY PROGRAM FOR
TRANSSHIPMENTS IN AUTHORIZED PORTS BY LARGE-SCALE FISHING
VESSELS IN REPLACEMENT OF RESOLUTION C-12-07**

RESOLUTION C-21-XX

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IN AUTHORIZED PORTS BY LARGE-SCALE FISHING VESSELS IN REPLACEMENT OF
RESOLUTION C-12-07**

*The Inter-American Tropical Tuna Commission (IATTC), gathered **virtually**, on the occasion of its 95th Meeting:*

Deeply concerned that illegal, unreported and unregulated fishing has a detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

Conscious of the importance of the Port State to combat illegal, unregulated and unreported fishing and to monitor the compliance with measures adopted by Regional Fisheries Management Organizations for the sustainable use and the long-term conservation of living marine resources;

Bearing in mind that, under the 1995 FAO Code of Conduct for Responsible Fisheries, the right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of living aquatic resources;

Recognizing that the fight to combat illegal, unreported and unregulated fishing should be based on diligent and coordinated actions among Flag States, Coastal States and Port States, using all their sovereignty and jurisdiction in accordance with international law;

Noting that transshipments of fish on the high seas contribute to hiding illegal, unreported and unregulated (IUU) fishing and degrading labor practices prohibited by the Maritime Labour Convention adopted in Geneva, Switzerland, on 7 February 2006, which threaten food security, the traceability of catches and facilitate the impunity of the perpetrators; while such operations, when carried out in authorized ports, make it possible to adopt and implement effective measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, strengthen the human rights of crew members and ensure the traceability and legality of catches.

Recalling the relevant provisions of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993, the 1995 FAO Code of Conduct for Responsible Fisheries, and the Agreement on Port State Measures aimed at preventing, deterring and eliminating Illegal, Unreported and Unregulated fishing, and other relevant international law;

Agrees:

SECTION 1. GENERAL RULES

1. All trans-shipment 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”) 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 under 24 meters of length overall engaged in the trans-shipment of fresh fish at sea.~~

SECTION 2. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSSHIPMENTS AT SEA IN THE CONVENTION AREA

4. The Commission shall establish and maintain a record of carrier vessels authorized by *their* respective flag *governments* to receive tuna and tuna-like species from LSTFVs in the Convention Area (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 in transshipment operations at *authorized ports*.

5. Each CPC shall submit to the Director, in electronic format if possible, *the updated* initial list of the carrier vessels that it has authorized to receive transshipments from its LSTFVs *in authorized ports located within the* Convention Area. This list shall include the following information for each vessel:

- a. The flag of the vessel;
- b. Name of vessel, register number;
- c. *IMO number*;
- d. Previous name (if any);
- e. Previous flag (if any);
- f. Details of previous deletion from other registries (if any);
- g. International radio call sign;
- h. Type of vessel, length, gross tonnage (GT) and carrying capacity;
- i. Name and address of owner(s) and operator(s); and
- j. Time period authorized for transshipping at *authorized ports*.

¹ For the purposes of this Resolution, “Large-scale tuna fishing vessels” are defined as all vessels *greater than 24 meters length overall* fishing beyond areas of national jurisdiction or beyond each CPC-controlled areas and targeting tuna, tuna-like species *or sharks*.

6. Each CPC shall promptly notify the Director, of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.

7. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record through electronic means, including placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.

8. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-14-02 on the establishment of a Vessel Monitoring System (VMS).

SECTION 3. TRANSSHIPMENTS IN PORT

9. Transshipments by LSTLFVs in ports under the jurisdiction of the CPCs are subject to prior authorization from the Port State of said port. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

Flag State Authorization

10. LSTLFVs are not authorized to transship unless they have obtained prior authorization from their flag State, as evidenced by their inclusion in the Commission's RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSSHIPMENTS IN THE CONVENTION AREA.

Fishing vessel:

11. Before the transshipment, the master and/or owner of the LSTLFV must notify the following information to its flag State authorities and the Port State at least 24 hours in advance. When transmitting the following information, the LSTLFV shall provide a copy of this information to the Director of the IATTC and to the relevant coastal State if the transshipment occurs within an EEZ:

- a. the name of the LSTLFV, its number in the LSTLFV List, and the IMO number of the vessel, if available,
- b. the name of the carrier vessel, its number in the IATTC Record of Carrier Vessels, its IMO number, and the product to be transhipped,
- c. the tonnage, by species and product, to be transhipped²,
- d. the date and location of the transshipment, and
- e. the geographic location of catches of tunas, other pelagic species, and sharks.

The LSTLFV concerned shall complete and transmit to its flag State, not later than 24 hours 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:

² Applies to all tuna and tuna-like species and sharks.

12. 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, along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.

13. 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 Director, to the competent authorities of the State where the landing takes place (Port State) which shall authorize and monitor the operation.

SECTION 4. GENERAL PROVISIONS

14. To ensure the effectiveness of the IATTC conservation and management:

a) The flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV and confirm 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 the information gathered by the CPC of the Port State.

b) 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.

15. Each CPC shall report annually before 15 September to the Director:

a. The quantities by species transshipped by their vessels and/or at its ports during the previous year.

b. The names and IMO numbers of the LSTLFVs and carrier vessels authorized to receive transshipments, registered with the IATTC, which have transshipped during the previous year;

16. 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.

17. 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.

18. These provisions shall apply from January 2023.

19. The Commission shall review and, as appropriate, amend this Resolution at the next annual meeting.

19. This Resolution replaces Resolution C-12-07.

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 **and the Director**:
 - 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 **species and** product, to be transshipped³,
 - d. the date and location of transshipment,
 - e. the major fishing grounds of the tuna and tuna like species and sharks catches.
 - f. the IMO number of the vessel**
 - 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 **and the Director** not more than **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 Director and** 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 Director and** 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.

³ Applies to all tuna and tuna-like species and sharks.

ANNEX 3

IATTC REGIONAL OBSERVER PROGRAM

1. Each CPC shall require carrier vessels included in the IATTC Record of Carrier Vessels which 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, **the coastal State (where appropriate) and the flag CPCs**, the aforementioned general report within **24 hours** from 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.