

The Experience of the Implementation of ICCAT at-Sea Transshipment Programme for CCSBT Reference

Submitted by Fishing Entity of Taiwan

Preamble

ICCAT is the first tuna regional fisheries management organization in the world to implement a regional observer program for at-sea transshipment. All the participants in the program, including Taiwan, were undergoing a trial of this pilot program. As the major player in the program, Taiwan would like to provide its experience about some major problems encountered at the initial stage for CCSBT reference and facilitate discussion so as to implement the program more smoothly in the future.

Background

- In order to ensure the monitoring of the transshipment activities by large-scale longline vessels (LSTLVs) in the ICCAT Convention area and to collect catch data of such vessels to improve the scientific assessments of tuna stocks, ICCAT adopted Recommendation 05-06 “*Establishing a Programme for Transshipment by Large-scale Longline Fishing Vessels*” in 2005 and then replaced by Recommendation 06-11 in 2006 (as Attachment).
- With the Recommendation in force, large-scale tuna longliners will not be permitted to conduct at sea transshipment, unless an ICCAT observer is placed on board the carrier engaging in the transshipment.
- For timely implementation of the above-mentioned provisions, ICCAT Secretariat offered international tender for the establishment of the Regional Observer Program (ROP). The Consortium comprising Marine Resources Assessment Group Ltd (MRAG) and Capricorn Fishing Monitoring CC (CapFish) won the bid and entered into contract with ICCAT, which came into effect on 23 April 2007 and the ROP was operative early May 2007.

Procedure for the implementation of ICCAT at-sea transshipment programme

- To implement ICCAT ROP, the Secretariat signed a contract with the observer agency for observer training, deployment, management and support.
- All CPCs engaged in ROP undertook to share the cost, with the cost-sharing formula calculated in the basis of their average catches of bigeye tuna, bluefin tuna, swordfish and yellowfin tuna during the period 2002-2004.
- Each CPC submitted, electronically where possible, to the ICCAT Executive Secretary the list of the carrier vessels that are authorized to receive transshipments from its LSTLVs in the Convention area.

- The ICCAT Executive Secretary maintained the ICCAT record and placed it on the ICCAT website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
- To receive the prior authorization, the master and/or owner of the LSTLV notified the transshipment information to its flag State authorities at least 24 hours in advance of the intended transshipment.
- CPC accompanied with a transshipment plan made a request to the Secretariat for observer deployment on the carrier vessels when CPC authorized its fishing vessel(s) to transship at sea.
- The Secretariat of the ICCAT informed the contracted observer agency to appoint observer on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSTLVs flying the flag of CPCs that implement the ICCAT observer program

Comments on some major problems encountered in the ICCAT ROP

– Strengthening the control and monitoring on both the carrier vessels and the fishing vessels.

Paragraph 9 of the Rec. 06-11 requires “*Carrier vessels authorized for at-sea transshipment to install and operate a VMS in accordance with the 2003 Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel monitoring System in the ICCAT Convention Area (Rec. 03-14)*”. Rec. 03-14 only requires monitoring of the positions of vessels by the flag CPC, and by doing that there is no way that the transshipment operations which involve both the carrier vessel and the fishing vessel, be controlled appropriately.

In addition to the requirement of ROP, Taiwan has requested carriers which intend to transship the catch from its fishing vessels to provide the DNID (Data Network Identification Digit) of their VMS. The complete process of the transshipment is under proper control. The authority not only monitors those vessels with prior authorization on at-sea transshipment, but also those vessels without any notification.

– The necessity to estimate the products transshipped by ICCAT observer

Notwithstanding the ICCAT regional observer tasks are addressed in the Recommendation 06-11, including observing and estimating products transshipped. In our opinion, it’s important to observe the products transshipment process, but it seems necessary to improve the approach for estimating the amount of products transshipped.

In comparisons of the total weight between the weight calculated by on-board observer and the weight recorded on the Transshipment Declaration. Among that, there is one significant discrepancy more than 50%. That observer explained that it is because the transshipment process took place at an extremely rapid pace with the strings being loaded straight from the hold of the LSTLV to the carrier vessel, it was

difficult to accurately count or estimate the number of fish being transshipped.

Furthermore, it should be noted that the observer also countersigned the transshipment declaration of that LSTLV. For confirming the actual amount of products transshipped, Chinese Taipei dispatched an officer to Shimizu, Japan to have a check. The result indicates the weight recorded on the Transshipment Declaration is right. It proves the way to estimate the products transshipped are no meaning and is easy to cause misunderstanding. Moreover, the ability of observers and the accuracy of their estimated result need further improvement.

– **To avoid the duplication of submission of carrier list.**

Since one carrier is entitled to transship the catches of longline vessels from a number of countries, it may not be necessary for every country who intends to make transshipment to that carrier to submit the same list to ICCAT which is now a requirement in accordance with Rec. 06-11. Whoever intends to transship may browse the ICCAT website and see if the carrier on charter is already on the list and prepared to carry observer onboard and if not CPC should submit the list to the secretariat accordingly.

– **To simplify the Transshipment Declaration procedure**

According to the Rec. 06-11, the fishing vessels shall report the transshipment declaration to flag state 15 days after the transshipment. The carrier shall report to flag state within 24 hours. The observers shall report the ROP contractor and Secretariat. This reporting system is cumbersome and difficult in cross-checking. The transshipment declaration process could be simplified and confirmed through the observers. That is to say, the observer shall be the only one contact point for confirming the declaration.

Issues needed to be considered in advance of implementation of ROP for at-sea transshipment in CCSBT

- If CCSBT follows the precedent of ICCAT, making contract with the observer agency for training, deployment and management of observer, or the Secretariat of CCSBT implements the program by itself, the Secretariat should assess the manpower and cost needed. The advantage and disadvantage of both options.
- Making decision for cost-sharing formulation by the members and cooperating non-members of the Extended Commission participating in the program.
- Establishing the mechanism of confidentiality for data collection provided by the observer.
- In light of small amount of SBT catch compared with other tuna and tuna-like

species, such as Bigeye Tuna, Yellow Fin Tuna and etc., the Extended Commission should consider to establish cooperation mechanism with other RFMOs including ICCAT, IOTC and etc.

**RECOMMENDATION BY ICCAT
ESTABLISHING A PROGRAMME FOR TRANSHIPMENT**

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 ICCAT;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU 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 Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large-scale longline tuna to improve the scientific assessments of those stocks;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transshipment operations at sea, all transshipment operations of tuna and tuna-like species in the ICCAT Convention area must take place in port.¹
2. The flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereafter referred to as CPCs) shall take the necessary measures to ensure that large-scale tuna vessels (hereafter referred to as the "LSTVs") flying their flag comply with the obligations set out in **Annex 3** when transshipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENT AT SEA

3. The Commission shall establish a program of transshipment which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the "LSTLVs") and to carrier vessels authorized to receive transshipment from these vessels.

The Commission shall at its 2008 annual meeting, review and, as appropriate, revise this Recommendation. Pending this review, small-scale albacore longline vessels shall be exempt from the requirements of paragraph 4.

4. The flag CPCs of LSTLVs shall determine whether or not to authorize their LSTLVs which fish for tuna and tuna-like species to transship at sea. However, the flag CPC may authorize the at-sea transshipment by its flag LSTLVs on the condition that such transshipment is conducted in accordance with the procedures defined in Sections 3, 4 and 5, and **Annexes 1** and **2** below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENT IN THE ICCAT AREA

5. The Commission shall establish and maintain an ICCAT Record of Carrier Vessels authorized to receive tuna and tuna-like species in the Convention area from LSTLVs. For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in transshipment operations.

¹ By derogation, this provision shall not apply until 31 December 2009 to four Russian vessels, the characteristics of which shall be notified to the ICCAT Secretariat. However, the extension to 2009 shall be subject to the results of the review process in 2008.

6. Each CPC shall submit, electronically where possible, to the ICCAT Executive Secretary by 1 July 2006 the list of the carrier vessels that are authorized to receive transshipments from its LSTLVs in the Convention area. This list shall include the following information:
 - The flag of the vessel
 - Name of vessel, register number
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign
 - Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
 - Name and address of owner(s) and operator(s)
 - Time period authorized for transshipping
7. Each CPC shall promptly notify the ICCAT Executive Secretary, after the establishment of the initial ICCAT record, of any addition to, any deletion from and/or any modification of the ICCAT record, at any time such changes occur.
8. The ICCAT Executive Secretary shall maintain the ICCAT record and take measures to ensure publicity of the record and through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
9. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with the 2003 *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14].

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following:

Flag State authorization

11. LSTLVs are not authorized to transship at sea, unless they have obtained prior authorization from their flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of the intended transshipment:
 - the name of the LSTLV and its number in the ICCAT record of fishing vessels,
 - the name of the carrier vessel and its number in the ICCAT record of carrier vessels authorized to receive transshipments in the ICCAT area, and the product to be transshipped,
 - the tonnage by product to be transshipped,
 - the date and location of transshipment,
 - the geographic location of the tuna catches

The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 2**.

Receiving carrier vessel:

13. The master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat and the flag CPC of the LSTLV, along with its number in the ICCAT record of carrier vessels authorized to receive transshipment in the ICCAT area, within 24 hours of the completion of the transshipment.
14. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT area, to the competent authorities of the State where the landing takes place.

Regional Observer Program

15. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer, not later than 31 March 2007, in accordance with the ICCAT regional observer program in **Annex 2**. The ICCAT observer shall observe the respect of this Recommendation, and notably that the transshipped quantities are consistent with the reported catch in the ICCAT transshipment declaration.
16. Vessels shall be prohibited from commencing or continuing transshipping in the ICCAT area without an ICCAT regional observer on board, except in cases of *force majeure* duly notified to the ICCAT Secretariat.

SECTION 5. GENERAL PROVISIONS

17. To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a) In validating the Statistical Document, flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The flag CPC of LSTLVs shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Recommendation. This confirmation shall be based on the information obtained through the ICCAT Observer Program.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the ICCAT record and a copy of the ICCAT transshipment declaration.
18. The CPCs shall report annually before 15 September to the Executive Secretary:
 - The quantities by species transshipped during the previous year.
 - The list of the LSTLVs registered in the ICCAT record of fishing vessels which have transshipped during the previous year.
 - A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
19. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the ICCAT transshipment declaration until the first sale has taken place.
20. Each year, the Executive Secretary of ICCAT shall present a report on the implementation of this Recommendation to the annual meeting of the Commission which shall review compliance with this Recommendation.
21. This Recommendation replaces the *Recommendation by ICCAT Establishing a Programme for Transshipment by Large-scale Longline Fishing Vessels* [Rec. 05-06].

ICCAT REGIONAL OBSERVER PROGRAMME

1. Each CPC shall require carrier vessels included in the ICCAT record of vessels authorized to receive transshipments in the ICCAT area and which transship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
2. The Secretariat of the Commission shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the ICCAT observer program.

Designation of the observers

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

Obligations of the observer

4. Observers shall:
 - a) have completed the technical training required by the guidelines established by ICCAT;
 - b) be nationals of one of the CPCs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
 - 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 LSTLV concerned and its ICCAT number;
 - v) verify the data contained in the transshipment declaration;
 - vi) certify the data contained in the transshipment declaration;
 - 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 Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - 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 LSTLVs and of the LSTLVs 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 State 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 States of carrier vessels

9. The responsibilities regarding observers of the flag States 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;
 - 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 States 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.

The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transshipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip.

The Secretariat shall submit the observer reports to the Compliance Committee and to the SCRS.

Observer fees

- a) The costs of implementing this program shall be financed by the flag CPCs of LSTLVs 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 ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the program;
- b) No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

IN-PORT TRANSHIPMENT BY LSTVs

1. Transshipment operations in port may only be undertaken in accordance with paragraph 3 of the Introduction and the procedures detailed below:

Notification obligations**2. Fishing vessel:**

- 2.1 Prior to transshipping, the captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:
 - the name of the LSTV and its number in the ICCAT record of fishing vessels,
 - the name of the carrier vessel, and the product to be transshipped,
 - the tonnage by product to be transshipped,
 - the date and location of transshipment,
 - the major fishing grounds of the tuna catches
- 2.2 The captain of a LSTV shall, at the time of the transshipment, inform its flag State of the following:
 - the products and quantities involved
 - the date and place of the transshipment
 - the name, registration number and flag of the receiving carrier vessel
 - the major fishing grounds of the tuna catches.

The captain of the LSTV concerned shall complete and transmit to its flag State the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1** not later than 15 days after the transshipment.

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 transshipped to his vessel, and complete and transmit the ICCAT transshipment declaration to the competent authorities within 24 hours.

Landing State:

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an ICCAT transshipment declaration, to the competent authorities of the landing State where the landing takes 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 LSTV to ensure that landings are consistent with the reported catches amount of each 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 of the LSTV shall include in its Annual Report each year to ICCAT the details on the transshipments by its vessels.