



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notices

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 147 2006

REGULATIONS RELATING TO LICENSING OF FOREIGN FLAG VESSELS FOR THE PURPOSE OF HARVESTING NAMIBIA'S SHARE OF MARINE RESOURCES: MARINE RESOURCES ACT, 2000

The Minister of Fisheries and Marine Resources has under section 37 read with section 61 of the Marine Resources Act, 2000 (Act No. 27 of 2000) made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and -

“conservation and management measures” means the conservation and management measures published by Government Notice No. 126 of 30 August 2006;

“licence” means a licence issued in terms of regulation 4;

“Namibia’s share of marine resources” means Namibia’s share of tuna and tuna like fishes found in the Convention area, as defined in the International Convention for the Conservation of Atlantic Tunas, a copy of which is set out in Annexure D;

“responsible party” in relation to the International Convention for the Conservation of Atlantic Tunas, means -

- (a) a contracting party;
- (b) a cooperating non-contracting party, entity or fishing entity; or
- (c) a non-contracting party, entity or fishing entity, which agrees to apply the conservation and management measures and,

to which a foreign flag vessel is registered;

“the Act” means the Marine Resources Act, 2000 (Act No. 27 of 2000).

Application of regulations

2. These regulations apply to any person who intends to use, or uses a foreign flag vessel to harvest Namibia’s share of marine resources.

Application for licence

3. (1) A person -

- (a) who holds a right under section 33 of the Act; or
- (b) who is nominated under section 35(2) of the Act,

and who intends to use a foreign flag vessel to harvest Namibia’s share of marine resources, must apply to the Permanent Secretary for a licence in the form substantially corresponding with the Annexure A.

(2) An application referred to in subregulation (1) must be accompanied by the appropriate fee specified in Annexure C.

(3) The Permanent Secretary must within seven days of receiving an application made in terms of subregulation (1) and the fee referred to in subregulation (2), forward the application to the Minister.

(4) On receipt of an application in terms of subregulation (3), the Minister may request further information as is reasonably necessary in respect of the application.

Issue of licence

4. (1) The Minister must consider an application made in terms of regulation 3, and may -

- (a) subject to any condition which is reasonably necessary, grant the application; or

(b) refuse the application in accordance with subregulation (3), and may provide the applicant with reasons for the refusal.

(2) If the Minister grants the application in terms of subregulation (1), the Minister must issue a licence to the applicant in the form substantially corresponding with Annexure B.

(3) The Minister may refuse an application made in terms of regulation 3, if the Minister is satisfied that -

- (a) the information furnished in the application is incomplete or incorrect;
- (b) the vessel in respect of which an application is made is not intended to be used as a fishing vessel;
- (c) the granting of the application will not be in the interest of the fishing industry harvesting Namibia's share of marine resources; or
- (d) the granting of the application might threaten the sustainability of a particular marine resource.

(4) If -

- (a) any change has occurred in the information submitted by a licence holder in connection with the application made in terms of regulation 3; or
- (b) the vessel in respect of which the licence is issued ceases to be used as a fishing vessel,

the licence holder must, within 21 days of the change having occurred and in writing or in any other manner determined by the Permanent Secretary, inform the Permanent Secretary of the change.

Validity of licence

5. (1) A licence is valid for a period not exceeding one year, but may be renewed on application in accordance with subregulation (2).

(2) A person who intends to renew a licence must apply for renewal in accordance with regulation 3, but the Minister may on the application for a renewal of a licence -

- (a) attach new conditions to the licence; or
- (b) vary the conditions of the original licence.

Cancellation and suspension of licence

6. (1) Subject to subregulations (2) and (3), the Minister may suspend, cancel or amend a licence if -

- (a) the foreign flag vessel ceases to be registered to its responsible party;
- (b) the licence holder has, in the application for a licence, furnished information which is not true or complete;

- (c) the licence holder contravenes or fails to comply with a condition attached to the licence;
- (d) the licence holder contravenes the Act;
- (e) the licence holder is convicted of an offence in terms of the Act or any regulation made under the Act; or
- (f) the licence holder fails to comply with the conservation and management measures.

(2) If any of the circumstances contemplated in subregulation (1) occur, the Permanent Secretary must, by written notice delivered to licence holder or sent by registered post to the licence holder's last known address, request the licence holder to show cause, in writing and within a period of 21 days from the date of the notice, why the licence must not be suspended, cancelled or amended.

(3) The Permanent Secretary must, after expiry of the period referred to in subregulation (2), refer the matter together with any reason furnished by the licence holder referred to in that subregulation to the Minister for the Minister's decision.

(4) Where a matter is referred to the Minister in terms of subregulation (3), the Minister may -

- (a) suspend the licence for a period determined by the Minister;
- (b) cancel the licence from a date determined by the Minister;
- (c) amend the duration of the licence; or
- (d) amend the terms or conditions of the licence.

(5) The Minister may, whenever the Minister considers it necessary in the interests of the promotion, protection or utilisation on a sustainable basis of the Namibia's share of marine resources, at any time by written notice to a licence holder, suspend, cancel or amend that licence holder's licence.

Compliance

7. (1) The

- (a) Vessel Monitoring Regulations published by Government Notice No. 65 of 14 June 2005; and
- (b) Parts IV, V, VI, VII, VIII and IX of the Regulations, relating to the exploitation of marine resources, published by Government Notice No. 241 of 7 December 2001,

apply, reading in changes required in the context, to any person who uses a foreign flag vessels to harvest Namibia's share of marine resources.

(2) Any person who uses a foreign flag vessel to harvest Namibia's share of marine resources must comply with the conservation and management measures.

(3) A person who contravenes subregulation (2) is guilty of an offence and is on conviction liable to a penalty mentioned in section 52 of the Act.

ANNEXURE A



**REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000**

**APPLICATION FOR A LICENCE TO USE A FOREIGN FLAG VESSEL TO
HARVEST NAMIBIA'S SHARE OF MARINE RESOURCES
(Regulation 3)**

New application: Renewal:

Name of applicant:

Postal address:.....

Business and residential address:

Telephone number:Facsimile:

Species/fisheries in respect of which applicant holds a right:
.....

Harvesting method:

Particulars of vessel to be used:

Name of vessel:

Port of registry: Registration number

Owner:

Is the vessel a chartered foreign flag vessel?.....
(If so responsible party's consent to the chartering arrangement must accompany this application).

Postal address:.....

Business or residential address:.....
.....

Telephone numbers: Facsimile:

Country of residence:

Date of construction:

Length overall: m Gross register tonnes: GRT

Horse power:hp
(Attach a colour photograph, A6 format, showing vessel from starboard or portside.)

Hold capacities:

Number of wet fish holds: / total capacity:m³

Number of freezer holds: / total capacity:m³

Name of master:

Postal address:.....

Business or residential address:.....

Telephone numbers: Facsimile:

Total number of crew: of which Namibiannon-Namibian

Specifications of gear to be used:

.....
.....

Specifications of gear carried and stowed on board not to be used:

.....
.....

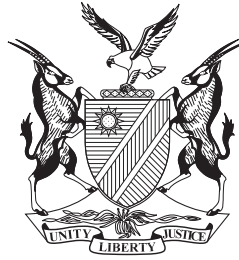
I, the undersigned, hereby apply for a licence to use the foreign flag vessel indicated above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

Signature

Place

Date

ANNEXURE B



**REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000**

**LICENCE TO USE A FOREIGN FLAG VESSEL TO HARVEST NAMIBIA'S
SHARE OF MARINE RESOURCES
(Regulation 4)**

Name of licence holder:

Name of foreign flag vessel:

.....

Foreign flag vessels licence number:

Licence valid from to

Specifications of gear authorised to be used under this licence:

.....

.....

Gear carried on board and gear not authorised to be used under this licence:

.....

.....

Licence conditions:

- (a) The operations of the vessel must at all times comply with current ICCAT conservation and management measures.
- (b) All catches must be landed in a Namibian port.

.....

.....

This licence is only valid after payment of the amount of N\$ to the Receiver of Revenue, Private Bag 13185, Windhoek.

MINISTER

DATE STAMP

Receipt No.:

RECEIVER OF REVENUE

DATE STAMP

ANNEXURE C**REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000****FEE PAYABLE FOR A LICENCE
(Regulation 3)**

The following fee is payable for a licence:

- (a) N\$ 20 in respect of a foreign flag vessel with a gross tonnage of less than 10 tons;
- (b) N\$ 50 in respect of a foreign flag vessel with a gross tonnage of 10 tons or more but less than 50 tons;
- (c) N\$ 100 in respect of a foreign flag vessel with a gross tonnage of 50 tons or more but less than 100 tons;
- (d) N\$ 200 in respect of a foreign flag vessel with a gross tonnage of 100 tons or more but less than 2500 tons;
- (e) N\$ 500 in respect of a foreign flag vessel with a gross tonnage of 2500 tons or more but less than 4500 tons;
- (f) N\$ 1000 in respect of a foreign flag vessel with a gross tonnage of 4500 tons or more but less than 9000 tons; and
- (g) N\$ 1500 in respect of a foreign flag vessel with a gross tonnage of 9000 tons or more.

ANNEXURE D**INTERNATIONAL CONVENTION FOR THE CONSERVATION
OF ATLANTIC TUNAS**

DONE AT RIO DE JANEIRO this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the Food and Agriculture Organization of the United Nations.

PREAMBLE

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

ARTICLE I

The area to which this Convention shall apply, hereinafter referred to as the "Convention area", shall be all waters of the Atlantic Ocean, including the adjacent Seas.

ARTICLE II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under international law.

ARTICLE III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention.
2. Each of the Contracting Parties shall be represented on the Commission by not more than three Delegates. Such Delegates may be assisted by experts and advisors.
3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two-thirds of the Contracting Parties shall constitute a quorum.
4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the Contracting Parties or by decision of the Council as constituted in Article V.
5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its Members a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.
6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.
8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.
9. The Commission shall submit a report to the Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

ARTICLE IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*) and such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission, in carrying out these responsibilities shall, insofar as feasible, utilise the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable, utilise the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget independent research to supplement the research work being done by governments, national institutions or other international organizations.
2. The carrying out of the provisions in paragraph 1 of this Article shall include:
 - (a) collecting and analysing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area;
 - (b) studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch;
 - (c) recommending studies and investigations to the Contracting Parties;
 - (d) publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

ARTICLE V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds forty, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna

processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

ARTICLE VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case:

- (a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;
- (b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties;
- (c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigation by the Contracting Parties.

ARTICLE VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe:

- (a) co-ordinating the programmes of investigation by the Contracting Parties;
- (b) preparing budget estimates for review by the Commission;
- (c) **AUTHORISING THE DISBURSEMENT OF FUNDS IN ACCORDANCE WITH THE COMMISSION'S BUDGET;**
- (d) accounting for the funds of the Commission;
- (e) arranging for co-operation with the organizations referred to in Article XI of this Convention;
- (f) preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks;
- (g) preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

ARTICLE VIII

1. (a) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article.
 - (b) The recommendations referred to above shall be made:
 - (i) at the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two-thirds of all the Contracting Parties if an appropriate Panel has been established;
 - (ii) on the proposal of an appropriate Panel if such a Panel has been established;
 - (iii) on the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.
2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article.
3. (a) If any contracting party in the case of a recommendation made under paragraph 1(b)(i) above, or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1(b)(ii) or (iii) above, presents to the Commission an objection to such recommendation within the six months period provided for in paragraph 2 above, the recommendation shall not become effective for an additional sixty days.
 - (b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional sixty days period, or within forty-five days of the date of the notification of an objection made by another Contracting Party within such additional sixty days, whichever date shall be the later.
 - (c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.
 - (d) However, if a recommendation has met with an objection presented by only one or less than one-fourth of the Contracting Parties, in accordance with sub-paragraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.
 - (e) In the case referred to in sub-paragraph (d) above the Contracting Party or Parties concerned shall have an additional period of sixty days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.
 - (f) If a recommendation has met with objection from more than one-fourth but less than the majority of the Contracting Parties, in accordance with

sub-paragraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

- (g) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.
4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.
5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

ARTICLE IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other time as may be required by the Commission, a statement of the action taken by it for these purposes.
2. The Contracting Parties agree:
- (a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;
- (b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.
3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries.

ARTICLE X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.
2. Each Contracting Party shall contribute annually to the budget of the Commission an amount calculated in accordance with a scheme provided for in the Financial Regulations, as adopted by the Commission. The Commission, in adopting this scheme, should consider *inter alia* each Contracting Party's fixed basic fees for Commission and Panel membership, the total round weight of catch and net weight of canned products of Atlantic tuna and tuna-like fishes and the degree of economic development of the Contracting Parties.

The scheme of annual contributions in the Financial Regulations shall be established or modified only through the agreement of all the Contracting Parties present and voting. The Contracting Parties shall be informed of this ninety days in advance.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorise reappportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.
4. The Executive Secretary of the Commission shall notify each contracting Party of its yearly assessment. The contributions shall be payable on January first of the year for which the assessment was levied. Contributions not received before January first of the succeeding year shall be considered as in arrears.
5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.
6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.
7. Thereafter, within a period not less than sixty days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.
8. The Commission may suspend the voting rights of any Contracting Party when its arrears of contributions equal or exceed the amount due from it for the two preceding years.
9. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.
10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.
11. The Commission may accept contributions, other than provided for in paragraph 2 of this Article, for the prosecution of its work.

ARTICLE XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to Article XIII of the Organization's Constitution. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a Representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.
2. The Contracting Parties agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a member of the United Nations or of any Specialized Agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

ARTICLE XII

1. This Convention shall remain in force for ten years and thereafter until a majority of Contracting Parties agree to terminate it.
2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.
3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same December thirty-first by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than April first of that year.

ARTICLE XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.
2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE XIV

1. This Convention shall be open for signature by any Government of any State which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.
2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or

adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.
4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.
5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of the provisions of the Convention as the other Contracting Parties. Reference in the text of the Convention to the term "State" in Article IX, paragraph 3, and to the term "government" in the Preamble and in Article XIII, paragraph 1, shall be interpreted in this manner.
6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member states of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to the Director-General of the Food and Agriculture Organization of the United Nations.

ARTICLE XV

The Director-General of the Food and Agriculture Organization of the United Nations shall inform all Governments referred to in paragraph 1 of Article XIV and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation or adherence, the entry into force of this Convention, proposals for amendments, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

ARTICLE XVI

The original of this Convention shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations who shall send certified copies of it to the Governments referred to in paragraph 1 of Article XIV and to the organizations referred to in paragraph 4 of the same Article.

IN WITNESS WHEREOF the representatives duly authorized by their respective Governments have signed the present Convention. Done at Rio de Janeiro this fourteenth day of May 1966 in a single copy in the English, French and Spanish languages, each version being equally authoritative.

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 148

2006

**PUBLICATION OF CONSERVATION AND MANAGEMENT MEASURES IN
TERMS OF SECTION 37(2) OF THE MARINE RESOURCES ACT, 2000**

In terms of section 37(2) of the Marine Resources Act, 2000 (Act No. 27 of 2000), I publish the conservation and management measures set out in the Schedule, which measures were adopted under Article VIII of the International Convention for the Conservation of Atlantic Tunas, a copy of which is set out in the Regulations promulgated under Government Notice No. 127 of 30 August 2006.

N. IYAMBO
MINISTER OF FISHERIES
AND MARINE RESOURCES

Windhoek, 14 August 2006

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- Annexure 11 03-13 Recommendation by ICCAT concerning the Recording of Catch by Fishing Vessels in the ICCAT Convention Area.
- Annexure 12 03-14 Recommendation by ICCAT concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area.
- Annexure 13 03-15 Resolution by ICCAT concerning Trade Measures.
- Annexure 14 03-19 Recommendation by ICCAT concerning the Amendment of the Forms of the ICCAT Bluefin/Bigeye/Swordfish Statistical Documents.
- Annexure 15 04-01 Recommendation by ICCAT on a Multi-Year Conservation and Management Program for Bigeye Tuna.
- Annexure 16 04-04 Recommendation by ICCAT on the Southern Albacore Catch Limit For 2005, 2006 and 2007.
- Annexure 17 04-07 Recommendation by ICCAT on Bluefin Tuna Size Limit.
- Annexure 18 04-09 Supplemental Recommendation by ICCAT concerning the Rebuilding Plan for Blue Marlin and White Marlin.
- Annexure 19 Recommendation by ICCAT concerning the Conservation Of Sharks Caught In Association with Fisheries Managed by ICCAT.
- Annexure 20 04-11 Recommendation by ICCAT concerning Implementation of the VMS Recommendation.

ANNEXURE 1

02-3 RECOMMENDATION BY ICCAT ON SOUTH ATLANTIC SWORDFISH CATCH LIMITS

CONSCIOUS that the Standing Committee on Research and Statistics (SCRS) indicates that total catches in the South Atlantic stock have been reduced since 1995, as was recommended by the SCRS, although some countries have increased their reported catch levels;

CONSIDERING that the SCRS indicates that the contradictory catch per unit of effort (CPUE) trends from target and by-catch fisheries give no reliable results from the base case production model and therefore reliable estimates of MSY;

CONSCIOUS that the SCRS recommends that catch should remain at about the same level of the past few years;

RECALLING that for South Atlantic swordfish, management based on autonomous quotas have continued for the recent two years and needs to be developed immediately into a catch limit system with sharing arrangement of Total Allowable Catch (TAC), adopted at the 2000 Commission meeting required the Commission to negotiate and adopt a sharing arrangement for the TAC for South Atlantic swordfish at its 2001 meeting;

FURTHER RECALLING that the 2001 Commission meeting adopted the Criteria for the Allocation of Fishing Possibilities;

CONSCIOUS of the desirability of introducing a multi-annual approach in order to conserve the fish stocks effectively as well as permitting a gradual programmed development of the swordfish fisheries of certain Parties;

FURTHER RECALLING the need to apply the Criteria for the Allocation of Fishing Possibilities, adopted by the Commission in 2001, with a view to share in a fairer and equitable manner the South Atlantic swordfish stock;

RECALLING that the application of the new allocation criteria policy must be undertaken on a gradual basis permitting adaptation by all Parties involved in the fisheries and that this recommendation constitutes a major thrust in the introduction of this approach within ICCAT;

RECOGNIZING that this multi-annual approach for the management of the South Atlantic swordfish reflects the thrust of the allocation criteria for the period concerned;

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

1. For 2003, 2004, 2005 and 2006, TAC and the catch limits are as follows:

(Unit: t)

2003 2004 2005 2006

T A C 15,631 15,776 15,956 16,055

Brazil (1) 4,086 26.14% 4,193 26.58% 4,296 26.92% 4,365 27.19%

European Community 5,950 38.07% 5,850 37.08% 5,850 36.66% 5,780 36.00%

South Africa 890 5.69% 1,009 6.40% 1,070 6.71% 1,140 7.10%

Namibia 890 5.69% 1,009 6.40% 1,070 6.71% 1,140 7.10%

Uruguay 850 5.44% 850 5.39% 850 5.33% 850 5.29%

United States (2) 100 0.64% 100 0.63% 100 0.63% 120 0.75%

Côte d'Ivoire 100 0.64% 100 0.63% 100 0.63% 100 0.62%

China 315 2.02% 315 2.00% 315 1.97% 315 1.96%

Chinese Taipei 925 5.92% 825 5.23% 780 4.89% 720 4.48%

United Kingdom 25 0.16% 25 0.16% 25 0.16% 25 0.16%

Japan (2) 1,500 9.60% 1,500 9.51% 1,500 9.40% 1,500 9.34%

(1) Brazil may harvest up to 200 t of its annual catch limit within the area between 5 degrees North latitude and 15 degrees North latitude.

(2) The Japanese and the U.S. underages in 2000 may be carried over to 2003 in addition to their quotas specified in this table.

2. The TAC and the catch limits for 2006 in paragraph 1 shall be reviewed and if necessary, revised based upon the results of stock assessment to be conducted in the 2005 SCRS meeting. Should adjustments to the TAC for 2006 be required following this assessment, the relative shares of the Parties for 2006 shall remain unchanged from those in the current recommendation.
3. Japan shall endeavor to limit its total catch of southern swordfish to 8% by weight of its total longline catch in South Atlantic Ocean.
4. When the Japanese catch of southern swordfish reaches 1,500 t in one year, the Commission shall consider a different appropriate catch limit for continuation of the bigeye fishery, taking account of the sharp reduction of the Japanese share from that in the *Recommendation by ICCAT Concerning the Establishment of Percentage Shares of Total Allowable Catch (TAC) and 1998-2000 Catch Quotas for South Atlantic Swordfish* [97-7].

5. Japan shall be allowed to count up to 400 t of its swordfish catch taken from the part of the North Atlantic management area, that is east of 35 degrees W and south of 15 degrees N, against its uncaught South Atlantic swordfish quota.

ANNEXURE 2

02-14 RECOMMENDATION BY ICCAT ON INCIDENTAL MORTALITY OF SEABIRDS

TAKING INTO ACCOUNT the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries;

RECOGNIZING the need to evaluate the incidental mortality of seabirds during longline fishing operations for tunas and tuna-like species;

NOTING that fisheries other than longline fisheries targeting tuna and tuna-like species may also contribute to the incidental mortality of seabirds;

FURTHER NOTING that other factors, such as swallowing marine debris, are also responsible for seabird mortality.

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

1. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities should inform the Standing Committee on Research and Statistics (SCRS), if appropriate, and Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries. All are strongly urged to implement, if appropriate, the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries if they have not already done so.
2. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities should be encouraged to collect and voluntarily provide SCRS with all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT.
3. When feasible and appropriate, SCRS should present to the Commission an assessment of the impact of incidental catch of seabirds resulting from the activities of all the vessels fishing for tunas and tuna-like species, in the Convention Area.

ANNEXURE 3

02-22 RECOMMENDATION BY ICCAT CONCERNING THE ESTABLISHMENT OF AN ICCAT RECORD OF VESSELS OVER 24 METERS AUTHORIZED TO OPERATE IN THE CONVENTION AREA

RECALLING that ICCAT adopted at its 2000 meeting a Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area,

FURTHER RECALLING that ICCAT adopted at its 1994 meeting a Resolution by ICCAT Regarding the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,

FURTHER RECALLING that the Commission has been taking various measures to prevent, deter and eliminate the illegal, unreported and unregulated (IUU) fisheries conducted by large-scale tuna fishing vessels,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential of operating in the Convention area without timely registration with the Commission,

RECALLING that the FAO Council adopted on June 23, 2001 an International Plan of Action (IPOA) aiming to prevent, to deter and to eliminate illegal, unreported and unregulated fishing, that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

CONSIDERING the deliberations of the ICCAT Working Group that was held in Tokyo from May 27 to 31, 2002.

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

1. The Commission shall establish and maintain an ICCAT record of fishing vessels larger than 24 meters in length overall (hereinafter referred to as “large scale fishing vessels” or “LSFVs”) authorized to fish for tuna and tuna-like species in the Convention Area. For the purpose of this recommendation, LSFVs not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species.
2. Each Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereinafter referred to as “CPCs”) shall submit electronically, where possible, to the ICCAT Executive Secretary by July 1, 2003, the list of its LSFVs that are authorized to operate in the Convention Area. This list shall include the following information:
 - 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 (if any)
 - Type of vessels, length and gross registered tonnage (GRT)
 - Name and address of owner(s) and operator(s)
 - Gear used
 - Time period authorized for fishing and/or transshipping

CPCs shall indicate, when initially submitting their list of vessels according to paragraph 2, which vessels are newly added or meant to replace vessels currently on their list submitted to ICCAT by August 31, 2002 pursuant to Recommendation 00-17.

The initial ICCAT record shall consist of all the lists submitted under this paragraph.

3. Each CPC shall promptly notify, after the establishment of the initial ICCAT record, the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record at any time such changes occur.

4. The ICCAT Executive Secretary shall maintain the ICCAT record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements noted by CPCs.
5. The flag CPCs of the vessels on the record shall:
 - a) authorize their LSFVs to operate in the Convention Area only if they are able to fulfill in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures;
 - b) take necessary measures to ensure that their LSFVs comply with all the relevant ICCAT conservation and management measures;
 - c) take necessary measures to ensure that their LSFVs on the ICCAT record keep on board valid certificates of vessel registration and valid authorization to fish and/or transship;
 - d) ensure that their LSFVs on the ICCAT record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their LSFVs are not engaged in or associated with IUU fishing;
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their LSFVs on the ICCAT record are not engaged in or associated with tuna fishing activities conducted by LSFVs not entered into the ICCAT record in the Convention Area; and
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the LSFVs on the ICCAT record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2003 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of LSFVs on the ICCAT record to take further action to enhance compliance by those vessels to ICCAT conservation and management measures.
7.
 - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the LSTVs which are not entered into the ICCAT record.
 - b) To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs or, if the vessel is under a charter arrangement, the exporting CPC shall validate statistical documents only for the LSFVs on the ICCAT record,

- ii) CPCs shall require that the species covered by Statistical Document Programs caught by LSFVs 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
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall cooperate to ensure that statistical documents are not forged or do not contain misinformation.
8. Each CPC shall notify the ICCAT Executive Secretary of any factual information showing that there are reasonable grounds for suspecting LSTVs not on the ICCAT record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the Convention Area.
9.
 - a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Executive Secretary shall request that CPC to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the Convention Area.
 - b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Executive Secretary shall compile such information for future consideration by the Commission.
10. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU LSFVs from the Atlantic to other oceans.
11. The 2000 Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area [00-17] is hereby repealed.

ANNEXURE 4

02-23 RECOMMENDATION BY ICCAT TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE ICCAT CONVENTION AREA

RECALLING that the FAO Council adopted on June 23, 2001 an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). This Plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

RECALLING that ICCAT has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels.

CONCERNED by the fact that IUU fishing activities in the ICCAT Convention area continue, and these activities diminish the effectiveness of the ICCAT conservation and management measures.

FURTHER CONCERNED that there is evidence of a high number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with ICCAT management and conservation measures, and to evade the ICCAT-adopted non discriminatory trade measures.

DETERMINED to address the challenge of an increase in IUU fishing activities by way of countermeasures to be applied in respect to the vessels without prejudice to further measures adopted in respect of flag States under the relevant ICCAT instruments.

CONSIDERING the results of the Working Group, which was held in Tokyo from May 27 to 31, 2002.

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities.

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement.

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

1. For the purposes of this recommendation, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT Convention Area, *inter alia*, when a Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity presents evidence that such vessels:
 - a) Harvest tunas and tuna-like species in the ICCAT Convention Area and are not registered on the ICCAT list of vessels authorized to fish for tuna and tuna-like species in the Convention area;
 - b) Harvest, tuna and tuna-like species in the Convention Area, whose flag State is without quotas, catch limit or effort allocation under relevant ICCAT conservation and management measures;
 - c) Do not record or report their catches made in the ICCAT Convention area, or make false reports;
 - d) Take or land undersized fish in contravention of ICCAT conservation measures;
 - e) Fish during closed fishing periods or in closed areas in contravention of ICCAT conservation measures;
 - f) Use prohibited fishing gear in contravention of ICCAT conservation measures;
 - g) Transship with vessels included in the IUU list;
 - h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the Convention Area without authorization and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels;
 - i) Are without nationality and harvest tunas or tuna-like species in the ICCAT Convention Area; and/or

- j) Engage in fishing activities contrary to any other ICCAT conservation and management measures.
2. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall transmit every year to the Executive Secretary before July 15, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the Convention Area during the current and previous years, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.

This list shall be based on the information collected by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, *inter alia*, under:

- 1994 Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures [94-9];
 - 1997 Recommendation by ICCAT on Transshipments and Vessel Sightings [97-11];
 - 1997 Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme [97-10];
 - 2000 Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-Like Species in the Convention Area [00-17]; or
 - 1992 Recommendation by ICCAT Concerning the ICCAT Bluefin Tuna Statistical Document Program [92-1]; 2001 Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program [01-21]; and 2001 Recommendation by ICCAT Establishing a Swordfish Statistical Document Program [01-22].
 - 1998 Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Largescale Longline Vessels in the Convention Area [98-18].
3. On the basis of the information received pursuant to paragraph 2, the ICCAT Executive Secretary shall draw up a draft IUU list and shall transmit it together with all the evidence provided to Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, as well as to non-Contracting Parties whose vessels are included on these lists before August 15 of each year. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities, and non-Contracting Parties, shall transmit their comments, as appropriate, including evidence showing that the listed vessels neither have fished in contravention to ICCAT conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the Convention Area, before September 30 to ICCAT.

Upon receipt of the draft IUU list, Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner.

4. On the basis of the information received pursuant to paragraph 3, the ICCAT Executive Secretary shall draw up a provisional list that he shall transmit 2 weeks in advance of the Commission Meeting to the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, and to the non-Contracting Parties concerned, together with all the evidence provided.
5. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities may at any time submit to the ICCAT Executive Secretary any additional

information, which might be relevant for the establishment of the IUU list. The ICCAT Executive Secretariat shall circulate the information at latest before the annual Commission meeting to the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities and to the non-Contracting Parties concerned, together with all the evidence provided.

6. The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall examine, each year, the provisional list, as well as the information referred to in paragraphs 3 and 5. The results of this examination may, if necessary, be referred to the Compliance Committee.
The PWG shall remove a vessel from the provisional list if the flag State demonstrates that:
 - a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
7. Following the examination referred to in paragraph 6, the PWG shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the ICCAT Convention area.
8. On adoption of the list, the Commission shall request non-Contracting Parties, whose vessels appear on the IUU list, to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
9. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall take all necessary measures, under their applicable legislation:
 - a) So that the fishing vessels, the mother ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list;
 - b) So that IUU vessels that enter ports voluntarily are not authorized to land or transship therein;
 - c) To prohibit the chartering of a vessel included on the IUU list;
 - d) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity determines that granting the vessel its flag will not result in IUU fishing;
 - e) To prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;
 - f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU list;

- g) To collect and exchange with other Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.
10. The ICCAT Executive Secretary shall take any necessary measure to ensure publicity of the IUU vessels list adopted by ICCAT pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the ICCAT web site. Furthermore, the ICCAT Executive Secretary shall transmit the IUU vessels list to other regional fisheries organizations for the purposes of enhanced cooperation between ICCAT and these organizations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
11. This recommendation shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2003, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity vessels.
12. Without prejudice to the rights of flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities and coastal states to take proper action consistent with international law, the Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the draft IUU list, pursuant to paragraph 3, or which have been already removed from the list, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

ANNEXURE 5

02-24 RESOLUTION BY ICCAT CONCERNING THE IMPLEMENTATION OF THE RECOMMENDATION CONCERNING THE ICCAT RECORD OF VESSELS

RECOGNIZING that the Commission adopted at its 2002 meeting the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels Over 24 meters Authorized to Operate in the Convention Area* [02-22];

BEING CONCERNED that there remains a hundred large-scale tuna longline vessels (LSTLVs) that are believed to continue illegal, unreported and unregulated (IUU) fishing in the Convention Area and other areas.

FURTHER RECOGNIZING a need to take measures to prevent those IUU fishing vessels from being entered in the ICCAT Record before the said Recommendation is entered into force;

REAFFIRMING Contracting Parties' and Cooperating non-Contracting Parties', Entities or Fishing Entities' right to determine which fishing vessels over 24 m will be included on their list of vessels, including new vessels or ones to replace old vessels.

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

1. With respect to the LSTLVs, the Executive Secretary should:
 - Compare the list which was submitted to him by August 31, 2002 in accordance with paragraph 1 of the 2000 *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area* [00-17] (hereinafter referred to as the List) and the initial ICCAT Record to be established by the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels Over 24 Meters Authorized to Operate in the Convention Area* adopted at the 2002 Commission meeting,
 - Identify the LSTLVs newly appeared on the initial ICCAT Record (both net increase from the List and replacements of those previously on the List), and
 - Present the result to the 2003 Commission meeting.
2. The Compliance Committee and Permanent Working Group (PWG) should scrutinize the information in paragraph 1 above to examine possible involvement of the remaining IUU LSTLVs on the ICCAT Record.

ANNEXURE 6

**02-26 RESOLUTION BY ICCAT CONCERNING COOPERATIVE
ACTIONS TO ELIMINATE ILLEGAL, UNREPORTED AND
UNREGULATED FISHING ACTIVITIES BY LARGE-SCALE
TUNA LONGLINE VESSELS**

RECALLING that ICCAT adopted at its 1999 meeting a *Resolution by ICCAT Calling for Further Actions against Illegal, Unregulated and Unreported Fishing Activities by Large-Scale Longline Vessels in the Convention Area and Other Areas*, in which ICCAT urged Japan and Chinese Taipei to scrap or to re-register to Chinese Taipei those vessels,

RECALLING that ICCAT, at its 2000 meeting, praised and strongly supported the Joint Programs implemented by Japan and Chinese Taipei to eliminate illegal, unreported and unregulated (IUU) large-scale tuna longline vessels (LSTLVs) *in its Supplemental Resolution by ICCAT to Enhance the Effectiveness of the ICCAT Measures to Eliminate Illegal, Unregulated and Unreported Fishing Activities by Large-Scale Tuna Longline Vessels in the Convention Area and Other Areas*,

RECOGNIZING that the ICCAT *Ad Hoc* Working Group on Measures to Combat IUU Fishing in Tokyo 2002 stressed the importance of the collaborative work between Chinese Taipei and Japan to study further the involvement of Chinese Taipei's residents and licensed vessels in IUU fishing and other activities assisting IUU fishing, and to work out effective measures to prevent such involvement,

RECOGNIZING that ICCAT adopted at its 2002 meeting a *Recommendation by ICCAT Concerning Establishment of an ICCAT Record of Vessels Over 24 Meters Authorized to Operate in the Convention Area* [02-22] (the Recommendation),

CONCERNED that still around 100 IUU LSTLVs exist, while the Japan/Chinese Taipei Joint Program resulted in contracts for scrapping of 43 vessels and agreements for re-registration of 34 vessels,

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

1. Japan and Chinese Taipei should further work together to eliminate the remaining IUU LSTLVs owned and/or operated by Chinese Taipei's residents.
2. Japan should work closely with the flag States of LSTLVs and if appropriate take joint action, so as to implement the Recommendation smoothly and satisfactorily and to achieve the objective of paragraph 1 above.
3. The Commission urges Chinese Taipei to consider adopting appropriate domestic legislation to improve its ability to control its residents that invest in or otherwise support or engage in IUU fishing.
4. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities should urge and may instruct their residents to refrain from engaging in and/or associating with activities that may support IUU tuna longline fishing vessels and with any other activities that undermine the effectiveness of ICCAT conservation and management measures.

ANNEXURE 7

**[03-01] RECOMMENDATION BY ICCAT
ON BIGEYE TUNA CONSERVATION MEASURES**

RECALLING that in 1997 the Commission urged Parties to reduce catches of bigeye tuna to levels below maximum sustainable yield (MSY);

RECOGNIZING that in 1998 the Commission requested the Standing Committee on Research and Statistics (SCRS) to develop stock rebuilding scenarios to levels that reflect MSY;

RECALLING the *Recommendation by ICCAT on Bigeye Tuna Conservation Measures for Fishing Vessels Larger than 24 m Length Overall (LOA)* [98-03] limiting the number of fishing vessels, which will fish for bigeye tuna in the Convention area, to the average number of its fishing vessels actually having fished for bigeye tuna in the Convention area for the years 1991 and 1992;

CONSIDERING that the SCRS recommends that starting in 2004 the level of total catch in the Atlantic be maintained at the 2001 catch level, in order to restore the biomass of bigeye tuna to a level that would allow MSY to be attained;

TAKING INTO ACCOUNT the need to consider the deliberations of the Second World Meeting on Bigeye Tuna in Madrid and the BETYP Symposium in March 2004, for the purposes of the management of this stock;

RECALLING that in 1999, the Commission adopted the *Recommendation by ICCAT on the Establishment of a Closed Area/Season for the Use of Fish-Aggregating Devices (FADs)* [99-01] for the application of a moratorium on FAD fishing, considering that the full application of that Recommendation will reduce the catch of small bigeye;

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

1. Each Contracting Party and Cooperating non-Contracting Party, Entity or Fishing Entity shall, in 2004, limit their catch of Atlantic bigeye tuna to the average catch of Atlantic bigeye tuna taken by all their vessels in 1991 and 1992.
2. Notwithstanding the provisions of paragraph 1 above,
 - a) China shall limit in 2004 its catch of bigeye tuna to 5,000 t, while the number of its vessels registered with the Commission shall not exceed 60 for 2004 and thereafter.
 - b) The Commission shall request Chinese Taipei to limit in 2004 its catch of Atlantic bigeye tuna to 16,500 t and the number of its fishing vessels fishing for Atlantic bigeye tuna to 125.
 - c) The Commission shall request the Philippines to limit in 2004 and thereafter the number of its fishing vessels fishing for Atlantic bigeye tuna to five (5).
3. The provisions of paragraph 1 shall not apply to Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities whose reported 1999 catch, as provided to the SCRS in 2000, was less than 2,100 t.
4. Underages/overages of the 2004 catch limit for bigeye tuna may be added to/must be subtracted from the 2005 and/or 2006 catch limits for bigeye tuna.
5. The SCRS will conduct an analysis of the effectiveness of the current minimum size recommendations and will advise in 2004 on alternative measures for the protection of juvenile bigeye, taking into account the current moratorium.

ANNEXURE 8**[03-02] RESOLUTION BY ICCAT TO AUTHORIZE A TEMPORARY CATCH LIMIT ADJUSTMENT IN THE BIGEYE TUNA FISHERY**

GIVEN that the *Recommendation by ICCAT Regarding the Temporary Adjustment of Quotas* [01-12] established that any temporary quota adjustment shall be done only under authorization of the Commission;

CONSIDERING that Japan has requested the Commission's approval for temporary catch limit adjustment;

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

The transfer of bigeye tuna catch limit from Japan to China in the amount of 1250 t, and from Japan to Chinese Taipei in the amount of 1250 t, to be applied during the year 2003, be authorized on the condition that any underage of China or Chinese Taipei in 2003 shall not be carried over.

ANNEXURE 9

[03-11] RESOLUTION BY ICCAT ON SEA TURTLES

GIVEN THAT some parties are already reporting data on incidentally caught sea turtles to the SCRS;

NOTING the need to improve the collection of scientific data regarding all sources of mortality for sea turtle populations, including but not limited to, data from fisheries within the Convention area;

BEING AWARE that at the 24th FAO-COFI Session in March 2001, some Members advocated that FAO should take the initiative for the issue of sea turtle conservation and management, taking into account the necessity for a holistic approach;

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

1. To encourage Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities to collect and provide SCRS with all available information on interactions with sea turtles in ICCAT fisheries, including incidental catches and other impacts on sea turtles in the Convention area, such as the deterioration of nesting sites and swallowing of marine debris.
2. To encourage the release of marine turtles that are incidentally caught alive, and share all available information such as technical measures to reduce the incidental catch of turtles and to ensure the safe handling of all turtles that are released, in order to improve their survivability.
3. To seek, through the appropriate ICCAT body, the development of data collection and reporting methods for the incidental by-catch of sea turtles in tuna and tuna-like species fisheries.
4. To support efforts by FAO to address the conservation and management of sea turtles, through a holistic approach.

ANNEXURE 10

[03-12] RECOMMENDATION BY ICCAT CONCERNING THE DUTIES OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES, ENTITIES, OR FISHING ENTITIES IN RELATION TO THEIR VESSELS FISHING IN THE ICCAT CONVENTION AREA

IN ACCORDANCE WITH the Needs and Principles set forth in the *General Outline of Integrated Monitoring Measures Adopted by ICCAT*, adopted by the Commission in 2002 to ensure effective monitoring measures;

CONSIDERING the deliberations of the ICCAT Working Group to Develop Integrated Monitoring Measures held in Madeira from 26 to 28 May 2003;

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

1. In order to control vessels entitled to fly their flags and authorized to fish species managed by ICCAT in the Convention area, flag Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) shall:
 - a) adopt measures so that their vessels comply with and do not undermine ICCAT conservation and management measures;
 - b) authorize their vessels to fish in the ICCAT Convention area by means of fishing authorizations, licenses, or permits;
 - c) ensure they do not authorize their vessels to fish in the ICCAT Convention area unless they are able to effectively exercise their responsibilities in respect of such vessels, including monitoring and controlling their fishing activities;
 - d) ensure that their vessels do not conduct unauthorized fishing within areas under the national jurisdiction of other States, through appropriate cooperation with coastal States concerned, and other relevant means available to the flag CPC;
 - e) require their vessels fishing on the high seas to carry the license, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person;
 - f) investigate and follow-up on an alleged violation by a vessel and report the results of such investigation, as well as the actions taken whenever that violation has been confirmed.
2. Each flag CPC shall establish and maintain an up-to-date record of fishing vessels entitled to fly its flag and authorized to fish species managed by ICCAT in the Convention area, which should include vessels of other flags authorized under charter agreements.
3. Each flag CPC shall ensure that its fishing vessels authorized to fish species managed by ICCAT in the Convention area, as well as their fishing gears, are marked in such a way that they can be readily identified in accordance with generally accepted standards such as the FAO standard specification for the marking and the identification of fishing vessels.

ANNEXURE 11

**[03-13] RECOMMENDATION BY ICCAT
CONCERNING THE RECORDING OF CATCH
BY FISHING VESSELS IN THE ICCAT CONVENTION AREA**

IN ACCORDANCE WITH the Needs and Principles set forth in the *General Outline of Integrated Monitoring Measures Adopted by ICCAT*, adopted by the Commission in 2002 to ensure effective monitoring measures;

CONSIDERING the deliberations of the ICCAT Working Group to Develop Integrated Monitoring Measures held in Madeira from 26 to 28 May 2003;

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

Each flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity shall ensure that all fishing vessels flying its flag and authorized to fish species managed by ICCAT in the Convention area be subject to a data recording system. All commercial fishing vessels over 24 m length overall shall keep a bound or electronic logbook recording the information required in the ICCAT Field Manual for Statistics and Sampling. In the case of sport fishing vessels, other comparable data-collection systems shall be acceptable.

ANNEXURE 12

**[03-14] RECOMMENDATION BY ICCAT
CONCERNING MINIMUM STANDARDS FOR THE ESTABLISHMENT
OF A VESSEL MONITORING SYSTEM IN THE ICCAT CONVENTION
AREA**

IN ACCORDANCE WITH the Needs and Principles set forth in the *General Outline of Integrated Monitoring Measures Adopted by ICCAT*, adopted by the Commission in 2002 to ensure effective monitoring measures;

CONSIDERING the deliberations of the ICCAT Working Group to Develop Integrated Monitoring Measures held in Madeira from 26 to 28 May 2003;

RECOGNIZING the developments in satellite-based vessel monitoring systems (VMS), and the possible utility within ICCAT;

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

1. Each flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereinafter referred to as CPC) shall implement no later than (at a date to be decided by the Commission) a Vessel Monitoring System (hereinafter referred to as VMS) for its commercial fishing vessels exceeding 20 meters between perpendiculars or 24 meters length overall and:
 - a) require its fishing vessel to be equipped with an autonomous system able to automatically transmit a message to the land-based Fisheries Monitoring Center (hereinafter referred to as FMC) of the flag CPC allowing a continuous tracking of the position of a fishing vessel by the CPC of that fishing vessel.
 - b) ensure that the satellite tracking device fitted on board the fishing vessels shall enable the vessel to continuously collect and transmit, at any time, to the FMC of the flag CPC the following data:
 - i) the vessel's identification;
 - ii) the most recent geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 metres, with a confidence interval of 99%;
 - iii) the date and time of the fixing of the said position of the vessel.
2. Each CPC shall take the necessary measures to ensure that the FMC receives through the VMS the messages required in paragraph 1.b).

3. Each CPC shall ensure that the masters of fishing vessels flying its flag shall ensure that the satellite tracking devices are permanently operational and that the information identified in paragraph 1.b) is collected at least every 6 hours for transmission on, at least, a daily basis. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel is not authorized to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorized to commence a fishing trip without the satellite tracking device having been repaired or replaced.
4. Each CPC shall ensure that a fishing vessel with a defective satellite tracking device shall communicate, at least daily, reports containing the information in paragraph 1.b) to the FMC by other means of communication (radio, telefax or telex).
5. Until (at a date to be decided by the Commission) fishing vessels referred to in paragraph 1 which are not yet equipped with VMS shall report at least daily by radio, telefax or telex. Such reports must include, *inter alia*, information on the official numbers (radio call sign and registration number), the name of the fishing vessel, the date, the time (UTC) and the geographical position (latitude and longitude) when transmitting the report, to their competent authorities, as well as:
 - a) the geographic position at the beginning of the fishing operation;
 - b) the geographic position at the end of the fishing operation.
6. CPCs are encouraged to extend the application of this Recommendation to their fishing vessels of less than 20 meters between perpendiculars or 24 meters length overall if they consider this to be appropriate to ensure the effectiveness of ICCAT conservation and management measures.

ANNEXURE 13

[03-15] RESOLUTION BY ICCAT CONCERNING TRADE MEASURES

NOTING that the objective of ICCAT is to maintain the populations of tuna and tuna-like species in the Atlantic at levels which will permit harvesting at maximum sustainable yield;

CONSIDERING the need for action to ensure the effectiveness of the ICCAT objectives;

CONSIDERING the obligation of all Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) to respect the ICCAT conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of ICCAT's conservation and management measures, and the need to encourage non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as NCPs) to abide by these measures;

NOTING that trade restrictive measures should be implemented only as a last resort, where other measures have proven unsuccessful to prevent, deter and eliminate any act or omission that diminishes the effectiveness of ICCAT conservation and management measures;

ALSO NOTING that trade restrictive measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in World Trade Organization (WTO) Agreements, and be implemented in a fair, transparent and non-discriminatory manner.

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

1. CPCs that import tuna and tuna-like fish products or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible and submit the following information to the Commission each year:
 - a) names of the vessels that caught and produced such tuna or tuna-like species products,
 - b) flag of those vessels,
 - c) species (of tuna and tuna-like species) of the products,
 - d) areas of catch (Atlantic Ocean, Mediterranean Sea, or other area),
 - e) product weight by product type,
 - f) points of export,
 - g) names and addresses of owners of the vessels,
 - h) registration.
2.
 - a) The Commission, through the Conservation and Management Measures Compliance Committee (hereinafter Compliance Committee) or the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (hereinafter PWG), should identify each year:
 - i) The CPCs that have failed to discharge their obligations under the ICCAT Convention in respect of ICCAT conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with ICCAT conservation and management measures by the vessels flying their flag; and/or
 - ii) The NCPs that have failed to discharge their obligations under international law to co-operate with ICCAT in the conservation and management of tuna and tuna-like species, in particular, by not taking measures or exercising effective control to ensure that their vessels do not engage in any activity that undermines the effectiveness of ICCAT conservation and management measures.
 - b) These identifications should be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on these species obtained from National Statistics; the ICCAT statistical document programs; the list of the IUU vessels adopted by ICCAT, as well as any other information obtained in the ports and on the fishing grounds.

- c) In deciding whether to make identification, the Compliance Committee or the PWG should consider all relevant matters including the history, and the nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of ICCAT conservation and management measures.
3. The Commission should request CPCs and NCPs concerned to rectify the act or omission identified under paragraph 2 so as not to diminish the effectiveness of the ICCAT conservation and management measures.

The Commission should notify identified CPCs and NCPs of the following:

- a) the reason(s) for the identification with all available supporting evidence;
 - b) the opportunity to respond to the Commission in writing at least 30 days prior to the annual meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and
 - c) in the case of a NCP, an invitation to participate as an observer at the annual meeting where the issue will be considered.
4. CPCs are encouraged jointly and individually to request the CPC/NCPs concerned to rectify the act or omission identified under paragraph 2 so as not to diminish the effectiveness of the ICCAT conservation and management measures.
5. The Executive Secretary should, by more than one means of communication, transmit the Commission's request to the identified CPC or NCP. The Executive Secretary should seek to obtain confirmation from the CPC or the NCP that it received the notification.
6. The Compliance Committee or the PWG should evaluate the response of the CPCs or NCPs, together with any new information, and propose to the Commission to decide upon one of the following actions:
 - a) the revocation of the identification;
 - b) the continuation of the identification status of the CPC or NCP; or
 - c) the adoption of non-discriminatory trade restrictive measures.

In the case of CPCs, actions such as the reduction of existing quotas or catch limits should be implemented to the extent possible before consideration is given to the application of trade restrictive measures. Trade measures should be considered only where such actions either have proven unsuccessful or would not be effective.

7. If the Commission decides upon the action described in paragraph 6 c), it should recommend to the Contracting Parties pursuant to Article VIII of the Convention to take non-discriminatory trade restrictive measures, consistent with their international obligations. The Commission should notify the CPCs and NCPs concerned of the decision and the underlying reasons in accordance with the procedures specified in paragraph 5.

8. CPCs should notify the Commission of any measures that they have taken for the implementation of the nondiscriminatory trade restrictive measures adopted in accordance with paragraph 7.
9. In order for the Commission to recommend the lifting of trade restrictive measures, the Compliance Committee or the PWG should review each year all trade restrictive measures adopted in accordance with paragraph 7. Should this review show that the situation has been rectified, the Compliance Committee or PWG should recommend to the Commission the lifting of the non-discriminatory trade restrictive measures.

Such decisions should also take into consideration whether the CPCs and/or NCPs concerned have taken concrete measures capable of achieving lasting improvement of the situation.

10. Where exceptional circumstances so warrant or where available information clearly shows that, despite the lifting of trade-restrictive measures, the CPC or NCP concerned continues to diminish the effectiveness of ICCAT conservation and management measures, the Commission may immediately decide on action including, as appropriate, the imposition of trade-restrictive measures in accordance with paragraph 7.

Before making such a decision, the Commission should request the CPC or NCP concerned to discontinue its wrongful conduct and should provide the CPC or NCP with a reasonable opportunity to respond.

11. The Commission should establish annually a list of CPCs and NCPs that have been subject to a trade-restrictive measure pursuant to paragraph 7 and, with respect to NCPs, are considered as non-Cooperating non-Contracting Parties to ICCAT.
12. The *Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna* [94-3], the *Resolution by ICCAT Concerning an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish* [95-13] and the *Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area* [98-18] are replaced by the present Resolution. For the purposes of this paragraph, CPCs and NCPs that are under sanction pursuant to one or more of these three Resolutions are deemed to be sanctioned under the present Resolution, provided that this will not result in any greater level of sanction than that already imposed.

ANNEXURE 14

[03-19] RECOMMENDATION BY ICCAT CONCERNING THE AMENDMENT OF THE FORMS OF THE ICCAT BLUEFIN/BIGEYE/SWORDFISH STATISTICAL DOCUMENTS

NOTING that the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessel Over 24 Meters Authorized to Operate in the Convention Area* [02-22] prescribes that both exporting and importing Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) shall cooperate to ensure that the forgery of or misinformation in statistical documents is avoided;

RECOGNIZING that additional information such as vessel length and time of harvest is necessary for better implementation of Commission's conservation and management measures and for the smooth implementation of the Recommendation [02-22];

CONSIDERING that the Standing Committee on Research and Statistics (SCRS) and *Ad Hoc* Data Workshop are strongly concerned about the quality of the catch data including statistics related to bluefin farming;

FURTHER RECOGNIZING the necessity of better data collection on farming tuna through the Statistical Document Program;

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

1. The sample forms of the statistical documents and the re-export certificate and instruction sheets in the following Recommendations and Resolution shall be replaced by the attached forms and instructions respectively.
 - a) *Resolution by ICCAT Concerning the Effective implementation of the ICCAT Bluefin Tuna Statistical Document Program* [94-5]
 - b) *Recommendation by ICCAT Concerning the Implementation of the ICCAT Bluefin Tuna Statistical Document Program on Re-export* [97-4]
 - c) *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [01-21]
 - d) *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [01-22]
2. Related to the Recommendation by ICCAT on Bluefin Tuna Farming [03-09], the Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities that export farmed bluefin tuna products shall ensure to mark the box "Farmed" in the first line of the ICCAT Bluefin Tuna Statistical Document or the box in item 5 of the ICCAT Bluefin Tuna Re-export Certificate.
3. The Commission shall communicate with other relevant regional fishery management bodies which established the statistical document programs and the authorized vessel records and request them to implement the similar reform.

**DOCUMENT
NUMBER**

ICCAT BLUEFIN TUNA STATISTICAL DOCUMENT

?? Capture ? ?? Farmed

EXPORT SECTION:

1. FLAG COUNTRY/ENTITY/FISHING ENTITY

2. DESCRIPTION OF VESSEL (if applicable)

Vessel Name Registration Number LOA (m) ICCAT Record No. (if applicable)

3. TRAPS OR FARMS (if applicable)

Name and Address

4. POINT OF EXPORT (City, State/Province, Country/Entity/Fishing Entity)

5. DESCRIPTION OF FISH

Product Type a

F/FR RD/GG/DR/FL/OT

Time of Harvest

(mm/yy)

Gear Code b Area of Catch c

Net Weight

(kg)

Tag Number

(if applicable)

- a F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed, FL=Fillet, OT=Others (Describe the type of product:)
- b When the Gear Code is OT, describe the type of gear:)
- c Ocean area (e.g., east/west Atlantic, Mediterranean, Pacific)

6. EXPORTER CERTIFICATION:

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Name

Address

Signature

Date

License # (if applicable)

7. GOVERNMENT VALIDATION:

I validate that the above information is complete, true and correct to the best of my knowledge and belief.

Total weight of the shipment: kg

Name & Title

Signature

Date

Government Seal

IMPORT SECTION

8. IMPORTER CERTIFICATION:

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Importer Certification (Intermediate Country/Entity/Fishing Entity)

Name Address Signature Date License # (if applicable)

Importer Certification (Intermediate Country/Entity/Fishing Entity)

Name Address Signature Date License # (if applicable)

Importer Certification (Final Destination of Shipment)

Name Address Signature Date License # (if applicable)

Final Point of Import: City State/Province Country/Entity/Fishing Entity

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

BLUEFIN TUNA STATISTICAL DOCUMENT INSTRUCTION SHEET

Pursuant to the 1992 ICCAT Recommendations, bluefin tuna dealers who import bluefin tuna into the territory of an ICCAT Contracting Party or at the first entry into a regional economic organization will be required to complete the appropriate sections of the Document. Only complete and valid documents will guarantee that shipments of bluefin tuna will be allowed to enter the territory of Contracting Parties. Shipments of bluefin tuna that are accompanied by improperly documented Bluefin Tuna Statistical Documents (i.e., improperly documented means that the Bluefin Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bluefin tuna, that are contrary to ICCAT conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.

Please use this Instruction Sheet as a guideline to complete that section of the Bluefin Tuna Statistical Document that applies to Exporters, Importers, and Government Validation. If a language other than English is used in completing the form, please add the English translation on the Document.

NOTE: IF A BLUEFIN TUNA PRODUCT IS EXPORTED DIRECTLY

TO JAPAN, WITHOUT FIRST GOING THROUGH AN INTERMEDIATE COUNTRY, ALL FISH CAN BE IDENTIFIED ON ONE DOCUMENT. HOWEVER, IF THE BLUEFIN TUNA PRODUCT IS EXPORTED THROUGH AN INTERMEDIATE COUNTRY (i.e. A COUNTRY OTHER THAN THE COUNTRY WHICH IS THE FINAL DESTINATION OF THE PRODUCT), SEPARATE DOCUMENTS MUST BE PREPARED FOR DIFFERENT FINAL DESTINATIONS OR EACH FISH MAY BE ACCOMPANIED BY A SEPARATE DOCUMENT TO IDENTIFY ANY POSSIBLE SEPARATION OF SHIPMENTS BY AN INTERMEDIATE COUNTRY. THE IMPORT OF FISH PARTS OTHER THAN THE MEAT, i.e., HEAD, EYES, ROE, GUTS, TAILS MAY BE ALLOWED WITHOUT THE DOCUMENT.

INSTRUCTIONS DOCUMENT NUMBER: Block for the issuing Country to designate a country coded Document Number.

TITLE: Check the appropriate box.

- (1) **FLAG COUNTRY:** Fill in the name of the country of the vessel that harvested the bluefin tuna in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the bluefin tuna in the shipment can issue this Document.
- (2) **DESCRIPTION OF VESSEL** (if applicable): Fill in the name, registration number, length overall (LOA) and ICCAT Record number of the vessel that harvested the bluefin tuna in the shipment. When tag numbers are provided in section 5 and the vessel harvested is smaller than 24 meters in LOA, this section need not be filled in.
- (3) **TRAPS OR FARMS** (if applicable): Fill in the name and address of the trap/farm that harvested or farmed the bluefin tuna in the shipment.
- (4) **POINT OF EXPORT:** Identify the City, State or Province, and Country from which the bluefin tuna was exported.
- (5) **DESCRIPTION OF FISH:** The exporter must provide, to the highest degree of accuracy, the following information. NOTE: One row should describe one product type.
 - (1) **Product Type:** Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.
 - (2) **Time of Harvest:** Fill in the time of harvest (in month and year) of the bluefin tuna in the shipment.
 - (3) **Gear Code:** Identify the gear type which was used to harvest the bluefin tuna using the list below. For OTHER TYPE, describe the type of gear.
 - (4) **Area of Catch:** Identify the general area of the ocean in which the bluefin tuna product was harvested (i.e. east, west Atlantic, Mediterranean (see the map below), Pacific).
 - (5) **Net product weight** in kilograms.
 - (6) **Country Coded Tag Number** (if applicable).
- (6) **EXPORTER CERTIFICATION:** The person or company exporting the bluefin tuna shipment must provide his/her name, address, signature, date the shipment was exported, and dealer license number (if applicable).
- (7) **GOVERNMENT VALIDATION:** Fill in the name and full title of the official signing the Document. The official must be in the employment of the competent government authority of the flag state of the vessel that harvested the bluefin tuna appearing on the Document. This requirement may be waived according to the ICCAT RESOLUTION CONCERNING VALIDATION BY A GOVERNMENT OFFICIAL

OF THE BLUEFIN TUNA STATISTICAL DOCUMENT.

- (8) **IMPORTER CERTIFICATION:** The person or company that imports bluefin tuna must provide his/her name, address, signature, date the bluefin was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:*GEAR CODE GEAR TYPE*

BB BAITBOAT

GILL GILLNET

HAND HANDLINE

HARP HARPOON

LL LONGLINE

MWT MID-WATER TRAWL

PS PURSE SEINE

RR ROD AND REEL

SPHL SPORT HANDLINE

SPOR SPORT FISHERIES UNCLASSIFIED

SURF SURFACE FISHERIES UNCLASSIFIED

TL TENDED LINE

TRAP TRAP

TROL TROLL

UNCL UNSPECIFIED METHODS

OT OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

-100

-90

-80

-70

-60

-50

-40

-30

-20

-10

0

10

20

30

40

-50

-40

-30

-20

-10

0

10

20

30

40

50

60

70

BFT (*T. t. tynnus*)

At. EAST At. WEST

MED

DOCUMENT**NUMBER****ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE****RE-EXPORT SECTION:**

- 1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY**
- 2. POINT OF RE-EXPORT**
- 3. FARMS (if applicable)**
- 4. DESCRIPTION OF IMPORTED FISH**
 Product Type
F/FR RD/GG/DR/FL/OT
 Net Weight
 (kg)
 Flag Country/
 Entity/Fishing Entity
 Date of import
- 5. DESCRIPTION OF FISH FOR RE-EXPORT**
 Product Type
F/FR RD/GG/DR/FL/OT
 Net Weight
 (kg)
 ? ?? Farmed
 ? ?? Farmed
 ? ?? Farmed
 F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed,
 FL=Fillet,
 OT=Others (Describe the type of product:)
- 6. EXPORTER CERTIFICATION:**
 I certify that the above information is complete, true and correct to the best of my knowledge and belief.
 Name
Address
Signature
Date
 License # (if applicable)
- 7. GOVERNMENT VALIDATION:**
 I validate that the above information is complete, true and correct to the best of my knowledge and belief.
 Total weight of the shipment: kg
Name & Title
Signature
Date
Government Seal
- IMPORT SECTION**
- 8. IMPORTER CERTIFICATION:**
 I certify that the above information is complete, true and correct to the best of my knowledge and belief.
 Importer Certification (Intermediate Country/Entity/Fishing Entity)
Name Address Signature Date License # (if applicable)
 Importer Certification (Intermediate Country/Entity/Fishing Entity)
Name Address Signature Date License # (if applicable)
 Importer Certification (Final Destination of Shipment)

Name Address Signature Date License # (if applicable)

Final Point of Import: City State/Province Country/Entity/Fishing Entity

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE INSTRUCTION SHEET

Under the framework of the ICCAT Bluefin Tuna Statistical document Program, a request for the establishment of a system enabling re-export was growing recently. In 1997, a Recommendation was adopted to implement the ICCAT Bluefin Tuna statistical Document Program for Re-export. Pursuant to this Recommendation, bluefin tuna dealers who import re-exported*1 bluefin tuna to Japan will be required to submit an ICCAT Bluefin Tuna Re-export Certificate*2 to be validated by a government official of the intermediate country or area*3, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the intermediate country or area. A copy of the original Bluefin Tuna Statistical Document (BFTSD) accompanying the bluefin tuna at the time of importation must be attached to the Re-export Certificate. The copy of the original BFTSD so attached must be verified by a government official of the intermediate country or area, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the intermediate country or area. When re-exported bluefin tuna are again re-exported*4, all copies of documents, including a verified copy of a BFTSD and Re-export Certificate which accompanied that bluefin tuna must be attached to a new Re-export Certificate to be validated by a government official of the last intermediate country or area, or by a recognized institution, such as a Chamber of Commerce and Industry, accredited by the government of the last intermediate country or area. Only bluefin tuna accompanied by a complete and valid Re-export Certificate will be allowed to enter Japan. Shipments of re-exported bluefin tuna accompanied by an improperly documented*5 Re-export Certificate will be considered illegitimate shipments of re-exported bluefin that are contrary to ICCAT conservation efforts, and their entry into Japan will be suspended pending receipt of a properly documented Re-export Certificate.

NOTE:

- *1 “Re-export” means that bluefin tuna passes through a country or an area (tax-exempted areas are excluded) after being exported from the flagship country or the area (tax-exempted areas are excluded) of the fishing vessel which has caught that bluefin tuna.
- *2 Hereinafter called “Re-export Certificate”.
- *3 “An intermediate country or area” means a country or an area through which bluefin tuna pass after being exported from the flagship country or the area (tax-exempted areas are excluded) of the fishing vessel which has caught that bluefin tuna.
- *4 Re-export of bluefin tuna from one Member State of the European Union to another is exempted.
- *5 “Improperly documented” means that the Re-export Certificate is either missing from the shipment, incomplete, invalid, or falsified.

Please use this instruction sheet as a guideline to complete that section of the Bluefin Tuna Re-export Certificate that applies to Exporters, Importers, and Government Validation. If a language other than English is used in completing the form, please add the English translation on the Certificate. NOTE: IF A BLUEFIN TUNA PRODUCT IS RE-EXPORTED DIRECTLY TO JAPAN, WITHOUT FIRST GOING THROUGH AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY, ALL FISH CAN BE IDENTIFIED

ON ONE CERTIFICATE. HOWEVER, IF THE BLUEFIN TUNA PRODUCT IS RE-EXPORTED THROUGH AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY (i.e. A COUNTRY/ENTITY/FISHING ENTITY OTHER THAN THE COUNTRY/ENTITY/FISHING ENTITY WHICH IS THE FINAL DESTINATION OF THE PRODUCT), A SEPARATE CERTIFICATE MUST BE PREPARED FOR DIFFERENT FINAL DESTINATIONS OR EACH FISH MAY BE ACCOMPANIED BY A SEPARATE CERTIFICATE TO IDENTIFY ANY POSSIBLE SEPARATION OF SHIPMENTS BY AN INTERMEDIATE COUNTRY/ENTITY/FISHING ENTITY. THE IMPORT OF FISH PARTS OTHER THAN THE MEAT, i.e. HEADS, EYES, ROE, GUTS, TAILS MAY BE ALLOWED WITHOUT THE CERTIFICATE.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) **RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY**

Fill in the name of the Country/Entity/Fishing Entity that re-exports the bluefin tuna in the shipment and issued this Certificate. According to the ICCAT Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) **POINT OF RE-EXPORT**

Identify the City/State Province and Country/Entity/Fishing Entity from which the bluefin tuna was re-exported.

(3) **FARMS (if applicable)**

Fill in the name and address of the farm that farmed the bluefin tuna in the shipment.

(4) **DESCRIPTION OF IMPORTED FISH**

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1)

Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bluefin tuna in the shipment. (4) Date of import: Imported date.

(5) **DESCRIPTION OF RE-EXPORTED FISH**

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1)

Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Net weight: Net product weight in kilograms. (3) Mark the box "Farmed" if the bluefin tuna in the shipment was farmed at the re-exporting country/entity/fishing entity.

(6) **RE-EXPORTED CERTIFICATION**

The person or company re-exporting the bluefin tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(7) **GOVERNMENT VALIDATION**

Fill in the name and full title of the official signing the Certificate. The official must be in the employment of the competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate. This requirement may be waived according the ICCAT RESOLUTION CONCERNING VALIDATION BY AN GOVERNMENT OFFICIAL

OF THE BLUEFIN STATISTICAL DOCUMENT.

(8) IMPORTER CERTIFICATION

The person or company that imports bluefin tuna must provide his/her name, address, signature, date the bluefin tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

DOCUMENT

NUMBER

ICCAT BIGEYE TUNA STATISTICAL DOCUMENT

EXPORT SECTION:

1. FLAG COUNTRY/ENTITY/FISHING ENTITY

2. DESCRIPTION OF VESSEL (if applicable)

Vessel Name Registration Number LOA (m) ICCAT Record No. (if applicable)

3. TRAPS (if applicable)

4. POINT OF EXPORT (City, State/Province, Country/Entity/Fishing Entity)

5. AREA OF CATCH (Check one of the following)

(a) Atlantic (b) Pacific (c) Indian

* In case of (b) or (c) is checked, the items 6 and 7 below do not need to be filled out.

6. DESCRIPTION OF FISH

Product Type (*1)

F/FR RD/GG/DR/FL/OT

Time of Harvest

(mm/yy)

Gear Code (*2) Net Weight

(kg)

*1 F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed, FL=Fillet,

OT=Others (Describe the type of product:)

*2 When the Gear Code is OT, describe the type of gear:)

7. EXPORTER CERTIFICATION:

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Name

Address

Signature

Date

License # (if applicable)

8. GOVERNMENT VALIDATION:

I validate that the above information is complete, true and correct to the best of my knowledge and belief.

Total weight of the shipment: kg

Name & Title

Signature

Date

Government Seal

IMPORT SECTION**9. IMPORTER CERTIFICATION:**

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Importer Certification (Intermediate Country/Entity/Fishing Entity)

Name Address Signature Date License # (if applicable)

Importer Certification (Intermediate Country/Entity/Fishing Entity)

Name Address Signature Date License # (if applicable)

Importer Certification (Final Destination of Shipment)

Name Address Signature Date License # (if applicable)

Final Point of Import: City State/Province Country/Entity/Fishing Entity

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT BIGEYE TUNA STATISTICAL DOCUMENT INSTRUCTION SHEET

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a country/entity/fishing entity encoded Document Number.

- (1) **FLAG COUNTRY/ENTITY/FISHING ENTITY:** Fill in the name of the country/entity/fishing entity of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state, can issue this Document.
- (2) **DESCRIPTION OF VESSEL (if applicable):** Fill in the name, registration number, length overall (LOA) and ICCAT Record number of the vessel that harvested the bigeye tuna in the shipment.
- (3) **TRAPS (if applicable):** Fill in the name of the trap that harvested the bigeye tuna in the shipment.
- (4) **POINT OF EXPORT:** Identify the City, State or Province, and Country/Entity/Fishing Entity from which the bigeye tuna was exported.
- (5) **AREA OF CATCH:** Check the area of catch. (If (b) or (c) checked, items 6 and 7 below do not need to be filled out.)
- (6) **DESCRIPTION OF FISH:** The exporter must provide, to the highest degree of accuracy, the following information. **NOTE:** One row should describe one product type.
 - (1) **Product Type:** Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.
 - (2) **Time of Harvest:** Fill in the time of harvest (in month and year) of the 0 tuna in the shipment.
 - (3) **Gear Code:** Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.
 - (4) **Net product weight** in kilograms.
- (7) **EXPORTER CERTIFICATION:** The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).
- (8) **GOVERNMENT VALIDATION:** Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized

by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state.

The total weight of the shipment shall also be specified in this block. The substitutional measure described in paragraphs A-D of the Resolution by ICCAT Concerning Validation by a Government Official of the Bluefin Tuna Statistical Document [93-2], adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Bigeye Tuna Statistical Document Program.

- (9) **IMPORTER CERTIFICATION:** The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries, entities or fishing entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

GEAR CODE GEAR TYPE,

BB BAITBOAT

GILL GILLNET

HAND HANDLINE

HARP HARPOON

LL LONGLINE

MWT MID-WATER TRAWL

PS PURSE SEINE

RR ROD AND REEL

SPHL SPORT HANDLINE

SPOR SPORT FISHERIES UNCLASSIFIED

SURF SURFACE FISHERIES UNCLASSIFIED

TL TENDED LINE

TRAP TRAP

TROL TROLL

UNCL UNSPECIFIED METHODS

OT OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

DOCUMENT

NUMBER

ICCAT SWORDFISH STATISTICAL DOCUMENT

EXPORT SECTION:

1. **FLAG COUNTRY/ENTITY/FISHING ENTITY**
2. **DESCRIPTION OF VESSEL (if applicable)**
Vessel Name Registration Number LOA (m) ICCAT Record No. (if applicable)
3. **POINT OF EXPORT:**
CITY, STATE OR PROVINCE COUNTRY/ENTITY/FISHING ENTITY
4. **AREA OF CATCH (Check one of the following)**
(a) North Atlantic (b) South Atlantic (c) Mediterranean (d) Pacific (e) Indian
* In case of (d) or (e) is checked, the items 5 and 6 below do not need to be filled out.
5. **DESCRIPTION OF FISH**
Product Type a
F/FR RD/GG/DR/FL/OT
Time of Harvest
(mm/yy)

Gear Code b Net Weight

(kg)

a F=Fresh, FR=Frozen, RD=Round, GG=Gilled & Guttled, DR=Dressed, FL=Fillet, ST=Steak,

OT=Others (Describe the type of product:)

a When the Gear Code is OT, describe the type of gear:)

6. **EXPORTER CERTIFICATION:** For export to countries that have adopted the ICCAT alternative minimum size for swordfish the exporter must certify that the listed Atlantic swordfish are greater than 15 kg(33lb.) or if pieces, the pieces were derived from a swordfish weighing >15kg.
I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Name

Address

Signature

Date

License # (if applicable)

7. **GOVERNMENT VALIDATION:**

I validate that the above information is complete, true and correct to the best of my knowledge and belief.

Total weight of the shipment: kg

Name & Title

Signature

Date

Government Seal

IMPORT SECTION

8. **IMPORTER CERTIFICATION:**

I certify that the above information is complete, true and correct to the best of my knowledge and belief.

Importer Certification (Intermediate Country/Entity/Fishing Entity)

Name Address Signature Date License # (if applicable)

Importer Certification (Intermediate Country/Entity/Fishing Entity)

Name Address Signature Date License # (if applicable)

Importer Certification (Final Destination of Shipment)

Name Address Signature Date License # (if applicable)

Final Point of Import: City State/Province Country/Entity/Fishing Entity

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

ICCAT SWORDFISH STATISTICAL DOCUMENT INSTRUCTION SHEET

Pursuant to the 2001 ICCAT recommendation, swordfish imported into the territory of a Contracting Party or upon first entry into a regional economic organization must be accompanied by an ICCAT Swordfish Statistical Document (SWD) beginning January 1, 2003. Swordfish dealers who export or import swordfish from all ocean areas will be required to complete the appropriate sections of the SWD. Only complete and valid documents will guarantee that shipments of swordfish will be allowed to enter the customs territory of Contracting Parties (e.g., Japan, Canada, U.S., Spain, etc.). Improperly documented swordfish shipments (i.e., the SWD is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate and contrary to ICCAT conservation efforts. Entry of improperly documented swordfish will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the customs territory of a Contracting Party or subject to administrative or other sanctions.

Please use the instructions below as a guide to complete the sections that apply to Exporters, Importers, and Government Validation. If a language other than English is used for description, please add an English translation either on the SWD or on a separate paper. Note: if a swordfish product is exported directly from the harvesting Country/Entity/Fishing Entity to a Contracting Party, without going through an intermediate Country/Entity/Fishing Entity, all fish can be identified on one document. However, if the swordfish product is exported through an intermediate Country/Entity/Fishing Entity (i.e., a Country/Entity/Fishing Entity other than the Country/Entity/Fishing Entity which is the final destination of the product), separate documents must be prepared for fish destined for different final destinations, or only one fish may be identified on a document to cope with any possible separation in an intermediate Country/Entity/Fishing Entity. Import of swordfish parts other than meat (i.e., heads, eyes, roe, guts, tails) may be allowed entry without an accompanying SWD.

DOCUMENT NUMBER: This block is for the issuing Country/Entity/Fishing Entity to designate a country coded Document Number.

- (1) **FLAG COUNTRY/ENTITY/FISHING ENTITY** - Fill in the name of the Country/Entity/Fishing Entity of the vessel that harvested the swordfish in the shipment and issued this Document. According to the ICCAT Recommendation, only the flag state of the vessel that harvested the swordfish in the shipment, or, if the vessel is operating under a chartering arrangement, the exporting state, can issue this Document.
- (2) **DESCRIPTION OF VESSEL (if applicable):** Fill in the name, registration number, length overall (LOA) and ICCAT Record number of the vessel that harvested the swordfish in the shipment.
- (3) **POINT OF EXPORT** - Identify the City and State or Province, and country/entity/fishing entity from which the swordfish was exported.
- (4) **AREA OF CATCH** - Check the area of catch. (In case of (d) or (e) checked, items 4 and 5 need not be completed).
- (5) **DESCRIPTION OF FISH** - The exporter must provide, to the highest degree of accuracy, the following information. (NOTE: One row should describe one product type.) (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment; (2) Time of Harvest: Fill in the time of harvest (month and year) of the swordfish in the shipment; (3) Gear Code: Identify the gear type which was used to harvest the swordfish using the listed codes; (5) Net weight: Net product weight in kilograms.
- (6) **EXPORTER CERTIFICATION** - The person or company exporting the swordfish shipment must provide his/her name, signature, address, date the shipment was exported, and dealer license number (if applicable). For countries that have adopted the ICCAT alternative minimum size for swordfish the exporter must certify that the listed Atlantic swordfish are greater than 15 kg (33 lb.) or if pieces, the pieces were derived from a swordfish weighing >15 kg.
- (7) **GOVERNMENT VALIDATION** - Fill in name and full title of the official signing the SWD. The official must be employed by a competent authority of the flag state government of the vessel that harvested the swordfish appearing on the SWD or other individual or institution authorized by the flag state or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. Net weight must also be certified and recorded. The substitutional measure described in paragraphs A-D of the *Resolution by ICCAT concerning Validation by a Government Official of the Bluefin Tuna Statistical Docu-*

ment [93-2], adopted by the Commission in 1993, may be applied to the above requirements for the validations in this Swordfish Statistical Document Program.

- (8) **IMPORTER CERTIFICATION** - The person or company that imports swordfish must provide their name, signature, address, date the swordfish was imported, license number (if applicable) and final point of import. This includes imports into intermediate countries, entities or fishing entities. For fresh and chilled products, signature of the importer may be substituted by person of a custom clearance company when the authority of signature is properly accredited to the company

GEAR CODE GEAR TYPE

BB Baitboat

GILL Gillnet

HAND Handline

HARP Harpoon

LL Longline

MWT Mid-water trawl

PS Purse seine

RR Rod and reel

SPHL Sport handline

SPOR Sport fisheries, unclassified

SURF Surface fisheries, unclassified

TL Tended line

TRAP Trap

TROL Troll

UNCL Unspecified methods

OT Other type: Describe the type of gear

Original completed document must accompany exported shipment. Retain a copy for your records. The original (imports) or a copy (exports) must be postmarked and mailed, or faxed, within 24 hours of import or export to: XXXX

ANNEXURE 15

**04-01 BET
RECOMMENDATION BY ICCAT
ON A MULTI-YEAR CONSERVATION AND
MANAGEMENT PROGRAM FOR BIGEYE TUNA**

CONSIDERING the need to conserve and manage the bigeye tuna stocks, the Standing Committee for Research and Statistics (SCRS) recommends that the total catch not exceed 90,000 t;

CONVINCED that the implementation of this advice would provide the foundations for a stable management strategy for these stocks in the medium term;

MINDFUL of the 2001 ICCAT *Criteria for the Allocation of Fishing Possibilities* [01-25];

AWARE of the considerable efforts that have already been carried out by Contracting Parties involved in these fisheries;

NOTING that the implementation of a closed area/season, to be applied by purse seine and baitboat fleets, significantly contributes to the reduction of the catches of juvenile bigeye tuna,

CONCERNED at the increasing development of IUU activities and the consequent need to regulate strictly transshipment operations,

RECOGNIZING that timely reporting of catch will assist greatly in the monitoring of the fisheries,

CONSIDERING that the adoption of a multi-annual program for the medium-term will contribute to the conservation and sustainable development of the bigeye tuna stocks;

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

1. Contracting Parties and Cooperating Non-Contracting Parties, Entities or Fishing Entities (hereafter named CPCs) whose vessels fish bigeye tuna in the Atlantic shall implement a multi-annual management and conservation program for the period 2005 to 2008.

Capacity limitation

2. A capacity limitation shall be maintained in accordance with the *Recommendation by ICCAT on the Bigeye Tuna Conservation Measures for Vessels Larger Than 24 Meters Length Overall (LOA)* [Rec. 98-03] limiting the number of fishing vessels to the average number of fishing vessels having fished bigeye tuna in the Convention area in 1991 and 1992.

- a) Each CPC which has been allocated a catch limit, in accordance with operative paragraph 4 below, shall restrict the number of its vessels fishing for bigeye tuna, by gear type, in 2005 and subsequent years, to the number of their bigeye vessels notified to ICCAT for 2005.

In that regard, each of these CPCs shall notify by 30 June 2005, to the Commission the number of their bigeye vessels, by gear type. Each CPC shall adjust fishing effort commensurate with the available fishing opportunities.

- b) The following limits shall be applied to:

China	45 longline vessels
Philippines	8 longline vessels
Chinese Taipei	98 longline vessels
Panama	3 purse seine vessels

These CPCs shall ensure that their presence in this fishery is commensurate with their fishing possibilities.

- c) Each CPC shall manage the inclusion and exclusion of its vessels in/from the ICCAT Record of Vessels. Vessels may be replaced on the Record by a vessel of equivalent capacity.

TAC and Catch limits

3. The annual total allowable catch (TAC) is fixed at 90,000 t for each of the years 2005, 2006, 2007 and 2008.

4. a) The following catch limits shall be applied for the four year period until 2008, based on the average catch of Atlantic bigeye tuna in 1991 and 1992 and taking account of recent developments, for the following CPCs:

CPC 2005 2006 2007 2008

China	5,400	5,700	5,900	5,900
European Community	25,000	24,500	24,000	24,000
Ghana	4,000	4,500	5,000	5,000
Japan	27,000	26,000	25,000	25,000
Panama	3,500	3,500	3,500	3,500
Chinese Taipei	16,500	16,500	16,500	16,500

- b) All underages or overages of this catch limit of bigeye may be added or shall be deducted from the catch limit as follows:

Year of catch Adjustment year

2005 2006 and/or 2007

2006 2007 and/or 2008

2007 2008 and/or 2009

However, the maximum underage that a CPC may transfer in any given year shall not exceed 30% of its annual catch limit.

5. The over-harvest of China in 2003 will result in a yearly deduction of 500 t from their annual catch limit in the period 2005-2009.
The over-harvest of Chinese Taipei of 8,000 t in 2003 will result in a yearly deduction of 1,600 t from their annual catch limit in the period 2005-2009.
 6. The TAC and catch limits for 2008 in operative paragraph 4 shall be reviewed and, if necessary, revised based upon the results of the stock assessments in 2007 by the SCRS. Should adjustments to the TAC for 2008 be required following this assessment, the relative shares of the CPCs for 2008 shall remain unchanged from those in operative paragraph 4.a of the current Recommendation.
 7. The provisions of paragraphs 2 and 4 shall not apply to CPCs whose reported 1999 catch, as provided to the SCRS in 2000, was less than 2,100 t.
- Area/Season closure*
8. In order to protect the stock, in particular juvenile fish, fishing by purse seiners and baitboats flying a CPC flag, shall be prohibited during the period and in the area specified in paragraphs 9 and 10 below;
 9. The area referred to in paragraph 8 is the following:
 - Southern limit: parallel 0° South latitude
 - Northern limit: parallel 5° North latitude
 - Western limit: meridian 20° West longitude
 - Eastern limit: meridian 10° West longitude.
 10. The period covered by the prohibition of paragraph 8 will be from 1 November to 30 November of each year.
 11. The SCRS shall examine in 2005 the impact on stocks of this measure, and shall recommend the necessary modifications that would improve its effectiveness and review possible modifications to be applied to the closure.
CPCs shall establish internal procedures to sanction fleets flying their flag that do not comply with the closure. They will submit an annual report on their implementation to the Secretariat.
The Executive Secretary shall make a report to the Commission.
 12. CPCs shall use their Vessel Monitoring Systems to ensure enforcement of the area/season closure.
- Data collection*
13. CPCs shall:
 - „ÿ Increase or maintain appropriate systems of collection and processing of fisheries catch and effort data;
 - „ÿ Respect the guidelines established for the transmission of annual Task I and Task II data.
 14. CPCs shall adopt the necessary measures to ensure the reporting of their total landings and transshipments of bigeye tuna carried out by the vessels that fly their flag.
 15. In order to obtain data on the composition of the catches, particularly those of spawners, relative to the fishing areas and seasons, there shall be observers on board at least 5% of longline vessels over 24 meters fishing for bigeye.
- General provisions*
16. This recommendation replaces the Recommendation by ICCAT on a Bigeye Tuna Size Limit [Rec. 79-01] and the Recommendation by ICCAT on the Establishment of a Closed Area/Season for the Use of Fish-Aggregation Devices (FADs) [Rec. 99-01].

ANNEXURE 16

04-04 ALB RECOMMENDATION BY ICCAT ON THE SOUTHERN ALBACORE CATCH LIMIT FOR 2005, 2006 AND 2007

NOTING that the current estimated MSY from the base case of the 2003 stock assessment is 30,915 t, that the 2003 assessment results were similar to those obtained in 2000, and that the confidence intervals were substantially narrower in 2003 than in 2000.

NOTING FURTHER the conclusions of the 2003 Albacore Assessment Meeting, and of the 2003 and 2004 SCRS reports, that the southern albacore stock is not considered to be over-exploited, that the current best estimate of $B_{current}/B_{MSY}$ is 1.66, that the current best estimate of $F_{current}/F_{MSY}$ is 0.62, and that current average catches are close to MSY;

RECOGNIZING the need to implement measures to maintain the southern albacore stock at MSY levels, this being the management objective of ICCAT;

RECOGNIZING also that further work is needed before sharing arrangements for southern albacore based on the ICCAT *Criteria for the Allocation of Fishing Possibilities* [01-25] can be developed and agreed on;

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

1. The annual total catch limit for albacore caught in the Atlantic Ocean South of 5°N shall be set at 30,915 t for 2005, 2006 and 2007, this being the current base case estimate of the MSY of the stock.
2. Notwithstanding the provisions of paragraph 1, should total reported albacore catches in 2004, as reported to the 2005 ICCAT meeting, exceed 29,200 t, the TAC for 2006 shall be reduced by the full amount of the 2004 catch in excess 29,200 t.
3. Similarly, should total reported albacore catches in 2005, as reported to the 2006 ICCAT meeting, exceed the 2005 TAC, the TAC for 2007 shall be reduced by the full amount of the 2005 catch in excess of the revised 2005 TAC.
4. Should total reported albacore catches in 2004 or 2005, as reported to the 2005 or 2006 ICCAT meetings respectively, exceed 30,915 t, those Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities fishing for southern albacore shall participate in an inter-sessional meeting of Panel 3, to be held in the year following the detection of such over-catch, to develop proposals for a sharing arrangement based on the ICCAT *Criteria for the Allocation of Fishing Possibilities* [01-25] adopted in 2001.
5. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities not actively fishing for southern albacore and having caught, on average, less than 100 t of southern albacore per year during 1998-2002 shall be subject to a catch limit of 100 t.
6. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities not fishing actively for southern albacore and having caught, on average, more than 100 t of southern albacore during 1992-1996, but excluding Japan, shall be subject to an annual catch limit of 110% of their respective average 1992-1996 catches of albacore in the Atlantic Ocean South of 5°N.
7. Japan shall endeavor to limit its total catch of southern albacore to 4% by weight of its total longline bigeye tuna catch in the Atlantic Ocean South of 5°N.
8. No provision shall be made for carry-over of any under-harvests made under this sharing arrangement.

9. Those Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities fishing actively for southern albacore shall improve their catch reporting systems to ensure the reporting of accurate and validated southern albacore catch and effort data to ICCAT in full accordance with the ICCAT requirements for provision of Task I and Task II catch, effort and size data.
10. All aspects of the southern albacore catch limit and sharing arrangement shall be reviewed and revised at the 2007 ICCAT Commission meeting, taking account of the results of the updated southern albacore stock assessment to be conducted in 2007. This review and revision shall also address any over-harvest made in excess of the 2006 TAC.
11. This Recommendation replaces, in its entirety, the 2003 Recommendation by ICCAT on the Southern Albacore Catch Limit and Sharing Arrangement for 2004 [Rec. 03-07].

ANNEXURE 17

04-07 RECOMMENDATION BY ICCAT ON BLUEFIN TUNA SIZE LIMIT

TAKING INTO ACCOUNT the concerns expressed by the SCRS on the continued high level of undersized catches of bluefin tuna,

CONSCIOUS of the need to contribute to the objectives of the *Recommendation by ICCAT to Develop a Plan Aimed at Reducing the Catches of Juvenile Bluefin Tuna in the Mediterranean* [Rec. 02-09] to reduce the catches of under-sized bluefin tuna,

IN ORDER to ensure adequate enforcement and monitoring of the minimum size of bluefin tuna in the East Atlantic and the Mediterranean Sea,

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS RECOMMENDS THAT:

1. Contracting Parties and Co-operating non-Contracting Parties, Entities or Fishing Entities (CPCs) shall take the necessary measures to prohibit the catch, the retaining on board, landing and/or transshipment of any bluefin tuna (*Thunnus thynnus*) weighing less than 10 kg in the Mediterranean Sea.
2. In the East Atlantic and the Mediterranean Sea, CPCs shall take the necessary measures to prohibit the catch, the retaining on board, the landing, the transshipment and the sale of any bluefin tuna under the minimum applicable size. No tolerance shall be granted.
3. The second and third sub-paragraphs of operative paragraph 9 of the Recommendation by ICCAT Concerning a Multi-year Conservation and Management Plan for Bluefin Tuna in the East Atlantic and Mediterranean [Rec. 02-08], as well as the Recommendation by ICCAT Concerning a Limit on Bluefin Tuna Size and Fishing Mortality [Rec. 74-01] and the Recommendation by ICCAT on a Supplemental Management Measure Concerning Age Zero Bluefin Tuna [Rec. 97-02], are repealed.

ANNEXURE 18

04-09 SUPPLEMENTAL RECOMMENDATION BY ICCAT CONCERNING THE REBUILDING PLAN FOR BLUE MARLIN AND WHITE MARLIN

RECALLING the Recommendation by ICCAT to Establish a Plan to Rebuild Blue Marlin and White Marlin Populations [Rec. 00-13], as amended by the 2001 *Recommendation by ICCAT to Amend the Plan to Rebuild Blue Marlin and White Marlin Populations*

[Rec. 01-10] and the 2002 *Recommendation by ICCAT to Amend the Plan to Rebuild Blue Marlin and White Marlin Populations* [Rec. 02-13];

RECOGNIZING the Standing Committee on Research and Statistics (SCRS) has recommended that the stock assessments for blue marlin and white marlin should not be held before 2006;

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

1. Phase 1 of the Rebuilding Plan for Blue and White Marlin shall remain in effect through 2006. All management measures established by the Rebuilding Plan shall be extended through 2006.
2. The stock assessments of Atlantic blue marlin and white marlin shall be conducted in 2006, consistent with the process advised by the SCRS.
3. For blue marlin and white marlin, the SCRS shall, at the 2006 Commission meeting, present its evaluation of specific stock recovery scenarios that take into account the new stock assessments, any new information and any re-evaluation of the historical catch and effort time series.

ANNEXURE 19

04-10 RECOMMENDATION BY ICCAT CONCERNING THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES MANAGED BY ICCAT

RECALLING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks;

CONSIDERING that many sharks are part of pelagic ecosystems in the Convention area, and that tunas and tuna-like species are captured in fisheries targeting sharks;

RECOGNIZING the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

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

1. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) shall annually report Task I and Task II data for catches of sharks, in accordance with ICCAT data reporting procedures, including available historical data.
2. CPCs shall take the necessary measures to require that their fishermen fully utilize their entire catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
3. CPCs shall require their vessels to not have onboard fins that total more than 5% of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures.

4. The ratio of fin-to-body weight of sharks described in paragraph 3 shall be reviewed by the SCRS and reported back to the Commission in 2005 for revision, if necessary.
5. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this Recommendation.
6. In fisheries that are not directed at sharks, CPCs shall encourage the release of live sharks, especially juveniles, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
7. In 2005, the SCRS shall review the assessment of shortfin mako sharks (*Isurus oxyrinchus*) and recommend management alternatives for consideration by the Commission, and reassess blue shark (*Prionaca glauca*) and shortfin mako no later than 2007.
8. CPCs shall, where possible, undertake research to identify ways to make fishing gears more selective.
9. CPCs shall, where possible, conduct research to identify shark nursery areas.
10. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.
11. This recommendation applies only to sharks caught in association with fisheries managed by ICCAT.

ANNEXURE 20

04-11 RECOMMENDATION BY ICCAT CONCERNING IMPLEMENTATION OF THE VMS RECOMMENDATION [REC. 03-14]

RECOGNIZING the need to establish an implementation date for the *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14];

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

1. As called for in paragraphs 1 and 5 of Recommendation 03-14, the implementation date shall be November 1, 2005. The text of Recommendation 03-14 shall be amended to reflect this implementation date.
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