

ICCAT 2016 U.S. Delegation Summary Report

The 20th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) was held in Vilamoura, Portugal, from November 14-21, 2016. This year, 46 of ICCAT's 51 Contracting Parties participated as well as three Cooperating Non-Contracting Parties, Entities, and Fishing Entities, three intergovernmental organizations, two Non-Contracting Parties, and 22 non-governmental organizations. Federal Government Commissioner Russell F. Smith III led the U.S. delegation. U.S. Commercial Commissioner Eugenio Piñeiro-Soler and U.S. Recreational Commissioner Raymond Bogan also represented the United States. The U.S. delegation included representatives from the Department of State, NOAA, NMFS, U.S. Coast Guard, and the private sector. William Gibbons-Fly of the Department of State led U.S. negotiations concerning the process to amend the ICCAT Convention. ICCAT made a number of important decisions this year, a majority of which were in line with U.S. positions. Conservation and management measures were adopted for the first time for sailfish and North Atlantic blue shark. In addition, measures were extended for North and South Atlantic albacore tuna, North and South Atlantic swordfish, western Atlantic bluefin tuna, and tropical tunas. Importantly, the North Atlantic albacore measure incorporated provisions on the establishment of a harvest control rule (HCR), which may be ready for application as soon as 2017. ICCAT also adopted a comprehensive recovery plan for Mediterranean swordfish and an intersessional meeting will be held in 2017 to consider allocation issues for this stock. Regarding eastern bluefin tuna, the Chair of Panel 2 put forward a proposal to add 500 t to Algeria's quota to bring its catch limit in line with its historical share (In 2010 Algeria's quota allocation was significantly reduced. Algeria objected at the time and has been pressing since then to have its allocation restored.) The proposal was adopted by vote in Panel 2 and agreed by the Commission. The Commission will need to find a more permanent solution to the eastern bluefin tuna allocation issue in 2017 once the results of the eastern bluefin tuna assessment are known. Western Atlantic bluefin tuna will also be assessed in 2017. A U.S. proposal requiring that sharks be landed with their fins naturally attached achieved 30 co-sponsors again in 2016 with several other delegations also speaking in favor. While not adopted, support for this important conservation measure remains strong, and we will continue to press for its adoption. A U.S. proposal prohibiting the intentional encirclement of cetaceans in purse seine fisheries was also not adopted.

ICCAT also adopted measures improving its monitoring, control, and surveillance regime, including adopting revisions to its transshipment rules and minimum standards for observer requirements. Unfortunately, a U.S. proposal for stronger observer safety provisions for ICCAT's regional observer programs did not receive consensus. ICCAT also agreed to create an expert group to assist in capacity building to implement port inspection requirements; establish a working group to review and, where appropriate, implement the recommendations of ICCAT Second Independent Performance Review; extend the mandate of the FAD Working Group; and establish an agenda for the third meeting of the Standing Working Group for Enhancing the Dialogue between Fisheries Scientists and Managers together with a road map for the development of HCRs and implementation of Management Strategy Evaluation (MSE). These four groups will hold intersessional meetings during 2017.

In addition, ICCAT adopted measures to improve the efficiency and effectiveness of the Compliance Committee (COC), including enhanced processes and procedures for COC operations, a schedule of actions to guide the Commission in taking actions to address non-compliance, terms of reference for the development of an online system for reporting on compliance, and new reporting deadlines to provide additional time to evaluate certain reports in advance of the ICCAT annual meeting. The COC also conducted a thorough review of existing obligations in 2016. A few parties were identified under the trade measures recommendation for compliance problems that diminished the effectiveness of ICCAT, and a

number of others will receive letters expressing concerns about fishery activities of a less serious nature and requesting action to address those situations.

Unfortunately, the Commission was not able to finalize amendments to the ICCAT Convention during the meeting. An intersessional meeting is scheduled in 2017 with a view to resolving the two remaining issues.

A more detailed description of the outcomes from the ICCAT annual meeting follows.

Plenary

Convention Amendment: The Commission reviewed the report of the Fourth Meeting of the Working Group on Convention Amendment. Two issues remained unresolved. The first related to dispute resolution and the second to the proposed change in depositary from the Food and Agriculture Organization (FAO) to another entity, currently proposed to be the European Council. At the start of the 2016 ICCAT meeting, FAO responded to a letter from the ICCAT Chair indicating its neutral position on a proposed change of depositary. In an unexpected move, Morocco submitted a written statement (PLE-134) noting its opposition to any change in depositary. Afterward, Sierra Leone, Ghana, Guinea, and Gabon stated they would need input from their foreign ministries before taking a position on the issue. Several countries, including the United States, Norway, Canada, and Cote d'Ivoire, stressed that a solution was at hand and urged the Commission not to lose momentum. In an effort to find resolution to this important issue during the ICCAT meeting, the U.S. Department of State demarched all West African governments on 15 November 2016 urging that the appropriate minister authorize their respective delegates to ICCAT to support the proposed change in depositary, which was essential to allow Taiwan to participate in ICCAT as a member of the Commission. Resolution, however, could not be reached during the ICCAT meeting. Instead, the Commission agreed that another meeting of the Convention Working Group should be planned for June 2017 in the expectation that informal contacts can lead to resolution of the issue and to also include the possibility of convening a Conference of Plenipotentiaries to adopt the Convention amendments, if possible.

Harvest Control Rules and Management Strategy Evaluation: The United States and EU presented a proposed 5-year road map for the development of HCRs and application of MSE for priority ICCAT stocks. The road map will be considered a living document and will be appended to the meeting report and be reviewed and, as needed, revised based on future work of the SCRS and the Commission. In addition, ICCAT adopted a joint US-EU resolution setting forth issues to be taken up at a third meeting of the Standing Working Group for Enhancing the Dialogue Between Fisheries Scientists and Managers (SWGSM), which will be held in June 2017.

Second ICCAT Performance Review: John Spencer (EU), the Chair of the three-person panel that conducted ICCAT's second independent performance review presented the panel's report. The expert panel's overall assessment was positive although a number of recommendations were made. Notably, the panel provided little rationale for some of its recommendations. ICCAT was able to take some of the recommendations on board during its 2016 annual meeting, such as adopting authorized vessel lists for both the North and South Atlantic swordfish fisheries. To ensure more full consideration of the issues raised by the expert panel and its recommendations, the EU circulated a resolution to establish an *ad hoc* working group to consider the recommendations from the performance review and forward them, as appropriate, to the relevant ICCAT body (e.g., Panels, SCRS, COC, etc) for follow-up. The resolution was adopted. The working group will meet in June 2017 and report its outcomes to the Commission at its 2017 ICCAT Annual Meeting.

Resolution by ICCAT on Ecosystems that are Important and Unique for ICCAT Species: A draft resolution similar to the one circulated in past years concerning the Sargasso Sea was proposed by the

UK-OT and adopted by consensus. This resolution requests the SCRS to examine the available information on the trophic ecology of pelagic ecosystems that are important and unique for ICCAT species in the Convention area. The SCRS will provide an update on the progress of this work in 2018 and report back to the Commission with available findings in 2019, if possible.

Panel 1

Tropical Tunas Management: Panel 1 considered the SCRS advice regarding tropical tunas, including the 2016 yellowfin assessment that determined the stock is overfished but no overfishing is occurring. Concerns were raised by the United States and others regarding the impact the high catch of juvenile bigeye and yellowfin tunas was having on the status of those stocks and the corresponding effect on MSY and questions about this matter were asked of the SCRS Chair. Dr. Die emphasized that the SCRS needs input on management objectives before being able to provide specific advice on the impact associated with reducing juvenile catches reduction of juveniles, but he confirmed that the SCRS could provide expected changes to spawning stock biomass and MSY at various levels of size selectivity.

The EU presented a proposal to amend the tropical tunas management measure adopted in 2015, which was eventually also co-sponsored by Senegal and Cote d'Ivoire. The proposal included changes to harmonize reporting on FAD use, advance the HCR process through the establishment of indicative performance indicators, and requests the SCRS for advice on the use and impacts of FADs, in particular, the impacts of juvenile catches on MSY and corresponding Bmsy. The measure also amended the vessel listing requirement allowing for an exception to the authorized vessel list for vessels whose catch of tropical tunas is 5% or less of total catch on board the vessel by weight. This change also included a footnote that would have required CPCs to report catch by vessel. The United States expressed concern that the bycatch carve out could weaken the vessel listing requirement and noted as well that we could not support a provision that required catch reporting by vessel due to domestic confidentiality requirements. The adopted proposal retained the provision vessel listing carve out for bycatch vessels but dropped the requirement to provide catch data on a per vessel basis.

The EU also proposed that observer coverage for large-scale purse seine and longline vessels be raised to 20%. A number of CPCs objected to this change, in particular Japan, who insisted that it was not appropriate to increase the observer coverage level until all CPCs implement the 5% minimum coverage that has been required since 2011. In the end, the observer provisions from Recommendation 15-01 remained relatively unchanged, but with a request to the SCRS to revise their advice related to an appropriate level of observer coverage. Further, the proposal included a requirement for full retention of tropical tuna catch for all vessels, as well as an encouragement to keep other species (with exceptions for certain shark species, stocks managed with minimum size requirements, and animals that can be safely released alive). The United States opposed this addition, noting that it was a complex and far reaching change in management that had never been previously discussed at ICCAT and that was at odds with foundational principles for how the United States manages its fishery. The United States noted that, while full retention may be appropriate in some fisheries, such as purse seine, there are a suite of other management measures that are appropriate to reduce and/or mitigate bycatch by other gear types. Canada also raised concerns with the full retention text, but indicated that it could be comfortable with it under certain conditions. The EU and Senegal argued strongly to retain text related to retention of catch in the proposal. In the end, the compromise text included provisions related to full accounting for all mortality, encouraging the reduction of discards, and requesting advice from the SCRS on the subject, but not requiring full retention.

Panel 1 also considered the request by El Salvador for additional quota and reviewed its management plan per the requirements of Rec. 15-01. El Salvador stressed its developing State status. A number of CPCs, including many coastal developing states, expressed concern with El Salvador's expanded effort in a

fishery that is already subject to overfishing, and stressed that coastal States with history in the fishery should be given priority access. No agreement could be reached on the treatment of El Salvador in Panel 1, which held up adoption of the EU proposal by the Panel. The EU proposal and the pending issue surrounding El Salvador was, therefore, referred to Plenary for further discussion.

In Plenary, the Commission discussed a proposal by El Salvador for a bigeye catch limit of 2,100t. Japan suggested that such a limit should be coupled with a capacity limit of four purse seine vessels. It was further suggested that El Salvador should be prohibited from transferring additional capacity into the Atlantic tropical tuna fishery from the Pacific. There was general agreement El Salvador, as a non-coastal State and new entrant into an overfished fishery, should continue to be covered by the 1,575t limit and that a provision should be added to the tropical tunas recommendation limiting El Salvador's purse seine capacity to four vessels as suggested by Japan. With this change, the Commission adopted the EU/Senegal/Cote d'Ivoire tropical tunas recommendation.

FAD Working Group: The EU presented proposed edits to the FAD Working Group Terms of Reference (Rec. 15-02), extending its mandate into the future as decided by the Commission, calling for a meeting in 2017, and clarifying the role of the Working Group in assessing the impacts of FADs. Japan and the United States proposed additional changes to further clarify the need for the Working Group to examine the impacts of FAD fishing on juvenile tunas and the corresponding MSY values for stocks. The Commission adopted the amended proposal. In addition to a meeting of the FAD Working Group in 2017, a meeting of the FAD Working Groups of all Tuna RFMOs will also take place in 2017, perhaps around the time of the IOTC annual meeting, with funding from the EU.

HCRs: CPCs asked several questions related to the advancement of HCRs and the impacts of FAD fishing. Brazil asked whether the SCRS would be able to move forward on HCRs for eastern skipjack independently from the other tropical tuna stocks, and the SCRS Chair answered in the affirmative. We expect that this issue will be taken up at the 2017 meeting of the SWGSM.

Panel 2

Northern Albacore: The EU and the United States both tabled conservation and management measures for the northern albacore fishery, which is now rebuilt. The U.S. proposal (PA2-605) was designed to implement a TAC consistent with SCRS advice (i.e., the current TAC until a harvest control rule (HCR) is adopted in 2017 (or 2018), maintain the existing quota allocation percentages, note and encourage the SCRS progress toward establishing northern albacore harvest control rules pursuant to Recommendation 15-04, and support the initiation of the SCRS-proposed 4-year northern albacore research program. A primary difference between the U.S. and EU proposals was that the EU proposal (PA2-603) called for a quota increase in 2019. The United States and EU merged their proposals and the combined recommendation (PA2-603C) established a quota of 28,000 t for 2017-2018, with the possibility of an increase to 30,000 t for 2019-2020 subject to a decision by the Commission based on updated advice of the SCRS in 2018. However, if the Commission adopts an HCR during this period, as is expected, the TAC shall be re-established in accordance with that HCR. The proposal authorizes transfers in 2017 from the EU (60 t), the United States (150 t), and Chinese Taipei (114 t) to Venezuela from the unused portion of their 2015 quotas, as well as transfers from Chinese Taipei to St. Vincent and the Grenadines (100 t) and Belize (200 t) in 2017 and 2018. The proposal also incorporates the capacity management measures from Recs. 98-08 and 99-05; language establishing an authorized vessel list for North Atlantic albacore; updated operative paragraphs regarding HCR and MSE from Rec. 15-04; and the performance indicators agreed at the 2016 Sapporo intersessional meeting to support future decision-making.

Western Atlantic Bluefin Tuna: The United States tabled and ICCAT adopted a one-year rollover proposal for western Atlantic bluefin tuna that extended the current 2,000 mt TAC, the current

allocations, and other measures of Rec. 14-05 through 2017, when the benchmark bluefin stock assessments are expected. Japan and Canada signed on as co-sponsors. As this is a one year measure, a sentence was included in the proposal that essentially applies the normal quota payback rules to the 10% tolerance limit for bluefin weighing less than 115 cm to provide needed flexibility.

Eastern Atlantic and Mediterranean Bluefin Tuna: The Panel 2 Chair tabled a proposal to add 500t to Algeria's 2017 quota to return Algeria's quota share to its historical level. Algeria's quota share was substantially lowered during the 2010 ICCAT meeting despite objection from Algeria and others. Algeria was only represented at the 2010 ICCAT meeting by its embassy staff. The Chair's proposal would also have required any overage of the 2017 TAC to be deducted from the TAC established for the 2018-2020 management period. Norway and Iceland opposed the proposal, indicating that they were not responsible for the problem that had been created and should not have their quota reduced in order to fix the problem. They argued that those who benefited from the reduction in Algeria's quota should be responsible for fixing it. Japan asked the SCRS Chair about the expected impact of increasing mortality on the stock by 500 t. The SCRS Chair indicated that such a small increase would not be expected to change the probability of rebuilding. Given that, Japan suggested the payback paragraph of the Chair's proposal be removed and the proposal was re-tabled as PA2-610A. As there was no consensus on the proposal, Algeria called for a vote. 13 panel members voted in favor, 2 voted against, and 8 abstained. A simple majority was needed to carry the proposal, which was achieved (the Panel had 24 members in 2016). Norway and Iceland noted they may lodge formal objections to the proposal at a later stage. The United States stated the importance of beginning a process to finally tackle these eastern bluefin tuna allocation issues ahead of the 2017 negotiations and asked the Panel to consider holding an intersessional meeting to address this issue in 2017. There was no agreement to do so, however.

Turkey requested that Panel 2 restore its historical allocation of 7.73%, which is based on 1993-1994 reference years and the application of ICCAT's allocation criteria. Turkey presented a document to support its request. While some CPCs expressed sympathy, there was no agreement to take action on this matter in 2016.

Fishery Plan Template: Japan proposed guidelines for CPCs to use in submitting their fishing, inspection, and capacity plans for eastern bluefin tuna, including a table in which CPCs can summarize applicable regulations, explanation of measures, relevant legal bases, and notes regarding catch recording and reporting, fishing seasons, minimum size, bycatch, recreational/sport fisheries, transshipment, VMS, CPC Observer Programs, Regional Observer Program, etc. This proposal was adopted (PA2-602C). As there will be no 2017 PA2 intersessional meeting to review the plans, the Chair urged CPCs to use the new guidance in submitting their plans to speed electronic review and endorsement.

Atlantic-Wide Bluefin Tuna Year Program (GBYP): There was general agreement that the GBYP had provided good results and should be continued although some CPCs expressed concern about its expense.

Panel 3

Southern Albacore: The SCRS presented a new 2016 stock assessment showing that the stock is likely not overfished, nor undergoing overfishing, and recommended maintaining the current TAC of 24,000 t. Japan introduced a proposal to maintain the TAC at 24,000 t through 2020 and rolling over existing quota limit with one exception. The quota for the Philippines was re-allocated to China and St. Vincent and the Grenadines (adding to their quotas 100t and 40t respectively), with the understanding of the Panel that the Philippines had no objection to this action. The United States and other minor harvesters in the fishery retained their 25 t catch limits. Notably, the Panel failed to implement the special quota carry over provisions of the current recommendation that allows underharvest that could not otherwise be used to be reallocated on a pro rata basis amongst the southern albacore quota holders to augment a future catch

limit. The COC, therefore, adopted southern albacore compliance tables that did not reflect these available increases. It is unclear if the Panel will seek to revisit this issue intersessionally during 2017, such as during the adoption of the Panel 3 meeting report, or if Panel 3 members will seek access to the remaining underharvest through some other means.

Panel 4

North Atlantic Swordfish: Both the EU and the United States introduced similar proposals to extend the North Atlantic swordfish total allowable catch (TAC) and CPC-specific catch limits for one year until the new stock assessment in 2017. The EU proposal (PA4-805/16) also included a new authorized vessel listing requirement and a requirement to provide a list of vessels that actively fished for swordfish. The U.S. proposal (PA4-811/16) included an alternative approach to the authorized vessel listing process that would simply add a new check box for vessels authorized to fish for swordfish on the current 20-meter vessel list. This aspect of the proposal received support from other CPCs, as it does not add any new reporting requirements beyond those already required in Recommendation 13-13. The EU's proposal was merged with the U.S. proposal and the vessel listing language from the U.S. proposal was carried forward. The requirement to submit an active vessel list was dropped as it was viewed by many as unnecessary. The EU also suggested adding a provision to the proposal that would exempt the listing of vessels that catch swordfish as bycatch on the authorized vessel list. This resulted in inclusion of a paragraph clarifying that the vessel listing requirement applies to vessels targeting swordfish (PA4-811C). The quota transfers included in the measure are largely unchanged from past recommendations; however, the authorization of quota transfers to Mauritania in 2017 is contingent upon submission by Mauritania of its fishery development plan. Mauritania has not fulfilled similar requirements in the past.

South Atlantic Swordfish: The EU introduced a proposal (PA4-806/16) to roll over the current TAC of 15,000 t and CPC-specific quotas for one year until the new SCRS assessment is conducted in 2017. The EU also noted the addition of a paragraph that directs the SCRS to consider an interim limit reference point (LRP) of $0.4 \times \text{BMSY}$ or any more robust LRP established through further analysis. China noted that the Philippines was not present at this meeting and requested that the Philippines' quota be permanently transferred to China because the Philippines' distant water fleet has no plans to return to the South Atlantic. China requested that the footnote below the quota table to transfer Philippines' quota to China be deleted. The EU stated that it had verified the permanent transfer and agreed to China's request. With no further opposition, the proposal (PA4-806C) was adopted.

Mediterranean Swordfish: The EU introduced a proposed (PA4-810/16) to replace Recommendation 13-04 and establish a multi-annual recovery plan in light of new stock assessment results that indicated the stock remains overfished with overfishing occurring. The proposal's objective was to lower fishing mortality and juvenile landings and improve monitoring and control through a suite of measures, including by setting catch limits, extending the time-area closure, further limiting the minimum size, limiting the use of hooks at a certain depth, designating a port log scheme, requiring observers, monitoring the recreational fishery, and creating a working group to establish an allocation regime and future TACs. Some Mediterranean CPCs advocated for more gradual changes or less stringent measures. Other CPCs, including the United States, stressed that the measure does not go far enough to address the condition of the stock, particularly in light of the requirements of Recommendation 11-13. In the end, the EU presented a compromise proposal that did not reduce catches as aggressively as the first version did. The revised proposal (PA4-810E) was adopted.

Cetaceans: The United States presented a proposal (PA4-804/16) prohibiting the intentional encirclement of cetaceans in purse seine fisheries and increasing monitoring. The proposal was in line with measures already in place in WCPFC, IOTC, and IATTC. Mexico opposed the proposal, stating that it would prevent possibilities to develop innovative fishing approaches. Norway questioned the competency of

ICCAT to adopt such a measure as well as the cost and the relative priority of this issue given the SCRS workload. The EU supported the measure and encouraged the SCRS to look at the work of other RFMOs to save costs and prevent duplicative action. As there was no consensus to adopt the measure, the United States withdrew it, indicating an intention to come back to the issue in 2017.

Sharks:

Fins attached - The United States presented a proposal (PA4-803/16) that would prohibit the removal of shark fins at sea and require that all sharks be landed with their fins naturally attached (fully or partially) through the point of first landing of the shark. The measure was intended to increase the enforceability of ICCAT's shark finning ban and improve fisheries data collection by facilitating species-specific identification of shark catches. Initially co-sponsored by Belize, the European Union, Gabon, Honduras, and Senegal, the number co-sponsors grew to 30 CPCs and several others spoke in favor. Despite the increasing support, however, the proposal continued to be opposed on the floor by Japan, China, and Morocco. These CPCs encouraged others to implement its provisions on a voluntary basis in their own EEZs, and also noted that they could go along with the measure if there were an exemption for frozen product. The proposal was referred to Plenary for further discussion but was not adopted.

Blue Shark – For South Atlantic blue shark, the SCRS underscored uncertainty in the assessment and advised that catches should not be increased above recent levels. For the North Atlantic stock, SCRS advised that the stock status is likely better condition than the southern stock but also highlighted the uncertainty in the assessment. SCRS stressed the need to be precautionary in managing both stocks in light of the uncertainties in the assessments. The EU tabled two proposals on the conservation and management of blue sharks. One applied to the northern stock ((Rec. PA4-807) and one to the southern (Rec. PA4-808). Using the EU proposals as a basis, Japan introduced a combined proposal covering both stocks of blue sharks (PA4-816/16). Japan wanted to maintain consistency for their distant water fleet across both stocks. Brazil stated emphatically that if a South Atlantic blue shark TAC is to be adopted, it should be based on biological reference points rather than on historical catches. Namibia and Uruguay stated that ICCAT should address directed fishing for sharks and act on the advice in the SCRS report, since it would be difficult to set biological reference points at this time. The Panel discussed what range of years constituted “recent catches” in the SCRS recommendation and whether the highest annual catch or an average annual catch within the range should be used to set the total catch limit. There was also discussion about the number of years (1-3 consecutive) that should be averaged to compare against the total catch limit, which would trigger consideration of additional measures. Ultimately, Japan proposed to establish the total catch limit as the average level observed during the period 2011-2015 (i.e., 39,102 t). Japan also proposed that if the average total catch of North Atlantic blue shark in any consecutive two years from 2017 onward exceeds the catch limit, the Commission shall consider additional measures. There was no consensus to include a similar approach for the South Atlantic stock; the provisions concerning that stock were removed from the proposal. Brazil requested language calling for a stock assessment earlier than 2021, if possible, and the inclusion of text calling for SCRS to develop HCRs and associated reference points for blue shark stocks. With these changes, the proposal (PA4-816C) was adopted. Norway stated that the regulation of directed shark fisheries is outside the scope of ICCAT and noted that they may lodge an objection to the recommendation.

Sailfish: Prior to presentation on the floor, the EU proposal on sailfish (PA4-809/16) and the U.S. proposal on sailfish (PA4-813/16) were combined into one proposal (PA4-809A), which was introduced by the EU and included United States, Guatemala, and Venezuela as co-sponsors. The proposal followed the SCRS advice for both the eastern stock, which is overfished, and the western stock, for which overfishing is likely not occurring. The proposal requires CPCs to take or maintain appropriate measures to limit sailfish mortality; such measures could include releasing live sailfish, encouraging or requiring the use of circle hooks or other effective gear modifications, implementing a minimum size, and/or

limiting days at sea. In order to agree to binding management measures, Japan noted for the record that it had already met the requirement to take or maintain measures to limit sailfish mortality by not increasing its fishing capacity in the Atlantic. The proposal also addressed data gaps in fishing activity and encourages CPCs to gather more data on commercial, recreational, and artisanal fishing. With respect to catch limits, the proposal originally used current catches to set total limits as recommended by the SCRS. Brazil noted, however, that the total catches of the eastern stock had doubled in recent years while catches of the western stock had already been reduced through voluntary action by the CPCs. Brazil requested that the total catch limit for both stocks be based on clear biological reference points. Thus, the proposal was adjusted to specify that, if the total catch of either stock of Atlantic sailfish exceeds in any year the level corresponding to 67 % of the average estimate of their Maximum Sustainable Yield (i.e. 1,271 t for the eastern stock and 1,030 t for the western stock), the Commission will review the recommendation. The amended proposal was adopted by the Panel and Commission as PA4-809D.

Other Matters: The EU reported an overharvest of its marlin landings limits and sought approval of a plan to pay back the overharvest as a derogation to the quota payback rules specified in Rec. 15-05. The plan involved a reduction in the EU catch limits for both blue and white marlins through 2019 by the amount needed to make up the overharvest rather than repaying the whole of the overharvests within two years from the year of overharvest. For blue marlin, the EU also noted it would receive a transfer of 30 t in 2017 from Venezuela to help address the remaining deficit. The Panel agreed with the payback plan in principle, but a question was raised about the process for including a quota transfer in that plan given that temporary quota transfers must be authorized by the Commission and are most appropriately done via recommendation. As there was no time to resolve this matter in the Panel, it was referred to Plenary. The EU circulated a proposal authorizing the 30 t blue marlin quota transfer from Venezuela to the EU and referenced its payback plan in the draft recommendation. The Commission adopted the measure.

Standing Committee on Finance and Administration (STACFAD)

Executive Secretary Recruitment: Regarding the Terms of Reference for Executive Secretary Recruitment, two issues were debated. The first was the timing of distribution of questions to candidates; the second was the requirement regarding language abilities. It was decided that questions would be circulated to applicants one day prior to the interviews. Regarding the language requirements, it was decided that the recruitment announcement would specify that the candidate must be fluent in one of the official ICCAT languages, and that ICCAT had *a strong preference for a good working knowledge of one of the other two languages of the Commission and preferably a good working knowledge of the third language*. Based on these decisions, the Terms of Reference were adopted.

Working Capital Fund (WCF): The status of the WCF was the subject of considerable discussion during the meeting of the Standing Committee on Finance and Administration. Brazil, the United States, and the EU, among others, were very concerned with the lack of clarity regarding the amount of funds available in the WCF, the excessive reliance on the fund in recent years, including for things that should be covered under other budget headings, and the impact of non-payment of contributions by some parties, which was negatively affecting the budget overall. In Plenary, a document was produced that provided more clarity on the status of the WCF and illustrated proposed expenses from it, expenses which would draw it down below recommended levels. In the end, the Chairman proposed that the Commission agree to the following measures to limit access to the WCF as much as possible in 2017 and ensure an appropriate level of funding going forward:

- Scale back the Atlantic Ocean Tropical Tuna Program work pending voluntary contributions (without canceling contracts)

- Cut the budget for implementing the Electronic Bluefin Tuna Catch Documentation (eBCD) system from the proposed 200,000 Euros to 100,000 Euros for 2017 and look for other ways to finance this system in the future
- Require new projects and proposals to include financial impact assessments
- Require members that are in arrears to submit payment plans
- Take steps to make intersessional meetings more cost effective
- Fund only high priority projects
- Seek voluntary contributions
- Place a moratorium on new financial commitments until the budget situation improves

Permanent Working Group on the Improvement of ICCAT Statistics and Conservation Measures (PWG)

The PWG considered proposals related to observer programs, high seas boarding and inspection (HSBI) and a related concept note for an at sea inspector exchange program, vessel sighting, transshipment, and port inspection capacity building. In addition to these proposals, the PWG considered the progress of the electronic bluefin tuna catch documentation (eBCD) system, and reviewed a number of technical measures, including those related to vessel listing requirements. The United States submitted or co-sponsored 4 proposals this year, and played a large role in helping progress the advancement of the other 2 proposals, which were submitted by the European Union.

Statistical Document Programs (SDPs): The EU, with Japan supporting, raised the need to reconsider SDPs and potential expansion of catch documentation programs. While agreeing with the U.S. intervention that there should be a demonstrated conservation need before moving forward with new SDP or catch documentation type programs, Canada noted it would be interested in exploring the issue in order to deal with the loopholes for canned and fresh products where bigeye tuna was concerned. While there were no concrete next steps or proposals made, the EU indicated that it may submit a proposal at the next annual meeting to expand or revise the current SDP programs for bigeye tuna and swordfish.

BCD/eBCD: The eBCD Technical Working Group (TWG) Chair reported on the progress of system implementation. He noted that the system was fully operational although a number of capabilities that were needed to enhance system functionality still needed development. He also noted that the contract for support and maintenance of the system needed to be extended and, in that regard, a decision was needed on whether or not to continue the extended support hours (which were 16 hours a day, 7 days a week through the end of November 2016), which was costly. The PWG advised that the contract should be extended but that 16/7 support would not be needed. Rather, it was agreed to explore the cost of providing support 8 hours a day, 5 days a week but to break up the support hours into blocks that would take into account time differences across CPCs. The Secretariat was asked to look into this and report back to the TWG. The PWG also briefly discussed Annex 1 to the TWG report, which identified a potential need to develop a mechanism for after-hours reporting of technical difficulties that preclude use of the eBCD system and require the temporary use of paper. Such an approach is not expressly contemplated in Rec 15-10 but, without a continuation of extended support hours by the eBCD developing consortium, such a mechanism could become necessary to avoid trade disruptions. Some work to convert Annex 1 of the PWG report to a recommendation was undertaken but not completed. This work will continue intersessionally by the TWG. In the meantime, Annex 1 will be appended to the PWG report and may be implemented on a trial basis. With respect to the issue of ensuring stable funding for the eBCD system in the future, the TWG was asked to develop options during 2017 and share them with the Commission for consideration.

Observer Programs:

Minimum Standards for National Programs - The EU resubmitted a proposal to amend and replace Recommendation 10-10 on minimum standards for scientific observer programs, which was adopted by the Commission. The proposal had been heavily revised since the 2016 IMM intersessional, and the EU had incorporated nearly all of edits provided by the United States and Japan. Remaining concerns by other CPCs were mainly due to the proposal being overly prescriptive with regard to national observer programs. For example, Japan rejected text requiring CPCs to provide information about how their observers were trained. The United States also remained concerned about text on electronic monitoring systems that indicated such systems could replace human observers in some fisheries. The final text requires both SCRS advice and Commission agreement before electronic monitoring systems could actually replace human observers. In addition, we successfully opposed suggested edits to weaken requirements already agreed in Recommendation 10-10. U.S. efforts to add very specific text to the proposal on steps to be taken by CPCs to ensure the health and safety of observers, however, were less successful, although the adopted recommendation does require CPCs to ensure the safety of observers.

Health and Safety Requirements for Regional Observer Programs (ROPs) - The United States submitted a proposal establishing minimum standards for observer health and safety. The initial proposal applied to all ICCAT recommendations with observer requirements. Based on initial feedback from CPCs, however, we revised the proposal to apply only to ICCAT's ROPs for transshipment vessels and vessels operating in the eastern bluefin tuna fishery before we introduced it in PWG. Nevertheless, a number of CPCs raised concerns about the more narrowly focused proposal. Norway stated that observer safety was outside of ICCAT's scope and that such issues were under the competence of IMO. There was also a concern by some CPCs that it was not appropriate to limit the scope of the proposal to ensuring the health and safety of observers and that the protection of the crew of vessels was just as important. China also noted that such requirements could be costly to implement. The Secretariat acknowledged the existence of contracts between the Secretariat and the observer consortium (MRAG), which included safety-related clauses. We noted that IMO did not yet have any real standards for the protection of observer health and safety. Furthermore, because ICCAT was requiring observers to be deployed through binding recommendations and specifying the ICCAT related work to be carried out by the observer, ICCAT not only had the competence but the obligation to take steps to ensure the health and safety of observers working in its ROPs. There was no consensus on the proposal but, given the importance of the issue, the United States indicated its interest revisiting the issue in 2017.

Transshipment: The EU submitted a proposal amending Recommendation 12-06, which was provisionally agreed at the 2016 IMM meeting. Due to some comments in the 2nd ICCAT Performance Review, which questioned the definition of large-scale vessels, the United States proposed some clarifying text, which was accepted and the measure was adopted.

HSBI and At-Sea Inspector Exchange: The United States, the EU, Senegal, and Panama once again co-sponsored a proposal that would either establish a binding Joint International Inspection Scheme that would apply on the high seas in all ICCAT fisheries (a recommendation) or a model scheme to be activated on a fishery-by-fishery or other basis (a resolution). There were some brief interventions on the proposal along the lines of previous discussions. No consensus on the proposal was possible at this meeting, thus, the United States focused its efforts on the introduction and socialization of a concept note regarding the development of a voluntary pilot program on the exchange of at-sea inspectors. This concept was well received, both in the margins of the meeting and on the floor. Canada, the EU, Norway, and Iceland made floor interventions stating their interest in participating. The concept note will be attached to the PWG report.

Vessel Sighting: The United States submitted a proposal intended to improve the Secretariat's proposal to streamline and combine Res. 94-09 and Rec. 97-11, which was discussed at the 2016 IMM meeting. CPCs generally supported the proposal, particularly after we made further revisions to cross-reference Rec. 11-18. However, Mexico opposed the proposal for unclear reasons. Despite numerous efforts to clarify the intent of the proposal, including that the boarding and inspection provisions only applied to non-members and that the entire proposal simply reflected rules that were already in force, Mexico could not agree to the proposal. It may be reconsidered in at a future ICCAT meeting.

Port Inspection: Based on conversations at the 2016 IMM meeting, the United States submitted a proposal that would establish an expert group to help implement recommendation 14-08. Panama and Senegal signed on as co-sponsors. There was broad support for this proposal, and it was adopted without revision.

IUU Vessel List: Based on discussion of information of potential IUU activity discovered by Senegal during a port inspection, the United States and the EU proposed to list an additional Liberian vessel on the provisional IUU list. In addition, we raised a concern about the process for establishing the draft IUU vessel list, highlighting that paragraph 25 of Rec. 12-07 requires that the Secretariat immediately circulate the information on IUU activities discovered during port inspections to the Commission and include involved vessels in the draft IUU vessel list. This procedure was not followed in the case of the information provided by Senegal. There was general agreement with the U.S. understanding of the requirements of Rec 12-07. Upon being asked for the clarification, the Secretariat noted that it did not interpret the provisions of 12-07 in the same way; however, the PWG Chair restated the appropriate procedure as described by the United States, noting this was the understanding of the PWG as a whole and requesting this understanding be reflected in the meeting report. During the adoption of the IUU vessel list by Plenary, some CPCs attempted to make "factual" changes to the information on the list regarding the flags of certain vessels. It was noted that CPCs must submit documentation to support requested changes to the list before such changes could be made. The final IUU vessel list was adopted without changes.

Compliance Committee

After review of the draft Compliance Summary Tables (detailing potential issues of non-compliance for each CPC) as well as CPC annual reports, explanations, and actions submitted over the past year, the COC recommended that four Contracting Parties (Liberia, Sao Tome & Principe, Sierra Leone, and Trinidad & Tobago) and two Non-Contracting Parties (Dominica and Grenada) be identified under ICCAT trade measures recommendation for diminishing the effectiveness of ICCAT conservation and management measures. Specific issues included significant and persistent lack of reporting and overharvest in some fisheries. Letters detailing the identification and the need for rectifying action will be sent by the Commission. Responses to the Commission are required at least 30 days before the 2017 Annual Meeting. In addition, 30 Contracting Parties will receive letters from the Commission detailing compliance concerns of less severity. These CPCs should also respond to the Commission in advance of the 2017 ICCAT meeting to provide information on any rectifying actions taken. Bolivia, Chinese Taipei, Guyana, and Suriname had their cooperating status renewed and Costa Rica's request for cooperating status was approved.

In other actions, a letter will be sent to St. Kitts and Nevis and St. Lucia regarding concern from the Commission seeking further information on their catches, encouraging them to cooperate more fully with ICCAT, and notifying them of the terms of ICCAT trade measures instrument. The Commission also agreed to send a second letter to Gibraltar expressing concern over its self-declared bluefin tuna quota and strongly encouraging Gibraltar to enhance cooperation with ICCAT, including by sharing bluefin tuna catch data.

Finally, five proposals were endorsed by the COC and approved by the Commission to improve the efficiency and effectiveness of COC operations and help ensure recommended decisions are more transparent, fair, and consistent:

- Resolution by ICCAT to Facilitate an Effective and Efficient Compliance Process
- Resolution Establishing an ICCAT Schedule of Actions to Improve Compliance and Cooperation with ICCAT Measures
- Recommendation by ICCAT for the Development of an Online Reporting System
- Recommendation by ICCAT on Improvement of Compliance Review of Shark Conservation and Management Measures
- Recommendation by ICCAT to Amend ICCAT Reporting Deadlines in Order to Facilitate an Effective and Efficient Compliance Process