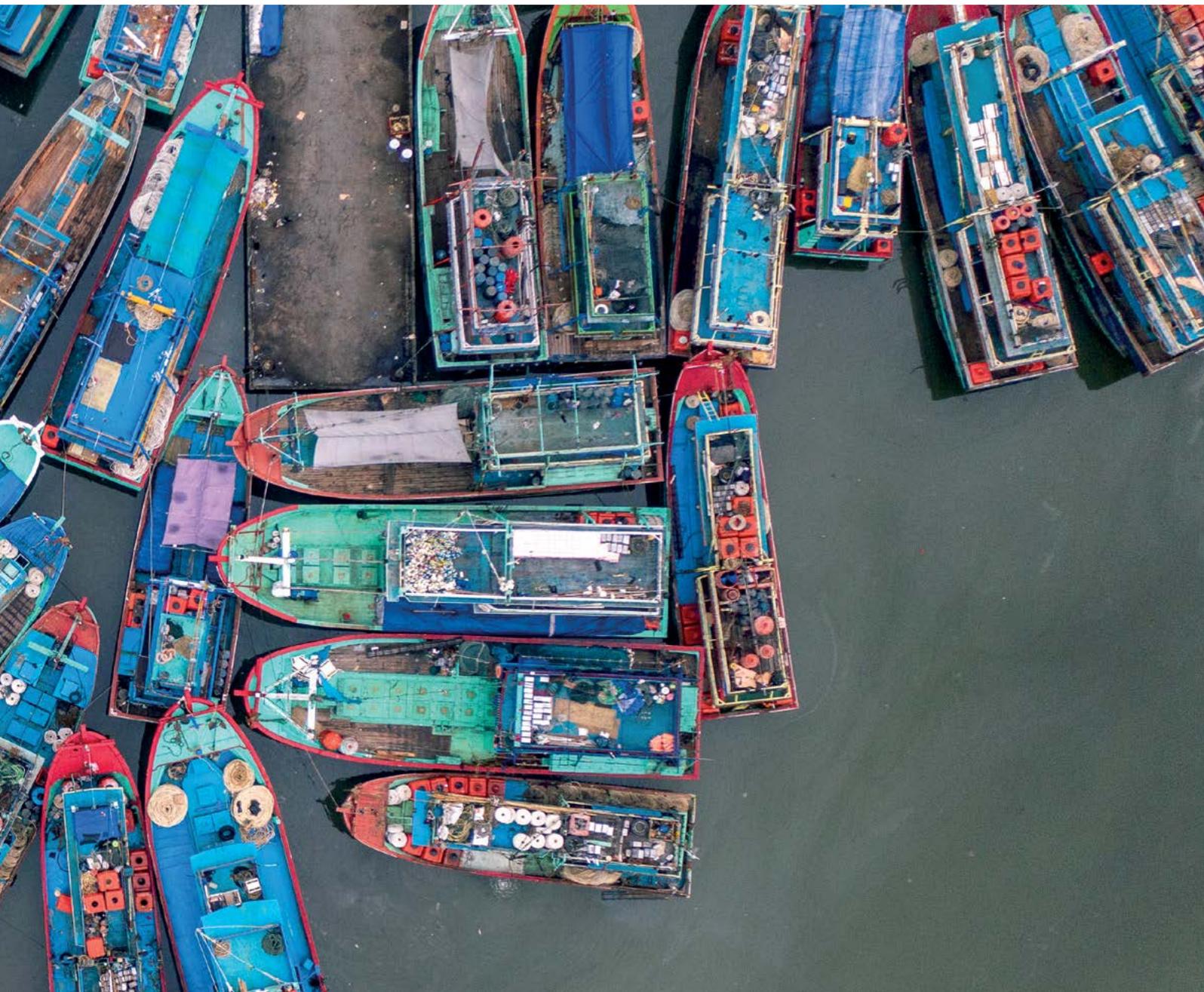


# ACHIEVING TRANSPARENCY AND COMBATING IUU FISHING IN RFMOs

Reinforcing the EU's multilateral actions to promote  
best practices

May 2019



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# Executive Summary

The environmental and economic viability of global fisheries remains in crisis, with many fish populations managed within Regional Fisheries Management Organisations (RFMOs) Convention areas overfished and at times at risk of collapsing. Illegal, unreported and unregulated (IUU) fishing significantly contributes to this problem. Strengthening fisheries governance is urgently required to deliver the United Nations Sustainable Development Goal (SDG) agenda, especially target 14.4 to “*effectively regulate harvesting, and end overfishing, illegal, unreported and unregulated (IUU) fishing and destructive fishing practices (...)*”<sup>1</sup>, which the European Union (EU) and other RFMO contracting parties have committed to do by 2020.

IUU fishing remains one of the biggest threats to the sustainable management of marine resources. It is estimated that **up to one in five wild caught fish is fished illegally**, the product of an illicit global business worth billions each year<sup>2</sup>, corresponding to at least 15% of the world’s catches<sup>3</sup>. In their perpetual quest of ever higher profits, IUU operators move from one region to another where regulations and the means used to enforce the law are weaker. IUU fishing results in significant social, economic and environmental damage<sup>4</sup>. It undermines efforts by countries, fishermen and stakeholders worldwide to sustainably and equitably manage ocean resources. Its negative impacts are pronounced and varied: it adds pressure to already overexploited fish stocks, while simultaneously compromising efforts to rebuild them based on scientific advice; and it also distorts global fish markets and prices, leaving legal fishermen disadvantaged. In addition, IUU fishing often occurs alongside other crimes such as human rights abuses, drugs and weapons trafficking, tax fraud and corruption<sup>5</sup>.

Contracting parties and cooperating non contracting parties (referred to hereafter as “CPCs”) of RFMOs are uniquely positioned to promote and establish transparency and anti-IUU measures across the globe, however progress has been very slow<sup>6</sup>. Many of the world's most valuable fish stocks, which are the most heavily plagued by IUU fishing, fall under the purview of RFMOs. In line with the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), RFMOs’ CPCs must ensure the long-term conservation and sustainable exploitation of highly migratory and straddling fish stocks. In this regard, transparency, accountability and an effective and deterrent monitoring and sanctioning system are the most effective tools to tackle IUU fishing.

As a major global fishing power and the world’s largest trader of fishery and aquaculture products in terms of value in 2016<sup>7</sup>, with an informed and engaged consumer base, **the EU should and does show leadership in increasing transparency and countering IUU fishing**. The EU accounts for around 5% of total fisheries worldwide<sup>8</sup>, ranking fourth after the three main Asian producers of China, Indonesia and India. EU fishing activity in all fishing areas outside EU waters and in areas beyond national jurisdiction (ABNJ) (see figure 1 for the global footprint of the EU’s external dimension) occurs mainly in areas under the competence of RFMOs. EU fishing activities within RFMOs account for roughly 18% of the EU’s total landed weight of seafood catches (839 thousand tonnes) and 19% of the total value (EUR 1.4 billion)<sup>9</sup>.

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1 United Nations Sustainable Development Goals, <https://sustainabledevelopment.un.org/sdg14>.

2 Agnew DJ, Pearce J, Pramod G, Peatman T, Watson R, Beddington JR, et al. (2009) Estimating the Worldwide Extent of Illegal Fishing. PLoS ONE 4(2): e4570. <https://doi.org/10.1371/journal.pone.0004570>

3 FAO (2016), The State of World Fisheries and Aquaculture 2016.

4 IUU Watch website: <http://www.iuuwatch.eu/iuu-fishing-facts-and-figures/>.

5 See for instance UNODC (2011), Issue Paper - Transnational Organized Crime in the Fishing Industry or Global financial integrity (2017), Transnational Crime and the Developing World, by Channing May, <https://www.gfintegrity.org/report/transnational-crime-and-the-developing-world/>.

6 UNFSA, Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (New York, 22 to 26 May 2006, 24 to 28 May 2010, and 23 to 27 May 2016).

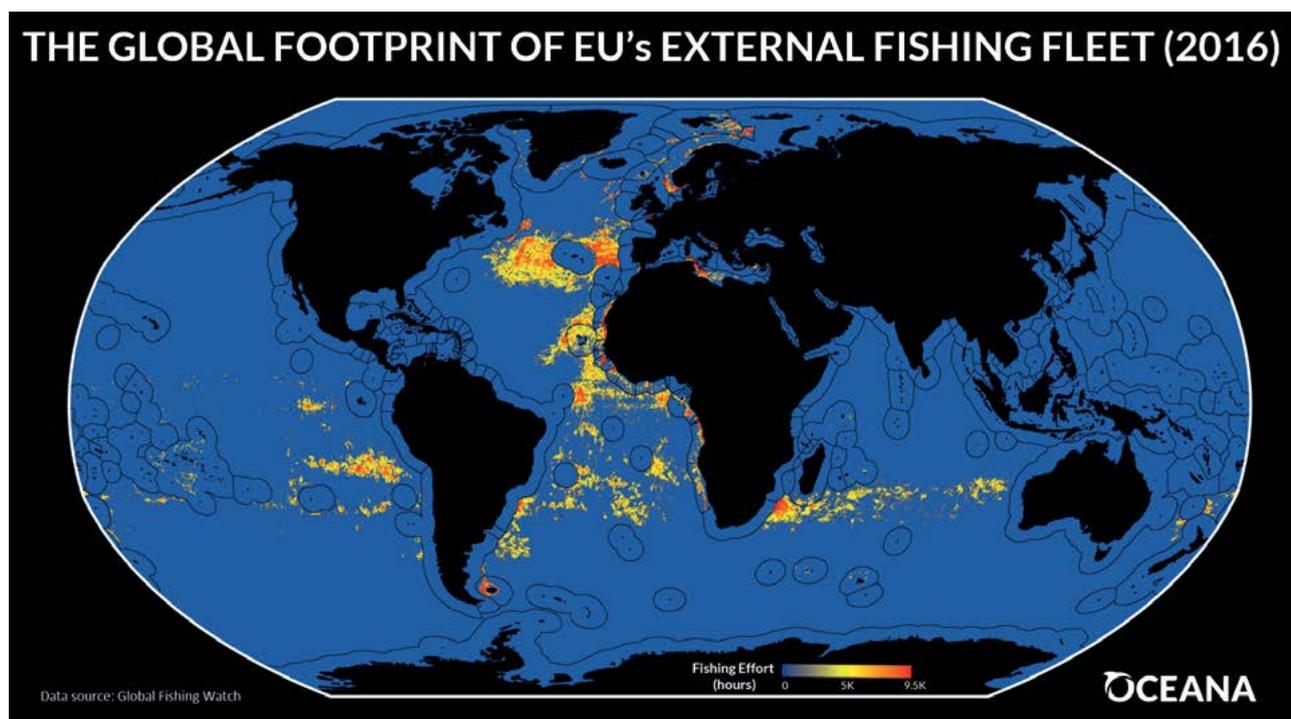
7 Data for 2016, European Market Observatory for Fisheries and Aquaculture Products (EUMOPA) report, 2018, [https://www.eumofa.eu/documents/20178/132648/EN\\_The+EU+fish+market+2018.pdf](https://www.eumofa.eu/documents/20178/132648/EN_The+EU+fish+market+2018.pdf).

8 [https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/pcp\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/pcp_en.pdf).

9 This data is excluding Greece. It includes all fishing areas outside EU waters and in Areas Beyond National Jurisdiction (ABNJ).

The EU has made significant commitments to improve international ocean governance<sup>10</sup>, including promoting increased regional collaboration on management of fish populations, improved functioning of existing RFMOs, and confronting IUU fishing practices. The EU is an active and influential member of five tuna RFMOs and eleven non-tuna RFMOs<sup>11</sup>, placing it in a unique position to drive policy changes and prompt actions by other markets<sup>12</sup>, as well as port and flag States through those regional bodies.

**Figure 1 | Fishing activity of the EU's distant water external fleet outside EU waters in 2016**



According to a European Commission consultation in 2015<sup>13</sup>, CPCs have not been able to successfully use the RFMO framework to ensure the sustainable management of the oceans. Identified challenges include lack of commitment and compliance by CPCs with agreed rules, weak coordination between international bodies responsible for fisheries and, as a consequence, the persistence of certain problems such as overexploitation and IUU fishing.

Nevertheless, the EU cannot deliver necessary changes alone and needs the collaborative efforts of all RFMO CPCs to build consensus and work together towards a common goal: to improve transparency and reinforce anti-IUU fishing measures to ensure the long-term sustainability of shared fisheries resources.

**Urgent multilateral action and coherent measures across RFMOs are needed to put an end to the many shortfalls currently present in the international fisheries realm.** There are tools available that can be applied from several angles. For instance, the implementation of port State measures aimed at closing ports to IUU caught products<sup>14</sup>, reinforcing flag State control over vessels, and strengthening information exchange on fishing vessel activities are just a few tactics that could effectively contribute to the fight against IUU fishing. Traceability tools such as catch documentation schemes are also necessary to give coastal States a means to protect their fishery resources while enabling market

<sup>10</sup> European Commission, Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions, *International ocean governance: an agenda for the future of our oceans*, Brussels, 10.11.2016, JOIN(2016) 49 final.

<sup>11</sup> [https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/2015-cfp-international\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/2015-cfp-international_en.pdf).

<sup>12</sup> Market State responsibilities refer to those applied to any state that trades fishery products (either processed or raw), e.g. countries that import into or exported from its territory.

<sup>13</sup> Data for 2015: [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/ocean-governance/doc/ocean-governance-summary\\_en.pdf](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/ocean-governance/doc/ocean-governance-summary_en.pdf)

<sup>14</sup> Aligned with the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) adopted in 2009 and entered into force in 2019.

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States to ensure IUU fishing products do not enter their markets. RFMOs are the right fora to implement these tools and, together with increased transparency in procedures to improve compliance with regards to adopted measures, could effectively contribute to the fight against IUU fishing<sup>15</sup>.

The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF (hereafter “the EU IUU Coalition”) are working together to ensure that the EU’s engagement with RFMOs and key partners leads to strong transparency and anti-IUU measures worldwide.

**The EU IUU Coalition calls on the EU to:**

- (1) continue leading on promoting transparent fisheries governance at a global level;
- (2) build alliances with RFMOs’ CPCs in intensifying efforts to effectively implement measures for tackling IUU fishing practices; and
- (3) establish (when not in place) and enforce RFMO measures that would trigger action against CPCs in cases of non-compliance.



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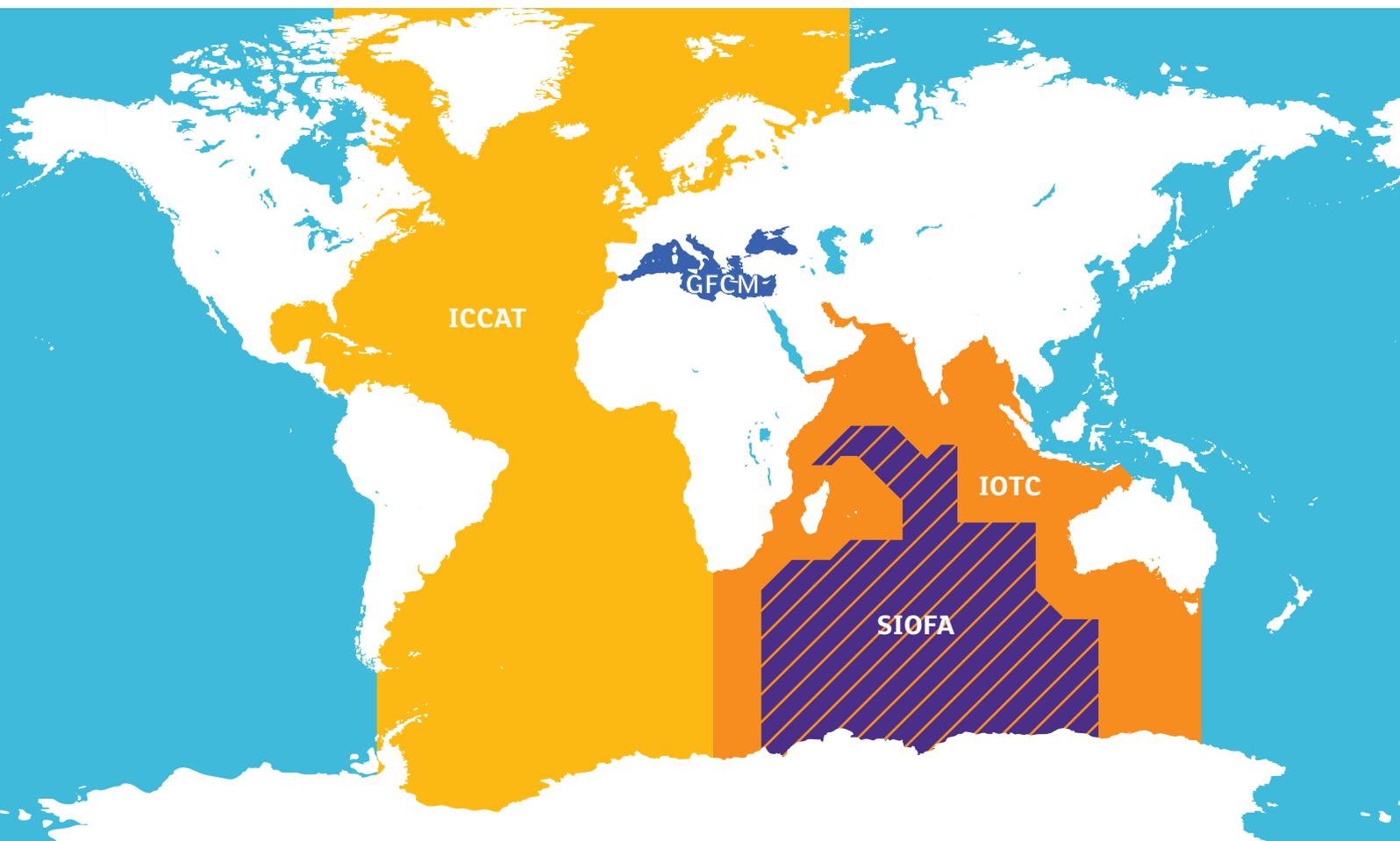
15 FAO, The State of World Fisheries and Aquaculture 2018 - Meeting the sustainable development goals, Rome.

In this report, we outline the minimum transparency and anti-IUU fishing measures that we deem vital for RFMOs to adopt and implement from the point of harvest (where identification and tracking of vessels activities are needed), through the landing, transportation and trade of fish products, including traceability systems along the value chain.

From the beginning of a given fishing operation – a vessel’s point of harvest – vessel registration and all information on specific fishing authorisations should be publicly disclosed via the RFMO authorised vessel list. Obtaining an International Maritime Organization (IMO) number should be mandatory for all vessels above 12 meters to ensure they can be tracked throughout their life, regardless of changes in flag or ownership. In addition, fisheries monitoring and control standards on Vessel Monitoring Systems (VMS) should be aligned across all RFMOs and international joint inspection schemes should be expanded to improve the timeliness and technical capabilities of inspections. These efforts will greatly enhance cost-efficiencies and limit opportunities for fraud.

Following harvest, all market-bound seafood needs to be landed in port or transhipped at sea and subsequently transported. In this regard, RFMOs implementing effective and harmonised port State measures (PSMs) that are aligned with the UN Food and Agriculture Organisation (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), as adopted in 2009, can have a strong impact towards closing the net on IUU fishing operations worldwide. Concerning catches that are exchanged between vessels at sea through transshipment, it is vital that 100% of these activities should be monitored and reported; alternatively, the introduction of a complete ban should be considered.

**Figure 2 | ICCAT, IOTC, GFCM and SIOFA Convention areas**



**Maritime areas covered by the four RFMOs studied in this report.**

ICCAT and IOTC are two tuna RFMOs and represented in yellow/orange. GFCM and SIOFA are two non-tuna RFMOs and represented in blue/purple.

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Finally, the use of electronic catch documentation schemes in line with the FAO Voluntary Guidelines for Catch Documentation Schemes (CDS), adopted in 2017, as a basis should be introduced for all commercial species to achieve improved traceability along the full fisheries value chain, with overfished species initially prioritised.

This paper also draws attention to the urgent need to close all loopholes currently open to IUU fishing operators. This requires ensuring more transparency in general, with IUU vessel lists strengthened; and deterrent sanctions and transparent procedures in RFMOs further adopted such as decision-making processes, compliance mechanisms and the inclusivity of all stakeholders in meetings for external scrutiny.

The analysis closes with a deeper focus on RFMOs, starting with two tuna RFMOs: the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Indian Ocean Tuna Commission (IOTC), in addition to two non-tuna RFMOs: the General Fisheries Commission for the Mediterranean (GFCM) and the Southern Indian Ocean Fisheries Agreement (SIOFA). This study also looks at different fisheries requirements in the same areas to identify best practices and remaining weaknesses in transparency and anti-IUU fishing measures in these RFMOs. Finally, a RFMO performance review against transparency and anti-IUU measures paints a clear picture of the implementation status of the proposed recommendations and where the EU could act to strengthen those RFMOs.

The purpose of this report is to initiate and inform discussions within RFMO meetings with the view to adopt and strengthen transparency and anti-IUU fishing measures as soon as possible.

Our recommendations apply to all RFMO CPCs alike. The EU IUU coalition invites international organisations, the industry and other stakeholders to work with us to deliver this vision.



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# Essential measures to increase transparency and tackle IUU fishing in RFMOs

## Identification and tracking of vessel activities: point of harvest

### Public disclosure of vessel registries and fishing authorisations

Comprehensive registration and authorisation information (included in RFMO authorised vessel lists) enable, respectively, the identification of vessels and their authorised activities such as access to certain fisheries areas and specific species. These two systems are complementary and the information provided by the vessel lists support effective monitoring of fishing and fishing-related activities (such as transshipment) by limiting access to vessels in breach of applicable laws. Any vessel actively fishing for species managed by an RFMO and subject to its management rules should be included in the authorised vessel list, as is currently the practice in ICCAT, which includes any motorised vessel above 2 metres for certain species. Once these authorised vessel lists are complete and updated on a regular basis, any vessel not included in the authorised vessel list and thus not authorised by the RFMO and flag State to operate in the area, should be automatically included in the IUU vessel list.

Despite some RFMOs having authorised vessel lists in place, in many cases, records lack crucial information or are not updated and not maintained for accuracy. It is often not possible to extract historical information either. We strongly believe measures should be adopted to secure the accuracy of authorised vessel lists with comprehensive information, including:

- flag State, name, tonnage and length of the vessel, gear type and international radio call sign;
- IMO number (preferably) and if not required (or for non-eligible vessels) any relevant national unique vessel identifier (UVI) scheme;
- the type of authorisation including target species or species group(s);
- the authorised fishing period (start and end dates); and
- information on vessel owners, operator and historical information on the vessel, such as previous name and/or flag.

Greater harmonisation of these data requirements and a regular update cycle of these lists will further support the implementation of monitoring, control and surveillance (MCS) measures, including identifying IUU fishing activities<sup>16</sup>. Vessels not fulfilling registration requirements should not be added to the authorised vessel list and thus deemed unfit to operate in the Convention area.

In addition, all RFMOs should create a mandatory annual reporting system that is public and appropriate for all public and private access agreements, such as already required within the EU and ICCAT. This reporting should be done by both the flag State and the coastal State. This should include information on foreign fishing or fishing related activities (including chartering and any private contracts) that take place under an access agreement in waters under given CPCs' jurisdiction for species managed by the convention or CPCs whose vessels fish in waters under the jurisdiction of other CPCs for species managed by the convention.

### Mandate IMO numbers as unique vessel identifiers on all motorised fishing vessels above 12 metres

Unique vessel identifiers (UVI) are a key tool in preventing and combating IUU fishing. From airplanes to commercial vessels, almost every other similar sector uses registers to ensure important assets are tracked throughout their life, regardless of nationality or where they operate. This is essential for the

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16 ISSF 2019-05: Tuna RFMO Authorised Vessel Lists: A Comparative Analysis to Identify Best Practices, January 15, 2019.

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effective and reliable monitoring of a vessel's activity and for tracking its compliance with conservation and management measures (CMM). The universal implementation of this reform for fishing vessels is long overdue and cost-free. The IMO numbering scheme is recognised as the gold UVI standard for the global fishing fleet and the most widely adopted by national fleets and RFMOs alike as a mandatory requirement. It is also an essential step towards establishing the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record)<sup>17</sup> – a crucial fisheries management tool which aims to provide a single point of access for information on vessels used for fishing and fishing-related activities. It is managed by the FAO but further development and regular submission of vessel information is needed to reach its full potential.

In December 2017, the IMO Assembly expanded the scheme's eligibility requirements to all motorised fishing vessels, including wooden vessels of less than 100 gross tonnage, greater than 12 metres in length overall, and authorised to operate outside waters under the national jurisdiction of a flag State<sup>18</sup>. In this context, as most RFMOs require an IMO number as a prerequisite for authorisation to fish, this requirement should now apply for all vessels above 12 metres in length overall. As such, vessel marking requirements in RFMOs' CMMs need to be revised to reflect the updated eligibility criteria and required to be clearly visible on the vessel to facilitate the work of enforcement authorities. In addition, RFMOs should have transparent vessel registries in place, where IMO numbers are provided for all authorised vessels.



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<sup>17</sup> Phase I of the Global Record was launched in April 2017 and currently includes data relating to over 8,000 vessels. <http://www.fao.org/global-record/en/>

<sup>18</sup> IMO, Assembly Resolution A.1117(30).

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## Align all RFMOs with leading global standards in Vessel Monitoring Systems (VMS)

A vital requirement with respect to MCS that must be met by all RFMOs as soon as possible is the implementation of effective vessel monitoring for both large and small-scale fishing vessels. In the case of large-scale vessels fishing on the high seas, VMS should be the standardised tool. For smaller vessels (under 12m), robust and appropriate vessel tracking technologies should be adopted. In both cases, monitoring of vessel movements should be mandated for all vessels of any size and type that are authorised to fish in areas beyond national waters or which are carrying out fishing-related activities<sup>19</sup>. This includes fish carriers and bunkering vessels, as these vessels are typically authorised to engage in fishing-related operations, such as transshipment.

Current RFMO practices vary<sup>20</sup> and have different levels of accuracy, reporting and pooling requirements and frequencies, sharing protocols and implementation rates. These diverging modalities create gaps<sup>21</sup>, high costs, inefficiencies and difficulties for cross-jurisdiction operators, allowing IUU vessels to slip through the net.

To be effective, RFMOs' contracting parties must require:

- close to real-time reporting rates with vessels failing to comply with these reporting requirements facing deterrent penalties;
- VMS data to be monitored by trained professionals 24 hours a day;
- VMS data to be shared appropriately, for both enforcement and scientific purposes with the RFMO Secretariats (or alternatively, any responsive entity with this mandate) working as real-time repositories of all VMS signals of fishing vessels active in the Convention area and for species under their purview; and
- continuous port-to-port operation and secure communications systems that are type-approved and tamper-proof, as well as sealed, fully automatic and have adequate backup and recovery procedures to ensure reliability.

To this end, RFMOs and other regional organisations, such as the Forum Fisheries Agency in the Pacific, increasingly choose to manage a centralised and data-secure VMS on behalf of multiple members to collect vessel information. This centralisation improves the timeliness and technical capabilities of VMS, greatly enhances cost-efficiencies and limits opportunities for tampering, deliberate manipulation or altering. Such systems eliminate redundant, separate and costly satellite transmissions to multiple authorities by providing the same data automatically, securely, and in near-real time to relevant RFMO member countries and the RFMO Secretariat.

Finally, as a complementary tool to VMS and as a best practice, RFMOs should mandate all active vessels to continuously operate an Automatic Identification System (AIS) linked to an IMO number in the Convention area. An AIS broadcasts vessel positions and this data can be accessed publicly by anyone with the appropriate equipment. Originally designed to prevent collisions, AIS broadcasting can be used to complement and cross-check VMS data, it allows non-flag States to monitor vessels in their waters in real time, and improves safety for those working at sea. When exploiting common resources in RFMO Convention areas, AIS should be mandatory to facilitate detection of illegal activities such as illegal transshipments or fishing beyond catch limits.

## Joint inspection schemes at sea

Reciprocal boarding and inspection schemes, also called "international joint inspection schemes" and conducted by RFMOs have a dual role to promote compliance and facilitate enforcement in deterring IUU fishing activities. While vessel monitoring and control remains the primary responsibility of the flag State in the high seas, the increased demand for MCS has led to the development of joint inspection programmes in some RFMOs to allow reciprocal boarding and inspections of vessels between contracting parties.

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<sup>19</sup> ISSF 2018-10: RFMO Vessel Monitoring Systems: A Comparative Analysis to Identify Best Practices.

<sup>20</sup> This includes carrier and bunkering vessels, because these are typically authorised to engage in fishing-related operations, such as transshipment.

<sup>21</sup> European Court of Auditors, *EU fisheries controls: more efforts needed*, special report 08, 2017.



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These programmes are cost effective and innovative in the sense that they push the boundaries of marine fisheries law by involving other actors than the flag State in inspections on the high seas. Today, six organisations have put joint inspection programmes in place, such as ICCAT, the Western and Central Pacific Fisheries Commission (WCPFC), the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC) and GFCM. Inspectors designated for these controls are nationals, subject to the sole jurisdiction of the relevant contracting party. Only such designated authorities are authorised to embark on and inspect fishing vessels flying a foreign flag on the high seas. Each year the list of inspectors is communicated to the Secretariat of the RFMO and to all CPCs.

These requirements are recognised as a best practice and should be established in all RFMOs and potentially inter-RFMOs between demersal and tuna RFMOs in the same region. In this context, inspectors should be authorised to control catches, nets and other fishing equipment in accordance with international rules, procedures and practices relating to the safety of the inspected vessel and its crew. Inspectors should then establish facts in a pre-established report or inspection form to be sent directly to the authorities of the flag State of the inspected vessel through the RFMO Secretariat. In cases where evidence of IUU fishing is provided, the contracting party of the inspected vessel must ensure the fishing vessel in question ceases all fishing activities and is required to dock at a port within 72 hours, where an investigation will be opened. The RFMO Secretariat should be notified of any actions and follow-up actions taken for consideration by the compliance committee.

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## Landing and transport of fish products

### Implement effective port State measures (PSMs)

Through the adoption of improved and harmonised PSMs aligned with the FAO PSMA, entered into force in 2016<sup>22</sup>, RFMOs have a key role to play in closing the net on IUU fishing operations worldwide. The PSMA establishes the new international minimum standard for PSMs targeting IUU fishing. As such, PSMs are a cost-effective tool for ensuring compliance with regional conservation and management measures adopted by RFMOs. If broadly applied they also prevent the occurrence of so-called “ports of convenience”, which are ports known for lax law enforcement and limited capacity to carry out proper inspection operations. PSMs provide an opportunity for port States to check and verify that vessels which are not flying their flags and seeking permission to enter a port have not engaged in IUU fishing. Port States are then allowed to prohibit entry into port and the provision of other port services to suspected IUU fishing vessels or may carry out further inspections in port, greatly reducing the possibility of IUU-caught fish making its way to markets and the viability of operating outside laws and regulations.

RFMOs should henceforth bring their PSMs in line with the PSMA, as well as consider the introduction of incentives to prompt compliance. In addition to harmonising effective implementation of the PSMA globally, it will proliferate best practices in inspection schemes, data collection and information exchange. Developing nations should be encouraged to seek assistance and support from RFMOs, where available, and the FAO, including funding for capacity building<sup>23</sup>.



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22 As of 16 April 2019, the PSMA has been ratified by 59 States and the EU.

23 <http://www.fao.org/port-state-measures/capacity-development/ongoing-capacity-building-efforts/en/>

## Monitor and report 100% of transshipment activities or introduce a complete ban at sea

Clear rules for transshipment are essential for ensuring a strong, legal and verifiable seafood supply chain and reducing opportunities for illicit fishing products to be laundered during transport. Options for addressing issues relating to transshipments at sea should therefore range from 100% monitoring by fully-trained and certified human observers; electronic means such as cameras; or a combination of both on board both fishing and carrier vessels, to a complete ban of transshipment at sea, limited only to ports. If applying a control strategy where transshipment is allowed, the circulation of the observers' reports should take place within 24 hours of each transshipping event as an independent means of verification.

In control strategies where transshipment is allowed, vessels involved in these activities must have authorisation to operate as a transshipment vessel of any relevant RFMO-managed resource caught in its Convention area, regardless of where transshipment takes place. In advance of the transshipment, the following information should be sent to the relevant flag, coastal and port States within 24 hours before and after the event in electronic format: (a) the name and external identification number of the receiving vessel (IMO number); (b) the time and geographical position of the planned transshipment operation; and (c) the estimated quantities of species to be transhipped. The pre-event notification should also include confirmation of the vessel's compliance with near-real-time VMS reporting and observer coverage requirements. Fall-back measures should also be mandated in case of VMS malfunction, while a requirement should be introduced for the vessel to immediately return to port if the VMS unit continues to malfunction or fail.

All transshipment events in the Convention area should also be reported to the RFMO Secretariat, regardless of event location or origin of transhipped catch. This reporting should include, as a minimum, the type of information specified in Annexes A and C of the PSMA. Non-reported transshipment activities should be subject to strong sanctions and/or qualify the implicated vessels to be added to the relevant RFMO IUU vessel list.

If all of the above requirements cannot be comprehensively and effectively met, transshipment at sea should be banned and limited to ports.



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## Traceability along the value chain: the trade of fish products

### Avoidance of total allowable catch overshoot with a Catch Documentation Scheme (CDS)

RFMOs need to deliver effective mechanisms for enforcement and create a culture of compliance among their CPCs and in regards to fishing regulations. One of the most effective mechanisms to monitor catches, prevent total allowable catch (TAC) overshoot, and prevent IUU fishing is the widespread adoption of electronic Catch Documentation Schemes (CDS). Although a CDS may not prevent all forms of IUU fishing, it can significantly improve traceability along the value chain<sup>24</sup>.

CPCs should adopt electronic CDS for all commercial species, with overfished species initially prioritised, using the FAO CDS Voluntary Guidelines as a basis<sup>25</sup>. As already occurs in some RFMOs such as ICCAT and the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), there should be a mechanism in place to monitor the catches of certain species of main fleets in real time through electronic monitoring in order to take action when catches exceed quotas, if necessary. In parallel, and to reinforce the effectiveness of CDS, RFMOs should better define catch areas with a clear distinction between the EEZ and the high seas to improve traceability and require proper port controls.

Finally, a key step for effective CDS is the linkage with port State measures and other activities that monitor and verify fishing vessel catches in order to cross-check data for risk-based analysis. In addition, a minimum level of compatibility of CDS standards across regions when implementing this tool is essential to allow better integration and monitoring of such systems worldwide.



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<sup>24</sup> Hosch, G. 2018. Catch documentation schemes for deep-sea fisheries in the ABNJ - Their value, and options for implementation. FAO Fisheries and Aquaculture Technical Paper No. 629. Rome, FAO. 94 pp. Licence: CC BY-NC-SA 3.0 IGO.

<sup>25</sup> FAO (2017), Voluntary Guidelines for Catch Documentation Schemes, Rome.

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## Deterrent sanctions and IUU vessel lists

### Effectively stop vessels and nationals engaged in IUU fishing

RFMOs need to hold CPCs accountable to their flag State responsibilities, including on the implementation of deterrent sanctions against vessels and nationals engaging in or supporting IUU fishing, in line with the UNFSA. RFMOs must adopt measures that require their contracting parties to verify and take appropriate measures if any of their nationals, whether a natural or legal person subject to their jurisdiction, are responsible for, benefiting from, supporting or engaging in IUU fishing activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers). CCAMLR, the South Pacific Regional Fisheries Management Organisation (SPRFMO), and SIOFA have already adopted such measures<sup>26</sup>.

To tackle IUU fishing, more transparency on beneficial ownership is needed. Investigators frequently come across shell companies in IUU fishing and fisheries-related crime cases, particularly when the ship-owner frequently changes the vessel's flag ("abusive reflagging" or "flag hopping"). While reflagging is legal, it is considered "abusive reflagging" when an operator repeatedly and rapidly changes a vessel's flag in order to circumvent applicable conservation and management measures or laws adopted at national, regional or global level. This creates legal uncertainty as to which State has enforcement jurisdiction under international law over the vessel and its owners<sup>27</sup>. Mandating information on beneficial ownership to be shared with the RFMO Secretariat and CPCs is essential to increase transparency on vessel ownership and to avoid abusive flagging practices. We therefore call on RFMOs to introduce measures that bring increased transparency over beneficial ownership.

Lastly, RFMOs should provide transparent follow-up reporting on sanctions imposed by flag States concerning listed IUU vessels. In addition, RFMOs' CPCs should take appropriate sanctions against flag States, whether they are in the form of lost fishing opportunities or other trade and financial mechanisms in repeated cases of lack of compliance with relevant CMMs.

### Automatic recognition and cross-listing of IUU vessels

Each RFMO compiles a list of vessels found to be engaged in IUU fishing. The inclusion of a vessel in such a list bans its operator from legally fishing in the RFMO's Convention area and in CPCs' waters. IUU fishing vessel lists are a powerful tool for inspections, especially in ports where authorities are allowed to deny port entry and services, thus preventing IUU fish products from entering the market. In addition, IUU fishing vessel lists are considered a potentially fundamental tool for identifying vessels or operators to which a subsidies discipline could apply.

The Resolution adopted by the General Assembly on 11 December 2012 urges RFMOs to further coordinate measures for combating IUU fishing activities, such as through the development of a common list of vessels identified as engaged in IUU fishing or the mutual recognition of such lists<sup>28</sup>. While some tuna RFMOs (ICCAT, IOTC, Inter-American Tropical Tuna Commission (IATTC) and WCPFC<sup>29</sup>) as well as NEAFC and SEAFO<sup>30</sup> automatically recognise each other's IUU vessels lists, this is not universal and practice varies. For example, even though GFCM recognises all IUU vessel lists, a GFCM IUU-listed vessel may still operate in the Convention area of ICCAT or IOTC as these RFMOs do not recognise the GFCM IUU vessel list. Notwithstanding, vessels operating for highly migratory species may switch gear from one day to another and fish for species under a non-tuna RFMO, even applying for an authorisation. Lack of mutual recognition or automatic cross-listing creates significant loopholes and inconsistencies, allowing illicit operators to slip through the net. Therefore, all RFMOs in their annual Commission meetings should systematically endorse tuna and non-tuna RFMO updated lists into their own IUU list in order to guarantee that the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU) is properly implemented.

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<sup>26</sup> See for the example Conservation Measure 10-08 (2017), *Scheme to promote compliance by Contracting Party nationals with CCAMLR conservation measures*, SPRFMO CMM 04-2017 (IUU List) supersedes CMM 4.04 (IUU List) and previously 1.04 and SIOFA CMM 2018.061 Conservation and Management Measure on the Listing of IUU Vessels (IUU Vessel List).

<sup>27</sup> North Atlantic Fisheries Intelligence Group and INTERPOL (2017), *Chasing Red Herrings: Flags of Convenience and the Impact on Fisheries Crime Law Enforcement*, NA-FIG: Oslo.

<sup>28</sup> Paragraph 56, Resolution 67/79 adopted by the General Assembly on 11 December 2012, *Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments*.

<sup>29</sup> <https://www.iccat.int/en/IUUlist.html>

<sup>30</sup> <https://www.neafc.org/mcs/iuu/blist>

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To further reinforce the listing mechanism and its usefulness, RFMOs should update and publish their IUU vessel list in regular intervals, at least once a year. They also need to improve information quality to make these vessels identifiable and traceable across different regions. The PSMA's Annex A could be used as a guide for standardising data fields and information requirements. Nonetheless, contracting parties should strengthen IUU vessel lists by accepting to review any evidence documenting a potential IUU fishing case, including evidence gathered by NGOs, by disclosing information publicly in a transparent and timely manner, and by following up on identified non-compliance activities and sanctions.

Lastly, it is widely acknowledged that the identification of IUU vessels at compliance committee level and adoption of the updated lists are not conducted in an objective and systematic manner, but are subject to negotiations (see *supra* decision-making process). All vessels operating without publicly disclosed required authorisations should be automatically considered by the RFMO Secretariats as IUU vessels and proposed to the CPCs for their consideration at the compliance committee meeting.



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## Transparent procedures

### Strengthen the fundamental decision-making process with a transparent objection procedure

As a fundamental mechanism, decision-making arrangements should enable and facilitate an organisation's functioning and delivery of its mission. Recent developments in a number of RFMOs have led to the overexploitation of many fish stocks and the failure to effectively make non-compliant CPCs accountable. RFMOs should be given every possibility to adopt ambitious, binding CMMs to fulfil their mission. The effectiveness of the decision-making procedure in RFMOs relies on limiting risks of blocking or opting-out behaviours, a transparent objection procedure and a timely dispute resolution process.

The possibility for contracting parties to not accept a measure or object to it still occurs too frequently during RFMO negotiations due to inadequacies in decision-making procedures. Firstly, this can happen when a decision is taken on consensus basis. Although consensus is the most cooperative decision-making model, it has its limitations, especially when there are several economic interests at play, and thus competing positions. This in turn tends to lead to stagnation and support of the status quo instead of a much needed CMM reform. Secondly, objection procedures embedded in the voting process allow States to opt out from an adopted CMM. In this context, any contracting parties' objection should include a written explanation that is made publicly available. Where appropriate, proposals to adopt alternative measures that are equivalent to the decision the contracting parties have objected to should also be made publicly available. This possibility of objecting to a CMM should be allowed only under certain conditions (for instance on the grounds that the measure is inconsistent with the RFMO's convention, UNCLOS or UNFSA, when incapable of complying practically with the measure, or when it is discriminatory in form or, in fact, to a contracting party)<sup>31</sup>. Lastly, when a contracting party is objecting to or rejecting a strong CMM, RFMOs should render an expedient solution to the issue when no agreement can be reached by contracting parties. This should happen before the start of the CMM implementation or at least in the following months through a conciliation mechanism like in SPRFMO, for instance, as this is currently considered one of the best practice examples worldwide<sup>32</sup>.

### Open data policies and stakeholder inclusivity

Fisheries resources are publicly owned assets and part of the global commons. They are overseen by government officials, funded by public resources, and intended to be managed in the public interest. Nevertheless, the outcomes of many critical meetings and the follow-up actions by CPCs sometimes remain inaccessible to non-government and civil society representatives, with many crucial issues closed to external scrutiny.

An essential step in overcoming this is to make information on compliance assessments and subsequent action plans addressing areas of non-compliance publicly available at RFMO annual meetings and on their websites. This would facilitate the pooling of resources from all relevant stakeholders, as well as added scrutiny and accountability of decisions taken.

Lastly, as some EU Member States agreed to implement the International Labour Organisation (ILO) Work in Fishing Convention, 2007 (No. C188) to ensure labour rights, and accede to the Cape Town Agreement (CTA)<sup>33</sup> for improved security on board fishing vessels, full reporting of incidents at sea will allow for the identification and potential mitigation of dangerous situations for both observers and crew. Because the conditions of crew and observers arguably have a direct impact on the potential for IUU fishing to occur, the EU should acknowledge and promote proper monitoring and application of human rights standards in the fishing industry. Having committed to the implementation of this Convention, the EU must now encourage the adoption of aligned measures in all RFMOs to which it is a contracting party.

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<sup>31</sup> This framework is actually in place at WCPFC, SEAFO and SPRFMO.

<sup>32</sup> Leroy A., Morin M., Innovation in the decision-making process of the RFMOs, Marine Policy 2018.

<sup>33</sup> The 2012 Cape Town Agreement (CTA) by the International Maritime Organization (IMO), outlines fishing vessel standards and includes other regulations designed to protect the safety of crews and observers and provide a level playing field for industry. The Agreement will only enter into force once 22 States with a combined 3,600 eligible fishing vessels ratify or accede. Until the CTA enters into force, there are no mandatory global safety regulations for fishing vessels.

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## Strengthen compliance with conservation and management measures

CMMs targeting IUU fishing are only as good as their implementation. Significant efforts are required to increase the compliance of RFMOs' CPCs to deliver full implementation of the CMMs. In this context, CPCs must increase RFMO transparency in the compliance assessment process, by making their responses to areas of identified non-compliance and details of any consequences imposed by flag States on IUU vessels and their owners publicly available<sup>34</sup>. Secondly, compliance committee reports must include details regarding each CPCs' areas of non-compliance and their recommendations or action plans to address such non-compliance.

Furthermore, compliance committees should be given the mandate to publicly disclose cases of non-compliance for relevant RFMO CPCs, including assessments of compliance status, and identify any suggested actions to be taken by CPCs<sup>35</sup>. Compliance committees will thus need to rank performance of CPCs against all relevant CMMs listed in a compliance report, like in CCAMLR and GFCM.

In parallel, compliance committees should systematically examine CPCs' compliance with existing recommendations and straightforward sanctions should apply to States in cases of repeated and significant instances of non-compliance. Such provisions already exist in ICCAT, but historically have only been applied on few occasions.



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<sup>34</sup> See for instance CCAMLR process: [https://www.ccamlr.org/sites/default/files/10-10\\_27.pdf](https://www.ccamlr.org/sites/default/files/10-10_27.pdf).

<sup>35</sup> Ibid.



The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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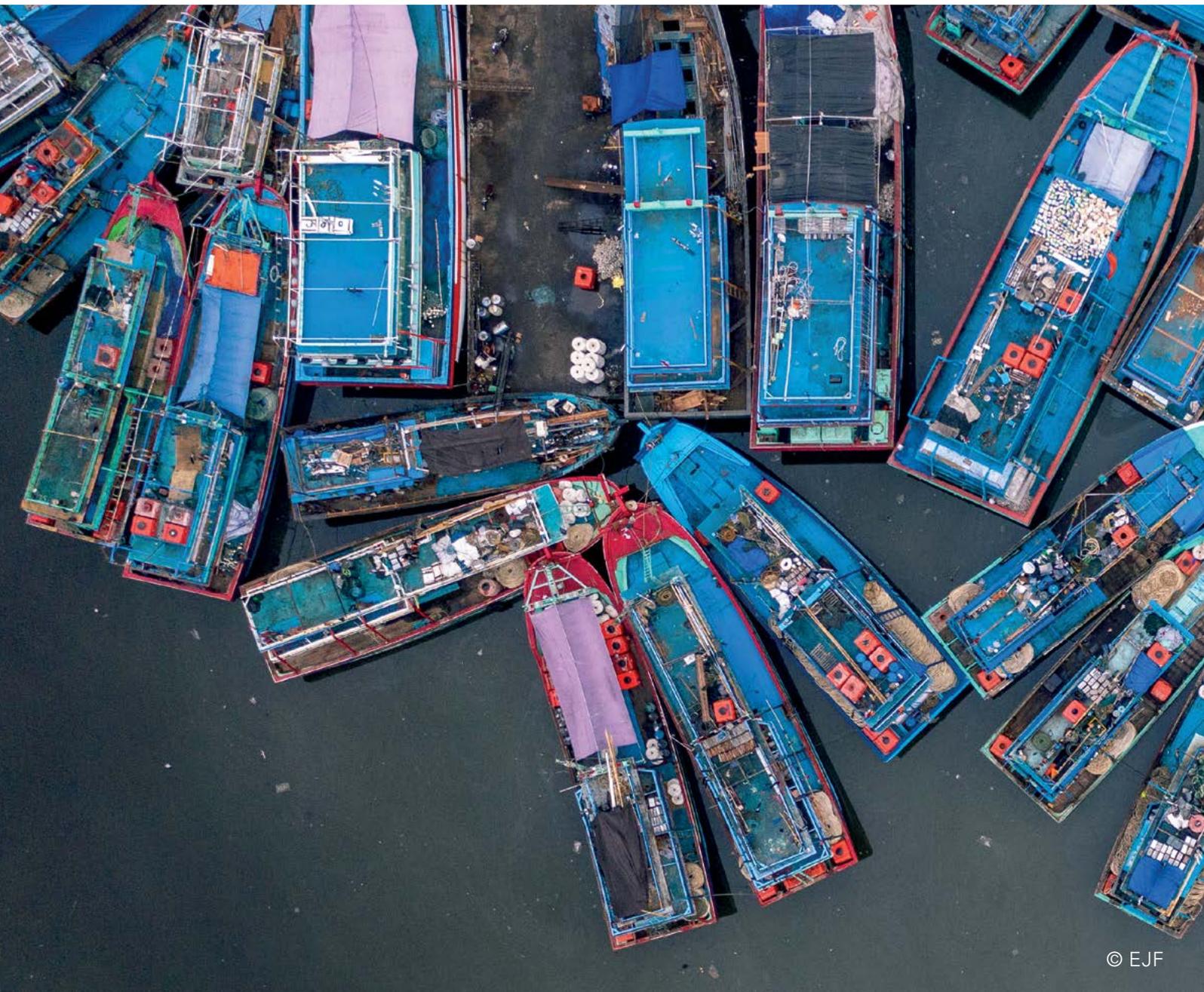
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For more news, updates and documents supporting the EU to end IUU fishing, visit: [www.iuuwatch.eu](http://www.iuuwatch.eu)



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# ACHIEVING TRANSPARENCY AND COMBATING IUU FISHING IN RFMOs

Reinforcing the EU's multilateral actions to promote  
best practices

## ANNEXES

MAY 2020



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# ANNEX 1: ICCAT, IOTC, GFCM and SIOFA current performance on transparency and anti-IUU measures

| INDICATORS   | ICCAT | Additional details   | IOTC | Additional details  | GFCM | Additional details   | SIOFA | Additional details  |
|--|-------|--|------|---|------|--|-------|---|
| <b>IDENTIFICATION AND TRACKING OF VESSEL ACTIVITIES: POINT OF HARVEST</b>  |       |  |      |   |      |  |       |   |
| <b>Public disclosure of vessel registries and fishing authorisations</b>   |       |  |      |   |      |  |       |   |
| Public vessel registry (including historical record information)   |       | <a href="https://iccat.int/en/VesselsRecord.asp">https://iccat.int/en/VesselsRecord.asp</a>  |      | <a href="http://www.iotc.org/vessels/current">http://www.iotc.org/vessels/current</a>   |      | Fleet register and authorised vessel list provided, but without historical record:<br><a href="http://www.fao.org/gfcm/data/en/">http://www.fao.org/gfcm/data/en/</a>  |       | <a href="https://www.apsoi.org/mcs/authorised-vessels">https://www.apsoi.org/mcs/authorised-vessels</a>   |
| Public information on the type of authorisation including target species or species group(s)   |       | <a href="https://iccat.int/en/VesselsRecord.asp">https://iccat.int/en/VesselsRecord.asp</a>  |      | Not enough information provided on targeted species   |      | Some information on targeted species is provided (e.g., small pelagics, as well as turbot in the Black Sea)  |       | No information provided on targeted species   |
| Public information on the authorised time (start and end dates; fishing area).   |       | <a href="https://iccat.int/en/VesselsRecord.asp">https://iccat.int/en/VesselsRecord.asp</a>  |      | <a href="http://www.iotc.org/vessels/current">http://www.iotc.org/vessels/current</a> updated, as per new IOTC Resolution 19/04   |      | Some information on fishing area is provided (e.g., some Fisheries Restricted Areas, Levant Sea, etc.)   |       | <a href="https://www.apsoi.org/mcs/authorised-vessels">https://www.apsoi.org/mcs/authorised-vessels</a>   |
| Public mandatory annual reporting of all private and public access agreements (including fishing related activities and chartering arrangements) |       | ICCAT Recommendation 14-07   |      | Annual reporting of access agreements to the Secretariat is required but not published, as per IOTC Resolution 14/05.   |      | *New Recommendation GFCM/43/2019/7 (First reporting expected in 2020)  | NA    | Mandate only for the high seas  |
| <b>Mandatory IMO numbers for all vessels above 12m</b>   |       | Reporting of IMO numbers is required for vessels above 20m only "if assigned", as per ICCAT Recommendation 13-13. In addition, due to the mutatis mutandis clauses in ICCAT Recommendations 16-05 and 18-02, data requirements in 13-13 are extended to vessels of all sizes that catch Bluefin tuna, albacore and swordfish.  |      | Since 1 January 2020, IMO numbers are required and must be reported for all eligible vessels (currently above 12m authorised to operate outside waters of the flag State) as per Resolution 19/04 and in line with IMO Assembly Resolution A.1117(30).  |      | IMO numbers required for vessels only above 24m but not a binding requirement, as per Resolution GFCM/41/2017/6. Reporting of IMO numbers required for vessels only "if applicable", as per Recommendation GFCM/33/2009/6.   |       | Reporting of IMO numbers required for vessels only "if issued", as per SIOFA CMM 2019/07  |
| <b>Align all RFMOs with leading global standards in VMS</b>  |       | Vessels exceeding 24m as well as those above 15m authorised to fish in waters beyond jurisdiction of the flag CPC must be monitored by VMS and data must be shared between flag and coastal States, as per ICCAT Recommendation 18-10. In addition, VMS data for vessels over 15m fishing for eastern Atlantic and Mediterranean Bluefin tuna must be transmitted to the ICCAT Secretariat, as per ICCAT Recommendation 07-08. However, there is no regional centralised system for VMS. |      | Vessels 24m or above or in case of vessels less than 24m, those operating in waters outside the EEZ of the flag State fishing for species covered by the IOTC Agreement within the IOTC area of competence, must be monitored by VMS, as per IOTC Resolution 15/03. However, there is no regional centralised system for VMS and no requirement for data sharing between flag and coastal States. |      | Each CPC is required to implement a satellite-based VMS for its commercial fishing vessels exceeding 15m authorised to operate in the GFCM area of application, as per Recommendation GFCM/33/2009/7. However, this requirement is not fully implemented by all CPCs. There is also currently no requirement for data sharing between flag and coastal States, though Resolution GFCM/43/2019/3 provides for the piloting of a centralised VMS system.   |       | No regional centralised VMS in place, however, SIOFA CMM 2019/10 states that "the Meeting of the Parties shall at the latest by its ordinary meeting in 2020 develop specifications and proposed rules and procedures for the establishment of a SIOFA VMS for consideration by the Meeting of the Parties".                                  |
| <b>Joint inspection schemes</b>  |       | Joint inspection schemes in place, as per ICCAT Recommendations 18-02, 16-05 and Resolution 19-17  |      | No joint inspection scheme in place   |      | *Joint inspection scheme in the Strait of Sicily, as per Recommendation GFCM/42/2018/6 and new Recommendation GFCM/43/2019/5 expanded the scope of joint inspections to new areas though further expansion is needed.  |       | *New SIOFA CMM 2019/14  |
| <b>LANDING AND TRANSPORT OF FISH PRODUCTS</b>  |       |  |      |   |      |  |       |   |
| <b>Align port state measures with FAO's Port State Measures Agreement (PSMA)</b>   |       | Port state measures required, as per ICCAT Recommendation 18-09  |      | Port state measures required, as per IOTC Resolution 16/11  |      | Port state measures required, as per Recommendation GFCM/40/2016/1   |       | Port state measures required, as per SIOFA CMM 2017-08, though they do not explicitly provide for information exchange.   |
| <b>Monitor and report 100% of transshipment activities or ban at sea</b>   |       | Transshipment activities are regulated, as per ICCAT Recommendation 16-15. However, this should be updated to require that carrier vessels are flagged to a CPC, that all document exchange occurs in near real-time, that notifications are given to the Secretariat when carrier vessels intending to tranship enter the Convention area, and that all carrier vessels have on board observers that issue reports on all transshipment activity directly to the Secretariat.           |      | *Revised Resolution 19/06 regulates transshipment activities, however, only for large-scale fishing vessels (above 24m).  |      | Some rules in place but insufficient. Transshipments are monitored and regulated but only under GFCM MAPs, where transshipments are authorised in defined "designated landing ports" (with specific times/ places) and with 100% monitoring. However, currently GFCM has only 4 MAPs adopted with such provisions, therefore it covers a tiny part of its fisheries (namely Hake & DWR shrimp in Strait of Sicily; deepwater shrimps in Ionian Sea; deepwater shrimps in Levant Sea; turbot in the Black Sea). |       | *New measures adopted for regulating transshipment, as per SIOFA CMM 2019/10. However, this should be updated to require that all document exchange occurs in near real-time, and that both fishing and carrier vessels have on board observers that issue reports on all transshipment activity within 24 hours directly to the Secretariat. |

| INDICATORS  | ICCAT | Additional details   | IOTC | Additional details  | GFCM | Additional details  | SIOFA | Additional details  |
|---|-------|--|------|---|------|---|-------|---|
| <b>TRACEABILITY ALONG THE VALUE CHAIN: THE TRADE OF FISH PRODUCTS</b>   |       |  |      |   |      |   |       |   |
| <b>Use of e-CDS (included for all overfished species)</b>   |       | Appropriate e-CDS in place but limited to Atlantic Bluefin tuna, as per ICCAT Recommendation 18-13.  |      | While IOTC's statistical programme for bigeye tuna incorporates elements of a CDS, it does not qualify as one.  |      | *A new pilot CDS was adopted for turbot in the Black Sea, as per Recommendation GFCM/43/2019/3 and Mediterranean red coral, as per Recommendation GFCM/43/2019/4 but are paper-based.   |       | No CDS in place   |
| <b>DETERRENT SANCTIONS AND IUU VESSEL LISTS</b>   |       |  |      |   |      |   |       |   |
| <b>Stop vessels and nationals engaged in IUU fishing</b>  |       |  |      |   |      |   |       |   |
| Full accountability for vessels and nationals (including effective beneficiaries) engaging in or supporting IUU fishing |       | Although ICCAT Recommendation 06-14 requires CPCs to investigate and take action in response to the engagement of their nationals in IUU fishing, the scope of this requirement does not explicitly extend to nationals responsible for, supporting or benefiting from these activities. |      | Although IOTC Resolution 17/01 requires CPCs to investigate and take action in response to the engagement of their nationals in IUU fishing, the scope of this requirement does not explicitly extend to nationals responsible for, supporting or benefiting from these activities. |      | *New recommendation GFCM/43/2019/8  |       | SIOFA CMM 2018/06   |
| Transparent follow-up action on IUU vessel lists  |       | No public information provided   |      | No public information provided  |      | Follow-up actions on IUU vessels are included in the Compliance Committee report.   |       | Some information is contained in the Compliance Committee report.   |
| <b>Cross-listing (preferably automatic) of IUU vessel lists</b>   |       | ICCAT incorporates nine IUU vessel lists, including CCAMLR, CCSBT, GFCM, IOTC, IATTC, NAFO, NEAFC, SEAFO and WCPFC, as per ICCAT Recommendation 18-08.   |      | IOTC incorporates seven of the IUU vessel lists, including CCAMLR, CCSBT, ICCAT, SEAFO, SIOFA, SPRFMO and WCPFC, as per IOTC Resolution 18/03.  |      | GFCM incorporates most IUU vessel lists, as per Recommendation GFCM/33/2009/8.  |       | SIOFA incorporates twelve IUU vessel lists including CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO and WCPFC, as per SIOFA CMM 2018/06.       |
| <b>TRANSPARENT PROCEDURES</b>   |       |  |      |   |      |   |       |   |
| <b>Decision-making process</b>  |       |  |      |   |      |   |       |   |
| Transparent objection procedures  |       | *The revised ICCAT Convention text, which includes an improved decision-making process, was adopted in 2019 but has yet to enter into force pending ratification.  |      | No transparent objection procedures   |      | The objection needs to be public, but there is no need to respect any criteria for objecting as per the Agreement for the Establishment of the General Fisheries Commission for the Mediterranean.  |       | No transparent objection procedures   |
| Timely resolution mechanism   |       | *The revised ICCAT Convention text, which includes an improved decision-making process, was adopted in 2019 but has yet to enter into force pending ratification.  |      | No timely resolution mechanism  |      | No timely resolution mechanism  |       | No timely resolution mechanism  |
| <b>Open data policies and stakeholder inclusivity</b>   |       |  |      |   |      |   |       |   |
| Participation of NGOs as observers in all meetings  |       | NGOs permitted to attend all meetings  |      | NGOs permitted to attend all meetings   |      | NGOs permitted to attend all meetings   |       | NGOs permitted to attend all meetings   |
| Publication of the compliance report  |       | While ICCAT does publish its compliance reports, this takes place with significant delay, often many months after the relevant meetings. The reports are then available online.  |      | Publication of the compliance report typically occurs within a month after the relevant meeting.  |      | Publication of the compliance report typically occurs within a month after the relevant meeting.  |       | Publication of the compliance report typically occurs within a month after the relevant meeting.  |
| Fully transparent reporting and cataloguing of operational incidents at sea and people involved                         |       | *ICCAT Recommendation 19-10 improves provisions on protecting the health and safety of observers, however it does not provide for transparent reporting of operational incidents at sea and for the crew members involved.   |      | No reporting of operational incidents at sea  |      | No reporting of operational incidents at sea  |       | No reporting of operational incidents at sea  |
| <b>Compliance</b>   |       |  |      |   |      |   |       |   |
| Ranking of non-compliance and reporting on actions taken by CPs   |       | CPs report on actions taken in cases of non-compliance but follow-up and assessment by the Compliance Committee should be improved.  |      | CPs report on actions taken in cases of non-compliance but follow-up and assessment by the Compliance Committee is very poor.   |      | Recommendation GFCM/38/2014/2 and revised by new GFCM/43/2019/5 that creates Compliance Assessment Scheme.  |       | CPs report on actions taken in cases of non-compliance but follow-up and assessment by the Compliance Committee is very poor.   |
| Provisions on sanctions   |       | ICCAT Recommendation 06-13 provides for prohibiting retention of catch when reporting obligations are not fulfilled. In addition, the history of corrective actions taken are publicly available and invoking trade measures is an option in instances of repeated non-compliance.       |      | IOTC Resolution 18/07 provides for prohibiting retention of catch when reporting obligations are not fulfilled. However, CPs are not required to report on corrective actions taken nor to invoke trade measures in instances of repeated non-compliance.                           |      | Recommendation GFCM/38/2014/2 set up a general non-compliance mechanism, but it remains insufficient as there is no provision on corrective actions or sanctions taken against repeated cases of non-compliance such as trade measures. New 2019 Resolution paves the way for sanctioning scheme to be adopted in 2020. |       | SIOFA CMM 2018/11 sets out corrective actions in cases of critical non-compliance, but fails in providing an extended list of deterrent sanctions such as trade measures. |

| Scoring                                     |  |
|---|--|
| Yes   |  |
| Needs improvements or not fully implemented |  |
| No  |  |

\* Improvement due to a measure adopted in 2019

## **ANNEX 2: Amended or adopted transparency and anti-IUU conservation and management measures in the 2019 RFMO Commission meetings**

### **The General Fisheries Commission for the Mediterranean (GFCM) – November 2019:**

- Recommendation GFCM/43/2019/3 amending Recommendation GFCM/41/2017/4 on a multiannual management plan for turbot fisheries in the Black Sea (geographical subarea 29)
- Recommendation GFCM/43/2019/4 on a management plan for the sustainable exploitation of red coral in the Mediterranean Sea
- Recommendation GFCM/43/2019/5 on a multiannual management plan for sustainable demersal fisheries in the Adriatic Sea (geographical subareas 17 and 18)
- Recommendation GFCM/43/2019/7 on information on access agreements in the GFCM area of application
- Recommendation GFCM/43/2019/8 amending Recommendation GFCM/33/2009/8 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the GFCM area of application
- Resolution GFCM/43/2019/3 on the implementation of a vessel monitoring system and an electronic logbook in the GFCM area of application

### **The International Commission for the Conservation of Atlantic Tunas (ICCAT) – November 2019:**

- Revised ICCAT Convention has been adopted. CPCs need to ratify the text.
- Recommendation 19-10 by ICCAT on protecting the health and safety of observers in ICCAT's regional observer programs
- Resolution 19-17 amending resolution 18-11 establishing a pilot program for the voluntary exchange of inspection personnel in fisheries managed by ICCAT
- Establishment of the WG on control and traceability measures for bluefin tuna

### **The Indian Ocean Tuna Commission (IOTC) – June 2019:**

- Resolution 19/06 on establishing a programme for transshipment by large-scale fishing vessels
- Resolution 19/07 on vessel chartering in the IOTC Area of Competence (supersedes Resolution 18/10)

### **The Southern Indian Ocean Fisheries Agreement (SIOFA) – July 2019:**

- CMM 2019/14 High Seas Boarding and Inspection Procedures
- CMM 2019/10 Conservation and Management Measure for the Monitoring of Fisheries in the Agreement Area (Monitoring)