



**COUNCIL OF
THE EUROPEAN UNION**

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PECHE 257

NOTE

From:	Commission
On:	13 May 2014
To:	Delegations
Subject:	87th IATTC and 29th AIDCP Meetings (Lima, Peru, 7-18 July 2014)

The 87th Meeting of the Inter American Tropical Tuna Commission (IATTC) and the 29th Meeting of Agreement on the International Dolphin Conservation Program (AIDCP), and their related Committees and Working Group meetings, will take place from 7 to 18 July 2014 in Lima, Peru.

Delegations will find attached a non-paper for discussion in the Working Party on Internal and External Fisheries Policy of 23 May 2014 including EU draft proposals prepared by the Commission services for information and comments to be sent in writing to angela.martini@ec.europa.eu and luis.molledo@ec.europa.eu by 2nd of June 2014:

- a proposal on minimum standards for inspection in ports;
- a proposal to make transmission of certain VMS data compulsory;
- a proposal for the protection of silky sharks and one on fins naturally attached;

- the terms of reference for the organisational assessment of the IATTC/AIDCP Secretariat;
- a modification of IATTC's Rules of procedure in regards to the appointment and replacement of the Executive Director;
- a proposal for the selection of the Executive Director.

The draft proposals already incorporate comments received from Member States at the technical meeting which took place on 10 April 2014.

IATTC– 2014 Annual Meeting - Lima, Peru 7-18 July

The 87th Annual Meeting of IATTC will take place in Lima, Peru, from 7 to 18 July 2014. Last year's Annual Meeting was marked by a lack progress on the election of the Executive Director and this will be the most important item on the agenda. We intend to table once again a proposal in this respect. We also intend to pursue those proposals that could not be properly addressed last year completed with three new proposals.

However, since the meeting of the Scientific Advisory Committee meeting (12-16 May 2013) has not yet taken place, this note only covers issues not depending on its outcome. An update of this note will be circulated if the scientific advice requires a modification of the existing conservation and management measures, notably on tropical tuna and sharks.

A technical meeting with Member States took place on 10 April 2014; Spain and France participated. The present non paper reflects the discussions held at the meeting.

MAIN ISSUES**Election of the Executive Director**

At the last IATTC Annual Meeting which took place in Veracruz last June and the extraordinary meeting which took place in October in La Jolla, there was no agreement on the adoption of a procedure for the appointment of the Executive Director. The lack of progress was mainly due to the attempts of some delegations to reconfirm the current Director, whose mandate expires in August 2014, without a proper selection process.

We believe that in order to improve the transparency, efficiency and credibility of the IATTC, the first priority for the EU should be the adoption of a predictable and rule-based selection process which is open, transparent and ensures the selection of the most suitable candidate through a competitive process.

For this reason we propose to table a proposal for the selection of the Executive Director based on a two-steps approach. First, it should be verified whether there is consensus for the re-appointment of the incumbent Director. If not, the selection process should start and the post published. However, in a spirit of compromise, during the negotiations the EU could accept to derogate from the consensus rule and agree to adopting rules for the reappointment of the Director in office by strong majority (at least 75% of the votes).

We also intend to put forward a modification to the Rules of procedures to limit the mandate of the Executive Director to two consecutive terms and to provide for a substitute in case of incapacity, serious illness or incapacitation of the Executive Director.

EU proposals

In relation to the **fight against IUU fishing** we suggest re-submitting a simplified proposal on Port States Measures in line with the approach chosen for other RFMOs (e.g. ICCAT) which would build up on existing IATTC measures and introduce new stringent requirements on port inspections. This proposal was discussed at last Annual meeting and the revised proposal takes into account comments received by other delegations intersessionally.

Concerning **fisheries management and conservation** we propose to put forward two proposals on **sharks**. First, we would like to propose an extension of the current retention ban on Oceanic Whitetip Sharks to Silky Sharks, in line with scientific advice and as we did in WCPFC. Second we would like to put forward a proposal to impose the obligation of fins naturally attached, in line with recent EU developments. Although we will push for the adoption of these two resolutions on sharks, we can anticipate strong opposition due to the presence of Asian fleets, in particular on the fins naturally attached.

Last year we proposed a retention ban of Hammerhead sharks, but the proposal was strongly opposed by several delegations because of lack of scientific advice in this respect. Given the heavy agenda of this year's meeting, it would be our intention to only re-submit this proposal if clear scientific advice emerges at the Scientific Advisory Committee.

In terms of **compliance**, we intend to submit a proposal to modify current **VMS rules**, in order to make the system compulsory and more efficient, thus reinforcing the monitoring and compliance capacity of the organisation.

Last but not least, we intend to launch an **organizational assessment** of the IATTC and AIDCP Secretariat in order to evaluate, *inter alia*, its cost-efficiency. This was already agreed at last year's Annual meeting at the initiative of the EU; however the Terms of Reference need to be finalized and the process for the selection of the consultant started.

Other proposals

We have been informed that the US will be tabling a proposal for the introduction of a Unique Vessel Identifier, based on IMO numbering, in the same way as in WCPFC. We intend to support their proposal.

The US are also intending to propose an amendment to the current measure on Seabirds by-catch mitigation, in order to include ACAP's recommendations on best practice and cover Mexican waters (currently excluded). A discussion on this issue will take place at the next Scientific Committee meeting. It is our intention to support this proposal as well

INTER-AMERICAN TROPICAL TUNA COMMISSION**87TH MEETING**

Lima, Peru
14-18 July 2014

PROPOSAL IATTC-

SUBMITTED BY THE EUROPEAN UNION
REVISION OF THE IATTC RESOLUTION C-04-06 ON THE
ESTABLISHMENT OF
A VESSEL MONITORING SYSTEM (VMS)

EXPLANATORY MEMORANDUM

The VMS is an essential tool to effectively support the measures for the conservation and management of species within the Convention Area. Despite the fact that the IATTC Resolution on VMS was adopted 10 years ago in 2004, there is no compulsory VMS system for vessels fishing in the IATTC Convention Area. This situation also prevents flag states from effectively carrying out their duties in respect to Article XX of the Antigua Convention namely ensuring that vessels flying its flag comply with the provisions of Antigua and the adopted IATTC conservation and management measures, and that such vessels do not engage in any activity which undermines the effectiveness of such measures.

The proposal also intends to reinforce the role of the Secretariat, in accordance with Article XII.2 (f), (j) and (m), concerning cooperation with non-Contracting Members whose vessels fish in the Convention Area.

It would be equally advisable take stock of the situation and consider the possibility to launch a discussion on the evolution of the IATTC VMS system, notably towards an IATTC Commission VMS system managed by the Secretariat.

Last but not least the proposal also incorporates some language changes to reflect the common use of some terms such as Members and Cooperating non-Members of the Commission (“CPCs”).

RESOLUTION C-13- XX

RESOLUTION (AMENDED) ON THE CONSOLIDATION OF A VESSEL MONITORING SYSTEM (VMS)

The Inter-American Tropical Tuna Commission (IATTC), meeting in Lima, Peru, on the occasion of its 87th Meeting;

Recognizing the value of satellite-based Vessel Monitoring Systems (VMS) for the Commission's conservation and management programs, including compliance;

Aware that many Parties have established VMS systems and programs for their fleets since the adoption of Resolution C-04-06, but that there is no compulsory VMS system for Members and Cooperating non-Members of the Commission (hereinafter referred to as "CPCs") harvesting tuna and tuna-like species in the Convention Area;

Noting that other RFMOs operating in the Pacific Ocean have established their own VMS systems or intend to adopt such systems;

Agree that:

1. All fishing vessels, operating in the Eastern Pacific Ocean (EPO) and harvesting tuna or tuna-like species shall by January 1, 2016, be equipped with a satellite-based vessel monitoring system (VMS)
2. While specific operational details of Members and Cooperating non-Members' (CPCs) VMS requirements may vary, CPCs shall ensure that:
 - a. The information collected by the VMS for each vessel will be collected at least once every six hours, and shall be forwarded to the IATTC VMS Secretariat by the flag State of the vessel;
 - b. The information above mentioned shall include:
 - a. the vessel's identification;
 - b. the most recent geographical position (latitude and longitude) with an error of less than 500 meters at a confidence level of 99%;
 - c. the date and time (UTC) of the fixing of the said position of the vessel, and;
 - d. the instant speed and course of the vessel.
 - c. VMS equipment installed on vessels will, at a minimum, be tamper proof, namely it shall be protected against input or output of false positions and should not be possible for the system to be over-ridden fully automatic for regular position data reporting, operational at all times regardless of environmental conditions, and, if possible, capable of manual transmission of reports and messages.

If practicable, the VMS equipment may be usable to transmit to the Director the IATTC data requirements foreseen in the relevant IATTC Resolutions including C-03-04 and C-03-05.

The Commission strongly encourages non-Contracting Parties whose flag vessels fish in the EPO to participate in the VMS program established by this resolution. To this extent the Director will take the appropriate contacts with those parties and notify CPCs of actions taken and any response received. The Commission shall consider at each Annual Meeting appropriate action concerning those non-Contracting parties in order to encourage cooperation with IATTC.

Each CPC shall provide to the Director by May 31, 2015, a progress report on its VMS consistent with this resolution. The Commission will discuss how best to proceed with future consideration of VMS to support its conservation and management program at its annual meeting in 2015, notably the development of a IATTC VMS scheme.

The Director shall ensure that any information provided to the Director or the Commission pursuant to this resolution is maintained in strict accordance with the Commission's rules and procedures on confidentiality.

3. This Resolution replaces Resolution C-04-06.

INTER-AMERICAN TROPICAL TUNA COMMISSION**87TH MEETING****Lima, Peru****14-18 July 2014****PROPOSAL****SUBMITTED BY THE EUROPEAN UNION****IATTC RESOLUTION FOR AN IATTC SCHEME FOR MINIMUM
STANDARDS FOR INSPECTION IN PORT****EXPLANATORY MEMORANDUM**

Goal: this Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources, and in particular of highly migratory stocks, in the IATTC Convention Area through strengthened, harmonized and transparent minimum standards for inspections in port to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

This simplified proposal abandons the fully-fledge FAO Port State Measures approach presented by the EU at the last two Annual Meetings. Instead it focuses on the most essential elements of port inspections: designated ports, prior notifications, inspections and infringements. It is therefore more in line with the requests from developing coastal CPCs as it also includes a number of simplified provisions in order to facilitate consensus at the IATTC.

Rationale: taking into account the primary role of CPCs as ports, and in coherence with the role of port States in the adoption of effective measures to promote the sustainable use and the long term conservation of living marine resources, this resolution foresees the establishment by CPCs of a list of minimum standards for port inspections including designated ports to which vessels may request entry, a system of prior notification, the verification of landings and transshipments, port inspections, and inspection and infringement procedures.

In addition to that, it will be the first ever port inspection measure adopted by IATTC. Therefore it will ensure consistency with management measures taken in other RFMOs and improve the results of the measures aimed towards conservation of tuna and tuna-like species in the Eastern Pacific Ocean. This will contribute to more responsible management of the stocks under the IATTC's mandate.

IATTC RESOLUTION FOR AN IATTC SCHEME FOR MINIMUM STANDARDS FOR INSPECTION IN PORT

DEEPLY CONCERNED about illegal, unreported and unregulated fishing in the IATTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Developing States,

CONSCIOUS of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

RECOGNIZING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

RECOGNIZING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing,

AWARE of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures,

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, Members and Cooperating non-Members of the Commission may adopt more stringent measures, in accordance with international law,

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

RECALLING 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 of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

The Inter-American Tropical Tuna Commission (IATTC)

Having regard to Article XX and XXI of the IATTC Convention,

Agrees to adopt the following Resolution in conformity of Article IX of the IATTC Convention:

Scope

1. Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of Members and Cooperating non-Members of the Commission (hereinafter referred to as “CPCs”) under international law. In particular, nothing in this Resolution shall be construed to affect the exercise by CPCs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this Resolution.

This Resolution shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.

CPCs shall fulfill in good faith the obligations assumed pursuant to this Resolution and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

2. With a view to monitoring compliance with IATTC Resolutions, each CPC, in its capacity as a port CPC, shall apply this Resolution for an effective scheme of port inspections in respect of foreign fishing vessels carrying IATTC-managed species caught in the IATTC Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, hereinafter referred to as "foreign fishing vessels".
3. A CPC may, in its capacity as a port CPC, decide not to apply this Resolution to foreign fishing vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority. Such chartered fishing vessels shall be subject to measures by the CPC which are as effective as measures applied in relation to vessels entitled to fly its flag.
4. Without prejudice to specifically applicable provisions of other IATTC Resolutions, and except as otherwise provided in this Resolution, this Resolution shall apply to foreign fishing vessels equal to or greater than 20 meters in length overall.
5. Each CPC shall subject foreign fishing vessels below 20 meters length overall, foreign fishing vessels operating under charter as referred to under paragraph 3, and fishing vessels entitled to fly its flag to measures that are at least as effective in combating IUU fishing as measures applied to vessels referred to in paragraph 2.
6. CPCs shall take necessary action to inform fishing vessels' entitled to fly their flag of this and other relevant IATTC Resolutions.

Points of Contact

7. Each CPC shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 14. Each CPC shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 25(b) of this Resolution. It shall transmit the name and contact information for its points of contact to the IATTC Director no later than 30 days following the entry into force of this Resolution. Any subsequent changes shall be notified to the IATTC Director at least 14 days before such changes take effect. The IATTC Director shall promptly notify CPCs of any such change.
8. The IATTC Director shall establish and maintain a register of points of contact based on the lists submitted by the CPCs. The register and any subsequent changes shall be published promptly on the IATTC website.

Designated ports

9. Each CPC shall designate its ports to which foreign fishing vessels may request entry pursuant to this Resolution.
10. Each CPC shall, to the greatest extent possible, ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this Resolution.
11. Each CPC shall provide to the IATTC Director within 30 days from the date of entry into force of this Resolution list of designated ports. Any subsequent changes to this list shall be notified to the IATTC Director at least 14 days before the change takes effect.
12. The IATTC Director shall establish and maintain a register of designated ports based on the lists submitted by the port CPCs. The register and any subsequent change shall be published promptly on the IATTC website.

Force majeure or distress

13. Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Prior notification

14. Each port CPC shall, except as provided under paragraphs 13 and 15 of this Resolution, require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transshipment to provide, at least 48 hours before the estimated time of arrival at the port, the following information:
 - a) Vessel identification (External identification, Name, Flag CPC, IMO No, if any, and IRCS);
 - b) Name of the designated port, as referred to in the IATTC register, to which it seeks entry and the purpose of the port call (landing and/or transshipment);
 - c) Fishing authorization or, where appropriate, any other authorization held by the vessel to support fishing operations on IATTC species and/or fish products originating from such species, or to transship related fishery products;
 - d) Estimated date and time of arrival in port;
 - e) The estimated quantities in kilograms of each IATTC species and/or fish products originating from such species held on board, with associated catch areas. If no IATTC species and/or fish products originating from such species are held on board, a 'nil' report shall be transmitted;
 - f) The estimated quantities for each IATTC species and/or fish products originating from such species in kilograms to be landed or transshipped, with associated catch areas.

The port CPC may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

15. The port CPC may prescribe a longer or shorter notification period than specified in paragraph 14, taking into account, inter alia, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port CPC shall inform the IATTC Director, who shall publish the information promptly on the IATTC website.
16. After receiving the relevant information pursuant to paragraph 14, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the port CPC shall decide whether to authorize or deny the entry of the vessel into its port. In case the port CPC decides to authorize the entry of the vessel into its port, the following provisions on port inspection shall apply.

Port inspections

17. Inspections shall be carried out by the competent authority of the port CPC.
18. Each year CPCs shall inspect at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.

19. Port Members and CNCPs shall, in accordance with their domestic law, inspect foreign fishing when:

- a) there is a request from other Members and CNCPs or relevant regional fisheries management organizations that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for suspecting that a vessel has engaged in IUU fishing;
- b) a vessel has failed to provide complete information as required in paragraph 14;
- c) the vessel has been denied entry or use of a port in accordance with this or other RFMO's provisions.

19. Except for the purposes of inspection, enforcement action or emergency, port Members and CNCPs shall take all necessary measures, subject to, and in accordance with, their applicable laws and regulations and international law, to deny port access to fishing vessels included in the list of IATTC IUU vessels.

Inspection procedure

- 20. Each inspector shall carry a document of identity issued by the port CPC. In accordance with domestic laws, port CPC inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, Cargo Manifests and Mates Receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the IATTC Resolutions. They may take copies of any documents considered relevant, and they may also question the Master and any other person on the vessel being inspected.
- 21. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 14 and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.

22. On completion of the inspection, the port CPC inspector shall provide the Master of the foreign fishing vessel with the inspection report containing the findings of the inspection, including possible subsequent measures that could be taken by the port CPC competent authority, to be signed by the inspector and the Master. The Master's signature shall serve only as acknowledgement of the receipt of a copy of the report. The Master shall be given the opportunity to add any comments or objection to the report, to contact the competent authority of the flag CPC. A copy of the report shall be provided to the Master.
23. The port CPC shall transmit a copy of the inspection report to the IATTC Director no later than 14 days following the date of completion of the inspection. If the inspection report cannot be transmitted within 14 days, the port CPC should notify the IATTC Director within the 14 day time period the reasons for the delay and when the report will be submitted.
24. CPCs shall take necessary action to ensure that Masters facilitate safe access to the fishing vessel, cooperate with the competent authority of the port CPC, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port CPC inspectors in the execution of their duties.

Procedure in the event of infringements

25. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed an infringement of the IATTC Resolutions, the inspector shall:
 - a) record the infringement in the inspection report;
 - b) transmit the inspection report to the port CPC competent authority, which shall promptly forward a copy to the IATTC Director and to the flag CPC point of contact;
 - c) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged infringement.
26. If the infringement falls within the legal jurisdiction of the port CPC, the port CPC may take action in accordance with its domestic laws. The port CPC shall promptly notify the action taken to the competent authority of the flag CPC and to the IATTC Director, which shall promptly publish this information in a secured part of the IATTC website.
27. Other infringements shall be referred to the flag CPC. Upon receiving the copy of the inspection report, the flag CPC shall promptly investigate the alleged infringement and notify the IATTC Director of the status of the investigation and of any enforcement action that may have been taken within 6 months of such receipt. If the flag CPC cannot provide the IATTC Director this status report within 6 months of such receipt, the flag CPC should notify the IATTC within the 6 month time period the reasons for the delay and when the status report will be submitted. The IATTC Director shall promptly publish this information in a secured part of the IATTC website. CPCs shall include in their Compliance questionnaire information regarding the status of such investigations.
28. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in Resolution C-05-07, the port CPC shall promptly report the case to the flag CPC and notify as soon as possible the IATTC Director, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

Requirements of developing CPCs

29. CPCs shall give full recognition to the special requirements of developing CPCs in relation to a port inspection scheme consistent with this Resolution. CPCs shall, either directly or through the IATTC, provide assistance to developing CPCs in order to, inter alia:
 - a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this Resolution is not unnecessarily transferred to them;

- b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organizations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this Resolution; and
- c) Either directly or through the IATTC, assess the special requirements of developing CPCs concerning the implementation of this Resolution.

General provisions

- 30. CPCs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with IATTC Resolutions. A description of such programs should be provided to the IATTC Director which should publish it on the IATTC website.
- 31. The port CPC may, in accordance with its domestic laws and regulations, invite officials from the flag CPC to observe or take part in the inspection of a vessel of that flag CPC based on appropriate agreements or arrangements. Flag CPCs shall consider and act on reports of infringements from inspectors of a port CPC on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. CPCs shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Resolution.
- 32. The IATTC Director shall develop model formats for prior notification reports and inspection reports required under this Recommendation, taking into account forms adopted in other relevant instruments, such as the FAO Port State Measures Agreement and other RFMOs, for consideration at the 2015 Annual Meeting of the Commission.
- 33. The Commission shall review this Resolution no later than its 2018 Annual Meeting and consider revisions to improve its effectiveness.
- 34. This Resolution shall enter into force on January 1, 2016.

INTER-AMERICAN TROPICAL TUNA COMMISSION**87TH MEETING**

Lima, Peru
14-18 July 2014

PROPOSAL IATTC-**SUBMITTED BY THE EUROPEAN UNION****RESOLUTION ON THE CONSERVATION OF SHARKS CAUGHT
IN ASSOCIATION WITH FISHERIES IN THE IATTC CONVENTION AREA***Explanatory Memorandum*

The Antigua Convention requires IATTC to adopt conservation measures for species associated with the main targeted stocks.

The European Union is proposing a new Resolution which aims at tackling the threats to shark populations from the practice of shark finning.

Rationale:

This management measure aims to respond to concerns about the threats to shark populations from the practice of shark finning, in fact:

- The current percentage fins: body weight ratio requirement has no clear scientific basis as a conservation measure for sharks, rather it appears to be aimed at slowing down the rate of fishing or to deter fishing on sharks by not allowing fins only to be landed and requiring vessels to return to port more often to unload fins and body parts;

- Maintaining the use of the fin: body weight ratios will preclude the collection of essential information on species level interactions with fishing fleets, crucial for accurate stock assessments for sharks;
- Current scientific evidence clearly indicates that percentage fins:body weight varies widely among species, fin types used in calculations, the type of carcass weight used (whole or dressed), and the method of processing used to remove the fins (fin cutting technique);
- The use of the ratio measure is unlikely to address any sustainability issues that might exist for particular species;
- The only way to guarantee that sharks are not finned (and full utilisation of sharks is encouraged) is to require that the trunks be landed with the fins attached.

RESOLUTION ON THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES IN THE IATTC CONVENTION AREA

The Inter American Tropical Tuna Commission (IATTC),

RECALLING that since 2007 the United Nations General Assembly calls upon States to consider the adoption of measures that require all sharks to be landed with each fin naturally attached;

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action for Sharks calls on States to cooperate through Regional Fisheries Organisations to ensure the sustainability of shark stocks;

ALSO RECALLING that the FAO International Plan of Action for Sharks calls on States to facilitate improved species-specific catch and landings data and monitoring of shark catches;

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

CONSIDERING that despite regional agreements on the prohibition of shark finning, sharks' fins continue to be removed on board and the rest of the shark carcass discarded into the sea;

CONSCIOUS that the use of fin-to-carcass-weight ratios is not an adequate means of ensuring that sharks are not finned;

RECOGNISING the need to improve the collection of species-specific data on catch, discards and trade as a basis for improving the conservation and management of shark stocks;

AWARE that identifying sharks by species is rarely possible when the fins have been removed from the carcasses;

FURTHER RECALLING that United Nations General Assembly, adopted consensus Resolutions every year from 2007 through 2012 (62/177, 63/112 , 64/72, 65/38, 66/68 and 67/79), calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict

fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached.

Agrees as follows:

1. Members and Cooperating non-Members (hereafter referred to as CPCs) shall 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.
2. Without prejudice to paragraph 1, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before the first landing.
3. Fishing vessels are prohibited from retaining on board, transshipping, or landing shark fins harvested in contravention of this of this Conservation and Management Measure (CMM).
4. CPCs shall prohibit offering for sale, selling or purchasing shark fins that are taken, landed or possessed in contravention of this Resolution.
5. In fisheries in which sharks are unwanted species, CPCs shall encourage the release of live sharks, especially juveniles, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
6. CPCs shall, where possible, undertake research to identify ways to make fishing gears more selective and provide relevant information to the Scientific Advisory Committee.
7. CPCs shall, where possible, conduct research to identify shark nursery areas in the Convention Area and provide relevant information to the Scientific Committee.
8. CPCs shall obtain and maintain the best possible data for IATTC fisheries impacting upon sharks, including improved species identification.
9. Paragraph 4 of Resolution C-05-03 is replaced by this measure.

INTER-AMERICAN TROPICAL TUNA COMMISSION**87TH MEETING****Lima, Peru****14-18 July 2014****PROPOSAL IATTC-****SUBMITTED BY THE EUROPEAN UNION
REVISION OF IATTC RULES OF PROCEDURE****EXPLANATORY MEMORANDUM**

The discussions held in the context of the 85th and 86th IATTC Annual Meetings have shown that it is advisable to update the IATTC Rules of Procedure in order to address circumstances not currently foreseen, notably, all situations where, due to a variety of reasons, the Director is not in office.

In line with Article XII.1 of the Antigua Convention¹, the proposal also envisages to limit the office of the Director to two consecutive terms in order to promote rotation, different programs and a variety of management styles.

¹ Article XII.1: “[...] The term of the Director shall be of 4 years, and he may be reappointed as many times as the Commission decides”.

IATTC RULES OF PROCEDURE

[...]

VI. DIRECTOR

20. The Commission shall establish criteria and procedures to appoint a Director, whose competence in the field of the Convention is established and generally recognized, in particular in its scientific, technical and administrative aspects. In the appointment of the Director, the views of the Members shall be expressed through a secret ballot should one of the Members so request.

The terms and functions of the Director shall be pursuant to Article XII of the Convention. The Director shall not serve for more than two consecutive terms.

21. In case of absence, death, accident, resignation, expiration of the term, or any other circumstance that prevents the effective performance of the duties related to the post, the Director shall be replaced by the highest ranking officer of the Secretariat. Should the highest ranking officer become unavailable, the duties will be undertaken by the next higher ranking officer and so forth consecutively.

[further renumbering of the remaining paragraphs]

INTER-AMERICAN TROPICAL TUNA COMMISSION**87TH MEETING**

Lima, Peru

14-18 July 2014

WORKING DOCUMENT**SUBMITTED BY THE EUROPEAN UNION****TERMS OF REFERENCE OF IATTC'S AND AIDCP'S
SECRETARIAT ORGANIZATIONAL ASSESSMENT****EXPLANATORY MEMORANDUM**

At its 85th Annual Meeting held in Veracruz, Mexico, the IATTC Commission agreed to undertake an organizational assessment of the Organization's Secretariat. To this end the draft Terms of Reference (ToR) were circulated during the meeting receiving no comments from the CPCs.

The EU further distributed intersessionally on 22 October 2013 (following by a Corrigendum on 28 October 2013) some updated ToR which included new sections in Part 3 and 4 referring to the methodology and timing of the assessment.

The goals of those revised provisions were the following:

- To increase ownership by IATTC by referring to a Steering Committee composed of a sufficient number of IATTC Members to engage in the exercise while at the same time allowing for any willing CPC to participate.

- To determine more precisely the timing for the deliverables and the role of the Secretariat.

On 27 November a letter was circulated by one Member requesting those changes to be discussed in the Plenary, therefore the EU is submitting the ToR for discussion noting that agreement was found at the 2013 Annual Meeting to undertake an Organizational Assessment of the IATTC and AIDCP's Secretariat.

IATTC's and AIDCP's Secretariat Organizational assessment

1. General objectives

An organizational assessment is a process to reflect and look at the various areas of the organization in regards to what is working, what could be improved and what should be maintained. An assessment helps to create an objective view of an organization's current reality in regards to its funding streams, work flow processes, organizational structure, outcomes measurement, in order to maximize efficiency and effectiveness in achieving the organization's mission.

The objective of the Secretariat's assessment would be to evaluate whether financial and human resources, including the scientific staff, are properly managed, whether appropriate operating structures and management processes are in place, whether the financial management and overall performance of the Secretariat is effective and efficient, whether it would be feasible to achieve the same objectives with less resources and make recommendations, where necessary, to further improve the functioning of the Secretariat.

The result of the assessment will be presented at the 88th Annual Meeting of the Commission.

2. Scope

The assessment will look into the following specific areas:

A) Human resources planning, managing and development

- Existence of agreed HR strategy, policies and procedures, (e.g. recruitment/discipline/leave/class of travel etc.), management practices;
- Relationship between tasks and objectives and human resources planning;
- Appropriate identification of competencies/qualifications for each post, personnel policy, guidelines and manuals, ability to forecast and identify needs in terms of human resources, ratio permanent/seasonal staff;

- Staffing procedures, approach to staffing, job descriptions, selection of candidates, open and merit based recruitment procedures;
- Job descriptions' appropriateness, managerial and professional accountability;
- Regular reviews of progress against objectives; annual objective setting and appraisal for all staff.

B) Operating structure, decision making, planning and communication

- Annual management planning, planning procedures;
- Secretariat's goals and tasks, efficiency of the structure, coordination between departments, organizational sense of the structure, centralization and decentralization, procedures, roles and responsibilities, problem solving, subcontracting of activities, use of new technologies;
- Decision making processes;
- Adequate top-down and bottom-up communication flows, vehicles of internal communication, circulation of information in the Secretariat;
- External relations (web content, interaction with other RFMOs, interaction with academic institutions, etc).

C) Financial planning, accountability and monitoring

- Adequate and regular budgetary planning, timely budget plans, adequate forecasts;
- Adequate financial and procurement procedures, audit control on revenues and expenditures, overseeing of financial matters;
- Adequate bookkeeping, regular reports to allow for control of revenues and expenses.

D) Effectiveness and efficiency

- Extent to which the objectives are achieved as established in the Antigua Convention and Resolutions and other Commission's decisions;

- Relationship between the available human, financial and technical resources and the objectives of Secretariat as established in the Antigua Convention, Resolutions and other Commission's decisions;
- Cost efficiency.

3. Methodology

The goal of the assessment is to provide, for each of the areas referred to in Part 2, a clear picture of the current situation of the organization, background, past evolution and possible future developments, and will, to the extent possible, evaluate against the evaluation criteria of relevance, efficiency and effectiveness

The assessment will also include the financial audit of the accounts for the year 2013.

The assessment shall be carried out by an independent contractor to be selected through a competitive process. The assessment may be completed by an individual, business or institution.

The successful consultant will be selected by a Steering Committee especially set up for this assessment which shall comprise at least 5 Commissioners. Selection of the contractor will be based upon the following selection criteria:

- Comprehensive and clearly articulated methodology.
- Experience in working with program evaluations, financial performance, institutional organization and management reviews.
- Demonstrated resources and commitment to meet the key milestone dates.
- Budget – value for money.
- Experience in working with and/or evaluating fisheries management organizations will be an asset to this work.

The Steering Committee shall review the bids received as part of the competitive process and select the contractor to be awarded the contract.

In order to carry out the assessment, the contractor shall consult with both relevant IATTC Commissioners and the IATTC Commission staff. To facilitate this, meetings for the assessment process will occur in person and through other means (e.g. email/telephone) as necessary. Cost efficiency shall govern the timing and location of such meetings.

The IATTC Secretariat shall supply the contractor with information as requested to assist in the conduct of the assessment.

The Secretariat will provide administrative support to the assessment process including issuance of the contract to the contractor.

The cost of the assessment contract, including travel costs of the contractor, is not to exceed US dollars 150,000, of which 20% shall be covered by the IATTC budget.

4. Deliverables and Timing

After one month of signature of the contract, the contractor will submit an inception report to the Steering Committee which will provide its comments within 10 working days.

After 3 months of signature of the contract, the Contractor will submit the draft report to the Steering Committee will provide comments to the contractor within 15 working days for consideration before the final report is submitted to the Commission.

The contractor will submit the final report as early as possible in advance of the 2014 IATTC Annual Meeting or by an alternate date as directed by the Steering Committee.

The Contractor will present its findings at the 2015 Annual Meeting.

INTER-AMERICAN TROPICAL TUNA COMMISSION

87TH MEETING

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PROPOSAL IATTC-

SUBMITTED BY THE EUROPEAN UNION

**PROCEDURES FOR THE SELECTION, INTERVIEW AND DECISION-
MAKING PROCESS FOR THE COMMISSION'S DIRECTOR**

EXPLANATORY MEMORANDUM

Goal: To establish clear and transparent rules for the selection and appointment of the Commission's Director.

Background: Paragraph 20 of the IATTC Rules of Procedures adopted at the IATTC 83rd meeting, requires that the Commission establishes criteria and procedures to appoint a Director.

At the same time, it is also necessary to adopt rules for the possible reappointment of the incumbent Director.

PROCEDURES FOR THE SELECTION, INTERVIEW AND DECISION-MAKING PROCESS FOR THE COMMISSION'S DIRECTOR

Section 1: Re-appointment of incumbent Director

1. One month before the Ordinary meeting of the Commission of the year preceding the expiration of the mandate of the Executive Director, the Chair will verify with the Director his interest in being reappointed. In the event of a positive reply, Members will be informed and the item will be included in the agenda of the Ordinary meeting. In the event of a negative reply, the procedure under section 2 will be initiated.
2. At the Ordinary meeting, the Chair will proceed to verify whether there is consensus within the Commission to re-appoint the incumbent Director.
3. In the absence of consensus, the process for the selection of the Executive Director will be launched according to the procedure under section 2.

Section 2: Selection of the Executive Director

Position documentation and advertisement

4. Prior to advertising the vacancy, the Secretariat will prepare, on the basis of paragraph 20 of IATTC Rules of Procedure, a draft position description for the post of Director (including qualifications required) and a draft advertisement. These will be provided to the Chair for review in consultation with the Members.

5. The Secretariat will post the approved advertisement and position description on the IATTC website and highlight it on the homepage for a period of 4 weeks. The recruitment page on the IATTC website will include relevant information regarding the vacancy and the application process. The approved advertisement will also be placed by the Secretariat in national and international publications and websites. The deadline for applications to be received by the Secretariat shall be no less than 60 days from the date the advertisement has been placed on the website.

Submission of applications

6. Applications, with referee comments, shall be submitted to the Chair through the Secretariat in electronic format.

Acknowledgement of receipt

7. Each applicant will be notified by the Secretariat by electronic means of the receipt of his/her complete application.

Availability of applications

8. Each application, including referee comments, received by the Chair will be made available, as soon as it is received, through a secure section of the IATTC website to all Commission's members.

Ranking of applicants

9. Each Member will notify the Secretariat, within 3 weeks from the expiry of the deadline for applications, of no more than five preferred candidates in order of preference. On receipt of all preferences, the Chair, assisted by the Secretariat, will aggregate individual applicants' rankings, awarding five points for a first preference, four points for a second preference etc. The individual rankings by Commission members will be kept confidential by the Chair and the Secretariat.

Short list

10. The candidates with the five highest aggregate scores will be shortlisted for interview. Should the application of any candidate be withdrawn, the next ranking candidate will be substituted. In case of a tie for the fifth place, all candidates with equal scores will be included in the short list. Candidates not on the short list will be notified by the IATTC Secretariat that they have not been selected.

Interview process

11. The short-listed candidates will be notified to the Commission's members. They will be interviewed by the members during a meeting of their Heads of Delegation at the next meeting of the Commission.

12. In order to ensure transparency and fairness of the process, all candidates will be asked the same questions. Those questions will have been prepared by the Chair in consultation with the Members ahead of the meeting of the Heads of Delegation.

Appointment Process for the Executive Secretary

13. Following the interview, Members will endeavour to approve the preferred candidate as Director by consensus. In the event that consensus is not reached, Members will adopt the following procedure for the appointment of a candidate:

- Polling will be done by secret ballot by the Members represented by Heads of Delegation
- In each round each Head of Delegation will select one candidate. The candidate with the lowest number of votes each round will drop out of the ballot process.
- A tie between candidates will result in a re-ballot between those candidates.
- The candidate that polls the highest in the final round will be offered the position.

14. A copy of this procedure will be made available to each of the candidates so that they are aware of the process being followed.

15. The chosen candidate will be notified at the conclusion of the Commission meeting. Contract negotiations with the chosen candidate will be conducted by the Commission's Chair.

Start date

16. If possible, the chosen candidate will report to the Secretariat Headquarters two full weeks before the departure of the incumbent Director in order to allow for a transition.

INTER-AMERICAN TROPICAL TUNA COMMISSION

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PROPOSAL IATTC-

SUBMITTED BY THE EUROPEAN UNION

**RESOLUTION ON THE CONSERVATION OF SILKY SHARKS CAUGHT
IN ASSOCIATION WITH FISHERIES IN THE IATTC CONVENTION AREA**

Explanatory Memorandum

The Antigua Convention requires IATTC to adopt conservation measures for species associated with the main targeted stocks.

The European Union is proposing a new Resolution which aims at imposing a retention ban for Silky Sharks (*Carcharhinus falciformis*).

Rationale:

The Scientific Advisory Committee expressed concern about the recent declining trend in catches of silky sharks (*Carcharhinus falciformis*) by purse seiners and that there is clear evidence of declining populations of silky sharks in both the northern and southern stocks. It is therefore critical that precautionary measures be implemented immediately to allow silky sharks populations to rebuild in the EPO.

RESOLUTION ON THE CONSERVATION OF SILKY SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES IN THE IATTC CONVENTION AREA

The Inter American Tropical Tuna Commission (IATTC),

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

RECALLING that Article VII, paragraph 1 (f) of the Antigua Convention establishes that the Commission shall adopt, as necessary, conservation and management measures and recommendations for species belonging to the same ecosystem and that are affected by fishing for, or dependent on or associated with, the fish stocks covered by the Convention, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

Taking due note that the Scientific Advisory Committee expressed concern about the recent declining trend in catches of silky sharks (*Carcharhinus falciformis*) by purse seiners and that there is clear evidence of declining populations of silky sharks in both the northern and southern stocks; and

Recognizing that it is critical that precautionary measures be implemented immediately to allow silky sharks populations to rebuild in the EPO;

Agrees as follows:

1. Members and Cooperating non-Members (CPCs) shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of silky sharks (*Carcharhinus falciformis*) in the fisheries covered by the Antigua Convention.
2. CPCs shall require vessels flying their flag to promptly release unharmed, to the extent practicable, Silky sharks when brought alongside the vessel and to do so in a manner that results in as little harm to the shark as possible..
3. CPCs shall record, *inter alia* through the observer programs, the number of releases of silky sharks with indication of status (dead or alive) and report it to IATTC.
4. Observers shall be allowed to collect biological samples from silky sharks that are dead on haulback in the EPO, provided that the samples are part of a research project approved by the Scientific Advisory Committee. In order to get approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion will be presented to the Scientific Advisory Committee.

5. CPCs's and the Scientific Advisory Committee shall continue work on bycatch mitigation measures and live release guidelines to avoid the initial catch of this species wherever possible, and maximize the number of incidentally caught individuals that can be released alive.

6. This Resolution shall enter into force on 1st January 2015.
