

**U.S. Delegation Report
of the
25th Regular Meeting of the International Commission for the
Conservation of Atlantic Tunas**

**Marrakech, Morocco
November 14-21, 2017**

Summary

The 25th Regular meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) was held in Marrakech, Morocco, from November 14-21, 2017. Forty-four of ICCAT's 52 Contracting Parties were in attendance. In addition, four cooperating non-Contracting Parties, Entities or Fishing Entities and observers from two non-Contracting Parties, six international organisations, and 23 NGOs participated. The U.S. delegation was led by the U.S. Federal Government Commissioner to ICCAT John Henderschedt (NMFS Office of International Affairs and Seafood Inspection). The United States was also represented by Commercial Commissioner Eugenio Pineiro and Recreational Commissioner Raymond Bogan. Representatives of NOAA, NMFS, the Department of State, the Senate Commerce Committee, the NGO community, and commercial and recreational fishing interests also participated on the U.S. Delegation.

The United States achieved or made progress on most of its priorities at the ICCAT annual meeting, including adoption of a number of new measures that followed scientific advice and protected U.S. interests. Notably, an interim management plan was agreed for western Atlantic bluefin tuna that supports a transition from the 1998 rebuilding program to the development and implementation of management procedures, a modern approach to fisheries management that is more robust to uncertainties. Most of the management provisions from the rebuilding program remain in place. The agreed Total Allowable Catch (TAC) allows for some increase in harvests but remains below the highest possible TAC recommended by scientists to provide an appropriate buffer given uncertainties in the assessment. For the eastern stock of bluefin tuna, progress was more limited. A comprehensive revision of Rec. 14-04 was not possible due to lack of time and the complicated nature of the EU proposal. Instead, ICCAT adopted a measure that largely rolled over the provisions of Rec. 14-04 while increasing the TAC in a stepwise manner over three years to 36,000 t for 2020. The new measure also made some adjustment to quota allocations, but work will continue at an intersessional Panel 2 meeting in March 2018 to refine the allocations applicable for 2019 and 2020. Panel 2 will also conduct its usual review of eastern bluefin tuna fishery, inspection, and capacity plans covering the 2018 fishery during the intersessional. ICCAT agreed to undertake efforts to adopt a more comprehensive revision to the eastern bluefin tuna recommendation during the 2018 ICCAT annual meeting.

For swordfish, ICCAT adopted a four-year recommendation for the North Atlantic stock that lowered the TAC in line with scientific advice and retained the U.S. quota share. Perhaps the most difficult stock negotiation concerned North Atlantic shortfin mako shark. ICCAT adopted a compromise measure applicable for 2018-19 that is expected to reduce catches to levels that will stop overfishing and set the stage for rebuilding. The Commission will review catches in 2018; in 2019 the SCRS will evaluate the effectiveness of this measure and provide additional information to form the basis for a long-term rebuilding program. For North Atlantic albacore, ICCAT adopted an interim Harvest Control Rule (HCR), the first for any ICCAT stock. The application of the interim HCR resulted in a TAC increase; the U.S. quota went up to 632.4 t.

Regarding tropical tuna management, ICCAT did not go as far as the United States had hoped, but there was agreement that adjustments to catch levels for bigeye tuna should be reduced to account for some of the 2016 TAC overharvest and a measure was agreed aimed at reducing discards of tropical tunas from purse seine fisheries. The Commission set the stage for a comprehensive review of the management of the tropical tuna fishery at its 2018 annual meeting. Discussions will begin on this important topic at an intersessional meeting of Panel 1 on July 23-25, 2018, in Bilbao, Spain. U.S. proposals on the following issues received broad support but no consensus: (1) require sharks be landed with their fins naturally attached; (2) mandate the use of circle hooks or finfish bait in shallow set fisheries to address sea turtle bycatch; (3) implement new observer health and safety standards in ICCAT's regional observer programs; and (4) create an at sea inspector exchange pilot program.. The United States will continue to look for ways to effectively advance these important measures in the future.

ICCAT made significant progress towards agreement on amendments to its Convention and will hold what is expected to be a final working group meeting May 24-25, 2018, in Madeira. ICCAT also began following up on the recommendations of its second independent performance review; continued efforts to improve compliance in ICCAT fisheries; and took steps to strengthen its governance and operations. ICCAT selected a well-qualified Executive Secretary, Commission Chair, and other Commission officers. The United States retained the Chairs of the Compliance Committee and the Convention Working Group.

ICCAT will work intersessionally to advance a number of important issues before its 2018 annual meeting. In addition to intersessional meetings of Panels 1 and 2 and the Convention Working Group, the Standing Working Group of Scientists and Managers (SWGSM) will meet May 21-23, 2018, to progress its work on HCRs and management strategy evaluation for priority ICCAT stocks. ICCAT's Integrated Monitoring Measures (IMM) Working Group will meet April 9-12, 2018, in Spain to consider ways to strengthen its rules on vessel monitoring systems, port State measures, observer safety, and other monitoring, control, and surveillance issues. ICCAT's port inspection capacity building working group and online reporting experts group will also meet intersessionally in 2018.

ICCAT will hold its next annual meeting on November 10-19, 2018, in Croatia, with the first two days consisting only of Compliance Committee sessions to provide extra time for that body to conduct its work, including more fully implementing process improvements agreed in 2016.

Plenary

Convention Working Group: Negotiations to amend the ICCAT Convention began in 2013. The amendments are intended, among other things, to improve decision making processes, create a mechanism for full participation of a fishing entity in ICCAT; clarify the scope of ICCAT's management responsibility, especially with regard to sharks; and bring the organization in line with modern fishery management standards. The Chair of the Convention Working Group presented outcomes of the 2017 intersessional meeting and the updated Chair's draft Convention text. Remaining issues to resolve at the 2017 ICCAT meeting included finalizing the Fishing Entity Annex, which will allow Taiwan to participate in ICCAT as a Member, settling the related question of the potential need to change the Convention depositary, and establishing dispute resolution procedures. In an effort to find a solution to the Fishing Entity issue, the idea of a dual depositary was discussed but some were unwilling to go along with the concept of a second depositary. In the end, there was agreement in principle on an approach where the Food and Agriculture Organization would remain the sole depositary, and Fishing Entities would submit their notice of intent to be bound to the Convention to the ICCAT Executive Secretary. There was agreement that the Fishing Entity Annex would remain closed to any Entities other than Taiwan, but some additional drafting changes will require further discussion, including the process for amending the Annex. Regarding dispute settlement provisions, Parties began to coalesce around an approach that would be non-compulsory and binding (i.e., the parties to the dispute would have to agree to enter into the dispute settlement process but the outcome of the process would be binding). Additional work will be needed to finalize the dispute resolution procedures and guidelines. ICCAT agreed to convene a final Convention Working Group meeting in 2018 to resolve the remaining issues and discuss the process for adoption and entry into force of the amendments. This meeting will be held in Funchal, Madeira Island (Portugal) on May 24-25. To facilitate a conclusion on the remaining issues at this meeting, the CWG Chair circulated revised Convention text during the ICCAT annual meeting that reflected discussions held at that meeting.

2nd Performance Review: The independent expert panel that conducted ICCAT's second performance review delivered its report at the 2016 ICCAT annual meeting. ICCAT convened a meeting of its Working Group to Follow-up on the Second ICCAT Performance Review in June 2017. This group reviewed the recommendations of the expert panel and advised the Commission on next steps. ICCAT reviewed the working group's report during its 2018 meeting and, consistent with the advice of this group, referred relevant performance review recommendations to the appropriate ICCAT sub-bodies for consideration. ICCAT also agreed on a process and template for tracking progress in addressing the performance review recommendations on an annual basis. For the most part, the Commission and its subsidiary bodies deferred substantive discussion of the performance review recommendations referred to them. It was agreed to include a standing item on Performance Review recommendations in the Commission agenda as well as of all subsidiary bodies in order to ensure consideration of

relevant performance review recommendations and to capture progress made in addressing them.

SWGSM: The Commission agreed to hold a meeting of the Standing Working Group to Enhance Dialogue between Fisheries Scientists and Managers (SWGSM) on May 21-23, 2018, to advance the development of management procedures for priority ICCAT stocks. At this important meeting, SWGSM will receive an update from SCRS on the progress of its MSE work, in particular for bluefin tuna and swordfish, and will be considering management objectives and performance indicators for these and other priority species (excluding northern albacore given progress already made on that stock). In light of discussions, SWGSM will consider any needed revisions to the overall HCR/MSE roadmap adopted in 2016 and will further consider the timing and process for engaging the Panels in the HCR/MSE process. Bluefin tuna research was also identified as a possible topic for consideration by SWGSM.

Intergovernmental Cooperation: ICCAT discussed its interactions with other international organizations, acknowledging the importance of the work undertaken through the Global Environment Facility's Marine Areas Beyond National Jurisdiction (GEF ABNJ) program and supporting its continuance. In particular, the United States and others expressed support for the continued involvement of ICCAT in the GEF ABNJ program, noting that collaboration with the program has directly benefited the Commission through projects including the regional workshops on HCR/MSE, improvements to data collection, ecosystem-based fisheries management including bycatch mitigation, and strengthening and harmonizing measures to address IUU fishing. With respect to other organizations, ICCAT took note that the Western and Central Atlantic Fisheries Commission (WECAFC) recently launched a process to transition into an organization that can develop binding conservation and management measures. WECAFC has been engaged in developing a Caribbean billfish plan, shark and ray and FAD regional plans of action (all non-binding). The United States emphasized that better coordination and cooperation will be of direct benefit to ICCAT, and the Commission agreed to continue to track developments in the work of that organization and to seek enhanced cooperation given potential relevance to ICCAT's work.

Proposal Submission Guidance: A proposal by Japan providing guidance on rules to follow when submitting proposals was adopted. The proposal was designed to improve transparency during document review by highlighting changes in a clear and standardized way.

Recreational Working Group: As in past years, the Chair of the Recreational Fisheries Working Group suggested that a meeting of this group be scheduled. Given the already heavy intersessional workload for 2018 and the need to consider in more detail whether such a meeting were needed, the issue was deferred for further consideration at the 2018 annual meeting.

Executive Secretary Selection: ICCAT interviewed candidates for a new Executive Secretary to replace Driss Meski of Morocco, who will have served for 14 years in that position upon retiring. Initial candidates included individuals from Morocco, Italy, Senegal, Spain, and Malta; the individuals from Morocco and Italy withdrew their candidacies before the interviews began. Despite some concern in advance of the meeting that disagreements among parties would prevent the successful selection of a well-qualified candidate and the interest of some in retaining

Executive Secretary Meski to provide additional time to recruit new candidates, Mr. Camille Jean-Pierre Manel (Senegal) was selected for the position upon the conclusion of the interview process and two rounds of voting.

Elections: The Commission elected a new Commission Chair and a full slate of Commission officers to two-year terms (2018-19), as follows:

Chair of the Commission: Raul Delgado (Panama)

1st Vice Chair: Stefaan Depypere (EU)

2nd Vice Chair: Zakia Driouich (Morocco)

Panel 1: Cote D'Ivoire

Panel 2: Japan

Panel 3: South Africa

Panel 4: Brazil

COC: Derek Campbell (USA)

PWG: Neil Ansell (EU)

STACFAD: Hasan Alper Elekon (Turkey)

The Commission Chair position has rotated between developed and developing States for the last few election cycles based on an informal agreement made by the Heads of Delegation at the 2013 ICCAT annual meeting in Cape Town, South Africa. Martin Tsamenyi (Ghana) was elected to serve as Chair for the 2016-17 biennial period and was eligible for re-election. During the 2017 annual meeting, he expressed some interest in continuing in the position. Given health concerns, however, he had also noted a willingness to step aside. If he was not re-elected, the expectation was that another developing State candidate would take his place to complete the agreed rotation. After much, mostly informal, discussion, the Commission elected Raul Delgado of Panama as Commission Chair.

2018 ICCAT Annual Meeting: The Commission accepted an offer from the EU to host the 21st Special Meeting of ICCAT in Croatia on November 10-19, 2018. The Compliance Committee will meet for the first two days of the meeting to provide extra time for that body to conduct its work, including more fully implementing process improvements agreed in 2016. The formal opening of the ICCAT meeting will be on Monday, November 12.

STACFAD

Budget: The United States and several other CPCs had expressed growing concern that core Commission activities were increasingly funded through the variable, extrabudgetary Working Capital Fund. While parties could not agree to the sharp annual increase that would have been necessary to bring all of these items under ICCAT's regular budget, STACFAD supported a phased approach to begin this transition. Toward that end, there was support for a budget that included 5% increases in each of 2018 and 2019 to finance some of the items previously funded out of the Working Capital Fund. STACFAD also agreed to use the funds in the Scientific Capacity Building Fund in 2018 as a mechanism to support additional SCRS priorities.

eBCD System Funding: The Chair of the Electronic bluefin tuna catch documentation system Technical Working Group (eBCD TWG) developed a strawman proposal to amend the financial rules to provide a long-term funding mechanism for the eBCD system based on ideas discussed by the TWG in March 2017. The proposal was very general in nature, providing elements to be taken into consideration but not suggesting how they would be weighted. Despite several informal working sessions on the issue, there was not time during the annual meeting to work out the details of how the funding mechanism would work. It was agreed that consideration of this matter should continue during the 2018 intersessional period with a view to finalizing text to amend the financial rules during the 2018 ICCAT meeting so that the new budget rules could be applied during development of the 2019-2020 biennial budget. In the meantime, the eBCD will continue to be funded in 2018 from both the regular budget, voluntary contributions, and, if needed, the Working Capital Fund.

Arrears: STACFAD noted that five Contracting Parties were in arrears and in danger of having their voting rights suspended per Article X of the ICCAT Convention. These parties were strongly encouraged to contact the Secretariat to provide payment plans.

Performance Review Recommendations: STACFAD reviewed the recommendations of the expert panel that were relevant to it. It agreed with the panel that, prior to adoption of each new proposal, an assessment be carried out of the impact that its implementation implied for the Secretariat's workload. STACFAD agreed with the recommendation that ICCAT's published Rules of Procedure and financial regulations be updated to reflect a number of amendments that had been adopted since 2012, including revisions to ICCAT intersessional voting procedures. Updates to these ICCAT basic texts will be uploaded on the ICCAT website when complete. With regard to other performance review recommendations, STACFAD agreed that these should be reviewed as a priority next year.

Communications Working Group: STACFAD noted that no new work had been carried out by the communications working group during the intersessional period. STACFAD agreed that this issue should not continue to be included as a standing agenda item for future STACFAD meetings. Rather, individual CPCs should be encouraged to work on any relevant issues and to develop and submit proposals for consideration by STACFAD in the future, as appropriate.

Panel 1

Key issues discussed by Panel 1 including the 2016 TAC overharvests for both bigeye and yellowfin tunas, the high juvenile mortality for these two species linked to purse seine fishing on fish aggregating devices (FADs), and reducing discards.

Senegal and Cote d'Ivoire introduced a proposal to prohibit discards in the tropical tuna purse seine fishery by 2020 by requiring full retention except in limited circumstances. An EU suggestion that language be added to prohibit discards in fisheries using other gear types, such as longline, was not broadly supported. Instead, language was added to encourage (but not require) vessels targeting tropical tunas with other major fishing gears to retain and land (or transship to port) all catch of these species. The EU also added a paragraph tasking the SCRS with examining the benefits of full retention of non-target species by purse seines and other major gear types. The United States provided edits for an exception to mandatory retention in cases where ICCAT

measures in force or national regulations prohibit their retention or encourage their release and to clarify that transshipment must be in compliance with Rec. 16-15. With new language to clarify the reporting responsibilities of observers, the measure was adopted.

The EU and South Africa introduced competing proposals to address the 2016 bigeye and yellowfin tuna TAC overharvests. The EU's proposal suggested reducing the carry-forward allowance of unused quota for bigeye and yellowfin tunas. The United States and a number of other CPCs expressed concern that the EU's proposal did not lower catches enough to stop overfishing and begin to rebuild the bigeye tuna stock. In particular, the proposal would not meaningfully restrict fishing on FADs or implement other measures to reduce catches of juveniles. Further, the suggestion to reduce the yellowfin tuna TAC would have no impact on catch levels since ICCAT has not yet adopted country-specific quotas for this species. The EU modified its proposal to call for an intersessional meeting that would evaluate management options for different gears and identify (1) expected impacts on MSY and stock status of different gear/catch contribution, (2) mechanisms to ensure effective implementation of the tropical tuna management measures, (3) MSE for tropical tunas, and (4) a work plan to address recommendations of the *Ad Hoc* Working Group on FADs. South Africa's proposal, which was more comprehensive and included a number of co-sponsors, included provisions to implement FAD management objectives; cap the number of large-scale purse seine vessels and the number of floating object purse seine sets; strengthen monitoring and reporting of fishing on FADs; freeze the number of supply vessels; and begin discussion to revise the allocation scheme for bigeye tuna and develop one for yellowfin tuna. Despite extensive discussion and debate, neither proposal achieved consensus.

In light of the outcome of the discussions, Panel 1 agreed that a provision in the existing management measure (Rec. 16-01) required CPCs to "repay" the amount of the bigeye tuna TAC that was overharvested. There was disagreement, however, on the appropriate way to implement this provision. Contrary to the U.S. understanding, the overharvest level was ascertained using catch data from the compliance tables rather than the SCRS Task I data. The compliance tables indicated a lower level of overharvest in 2016 and, thus, the amount of the TAC to be repaid will not cover the total amount of the overharvest.

Panel 1 also agreed to convene an intersessional meeting in 2018 to consider the conservation and management of tropical tunas more comprehensively. The EU offered to develop terms of reference and an agenda for this meeting in cooperation with the United States, South Africa, and other interested parties. This meeting, scheduled for July 23-26, 2018, in Bilbao, Spain, will occur after the bigeye tuna stock assessment and is expected to help set the stage for the adoption of new, more effective conservation and management measures, including on small fish, at the 2018 annual meeting. ICCAT also created a small technical working group on FADs, as recommended by the Joint Tuna RFMO FAD Working Group and the ICCAT FAD Working Group: these outputs should facilitate efforts to effectively monitor and control FAD fisheries.

Panel 2

Northern Albacore Tuna: The EU tabled a proposal to establish an interim harvest control rule (HCR) for North Atlantic albacore for 2018-2020, with the goal of adopting a long-term HCR following further MSE testing over the next few years. This proposal was based on outcomes of the intersessional SWGSM meeting in June 2017 and work by the SCRS to test, through MSE

simulations, a set of candidate HCRs. The United States and Canada contributed substantially to this proposal and eventually co-sponsored. It establishes reference points ($B_{\text{thresh}}=B_{\text{msy}}$; $B_{\text{lim}}=0.4B_{\text{msy}}$; $F_{\text{tar}}=0.8F_{\text{msy}}$; and $F_{\text{min}}=0.1F_{\text{msy}}$, the last of which is to ensure scientific monitoring), and includes the specific harvest control rule formula and figure, as well as the formula for setting the appropriate fishing mortality rate and, in turn, the TAC. The 3-year constant annual TAC is 33,600 t for 2018-2020; this 20% increase from the 2017 TAC of 28,000 t is consistent with the Commission's chosen stability clause, which limits any increase to 20%. Application of the existing northern albacore allocations results in a U.S. quota of 632.4, which is an 20% increase over the current 527 t quota. The SCRS will develop criteria for the identification of exceptional circumstances and initiate a peer review of the MSE in 2018. Refinements of the interim HCR may be considered by the Commission in 2018 on the basis of this peer review.

Mediterranean Albacore Tuna: ICCAT also adopted a first-ever measure for Mediterranean albacore with the goal of maintaining catches below MSY, consistent with SCRS advice. It limits the number of vessels authorized to fish for Mediterranean albacore to the number of vessels authorized for Mediterranean swordfish (under Rec. 16-05), with a tolerance limit of 10% to this capacity limit, and establishes a closed fishing season for this species to align with the Mediterranean swordfish closure (i.e., Oct 1-Nov. 30).

Western Bluefin Tuna: The SCRS conducted a new stock assessment for western Atlantic bluefin tuna in 2017. For the first time, SCRS conducted analyses and provided advice based on fishing mortality reference points rather than biomass based reference points given significant uncertainties in some population characteristics, such as the stock-recruit relationship, that resulted in previous assessments generating highly divergent stock status estimates. The SCRS advised that the TAC could increase from 2,000 t to as much as 2,500 t under the new assessment approach. The United States tabled a proposal to establish interim conservation and management measures for western Atlantic bluefin tuna (2018-20) that was responsive to the 2017 stock assessment while recognizing the need for a transition between the 20-year rebuilding program adopted in 1998 and a future approach to managing the stock that relies on management procedures to meet Convention objectives (i.e., to maintain populations at levels that will support maximum sustainable yield). Following intense negotiations, the Panel ultimately agreed to a modified version of the U.S. proposal that rolled over most existing provisions of the western bluefin tuna rebuilding program while increasing the TAC to 2,350 t for each year in the 2018-2020 period. This TAC level provides a buffer from the top end of the range in the scientific advice to ensure additional precaution given the uncertainties that are not fully accounted for in the assessment and ensures a high probability of avoiding overfishing while also aiming to achieve short- and longer-term stability in the fishery. At the request of Mexico, the SCRS was asked to provide advice on the efficacy of the Gulf of Mexico directed fishery prohibition to reduce mortality of spawning age bluefin tuna. The SCRS and the Commission will work toward the anticipated adoption of a management procedure for western Atlantic bluefin tuna by 2020.

Eastern Atlantic and Mediterranean bluefin tuna: Norway and the EU tabled competing proposals on the management of eastern Atlantic/Mediterranean bluefin tuna. The EU document attempted to completely revamp Rec. 14-04, including structural as well as substantive changes.

Key aspects were to move from a recovery plan to a management plan, relax rules related to small-scale fisheries, including minimum size and bycatch restrictions, increase monitoring requirements on towing vessels, and other aspects. It did not initially specify a TAC level, nor did it propose changes to the allocation scheme. Norway proposed a stepwise TAC increase to 28,000 for 2018; 32,000 for 2019; and 36,000 for 2020 and also included special provisions to allow the retention and sale of bluefin tuna taken beyond quota limits for those CPCs with full retention requirements and that also denied fishermen any profit from the harvest. The EU's proposal was used as the basis for negotiations as Norway preferred the way it was restructured. The long and complicated draft was discussed over several evening working sessions to try to develop a consensus text but that was not possible in the available time, and it was deferred for possible consideration in 2018.

In the meantime, the Panel 2 Chair worked behind the scenes for many days to try to develop an acceptable quota allocation scheme. For many CPCs the issue of allocations was paramount. Several called for this aspect of the measure to be revised to be more fair and equitable. Many argued that their allocation should be raised to reflect their historical participation in the fishery now that the stock status was improved and the TAC was to be increased. Some also noted that they deserved a higher quota given their contribution to science (including providing CPUE and other data for the stock assessment), the important role they have played in conservation of the stock (such as not harvesting their quota when the stock was at low levels) and/or their desire to further develop their fishery, including to meet current fishing capacity.

Since negotiations on the EU proposal could not be concluded, the Panel 2 Chair put forward a proposal to ensure there would be no lapse in the management of the eastern fishery. The Chair's proposal, tabled during the final Commission plenary session, essentially rolled over most provisions of the current rebuilding plan while adjusting the TAC and allocations. The Chair's proposal initially stepped up the TAC over three years as follows: 28,000 for 2018; 32,000 for 2019; and 36,000 for 2020. Following an adjustment for Algeria, the TACs were increased to 28,200 t for 2018; 32,240 t for 2019 and 36,000 t for 2020. The United States suggested that the TAC should include dead discards to properly account for all mortality; Norway and Iceland supported this suggestion. Several CPCs registered concern and disappointment with their allocations but indicated they could go along in the spirit of compromise. Norway, on the other hand, expressed a strong reservation to the Chair's proposal given dissatisfaction with its allocation and with the process used by the Chair to develop the revised allocation key. As a result, Norway indicated that it reserved its right to lodge a formal objection to the measure. In the end, the measure was approved with the understanding that Panel 2 would hold an intersessional meeting from March 5-7, 2018, in Madrid to reconsider allocations for 2019 and 2020 using quota from the unallocated reserve. Panel 2 will also review and, as appropriate, endorse CPC fishing, inspection, and capacity plans for the 2018 eastern bluefin tuna fishery at the intersessional meeting. (Note: Norway formally objected to Rec. 17-07 in February 2018 but indicated its intent to fish in accordance with its provisions.)

Panel 3

Given that there were no draft proposals for consideration, Panel 3 focused its efforts on adjusting the compliance tables for southern albacore, as the Compliance Annex that was adopted at the 2016 Annual Meeting did not include the application of the carry-forward rules

under paragraph 4(c) of Rec. 13-06. Panel 3 worked to successfully update the adjusted quotas for 2017 and reflect CPC requests to carry forward underharvests to 2018.

Panel 4

North Atlantic Swordfish: The 2017 stock assessment for North Atlantic swordfish indicated that the stock remains rebuilt, but with lower productivity than previously estimated. The EU introduced a proposal for North Atlantic swordfish calling for a TAC reduction from 13,700 t to 13,200 t for each year of the 2018-2020 period based on the scientific advice. The initial proposal included a proportionate reduction in CPC allocations and eliminated quota underharvest carryforward provisions. Following discussion, the EU amended its proposal and the adopted measure maintained the allocations and the quota carryforward provisions. The United States opted to remove a provision from the recommendation that transferred 25 t of its quota to Mauritania as that country did not submit its fishery development plan in 2018, which was a condition of the transfer. In addition, the agreed measure clarified that fishery management/development plans only need to be submitted when they are modified rather than each year. Panel 4 also decided that the North Atlantic swordfish recommendation would extend through 2021 rather than 2020 to avoid the need to renegotiate management measures for swordfish and bluefin tuna in the same year. The proposal was adopted by consensus.

South Atlantic Swordfish: A four year recommendation (2018-21) was also adopted for South Atlantic swordfish. That measure rolls over the majority of the provisions from Rec. 16-04 but reduces the TAC from 15,000 t to 14,000 t in line with scientific advice.

Fins Attached: A proposal to require that sharks be landed with their fins naturally attached was proposed (as it has been annually since 2009). The United States and other co-sponsors explained the goal of increasing the enforceability of ICCAT's shark finning ban and strengthening data collection efforts by improving species identification. The measure would prohibit the removal of shark fins at sea and require that all sharks be landed with their fins naturally attached (fully or partially) through the point of first landing of the shark. Initially co-sponsored by Belize, El Salvador, European Union, Gabon, Honduras, Norway, Panama, Sao Tomé and Príncipe, Senegal, South Africa, UK-OT and the United States, the number of co-sponsors and supporters grew to 27 CPCs; however, despite the sustained support, the proposal continued to be opposed, in particular by Japan and China, and was not adopted.

Shortfin Mako Shark: The results of a 2017 stock assessment indicated that North Atlantic shortfin mako shark was overfished and subject to overfishing. Several ICCAT members submitted proposals on the management of this stock. Japan proposed prohibiting retention of all shortfin mako sharks and requiring live sharks be promptly released unharmed. The proposal would have allowed retention of dead sharks if observers were on board vessels. The proposal emphasized observer data collection requirements and would have required reporting within 60 days. Japan proposed a TAC of 500 t with allocation, but did not include a specific allocation scheme. The EU proposed requiring release of all shortfin mako sharks caught alive, a TAC of 500 t in each of 2018 and 2019, and creation of an allocation scheme in 2019. The EU proposal would have allowed retention of dead sharks with an observer or electronic monitoring system on board the vessel. The EU proposed a monthly reporting requirement to allow the Secretariat to track catches and prohibit all retention of shortfin mako sharks once 90% of the TAC is

reached. Morocco also proposed the release of North Atlantic shortfin mako, allowing for retention of dead sharks by vessels over 15 m length overall (LOA) and provided an observer was on board and by any vessel under 15 m LOA. Morocco proposed prohibiting retention of female shortfin mako sharks and prohibiting retention of mako sharks from April 1 to June 30 each year. The Moroccan proposal would also have set a TAC of 1,500 t in 2018 and 1,000 t in 2019 and established a working group to develop an allocation scheme for the stock in 2018.

The United States presented PA4-808/17 on North Atlantic shortfin mako. The United States proposed a two-phase program to end overfishing and rebuild the stock. In phase 1, the United States proposed a prohibition on retention of all shortfin mako sharks and a requirement that live sharks be promptly released to maximize survival. The proposal would allow retention of shortfin mako sharks (1) if they were dead when brought to the vessels as verified by an observer or electronic monitoring system, or (2) if the shark was over a minimum size of at least 180 cm fork length for males and 210 cm fork length for females, or (3) when a CPC's domestic regulations require landing of all fish and no profit is drawn from those fish. The United States proposed a TAC of 500 t in 2018 and 2019 but no allocation arrangement. This proposal would have required additional information be included in annual reports and would prohibit CPCs that don't submit their data from retaining sharks. In phase 2, the United States proposed additional information to be provided by the SCRS in 2019 to support establishment of a rebuilding program at the 2019 ICCAT annual meeting.

A compromise measure was adopted by ICCAT that prohibits retention of live North Atlantic shortfin mako sharks and requires vessels to release them in a manner that causes the least harm; allows retention of dead sharks if there is an observer or electronic monitoring system on board, if the shark is over a certain size, or in some other limited cases; and creates reporting and biological sampling requirements to improve the available scientific information. No TAC was established for North Atlantic shortfin mako, but the measure is expected to stop overfishing and begin to rebuild the stock. The effectiveness of the measure in meeting these goals will be evaluated by the SCRS in 2019, along with new scientific information, at which time the Commission will establish a formal rebuilding program for this stock. The Commission will also conduct an initial evaluation of the measure in 2018 based on preliminary catch data provided for the first six months of 2018. Although several parties expressed disappointment that the measure did not establish a hard TAC, it was adopted by consensus. The EU also proposed a TAC for South Atlantic shortfin mako, but it was not adopted.

Sea Turtle Bycatch: In its 2017 report, SCRS advised that ICCAT fisheries interact with substantial numbers of sea turtles. The United States presented a proposal reflecting SCRS advice on the use of mitigation measures to reduce sea turtle bycatch in shallow-set longline fisheries. It called for (a) use of large circle hooks, which are fishing hooks originally designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape, and which, if offset, have an offset that does not exceed 10 degrees; or (b) use of whole finfish bait; or (c) other measures considered effective by the SCRS and approved by the Commission. The proposal emphasized existing bycatch and observer program reporting requirements. Brazil, Guatemala and Honduras joined as co-sponsors. Following discussion, the proposal was amended with clarifying edits and the addition of language on geographic area where the recommendation would

apply. The EU and Uruguay expressed concerns about the impacts of the use of circle hooks on other species, including sharks. Despite additional supporting information provided on this point, there was no consensus and the measure was not adopted.

PWG

eBCD System/BCD Program: The European Union introduced a proposal to indefinitely extend two derogations from eBCD validation requirements for trade of processed products between EU member states and for small tagged bluefin. The EU provided a report on its implementation of these derogations, but the United States and others felt the report provided insufficient information to understand the impact of the derogations. PWG ultimately approved an amended proposal (Rec. 17-09), which extends the two derogations through 2020, outlines circumstances in which paper BCDs may be used if technical difficulties occur outside of working hours and establishes processes for notifications, and specified that the eBCD system should be used as far as possible to meet the reporting requirements in paragraph 34 of Rec. 11-20. The United States provided language for the PWG report to clarify expectations regarding what information CPCs using the two derogations should report each year. Japan tabled a proposal that would allow the eBCD system to fulfill the reporting requirements in the trade measures recommendation (Rec 06-13). PWG deferred the matter to the IMM for a more comprehensive discussion of how the eBCD system can fulfill and simplify reporting requirements.

ICCAT considered but did not adopt two proposals from Norway that would have amended Rec. 11-20 and Rec. 15-10 to allow countries with domestic full retention policies to issue eBCDs for catch exceeding their quota so the product can be traded, provided that the fishermen does not receive any profit from the catch. Several CPCs opposed these measures, arguing that they would allow Norway and others to trade bluefin that was not caught legally. Japan indicated flexibility on this point if the government in question could provide a letter certifying that the eBCD is associated with a fish that was confiscated. Norway strongly objected to the characterization of their catch as illegal and noted that many other CPCs do not adequately account for their dead discards. The United States noted that there are existing mechanisms to deal with overharvest such as quota pay-back provisions and it might be feasible to allow eBCD to be generated for a fish taken over quota, whether or not confiscated, if the harvesting country reduced its quota in the following year or two as required by ICCAT. While other CPCs shared concerns about accounting for bycatch and discards, no agreement was reached on these two proposals and they were deferred to the IMM for further consideration.

Statistical document programs: The PWG discussed the implementation of ICCAT's Statistical Document Programs. It was noted that some trading countries had not provided their validating authorities to the Secretariat and should be encouraged to do so. Several CPCs pointed out the need for refinements to the statistical document programs to improve reporting, address duplication with other requirements, and expand their scope. This matter was referred to the 2018 IMM intersessional meeting for further discussion.

IUU Vessel List: PWG adopted the list of vessels identified as engaging in illegal, unreported, and unregulated (IUU) fishing. Turkey had proposed the inclusion of two Greek vessels to the list but withdrew its proposal after bilateral discussions with the EU. PWG also discussed an

unusual situation involving an IUU listed vessel that appeared to have the same International Maritime Organization (IMO) number as a Chinese vessel included on ICCAT authorized list. ICCAT, ultimately deciding to keep the vessel on the IUU vessel list but remove its IMO number. The United States raised the ongoing problems with implementation of the cross-listing and intersessional delisting processes of the IUU vessel list recommendation. The PWG clarified that decisions to delist vessels intersessionally require an affirmative response from a majority of CPCs and that a lack of response should not be interpreted as agreement. To address any remaining confusion associated with the IUU vessel listing measure (Rec. 11-16), PWG agreed that the intersessional IMM meeting should further discuss matters related to the criteria for listing a vessel and the processes for cross-listing and delisting vessels intersessionally.

Observer Safety: The United States introduced its proposal to establish stronger observer safety standards and processes in ICCAT's regional observer programs (ROPs). Japan, China, and others supported the proposal and highlighted the importance of protecting the health and safety of observers. At the same time, they raised some concerns about timing and costs and suggesting some revisions to the text. Norway argued that observer safety is the purview of the International Maritime Organization (IMO). The United States introduced changes to address concerns but Japan stated that the measure should be further revised to include the minimum criteria for an observer emergency action plan before it could be adopted. The matter was ultimately deferred for discussion at the 2018 IMM intersessional meeting.

At-Sea Inspector Exchange: The United States, with co-sponsors EU, Liberia, and Senegal, introduced a draft resolution to establish a pilot program for the voluntary exchange of inspectors to cooperate in conducting at sea boarding and inspections. While there was broad support for the non-binding proposal, some CPCs expressed concerns. There were requests for clarification regarding whether the proposal would apply only to ICCAT-managed fisheries or all fisheries within the Convention area and whether it would allow for the exchange of inspectors to conduct operations within EEZs or only on the high seas. A number of edits were suggested to clarify the scope of the measure but consensus could not be reached in the time available, and there seemed to be a lack of understanding of the intent of the proposal among some CPCs. The issue was referred for discussion at the 2018 IMM intersessional meeting. In a related discussion of the recommendation from the performance review panel on the need to develop and agree a modern high seas boarding and inspection measure, the EU and some others expressed strong support while China and Brazil raised concerns.

Port Inspection Expert Group: The Chair of the Port Inspection Capacity Building Experts Group provided a report on the group's intersessional meeting and activities, in particular the development of an assessment tool to help determine the port inspection capacity building needs of ICCAT developing States. The PWG supported the work of the group and suggested it meet again in 2018, if possible in conjunction with the IMM working group meeting. This was consistent with a recommendation from the performance review panel.

Other MCS issues: PWG closed without much (if any) substantive discussion of several agenda items, including transshipment requirements, chartering rules, vessel sighting, implementation of the port inspection measure, and flag state responsibilities. In particular, there was no discussion of ICCAT's vessel monitoring system (VMS) recommendation, although Rec. 14-09 called for

the Commission to review the measure no later than 2017 and consider revisions to improve its effectiveness. United States noted the importance of reviewing the measure given previous discussions of the polling rate and noted that this should be a high priority for the IMM working group when it meets in 2018. In addition, during the review of the performance review recommendations referred to PWG, Morocco highlighted the need for improving the VMS and port inspection measures. More detailed discussion of the performance review recommendations was deferred to a future meeting.

Compliance Committee

Compliance Annex: The Commission endorsed all compliance tables following several revisions made throughout the meeting. Several countries overharvested their catch limits and ICCAT payback rules were applied.

Identifications and Compliance Letters: Based on the COC annual review of fishery related activities of members and non-members, letters describing compliance concerns will be sent to 38 CPCs and non-CPCs. The Committee lifted identifications of Liberia, Sao Tome et Principe, Trinidad and Tobago, Cambodia, and Grenada and maintained identifications of Sierra Leone and Dominica. Identified parties are notified after the annual meeting of issues that led to their identification. Failure to rectify the problematic activity before the next ICCAT annual meeting could result in more severe action, including the imposition of non-discriminatory trade restrictive measures. The United States will follow up bilaterally in 2018 with parties receiving a letter from ICCAT to highlight concerns and urge these parties to take effective action to rectify the situation.

Retention prohibition: Brazil had failed to submit any 2016 catch data for its fisheries. Under ICCAT rules, this would typically result in an automatic prohibition of the retention of those species until the data were submitted. However, Brazil explained its many institutional and economic challenges and expressed its unwavering intent to report all data by March 31, 2018, including a full revision of all data submitted in the past five years. In light of these extenuating circumstances and Brazil's clear commitment to come into full compliance, ICCAT granted a time-limited derogation to the prohibition on retention specified in Rec. 11-15 (a.k.a., "no data/no fish"). Should Brazil fail to meet its deadline, the retention prohibition will go into effect and cannot be lifted until the required data are submitted. Other parties who failed to submit their Task I data by December 1, 2017, would be subject to the retention prohibition and would be sent letters notifying them to this effect.

Cooperating Status: The Committee renewed the Cooperating Status of Bolivia, Chinese Taipei, Costa Rica, Guyana, and Suriname. Letters will be sent notifying these parties of the Commission's decision. The United States noted in particular that it would like to receive clarifications from Guyana on whether its research fishery for swordfish has expanded as well as a report on its 2017 fishing activities. Failure by Guyana to provide pertinent information on its fisheries could result in cooperating status not being renewed in the future.

Other Outreach: The Commission agreed that the Secretariat should communicate with WECAFC to request that its members, or WECAFC itself, report information to ICCAT about fishing activities for species managed by ICCAT, including catch data, in particular for billfish

and fishing by ICCAT non-CPCs. The Committee agreed to send letters from Commission Chair to St. Kitts & Nevis and St. Lucia to encourage greater participation in the Commission, and to Gibraltar to request cooperation with ICCAT and to request catch data and information on measures in place to manage and control bluefin tuna fishery in a manner consistent with ICCAT measures.

Check Sheets: Given the very low submission rate with respect to shark checksheets in 2017, Japan proposed and the Commission agreed that it should continue to accept shark checksheets, as required in Rec. 16-13, in 2018, and deferred review of these checksheets until the 2018 meeting. The Commission endorsed a recommendation for the COC and PA4 Chairs to develop a proposal for a billfish reporting checksheet similar to the shark checksheet for consideration at the 2018 annual meeting.

Online reporting technology working group: Throughout the COC meeting, many parties highlighted difficulties in complying with reporting requirements and requested that the COC consider mechanisms to streamline the reporting process. The COC noted that development of an online reporting system would help improve accurate and timely reporting and discussed the particular need to build capacity of developing countries to comply with reporting requirements. An update on the work of the online reporting technology working group was provided, and the Commission agreed that the working group should (1) collaborate with SCRS on this project given SCRS needs and ongoing work on the topic and (2) hold an in person meeting in 2018 to continue its work.

Special COC Sessions: The Commission agreed to hold a special session of COC on November 10-11, 2018, just before the opening session of the Commission, as recommended in Res. 16-12 Para 6, to provide additional time to conduct a CPC-by-CPC review. The Commission endorsed a recommendation from the COC Chair for the Panels to add an item early in their respective agendas for the Annual Meeting to review and provide appropriate input on compliance tables and then send them to the COC for review and appropriate action. It was also agreed that the COC should take concrete steps at its 2018 meeting to implement the Schedule of Actions in Res. 16-17, which provides a more detailed way to assess non-compliance and provides a broader variety of actions that can be taken by ICCAT and its subsidiary bodies to address non-compliance.

Final Observations: The agenda for the 2017 ICCAT meeting was demanding as a result of new scientific advice on a number of important stocks, time-consuming eastern bluefin tuna discussions, negotiations to amend the Convention that again included unexpected twists and turns, elections for leadership positions and a scheduling conflict at the meeting venue that unexpectedly cut the meeting a day short. The U.S. Delegation was nevertheless satisfied overall with the outcomes on a number of priority issues. Other items, including Convention amendment and proposals on observer safety, at-sea inspector exchange, fins attached, and sea turtle bycatch, built momentum at the 2017 Commission meeting and will continue to be priorities for U.S. engagement with ICCAT over the next year.