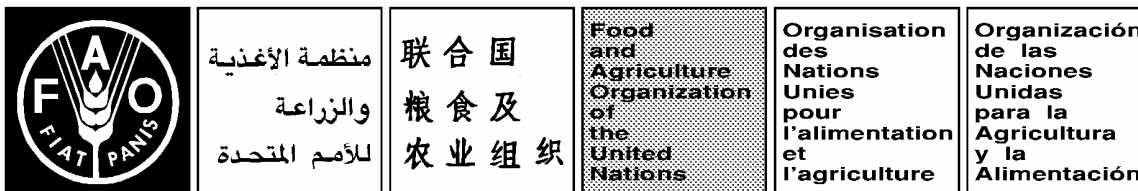


October 2004



**EXPERT CONSULTATION ON DATA FORMATS AND PROCEDURES
FOR MONITORING, CONTROL AND SURVEILLANCE**

**BERGEN, NORWAY
25 to 27 OCTOBER 2004**

EXCHANGE OF CATCH CERTIFICATES AND TRADE DOCUMENTS

1. Catch certificates are designed with two purposes in mind: to identify the origin of catches in terms of vessel flag, fishing area, time and any related data, and then to track the produce included in catches as it moves through the market. Essentially, the certificates are created when a catch is first declared, and then accompany the content of that catch until finally sold on the retail market.
2. This activity offers a number of potential advantages, but the most compelling of these is in the area of fisheries enforcement, and particularly with regard to combating the operations of vessels that engage in illegal, unreported and unregulated (IUU) fishing. Because these vessels, many of which are registered under flags of convenience, report their catches to no authority, the magnitude of these catches is essentially unknown, thus undermining management measures such as stock evaluation and quota and effort enforcement.
3. When countries require catch certification for *imported* fish products, there is a significant beneficial effect. This is that, working upon the assumption that the produce of virtually all IUU fishing is imported, the portion of these catches find their way onto the market are probably reported wherever the certificate is issued.
4. More important, the catch certification requirement is, in itself, a deterrent to illegal fishing because it makes more difficult and, consequently, less profitable, the commercialization of seafood caught by an IUU vessel. Once a catch certificate has been established, it can be followed by a number of related requirements as the catch makes its way through the various stages of the fish trade to the consumer. These might include catch marking, catch labelling, certificate of origin and trade or statistical documents.
5. Trade documents, championed by regional fisheries management bodies (RFMBs), tend to be more formalized versions of the catch certificate required by many government authorities. They contain similar information to that included in catch certificates, but their essential difference is functional in that they are required only at the time of trade of a given product.
6. Some insight into the mechanics of catch and trade certification, as well as into the mechanics of the production and use of these documents, can be gained by looking at the programs implemented by three RFMBs: International Commission for the Conservation

of Atlantic Tunas (ICCAT), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and Conservation of Southern Bluefin Tuna (CCSBT).

7. Among the family of the catch certificate programs, the Bluefin Statistical Document Program adopted by ICCAT was the pioneer. The Bluefin Statistical Document Program was implemented in 1993, and its first motivation was to clarify origins of all bluefin tuna (*Thunnus thynnus*) in the international market and track them. Ultimately, the program aimed to curb IUU fishing activities. It should be noted that IUU fishing is not limited to those of non-Contracting Parties and Entities but could include activities of Contracting Parties.
8. The CCSBT adopted the Statistical Document Program for southern bluefin tuna (*Thunnus maccoyii*), and it is almost identical to the program of ICCAT, because the problems which CCSBT faced in relation to southern bluefin tuna were very similar to these of ICCAT. Besides, the nature and market structure for southern bluefin tuna are similar to that for (northern) bluefin tuna.
9. CCAMLR adopted the Catch Document Program, a catch certificate system, for the Patagonian toothfish (*Dissostichus spp.*). With the exception of Australian and New Zealand fishing vessels, fishing vessels operating in the Commission's Convention Area were from distant home ports and had to either land their catches at foreign ports or transship them to a carrier. This suggests that the reason for the decision to request catch certificates for all the fish to be landed and/or transshipped, not only for the fish to be traded.
10. The Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), in association with Inter-American Tropical Tuna Commission (IATTC), have adopted Dolphin Safe Tuna Certification system at the very recent meeting of the parties. The final objective of the certification is different from the other programs discussed herewith, but the procedures are that of the catch certificate system, having many common elements. Thus, this program is also included in this section.
11. As there have been some historical developments, these programs are reviewed in chronological order of its implementation.

International Commission for the Conservation of Atlantic Tunas (ICCAT) Statistical Document Program

12. ICCAT's mandate concerns the conservation of tunas and tuna-like fishes in the Atlantic Ocean and its adjacent waters, including the Mediterranean Sea. Among many tuna species, bluefin tuna have had the highest value in the international market. This has attracted such a level of fishing effort that bluefin stocks, east and west, came to be considered overexploited by the Commission. Various management measures have been imposed, including strict quotas, minimum sizes, and time-area closures. These management measures have not been as effective as the Commission had wished, partly due to IUU fishing activities by vessels of a few Contracting and non-Contracting Parties and Entities.

Objectives

13. The immediate objectives of the Program were to increase the accuracy of bluefin catch statistics by clarifying the origins (flag country, area and time) of all the bluefin tuna

catches, as well as to make estimates of unreported catches made by the IUU fishing vessels of both Contracting Parties and non-Contracting Parties and Entities.

14. By adopting this program, ICCAT intended to utilize the information obtained through the Program to enforce regulatory measures and eliminate IUU fishing activities.

Procedures

15. The Program requests all Contracting Parties to require that any bluefin tuna, which are imported into the territory of a Contracting Party or at the first entry into a regional economic organization, be accompanied by an ICCAT Bluefin Tuna Statistical Document.
16. The documents should contain: information on the vessels which caught that bluefin tuna, where they were caught, and quantities by product types. The Documents have to be validated by national authorities of the flag states of the catching vessels. The original validated documents would accompany all the fish when traded.
17. In reality, exporters submit the documents filled with information needed to the government authority of flag States. Concerning the flag of the fishing vessels, if all the importing countries involved implement and comply with the Program, bluefin tuna would have to have a document issued by the flag states of the fishing vessels and there would be no room for misidentifications.
18. In the case of re-exportation, the original Bluefin Statistical Document must accompany the products together with a re-exportation Document validated by the re-exporting country's authorities. For farmed tuna, a special form has been developed.

Validation

19. The Bluefin Statistical Documents are legal only when validated by a government official of the flag State of the vessels that harvested the tuna. The requirement for validation may be met by a recognized institution accredited by the concerned government (a national Chamber of Commerce, for example) only if the catch certificate system or fish tag system is adopted at the national level.
20. Some EU member states experienced a legal difficulty in validating the catches made by EU fishing vessels. The fishing vessels from one EU member can unload their catches at any other EU members' ports while those are not considered as trade. In the original Program, even when all these catches are landed at a foreign port, they had to be validated by the flag states of the fishing vessels. Accordingly, the ICCAT recommended that an EU member state may validate Bluefin Statistical Document for catches unloaded to that member state, even if they have been made by other EU member fishing vessels.

Required Information

21. The information required in the Bluefin Statistical Document includes the:
 - name of the country issuing the document;
 - name of the exporter and the importer;
 - area where fish in the shipment were harvested (i.e. for the Atlantic Ocean, the areas would be east Atlantic, west Atlantic or Mediterranean Sea);
 - gear utilized to catch the fish;
 - type of product and total weight; and
 - place of export.

22. The Commission had not established a standard form to be used. Hence the form was left for the importing countries and since most of the fish are imported by Japan, the form developed by the Japanese government has been widely used. It should be noted that the name or the flag of fishing vessels are not required in the form. However, because the Document can only be validated by the flag state, the flag of fishing vessels is indirectly known.

Results

23. At Scientific Committee meetings, scientists use the Bluefin Statistical Document summary reports to estimate unreported catches. Though the estimated weight of unreported catches was most likely the minimal estimate, they were used in the scientific stock evaluations.

24. Also, the Commission identified various IUU countries using the data from Bluefin Statistical Documents. These are combined with other information on violations (e.g. sighting reports, port inspections, etc.) and used as evidence of non-compliance, when the Commission took actions to curb IUU, including final trade measures. Thus, the ICCAT Bluefin Statistical Document Program has facilitated many management measures and Action Plans adopted by the Commission, by providing the Commission with circumstantial evidences of IUU fishing.

Other Regulatory Measures

25. There are many conservation measures which go together with the Bluefin Statistical Document Program, including:

- catch quotas for bluefin tuna;
- action Plans for implementing conservation measures, including trade restrictions (for non-Contracting Parties and Entities);
- compliance agreements for Contracting Parties, including trade restrictions;
- vessel monitoring systems (on probation basis);
- port inspection;
- reporting the sightings of IUU vessels;
- prohibition of transshipments from identified IUU vessels; and
- discouraging the purchase of any tuna from IUU vessels.

Difficulties

26. The major difficulties result from the program not being one of catch certificates. Because the fish have to be identified and certified only at the time when they are sold in the international market, by the time the document is required, some essential information on the actual at fishing activities might have been lost. For this reason, there is some room for misreporting concerning the flag, quantities, area and time of the catches. This may be particularly true for the IUU fishing countries, since the validations are often made by the diplomatic establishments at the transshipment ports (Council, Embassy) that are not necessarily familiar with the fishing activities.

27. Relating to this fact, the weight requested in the statistical documents is the product weight, and not a live round weight. Furthermore, the area of the catch is very general, i.e. from entire oceans or large ocean areas. These difficulties can be solved if a catch certification program is carried out at the national level.

28. The Bluefin Statistical Document Program also risks double reporting. For example, if a specimen is separated into two or more parts and exported, two documents will be issued and estimates from statistical documents may contain this double reporting.
29. Another major concern is compliance. If one country (Contracting Parties or non-Contracting Parties) does not enforce the Program, bluefin tuna can be imported into that country, without any Bluefin Statistical Document, and may be re-exported as the product of that importing country. That makes hiding (laundering) illegal catches of tuna easy. Therefore, it is essential that all the countries implement and comply with the Program.
30. There are other problems such as species misidentification, small fish caught in bulk, deliberate or unintentional misreporting of flag, species, area and time, etc. These difficulties, while important, are common with any other system.

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Catch Document Scheme

31. CCAMLR's mandate covers nearly all marine living resources in the Antarctic Ocean (excluding marine mammals, which are covered by two other Conventions).
32. One of the major and most valuable resources is the Patagonian toothfish, the stocks of which recently have been overexploited. The Commission implemented a series of conservation measures, including the setting of a total allowable catch (TAC) and Precautionary Catch Limits (i.e. catch limits for target species which allow for feeding requirements of dependent and related species). These measures, however, were not fully effective, mostly due to the activities of IUU fishing vessels.
33. The Commission adopted a catch document scheme, in contrast to ICCAT's trade documents, as an effort to combat IUU fishing. CCAMLR implemented the Catch Document Scheme for Patagonian toothfish in June 2000.
34. The CCAMLR system is applied not only to the fish in the international trade, but also to any fish entering any ports or being transshipped. Therefore, it is applicable to all the retained catches, regardless to whether they are sold in foreign or domestic markets. In validating the documents, the authority is requested to judge whether or not the catches are consistent with its authorization to fish.
35. The CCAMLR system is only fully implemented for the Convention area, even though toothfish are also caught outside the area. Since toothfish catches outside the Convention Area are not covered by the Commission, flag States are requested only to verify the fish which have been caught by a boat licensed to fish that stock. This weakens the system.

Objectives

36. The principal objectives of the Catch Document Scheme are to:
 - monitor the international trade in toothfish;
 - identify the origins of toothfish imported to, or exported from, the territories of Contracting Parties
 - determine whether or not toothfish caught in the Convention Area are imported to, or exported from, the territories of Contracting Parties in a manner consistent with CCAMLR conservation measures; and
 - collect catch and effort data for the scientific evaluation of the stocks.

Procedures

37. Each Contracting Party should identify the origin of toothfish brought for landing in its territories imported into, or exported from, its territories, regardless of whether landing is inside or outside the flag state territory, and determine whether they were harvested in the Convention Area in a manner consistent with CCAMLR conservation measures. The flag States issue the catch document forms only to those who are legally permitted to fish for toothfish in the Convention area, and those who intend to fish outside Convention Area.
38. The same form has different sections to be used for records and validation through the various steps of fishing and landing, i.e. by issuing authorities of the flag State, by the master of fishing vessels, by the recipient of the catch at the port of landing, by the master of receiving vessel, by port authorities and by authority of exporting State.
39. The Contracting Party requires its flag vessels to complete a toothfish catch document for the catch landed or transshipped on each occasion that it lands or transships toothfish and for that document to accompany the catch. The documents have to be dully signed by the masters of the vessels. Non-Contracting Parties may issue catch document forms to any of its flag vessels that intend to harvest toothfish.
40. If the flag State determines that the catch landed or transshipped as reported by the vessel is consistent with its authorization to fish, the State shall convey a unique flag State confirmation number to the vessel. Therefore only the properly numbered documents identify and accompany legal catches.
41. Contracting Parties must ensure that all toothfish imported into their territories are accompanied by the export-validated or re-export catch document(s), which must be examined and verified by its customs authorities or other appropriate officials.
42. Copies of each export or re-export document should be sent electronically to the Secretariat of CCAMLR, by the Contracting Parties that issued such documents. These copies are available only to authorized personnel of the Contracting Parties.
43. Obligations by various partners are listed below.
44. Obligation of fishing vessel masters:
 - ensure that all items are recorded in the form;
 - if two species are mixed, record each weight separately;
 - if catches include from different areas, record them separately;
 - report to flag states the details of trip and catches, landing and transshipments;
 - enter the flag state confirmation number in the documents; and
 - confirmation of landing or transshipments by obtaining signature of the authority of the port of landing, or of the master of the ship to which catch was transshipped.
45. Obligation by flag States:
 - issue document forms;
 - give flag state confirmation number if it determines the catch landed or transshipped is consistent with authorization to fish; and
 - report verified catch documents electronically to the Secretariat.

46. Obligation of exporters and re-exporters:
- complete the form (catch certificate) for specification of exporters and quantity to be exported;
 - obtain validation of the Document by the responsible authorities of the Exporting States (signed and stamped certification);
 - in case of re-export, request information on import; and
 - report issuance of the certificates electronically to the Secretariat.
47. Obligation by the recipients (importers):
- ensure that all the imported products are accompanied by the export-validated or re-export catch document(s).

Validation

48. As explained in the previous subsections, validations of the documents must be made at several different stages and require signature and stamps, including those of the:
- fishing vessel master;
 - flag State authorities (Flag State Confirmation number);
 - master of the vessels receiving transshipment or port authority of point of landing (Landing Certificate); and
 - authority of exporting or re-exporting countries (Export Validation).
49. The European Community is finalizing legislative measures needed to introduce a binding legal instrument which would be in force in all its member States.

Required Information

50. From issuing authorities of flag State:
- specification of issuing authority;
 - standardized but independent code numbers given to each document;
 - name, home port, national registry number, and call sign of the vessel and, if issued, its IMO/Lloyd's registration numbers; and
 - reference number of the license or permit, whichever is applicable, that is issued to the vessel.
51. From fishing vessel masters:
- weight of each *Dissostichus* species landed or transshipped by product type;
 - catch weight by dates and by the CCAMLR statistical sub-area or division, if caught in the Convention Area and/or by FAO statistical area, subarea or division if caught outside the Convention Area; and
 - date and the port at which the catch was landed, or the date and the vessel, its flag and national registry number to which the catch was transshipped.
52. From landing port authorities or master of receiving vessel:
- specifications of the recipient(s) of the catch and the amount of each species and product type received; and
 - specifications of validation of transshipments.
53. By exporting countries authorities:
- specification of exporter's quantities, etc.;
 - specification of importers and landing site; and
 - reporting information collected by Catch Document

54. As mentioned before, copies of the catch documents must be sent electronically (by both the issuing importing country) to the Secretariat immediately after each landing and/or transshipment. The Contracting Parties are also requested to report annually to the Secretariat data summarized from such documents pertaining to the origin and amount of toothfish exported from and imported into its territory.

Results

55. Most important, for the fish which are not legally taken, the Document is not issued (or not validated with document numbers) by the flag states. If the importing countries fully implement the Program and require all the fish to be accompanied by the document, those illegal fish cannot be traded.

56. Many Contracting Parties are not accepting toothfish which are not accompanied by the validated catch documents (i.e. illegal catches) which makes the trade of illegally caught toothfish more difficult.

Other Regulatory Measures

57. There are conservation measures which go together with the Catch Document Scheme, including

- flag State licensing requirement for all vessels in the fisheries;
- fixed fishing levels for all toothfish fisheries in the Convention's water;
- mandatory vessel monitoring systems;
- port inspections of landings and transshipments; and
- marking of vessels and fishing gear.

Difficulties

58. Evaluation of difficulties is premature given the fact that the program was recently implemented.

Conservation of Southern Bluefin Tuna (CCSBT) Statistical Document

59. The CCSBT has a mandate covering all southern bluefin tuna, and hence the Convention Area covers the three major oceans (Pacific, Atlantic and Indian). The distribution of the southern bluefin tuna, however, is limited to the temperate waters of the southern hemisphere. The major fishing countries used to be Australia and Japan, with smaller catches by New Zealand, and the stock was under conservation measures, including a strict catch quota system. In recent years, however, the activities by non-Contracting Parties and IUU fishing vessels increased, and have been undermining the effect of the measures taken by the Commission.

60. Contracting Parties of the CCSBT are well aware of the ICCAT Bluefin Statistical Document, started in 1993. Because northern bluefin tuna are caught mixed with southern bluefin tuna in their fishing operations, CCSBT Contracting Parties have had to issue ICCAT Bluefin Statistical Documents.

61. As the problems encountered in the southern bluefin management have been very similar to these experienced by ICCAT, and the products of southern bluefin tuna move in a very similar manner as bluefin tuna products, the CCSBT decided to adopt a similar system to the ICCAT Bluefin Statistical Document.

62. Taking advantage of the ICCAT experience, CCSBT included in its original Resolution all the provisions adopted over time, such as provisions for re-exportation and fish farming. The CCSBT Program was adopted in March, 2000, and went into effect in June 2000.

Objectives

63. The final objective of the Program is to combat and curb IUU fishing activities. Although the Program itself can only bring the unreported catches to light, this provides the Commission with a basis for estimating the amounts of unreported catches. It also allows the Commission to monitor products of illegal catches in the International market.

Procedures

64. All the Contracting Parties are requested to insure that the southern bluefin tuna imported is accompanied by a CCSBT Southern Bluefin Tuna Statistical Document, fully validated by the flag States of the fishing vessels.

65. The procedures are by and large identical to those explained for ICCAT Bluefin Statistical Document Program.

Validation

66. The Document has to be validated, by an official of the flag country/fishing entities, or by an entity duly delegated by the authority of the flag country/fishing entity. Information on validation (e.g. type of validation, name of the organization, sample impression of stamp or seal) should be provided to the Executive Secretary.

Required Information

67. The Standard Form is provided by the Commission but any minor modification may be made by the importing countries. This Standard Form is very similar to that required by the Japanese Government under the ICCAT Bluefin Statistical Document Program.

68. The items required in the documents are almost identical to the ICCAT Bluefin Statistical Document. They include:

- name of country issuing the document;
- names of exporters and importers;
- time and area of harvest of fish in the shipment;
- gear utilized to catch the fish;
- type of product and total weight; and
- point of export.

69. An improvement seen in the CCSBT form is the addition of a column for the time of capture. Also, the resolution of areas of catch required is more detailed than in the case of ICCAT. These factors provide information which is more scientifically valid, and assist in the cross checking of data from different sources.

70. Copies of all the Southern Bluefin Statistical Documents must be sent on a quarterly basis to the Executive Secretary, where they are kept in a confidential database. The Executive Secretary circulates and reports on the summary data collected on biannual basis. When

authorized by the Commission, the Executive Secretary can provide the Scientific Committee with the data more frequently and in more detailed forms.

71. The cross checking mechanism between exporting country and importing country is well-established.

Results

72. It is too early to evaluate the effect of the program on Conservation measures taken by the Commission.
73. The CCSBT has not yet taken measures to prohibit the Contracting Parties importation of southern bluefin tuna which were not consistent with the Commission's measures. Therefore, the export-validated catch documents have no legal power, although they enable the tracking of all the southern bluefin tuna catches in the international market and also clarify which fish are legally taken and which are not. The implementation of this Program, however, would put pressure on IUU fishing countries, and in the future will serve as proof to take action against IUU fishing.

Other Regulatory Measures

74. CCSBT took various conservation measures on southern bluefin tuna, including catch quota and time area closure.

Difficulties

75. It is too early to evaluate the difficulties since the Program just became into effect in June 2000.