

**AMERICAN TROPICAL TUNA COMMISSION**

**98<sup>TH</sup> MEETING**

*(by videoconference)*

**23-27 August 2021**

**PROPOSAL IATTC-98 C-3**

**SUBMITTED BY ECUADOR**

**CONSERVATION MEASURES FOR TROPICAL TUNAS IN THE  
EASTERN PACIFIC OCEAN DURING 2022-2024**

*The Inter-American Tropical Tuna Commission (IATTC), gathered virtually, on the occasion of its 97<sup>th</sup> (Extraordinary) Meeting;*

*Aware of its responsibility for the scientific study of the tunas and tuna-like species in its Convention Area and for formulating recommendations to its Members and Cooperating non-Members (CPCs) with regard to these resources;*

*Recognizing that the potential production from the resource can be reduced if fishing effort is excessive;*

*Concerned that the capacity of the purse-seine fleets fishing for tunas in the Convention Area continues to increase;*

*Taking into account the best scientific information available, reflected in the IATTC staff's recommendations, and the precautionary approach; and*

*Recalling the need to take into account the special circumstances and requirements of the developing countries of the region, particularly the coastal countries, as recognized in the Antigua Convention, in particular in its Preamble and its Article XXIII, paragraph 1;*

*Agrees:*

To apply in the Convention Area the conservation and management measures for tropical tuna set out below, and to request that the staff of the IATTC monitor the fishing activities of the respective CPC's flag vessels relative to this commitment, and also report on such activities at each annual meeting of the Commission;

1. These measures are applicable **for the 2022-2024 fishing period** to all CPCs' purse-seine vessels of IATTC capacity classes 4 to 6 (more than 182 metric tons carrying capacity), and to all their longline vessels over 24 meters length overall, that fish for yellowfin, bigeye and skipjack tunas in the Convention Area.
2. Pole-and-line, troll, and sportfishing vessels, and purse-seine vessels of IATTC capacity classes 1-3 (182 metric tons carrying capacity or less) and longline vessels less than 24 meters length overall, are not subject to these measures, except those related to the management of FADs.

**MEASURES FOR PURSE-SEINE FLEETS**

3. All purse-seine vessels covered by these measures must stop fishing in the Convention Area for a period of 72 days in each year covered by this resolution. These closures shall be effected in one of two periods, as follows: from 00:00 hours on 29 July to 24:00 hours on 8 October, or from 00:00 hours on 9 November to 24:00 hours on 19 January of the following year.

**Alternative 1**

4. **A reduction of 10,000 tons of bigeye catch on floating objects with respect to 2019 shall be established annually for the 2022-2024 fishing period. This catch reduction shall be implemented by establishing an annual catch limit per vessel that shall not exceed 1.200 tons. This limit per vessel is based on information from 2017-2019 and allows for a catch safeguard of 10,000 tons. Vessels that exceed this limit shall be required to cease their sets on floating objects within the same annual fishing period.**

**The IATTC Secretariat, in coordination with the CPCs, and within no more than 90 days from the adoption**

of this measure, shall prepare instructions containing the actions to implement a monitoring and control system using on-board observer data, logbooks, port sampling and information from tuna processing facilities, to ensure timely notification to vessel owners so that they do not exceed the limit per vessel established in this paragraph.

In the event that the *status quo* conditions, defined as the average annual catches of bigeye tuna during the most recent three-year period (2017-2019, 65.397 t, BSE estimate), are not offset by this measure, the IATTC scientific staff may propose to the Commission an update of its recommended conservation measures.

If the implementation of this measure has positive effects that improve the status of the bigeye tuna stock, the scientific staff shall analyze the conservation measures in force in order to submit to the Commission for consideration new measures that consider reducing the number of closure days or eliminating the “corralito” for the fleet that fishes on floating objects.

**Alternative 2**

During the 2022-2024 triennium, an annual overall limit on floating-object sets shall be established, equivalent to the total number of such sets made by Class-6 purse-seine vessels during 2018. To ensure that the overall set limit is not exceeded in any of the years of the triennium, each CPC shall receive a percentage allocation of sets equivalent to its average portion of the total number of sets during 2017-2019, adjusted by the annual overall set limit (Table 1).

**Table 1**

<b>CPC</b>	<b>% allocation</b>	<b>Maximum number of sets</b>
<i>Colombia</i>		
<i>United States</i>		
<i>Ecuador</i>		
<i>El Salvador</i>		
<i>Mexico</i>		
<i>Nicaragua</i>		
<i>Panama</i>		
<i>Peru</i>		
<i>Venezuela</i>		
<i>European Union</i>		

In the event that a CPC exceeds its percentage allocation during any one year of the triennium, represented in the maximum number of sets allowed annually (see Table 1), the CPC shall receive a penalty which shall imply that all Class-6 vessels flying its flag that set on floating objects shall be required to stop fishing for 10 days the following year. These 10 days of inactivity due to the penalty shall be considered complementary to the closure period indicated in paragraph 3.

From 2023 through 2025, the IATTC scientific staff shall review whether the corrective fishing effort actions (capacity, number of sets, catch) linked to the 10-day penalty offset excess sets and their associated catches of bigeye tuna. In the event that the *status quo* conditions, aimed at maintaining the annual overall limit on floating object sets, are not offset by the penalty, the IATTC scientific staff may propose to the Commission a new number of penalty days in order to reduce the fishing effort to the level of the 2017-2019 triennium.

The fishing suspension indicated in this resolution shall not apply to classes 3-5 tuna purse-seine vessels.

5. The fishery for yellowfin, bigeye, and skipjack tuna by purse-seine vessels within the area of 96° and 110°W and between 4°N and 3°S, known as the “corralito”, which is illustrated in Figure 1, shall be closed from 00:00 hours on 9 October to 24:00 hours on 8 November of each year.

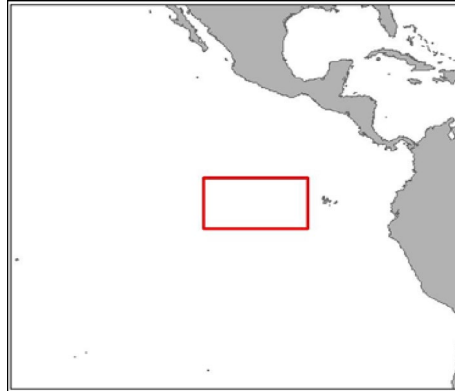


Figure 1. Closure area

6. a. For each one of the closure periods, each CPC shall notify the Director, by 15 July of each year, the names of all the purse-seine vessels that will observe each closure period.
- b. Every vessel that fishes, regardless of the flag under which it operates or whether it changes flag or the jurisdiction of the CPC under which it fishes during the year, must observe the closure period to which it was committed.
7. a. Notwithstanding the provisions of subparagraphs 7a and 6b, a request by a CPC, on behalf of any of its vessels, for an exemption due to *force majeure*<sup>1</sup> rendering said vessel unable to proceed to sea outside said closure period during a period of at least 75 continuous days, shall be sent to the Secretariat, at the latest one month after it happens.
- b. In addition to the request for an exemption, the CPC shall send the evidence necessary to demonstrate that the vessel did not proceed to sea and that the facts on which the request for exemption is based were due to *force majeure*.
- c. The Director shall immediately send the request and the evidence electronically to the other CPCs for their consideration, duly coded in order to maintain the anonymity of the name, flag and owner of the vessel.
- d. The request shall be considered accepted, unless an IATTC Member objects to it formally within 15 calendar days of the receipt of said request, in which case the Director shall immediately notify all CPCs of the objection.
- e. If the request for exemption is accepted:
  - i. the vessel shall observe a reduced closure period of 40 consecutive days in the same year during which the *force majeure* event occurred, in one of the two periods prescribed in paragraph 3, to be immediately notified to the Director by the CPC, or
  - ii. in the event said vessel has already observed a closure period prescribed in paragraph 3 in the same year during which the *force majeure* event occurred, it shall observe a reduced closure period of 40 consecutive days the following year, in one of the two periods prescribed in paragraph 3, to be notified to the Director by the CPC no later than 15 July.
  - iii. vessels that benefit from the exemption must carry an observer aboard authorized pursuant to the AIDCP.

This exemption applies to the vessels of fleets that observe either of the closure periods prescribed in paragraph 3.
8. Each CPC shall, for purse-seine fisheries:
  - a. Before the date of entry into force of the closure, take the legal and administrative measures necessary to implement the closure;

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<sup>1</sup> For the purposes of paragraph 8, only cases of vessels disabled in the course of fishing operations by mechanical and/or structural failure, fire or explosion, shall be considered *force majeure*

- b. Inform all interested parties in its tuna industry of the closure;
- c. Inform the Director that these steps have been taken;
- d. Ensure that at the time a closure period begins, and for the entire duration of that period, all the purse-seine vessels fishing for yellowfin, bigeye, and/or skipjack tunas that are committed to observing that closure period and that fly its flag, or operate under its jurisdiction, in the Convention Area are in port, except that vessels carrying an observer authorized pursuant to the AIDCP may remain at sea, provided they do not fish in the Convention Area. The only other exception to this provision shall be that vessels carrying an observer authorized pursuant to the AIDCP may leave port during the closure, provided they do not fish in the Convention Area.

**MEASURES FOR THE FISHERY ON FISH-AGGREGATING DEVICES**

- 9. The measures on fish-aggregating devices (FADs) indicated in paragraph 8 of Resolution C-20-06 shall be maintained during 2022.
- 10. During 2023-2024, CPCs that do not use fish-aggregating devices built with 100% degradable materials (eco-FADs), or deploy less than 20% of eco-FADs with respect to the total number of active fish-aggregating devices annually, shall ensure that purse-seine vessels flying their flag do not exceed the following limits by category:

Class 6 (1,200 m <sup>3</sup> and greater):	315 FADs
Class 6 (< 1,200 m <sup>3</sup> ):	210 FADs
Classes 4-5:	85 FADs
Classes 1-3:	50 FADs

For vessels that use, by 15 January 2023, at least 20% of biodegradable FADs with respect to the total number of FADs active annually, the limits shall be as follows:

Class 6 (1,200 m <sup>3</sup> and greater):	430 FADs
Class 6 (< 1,200 m <sup>3</sup> ):	285 FADs
Classes 4-5:	115 FADs
Classes 1-3:	67 FADs

The IATTC scientific staff and the Working Group on FADs shall study the variation in aggregation levels, mortality and durability of FADs built with 100% degradable materials (eco-FADs). These results shall be presented during the 13<sup>th</sup> meeting of the Scientific Advisory Committee and the 99<sup>th</sup> meeting of the Commission to determine possible adjustments to the limits for vessels that use at least 20% of biodegradable FADs with respect to the total number of FADs active annually.

- 11. Tuna purse-seine fishing vessels that set on dolphins may not set on floating objects during the period established in paragraph 1.
- 12. A FAD shall be activated exclusively onboard a purse-seine vessel.
- 13. For the purposes of this resolution, a FAD is considered active when it:
  - a. is deployed at sea; and
  - b. starts transmitting its location and is being tracked by the vessel, its owner, or operator.
- 14. In order to support the monitoring of compliance with the limitation established in Paragraph 8, and the work of the IATTC scientific staff in analyzing the impact of FAD fisheries, while protecting business confidential data, CPCs shall report, or require their vessels to report, daily information on all active FADs to the Secretariat, in accordance with guidance developed under Paragraph 12, with reports at monthly intervals submitted with a time delay of at least 60 days, but no longer than 90 days.
- 15. The IATTC scientific staff and *Ad Hoc* Permanent Working Group on FADs shall develop, at the latest by 30 November 2017, guidance on the reporting of FAD data in accordance with Paragraphs 10 and 11 of this resolution, including the format and specific data to be reported.
- 16. Each CPC shall ensure that:
  - a. its purse-seine vessels do not deploy FADs during a period of 15 days prior to the start of the

selected closure period;

- b. all its Class-6 purse-seine vessels recover within 15 days prior to the start of the closure period a number of FADs equal to the number of FADs set upon during that same period.

- 17. The Scientific Advisory Committee and the *Ad hoc* Permanent Working Group on FADs shall review the progress and results of the implementation of the FAD provisions contained in this Resolution and make recommendations to the Commission, as appropriate.
- 18. To reduce the entanglement of sharks, sea turtles or any other species, as of 1 January 2019 CPCs shall ensure that the design and deployment of FADs shall be based on the principles set out in paragraphs 1 and 2 of Annex II of Resolution C-16-01.

### MEASURES FOR THE LONGLINE FISHERY

- 19. China, Japan, Korea, United States, and Chinese Taipei undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area for the 2022-2024 period do not exceed 55,131 metric tons, distributed at the following levels:

Metric tons	2018-2020
China	2,507
Japan	32,372
Korea	11,947
Chinese Taipei	7,555
United States	750

- 20. All other CPCs undertake to ensure that the total annual catches of bigeye tuna by their longline vessels in the Convention Area during the years included in this resolution do not exceed the greater of 500 metric tons or their respective catches of bigeye tuna in 2001<sup>2,3</sup>. CPCs whose annual catches have exceeded 500 metric tons shall provide monthly catch reports to the Director.
- 21. A CPC referenced in paragraph 16 may make a single transfer of a portion of its bigeye tuna catch limit each year to other CPCs that also have a bigeye tuna catch limit listed in paragraph 16, provided that the total transferred by any CPC in a given year does not exceed 30 percent of its catch limit. These transfers cannot be made to retroactively cover an overage of another CPC's catch limit. Both CPCs involved in a transfer shall, separately or jointly, notify the Director 10 days in advance of the intended transfer. This notification shall specify the tonnage to be transferred and the year in which the transfer will occur. The Director shall promptly notify the Commission of the transfer.
- 22. The CPC that receives the transfer shall be responsible for management for the transferred catch limit, including monitoring and monthly reporting of catch. A CPC that receives a one-time transfer of bigeye tuna catch limit in a given year shall not retransfer that catch limit to another CPC. The amount of bigeye transferred in any one year shall be considered without prejudice by the Commission for the purposes of establishing any future limits or allocations.

### OTHER PROVISIONS

- 23. Landings and transshipments of tuna or tuna products that have been positively identified as originating from fishing activities that contravene these measures are prohibited. The Director is requested to provide relevant information to CPCs to assist them in this regard.
- 24. Each CPC shall submit to the Director, by 15 July of each year, a national report on its updated national compliance scheme and actions taken to implement these measures, including any controls it has imposed on its fleets and any monitoring, control, and compliance measures it has established to ensure compliance with such controls.
- 25. In order to evaluate progress towards the objectives of these measures, in each year the IATTC scientific

<sup>2</sup> The Commission acknowledges that France, as a coastal State, is developing a tuna longline fleet on behalf of its overseas territories situated in the Convention Area.

<sup>3</sup> The Commission acknowledges that Peru, as a coastal State, will develop a tuna longline fleet, which will operate in strict compliance with the rules and provisions of the IATTC and in accordance with the resolutions of the Commission.

staff will analyze the effects on the stocks of the implementation of these measures, and previous conservation and management measures, and will propose, if necessary, appropriate measures to be applied in future years.

26. Subject to the availability of the necessary funding, the Director is requested to continue the experiments with sorting grids for juvenile tunas and other species of non-target fish in the purse-seine nets of vessels that fish on FADs and on unassociated schools, by developing an experimental protocol, including parameters for the materials to be used for the sorting grids, and the methods for their construction, installation, and deployment. The Director shall also specify the methods and format for the collection of scientific data to be used for analysis of the performance of the sorting grids. The foregoing is without prejudice to each CPC carrying out its own experimental programs with sorting grids and presenting its results to the Director.
27. Renew the program to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.
28. The IATTC shall continue efforts to promote compatibility between the conservation and management measures adopted by the IATTC and WCPFC in their goals and effectiveness, especially in the overlap area, including by frequent consultations with the WCPFC, in order to maintain, and inform their respective members of, a thorough understanding of conservation and management measures directed at bigeye, yellowfin, and other tunas, and the scientific bases and effectiveness of those measures.
29. In 2023 and 2024 the results of these measures shall be evaluated in the context of the results of the stock assessments and of changes in the level of active capacity in the purse-seine fleet and, depending on the conclusions reached by the IATTC scientific staff, in consultation with the Scientific Advisory Committee, and based on such evaluation, the Commission shall take further actions including substantial extension of closure days for purse-seine vessels or equivalent measures, such as catch limits.
30. Except in cases of *force majeure* prescribed in paragraph 6, no exemptions will be allowed with regard to the closure periods notified to the Director in accordance with paragraph 5a, nor with regard to the fishing effort of the purse-seine fleets of the respective CPCs.
31. Evaluate, on an annual basis during 2022-2023, the status of bigeye tuna through updated assessments (as defined in Document SAC-12-01), reviewing the status of exploitation within the framework of reference points and risk analysis indicated in Resolution C-16-02, ensuring that these research complements do not impact the original research plan of the scientific staff reported in Document SAC-12-01.
32. Review, during 2022, the weighting process of the 44 reference models implemented for bigeye tuna (SAC-11 INF-F, SAC-11-06) with emphasis on the impact on risk analysis and management advice, ensuring that these research complements do not impact the original research plan of the scientific staff reported in Document SAC-12-01.
33. The IATTC Secretariat shall carry out a benchmark stock assessment for skipjack tuna using currently available fisheries and biological data, which shall be in effect only during the period of implementation of the work plan described in Document SAC-12-01 and the activities associated with skipjack for stock assessment purposes. Once the work plan described in Document SAC-12-01 is completed, this benchmark assessment may be replaced or improved consistent with the results of the plan.