



CCSBT/0607/04

3. Management of Over-catch and Under-catch in National Allocations

Purpose

To provide background information for discussion of this item

Background

Taiwan has placed this matter on the agenda.

The matter was placed before the Extended Commission in 2003 at CCSBT10. However, no decision was taken.

ICCAT and NAFO have arrangements for adjusting quotas for overcatch or undercatch. The relevant documents from these two RFMOs are at Attachments A and B.

Discussion

Previously agreed arrangements for setting quotas have not included any method for compensating for circumstances where quota was not achieved or exceeded in a particular year. However, on a number of occasions members have indicated they would reduce catch in a subsequent year to compensate for an above-quota catch in a particular year.

A formal system of managing over-catch and under-catch of national allocations would be possible under the terms of Article 8, Paragraph 3(b) of the Convention.

In circumstances where the Extended Commission sets a TAC and national allocations, an over-catch and under-catch compensation mechanism would enhance the operational effectiveness of the arrangement. It would recognise the practical difficulties in managing to a specific figure and would obviate the need for reliance on voluntary actions by members. A framework for such a system could include;

- a tolerance limit expressed as a percentage of the member's allocation
- a payback or recovery period expressed in years
- a penalty regime to apply above the tolerance limit
- a restricted provision to adjust for under-catch

The size of the settings for the framework could reflect the structural realities of the fishery and take into account how individual members managed their national allocations. However, they should also reflect the SBT stock status and the consequent need for rigorous management. Such considerations might mean:

- operating the system up to a 5% threshold
- after the 5% threshold, the payback would attract a penalty factor of 1.5
- over-catch would have to be repaid in full in the first available quota year
- under-catch over the 5% threshold would be lost

An alternative and simpler option would be to pass a resolution requiring any over-catch to be recovered by a reduction in the next available quota year for the member/members concerned. Such arrangement would not comprehend the circumstances of and under-catch.

Prepared by the Secretariat

Attachment A

**RECOMMENDATION BY ICCAT
REGARDING COMPLIANCE WITH MANAGEMENT MEASURES
WHICH DEFINE QUOTAS AND/OR CATCH LIMITS**

RECOGNIZING that the *Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries* was adopted at the 1996 Commission meeting and it was extended to include compliance in the South Atlantic swordfish fishery at the 1997 Commission meeting;

NOTING the treatment of overage and underage differs among the stocks and this complicates quota management and compliance;

RECOGNIZING the need to simplify the rules by generalizing the treatment of overage and underage to avoid future confusion;

**THE INTERNATIONAL COMMISSION OF THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

- 1 For any species under quota/catch limit management, underages/overages from one year may be added to/must be subtracted from the quota/catch limit of the management period immediately after or one year after that year, unless any recommendation on a stock specifically deals with overages/underages, in which case that recommendation will take precedence.

Attachment B

B. Chartering Operations

1. Each Contracting Party may utilize partly or wholly quota and shrimp fishing days allocated to that Party under Schedule I and Part I.G by way of charter arrangement with a fishing vessel flying the flag of another Contracting Party notified in accordance with Part III.D, subject to:
 - the consent of the flag Contracting Party;
 - a favourable proposal adopted through a mail vote in accordance with Article XI.2 of the Convention.
2. Contracting Parties shall limit such charter arrangements to one fishing vessel per year and for a limited duration not exceeding 6 months.
3. Contracting Parties intending to have recourse to such charter arrangements shall together with a request for a mail vote notify the following information to the NAFO Executive Secretary:
 - the name and registration of the chartered vessel and the relevant flag Contracting Party
 - a copy of the charter
 - the fishing possibilities concerned
 - the date as from which the vessel is authorized to commence fishing on these fishing possibilities
 - the duration of the charter
4. The relevant flag Contracting Party shall notify in writing its consent to the NAFO Executive Secretary.
5. The NAFO Executive Secretary shall circulate the above information and the consent of the flag Contracting Party without delay to Contracting Parties.
6. The relevant flag Contracting Party is responsible for ensuring that the vessel complies with the requirements of the NAFO Conservation and Enforcement Measures. This does not nullify the obligations of the Contracting Party to which the quota and shrimp fishing days have been allocated under Part I of the Conservation and Enforcement Measures, as appropriate.
7. All catches and incidental catches from such chartering arrangements shall be recorded by the relevant flag Contracting Party separate from other national catch data recorded according to Part I.D., and shall be reported to the Contracting Party to which the fishing possibilities have been allocated and to the Executive Secretary separate from other national catch data according to Part I.D. The Executive Secretary shall add these catches to the catch statistics of the Contracting Party to which the fishing possibilities have originally been allocated.
8. As a pilot project, these provisions shall apply only to the year 2003.

C. Quota Adjustments

1. When information satisfactory to the Executive Secretary indicates that there are reasonable grounds for believing that a quota of a Contracting Party has been taken, he shall immediately inform that Contracting Party. Should that Contracting Party, fail within **15 days** either to cease fishing or to demonstrate that the quota has not been taken, the Executive Secretary shall so report without delay to the Fisheries Commission.
2. (a) When the Commission finds that vessels of a Contracting Party have taken more than the quota allocated to that Contracting Party, the Commission may adjust the corresponding quota for that Contracting Party in a succeeding quota period.

- (b) When the Commission finds that a Contracting Party failed to report an intention to fish under an allocation to "Others" and subsequently took catches thereunder, or failed to report, in accordance with the Commission's measures, catches taken under an allocation to "Others", or continued a directed fishery under an allocation to "Others" after this fishing had been prohibited in accordance with the Commission's measures, the Commission may propose measures to compensate for damage to the stocks caused by the excessive catch. Such measures might include adjustments to quotas or the establishment of new quotas for that Contracting Party as might be appropriate.
3. Where applicable, quota adjustments shall be made during the determination by the Commission of relevant quotas for the following quota period, and shall not result in an increase in any other quota for the Contracting Party to which the quota adjustment applies, nor in any increase in the relevant quota for any other Contracting Party unless the Commission determines that the increase will not cause further harm to the stock.

D. Recording of Catch

- 1. A Contracting Party shall ensure that each vessel of that Party with fish on board shall, on entering the Regulatory Area, have a record in its fishing logbook of the amount of each species of fish on board.
- 2. (a) For fish taken subject to Commission measures, a Contracting Party shall ensure that all vessels of that Party fishing in the Regulatory Area record:
 - (i) their catches on a daily basis. All **logbook entries** listed in **Schedule II** shall be completed in accordance with its instructions and using the codes specified therein, and
 - (ii) the estimated **cumulative catch** on a daily basis in the form prescribed in **Schedule III**.
- (b) The records shall:
 - (i) correspond to the smallest geographical area for which a quota has been allocated,
 - (ii) show the disposition of the catch including any fish off-loaded while the vessel is operating in the Regulatory Area, and
 - (iii) be retained aboard the vessel for the duration of the quota period.
- (c) For all fish taken under paragraph 2 (a), Contracting Parties shall ensure that all vessels of that Party fishing in the Regulatory Area shall either:
 - (i) record their cumulative production by species and product form in a production logbook,
or
 - (ii) stow in the hold all processed catch in such a way that each species is stowed separately. A stowage plan shall be maintained showing the location of the products in the hold.
- 3. (a) A Contracting Party shall, within **30 days** following the calendar month in which the catches were made, **report provisional monthly** catches by species and stock area to the Executive Secretary, whether or not that Party has quota allocations for the stocks from which catches were obtained.
- (b) The Executive Secretary shall, within **10 days** following the monthly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to Contracting Parties.