



**COMMISSION**  
**SEVENTEENTH REGULAR SESSION**  
Electronic Meeting  
8 – 15 December 2020

---

**DISCUSSION PAPER ON IUU VESSEL CROSS LISTING PROCEDURES - REVISION 1**

---

WCPFC17-2020-DP11\_rev1<sup>1</sup>  
30 November 2020

**Submission by European Union**

---

<sup>1</sup> Rev 1 replaces the original version issued on 24 November 2020

# 17<sup>th</sup> Regular Session of the WCPFC

## DELEGATION PAPER

### Submitted by the European Union

#### Discussion paper on IUU vessel cross listing procedures\_rev1

#### (Under agenda item 11)

#### Explanatory note

In 2019, based on a recommendation from TCC15<sup>1</sup>, the EU tabled a proposal to WCPFC16 to introduce a cross listing procedure in WCPFC that did not gather enough support for adoption. The EU would like to present further considerations regarding the cross listing procedure, aiming at addressing the main concerns expressed by some WCPFC Members during that meeting.

In light of the reduced agenda of the WCPFC17, it is not the intention of the EU to table a proposal for adoption this year, but rather to collect the views, comments and inputs of the Members on this procedure, with the objective to continue the discussion intersessionally on this matter ahead of WCPFC18.

#### **1. Benefits from adopting a cross listing procedure of RFMOs IUU vessel lists**

The principle of cross listing RFMOs IUU vessel lists, already in force in a large number of tuna<sup>2</sup> and non tuna RFMOs, is generally considered as a valuable tool for globalising the fight against IUU activities, by preventing fishing vessels listed on the IUU list of an RFMO to simply relocate their activities and continue operating without any constraint and/or sanction in areas under the purview of other RFMOs.

For example, this means that a vessel having engaged in IUU activities in the Atlantic and unable to operate in ICCAT because it has been listed in its IUU vessel list, will not be able to hide in WCPFC by exploiting the lack of updated information of its members.

The main benefits from the introduction of a cross listing procedure can be summarized as follows:

**1.1 One stop shop:** One of the concrete benefits to the WCPFC members and in particular SIDS, that the cross listing procedure would bring, is to provide within a single binding document, reviewed and adopted by WCPFC, all the information required by an administration to identify whether a fishing vessel has been involved in IUU activities in other RFMOs.

**1.2 Reducing administrative burden of fisheries administrations:** By simply consulting only the WCPFC IUU vessel list, CCMs would have access to information about all vessels having engaged in IUU activities and identified by an RFMO across the globe. This will

---

<sup>1</sup> TCC15 Summary report, paragraph 53: TCC15 recommended that WCPFC16 considers amending the current CMM (CMM 2010-06) in order to adopt a measure that would allow for cross listing vessels on the IUU Vessel Lists of other RFMOs into the WCPFC IUU Vessels List in order to strengthen the fight against IUU fishing.

<sup>2</sup> WCPFC-TCC15-2019-06A : COMPILATION OF IUU VESSEL CROSS-LISTING PROCEDURES OF TUNA RFMOs

create a single tool for the members of WCPFC to identify if a vessel operating within WCPFC area of competence has any history in IUU fishing. This reduces significantly the time required for screening each and every IUU list of each RFMO, with a view to verifying, for instance before granting port access, whether a fishing vessel making a call to a port in the Pacific has been listed for activities undermining the sustainability of fisheries resources in other Oceans. This process can therefore, contribute in effectively reducing the workload especially for small administrations.

**1.3 Increasing the effectiveness of small administrations:** the cross listing can also contribute in improving the effectiveness of small administrations by providing a tool that can assist in the risk assessment procedures put in place in the national monitoring, control and surveillance systems. It can allow improving early warning systems and facilitating the elaboration of inspection plans.

In addition, this can assist small administrations in ensuring compliance with the obligation<sup>3</sup> to: *“ensure that no authorization to fish in the Convention Area is issued to a vessel that has a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing.”*

The implementation of other provisions such as those included in para 9b of CMM 2017-02, para 30b of CMM 2018-06, para 4 of CMM 2019-08, that require CCM to review the IUU list of other RFMOs would also be facilitated by this single access to all vessels listed in RFMOs.

**1.4 Avoid making WCPFC appealing to IUU vessels:** As home to the largest tuna resources worldwide, WCPFC represents a potentially appealing fishing ground for fishing vessels that cannot operate in other RFMOs following their inclusion on the IUU list of these bodies, especially after the adoption of the cross listing procedure by all other tuna RFMOs and many non tuna RFMOs. All other tuna-RFMOs have provisions to make possible the cross listing of IUU vessel lists; if WCPFC adopt a similar measure, a vessel listed in one t-RFMO will be listed in all t-RFMO, seriously impeding its possibility to relocate its illegal activities elsewhere.

**1.5 Facilitating implementation of relevant international instruments:** a cross listing procedure would facilitate WCPFC CCMs to implement several provisions enshrined in international fisheries instruments regarding the registration of new fishing vessels, such as the FAO International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing (IUU National Plans of Action) and the FAO Voluntary Guidelines for Flag State performance. Having one single binding document will assist Flag States and their relevant agencies involved in the registration of new fishing vessels to avoid the registration of vessels with a history of non-compliance in their national registers.

**1.6 Strengthening the role and contribution of WCPFC in fighting and eradicating IUU at a global scale:** by adopting a cross listing procedure, WCPFC, due to its large share in the global fisheries activities, will increase significantly its contribution to combatting IUU activities at a global scale, by multiplying the effectiveness and deterrence of the IUU listings in other RFMOs. Several other RFMOs already integrate vessels listed by WCPFC into their own list, using the work carried out by the WCPFC CCMs to identify IUU vessels to strengthen their fight against IUU fishing. This reciprocity would further reduce incentives for

---

<sup>3</sup> CMM 2018-06: WCPFC record of fishing vessels and authorisation to fish; paragraph 1f.

not complying with RFMO rules across all the Oceans, which would effectively contribute in the conservation of our valuable marine biological resources at a global level.

## **2. Issues raised regarding the adoption of an IUU cross-listing procedure with other RFMOs individual lists and possible solutions**

At the last annual meeting, FFA members raised a number of concerns regarding the implementation of the cross-listing procedure that merit to be addressed to ensure that the stakeholders can benefit fully from its added value at local, regional and global scales. These issues are detailed below, with suggestions for possible solutions:

### **2.1 Confusion between the vessels listed on “mother” and “sister” IUU lists**

The problem: It is generally considered that the “mother” RFMO/IUU list is the one that originally listed a fishing vessel, while “sister” RFMO/IUU list is/are the one(s) cross listing a fishing vessel. However, not all RFMOs that cross-list vessels make a clear reference to identify the original listing.

Possible solution: To avoid mixing the vessels listed originally by WCPFC, supported by evidence available to the WCPFC secretariat and following its own proceedings, with the vessels listed by other RFMOs, the WCPFC IUU vessels list could be split in two separate columns or two independent tables (A and B). Column/table A could contain the vessels listed by WCPFC while column/table B could contain the vessels listed by other RFMOs.

Without creating a two-columns list, several RFMOs have elaborated IUU lists which clearly specify if a vessel has been listed as a result of a cross-listing procedure, by which RFMO and on which basis.

To illustrate this practice, partial and anonymised snapshots of the IUU vessel lists of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC) and the South East Atlantic Fisheries Organisation (SEAFO) are reproduced as an annex to this paper.

In adopting a similar practice, the WCPFC IUU list would provide to CCMs the necessary information regarding the history of the listed vessels, including what kind of illegal activities they have been conducting and in which oceans.

### **2.2 Additional workload for the WCPFC secretariat from cross listing procedures**

The problem: according to FFA, the cross listing process involves additional workload, especially for the secretariats of RFMOs for the purposes of keeping the IUU (cross) list updated throughout the year. Nevertheless, RFMOs implementing the cross listing have generally overcome this issue smoothly and it now forms part of their routine work. It is in general considered that any additional workload is largely outweighed by the benefits of the cross listing.

FFA members have noted that workload can also be increased for WCPFC members in case it is decided to implement a listing procedure that involves any level of review of the information and procedure that led to a listing in the RFMO that adopted the original listing. To be noted that such a review has not been adopted by any RFMO currently implementing a cross listing procedure. It is important to note that the cross-listing is based on a system of

trust on the listing procedures adopted in RFMOs, to which many WCPFC Members are also members.

Possible solution: Any additional workload can be reduced to its minimum by introducing simple procedures both for the Secretariat, TCC and Members.

An example is offered below based on differentiating the procedure for vessels originally listed by WCPFC (column A) from those listed by other RFMOs (column B), which seems to be the procedure that offers more clarity and flexibility, while requiring only minor changes in the existing procedure.

*Column A:* the procedure for listing, delisting and updating vessel information contained in column A would not change and would follow the well-established WCPFC procedures. WCPFC secretariat would continue informing other tuna-RFMO of the addition/deletion/changes brought to the IUU vessel list once the list is adopted at the annual session of WCPFC.

*Column B:* the procedure for listing, delisting and updating vessel information contained in column B would involve some additional workload that can be minimised by adopting a simplified procedure, such as the following (presented here only as example):

- For delisting of vessels already contained in column B: vessels that have been listed in column B and that have been removed from the IUU vessel lists of the “mother” RFMO that originally listed the vessel (or another “sister” RFMO because might be impossible to know which RFMO has originally listed the vessel) would be removed immediately and automatically from the WCPFC IUU Vessel List upon reception of the information by the secretariat of the other RFMO. The secretariat would send a circular to WCPFC members highlighting the changes brought to the IUU vessel list and would publish the new list. This immediate and automatic procedure would ensure that a vessel delisted by the “mother” RFMO would not continue to be considered as an IUU vessel by the “sister” RFMO and unduly been refused access to port for instance.
- For listing of new vessels and update vessel information already contained in column B: the list could be updated [X] times a year. Below the process for a biannual revision:
  - For the annual session of the WCPFC, the secretariat would prepare a working document assessing the changes brought by other RFMOs to their own list. The changes would be adopted and included in the WCPFC IUU list, automatically or with the possibility for Members to make reasoned objections (process to be defined).
  - Intersessionally, six month after the annual session of WCPFC, the secretariat would prepare a working document assessing the changes brought by other RFMOs to their own lists and circulate it to WCPFC members. If no member makes a reasoned objection (following any agreed objection procedure), the updated IUU vessel list would be adopted and published. In the event of an objection, the case would be brought to the following session of the Technical and Compliance Committee for its examination.

In practical terms, the most cumbersome administrative part would be the initial cross listing following the adoption of such a procedure. Subsequent updates would be technical issues such as simply deleting a vessel, adding a new entry or small updates in the flag, IMO

number, radio sign, etc. As it is the case in WCPFC, only a handful of new vessels are listed or updated every year by each RFMOs.

### **2.3 Additional workload for CCMs from cross listing procedures**

The problem: FFA members highlighted that expanding the IUU vessel list by means of cross-listing creates additional administrative burden for the CMMs, especially for small administrations.

Possible solution: Differentiating the procedure for vessels originally listed by WCPFC (column A) from those listed by other RFMOs (column B) would also avoid the creation of additional administrative burden on the CCMs.

The procedure for listing, delisting and updating vessel information contained in column A would not change and would follow the well established WCPFC procedures.

The intersessional delisting of vessel contained in column B would be immediate and automatic and would not require additional work for the CCMs, which would simply receive the updated list.

The listing and update of vessel contained in column B during the annual meeting or intersessionally would not create additional work for the CCMs. Cross-listing vessels would not require the examination of evidences of IUU activities as it is the case for vessels listed directly by WCPFC. In fact, as it is the case for the WCPFC, all RFMOs have adopted robust procedures for listing IUU vessels. Concretely, it means that the analysis of relevant evidence to support the listing, the examination of actions taken by the relevant Flag State, the discussions and debates among parties, would have already been undertaken by the different RFMOs following procedure very much similar to the one adopted in WCPFC. For this reason, based on the principle of mutual trust among the RFMOs, it would not be required to repeat the process by each organisation for the same listing, in the same way as the other RFMOs don't review the work done by WCPFC CCMs when they cross-list the WCPFC IUU list.

However, in order to properly and thoroughly assess the potential additional burden on the administration of SIDS, a more in-depth assessment of the impact of the proposal on WCPFC CCMs and territories in the Convention Area may be needed. To carry out this work, the EU is requesting the collaboration of WCPFC CCMs and especially of FFA members that had expressed concerns about the initial EU proposal, in particular in view of assessing any potential impacts (positive or negative), not covered by this paper, on SIDS and territories, from the implementation of a cross listing procedure in WCPFC.

### **3. Proposed next steps and way forward**

The EU kindly requests that interested CCMs and the WCPFC secretariat provide comments to the EU delegation ([laura.marot@ec.europa.eu](mailto:laura.marot@ec.europa.eu)) during WCPFC17 and/or intersessionally by 31 May 2021.

## Annex

### Partial snapshot of IUU vessels list from CCSBT, ICCAT, IOTC and SEAFO

#### The Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

Current Name of Vessel (and any previous names)	Current Flag of Vessel (and any previous flags)	Owner/ beneficial owner (and any previous owners)	Operator (and any previous operators)	Call Sign (and any previous call signs)	Lloyds/ IMO/ UVI Number (Registration Number)	Photographs Available?	Date First Included on CCSBT IUU Vessel List	Summary of IUU Activities (including date and location of any relevant sightings)	Original Source Listing Organisation	Date/ Year Vessel 1st Included on the Original Source Listing Organisation's IUU List
	UNCL	Unknown	Unknown	Unknown	Unknown	Not available	26 Feb 2020	EU – Vessel greater than 24m not included in ICCAT Record of Vessels. Seen fishing in the MED during closed season	ICCAT	16/10/2006
	Unknown	Unknown	Unknown	Unknown	Unknown	Yes	26 Feb 2020	Contravention of IOTC Resolution 17/03	IOTC	May 2018
	Unspec.	Unspec.	Unspec.			Yes	26 Feb 2020	<ul style="list-style-type: none"> <li>Sighted 58.4.2 (23 Jan 2004)</li> <li>Sighted 58.5.1 (11 Oct 2003)</li> </ul>	CCAMLR	2003

#### The International Commission for the Conservation of Atlantic Tunas (ICCAT)

Name of Vessel	Current Flag	Gear	Area	Summary or activities	Reference Date	Reporting CPC	Reporting RFMO
	UNCL	Longlines	Atlantic including Mediter	JAPAN - Bluefin tuna caught and exported without quota	14-11-2008	Japan	Unknown
	UNCL	Purse seines	Mediterranean Sea	ICCAT Chairman information	27-06-2008	Unclassified flag	Unknown
	UNCL	Purse seines	Mediterranean Sea	ICCAT Chairman information	27-06-2008	Unclassified flag	Unknown
		Unclassified (unknown)	Indian Ocean	IOTC. Contravention of IOTC Resolutions 02/04, 02/05 and 03/05	13-04-2009	Unclassified flag	IOTC
	UNCL	Longlines	Pacific Ocean	IATTC	30-08-2011	Unclassified flag	IATTC
	UNCL	Longlines	Pacific Ocean	IATTC	30-08-2011	Unclassified flag	IATTC
	UNCL	Unclassified (unknown)	No info	WCPCFC: Is without nationality and harvested species covered by the WCPFC Convention	09-03-2016	U.S.A.	WCPCFC
	UNCL	Unclassified (unknown)	No info	WCPCFC: Fishing in the EEZ of the Republic of the Marshall Islands without permission a	14-03-2013	Marshall Islands	WCPCFC

#### The Indian Ocean Tuna Commission (IOTC)

No.	Current name of vessel (previous names) Nom actuel du navire (noms précédents)	Current flag (previous flags)/ Pavillon actuel (pavillons précédents)	Owner / beneficial owners (previous owners) Propriétaire / en équité (précédents)	Summary of IUU activities/ Résumé des activités INN	Reference of supporting document and information/ Références aux documents et informations en appui	Summary of action taken/ Résumé des actions ayant été prises	Source organisation/ Source l'organisation
5		UNK/INC		Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	IOTC-2017-CoC14-07	Included in the IUU Vessel List/Inscrit dans la Liste des navires INN	IOTC
6		UNK/INC	UNK/INC	EU – Vessel greater than 24m not included in ICCAT Record of Vessels. Seen fishing in the MED during closed season/UE - Navire de plus de 24 m non inclus dans le Registre des navires de l'ICCAT. Observé pêchant en MED pendant la période de fermeture.	2259	UNK/INC	ICCAT
7		UNK/INC	UNK/INC	EU – Vessel greater than 24m not included in ICCAT Record of Vessels. Seen fishing in the MED during closed season/UE - Navire de plus de 24 m non inclus dans le Registre des navires de l'ICCAT. Observé pêchant en MED pendant la période de fermeture.	2259	UNK/INC	ICCAT
8			UNK/INC	UNK/INC	UNK/INC	UNK/INC	SIOFA

#### The South East Atlantic Fisheries Organisation (SEAFO)

##### CCAMLR, NAFO and NEAFC IUU Vessel List

IMO Number	Vessel Name	Previous Names	Current flag and previous flag in brackets	Current IRCS	Summary of activities	Operator and previous operator in brackets	IUU-listing Organizations	IUU Listing Dates
			Unknown		-Gibraltar Port (31 March 2009) -Current location unknown	Unknown	NEAFC NAFO	2008
			Unknown		-Sighted 58.5.1 (11 Oct 2003) -Sighted 58.4.2 (23 Jan 2004)		CCAMLR	2003
			Unknown		-Supporting IUU-listed vessel (3 Mar 2016)		CCAMLR	2016