



**NOAA
FISHERIES**

Updates from the Office of International Affairs

ICCAT Advisory Committee, Spring Meeting

March 4, 2014

ATCA Identification of Countries

ATCA § 971d(c)(6) requires NMFS, in consultation with DOS, to :

"identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the Convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation."

- 2014 review in process
- scope of review limited to fishing activities in current and previous year
- May lead to trade prohibitions for ICCAT species exported from identified countries (members or non-members)

ICCAT Identification of Countries

- US has not unilaterally identified a nation under ATCA authority
- Preference to work through ICCAT Rec. 6-14 ~ more comprehensive scope and multilateral in nature; sanctions likely to be more effective
- At its 2013 annual meeting, ICCAT identified 3 members and one non-member, 4 identifications lifted
- Lack of response/continued adverse action could lead to trade measures - have been applied in past cases
- Letters of concern were sent to 18 ICCAT members about lesser infractions
- Letters were sent to 6 members suspending authorization to fish pending receipt of Task 1 data or negative reports

Legislative Updates - International Fisheries

- S. 269, International Fisheries Stewardship and Enforcement Act
 - Harmonize administrative/enforcement authorities & penalties across RFMO-implementing statutes
 - Revise procedures to identify and certify nations for engaging in IUU fishing, bycatch, and shark catch (--- standardize time frames for information collection)
 - Enforcement tools to detect fish & fish products harvested or imported illegally
 - Reported out of Senate Commerce Committee in August 2013
- H.R. 69, Illegal, Unreported, and Unregulated Fishing Enforcement Act
 - revises violations, penalties, permit requirements, port privileges, IUU fishing sanctions, and other enforcement authorities
 - House Natural Resources Committee hearing in April; DAS Smith provided testimony
- S. 267, Pirate Fishing Elimination Act
 - Implement *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*
 - restrict port entry and port services for vessels known or suspected of IUU fishing
 - Avoids duplication in advance notice of arrival; coordination of inspections
 - Yet-to-be-introduced House companion bill subject of NR Committee hearing in April

Legislative Updates - International Treaties

Senate Foreign Relations Committee hearing on four treaties (NPRFMO, SPRFMO, NAFO, PSM) in February 2014

DAS Smith provided testimony:

<http://www.foreign.senate.gov/hearings/fisheries-treaties-and-port-state-measures-agreements>

Committee reported out all 4 Treaties on March 11 with recommendation for full Senate approval.

Senate approved 4 treaties on April 3. Implementing legislation next step.

Legislative Updates - International Fisheries

- Reauthorization of the Magnuson-Stevens Act
 - Congress Holding Regional Hearings
 - opportunity for stakeholders to raise specific issues of concern
 - NE/MA July 2013; SE November 2013; West Coast/Pacific January 2014
 - Undecided on an Administration Bill
 - NMFS considering international fisheries issues that could be addressed in reauthorization

http://www.nmfs.noaa.gov/stories/2013/03/3_14_13msa_hearing.html

<http://www.commerce.senate.gov/public/index.cfm?p=Hearings>



HSDMPA Identifications



Identification and Certification

- MSRA 2006 amended HSDFMPA to require identification and certification of nations with –
 - Vessels engaged in IUU fishing
 - Vessels taking PLMR as bycatch
- SCA of 2010 added ID/Certification for shark fishing on the high seas inconsistent with U.S. conservation standards
- Decisions issued in Biennial Report to Congress
- Final Rules issued 2009/2013 articulated process
- Reports issued to Congress: January 2009, 2011, 2013

Identification and Certification

- 2009 Biennial Report –
 - 6 nations identified for IUU
- 2011 Biennial Report –
 - 6 previously identified nations certified positive
 - 6 new identifications for IUU
- 2013 Biennial Report –
 - 6 previously identified nations certified positive
 - 10 new identifications for IUU, 1 also for bycatch
- 2015 Biennial Report –
 - request for relevant information published March 2014
 - consultations ongoing with identified nations from 2013 report

ICCAT Parties Identified - 2013

ICCAT Violations

- Ghana – Fleet capacity; reporting; transshipment; BET catch
- Italy – driftnet fishing in Mediterranean Sea

Non-ICCAT Violations

- Korea – CCAMLR violations
- Mexico – IATTC violations and N. Pacific loggerhead bycatch
- Spain – IATTC/NAFO violations
- Venezuela – IATTC violations
- Panama – IATTC violations

International Trade Data System



ITDS and Trade Monitoring

ITDS – Government-wide system for entry/retrieval of trade data

Single window concept for both private sector (shippers, carriers, brokers) and for partner government agencies

Electronic filing, review and communication of admissibility decisions or holds

Electronic integration of agency specific trade monitoring programs

NMFS ITDS Integration

Rulemaking

Consolidated Trade Permit (one permit – all commodities)

Electronic Entry Filing (Message Set and Document Images)

Electronic Export Declarations

Database Development

Self-Serve Permitting via National Permits System

Reference files & validation rules loaded into CBP ACE system

Web based messaging to NMFS/Trade of validation results

Executive Order - February 19, 2014

Streamlining the Export/Import Process for America's Businesses

Mandatory Agency use of ITDS by December 31, 2016

NMFS Proposed Rule in June 2014

Consolidated Trade Permit (Importer of Record/PPI)

Electronic Entry Filing and export Declaration (Brokers/Shippers)

Pilot Testing with trade and CBP in 2014 (message set and images)

Final Rule in June 2015 (depends on testing results and CBP readiness)

Transition issues (permits, brokers, shippers, software vendors)

Rulemaking - MMPA Fish Import Provisions

- MMPA Sec 102(a) – bans imports of fish and fish products from foreign fisheries that use:

“commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of U.S. standards.”

- 2008 petition to ban swordfish imports if without documentation of effective marine mammal bycatch mitigation
- 2010 ANPR requesting comment on defining U.S. standards and procedure for evaluation of foreign fisheries
- Proposed Rule planned for Spring 2014 – considering definition of U.S standards and process for comparability findings