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## TRANSFER OF FISHING CAPACITY BETWEEN CPCs

PREPARED BY: IOTC SECRETARIAT; 08 May 2017

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### PURPOSE

To provide the Commission with an opportunity to exchange views on a proposal by Japan to transfer part of its fishing capacity for tropical tuna to another CPC.

### BACKGROUND

IOTC Resolution 15/11, which captures the spirit of IOTC Resolutions 06/05 and 07/05, set the capacity limitation for the tropical tuna fishery, and the Albacore and Swordfish fishery. Notwithstanding, CPCs which had the objective of developing their fleets following the provisions of IOTC Resolution 03/01, through the introduction to the IOTC of a fleet development plan, have the possibility of adding to their baseline capacities. Information gained through the various fleet development plans submitted by CPCs, indicate that the vessels to be added to their fleets could originate from different sources; newly built and reflagged vessels being the more common.

In February 2017, Japan informed the Commission of its intention, through IOTC Circular 2017-032, of its intention to transfer part of its capacity limit for longline vessels targeting tropical tunas to China; the equivalent of 10 (ten) vessels with a corresponding capacity of 4,616 Gross Tonnage (GT). Japan reasoned that this proposal to transfer part of its existing fishing capacity for tropical tunas was allowed under paragraph 1 of IOTC Resolution 15/11.

*Paragraph 1, IOTC Resolution 15/11*

Contracting Parties and Cooperating Non-Contracting Parties (CPCs) shall notify to the IOTC Secretariat, by 31 December 2009, the lists of vessels, by gear type, over 24 meters overall length and over, and under 24 meters if they fished outside their Exclusive Economic Zone (EEZ), and corresponding overall capacity in GT, which have actively fished in accordance with the provision of IOTC Resolution 10/08 and Resolution 14/05:

- for tropical tunas during the year 2006<sup>1</sup>
- for swordfish and albacore during the year 2007

Both lists shall include the vessel at that time considered under administrative process of construction.

This was countered by the European Union, through IOTC Circular 2017-037, who pointed out that paragraph 1 of IOTC Resolution 15/11 does not offer the possibility of this proposed transfer and requested that the matter is deferred to the 2017 Annual Meeting, so that other Contracting Parties may express their opinion on the Japanese proposal. Japan acknowledged, through IOTC Circular 2017-040, that the European Union was correct in their interpretation of paragraph 1, but nonetheless pointed out that the absence of a clause permitting CPCs to transfer their capacity to other CPCs do not prohibit such transfer. Japan was also agreeable to the European Union's proposal that further discussions be held on this subject at the Commission meeting. China expressed its support of Japan's position, and also on the proposal further exchange of views with other CPCs at Commission meeting, through IOTC Circular 2017-043. The afore-mentioned circulars are provided in Annexures 1 – 4, of this document.

### DISCUSSION

Although paragraph 1 of IOTC Resolution 15/11 does not provide a mechanism for capacity transfers between CPCs, it can be argued that such clause exist under the first part of paragraph 5. While not being explicit, the mere fact that paragraph 5 states “*CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels...*” conveys the sense that under this circumstance the transfer of capacity can only occur between CPCs.

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<sup>1</sup> Acknowledging that the catch levels and vessels presence in 2006 of certain Members is not representative of their historical presence, and consequently that these Members may increase the number of vessels present during the period of application of the Resolution to a maximum level operating in a season or year since 2000. These Members shall provide the Commission the identified number of vessels and corresponding capacity in GT by 31 December 2009.

*Paragraph 5, IOTC Resolution 15/11*

CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels or on the Record of Vessels of other tuna Regional Fisheries Management Organisations. No vessels on the List of IUU Vessels of any Regional Fisheries Management Organisation may be transferred.

While IOTC Resolution 15/11 remains in force, it remains the duty of each CPC to ensure that their fleets which are targeting tropical tunas and Albacore and Swordfish, respect their baseline capacities, either those of the relevant baseline years or the capacity accrued over the baseline years, through the implementation of their fleet development plans. It should also be noted, as pointed out by China, that the surrendering by Japan of part of its baseline fishing capacity to another CPC, will not result in an increase the overall capacity in the IOTC Area.

**RECOMMENDATION/S**

That the Commission

- 1) **NOTE** paper IOTC–2017–S21–09 which provided the Commission with an opportunity to further discuss the proposal by Japan to transfer part of it fishing capacity for tropical tunas to China;
- 2) **CONSIDER** discussing whether the language used in the first part of paragraph 5 of IOTC Resolution 15/11, is clear enough to permit Japan to transfer part of it fishing capacity for tropical tunas to China.

3 March 2017 / 3 mars 2017

## IOTC CIRCULAR 2017-032 / CIRCULAIRE CTOI 2017-032

Dear Sir/Madam,

### SUBJECT: COMMUNICATION FROM JAPAN

Please find attached a communication from Japan regarding Paragraph 1 of Resolution 15/11 on the Implementation of Limitation of Fishing Capacity of Contracting Parties and Cooperating Non-contracting Parties.

Madame/Monsieur,

### OBJET: COMMUNICATION DU JAPON

Veuillez trouver en pièce jointe une communication du Japon concernant paragraphe 1 de la Résolution 15/11 Sur la mise en œuvre d'une limitation de la capacité de pêche des parties contractantes et parties coopérantes non contractantes.

Yours sincerely / Cordialement



Alejandro Anganuzzi (Dr.)  
Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

#### Attachments / Pièces jointes:

- Letter from Japan/ Lettre du Japon

#### Distribution / Destinataires

**IOTC Contracting Parties/ Parties contractantes de la CTOI:** Australia/Australie, China/Chine, Comoros/Comores, Eritrea/Erythrée, European Union/Union européenne, France (Territories/DOM-TOM), Guinea/Guinée, India/Inde, Indonesia/Indonésie, Iran (Islamic Rep of/Rép. islamique d'), Japan/Japon, Kenya, Rep. of Korea/Rép. de Corée, Madagascar, Malaysia/Malaisie, Maldives, Mauritius/Ile Maurice, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia/Somalie, South Africa/Afrique du Sud, Sri Lanka, Sudan/Soudan, United Rep. of Tanzania/Rép.-Unie de Tanzanie, Thailand/Thaïlande, United Kingdom (OT)/Royaume-Uni(TOM), Yemen/Yémen.

#### Chairperson IOTC / Président de la CTOI

**Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes:** Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

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**FISHERIES AGENCY**

**MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES, GOVERNMENT OF JAPAN**

1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8907, Japan

February 28, 2017

Dr. Alejandro Anganuzzi  
Executive Secretary (Ad Interim)  
Indian Ocean Tuna Commission

Dear Dr. Anganuzzi:

In reference to paragraph 1 of Resolution 15/11 on the Implementation of a Limitation of Fishing Capacity of Contracting Parties and Cooperating Non-contracting Parties, I would like to inform you that Japan will transfer our capacity limits of longline vessels for tropical tunas to China by 10 (ten) vessels and the corresponding overall capacity of 4,616 Gross Tonnage (GT). Accordingly, Japan's capacity limits of longline vessels for tropical tuna will be 214 vessels and 84,607 GT.

It would be appreciated if you could circulate this letter among CPCs.

Sincerely yours,

*for*   
Shingo Ota  
Japanese Commissioner to IOTC

Note : ce qui suit est la traduction d'un courrier en Anglais reçus par le Secrétariat. Pour plus de détails, se reporter à l'original.



**FISHERIES AGENCY**

**MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES, GOVERNMENT OF JAPAN**

1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8907, Japan

le 28 février 2017

Dr Alejandro Anganuzzi  
Secrétaire exécutif (intérim)  
Commission des thons de l'océan Indien (CTOI)

Cher M. Anganuzzi,

En référence au paragraphe 1 de la Résolution 15/11 Sur la mise en œuvre d'une limitation de la capacité de pêche des parties contractantes et parties coopérantes non contractantes, je souhaite vous informer que le Japon transférera ses limites de capacité [*sic*] de palangriers ciblant les thons tropicaux à la Chine, à hauteur de 10 (dix) navires, pour une capacité globale de 4 616 TB (tonnage brut). En conséquence, les limites de capacité [*sic*] du Japon en termes de palangriers ciblant les thons tropicaux seront de 214 navires pour 84 607 TB.

Je vous serai reconnaissant de diffuser cette information à l'ensemble des CPC.

Cordialement,

  
for Shingo Ota  
Japanese Commissioner to IOTC

14 March 2017 / 14 mars 2017

## **IOTC CIRCULAR 2017-037 / CIRCULAIRE CTOI 2017-037**

Dear Sir/Madam,

**SUBJECT: COMMUNICATION FROM THE EUROPEAN UNION CONCERNING IOTC CIRCULAR 2017/032, ON THE TRANSFER OF PART OF JAPAN'S FISHING CAPACITY**

Please find attached a communication from the European Union, concerning the notification by Japan of the transfer of a part of its fishing capacity, to China.

Madame/Monsieur,

**OBJET: COMMUNICATION DE L'UNION EUROPEENNE CONCERNANT LA CIRCULAIRE CTOI 2017/032, SUR LE TRANSFERT D'UNE PARTIE DE LA CAPACITE DE PECHE DU JAPON**

Veuillez trouver en pièce jointe une communication de l'Union Européenne concernant, la notification du Japon sur le transfert d'une partie de sa capacité de pêche, à la Chine.

Yours sincerely / Cordialement



Alejandro Anganuzzi (Dr.)  
Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

**Attachments / Pièces jointes:**

- Communication from the EU/ Communication de l'UE

**Distribution / Destinataires**

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**Chairperson IOTC / Président de la CTOI**

**Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes:** Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

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**From:** Orlando.Fachada@ec.europa.eu  
**Sent:** 10 March 2017 01:42  
**To:** Alejandro.Anganuzzi@fao.org; secretariat@iotc.org  
**Cc:** Anders.JESSEN@ec.europa.eu; Seppo.NURMI@ec.europa.eu; Manuel.CARMONA-YEBRA@ec.europa.eu; Luis.MOLLEDO@ec.europa.eu  
**Subject:** IOTC Circular 2017/32 communication from Japan regarding Paragraph 1 of Resolution 15/11

Dear Alejandro,

Thanks for sharing with Contracting Parties the above mentioned Circular where Japan requests the transfer of part of its fishing capacity by making reference to the paragraph 1 of the Resolution 15/11 ON THE IMPLEMENTATION OF A LIMITATION OF FISHING CAPACITY OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES.

The paragraph 1 of the mentioned Resolution reads:

*Contracting Parties and Cooperating Non-Contracting Parties (CPCs) shall notify to the IOTC Secretariat, by 31 December 2009, the lists of vessels, by gear type, over 24 meters overall length and over, and under 24 meters if they fished outside their Exclusive Economic Zone (EEZ), and corresponding overall capacity in GT, which have actively fished in accordance with the provision of IOTC Resolution 10/08 and Resolution 14/05:*  
*- for tropical tunas during the year 2006*  
*- for swordfish and albacore during the year 2007*  
*Both lists shall include the vessel at that time considered under administrative process of construction.*

This paragraph exclusively relates to overall capacity not including any reference to the possibility to transfer fishing capacity. Moreover, in our reading, the Resolution 15/11 does not have any provision allowing the transfer of fishing capacity between Contracting Parties.

We believe this is a very sensitive matter that should be discussed in the Annual Meeting and/or in the Technical Committee of Allocation Criteria before any transfer of fishing capacity is allowed between Contracting Parties. In this framework, we would like to ask you to add a point "transfer of fishing capacity" in the agenda of the 2017 Annual Meeting.

I would like you to inform other Contracting Parties on this reservation on the transfer of fishing capacity that we would also like to know the opinion of other Contracting Parties.

Kind regards.

Orlando

**De :** Orlando.Fachada@ec.europa.eu [mailto:Orlando.Fachada@ec.europa.eu]

Envoyé : 10 March 2017 01:42

**À :** Alejandro.Anganuzzi@fao.org; secretariat@iotc.org

**Cc :** Anders.JESSEN@ec.europa.eu; Seppo.NURMI@ec.europa.eu; Manuel.CARMONA-YEBRA@ec.europa.eu; Luis.MOLLEDO@ec.europa.eu

**Objet :** Circulaire CTOI 2017/32 Communication du Japon concernant le paragraphe 1 de la Résolution 15/11

Cher Alejandro,

Merci d'avoir diffusé aux Parties contractantes la circulaire susmentionnée dans laquelle le Japon demande le transfert d'une partie de sa capacité de pêche en se référant au paragraphe 1 de la Résolution 15/11 Sur la mise en œuvre d'une limitation de la capacité de pêche des parties contractantes et parties coopérantes non contractantes.

Le paragraphe 1 de la Résolution susmentionnée indique ce qui suit :

*Les parties contractantes et parties coopérantes non contractantes (« CPC ») notifieront au Secrétariat de la CTOI, au plus tard le 31 décembre 2009, la liste des navires, par types d'engins, de 24 m de longueur hors-tout et plus, ou de moins de 24 m s'ils pêchent hors de leur ZEE (ainsi que la capacité totale correspondante exprimée en TB), qui ont activement pêché –conformément aux dispositions des résolutions de la CTOI 10/08 et 14/05 :*

- *les thons tropicaux durant l'année 2006*
- *l'espadon et le germon durant l'année 2007.*

*Les deux listes devront inclure les navires sous procédure administrative de construction durant les années de référence respectives.*

Ce paragraphe concerne exclusivement la capacité globale, sans mentionner la possibilité de transférer la capacité de pêche. En outre, selon notre interprétation, la résolution 15/11 ne prévoit aucune disposition permettant un transfert de capacité de pêche entre Parties contractantes.

Nous pensons qu'il s'agit là d'une question très délicate qui devrait être discutée lors de la réunion annuelle et/ou du Comité technique sur les critères d'allocation avant que tout transfert de capacité de pêche ne soit autorisé entre des Parties contractantes. Dans ce cadre, nous aimerions vous demander d'ajouter un point « Transfert de capacité de pêche » à l'ordre du jour de la réunion annuelle de 2017.

J'aimerais que vous informiez les autres Parties contractantes de cette réserve concernant le transfert de capacité de pêche ; nous aimerions également connaître l'opinion des autres Parties contractantes sur ce sujet.

Sincères amitiés.

Orlando



16 March 2017 / 16 mars 2017

## **IOTC CIRCULAR 2017-040 / CIRCULAIRE CTOI 2017-040**

Dear Sir/Madam,

### **SUBJECT: COMMUNICATION FROM JAPAN**

Please find attached a communication from Japan regarding Resolution 15/11 on the Implementation of Limitation of Fishing Capacity of Contracting Parties and Cooperating Non-contracting Parties.

Madame/Monsieur,

### **OBJET: COMMUNICATION DU JAPON**

Veillez trouver en pièce jointe une communication du Japon concernant la Résolution 15/11 Sur la mise en œuvre d'une limitation de la capacité de pêche des parties contractantes et parties coopérantes non contractantes.

Yours sincerely / Cordialement



Alejandro Anganuzzi (Dr.)  
Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

#### **Attachments / Pièces jointes:**

- Letter from Japan/ Lettre du Japon

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#### **Chairperson IOTC / Président de la CTOI**

**Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes:** Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

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**MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES, GOVERNMENT OF JAPAN**

1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8907, Japan

TEL: \*81-3-3502-8460 FAX: \*81-3-3504-2649

16 March, 2017

Dr. Alejandro Anganuzzi,  
IOTC Executive Secretary (Ad Interim)

Dear Dr. Anganuzzi:

I would like to respond to EU's comments contained in IOTC circular 2017-037 dated 14 March 2017.

As EU pointed out, the Resolution 15/11 does not include any reference about capacity transfer among CPCs. This also means in our understanding that the resolution does not prohibit such transfer as long as the purpose of the Resolution is not undermined, namely, control of capacity. Therefore, we do not see any problem in transferring a part of our capacity to China.

In any case, Japan is more than happy to discuss this issue at the Commission meeting.

Sincerely yours,

Shingo Ota  
Japanese Commissioner to IOTC

*Note: ce qui suit est la traduction d'un courrier en Anglais reçus par le Secrétariat. Pour plus de détails, se reporter à l'original.*



**FISHERIES AGENCY**

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1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8907, Japan

TEL: \*81-3-3502-8460 FAX: \*81-3-3504-2649

le 16 mars 2017

Dr Alejandro Anganuzzi,  
Secrétaire exécutif de la CTOI (par intérim)

Cher Dr Anganuzzi,

Je voudrais répondre aux commentaires de l'UE contenus dans la circulaire de la CTOI 2017-037 datée du 14 mars 2017.

Comme l'a souligné l'UE, la Résolution 15/11 ne contient aucune référence au transfert de capacité entre les CPC. Cela signifie aussi, à notre avis, que la résolution n'interdit pas ce transfert tant que l'objectif de la résolution n'est pas compromis, à savoir le contrôle de la capacité. Par conséquent, nous ne voyons aucun obstacle au transfert d'une partie de notre capacité à la Chine.

En tout état de cause, le Japon se fera un plaisir de discuter de cette question lors de la réunion de la Commission.

Cordialement,

Shingo Ota  
Commissaire japonais à la CTOI

17 March 2017 / 17 mars 2017

## **IOTC CIRCULAR 2017-043 / CIRCULAIRE CTOI 2017-043**

Dear Sir/Madam,

### **SUBJECT: COMMUNICATION FROM CHINA**

Please find attached a communication from China regarding Resolution 15/11 on the Implementation of Limitation of Fishing Capacity of Contracting Parties and Cooperating Non-contracting Parties.

Madame/Monsieur,

### **OBJET: COMMUNICATION DE LA CHINE**

Veillez trouver en pièce jointe une communication de la Chine concernant la Résolution 15/11 sur la mise en œuvre d'une limitation de la capacité de pêche des parties contractantes et parties coopérantes non contractantes.

Yours sincerely / Cordialement



Alejandro Anganuzzi (Dr.)  
Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

#### **Attachments / Pièces jointes:**

- Letter from China/ Lettre de Chine

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#### **Chairperson IOTC / Président de la CTOI**

**Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes:** Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

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# 中华人民共和国农业部渔业局

BUREAU OF FISHERIES, MINISTRY OF AGRICULTURE, THE PEOPLE'S REPUBLIC OF CHINA

地址: 北京农展馆南里11号, 邮政编码: 100125 Address: No. 11 Nongzhanguannanli, Beijing, 100125

电话 (TEL): 86-10-64192928/64192966, 传真 (FAX): 86-10-64193056, E-mail: bofdwf@agri.gov.cn

March 16, 2017

Dr. Alejandro Anganuzzi,  
IOTC Executive Secretary (Ad Interim)

Dear Dr. Anganuzzi:

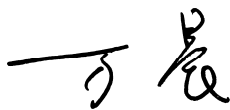
I would like to respond to EU's comments contained in IOTC circular 2017-037 dated 14 March 2017.

It is our view that IOTC resolution on capacity limitation does not prohibit capacity transfer among CPCs and Japan transfers 4616 mt of capacity to China does not increase the total capacity in IOTC area.

In any case, China is willing to exchange views with other CPCs on the issue at the Commission meeting.

I would be grateful if you could circulate this letter to each member of the Commission.

Sincerely yours,



Wan Chen  
Head of Chinese delegation to IOTC

Note : ce qui suit est la traduction d'un courrier en Anglais reçus par le Secrétariat. Pour plus de détails, se reporter à l'original.

# 中华人民共和国农业部渔业局

**BUREAU OF FISHERIES, MINISTRY OF AGRICULTURE, THE PEOPLE'S REPUBLIC OF CHINA**

地址: 北京农展馆南里11号, 邮政编码: 100125 Address: No. 11 Nongzhanguannanli, Beijing, 100125

电话 (TEL) : 86-10-64192928/64192966, 传真 (FAX) : 86-10-64193056, E-mail: bofdwf@agri.gov.cn

le 16 mars 2017

Dr Alejandro Anganuzzi,  
Secrétaire exécutif de la CTOI (par intérim)

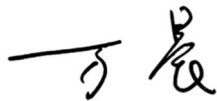
Cher Dr Anganuzzi,

Je voudrais répondre aux commentaires de l'UE contenus dans la circulaire de la CTOI 2017-037 datée du 14 mars 2017.

Nous considérons que la résolution de la CTOI sur la limitation de la capacité n'interdit pas le transfert de capacité entre les CPC et que le transfert par le Japon de 4616 t de capacité à la Chine n'augmente pas la capacité totale dans la zone CTOI.

En tout état de cause, la Chine se fera un plaisir de discuter de cette question avec les autres CPC lors de la réunion de la Commission.

Cordialement,



Wan Chen  
Chef de la délégation chinoise à la CTOI