

**Notification by General Office of Ministry of Agriculture and Rural Affairs on  
Further Strictly Comply With International Tuna Measures**  
Nongbanyu<sup>1</sup> (2019) No.1

Related Provincial (Autonomous Regional and Municipal) Fisheries Authorities, China Overseas Fisheries Association, Shanghai Ocean University, China Agricultural Development Group Co., Ltd. and All Tuna Fishing Companies:

In order to faithfully implement all kind of resources conservation and management measures adopted by the International Commission for Conservation of Atlantic Tunas (ICCAT), Indian Tuna Commission (IOTC), Western and Central Pacific Fisheries Commission (WCPFC) and Inter-American Tropical Tuna Commission (IATTC) (hereinafter as the Commissions), this Ministry issued a *Notification by General Office of Ministry of Agriculture on Strictly Comply With International Tuna Measures* [Nongbanyu (2013) No.21] on 20 February 2013, the Notification played an active role in terms of practical comply with Regional Tunas Management Organizations' resources conservation and management measures by the Chinese tuna industry and reduce infringement events concerning foreign affairs. In recent years, Commissions successively made amendment of original measures and added new measures along with the variation of tuna resources and development of international fisheries governance. For the purpose of further enhancing capability of compliance by China's tuna industry and promoting standardized and orderly distant water fisheries development of China, it is hereby to notify the followings:

**I. Fishing Vessels Registration**

Commissions request that all fishing vessels operating in the respected conversion areas shall register in the secretariats of Commissions through the flag state's authority or its authorized agency, fishing vessels not registered in the secretariats of Commissions shall not fish in the conversion areas, and any change of vessels' data and information shall also be registered in the secretariats of Commissions in a timely manner. Based on above measures, the enterprises have fishing vessels fish for tunas and obtained High Seas Fishing Permit from this Ministry shall register its fishing vessels through China Overseas Fisheries Association (COFA), the authorized organization by this Ministry, in accordance with the request of Commissions, and fishing operation can only commence after the completion of the register. Any change of registered information shall be timely notified for change.

COFA shall register the relevant vessels in the Commissions without delay, in strict accordance with the operation condition described in High Seas Fishing Permit and request by Commissions.

**II. Fishing Log Books**

Chinese tuna enterprises shall ensure its fishing vessels to seriously fill out Tuna Fishing Log Book ( *inter alia*, including faithfully record incident catch of no retained shark species, sea birds, sea turtles, marine mammal as well as situation of no harm

---

<sup>1</sup> Means document related to fisheries issued by General Office of Ministry of Agriculture and Rural Affairs.

release), according to the request by *Notification by General Office of Ministry of Agriculture on Regulation of Tuna Fishing Log Books* [Nongbanyu (2008) No. 44], and submit each vessel's log book for last year to Data Center of China Distant Water Fisheries (Marine Science College, Shanghai Ocean University) before 31 March of each year. Meanwhile, The tuna enterprises shall monthly report catch by species in a truthful manner to COFA (weekly report for Atlantic bluefin tuna catch).

### **III. Fishing Quota**

This Ministry allocates tuna fishing quota obtained in different oceans and by species to tuna enterprises and fishing vessels each year, based on situation of tuna fishing operation, tuna resources status in different oceans and relevant measures of Commissions as well as principle of openness, equity and fairness.

All tuna enterprises and fishing vessels shall conduct fishing operation under quota allocated by this Ministry, and shall not fish without fishing quota or fishing after its quota be exhausted. As soon as its fishing quota be exhausted, the relevant enterprises and fishing vessels shall immediately cease fishing operation, and conduct no harm release the over harvested portion.

COFA shall timely collect tuna catch from all enterprises and fishing vessels, and shall strictly observe the quota allocated by this Ministry while dealing with certificating products to be imported and exported.

### **IV. Limitation and prohibition of Fishing Area and Fishing Gear (including supporting equipment)**

1. All tuna fishery enterprises and fishing vessels shall strictly follow fishing area and condition specified in the High Seas Fishing Permit while conducting fishing operation. It is prohibited from conducting fishing activities in the jurisdiction of other countries without authorization. Fishing vessels conducted fishing operation on the high seas shall keep at least three nautical miles of safe distance from outer limit of nearby jurisdiction of other countries. It is prohibited from using large scale drift net on the high seas.

2. In Atlantic Ocean, fishing for eastern Atlantic Bluefin tuna shall limit its fishing period from 1 January to 31 May; however in the area west of 10° W and north of 42° N, the fishing period shall be limited from 1 August to 31 January of next year. All vessels must not enter into the Mediterranean Sea for fishing operation.

3. In Western and Central Pacific, except otherwise stipulated for the situation of Chinese vessels be chartered by Pacific small islands states, the purse seiner vessels shall prohibit from using Fish Aggressive Devises (FADs) in the area between 20° N and 20°S from 1 July to 30 September. If the purse seiner vessels conducting fishing operation on the high seas, the period from 1 April to 31 May or from 1 November to 31 December shall be additional FADs prohibition period. China's fishing days for purse seiner vessels on the high seas shall be limited no more than 26 days, and purse seine vessels shall have deployed at sea, at any one time, no more than 350 drifting FADs with activated instrumented buoys.

4. It is prohibited from using aircrafts and unmanned aerial vehicles in Atlantic bluefin tuna fishery and Indian tuna fishery for the purpose of fish finding and other fishing aids.

5. It is prohibited from using, installing or operating surface or submerged artificial lights for the purpose of aggregating tuna and tuna-like species in Indian Ocean tuna fisheries.

#### **V. Minimum Size**

1. Fishing vessels operating in the Atlantic Ocean shall comply with the following minimum size:

a. Eastern Bluefin tuna: 30 kg (115 cm fork length ); each individual vessel shall not be over 5% of number of fish that lower than the minimum size (between 8 kg and 30 kg or between 75cm and 115 cm).

b. Swordfish: 25 kg (125cm low jaw fork length); each individual vessel shall not be over 15% of number of fish that lower than the minimum catch size.

2. Fishing vessels operating in the Indian Ocean shall comply with the following minimum size:

It shall not retain on board, transship, land any specimen smaller than 60 cm lower jaw fork length (LJFL) of Indian Ocean Striped Marlin, Black Marlin, Blue Marlin and Indo Pacific Sailfish.

#### **VI. Fishing Vessel Position Monitoring**

Before this Ministry making a new regulation on fishing vessel position monitoring, the fishing vessels fish for tunas in different oceans shall report its position according to the followings:

1. In Atlantic: The fishing vessels shall report its position with interval of four hours (the fishing vessels target eastern Atlantic bluefin tuna shall also report its position to secretariat of ICCAT directly). Starting from 1 January 2020, long line vessels and purse seiner vessels shall report its position with interval of at least two hours and at least one hour respectively.

2. In East Pacific Ocean (Pacific area east of 150° W): the fishing vessels operating in the area shall report its position with interval of four hours.

3. In Indian Ocean: the fishing vessels operating in the area shall report its position with interval of four hours.

4. In Western and Central Pacific Ocean (including the area south of 4° S, 130° W-150° W that overlapping with IATTC):

- a. The fishing vessels operating in the area shall report its position to COFA and WCPFC secretariat with interval of one hour.
- b. During the period of prohibition of using FADs, the purse seiner vessels shall report its position to COFA and WCPFC secretariat with interval of thirty minutes. In the case of vessel monitoring equipment has problem, the purse seiner vessel shall immediate return to port for repair, and no manual reporting be allowed.
- c. Some vessel position monitoring equipment formerly approved by WCPFC are no longer in meeting the requirement decided by this Commission (Argos: FVT, MAR GE, MAR GE V2 and MAR GE V3), the fishing vessels currently using such equipment shall replace it by vessel position motoring equipment of other type before the end of December, 2022.

- d. Except the regulation for purse seiner vessels during the period of prohibition of use FADs, if vessel monitor equipment has problem, the related enterprise shall immediately report the situation to COFA, and shall conduct manual report of vessel position to COFA and WCPFC secretariat based on unified form with interval of six hours before trouble of equipment be cleared, and shall repair the equipment or replace the position monitoring equipment within 30 days. If the vessel in question cannot recover automatic position reporting within 30 days, the fishing vessel shall stop fishing, retrieve all of its fishing gear and return to port. However, if the vessel cannot return to port due to malfunction of satellite network or mechanical fault of the vessel, the enterprise concerned may apply for a period of additional 15 days of manual report to WCPFC secretariat via COFA, interval of manual report shall be four hours during the additional 15 days.

## **VII. Transshipment and Accept Observers**

1. Products fished by a purse seiner vessel and Atlantic bluefin tuna harvested by a long line vessel shall not be transshipped at sea. The above products can only be landed or transshipped in designated ports reported by relevant states and recorded by Commissions.

2. Starting from 1 January 2019, all tuna fishing vessels shall be prohibited from transshipping its products in east high seas pocket (high seas area surrounding by Exclusive Economic Zones of Cook Inlands, French Polynesia and Kiribati) of Western and Central Pacific Ocean.

3. Except the above regulation, other fishing vessels fish for tunas may transship its products at sea, but shall only transship to the carry vessels that registered in Commission of respective ocean and has a regional observer on board. It shall report to COFA before each of transshipment happened.

4. All tuna fishing vessels shall have obligation to accept a national observer dispatched by this Ministry based on request of Commissions, as well as a regional observer deployed by Commissions under relevant measures, and shall strictly follow the request by *Implementation Regulation on National Observer Management in Distant Water Fisheries* [Nongbanyu (2016) No. 72], provide living and working convenience to observers as to official crew. The observer is not obstructed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of his/her duties. In the event that an observer presumed fallen overboard and other accidents, the relevant fishing vessels shall immediately cease all fishing operations and commence search and rescue, and report the situation to this Ministry and COFA.

## **VIII. High Seas Boarding and Inspection**

Currently the WCPFC is an only Commission that has measures to board and inspect fishing vessels fish for tunas on the high seas, enforcement vessels shall be registered in the Commission and fly the flag of the Commission's unified enforcement flag. The fishing vessels fish for tunas in the area shall cooperate with duly authorized enforcement officials to board and inspect the fishing vessel under the situations to ensure the safety of fishing vessel and crew and after verification of

identity of enforcement vessel and officials. If any problem occurred, the fishing vessel shall immediately, through its enterprise, report the problem to this Ministry and COFA.

#### **IX. Catch Documentation System (CDS)**

The enterprises conducting tuna fisheries shall go through the procedure for certificating its Statistic Documents and Catch Documentation in this Ministry and General Administration for Customs via COFA when carrying back or importing, exporting or re-exporting frozen bigeye tuna, swordfish and Atlantic bluefin tuna. Enterprises conducting Atlantic Bluefin tuna Import and export shall be registered and using e-BCD.

COFA shall complete the work related to CDS strictly according to the relevant regulation issued by this Ministry and General Administration for Customs, With respect to online verification of customs clearance certification for the legal catch of frozen bigeye tuna, swordfish and Atlantic bluefin tuna, COFA shall conduct the verification strictly in accordance with the request stipulated in *the No. 2157 Announcement by Ministry of Agriculture- General Administration for Customs*, so that to deter the IUU caught above products entering into customs area of China.

#### **X. Bycatch Species**

##### **1. Sharks**

(1) This Ministry does not approve any distant water fisheries project that targeting sharks, all tuna enterprises and fishing vessels shall, to the greatest possible, avoid or reduce catching sharks. Except the no retention shark species, fishing vessels fish for tunas shall fully utilize harvested sharks (i.e. keeping shark carcass and fin, excepting head, guts, and skins). The weight of shark fin on board shall not be over 5% of the weight of sharks on board up to the first point of landing. Fishing vessels are encouraged to take measures including shark fin and shark carcass naturally attached, fin and carcass binding together or using corresponding labels.

(2) It shall prohibit retaining on board, transshipping and landing the following shark species:

- a. Atlantic Ocean: bigeye thresher sharks, whitetip sharks, hammerhead sharks (including *Sphyrna lewini*, *Sphyrna mokarran* and *Sphyrna zygaena*), silky sharks and North Atlantic shortfin mako (north of 5° N).
- b. Indian Ocean: bigeye thresher sharks and whitetip sharks.
- c. Western and Central Pacific Ocean: whitetip sharks and silky sharks.
- d. East of Pacific Ocean: whitetip sharks and Mobulid rays (includes Manta rays and Mobula rays) (in the area of south of 4° S, 130° E to 150° E, the fishing vessels fish for tunas registered in IATTC shall observe the prohibition of Mobulid rays). Longline vessels shall limit its bycatch of silky sharks to a maximum of 20% of the total catch by one fishing trip in weight.

If fishing vessels caught the above shark species incidentally, the sharks shall be immediately released without further harm under the precondition of ensuring the safety of crew, and to record the details in the fishing log books accurately (with

indication of status when releasing: dead/alive).

(3) Prohibition of using “shark lines”: longline vessels operating in the Pacific Ocean shall be prohibited using “shark lines” (individual lines attached to the floatline or to the floats directly, and used to target sharks).

## 2. Seabirds

Longline vessels operating in the area south of 25° S in the Atlantic Ocean, in the area south of 25° S in the Indian Ocean and in the area north of 23° N and south of 30° S in the Pacific Ocean shall use two mitigation measures from equipping tori lines, night setting and weighted branch lines.

Longline vessels operating in the area south of 30°S in the Western and Central Pacific Ocean may use hook-shielding devices to replace the above three measures. Starting from 1 January 2020, among mitigation measures of tori lines, weighted branch lines and hook-shielding devices, longline vessels fishing in the area 25°S -30°S in the Western and Central Pacific Ocean shall use one of three measures.

## 3. Sea Turtles

All longline vessels shall equip de-hooks, to minimum the harm to possible bycaught sea turtles. As far as possible, longline vessels shall use circle hooks to reduce damage of possible incident caught sea turtles. The longline vessels operating in Indian Ocean are encouraged to use finfish as bait, using squid as bait is not encouraged.

## 4. Cetaceans or Whale Sharks

If a cetacean or a whale shark is sighted prior to commencement of the set, a tuna purse seiner vessel is prohibited from setting a purse seine net on a school of tuna associated with a cetacean or a whale shark. In the event that a cetacean or a whale shark is unintentionally encircled in the purse seine net, the purse seiner vessel shall stop the net roll, release the cetacean or the whale shark, and report the incident to WCPFC secretariat and COFA via enterprise it belongs to.

## 5. Atlantic Sailfish and Marlin

Longline vessels operating in Atlantic Ocean are encouraged to use circle hooks, to reduce damage of incident caught sailfish and marlin. Fishing vessels are encouraged to take appropriate steps in conducting no harm release the incident caught sailfish and marlin, and to reduce the mortality rate to the greatest possible.

# **XI. Marine Environment Protection**

1. Fishing vessels operating on the high seas in the Indian Ocean and in the Pacific Ocean shall be prohibited from fishing within one nautical mile of a data buoy that collect data used to conduct oceanographic research, and shall be prohibited from cutting a data buoy anchor line and taking a data buoy on board of a fishing vessel.

2. Starting from 1 January 2019, the fishing vessels operating in the Western and Central Pacific Ocean shall be prohibited from discharging any plastics (including plastic packaging, items containing plastic and polystyrene).

3. If fishing vessels caught a tuna with label from tag programme, it should record species, fork length, weight, position of harvest (longitude and latitude) and other information of the caught tuna as far as possible, and should report to COFA as soon as possible.

## **XII. Temporary Access**

COFA should strengthen the organizing and coordinating fishing vessels fish for tunas temporarily access to other countries' national jurisdiction. When fishing vessels fish for tunas need to temporarily access to other countries' national jurisdiction under chartering or access agreement, the enterprises that own the fishing vessels shall report number of fishing vessels accessed, actual fishing days, catch, observers on board of the fishing vessels and other information to COFA before the access and within 5 days after the access completed.

## **XIII. Prohibition of fishing for South Bluefin Tuna (SBT)**

Currently China is not yet a member of the Commission for the Conservation of Southern Bluefin Tuna established in 1994, and does not obtain the fishing quota of SBT, in order to avoid illegal fish for or incident catching SBT, the fishing vessels of China shall observe the following measures:

1. No retention on board, transshipping and landing SBT, the incident caught SBT shall be released immediately and recorded in the log book.

2. In the Indian Ocean: It shall prohibit from fishing in the areas of 30° S to 45° S, 20° E to 45° E and 30° S to 45° S, 70° E to 140° E from 1 September to 31 October. It shall prohibit from fishing in SBT spawning ground of 10° S to 20° S, 100° E to 130° E all year round.

3. In the Western and Central Pacific Ocean: It shall prohibit from fishing in the areas of 37° S to 45° S, 170° E to 180° E and 45° S to 50° S, 150° E to 170° E all year round.

4. In the Atlantic Ocean: It shall prohibit from fishing in the area of 40° S to 45° S and 10° W to 20° E all year round.

COFA shall complete its work on vessel monitor and early warning, once detecting a fishing vessel is in violation of above regulation, it shall immediately ask the vessel to leave the prohibited area, and report the case to this Ministry.

## **XIV. Fishing Vessel Marking**

The distant water fishing vessels shall painted name of the vessel, call sign and port of registry and other marking on the hull according to relevant regulation of this Ministry, and shall ensure the marking always keeping clearness.

All tuna enterprises shall serious comply with above management measures, and earnestly work out training of relevant persons, so as to enhance the level of observing law and discipline as well as implementation. The Provincial (Autonomous Regional and Municipal) fisheries authorities shall supervise and urge the enterprises conducting distant water fisheries under its respective jurisdiction to seriously implement the above management measures, reduce the number of infringement events concerning foreign affairs. COFA shall do its best for the work entrusted and authorized by this Ministry and shall publish the detailed measures on its website, so that the enterprises can easily follow the measures. COFA shall not collect charges from enterprises related to the work entrusted by this Ministry. COFA should strengthen the organizing and coordinating the industry, and improve organizational degree and self-discipline level of the industry continually.

For detailed management measures, please refer to the website of Commissions as well as COFA (see the attachment).

*Notification by General Office of Ministry of Agriculture on Strictly Comply With International Tuna Measures [Nongbanyu (2013) No.21]* is no longer in effective starting on the date of this Notification issued.

General Office of Ministry of  
Agriculture and Rural Affairs  
(With official stamp)  
7 January 2019

Attachment: Relevant website.



Attachment:

Relevant Website

1. the International Commission for Conservation of Atlantic Tunas (ICCAT)  
<http://www.iccat.int/en/RecsRegs.asp>
2. Indian Tuna Commission (IOTC)  
<http://www.iotc.org/cmms>
3. Western and Central Pacific Fisheries Commission (WCPFC)  
<https://www.wcpfc.int/conservation-and-management-measures>
4. Inter-American Tropical Tuna Commission (IATTC)  
<http://www.iattc.org/ResolutionsActiveENG.htm>
5. China Distant Water Fisheries Information Network  
[www.cndwf.com](http://www.cndwf.com)

## Driftnet ban

5. All fishing vessels conducted fishing operation on the high seas shall not use large scale drift net. In Western and central Pacific, the purse seiners shall prohibit using Fish Aggressive Devices (FADs) in the area between 20 degree North and 20 degree South from 1 July to 31 October.