



13 October 2023

IOTC CIRCULAR 2023-56

Dear Madam / Sir

A COMMUNICATION FROM CHINA REGARDING THE INVESTIGATION RESULT IN RESPONSE TO CIRCULAR 2023-052 REGARDING A VESSEL ACTIVITY NOTIFICATION FROM ENVIRONMENTAL JUSTICE FOUNDATION (EJF)

In response to [Circular 2023-052](#), China conducted a voluntary investigation into the notification from the Environmental Justice Foundation (EJF).

Please find attached the communication from China.

Yours sincerely

Paul de Bruyn
Executive Secretary

Attachment:

- letter from China

Distribution

IOTC Contracting Parties: Australia, Bangladesh, China, Comoros, Eritrea, European Union, France (Territories), India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom, Yemen. **Cooperating Non-Contracting Parties:** Liberia. **Intergovernmental Organisations, Non-Governmental Organisations.** Chairperson IOTC. **Copy to:** FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only

中华人民共和国农业农村部渔业渔政管理局

BUREAU OF FISHERIES, MINISTRY OF AGRICULTURE AND RURAL AFFAIRS, PEOPLE'S REPUBLIC OF CHINA

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October 12, 2023

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Seychelles
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Subject: The Investigation Result for the Allegation from EJF

Regarding Three Chinese Vessels LUQINGYUANYU 115/116/117

Dear Mr. Paul de Bruyn,

Reference is made to IOTC Circular 2023-52 regarding 3 Chinese vessels' activity notification from Environment Justice Foundation(EJF).

Although we do not accept the allegation from EJF neither on the procedural question nor on the effectiveness of its evidence, as the flag state, we paid much attention on this issue and carried out investigation, and we also would like to share the result from our investigation for a better multilateral understanding , according to the requirement of Resolution 18/03.

Chinese LL vessels LUQINGYUANYU115/116/117 are owned by Qingdao YKS Ocean Fisheries Co., Ltd., and legitimated by Chinese government. All 3 LL vessels are qualified with the High Seas Fishing License issued by Chinese government and are legally registered on the IOTC RAV. The 3 vessels engage in tuna longline fishing on the high seas of the Indian Ocean. The 3 vessels operated on the high seas of the Indian Ocean from December 2020 till now and during which they have strictly followed the conservation and management measures adopted by IOTC and Chinese national laws and regulations, and no violations alleged by EJF have been found. The detailed investigation results are as below:

1.Regarding the engagement in shark finning by the 3 vessels alleged by EJF. No evidence was found to support such accusation. Firstly, we checked with transshipment (with onboard observer) declaration and customs declaration for the vessels during the above period and found that blue shark trunks were transported back to China, that reflects shark finning was not happened and no products of other shark species entered through China's customs. Secondly, we conducted on line interview with crew members from China that worked on the 3 LLs and no crew supported such accusation. Thirdly, the photos in the EJF report have no

direct linkage with call signs or vessel marking, there is no evidence that the photos were taken on the above three LL vessels.

2. Regarding the IUU fishing in the prohibited area alleged by

EJF. This authority has no information where IOTC establishes applicable prohibited area in high seas of IOTC area and how crew members had knowledge that above vessels operated in so-called prohibited area. However, we confirm that LUQINGYUANYU116 is equipped with 2 sets of VMS (Triton and FleetOne), according to our FMC, the VMS operated well and from which the position reporting is continuous every hour with no record of the VMS switching off.

Regarding the AIS vessel position missing during sometime, we suggest EJF consult with the AIS service provider to look into the issue. Based on our technical experience, AIS data missing is very common on many vessels including vessels in Europe due to the lack of satellite coverage or other technical weakness. That's why we monitor our vessels using VMS, which is also required by relevant RFMOs.

3. Regarding the catch of the dolphin and giant manta ray alleged by

EJF. We checked log book of LUQINGYUANYU117 and interviewed with crew members who worked on the vessel during the time that alleged case happened, and we found no evidence to support this accusation. Moreover, the photos in EJF report has no direct linkage with this vessel, there is no evidence that the photos were taken on this vessel.

4. The allegation of the labor issue from EJJ. Labor issue is not in the scope of the IOTC jurisdiction and not subject to the IOTC conservation and management measures, yet we have conducted a serious investigation. We attach great importance to crew welfare and working condition. According to the record of Qingdao YKS Ocean Fisheries Co., Ltd, the salary of crew members was paid on time to manning companies (one is located in the same country of the migrate crews). Other issues including physical abuse, verbal abuse to crew also did not happen. One thing to note is that due to the Covid-19 pandemic, international travel restriction has caused lots of delay of crew travelling back home. But we have tried our best to send relevant crew to home countries, which was also the case for the crew of the above 3 LL vessels.

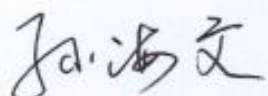
Kindly note that the 3 vessels mentioned above are within the strict monitor and surveillance of this authority. Based on above and according to the fisheries laws and regulations related to distant water fisheries management, we conclude at this stage that there is no evidence supports the accusation regarding the case of LUQINGYUANYU115/116/117 . We will keep following up the status of these vessels.

China, as a responsible flag state, always insists on "zero tolerance" attitude to fight against IUU fishing activities and strictly complies with the Convention and Conservation and Management Measures of all

RFMOs including IOTC. We would like to thank EJF for providing information regarding these 3 vessels, on the other hand, we fully respect the jurisdiction of IOTC CPCs and any decision on management whereas we also hold the position that the punishment shall be made to those vessels who are listed on the IUU list of RFMOs or decided by the flag state. We would like to keep close communication with IOTC Secretariat and relevant CPCs in this regard.

We highly appreciate that the Secretariat could distribute this letter .

Sincerely,

A handwritten signature in black ink, appearing to read '孙海文' (Sun Haiwen).

SUN Haiwen

Director, Division of Distant Water Fisheries

Bureau of Fisheries, Ministry of Agriculture and Rural Affairs

People's Republic of China