

U.S. White Paper

Basic principles for adopting measures for cross-listing vessels listed as IUU by other RFMOs

1) Compatible listing criteria, processes and procedures: There should be a common understanding among t-RFMOs of each other's listing criteria, processes and procedures. To the maximum extent possible, criteria, processes and procedures should be made compatible among all the t-RFMOs.

2) Scope: An RFMO should ensure its IUU cross-listing procedures are applicable to IUU vessel lists of other RFMOs that have an appropriate nexus (e.g., species and/or geographical) to the cross-listing RFMO. For example NAFO's cross-listing procedure is limited to IUU listings of NEAFC, which covers similar fisheries, and which has a convention area that is in close geographical proximity to the NAFO convention area. In the case of ICCAT, its cross-listing provision provides for the recognition of IUU listings of all other tuna RFMOs, thereby limiting its scope to RFMOs with species mandates (and therefore vessel coverage) similar to that of ICCAT. Given the global mobility of tuna vessels, ICCAT's cross-listing provision does not have a specific geographical limitation.

3) Information sharing between RFMOs: Effective IUU cross-listing provisions depend on the ability and willingness of RFMOs to share information on listing determinations with one another. This should include timely communication to other tuna RFMOs of IUU listings as well as supporting information considered by the original listing RFMOs and other relevant information regarding the listing determination (e.g., listing criteria, processes and procedures used and information on deliberations of the RFMO).

4) Preserving decision-making authority of the cross-listing RFMO: It is important that members of the cross-listing RFMO have the opportunity to consider each vessel, on a case-by-case basis, and to decide not to cross-list a vessel under certain circumstances, including, but not limited to, where:

- the original listing was not compatible or consistent with the RFMO's listing decision criteria or processes,
- there is satisfactory information to establish that the vessel did not engage in the IUU activity identified by the listing RFMO,
- appropriate action has been taken in response to the IUU fishing activities in question, or
- there is insufficient information on the basis for the original listing to make a cross-listing determination.

Decisions by an RFMO to place a vessel that appears on another RFMO's IUU list on its own IUU vessel list through a cross-listing mechanism should be based on a review of all documentation provided to the RFMO considering the cross-listing, any new relevant information, and a review of the report from the original RFMO reflecting its decision-making process.

As a result of this review, any member of the cross-listing RFMO should have the opportunity to object to the cross-listing of any vessel, or request additional time to consider it, given that the original listing RFMO may use different criteria and/or processes for IUU determinations, or a member of the RFMO with the cross-listing provision may not be a member of the original listing RFMO, and therefore would not have participated in the original decision to place the vessel on the IUU list.

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5) Timely delisting and listing procedures: In recognition of the original RFMO's primary expertise in determining what activities are IUU under its requirements, removal of a cross-listing should be automatic upon removal of the vessel from the IUU vessel list of the original listing RFMO. Cross-listing procedures should provide for intersessional delisting and, to the extent possible and appropriate, for intersessional listing, of vessels from other RFMO IUU vessel lists.