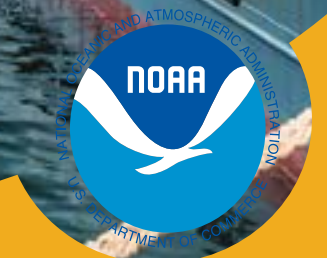
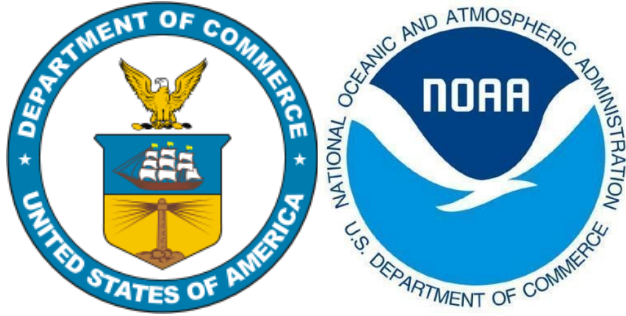




2023 Report to Congress
Improving International
Fisheries Management



NOAA
FISHERIES



REPORT TO CONGRESS

IMPROVING INTERNATIONAL FISHERIES MANAGEMENT August 2023

Developed pursuant to the High Seas Driftnet Fishing Moratorium Protection Act

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I. Executive Summary

The United States is a leader in sustainable fisheries. As a member of numerous fishery management organizations, a signatory of bilateral and multilateral treaties, and a party to diverse international conventions and protocols, the United States strives to work collaboratively to advance the critical fisheries management issues of our time. The United States prioritizes international efforts to combat illegal, unreported, and unregulated (IUU) fishing through strategic partnerships and capacity building; improve compliance and enforcement using tools like high seas boarding and inspection; advance adaptive fisheries management in response to climate change; protect threatened and vulnerable species through innovation and improved governance; and shine a light on other illicit activities associated with IUU fishing like forced labor and human trafficking. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), alongside numerous interagency partners, strives to improve international fisheries management for the sustainability of resources and the integrity of the global seafood market.

Every two years, NMFS delivers this report to Congress in fulfillment of its statutory requirements under the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act). This report – the *2023 Report to Congress on Improving International Fisheries Management* – includes an accounting of achievements and milestones in global and regional organizations (Chapter 6). It highlights programs and initiatives led by the United States that tackle systemic problems and provide capacity building (Chapter 7). It also includes other statutory reporting requirements related to bycatch programs and high seas driftnet fishing (Chapter 8 and Chapter 9). The most high profile parts of this report, however, are the identifications (Chapter 5) and subsequent certifications (Chapter 4) of nations and entities.

This report includes seven certification determinations for IUU fishing and 29 certification determinations for the bycatch of protected living marine resources (PLMR). NMFS issued Costa Rica, Guyana, Senegal, and Taiwan positive certifications in this report following IUU fishing identifications in 2021. NMFS issued Mexico, the People's Republic of China (PRC), and the Russian Federation negative certifications in this report following IUU fishing identifications in 2021. For PLMR bycatch, NMFS issued positive certifications in this report to Croatia, Egypt, the European Union (EU), Grenada, Guyana, Japan, Mauritania, Morocco, the PRC, Portugal, the Republic of Korea, Saint Vincent and the Grenadines, South Africa, and Taiwan. NMFS issued negative certifications in this report for PLMR bycatch to Algeria, Barbados, Côte d'Ivoire, Cyprus, France, Greece, Italy, Malta, Mexico, Namibia, Senegal, Spain, Trinidad and Tobago, Tunisia, and Türkiye.

NMFS identified seven nations and entities for IUU fishing in this report: Angola, Grenada, Mexico, the PRC, Taiwan, The Gambia, and Vanuatu. NMFS identified two nations for shark catch in this report: the PRC and Vanuatu.

As is explained in the pages to come, negative certification determinations result in the denial of U.S. port privileges and can result in trade restrictions. Certain vessels from Mexico, which is identified in this report for the fifth consecutive time – and negatively certified for the second

consecutive time – for illegally fishing in U.S. Waters in the Gulf of Mexico, have been denied entry to U.S. ports since February 2022.

This report contains a series of firsts. This is the first Moratorium Protection Act Report to Congress to include forced labor in IUU fishing identifications. It is the first report to identify a nation or entity for issues related to shark catch. It is the first report to follow a record number PLMR bycatch identifications with certification determinations – all for the bycatch of sea turtles in longline fisheries managed by the International Commission for the Conservation of Atlantic Tunas (ICCAT). This is also the first report published following a series of amendments to the Moratorium Protection Act made by the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (2023 NDAA). As discussed in greater detail below, NMFS has been able to implement some of the changes into this year’s report, while others will require further data collection efforts or rulemaking to fully implement.

Of note, in 2022, as a result of U.S. leadership and support from co-sponsors Brazil, Canada, Gabon, Egypt, the European Union, and Türkiye, ICCAT adopted a binding bycatch mitigation measure for sea turtles caught in association with ICCAT fisheries. NMFS commends ICCAT on this substantial step forward for sea turtle conservation. The adoption of this measure is the result of years of negotiations and NMFS recognizes the important role all ICCAT Contracting Parties and Cooperating Non-Contracting Parties, Entities or Fishing Entities (CPCs) had in securing the final measure, and in particular, those CPCs that co-sponsored the proposal. This is one of many international fisheries conservation and management success stories of the last two years, and it played a critical role in this report’s certification determinations.

Looking forward, NMFS will continue to build on its successes and find new paths to make progress on seemingly intractable issues. NMFS will continue to work with partners across agencies, sectors, and borders.

List of Acronyms

| | |
|-----------|--|
| ACAP | Agreement on the Conservation of Albatrosses and Petrels |
| APEC | Asia-Pacific Economic Cooperation |
| BMI | Bycatch Mitigation Initiative (IWC) |
| CBP | U.S. Customs and Border Protection |
| CCAMLR | Commission for the Conservation of Antarctic Marine Living Resources |
| CITES | Convention on International Trade in Endangered Species of Wild Fauna and Flora |
| CMM | Conservation and management measure |
| CMS | Convention on the Conservation of Migratory Species of Wild Animals |
| COFI | Committee on Fisheries of FAO |
| CONAPESCA | Comisión Nacional de Acuacultura y Pesca (Mexico) |
| CoP18 | 18th Conference of the Parties to CITES |
| CPCs | Contracting parties and cooperating non-contracting parties, entities, or fishing entities (ICCAT) |
| DWFDA | Distant Water Fisheries Development Act (Republic of Korea) |
| EBFT | Eastern Atlantic and Mediterranean bluefin tuna |
| EEZ | Exclusive Economic Zone |
| ESA | Endangered Species Act |
| EU | European Union |
| FAO | United Nations Food and Agriculture Organization |
| IATTC | Inter-American Tropical Tuna Commission |
| ICCAT | International Commission for the Conservation of Atlantic Tunas |
| IOTC | Indian Ocean Tuna Commission |
| IUU | Illegal, unreported, and unregulated (fishing) |
| IWC | International Whaling Commission |
| LOFF | List of Foreign Fisheries |
| MCS | Monitoring, control, and surveillance |
| MMPA | Marine Mammal Protection Act |
| MOU | Memorandum of understanding |
| MSA | Magnuson-Stevens Fishery Conservation and Management Act |

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|--------|--|
| MSRA | Magnuson-Stevens Fishery Conservation and Management Reauthorization Act |
| NAFO | Northwest Atlantic Fisheries Organization |
| NEAFC | North East Atlantic Fisheries Commission |
| NGO | Non-governmental organization |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| NPAFC | North Pacific Anadromous Fish Commission |
| NPFC | North Pacific Fisheries Commission |
| OFWG | Ocean and Fisheries Working Group (APEC) |
| PLMRs | Protected living marine resources |
| PSMA | Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing |
| RFMO | Regional fisheries management organization/arrangement |
| SCA | Shark Conservation Act of 2010 |
| SCIC | Standing Committee on Implementation and Compliance (CCAMLR) |
| SIMP | Seafood Import Monitoring Program |
| SPRFMO | South Pacific Regional Fisheries Management Organisation |
| UNGA | United Nations General Assembly |
| USCG | United States Coast Guard |
| VME | Vulnerable marine ecosystem |
| VMS | Vessel monitoring system |
| WECAFC | Western Central Atlantic Fishery Commission |
| WCPFC | Western and Central Pacific Fisheries Commission |

II. Introduction

Report Purpose and Scope

Since 2009, the Secretary of Commerce has submitted a Report to Congress on Improving International Fisheries Management every two years, as required by the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act) at 16 U.S.C. § 1826h. There are three core actions the National Marine Fisheries Service (NMFS) takes that are described in the biennial report to Congress: identification of nations and entities for certain relevant activities, consultation with identified nations and entities, and certification – either positive or negative – of previously identified nations and entities.

The Secretary of Commerce has delegated identification and certification authorities under the Moratorium Protection Act to the National Oceanic and Atmospheric Administration (NOAA) Assistant Administrator for Fisheries. This is NOAA’s eighth biennial report to Congress. Previous reports are available online.¹

Identifications are based on a range of issues central to international fisheries management. NMFS identifies nations and entities for having vessels engaged in illegal, unreported, or unregulated fishing (IUU fishing), for violating conservation and management measures (CMMs) of an international fishery management agreement to which the United States is a party, and/or for other fisheries issues described in more detail in the coming pages. NMFS also identifies nations and entities for fishing activities or practices by its vessels that result in bycatch of protected living marine resources (PLMRs), if specific criteria are met. Finally, NMFS identifies nations and entities for activities that target or incidentally catch sharks, under certain circumstances. In most cases, the Moratorium Protection Act requires that activities considered in making identification decisions for this report occurred during the preceding three years (2020, 2021, and 2022).

Each biennial report to Congress includes descriptions of consultations between the United States and nations and entities identified in the previous report to encourage those nations and entities to take appropriate action. NMFS also publishes certification determinations following those consultations, based on whether the identified nation or entity took actions subsequent to identification that have adequately addressed the original issues of concern.

The biennial report to Congress exists within the larger landscape of the United States’ international fisheries engagement. The United States is a party to numerous international fisheries agreements and is a member of, or has substantial interests in, many related multilateral organizations. Recognizing this, the Moratorium Protection Act directs the Secretary of Commerce to improve the effectiveness of these international fishery management organizations in conserving and managing stocks under their jurisdiction. This report highlights efforts by the United States to strengthen international fisheries management and enforcement, particularly

¹ Previous reports can be accessed on the NMFS website: <https://www.fisheries.noaa.gov/international/report-iuu-fishing-bycatch-and-shark-catch>

with regard to IUU fishing, violating relevant CMMs, PLMR bycatch, and inadequate shark conservation and management. In addition, this report includes achievements related to the challenges of managing fisheries in a changing climate and the pervasive issue of forced labor in the seafood sector.

The Moratorium Protection Act further directs the Secretary of Commerce to encourage other nations and entities to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in IUU fishing from being traded or imported into their jurisdictions. The Moratorium Protection Act calls on the Secretary of Commerce to provide assistance to nations or entities identified for certain activities, so they may qualify for positive certifications in the ensuing report. This report provides information on actions taken by NMFS pursuant to that obligation and, more generally, to assist other nations or entities in achieving sustainable fisheries.

IUU fishing, PLMR bycatch, and inadequate shark conservation and management have detrimental effects on the status of international living marine resources.² For that reason, the Moratorium Protection Act requires that the report include the state of knowledge on the status of such resources shared by the United States or subject to treaties or agreements to which the United States is a party. A table with this information, available on the NMFS website, includes all fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with the management or conservation of those stocks.³ For each species, the table shows the status of each stock, the organization(s) that made the assessment, and applicable treaties.

In addition to the Moratorium Protection Act, the United States has other legal authorities to address IUU fishing, PLMR bycatch, and shark conservation and management. These include the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Lacey Act, the IUU Fishing Enforcement Act, the Marine Mammal Protection Act (MMPA), and the Endangered Species Act (ESA), among others. Information on relevant legislation and associated activities can be found in the 2019 Biennial Report to Congress (pages 14-17)⁴ and in Appendix 2 of this report.

2023 Amendments to the Moratorium Protection Act

The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (2023 NDAA) was enacted on December 27, 2022. The 2023 NDAA amended the Moratorium Protection Act

² The statutory term “international living marine resources” is more inclusive than the term “protected living marine resources.” The latter includes only non-target species protected under U.S. law or international agreement that, except for sharks, are not managed under the MSA, the Atlantic Tunas Convention Act, or any other international fishery management agreement.

³ The international living marine resources table is available on the Report website:

<https://www.fisheries.noaa.gov/international/report-iuu-fishing-bycatch-and-shark-catch>

⁴ National Marine Fisheries Service. “Improving International Fisheries Management. September 2019 Biennial Report to Congress Pursuant to Section 403(a) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.” pp 14-17. Available at: <https://www.fisheries.noaa.gov/international/report-iuu-fishing-bycatch-and-shark-catch>

to add new considerations for identifying nations whose vessels are engaged in IUU fishing, modifies the criteria for identifying nations whose vessels engage in PLMR bycatch and shark catch without a regulatory program comparable to the United States, authorizes NMFS to identify nations any time the agency has sufficient information, and modifies other aspects of the certification and consultation processes. NMFS has utilized the provisions of the Moratorium Protection Act amended by the 2023 NDAA to identify nations for which we have sufficient information at this time.

III. Background

Illegal, Unreported, and Unregulated Fishing

Illegal, unreported, and unregulated (IUU) fishing is a global problem that imperils sustainable fisheries, damages ocean ecosystems, threatens economic security, depletes natural resources, and puts law-abiding fishermen and seafood producers at a disadvantage. Illegal fishing refers to fishing activities conducted in contravention of applicable laws and regulations, including those laws and rules adopted at the regional and international level. Unreported fishing refers to those fishing activities that are not reported or are misreported to relevant authorities in contravention of national laws and regulations or reporting procedures of a relevant regional fisheries management organization (RFMO). Unregulated fishing occurs in areas, or for fish stocks, for which there are no applicable conservation and management measures (CMMs) and where such fishing activities are conducted in a manner inconsistent with a nation's or entity's responsibilities under international law. Fishing activities are also considered unregulated when occurring in an RFMO-managed area and conducted by vessels without nationality, or by those flying a flag of a nation or fishing entity that is not party to the RFMO with authority in that area in a manner that is inconsistent with the CMMs of that RFMO. By its very nature, IUU fishing is difficult to quantify.

The broader context in which IUU fishing occurs amplifies the importance of combating IUU fishing. Aquatic foods provide at least 20% of the average intake of animal protein for more than 3 billion people.⁵ Given this reliance on the ocean for sustenance, IUU fishing represents a serious threat to food security. The effect of IUU fishing on economic security and sustainability could also contribute to conflict at international and local scales.

IUU fishing can occur in fisheries both within areas of national jurisdiction and on the high seas. Nations and entities that engage in IUU fishing circumvent CMMs, which can lead to the unsustainable use of fish stocks and allow for the avoidance of operational costs associated with sustainable fishing practices. These activities undermine global efforts to sustainably manage fish stocks and deprive scientists of data needed to inform sound fisheries conservation and management decisions. Those that engage in IUU fishing are unlikely to observe rules designed to protect the marine environment and its resources from the harmful effects of fishing activities; and unlikely to protect the safety and well-being of crew. Examples of rules that might be ignored or overlooked include restrictions on the harvest of juvenile fishes, gear restrictions established to minimize waste and bycatch of non-target species or harm to the ecosystem, catch limits, prohibitions on fishing in areas of known spawning or other biologically critical activities, and rules pertaining to crew's length of consecutive working hours without rest or length of time at sea without a call in port. In fact, illegal fishing is associated with illegal and illicit labor conditions aboard vessels, such as forced and child labor, which can threaten the safety of both crew and observers.

⁵ From the State of World Fisheries Report, UN Food and Agricultural Organization, 2022, Executive Summary: <https://www.fao.org/3/cc0461en/online/sofia/2022/executive-summary.html>

NMFS leads and collaborates on activities to counter IUU fishing across the globe; often in close coordination with both U.S. Government and international partners.⁶ Combating a complex problem like IUU fishing requires engagement from a broad range of governments and entities. These include flag, coastal, port, and market States; international and intergovernmental organizations; fishing, processing, distribution, and retail industries; non-governmental organizations; financial institutions; insurers; and consumers. The United States, as a leader in international efforts to combat IUU fishing, encourages the development and strengthening of management tools and governing institutions. Among them are new agreements to manage fishing in previously unregulated areas; IUU vessel lists; port State controls;⁷ at-sea monitoring, control, and surveillance (MCS); market-related measures to help ensure compliance; improved data collection and reporting; and scientific and enforcement capacity building assistance.

For the purpose of this report, IUU fishing is defined at 50 CFR § 300.201.

Forced Labor and Oppressive Child Labor

Illegal and inhumane working conditions in the seafood sector, such as forced labor and oppressive child labor, are devastating for victims and their families. They also contribute to destabilization of maritime security and supply chains, and create circumstances that lead to the depletion of fish stocks and degradation of marine ecosystems. These labor abuses undermine U.S. economic competitiveness, national security, fishery sustainability, and the livelihoods and human rights of fishers around the world.

Combating forced labor and oppressive child labor is particularly challenging within the seafood industry, where operations range from small aquaculture farms in coastal zones to large fish-processing trawlers that travel the high seas for months. Employers may subject victims – many of whom are also victims of human trafficking – to physical, mental, and sexual abuse; deception about working conditions and wages; debt bondage; withholding of wages; excessive overtime; abusive working and living conditions; and isolation for extended periods of time. Several factors increase the vulnerability of workers in the fishing sector, including illegal or unjust employment and recruitment practices, dependency of national and global supply chains on distant water fisheries, weak regulatory and governance programs, and poor enforcement. The power imbalance between workers and employers limits the ability of workers to claim and assert their rights in environments where illegal activities thrive.

In many markets, employers, recruiters and traffickers often deceive fishermen with false promises of high wages and decent working conditions. Additionally, fishermen are at risk for high recruitment fees that they are never able to pay off, which become the basis for debt bondage, forcing victims to remain with the vessel or firm. Globally, a large portion of fishermen in distant water fleets and major markets are migrants who are vulnerable to labor abuses due to isolated conditions, limited access to legal and administrative systems or other

⁶ For more information about NMFS' activities, see the following website: <https://www.fisheries.noaa.gov/topic/international-affairs/iuu-fishing>

⁷ Port State controls were strengthened by the entry into force of the Agreement on Port State Measures (PSMA) in 2016. This agreement requires parties to take actions to prevent IUU fish and fish products from entering the stream of commerce.

forms of support, unfamiliarity with local languages, and a lack of information about their working conditions and rights. Vessels that venture farther out to sea and engage in at-sea transshipment, resupplying, and refueling can stay at sea for months to years, inhibiting workers' access to resources and ability to have contact with the outside world, and delaying at-port inspections that might identify labor violations and abuses, including human trafficking for labor.

Labor abuses can flourish under weak and ineffective management regimes. For example, vessels may operate under a “flag of convenience,” registered to a country with limited interest or ability to enforce fishing or labor related laws. These conditions are exacerbated when workers are unable to report their conditions or leave abusive employment conditions without fear of retribution, either from legal authorities or from criminal enterprises.

Bycatch of Protected Living Marine Resources

Bycatch of PLMRs, including incidentally caught or entangled sea turtles and marine mammals, is a serious management concern in international fisheries. Bycatch can lead to injury or mortality of protected species, resulting in significant negative consequences for the protected species as well as for overall marine biodiversity. Unsustainable PLMR bycatch undermines the ability of the United States and other nations and entities to conserve these resources and the environment they inhabit.

The United States continues to be a global leader in establishing international measures to reduce and mitigate PLMR bycatch through bilateral and multilateral efforts. In RFMOs and other international fora, the United States promotes the adoption and implementation of management measures that address harmful activities such as direct harvest and incidental entanglement. Bilateral engagement builds upon these efforts through capacity building activities and diplomatic outreach focused on reducing PLMR and seabird bycatch mortality. In addition, U.S. research efforts continue to advance fisheries science related to bycatch mitigation, which is critical to progress in multilateral fora. All of these efforts ultimately aim to promote a consistent international framework of strong bycatch-related measures for all fishing vessels, similar to the robust bycatch mitigation program in place for U.S. fishing vessels.

The statutory definition of the term ‘PLMR’ includes non-target fish, sea turtles, or marine mammals protected under U.S. law or international agreement, including the MMPA, ESA, Shark Finning Prohibition Act, and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The term excludes species, except sharks, that are managed under the MSA, the Atlantic Tunas Convention Act, or any international fishery management agreement.⁸ The regulations define “bycatch” to mean “the incidental or discarded catch of protected living marine resources or entanglement of such resources with fishing gear.” 50 CFR § 300.201.

⁸ A list of PLMRs can be found at <https://www.fisheries.noaa.gov/international/report-iuu-fishing-bycatch-and-shark-catch>.

Shark Conservation and Catch

The conservation and management of sharks is challenging due to their biological and ecological characteristics and the scarcity of reliable species-specific catch data. Many shark species have conservative life histories, which are characterized by relatively slow growth, late maturity, and low reproductive rates, which make them particularly vulnerable to overexploitation and slow to recover once stocks are depleted. There are growing concerns regarding the status of many shark stocks and their exploitation in global fisheries.

The United States promotes global shark conservation and sustainable management with ongoing multilateral and bilateral consultations to develop and implement international agreements. The United States works within RFMOs and other regional entities to facilitate shark research, data collection, monitoring, and management initiatives, such as measures requiring the landing of sharks with fins naturally attached. In recent years, the United States has successfully led efforts to implement these measures within a number of RFMOs.⁹ Many of these efforts are described in Chapter 6 of this report.

NMFS has the ability to advance global shark conservation in this Report by identifying nations or entities for shark-related concerns using three different approaches. The first is under the Moratorium Protection Act's IUU fishing provisions at 16 U.S.C. § 1826j(a)(1). The Shark Conservation Act of 2010 amended those provisions to specify that violation of shark conservation measures required under international fishery management agreements to which the United States is a party could be a basis for identification for IUU fishing. NMFS has identified several nations and entities in this and previous reports under the IUU fishing provisions for violating shark CMMs.

Secondly, under the PLMR bycatch provisions at Section 1826k(a)(1)(A), a nation could be identified if any fishing vessel has engaged in fishing activities or practices on the high seas or within the exclusive economic zone (EEZ) of any nation that results in the bycatch of sharks that are listed as PLMRs and the vessel's flag state has not adopted, implemented, and enforced a regulatory program governing such fishing designed to end or reduce bycatch that is comparable in effectiveness to the regulatory program of the United States, taking into account different conditions.

The third approach is under the shark provisions of the statute at 16 U.S.C. § 1826k(a)(1)(B), which separately requires the Secretary of Commerce to identify nations and entities whose vessels are engaged, or have been engaged during the preceding three calendar years, in fishing activities on the high seas or within the EEZ of another nation that target or incidentally catch sharks, and where the nation has not adopted, implemented, and enforced a regulatory program for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port, that is comparable to that of the United States.

⁹ The annual Shark Finning Report to Congress can be found on the NMFS website: <https://www.fisheries.noaa.gov/resource/document/2018-shark-finning-report-congress>. The Report was on hiatus due to the COVID-19 pandemic but will return to its regularly scheduled releases starting in 2023.

IV. Certification Determinations

NMFS engages nations and entities in consultations following identification, after which NMFS provides a preliminary certification determination to an identified nation or entity, which has an opportunity to respond before the final certification is issued. Consultations consist of the exchange of scientific, regulatory, management, and legal information relevant to each identification. They are opportunities for identified nations and entities to share updates on progress and to explain specific circumstances surrounding relevant fisheries and the issues for which they were identified. Consultations allow for relationship building and the provision of technical assistance. These efforts require significant resource inputs from NMFS and, often, from identified nations. NMFS appreciates the efforts of many nations to engage in robust dialogue throughout the consultation process.

In March 2023, NMFS sent letters providing preliminary certification determinations to nations and entities identified in the 2021 Report to Congress. The delivery of preliminary certification determinations in advance of this report allowed for a nation or entity to provide additional documentary evidence related to its identification. If an identified nation or entity took appropriate actions to address the issues that formed the basis of its identification, NMFS issued a positive certification determination in this report. If NMFS issues a negative certification determination to a nation or entity, 16 U.S.C. §§ 1826a-1826c (High Seas Driftnet Fisheries Enforcement Act) prescribes denial of U.S. port privileges for that nation's or entity's fishing vessels. The Moratorium Protection Act (16 U.S.C. §§ 1826d-1826k) authorizes other responsive measures as well, including potential import restrictions. Therefore, during the period for which a negative certification applies, the United States will implement appropriate restrictions on port access for vessels flagged to the nation or entity that received a negative certification and NMFS may recommend appropriate trade restrictions.

NMFS will continue to consult with and provide technical assistance to nations and entities that receive negative certifications. A negative certification issued in this report can be amended to a positive certification at such time as NMFS determines that the nation or entity has taken adequate action.

Detailed information about communications and meetings central to the consultation process for each of the following nations and entities is in Appendix 3.

Illegal, Unreported, and Unregulated Fishing Certification Determinations

Costa Rica: Positive Certification

Basis for 2021 Identification: NMFS identified Costa Rica in 2021 for failing to effectively manage and control its fleet and fisheries consistent with CMMs adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and for failing to provide essential statistical data and other required information to ICCAT. These actions had previously led to Costa Rica receiving an identification letter from the ICCAT compliance committee Chair in 2019, 2020 and 2021 under ICCAT's Recommendation Concerning Trade Measures (Rec. 06-13¹⁰).

The specific concerns leading NMFS to identify Costa Rica under the Moratorium Protection Act included failing to submit catch data to ICCAT (Rec. 05-09¹¹), harvest of North Atlantic swordfish without quota (Rec. 17-03¹²), and extensive overharvest of Atlantic white marlin (Rec. 19-05¹³).

Corrective Actions: In 2022, Costa Rica demonstrated significant progress in building its capacity to satisfy all ICCAT data reporting requirements, participating as a Cooperating Non-Contracting Party in seven intersessional and scientific meetings of ICCAT as well as several informal consultations with the ICCAT Secretariat's statistics department. Costa Rica has adopted and implemented updated forms (including logbook forms, record of sets forms, and transshipment sheets) for mandatory data collection by fishing masters. The Costa Rican Institute of Fisheries and Aquaculture (INCOPECA) provided training on the use of this system in July 2022 and additional training in May 2023. Training was supplemented by a landings inspection program. From January to May 2023, Costa Rica reported 100% dockside inspection of the medium-scale Caribbean longline fleet, with an integrated database managed by INCOPECA. Costa Rica reported its missing catch and effort data for 2021 and prior years to ICCAT, in accordance with ICCAT obligations. A requirement for 100% vessel monitoring system (VMS) coverage was included in a new law (Reglamento AJDIP/076-2022). Additionally, Costa Rica has provided documentary evidence of its plans to develop a national onboard observer program in 2024, as well as a pilot program for electronic monitoring.

Regarding North Atlantic swordfish, in March 2022 a team of national scientists from Costa Rica participated in the data preparatory meeting for the June 2022 swordfish stock assessment conducted by ICCAT's Standing Committee on Research and Statistics (SCRS). Costa Rica presented estimates of Atlantic swordfish landings by its fleet of three longline vessels for the period 1999-2020. The SCRS congratulated Costa Rica on the submission of this new catch series, and encouraged Costa Rica to expand its scientific work in this poorly known area of the Caribbean Sea. Costa Rica submitted a North Atlantic swordfish management/development plan

¹⁰ ICCAT Rec. 06-13 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2006-13-e.pdf>. Note that ICCAT Recommendations (Recs.) are binding measures, including binding CMMs.

¹¹ ICCAT Rec. 05-09 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2005-09-e.pdf>.

¹² ICCAT Rec. 17-03 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2017-03-e.pdf>.

¹³ ICCAT Rec. 19-05 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2019-05-e.pdf>.

at the ICCAT annual meeting in November 2022, in accordance with the requirements of ICCAT Rec. 17-02.¹⁴

In the case of Atlantic marlins, Costa Rica has explained that there was confusion regarding which species are subject to ICCAT quotas. Costa Rica rightly noted that ICCAT Rec. 19-05 uses English common names, rather than scientific names, which has led to confusion regarding managed species and quotas. To address the compliance concern related to overharvesting of “white marlin,” Costa Rica sought the help of ICCAT’s statistics department to ensure that the scientific names of species included on its statistical and compliance forms are correct. As a result, ICCAT has determined that Costa Rica’s reported overharvest of white marlin was in fact blue marlin, and did not constitute an overharvest.

In addition to these actions directly related to its identification, Costa Rica is currently undertaking a review of regulatory provisions in order to bring its fisheries management measures in line with relevant ICCAT recommendations through a draft plan to amend its Caribbean Billfish Fishery Management Plan. Furthermore, Costa Rica has acknowledged that ICCAT CMMs apply within the EEZ and to vessels <20 meters, a matter over which there was previously a misunderstanding by Costa Rica. In order to fully implement ICCAT’s CMMs for North Atlantic swordfish and Atlantic marlins, Costa Rica has presented the ICCAT Convention and Protocol Amendments to its Legislative Assembly; Bill 23094 is currently in the Legislative Plenary and Costa Rica anticipates its approval before December 31, 2023.

Certification Determination: NMFS positively certified Costa Rica on the basis of its actions to address unreported harvests, to engage actively in capacity building to meet ICCAT reporting requirements, and to submit a management/development plan for North Atlantic swordfish in accordance with the requirements of ICCAT Rec. 17-02. In addition, Costa Rica’s national scientists have worked directly with the statistics department at the ICCAT Secretariat to correct the prior misreporting of Atlantic blue marlin as Atlantic white marlin. Costa Rica’s letter to the ICCAT compliance committee chair¹⁵ provides a comprehensive accounting of all data and information that was submitted to ICCAT within established deadlines in 2022. As a result, ICCAT lifted its identification of Costa Rica under Rec. 06-13 in November 2022, although ICCAT’s compliance committee will continue to review Costa Rica’s progress annually and highlight any necessary follow up actions.

Guyana: Positive Certification

Basis for 2021 Identification: NMFS identified Guyana in 2021 for failing to effectively manage and control its fleet and fisheries consistent with CMMs adopted by ICCAT and for failing to provide essential statistical data and other required information to ICCAT. These actions had previously led to Guyana receiving an identification letter from the ICCAT compliance committee Chair in 2019, 2020 and 2021 under ICCAT Rec. 06-13.

Specific concerns leading to NMFS’ 2021 identification of Guyana under the Moratorium Protection Act included failing to submit catch data to ICCAT (Rec. 05-09), extensive

¹⁴ ICCAT Rec. 17-02 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2017-02-e.pdf>.

¹⁵ ICCAT document COC_309, pp 50-54, accessible at <https://www.iccat.int/com2022/index.htm#>.

overharvest of Atlantic blue marlin and white marlin (Rec. 19-05), harvest of South Atlantic swordfish without quota (Rec. 17-03), and poor implementation of and reporting on shark requirements (Rec 18-06¹⁶).

Corrective Actions: On August 13, 2021, Guyana's Ministry of Agriculture, Department of Fisheries, issued a letter to the company responsible for earlier blue marlin and swordfish landings, ordering the company's four fishing vessels to immediately cease harvesting these species. On March 10, 2022, the company provided written confirmation to the government that it had ceased all operations targeting tuna and tuna-like species. Guyana's 2022 Annual Report to ICCAT confirmed that its Fisheries Department will not accept any additional permit applications for the exploitation of the pelagic fishery for tuna and tuna-like species at this time. Further, the Fisheries Department confirmed that any reopening of this fishery would be conditioned upon full implementation of ICCAT requirements, including monitoring and reporting requirements (specifically noting that VMS, observer coverage and electronic monitoring would be required, and dockside monitoring would be used to verify logbooks).

In addition to taking these corrective actions, the Fisheries Department has hired a new staff person responsible for reporting to ICCAT. The Fisheries Department liaised with the Caribbean Community (CARICOM) for training support, requested copies of available ICCAT capacity building materials related to species identification and electronic reporting requirements, and worked directly with the ICCAT Secretariat to confirm deadlines and different aspects of reporting requirements. In 2022, Guyana met the key ICCAT reporting requirements on time, including submission of Task I data (catch and effort), compliance tables and reporting check sheets for sharks and billfish.

Regarding reported shark catches, Guyana confirmed that these sharks are harvested in artisanal and subsistence fisheries, not taken in association with ICCAT fisheries. Guyana's Wildlife Commission is responsible for providing a non-detriment finding for the export of sharks. In 2021, Guyana held several training sessions on shark species identification. The Fisheries Department provided a copy of a species identification guide for endangered, threatened and protected species, including sharks, developed specifically for Guyana by IUCN and WWF. Finally, Guyana noted that it is beginning to prepare a National Plan of Action (NPOA) for sharks, with assistance from the United Nations Food and Agriculture Organization (FAO), and will consider the need for new national legislation in this context.

Certification Determination: NMFS positively certified Guyana on the basis of its actions to cease harvesting of marlins and swordfish, and to actively engage in capacity building that resulted in meeting its ICCAT reporting obligations in 2022. While ICCAT lifted its identification of Guyana under ICCAT Rec. 06-13 in November 2022, ICCAT's Compliance Committee will continue to review Guyana's progress annually and highlight any necessary follow up actions.

¹⁶ ICCAT Rec. 18-06 is available at www.iccat.int/Documents/Recs/compendiopdf-e/2018-06-e.pdf.

Mexico: Negative Certification

Basis for 2021 Identification: NMFS identified Mexico in 2021 for not taking effective flag State action to address its vessels illegally fishing in U.S. waters in the Gulf of Mexico. NMFS identified Mexico for the same issue in 2015, 2017, 2019, and 2021. The vessels in question, known as *lanchas*, catch finfish stocks that are regulated by the United States, including red snapper. NMFS negatively certified Mexico for this issue in the 2021 Report to Congress, which remains in place today.¹⁷ As a result of the 2021 negative certification, Mexican fishing vessels are subject to denial of U.S. port privileges and potential import restrictions of fish and fish products from Mexico under the High Seas Driftnet Fisheries Enforcement Act. Id. §§ 1826a-1826c. Mexican fishing vessels that fish in the Gulf of Mexico are already prohibited from entering U.S. ports, and denied port access and services, effective February 7, 2022.

Corrective Actions: Despite numerous engagements with the Government of Mexico, related port restrictions, and the possibility of further negative actions, incursions continue. The USCG interdicted a total of 321 *lanchas* for suspicion of illegal fishing in 2020, 2021, and 2022. Based on the facts of each interdiction, the USCG prepared 287 case packages with evidence of illegal fishing that were provided to the Government of Mexico for follow-up enforcement action. The number of interdictions dipped during the pandemic because of the U.S. Coast Guard's no-boarding policy, but rose since the lifting of that policy. In addition, the rate of recidivism is soaring, with some Mexican nationals interdicted up to 40 times. This indicates that those carrying out the illegal fishing perceive minimal or no consequences for this behavior.

Certification Determination: There is no evidence to support a determination that appropriate corrective actions have been taken to address this issue. Accordingly, and as it did in 2021, NMFS negatively certified Mexico. This negative certification will remain in place until such time that there is sufficient evidence to support a positive certification. A positive certification determination will require documentary evidence of actions to effectively address Mexican *lancha* incursions into the U.S. EEZ, as well as a reduction in the number of repeat offenders.

The People's Republic of China: Negative Certification

Basis for 2021 Identification: NMFS identified the People's Republic of China (PRC) in 2021 for having vessels that violated CMMs adopted by NPFC, WCPFC, IATTC, and ICCAT; and for failing to take appropriate corrective actions. First, the NPFC IUU vessel list included a growing number of fishing vessels with evidence of PRC registration for violation of a conservation measure regarding the harvest of species by unauthorized vessels. Second, crewmembers working aboard PRC-flagged fishing vessels reported violations of shark- and transshipment-related conservation measures in the WCPFC, IATTC, and ICCAT convention areas (WCPFC

¹⁷ NMFS, *2021 Report to Congress on Improving International Fisheries Management*, pp. 15-18.

CMMs 2010-07¹⁸, 2011-04¹⁹, 2013-08²⁰, and 2009-06²¹; IATTC C-11-10²², C-05-03²³, C-12-07²⁴, and C-16-05²⁵; and ICCAT Rec. 04-10²⁶, Rec. 09-07²⁷, Rec. 10-08²⁸, Rec. 11-08²⁹, and Rec. 16-15³⁰).

Corrective Actions: Regarding the NPFC IUU vessel list that includes a number of fishing vessels with evidence of PRC registration, the PRC stated that any information regarding PRC registry is false and that none of the vessels in question have any association with the PRC. In addition, the PRC provided a comprehensive explanation of the challenges it had with managing the issuance of Maritime Mobile Service Identity numbers after mandating AIS be on all of its fishing vessels. The PRC explained that this issue is now resolved. NMFS will continue to monitor this issue closely.

Regarding unresolved violations of shark-related and transshipment-related CMMs in WCPFC, IATTC, and ICCAT convention areas, the PRC stated that it had investigated all allegations and found no evidence of violations. The PRC described interviews of hundreds of crewmembers, many of whom were at sea during the investigation, and were reportedly interviewed by the vessel masters and not government law enforcement personnel. In addition, some dates of inquiry predated the allegation dates, further raising questions about the credibility of the investigations. As such, NMFS cannot determine whether the PRC took appropriate corrective actions.

Certification Determination: NMFS negatively certified the PRC until such time that there is sufficient evidence to support a positive certification. In order to receive a positive certification, the PRC will need to provide additional evidence that a credible investigation took place into the violations of shark-related and transshipment-related conservation measures in the WCPFC, IATTC, and ICCAT convention areas.

¹⁸ WCPFC CMM 2010-07 is available at <https://cmm.wcpfc.int/measure/cmm-2010-07>.

¹⁹ WCPFC CMM 2011-04 is available at <https://cmm.wcpfc.int/measure/cmm-2011-04>.

²⁰ WCPFC CMM 2013-08 is available at <https://cmm.wcpfc.int/measure/cmm-2013-08>.

²¹ WCPFC CMM 2009-06 is available at <https://cmm.wcpfc.int/measure/cmm-2009-06>.

²² IATTC C-11-10 is available at https://www.iattc.org/GetAttachment/71fc2096-c12b-4560-83a4-60fd07dcd07f/C-11-10-Active_Conservation-of-Oceanic-whitetip-sharks.pdf.

²³ IATTC C-05-03 is available at www.iattc.org/GetAttachment/92e97e61-eb12-40e1-aa62-291eb7f69b82/C-05-03-Active_Sharks.pdf.

²⁴ IATTC C-12-07 is available at https://www.iattc.org/GetAttachment/07dcb0ec-72a1-4e5c-acf0-2e11393cb6c9/KOR-C-12-07_Transshipment-in-Port.pdf.

²⁵ IATTC C-16-05 is available at https://www.iattc.org/GetAttachment/ab97fba4-bc24-4d67-9552-43294fc679f9/C-16-05-Active_Management-of-sharks-species.pdf.

²⁶ ICCAT Rec. 04-10 is available at www.iccat.int/Documents/Recs/compendiopdf-e/2004-10-e.pdf.

²⁷ ICCAT Rec. 09-07 is available at <https://www.iccat.int/documents/recs/compendiopdf-e/2009-07-e.pdf>.

²⁸ ICCAT Rec. 10-08 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2010-08-e.pdf>.

²⁹ ICCAT Rec. 11-08 is available at <https://www.iccat.int/documents/recs/compendiopdf-e/2011-08-e.pdf>.

³⁰ ICCAT Rec. 16-15 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2016-15-e.pdf>.

Russian Federation: Negative Certification

Basis for 2021 Identification: NMFS identified the Russian Federation in 2021 for having a vessel engaged in fishing activities that violated CCAMLR conservation measures in 2020 and for failing to take appropriate corrective actions. Additionally, the Russian Federation failed in 2019 and 2020 to adequately investigate allegations of a CCAMLR conservation measure violation resulting from an incident in 2017. These issues all involve the F/V *Palmer*.

Corrective Actions: The Russian Federation did not provide any details of corrective actions related to the F/V *Palmer* despite repeated requests from Members at subsequent meetings of the CCAMLR Standing Committee on Implementation and Compliance in 2021 and 2022. To date, the Russian Federation has yet to provide NMFS with any details of corrective actions.

Certification Determination: NMFS negatively certified the Russian Federation until such time that there is sufficient evidence to support a positive certification. To receive a positive certification, the Russian Federation will need to provide additional details of the investigations into violations of CCAMLR conservation measures committed by the F/V *Palmer* (now named *Okean*).

Senegal: Positive Certification

Basis for 2021 Identification: NMFS identified Senegal for having vessels that violated ICCAT conservation measures and for failing to take appropriate corrective actions. Senegal asserted that the F/V *Mario No. 11*, placed on the ICCAT IUU vessel list for unauthorized fishing in the ICCAT Convention area in 2020, was de-flagged prior to its listing. However, Senegal failed to produce evidence in support of this claim. Senegal also failed to fully investigate evidence of unauthorized transshipment by the F/V *Maximus* in 2020. Further, crewmembers working aboard the F/V *Lisboa* reported violations of shark-related conservation measures (Rec. 04-10³¹) and transshipment controls (Rec. 16-15³²).

Corrective Actions: Senegal provided the provisional registration of F/V *Mario No. 11* showing an expired date. Since the vessel never received permanent registration, the expired provisional registration serves as evidence the vessel is no longer registered to Senegal. As such, ICCAT removed Senegal as the current flag of the vessel that is on the ICCAT IUU vessel list. Senegal corroborated suspicions that the F/V *Maximus* was engaged in unauthorized transshipments and nominated the vessel for listing on the ICCAT IUU vessel list. Senegal investigated allegations against the F/V *Lisboa* and closed the case without sanctioning the vessel after determining it could not corroborate the allegation.

Certification Determination: On the basis of information provided, NMFS has determined that Senegal has taken appropriate corrective action to address the activities for which it was identified in the 2021 Report to Congress. Based on this finding, NMFS positively certified Senegal.

³¹ ICCAT Rec. 04-10 is available at www.iccat.int/Documents/Recs/compendiopdf-e/2004-10-e.pdf

³² ICCAT Rec. 15-15 is available at www.iccat.int/Documents/Recs/compendiopdf-e/2016-15-e.pdf

Taiwan: Positive Certification

Basis for 2021 Identification: NMFS identified Taiwan for having vessels that violated conservation and management measures in WCPFC, IATTC, and ICCAT convention areas in 2018, 2019, or 2020 and for failing to take appropriate corrective actions. NGOs interviewed crewmembers working on board Taiwan flagged fishing vessels at the conclusion of their contracts, and provided NMFS with allegations that many Taiwan fishing vessels violated shark- and transshipment-related conservation and management measures of WCPFC, IATTC, or ICCAT (WCPFC CMMs 2010-07, 2011-04, 2013-08; IATTC C-11-10 and C-05-03; and ICCAT Rec. 04-10 and Rec. 16-15).

Corrective Actions: Taiwan provided NMFS with detailed case reports for all 11 vessels with allegations against them, with the exception of one vessel that was lost at sea. Seven vessels have cases that are still open; two cases have been dismissed without penalty (including the vessel lost at sea); and two vessels have been penalized. Given the extensive investigation and reporting provided to the United States, NMFS considers that Taiwan is doing its due diligence to investigate the alleged violations, provide documentary evidence of its investigations, and issue penalties where appropriate.

Certification Determination: On the basis of information provided, NMFS has determined that Taiwan is taking appropriate corrective action to address the activities for which it was identified in the 2021 Report to Congress. Based on this finding, NMFS positively certified Taiwan.

Protected Living Marine Resources Bycatch Certification Determinations

PLMR Bycatch Certification Determinations Related to Pelagic Longline Fishing

NMFS identified 28 nations and entities in 2021 for having engaged in pelagic longline (PLL) fisheries between 2018 and 2020 in the ICCAT Convention Area, in waters beyond any national jurisdiction, without mitigation measures to reduce bycatch of sea turtles comparable in effectiveness to U.S. regulations.³³ While the ICCAT Convention Area includes both areas on the high seas as well as areas within national waters, the Moratorium Protection Act at the time of the 2021 biennial report limited PLMR bycatch identifications to areas beyond any national jurisdiction.

Following identification, NMFS engaged these nations and entities in consultations consisting of written communications, meetings, and technical exchanges (Appendix 3). Consultations inform certification determinations. To receive a positive certification, a nation or entity must provide documentary evidence of the adoption of a regulatory program comparable in effectiveness to U.S. regulations taking into account different conditions. The United States has a robust regulatory regime for its longline fishing fleet targeting ICCAT species, including gear and bait restrictions.

As discussed above, nations receiving certifications in this report were identified in the 2021 report under the Moratorium Protection Act as it existed before the 2023 NDAA amendments. The previous statutory language limited PLMR bycatch identifications to activities occurring in areas beyond any national jurisdiction. During the consultation period, and while evaluating all available information, NMFS determined that PLL fishing activities conducted by vessels of certain nations (Egypt, Grenada, Mauritania, and South Africa) between 2018 and 2020 in the ICCAT Convention Area had taken place exclusively within those nations' EEZs and not in waters beyond any national jurisdiction. Based on this information, NMFS issued positive certifications to these nations, as described in the sections below.

In 2022, as a result of U.S. leadership and support from co-sponsors Brazil, Canada, Gabon, Egypt, the European Union, and Türkiye, ICCAT adopted a binding bycatch mitigation measure for sea turtles caught in association with ICCAT fisheries (Recommendation 22-12, hereafter Rec. 22-12).³⁴ NMFS commends ICCAT on this substantial step forward for sea turtle conservation. The adoption of Rec. 22-12 is the result of years of negotiations and NMFS recognizes the important role all ICCAT Contracting Parties and Cooperating Non-Contracting

³³ These identifications reflect the criteria set out at 16 U.S.C. § 1826(a)(1) at the time of publication of the 2021 Report to Congress, which had three criteria: (1) fishing vessels of that nation or entity are engaged, or have been engaged during the preceding three years, in fishing activities or practices in waters beyond any national jurisdiction that result in bycatch of a PLMR, or beyond the exclusive economic zone (EEZ) of the United States that result in bycatch of a PLMR shared by the United States; (2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation or entity is not a party to, or does not maintain cooperating status with, such organization; and (3) the nation or entity has not adopted a regulatory program governing such fishing practices designed to end or reduce bycatch that is comparable to that of the United States, taking into account different conditions. These criteria have since been amended by the 2023 NDAA.

³⁴ Available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2022-12-e.pdf>. The term used for a binding CMM at ICCAT is "Recommendation," abbreviated as "Rec."

Party, Entity or Fishing Entity (CPCs) had in securing the final measure, and in particular, those CPCs that co-sponsored the proposal. In adopting Rec. 22-12, ICCAT joined IATTC and WCPFC in implementing mandatory sea turtle bycatch mitigation measures, thereby ensuring that sea turtles are afforded necessary protections across the Pacific and Atlantic Oceans.

ICCAT Rec. 22-12 entered into force in June 2023, requiring vessels fishing in the Atlantic to implement the new bycatch mitigation measures. Vessels fishing in the Mediterranean Sea, however, are not required by ICCAT to implement a bycatch mitigation measure under Rec. 22-12 until 2026. A review of incidental catch of vulnerable species from the General Fisheries Commission for the Mediterranean noted that bycatch in PLL fisheries targeting swordfish and tunas is the main threat to sea turtles in the Mediterranean Sea. The same report estimated between 5,344 and 11,152 loggerhead sea turtles killed per year in PLL fisheries throughout the Mediterranean Sea, with the total number of individuals caught in these fisheries ranging from 26,000 to 50,000.³⁵

The bycatch mitigation measures, or actions, for PLL fisheries enumerated within Rec. 22-12 are consistent with those in place in tuna RFMOs in the Pacific, which NMFS deemed effective at reducing sea turtle bycatch in the 2021 Report to Congress. NMFS has determined that the mitigation measures for PLL fisheries contained within ICCAT Rec. 22-12, once applied, can be considered comparable in effectiveness to U.S. regulations, taking into account different conditions. U.S. PLL vessels operating in the ICCAT Convention Area are required to use 18/0 circle hooks (in the Atlantic) or 16/0 circle hooks (in the Gulf of Mexico and Caribbean), as well as finfish bait in order to mitigate sea turtle bycatch. ICCAT Rec. 22-12 – in most cases – requires PLL fishing vessels to use circle hooks, finfish bait, or another mitigation measure approved by ICCAT’s scientific committee. NMFS scientists and managers with expertise in ICCAT PLL fisheries and relevant U.S. fisheries concluded that the measures in ICCAT Rec. 22-12, once applied in a PLL fishery, could be considered comparable in effectiveness with U.S. regulations, taking into account different conditions. Therefore, for purposes of the 2023 Report, NMFS considers those nations and entities that provided documentary evidence of adoption of the mitigation measures required by ICCAT Rec. 22-12 for PLL vessels fishing in waters beyond any national jurisdiction, by the publication date of this report, as having met the criteria to receive a positive certification.

Documentary evidence could include a law or binding action that clearly details the adoption of the mitigation measures enumerated in ICCAT Rec. 22-12 for the nation’s or entity’s PLL vessels fishing in waters beyond any national jurisdiction. For nations and entities fishing exclusively in the Atlantic, this outcome could also be achieved with a law or binding action that states that all RFMO CMMs are automatically binding on its fishing vessels fishing in waters beyond any national jurisdiction. For nations with PLL fisheries operating in the Mediterranean, however, a law requiring adoption of RFMO measures would not necessarily require vessels to adopt mitigation measures by the publication date of this report because ICCAT Rec. 22-12 does not require action for Mediterranean fisheries until 2026. Those nations would have to take additional action to meet the requirements for positive certification.

³⁵ Carpentieri, P., Nastasi, A., Sessa, M. & Srour, A., eds. 2021. Incidental catch of vulnerable species in Mediterranean and Black Sea fisheries – A review. Studies and Reviews No. 101 (General Fisheries Commission for the Mediterranean). Rome, FAO. <https://doi.org/10.4060/cb5405en>

NMFS also considered any other approaches to mitigate the bycatch of sea turtles in these PLL fisheries (outside of ICCAT Rec. 22-12) that would be comparable in effectiveness to U.S. regulations, taking into account different conditions. Nations needed to provide documentary evidence of the adoption of a regulatory program that clearly enumerated the alternative mitigation approach.

Positive Certifications: NMFS has the necessary documentary evidence to demonstrate either that: (1) PLL fishing activities between 2018 and 2020 in the ICCAT Convention Area had taken place exclusively within a nation’s EEZs and not in waters beyond any national jurisdiction, or (2) that a regulatory program comparable in effectiveness to U.S. regulations, or other relevant actions, was adopted and is in force by the following nations and entities for their PLL vessels operating in the ICCAT Convention Area, in waters beyond any national jurisdiction and issued a positive certification to each of the following: **Croatia, Egypt, the European Union (EU), Grenada, Guyana, Japan, Mauritania, Morocco, the People’s Republic of China, Portugal, the Republic of Korea, Saint Vincent and the Grenadines, South Africa, and Taiwan.**

NMFS engaged in significant efforts to consult with identified nations and entities, and to provide technical assistance, where requested. While a few did not take part in these exchanges, most nations and entities participated and noted their commitment to sea turtle conservation in ICCAT and beyond. In some cases, despite fruitful exchanges through consultations, nations were unable to adopt a regulatory program comparable in effectiveness to that of the United States by the publication of this report, due to limitations in their overarching fisheries legal frameworks or ongoing processes to update these frameworks. Other nations are actively working towards the adoption of these measures for PLL vessels fishing in waters beyond any national jurisdiction but were unable to do so prior to the publication of this report. Finally, some nations and entities are not preparing to adopt and put measures in force for Mediterranean fleets until 2026, in accordance with ICCAT Rec. 22-12, which means such measures were not in place by the publication of this report; and as noted previously, nations and entities must have a regulatory program comparable in effectiveness to U.S. regulations in force by the publication of this report to receive a positive certification.

Negative Certifications: The following nations were unable to produce documentary evidence of the adoption of a regulatory program to reduce sea turtle bycatch in PLL fishing in the ICCAT Convention area, in waters beyond any national jurisdiction, comparable in effectiveness to U.S. regulations, and therefore NMFS issued them a negative certification: **Algeria, Barbados, Côte d’Ivoire, Cyprus, France, Greece, Italy, Malta, Namibia, Senegal, Spain, Trinidad and Tobago, Tunisia, and Türkiye.** More details are provided below.

NMFS will continue to consult with negatively certified nations, including providing technical assistance, as requested and available. NMFS will subsequently issue a positive certification to a nation at any time that it has provided the necessary documentary evidence that it has adopted a regulatory program to mitigate sea turtle bycatch that is comparable in effectiveness to U.S. regulations, taking into account different conditions. During the period for which these negative certifications apply, the United States will implement appropriate restrictions on U.S. port access

for vessels flagged to those nations receiving a negative certification determination and NMFS may recommend appropriate trade restrictions to the President, pursuant to the requirements of the Moratorium Protection Act and the High Seas Driftnet Fisheries Enforcement Act.

NMFS underscores that ICCAT Rec. 22-12 applies to fishing activity both within and beyond waters of national jurisdiction, and that mitigating sea turtle bycatch, regardless of fishing location, is a priority for the United States. In accordance with the parameters of the 2021 identifications, NMFS is issuing a positive certification for some nations that have taken corrective action for their fleets operating in waters beyond national jurisdiction. NMFS notes that some of these nations have PLL fishing activities in waters within their national jurisdictions and have not adopted sea turtle bycatch mitigation measures for those fishing activities. The 2023 NDAA amended the Moratorium Protection Act so that a nation or entity can now be identified for bycatch of a PLMR within its EEZ even in the case where the PLMR is not shared. This means that in future identifications, a nation that previously only reported fishing activity within its EEZ could now be identified for having a fishing vessel engaged in fishing activities or practices within the EEZ of any nation that have resulted in bycatch of a PLMR without a regulatory program comparable in effectiveness to U.S. regulations. NMFS will take this information into consideration in the preparation of future potential identifications.

Algeria: Negative Certification

Although Algeria has taken steps to conserve sea turtles, including actions to address sea turtle strandings and measures to reduce mortality of bycaught animals through safe handling and release requirements, the nation has not adopted any measures to specifically reduce or mitigate bycatch. Algeria asserts it will abide by the ICCAT requirements and will adopt the relevant regulatory measures in accordance with Rec. 22-12 in a timely fashion.

Barbados: Negative Certification

Barbados indicated that it intends to update its existing Fisheries Regulations (1998) under its Fisheries Act (1993) with a variety of changes, including gear restrictions intended to reduce sea turtle bycatch in its PLL fishery. The updated regulations were not finalized by the publication of this report, but are expected to be in place soon. Based on this information, NMFS issued Barbados a negative certification. NMFS will reverse this determination at such time as Barbados provides documentary evidence of finalized regulations.

Côte d'Ivoire: Negative Certification

Côte d'Ivoire has developed a draft regulatory program that will implement ICCAT Rec. 22-12 by requiring vessels to use large circle hooks, or other approved approaches to reduce bycatch of sea turtles in its PLL fisheries. Côte d'Ivoire reports that the draft regulation is currently under internal review and will be finalized in the near future.

Croatia: Positive Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about Croatia's fisheries and regulations. The Ministry of Agriculture, Directorate of Fisheries, of Croatia attested that it does not permit any PLL vessels targeting ICCAT managed species to fish in areas beyond national jurisdiction, and does not intend to authorize PLL vessels to fish in waters outside Croatia's national Jurisdiction until appropriate regulatory frameworks are in place to mitigate

the bycatch of sea turtles. Based on this information, NMFS issued Croatia a positive certification.

Cyprus: Negative Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about Cyprus' fisheries and regulations. While the EU and Cyprus have each taken some actions to protect sea turtles in the Mediterranean, Cyprus has not adopted regulatory measures to mitigate bycatch of sea turtles in PLL fisheries in the Mediterranean. Cyprus and the European Commission, have attested that the relevant ICCAT measures will be in force for relevant fleets by the 2026 deadline for vessels fishing in the Mediterranean Sea, as set out in ICCAT Rec. 22-12.

Egypt: Positive Certification

NMFS identified Egypt in 2021 for having vessels engaged in a fishing activity – fishing with PLL gear – known to result in bycatch of a PLMR in the ICCAT Convention Area, in waters beyond national jurisdiction. During the consultation period, NMFS determined that Egypt's self-reported 2018-2020 PLL catches in the ICCAT Convention Area had taken place exclusively within its EEZ and not in waters beyond national jurisdiction. Moreover, Egypt noted during consultations that its vessels were only fishing within its EEZ. Therefore, NMFS issued Egypt a positive certification.

As of January 2023, Egypt has taken actions to adopt ICCAT Rec. 22-12 for all its PLL vessels. The Lakes and Fish Resources Protection and Development Agency published Resolution No. 64, requiring PLL vessels to implement at least one of the following, (1) the use of finfish as bait, or (2) the use of large circle hooks. NMFS commends Egypt for implementing the sea turtle bycatch mitigation measures in Rec. 22-12 in advance of the 2026 entry into force for vessels operating in the Mediterranean Sea.

European Union (EU): Positive Certification

NMFS identified the EU in 2021 for having not taken action to reduce sea turtle bycatch in PLL fisheries across all of its Member States. Under Article 216 of the Treaty for the Functioning of the European Union, any binding conservation and management measure adopted by RFMOs to which the EU is a Party, becomes directly binding on the Union and its Member States. Based on this information, NMFS issued the EU a positive certification.

NMFS also issued certification determinations for each of the individual Member States identified in the 2021 Report to Congress. Under EU law, ICCAT Rec. 22-12 is binding for Member States with vessels fishing in the Atlantic as of June 2023, and will be binding for Member States with vessels fishing in the Mediterranean as of 2026. Additionally, Member States fishing in the Mediterranean can adopt regulations to implement ICCAT Rec. 22-12 or take other action to mitigate bycatch on their PLL vessels at any time under their domestic regulatory programs. Therefore, NMFS issued positive certifications for all Member States whose vessels are operating exclusively in the Atlantic. NMFS also issued a positive certification for any Member State with vessels operating in the Mediterranean that has adopted a regulatory program in force by the publication of this report to mitigate bycatch of sea turtles in their PLL fisheries comparable in effectiveness to U.S. regulations. NMFS issued a negative

certification to those Member States fishing in the Mediterranean that are unable to provide documentary evidence of a regulatory program at this time. Additional information can be found in the sections for each of the Member States.

France: Negative Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about France's fisheries and regulations. France has PLL vessels fishing in both the Atlantic and the Mediterranean. In the Mediterranean, while the EU and France have each taken some actions to protect sea turtles, France has not adopted regulatory measures to mitigate bycatch of sea turtles in PLL fisheries in the Mediterranean. France reports that in 2016 it published the "Guide to good practice to reduce the mortality of sensitive species accidentally caught by French pelagic longliners in the Mediterranean" and further notes that some of its fleet voluntarily uses circle hooks. France and the European Commission have attested that the relevant ICCAT measures will be in force for relevant fleets by the 2026 deadline for vessels fishing in the Mediterranean Sea, as set out in ICCAT Rec. 22-12.

Greece: Negative Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about Greece's fisheries and regulations. While the EU and Greece have each taken some actions to protect sea turtles in the Mediterranean, Greece has not adopted regulatory measures to mitigate bycatch of sea turtles in PLL fisheries in the Mediterranean. Greece and the European Commission have attested that the relevant ICCAT measures will be in force for relevant fleets by the 2026 deadline for vessels fishing in the Mediterranean Sea, as set out in ICCAT Rec. 22-12.

Grenada: Positive Certification

NMFS identified Grenada in 2021 for having vessels engaged in a fishing activity – fishing with PLL gear – known to result in bycatch of a PLMR in the ICCAT Convention Area, in waters beyond national jurisdiction. During the consultation period, NMFS determined that Grenada's self-reported 2018-2020 PLL catches in the ICCAT Convention Area had taken place exclusively within its EEZ and not in waters beyond national jurisdiction. Therefore, NMFS issued Grenada a positive certification.

Grenada has not yet implemented the ICCAT measure or taken other binding action to mitigate bycatch for its domestic PLL fleet. Though many of Grenada's vessels in its PLL fishery voluntarily employ practices that contribute to the mitigation of sea turtle bycatch, including the widespread use of whole finfish bait, Grenada does not require its vessels to apply any sea turtle mitigation measures at this time. Grenada is considering future regulatory updates to its existing fisheries management framework. NMFS will continue to work with Grenada both bilaterally and in ICCAT to promote full implementation of the ICCAT requirements under Rec. 22-12.

Guyana: Positive Certification

Guyana's Chief Fisheries Officer attested that Guyana is not currently licensing or planning on licensing any PLL vessels targeting ICCAT managed species until appropriate regulatory frameworks are in place to mitigate the bycatch of sea turtles in any future fisheries. Based on

this information, NMFS issued Guyana a positive certification because the activity for which it was identified has ceased.

Italy: Negative Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about Italy's fisheries and regulations. While the EU and Italy have each taken some actions to protect sea turtles in the Mediterranean, Italy has not adopted regulatory measures to mitigate bycatch of sea turtles in PLL fisheries in the Mediterranean. Italy reported that it supported pilot studies on circle hooks, and noted that some of its vessels continue to voluntarily use the gear. Italy and the European Commission have attested that the relevant ICCAT measures will be in force for relevant fleets by the 2026 deadline for vessels fishing in the Mediterranean Sea, as set out in ICCAT Rec. 22-12.

Japan: Positive Certification

Japan has updated its domestic regulatory programs to implement the bycatch mitigation provisions of ICCAT Rec. 22-12. Specifically, Japan has revised Article 57 of its Ministerial Ordinance on the Permission, Regulation, Etc. of Fisheries, as well as its Public Notice of the Ministry of Agriculture, Forestry and Fisheries, No. 867. Based on this information, NMFS issued Japan a positive certification.

Malta: Negative Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about Malta's fisheries and regulations. While the EU and Malta have each taken some actions to protect sea turtles in the Mediterranean, Malta has not adopted regulatory measures to mitigate bycatch of sea turtles in PLL fisheries in the Mediterranean. Malta and the European Commission have attested that the relevant ICCAT measures will be in force for relevant fleets by the 2026 deadline for vessels fishing in the Mediterranean Sea, as set out in ICCAT Rec. 22-12.

Mauritania: Positive Certification

NMFS identified Mauritania in 2021 for having vessels engaged in a fishing activity – fishing with PLL gear – known to result in bycatch of a PLMR in the ICCAT Convention Area, in waters beyond national jurisdiction. During the consultation period, NMFS determined that Mauritania's self-reported 2018-2020 PLL catches in the ICCAT Convention Area had taken place exclusively within its EEZ and not in waters beyond national jurisdiction. Moreover, the Secretary General of Mauritania's Ministry of Fishing and Maritime Economy attested that Mauritania currently has no flagged PLL vessels targeting ICCAT managed stocks. Therefore, NMFS issued Mauritania a positive certification.

Morocco: Positive Certification

Morocco has adopted measures implementing ICCAT Rec. 22-12 for its Atlantic-based refrigerated PLL fleet, the only portion of its fleet that operates outside its national waters. In a Ministerial Decision on conservation measures on sea turtles captured in association with ICCAT fisheries dated May 29, 2023, Morocco requires all refrigerated PLL vessels operating in areas

beyond its national jurisdiction to use finfish bait. Based on this information, NMFS issued Morocco a positive certification.

Morocco additionally has PLL vessels fishing in its domestic waters in the Atlantic and the Mediterranean, and is not implementing ICCAT Rec. 22-12 for these vessels. Morocco reports it is in the process of updating a number of regulations that will have implications for its PLL vessels fishing in the Mediterranean. To support these efforts, Morocco was a participant in the Med Bycatch Project, a collaboration across Mediterranean coastal States, NGOs, and IGOs, to test various mitigation tools to address bycatch. NMFS will continue to work with Morocco, both bilaterally and in ICCAT, to promote full implementation of the ICCAT requirements.

Namibia: Negative Certification

Namibia has not provided documentary evidence of the adoption of a regulatory program to reduce bycatch of sea turtles in its PLL fisheries. Namibia has reported on action taken by its industry to conserve sea turtles, such as widespread use of finfish bait by the PLL fleet, and a willingness to use circle hooks. However, Namibia has not provided information or materials that demonstrate these measures are required under regulations or any other legally binding mechanism.

People's Republic of China (PRC): Positive Certification

The PRC's domestic regulations require PRC-flagged vessels to implement measures adopted by tuna RFMOs, such as ICCAT Rec. 22-12. Moreover, the PRC updated its general tuna fisheries regulations (Nongbanyu [2022] No. 1) to reflect new ICCAT requirements. Based on this information, NMFS issued the PRC a positive certification.

Portugal: Positive Certification

As discussed above, Article 216 of the Treaty for the Functioning of the European Union requires any binding conservation and management measure adopted by RFMOs to which the EU is a party to directly bind the Union and its Member States. Therefore, Portugal's PLL fleet, which operates exclusively in the Atlantic Ocean, is required to implement ICCAT Rec. 22-12, including its bycatch mitigation components by June 2023. Based on this information, NMFS issued Portugal a positive certification.

Republic of Korea (ROK): Positive Certification

ROK's domestic regulations require all ROK-flagged vessels to implement measures adopted by tuna RFMOs, such as ICCAT Rec. 22-12. Additionally, ROK has updated its PLL permit conditions requiring vessels to implement gear and bait measures including the use of circle hooks. Based on this information, NMFS issued ROK a positive certification.

Saint Vincent and the Grenadines: Positive Certification

NMFS identified Saint Vincent and the Grenadines in 2021 for having vessels engaged in a fishing activity – fishing with PLL gear – known to have bycatch of a PLMR in the ICCAT Convention Area, in waters beyond national jurisdiction. During the consultation period, officials attested, and ICCAT data confirmed, that Saint Vincent and the Grenadines is no longer authorizing any vessels to fish on the high seas. Furthermore, Chapter 61 of Saint Vincent and the Grenadines' High Sea Fishing Act and its associated High Seas Fishing License Conditions

require its vessels fishing on the high seas to abide by relevant international conservation and management measures, such as ICCAT Rec. 22-12. Based on this information, NMFS issued Saint Vincent and the Grenadines a positive certification.

Saint Vincent and the Grenadines continues to authorize small-scale PLL vessels to fish within waters of its national jurisdiction and is not currently implementing ICCAT Rec. 22-12 for those vessels. Officials noted progress to update its fisheries management law and provided a timeline and information describing the progress in revising the current law. After passing the new legislation, the government has indicated it will develop associated regulations, including those for sea turtle bycatch mitigation. Saint Vincent and the Grenadines' new fisheries laws were not completed by the publication of this report, but are expected to be in place soon. NMFS will continue to work with Saint Vincent and the Grenadines both bilaterally and in ICCAT to promote full implementation of the ICCAT requirements.

Senegal: Negative Certification

Senegal has stated its intention to adopt the requirements of ICCAT Rec. 22-12 into law for its artisanal longline fleet; however, it has not yet identified a specific implementing law and NMFS has not received any relevant documentary evidence of a regulatory program comparable in effectiveness to U.S. regulations.

South Africa: Positive Certification

NMFS identified South Africa in 2021 for having vessels engaged in a fishing activity – fishing with PLL gear – known to result in bycatch of a PLMR in the ICCAT Convention Area, in waters beyond national jurisdiction. During the consultation period, NMFS determined that South Africa's self-reported 2018-2020 PLL catches in the ICCAT Convention Area had taken place exclusively within its EEZ and not in waters beyond national jurisdiction. Therefore, NMFS issued South Africa a positive certification.

NMFS highlights that South Africa published the “Permit Conditions: Large Pelagic Longline Fishery” for the fishing season 2023-2024 on February 22, 2023. The permit conditions require vessels that fish in a shallow-set manner “in the ICCAT region” to use only large circle hooks or use finfish bait, following the requirements of ICCAT Rec. 22-12.

Spain: Negative Certification

The European Commission, supported by representatives from the identified EU Member States, engaged throughout the consultation process and provided information about Spain's fisheries and regulations. Spain has PLL vessels operating in both the Atlantic and the Mediterranean. In the Mediterranean, while the EU and Spain have each taken some actions to protect sea turtles in the Mediterranean, Spain has not adopted regulatory measures to mitigate bycatch of sea turtles in PLL fisheries in the Mediterranean. Spain released a National Action Plan on bycatch in 2022, and is planning a workshop to address bycatch in its PLL and purse seine tuna fisheries in the Atlantic and Indian oceans, as well as the Mediterranean Sea. Spain and the European Commission have attested that the relevant ICCAT measures will be in force for relevant fleets by the 2026 deadline for vessels fishing in the Mediterranean Sea, as set out in ICCAT Rec. 22-12.

Taiwan: Positive Certification

Taiwan's Act for Distant Water Fisheries requires all fishing vessels of distant water fisheries to comply with measures adopted by RFMOs. Moreover, in June 2022, Taiwan amended its Atlantic Regulations, requiring that any longline vessel fishing in a shallow-set manner shall use large circle hooks or non-cephalopods species bait. Based on this information, NMFS issued Taiwan a positive certification.

Trinidad and Tobago: Negative Certification

Trinidad and Tobago is in the process of developing an updated fisheries management law to replace its current legislation, but was not able to provide documentary evidence of a regulatory program comparable in effectiveness to U.S. regulations before the publication of this report.

Tunisia: Negative Certification

Tunisia is amending its overarching fishing regulations. New regulations may include provisions intended to reduce sea turtle bycatch. Tunisia was not able to provide information about the timing of the finalization of these regulations prior to the publication of this report.

Türkiye: Negative Certification

Türkiye has not yet implemented the sea turtle bycatch mitigation requirements in ICCAT Rec. 22-12 for its PLL vessels operating in the Mediterranean, but reported that it plans to do so in September 2024.

Negative Certification Determination for Mexico

Basis for 2021 Identification: NMFS identified Mexico in 2021 for lack of a regulatory program comparable in effectiveness to that of the United States to reduce or minimize bycatch of North Pacific loggerhead sea turtles, an endangered species and a PLMR shared with the United States, in the gillnet fishery in the Gulf of Ulloa. NMFS identified Mexico for bycatch in this same fishery in 2013, and negatively certified Mexico for not having adopted relevant regulatory measures in 2015. Subsequently, Mexico reported that it put in place regulations to reduce loggerhead bycatch in the fishery, including fishing gear restrictions, onboard video monitoring, a sea turtle mortality limit, and the establishment of a refuge area. Mexico further guaranteed that the measures would remain in place to ensure loggerhead conservation and long-term fishery sustainability and resilience. In 2016, NMFS issued Mexico a positive certification based on the publication of the revised regulations and high level assurances that the measures would be fully implemented and enforced. In 2018, Mexico extended the timeframe for the regulations to 2023.

In spite of these measures, Mexican Wildlife Law Enforcement reported significant strandings of deceased loggerhead sea turtles on the shores of the Gulf of Ulloa from 2018-2020. NMFS, alarmed by the magnitude of these mortalities involving a shared stock of an endangered sea turtle and concerned that the measures in place were not being fully or effectively implemented, identified Mexico again in 2021.

Corrective Action: During consultations and in written communication, Mexico claimed that the regulatory measures for which it was issued a positive certification are still in place. These measures, first adopted in 2016 and then renewed in 2018, include the establishment of a fisheries reserve, gear restrictions, bycatch mortality cap, and observer and electronic monitoring

requirements. However, Mexico failed to provide any documentary evidence to support the assertion that these regulatory programs were being fully implemented after 2018. On June 23, 2023, Mexico issued regulations renewing the fishing refuge zone and its associated measures. The revised regulations no longer require on board video monitoring or observers, and therefore, there are no provisions to measure bycatch in the fishery, a key element of any bycatch regulatory program. Moreover, the 2016 and 2018 regulations required the fishery to be closed when 90 sea turtle mortalities were observed during fishery operations. The 2023 regulations defer the development of a revised bycatch mortality limit until an uncertain time in the future, following an interagency and stakeholder engagement process. These changes weaken the effectiveness of the regulation to reduce bycatch of sea turtles in the Gulf of Ulloa fisheries.

Negative Certification Determination: Based on the revised regulations for the fishery, in addition to information provided by Mexico through the consultation process, NMFS has determined that the current regulatory program is not comparable in effectiveness to relevant regulatory programs of the United States. Further, NMFS has concerns that the regulatory program is not being adequately implemented. Therefore, NMFS issued Mexico a negative certification until such time there is sufficient evidence of a regulatory program in force to reduce sea turtle bycatch that is comparable in effectiveness to the United States.

NMFS will continue to work with Mexico through Moratorium Protection Act processes and beyond to address these bycatch concerns. During the period for which the negative certification applies, the United States will implement appropriate restrictions on U.S. port access for Mexican-flagged vessels and NMFS may recommend appropriate trade restrictions to the President, pursuant to the requirements of the Moratorium Protection Act and the High Seas Driftnet Fisheries Enforcement Act.

V. Identifications

Throughout the two years preceding the publication of the Report to Congress pursuant to the Moratorium Protection Act, NMFS gathers information from numerous sources relevant to determining whether a nation or entity or its vessels have been engaged in activities that could lead to identification. One data source NMFS uses is public input in response to a Federal Register Notice. For this report, NMFS published a request for information on April 14, 2022.³⁶ When necessary and practicable to gather the appropriate information, NMFS contacts nations or entities with activities that may qualify for identification, seeking additional information. This process is detailed in regulations implementing the Moratorium Protection Act (50 CFR Part 300, Subpart N), and augmented as described below following amendments to the Moratorium Protection Act.

³⁶ 87 FR 22194, Pp 22194-22195, April 14, 2022. Accessible at: <https://www.govinfo.gov/content/pkg/FR-2022-04-14/pdf/2022-07944.pdf>.

Illegal, Unreported, and Unregulated Fishing Identifications

The Moratorium Protection Act, at 16 U.S.C. § 1826j(a), requires the Secretary of Commerce to identify a nation or entity if it is engaging in or endorsing, or if any of its fishing vessels are engaged, or have been engaged during the preceding three years, in IUU fishing. It further requires, at 16 U.S.C. § 1826j(e)(3), the Secretary to publish a regulatory definition of “illegal, unreported, or unregulated fishing” that includes, at a minimum, certain elements. NMFS regulations, at 50 CFR § 300.201, define IUU fishing as:

- (1) In the case of parties to an international fishery management agreement to which the United States is a party, fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including but not limited to catch limits or quotas, capacity restrictions, bycatch reduction requirements, shark conservation measures, and data reporting;
- (2) In the case of non-parties to an international fishery management agreement to which the United States is a party, fishing activities that would undermine the conservation of the resources managed under that agreement;
- (3) Overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures, or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; or,
- (4) Fishing activity that has a significant adverse impact on seamounts, hydrothermal vents, cold water corals and other vulnerable marine ecosystems located beyond any national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.
- (5) Fishing activities by foreign flagged vessels in U.S. waters without authorization of the United States.

For this report, NMFS gathered information on incidents where CMMs adopted by RFMOs may have been violated in 2020, 2021, or 2022. NMFS began with a review of available RFMO materials, including annual reports, compliance committee meeting summaries, and IUU vessel lists. NMFS also reviewed reports from the USCG, foreign governments, the media, and NGOs. Finally, it considered information submitted in response to the April 14, 2022 Federal Register notice. If the RFMO compliance process failed to address violations of RFMO measures or other forms of IUU fishing, NMFS considered this to be a basis for identification.

The 2023 NDAA amended the Moratorium Protection Act such that NMFS now considers seafood goods produced with forced labor and oppressive child labor with the intention to be exported to the United States, as well as other specific considerations in preparing its IUU fishing identifications. The List of Goods Produced by Child Labor or Forced Labor (List of Goods), developed and maintained by the Department of Labor’s (DOL) Bureau of International Labor Affairs (ILAB), enumerates those goods that it has reason to believe are produced by child labor or forced labor in a particular source or area in violation of international standards, as

required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations. The List of Goods also includes the source nation or area for listed goods, as well as identifying nations or areas that produce goods with an input that has been identified as having forced labor or child labor. To make determinations about the List of Goods, DOL relies on a wide variety of publicly available primary and secondary sources that are published in an accompanying bibliography. The TVPRA requires ILAB to publicly update the List of Goods biennially; ILAB published its most recent list in 2022.

As of September 28, 2022, the List of Goods comprises 159 goods from 78 nations and areas. Of those, 20 nations and entities are listed for goods associated with seafood products or fisheries. NMFS, working in cooperation with ILAB, analyzed the available data on these product categories from those 20 nations and entities to determine the nature of the goods (*e.g.*, a seafood product), and if the goods were produced with the intention to be exported to the United States. If neither NMFS nor ILAB had access to information or sources that could confirm if a seafood product was specifically intended for export to the United States at the time of harvest or production, then NMFS used evidence that the product was exported to the United States as a proxy for intention.

NMFS worked with ILAB to review and analyze available data on forced labor and child labor concerns within the limited time available following the adoption of the NDAA amendments late in the two-year report preparation cycle. NMFS will continue to work with ILAB on including risks of forced labor and oppressive child labor in its identification process, including corrective actions that nations would need to take to address these issues. In coordination with ILAB, and as further described below, NMFS has determined that, at this time, there is sufficient labor-related information to include the issue in two IUU fishing identifications. NMFS will continue to coordinate with ILAB to consider additional nations and entities for potential listing of labor-related issues in IUU fishing identifications, and on the resulting consultative and certification process.

NMFS is identifying six nations and one entity for activities related to IUU fishing.

Angola

NMFS identified Angola for failure to meet basic ICCAT reporting obligations and evidence of unreported catches of Atlantic billfish (blue marlin, white marlin, or sailfish). Angola did not submit annual reports, compliance tables, shark checksheets, or billfish checksheets to ICCAT in 2020, 2021 or 2022. No Task I data – which includes data on catch and effort – were reported by Angola in 2021 or 2022. As a result of this missing Task I data, Angola was subject to a complete prohibition on retention of ICCAT species pursuant to Rec. 11-15.³⁷ Angola reported its missing Task I data on March 7, 2023, and the prohibition was lifted at that time. However, Angola’s reported Task I data did not include any reporting of Atlantic billfish catches. Evidence of substantial billfish landings was cited in a May 18, 2021 letter from the International Game Fish Association (IGFA) to the Fisheries Minister of Angola. The compliance committee asked Angola for an explanation in 2022, but Angola has not provided a response to date. These

³⁷ ICCAT Rec. 11-15 is available at www.iccat.int/Documents/Recs/compendiopdf-e/2011-15-e.pdf.

issues indicate a systemic failure to control its fisheries through domestic regulations that implement relevant ICCAT CMMs.

The ICCAT compliance committee has noted these reporting deficiencies for the past several years. While Angola has since reported some catch data to ICCAT, other reports are still outstanding and its fisheries have landed marlins without reporting.

Next Steps: Identification initiates a consultation period between the United States and Angola. Following identification in this report, Angola's 2025 certification determination will be based on evidence that Angola has provided the required reports to ICCAT, reported Atlantic billfish landings and addressed any overharvests, and taken steps to control its fisheries through domestic regulations to implement relevant ICCAT CMMs.

Grenada

NMFS identified Grenada for failure to meet basic ICCAT reporting obligations and for overharvesting of Atlantic blue marlin, Atlantic white marlin, and North Atlantic swordfish. Grenada did not submit its annual reports and compliance tables or its shark and billfish compliance check sheets to ICCAT in 2020, 2021, or 2022. Grenada did not report any Task 1 data in 2022 – which includes data on catch and effort – prior to the deadline. ICCAT noted the absence of these data at its November 2022 annual meeting. As a result of its missing Task 1 data, Grenada was subject to a complete prohibition on retention of ICCAT species pursuant to Rec. 11-15, as of January 1, 2023. When Grenada reported its missing Task 1 data on February 10, 2023, ICCAT lifted the prohibition. However, Grenada's reported Task 1 data show blue marlin and white marlin landings in excess of allowable limits in 2020 and 2021, as well as North Atlantic swordfish landings in 2020 without a quota. In addition, some of these landings occurred while Grenada was prohibited from retaining all ICCAT species (January 1, 2020 to January 21, 2021), pursuant to Rec. 11-15, following non-reporting of 2018 and 2019 Task 1 data. Grenada has also not provided any information to ICCAT about its implementation of the relevant CMMs.

The ICCAT compliance committee has noted these reporting deficiencies for the past several years, which led to Grenada receiving an identification letter from the Chair of ICCAT compliance committee in 2022 under ICCAT's Recommendation Concerning Trade Measures (Rec. 06-13). While Grenada has since reported its catch data to ICCAT, all other reports are still outstanding and its fisheries have landed marlins and swordfish in excess of ICCAT quotas.

Next Steps: Identification initiates a consultation period between the United States and Grenada. Following identification in this report, Grenada's 2025 certification determination will be based on evidence that Grenada has provided the required reports to ICCAT, addressed its overharvests of Atlantic marlins and North Atlantic swordfish, and taken steps to control its fisheries through domestic regulations to implement relevant ICCAT CMMs.

Mexico

NMFS identified Mexico for not taking effective flag State action to address its vessels illegally fishing in U.S. waters in the Gulf of Mexico. This same issue led NMFS to identify Mexico in the 2015, 2017, 2019, and 2021 Reports to Congress, and to negatively certify Mexico in 2021.

Mexico's 2021 negative certification remains in place and, as described in the certification section of this report, will not be lifted until Mexico takes appropriate corrective action. Furthermore, as noted above, NMFS again negatively certified Mexico in this Report.

The USCG interdicted a total of 321 *lanchas* for suspicion of illegal fishing in 2020, 2021, and 2022. Based on the facts of each interdiction, the USCG prepared 287 case packages with evidence of illegal fishing. These case packages were delivered to the Government of Mexico for prosecution. In addition, many individual crewmembers have been interdicted repeatedly. By any analysis, the issue of *lancha* incursions into U.S. waters is substantial, ongoing, and yet to be effectively addressed.

Next Steps: The United States will continue its ongoing consultations with Mexico. Following identification in this report, Mexico's 2025 certification determination will be based on the Government of Mexico taking action to effectively address *lancha* incursions into U.S. waters, and to reduce the number of repeat offenders. In particular, NMFS will continue to monitor Mexico's progress in the following areas and the effectiveness of those efforts:

- Mexico's cooperation in facilitating the safe and expedient transfer of Mexican nationals apprehended by the USCG for fishing illegally in U.S. waters to the appropriate Mexican authorities, including at-sea transfers where appropriate.
- Increases in Mexican law enforcement presence in the shoreside areas used by *lancha* camps from which illegal fishing activity originates.
- Mexico's efforts to improve monitoring and control of its entire small-scale fleet, including through enforcement of its domestic vessel registry laws.
- Improvement in information sharing to support USCG interdiction of *lanchas* operating in the U.S. EEZ (for example, notification of northbound *lanchas* and vessel positional data, such as from AIS or VMS sources).
- Increases in patrols by Mexican law enforcement authorities along the maritime boundary in the Gulf of Mexico to deter northbound *lanchas*.
- Mexico's participation in regular planning meetings with the USCG and NOAA to coordinate operational actions and information sharing to deter and detect northbound *lanchas*.
- Mexico's efforts to ensure the snapper it exports was legally harvested by the authorized fleet of small-scale fishermen, as well as to support NMFS' efforts to identify and prevent the importation of illegally harvested fish.
- Mexico's continued efforts to prosecute and fine the Mexican nationals found guilty of fishing in U.S. waters, as well as efforts to improve the efficacy of such enforcement actions in preventing recidivism.

The People's Republic of China (PRC)

NMFS identified the PRC for having vessels that violated WCPFC, IATTC, and ICCAT CMMs in 2020, 2021, or 2022, and for failing to take appropriate corrective actions. NGOs interviewed crewmembers working aboard PRC-flagged fishing vessels at the conclusion of their contracts.³⁸ These interviews, which were provided to NMFS, included credible allegations that many PRC

³⁸ These interviews were conducted as part of an investigation by NGOs into labor abuses aboard fishing vessels.

fishing vessels violated shark or sea turtle related CMMs during those years. The allegations are outlined below.

WCPFC: Crewmembers from three PRC-flagged fishing vessels included in the WCPFC list of authorized fishing vessels and operating in the WCPFC Convention area in 2020 and 2021 witnessed violations of CMMs related to sharks or turtles (WCPFC CMM 2019-04,³⁹ full utilization of shark and prohibiting of finning; CMM 2018-04,⁴⁰ conservation and management of sea turtles).

IATTC: Crewmembers from one PRC-flagged fishing vessel included in the IATTC list of authorized fishing vessels and operating in the IATTC Convention Area in 2020 and 2021 witnessed violations of CMMs related to sharks and turtles (IATTC CMM C-05-03,⁴¹ full shark utilization, 5% fin to carcass ratio; CMM C-19-04,⁴² resolution to mitigate impacts on sea turtles).

ICCAT: Crewmembers from one PRC-flagged fishing vessel included in the ICCAT list of authorized fishing vessels and operating in the ICCAT Convention Area in 2021 and 2022 witnessed violations of CMMs related to the conservation of sharks (ICCAT Rec. 04-10,⁴³ conservation of sharks).

While these activities were not evaluated through the WCPFC, IATTC, or ICCAT compliance evaluation processes they constitute violations of RFMO CMMs, and thus NMFS identified the PRC for having vessels that engaged in IUU fishing.

Consideration of Forced Labor: The Department of Labor's List of Goods lists fish from the PRC as caught with forced labor. The PRC's distant water fishing fleet, which operates in every region of the world, is characterized by numerous reported incidents of forced labor. The majority of the crew on board the vessels in this fleet are migrant workers from Indonesia and the Philippines, who are particularly vulnerable to forced labor. These workers are sometimes recruited by agencies that deceive workers with false information regarding their wages and the terms of contracts, and require workers to pay recruitment fees and sign debt contracts. While on board the vessels, workers' identity documents are often confiscated, the crew spends months at sea without stopping at a port of call, and they are forced to work 18 to 22 hours a day with little rest. Workers face hunger and dehydration, live in degrading and unhygienic conditions, are subjected to physical violence and verbal abuse, are prevented from leaving the vessel or ending their contracts, and are frequently not paid their promised wages. The species and fisheries where forced labor is documented in the PRC's distant water fleet is broad, due to the sheer scale

³⁹ WCPFC CMM 2019-04 which has now been superseded by CMM 2202-04, but was in effect at the time of violation is available at <https://cmm.wcpfc.int/measure/cmm-2019-04>.

⁴⁰ WCPFC CMM 2018-04 is available at <https://cmm.wcpfc.int/measure/cmm-2018-04>.

⁴¹ IATTC C-05-03 is available at https://www.iattc.org/GetAttachment/92e97e61-eb12-40e1-aa62-291eb7f69b82/C-05-03-Active_Sharks.pdf.

⁴² IATTC C-19-04 is available at https://www.iattc.org/GetAttachment/7ef88817-47f2-4c98-8e29-883729e60a95/C-19-04-Active_Sea-turtles.pdf.

⁴³ ICCAT Rec. 04-10 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2004-10-e.pdf>.

and number of geographies, and includes tuna and squid fisheries, both of which are imported to the United States.

Next Steps: Identification initiates a consultation period between the United States and the PRC. Following identification in the report, the PRC's 2025 certification determination will be based on evidence that the PRC has taken steps to investigate alleged violations of WCPFC, IATTC, and ICCAT CMMs, and evidence that corrective actions were taken to address any substantiated violations. Regarding the forced labor issues, NMFS will include consideration of action taken by the PRC to reduce the current incidences of forced labor across its distant water fishing fleet, as well the risk of future incidences. These actions could include strengthening regulations on labor protections in that fleet, as well as improving the investigation and prosecution of reports of forced labor onboard distant-water vessels.

Taiwan

NMFS identified Taiwan for having vessels that violated a CMM in the WCPFC Convention Area in 2020 and 2021, and for failing to take appropriate corrective actions. NGOs interviewed crewmembers working aboard Taiwan-flagged fishing vessels at the conclusion of their contracts.⁴⁴ These interviews, which were provided to NMFS, included allegations that nine Taiwan-flagged fishing vessels included in the WCPFC list of authorized fishing vessels and operating in the WCPFC Convention Area in 2020 and 2021 failed to adhere to WCPFC CMM 2019-04 on the full utilization of sharks and prohibition of finning.

While these activities were not addressed through the WCPFC compliance process they constitute violations of a WCPFC CMM, and thus NMFS identified Taiwan for having vessels that engaged in IUU fishing.

Consideration of Forced Labor: The Department of Labor's List of Goods includes fish from Taiwan as caught with forced labor. There are numerous reported incidents of forced labor in Taiwan's distant water fishing fleet. The majority of the crew on board are migrant workers from Indonesia and the Philippines, who are particularly vulnerable to forced labor. These workers are sometimes recruited by agencies that deceive workers with false information regarding their wages and the terms of contracts, and require workers to pay recruitment fees and sign debt contracts. While on board the vessels, workers' identity documents are often confiscated, the crew sometimes spends months at sea without stopping at a port of call, and they are forced to work 18 to 22 hours a day with little rest. Workers face hunger and dehydration, live in degrading and unhygienic conditions, are subjected to physical violence and verbal abuse, are prevented from leaving the vessel or ending their contracts, and are frequently not paid their promised wages. The species and fisheries where forced labor is documented in distant water fishing by the Taiwan fleet are broad, due to the scale and number of geographies where distant water fishing is conducted. Based on available information, some of these vessels are targeting tuna, which the United States imports from Taiwan.

Next Steps: Identification initiates a consultation period between the United States and Taiwan. Following identification in this report, Taiwan's 2025 certification determination will be based on evidence that Taiwan has taken steps to investigate these violations of WCPFC CMMs, and

⁴⁴ These interviews were conducted as part of an investigation by NGOs into labor abuses aboard fishing vessels.

evidence that corrective actions were taken to address any substantiated violations. Regarding forced labor considerations, NMFS recognizes that Taiwan has already taken several actions to improve its regulatory framework, as well as enforcement and prosecution relating to distant water vessels with known incidents of forced labor. NMFS will consider Taiwan's actions to reduce incidents of forced labor across its distant water fishing fleet, including strengthening current measures and the protection they afford to migrant crew.

The Gambia

NMFS identified The Gambia for violating ICCAT CMMs and for failing to take appropriate corrective actions. Two vessels flagged to The Gambia were placed on the ICCAT IUU vessel list in 2022 and NMFS is unaware of any actions taken by The Gambia to address these vessels per ICCAT Rec. 18-08⁴⁵ (and amended per Rec. 21-13⁴⁶) on establishing a list of vessels presumed to have carried out IUU fishing activities. In flagging these vessels, The Gambia violated ICCAT Rec. 21-13 paragraph 9. The Gambia has also failed to meet basic ICCAT reporting requirements.

IUU Fishing by the F/V Kiki: ICCAT included this vessel in the ICCAT IUU vessel list on September 5, 2022, for engaging in fishing or fishing related activities contrary to any other ICCAT CMMs. This vessel's IMO number is 7929176, was previously named F/V *Lisboa*, and previously flagged to Senegal.

IUU Fishing by the F/V Lucas: ICCAT included this vessel in the ICCAT IUU vessel list on May 28, 2022, for engaging in transshipment with vessels included in the ICCAT IUU vessel list. This vessel's IMO number is 9038402, was previously named F/V *Maximus*, and previously flagged to Senegal.

NMFS notes with concern that the F/V *Kiki* and F/V *Lucas* are vessels that helped form the basis of Senegal's IUU fishing identification in the 2021 report when those vessels were flagged to Senegal. As noted in the 2021 report, NMFS remains concerned when nations use flag State deregistration as a primary sanctioning tool instead of employing proper flag State control measures. As demonstrated here, this allows vessel owners like those who own the IUU vessel listed fishing vessels F/V *Kiki* and F/V *Lucas* to continue to operate them.

NMFS also identified The Gambia for failure to meet basic ICCAT reporting obligations. The Gambia did not submit an annual report, shark compliance checksheet or billfish compliance checksheet in 2020, 2021 or 2022, and did not submit compliance tables in 2020 or 2022. In 2021, The Gambia reported incomplete Task I data and did not submit fleet characteristics information. In 2022, The Gambia reported no statistical data. As a result of this missing Task I data, The Gambia remains subject to a complete prohibition on retention of ICCAT species pursuant to Rec. 11-15⁴⁷ until it reports its Task I data, which includes catch and effort data.

⁴⁵ ICCAT Rec. 18-08 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2018-08-e.pdf>.

⁴⁶ ICCAT Rec. 21-13 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2021-13-e.pdf>.

⁴⁷ ICCAT Rec. 11-15 is available at <https://www.iccat.int/Documents/Recs/compendiopdf-e/2011-15-e.pdf>.

Next Steps: Identification initiates a consultation period between the United States and The Gambia. Following identification in this report for IUU fishing, including the vessel activities noted above, The Gambia's 2025 certification determination will be based on evidence that The Gambia can satisfy the conditions set out in ICCAT Rec. 21-13 paragraph 9. NMFS will also evaluate evidence that The Gambia has provided the required reports to ICCAT and taken steps to control its fisheries through domestic regulations to implement relevant ICCAT CMMs.

Vanuatu

NMFS identified Vanuatu for having vessels that violated CCAMLR conservation measures, for failure to meet IATTC reporting obligations, and for failing to take appropriate corrective actions. The violations are described below, organized by RFMO.

CCAMLR: Vanuatu has 31 unaddressed CCAMLR compliance issues from the 2021 and 2022 compliance review process, all relating to conservation measure 10-09⁴⁸ regarding the notification system for transshipments within the Convention Area. Specifically, 17 violations of paragraph 2 requiring 72 hours advance notification to transship; four violations of paragraph 3 requiring at least 2 hours advance notification to transship items other than harvested marine living resources; seven violations of paragraph 5 requiring confirmation of transshipment activity within three working days of the transshipment activity; and three violations of paragraph 8 prohibiting transshipment without prior notification.

IATTC: Vanuatu failed to meet the reporting obligations per resolution C-11-02⁴⁹ paragraph 1, paragraph 5, and paragraph 7 related to mitigating the impact of fisheries on seabirds for fishing seasons 2020 and 2021. Vanuatu also failed to report on the functioning of its transshipment program per resolution C-12-07 para 19 in 2020 and 2021.

Next Steps: Identification initiates a consultation period between the United States and Vanuatu. Following identification in this report for IUU fishing activities of its vessels, Vanuatu's 2025 certification determination will be based on evidence that it has taken steps to investigate these violations of CCAMLR and IATTC conservation measures, and evidence that corrective actions were taken to address any substantiated violations.

⁴⁸ CCAMLR conservation measures 10-09 is available at <https://cm.ccamlr.org/en/measure-10-09-2011>.

⁴⁹ IATTC C-11-02 is available at https://www.iattc.org/GetAttachment/6117c3fd-ad66-46fe-8005-f6af18f0ee92/C-11-02-Active_Seabirds.pdf.

PLMR Bycatch

Following the amendments made in the 2023 NDAA, Section 1826k(a)(1) of the Moratorium Protection Act requires the Secretary of Commerce to identify a nation or entity for bycatch activities if: (1) fishing vessel(s) of that nation or entity are engaged, or have been engaged during the preceding three years, in fishing activities or practices in high seas waters or within the EEZ of any nation that result in bycatch of a PLMR; and (2) the vessel's flag State has not adopted, implemented, and enforced a regulatory program governing such fishing designed to end or reduce bycatch that is comparable to the relevant regulatory program of the United States, taking into account different conditions. These criteria were added in the final week of 2022, after the majority of analysis for this report was completed. NMFS also now has the authority to identify a nation or entity when it has sufficient information to do so.

To support the identification process, NMFS collected information on activities related to PLMR bycatch from numerous sources, including governmental and academic studies, NGOs, and the media. Some limitations in information gathering about PLMR bycatch persist, including the fact that bycatch data in coastal fisheries are often not collected. When data are collected, they are not always publicly available, or are only made public in academic literature years after the relevant fishing activity occurred.

NMFS also collected any available bycatch related information from each RFMO to which the United States is a member. For this report, NMFS searched for available bycatch data from the following seven RFMOs: CCAMLR, IATTC, ICCAT, NAFO, NPFC, SPRFMO, and WCPFC. Similar to the literature noted above, RFMO data can be challenging in informing the bycatch identification process. Although the Moratorium Protection Act allows an identification based on the three preceding years (2020–2022), bycatch data reporting and publication in RFMOs can lag for a year or more. Further, in RFMOs there can be disparities both within and across bycatch data collection and analysis. For example, some RFMOs have mandatory bycatch reporting requirements, while others do not. In addition, some RFMOs treat bycatch reporting inconsistently, with mandatory reporting requirements for some taxa but not others.

In response to our request for public information, NMFS received information about bycatch of sea turtles in a nation's EEZ. After consulting with the nation, NMFS determined the bycatch activity and the associated regulatory response did not meet the criteria for identification given the specific conditions of the fishery and self-reported actions of the nation.

Based on available information, NMFS has determined that there is not sufficient documentary evidence to identify any nation or entity for PLMR bycatch at this time.

In the 2017 Report to Congress, NMFS made a commitment to strengthen efforts within RFMOs to adopt and improve bycatch measures. Over the past six years, NMFS has advocated for and seen improvements in the way RFMOs collect bycatch data, as well as how they develop and implement management responses, as seen most recently in ICCAT's adoption of a revised sea turtle bycatch measure. A more detailed overview of this progress can be found in the reports for each RFMO in Chapter 6. Working with our international partners, NMFS will continue to strengthen RFMO bycatch governance including in data collection and analysis, mitigation

measures, and compliance efforts. NMFS will also continue its focus on mitigating the bycatch of sea turtles in the longline fisheries targeting ICCAT-managed species through certification determinations included in this report and ongoing consultations with those nations receiving a negative certification.

The statutory definition of PLMRs does not include seabirds, but the conservation of seabirds is an issue in which NMFS has been actively involved internationally due to the adverse effects of fishing activity on seabirds. 16 U.S.C. § 1865 emphasizes the need for the Secretary of Commerce to work cooperatively with the Secretary of the Interior and industry, and within international organizations, to seek ways to mitigate seabird bycatch. Bycatch of seabirds may not serve as the basis for identification of a nation or entity under the PLMR provisions of the Moratorium Protection Act, but violations of seabird measures adopted by RFMOs of which the United States is a member could serve as the basis for identification under the Act's IUU fishing provisions.

Shark Catch

The statutory and regulatory requirements for identifying a nation or entity for shark-related activities are described in Chapter 3. The information included in this section applies to the shark provisions of the Moratorium Protection Act at 16 U.S.C. § 1826k(a)(1)(B). In making an identification under the shark provisions for this report, NMFS took into account information that it had collected and analyzed consistent with the Moratorium Protection Act requirements prior to amendments to the statute made by the 2023 NDAA. This information included whether the nation or entity had adopted a regulatory program for the conservation and management of sharks that could have bearing on shark conservation and management. NMFS also considered any actions taken by the nation or entity that are relevant to the conservation and management of sharks. Given the timing of the passage of the 2023 NDAA, for this report, NMFS continued to consider such actions in areas beyond any national jurisdiction, including:

- Whether the nation or entity has adopted a regulatory program for the conservation of sharks.
- Whether the nation or entity has adopted a law, regulation, decree, or other legal mechanism implementing its obligation to comply with an RFMO's measures related to the conservation and management of sharks.
- Participation in cooperative research activities designed to mitigate the impacts of fishing activities that result in the incidental catch of sharks.
- Programs for data collection and sharing, including programs to assess the abundance and status of sharks and the effectiveness of observer programs.
- If vessels of the nation or entity have shark bycatch, the adoption and use of strategies, techniques, and equipment for the reduction and mitigation of such bycatch.

When determining whether to identify a nation or entity under the shark provisions of the Moratorium Protection Act, NMFS reviewed, evaluated, and verified relevant information obtained from credible sources demonstrating that foreign-flagged vessels engaged in fishing activities or practices that targeted or incidentally caught sharks in areas beyond any national jurisdiction during the relevant timeframe. This information could include data gathered by the U.S. Government as well as obtained from other nations, international organizations (such as RFMOs), institutions, bilateral or other arrangements, or NGOs. Corroboration of information was addressed through cooperation with governments, international organizations, NGOs, and through use of other credible information as appropriate.

For this report, NMFS searched for 2020 and 2021 shark catch data from the following seven RFMOs: CCAMLR, IATTC, ICCAT, the Northwest Atlantic Fisheries Organization (NAFO), NPFC, the South Pacific Regional Fisheries Management Organisation (SPRFMO), and WCPFC. Although the Moratorium Protection Act allows an identification based on the three preceding years (2020–2022), catch data reported to an RFMO lags by one year (*i.e.*, catch data reported in 2021 are actually 2020 catch data). Thus, for the purposes of this report, actionable catch data were only available for 2020 (reported in 2021) and 2021 (reported in 2022). The 2025 report will include catch data for 2022, reported in 2023, and for 2023, reported in 2024.

NMFS implements RFMO CMMs for sharks under the statutes for each RFMO treaty to which the United States is a party as well as under the MSA. For the purpose of identifying nations or entities under the shark catch provisions, NMFS limited its review to available catch data from those RFMOs to which the United States is a party.

Fifty nations and entities reported shark catches to the seven RFMOs for 2018 and 2019⁵⁰ within the applicable timeframe of the 2021 Report to Congress. For some of these nations and entities, NMFS had prior knowledge of or access to relevant regulations. For the remaining nations and entities, NMFS sent letters requesting information about shark catch on the high seas and domestic regulatory information relevant to shark conservation and management. The responses from this outreach formed the basis of NMFS' analysis of comparability to U.S. regulatory programs for the 2021 Report to Congress. Thirty-six nations and entities reported shark catches to the seven RFMOs for 2020 and 2021 within the applicable timeframe of the 2023 Report to Congress.⁵¹ Information on NMFS' analysis of comparability with U.S. regulatory programs can be found below. However, it should be clear that comparability analyses are conducted in reference to the regulations of the United States. Comparisons to an international organization or RFMO are considered independent of a nation's laws, regulations, or decrees.

Following analysis of available information, either received from a nation or entity via responsive letters to NMFS in 2019 and/or 2021 or through a proactive search of publicly available laws and regulations, NMFS determined that 33 of the 36 nations or entities had submitted adequate information to inform our comparability analyses, but that additional information was needed from three others. NMFS sent letters to the remaining three nations or entities determined to have reported inadequate information, requesting the following:

- Verification of the shark catch data compiled by the United States;
- Any additional data for catch of sharks in waters beyond any national jurisdiction;
- The shark fishing laws, regulations, and/or management plans implemented and enforced for targeted shark fisheries or those that incidentally land sharks within the EEZ or implemented in waters beyond any national jurisdiction by vessels flagged by that nation or entity;
- Catch-limits, quotas, seasonal/area closures, or retention bans on certain species, if applicable, the specifics of any such requirements and the species to which they apply;
- How the nation regulates shark finning, i.e., the removal of shark fins and discard of the carcass at sea;
- How shark catches are monitored in waters beyond any national jurisdiction by vessels flagged by the nation or entity;
- Requirements for recording and reporting catch, both on the high seas as well as in the EEZ of the nation or entity;

⁵⁰ It should be noted that 2020 RFMO meetings, including some data reporting, were heavily affected by the COVID-19 pandemic; this might have resulted in an undercount for 2019 catches.

⁵¹ It should be noted that the COVID-19 pandemic heavily affected scientific observer coverage from 2020-2022 and this might have resulted in an undercount for related catches and subsequently the number of countries with shark-catch data.

- The law, regulation, decree or other legal mechanism by which an obligation to comply with an RFMO's conservation and management measures is implemented;
- The requirement for flagged fishing vessels to minimize incidental catches of sharks, provide for live release, and promote post-release survival; and,
- Research conducted on shark species in the EEZ of the nation or entity or on the high seas.

Of the 36 nations and entities, three nations' verified shark catch data were restricted to within their EEZs, so those nations' shark fishing activities fell outside the scope of this report.

For the remaining 33 nations and entities, NMFS reviewed, evaluated, and verified relevant information obtained from credible sources, including a nation's or entity's response to NMFS' informational request.

NMFS analyzed each nation's or entity's laws, regulations, and decrees related to a regulatory program for the conservation and management of sharks. In addition, NMFS reviewed other legal mechanisms by which an obligation to comply with an RFMO's conservation and management measures is implemented, to determine how that nation or entity requires its vessels fishing on the high seas to comply with an RFMO's management measures. NMFS took into account all relevant matters including, but not limited to the history, nature, circumstances, duration, and gravity of the fishing activity when making a determination whether a nation or entity has adopted a regulatory program comparable to that of the United States.

NMFS' analysis of the remaining 33 nations and entities resulted in the determination that 31 have a regulatory program comparable to that of the United States. NMFS identified the PRC and Vanuatu for not having comparable regulatory programs to that of the United States for the conservation and management of sharks on the high seas. Additional information is provided below.

The People's Republic of China

The PRC maintains numerous tuna and non-tuna fleets that target or incidentally catch sharks on the high seas, in waters beyond any national jurisdiction. For its tuna fisheries, the PRC issued *Notice from the General Office of the Ministry of Agriculture and Rural Affairs about Further Strictly Abiding by International Tuna Management Measures* in 2019. This notice provides detail on how vessels operating in tuna fisheries must abide by management measures adopted by relevant RFMOs. Chapter Ten, on bycatch species, requires tuna longline vessels to make full use of an unintentionally caught shark and prohibits discarding the carcass after the fins have been removed. In review of the PRC's regulatory program, however, NMFS found that the rules regarding conservation of sharks pertain only to tuna fisheries and not to the PRC's non-tuna fishing fleets.

NMFS identified the PRC because it has not adopted a regulatory program to provide for the conservation of sharks that is comparable to that of the United States.

Next Steps: Identification initiates a consultation period between the United States and the PRC. Following identification in the report, the PRC's 2025 certification determination will be based

on documentary evidence that it has a regulatory program to provide for the conservation of sharks that is comparable to that of the United States.

Vanuatu

NMFS identified Vanuatu because it has not adopted a regulatory program to provide for the conservation of sharks that is comparable to that of the United States. NMFS currently has no documentary evidence of a binding regulatory program to provide for the conservation of sharks for Vanuatu's vessels operating on the high seas that target or incidentally catch sharks.

Next Steps: Identification initiates a consultation period between the United States and Vanuatu. Following identification in this report, Vanuatu's 2025 certification determination will be based on documentary evidence that it has a regulatory program to provide for the conservation of sharks that is comparable to that of the United States.

VI. International Activities and Achievements

Achievements in Global and Regional Organizations

This chapter includes updates from global and regional organizations mostly from 2021 and 2022, continuing the reporting included in the 2021 Report to Congress. The following section also includes selected updates from 2023 for organizations that have already met and made significant notable progress on priority areas. More detailed information on activities from 2023 for all organizations, however, will be included in the 2025 Report to Congress.

Food and Agricultural Organization

The United Nations Food and Agriculture Organization (FAO) Committee on Fisheries (COFI) held its 34th session (COFI34) virtually February 1-5, 2021, following a delay due to the COVID-19 pandemic. FAO reported on the development of Technical Guidelines on Methodologies and Indicators for the Estimation of the Magnitude and Impact of IUU Fishing. COFI Members called on FAO to enhance technical guidance on mainstreaming climate adaptation and mitigation in fisheries management and aquaculture development; proceed with developing draft voluntary guidelines for the regulation, monitoring, and control of transshipment; and continue the work to develop voluntary and non-binding fisheries and aquaculture practical guidance on social responsibility in the fisheries value chain.

The 35th session of COFI (COFI35) met September 5-9, 2022, in a hybrid manner. COFI Members endorsed the Voluntary Guidelines for Transshipment; commended the development of the FAO Strategy on Climate Change 2022-2031; called on FAO to convene a workshop with RFMOs to provide guidance on climate resilient fisheries management, including adaptation and mitigation; and requested FAO continue developing FAO Guidance on Social Responsibility in Fisheries and Aquaculture Value Chains.

The Voluntary Guidelines for Transshipment (hereafter “Guidelines”) address the regulation, monitoring, and control of transshipment of fish that have not been previously landed, whether processed or not. The Guidelines provide assistance to States, RFMOs, and other intergovernmental organizations when developing new transshipment regulations, revising existing regulations and integrating these within the broader regulatory framework.

The Guidance on Social Responsibility in Fisheries and Aquaculture Value Chains (hereafter “FAO Guidance”) will address social responsibility and decent working conditions in the fisheries and aquaculture sectors. The FAO Guidance will be voluntary, non-binding, practical, complementary, written in simple language, supportive, and based on the wide range of existing international conventions, agreements and standards. It will be developed in consultation with other international organizations and relevant stakeholders.

The Agreement on Port State Measures (PSMA) entered into force in June 2016, and, as of June 2023, has 76 Parties. It is the first binding international agreement to specifically target IUU fishing through effective port State measures. The Third Meeting of the Parties to PSMA was held May 31-June 4, 2021. The European Union hosted the meeting in a virtual manner. The

purpose of the meeting was to review and assess the effectiveness of the Agreement as called for under Article 24.

United Nations General Assembly

The informal consultations on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish stocks and related instruments occurred virtually in 2021 and in person in 2022. The 2021 resolution was adopted without a vote in December 2021 and the 2022 resolution was also adopted without a vote on December 9, 2022. The resolution has specific chapters addressing IUU fishing and fisheries bycatch and discards. The resolution also addresses shark conservation and management, bycatch of PLMR, labor issues, and climate change.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

The 19th meeting of the Conference of the Parties (COP19) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) took place in Panama City, Panama, November 14-25, 2022. Several outcomes of the meeting will help the United States and other CITES Parties combat the illegal trade of protected marine species and the conservation of such species.

The sections below report decisions related to vaquita and totoaba, sharks and rays, and sea turtles. Additional information about meeting outcomes, including a U.S.-cosponsored sea cucumber proposal, U.S.-led proposals about seahorses, and decisions related to queen conch, is available on the NMFS website.⁵²

Vaquita and Totoaba: At COP19, the United States worked with Mexico on decisions to combat the illegal harvest and trade in totoaba and promote protection of the critically endangered vaquita, whose population is estimated at less than 10 animals. The decisions call on Mexico to strengthen its surveillance and enforcement, among other actions. CITES Parties are encouraged to support the recovery and monitoring of wild populations of totoaba and vaquita and eliminate the supply and demand for illegally sourced specimens of totoaba.

The Standing Committee, which is responsible for providing general policy and operational direction to the CITES Secretariat regarding implementation of the Convention, met just prior to COP19. The Committee adopted strong recommendations to address the ongoing illegal harvest and trade in totoaba. Among these recommendations, a decision was adopted that required Mexico to develop a compliance action plan focusing on the implementation of the COP19 decisions and submit this document to the CITES Secretariat by February 28, 2023. The decision directed that, if a finalized compliance action plan considered adequate by the Secretariat was not submitted by this deadline, the Secretariat would publish a Notification to CITES Parties recommending a suspension of trade with Mexico in CITES listed species, and the suspension in trade would remain in effect until a compliance action plan assessed as adequate by the Secretariat is received. The CITES Secretariat reviewed Mexico's compliance

⁵² <https://www.fisheries.noaa.gov/national/international-affairs/convention-international-trade-endangered-species-wild-fauna-and>

action plan and determined it was inadequate. Mexico then failed to address the plan's inadequacies. On March 27, 2023, the CITES Secretariat issued a notification to suspend commercial trade in all CITES-listed species with Mexico. This suspension remained in effect until Mexico submitted a revised compliance action plan that the Secretariat assessed as adequate. On April 7, 2023, the CITES Secretariat informed Parties that Mexico submitted an updated compliance action plan that, according to the Secretariat's evaluation, includes the essential elements required. Therefore, the recommendation to suspend all commercial trade in specimens of CITES-listed species with Mexico was withdrawn immediately. The Standing Committee agreed to review Mexico's progress on the implementation of its compliance action plan at the next full meeting of the Standing Committee in November 2023 and, in the absence of sufficient progress, consider compliance measures.

Sharks and Rays: Proposals to include nearly 100 species of sharks and rays in Appendix II (for species that may become threatened with extinction unless trade is strictly regulated) were adopted at COP19 with U.S. support. A proposal to include the entire family of requiem sharks in Appendix II of CITES with a 12-month implementation delay was adopted by secret vote. A proposal to include the bonnethead shark (*Sphyrna tiburo*) in Appendix II, with the rest of the non-listed hammerhead shark species based on the similarity in appearance of specimens of these species to others in the CITES Appendices, was the first shark proposal to ever be adopted by consensus of the CITES Parties. A proposal was adopted by vote to include six species of guitarfishes in Appendix II, with the rest of the species (31) included based on similarity of appearance.

A set of decisions to promote shark and ray conservation was also adopted. These decisions encourage Parties to provide information on national management measures and inspect shipments of shark parts and derivatives in transit or being transshipped to verify the presence of CITES-listed species and valid CITES documentation. Parties are encouraged to actively collaborate to combat the trafficking of shark and ray products through coordination between source, transit, and destination countries. The Secretariat is encouraged to provide capacity building assistance and conduct a study on the mismatch between the quantities of CITES-listed sharks and rays in the CITES trade database and what would be expected against information on catches of CITES-listed shark and ray species.

Marine Turtles: A U.S. proposal, co-sponsored by Brazil, Colombia, Costa Rica, and Peru, to create a CITES resolution aimed at addressing the illegal trade in marine turtles was adopted at the meeting. The resolution calls on Parties to scale up efforts to address illegal harvest and markets associated with illegal trade of marine turtles; take action to decrease consumer demand, improve monitoring, detection, and enforcement activities; and address marine turtle bycatch in fisheries by effectively addressing IUU fishing that is a threat to marine turtles.

International Whaling Commission

The International Whaling Commission (IWC) held its first in-person biennial meeting in four years in 2022, following the end of COVID-19 travel restrictions. This meeting was also the first full meeting of IWC since Japan withdrew from the International Convention on the Regulation of Whaling in 2019.

IWC adopted a resolution on plastic pollution by consensus, co-sponsored by the United States

with several other members. It directs the IWC Secretariat to lend the organization's expertise related to impacts of plastics on cetaceans to ongoing work of other international organizations, including the negotiation of a new binding treaty on plastic pollution at the UN Environment Program. The resolution will also generate momentum for projects throughout the Commission related to identifying hot spots of plastic impacts on cetaceans, including the effects of entanglement and plastic ingestion.

IWC continues its work under its Bycatch Mitigation Initiative (BMI), the aim of which is to develop, assess, and promote effective bycatch prevention and mitigation measures worldwide. This work includes implementation of the BMI four-year work plan (2021-2024), which focuses on securing funding for pilot projects, evaluating results from pilot project trials, driving innovation of mitigation measures, promoting BMI technical advice and capacity building opportunities, promoting best practice, and improving and streamlining bycatch reporting to IWC.

The BMI played a key role in the development of a factsheet series on reducing and preventing marine mammal bycatch, illustrating measures from *Technical Guidelines to Prevent and Reduce Marine Mammal Bycatch in Capture Fisheries*.⁵³ It also collaborated with CMS and WWF on the development of Guidelines for the Safe and Humane Handling and Release of Bycaught Small Cetaceans from Fishing Gear - CMS Technical Series No. 43.

Additionally, IWC has endorsed a cooperative agreement on bycatch with the Indian Ocean Tuna Commission and a contract with FAO under the Common Ocean Areas Beyond National Jurisdiction. With these efforts, IWC will be formally engaging with these organizations to improve understanding and management of cetacean bycatch in tuna fisheries in Areas Beyond National Jurisdiction and in the EEZs of the Indian and Western Pacific regions.

Specially Protected Areas and Wildlife Protocol

In 2021, at the 11th Meeting of the Contracting Parties (COP11) to the Protocol Concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean Region, the Contracting Parties adopted the Workplan and Budget of the SPA Sub-programme for the 2021-2022 Biennium and adopted the recommendations of the Ninth Meeting of the Scientific and Technical Advisory Committee (STAC9) to the SPA Protocol. STAC 9 did not reach consensus nor could it conclude whether species nomination proposals were presented to STAC9 in accordance with the SPA Protocol and the Rules of Procedure. Therefore, COP11 invited Contracting Parties to consider the assessments of the Species Working Group on the whale shark, oceanic whitetip shark, giant manta ray, great hammerhead, smooth hammerhead, and parrotfish and to submit species nomination proposals for consideration by STAC10 and COP12. COP11 requested the Species Working Group strengthen its work on the conservation and management of sawfish, Nassau grouper, and sea turtles. The COP also called on Contracting Parties to strengthen conservation and sustainable management of shark and ray species listed in Annex III of the Protocol and invited Contracting Parties to report to STAC10 on progress in implementation of management measures for each of the nine shark and ray species listed on Annex III in their waters.

⁵³ Factsheets are available on the FAO website:
<https://www.fao.org/fishery/en/collection/bycatchmitigationmammals>

COP11 requested that the Marine Mammal Experts of the Species Working Group revise and update the Marine Mammal Action Plan for the Conservation of Marine Mammals in the Wider Caribbean Region (MMAP), considering new information and developments since 2008, including the “Scientific and Technical Analysis of the Implementation of the Action Plan for the Conservation of Marine Mammals (MMAP) in the Wider Caribbean,” and present the updated MMAP to STAC10 for its review and consideration. COP11 also requested that the Secretariat and SPAW-Regional Activity Center (SPAW-RAC), in close consultation with SPAW Contracting Parties, and other relevant stakeholders, consider the potential costs, benefits, and operational framework of a Marine Mammal Regional Activity Network (RAN), and draft a proposal for discussion at SPAW STAC10 regarding how such a RAN could operate.

The COP and STAC did not convene in 2022.

At the 2023 Tenth Meeting of the STAC to the SPAW Protocol in the Wider Caribbean Region, the Parties agreed to forward a recommendation to the Conference of the Parties to uplist the oceanic whitetip shark and Lesser Antillean iguana from Annex III to Annex II and added all parrotfishes and the Caribbean reef shark to Annex III. The Parties also requested the Species Working Group to develop and assist with the implementation of recommendations to the conservation of sawfishes, parrotfish, and Nassau grouper.

For species listed in Annex II, Parties are to ensure their total protection and recovery, including by prohibiting taking, possessing, or killing, or commercial trade in such species, or their eggs, parts, or products. Parties must also prevent, to the extent possible, disturbing species, particularly during periods of breeding, incubation, estivation, or migration, as well as other periods of biological stress. For Annex III species, Parties must adopt appropriate measures to ensure their protection and recovery, and may regulate the use of such species to ensure their populations are maintained at the highest possible levels.

The Parties also forwarded for adoption by the Conference of the Parties an updated Marine Mammal Action Plan for the Conservation of Marine Mammal in the Wider Caribbean Region. The Parties also asked the Secretariat to work with Contracting Parties, with input from the SPAW-Regional Activity Center as appropriate, to further elaborate and evaluate the legal and institutional mechanisms to establish a potential RAN.

Asia Pacific Economic Cooperation Forum

In 2020, the Asia Pacific Economic Cooperation forum (APEC) Oceans and Fisheries Working Group (OFWG) developed and adopted the IUU Fishing Roadmap Implementation Plan. The IUU fishing Roadmap is an initiative that APEC adopted in 2019. This Plan addresses the action areas in the text of the Roadmap, including: promotion of implementation of port State measures by individual APEC economies and RFMOs; exchange of information regarding traceability and monitoring, control, and surveillance of fishing activities; increased coordination by APEC Economies relative to monitoring, control, and surveillance of fishing activities and the traceability of fishery products; technologies to combat IUU fishing and fishing-related activities; and several more. The Implementation Plan was also integrated into the OFWG Strategic Plan and Annual Work Plan, and an OFWG sub-group (which includes the United States) was also formed to monitor and facilitate implementation activities.

The impacts of COVID-19 significantly delayed direct capacity building efforts associated with implementation of the Roadmap during 2021 and 2022. During this time, the OFWG actively developed lines of communication with FAO and a range of regional and sub-regional fora, industry, and NGOs in an effort to increase future collaboration opportunities relative to IUU fishing. In 2022, APEC sponsored a Workshop for Fisheries Enforcement Strategies to Prevent, Combat and Deter IUU Fishing Related to Covid-19 Pandemic. It is expected that there will be increased activity by OFWG to combat IUU fishing in 2023.

Western Central Atlantic Fishery Commission

The Western Central Atlantic Fishery Commission (WECAFC) is a regional fisheries body that acts in an advisory capacity to promote the effective conservation, management, and development of living marine resources in the wider Caribbean Sea. In July 2022, WECAFC held its biennial meeting and endorsed numerous non-binding recommendations and documents. A Data Collection Reference Framework provides guidance for standardized data collection on key indicators and species in the wider Caribbean region (WECAFC/XVIII/2022/5). Information that WECAFC Members submit to the regional database will support future monitoring of priority species, regional stock assessments, and management approaches based on the best available science. Another recommendation (WECAFC/XVIII/2022/2) aims to help members combat IUU fishing by encouraging strengthened fisheries governance; the implementation of measures to effectively regulate, monitor, and control transshipment; and the development of mechanisms for sharing fishing vessel information.

WECAFC also adopted a Regional Plan of Action (RPOA) for the Conservation and Management of Sharks, Rays and Chimaeras in the WECAFC area. The RPOA has five objectives: 1) improving understanding of the status of shark populations in the wider Caribbean through research, monitoring and data collection; 2) ensuring sustainable fisheries, with appropriate conservation measures in place for protected shark species; 3) fostering regional cooperation; 4) increasing stakeholder awareness; and 5) capacity building. Finally, WECAFC adopted a regional strategy on the management of bycatch and discards in bottom-trawl shrimp and groundfish fisheries. Goals of the regional strategy include: applying an ecosystem approach to fisheries management; improving data collection and monitoring procedures; reducing bycatch through use of Turtle Excluder Devices and Bycatch Reduction Devices; minimizing the impacts of unavoidable bycatch through careful handling and release practices and procedures; and expanding the use of spatial and temporal measures to reduce bycatch.

Agreement on the Conservation of Albatrosses and Petrels

The Agreement on the conservation of Albatrosses and Petrels (ACAP) held its 12th meeting of the Advisory Committee (AC12) and working groups in 2021 and its 7th Meeting of the Parties (MoP7) in 2022, all virtually.

ACAP continues to further develop its advice on best practices for mitigating bycatch of seabirds in a range of fishing gear. In 2021, ACAP added underwater bait setting and the Hookpod-mini hook-shielding device as two new mitigation measure options for pelagic longline fisheries. It also adopted Guidelines on Fisheries Electronic Monitoring Systems, for use in informing and

strengthening essential standards for fisheries electronic monitoring systems, particularly for monitoring seabird interactions or use of bycatch mitigation measures.

ACAP engages in meetings of RFMOs and is focusing on the development of specific ACAP products (e.g., advice on seabird bycatch indicators, seabird components of electronic monitoring) for use by RFMOs. It also is seeking to ensure that RFMOs' compliance evaluation processes assess and consider seabird bycatch mitigation and related measures.

Achievements in Regional Fisheries Management Organizations and Agreements

Commission for the Conservation of Antarctic Marine Living Resources

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) met virtually in 2021 with a limited agenda and in person in 2022 with a regular agenda.

CCAMLR was not able to adopt its compliance report in 2021. However, CCAMLR did adopt changes to *CM 10-05* (Catch Documentation Scheme for *Dissostichus* spp.) to resolve ongoing confusion regarding the “date of issue” of the catch document and the “date of export” of the exported product. These changes were the result of CCAMLR’s robust compliance evaluation procedure that reveals necessary amendments to conservation measures to address ambiguities and other issues that are impeding compliance. CCAMLR also considered Secretariat proposals to improve compliance related to VMS and transshipment but they were not adopted due to Member objections.

In 2021, CCAMLR failed to re-adopt a Conservation Measure for a long-standing established toothfish fishery in FAO Statistical Subarea 48.3, which includes waters surrounding South Georgia where Argentina and the United Kingdom both assert territorial claims. Fishing took place in Subarea 48.3 in 2022 in the absence of a CCAMLR-agreed conservation measure; which was the topic of much discussion at the 2022 CCAMLR meeting. Consensus, however, could not be reached on whether the vessels should be included on the Contracting Party IUU Vessel List and cited for non-compliance in the annual CCAMLR Compliance Report.

Most CCAMLR members continue to prioritize establishing a representative system of marine protected areas (MPA) in the Convention Area. For several years, CCAMLR has been considering three proposals to establish MPAs in the Southern Ocean: the East Antarctic MPA (EAMPA) proposal, the Weddell Sea Phase 1 (WS) proposal, and the Antarctic Peninsula proposal. The United States became a co-sponsor, along with many other Members, of the EAMPA and WS proposals in early 2021; and U.S. scientific data underpin the Antarctic Peninsula proposal. With no indication that consensus could be reached for any of the proposals, a vast icefish nesting ground discovered in the Weddell Sea region was given separate consideration in 2022 for protection; however, attempts to protect the nesting sites were unsuccessful.

In 2022, CCAMLR adopted a climate change resolution that recognizes the need to prepare for, and adapt to, the effects of climate change on marine ecosystems of the Convention Area. The

resolution encourages Members and entities to conduct and integrate climate change science into activities to mitigate, prepare for, and respond to the impacts of climate change. Other decisions taken in 2022 include extending the prohibition of discharging avian products including poultry parts, sewage and offal and discards from a portion of the Convention Area, to the entire Convention Area, while also expanding the application of these prohibitions to more vessel types, including support ships, fishing-processing vessels, and vessels engaged in transshipment. CCAMLR also adopted a requirement on the use of AIS in the Convention Area for the prevention of collisions between fishing vessels.

Incidental killing of multiple humpback whales and/or seals during the 2020/2021 and 2021/2022 fishing seasons and CCAMLR's continued work to mitigate seabird strikes with trawl warps and net monitoring cables led CCAMLR to reconvene its Working Group on Incidental Mortality Associated with Fishing (WG-IMAF) after an 11-year hiatus. The WG-IMAF discussed the following relevant issues in 2022: development of a data collection template and accompanying instructions for vessels to report standardized data in the event of a whale bycatch event; training materials to support the data collection on incidental mortalities of seals; the development of a gear library to document the marine mammal exclusion devices used by trawl vessels operating in the Convention Area; and modifications to marine mammal exclusion devices to minimize the risk of whale bycatch.

Inter-American Tropical Tuna Commission

IATTC convened its 98th Meeting virtually in August 2021. IATTC adopted a provisional set of definitions for electronic monitoring and a work plan to advance this issue, which was a key priority for the United States. In October 2021, IATTC again met virtually to continue its 98th Meeting. The United States secured adoption of its proposal for a two-year extension of the existing silky shark resolution, with minor adjustments (*Resolution C-21-06*).⁵⁴ IATTC also adopted *Resolution C-21-07*, which advances key elements of the UN FAO Agreement on Port State Measures. This resolution requires port State inspection of a minimum of five percent of foreign fishing vessels in port, communication of detected IUU fishing activity to the relevant flag and coastal States, and investigation by the flag State of detected IUU fishing activity.

IATTC convened its 99th Meeting in August 2022, to select a new Executive Director, and its 100th Meeting immediately following. Adopted measures include *Resolution C-22-02*, which outlines a procedure through which the Compliance Committee adopts - and IATTC reviews - an annual report on compliance status, a process that is designed to improve the tracking and reporting of compliance cases. IATTC adopted *Resolution C-22-03*, to amend *Resolution C-12-07* and expand reporting requirements for transshipments by large-scale fishing vessels. IATTC Parties continued the previous year's discussions on electronic monitoring, creating an *Ad Hoc Working Group on Electronic Monitoring* with agreed terms of reference (*Resolution C-22-07*). IATTC also adopted terms of reference for its Bycatch Working Group, and changed the title to *Ecosystems and Bycatch Working Group* (*Resolution C-22-08*) in recognition of the importance of ecosystem considerations.

⁵⁴ Resolutions can be found on the IATTC website: <https://www.iattc.org/en-US/resolution/type/IATTC>.

International Commission for the Conservation of Atlantic Tunas

The International Commission for the Conservation of Atlantic Tunas (ICCAT) held annual meetings in November 2021 and 2022, adopting many binding recommendations and non-binding resolutions relevant to this report. *Recommendation (Rec) 21-15*, a U.S. proposal to strengthen control of in-port and at-sea transshipment activities, includes requirements for better record keeping (e.g., separation of cargo and stowage plans), enhanced reporting requirements, and prioritization of port inspection for suspicious vessels. ICCAT also adopted *Rec 21-11*, originally a U.S. proposal, to clarify actions that could be taken with regard to vessels without nationality, and *Rec 21-14*, requiring vessels eligible for an International Maritime Organization number to obtain one prior to inclusion on ICCAT's authorized vessel list.

Three new measures – *Rec 21-08*, *Rec 21-16*, and *Resolution (Res) 22-15* – address the complexities of the eastern Atlantic and Mediterranean bluefin tuna fishery, which has a history of high-profile IUU fishing. These measures, respectively, strengthen monitoring and control elements, outline specifications for VMS data exchange, and establish a pilot project for the use of stereoscopic cameras during the transfer of bluefin tuna destined for farming.

Rec 22-14 requires ICCAT members to investigate and take appropriate action, consistent with their domestic laws, to address allegations of IUU fishing by their citizens. It covers not only those individuals directly engaging in illegal fishing activity, but also those benefiting from or supporting the activity (e.g., as vessel operators, owners, and financial services providers). Three new ICCAT working groups – on catch documentation schemes (*Res 21-21*), electronic monitoring systems (*Res 21-22*), and labor standards, proposed by the United States (*Res 21-23*) – held their first intersessional meetings in 2022.

In 2022, the United States introduced a proposal that called on ICCAT to consider the potential impacts of climate change on ICCAT target stocks, non-target species, and species belonging to the same ecosystem or associated with or dependent upon target stocks. The resulting adoption of *Res 22-13*, which gained nine co-sponsors from North America, South America, Africa, Asia, and Europe, has kicked off a process to identify available climate change information, data gaps, and research needs that will inform the Commission's future management of ICCAT species.

Also in 2022, after many years of effort, ICCAT adopted a compromise text to address bycatch of sea turtles that was co-sponsored by the United States, Brazil, Canada, Egypt, EU, Gabon, and Turkey. *Rec 22-12* requires longline vessels fishing in a shallow set manner to use at least one of a menu of options, including large circle hooks, finfish bait, or another measure approved by the Standing Committee on Research and Statistics (SCRS) as effective at reducing the interaction rate of sea turtles and increasing the survivability of those caught. Requirements do not apply to the Mediterranean Sea until 2026 or to areas primarily outside the geographic range of Atlantic sea turtles. The measure requires purse seine vessels to avoid encircling sea turtles and to ensure safe handling and release from fishing operations, including entanglement with fish aggregating devices. Further, *Rec 22-12* specifies minimum data collection requirements regarding interactions with sea turtles in ICCAT fisheries, requires members to report on implementation, and charges the SCRS with reviewing aspects of the measure and providing future updates to the Commission.

Following several years of negotiations regarding North Atlantic shortfin mako, in 2021 ICCAT adopted a rebuilding program to end overfishing immediately and rebuild the stock by 2070. *Rec 21-09* includes a two-year retention ban and sets a maximum total fishing mortality level of 250 t. Retention of dead shortfin mako is permitted only in limited cases, as verified by an observer, electronic monitoring or, in the case of vessels less than 15 meters, other means approved by the SCRS. It also prohibits transshipment of North Atlantic shortfin mako; specifies safe handling and release requirements; and establishes additional reporting requirements, including information on statistical methodologies used to estimate dead discards and live releases. *Rec 22-11* for South Atlantic shortfin mako mirrors many aspects of *Rec 21-09*, including a two-year retention ban; it provides for the establishment of a total mortality limit following the 2024 stock assessment and will measure any permissible retention pursuant to scientific advice.

North Pacific Anadromous Fish Commission

NOAA and the USCG work closely with enforcement agencies of other North Pacific Anadromous Fish Commission (NPAFC) member States to enforce the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, which prohibits directed fishing for anadromous stocks in the high seas areas of the North Pacific Ocean.

The United States and the other NPAFC member States achieved a high level of enforcement cooperation again during Operation North Pacific Guard (NPG) over the past two years. In 2021, NPAFC member States conducted more than 430 hours of aircraft patrols and more than 260 ship-days, during which they identified multiple fishing violations that were reported to the relevant RFMO, although none involved confirmed high seas driftnet activity or illegal retention of salmon.

As part of NPG 2021, USCG Cutter *Bertholf* patrolled for 51 days, covering over 27,000 miles on the high seas of the North Pacific Ocean. During this patrol, the USCG along with NOAA, Canadian Department of Fisheries and Oceans, Japan Coast Guard and Korean Coast Guard shipriders conducted at-sea inspections aboard 27 fishing vessels operating under several other RFMOs, finding 42 potential violations. This included 12 potentially serious violations for refusals of lawful boardings under NPFC and three potentially serious violations for failure to log sufficient records of catch where salmon was not logged. These three vessels had small amounts (less than 25 salmon) and indicated the salmon were for crew consumption.

As part of NPG 2022, USCG Cutter *Munro* patrolled for 35 days, covering 10,723 miles on the high seas of the North Pacific. During this patrol, the USCG along with NOAA, Canadian Department of Fisheries and Oceans, and Fisheries Agency of Japan shipriders conducted at-sea inspections aboard 11 fishing vessels, finding 12 potential violations, including seven potential serious violations for refusals of lawful boardings under the North Pacific Fisheries Commission (NPFC). No targeted salmon fishing was observed during NPG 2022.

Additionally, 2022 marked the fourth consecutive year of this operation in which no high seas drift net vessels were detected in the North Pacific. It is likely that, at least in the near term, NPG has significantly curtailed this highly destructive practice in the North Pacific.

North Pacific Fisheries Commission

The North Pacific Fisheries Commission (NPFC) met virtually in 2021 and did not meet in 2022. During the 2021 virtual Commission Meeting's limited agenda, NPFC expanded assessment of obligations including "shall" or "must" in its Compliance Monitoring Report (CMR), providing for improvement in accountability of members' adherence to management measures. NPFC also adopted a Data Sharing and Data Security Protocol that allowed the recently approved VMS measure to be implemented, and added two vessels to the NPFC IUU Vessel List.

At its meeting in 2023, the first full meeting since 2020, NPFC adopted its first comprehensive CMM controlling transshipment in NPFC, completing years of drafting and negotiations from the Members (*CMM 2023-14*). *CMM 2023-14* requires that to transship fisheries resources or fisheries products taken in the Convention Area, both the offloading and receiving vessels must be flag State authorized and on the NPFC Vessel Registry. Additionally, the NPFC Secretariat requires a 24-hours advance notice prior to transferring. Post-event reporting via a Transshipment Declaration must be provided within 10 days. The measure also covers "other transfer activities" such as the movement of fuel, personnel, gear, and supplies between vessels. These also require 24-hour advance notice. Furthermore, the measure establishes NPFC's first observer program, requiring fisheries observers on receiving vessels. This is a significant development that provides needed oversight and accountability in the North Pacific.

The Commission also adopted a new shark CMM led by Canada and co-sponsored by the United States. *CMM 2023-03* reaffirms that there are no directed shark fisheries currently managed by NPFC, and therefore no directed shark fishing is authorized under the NPFC Convention or CMMs. The measure also prohibits shark finning of incidentally caught sharks, and requires reporting of any incidental shark catch. Prior to this, sharks were not specifically addressed in any of the NPFC CMMs.

The Commission agreed to add outcomes of a performance review panel as a standing agenda item and to continue to work with the Secretariat on developing priorities. In 2022, the panel submitted an assessment of NPFC's slow progress and failure to develop a full suite of compliance measures expected for an RFMO, even a relatively young one. The panel also highlighted poor stock status and failure to agree to catch limits as key challenges.

Proposed by the United States, and co-sponsored by Korea, Canada, and the European Union, NPFC adopted Resolution 2023-01, which requires the Commission to consider the potential impacts of climate change on NPFC fisheries resources and related ecosystems in the Convention Area, as well as any related socio-economic impacts. The resolution tasks the Science Committee (SC) with incorporating existing climate change data and analyses in its work as well as other information that may be needed to assess the impact of climate change on the fisheries managed by NPFC. Furthermore, the resolution tasks the Commission, the Technical and Compliance Committee (TCC), and the SC to have standing agenda items at meetings to consider potential impacts of climate change on fish stocks.

Finally, Members raised significant concern over issues with the 2023 CMR. The Commission agreed to task the TCC with recommending improvements during intersessional work. One recommendation was to make the CMR a tool for Members to assess compliance of other

Members, and to better define the relationship between the IUU vessel list with the CMR. The TCC Sub Working Groups will prioritize analysis and making recommendations focus on developing a more robust report prior to 2024 annual meetings. This will allow NPFC to have better awareness of compliance within its Convention Area.

North Atlantic Fisheries Organization

At its 2021 Annual Meeting, the North Atlantic Fisheries Organization (NAFO) Parties made progress in further developing its groundbreaking ecosystem approach framework to fisheries management. NAFO adopted a number of measures to enhance the protection for Vulnerable Marine Ecosystems (VMEs), in particular to safeguard black coral and sea pens. These measures included closing new areas and rolling over protections for current closed areas where VMEs exist. With these closures, all seamounts at fishable depths are protected.

In 2022, NAFO adopted an ecosystem reference point to help inform management decisions regarding the potential risk of ecosystem overfishing. This is the first time an RFMO has established such an advisory limit. This reference point will be critical in informing managers not only when ecosystem overfishing may occur, but will also provide key information to guide managers as they address climate change and other ecological stressors. Additionally, the United States led a successful effort to pass strong protections for Greenland sharks, widely considered to be the longest living vertebrate. These measures prohibit the retention and landing of live Greenland sharks, and complements existing regulations that prohibit directed fishing on these sharks.

Also at its 2022 Annual Meeting, NAFO adopted amendments to the NAFO Conservation and Enforcement Measures (CEM) to include vessels from the IUU vessel lists of other RFMOs to the NAFO IUU Vessel List. The NAFO IUU Vessel List was already linked to that of the North East Atlantic Fisheries Commission (NEAFC), and NEAFC had recently amended its Scheme of Control and Enforcement to include vessels from other RFMO lists. NAFO and NEAFC now cross-list IUU fishing vessels from RFMOs that cover the vast majority of global fisheries. Relevant NAFO procedures for identifying, listing, and delisting of IUU fishing vessels have also been revised to reflect the additional source RFMOs.

South Pacific Regional Fisheries Management Organisation

Despite the limitations associated with virtual (instead of in-person) meetings in 2021 and 2022, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted a significant number of conservation and management measures of importance to the United States. At its annual meeting in 2021, SPRFMO adopted a U.S. proposal on vessel marking and identification to help ensure vessels can be effectively monitored for compliance. This measure went into effect on January 1, 2023. In 2021, several proposals for exploratory fisheries were also adopted, including a new measure for exploratory fishing of toothfish in the Convention Area. This measure, which contained improvements recommended by the United States, authorizes the European Union to fish for toothfish over a three-year period to gather scientific data on an area with very little data on toothfish. The proposal includes provisions on data collection, reporting, and monitoring as well as mitigation measures for marine mammals, seabirds, sharks, and other species of concern.

Other successes included the adoption of a revised and more precautionary bottom fishing measure in 2021 and developing a work plan in 2022 to guide intersessional review of that measure. The review was aimed at determining the appropriateness of the measure for preventing significant adverse impacts on vulnerable marine ecosystems and ensuring a sufficient level of protection for taxa associated with these ecosystems.

To address several concerns during compliance discussions about the incomplete information for vessels on SPRFMO's Record of Vessels and the inclusion of vessels that were not authorized to fish, the United States joined other members in seeking revisions to the Commission's measure on the Record of Vessels. The lack of adequate vessel information poses a challenge for monitoring compliance and ensuring that only authorized vessels are fishing in the Convention Area. The provisions, which were adopted by consensus, provide greater clarity on the binding nature of the information required by the measure and the requirement that only vessels authorized pursuant to a measure adopted by SPRFMO may be submitted for inclusion in the authorized vessel list.

SPRFMO met for its 11th annual meeting, February 13-17, 2023 in Manta, Ecuador. As a result of U.S. leadership, several key decisions were made that will improve monitoring and control of fishing in the South Pacific, including a U.S. proposal for a comprehensive measure governing high seas boarding and inspection in the South Pacific. Adoption of this historic proposal is the culmination of efforts by the United States to achieve greater surveillance and monitoring over fishing activities in the Convention Area. The measure sets forth general obligations; boarding and inspection procedures; and provisions regarding interpretation and implementation, participation, and the use of force. The measure also establishes provisions for inspection reports, serious violations, enforcement, annual reporting to the Commission, Commission coordination and oversight, and provisions regarding settlement of disagreements.

The organization also took an important step towards controlling fishing levels in the jumbo flying squid jigging fishery. A working group chaired by the United States reconciled five competing proposals and led the drafting of a compromise measure that was adopted by consensus. The Commission adopted a measure that, for the first time, establishes a limit on the number and gross tonnage of vessels fishing for jumbo flying squid with jigging gear that can be deployed by the members currently participating in the fishery in the Convention Area (China, Chinese Taipei, and Korea).

Other key decisions at SPRFMO's 2023 meeting included the adoption of a U.S. proposal aimed at ensuring the Commission and its Scientific and Compliance and Technical Committees consider climate change as a standing agenda item.

Western and Central Pacific Fisheries Commission

In 2021 and 2022, the Western and Central Pacific Fisheries Commission (WCPFC) adopted several measures related to IUU fishing, bycatch, transshipment observer reporting requirements, and climate change, and continued discussions to address crew labor standards.

In 2021, WCPFC extended its compliance monitoring scheme – which was set to expire that year – through 2023. In 2022, WCPFC strengthened its compliance monitoring review, and agreed to resume 100% observer coverage in the purse seine fishery in 2023 as COVID-19 concerns eased.

In 2022, the United States proposed and secured a WCPFC decision to require transshipment observers to provide observer reports and data to the science provider and Secretariat, improving the Commission's oversight and compliance monitoring of transshipment activity in the WCPFC Convention Area.

To reduce the impacts of bycatch on PLMR, WCPFC adopted best practices for the safe handling and release of cetaceans in 2021 and corresponding graphics to communicate the newly adopted best practices to vessel crew and observers in 2022. Additionally, in 2021, WCPFC agreed to mitigate the risk of PLMR entanglement in fish aggregating devices (FADs) by requiring non-entangling FAD materials and designs starting in 2024.

In 2021, the United States submitted a proposal to amend WCPFC's shark conservation measure, but it was not adopted. In 2022, the United States revised its proposal and this co-sponsored proposal was adopted. The revised CMM prohibits the use of shark lines and wire trace as branchlines in longline fisheries within 20 degrees of the equator beginning in 2024, and also requires the safe handling and release of incidentally caught sharks by longline vessels within the Convention Area.

The United States continued to actively engage and provide input in intersessional meetings to develop a binding CMM on crew labor standards in 2021 and 2022.

In 2022, building on the U.S. proposal, WCPFC agreed to include climate change as a standing agenda item for all future meetings of the Commission and its subsidiary bodies.

VII. Initiatives to Improve International Fisheries Management

National Security Memo on IUU Fishing

In June 2022, the President signed a National Security Memorandum (NSM) on Combating Illegal, Unreported, and Unregulated Fishing (IUU fishing) and Associated Labor Abuses.⁵⁵ NOAA played a key role in the early conceptualization, drafting, and roll-out of the NSM and is an integral agency in achieving several of its goals. NSM 11 outlined the policy of the Administration to address IUU fishing, including by distant water fishing vessels, and associated labor abuses, including the use of forced labor in the seafood supply chain.

The memo directs executive departments and agencies to work towards ending forced labor and other crimes or abuses associated with IUU fishing; promote sustainable use of the oceans in partnership with other nations and the private sector; and advance foreign and trade policies that benefit U.S. seafood workers. NOAA is mentioned throughout the document as either lead or collaborator for a majority of the activities; *e.g.*, engaging with RFMOs to encourage the adoption of strong monitoring, control, and surveillance measures, encouraging the adoption of and providing fisheries enforcement training to support the operational implementation of the Agreement on Port State Measures (PSMA) to Prevent, Deter, and Eliminate IUU Fishing, and seeking resources to deploy fisheries enforcement representatives to posts to support regional efforts to combat IUU fishing and build capacity for monitoring, control and surveillance. NSM 11 further directs agencies to increase coordination among themselves and with diverse stakeholders – public and private, foreign and domestic – to address these challenges comprehensively. One avenue for domestic coordination highlighted by the document is the Interagency Working Group on IUU Fishing formed in response to the Maritime SAFE Act.

Maritime SAFE Act

The Maritime Security and Fisheries Enforcement Act (Maritime SAFE Act) was signed into law on December 20, 2019 with the overarching purpose of supporting a whole-of-government approach across the Federal Government to counter IUU fishing and related threats to maritime security.

The Maritime SAFE Act established an Interagency Working Group on IUU Fishing made of 21 federal agencies to work toward reducing IUU fishing globally. The Working Group agencies represent economic, operational, and diplomatic means to combat IUU fishing. The Working Group sets up mechanisms for these agencies to share information, pool their expertise and coordinate efforts, provide technical assistance, and collectively work with governments, authorities, and the private sector to address these threats.

⁵⁵ Please find the National Security Memo online at this website: <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/27/memorandum-on-combating-illegal-unreported-and-unregulated-fishing-and-associated-labor-abuses/>

In October 2022, the Working Group submitted to Congress its National Five-Year Strategy for Combating IUU Fishing 2022-2026.⁵⁶ The Strategy outlines priorities and objectives for the Working Group to engage in priority regions and with priority flag States and administrations, as well as measures to increase governmental and regional capacity to implement and enforce domestic regulations and international rules and norms to mitigate the effects of IUU fishing.

The Priority Regions are:

Tier One

- South and Central America (Pacific Ocean)
- Gulf of Guinea
- Southeast Asia (Gulf of Thailand, Java Sea, Banda Sea, Celebes Sea)
- Pacific Islands

Tier Two

- Central America and Caribbean (Gulf of Mexico and Caribbean Sea)
- South America (Atlantic Ocean)
- Northwest Africa (Atlantic Ocean)
- Southern and Central Africa (Atlantic and Indian Ocean)
- East Africa (Indian Ocean)

Tier Three

- Middle East and Gulf States (Persian Gulf, Gulf of Oman, Gulf of Aden, Red Sea)
- South Asia (Bay of Bengal)
- East Asia Pacific (East China Sea, Sea of Japan, Sea of Okhotsk)

The Working Group selected five priority flag States and administrations – Ecuador, Panama, Senegal, Taiwan, and Vietnam – from within the priority regions to be the focus of its counter IUU fishing engagement, assistance, and resources. These nations and entities were selected because they demonstrated a willingness and interest to take effective action against IUU fishing activities associated with its vessels. The United States aims to assist the five to become self-sufficient, regional leaders in the fight against IUU fishing.

More recently, the IWG developed an implementation plan that organizes sub working groups on Maritime Intelligence Coordination, Labor, and four regional sub-working groups – Latin America and the Caribbean, Africa, Southeast Asia, and Pacific Islands – to serve as the fora to coordinate the efforts of the U.S. government in the relevant areas and issues, as well as identifying, developing, and supporting public-private partnerships that can support this work.

IUU Fishing Action Alliance

At the 2022 UN Ocean Conference, the United States along with Canada and the United Kingdom founded the IUU Fishing Action Alliance (the Alliance), a coalition of Governments and leading organizations committed to ending IUU fishing. The Alliance consists of State governments, non-governmental organizations, and industry leaders from around the world. It is

⁵⁶ To access the National Strategy, please visit the following website:
https://media.fisheries.noaa.gov/2022-10/2022_NationalStrategyReport_USIWGonIUUfishing.pdf

committed to tackling IUU fishing through a coordinated, global approach. Membership has expanded to include several more nations and entities, and outreach continues to further expand pledge members and supporters.

Alliance members strive to be leaders in their respective countries by enacting and enforcing effective fisheries regulations, investing in monitoring and surveillance technologies, and promoting sustainable fishing practices. Members also intend to coordinate efforts internationally to combat IUU fishing while also sharing information and best practices. The Alliance will work to promote implementation of international regulations and policies, to encourage greater transparency in the seafood supply chain, and to engage with governments and other stakeholders to encourage action, in particular through RFMOs.

The Alliance and will work to identify and ensure that competent authorities take action against those who engage in or profit from IUU fishing, including vessels, companies, and individuals.

Efforts to Address Forced Labor

NMFS strongly condemns labor abuses of any kind throughout the seafood supply chain, and supports the need for decent work conditions within the fishing industry, including for observers and vessel crew. NMFS has taken or promoted action to address these issues in several regional and global fora, and is working with our domestic interagency partners to identify and respond to allegations of labor abuses in the seafood supply chain.

NMFS, in cooperation with our interagency partners, continues to advocate for strengthening global guidance on labor standards at FAO, including the development of guidance for industry to promote social sustainability across its supply chains. In RFMOs, including at WCPFC and ICCAT, NMFS has been a leading advocate to develop measures and advance multilateral conversations to end forced labor and ensure that workers in these RFMO members' fleets have access to safe and legal working conditions. WCPFC passed a non-binding resolution in 2018 that identified key policies and provisions to promote crew welfare and safety within its fisheries. In 2021, WCPFC initiated an intersessional process with the goal to promote discussion among members and enable information sharing, as well as to foster the development of a binding measure on labor related issues. In 2021, ICCAT adopted a U.S. proposal to establish a labor standards working group. The working group, chaired by the United States, held its first intersessional meetings in 2022, where the International Labor Organization (ILO) presented on its work in the seafood industry and CPCs discussed approaches to addressing illegal labor conditions in their fisheries. During its second intersessional meeting, the U.S. Chair put forward a draft non-binding resolution for consideration by the working group – this resolution remains under development. More info on these advancements in WCPFC and ICCAT are described in Chapter 6 of this report.

Additionally, NMFS, in concert with the Departments of Homeland Security, Justice, Labor, and State, works to combat illegal labor practices, and supports efforts to ensure goods made with forced labor do not enter U.S. markets. For example, NMFS works with Customs and Border Protection (CBP) and other agencies to identify potential forced labor practices and violations aboard fishing vessels, as well as products that may have been produced using forced labor.

CBP can subsequently prevent merchandise produced in whole or in part in a foreign country using forced labor from being imported into the United States.

NMFS, in coordination with the Departments of State and Labor, established the Sub-Working Group on Labor in the Seafood Supply Chain, including Forced Labor, in 2021 as a subsidiary body of the U.S. Interagency Working Group on IUU Fishing. The Sub-Working Group’s mission is to develop and facilitate a comprehensive U.S. Government response to identify and address labor abuses, including forced labor, in the fishing industry. Currently, the Sub-Working Group is making progress on addressing recommendations from several reports to Congress, including the Department of State and NOAA’s Human Trafficking in the Seafood Supply Chain Section 3563 of the National Defense Authorization Act for Fiscal Year 2020 Report to Congress,⁵⁷ and the Department of Justice’s “Task Force on Human Trafficking in Fishing in International Waters” Report to Congress (January 2021).

CALM-CS

In October 2022, NMFS launched a new public-private initiative, the Collaborative Accelerator for Lawful Maritime Conditions in Seafood (CALM-CS). CALM-CS aims to promote legal and safe working conditions, and support tangible actions to fight labor abuses across the seafood industry. This work spans the seafood supply chain, with the goal of making demonstrative and meaningful progress on labor concerns within a 15-month timeframe, ending in early 2024. CALM-CS’ actions are not government-driven or regulatory in nature. Rather, the initiative is supporting progress in industry, civil society, and beyond.

To achieve these objectives, CALM-CS is engaging with a broad group of collaborators with experience in labor and fisheries both domestically and internationally. These efforts are organized across five priority areas: (1) standards and due diligence, (2) data and information to identify illegal labor practices, (3) tools to support at-risk populations at sea, (4) exploring potential tools to enhance safety and labor conditions aboard U.S. vessels, and (5) workers’ voice.

CALM-CS is chaired and run by the NMFS’s Office of International Affairs, Trade, and Commerce, and supported by a leadership team that includes fisheries and labor experts from NGOs and think tanks (Fishwise, Center for Strategic and International Studies, Issara Institute, and Global Labor Justice), industry (At-Sea Processors Association), and government (Department of Labor, NMFS, and U.S. Agency for International Development). There are over 130 registered participants in the CALM-CS groups, including representatives from industry, retailers, NGOs, labor organizations, and workers.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) bans importation of fish caught with commercial fishing technology that results in the incidental kill or serious injury of marine mammals in excess of U.S. standards. In carrying out this mandate, NMFS promulgated the MMPA import provisions rule on August 15, 2016, to establish criteria for evaluating a harvesting nation’s

⁵⁷ Available at: <https://www.fisheries.noaa.gov/international/international-affairs/forced-labor-and-seafood-supply-chain>

regulatory programs for reducing incidental and intentional serious injury and mortality of marine mammals in foreign commercial fisheries. NMFS also established a five-year exemption period to provide nations with adequate time to assess marine mammal stocks, estimate bycatch, and develop regulatory programs to mitigate that bycatch. Due to global challenges encountered during the COVID-19 pandemic and to provide NMFS with additional time to review and evaluate applications, the exemption period was extended to December 31, 2023, and the deadline for comparability finding applications was changed from March 1, 2021, to November 30, 2021.

The List of Foreign Fisheries (LOFF), a comprehensive review of marine mammal bycatch in foreign fisheries exporting to the United States, is a key element for implementing the MMPA import provisions rule.⁵⁸ The LOFF reflects the global scale of commercial fisheries from more than 130 trading partners exporting fish and fish products to the United States, and includes associated information on marine mammal interactions in the course of foreign commercial fishing operations.

Each commercial fishery included in the LOFF is classified into one of two categories, “exempt” or “export,” based upon the frequency and likelihood of incidental mortality and serious injury (bycatch) of marine mammals in the course of commercial fishing operations. “Exempt” fisheries have no known, or a remote likelihood of, marine mammal bycatch in the course of commercial fishing operations. “Export” fisheries have more than a remote likelihood of marine mammal bycatch or insufficient information available on marine mammal interactions in the course of commercial fishing operations.

To export fish and fish products to the United States, a fishery must receive a “comparability finding,” which requires the harvesting nation to prohibit the intentional killing of marine mammals in the conduct of commercial fishing activities by either “exempt” or “export” fisheries. For “export” fisheries, the harvesting nation must also maintain a regulatory program that is comparable to the U.S. regulatory program for reducing incidental marine mammal bycatch.

Enforcement Training and Capacity Building

By working with our enforcement partners globally, NMFS helps nations and entities to better detect and interdict IUU fish and fish products before they enter global commerce. These efforts help to reduce the level of IUU fish and fish products being landed and exported from around the world, to support sustainable fisheries management, and to level the playing field for participants in regulated fisheries. By increasing the awareness and competency of global law enforcement partners to combat IUU fishing, NMFS is seeking to prevent illegal fishing and related unlawful activities at the source. Throughout 2021 and 2022, NMFS worked with the following nations and regions to increase their capacity to combat IUU fishing.

⁵⁸ To access the LOFF, please visit the following website:
https://s3.amazonaws.com/media.fisheries.noaa.gov/2020-10/LOFF_2020_IAICRS_508.pdf?null

Ecuador: NMFS led a PSMA Managers Workshop and PSMA Inspector Workshop in partnership with the Vice Ministry of Aquaculture and Fisheries of Ecuador and the United States Agency for International Development (USAID) in August and September 2022, respectively. The Managers Workshop brought together government authorities to increase interagency knowledge of PSMA requirements, improve interagency coordination, and improve regional cooperation in PSMA implementation.

Following the Managers Workshop, NMFS led a PSMA Inspector Workshop that targeted Ecuadorian fisheries inspectors and included participants from the Vice Ministry of Aquaculture and Fisheries. The participants received hands-on and scenario-based instruction on implementation of the PSMA.

Indonesia: In August 2022, NMFS gave a presentation to a delegation from Indonesia as part of the Department of State's International Visitor Leadership Program. The delegation received an overview of the NMFS missions and priorities, with a particular focus on its international capacity building efforts. The delegation included representatives from the marine police, search and rescue, and NGO organizations.

Peru: NMFS led a PSMA Managers Workshop in partnership with the Ministry of Production of Peru in August 2022. The training included Peruvian participants as well as virtual participants attending from Columbia, Ecuador, and INTERPOL.

Philippines: NMFS led a PSMA Peer-to- Peer Exchange in partnership with the Philippine's Bureau of Fisheries and Aquatic Resources (BFAR) and the Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) in November 2022. The purpose of this engagement was to initiate the drafting of a five-year work plan with BFAR and other Philippine agencies that have a nexus to the PSMA and counter IUU fishing. NMFS met with personnel from the Central Fisheries Office and two regional inspection offices. The Peer-to-Peer Exchange focused on PSMA and BFAR's implementation of the treaty since becoming a party to it in 2018. BFAR requested NMFS assistance with developing a manual of operations for implementation of the PSMA in 2023. This request included assistance with process improvement to increase communication between BFAR and the Philippine Bureau of Customs during PSMA inspections.

In November 2022, NMFS gave a presentation to a delegation from the Philippines as part of the Department of State's International Visitor Leadership Program. The delegation received an overview of NMFS' mission with a particular focus on its international capacity building efforts. The delegation was part of the Improving Monitoring and Management of Marine Ecosystems project. This project examines the importance of using scientific technology, data, and enforcement best practices to manage and enforce the protection of marine resources, improve food security, and combat IUU fishing.

NMFS participated in a joint Enforcement Seminar with the U.S. Coast Guard in November 2022. NMFS presented a PSMA training module and participated in discussions on PSMA and IUU fishing with seminar participants. The seminar had representatives from Philippine Coast Guard, BFAR, and the Philippines National Police.

Thailand: NMFS led a PSMA Inspectors Training Workshop and vessel boarding exercise in partnership with Thailand’s Department of Fisheries, the Southeast Asian Fisheries Development Center (SEAFDEC), and the National Marine Sanctuaries Foundation, in September 2022. Participants included 25 fisheries inspectors from Thailand’s Department of Fisheries Headquarters office and regional inspection offices.

NMFS co-led the Fisheries Enforcement and Prosecution Course in partnership with U.S. Coast Guard and INL’s International Law Enforcement Academy. The workshop utilized a newly developed USCG/NOAA counter-IUU fishing curriculum modified to include a module on prosecution. The course’s 25 participants included a variety of law enforcement and prosecutors from Indonesia, Philippines, Malaysia, Thailand, and Timor Leste.

Vietnam: NMFS led a virtual PSMA Basic Workshop in partnership with Vietnam’s Directorate of Fisheries (DFISH), USAID’s Regional Development Mission for Asia (RDMA), and INL in December 2021. Participants included 52 fisheries inspectors and staff from seven Vietnamese government agencies. They received training on Operational Requirements of the PSMA and participated in a practical exercise.

NMFS led a virtual PSMA Investigation Techniques Workshop in partnership with DFISH, USAID’s RDMA, and INL in March 2022. Participants included 45 fisheries inspectors and staff from seven Vietnamese government agencies. They received training on interviewing, electronic sources of information, and evidence collection. The training culminated in a table-top exercise designed to help participants identify resources, agencies, and planning needs necessary to investigate IUU fishing incidents.

NMFS led a PSMA Vessel Boarding Exercise Workshop, in partnership with USAID’s RDMA, INL, and DFISH in July 2022. Participants included fisheries inspectors and staff from nine Vietnamese government agencies. The in-person vessel boarding exercises rounded out previous virtual workshops, giving participants a hands-on opportunity to practice their newly acquired skills and knowledge. Thirty-five students participated over the three-day training, which included PSMA refresher presentations, three hands-on inspection scenarios, and several relevant case study discussions.

NMFS, with support from USAID-RDMA, participated as instructors for “The Regional Training on Port State Measures inspection with a Focus on Shipping Containers for Fish and Fisheries Products.” This training was organized and sponsored by the SEAFDEC Training Department, the Association of Southeast Asian Nations (ASEAN), and JTF-Fisheries Agency Japan. This workshop, conducted in September 2022, included 14 participants from seven ASEAN member states to learn best practices for the inspection of shipping containers that are suspected of containing IUU fisheries products.

Other Capacity Building Efforts

NMFS research continues to focus on assessing and reducing incidental PLMR bycatch through the development and testing of bycatch reduction technologies; this effort complements NMFS’

domestic efforts to conserve these species. For example, NMFS has supported work in Spain and Brazil to better understand the post-release mortality of sea turtles caused by decompression sickness in trawl fisheries in the Southwest Atlantic Ocean. As NMFS continues to collect more information about these post-interaction mortality rates with international partners, the agency will be able to identify possible ways to address this critical conservation issue.

In collaboration with foreign partners in Indonesia, Mexico, Trinidad and Tobago, and the Philippines, the U.S. government has sponsored research to assess bycatch in coastal fishing fleets and to transfer bycatch reduction technologies. One technology that is being collaboratively tested, net illumination, has been shown to significantly decrease bycatch of sea turtles, marine mammals, elasmobranchs, and seabirds while not affecting catch rates or market value in coastal gillnet fisheries. Similarly, in Chile, NMFS has supported efforts to reduce bycatch in artisanal fleets targeting swordfish, specifically through rapid bycatch assessments, learning exchanges among fishermen, and circle hook design experiments.

In addition, NOAA is supporting efforts in Southeast Asia to combat the illegal wildlife trafficking of sea turtles. A regional focus has been NOAA's leadership in the Asia-Pacific Marine Turtle Genetics Working Group, which aims to enhance technical capacity to conduct turtle genetic studies in the Southeast Asia and Western Pacific region. The working group will support technical training of genetic tools that will help connect seized marine turtles and turtle products with their source rookeries as well as evaluating the risks of fisheries bycatch and direct capture to particular turtle populations. In the Philippines, NOAA has partnered with local and federal authorities to develop a database of interdiction records that catalog the number of sea turtles apprehended. Stockpiles of seized sea turtles have been cataloged, with genetic samples taken for further analysis to determine their origin. This work will be vital to better understand illegal trade routes and support enforcement efforts.

VIII. Report on International Bycatch Reduction Agreements (Section 202(h))

The following information was previously reported to Congress in the *Report to Congress on U.S. Fisheries Bycatch Reduction Standards and Measures Relevant to Section 202(H) of the Magnuson-Stevens Fishery Conservation and Management Act*. However, the Consolidated Appropriations Act, 2023 (Public Law 117-328) requires the Secretary of Commerce to include information on international bycatch reduction agreements in this Biennial Report to Congress.

Section 202(h)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) states that “The Secretary of State, in cooperation with the Secretary [of Commerce], shall seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen for such purposes in any fishery regulated pursuant to this Act for which the Secretary, in consultation with the Secretary of State, determines that such an international agreement is necessary and appropriate.” Similar provisions are contained in both the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

Section 202(h)(3) of the MSA requires that the Secretary of Commerce, in consultation with the Secretary of State, submit annually to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Natural Resources a report describing actions pursuant to Section 202(h) of the Act. Since 2022, the United States has not entered into any new bilateral bycatch reduction agreements. Nonetheless, the United States continues to be a leader, bilaterally and multilaterally, to reduce bycatch globally, in addition to actively pursuing cooperative research and scientific activities related to bycatch, as highlighted in this Report.

IX. Report on Foreign Large-Scale High Seas Driftnet Fishing (Section 206)

The following information was previously reported in a different publication. However, the Consolidated Appropriations Act, 2023 (Public Law 117-328) requires the Secretary of Commerce to include information on foreign large-scale high seas driftnet fishing in this Biennial Report to Congress.

Section 206(e) of the MSA directs the Secretary of Commerce, in consultation with the Secretary of State, to include in this biennial report to Congress a description of the actions taken to carry out the provisions of Section 206, including (1) an evaluation of the progress of those efforts, the impacts on living marine resources, including available observer data, and plans for further action; (2) a list and description of any new fisheries developed by nations that conduct, or authorize their nationals to conduct, large-scale driftnet fishing beyond the EEZ of any nation; and (3) a list of nations that conduct, or authorize their nationals to conduct, large-scale driftnet fishing beyond the EEZ of any nation in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes.

As of December 31, 2022, the United Nations General Assembly (UNGA) global moratorium on large-scale high seas driftnet fishing has been in effect for 30 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be successful. A detailed evaluation of the impacts of large-scale high seas driftnet fishing on salmonids, marine mammals and birds, tuna and non-salmonid fishes, and marine turtles was provided in the 1992 report to Congress under 16 U.S.C 1826(e). The evaluation was based on catch data from the 1989-1992 scientific driftnet monitoring programs with Japan, Taiwan, and Korea. However, an enormous amount of North Pacific ecosystem data resulted from the driftnet scientific monitoring programs. Analyses and interpretation of these data continued through 1994 and descriptions of such research were included in the 1993 and 1994 driftnet reports. With the advent of the UNGA moratorium on large-scale high seas driftnet fishing, legal sources for scientific data collected through use of this type of fishing gear disappeared.

In 2020, 2021, and 2022, no new evidence came to light indicating any nation authorized their vessels or nationals to conduct large-scale high seas driftnet fishing. The Secretary has not identified, pursuant to the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. §§ 1826a – 1826c), any nation that conducts, or authorizes its nationals to conduct, large-scale driftnet fishing beyond the EEZ of any nation in a manner that diminishes the effectiveness of, or is inconsistent with, any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes.

It is likely that, at least in the near term, enforcement operations have significantly curtailed this highly destructive practice in the North Pacific.

Enforcement efforts to detect and deter unauthorized large-scale high seas driftnet fishing is reported annually to Congress in the Report of the Maritime Security and Fisheries Enforcement Act Interagency Working Group on IUU Fishing Regarding Efforts to Investigate, Enforce, and Prosecute Illegal, Unregulated, and Unreported Fishing. Efforts to deter nations from authorizing large-scale high seas driftnet fishing have been and will continue to be reported biennially to Congress in other sections of this report.

Appendix 1. International Fisheries and Related Agreements and Organizations

To provide basic knowledge of the multilateral agreements, RFMOs, and related international organizations concerning living marine resources of which the United States is a member or that are of substantial interest to the United States, a list of many such organizations and agreements, with brief descriptions, follows.

Global

United Nations Convention on the Law of the Sea. This treaty sets the jurisdictional framework and rules for the use and management of the oceans, including general requirements concerning marine conservation. The Convention currently has 168 parties; the United States is not yet a party, but views many Convention provisions, including those related to fisheries, as reflecting customary international law, and operates consistently with those provisions.

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This agreement provides more specific rules for the conservation and management of straddling and highly migratory fish stocks, including application of the precautionary approach, ecosystem-based management, a requirement that nations with vessels fishing on the high seas either join the appropriate RFMO or apply the CMMs established by that RFMO to its fishing vessels, and other similar requirements.

Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement). This agreement requires flag States to exercise control over their vessels on the high seas to ensure they follow applicable conservation and management regulations. The agreement was adopted in 1993 and entered into force in 2003. It has 42 parties, including the United States.

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). This agreement requires parties to take actions to prevent IUU fish and fish products from entering the stream of commerce. Parties must restrict port entry and access to port services to vessels that have engaged in IUU fishing, with certain exceptions and there are currently 75 parties to the Agreement, including the EU.

FAO Code of Conduct for Responsible Fisheries. This non-binding document, prepared in 1995, sets forth principles and international standards of behavior for responsible fisheries practices, to ensure effective conservation, management, and development of living aquatic resources.

International Whaling Commission. The IWC was established under the International Convention for the Regulation of Whaling in 1946. The primary function of the IWC is to regulate whaling to ensure proper and effective conservation and development of whale stocks. The Commission currently has 88 parties, including the United States.

Convention on International Trade in Endangered Species of Wild Fauna and Flora. CITES is a multilateral treaty that provides protection for certain species of wild fauna and flora, including certain living marine species, against over-exploitation through regulation of international trade. Under CITES, species are listed in Appendices according to their conservation status: Appendix I (threatened with extinction); Appendix II (may become threatened with extinction unless trade is strictly regulated); and Appendix III (species that any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and that need the cooperation of other parties in the control of trade). Currently, there are 183 parties to CITES: 182 nations, including the United States, and one regional economic integration organization, the EU.

Agreement on the Conservation of Albatrosses and Petrels. ACAP, a legally binding agreement, was established under CMS (see Part VIII.A); it has 13 parties. Its purpose is to achieve and maintain a favorable conservation status for albatrosses and petrels. ACAP parties work to enhance the understanding of the conservation status of albatrosses and petrels and their susceptibility to a range of threats, as well as to promote effective means of mitigating those threats. Although not a party, the United States participates in ACAP meetings as an observer.

Memorandum of Understanding on the Conservation of Migratory Sharks. This non-binding instrument, negotiated under the auspices of the CMS, provides an international framework for coordinating sustainable management and conservation efforts for seven species of migratory sharks.

Western Hemisphere

Inter-American Convention for the Protection and Conservation of Sea Turtles. This treaty is the only binding convention for the protection and conservation of sea turtles in the world. It specifically protects six of the seven species of sea turtles: loggerhead, green, leatherback, hawksbill, olive ridley, and Kemp's ridley. This Convention entered into force in 2001 and has 16 parties, including the United States.

Specially Protected Areas and Wildlife Protocol (SPAW Protocol). The United States is a party, along with 24 other countries, to the SPAW Protocol of the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region, otherwise known as the Cartagena Convention. The Convention and its protocols cover the marine environment of the Gulf of Mexico, Caribbean Sea, and adjacent areas of the Atlantic Ocean. The SPAW Protocol constitutes a legal commitment by contracting parties to protect and manage their common coastal and marine resources, including threatened and endangered species, individually, jointly, and in a sustainable manner.

Atlantic Ocean

International Commission for the Conservation of Atlantic Tunas. ICCAT is responsible for, among other things, developing and adopting binding conservation and management measures for tuna and tuna-like species in the Atlantic Ocean and adjacent seas. ICCAT has 52 contracting parties, including the United States, plus five cooperating non-members.

North Atlantic Salmon Conservation Organization. This RFMO has jurisdiction over salmon stocks migrating beyond areas of coastal State jurisdiction in the Atlantic Ocean north of 36° N throughout their migratory range. It has seven parties, including the United States.

North East Atlantic Fisheries Commission. The area covered by the NEAFC Convention stretches from the southern tip of Greenland, east to the Barents Sea, and south to Portugal. NEAFC has six members and three cooperating non-members.

Northwest Atlantic Fisheries Organization. NAFO's Convention Area is located within the waters of the Northwest Atlantic Ocean roughly north of 35° N and west of 42° W. The principal species managed are cod, flounders, redfish, American plaice, Greenland halibut (turbot), capelin, shrimp, hake, and squid. NAFO has 13 contracting parties, including the United States.

Southeast Atlantic Fisheries Organization. The SEAFO Convention, which entered into force in 2003, regulates fisheries outside EEZs in the Southeast Atlantic Ocean. Species covered include fish, mollusks, crustaceans, and other sedentary species, except species subject to coastal State jurisdiction and highly migratory species. There are currently seven parties. The United States signed the Convention, but is not a party because no U.S. vessels are actively fishing for SEAFO-managed species in the area.

Western Central Atlantic Fishery Commission. WECAFC is a regional body established in 1973 under article VI(1) of the FAO Charter. As such, it does not have management authority for fisheries in the region, but helps members to promote effective conservation, management, and development of living marine resources within the Wider Caribbean region in accordance with the FAO Code of Conduct for Responsible Fisheries. WECAFC is composed of 33 countries, including the United States, and the EU.

Pacific Ocean

Western and Central Pacific Fisheries Commission. The WCPFC manages tuna and other highly migratory species in the western and central Pacific Ocean. The Convention entered into force in 2004. It currently has 26 members, including the United States; seven participating territories; and eight cooperating non-members.

South Pacific Regional Fisheries Management Organisation. The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean entered into force on August 24, 2012. Its objective is to ensure the long-term conservation and sustainable use of fishery resources of the South Pacific and to safeguard the marine ecosystems in which these resources occur. The Convention has 17 members, including the United States. Two other nations are cooperating non-contracting parties.

North Pacific Fisheries Commission. The goal of the NPFC is to ensure the long-term conservation and sustainable use of the fisheries resources in the high seas areas of the North Pacific Ocean, while also protecting the marine ecosystems in which these resources occur. It

establishes a management framework for all fisheries not already covered under existing international instruments, with a particular focus on bottom fisheries. Once the EU joined in 2020, the Commission has nine members, including the United States, and one cooperating non-contracting member.

South Pacific Tuna Treaty. This agreement provides U.S. tuna purse seine vessels access to fish in the waters of the Pacific Island parties to the treaty. Although not a fisheries management arrangement, it is referenced in this report because it contains some important and forward-looking monitoring and control provisions, including observer and VMS requirements. The treaty has 17 parties, including the United States. It is administered by the Forum Fisheries Agency, composed of the 16 Pacific Island parties. In December 2016, the United States and Pacific Island parties signed a revised treaty that is awaiting ratification.

Inter-American Tropical Tuna Commission. The IATTC manages tunas, tuna-like species, and other species taken by tuna-fishing vessels in the Eastern Pacific Ocean. The Commission has 21 members, including the United States, plus five cooperating non-members.

Agreement on the International Dolphin Conservation Program. This agreement establishes legally binding mechanisms to reduce dolphin mortality in the tuna purse seine fishery in the Eastern Pacific Ocean to levels approaching zero. The agreement has 14 parties, including the United States, plus two nations that apply the agreement provisionally.

North Pacific Anadromous Fish Commission. The NPAFC promotes the conservation of anadromous stocks (salmon) and ecologically related species, including marine mammals, seabirds, and non-anadromous fish, on the high seas of the North Pacific, the Bering Sea, and the Sea of Okhotsk, north of 33° N. It has five parties, including the United States.

Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea. This Convention was established to conserve and manage pollock resources in the high seas area of the Bering Sea (the “donut hole”). It has six parties, including the United States.

Pacific Salmon Commission. The PSC implements the United States-Canada Pacific Salmon Treaty. Four commissioners and four alternates from each nation represent the interests of commercial and recreational fisheries as well as federal, state, and tribal governments. The PSC provides regulatory advice and recommendations to the two parties with regard to salmon originating in waters of one nation that are subject to interception by the other, salmon that affect the management of the other nation’s salmon, and salmon that biologically affect the stocks of the other nation.

International Pacific Halibut Commission. Established by treaty between the United States and Canada, the Commission’s mandate covers research on and management of the stocks of Pacific halibut within Convention waters of both nations. The Commission consists of three government-appointed commissioners for each nation.

Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region. Negotiated under the auspices of the CMS, this non-binding MOU

provides an international framework for coordinated conservation efforts for cetaceans and their habitats in the Pacific Islands Region. The MOU has 15 signatories, including the United States.

Asia-Pacific Economic Cooperation. APEC is a regional economic forum established in 1989 to promote balanced, inclusive, sustainable, innovative, and secure growth by accelerating regional economic integration. APEC has 21 member "Economies" including the United States. The organization maintains Subfora and Dialogues addressing a range of economic and trade-related topics, including an Ocean and Fisheries Working Group and a Policy Partnership on Food Security.

Southern Ocean

Commission for the Conservation of Antarctic Marine Living Resources. With the exceptions of any commercial seal hunt south of 60° S and all whaling activities, CCAMLR conserves and manages all marine living resources south of the Antarctic Convergence (varying between 45°S and 60°S). There are 27 members of the Commission, including the United States. Another 10 countries have acceded to the Convention; these countries have agreed to be legally bound by the Convention and any CMMs adopted by CCAMLR, but they do not contribute to the budget or participate in decision-making.

Convention for the Conservation of Antarctic Seals. The Convention is designed to promote and achieve the protection, scientific study, and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system of Antarctica. It prohibits the killing or capture of seals in the area south of 60°S, except as specifically provided for in the Convention. It has 14 parties, including the United States.

Arctic Ocean

The Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (CAO Fisheries Agreement). The CAO Fisheries Agreement represents a precautionary approach to the management of high seas fish stocks before commercial fishing begins, and was undertaken in response to developments in the Arctic due to a changing climate. The Parties agreed to authorize their vessels to conduct commercial fishing in the CAO only after international mechanisms are in place to manage any such fishing. In support of this commitment, the Agreement will establish a joint program of scientific research. The Agreement entered into force on June 25, 2021; it has 10 parties, including the United States.

Indian Ocean

Indian Ocean Tuna Commission. The aim of IOTC is to ensure the conservation and optimum utilization of tuna and tuna-like species in the Indian Ocean and its adjacent seas. While there are general conservation, management, and rebuilding measures, IOTC has only adopted catch limits for one target stock. IOTC has 30 Members and one Cooperating Non-Contracting Party. The United States is an observer to IOTC.

Indian Ocean-South East Asian Marine Turtle Memorandum of Understanding. This MOU operates as a non-binding instrument under the CMS. It provides a framework for the region to work together to conserve and replenish depleted marine turtle populations for which they share responsibility. The MOU has 35 signatories, including the United States.

Southern Indian Ocean Fisheries Agreement (SIOFA): The objectives of SIOFA are to ensure the long-term conservation and sustainable use of the fishery resources in the southern Indian Ocean through cooperation among members, and to promote the sustainable development of fisheries in the SIOFA area, taking into account the needs of developing States. The Agreement entered into force in 2012 and has 10 Parties and one fishing entity. The United States has been an Observer to SIOFA Meetings of the Parties since 2020.

Mediterranean Sea

General Fisheries Commission for the Mediterranean. This RFMO was established under provisions of the FAO Constitution. Its main objective is to ensure the conservation and sustainable use of living marine resources, as well as the sustainable development of aquaculture, in the Mediterranean and in the Black Sea. It has 23 parties, not including the United States.

Appendix 2. U.S. Laws Relevant to IUU Fishing, PLMR Bycatch, and Shark Conservation

Magnuson-Stevens Fishery Conservation and Management Act. Originally enacted in 1976, the MSA, 16 U.S.C. § 1801 *et seq.*, is the foundational legislation for the conservation and management of fisheries within the U.S. EEZ. Besides establishing the framework for regulating U.S. fisheries, the Act contains specific and extensive prohibitions and enforcement authorities to ensure a high rate of compliance with regulations governing both domestic and foreign fishing within the EEZ.

High Seas Driftnet Fishing Moratorium Protection Act (1995). The original provisions of the Moratorium Protection Act, 16 U.S.C. §§ 1826d-1826g, prohibit the United States from entering into international agreements that would prevent full implementation of the UN Moratorium on Large-Scale High Seas Driftnets. The Act has been amended by the four statutes listed immediately below.

High Seas Driftnet Fisheries Enforcement Act of 1992. This Act, 16 U.S.C. §§ 1826a-1826c, seeks to end the use of large-scale driftnets by foreign fisheries operating beyond the EEZ of any nation. Among other provisions, the Act authorizes identification of nations whose vessels are engaging in high seas fishing with large-scale driftnets; such identification may lead to limitations on port entry and on the importation of certain products from those nations.

Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. The MSRA, 16 U.S.C. §§ 1826h-1826k, amended the Moratorium Protection Act and directed substantial attention to fishing issues outside U.S. waters, particularly IUU fishing and PLMR bycatch. The amended Moratorium Protection Act calls on the Secretary of Commerce to urge other nations and RFMOs to address IUU fishing and to put into place regulatory measures to end or reduce PLMR bycatch. Title IV also established an identification and certification procedure for nations whose vessels engage in IUU fishing, PLMR bycatch, or certain shark fishing practices.

The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (2023 NDAA) (Pub. L. 117-263). The 2023 NDAA included amendments to the Moratorium Protection Act that affect various aspects of the process and substance of identifications, consultations, and certifications previously undertaken as part of the Biennial Report to Congress. The amendments will likely affect the scope of identifications in future reports.

Shark Conservation Act of 2010. The SCA, 16 U.S.C. § 1801 note, amended the Moratorium Protection Act to promote adoption by RFMOs of shark conservation measures, including banning removal of any of the fins of a shark and discarding the carcass at sea. The Act amended the Moratorium Protection Act's definition of IUU fishing to add an explicit reference to violation of international shark conservation measures, and to provide for identification of a nation for activities related to shark conservation.

Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015. The IUU Fishing Enforcement Act (P.L. 114-81) amended several existing statutes including the Moratorium Protection Act to strengthen mechanisms to stop IUU fishing. It increased to three years the allowable time period for consideration of activities for identification of nations for IUU fishing or PLMR bycatch. Another amendment made it possible to identify nations for their own actions or inactions with regard to IUU fishing activities, separate and apart from specific actions of vessels flagged to the nations. The IUU Fishing Enforcement Act also implemented U.S. accession to the FAO Port State Measures Agreement, codified at 16 U.S.C. 7401 *et seq.*

Maritime Security and Fisheries Enforcement Act (2019). The purpose of the Maritime SAFE Act is to support a whole-of-government approach to counter IUU fishing and related threats to maritime security. An Interagency Working Group on IUU Fishing has been formed pursuant to this Act. Comprising 21 agencies, this Working Group serves as the lead body for the U.S. government in coordinating collaborative actions and facilitating communication and engaging with stakeholders in efforts to combat IUU fishing and strengthen maritime security.

Ensuring Access to Pacific Fisheries Act (2016). This Act, 16 U.S.C. § 7701 *et seq.*, amended the Moratorium Protection Act with technical changes to the identification and certification process. These included a three-year period for identification of a country for certain shark fishing activities, and making the deadline for the MSRA report June 1 rather than January 12 of the reporting year.

Lacey Act. The Lacey Act, 16 U.S.C. §§ 3371-3378, prohibits the import, export, transport, sale, possession, or purchase in interstate or foreign commerce of any fish or wildlife taken, possessed, transported, or sold in violation of any U.S. federal or state law or regulation or of any foreign law. The two-part prohibition requires evidence of a violation of domestic or foreign law, and also evidence of trafficking. The United States has used the law to prosecute foreign individuals who import fish caught without authorization in another country's EEZ.

Marine Mammal Protection Act. The MMPA, 16 U.S.C. § 1361 *et seq.*, aims to reduce the incidental kill or serious injury of marine mammals in the course of commercial fishing to insignificant levels, approaching zero. The Act prohibits "taking" (actual or attempted harassment, hunting, capture, or killing) and importation into the United States of marine mammals except where explicitly authorized. The MMPA also bans the importation of fish caught with commercial fishing technology that results in the incidental kill or serious injury of marine mammals in excess of U.S. standards.

Endangered Species Act. This Act, 16 U.S.C. § 1531 *et seq.*, provides for the conservation of species in danger of extinction throughout all or a significant portion of their range. The Act lists species as either "threatened" or "endangered." When a species is endangered, it is protected from being "taken" (actual or attempted) through harassment, harm, pursuit, hunting, killing, shooting, wounding, capturing, or collection. Similar prohibitions usually extend to threatened species. The Act also provides for U.S. implementation of limitations on trade in species listed under CITES.

Appendix 3. Key Consultation Activities and Communications

Table 1 and Table 2 below include key events in the consultation process, including the exchange of critical information or formal correspondence and meetings. These tables do not enumerate the many emails and other outreach required to arrange and coordinate meetings, exchange letters, and communicate via diplomatic channels.

Table 1. Key events in IUU fishing consultations for nations and entities identified in the 2021 Report to Congress.

| Nation | Date | Description of Interaction |
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| Costa Rica | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Costa Rica of its identification and to initiate consultations. |
| | November 9, 2021 | NMFS and Costa Rica met virtually to discuss the basis for the identification and exchange information about potential regulatory actions to address the IUU fishing identification. |
| | February 25, 2022 | NMFS and Costa Rica met again virtually at a technical level to discuss specific issues related to the identification. |
| | March 1, 2022 | Costa Rica forwarded numerous documents that had been discussed in the February 25, 2022, consultation, and that NMFS had requested related to the management of its tuna fisheries and other relevant regulations. |
| | March 4, 2022 | NMFS forwarded ICCAT documents that had been discussed in the February 25, 2022, consultation related to the management of its tuna fisheries and other relevant regulations. |
| | March 23, 2023 | Costa Rica forwarded a letter that ICCAT had removed Costa Rica's ban on the retention of ICCAT species. |
| | April 25, 2022 | NMFS requested documentation that Costa Rica developed regulations for its Caribbean fishery in compliance with relevant ICCAT measures. |
| | August 11, 2022 | Costa Rica provided the requested materials related to management of its Caribbean fisheries. |
| | August 30, 2022 | NMFS and Costa Rica met again at a technical level to discuss specific issues related to the identification. |
| | August 31, 2022 | Costa Rica sent more supporting materials to document |

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| | | compliance with ICCAT measures. |
| | December 20, 2022 | NMFS requested Costa Rica’s draft Caribbean Billfish Plan Amendment and associated draft regulations for Atlantic marlins and swordfish. |
| | February 7, 2022 | Costa Rica provided numerous documents as requested to support compliance with ICCAT measures. |
| | March 14, 2023 | NMFS sent Costa Rica a letter indicating that the materials Costa Rica provided during consultations and through correspondence were sufficient to warrant a preliminary positive certification determination. |
| Guyana | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Guyana of its identifications for IUU fishing and bycatch of PLMR and initiate consultations. |
| | October 25, 2021 | NMFS held a virtual consultation with Guyana. In advance of the call, Guyana provided NMFS with a cease order issued to its only longline operator fishing in ICCAT waters. |
| | July 15, 2022 | NMFS held a joint virtual consultation on both IUU fishing and bycatch of PLMR with Guyana. Guyana provided information about its ICCAT reporting and confirmed that fishing had ceased following the cease order issues the previous year. |
| | March 15, 2023 | NMFS sent a letter notifying Guyana of its preliminary positive certification determination. |
| Mexico | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Mexico of its negative certification determination and new identification, and to initiate consultations. |
| | January 7, 2022 | NMFS sent a letter to CONAPESCA informing it that port denials had commenced. |
| | February 14, 2022 | NMFS held an initial virtual consultation with Mexico to discuss the negative certification determination. |
| | April 20, 2022 | NMFS, U.S. Department of State and USCG met with several Mexican agencies at the Embassy of Mexico in Washington, D.C., to discuss <i>lancha</i> incursions into the U.S. EEZ and possible actions to stop such incursions. |
| | May 6, 2022 | NMFS met with personnel from the Mexican Embassy in Washington to discuss a cooperative approach to addressing |

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| | | <i>lancha</i> incursions. |
| May 20, 2022 | | NMFS met with personnel from the Mexican Embassy in Washington to discuss a cooperative approach to addressing <i>lancha</i> incursions. |
| May 26, 2022 | | NMFS met with personnel from the Mexican Embassy in Washington to discuss a cooperative approach to addressing <i>lancha</i> incursions. |
| June 15, 2022 | | NMFS met with personnel from the Mexican Embassy in Washington to discuss a cooperative approach to addressing <i>lancha</i> incursions. |
| August 24, 2022 | | NMFS and USCG met with personnel from the Mexican Embassy in Washington to discuss updated <i>lancha</i> inclusion and interdiction numbers for the year-to-date, and the effectiveness of measures taken so far. |
| September 7, 2022 | | USCG met with SEMAR in Mexico City to discuss future joint actions to reduce <i>lancha</i> incursions in the U.S. EEZ. |
| September 13, 2022 | | NMFS, Department of State and USCG met with SEMAR, CONAPESCA and embassy personnel at the Mexican Embassy in Washington to discuss proposals for cooperative action to decrease the number of <i>lancha</i> incursions in the U.S. EEZ. |
| November 16, 2022 | | USCG met with SEMAR in Corpus Christi, Texas, to discuss future joint actions to reduce <i>lancha</i> incursions in the U.S. EEZ. |
| February 17, 2023 | | USCG met with SEMAR and Mexican Embassy personnel virtually to discuss joint actions to reduce <i>lancha</i> incursions in the U.S. EEZ. |
| March 14, 2023 | | NMFS sent a letter notifying Mexico of its preliminary negative certification determination. |
| March 17, 2023 | | USCG met with SEMAR and Mexican Embassy personnel virtually to discuss joint actions to reduce <i>lancha</i> incursions in the U.S. EEZ. |
| April 17, 2023 | | USCG met with SEMAR and Mexican Embassy personnel virtually to discuss joint actions to reduce <i>lancha</i> incursions in the U.S. EEZ. |
| May 9, 2023 | | CONAPESCA sent a letter to NMFS in response to the preliminary certification determination. |

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| People's Republic of China (PRC) | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform the PRC of its identifications and to initiate consultations. |
| | November 3, 2021 | NMFS held a virtual consultation with the PRC to discuss the core issues of both its IUU fishing identification and its bycatch of PLMR identification. |
| | November 26, 2021 | NMFS transmitted detailed information regarding the IUU fishing allegations against PRC-flagged vessels as well as a list of follow-up questions that included requests for documentary evidence of any investigations into those allegations. |
| | July 25, 2022 | NMFS held a second virtual consultation to discuss the IUU fishing and bycatch identifications with the PRC. At the meeting, technical experts exchanged more detailed information about IUU fishing allegations. |
| | September 28, 2022 | The PRC sent NMFS a series of documents including written responses to questions transmitted on November 26, 2021 and materials related to International Compliance of Tuna Fisheries and the Comprehensive Implementation of the Assessment of Compliance on Pelagic Fisheries Companies. These materials indicated that investigations had taken place but provided no specific documentation of those investigations. |
| | November 23, 2022 | NMFS sent the PRC a request for documentary evidence and more specific information about investigations and interviews related to the IUU fishing identifications. |
| | December 29, 2022 | The PRC sent NMFS a document describing crew interviews on board fishing vessels. |
| | January 30, 2023 | NMFS sent follow-up questions including a request for written documentary evidence of interviews. |
| | February 15, 2023 | The PRC sent additional materials to NMFS related to investigations. |
| | March 15, 2023 | NMFS sent a letter notifying the PRC of its preliminary negative certification determination for its IUU fishing identification. |
| | April 11, 2023 | NMFS held a virtual consultation with the PRC to discuss remaining gaps in documentary evidence of investigations into IUU fishing allegations. |
| April 29, 2023 | The PRC sent additional documents related to investigations into allegations of IUU fishing. | |

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| Russian Federation | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Russia of its identification and to initiate consultations. |
| | October 12, 2021 | Russia sent NMFS a letter stating their preference in using the U.S.-Russian Intergovernmental Consultative Committee (ICC) as the forum for the consultations regarding the IUU fishing identification. |
| | October 22, 2021 | NMFS replied to Russia by letter that consultations must commence as soon as possible, and could not wait for issues with ICC scheduling to be resolved. |
| | January 25, 2022 | NMFS made numerous attempts to schedule a consultation between October and January, and Russia responded by reiterating that the ICC is the appropriate forum for this discussion. |
| | March 24, 2023 | The Department of State forwarded a letter from NMFS to the Russian Embassy in Washington notifying Russia of its preliminary negative certification determination. |
| | May 4, 2023 | Russia sent a letter to NMFS providing information about vessels listed in the 2021 identification. |
| Senegal | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Senegal of its identification and to initiate consultations. |
| | November 21, 2021 | NMFS and Senegal met virtually to discuss the basis for the identification and exchange information about potential regulatory actions to address the IUU fishing identification. |
| | December 3, 2021 | NMFS forwarded a list of clarifying questions to Senegal to verify the reason for identification has been adequately addressed. |
| | March 3, 2022 | Senegal provided answers to the questions NMFS sent, and included data and maps of the vessels mentioned in the 2021 Report to Congress. |
| | October 24, 2022 | NMFS forwarded a second list of clarifying questions to Senegal to verify the reason for identification has been adequately addressed. |
| | November 10, 2022 | Senegal responded to the questions with information on specific vessels. |

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| | March 14, 2023 | NMFS sent Senegal a letter to inform them that the materials Senegal provided during consultations and through correspondence were sufficient to warrant a preliminary positive certification determination. |
| Taiwan | August 12, 2021 | The American Institute in Taiwan (AIT), on behalf of NMFS, notified Taiwan of its identification and extended NMFS' offer to initiate consultations. |
| | November 2, 2021 | NMFS held a virtual consultation with Taiwan to discuss its IUU fishing identification. |
| | November 26, 2021 | NMFS sent Taiwan follow-up materials containing details about the IUU fishing allegations that led to Taiwan's identification and a list of questions. |
| | May 25, 2022 | NMFS held a virtual consultation with Taiwan that focused on both IUU fishing and bycatch of PLMR issues. Taiwan shared information about investigations into allegations of IUU fishing. |
| | July 13, 2022 | Taiwan provided NMFS with documentation of investigations into each of the vessels with IUU fishing allegations against them. |
| | September 2, 2022 | NMFS met with Taiwan in person in Silver Spring, Maryland. Taiwan shared updates on the ongoing investigations into IUU fishing allegations and general information on its implementation of shark conservation measures. |
| | November 11, 2022 | Taiwan provided NMFS with written documentary evidence in the form of investigation reports for all vessels included in its identification for IUU fishing. |
| | March 22, 2023 | NMFS (via AIT) sent Taiwan (via the Taipei Economic and Cultural Representative's Office) a letter delivering a preliminary positive certification determination. |

Table 2. Key events in PLMR bycatch consultations for nations and entities identified in the 2021 Report to Congress.

| Nation | Date | Description of Interaction |
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| Algeria | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Algeria of its identification and to initiate consultations. |
| | October 25, 2021 | Algeria sent a letter to the U.S. Embassy in Algiers with information on bycatch mitigation practices, which was then forwarded to NMFS on November 10, 2021. |
| | February 25, 2022 | NMFS sent a set of questions to Algeria via the U.S. Embassy in Algiers requesting more specific information about its longline fishery. |
| | March 14, 2022 | After numerous attempts to schedule a meeting, NMFS and Algeria met virtually to discuss the basis for the identification and exchange information about potential regulatory actions to reduce bycatch of protected living marine resources. |
| | April 12, 2022 | NMFS sent a letter to Algeria via the U.S. Embassy in Algiers again requesting technical information about their longline fleet. |
| | May 24, 2022 | The U.S. Embassy in Algiers received a response from Algeria to the questions submitted by NMFS. |
| | November 28, 2022 | NMFS sent a letter to Algeria via the U.S. Embassy in Algiers requesting information on how Algeria will be implementing ICCAT 22-12. |
| | March 14, 2023 | NMFS sent a letter notifying Algeria of its preliminary negative certification determination. |
| | April 28, 2023 | Algeria sent a letter to NMFS via the U.S. Embassy in Algiers providing information on actions taken to protect sea turtles. |
| | May 9, 2023 | The U.S. Embassy in Algiers met with Algeria to discuss the identification and preliminary negative certification determination. |
| Barbados | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Barbados of its identification for bycatch of protected living marine resources. |
| | February 9, 2022 | NMFS and Barbados met for their first virtual consultation during which the two nations discussed the rationale for identification, the consultation process, and other relevant |

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| | | issues. Barbados presented general information about sea turtle conservation efforts. |
| | June 30, 2022 | NMFS and Barbados held a second virtual consultation focused on technical issues related to sea turtle bycatch mitigation. |
| | November 7, 2022 | Barbados joined a hybrid regional bycatch workshop on sea turtle bycatch and longline fisheries presented by NMFS in Port of Spain, Trinidad and Tobago, virtually. The workshop included discussions of U.S. regulations for longline fisheries and presentations on sea turtle safe handling and release and gear considerations to mitigate sea turtle bycatch. |
| | November 22, 2022 | NMFS sent Barbados a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | March 15, 2023 | NMFS sent a letter notifying Barbados of a preliminary negative certification determination. |
| | May 16, 2023 | NMFS held a virtual consultation with Barbados to answer questions related to the preliminary negative certification determination. Barbados notified NMFS of its intention to imminently adopt new regulations. |
| | May 23, 2023 | Barbados notified NMFS via a letter from its chief fisheries officer of its intention to imminently adopt new regulations that include bycatch mitigation measures for pelagic longline fisheries. |
| | July 18, 2023 | Barbados informed NMFS that regulations were still undergoing final review and were not yet finalized. |
| Côte d'Ivoire | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Côte d'Ivoire of its identification and to initiate consultations. |
| | December 10, 2021 | NMFS held a virtual consultation with Côte d'Ivoire. |
| | December 29, 2021 | NMFS provided follow-up information about approaches to sea turtle bycatch mitigation measures requested during the initial consultation discussion. |
| | July 14, 2022 | NMFS held a virtual consultation with Côte d'Ivoire. |
| | October 3, 2022 | NMFS sent Côte d'Ivoire materials discussed in consultations related to highly migratory species regulations to mitigate |

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| | | bycatch of sea turtles in longline fisheries. |
| | November 22, 2022 | NMFS sent Côte d’Ivoire a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | March 15, 2023 | NMFS sent a letter notifying Côte d’Ivoire of a preliminary negative certification determination. |
| | March 23, 2023 | Côte d’Ivoire sent NMFS draft regulatory text aimed at mitigating incidental catches of turtles that takes into account the provisions of ICCAT Rec. 22-12. |
| Croatia | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Croatia of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Croatia’s identification.) |
| | March 14, 2023 | NMFS sent a letter notifying Croatia of a preliminary negative certification determination. |
| | May 18, 2023 | The EU sent information on Croatia’s domestic regulations regarding sea turtle bycatch. |
| | July 20, 2023 | The EU transmitted a letter to NMFS from the Ministry of Agriculture, Directorate of Fisheries, Republic of Croatia, attesting that Croatia does not currently authorize and does not intend to authorize PLL fishing in areas beyond any national jurisdiction until such time as a regulatory program to mitigate sea turtle bycatch is in place. |
| Cyprus | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Cyprus of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Cyprus’ identification.) |
| | March 14, 2023 | NMFS sent a letter notifying Cyprus of its preliminary negative certification determination. |

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| | May 25, 2023 | The EU sent information on Cyprus' domestic regulations regarding sea turtle bycatch. |
| Egypt | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Egypt of its identification and to initiate consultations. |
| | January 12, 2022 | NMFS held a virtual consultation with Egypt at which information was exchanged about the basis of Egypt's identification. |
| | June 27, 2022 | NMFS held a virtual consultation with Egypt to further discuss the nature of its identification and share technical information about sea turtle bycatch mitigation measures. |
| | August 28, 2022 | Egypt sent NMFS information about its fisheries in response to technical questions presented by NMFS during consultations. |
| | November 22, 2022 | NMFS sent Egypt a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | January 17, 2023 | NMFS held a virtual consultation at Egypt at which Egypt outlined its plans to implement ICCAT Rec. 22-12 imminently. |
| | January 24, 2023 | Egypt sent NMFS a copy of Resolution No 64 for the year 2023 "The Egyptian Measures for the Conservation of Threatened Marine Creatures (Sea Turtles) in Fisheries in the Mediterranean and the Red Sea for Vessels Operating in Egyptian Waters," which requires longline fisheries to use either large circle hooks or finfish as bait. The resolution was issued on 22 January 2023 and effective immediately. |
| | March 15, 2023 | NMFS sent a letter notifying Egypt of its preliminary positive certification determination. |
| European Union | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform the EU of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. |
| | December 16, 2021 | The EU sent the U.S. Department of State a Note Verbale (No. V/01/2021) regarding its identification in the 2021 Report to Congress. |

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| January 25, 2022 | NMFS sent a list of questions to the EU to fill gaps in information about binding measures to reduce sea turtle bycatch in the longline fleets operating in ICCAT waters that apply to all EU Member States. |
| February 7, 2022 | NMFS and the EU met virtually to discuss the basis for the identification and exchange information about potential regulatory actions to address the bycatch identification. |
| May 2, 2022 | At the EU's request, NMFS sent a list of criteria that the United States uses in analyzing comparability. |
| July 28, 2022 | NMFS and the EU met again virtually at a more technical level to discuss specific issues related to the identification. |
| August 22, 2022 | The U.S. Department of State sent a diplomatic note with the official response to the EU's No. V/01/2021 to the EU. |
| November 22, 2022 | NMFS sent a letter to the EU requesting information on how the EU and Member States will be implementing ICCAT 22-12. |
| November 28, 2022 | The EU sent a letter to the NOAA Administrator responding to the November 22 letter requesting information about entry into force of ICCAT 22-12. |
| January 30, 2023 | NMFS sent an email requesting verification of whether ICCAT 22-12 would be automatically binding for the EU and Member States. |
| March 1, 2023 | The EU sent NMFS an email notifying us that the EU is transposing ICCAT 22-12 into EU law. |
| March 3, 2023 | The EU sent NMFS information on measures identified EU Member States have taken to mitigate sea turtle bycatch in ICCAT fisheries. |
| March 8, 2023 | The NOAA Administrator sent a letter to the EU responding to the November 28 EU letter regarding ICCAT 22-12. |
| March 14, 2023 | NMFS met virtually with the EU to notify the EU and its identified Member States of preliminary certification determinations in advance of letters being sent. |
| March 14, 2023 | NMFS sent the EU a letter stating that the materials the EU provided during consultations and through correspondence are sufficient to warrant a preliminary positive certification determination. |

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| | April 11, 2023 | The EU sent a letter to the NOAA Administrator regarding the preliminary negative certification determinations for EU Member States with fishing fleets in the Mediterranean Sea. |
| | April 21, 2023 | NMFS and the EU met again virtually to discuss specific issues related to adoption of ICCAT 22-12 by the Member States with longline fleets in the Mediterranean Sea. |
| | May 8, 2023 | The EU sent another letter to the NOAA Administrator regarding the preliminary negative certification determinations for EU Member States with fishing fleets in the Mediterranean Sea. |
| France | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform France of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to France's identification.) |
| | March 14, 2023 | NMFS sent a letter notifying France of its preliminary negative certification determination. |
| | May 18, 2023 | The EU sent information on France's domestic regulations regarding sea turtle bycatch. |
| Greece | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Greece of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Greece's identification.) |
| | March 14, 2023 | NMFS sent a letter notifying Greece of its preliminary negative certification determination. |
| | May 18, 2023 | The EU sent information on Greece's domestic regulations regarding sea turtle bycatch. |
| Grenada | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Grenada of its identification and to initiate consultations. |

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| | May 6, 2021 | Following extensive efforts to reach out to Grenada, NMFS held a virtual consultation with Grenada to present the details of its identification. Having learned that staff turnover had occurred, NMFS resent all relevant materials and correspondence following this initial meeting including requests for information about Grenada's fishery. |
| | November 7, 2022 | Grenada joined a hybrid regional bycatch workshop on sea turtle bycatch and longline fisheries presented by NMFS in Port of Spain, Trinidad and Tobago, virtually. The workshop included discussions of U.S. regulations for longline fisheries and presentations on sea turtle safe handling and release and gear considerations to mitigate sea turtle bycatch. |
| | November 22, 2022 | NMFS sent Grenada a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | March 15, 2023 | NMFS sent a letter notifying Grenada of its preliminary negative certification determination. |
| | May 16, 2023 | NMFS held a virtual consultation with Grenada asking for any information related to Grenada's fisheries or any information about potential actions Grenada planned on taking. NMFS communicated questions in writing in a follow-up email. |
| Guyana | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Guyana of its identifications for IUU fishing and bycatch of PLMR. |
| | January 6, 2022 | NMFS held a virtual consultation with Guyana to discuss its identification for bycatch of PLMR. Guyana shared information about its longline fishing and sent written documentation of a cease order to its operation. |
| | March 30, 2022 | Guyana sent written documentation that its one tuna longline operator had ceased operations. |
| | July 15, 2022 | NMFS held a joint virtual consultation on both IUU fishing and bycatch of PLMR with Guyana. Guyana confirmed that all longline fishing targeted relevant fisheries had ceased. |
| | November 22, 2022 | NMFS sent Guyana a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 15, 2022 | Guyana sent a formal letter from its Chief Fisheries Officer confirming in writing that it does not have any licensed vessels |

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| | | targeting ICCAT-managed species and that it does not intend to license any such vessels until it has updated its regulatory framework. |
| | March 15, 2022 | NMFS sent a letter notifying Guyana of its preliminary positive certification determination. |
| Italy | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Italy of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Italy's identification.) |
| | March 14, 2023 | NMFS sent a letter notifying Italy of its preliminary negative certification determination. |
| | May 18, 2023 | The EU sent information on Italy's domestic regulations regarding sea turtle bycatch. |
| Japan | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Japan of its identification and to initiate consultations. |
| | December 14, 2021 | Japan sent NMFS a series of written questions regarding the Moratorium Protection Act process. |
| | February 18, 2022 | NMFS sent written responses to Japan's questions. |
| | February 24, 2022 | NMFS held a virtual consultation with Japan. |
| | April 14, 2022 | Japan sent NMFS some requested materials and also sent additional questions about the report process. |
| | September 6, 2022 | NMFS sent written responses to Japan's questions. |
| | November 22, 2022 | NMFS sent Japan a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 15, 2022 | Japan sent a letter to NMFS indicating its intention to implement ICCAT Rec. 22-12 by the end of June 2023. |
| | March 15, 2023 | NMFS sent Japan a letter notifying it of a preliminary positive certification determination conditional on receipt of final |

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| | | documentation that Japan's domestic regulations have been updated to reflect ICCAT Rec. 22-12 or documentation of regulations that require all ICCAT Recommendations to be immediately binding on Japanese-flagged longline vessels when Recommendations enter into force. |
| | May 11, 2023 | Japan sent documentary evidence that it had adopted ICCAT Rec. 2212. |
| Malta | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Malta of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Malta's identification.) |
| | March 14, 2023 | NMFS sent a letter notifying Malta of its preliminary negative certification determination. |
| | May 18, 2023 | The EU sent information on Malta's domestic regulations regarding sea turtle bycatch. |
| Mauritania | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Mauritania of its identification and to initiate consultations. |
| | March 3 , 2022 | NMFS and Mauritania met virtually to discuss the basis for the identification and exchange information about potential regulatory actions to address the IUU fishing identification. |
| | March 10, 2022 | NMFS sent a list of questions to Mauritania following the consultation to fill gaps in information via the U.S. Embassy in Nouakchott. |
| | March 18, 2022 | Mauritania responded to NMFS' request for information by letter. |
| | November 28, 2022 | NMFS sent Mauritania a letter requesting information about Mauritania's authorization of longline fishing of ICCAT managed species. |
| | December 15, 2022 | Mauritania responded to NMFS by letter. |
| | March 14, 2023 | NMFS sent Mauritania a letter stating that the materials Mauritania provided during consultations and through |

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| | | correspondence are sufficient to warrant a preliminary positive certification determination. |
| Mexico | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Mexico of its identification and to initiate consultations. |
| | February 14, 2022 | NMFS held an initial virtual consultation with Mexico to discuss the bycatch identification. |
| | June 22, 2022 | NMFS sent a list of questions to Mexico to obtain information about regulations in place in the Gulf of Ulloa, and enforcement of those. |
| | June 28, 2022 | NMFS and Mexico met virtually to discuss the basis for the identification and exchange information about potential regulatory actions to address the bycatch identification. |
| | October 10, 2022 | Mexico sent responses to the questions related to bycatch in the Gulf of Ulloa. |
| | October 19, 2022 | NFMS and Mexico met again virtually to discuss follow-on questions based on the responses Mexico provided. |
| | November 7, 2022 | NMFS posed follow-on questions again to Mexico because Mexico had not provided complete responses during the virtual consultation. |
| | January 6, 2023 | Mexico provided a partial response to the questions NMFS posed related to the sea turtle bycatch in the Gulf of Ulloa. |
| | March 14, 2023 | NMFS sent a letter notifying Mexico of its preliminary negative certification determination. |
| | April 18, 2023 | NMFS sent Mexico a request to provide documentation that a sea turtle bycatch regulatory program in the Gulf of Ulloa is being enforced. |
| | May 13, 2023 | NMFS again requested Mexico provide documentation. |
| June 23, 2023 | Mexico provided additional information related to the extension of the Agreement establishing the fishing refuge area on the West Coast of Baja California Sur. | |
| Morocco | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Morocco of its identification and to initiate consultations. |

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| | January 27, 2022 | NMFS held a virtual consultation with Morocco at NMFS shared information about sea turtle bycatch mitigation measures and Morocco shared information about relevant initiatives it is involved in. |
| | June 16, 2022 | NMFS held a virtual consultation with Morocco that included technical experts on both sides. |
| | July 27, 2022 | Morocco sent NMFS some materials related to its fishery and sea turtle conservation efforts. |
| | November 1, 2022 | NMFS held a virtual consultation with Morocco during which technical information about gear and bait mitigation methods were discussed. |
| | November 22, 2022 | NMFS sent Morocco a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 14, 2022 | Morocco sent NMFS a letter stating that it has a new regulation for certain protected species under consideration and it would inform NMFS when it is published. |
| | March 15, 2023 | NMFS sent a letter notifying Morocco of its preliminary negative certification determination. |
| | May 30, 2023 | Morocco provided NMFS with some materials related to new regulations and decrees pertaining to its high seas fishing fleet. |
| Namibia | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Namibia of its identification and to initiate consultations. |
| | March 22, 2022 | Following numerous outreach attempts, the U.S. Embassy in Namibia sent a formal communication to aid NMFS in its outreach to the Government of Namibia. |
| | May 9, 2022 | NMFS held a virtual consultation with Namibia at which Namibia shared information about ongoing initiatives and industry engagement related to sea turtle bycatch mitigation. After the meeting, NMFS sent numerous follow-up communications. |
| | November 22, 2022 | NMFS sent Namibia a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |

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| | March 15, 2023 | NMFS sent a letter notifying Namibia of its preliminary negative certification determination. |
| | May 12, 2023 | Namibia sent a letter indicating its intention to implement ICCAT Rec. 22-12. |
| | May 23, 2023 | NMFS sent a message to Namibia inquiring about specifics of its planned adoption of sea turtle bycatch mitigation measures and a timeline for such efforts. |
| Portugal | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Portugal of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Portugal's identification.) |
| | March 14, 2023 | NMFS sent Portugal a letter stating that the materials Mauritania provided during consultations and through correspondence are sufficient to warrant a preliminary positive certification determination. |
| People's Republic of China (PRC) | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform the PRC of its identification for bycatch of protected living marine resources in the 2021 Report to Congress. |
| | November 3, 2021 | NMFS held an initial virtual consultation with the PRC during which the two nations discussed the rationale for identification, the consultation process, and other relevant issues. |
| | July 25, 2022 | NMFS met with the PRC a second time virtually to discuss its identification and request any documentary evidence of actions taken. The PRC shared information about its programs and potential regulation related to sea turtle bycatch mitigation. |
| | September 28, 2022 | The PRC provided written information to NMFS related to the management of its tuna fisheries and other relevant regulations. |
| | November 22, 2022 | NMFS sent a letter requesting a formal update from the PRC, including a request for any information about its intention to implement a regulatory program comparable in effectiveness to that of the United States and any information about adopting ICCAT Recommendation 22-12. |

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| | December 29, 2023 | The PRC sent written materials to NMFS indicating intent to update tuna regulations following ICCAT Rec 22-12. |
| | March 14, 2023 | NMFS sent a letter to the PRC informing it of a preliminary positive certification determination, conditional upon receipt of final regulatory text showing the adoption of ICCAT Rec. 22-12. |
| | April 11, 2023 | NMFS held a virtual consultation with the PRC primarily focused on the PRC's IUU fishing identification. However, in the follow-up to this meeting, NMFS asked for confirmation of the law that would implement ICCAT Rec. 22012. |
| | April 29, 2023 | The PRC sent documentary evidence affirming that it had adopted ICCAT Rec. 22-12. |
| Republic of Korea | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform the Republic of Korea (ROK) of its identification and to initiate consultations. |
| | November 4, 2021 | NMFS held a virtual consultation with ROK at which both sides exchanged information about sea turtle bycatch mitigation measures and relevant technical information. |
| | January 13, 2022 | ROK sent draft permit conditions for ICCAT fisheries that included mitigation measures for sea turtle bycatch. |
| | March 21, 2022 | NMFS held a virtual consultation with ROK focused on technical exchange and discussion of draft permit conditions. |
| | August 19, 2022 | ROK sent NMFS updated permit conditions detailing several gear and bait restrictions. |
| | November 22, 2022 | NMFS sent ROK a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 14, 2023 | ROK sent NMFS a letter indicating that in addition to the permit conditions, Article 13 of its Distant Water Fisheries Development Act outlines what activities its vessels shall comply with, including all measures at RFMOs. |
| | March 15, 2023 | NMFS sent a letter notifying ROK of its preliminary positive certification determination. |
| Saint Vincent and the | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Saint Vincent and the Grenadines of its identification and to initiate consultations. |

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| Grenadines | February 3, 2022 | NMFS held a virtual consultation with Saint Vincent and the Grenadines. |
| | February 10, 2022 | Saint Vincent and the Grenadines sent NMFS information about its fisheries and plans for updating fisheries laws and regulations. |
| | August 30, 2022 | NMFS held a virtual consultation with Saint Vincent and the Grenadines to exchange technical information and discuss Saint Vincent and the Grenadines work to overhaul its fisheries regulations through close collaboration with the FAO. |
| | November 7, 2022 | Saint Vincent and the Grenadines joined a hybrid regional bycatch workshop on sea turtle bycatch and longline fisheries presented by NMFS in Port of Spain, Trinidad and Tobago, virtually. The workshop included discussions of U.S. regulations for longline fisheries and presentations on sea turtle safe handling and release and gear considerations to mitigate sea turtle bycatch. |
| | November 22, 2022 | NMFS sent Saint Vincent and the Grenadines a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 8, 2022 | Saint Vincent and the Grenadines sent a letter to NMFS indicating its intention to adopt ICCAT Rec. 22-12 following the update to its regulations but that the timeline of that update remained uncertain. |
| | January 27, 2023 | NMFS held a virtual consultation with Saint Vincent and the Grenadines that included an update on Saint Vincent and the Grenadines intention to finalize its draft fisheries regulations in the first half of 2023. |
| | March 1, 2023 | Saint Vincent and the Grenadines informed NMFS that its progress on updating its fisheries regulations had halted due to a pause in support from the FAO. |
| | March 15, 2023 | NMFS sent a letter notifying Saint Vincent and the Grenadines of its preliminary negative certification determination. |
| | April 24, 2023 | The Embassy of Saint Vincent and the Grenadines in Washington, DC, sent a letter to NMFS including a formal request for a meeting and a draft copy of Saint Vincent and the Grenadines updated Fisheries Act. |
| May 12, 2023 | NMFS held a virtual meeting with the Saint Vincent and the Grenadines Embassy and representatives from the fisheries | |

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| | | department. Saint Vincent and the Grenadines informed NMFS that work had recommenced on moving the draft Fisheries Law through its legal processes. |
| Senegal | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Senegal of its identification and to initiate consultations. |
| | January 18, 2022 | NMFS held an initial virtual consultation with Senegal to discuss the bycatch identification. |
| | September 12, 2022 | Senegal sent NMFS a letter confirming that the Minister of Fisheries has signed off on transposition of ICCAT recommendations adopted in 2010 and 2013 regarding safe handling and release. |
| | September 20, 2022 | NMFS held a second virtual consultation with Senegal to discuss the bycatch identification. |
| | November 22, 2022 | NMFS sent Senegal a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | January 12, 2023 | Senegal sent a letter to NMFS indicating that Senegal expects ICCAT Rec. 22-12 will be adopted by June of 2023. |
| | March 14, 2023 | NMFS sent a letter notifying Senegal of its preliminary negative certification. |
| | April 18, 2023 | NMFS sent Senegal another request for documentation of adoption of ICCAT Rec. 22-12. |
| Spain | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Spain of its identification and to initiate consultations. |
| | November 10, 2021 | The EU informed NMFS that the EC will represent the EU and all Member States during consultations. (Please refer to the EU for details of information exchanges related to Spain's identification.) |
| | March 14, 2023 | NMFS sent a letter notifying Spain of its preliminary negative certification. |
| | May 18, 2023 | The EU sent information on Spain's domestic regulations regarding sea turtle bycatch. |
| South | August 12, 2021 | NMFS sent a letter and the Department of State sent a |

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| Africa | | diplomatic note to inform South Africa of its identification and to initiate consultations. |
| | December 15, 2021 | NMFS held a virtual consultation with South Africa. |
| | November 22, 2022 | NMFS sent South Africa a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | January 31, 2023 | South Africa sent NMFS an email indicating its intention to adopt ICCAT Rec. 22-12 in its fishing permit conditions for the fishing year by March. |
| | March 15, 2023 | NMFS sent a letter informing South Africa of its preliminary positive certification determination, conditional on receiving the aforementioned permit conditions. |
| | May 9, 2023 | South Africa sent NMFS a copy of its pelagic longline fishery permit conditions for the fishing season 2023/2024, which serves as documentary evidence that South Africa adopted the mitigation measures in ICCAT Rec. 22-12. |
| Taiwan | August 12, 2021 | The American Institute in Taiwan (AIT), on behalf of NMFS, notified the Taipei Economic and Cultural Representative (TECRO), on behalf of Taiwan, of Taiwan's identification and extended NMFS' offer to initiate consultations. |
| | December 8, 2021 | NMFS held a virtual consultation with Taiwan at which NMFS outlined the nature of Taiwan's bycatch identifications. |
| | May 25, 2022 | NMFS held a virtual consultation with Taiwan. Taiwan presented amendments to its fisheries regulations that had been published for public comment and were expected to be implemented soon. |
| | June 13, 2022 | Taiwan sent NMFS documentary evidence of its new regulations related to the bycatch of sea turtles. |
| | September 2, 2022 | NMFS met with Taiwan in person in Silver Spring, Maryland. Taiwan clarified some aspects of its new sea turtle bycatch regulations. |
| | November 23, 2022 | NMFS (via AIT) sent Taiwan (via TECRO) a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 14, 2022 | Taiwan sent NMFS a letter confirming that the regulations |

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| | | adopted earlier in the year are sufficient to implement ICCAT Rec. 22-12. |
| | March 22, 2023 | NMFS (via AIT) sent a letter notifying Taiwan of its preliminary positive certification termination. |
| Trinidad and Tobago | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Trinidad and Tobago of its identification and to initiate consultations. |
| | December 14, 2021 | NMFS held a virtual consultation with Trinidad and Tobago at which NMFS shared information about the identification and Trinidad and Tobago shared information about its fisheries legislation, which is under revision. |
| | May 23, 2022 | NMFS held a virtual consultation with Trinidad and Tobago to exchange technical information. |
| | November 7-8, 2022 | NMFS held a hybrid workshop on sea turtle bycatch and longline fisheries in Port of Spain, Trinidad and Tobago. The workshop included discussions of U.S. regulations for longline fisheries and presentations on sea turtle safe handling and release and gear considerations to mitigate sea turtle bycatch. The day following the workshop, NMFS held meetings at which it learned more about Trinidad and Tobago's longline fishery. |
| | November 22, 2022 | NMFS sent Trinidad and Tobago a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | March 1, 2023 | Trinidad and Tobago sent NMFS a communication indicating its intention to adopt ICCAT Rec. 22-12, including binding measures on its fleet, but also its need to ascertain a specific regulatory path to do so. |
| | March 15, 2023 | NMFS sent a letter notifying Trinidad and Tobago of its preliminary negative certification determination. |
| Tunisia | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Tunisia of its identification and to initiate consultations. |
| | May 18, 2022 | NMFS held an initial virtual consultation with Tunisia to discuss the bycatch identification. |
| | July 11, 2022 | NMFS sent questions to Tunisia to clarify policies and obtain more information about Tunisia's sea turtle bycatch mitigation |

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| | | measures. |
| | November 22, 2022 | NMFS sent Tunisia a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |
| | December 9, 2022 | NMFS held a second virtual consultation with Tunisia to discuss the bycatch identification. |
| | December 14, 2022 | NMFS again sent questions to Tunisia to clarify policies and obtain more information about Tunisia's sea turtle bycatch mitigation measures, as well as the letter inquiring about their intentions with regard to ICCAT Rec. 22-12 via the U.S. Embassy in Tunis. |
| | February 23, 2023 | Tunisia sent responses to the initial series of questions sent in July 2022 via the U.S. Embassy in Tunis. |
| | March 14, 2023 | NMFS sent a letter notifying Tunisia of its preliminary negative certification determination. |
| | March 31, 2023 | NMFS sent a second series of questions based on the responses Tunisia provided to the first series via the U.S. Embassy in Tunis. |
| | May 4, 2023 | Tunisia sent responses to the second series of questions from NMFS via the U.S. Embassy in Tunis. |
| | June 2, 2023 | NMFS sent another request to clarify Tunisia's intention to adopt ICCAT Rec. 22-12 via the U.S. Embassy in Tunis. |
| Türkiye | August 12, 2021 | NMFS sent a letter and the Department of State sent a diplomatic note to inform Türkiye of its identification and to initiate consultations. |
| | December 8, 2021 | NMFS held an initial virtual consultation with Türkiye to discuss the bycatch identification. |
| | June 1, 2022 | NMFS held a second virtual consultation with Türkiye to discuss the bycatch identification. |
| | October 18, 2022 | NMFS requested additional information about Türkiye's longline fleet and the turtle bycatch mitigation strategies. |
| | November 22, 2022 | NMFS sent Türkiye a letter requesting a formal update and any information about its intention to implement ICCAT Rec. 22-12. |

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| | December 16, 2022 | Türkiye sent a letter to NMFS indicating that Türkiye, as a co-sponsor of ICCAT Rec. 22-12, will adopt the measure, but did not specify when. |
| | January 30, 2023 | NMFS sent an additional request to clarify when, specifically, Türkiye will be able to implement ICCAT Rec. 22-12. |
| | February 13, 2023 | Türkiye informed NMFS that Türkiye’s legislation would adopt the provisions of ICCAT Rec. 22-12 in September 2024. |
| | March 14, 2023 | NMFS sent a letter notifying Türkiye of its preliminary negative certification determination. |
| | May 25, 2023 | Türkiye sent a letter to NMFS restating that Türkiye will adopt ICCAT Rec. 22-12 provisions in 2024, ahead of the official schedule for Mediterranean vessels in 2026. |

Appendix 4. Responses to the Federal Register Notice

Public Input Related to IUU Fishing

In response to the April 14, 2022, NMFS solicitation for information about relevant IUU fishing, NMFS received information from four sources. Some of that information was not actionable in this report and some of the information led to identifications included in the preceding pages. NMFS thanks all those who prepared submissions and finds the information useful, even if not all actionable in this report.

Public Input Related to Bycatch of PLMR

In response to the April 14, 2022, NMFS solicitation for information about bycatch of PLMRs, NMFS received information about one nation's bycatch of sea turtles. NMFS completed an extensive evaluation of the concerns the commenter raised, including outreach to the nation in question. Based on the information provided and subsequent evaluation of that information, NMFS does not agree with the commenter's conclusion that it should be identified.

Public Input Related to Shark Conservation

In response to the April 14, 2022 NMFS solicitation for information on shark catch on the high seas, NMFS received two comments from the public relevant to the high seas shark catch provision.

The first commenter provided suggestions to improve NMFS' implementation of the provisions on shark-related activities under the Moratorium Protection Act. Specifically, the commenter stated that NMFS should compare a nation's regulatory program to the United States and not to an individual RFMO. The commenter requested increased transparency with respect to the comparability analyses and associated nations. While this section of the report has been modified to address these concerns, NMFS would take this opportunity to independently provide clarification on the comparability analyses. While the analyses do consider whether a nation or entity has an obligation to comply with an RFMO's conservation and management measures, this is considered independent of a nation's laws, regulations, or decrees. Therefore, NMFS compares the regulatory programs of each nation to the regulatory program of the United States and not in isolation to an international organization or RFMO. The commenter also listed three criteria it believes a nation or entity must meet for its regulatory program to be determined comparable to that of the United States. NMFS does not agree that a nation or entity must meet all three of the stated criteria for a nation's regulatory program to be deemed comparable. As the NDAA amended the statutory and regulatory requirements for identifying a nation or entity for shark-related activities, NMFS is currently considering how to implement these changes, as previewed in Chapters 2 and 5.

The second commenter provided information on shark-related activities for a specific nation. The commenter further suggested that an identification should be made for the shark-related activities given concerns on enforcement, observer coverage, and catch limits for specific species. NMFS completed an extensive evaluation of the nation the commenter raised and were unable to corroborate the data claims made for this report cycle. Based on that analysis, NMFS does not agree with the commenter's conclusion that the nation should be identified.

