

10% TOTAL CATCH MARGIN OF TOLERANCE FOR PURSE SEINE VESSELS APPLIED TO INDIAN OCEAN TUNA

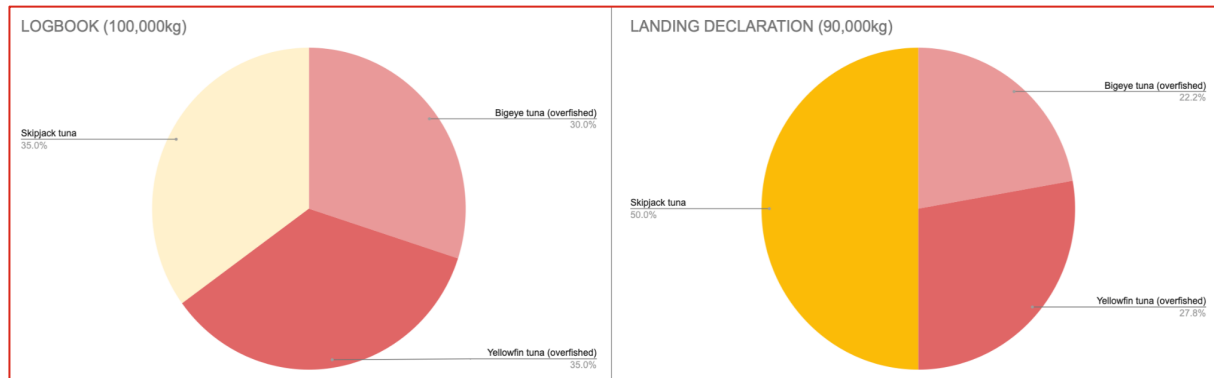
Examples

Summary

- A recent proposal would allow EU purse seine vessels to apply a 10% margin of tolerance based on the total catch for a 5-year period from the entry into force of the revised Fisheries Control Regulation. This means temporarily allowing a logbook estimate to differ by 10% from the quantity declared after landing.
- As there is no requirement to record per species, interchangeable reporting of different species is possible. Any composition of catches of different species may be recorded within the 10% limit of the total catch - regardless of whether the species are overfished and subject to overfishing - which both bigeye tuna and yellowfin tuna are in the Indian Ocean according to a 2022 stock assessment.¹
- The examples below are theoretical, but within the permitted margin of tolerance of the total catch. In practice a margin of tolerance based on the total catch has evidently incentivised high rates of underreporting of quota species.²

High misreporting

An example below imagines an EU-flagged purse seine vessel that is fishing mixed schools of tropical tuna that is <50,000kg away from reaching its quota for both yellowfin and bigeye. The vessel could use a total catch-based margin of tolerance to avoid running out of quota as follows:



Species (overfished)	LOGBOOK	LANDING DECLARATION	Difference (kg)	Difference (%)
Bigeye tuna	30,000	20,000	-10,000	- 33%
Yellowfin tuna	35,000	25,000	-10,000	- 29%
Skipjack tuna	35,000	45,000	10,000	+ 29%
Total	100,000	90,000	-10,000	-10%

Result:

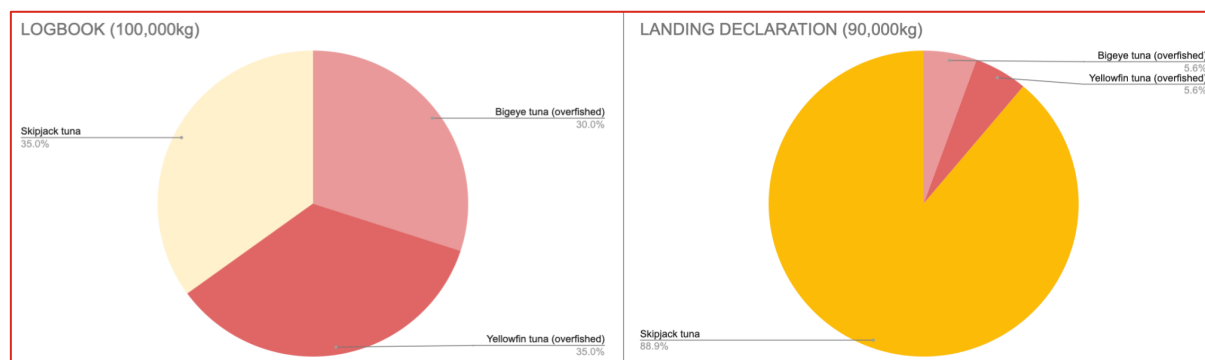
- The above would be legal under the proposed total-catch based margin of tolerance.
- The purse seiner stays within the allowed 10% margin (100,000-90,000 = 10,000kg).
- Total misreporting (i.e. the discrepancy between the estimate in the logbook and catches declared in the landing declaration) for the overfished quota tuna species (yellowfin + bigeye) is 20,000kg.

¹ IOTC-2023-S27-PropB[E]. <https://iotc.org/documents/multi-annual-cmm-plan-tropical-tunas-cf-res-21-01-eu>

² <https://www.theguardian.com/environment/2023/mar/16/loophole-quota-overfishing-endangered-species-eu-papers#:~:text=Bloc%20rules%20currently%20allow%20a,quantity%20they%20report%20after%20landing.>

'Extreme' misreporting

In the example below the EU-flagged purse seine vessel fishing mixed schools of tropical tuna is even closer to reaching its quota for both yellowfin and bigeye tuna (<15 tonnes left). To avoid running out of quota the vessel could legally misreport as follows:



Species (overfished)	LOGBOOK	LANDING DECLARATION	Difference (kg)	Difference (%)
Bigeye tuna	30,000	5,000	-25,000	- 83%
Yellowfin tuna	35,000	5,000	-30,000	- 86%
Skipjack tuna	35,000	80,000	45,000	+ 129%
Total	100,000	90,000	-10,000	-10%

Result:

- This extreme level of misreporting would be legal under the proposed total-catch based margin of tolerance.
- The purse seiner stays within the allowed limit (100,000-90,000 = 10,000kg).
- Total misreporting (i.e. the discrepancy between the estimate in the logbook and catches declared in the landing declaration) for the overfished quota tuna species (yellowfin + bigeye) is 55,000kg.

Wouldn't an inspection correct misreporting?

- A (thorough) inspection following landing could determine actual quantities caught per species.
- However, such inspections are reportedly rare³. If controls at landing for the EU's external fleets are less than perfect - which judging by an open infringement case⁴ and available figures on the overall control effort⁵ remains so for France - then the incentives for misreporting are even greater.

³ For example, an undated document attributed to the General Secretariat of Fisheries of Spain (SGP) noted that "a team of inspectors from the SGP has been based in Seychelles, carrying out inspections of Spanish purse seine vessels in port, at unloading" (<https://www.blumarinefoundation.com/wp-content/uploads/2020/10/Failure-To-Manage-Yellowfin-Tuna-by-the-IOTC-FINAL.pdf>), reportedly finding that "much yellowfin tuna was being reported as bigeye" (<https://www.transparentfisheries.org/wp-content/uploads/2021/06/Fisheries-Control-EU-purse-seine-fleet-and-Margin-of-Error.pdf>). However, the quality of Spain's inspections on its external fleet has been questioned. A European Commission audit of the Spanish control effort has found that "no physical inspection is conducted by Spain in third country ports" and that as a result "the accuracy of fisheries data delivered" by Spain's external fleet "cannot be fully ensured" (cf. Ref. Ares(2019)3941973 - 20/06/2019, FINAL AUDIT REPORT, SP-2018-D4-01, Audit of External Fleet in Spain 22 to 24 October 2018).

⁴ https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement-decisions/index.cfm?lang_code=EN&typeOfSearch=true&active_only=0&noncom=0&r_dossier=INFR%282020%292282&decision_date_from=8&decision_date_to=8&title=&submit=Search

⁵ Over the last 5 year reporting period on implementation of the current Control Regulation, figures on France's overall control effort indicate that on average there were 130.6 "suspected infringements raised in inspection reports" in relation to the "logbook and landing declaration" - a figure that includes "non-respect of the margin of tolerance" (<https://circabc.europa.eu/ui/group/be3aa2c6-c65e-4c06-bd62-7967611bf2d2/library/5f3d3ac3-c3c8-401b-90ef-5ded7406bb5/details>).