

**2012 REPORT OF THE SECRETARY OF COMMERCE  
TO THE CONGRESS OF THE UNITED STATES  
CONCERNING**

**U.S. ACTIONS TAKEN ON FOREIGN LARGE-SCALE HIGH  
SEAS DRIFTNET FISHING**

**Compiled by the National Marine Fisheries Service  
Pursuant to Section 206(E) of the  
Magnuson-Stevens Fishery Conservation and Management Act,  
as Amended by Public Law 104-297,  
The Sustainable Fisheries Act of 1996**

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## INTRODUCTION

**Public Law 101-627:** The President signed Public Law 101-627, the Fishery Conservation Amendments of 1990, on November 28, 1990. Title I, Section 107, of the law amended Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1826) to incorporate and expand upon provisions of the Driftnet Impact Monitoring, Assessment, and Control Act of 1987.

Section 206(b) of the Magnuson-Stevens Act sets forth Congressional findings, including *inter alia* that "the continued widespread use of large-scale driftnets beyond the exclusive economic zone (EEZ) of any nation is a destructive fishing practice that poses a threat to living marine resources of the world's oceans." It also notes the expansion of large-scale driftnet fishing into other oceans and acknowledges the June 30, 1992, global driftnet moratorium called for by United Nations General Assembly (UNGA) Resolution 44/225. Finally, Section 206(b) recognizes the moratorium on the use of large-scale driftnets agreed through the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention.

Section 206(c) sets forth Congress' driftnet policy, specifically that the United States should:

- (1) implement the moratorium called for by UNGA Resolution 44/225;
- (2) support the Tarawa Declaration and the Wellington Convention; and
- (3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone (EEZ) of any nation.

Section 206(d) directs the Secretary of Commerce, through the Secretary of State and the Secretary of Homeland Security, to seek to secure international agreements to implement immediately the findings, policy, and provisions of Section 206, particularly the international ban on large-scale driftnet fishing.

Section 206(e) directs the Secretary of Commerce, after consultation with the Secretaries of State and Homeland Security, to submit to Congress no later than January 1 an annual report (1) describing the efforts made to carry out Section 206, especially subsection (c); (2) evaluating the progress of those efforts, the impacts on living marine resources, including available observer data, and plans for further action; (3) listing and describing any new high seas driftnet fisheries developed by nations that conduct or authorize their nationals to conduct large-scale high seas driftnet fishing; and (4) listing nations that conduct or authorize their nationals to conduct high seas driftnet fishing 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. (The number of reporting requirements in Section 206(e) of Public Law 101-627 was reduced in 1996 to those above by Public Law 104-297, the Sustainable Fisheries Act.)

Finally, Section 206(f) provides that, if at any time the Secretary of Commerce, in consultation with the Secretaries of State and Homeland Security, identifies any nation that warrants inclusion in the list described in (4) above, the Secretary shall certify that fact to the President. This certification shall be deemed to be a certification for the purposes of Section 8(a) of the Fishermen's Protective Act of 1967 (22 USC 1978(a), as amended by Public Law 102-582), commonly referred to as the Pelly Amendment. Such a certification gives the President discretion to embargo products imported into the United States from that nation, so long as such action is consistent with U.S. obligations under the General Agreement on Tariffs and Trade.

**Public Law 102-582:** On November 2, 1992, the President signed Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act. Among other things, this Act is intended to enforce implementation of UNGA Resolution 46/215, which called for a worldwide driftnet moratorium beginning December 31, 1992. Once the Secretary of Commerce identifies a country as a nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the EEZ of any nation, pursuant to the Act, a chain of U.S. actions is triggered. The Secretary of the Treasury must deny entry of that country's large-scale driftnet vessels to U.S. ports and navigable waters. At the same time, the President is required to enter into consultations with the country within 30 days after the identification to obtain an agreement that will immediately end high seas large-scale driftnet fishing by its vessels and nationals. If these consultations are not satisfactorily concluded within 90 days, the President must direct the Secretary of the Treasury to prohibit the importation into the United States of fish, fish products, and sport fishing equipment from the identified country. The Secretary of the Treasury is required to implement such prohibitions within 45 days of the President's direction.

If the above sanctions are insufficient to persuade the identified country to cease large-scale high seas driftnet fishing within 6 months, or if it retaliates against the United States during that time period as a result of the sanctions, the Secretary of Commerce is required to certify this fact to the President. Such a certification is deemed to be a certification under Section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a), as amended by Public Law 102-582).

**Public Law 104-43:** Public Law 104-43, the Fisheries Act of 1995, was enacted on November 3, 1995. Title VI of this law, the High Seas Driftnet Fishing Moratorium Protection Act, prohibits the United States, or any agency or official acting on behalf of the United States, from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of UNGA Resolution 46/215. Title VI also charges the Secretary of State, on behalf of the United States, to seek to enhance the implementation and effectiveness of the UNGA resolutions and decisions regarding the large-scale high seas driftnet moratorium through appropriate international agreements and organizations. Finally, the act specifies that the President of the United States shall utilize appropriate assets of the Department of Defense, the U.S. Coast Guard (USCG), and other federal agencies, to detect, monitor, and prevent violations of the UN large-scale high seas driftnet moratorium for all fisheries under the jurisdiction of the United States, and to the fullest extent permitted under international law for fisheries not under U.S. jurisdiction.

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, in consultation with the Department of State and the Department of Homeland Security, submits the following report for 2012 in fulfillment of the Section 206(e) reporting requirement. Information pertaining to U.S. actions in support of the Act prior to 2012 and after 1988 can be found in the 1990–2011 annual driftnet reports to the Congress available from NMFS (e-mail paul.niemeier@noaa.gov or call 301-427-8371).

## **DESCRIPTION AND PROGRESS OF EFFORTS MADE TO CARRY OUT PROVISIONS OF SECTION 206(c) POLICY**

### **Implementation of the Global Driftnet Moratorium called for by UNGA Resolutions 44/225, 45/197, and 46/215:**

#### **Current Status of the Driftnet Moratorium**

As of December 31, 2012, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 20 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be generally successful, although problem areas remain. In the two major problem areas in recent years, the North Pacific Ocean and the Mediterranean Sea, one vessel conducting unauthorized large-scale high seas driftnet fishing operations was sighted in the North Pacific Ocean in 2012. The United States is not aware of any large-scale driftnet vessel sightings on the high seas of the Mediterranean Sea in 2012.

#### **North Pacific Ocean**

One driftnet vessel was sighted operating on the high seas of the Northwestern Pacific Ocean by the U.S. Coast Guard in 2012. The vessel was determined to be stateless and was seized by the USCG.

#### **North Pacific Regional Driftnet Enforcement Coordination**

North Pacific Anadromous Fish Commission (NPAFC): The NPAFC serves as a forum for promoting the conservation of anadromous fish stocks in the high seas area of the North Pacific Ocean. This area, as defined in the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (the Convention that established the NPAFC), is "the waters of the North Pacific Ocean and its adjacent seas, north of 33° North Latitude beyond 200 nautical miles (nm) from the baselines from which the breadth of the territorial sea is measured." The members of the NPAFC are Canada, Japan, the Republic of Korea (Korea), the Russian Federation (Russia), and the United States.

In addition, the NPAFC serves as the venue for coordinating the collection, exchange, and analysis of scientific data regarding anadromous fish stocks within Convention waters. It also coordinates high seas fishery enforcement activities by member countries. The Convention prohibits directed fishing for salmonids and includes provisions to minimize the incidental take of salmonids in other fisheries in the Convention area. Although the Convention does not specifically ban large-scale high seas driftnet fishing, fishing for salmonids on the high seas has historically been conducted using this fishing technology. Consequently, the NPAFC and its enforcement activities primarily target high seas driftnet fishing vessels. The Parties to the NPAFC jointly plan and coordinate their high seas enforcement operations in order to most efficiently utilize enforcement resources, although the operational capabilities of each member vary.

NPAFC Enforcement Evaluation and Coordination Meeting (EECM): Representatives of the NPAFC Parties met on March 27–28, 2012, in Jeju, Korea, for the annual NPAFC EECM. The primary purpose of the EECM was to discuss the threat of illegal, unreported, and unregulated (IUU) fishing for salmon in the Convention Area and to formulate a joint enforcement plan for the 2012 fishing season. The meeting included updates by each Party on IUU activity in 2011, information on enforcement efforts to date in 2012, and coordination of enforcement plans and resources for the remainder of 2012. The USCG presented its 2012 threat assessment for the NPAFC Convention Area, which included a review of 2011 driftnet activities by two vessels sighted driftnet fishing for neon squid—the *SHUN LI NO. 6* (name later changed to *MITRA 888*) and the *BANGUN PERKASA* (previously named the *TIMUR JAYA NO. 168*). Both claimed Indonesian registry, but the Government of Indonesia refuted their flag claim. The threat assessment presentation also showed trends in high seas driftnet fishing activities, including fishing gear, deployment methods, deceptive/defensive measures, and the potential for IUU fishing on salmon, squid, and albacore tuna. The 2012 salmon and squid threat areas remained unchanged from 2011. A detailed coordinated patrol schedule was developed in order to maximize patrol coverage of the Convention Area as effectively and efficiently as possible.

The Parties continued to discuss recommendations from the 2010 NPAFC Performance Review Report on improving operations of the Committee on Enforcement, and reviewed a draft NPAFC enforcement promotional video, the status of draft terms of reference for an NPAFC IUU vessel list, and coordination of the 2012 bi-weekly enforcement conference calls. The calls are held throughout the high seas driftnet fishing season for the purpose of sharing and coordinating patrol efforts and sighting reports. The United States volunteered to coordinate the calls in 2012.

NPAFC Annual Meeting: The 20<sup>th</sup> Annual Meeting of the NPAFC was held in St. Petersburg, Russia, on October 7–12, 2012. Enforcement officials of the Parties met under the auspices of the NPAFC Committee on Enforcement to review enforcement activities in 2012 and begin planning activities for 2013.

Collectively, member countries conducted a total of 153 ship patrol days, over 370 aerial patrol hours, and satellite surveillance in the NPAFC Convention Area in 2012. The USCG sighted and intercepted one vessel suspected of illegally fishing with large-scale driftnets in the NPAFC Convention Area (additional information follows). Although other factors, such as

environmental conditions, patrol tactics, and market forces certainly affect fishermen's behavior and detection rates, the low number of driftnet vessel sightings on the North Pacific high seas again in 2012 may be attributable, in part, to the increased effectiveness of coordinated enforcement efforts of NPAFC members.

Sightings, boardings, and fishing vessel seizures from 2003 to 2012 indicate that the high seas driftnet threat in the North Pacific Ocean has primarily shifted fishing effort from salmon to squid, sharks, and albacore tuna. Of the 20 driftnet vessels intercepted since 2003, only two had salmon on board; the rest had squid, tuna, sharks, and other species. This shift may be attributed to a combination of factors, including depressed salmon markets and favorable squid markets, more effective surveillance of traditional high seas salmon fishing grounds, and more effective control of fishing fleets by North Pacific countries.

A total of 32 vessels suspected of high seas driftnet fishing were sighted from 2008 to 2012. Approximately one-half of these sightings occurred in the September–November time frame. Prior to 2005, the Parties concentrated most of their enforcement efforts in the summer months in the North Pacific Ocean. In 2005, however, Japan patrolled the far northwestern part of the Convention Area in the September–October timeframe and reported 11 of the 18 total driftnet vessel sightings for that year. There is some uncertainty as to whether the increased number of sightings in 2006 and 2007 represented a real increase in the occurrence of large-scale high seas driftnet fishing in the North Pacific Ocean or whether enforcement efforts simply uncovered an existing IUU fishery. Given that the NPAFC Parties have been patrolling the North Pacific for IUU fishing since 1992, it is likely that the illegal driftnet fleet has learned when and where not to conduct fishing operations. Since Parties have focused enforcement efforts on the Northwest Pacific, the number of sightings has dropped significantly. IUU driftnet vessels may adapt by shifting effort geographically or temporally, but they likely will continue to try to hide within the legitimate squid jigging fleet in the high threat area.

Although the NPAFC has successfully deterred high seas salmon fishing and served as a forum for joint enforcement planning and coordination in the NPAFC Convention Area, it has limited enforcement authority against non-salmon, non-Party high seas driftnet fishing threats. Because of the different target species and vessel flags involved, the NPAFC will continue to work multilaterally through enforcement and diplomatic channels to bring pressure on these driftnet fishing vessels and their flag states to end operations in the North Pacific.

The North Pacific illegal driftnet fleet currently operates in the part of the NPAFC Convention Area that is partially overlapped by the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area, and targets species of interest to that Commission. Consequently, the NPAFC has agreed to coordinate with the WCPFC to eliminate the illegal fishing. As discussed further below, in 2008, the WCPFC adopted a conservation and management measure prohibiting the use of large-scale driftnets on the high seas of the WCPFC Convention Area. The NPAFC established closer relations with the WCPFC in November 2010 by concluding a Memorandum of Understanding (MOU) between the two organizations, *inter alia* for the exchange of information on North Pacific large-scale driftnet fishing activities. The NPAFC will

continue to work with the WCPFC and invite it to send representatives to observe NPAFC annual meetings.

Due to the continued threat of high seas fishing for salmon in the NPAFC Convention Area, all Parties reaffirmed their commitment to maintain 2013 enforcement activities at high levels as a deterrent to the threat of potential unauthorized fishing activities. To coordinate enforcement efforts, the Parties agreed to hold the next EECM in Vancouver, B.C., Canada, on March 26–27, 2013.

A summary of high seas driftnet vessel sightings and apprehensions by North Pacific nations from 2002 to 2012 is provided in the table below.

**North Pacific high seas driftnet vessel sightings and apprehensions from 2002–2012.**

Country	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Canada	0	1	2	1	26	9	7	0	0	0	0
Japan	3	0	1	17	67	21	5	0	1	2	0
Russia	0	0	0	0	0	2	0	0	0	0	0
China	0	0	11	0	0	0	0	1	1	0	0
Taiwan	0	0	0	1	0	7	2	1	0	0	0
United States	2	24	8	5	5	8	10	0	1	0	1
<b>Total Sightings*</b>	<b>5</b>	<b>25</b>	<b>22</b>	<b>24</b>	<b>98</b>	<b>47</b>	<b>24</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Apprehended**</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

\* May include multiple sightings of the same vessel or vessels.

\*\* Out of the total number of vessels sighted.

**U.S. Driftnet Enforcement Efforts**

Operation North Pacific Guard 2012, the USCG’s North Pacific high seas fisheries enforcement operation, commenced in May with an HC-130 patrol aircraft deployment out of Shemya Island, Alaska. The USCG Cutter *WAESCHE*, one of the first of a new class of National Security Cutters, patrolled the Convention Area from August 11–28, 2012, for a total of 17 days. The Canadian Department of Fisheries and Oceans (DFO) and Department of National Defense (DND) also made an extended CP-140 aircraft deployment from Hakodate, Japan, in late September and early October under the tactical control of the U.S. Coast Guard Commander, District 17. During this deployment, the CP-140 provided air reconnaissance with real-time sighting reports of commercial vessel and fishing fleet activity. Throughout the deployment, two DND officers and one DFO officer were assigned to the USCG’s District 17 office in Juneau, Alaska, to facilitate mission coordination between Canadian and U.S. patrol assets. In addition, Japan Coast Guard (JCG) aircraft patrolled the Convention Area and coordinated surveillance efforts with the USCGC *RUSH* in late September. The USCG sent an officer to Tokyo to participate in both JCG flights as a technical advisor. These flights continued joint U.S.–Japan high seas driftnet aircraft patrol operations that began in 2006. No high seas driftnet fishing activity was detected during the period.

From June 30 to October 18, 2012, the USCG Cutter *RUSH* conducted an Operation North Pacific Guard 2012 patrol. The *RUSH* hosted three pairs of People’s Republic of China (PRC) Fisheries Law Enforcement Command (FLEC) shipriders during the first 10 weeks of its patrol. These officials were instrumental in facilitating communications between the USCG and the PRC FLEC, and effectively expanded the jurisdictional reach of both enforcement agencies. (See page 17 for more information on the U.S.–China MOU on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991.)

On July 27, 2012, the *RUSH*’s embarked helicopter sighted a suspected large-scale high seas driftnet fishing vessel, *DA CHENG*, on the high seas of the North Pacific Ocean approximately 800 nm east of Japan within the WCPFC convention area. The *RUSH* intercepted the *DA CHENG* and conducted standard Right of Approach questions consistent with customary international law. The master of the vessel made a verbal claim of Indonesian registry, reported that the vessel was targeting albacore tuna and shark, and reported that the crew consisted of 26 PRC nationals and one resident of Taiwan.



**USCG Cutter *RUSH* on scene with F/V *DA CHENG* during six day boarding and escort to FLEC custody**

Based on this information, and because Indonesia is a cooperating non-member of the WCPFC, the USCG boarded and inspected the *DA CHENG* pursuant to WCPFC Conservation and Management Measure (CMM) 2006-08 – High Seas Boarding and Inspection Procedures. During the inspection, the USCG boarding team found a significant amount of driftnet onboard (a verbal statement by the master estimated the total length of net to measure over 10 nm when deployed), along with approximately 30 metric tons of albacore tuna, 5 to 6 metric tons of shark carcasses, and 500 kilograms of detached shark fins. The boarding team identified three potential WCPFC violations: use of prohibited fishing gear including more than 2.5 miles of high seas driftnet, failure to maintain sufficient records of catch and catch-related data in accordance with WCPFC reporting requirements, and fishing without a license, permit, or authorization issued by a sanctioned authority. The master of the vessel, a PRC national, provided documentation of vessel registry in Indonesia. However, the USCG, working closely with NOAA Office of Law Enforcement (OLE) investigators, determined that the documentation appeared to be fraudulent, leading the United States to initiate a formal diplomatic request to the Government of Indonesia to verify the vessel’s claim of nationality.

On August 8, 2012, the Indonesian Ministry of Marine Affairs and Fisheries officially denied *DA CHENG*’s claim of Indonesian registry. On August 9, the United States assimilated the vessel to “without nationality” status consistent with customary international law and U.S. domestic law, and began preparations to transfer the custody of the vessel, catch, and crew to the PRC FLEC for further investigation and possible prosecution of the vessel’s master, crew, and

owner. On August 10, two FLEC officers onboard the *RUSH* boarded *DA CHENG* and took effective control of the vessel, master, and crew. The *RUSH* rendezvoused with FLEC Patrol Vessels *NO. 202* and *118* on August 14 and officially transferred custody of the vessel, catch, and crew to Chinese authorities. Investigative materials created by NOAA OLE and the USCG were also transferred to aid FLEC in its investigation.

Both OLE and the USCG have a high degree of confidence that photographic evidence shows that *DA CHENG* is the same vessel that was identified in 2011 as F/V *SHUN LI NO. 6* and later observed changing its name to F/V *MITRA 888*. The *SHUN LI NO. 6* was observed actively engaged in high seas drift net fishing in the vicinity of F/V *BANGUN PERKASA* in 2011, but escaped when the USCG Cutter *MUNRO* was actively engaged in the boarding and inspection of the *BANGUN PERKASA*.

#### Status of the *BANGUN PERKASA* Case

On September 7, 2011, the USCG responded to a sighting by a Japanese patrol aircraft of the F/V *BANGUN PERKASA* actively engaged in high seas driftnet fishing 210 nm southeast of Hokkaido, Japan. This vessel claimed Indonesian registry in an attempt to prevent law enforcement action by the United States, but the Government of Indonesia denied registry. As a "vessel without nationality," the fishing vessel was subject to the jurisdiction of the United States and was subsequently seized for violating U.S. law, specifically the prohibition against large-scale driftnet fishing. The vessel had over 9 nm of driftnets, 30 metric tons of squid, and approximately 30 shark carcasses on board. The vessel master was from Taiwan; the crew was comprised of 10 Vietnamese, seven Indonesian, and four PRC nationals. The vessel, along with its crew and catch, was escorted to Dutch Harbor, Alaska, where it was turned over to NOAA OLE for a thorough investigation.

The sale of the *BANGUN PERKASA*'s catch was advertised through a competitive bid process and on October 24, 2011, a local processor purchased the catch for use as bait. The vessel was forfeited to the United States by decree of the District Court, District of Alaska, on March 29, 2012. NOAA OLE has issued an Invitation for Proposal (IFP) with the ultimate goal of finding a contractor that will break the vessel down into scrap. Although other options were examined (i.e., sinking, selling, etc.), scrapping the vessel presented the most cost-effective and environmentally friendly method of disposal. This method also ensures that the vessel will not be used for IUU fishing again.

U.S. Commercial Fleet Cooperation. The USCG continued its practice of requesting sighting information from other vessels on the high seas, including the U.S. tuna fleet operating on the high seas of the North Pacific, via Local Notice to Mariners broadcasts. No reports of high seas driftnet fishing activity were received from the public in 2012.

#### Planned Future Efforts

The USCG intends to patrol with available aircraft and patrol vessels in 2013 in order to detect, deter, and eliminate the persistent threat of high seas driftnet activity, including any directed fishery for salmon on the high seas of the North Pacific Ocean. USCG high-endurance cutters will continue to patrol in areas of the U.S. EEZ and in the Convention Area as scheduling and resource demands allow. Commander USCG Pacific Area's current planning provides up to 200 aircraft hours and a minimum of 77 cutter days in support of Operation North Pacific Guard in 2013. NOAA/NMFS will continue to conduct investigations on high seas driftnet fishing violations and revisit placing officers on available U.S. Coast Guard and Canadian high seas driftnet surveillance flights in 2013. The USCG intends to continue issuing Local Notices to Mariners prior to and during the high threat season, encouraging mariners and fishing fleets to report sightings of suspected high seas driftnet fishing activity. The United States continues to encourage other Parties to establish similar systems for advising mariners, publish such requests, and encourage the submission of informative sighting reports of suspected high seas driftnet fishing.

### **Canada's Driftnet Enforcement Efforts**

In contrast to past years, Canada's 2012 high seas driftnet fishing enforcement patrol operations were based out of Hakodate, Japan, from September 20 to October 6, 2012. The operation involved one CC-177 Globemaster III and one CP-140 Aurora aircraft, associated aircrew, technicians and ground support, and two DFO fishery officers. Canada completed eight aerial patrols for a total of 78 hours. By staging out of Japan, Canada was able to increase on-station time within the NPAFC high threat area by approximately 40 hours, as well as increase efficiency and effectiveness in locating and identifying potential IUU vessels in the area. The patrol area was determined based on the high probability of thermoclines used by salmon, information resulting from the USCG threat assessment, the previous year's experience, historical vessel location data, and the NPAFC Convention Area.

An operational command center was established at the USCG 17th District headquarters in Juneau, Alaska, to assist with patrol tasking. Canadian DFO liaison staff and USCG staff led the high seas driftnet enforcement operations, with support of the DND, and jointly assessed intelligence products, directed aerial assets to areas within the Convention Area that were considered high threat, and coordinated with USCG on surface asset management.

No high seas driftnet vessels were sighted by Canada in 2012.

In addition to its long-range aerial surveillance patrols, Canada utilized Radarsat 2 data to locate and estimate the size and bearing of entities on the water. The data were filtered by vessel size (<400 ft.) and compared against Automatic Identification Systems (AIS), giving a better indication of vessels that might be fishing and not part of commercial ship traffic transiting the North Pacific. This process assisted mission planners in determining which areas would be the most probable for detecting illegal high seas driftnet activity. Data were received twice a day from September 7 to October 7.

Canadian Driftnet Enforcement Efforts for 2013: The Canadian Government remains committed to combating IUU fishing in the North Pacific Ocean in 2013 using long-range aircraft patrols. The total number of allocated patrol hours will be in the range of 80 to 120 hours in the September–October time frame. No surface assets will be deployed. Radarsat 2 satellite imagery and AIS will again be utilized to support long-range aircraft patrols. Canada will engage the Government of Japan to seek continued cooperation for carrying out high seas driftnet patrols in 2013.

### **Japan’s Driftnet Enforcement Efforts**

Japan's 2012 driftnet fishery enforcement efforts consisted of the deployment in the NPAFC Convention Area of a Fisheries Agency of Japan (FAJ) Citation V patrol aircraft for 82 patrol hours from May 14 through September 14, 2012, and a Japan Coast Guard Gulf V patrol aircraft with a U.S. Coast Guard observer on board in support of the U.S. Coast Guard Cutter *RUSH* in the NPAFC Convention Area for a total of 12 hours on September 23–24, 2012. The FAJ deployed one patrol vessel for a total of 10 ship days, from September 15–24, 2012.

Japan also placed two FAJ fisheries supervisors on a Canadian DFO CP-140 air patrol on October 3 during the time period when Canada conducted aerial patrol activity with two aircraft out of Hakodate, Japan.

None of the Japanese patrols observed any large-scale high seas driftnet fishing activity.

Japanese Driftnet Enforcement Efforts for 2013: Because there was an interception of a high seas driftnet fishing vessel in the NPAFC Convention Area in 2012, Japan will continue enforcement activities in the Area in 2013.

### **Korea’s Driftnet Enforcement Efforts**

Korea did not participate in large-scale high seas driftnet fisheries enforcement activities in the NPAFC Convention Area in 2012 and has no plans to conduct enforcement activities in the area in 2013. However, Korea is improving and reinforcing its port state measures through port state inspections and will cooperate with the NPAFC Parties if they request port state inspections of suspected IUU vessels. Korea is currently reviewing its domestic regulations for conducting boarding and inspection of such vessels within its EEZ and on the high seas.

### **Russian Federation’s Driftnet Enforcement Efforts**

The Russian Federal Security Service Coast Guard Directorates in Kamchatka and Sakhalin were responsible for large-scale driftnet fishing enforcement in the NPAFC Convention Area in 2012. The Kamchatka Directorate conducted a total of six AN-72 patrol aircraft deployments from June–August 2012. It also deployed five patrol vessels for a total of 18 high seas days from May to August 2012. The Sakhalin Directorate deployed a total of four aerial patrols from June to October 2012 and two patrol vessels for a total of 20 vessel days in June, August, and September

2012. No vessels engaged in illegal driftnet fishing were detected by Russian patrol assets.

Russian Driftnet Enforcement Efforts for 2013: Russia will be ready to deploy aircraft and patrol vessels in the NPAFC Convention Area in 2013, but did not supply information on 2013 enforcement plans.

### **Taiwan's Driftnet Enforcement Efforts**

Taiwan continued to deploy a patrol vessel in the North Pacific to monitor the activities of its fishing vessels in 2012. The patrol vessel *YU SHIUN 2* left port in mid-June and returned in early October, for a total of 74 days. It patrolled in the area 39°–40°N, 153°–180°E, but did not find any suspected IUU driftnet vessels. Taiwan also conducted port inspections of 85 squid fishing vessels and eight transport vessels, but found no evidence of any illegal activity.

Taiwan will continue to enforce its regulations in the North Pacific in 2013, and has pledged to cooperate with NPAFC Parties to ensure the conservation and management of anadromous species covered by the NPAFC Convention.

### **Potential Driftnet Threat in the North Pacific Ocean in 2012**

Historical sightings indicate that the high seas driftnet threat continues to exist in the North Pacific Ocean. Past years' observations support a shift of fishing effort, both toward the later parts of the fishing season and to a primary target species of squid. In addition, evidence shows that anadromous and highly migratory species (e.g., swordfish and sharks) are still being captured by high seas driftnet vessels as target species and as bycatch.

Driftnet fishing targeting salmon is expected to take place north of 47°N, west of 173°E, and bounded by the U.S. and Russian EEZs. The greatest threat period for salmon is generally from April through June and for other species from May through November. High seas driftnet fishing vessels targeting squid may deploy nets in areas of strong temperature change. Targeted areas primarily include waters with a sea surface temperature (SST) between 11–17° Celsius (C). These waters typically occur in the North Pacific between 35°–48°N and 150°E–165°W. Strong evidence suggests fishing vessels target areas where SST changes rapidly over short distances. Historical evidence shows that Japanese fishing vessels deployed driftnets in areas where SST may differ by 2–3° C from one end of the net to the other. Prime fishing areas may be locations where the SST isotherm dips down to the south and forms a U-shaped pocket.

### **Western and Central Pacific Ocean**

At the 5<sup>th</sup> Regular Session of the WCPFC held in Busan, Korea, on December 8–12, 2008, the Commission adopted Conservation and Management Measure (CMM) 2008-04, prohibiting the use of large-scale driftnets (greater than 2.5 km in length) on the high seas within the WCPFC Convention Area. CCM 2008-4 charges Commission Members, Cooperating Non-Members, and participating territories to take all measures necessary to prohibit their fishing vessels from

using large-scale driftnets while on the high seas in the Convention Area. The measure provides greater authority for at-sea boarding and investigation of possible high seas driftnet vessels in the western and central Pacific, and the WCPFC High Seas Boarding and Inspection Scheme is available to help investigate potential violations and ensure compliance.

The WCPFC has coordinated with the NPAFC to establish a cooperative framework between the two organizations to exchange information on North Pacific large-scale driftnet fishing activities. An MOU between the two organizations to this effect was signed on November 5, 2010. Cooperation between the WCPFC and the NPAFC includes, among other things, “development of a process to promote harmonization and compatibility of conservation and management measures as relevant, including measures relating to monitoring, control, surveillance and enforcement.”

### **Mediterranean Sea**

Italy and Morocco continue to be identified by the non-governmental environmental community as countries that conduct large-scale driftnet fishing, although the United States is not aware of any documented sightings of Italian or Moroccan large-scale driftnet vessels fishing on the high seas of the Mediterranean in 2012.

In addition to the UNGA global moratorium on large-scale high seas driftnet fishing, several other international mechanisms are in place to prohibit large-scale driftnet fishing in the Mediterranean Sea. These include European Union (EU) Regulations No. 894/97 (1997), No. 1239/98 (1998), No. 812/2004 (2004), No. 2187/2005 (2005), and No. 809/2007 (2007). These regulations collectively led to an EU-wide driftnet ban in the Mediterranean Sea and North Atlantic Ocean by the end of 2007. Rulings by the European Court of Justice (ECJ) effectively ended large-scale high seas driftnet fishing by France in 2009 and have severely curtailed Italian large-scale high seas driftnet fishing.

Regional fisheries management organizations, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the General Fisheries Commission for the Mediterranean (GFCM), adopted binding measures (ICCAT Recommendation 03-04 and GFCM Resolution 97/1) prohibiting the use of driftnets for fisheries of large pelagics in the Mediterranean Sea. Unlike the UN high seas driftnet moratorium, neither the EU ban nor the ICCAT and GFCM measures differentiate between driftnet fishing on the high seas or in territorial waters—it is prohibited in both.

A more complete discussion of the above measures, ECJ actions, and background information on Italian and Moroccan large-scale driftnet fishing, can be found in the 2011 driftnet report to the Congress available from NMFS (see contact information on page 4).

### **Italy**

**Background and 2012 Developments:** In 2011, ICCAT sent a letter to the EU expressing its

concern regarding ongoing driftnet use in violation of ICCAT's prohibition on the use of driftnets for fisheries of large pelagics in the Mediterranean Sea (Recommendation 03-04). In response, the EU noted that the use of driftnets of individual or total size more than 2.5 km had been prohibited by the EU since June 1992. Moreover, since 2002, all driftnets, no matter their size, were prohibited when intended for the capture of species listed in Annex VIII of Council Regulation (EC) No. 894/97, as amended by Council Regulation (EC) No 1239/98 (including bluefin tuna and swordfish). The EU recalled in its response to ICCAT that the ECJ had ruled against Italy in 2009 for lack of proper control and enforcement of driftnet rules. They also noted that the European Commission was still assessing a possible second referral of Italy to the ECJ under Article 260(1) of the Treaty on the Functioning of the European Union for failure to take the necessary measures to comply with the judgment.

The European Commission reported to ICCAT at its 2012 annual meeting that it had conducted four verification missions to Italy during the 2012 driftnet season, with full cooperation from Italy and, as of November 2012, the results of those missions were still being assessed. An internal investigation is also underway in view of possible imposition of measures under the EU IUU Regulation (Regulation No 1005/2008) upon a number of Italian vessels for alleged repetitive serious infringements linked to the illegal use of driftnets in 2011.

At ICCAT's 2012 annual meeting, the Compliance Committee (COC) reviewed the response by the EU regarding the ongoing use of driftnets by its Member States. The COC took note of the continuing allegations of driftnet use by EU-Italy in 2011 based on information submitted for consideration at the 2012 meeting by non-governmental organizations. The EU confirmed that no violations were detected by their inspections in 2012. Some COC members stressed the need to ensure full and effective implementation of ICCAT's driftnet ban. In light of this, the COC recommended that ICCAT again send a letter of concern to the EU making note of progress on this issue but also stating ICCAT's expectation of continued due diligence by the EU in monitoring for any driftnet activity and taking appropriate rectifying action, if and when necessary. The Commission agreed with the COC's recommendation and will issue the letter in the weeks following the 2012 ICCAT annual meeting.

## **Morocco**

**Background and 2012 Developments:** In 2003, ICCAT adopted a binding recommendation to ban the use of driftnets in large pelagic fisheries in the Mediterranean (Rec. 03-04). The following year, Morocco presented a 4-year plan for eliminating its use of driftnets through public education, buyback and destruction of driftnet gear, and assistance to fishermen. A U.S. delegation traveled to Morocco in 2005 to discuss issues related to ICCAT and large-scale driftnets. Morocco expressed the need for assistance in transitioning its driftnet fleet to other, more selective gears. Working through ICCAT, the United States committed some limited funds, in the form of proposed cooperative research, to assist with Morocco's driftnet elimination program. The EU committed much more substantial funds to this effort; the EU-Morocco Fisheries Partnership Agreement, ratified in 2007, included a compensation package of €1.25 million (roughly \$1.8 million) to support the buyback of driftnet gear and compensation for

vessel owners exiting the fishery.

At the 2008 ICCAT Annual Meeting, Morocco confirmed that it would require 3 more years for the total conversion of its driftnet fleet. As a result, ICCAT's Compliance Committee identified Morocco in 2009, triggering a requirement to provide a formal response to the Commission to address its non-compliance. In August 2010, Morocco published Law No. 19-7 in State Bulletin 1431 no. 5861, prohibiting the "import, manufacture, retention, sale, as well as the use of driftnets at sea for fishing fish and/or other fishing species." The penalty for breaking the law can range from 3 months to 1 year in prison and \$600 to \$120,000, depending on the severity of the infraction. The law went into effect immediately for driftnet importers, manufacturers, and buyers and sellers; entry into force of the provisions affecting Moroccan fishermen was delayed until August 2011.

At the annual ICCAT meeting in November 2010, Morocco provided the Compliance Committee with updates on its efforts to educate and prepare its vessel owners and fishermen for the transition. The United States continued to support and encourage Morocco's progress. A 2011 Recommendation on North Atlantic Swordfish provided a temporary quota transfer from the United States to Morocco, with tonnage from this 2-year transfer to be used to support joint scientific research and Morocco's efforts to eliminate the use of driftnets. At the 2012 annual ICCAT meeting, Morocco addressed the Compliance Committee and noted its extraordinary efforts and the expenses incurred to phase out driftnets. The Compliance Committee Chairman reinforced expectations of continued due diligence by all parties in monitoring for any driftnet activity.

With funding from the U.S. Department of State obtained in connection with the U.S.-Morocco Joint Statement on Environmental Cooperation, NOAA has initiated joint scientific research in the Mediterranean to test the use of buoy gear—a gear type developed in a U.S. swordfish fishery that has demonstrated decreased bycatch rates while increasing target catch rates. Relative to swordfish that were previously harvested with driftnets, fish harvested with buoy gear are likely to be of higher product quality (and price). The simple construction of buoy gear involves minimal costs for care and maintenance by the fishermen. If effective in Moroccan fisheries, this gear type potentially offers a small-scale, high-value yield, locally supplied solution as an alternative to driftnets. NOAA conducted a needs assessment trip, with scientific support from Nova Southeastern University in January 2012.

In November 2012, NOAA and Morocco's Ministry of Fisheries signed an MOU that reflects efforts by both countries to embrace modern principles of fisheries management. Morocco hosted the formal signing ceremony in Agadir. A work plan for the buoy gear research is being developed, with the goal of conducting the experiment during the next peak fishing season in the Mediterranean (spring 2013).

## **Indian Ocean**

In 2009, EU purse seiners observed dense concentrations of Iranian driftnet vessels and networks

of large driftnets (estimated by EU skippers to be 3.5 to 5.5 nm long) north of the Equator between 2° N and 14° N. Iran identified a fleet of 752 driftnet vessels operating outside Iran's EEZ to the Indian Ocean Tuna Commission (IOTC) in 2009. These vessels ranged from 14 to 33 meters long. Unfortunately, there is little information available about the activities of this fleet (fishing effort, the length of nets, fishing zones, bycatch, etc.).

In 2009, the IOTC adopted *Resolution 09/05: To Prohibit the Use of Large-scale Driftnets on the High Seas in the IOTC Area*. The Commission noted that a number of vessels continue to engage in large-scale high seas driftnet fishing in the Indian Ocean. Resolution 09/05 charged each Contracting Party and Cooperating Non-Contracting Party to take all measures necessary to prohibit their fishing vessels from using large-scale driftnets (greater than 2.5 km in length) while on the high seas in the IOTC Convention Area. It also stated that, in 2012, the IOTC would assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not employed in the Convention Area.

Unfortunately, at the 16<sup>th</sup> Session of the IOTC held in Fremantle, Australia, on April 22–26, 2012, the Commission agreed to delay the assessment of this Resolution for an additional year. The Commission adopted *Resolution 12/12: To Prohibit the Use of Large-scale Driftnets on the High Seas in the IOTC Area*. Resolution 12/12 supersedes Resolution 09/05 and is nearly identical with the exception that it states that the first large-scale driftnet assessment will take place in 2013.

The United States did not receive any reports of illegal Iranian large-scale high seas driftnet fishing in the Indian Ocean in 2012. However, at the 8<sup>th</sup> Session of the IOTC Working Party on Ecosystems and Bycatch (WPEB) held on September 17–19, 2012, in Cape Town, South Africa, the Working Party noted that gillnet fisheries are expanding rapidly in Pakistan waters with high levels of bycatch being reported. Gillnets used in Pakistan are often more than 2.5 km, reaching 25 km or more in some cases. Catches of sharks are already showing signs of declines in average sizes, which is a cause for concern. IOTC paper *IOTC–2012–WPEB08–13 Status Report on Bycatch of Tuna Gillnet Operations in Pakistan* reports that Pakistani fishing vessels involved in catching tuna use gillnets with lengths varying between 4.83 km and 11.27 km in boats based in Sindh and 1.2 km to 6.5 km in Balochistan. Some of these vessels reportedly operate in areas beyond the EEZ of Pakistan in contravention of IOTC Resolution 12/12 and UNGA Resolution 46/215.

### **Interagency Agreements**

Fisheries Enforcement Memorandum of Understanding (MOU): On October 11, 1993, the Secretaries of Transportation, Commerce, and Defense entered into the *Memorandum of Understanding Between the Secretary of Transportation, the Secretary of Commerce and the Secretary of Defense Relating to the Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States*. The MOU, required under Section 202 of Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act, established a mechanism for the use of the surveillance capabilities of the

Department of Defense for locating and identifying vessels violating U.S. marine conservation laws and international agreements, including UNGA Resolution 46/215. The MOU also set formal procedures for communicating vessel locations to the Secretary of Commerce and the USCG. A copy of the MOU was attached to the 1993 Driftnet Report to the Congress. There are no other interagency agreements regarding high seas driftnets.

## **Bilateral Driftnet Agreements**

### **U.S.–PRC MOU**

For over two decades, the USCG, in conjunction with NMFS, has embarked members of the PRC's FLEC on Coast Guard assets patrolling the highest threat areas in the North Pacific Ocean for high seas driftnet fishing pursuant to the terms of the *Memorandum of Understanding [MOU] Between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991*, signed in Washington, DC, on December 3, 1993. These patrols support the global large-scale high seas driftnet moratorium called for by UNGA Resolution 46/215 and provisions of the *Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean*. They also enable the PRC to more effectively enforce domestic laws that prohibit high seas driftnet fishing by PRC-flagged vessels in the North Pacific. The current MOU expires on December 31, 2014.

The United States and PRC continued joint operations in the North Pacific Ocean in 2012 pursuant to the terms of the MOU. The MOU established boarding procedures for law enforcement officials of either country to board and inspect U.S. or PRC-flagged vessels suspected of high seas driftnet fishing. The MOU also established a shiprider program, which allows PRC officials to embark on U.S. Coast Guard vessels or aircraft. The USCG has had a strong working relationship with the PRC FLEC for 19 years. This working relationship increases opportunities for cooperation on both high seas fisheries enforcement efforts and training. The PRC has provided a total of 79 enforcement officials to the USCG since the MOU Agreement first entered into force in 1993.

From June 30 to October 18, 2012, the USCG Cutter *RUSH* hosted three pairs of PRC FLEC shipriders during the first 10 weeks of its patrol. These officials were instrumental in facilitating communications between the USCG and the PRC FLEC, and effectively expanded the jurisdictional reach of both enforcement agencies. As in past years, FLEC participation was financially supported by NOAA's Office of Law Enforcement, which facilitated the logistics and travel costs of FLEC officers.

## **Resolutions and Letters in Support of UNGA Resolution 44/225**

### **UNGA Driftnet Resolutions and Decisions**

Details on UNGA Resolutions 44/225 (1989), 45/197 (1990), 46/215 (1991), 50/25 (1995), 51/36 (1996), 52/29 (1997), 53/33 (1998), 54/32 (1999), 55/8 (2000), 57/142 (2002), 58/14 (2003), 59/25 (2004), 60/31 (2005), 61/105 (2006), 62/177 (2007), 63/112 (2008), 64/72 (2009), 65/38 (2010), 66/68 (2011), UNGA Driftnet Decisions 47/443 (1992), 48/445 (1993), and 49/436 (1994), and supporting resolutions and actions taken by the United States in other fora prior to 2012 have been provided in previous driftnet reports to the Congress available from NMFS.

In 2012, the UN General Assembly adopted Resolution 67/69 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*. The Resolution expresses concern that, despite the adoption of General Assembly Resolution 46/215, the practice of large-scale pelagic driftnet fishing still exists and remains a threat to marine living resources. It urges States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the provisions of Resolution 46/215 and subsequent resolutions on large-scale pelagic driftnet fishing in order to eliminate the use of large-scale pelagic drift nets in all seas and oceans. Specifically, efforts to implement resolution 46/215 should not result in the transfer of driftnets that contravene the Resolution to other parts of the world. The Resolution also urges States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the present global moratorium on the use of large-scale pelagic driftnets on the high seas. It calls on them to ensure that vessels flying their flag that are duly authorized to use large-scale driftnets in waters under their national jurisdiction do not use such gear for fishing while on the high seas.

Resolution 67/79 requests the Secretary-General to bring it to the attention of all States, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations, and relevant non-governmental organizations and to invite them to provide the Secretary-General with information relevant to the implementation of the resolution.

The provisional agenda of the 68<sup>th</sup> session will include under the item entitled “Oceans and the law of the sea” the sub-item entitled *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*. The 68<sup>th</sup> session will consider the possibility of including this sub-item in future provisional agendas on a biennial basis.

## **UN Driftnet Reports**

Since December 1992, the United States has been instrumental in ensuring that implementation of the high seas driftnet moratorium remains a priority of the UNGA. On August 17, 2012, the

Secretary-General submitted to the General Assembly at its 67<sup>th</sup> session a report (A/67/315) 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 instrument*. The report was prepared pursuant to paragraph 163 of General Assembly Resolution 66/68 and was based on information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations, and programs of the United Nations system, subregional and regional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations. The Report contained no new information regarding measures taken against large-scale high seas driftnet fishing.

### **Support for the Wellington Convention**

The United States took no specific actions in support of the Wellington Convention in 2012. The Wellington Convention, formally known as the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, prohibits driftnet fishing within the Convention Area, which includes both EEZs of South Pacific countries and territories, and adjacent high seas areas. Details on U.S. actions taken prior to 2012 are provided in previous driftnet reports to Congress.

### **EVALUATION OF THE IMPACTS ON LIVING MARINE RESOURCES**

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. 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 UN moratorium on large-scale high seas driftnet fishing, legal sources for scientific data on this type of fishing gear disappeared. Only Japan continues to conduct research on the distribution and abundance and status of stocks of salmonids and non-salmonid pelagic fishes in the North Pacific Ocean using small-scale driftnets (driftnets less than 2.5 km).

### **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**

We are not aware of any new fisheries that have been developed by nations that conduct, or authorize their nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation.

**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.**

The Secretary has not identified, pursuant to the High Seas Driftnet Fisheries Enforcement Act, any 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.

U.S. Actions

Italy: Thanks to European Court of Justice rulings in 2009 and actions taken by the EU in 2012, there are few, if any, loopholes left for Italian fishermen to circumvent EC driftnet regulations. We note that there has been a significant decline in documented sightings of Italian fishing vessels employing large-scale driftnets on the high seas of the Mediterranean in recent years and none from 2009–2012.

The Secretary of Commerce identified Italy on March 19, 1999, pursuant to the High Seas Driftnet Fisheries Enforcement Act as a nation that conducts, or authorizes its nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation. On July 15, 1999, the United States and Italy formally agreed on measures to effect the immediate termination of Italian large-scale high seas driftnet fishing. For this reason, the United States did not impose trade sanctions on Italian fish, fish products, and sport fishing equipment pursuant to the Act. Although the 1999 agreement expired, as a deterrent, the United States has continued to apply the provision of the High Seas Driftnet Fisheries Enforcement Act that denies entry of Italian large-scale driftnet vessels to U.S. ports and navigable waters. Since May 29, 1996, the United States has also required Italy to provide documentary evidence pursuant to the Dolphin Protection Consumer Information Act (16 U.S.C. 1371(a)(2)(E)) that certain fish and fish products it wishes to export to the United States are not harvested with large-scale driftnets on the high seas.