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## **UPDATE ON PROGRESS REGARDING RESOLUTION 16/03 – ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP**

**PREPARED BY: IOTC SECRETARIAT, 11 MAY 2019**

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### **PURPOSE**

To provide the Compliance Committee (CoC) with an opportunity to update the progress on implementing each of the CoC-related recommendations arising from the Report of the 2<sup>nd</sup> IOTC Performance Review Panel (IOTC-2016-PRIOTC02-R).

### **BACKGROUND**

1. The second performance review made 24 recommendations consisting of 63 actions. Responsibility for the implementation of the actions was allocated to several IOTC bodies: the Commission, the Scientific Committee, the Compliance Committee, and the Standing Committee on Administration and Finance. The CoC is responsible for twelve actions.
2. The second meeting of the Technical Committee on the Performance Review (TCPR) took place in March 2019. TCPR02 noted that of the twelve CoC actions, six were completed and six were ongoing (IOTC-2019-TCPR02-02).

### **DISCUSSION**

3. The TCPR01 encouraged all the bodies responsible for implementing the performance review actions to address their allocated actions as soon as possible. An update of progress will be included in the performance review update to be presented to the Commission in 2019.

### **RECOMMENDATION/S**

That the Compliance Committee:

- 1) **NOTE** the excerpt of CoC-related recommendations from the performance review, as given in Appendix 1.
- 2) **REVIEW** and further **UPDATE** the status table, including proposed timelines and priorities for each recommendation relevant to the work of the CoC, for the Commission's consideration.

### **APPENDICES**

Appendix 1: CoC update on progress regarding Resolution 16/03 – On the Second performance review follow-up.

## APPENDIX 1

## CoC UPDATE ON PROGRESS REGARDING RESOLUTION 16/03 – ON THE PERFORMANCE REVIEW FOLLOW-UP

(NOTE: NUMBERING AND RECOMMENDATIONS AS PER APPENDIX I OF RESOLUTION 16/03)

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.04 ( <a href="#">para. 102</a> )	<p><b><i>Compliance with data collection and reporting requirements</i></b></p> <p>The Commission, through its Compliance Committee, needs to strengthen its compliance monitoring in relation to the timeliness and accuracy of data submissions. To that end, the PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission review its compliance monitoring program conducted by the Compliance Committee, including identification of priority obligations (e.g. timely and accurate data reporting, catch and effort limits, accuracy of the supplied registered fishing vessel information, etc.).</p>	<i>Commission and Compliance Committee</i>	<p><b>Completed/Ongoing:</b> The IOTC should further develop a scheme for the assessment of compliance of a structured approach for cases of infringements, better reflecting partial compliance and critical compliance issues. However, since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of Resolution 10/09, which is now integrated into the IOTC Rules of Procedure, Appendix V.</p> <p><a href="#">A proposal to amend Appendix V of the IOTC Rules of Procedure has been submitted for the consideration of S22.</a></p> <p><a href="#">A proposal to amend Appendix V of the IOTC Rules of Procedure (RoP) has been submitted, for the consideration of the Commission (S23). The objective of the proposal is to streamline and strengthen the assessment of CPCs compliance in IOTC. Notably the proposal aims at improving the existing IOTC compliance assessment procedure.</a></p>	Completed and ongoing.	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	b) the compliance monitoring program review all priority obligations and undertake the compliance review by obligation and by CPCs and that the Commission publish a report of each CPCs compliance by obligation and CPC. The reports of all Compliance Missions should be appended to the compliance report of that relevant CPC and where the CPC has identified an action plan, that they not be assessed for that obligation.	<i>Compliance Committee</i>	<b>Ongoing:</b> <i>To be implemented in 2018 onwards for the concerned CPCs.</i> <a href="#">Compliance review by obligation and by CPCs conducted annually</a>	Completed and ongoing. Review annually at the Compliance Committee meeting.	High
	c) the Commission develop a scheme of responses (in accordance with the IOTC Rules of Procedure (2014) Appendix V, para. 3b (iv)) to priority non-compliance areas, including the preparation of CPC Implementation Action Plans that outline how the CPC will, over time, implement its obligations and alternative responses to serious violations of IOTC CMMs taking into account the FAOs Voluntary Guidelines for Flag State Performance. Reforms to the compliance monitoring program should include the ability of developing CPCs to identify (through the preparation of an Implementation Action Plan) and seek assistance for obligations that they are currently non-compliant with, including for example requesting capacity assistance, capacity building, resources, etc., to enable, overtime, implement its obligations.	<i>Commission &amp; Compliance Committee</i>	<b>Completed/Ongoing:</b> The IOTC should further develop a scheme for the assessment of compliance of a structured approach for cases of infringements, better reflecting partial compliance and critical compliance issues, however, a scheme of response to priority non-compliance areas is done through the Feedback Letter issued during the Commission meeting and forms the basis for the Secretariat, together with concerned CPCs, to develop the Compliance Action Plan. <a href="#">A proposal to amend Appendix V of the IOTC Rules of Procedure has been submitted for the consideration of S22.</a> <a href="#">A proposal to amend Appendix V of the IOTC Rules of Procedure (RoP) has been submitted, for the consideration of the Commission (S23). The objective of the proposal is to streamline and strengthen the assessment of CPCs compliance in IOTC. Notably the proposal aims at improving the existing IOTC compliance assessment procedure.</a>	Completed and ongoing.	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	<p>d) to facilitate thorough reviews of compliance, the Commission should invest in the development and implementation of an integrated electronic reporting program. This should include automatic integration of data from CPCs into the IOTC Secretariat's databases and automatic cross-referencing obligations and reports for the various obligations, in particular related to the provision of scientific data.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p><b>Ongoing:</b> Draft technical specifications of an application has been developed. . A validation workshop was conducted in October 2017 and the recommendations from the workshop <a href="#">were</a> presented to the 2018 meeting of the Compliance Committee and <a href="#">the</a> recommendation to the Commission <a href="#">for the IOTC Secretariat to pursue this work was endorsed.</a>- Two IT Consultants (Developers) and one Quality Assurance consultant have been recently recruited for two years and development work is expected to start in the early part of the second semester of 2019.</p>	<p>Ongoing</p>	<p>Medium</p>
<p>PRIOTC02.14 (<a href="#">para. 149</a>)</p>	<p><b><i>Monitoring, control and surveillance (MCS)</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should continue to develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such as a possible catch documentation scheme, noting the process currently being undertaken within the FAO.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p><b>Ongoing:</b> A CDS Working Group for the IOTC exists, but the virtual meetings of this Working Group had been suspended awaiting results from the FAO study on best practices for implementing a CDS. Extra budgetary are funds available for engaging a consultant to assist the IOTC on developing a comprehensive MCS system, including developing a CDS during 2018/2019. <del>The Terms of Reference for the recruitment of a consultant has been drafted/submitted to the FAO. It is anticipated that the consultant will conclude his work towards the end of 2018.</del> <a href="#">Back to back workshops presenting the results of studies on Monitoring, Control and Surveillance (MCS) measures of the IOTC and a Catch Documentation Scheme (CDS) for the IOTC were held in February 2019.</a></p>	<p>Ongoing.</p>	<p>Medium</p>

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	b) as a matter of priority review the IOTC monitoring, control and surveillance (MCS) measures, systems and processes, with the objective of providing advice and guidance on improving the integration of the different tools, identification of gaps and recommendations on how to move forward, taking into consideration the experiences of other RFMOs, and that the review should be used as a basis for strengthening MCS for the purpose of improving the ability of the Commission to deter non-compliance and IUU fishing.	<i>Commission &amp; Compliance Committee</i>	<p><b>Ongoing:</b> A review of existing IOTC MCS measures is planned to be conducted in 2018/2019</p> <p>Extra budgetary are funds available for engaging a consultant to assist the IOTC on developing a comprehensive MCS system during 2018/2019.</p> <p><del>The Terms of Reference for the recruitment of a consultant has been drafted/submitted to the FAO. It is anticipated that the consultant will conclude his work towards the end of 2018.</del></p> <p><a href="#">A workshop presenting the results of the study on Monitoring, Control and Surveillance (MCS) measures of the IOTC was held in February 2019.</a></p>	Ongoing.	Medium
PRIOTC02.15 ( <a href="#">para. 153</a> )	<p><b>Follow-up on infringements</b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the IOTC should establish a scheme of responses to non-compliance in relation to CPCs obligations, and task the Compliance Committee to further develop a structured approach for cases of infringement.</p>	<i>Commission &amp; Compliance Committee</i>	<p><b>Ongoing:</b> Notably to be implemented through IOTC Resolution <del>16/06</del><a href="#">18/07</a> <i>On measures applicable in case of non-fulfilment of reporting obligations in the IOTC</i> and Resolution 10/10 <i>On market related measures.</i></p> <p><a href="#">A proposal to amend Appendix V of the IOTC Rules of Procedure (RoP) has been submitted, for the consideration of the Commission (S23). The proposal makes provision for establishing a framework of possible responses to non-compliance by CPCs to their obligations.</a></p>	Ongoing	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
	b) further develop an online reporting tool to facilitate reporting by CPCs and to support the IOTC Secretariat through the automation of identification of non-compliance.	<i>Commission &amp; Compliance Committee</i>	<b>Ongoing:</b> Draft technical specifications of an application has been developed. A validation workshop was conducted in October 2017 and the recommendations from the workshop <u>were</u> presented to the 2018 meeting of the Compliance Committee and <u>the</u> recommendation to the Commission <u>for the IOTC Secretariat to pursue this work was endorsed. Two IT Consultants (Developers) and one Quality Assurance consultant have been recently recruited for two years and development work is expected to start in the early part of the second semester of 2019.</u>	Review annually at IOTC meetings	Medium
	c) reasons for the non-compliance should be identified, including whether it is related to the measure itself, a need for capacity assistance or whether it is wilful or repeated non-compliance, and that the Compliance Committee provide technical advice on obligations where there are high level of CPCs non-compliance.	<i>Commission &amp; Compliance Committee</i>	<b>Completed/Ongoing:</b> A scheme of response to non-compliance areas is done through the Feedback Letter issued during the Commission meeting and forms the basis for the Secretariat, together with concerned CPCs, to develop the Compliance Action Plan. This will be further addressed by the WPICMM to enhance the technical capacity of CPCs.	Completed and ongoing.	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.17 ( <a href="#">para. 163</a> )	<p><b>Market-related measures</b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission considers strengthening the market related measure (Resolution 10/10 <i>Concerning market related measures</i>) to make it more effective.</p>	<i>Commission &amp; Compliance Committee</i>	<p><b>To be developed/Ongoing:</b> The <i>ad-hoc</i> Working Group on Catch Documentation System (CDS) should resume its work intersessionally to propose a CDS scheme for the consideration of the Commission. If adopted, the CDS scheme will strengthen market related measures.</p> <p><a href="#">A workshop presenting the results of the study on a Catch Documentation Scheme (CDS) for the IOTC was held in February 2019.</a></p> <p><a href="#">The WPICMM02 RECOMMENDED that a Working Group be constituted to guide the development of a CDS noting that this will require endorsement by the Compliance Committee and Commission.</a></p>	Ongoing	High
PRIOTC02.18 ( <a href="#">para. 169</a> )	<p><b>Fishing capacity</b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that the Commission consider non-compliance with fishing capacity related measures as a priority in the scheme of responses to non-compliance, in order to ensure the sustainable exploitation of the relevant IOTC species.</p>	<i>Commission &amp; Compliance Committee</i>	<p><b>Ongoing:</b> A scheme of response to non-compliance areas is done through the Feedback Letter issued during the Commission meeting.</p>	Review annually at the IOTC meetings.	High

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.21 ( <a href="#">para. 204</a> )	<p><b>Cooperation with other RFMOs</b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the IOTC should further develop mutual recognition and possible exploration of cross-listings of IUU lists with other RFMOs to combat IUU activities globally.</p>	<i>Commission &amp; Compliance Committee</i>	<p><b>Ongoing:</b> This recommendation should be addressed at the next opportunity when IOTC Resolution 11/03 <i>On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence</i> is amended.</p> <p>Resolution 11/03 was amended at the 2017 Annual Session, but the concept of cross-listing of IUU vessels was not incorporated in Resolution 17/03.</p> <p><a href="#">A proposal to amend IOTC Resolution 17/03 (which superseded IOTC Resolution 11/03), to address this specific issue, has been submitted for the consideration of S22.</a></p> <p><a href="#">Provisions for cross-listing of vessels on the IUU lists of seven other RFMOs exist in IOTC Resolution 18/03.</a></p>	<p><a href="#">Review annually at the IOTC meetings.</a></p> <p><a href="#">Completed and ongoing.</a></p>	High