
ON MEASURES APPLICABLE IN CASE OF NON-FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC

SUBMITTED BY: EUROPEAN UNION

Explanatory Memorandum

The Scientific Committee (SC 20) recommended Mandatory statistical requirements for IOTC be reviewed to include the mandatory reporting of zero catches for all species under the mandate of IOTC, in order to support the implementation of IOTC Resolution 16/06 *On measures applicable in case of non-fulfilment of reporting obligations in the IOTC*.

In this context, this draft Resolution is proposing to amend the Resolution 16/06 by introducing new provisions facilitating the reporting of zero catches, notably through a table easy to complete and perfectly reflecting the cases of zero catches.

RESOLUTION 18/XX**ON MEASURES APPLICABLE IN CASE OF NON-FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC**

Keywords: zero catches, species group, data collection, reporting obligations and gear group

The Indian Ocean Tuna Commission (IOTC),

GIVEN that following Article XI of the Agreement for the establishment of the IOTC, Contracting Parties agree to provide statistical and other data and information that the Commission may need for the purposes of this Agreement and that nominal catch data, Catch and effort data, size data and fish aggregating devices data should be submitted annually to the IOTC Secretariat by 30 June the year following the fishing activities;

RECALLING Resolutions by IOTC on the Deadlines, Procedures for Data Submission and Statistical Reporting Obligations, notably Resolutions [15/02](#), [15/01](#), [14/05](#), [12/04](#), 10/11 [superseded by [Resolution 16/11](#)], [11/04](#), [10/08](#) and [01/06](#);

RECOGNISING that funding is available from the Commission for developing CPCs to improve their data collection and submission capabilities;

TAKING INTO ACCOUNT that the Scientific Committee (IOTC–2015–SC18–R) noted with concern the lack of information submitted by CPCs on total catches, catch and effort and size data for various IOTC species, despite their mandatory reporting status, and requested that CPCs comply with IOTC data requirements, given the gaps in available information in the IOTC database and the importance of basic fishery data in order to assess the status of stocks and for the provision of sound management advice;

CONSIDERING that the Scientific Committee recommended that the Commission develop penalty mechanisms through the IOTC Compliance Committee to improve compliance by CPCs that do not currently comply with the submission of basic fishery data requirements as stated in Resolutions [15/01](#) and [15/02](#);

NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;

NOTING that several stocks remain not assessed and some others are assessed with substantial uncertainty, which lead to important risks of depletion of some IOTC species and negative impact in the ecosystem;

FURTHER NOTING that, in order that all IOTC fisheries should be managed in line with the principles of the precautionary approach, it is necessary to take measures aimed at eliminating or reducing non-reporting and misreporting;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. CPCs shall include information in their Annual Reports (*Report of Implementation*) on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular steps taken to improve their data collection for direct and incidental catches.
2. The IOTC Compliance Committee shall review Actions taken by CPCs, as described in paragraph 1, shall be reviewed annually by IOTC Compliance Committee.
3. Following the review carried out by the Compliance Committee, the Commission at its annual session, according to the guidelines attached (**Annex I**), and after having given due consideration to the relevant information provided by the concerned CPCs in these cases, may consider to prohibit CPCs that did not report nominal catch data (exclusively), including zero catches, for one or more species for a given year, in accordance with the [Resolution 15/02](#), paragraph 2 (or any subsequent revision), from retaining such species as of the year following the lack or incomplete reporting until such data have been received by the IOTC Secretariat. Priority shall be given to situations of repeated non-

compliance. Any CPC unable to meet these reporting obligations owing to engagement in civil conflict shall be exempt from this measure. The CPC concerned will work with the IOTC Secretariat to identify and implement possible alternative methods for data collection, using established FAO data collection methods.

4. To facilitate the reporting of zero catches as required under paragraph 1 of Annex I of this Resolution, the following procedure shall apply:
 - a) as part of the IOTC IRC electronic form used to report nominal catches, the Secretariat shall include a matrix by IOTC species as well as the most commonly caught elasmobranch species according to records of catches and incidents as established in Resolution 15/01 on the recording of catch and effort data by fishing vessels in the IOTC area of competence (or any subsequent superseding Resolution) and main IOTC gear groups on the basis of the format set out in Annex II of this Resolution
 - b) CPCs, as part of their total catch data reporting, shall complete the cells in the matrix with either a value of ‘one’ (1) to indicate where that CPC had catches (positive catch) for a particular species/gear combination or a value of ‘zero’ (0) to indicate where that CPC had no catches (zero landings + zero discards) for a particular species/gear combination.
 - c) The “Catch columns” section of the electronic Form IRC shall only include reports of positive catches.
5. The Commission may consider expanding the matrix to include additional species under the competence of IOTC as well as stock/gear combinations as appropriate.
6. This Resolution supersedes Resolution 16/06 On Measures Applicable in case of non-fulfilment of reporting Obligations in the IOTC.

ANNEX 1**Guidelines to facilitate the application of the paragraph 3**

1. The Commission will follow the schedule and steps set forth below to guide application of paragraph 3 of this Resolution:

<i>Data review year</i> <i>(starting in 2016 and annually thereafter)</i>	<i>Following the decision on retention prohibition</i>
<p>1. CPCs submit Total catch data to the IOTC Secretariat in accordance with the Resolution 15/02 and Scientific Committee template, including zero catches;</p> <p>2. The IOTC Secretariat, in consultation with the Scientific Committee will include in the compliance report information detailing data submission status by species or stock (e.g. complete, incomplete, or missing) for each CPC;</p> <p>3. The Compliance Committee reviews the report on the basis of any other relevant information provided by the IOTC Executive Secretary, the Scientific Committee and CPCs. Based on this review, the Compliance Committee identifies in its report those CPCs that did not submit required data (i.e. data are missing or incomplete) and notifies them that they may be prohibited by the Commission from retaining the concerned species/stock from the relevant fishery as of the following year unless and until the data are provided to the Secretariat.</p> <p>4. Compliance Committee also considers if any other actions consistent with this Resolution should be recommended.</p>	<p>1. CPCs with a finding of "missing" or "incomplete" data submissions cannot retain those species;</p> <p>2. Such CPCs should seek to rectify the situation by sending the missing data to the IOTC Executive Secretary as soon as feasible;</p> <p>3. In consultation, as necessary and appropriate, with the Chairpersons of the Compliance Committee and the Commission, the IOTC Executive Secretary will review the new data submission in a timely manner to determine if it is complete. If the data appear to be complete, the Secretariat will promptly inform the CPC in question that it can resume retention of the concerned species/stock in the relevant fishery.</p> <p>4. At the Annual Meeting following the intersessional provision of data and the decision to permit resumption of retention, the Compliance Committee reviews this decision and, if it considers that data are still incomplete, the Compliance Committee will again take the actions specified in the previous column, paragraphs 3 and 4.</p>

Annex II

EXAMPLE OF ZERO CATCH MATRIX – TO BE FURTHER ADJUSTED BY IOTC SECRETARIAT

T1 "Zero Catch Matrix"				Gear Group						
Species Group	Species Code	Species Name	Stock	HL	BB	LL	PS	TR	GN	Other
Temperate Tunas	ALB	<i>Thunnus alalunga</i>	IO							
	SBT	<i>Thunnus maccoyii</i>	IO							
Tropical Tunas	BET	<i>Thunnus obesus</i>	IO							
	SKJ	<i>Katsuwonus pelamis</i>	IO							
	YFT	<i>Thunnus albacares</i>	IO							
Neritics Tunas	LOT	<i>Thunnus tonggol</i>	IO							
	KAW	<i>Euthynnus affinis</i>	IO							
	FRI	<i>Auxis thazard</i>	IO							
	BLT	<i>Auxis rochei</i>	IO							
	COM	<i>Scomberomorus commerson</i>	IO							
	GUT	<i>Scomberomorus guttatus</i>	IO							
Billfishes	BUM	<i>Makaira nigricans</i>	IO							
	BLM	<i>Makaira indica</i>	IO							
	MLS	<i>Tetrapturus audax</i>	IO							
	SFA	<i>Istiophorus platypterus</i>	IO							
	SWO	<i>Xiphias gladius</i>	IO							
Other "Species" as requested by Resolution 15/01 for specific gears (in grey not required)	SSP	Shortbill spearfish (<i>Tetrapturus angustirostris</i>)	IO							
	BSH	Blue shark (<i>Prionace glauca</i>)	IO							
	MAK	Mako sharks (<i>Isurus spp.</i>)	IO							
	POR	Porbeagle shark (<i>Lamna nasus</i>)	IO							
	SPN	Hammerhead sharks (<i>Sphyrna spp.</i>)	IO							
	FAL	Silky shark (<i>Carcharhinus falciformis</i>)	IO							
	MZZ	Other bony fishes	IO							
	SKH	Other sharks	IO							
	THR	Thresher sharks (<i>Alopias spp.</i>)	IO							
	OCS	Oceanic whitetip shark (<i>Carcharhinus longimanus</i>)	IO							
	TIG	Tiger shark (<i>Galeocerdo cuvier</i>)								
	PSK	Crocodile shark (<i>Pseudocarcharias kamoharai</i>)								
	WSH	Great white shark (<i>Carcharodon carcharias</i>)								
MAN	Mantas and devil rays (<i>Mobulidae</i>)									
PLS	Pelagic stingray (<i>Pteroplatytrygon violacea</i>)									
	Other rays									

GREY AREAS SHOULD NOT BE FILLED IN ACCORDANCE WITH LOGBOOKS SPECIFIED IN RESOLUTION 15/01