



THE IOTC DRAFT IUU VESSELS LIST – INFORMATION FROM UNITED KINGDOM (OT)

Prepared by IOTC Secretariat, 09 May, 2018

PURPOSE

To provide additional information, which has been received from the United Kingdom (OT) by the IOTC Secretariat, to the Compliance Committee to assist it in taking decisions on:

- The request for the removal of the ten Indian vessels that are on the 2017 IUU Vessels List. The ten vessels are listed in Annex 1 of document IOTC-2018-CoC15-09.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

In response to IOTC Circular 2018-21, on the IOTC IUU Vessels List and the 2018 Draft IUU Vessels List, which was sent out in accordance with Paragraph 11 of IOTC Resolution 17/03, the United Kingdom (OT) provided the response which is reproduced in Appendix 1.

RECOMMENDATION/S

That the CoC15:

- 1) **NOTE** the information provided in document IOTC–2018–CoC15–09 Add 1, which will assist it in its deliberations on the request for the removal of the ten Indian vessels that are on the 2017 IUU Vessels List.
- 2) **RECOMMEND** to the Twenty-second Session of the Commission if the ten Indian vessels should be kept or removed from the IUU Vessels List.



Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

8 May 2018

cc. Mr Hosea Gonza Mbilyni, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Aditya Joshi and Dr Paul Pandian, Government of India.

Dear Dr O'Brien,

IOTC Circular 2018-21 IOTC IUU Vessel List and request to remove the 10 Indian Flagged Vessels Beniah; Beo-Hingis; Carmal Matha; Dignamol 1; Ephraem; King Jesus; Sacred Heart; Shalom; Vachanam; and, Wisdom

Circular 2018-21 indicates that in its Feedback Letter (IOTC-2018-CoC15-FL07) India has made a request for the removal of the ten Indian vessels that are on the 2017 IUU Vessels List. The circular provides 'Evidence of actions taken by India against the 10 Indian vessels listed in the 2017 IOTC IUU Vessels List' which includes Annex IV of Resolution 17/03 completed for each vessel.

Whilst the feedback letter refers to the Provisional IUU Vessel List, UK OT have assumed that this represents a request under para 22 of Resolution 17/03 to remove the vessels from the IUU Vessels List. Resolution 17/03 paragraph 23 indicates that where a request is received within 55 to 15 days before the annual Compliance Committee meeting the request shall be considered at that meeting. This letter anticipates this and presents the UKOT response for consideration of the Compliance Committee. We also provide slightly updated versions of Annex IV for each vessel.

Paragraph 22 of Resolution 17/03 details the information that the flag State must provide in order for a vessel to be removed from the list, summarised in Annex IV. The information provided demonstrates that the flag State, has taken action against the owners of the vessels (Para 22.a) iii.) including prosecution and imposition of sanctions.

- For the vessel **Beo-Hingis** the owner has not paid the outstanding fine of IR45,000 and the vessel remains impounded, since 2016.
- For the remaining vessels (**Beniah; Carmal Matha; Dignamol 1; Ephraem; King Jesus; Sacred Heart; Shalom; Vachanam; and, Wisdom**) the owners have paid their fines and the vessels have been released. All the vessels were impounded for a significant length of time.

Regarding the sanctions insufficient detail has been provided to understand if the financial penalties are of adequate severity (it would depend upon many factors, such as a timely guilty plea, remorse and sufficiency of funds). However, the combination of the imposition of a fine, together with the impounding of the vessel for a long period of time could enable an assessment on severity to be made. UKOT considers that it would be reasonable to assume that those owners who have been prosecuted and paid their fines, thereby recovering their vessels have been dealt with appropriately in respect of paragraph 22.a) iii.

However not all flag State actions as required under Paragraph 22 of Resolution 17/03 have been undertaken. Specifically under para 22a

- i) There is no evidence presented that '*it has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures*'; and
- ii) There is no evidence presented that it '*..... will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel*'

Whilst the evidence shows that 9 of the vessels have been released no details of any licences or permits to fish for the released vessels have been made available by the flag State and so it is not clear whether those vessels are now fishing, where they are fishing nor for what species. If any of the vessels catch tuna or tuna like species it is not clear whether the conditions of paragraphs 20 (withdraw fishing licence (for tuna)) or 21 of 17/03 (numerous actions, but particularly prohibit landing of tuna and tuna like species) continue to be fulfilled whilst the vessels remain on the IUU Vessel List.

Furthermore, in respect of Paragraph 22d, India have not interacted with the BIOT Administration intersessionally on any of these cases. For the three vessels found guilty of IUU in BIOT waters and fined by the Court in Diego Garcia (Beo Hingis, Vachanam and Wisdom, evidence presented to the Compliance Committee at the time of IUU listing) no fines have been paid to the UKOT. In light of the sanctions imposed locally by India, the Magistrate's Court in DG will be asked to rescind the financial penalties that were imposed in respect of Vachanam and Wisdom. Any action on Beo-Hingis will be deferred until that case is concluded in India.

Conclusions on removal of vessels from the IOTC-IUU Vessels List

It is clear that the vessel owners, with the possible exception of Beo-Hingis, have been adequately punished and except for Beo-Hingis the vessels have now been released. None of these vessels are on the IOTC list of Authorised Vessels and therefore should not fish outside of the Indian EEZ for tuna and tuna like species. As already noted, it is not clear if the 9 released vessels have been permitted to resume fishing within the Indian EEZ nor under what conditions.

However, it is also clear that India have not fulfilled all the actions needed of a flag State and have shown a disregard for the IOTC process. The question that the Compliance Committee must therefore consider is whether India has undertaken adequate flag State actions before deciding whether or not to retain the vessels on the IUU Vessel List. Specifically it has not addressed Resolution 17/03 Para 22.a.i (compliance with IOTC measures); part of para 22.a.ii (continued monitoring of the released vessels; conditions of licensing for the released vessels and monitoring for catches or landings of tuna). India have not engaged with UKOT to establish the status of sanctions imposed by UK in the light of flag State Actions (Para 22.d) (Beo Hingis, Vachanam and Wisdom).

Recommendation

India has not fulfilled all the requirements under Resolution 17/03 Paragraph 22 although we note that it has partly fulfilled them. UKOT recommends that all 10 vessels should remain on the IOTC IUU Vessel List until evidence of the following is provided to the Compliance Committee. We recommend that India provides this information within 90 days of IOTC S22 and if it then satisfies the requirements of Resolution 17/03 the following vessels may be removed from the list intersessionally **Beniah; Carmal Matha; Dignamol 1; Ephraem; King Jesus; Sacred Heart; Shalom; Vachanam; and, Wisdom:**

- Provide evidence of having undertaken an awareness campaign in Tamil Nadu regarding compliance with both national and IOTC conservation Management Measures, including no fishing in EEZs of other coastal States without a licence
- Submit evidence that the relevant authorities have provided specific guidance to the Masters / Owners of all 10 vessels on the IOTC IUU Vessel List with respect to compliance with both national and IOTC conservation Management Measures, including no fishing in EEZs of other coastal States without a licence
- Provide evidence of how continued monitoring of these 10 vessels will be implemented, specifically evidence of VMS on vessels and active tracking, or what other alternatives will be

implemented

- Provide details of the fishing licences now issued to the vessels and evidence of any changes to Terms & Conditions of licensing for these 10 vessels.

Furthermore, noting that the vessel owners have been adequately punished, for this period of 90 days, or until the vessels are finally removed from the IUU vessels List, the vessels should not be permitted to catch or land tuna or tuna like species in accordance with paragraphs 20 and 21 of Resolution 17/03, but this should not prevent them fishing under the appropriate licence within the Indian EEZ for other species.

Beo-Hingis should remain on the IUU vessel list until the owner has paid the outstanding fine to the Indian Authorities, and evidence that the above bulleted points has also been provided.

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee.

Thank you.

Yours sincerely



Dr C.C. Mees

Head of UK(OT) Delegation to IOTC

Enclosed: Annex IV of Resolution 17/03 for each vessel (10)

Annex IV

Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if suitably documented information and/or evidence has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

Vessel Name: **BENIAH**

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No details of awareness campaign in Tamil Nadu where this vessel is registered, only for Kerala	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Partly (see 22a)iii)	No details of the actions to be taken to continue to monitor and control the vessel. No evidence that VMS fitted on board for example.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	<p>As of 20-04-17 evidence that vessel registration was suspended on 27/3/17 – Case details provided indicate suspension until adjudication completed.</p> <p>Guilty of violating provisions of Tamil Nadu Marine Fishing Regulation Act by fishing beyond the Indian International boundary</p> <p>Fine SR 50000 applied 21/6/16 Fine paid 6/10/17 and 10/1/18</p> <p>Vessel Impounded 14/3/15 to 10/01/18</p> <p>No details of range of possible fines or if IR50,000 is adequate.</p> <p>No details of any actions taken against crew</p> <p>However vessel has been impounded almost 3 years</p>	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No		
c)	The vessel has been sunk or scrapped.	Flag CPC	No		
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	As above (see a)	<p>India have completed prosecution and sanctions as per 4a(iii)</p> <p>Vessel Fled, no UKOT legal case, details were passed to India, and outcome of actions requested.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	

d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	As above, see (a) for India	<p>India have completed prosecution and sanctions as per 4a(iii)</p> <p>Vessel fined by UK courts – fine not paid.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	
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Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

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Vessel Name: _____ **Carmal Matha** _____

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended. (14/03/2015) Rs. 50,000 fine imposed. (21/06/2016). Fine paid and remitted into Govt account on 06/10/2017 and 10/01/2018. Boat released on 10/01/2018.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel has been directed to keep the fishing vessel in Jeppiar Fishing Harbour, Muttom, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (14/03/2015). Boat released (10/01/2018).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	<p>Vessel released 10/01/2018 on payment of flag State fine.</p> <p>Vessel fled, no UKOT legal case, details were passed to India, and outcome of actions requested.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	

Annex IV

Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if suitably documented information and/or evidence has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

Vessel Name: Dignamol II

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended. (14/03/2015) Rs. 50,000 fine imposed. (21/06/2016). Fine paid and remitted into Govt account on 06/10/2017 and 10/01/2018. Boat released on 10/01/2018.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel has been directed to keep the fishing vessel in Jeppiar Fishing Harbour, Muttom, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (14/03/2015). Boat released (10/01/2018).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	<p>Vessel released 10/01/2018 on payment of flag State fine.</p> <p>Vessel fled, no UKOT legal case, details were passed to India, and outcome of actions requested.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	

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Vessel Name: Ephraeem

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended. (10/06/2016) Rs. 15,000 fine imposed. (09/09/2016). Fine paid 26/06/2016 and remitted into Govt account on 27/09/2016. Boat released on 26/09/2016.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel has been directed to keep the fishing vessel in Colachel, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (10/06/2016). (Boat released 26/09/2016).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	<p>Vessel released 26/09/2016on payment of fine.</p> <p>Vessel fled, no UKOT legal case, details were passed to India, and outcome of actions requested.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	

Annex IV

Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if suitably documented information and/or evidence has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

Vessel Name: KING JESUS

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended. (14/03/2015) Rs. 50,000 fine imposed. (21/06/2016). Fine paid 06/10/2017 and 10/01/2018.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel has been directed to keep the fishing vessel in Jeppiar Fishing Harbour, Muttom, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (14/03/2015). (Boat released 10/01/2018).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	Vessel released 10/01/2018 on payment of fine.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
				<p>Vessel fled, no UKOT legal case, details were passed to India, and outcome of actions requested.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	

Annex IV

Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if suitably documented information and/or evidence has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

Vessel Name: SACRED HEART

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended (17/03/2016). Rs. 50,000 fine imposed. (21/06/2016), Fine paid 06/03/2017.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel was directed to keep the fishing vessel in Jeppiar Fishing Harbour, Muttom, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (17/03/2016). (Boat released 21/06/2016).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	Vessel released before fine paid. Released on conviction. UKOT legal case, details were passed to India, and outcome of actions requested. Fine £6,700 + costs not paid.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
				India have not corresponded with the BIOT Administration on this case intersessionally.	

Annex IV

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Vessel Name: Shalom

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended (10/06/2016). Rs. 15,000 fine imposed. (09/09/2016), Fine paid 26/06/2016 and remitted into Government account on 27/09/2016.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel was directed to keep the fishing vessel in Colachel, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (10/03/2016). (Boat released 26/09/2016).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	Vessel fled, no UKOT legal case, details were passed to India, and outcome of actions requested.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
				India have not corresponded with the BIOT Administration on this case intersessionally.	

Annex IV

Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if suitably documented information and/or evidence has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

Vessel Name: Vachanam

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended. (Rs. 50,000 fine imposed. (29/09/2016), fine of Rs. 25,000 paid 2407/2016. Police case has been filed and action has been taken under revenue recovery act.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel has been directed to keep the fishing vessel in Jeppiar Fishing Harbour, Muttom, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (23/09/2015). (Boat not released 22/2016).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped.	
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	Vessel not released as fine not fully paid.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
				<p>UKOT legal case, details were passed to India, and outcome of actions requested. Fine £34,000 not paid.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	

Annex IV

Checklist to be completed by the Secretariat for potential removal of vessels from the IOTC IUU Vessel List

(Aide Memoire for the Commission for delisting a vessel: note that the Secretariat will indicate if suitably documented information and/or evidence has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee / Commission, Paragraphs 17 and 27)

Vessel Name: WISDOM

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
a)	i) It has adopted measures such that the vessel, Owner and all other nationals comply with all IOTC Conservation and Management Measures; and	Flag CPC	No	No evidence of adoption of measures to comply with IOTC Conservation and Management Measures.	If paragraph a) or b) or c) is satisfied, the vessel may be removed from the IUU Vessels List pursuant to paragraph 27, else the vessel will remain on the list for re-examination by the Compliance Committee and Commission at its next Annual Session.
	ii) it is effectively assuming and will continue to effectively assume its flag State responsibilities with regard to the monitoring and control of the fishing activities of this vessel; and	Flag CPC	Yes No details of the actions to be taken to continue to monitor and control the vessel.	Flag State controls enforced. Fishing licence suspended. (Rs. 30,000 fine imposed. (21/06/2016), fine paid 29/06/2016.	
	iii) it has taken effective action against the Owner and crew in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List including prosecution and imposition of sanctions of adequate severity; or	Flag CPC	Yes	The owner of the fishing vessel has been directed to keep the fishing vessel in Jeppiar Fishing Harbour, Muttom, and should not venture to sea for fishing till the adjudication by the Adjudicating officer. (17/03/2016). (Boat released 21/06/2016).	
b)	The vessel has changed ownership and that the new Owner can establish the previous Owner no longer has any operational, legal, financial or real interests whether direct or indirect in the vessel or exercises control over it and that the new Owner has not participated in any IUU fishing activities in the preceding 5 years; or	Flag CPC	No	No evidence of change of ownership.	
c)	The vessel has been sunk or scrapped.	Flag CPC	No	No evidence of the vessel having sunk or been scrapped. Vessel released from custody on 21/06/2016.	

Para 22, sub para	Action	Responsibility	Information Provided (Y/N)	Comments	Aide Memoire
d)	Any prosecution and sanctions regarding the vessel that conducted IUU fishing activities has been concluded by both the nominating CPC and the flag State of the vessel.	Flag CPC	No	<p>Concluded by flag State.</p> <p>UKOT legal case, details were passed to India, and outcome of actions requested. £14,000 not paid.</p> <p>India have not corresponded with the BIOT Administration on this case intersessionally.</p>	