
ON PENALTIES TO BE APPLIED IN CASE OF NON FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC

SUBMITTED BY: EUROPEAN UNION, 05 APRIL 2013

Explanatory Memorandum

Non-compliance with reporting obligations, and in particular, incomplete reporting or no data reporting, remains a serious problem for the Scientific Committee and the Commission despite the adoption of numerous measures intended to address the matter.

According to the IOTC legislation, CPCs are to provide statistical and other data and information that the Commission may need for the purposes of the management of stocks under the IOTC Agreement. Nominal catch data, catch and effort data, size data and fish aggregating devices data are also to be submitted annually to the Secretariat by 30 June the year following the fishing activities. Final data shall be submitted no later than 30 December.

Given the unsatisfactory level of compliance with these requirements, additional measures aimed at eliminating or reducing non-reporting and misreporting need to be taken to ensure that all IOTC fisheries are managed in line with the principles of sound scientific advice.

Therefore the IOTC should adopt a measure whereby the Commission may decide, on the basis of an thorough analysis, a debate and discussion with the CPCs concerned and a transparent and accurate evaluation of the Compliance Committee, that individual CPCs not reporting nominal catch data, including zero catches, for one or more species for a given year, in accordance with Resolution 10/02, paragraph 1, shall be prohibited from retaining such species as of the year following the lack of or incomplete reporting. The prohibition would be lifted once the complete and correct data is received by the IOTC Secretariat.

RESOLUTION 13/XX**ON PENALTIES TO BE APPLIED IN CASE OF NON FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC****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 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 10/02, 10/04, 10/07, 10/08, 11/09, 10/11; 08/04; 09/06 and 01/06;

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

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 still is a problem for the Scientific Committee and for the Commission;

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 the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. CPCs shall include information in their Annual Reports on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches.
2. Actions taken by CPCs, as described in paragraph 1, shall be reviewed annually by the IOTC's Compliance Committee.
3. Following the review carried out by the Compliance Committee, the Commission at its annual session, and after having given due consideration to the relevant information provided by the concerned CPCs in these cases, shall prohibit CPCs that did not report nominal catch data, including zero catches, for one or more species for a given year, in accordance with Resolution 10/02 [update if Resolution 10/02 is superseded at S17], paragraph 1, 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.