
CONCERNING THE FUNCTIONS OF COMPLIANCE COMMITTEE

SUBMITTED BY EUROPEAN UNION

Background:

The IOTC, through its Compliance Committee (CC), has been repeatedly pointing out that the level of compliance within the Commission need to be improved in order to insure the sustainability and a sound management of the IOTC fishing resources.

The Commission has also expressed its concern about some specific matters and urged all Contracting Parties and Cooperating non-Contracting Parties (CPCs) to take the necessary steps to meet IOTC fisheries data requirements.

In addition, the Performance Review Panel concluded that there is a low level of compliance with IOTC measures and obligations and the Commission, to date, has taken very limited actions to remedy this situation - there are currently no sanctions/penalties for non-compliance in place.

The Performance Review Panel also found that it is imperative to strengthen the ability of the Compliance Committee to monitor non-compliance and advised the Commission to develop mechanisms in response to non-compliance, sanction for non-compliance and provisions for follow-up on infringements.

Content:

Taking into account:

- the urgent need that all Contracting Parties and Cooperating non-Contracting Parties ensure the proper implementation of the IOTC,
- the imperative requirement to strengthen the ability of the Compliance Committee to monitor non-compliance and advise the Commission on actions which might be taken in response to non-compliance,
- the need to implement sanction mechanisms for non-compliance and provisions for follow-up on infringements should be developed.
- benefit from similar experiences in other Tuna RFMOs,

the EU is proposing a reinforcement of the Compliance Committee role and responsibilities. **Content:**

The Indian Ocean Tuna Commission (IOTC),

CONCERNED that in general the level of compliance within the Commission need to be improved in order to insure the sustainability and a sound management of the IOTC fishing resources.

CONCERNED that the performance Review Panel concluded that there is a poor record of compliance and limited tools for addressing non-compliance.

RECALLING that the Commission expressed its concern about some specific matters and urged all Contracting Parties and Cooperating non-Contracting Parties (CPCs) to take the necessary steps to meet IOTC fisheries data requirements:

RECALLING, that the Performance Review Panel found that it is imperative to strengthen the ability of the Compliance Committee to monitor non-compliance and advise the Commission on actions which might be taken in response to non-compliance and sanction mechanisms for non-compliance and provisions for follow-up on infringements should be developed.

AFFIRMING the urgent need that all Contracting Parties and Cooperating non-Contracting Parties ensure the proper implementation of the IOTC legislation.

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the Agreement establishing the IOTC, the following Terms of reference for the Compliance Committee:

1. Meeting of the Compliance Committee

The meetings of the Compliance Committee shall be held for a period of at least ~~Three-Two~~ (32) days in the week preceding the meeting of the Commission, to assess individual Contracting Parties and Co-operating non-Contracting Parties' (hereinafter referred to as "CPC's") compliance and enforcement with their obligations as Members and Cooperating non Members of IOTC. Compliance Committee sessions might also be held, if necessary, during the days of the plenary sessions.

2. Mandate and Objectives of the Compliance Committee

2.1. The Compliance Committee shall be responsible for reviewing all aspects of CPCs individual compliance with IOTC conservation and management resolutions in the IOTC Area.

2.2. The Compliance Committee shall report directly to the Commission on its deliberations and recommendations.

2.3. The Compliance Committee shall cooperate closely with other IOTC subsidiary bodies in order to remain informed on all issues concerning compliance with IOTC conservation and management resolutions.

2.4. The work of the Compliance Committee shall be guided by the following overall objectives:

2.4.1. To provide a structured forum for discussion of all problems related to effective implementation of, and compliance with, IOTC conservation and management resolutions in the IOTC Area;

2.4.2. To gather and review information relevant to compliance with IOTC conservation and management resolutions from IOTC subsidiary bodies, and from Reports of Implementation submitted by CPCs,

2.4.3. To identify and discuss problems related to the implementation of, and compliance with, IOTC conservation and management resolutions, and to make recommendations to the Commission on how to address these problems.

3. The terms of reference of the Compliance Committee shall be to:

3.1 Review each individual CPC's compliance with conservation and management resolutions adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness, notably in relation to:

i) The mandatory statistical requirements and all issues related to obligatory reporting and data providing, including non targeted species;

ii) The level of CPC's conformity with conservation resolutions;

iii) The CPC's conformity with the resolutions concerning the limitation of the fishing capacity;

iv) The status of implementation of resolutions for monitoring, control, surveillance and enforcement adopted by the Commission (Port inspections, VMS, follow-up on infringements and market related measures);

v) The reporting on authorised as well as active vessels in IOTC area of competence, in particular in relation to the fishing effort limitation IOTC Resolutions;

vi) The development of a cooperative mechanism to detect and deter non-compliance;

3.2 The Compliance Committee shall also be tasked to:

i) Compile reports, with the help of the IOTC Secretariat, based on information submitted by CPCs in accordance to the various Resolutions adopted by the Commission and, which will form the basis for the compliance examination process;

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- ii) Develop a structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force. The Chairman of the Compliance Committee, assisted by the IOTC Secretariat, will identify, select and transmit the significant non compliance issues to each CPC and submit them for discussion at the Compliance Committee meeting;
 - iii) Issue its opinion on the compliance status of each CPC at the end of the meeting. Non compliance with the ~~essential elements of the~~ IOTC conservation and management resolutions will lead to a declaration of non compliance by the Compliance Committee and recommend suitable actions for consideration of the Commission;
 - iv) Develop a scheme of sanctions and a mechanism for their applications to discourage non-compliance by all CPCs,
 - vi) Perform such other tasks as directed by the Commission.

4. Compliance Committee preparatory works:

- 4.1 In preparation for the meeting of the Compliance Committee the IOTC Secretariat will:
 - i) send each CPC, 4 months prior to the annual meeting, a standard questionnaire on compliance with the various IOTC resolutions governing conservation and management for receiving comments and answers from the concerned CPCs;
 - ii) circulate to all CPCs, 2 months prior the annual meeting, the comments and answers provided by each CPC in response to the questionnaire and invite comments and possible questions from all other CPCs;
 - iii) compile CPCs' initial replies to the questionnaire and comments and questions provided by other CPCs in the form of tables that will form the basis for the compliance examination process.
- 4.2 The Chairman of the Compliance Committee, assisted by the Secretariat of IOTC, will identify, select and transmit the significant non compliance issues to each concerned CPC and submit them for discussion in the Compliance Committee meeting at least 30 days in advance.

5. Opinion of the Compliance Committee

At the end of the meeting the Compliance Committee shall issue its opinion on the compliance status of each CPC.