

N°	Source	Information required	Deadline/ Remark	Previous	Status <sup>1</sup>	Current	Status	Observations	CPC Remarks
				Timeliness	Content	Timeliness	Content		
<b>1. Implementation obligations</b>									
1.1.	Art. X Agreement	Report of Implementation.	Session - 60 ds (16.03.2018)	L	C	L	C	Received 25.04.18	Attached
1.2.	Rules Of P.	Compliance Questionnaire.	28.02.2018	L	C	L	C	Received 25.04.18	Attached
1.3.	SC	National Scientific Report.	15.11.2017	C	C	L	C	Received 21.11.17	
1.4.	Commission	Feedback letter.	16.03.2018	L	C	L	C	Received 25.04.18	Attached
<b>2. Management Standards</b>									
2.1.	Res. 15/04	Documents listed in this resolution on board <sup>2</sup>	16.03.2018	N/C	N/C	L	P/C	Has indicated documents are onboard, source IOTC-2018-CoC15-CQ11 Legal reference: Fisheries management & development act 35/2016 article 99(1) for logbook, article 90(4) for ATF, no provision for national registration certificate.	The attached questionnaire has indicated that the documents are available in the vessel while the attached Implementation report also confirms the requirements are mandatory according to the new fisheries Act.
		Marking of vessels <sup>2</sup>		N/C	N/C	L	C	Has indicated vessels are marked, source IOTC-2018-CoC15-CQ11 Legal reference: Fisheries management & development act 35/2016 article 98(1) on vessel marking.	
		Marking of gears <sup>2</sup>		N/C	N/C	N/C	N/C	Has indicated gears are marked, source IOTC-2018-CoC15-CQ11 Legal reference: Fisheries management & development act 35/2016, no provision for gear marking found.	
		Marking of FADs <sup>2</sup>		N/A	N/A	N/A	N/A	Does not have PS vessel on the IOTC RAV.	
		Logbook on board <sup>2</sup>		L	P/C	L	C	Has indicated logbook are onboard, source IOTC-2018-CoC15-CQ11 Legal reference: Fisheries management & development act 35/2016, article 99(1).	
		Official authorisation to fish outside National Jurisdictions.		Since 15.02.2014	L	P/C	N/C	N/C	Has authorised one LSTLV to tranship at sea. Source: letter

<sup>1</sup> C = Compliant; N/C= Non-compliant; N/A = Not Applicable; P/C = Partially Comply; L = Late; CAP = Compliance Action Plan; CQ = Compliance Questionnaire.

<sup>2</sup> Information is to be provided in the Report of Implementation.

<sup>3</sup> 24 meters overall length and over, and under 24 meters if they fished outside their EEZ.

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				Timeliness	Content	Timeliness	Content		
								MOALF/SDF/LC/VOL.1/(94), dated 13.12.17. No information on official authorisation to fish outside National Jurisdictions provided.	
		IMO number for eligible vessels.	Since 01.01.2016	C	C	C	C	Has two vessels in the IOTC RAV with IMO number.	
2.2.	Res. 15/01	Official fishing logbooks.	Since 15.02.2016	L	P/C	L	P/C	Has provision for fishing logbook on board, legal reference: Fisheries management & development act 35/2016, article 99(1). Official fishing logbook template not provided.	The matter is being addressed in the new regulations
2.3.	Res. 17/07	Ban on large-scale driftnets <sup>2</sup>	16.03.2018	N/C	N/C	N/C	N/C	No provision in Fisheries management & development act 35/2016.	To be included in the Regulations as per the new Act
2.4.	Res. 17/08	FADs management plan.	31.12.2013	N/A	N/A	N/A	N/A	Does not have PS vessel on the IOTC RAV.	
		Report of progress on implementation of FADs management plan.	16.03.2018	N/A	N/A	N/A	N/A		
2.5.	Res. 16/07	Prohibition of surface or submerged artificial lights to attract fish.	27.09.2016	N/C	N/C	N/C	N/C	No provision in Fisheries management & development act 35/2016.	To be included in the Regulations as per the new Act.
2.6.	Res. 16/08	Prohibition of aircrafts and unmanned aerial vehicles.	27.09.2016	L	P/C	L	P/C	Has indicated use have to be authorized by the Director-General of the Kenya Fisheries Service, Kenya's new Fisheries Act 2016, source IOTC-2017-CoC14-IR22. No provision in Fisheries management & development act 35/2016, article 99(1).	
2.7.	Res. 17/01	Report on methods for achieving the YFT catch reductions.	16.03.2018	N/A	N/A	N/A	N/A	Catch reductions does not apply to Kenya.	
2.8.		Purse seiners served by supply vessel.	01.01.2018			N/A	N/A	Does not have PS vessel on the IOTC RAV.	
2.9.		Plans for reducing the use of supply vessel.	31.12.2017			N/A	N/A		
2.10	Res. 16/06	Report actions taken to implement reporting obligations & improve data collection of catches.	16.03.2018	L	C	L	C	Received 25.04.18 (IR) Actions are: VMS, CAS, observer.	Action taken reported to the Working Party on Data Collection and Statistics and also in the Scientific Committee Report
<b>3. Reporting on Vessels</b>									

N°	Source	Information required	Deadline/ Remark	Previous	Status <sup>1</sup>	Current	Status	Observations	CPC Remarks
				Timeliness	Content	Timeliness	Content		
3.1.	Res. 10/08	List of Active vessels	15.02	C	C	L	C	Received: 25.04.18.	List of active vessels hereby attached.
3.2.	Res. 15/11	Fleet Development Plan (FDP).	By 31.12.2010 (10 years)	L	C	L	C	Received 16.03.16 & 13.04.16.	
3.3.	Res. 15/11	Reference Capacity							
		List of vessels <sup>3</sup> for Tropical Tuna during 2006.	31.12.2009	N/A	N/A	N/A	N/A	No vessels fishing for tropical tunas in 2006.	
	List of vessels <sup>3</sup> for SWO and ALB during 2007	C		C	C	C	Received 12.02.14		
3.4.	Res. 15/04	List of Authorized vessels 24 metres in length overall or more	Since 01.07.2003	C	C	C	C	Last Update 03.04.18	
3.5.		List of Authorized vessels (less than 24m, operating in waters outside EEZ of the flag state)	Since 01.07.2006	N/A	N/A	N/A	N/A	No vessels <24 in the IOTC RAV.	
3.6.	Res. 14/05	List of foreign vessels licensed in EEZ	15.02	L	C	L	P/C	Received 25.04.18: has issued 46 licences to FFV in 2017. Information not at IOTC standard missing [NRN, LOA, GT, Owner, Target species]	List of foreign licensed vessels in 2017 is attached. As per the CQ attached, no vessels was denied license in 2017. Kenya provided the official State fishing License Kenya has already provided a copy of the official fishing license. Kenya has no CPC to CPC access agreements with other countries
3.7.		List of foreign vessels denied a licence	15.02	L	C	C	C	No vessel denied licence, source IOTC-2018-Coc15-CQ11	
3.8.		Access Agreement information	26.02.2015	L	N/A	N/A	N/A	No access agreement, source IOTC-2018-CoC15-IR11	
3.9.		Official coastal State fishing License	14.01.2014	C	C	C	C	Received 15.04.14	
<b>4. Vessel Monitoring System</b>									
4.1.	Res. 15/03	Adoption VMS for all vessels > 24 m and < 24 m fishing high seas	Since 01.07.2007	C	C	C	C	VMS adopted in 2012. Legal Reference: Fisheries (General) Regulations 2012.	
4.2.		VMS report on implementation and technical failures	30.06	N/A	N/A	N/C	N/C	Had one active LL vessel in 2016. No report provided for the year 2016.	
4.3.		VMS implementation plan	30.04.2016	N/C	N/C	N/A	N/A	Coverage of 100%	VMS plan attached
<b>5. Mandatory statistical requirement – Flag State CPCs</b>									
5.1.	Res. 15/02 & Res 15/05	Nominal Catch							
		• Coastal fisheries	30.06	L	P/C	L	P/C	Data received 17.11.17, IOTC-2017-SC20-NR12, aggregated by species group.	Catch disaggregation exercise on-going between Kenya and the IOTC data team

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				Timeliness	Content	Timeliness	Content			
5.2.		• Surface fisheries: PS, BB, GN	30.06	N/A	N/A	N/A	N/A	No PS, BB, GN vessel		
		• Longline fisheries	30.12	N/A	N/A	N/C	N/C	No data provided. Had one active LL vessel in 2016		
		Catch & Effort								
		• Coastal fisheries	30.06	N/C	N/C	N/C	N/C	No data provided.	Catch disaggregation exercise on-going between Kenya and the IOTC data team.	
		• Surface fisheries: PS, BB, GN	30.06	N/A	N/A	N/A	N/A	No PS, BB, GN vessel		
		• Longline fisheries	30.12	N/A	N/A	N/C	N/C	No data provided. Had one active LL vessel in 2016		
5.3.		Size Frequency								
		• Coastal fisheries	30.06	N/C	N/C	L	P/C	Data received: 17.11.17; for the species measured for SF, no detail are provided for these species in NC.	Data provided as per the attached email communications	
		• Surface fisheries: PS, BB, GN	30.06	N/A	N/A	N/A	N/A	No PS, BB or GN vessel		
		• Longline fisheries	30.12	N/A	N/A	N/C	N/C	No data provided. Had one active LL vessel in 2016.		
5.4.		Fish Aggregating Devices (FAD)								
		Supply vessels	30.06	N/A	N/A	N/A	N/A	No PS or SP in the IOTC RAV or active in 2016		
		Days at sea by supply vessels	30.06	N/A	N/A	N/A	N/A			
		FADs set by type	30.06	N/A	N/A	N/A	N/A			
<b>6. Implementation of mitigation measures and bycatch of non-IOTC species</b>										
6.1.	Res. 17/05	Submission of data regarding Sharks – Nominal catch	30.06	L	P/C	L	P/C	Data received 17.11.17, Source: IOTC-2017-SC20-NR12, aggregated by species group; No data provided for longline vessel	Catch disaggregation exercise on-going between Kenya and the IOTC data team	
		Submission of data regarding Sharks – Catch & effort	30.06	N/C	N/C	N/C	N/C	No data provided	Catch disaggregation exercise on-going between Kenya and the IOTC data team	
		Submission of data regarding Sharks – Size frequency	30.06	N/C	N/C	L	P/C	Data received: 17.11.17; for the species measured for SF, no detail are for these species in NC; no information for LL vessel.	The length data provided as per the attached email communications included length frequency data for <i>Sphyrna lewini</i>	
6.2.	Res. 12/09	Prohibition on thresher sharks of all the species of the family <i>Alopiidae</i>	Since 07.07.2010	L	P/C	L	P/C	Legal reference: Fisheries management & development act 35/2016	Details of this are contained in the attached IR and CQ	
6.3.	Res. 13/06	Prohibition on oceanic whitetip sharks	Since	L	P/C	L	P/C	No provision on the ban of thresher	Fisheries regulations are	

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				Timeliness	Content	Timeliness	Content		
			14.08.2013					and oceanic whitetip sharks found.	being revised in line with the FMD Act
6.4.	Res. 12/04	Report on progress of implementation of the FAO Guidelines and this Resolution <sup>2</sup>	16.03.2018	C	C	N/C	N/C	Mandatory report not provided.	The FMD Act prohibits gears interaction with sea turtles as per the IR and CQ reports attached
6.5.		Data on interactions with marine turtles	30.06	C	C	N/C	N/C	No data provided. Had one active LL vessel in 2016	
6.6.		Carry line cutters and de-hookers on board (Longliners)	Since 06.08.2009	N/A	N/A	N/C	N/C	Has one LL vessel on the IOTC RAV, no information provided. No legal reference provided.	The FMD Act prohibits gears interaction with sea turtles.
6.7.		Carry dip nets (Purse seiners)	Since 06.08.2009	N/A	N/A	N/A	N/A	No PS in the IOTC RAV.	
6.8.	Res. 12/06	Seabirds report <sup>2</sup>	16.03.2018	N/A	N/A	N/C	N/C	No data provided. Had one active LL vessel in 2016	
6.9.		Implementation of mitigation measures south of 25°S	Since 01.11.2010	N/A	N/A	L	P/C	Has two active LL vessels in 2017. Legal reference: Fisheries management & development act 35/2016, no provision on the mitigation measures found.	The Kenyan longliners has as per the attached precicensing report been asked to observe bird mitigation measures and has forthwith done so.
6.10	Res. 13/04	Data on interactions with Cetaceans	30.06 (All gears)	N/A	N/A	N/C	N/C	No data provided. Had one active LL vessel in 2016	
		Instances of Cetaceans encircled <sup>2</sup>	For PS 16.03.2018	N/A	N/A	N/A	N/A	No PS operating in the IOTC RAV.	
6.11	Res 13/05	Data on interactions with Whale Sharks	30.06 (All gears)	N/A	N/A	N/C	N/C	No data provided. Had one active LL vessel in 2016	
		Instances Whale Sharks encircled <sup>2</sup>	For PS 16.03.2018	N/A	N/A	N/A	N/A	No PS operating in the IOTC RAV.	
<b>7. Illegal, Unreported and Unregulated (IUU) Vessels</b>									
7.1.	Res. 17/03	IUU listing	Session - 70 ds (06.03.2018)	C	C	C	C	No vessel listed on IOTC IUU list in 2017.	
7.2.	Res. 07/01	Compliance by nationals	16.03.2018	C	C	C	C	No nationals on board vessel listed on IOTC IUU list in 2017.	
<b>8. Transshipments</b>									
8.1.	Res. 17/06	At sea transshipments – CPC report	Before 15.09	N/A	N/A	N/A	N/A	Not participating in the IOTC ROP in 2016.	
8.2.		Transshipments in port report <sup>2</sup>	16.03.2018	N/A	N/A	N/C	N/C	Mandatory report not provided. Has two active LL vessels in 2017, two calls in port in MUS with transshipment purpose (26.09.17 &	There was no transshipment but rather it was a landing as per the attached inspection report

N°	Source	Information required	Deadline/ Remark	Previous	Status <sup>1</sup>	Current	Status	Observations	CPC Remarks
				Timeliness	Content	Timeliness	Content		
								17.12.17) including information on species/quantity to be transhipped.	
8.3.		List of Authorised carrier vessels	Since 01.07.2008	N/A	N/A	N/A	N/A	No carrier vessels	
8.4.		Report on results of investigations on possible infractions	13.02.2018	N/A	N/A	N/A	N/A	Not participating in the IOTC ROP in 2017	
8.5.		ROP fee (call 29.05.12)	08.04.18	N/A	N/A	N/C	N/C	Has authorised one LSTLV to tranship at sea. Source: letter MOALF/SDF/LC/VOL.1/(94), dated 13.12.17. Has outstanding dues from 2012.	Although the vessels had been authorised to tranship as per the quoted letter, eventually no transhipment took place. The vessels landed at port as per the attached inspection report. Regarding an outstanding due, the only transhipment under a Kenyan vessel was in 2010 and as per the attached email communication between Kenya and IOTC, the dues were confirmed paid on 9 <sup>th</sup> December 2010.
<b>9. Observers</b>									
9.1.	Res. 11/04	Regional Observer Scheme <sup>2</sup> (No. of vessels monitored and coverage by gear type)	16.03.2018	N/A	N/A	C	C	Had one active LL vessel in 2016; Provided observer report for the vessel.	
9.2.									
9.3.		• 5% Mandatory, at sea (All vessels) <sup>2</sup>	Since 2013	N/A	N/A	C	P/C	Had one active LL vessel in 2016. No data on NC/CE provided for the vessel; impossible to calculate the effort coverage by observer for the whole year.	
9.4.		• 5 % Artisanal landings <sup>2</sup>	Since 2013	C	P/C	N/C	N/C	No data provided	The artisanal landings monitored were above 10% as reported in the report to the WPDCS and the Scientific Committee Report
9.5.		Observer reports	150 days after trip	N/A	N/A	L	C	One observer report provided	

N°	Source	Information required	Deadline/ Remark	Previous	Status <sup>1</sup>	Current	Status	Observations	CPC Remarks
				Timeliness	Content	Timeliness	Content		
<b>10. Statistical document programme</b>									
10.1	Res. 01/06	1 <sup>st</sup> Semester report (2017)	01.10.2017	N/C	N/C	N/C	N/C	No information provided in IOTC-2018-CoC15-IR11 & IOTC-2018-CoC15-CQ11.	
10.2		2 <sup>nd</sup> Semester report (2016)	01.04.2017	N/C	N/C	N/C	N/C		
10.3		Annual report <sup>2</sup> (2016)	16.03.2018	N/A	N/A	N/C	N/C		
10.4		Information on authorised institutions and personnel	Since 01.07.2002	C	C	C	C	Last Update 08.09.16	
<b>11. Port inspection</b>									
11.1	Res. 05/03	Port inspection programme	01.07	C	C	N/C	N/C	Mandatory report on the list of foreign vessels landing in national port in 2016 and catch composition not provided.	There were two port inspections as per the CQ
11.2		List of designated ports	Since 31.12.10	C	C	C	C	Has designated one port.	
11.3		Designated competent Authority		C	C	C	C		
11.4		Prior notification periods		C	C	C	C		
11.5	Res. 16/11	Inspection report	3 days after inspection	N/C	N/C	L	C	Source IOTC-2018-CoC15-CQ11: Call in port: 6 ; Foreign vessel inspected: 6 ; LAN/TRX monitored: 0. PIR submitted 6. 1 inspection report submitted by email, 5 through e-PSM. Using partially e-PSM application.	
11.6		At least 5% inspection of LAN or TRX	Since 01.03.2011	N/C	N/C	N/C	N/C	No LAN/TRX monitoring forms submitted in 2017	Inspection reports attached
11.7		Denial of entry in port		L	C	L	C	Source Source IOTC-2018-CoC15-CQ16: No vessel denied port entry in 2017.	No denial in 2017
<b>12. Market</b>									
12.1	Res. 10/10	Report on import, landing and transshipment of tuna and tuna-like fish products in ports <sup>2</sup>	16.03.2018	L	P/C	L	C	NIL report received 25.04.18, IOTC-2018-CoC15-IR11 &	Reports attached

**Feedback to Kenya on the level of implementation of IOTC Conservation and Management Measures identified by the CoC14 in 2017.**

**Feedback:** With regards to the level of compliance by Kenya to the decisions of the Commission, the Compliance Committee noted certain issues that required attention. These concerns were communicated to Kenya by the Chair of the Commission in a letter dated 26<sup>th</sup> May, 2017.

• General lack of compliance with IOTC measures and response from Kenya.
• Has not presented reports and information as required by IOTC Resolutions and the Commission.

**Response:** The response to the letter of the Chair of the Commission was provided by Kenya on 25 April 2018.

**Current issues on the level of implementation by Kenya of IOTC Conservation and Management Measures identified for discussion in the CoC15 in 2018.**

Having reviewed the 2018 Compliance Report for Kenya, the Chair of the Compliance Committee has identified the following significant non-compliance issues for discussion.

<b>Compliance issues</b>	<b>Current status (2018)</b>	<b>Previous Status (2017)</b>
<b>Repeated compliance issues</b>		
• Has not fully implemented the requirement on documents listed in this resolution on board, as requested by Resolution 15/04.	P/C	N/C
• Has not implemented the requirement for Marking of gears, as required by Resolution 15/04.	N/C	N/C
• Has not fully implemented the requirement for Official authorisation to fish outside National Jurisdictions, as required by Resolution 15/04.	N/C	P/C
• Has not fully implemented the requirement for official fishing logbooks, as required by Resolution 15/01.	P/C	P/C
• Has not implemented the requirement on the Ban on large-scale driftnets, as required by Resolution 17/07.	N/C	N/C
• Has not implemented the requirement on prohibition of surface or submerged artificial lights to attract fish, as required by Resolution 16/07.	N/C	N/C
• Has not fully implemented the requirement for prohibition of aircrafts and unmanned aerial vehicles, as required by Resolution 16/08.	P/C	P/C
• Has not reported Nominal Catch for Coastal fisheries to IOTC standard, as required by Resolution 15/02.	P/C	P/C
• Has not reported Catch & Effort for Coastal fisheries, as required by Resolution 15/02.	N/C	N/C
• Has not reported Size Frequency for Coastal fisheries to IOTC standard, as required by Resolution 15/02.	P/C	N/C
• Has not reported data on Sharks, Nominal catch to IOTC standard, as required by Resolution 17/05.	P/C	P/C
• Has not reported data on Sharks, Catch & effort, as required by Resolution 17/05.	N/C	N/C
• Has not reported data on Sharks, Size frequency to IOTC standard, as required by Resolution 17/05.	P/C	N/C



• Has not fully implemented the prohibition on thresher sharks of all the species of the family Alopiidae as required by Resolution 12/09.	P/C	P/C
• Has not fully implemented the prohibition on oceanic whitetip sharks, as required by Resolution 13/06.	P/C	P/C
• Has not provided the bigeye 1st Semester report of 2017, as required by Resolution 01/06.	N/C	N/C
• Has not provided the bigeye 2nd Semester report of 2016, as required by Resolution 01/06.	N/C	N/C
• Has not inspected at least 5% of Landing or Transshipment, as required by Resolution 16/11.	N/C	N/C
<b>Non-repeated compliance issues</b>		
• Has not provided the List of foreign vessels licensed in EEZ to IOTC standard, missing NRN, LOA, GT, Owner, Target species, as required by Resolution 14/05.	P/C	C
• Has not provided the mandatory VMS report on implementation and technical failures, as required by Resolution 16/03.	N/C	N/A
• Has not provided the Report on progress of implementation of the FAO Guidelines and this Resolution, as required by 12/04.	N/C	C
• Has not reported Data on interactions with marine turtles, as required by 12/04.	N/C	C
• Has not implemented the obligation to carry line cutters and de-hookers on board (Longliners), as required by 12/04.	N/C	N/A
• Has not provided the seabirds report, as required by 12/06.	N/C	N/A
• Has not implemented the mitigation measures south of 25°S, as required by 12/06.	P/C	N/A
• Has not reported Data on interactions with Cetaceans, as required by 13/04	N/C	N/A
• Has not reported Data on interactions with Whale Sharks, as required by 13/05	N/C	N/A
• Has not provided the transshipments in port report, as required by Resolution 17/06	N/C	N/A
• Has not fully paid the ROP contribution in 2012, as required by Resolution 17/06.	N/C	N/A
• Has not implemented the 5% Mandatory coverage at sea (All vessels), as required by Resolution 11/04	P/C	N/A
• Has not implemented the 5 % Artisanal landings coverage, , as required by Resolution 11/04.	N/C	C
• Has not provided the bigeye Annual report2 of 2016, as required by Resolution 01/06.	N/C	N/A
• Has not provided the report on landing of foreign vessels in its port, as required by Resolution 05/03.	N/C	C
• Has not reported Nominal Catch for Longline fisheries, as required by Resolution 15/02.	N/C	N/A
• Has not reported Catch & Effort for Longline fisheries, as required by Resolution 15/02.	N/C	N/A
• Has not reported Size Frequency for Longline fisheries, as required by Resolution 15/02.	N/C	N/A