

COMPLIANCE COMMITTEE

UPDATE ON PROGRESS REGARDING RESOLUTION 09/01 - ON THE PERFORMANCE REVIEW FOLLOW-UP

(NOTE: NUMBERING AND RECOMMENDATIONS AS PER APPENDIX I OF RESOLUTION 09/01)

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS
Data collection and sharing		
4. The deadline to provide data on active vessels be modified to a reasonable time in advance of the meeting of the Compliance Committee. This deadline is to be defined by the Compliance Committee.	<i>Compliance Committee</i>	Completed: Resolutions 10/07 and 10/08 have modified the reporting date for active vessels, which is now in the month preceding the meeting of the Compliance Committee. Resolution 10/08 establishes February 15 th as the new deadline for submission of the list of active vessels for the previous year.
7. Non-compliance be adequately monitored and identified at individual Member level, including data reporting.	<i>Compliance Committee</i>	Ongoing: Reports on compliance with data reporting requirements have been regularly reviewed by the Compliance Committee, as well as discussed at the species Working Parties, the Working Party on Data Collection and Statistics and the Scientific Committee. For the Compliance Committee meeting of 2011, country-based reports have been prepared for this purpose.
8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>	Ongoing: The Terms of Reference of the Compliance Committee was revised in 2010 (Resolution 10/09) and provides for the assessment of compliance by CPCs. The Secretariat, via the Compliance Section, maintains contact with national officers to determine the reasons for non-compliance, in particular, concerning data reporting.
9. When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not -comply be adequately sanctioned (such as market related measures).	<i>Compliance Committee</i>	Ongoing: Resolution 10/10 provides the necessary framework in which to apply market related measures, following an appropriate process. Reductions in future quota allocation have been proposed as deterrents for non-compliance.

17. The obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).	<i>Compliance Committee</i>	Completed: Resolutions 10/07 and 10/08 address the reporting requirements of flag and coastal States responsibilities, with regards to vessels that are active in the IOTC Area.
Quality and provision of scientific advice		
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>	In progress: The Working Party on Data Collection and Statistics and the species Working Parties evaluate the availability and quality of data, and makes recommendations to the Scientific Committee on how to improve data quality. The Compliance Committee receives a report on the timeliness and completeness of the reporting of the data required by the various Resolutions of the Commission for each country.
ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS
Monitoring, Control and Surveillance		
51. IOTC should develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such a possible on-board regional observers' scheme, a possible catch documentation scheme as well as a possible system on boarding and inspection.	<i>Compliance Committee</i>	In progress: IOTC already has an extensive number of MCS related measures. However, the implementation of these measures are the duty and responsibility of the CPCs. Proposals to introduce a catch documentation scheme, especially for the major IOTC species, have until now been rejected by CPCs. Resolution 10/04 – observers and field samplers are required monitor the unloading of catches.
Follow-up on infringements		
53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>	Ongoing: The Compliance Committee, under its revised terms of reference, will be in a better position to assess such cases.
54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.	<i>Compliance Committee</i>	In progress: The Compliance Committee, under its revised terms of reference, shall develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs.
Cooperative mechanisms to detect and deter non-compliance		
56. A structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force should be developed by the Compliance Committee.	<i>Compliance Committee</i>	In progress: For the Compliance Committee meeting of 2011, country-based reports have been prepared for this purpose.

57. CPCs should be reminded of their duty to implement in their national legislations the conservation and management measures adopted by IOTC.	<i>Compliance Committee</i>	Ongoing: CPCs are reminded annually about the responsibility of integrating IOTC conservation and management measures in their national legislation. The Reports of Implementation, mandated in the IOTC Agreement, provide a mechanism to monitor progress of implementation at the national level.
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>	Ongoing: Reminders are sent to CPCs prior to the Commission meeting and a template has been developed by the Secretariat to facilitate the preparation of national reports on implementation of IOTC measures. Compliance with this requirement will be assessed in the country-based compliance reports.
59. The sense of accountability within IOTC seems to be very low; therefore more accountability is required. There is probably a need for an assessment of the performance of CPCs.	<i>Compliance Committee</i>	Ongoing: The revised terms of reference of the Compliance Committee will facilitate this assessment in the form of the country reports prepared for the 2011 session.
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>	Ongoing: Resolution 08/02 provides for an observer programme to monitor at sea transshipments, but by placing observers only on carrier vessels. Resolution 10/04 establishes a Regional Observer Scheme that includes observers on board vessels, and port sampling for artisanal fisheries.
ON INTERNATIONAL COOPERATION	RESPONSIBILITY	UPDATE/STATUS
Relationship to non-cooperating non Members		
70. When non-cooperation is identified and all reasonable efforts to improve the situation are exhausted, any non-Members continuing not to cooperate should be adequately sanctioned by, for example, market related measures.	<i>Compliance Committee</i>	Ongoing: Resolution 10/10 provides the necessary framework in which to apply market related measures. Actions are to be taken by the Compliance Committee, under its revised terms of reference.