
UPDATE ON PROGRESS REGARDING RESOLUTION 16/03 – *ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP*

PREPARED BY: IOTC SECRETARIAT, 31 MAY 2020

PURPOSE

To provide the Compliance Committee (CoC) with an opportunity to update the progress on implementing each of the CoC-related recommendations arising from the Report of the 2nd IOTC Performance Review Panel (IOTC-2016-PRIOTC02-R).

BACKGROUND

1. The second performance review made 24 recommendations consisting of 63 actions. Responsibility for the implementation of the actions was allocated to several IOTC bodies: the Commission, the Scientific Committee, the Compliance Committee, and the Standing Committee on Administration and Finance. The CoC is responsible for twelve actions.
2. The second meeting of the Technical Committee on the Performance Review (TCPR) took place in March 2019. TCPR02 noted that of the twelve CoC actions, six were completed and six were ongoing (IOTC-2019-TCPR02-02).

DISCUSSION

3. The TCPR01 encouraged all the bodies responsible for implementing the performance review actions to address their allocated actions as soon as possible.

RECOMMENDATION/S

That the Compliance Committee:

- 1) **NOTE** the excerpt of CoC-related recommendations from the performance review, as given in Appendix 1.
- 2) **REVIEW** and further **UPDATE** the status table, including proposed timelines and priorities for each recommendation relevant to the work of the CoC.

APPENDICES

Appendix 1: CoC update on progress regarding Resolution 16/03 – On the Second performance review follow-up.

APPENDIX 1

CoC UPDATE ON PROGRESS REGARDING RESOLUTION 16/03 – ON THE PERFORMANCE REVIEW FOLLOW-UP

(NOTE: NUMBERING AND RECOMMENDATIONS AS PER APPENDIX I OF RESOLUTION 16/03)

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.04 (para. 102)	<p><i>Compliance with data collection and reporting requirements</i></p> <p>The Commission, through its Compliance Committee, needs to strengthen its compliance monitoring in relation to the timeliness and accuracy of data submissions. To that end, the PRIOTC02 RECOMMENDED that:</p> <p>a) the Commission review its compliance monitoring program conducted by the Compliance Committee, including identification of priority obligations (e.g. timely and accurate data reporting, catch and effort limits, accuracy of the supplied registered fishing vessel information, etc.).</p>	<i>Commission and Compliance Committee</i>	<p>Completed/Ongoing: The IOTC should further develop a scheme for the assessment of compliance of a structured approach for cases of infringements, better reflecting partial compliance and critical compliance issues. However, since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of Resolution 10/09, which is now integrated into the IOTC Rules of Procedure, Appendix V.</p> <p>A proposal to amend Appendix V of the IOTC Rules of Procedure (RoP) was submitted, for the consideration of the Commission (S23). The proposal aimed at improving the existing IOTC compliance assessment procedure. No agreement was reached to amend Appendix V, and the Commission encouraged Members to contribute to the further development of the text by providing comments to the authors of the proposal prior to the next WPICMM03. The proponent of the proposal invited CPCs to provide comments to the IOTC Secretariat on the proposal to amend Appendix V of the IOTC Rules of Procedure by the 1st March 2020. No comment has been received by the Secretariat.</p>	Completed and ongoing.	High

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	b) the compliance monitoring program review all priority obligations and undertake the compliance review by obligation and by CPCs and that the Commission publish a report of each CPCs compliance by obligation and CPC. The reports of all Compliance Missions should be appended to the compliance report of that relevant CPC and where the CPC has identified an action plan, that they not be assessed for that obligation.	<i>Compliance Committee</i>	Ongoing: To be implemented in 2018 onwards for the concerned CPCs.	Completed and ongoing. Review annually at the Compliance Committee meeting.	High

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	<p>c) the Commission develop a scheme of responses (in accordance with the IOTC Rules of Procedure (2014) Appendix V, para. 3b (iv)) to priority non-compliance areas, including the preparation of CPC Implementation Action Plans that outline how the CPC will, over time, implement its obligations and alternative responses to serious violations of IOTC CMMs taking into account the FAOs Voluntary Guidelines for Flag State Performance. Reforms to the compliance monitoring program should include the ability of developing CPCs to identify (through the preparation of an Implementation Action Plan) and seek assistance for obligations that they are currently non-compliant with, including for example requesting capacity assistance, capacity building, resources, etc., to enable, overtime, implement its obligations.</p>	<p><i>Commission & Compliance Committee</i></p>	<p>Completed/Ongoing: The IOTC should further develop a scheme for the assessment of compliance of a structured approach for cases of infringements, better reflecting partial compliance and critical compliance issues, however, a scheme of response to priority non-compliance areas is done through the Feedback Letter issued during the Commission meeting and forms the basis for the Secretariat, together with concerned CPCs, to develop the Compliance Action Plan.</p> <p>A proposal to amend Appendix V of the IOTC Rules of Procedure (RoP) was submitted, for the consideration of the Commission (S23). The proposal aimed at improving the existing IOTC compliance assessment procedure. No agreement was reached to amend Appendix V, and the Commission encouraged Members to contribute to the further development of the text by providing comments to the authors of the proposal prior to the next WPICMM03. The proponent of the proposal invited CPCs to provide comments to the IOTC Secretariat on the proposal to amend Appendix V of the IOTC Rules of Procedure by the 1st March 2020. No comment has been received by the Secretariat.</p>	<p>Completed and ongoing.</p>	<p>High</p>

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	d) to facilitate thorough reviews of compliance, the Commission should invest in the development and implementation of an integrated electronic reporting program. This should include automatic integration of data from CPCs into the IOTC Secretariat's databases and automatic cross-referencing obligations and reports for the various obligations, in particular related to the provision of scientific data.	<i>Commission & Compliance Committee</i>	Ongoing: Phase 2 (Construction Phase) of the application (<i>e-Maris</i>) started in July 2019 and is expected to result in a <i>Beta Release</i> with enough functionality to allow for the <i>Pilot testing</i> of the application in November 2020.	Ongoing	Medium
PRIOTC02.14 (para. 149)	<i>Monitoring, control and surveillance (MCS)</i> The PRIOTC02 RECOMMENDED that: a) the IOTC should continue to 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 as a possible catch documentation scheme, noting the process currently being undertaken within the FAO.	<i>Commission & Compliance Committee</i>	Ongoing: The CDS Working Group (WG) has held three meetings during the intersessional period. A Terms of Reference for the WG is being presented to CoC17 for its consideration and potential recommendation for the Commission.	Ongoing.	Medium
	b) as a matter of priority review the IOTC monitoring, control and surveillance (MCS) measures, systems and processes, with the objective of providing advice and guidance on improving the integration of the different tools, identification of gaps and recommendations on how to move forward, taking into consideration the experiences of other RFMOs, and that the review should be used as a basis for strengthening MCS for the purpose of improving the ability of the Commission to deter non-compliance and IUU fishing.	<i>Commission & Compliance Committee</i>	Ongoing: A comprehensive report which assesses the IOTC MCS framework delivered by an independent consultant in December 2018. The report also makes proposals for expanding, completing and/or strengthening the IOTC MCS framework. A workshop presenting the results of the study on Monitoring, Control and Surveillance (MCS) measures of the IOTC was held in February 2019.	Ongoing.	Medium

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PRIOTC02.15 (para. 153)	<p><i>Follow-up on infringements</i></p> <p>The PRIOTC02 RECOMMENDED that:</p> <p>a) the IOTC should establish a scheme of responses to non-compliance in relation to CPCs obligations, and task the Compliance Committee to further develop a structured approach for cases of infringement.</p>	<i>Commission & Compliance Committee</i>	<p>Ongoing: Notably to be implemented through IOTC Resolution 18/07 <i>On measures applicable in case of non-fulfilment of reporting obligations in the IOTC</i> and Resolution 10/10 <i>On market related measures</i>.</p> <p>A proposal to amend Appendix V of the IOTC Rules of Procedure (RoP) was submitted, for the consideration of the Commission (S23). The proposal makes provision for establishing a framework of possible responses to non-compliance by CPCs to their obligations. No agreement was reached to amend Appendix V, and the Commission encouraged Members to contribute to the further development of the text by providing comments to the authors of the proposal prior to the next WPICMM03. The proponent of the proposal invited CPCs to provide comments to the IOTC Secretariat on the proposal to amend Appendix V of the IOTC Rules of Procedure by the 1st March 2020. No comment has been received by the Secretariat.</p>	Ongoing	High
	<p>b) further develop an online reporting tool to facilitate reporting by CPCs and to support the IOTC Secretariat through the automation of identification of non-compliance.</p>	<i>Commission & Compliance Committee</i>	<p>Ongoing: Phase 2 (Construction Phase) of the application (<i>e-Marvis</i>) started in July 2019 and is expected to result in a <i>Beta Release</i> with enough functionality to allow for the <i>Pilot testing</i> of the application in November 2020.</p>	Review annually at IOTC meetings	Medium

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	c) reasons for the non-compliance should be identified, including whether it is related to the measure itself, a need for capacity assistance or whether it is wilful or repeated non-compliance, and that the Compliance Committee provide technical advice on obligations where there are high level of CPCs non-compliance.	<i>Commission & Compliance Committee</i>	Completed/Ongoing: A scheme of response to non-compliance areas is done through the Feedback Letter issued during the Commission meeting and forms the basis for the Secretariat, together with concerned CPCs, to develop the Compliance Action Plan. This will be further addressed by the WPICMM to enhance the technical capacity of CPCs.	Completed and ongoing.	High
PRIOTC02.17 (para. 163)	Market-related measures The PRIOTC02 RECOMMENDED that: a) the Commission considers strengthening the market related measure (Resolution 10/10 <i>Concerning market related measures</i>) to make it more effective.	<i>Commission & Compliance Committee</i>	Ongoing: The CDS Working Group (WG) has held three meetings during the intersessional period. A Terms of Reference for the WG is being presented to CoC17 for its consideration and potential recommendation for the Commission.	Ongoing	High
PRIOTC02.18 (para. 169)	Fishing capacity The PRIOTC02 RECOMMENDED that the Commission consider non-compliance with fishing capacity related measures as a priority in the scheme of responses to non-compliance, in order to ensure the sustainable exploitation of the relevant IOTC species.	<i>Commission & Compliance Committee</i>	Ongoing: A scheme of response to non-compliance areas is done through the Feedback Letter issued during the Commission meeting.	Review annually at the IOTC meetings.	High
PRIOTC02.21 (para. 204)	Cooperation with other RFMOs The PRIOTC02 RECOMMENDED that: a) the IOTC should further develop mutual recognition and possible exploration of cross-listings of IUU lists with other RFMOs to combat IUU activities globally.	<i>Commission & Compliance Committee</i>	Ongoing: Provisions for cross-listing of vessels on the IUU lists of seven other RFMO/Bs have been incorporated in IOTC Resolution 18/03.	Completed and ongoing.	High