



Food and Agriculture
Organization of the
United Nations



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

iotc ctoi

IOTC-2021-TCAC08-05[E]

**CHAIR'S PROPOSED TEXT BY THEME
COMPARED WITH EU AND COASTAL STATES' PROPOSALS**

Prepared by: The TCAC Chairperson

Themes	EU Proposal ⁱ	Coastal States Proposal ⁱⁱ	Chair's Comments ⁱⁱⁱ , Suggestions (Includes comments of current Chair and those of previous Chair)	Chair's Proposed Text per Theme
TITLE	RESOLUTION 19/XX ESTABLISHING A QUOTA ALLOCATION SYSTEM FOR THE MAIN TARGETED SPECIES IN THE IOTC AREA OF COMPETENCE	RESOLUTION 20/XX ON THE ALLOCATION OF FISHING OPPORTUNITIES FOR IOTC SPECIES SUBMITTED BY: MALDIVES, SOUTH AFRICA, AUSTRALIA, COMOROS, INDONESIA, KENYA, MADAGASCAR, MOZAMBIQUE, PAKISTAN, SEYCHELLES, SOMALIA, TANZANIA (PENDING: Bangladesh, India, Malaysia, Mauritius, I. R. Iran, Oman, Sri Lanka, Thailand)		TITLE IOTC RESOLUTION 2023/XX ESTABLISHING AN ALLOCATION REGIME FOR THE IOTC
Preamble	EU Proposal contains a preamble [pages 2-3] Objectives of IOTC Rights and Duties of Coastal States under UNCLOS, UNFSA, etc. Rights and Duties of all States Kobe recommendations regarding by-catch; scientific efforts, reduced capacity, decision-making and compliance and enforcement Ref to IOTC Resolution 15/10 for ending overfishing and rebuilding biomass of stocks in red quadrant	Coastal States' Proposal contains a preamble [pages 3-4] IOTC Objectives Ref to IOTC Agreement Rights and Duties of Coastal States under UNCLOS, UNFSA, etc. Rights and Duties of all States UNGA Resolution 70/75 (2015) para 140 Kobe II and III on freezing fishing capacity and transfer of capacity from developed fishing members to developing coastal fishing members Special requirements of developing States, in particular least-developed	A preamble is not necessary and may be superfluous with content of general principles Generally, a preamble should speak to the (historic) context for the text, and provide the general purpose and objectives Previous Chair Comment: Normal treaty drafting practice is to draft the Preamble last, since it will need to take account of the agreement reached on the substantive articles. Medium degree of difficulty	

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		and SIDS in UNCLOS, UNFSA, FAO Code of Conduct, FAO Compliance Agreement, FAO IPOAs, and UNGA Resolutions		
<p>PREAMBLE TEXT</p>	<p>The Indian Ocean Tuna Commission (IOTC),</p> <p>CONSIDERING the objectives of the Commission to ensure, through appropriate management, the conservation and optimum utilisation of stocks covered by the organisation’s establishing Agreement and encouraging sustainable development of fisheries based on such stocks, as qualified by relevant environmental and economic factors, including the special requirements of developing States in the IOTC area of competence;</p> <p>BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States to the exercise of sovereign rights in accordance with Part V of the UN Convention of the Law of the Sea (UNCLOS) within a zone up to 200 nautical miles under their jurisdiction and the duties of</p>	<p>The Indian Ocean Tuna Commission (IOTC),</p> <p>RECALLING the IOTC objective as stated in the IOTC Agreement, Article V, para 1: <i>“The Commission shall promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks.”</i></p> <p>CONSIDERING that the IOTC has further clarified its objectives via IOTC Conservation and Management Measures, including the aim of maintaining stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield, as qualified by relevant environmental, social and economic factors including</p>		<p>PREAMBLE</p> <p>The Indian Ocean Tuna Commission (IOTC),</p> <p>CONSIDERING the objective of the Commission to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by the Agreement and encouraging sustainable development of fisheries based on such stocks, as referenced in Article V, paragraph 1 of the IOTC Agreement;</p> <p>MINDFUL that allocation regimes can contribute to the sustainable management of fish stocks, in particular for fish stocks at levels below maximum sustainable yield, by providing a transparent and equitable means of distributing fishing opportunities;</p> <p>NOTING in this regard IOTC 2010 <i>Resolution 10/01 for the conservation and management of tropical tuna stocks in the IOTC area of competence</i> endorsed by the IOTC at its 2010 meeting in Busan, Korea, pursuant to which the Commission mandated the Technical Committee on Allocation Criteria to “discuss allocation criteria for the management of tuna resources in the Indian Ocean and recommend an allocation quota system or any other relevant measures”;</p> <p>RECALLING the principles, rights and obligations of all States, and provisions of treaties and other international instruments relating to</p>

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	<p>Coastal States under UNCLOS to inter alia ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation and the conditions regarding access to the surplus of the allowable catch;</p> <p>CONSIDERING Article 63 (2) of UNCLOS on the duty of cooperation of the coastal States and other States for the purpose of conservation and development of straddling stocks occurring within the Exclusive Economic Zones (EEZs) of two or more coastal States and in an area beyond or adjacent to it and Article 64 (1) of UNCLOS on the duty to cooperate between coastal States and other States whose nationals fish in the region to ensuring conservation of highly migratory species both within and beyond the EEZs;</p> <p>BEING MINDFUL of Articles 87 and 116 of UNCLOS concerning, respectively, the freedom of fishing in the high seas and the right for all States for their nationals to fish on the high seas;</p>	<p>the special requirements of developing States in the IOTC Area of Competence;</p> <p>TAKING INTO ACCOUNT Parts V and VII of the UN Convention on the Law of the Sea (UNCLOS) and, inter alia, Articles 7 and 10(b) of the UN Fish Stocks Agreement (UNFSA);</p> <p>TAKING INTO ACCOUNT Articles V and XVI of the IOTC Agreement;</p> <p>RECALLING that Article 5(b) of the UNFSA requires the conservation and management of highly migratory fish stocks to be based on the best scientific evidence available;</p> <p>FURTHER RECALLING that Article 6 of the UNFSA, and IOTC Resolution 12/01 <i>On the implementation of the precautionary approach</i>, requires States to apply the precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;</p> <p>RECALLING the United Nations General Assembly Resolution 70/75 (2015) paragraph 140 which:</p>		<p>marine fisheries, and in particular, relating to highly migratory species, including those contained in:</p> <p><i>The United Nations Convention on the Law of the Sea of 10 December 1982;</i></p> <p><i>The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, of 4 August 1995;</i></p> <p><i>The 1993 FAO Compliance Agreement;</i></p> <p><i>The 1995 FAO Code of Conduct for Responsible Fisheries;</i></p> <p>Other relevant instruments adopted by the Food and Agriculture Organisation of the United Nations; and,</p> <p>The relevant resolutions of the United Nations General Assembly;</p> <p>RECALLING global commitments to open and transparent decision-making;</p> <p>NOTING the sovereign rights of coastal States in accordance with the international law of the sea for the purposes of exploring and exploiting, conserving and managing the living resources, including highly migratory species, within the 200 nautical mile Exclusive Economic Zone under their jurisdiction, and the need for the Allocation Regime not to prejudice such rights;</p> <p>RECOGNIZING the interests, aspirations, needs, and special requirements of developing States, as stated in various international instruments, in particular least-developed States and Small Island Developing States (SIDS) that are coastal States in the IOTC area of competence, including their requirement to equitably participate in the fishery for highly migratory fish stocks in this area;</p>

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	<p>RECOGNISING the special requirements of the developing states in Article 24 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);</p> <p>RECALLING that Article 5, of UNFSA requires Coastal States and States fishing on the high seas to adopt measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks and to ensure that the conservation and management of highly migratory fish stocks is based on the best scientific evidence available;</p> <p>FURTHER RECALLING that Article 6, of UNFSA, requires the states to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;</p>	<p><i>“Urges regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery.”</i></p> <p>CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; including recommendation 5 which states that:</p> <p><i>“Each tuna RFMO consider implementing where appropriate a freeze on fishing</i></p>		<p>UNDERLINING the results and recommendations from the KOBE process;</p> <p>DESIRING to cooperate to address developing coastal States interests, aspirations, needs, and special requirements and the rights of coastal States regarding fisheries resources in their exclusive economic zone, while recognizing the historic economic interests and rights of all IOTC Contracting Parties and Cooperating Non-Contracting Parties involved in fisheries for IOTC species;</p> <p>ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the Agreement, the following:</p>

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	<p>FURTHER RECALLING that Article 7 and 8 of the UNFSA point out the equal rights and obligations of all States fishing straddling fish stocks or highly migratory fish stocks in high seas;</p> <p>BEING MINDFUL that Article 119 UNCLOS requires States to ensure that conservation measures and their implementation do not in form or in fact discriminate against the fishermen of any state;</p> <p>RECOGNISING that Article 8 of UNFSA requires that terms of participation of a State in a RFMO shall not be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned;</p> <p>NOTING that Resolution 15/10 sets as a guideline that for a stock where the assessed status places it within the red quadrant, the aim shall be to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible;</p> <p>FURTHER CONSIDERING the recommendations of the 18th</p>	<p><i>capacity on a fishery by fishery basis. Such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States”;</i></p> <p>FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 11-15 July 2011; including recommendation 7 which states that: <i>“Kobe III participants recommend that developed fishing members freeze large-scale purse seine capacity under their flag. Based on the status of the stocks, each RFMO should consider a scheme for:</i></p> <ul style="list-style-type: none"> <i>• Reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and</i> 		

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	<p>IOTC Scientific Committee held in Bali, Indonesia, 23-27 November 2015 that the catches of yellowfin tuna have to be reduced by 20% of the 2014 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2024, and subsequent recommendations by the IOTC Scientific Committee;</p> <p>FURTHER NOTING the results of the Kobe process recommending the harmonisation of a series of targeted recommendations in key areas of by-catch, coordinated scientific efforts, reduced capacity, decision-making guidelines, and compliance and enforcement;</p> <p>FURTHER CONSIDERING the active and stable important investments made in harvesting, processing and trade industries are essential to keep IOTC fisheries economic and socially viable and maintain jobs created in the region as well as to supply international markets with tuna and tuna like products.</p> <p>BEING MINDFUL of Article V of the IOTC Agreement to adopt on the basis of scientific evidence,</p>	<ul style="list-style-type: none"> <i>Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.”;</i> <p>RECOGNIZING that the special requirements of developing States are recognized in both UNCLOS, in Articles 61(3) and 119(1)(a), and UNFSA, in Articles 5(b) and 24, and that, in particular, Article 24 of the UNFSA requires States to give full recognition to such requirements in relation to conservation and management of highly migratory fish stocks;</p> <p>ALSO RECOGNIZING that developing States, in particular the least-developed among them, and Small Island Developing States (SIDS), are addressed in various ways in Article 25 of UNFSA, which is especially relevant to the IOTC;</p> <p>FURTHER RECOGNIZING that similar language on the special requirements of developing States and Small Island Developing States can be found in Article 5 of the FAO Code of Conduct for Responsible Fisheries;</p>		

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	<p>conservation and management measures, to ensure the conservation of the stocks and to promote the objective of their optimum utilization throughout the Area;</p> <p>ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:</p>	<p>FURTHER RECOGNIZING that specific provisions for developing States can also be found in Article VII of the 1993 FAO Compliance Agreement, in paragraph 10 of the 1999 FAO International Plan of Action for the Management of Fishing Capacity, in Part V of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and in Part 6 of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and that recognition of the needs of developing States has also been included in several resolutions of the United Nations General Assembly on sustainable fisheries, such as A/68/L.19 (paragraph 89) and A/RES/71/123 (paragraphs 40 and 41);</p> <p>CONSIDERING the call upon States by the United Nations General Assembly in A/RES/71/123 to increase the reliance on scientific advice in developing, adopting and implementing Conservation and Management Measures (paragraph 11);</p>		

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		ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:		
Definitions	No definition section, but terms are defined throughout the text of the proposal	Pages 4-5 contains definitions for: Allocation period Coastal fisheries Contracting Party Cooperating Non-Contracting Party (CNCP) CPC Distant Water Fishing (DWF) CPC Coastal State CPC Developing Coastal State (DCS) CPC New Entrant Small Island Developing States (SIDS) CPC Temporary transfer Global Total Allowable Catch (GTAC) Conservation and Management Measures (CMM)	Definitions are only required if uncommon or unclear terms are used, and if used more than once, throughout the text of the Allocation regime – or else specific definition(s) can be inserted where such terms are used Where definitions are already provided by IOTC Treaty or CMM, it is not necessary to include them in the Allocation regime text Some proposed definitions actually contain substantive principles or rules, and should be removed from the definition section and moved to the appropriate substantive section	
DEFINITIONS TEXT		I. Definitions 1. Allocation period: Period of time for which an allocation shall apply, and which may vary by species. The allocation period shall be aligned with the		Article 1. USE OF TERMS 1.1. For the purposes of this Resolution: (a) “Agreement” means the Agreement for the Establishment of the Indian Ocean Tuna Commission, approved by the FAO

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		<p>species stock assessment schedule and the resultant annual Global Total Allowable Catch (GTAC) set by the Commission. The default allocation period shall be one (1) calendar year, unless otherwise agreed by the Commission.</p> <p>2. Coastal fisheries: means coastal fisheries as defined by the IOTC in Resolution 15/02, or any superseding Resolution.</p> <p>3. Contracting Party (CP): Contracting Party to the IOTC Agreement.</p> <p>4. Cooperating Non-Contracting Party (CNCP): Cooperating Non-Contracting Party to the IOTC Agreement, as defined in Rule IX of the IPHC Rules of Procedure (2014).</p> <p>5. CPC: means a Contracting Party or a Cooperating Non-Contracting Party (collectively term CPCs) to the IOTC Agreement.</p> <p>6. Distant Water Fishing (DWF) CPC: means a State CPC which</p>		<p>Council at its Hundred-and-Fifth Session in November 1993, and entered into force on 27 March 1996;</p> <p>(b) “Allocation” means (6.1)</p> <p>(c) “Coastal States” means States whose exclusive economic zone is adjacent to, and included in, the IOTC area of competence;</p> <p>(d) “Commission” or “IOTC” means the Indian Ocean Tuna Commission;</p> <p>(e) “Compliance Committee” means the permanent committee provided for in Article XII.5 of the Agreement and established pursuant to the IOTC Rules of Procedures (2014);</p> <p>(f) “Conservation and Management Measure” or “CMM” as specified in Article IX of the Agreement, and consist of Resolutions, which are binding on Members, subject to Article IX para 5 of the IOTC Agreement, and Recommendations, which are non-binding, subject to Article IX para 8 of the Agreement;</p> <p>(g) “Contracting Party” or “CP” means a party to the Agreement;</p> <p>(h) “Contracting Parties and Cooperating Non-Contracting Parties” are jointly referred to as “CPCs”;</p> <p>(i) “Cooperating Non-Contracting Party” or “CNCP” means any non-Member of the Commission, which voluntarily ensures that vessels flying its flag fish in a manner which conforms with the Conservation and Management Measures adopted by the IOTC and have completed the application process to become a</p>

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		<p>is acting in the capacity of a flag State CPC within the IOTC Area of Competence and which is not situated wholly or partly within the IOTC Area of Competence, or a regional economic integration organization CPC, as listed in Appendix I.</p> <p>7. Coastal State CPC: means a State CPC, situated wholly or partly within the IOTC Area of Competence, as listed in Appendix I.</p> <p>8. Developing Coastal State (DCS) CPC: means a Indian Ocean Coastal State CPC whose development status is considered to be in the low, medium or high human development index (HDI) categories by the United Nations Development Programme (UNDP). Therefore, the term ‘Developing Coastal State CPC’ excludes those Coastal State CPCs whose development status is considered to be in the very high HDI category</p>		<p>Cooperating Non-contracting Party to the IOTC, as detailed in Appendix IV, and which the Commission has endorsed;</p> <p>(j) “Developing State” means a State that is a CPC and whose developing status has been defined under United Nations standards, as provided by the Human Development Index (include ref here); and the Gross National Income status provided by the World Bank (include ref here);</p> <p>(k) “IOTC area of competence” means the area under the IOTC mandate as set out in <i>Annex A of the Agreement</i>;</p> <p>(l) “IOTC Management Procedures” means IOTC Resolutions adopted for the management and conservation of species under the mandate of the IOTC;</p> <p>(m) “Member” means a Member of the Commission as specified in Article IV of the Agreement;</p> <p>(n) “New Entrant” means a State who was not a CNCP at the time this Resolution was adopted, and which has submitted its instrument of accession to the IOTC after the adoption of this Resolution;</p> <p>(o) “Non-Coastal State” means a State whose exclusive economic zone is not adjacent to or included in the IOTC area of competence;</p> <p>(p) “Scientific Committee” means the permanent committee provided for in Article XII.1 of the Agreement;</p>

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		<p>(http://hdr.undp.org/en/comp/osite/HDI).</p> <p>9. New Entrant: means a eligible party, as defined in the IOTC Agreement, that is approved by the Commission to become a Contracting Party or Co-operating Non-Contracting Party of the IOTC, subsequent to the adoption of this measure.</p> <p>10. Small Island Developing States (SIDS) CPC: means Indian Ocean Coastal State CPC defined as SIDS by the United Nations Department of Economic and Social Affairs and the OECD (https://sustainabledevelopment.un.org/topics/sids/list) (listed in Appendix I).</p> <p>11. Temporary transfer: means a transfer of an allocation that has been made under this measure from one CP to another CP.</p> <p>12. Global Total Allowable Catch (GTAC): means for an IOTC species, a catch limit set as an output control on fishing, in</p>		<p>(q) “Small Island Developing States” or “SIDs” are States whose status has jointly been defined by the UN and the OECD (include ref here).</p> <p>(r) “TAC” means the Total Allowable Catches established by the Commission for a species under its mandate and caught in the IOTC Area of Competence;</p>

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		<p>accordance with any relevant management procedure or other agreed management framework.</p> <p>13. Conservation and Management Measure (CMM): means a Conservation and Management Measure adopted by the IOTC pursuant to Article IX(1) of the IOTC Agreement.</p>		
Purpose	Clause 1 (page 3) appears to include a purpose	Purpose clause included in Allocation Principles section II, clause 14 chapeau (page 5), and in page 6, section III Allocation Criteria, clause 15(a)	<p>A Purpose clause is not essential and normally better suited for the preamble section.</p> <p>But if included, it should reflect the mandate provided by the Commission to the TCAC</p>	
PURPOSE TEXT	<p>Page 3</p> <p>1. In order to ensure their long-term sustainability, the IOTC Commission shall establish allocation criteria for a Total Allowable Catch (TAC) for stocks covered by the IOTC Agreement on a stock by stock basis in line with Scientific Committee advice.</p>	<p>Page 5</p> <p>14. The following Allocation Principles shall form the basis for developing, and assessing the performance of, this IOTC allocation scheme, thereby ensuring that the allocation is applied in a fair, equitable, and transparent manner, and with the goal of ensuring opportunities for all eligible participants</p>		<p>Article 2. PURPOSE</p> <p>2.1 . The Allocation Regime contained in this Resolution shall form the basis and manner for the Commission to determine allocations of fish species and for sharing these fishing opportunities among CPCs and New Entrants in a fair, equitable and transparent manner.</p>

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		<p>Page 6 15. Scope and purpose:</p> <p>a) To ensure a fair, equitable, and transparent system of allocation of fishing opportunities is developed in accordance with the allocation principles described in Section II;</p>		
<p>Theme 1: General Principles</p> <p>Whether general principles are required</p> <p>Scope of principles</p>	<p>Section on Main Principles on pages 3-4, clauses 1 to 7</p>	<p>Section II Allocation Principles on pages 5-6</p>	<p>Some ideas in principles sections of both proposals are repetitive of clauses in preambles of both proposals May wish to consider what should figure in preamble section and what should be contained in principles section</p> <p>Principles should be high level. Some are too detailed or specific to be considered principles</p> <p>Some principles contained in both proposals are more suited to eligibility, scope or substantive provisions of the proposal</p> <p>Scope of principles could include the following core elements:</p> <ul style="list-style-type: none"> - Fair, equitable and transparent allocation process and outcomes - Establishment of TAC as basis for Allocation regime - Allocation regime supporting effective management of fishing capacity and supporting sustainable management of IOTC stocks and ecosystem 	

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-			<ul style="list-style-type: none"> - Non-prejudice to rights and legal obligations under various instruments - Recognition of social and economic dependency of Developing Coastal States (DCS) and Small Island Developing States SIDs - Addressing special requirements of DCS and SIDs <p>Previous Chair Comments: Elements contained in both Proposals are reasonably similar, and should be relatively easy to negotiate [Straightforward degree of difficulty]</p>	
<p>THEME 1: GENERAL PRINCIPLES</p> <p>TEXT</p>	<p>Pages 3-4</p> <p>Main principles</p> <p>1. In order to ensure their long-term sustainability, the IOTC Commission shall establish allocation criteria for a Total Allowable Catch (TAC) for stocks covered by the IOTC Agreement on a stock by stock basis in line with Scientific Committee advice. The setting of TACs and participatory rights in accordance with these allocation criteria shall be applied in a</p>	<p>Pages 5-6</p> <p>II. Allocation Principles</p> <p>1. The following Allocation Principles shall form the basis for developing, and assessing the performance of, this IOTC allocation scheme, thereby ensuring that the allocation is applied in a fair, equitable, and transparent manner, and with the goal of ensuring opportunities for all eligible participants:</p> <p>a. Eligibility: The allocation of fishing opportunities by the IOTC shall be limited to IOTC</p>	<p>GENERAL PRINCIPLES</p> <p>Inspired by Art. 11 of UNFSA and Principles largely taken from 2011 IOTC Commission Report page 98, endorsing Guiding Principles recommended by the 1st Meeting of the TCAC in 2010, found in Appendix XVI to the 2011 Commission Report, adjusted by TCAC07 discussions and Report.</p>	<p>Article 3. GUIDING PRINCIPLES</p> <p>The following principles shall guide the Commission's decisions in determining allocations for CPCs and New Entrants. Allocations established pursuant to the Allocation Regime contained in this Resolution shall:</p> <p>3.1. provide a fair, equitable and transparent system to allocate fishing opportunities in the IOTC area of competence;</p> <p>3.2. factor in the status of the IOTC species to be allocated;</p> <p>3.3. contribute to the sustainable management and use of IOTC species;</p> <p>3.4. respect the sovereign rights and obligations of coastal States within their Exclusive Economic Zone;</p> <p>3.5. respect the rights and obligations of all States fishing in the IOTC area of competence;</p>

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	<p>gradual manner focusing in the first place on stocks where their assessed status places them within the upper left quadrant (red) of the Kobe plot.</p> <p>2. The allocation criteria shall apply to Members, Cooperating Non-Members and long-term participating non-Contracting Parties (LPNCP) (in the context of this resolution defined as CPCs) in a fair and equitable manner according to this Resolution and shall apply to all fishing gears.</p> <p>3. The allocation shall be limited to IOTC CPCs and consist of an initial baseline allocation for all CPCs plus complementary and new entrants allocations to be adjusted by certain corrections factors as set out below. The initial baseline allocation shall comprise [8580]% of the TAC. The</p>	<p>Contracting Parties (CPs) and Cooperating Non-Contracting Parties (CNCPs). The allocation criteria should be applied in a manner that encourages CNCPs to become CPs, where they are eligible to do so.</p> <p>b. Sustainability: The allocation scheme shall support the long-term sustainability of fishing for albacore, bigeye tuna, skipjack tuna, yellowfin tuna, and swordfish, and indirectly the status of non-targeted, associated and dependent species, by ensuring allocations do not exceed the GTAC set in accordance with the Commissions sustainability objectives, and by complementing other CMMs to ensure sustainability of fishing. Gear sustainability ratios may be developed and applied in future revisions of this measure.</p> <p>c. Coastal States' rights: The allocation scheme shall uphold and not prejudice the</p>		<p>3.6. recognize and accommodate the special requirements of developing coastal States, including Small Island Developing States, who are socio-economically dependent on IOTC fisheries resources, including for food security, and factor their needs and dependency on these resources;</p> <p>3.7. take into account and accommodate the interests and aspirations of coastal States, particularly those of developing coastal States, in further developing their fishing opportunities in the IOTC area of competence;</p> <p>3.8. be implemented in a step-wise manner while providing some stability in the fisheries, by shifting current fishing patterns from developed CPCs to CPCs that are developing coastal States, to ensure a smooth transition to a new allocation regime, taking into account the socio-economic impacts of the resulting change in past fishing patterns of developed CPCs;</p> <p>3.9. provide incentives for Cooperating Non-Contracting Parties to become Contracting Parties to the IOTC; and,</p> <p>3.10. the Allocation Regime shall deter Illegal, Unreported and Unregulated fishing and serious non-compliance with IOTC CMMs.</p>

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	<p>remaining [1520]% of the TAC shall be set aside for redistribution through a complementary allocation [812%], new entrants allocation [1%] and adjusted by correction factors [76%].</p> <p>4. A CPC that has failed to report nominal catch data (exclusively), including zero catches, in accordance with Resolution 15/02, paragraph 2, for one or more species for a given year, is not eligible to receive a TAC allocation for that year. If a CPC has provided incomplete reporting on nominal catch data it remains in principle eligible to receive a TAC allocation, but the Commission may pursuant to Resolution 16/06 consider prohibiting that CPC from retaining such species as of the year following the incomplete reporting and its allocation</p>	<p>exercise of the sovereign rights of a Coastal State CPC in accordance with Article 56 of the UNCLOS for the purposes of exploring and exploiting, conserving and managing the living resources, including the highly migratory species, within its exclusive economic zone.</p> <p>d. Special requirements (aspirations) of Developing Coastal States (DCS), including those of Small Island Developing States (SIDS): The allocation scheme shall integrate the special requirements of DCSs, including those of SIDS, including their development aspirations.</p> <p>e. Historical catches: The allocation scheme shall recognise historical catches of bigeye tuna, skipjack tuna, yellowfin tuna, albacore, and swordfish, by eligible participants as an element in determining allocations. For the purpose of allocation of future fishing opportunities,</p>		

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	<p>redistributed until such data has been received by the IOTC Secretariat. In such cases, a proportional temporary adjustment amongst CPCs on the basis of their final allocation shall take place.</p> <p>5. [A CPC having a compliance score of less than [60%] each year, for two consecutive years, without any indication of real progress in compliance is also not eligible to receive a TAC allocation. In such cases, a temporary proportional adjustment amongst CPCs on the basis of their final allocation shall take place. “Real progress” in this context means an improved compliance score of [10%] compared to the previous year .] <u>Paragraphs 5 need to be revised on the basis of the results of the discussions in CoC on how to take into account the compliance record in the allocation</u></p>	<p>all historical catches taken within an area under the national jurisdiction of a CPC shall be attributed solely to that CPC, regardless of the flag State of the vessels that took such catches, referred to as the ‘baseline historical catch’. Therefore, any catches made during previous provision of access to fisheries resources within an area under national jurisdiction (e.g. via access agreements or other arrangement), shall be attributed solely to the CPC with jurisdiction over that area rather than to any other CPC. This attribution will be given effect in a way that is without prejudice to the responsibilities of flag States to report catch under international law, including under UNFSA. Historical catches include those estimated by the IOTC Secretariat, approved by the IOTC Scientific Committee and endorsed by the IOTC. Where historical high seas catches are used they shall be</p>		

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	<p><u>criteria.</u></p> <p>6. Any upwards or downwards revision of the TAC due to <u>the application of paragraphs 4 and 5</u> shall lead to a proportional adjustment amongst CPCs on the basis of their final allocation.</p> <p>7. In order to assure CPCs and their nationals, who fish or have made other fishing related investments in the IOTC Convention area, relative stability of their fishing and related activities and to avoid any sudden economic dislocation/disruption in the countries concerned, any final allocation that results in a reduction in excess of [10]% of the of the average catches in the last 10 years or the precedent quota, if a quota was already established, shall be implemented gradually</p>	<p>attributed to the flag State that took the catches.</p> <p>f. High seas: The allocation scheme shall not prejudice the international legal framework for the high seas, including the rights and responsibilities of States in respect of fishing on the high seas under UNCLOS and UNFSA.</p> <p>g. Transfer of allocation: A transfer of an allocation made under this measure from one CP to another CP, shall be temporary.</p> <p>h. Social and economic dependency: The allocation scheme shall consider the dependency of Coastal State CPCs, particularly, DCSs and SIDS on fisheries in the IOTC Area of Competence (all IOTC species combined), measured by the contribution of those fisheries to social and economic needs.</p> <p>i. Allocation compliance: The allocation scheme shall take into account compliance by</p>		

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	<p>over a period of [5-10] years (hereinafter referred to as the "stability principle").</p>	<p>including a penalty for over-catch of a CPC's allocation for a given species, made under this current Resolution.</p>		
<p>Theme 2: Eligibility</p> <p>Who should be eligible to IOTC allocations</p> <p>Whether and what conditions should be imposed to be eligible to receive allocations from IOTC</p> <ul style="list-style-type: none"> - Contracting Parties - Cooperating Non-Contracting Parties - New Entrants 	<p>Page 3, Main Principles section, clause 3 Eligibility restricted to Members, Cooperating Non-Members and long term participating non-Contracting Parties</p> <p>Page 5, Clause 14 provides for specific eligibility for a set aside of 1% of the TAC for <u>New Entrants</u> by requiring that they have an (undefined) real interest in the fishery</p>	<p>Page 5, section II, clause 14(a) and Page 6, section III, clause 16: Eligibility restricted to IOTC Contracting Parties and Cooperating Non-Contracting Parties in a manner to encourage them to become Contracting Parties</p> <p>Page 9, section III, clause 23(a) and (b) provide for specific rules for New Entrants that have become new Coastal States Contracting Parties, and those that have become new Distant Water Fishing Contracting Parties. Both groups are required to apply for</p>		<p>Coastal States Proposal suggests creating an incentive for CNCPs to become Contracting Parties. EU Proposal embeds such an incentive by allocating only 80% of their allocations.</p>

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<p>- Non Contracting Parties</p> <p>- Commission fees paid in full</p> <p>- Nominal catch data reported</p>	<p>Page 6, clause 18 limits the eligibility of <u>Cooperating Non-Contracting Parties</u> to 80% of their allocation</p> <p>Nothing provided</p> <p>Page 3, Main principles section, clause 4, renders ineligible to an allocation for a year, a CPC that fails to report nominal catch data for that year</p>	<p>and obtain authorization from the Commission to obtain an allocation.</p> <p>Nothing provided</p> <p>Nothing provided</p>	<p>Considered by other RFMOs, though challenging for CNCPs</p>	
<p>THEME 2: ELIGIBILITY</p> <p>TEXT</p>	<p>Main Principles</p> <p>3. The allocation shall be limited to IOTC CPCs and consist of an initial baseline allocation for all CPCs plus complementary and new entrants allocations to be</p>	<p>III. Allocation Principles</p> <p>2.</p> <p>3. 14. The following Allocation Principles shall form the basis for developing, and assessing the performance of, this IOTC allocation scheme, thereby</p>		<p>Article 4. ELIGIBILITY</p> <p>4.1. Each CPC at the time of the adoption of this Resolution is eligible to receive an allocation under this Allocation Regime. The nature and extent of the allocation shall be determined based on the criteria and process outlined in this Resolution and its annexes.</p> <p>4.2. A CNCP that is eligible to one or more allocations pursuant to this Resolution shall receive [50%] of the allocation for each species for which it is eligible, until such time as it becomes a Contracting Party to the IOTC. Once a CNCP becomes a CP, it may receive 100% of the allocations to which it is eligible,</p>

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	<p>adjusted by certain corrections factors as set out below.</p> <p>18. Cooperating non-contracting Parties shall be eligible for a maximum of 80% of its TAC as per paragraphs 8 to 12. Downwards revision of the TAC to Cooperating non-Contracting Parties shall lead to a proportional adjustment amongst CPCs on the basis of their final allocation.</p>	<p>ensuring that the allocation is applied in a fair, equitable, and transparent manner, and with the goal of ensuring opportunities for all eligible participants:</p> <p>a. Eligibility: The allocation of fishing opportunities by the IOTC shall be limited to IOTC Contracting Parties (CPs) and Cooperating Non-Contracting Parties (CNCs). The allocation criteria should be applied in a manner that encourages CNCs to become CPs, where they are eligible to do so.</p> <p>16. Eligibility:</p> <p>a) Eligibility to receive an allocation shall be limited to CPs and CNCs.</p> <p>b) At the commencement of this allocation scheme, each CPC, subject to the provisions of this Resolution, shall receive a baseline allocation and may</p>		<p>upon payment of its contribution to the Commission pursuant to Article XIII of the Agreement.</p> <p>4.3. A New Entrant that is a Coastal State to the IOTC area of competence may be eligible to a special allocation described in articles 6.14, 6.15 and 6.16.</p> <p>4.4. CPCs and New Entrants may lose eligibility to an allocation pursuant to Article 7.2.</p>

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	<p>New entrants allocation</p> <p>14. In order to accommodate requests from new entrants with a real interest in the fishery, [1]% of the overall TAC shall be reserved for allocations to new entrants established in accordance with the provisions of this Resolution. This [1]% set aside shall be equally shared by all new entrants, regardless of the moment they join IOTC. If there are no requests by new-entrants or the actual allocation to new entrants is less than the set-aside of [1]%, the remaining amount shall be distributed proportionally amongst Members on the basis of their final allocation.</p>	<p>be eligible to receive a supplementary allocation.</p> <p>i) The baseline allocation shall consist of two components: Baseline Coastal State allocation (where applicable) and Baseline historical catch allocation.</p> <p>ii) The supplementary allocation shall consist of one component: Supplementary high seas allocation.</p> <p>23. New Entrants</p> <p>a) Coastal State CPCs. Each Coastal State CPC new entrant shall receive an allocation in the year following their acceptance of the IOTC Agreement for one or more species upon application to, and approval by, the Commission. If a new entrant Coastal State CPC does not intend to fish its allocation, or transfer in accordance with paragraph 243, it shall notify the IOTC Secretariat, for potential reallocation to other Coastal State CPCs based on</p>		<p>New Entrants</p> <p>6.13. The Commission may set aside a portion of a TAC that has increased from the previous TAC cycle, to be allocated, as a Special Allocation, to New Entrants as defined in paragraph 4.3, where the New Entrant:</p> <p>(a) submits a written request to the Commission for an allocation of a given species; (b) provides nominal catch data for the species for which it is seeking an allocation; (c) demonstrates a real interest in IOTC fisheries; (d) pays its annual contribution to the Commission; and (e) complies with the CMMs.</p> <p>6.14. The Commission may allocate shares of the Special Allocation referenced in Article 6.13 to each New Entrant in the year that the TAC is reviewed for the species.</p> <p>6.15. New Entrants shall share in equal proportion, any Special Allocation set aside by the Commission pursuant to articles 6.13. and 6.15.</p>

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	<p>4. A CPC that has failed to report nominal catch data (exclusively), including zero catches, in accordance with Resolution 15/02, paragraph 2, for one or more species for a given year, is not eligible to receive a TAC allocation <u>for that year</u>. If a CPC has provided incomplete</p>	<p>the allocation formula contained within this measure and applied on an annual basis.</p> <p>b) Distant Water Fishing CPCs. Any DWF CPC new entrant shall not be eligible for an allocation under this Resolution unless its request for eligibility has been approved by the Commission. If a new entrant DWF CPC does not intend to fish its allocation, or transfer in accordance with paragraph 243, it shall notify the IOTC Secretariat, for potential reallocation to Coastal State CPCs based on the allocation formula contained within this measure and applied on an annual basis.</p>		

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	<p>reporting on nominal catch data it remains in principle eligible to receive a TAC allocation, but the Commission may pursuant to Resolution 16/06 consider prohibiting that CPC from retaining such species as of the year following the incomplete reporting and its allocation redistributed until such data has been received by the IOTC Secretariat. In such cases, a proportional temporary adjustment amongst CPCs on the basis of their final allocation shall take place.</p> <p>5. [A CPC having a compliance score of less than [60%] each year, for two consecutive years, without any indication of real progress in compliance is also not eligible to receive a TAC allocation. In such cases, a temporary proportional adjustment amongst CPCs on the basis of their final allocation shall take place. “Real progress” in this context means an improved compliance score of [10%] compared to the previous year .]</p> <p><u>Paragraphs 5 need to be revised on the basis of the results of the</u></p>			

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	<p><u>discussions in CoC on how to take into account the compliance record in the allocation criteria.</u></p>			
<p>Theme 3: Scope Geographical Area Species Gear-types</p>	<p>Page 3, Main Principles section, clause 1: Allocation for stocks covered by the IOTC Agreement on a stock by stock basis, applied in a gradual manner, starting with stocks in the upper left quadrant (red) of the KOBE Plot</p> <p>Clause 2 specifies that the allocation regime shall apply to all fishing gears</p>	<p>Page 6, Section III, clause 15(b) geographical scope IOTC Area of Competence</p> <p>Clause 17(a) Allocation by species - species limited to albacore, bigeye tuna, skipjack tuna, yellowfin tuna and swordfish</p>	<p>The terms “stocks” and “species” are used interchangeably in both proposals. IOTC species are managed throughout their range, so either term could work, though typically, stock would be the better term. May wish to consider term used elsewhere in IOTC documents.</p> <p>Should allocations be set on a limited number of IOTC species/stocks, or for all IOTC regulated species/stocks? Are there practical, information related or legal reasons for limiting the species/stocks subject to the Allocation regime?</p> <p>Members could consider a gradual or phased implementation approach for establishing allocations (see suggestions under Theme 8)</p>	
<p>THEME 3: SCOPE TEXT</p>	<p>Main principles 1. In order to ensure their long-term sustainability, the IOTC Commission shall establish allocation criteria for a Total Allowable Catch (TAC) for stocks</p>	<p>15. Scope and Purpose</p> <p>(b) Any allocation, or part thereof, may be taken either within or beyond areas of national jurisdiction within the IOTC Area of Competence, without</p>		<p>Article 5. SCOPE</p> <p>5.1. Subject to priorities established pursuant to articles 5.2 and 9.1, this Resolution shall apply to all fish species set out in Annex B of the Agreement caught in the IOTC Area of Competence, and to all gear types.</p> <p>Or</p> <p>5.1. Subject to priorities established pursuant to articles 5.2 and 9.1, this Resolution shall apply to the fish species listed in Annex I to this Resolution caught in the IOTC Area of Competence.</p>

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	<p>covered by the IOTC Agreement on a stock by stock basis in line with Scientific Committee advice. The setting of TACs and participatory rights in accordance with these allocation criteria shall be applied in a gradual manner focusing in the first place on stocks where their assessed status places them within the upper left quadrant (red) of the Kobe plot.</p> <p>2. The allocation criteria shall apply to Members, Cooperating Non-Members and long-term participating non-Contracting Parties (LPNCP) (in the context of this resolution defined as CPCs) in a fair and equitable manner according to this Resolution and shall apply to all fishing gears.</p>	<p>prejudice to the sovereign rights of CPCs as referred to in paragraph 14(c) above. Fishing access to any area under the national jurisdiction of a CPC shall remain at the sole discretion of that CPC.</p> <p>17. Stocks to which the allocation would apply: a) Allocations are made by species, and are to be applied to albacore, bigeye tuna, skipjack tuna, yellowfin tuna, and swordfish.</p>		<p>5.2. The Commission may implement the Allocation Regime in this Resolution in a gradual manner, based on priorities established in accordance with Article 9.1.</p> <p>****</p> <p><u>Annex I to Resolution 2023/XX</u> <u>Species to be Allocated pursuant to the Allocation Regime</u></p> <p>The[BN1] following species of tunas and highly migratory species found in the IOTC area of competence shall be allocated pursuant to the Allocation Regime of the IOTC provided in Resolution 2023/XX, in the following priority order:</p> <ol style="list-style-type: none"> 1. yellowfin tuna 2. big eye tuna 3. skipjack tuna 4. albacore tuna 5. swordfish 6. longtail tuna 7. kawakawa 8. frigate tuna 9. bullet tuna 10. narrow barred Spanish mackerel 11. Indo-Pacific king mackerel 12. Indo-Pacific Blue Marlin 13. Black Marlin 14. striped marlin 15. Indo-Pacific sailfish

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Theme 4: Allocation Structure	<p>Page 3, Main principles, clause 3 describes the general structure proposed for the allocation regime:</p> <ol style="list-style-type: none"> 1) Initial baseline allocation for all CPCs; and 2) A complementary and new entrants allocations to be adjusted by certain corrections factors 	<p>Page 6, Section III Allocation criteria, Clause 16 Eligibility, paragraph (b) describes the general structure proposed for the allocation regime:</p> <ol style="list-style-type: none"> 1) A baseline allocation with 2 components: a baseline Coastal State allocation and a baseline historical catch allocation; 2) A supplementary allocation; and, 3) A correction factor allocation with multiple components 	<p>Both proposals and discussions to date seem to favour an allocation structure divided in 3 groups: Historical Catch Allocation; Supplementary/Complementary Allocation and Corrections for Developing States Allocations. What is included in each group varies by proposal, especially where and how Coastal States’ aspirations are treated, but most generally recognized allocation factors are included overall in both proposals</p> <p>Both proposals contain some similar elements in their allocation structures. They both contain historical catches as part of their baseline allocations. The Coastal States Proposal defines Baseline Allocations beyond historical catch and assigns a percentage of the TAC to Coastal States based on specific criteria. The EU Proposal restricts Baseline Allocations to historical catches, but brings in added criteria under a Supplementary Allocation. Both Proposals contain a basic allocation to be shared by all CPCs. And both provide for adjustments and corrections based on specific Factors, though how this is done, and eligibility varies.</p> <p>The most important difference between the two proposals is how they treat historical catches within EEZs. The Coastal States’ proposal gives 100% attribution of such catches to Coastal States, irrespective of the flag of the catching vessels, and the EU proposes to attribute a percentage [10%] of the current catch history to the Coastal States, with the balance [90%] attributed to the flag States of the catching vessels.</p> <p>Previous Chair Comments: These different concepts and approaches make negotiation on the elements quite difficult and complex, and this is exacerbated by the level of complexity involved in some elements of the proposals. [Very Difficult degree of difficulty]</p>	

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<p>THEME 4: ALLOCATION STRUCTURE</p> <p>TEXT</p>	<p>Main Principles</p> <p>3. The allocation shall be limited to IOTC CPCs and consist of an initial baseline allocation for all CPCs plus complementary and new entrants allocations to be adjusted by certain corrections factors as set out below. The initial baseline allocation shall comprise [80]% of the TAC. The remaining [20]% of the TAC shall be set aside for redistribution through a complementary allocation [12%], new entrants allocation [1%] and adjusted by correction factors [7%].</p>	<p>16. Eligibility</p> <p>b) At the commencement of this allocation scheme, each CPC, subject to the provisions of this Resolution, shall receive a baseline allocation and may be eligible to receive a supplementary allocation, and/or a correction factor allocation.</p> <p>i. The baseline allocation shall consist of two components: Baseline Coastal State allocation (where applicable) and Baseline historical catch allocation.</p> <p>ii. The supplementary allocation shall consist of one component: Supplementary allocation.</p> <p>iii. The correction factor allocation shall consist of multiple components aimed at ensuring a fair and equitable allocation formula is achieved.</p>	<p>*Catch-based Allocation:</p> <p>1) Initial Catch History + 2) Attributed Catch +</p> <p>*Coastal State Allocation:</p> <p>1) Coastal State Status and rights + 2) Developing Coastal States interests, aspirations, needs and dependency + 3) Correction for extenuating circumstances +</p> <p>*Special Allocation for New Entrants -</p> <p>*Adjustments:</p> <p>1) Minor Over-catches</p>	<p>Article 6. ALLOCATION STRUCTURE</p> <p>Total Allowable Catch</p> <p>6.1. (a) Allocations to CPCs under this Allocation Regime shall consist of fishing opportunities represented as percentage shares of the Total Allowable Catches (TACs) for species determined by the Commission and reflected in relevant IOTC Management Procedures.</p> <p>(b) In the absence of a TAC, the Commission may use a proxy for a TAC for a given species, such as the maximum sustainable yield or other level of exploitation determined by the Commission, for establishing allocations pursuant to this Resolution.</p> <p>6.2. Allocations to CPCs shall be established based on allocation criteria contained in article 6.5 to 6.12, and pursuant to the process set out in articles 9.5. to 9.18., at the beginning of each species cycle designated by the Scientific Committee.</p> <p>6.3. The sum of allocations for a given species established pursuant to the Allocation Regime contained in this Resolution shall not exceed the TAC for that species.</p> <p>6.4. The total initial Catch-based Allocation shall comprise [%] of the TAC, and the total initial Coastal State Allocation shall comprise [%] of the TAC.</p> <p>Criteria for Allocations</p> <p>6.5. The allocated share of the TAC for a given species for each eligible CPC may consist of two elements:</p>

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			2) Non-Compliance 3) Stock Declines	(a) a percentage share of the Catch-based Allocation as defined by criteria provided in articles 6.6 to 6.10, and (b) a percentage share of the Coastal State Allocation as defined in criteria provided by articles 6.11 and 6.12 and indicators provided in Annex III, the sum total of which may be adjusted by factors defined in articles 7.1 to 7.3.
A. Baseline/ Historical Catch Allocation	The EU Proposal defines an <u>Initial Baseline Allocation</u> based on historical catch within EEZ and on the high seas and comprises [80%] of the TAC Page 3, Section Main Principles, clause 3, and clause 8	The Coastal States’ proposal defines Its baseline allocation comprising 2 components [Page 6, Secion 16(b)(i)]: 1) a Baseline Coastal State Allocation [25%-45% of TAC] [Page 7, Section III Allocation Criteria, Clause 19]; and 2) a Baseline Historical Catch Allocation [60%-80% of TAC] [Page 8, Section III, Clause 20] The <u>Baseline Coastal State Allocation</u> (BCSA) [Page 7, Clause 19] is defined by Each Coastal State CPC with catch history is to receive an entitlement (“status weighting”) based on: - [35%] of BCSA shared equally amongst Coastal State CPCs;		

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		<p>- [47.5%] of BCSA shared amongst Developing Coastal State CPCs based on development status – Details are fleshed out for HDI, GNI, SIDs status and associated weighting;</p> <p>- [17.5%] of BCSA shared based on sizes of EEZs in IOTC Area – Details are fleshed out for weighting to be attributed to various sizes of EEZs. This criteria may eventually be replaced by one that shares a % of the BCSA based on relative abundance of species being allocated, in individual Coastal States’ waters, when such abundance is (can be) estimated by the Scientific Committee (see IOTC-2018-S22-PropK Rev1)</p> <p>*Coastal State CPCs without species catch history may request Baseline Coastal State Allocation [clause 19(b)]</p> <p>*A Cap of no more than 50% of the lower Coastal State allocation for any Coastal State Contracting Party is set for Coastal State Cooperating Non-Contracting Parties [clause 19(c)]</p> <p><u>Baseline Historical Catch Allocation</u> is based on catch within the EEZ and on the high seas [Page 8, Section</p>		

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<ul style="list-style-type: none"> - Catch Reference Period - Impacts of past non-compliance on catch history <p>Attribution:</p> <ul style="list-style-type: none"> - Spatial distribution of Catch; Mixed Areas and --Apportioning Method - Foreign Catches in EEZ of IOTC Coastal States <ul style="list-style-type: none"> - Attribution 	<p>Catch period 2000-2016</p> <p>Nothing provided</p> <p>Page 4, Section Main Principles, Clause 8 provides for a calculation of the initial baseline allocation</p>	<p>III Allocation Criteria, clause 20]</p> <p>2 options are proposed: 5 year average (2012-16), or 15 year average (2002-16)</p> <p>Nothing provided</p> <p>Page 5, Section II Allocation Principles, clause 14(e), and Page 8 Section III Allocation Criteria, clause 20(b) provide detailed rules on attribution of catches. A role is provided for the IOTC Secretariat to work with a small working group to determine finer scale spatial attribution of catch history for CPCs.</p> <p>The Compliance Committee is assigned a role to resolve disagreements on catches in overlapping areas</p> <p>Page 5, Section II Allocation Principles, clause 14(e), and Page 8 Section III Allocation Criteria, clause 20(b)</p>	<p>While recognizing this may result in a more complex regime, would identifying different periods for each stock resolve some of the issues raised by some delegations?</p> <p>Considered by other RFMOs Consider whether past overfishing or illegally caught catches should be counted for historical catch allocation</p> <p>Consider endorsement of IOTC-2019-TCAC05-R, Para, 37-38</p>	

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- Phased Implementation	Historical catches taken within the Jurisdiction of Coastal States on the Basis of a reallocation of [10%] of such catches taken by flag States other than the Coastal States to these Coastal States, over a period of [10 years]	chapeau attribute all catches taken within the jurisdiction of a Coastal State, to that Coastal State		
<p>A. BASELINE/ HISTORICAL CATCH ALLOCATION</p> <p>TEXT</p>	<p>Main Principles</p> <p>3. The allocation shall be limited to IOTC CPCs and consist of an initial baseline allocation for all CPCs plus complementary and new entrants allocations to be adjusted by certain corrections factors as set out below. The initial baseline allocation shall comprise [80]% of the TAC. The remaining [20]% of the TAC shall be set aside for redistribution through a complementary allocation [12%], new entrants allocation [1%] and adjusted by correction factors [6%].</p> <p>Initial baseline allocation</p> <p>8. The initial baseline allocation of the TAC amongst CPCs shall be based on historical catches covering the period [2000-2016].</p>	<p>16. Eligibility (b)...</p> <p>(i) The baseline allocation shall consist of two components: Baseline Coastal State allocation (where applicable) and Baseline historical catch allocation.</p> <p>19. Baseline Coastal State allocation</p> <p>a) Each Coastal State CPC with a ‘baseline historical catch’ of the species being allocated within the IOTC Area of Competence, as detailed in Table 1, and calculated using the method described in paragraph 20b, shall receive a Baseline Coastal State allocation. The Baseline Coastal State allocation shall be made in accordance with the following elements (reference Appendix I) and paragraph 19c:</p>	<p>Catch-based Allocation=</p> <p>1) Initial Catch History</p> <p>+</p> <p>2) Attributed Catch</p>	<p>Catch-Based Allocations</p> <p>6.6. (a) Eligible CPCs may receive a Catch-base Allocation established based on two factors:</p> <p>(i) the Historical Catches of CPCs determined based on the criteria provided in Article 6.7 and revised pursuant to articles 6.8 and 6.9 and in accordance with the schedule provided in Annex II; and</p> <p>(ii) the Attributed Catch to CPCs that are [developing] coastal States[BN2] determined on the basis of article 6.8 and the schedule in Annex II,</p> <p>(c) The Catch-base Allocation shall be normalised for each eligible CPC as a percentage of the species specific TAC.</p> <p>Historical Catch</p> <p>6.7. (a) The historical catch used to determine a CPC’s initial Catch-based Allocation for a given species shall be based on the best scientific estimates of nominal catch data determined by the Scientific Committee for each species caught in the IOTC area of competence, averaged over the period: Option 1: 2000-2016,</p>

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	<p>For the purposes of this Resolution and in order to calculate the initial baseline allocation historical catches taken within an EEZ shall be reallocated between the respective coastal State and the flag state of the fishing vessel(s) that took the catches in a proportion of respectively [10/90] of those catches. This reallocation of historical catches shall be dependent on reliable catch data being available and validated for catches within the EEZ concerned. In accordance with the principle of stability the change in attribution that result from this new approach shall be implemented gradually over a transitional period of [10] years.</p>	<p>i. Coastal State CPCs: Status weighting = 1 (an equal portion for each). Proportion = 35% (simulation range: 32.5-37.5] of the Baseline Coastal State allocation;</p> <p>ii. Developing Coastal State CPCs: Proportion = 47.5% (simulation range: 45-50) of the Baseline Coastal State allocation;</p> <ul style="list-style-type: none"> • <i>HDI status</i>: Status weighting = low (1), medium (0.75), high (0.50), Very high (not applicable). Proportion = 30% of the Developing Coastal State CPC element; • <i>GNI status</i>: Status weighting = low (1), low-middle (0.75), upper-middle (0.5), high (0.25). Proportion = 30% of the Developing Coastal State CPC element; • <i>SIDS status</i>: Status weighting = yes (1), no (0). Proportion = 40% of the Developing Coastal State CPC element; • If a DCS does not intend to fish, or transfer (in accordance with paragraph 243), its DCS 	<p>Catch Reference Period:</p> <p>Could be set for all species; or Specific to each species</p> <p>2 Options are proposed for transitioning catch from developed non-coastal CPCs to coastal States</p>	<p>Option 2: (2002-16), Option 3: best 5 years averaged from within the period 1950-2016</p> <p>Or</p> <p>6.7. (a) The historical catch used to determine a CPC's initial Catch-base Allocation for a given species shall be based on the best scientific estimates of nominal catch data determined by the Scientific Committee for each species caught in the IOTC area of competence averaged over the reference periods listed in Annex I (b) In determining the best scientific estimates of nominal catch data, IUU catches shall be excluded.</p> <p>Attributed Catch</p> <p><u>Option 1:</u></p> <p>6.8. [X%] of the historical catch of developed non-coastal CPCs shall gradually be attributed over a period of [X years] in the amounts and based on the schedule set out in Annex II to CPCs that are developing coastal States, to form the basis of the Coastal States Attributed Catch.</p> <p>6.9. The Coastal States Attributed Catch shall be shared by CPCs that are developing coastal States based on the criteria set out in article 6.11 and indicators provided in Annex III.</p> <p>6.10. The Catch-based Allocations of developed non-coastal CPCs shall be revised in accordance with the amounts and schedule provided in Annex II.</p> <p>Or</p> <p><u>Option 2:</u> [BN3]</p> <p>6.8. [X%] of the historical catch of developed non-coastal CPCs shall gradually be attributed over a period of [X years] in the</p>

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		<p>allocation in a given allocation period, or does not respond to the allocation issuance by the designated time (to be determined by the Commission), its DCS allocation shall automatically be reallocated to other DCS CPs based on the allocation formula contained within this measure and applied on an annual basis.</p> <p>iii. EEZ proportion: The size of the area under national jurisdiction (within the IOTC Area of Competence) as a proportion of the overall IOTC Area of Competence. Proportion = 17.5% (simulation range 15-20) of the Baseline Coastal State allocation; EEZ size weighting:</p> <ul style="list-style-type: none"> • >0.0-≤1.0% of the IOTC Area of Competence (weighting = 1) • • >1.0-≤2.0% of the IOTC Area of Competence (weighting = 2) • • >2.0-≤3.0% of the IOTC Area of Competence (weighting = 3) • • >3.0-≤4.0% of the IOTC Area of Competence (weighting = 4) 	<p>Skeleton proposal for transitioning current fishing patterns to new allocation regime by gradually shifting catch history from developed non-coastal CPCs to coastal States</p>	<p>amounts and in accordance with the schedule set out in Annex II to CPCs that are coastal States and included as part of their Coastal States Allocation, shared on the basis of criteria set out in article 6.11 and indicators provided by Annex III.</p> <p>6.9. The Catch-base Allocation of developed non-coastal CPCs shall be revised consistent with the amounts and schedule provided in Annex II.</p> <p>Renumber rest of provisions of Article 6 if option 2 is chosen.</p> <p>*****</p> <p><u>Annex II to Resolution 2023/XX</u></p> <p><u>Schedule for Attribution of Catch from developed non-coastal CPCs to [developing] CPCs that are Coastal States</u></p> <p>1. A total of [%] of Historical Catch of developed non-coastal CPCs shall gradually be attributed to [developing] CPCs that are Coastal States in accordance with this Annex. This shift shall commence one year after the entry into effect of this Resolution and shall be completed within [xx years].</p> <p>2. The attribution shall occur gradually, by decreasing the historical catch of developed non-coastal CPCs, and proportionately attributing this catch to [developing] CPCs that are coastal States, in the following manner:</p> <p>(a) % of the initial historical catch to be attributed in year 1;</p> <p>(b) % of the initial historical catch to be attributed in each[BN4] of years 2; 3; 4; 5; x...; and,</p>

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		<ul style="list-style-type: none"> • >4.0-≤5.0% of the IOTC Area of Competence (weighting = 5) • >5.0-≤6.0% of the IOTC Area of Competence (weighting = 6) • >6.0-≤7.0% of the IOTC Area of Competence (weighting = 7) • >7.0-≤8.0% of the IOTC Area of Competence (weighting = 8) <p>iv) the relative abundance of the species being allocated, within the area under national jurisdiction. The IOTC Scientific Committee is requested to provide advice as to how an index of relative abundance of each allocated species might be constructed, and may replace the current EEZ proportion criteria detailed in paragraph 19a(iii) [Note that as described in para. 65 of the S22 Report, “<i>The Commission REQUESTED the IOTC Scientific Committee to provide advice as to how an index of relative abundance of each allocated species (as detailed in IOTC-2018-S22-Prop K Rev1) might be constructed, within the area under national jurisdiction of each CPC</i>” The Commission is expecting a response</p>		<p>(c) a final attribution of % of the initial historical catch in year x.</p> <p>3. The final Historical Catch and the [option 1: final Coastal States Attributed Catch / or option 2: Coastal States Allocation] shall then remain adjusted for the remaining of the term of the allocation regime.</p> <p>*****</p> <p>Coastal States Allocation</p> <p>6.11. In addition to the Catch-base Allocation, CPCs that are Coastal States shall be eligible to receive a share of the TAC, which may comprise one or more of the following components:</p> <ul style="list-style-type: none"> (a) [35%] of Coastal State Allocation to address their interests and aspirations as Coastal States, to be shared in equal portion by all Coastal States as per Annex III; (b) [47.5%] of the Coastal State Allocation dedicated to CPCs that are developing coastal States to address their needs and dependency on the fishery, to be shared based on the indicators described in Annex III ; and (c) [17.5%] of Coastal State Allocation dedicated to CPCs that are Coastal States to address their rights and status as Coastal States, to be shared based on the indicators in Annex III. <p>*****</p> <p><u>Annex III to Resolution 2023/XX</u> <u>Coastal States Allocation Indicators</u></p>

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		<p>from the SC in its SC21 report to the Commission].</p> <p>(b) Coastal State CPCs who do not have a ‘baseline historical catch’ for a particular species, as detailed in Table 1, may request in writing to the IOTC Secretariat, and shall receive a Baseline Coastal State allocation for the next allocation period for that species, in accordance with the administrative process described in paragraph 28.</p> <p>c) The baseline Coastal State allocation for any Coastal State CNCP shall be no more than 50% of that of the lowest Baseline Coastal State allocation for any Coastal State CP.</p> <p>20. <i>Baseline historical catch allocation (within the EEZ and on the high seas):</i></p> <p>a) Historical catches of CPCs in a given reference period [2 options to be simulated: year average (2002-16), and best 5 years averaged from within the period 1950-2016], shall be used to calculate a baseline historical catch allocation for each CPC, calculated using the method described in</p>	<p>Wording of Coastal States Allocation and Annex III largely taken from Coastal States proposal</p>	<p>1. The following indicators shall be used to calculate the Coastal States Allocation pursuant to Article 6.11 of the Allocation Regime in Resolution 2023/XX:</p> <p>a) Pursuant to paragraph 6.11(a), CPCs that are coastal States: Status weighting = 1 (an equal portion for each). Proportion = 35% of the Coastal States Allocation;</p> <p>b) Pursuant to paragraph 6.11(b), CPCs that are developing coastal States: Proportion = 47.5% of the Coastal States Allocation;</p> <ul style="list-style-type: none"> • <i>Human Development Index (HDI) status:</i> Status weighting = low (1), medium (0.75), high (0.50), Very high (not applicable). Proportion = 30% of the developing coastal States element of the Coastal States Allocation; • <i>Gross National Income (GNI) status:</i> Status weighting = low (1), low-middle (0.75), upper-middle (0.5), high (0.25). Proportion = 30% of the developing coastal States element of the Coastal States Allocation; • <i>Small Islands Development Status (SIDS):</i> Status weighting = yes (1), no (0). Proportion = 40% of the developing coastal States element of the Coastal States Allocation; <p>c) Pursuant to paragraph 6.11(c), CPCs that are coastal States: EEZ proportion: In the absence of data supporting an indicator based on stock abundance, the size of the area under national jurisdiction within the IOTC Area of Competence, as a proportion of the overall IOTC Area of Competence. Proportion = 17.5% of the Coastal States Allocation; EEZ size weighting:</p> <ul style="list-style-type: none"> • >0.0-≤1.0% of the IOTC Area of Competence (weighting = 1) • >1.0-≤2.0% of the IOTC Area of Competence (weighting = 2)

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		<p>paragraph 20b, for each IOTC species, as provided in Table 1.</p> <p>b) All historical catches taken within an area under national jurisdiction of a CPC shall be attributed solely to the CPC with jurisdiction over that area, regardless of the flag of the vessels that took such catches (baseline historical catch). The spatial separation of historical catches, by each CPC, as between areas within and beyond national jurisdiction shall be made on the following basis, excluding those taken by identified IUU vessels:</p> <p>i) Where the IOTC Secretariat holds fine-scale spatial information about the distribution of a CPCs' catches, that information shall be used to spatially attribute the catch history.</p> <p>ii) Any CPC may provide fine scale spatial information to the IOTC Secretariat no later than 31 December [2020]. Once vetted by the IOTC Secretariat and the small working group</p>		<ul style="list-style-type: none"> • • >2.0-≤3.0% of the IOTC Area of Competence (weighting = 3) • • >3.0-≤4.0% of the IOTC Area of Competence (weighting = 4) • • >4.0-≤5.0% of the IOTC Area of Competence (weighting = 5) • • >5.0-≤6.0% of the IOTC Area of Competence (weighting = 6) • • >6.0-≤7.0% of the IOTC Area of Competence (weighting = 7) • • >7.0-≤8.0% of the IOTC Area of Competence (weighting = 8)

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		<p>to be determined by the Commission, that information shall be used to spatially attribute the catch history for that CPC.</p> <p>iii) Catches reported for 5x5 or 1x1 degree grid squares that:</p> <ul style="list-style-type: none"> • wholly fall within areas under national jurisdiction are to be considered as being taken in areas under national jurisdiction; • wholly fall within the high seas are to be considered as being taken in the high seas; • overlap one or more EEZs and/or the high seas¹, shall be distributed proportionately by area. In cases where there is disagreement by one or more participants, the supporting evidence shall be provided to, and considered by the IOTC Compliance Committee. 		

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		<ul style="list-style-type: none"> • are taken by a CPC fishing within its own EEZ, shall be considered as being taken within that CPCs EEZ. <p>iv) Catches reported or estimated without associated spatial effort data (as required by IOTC Resolution 15/02, or any superseding Resolution), shall be considered as being taken on the high seas by that CPC. In cases where the flag State is in disagreement with another CPC, supporting evidence shall be provided for consideration by the IOTC Compliance Committee.</p> <p>v) Catches by coastal fisheries are assumed to have been taken within the area under the national jurisdiction of the Coastal State CPC, irrespective of whether spatial effort data is available.</p> <p>c) The baseline historical catch allocation for any CNCP shall be no more than 50% of that of the lowest Baseline historical catch allocation for any CP.</p>		

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<p>B. Supplementary/ Complementary Allocation</p> <p>Allocation Factors:</p> <ul style="list-style-type: none"> - Eligibility: Coastal States; Coastal Developing States; Coastal States with catch history - CS dependence and needs (imports and exports) - CS development and social status (WDI, GNI, SIDs) - CS interests and aspirations (active fleet; Fleet Development Program/Utilisation Plan) - <i>Coastal State status in the IOTC Area of Competence & Relative Abundance of</i> 	<p>In addition to the Baseline Historical Catch Allocation, Page 4, Clauses 9, 10 and 11 of the EU Proposal provide for a Complementary Allocation.</p> <p>The Complementary allocation is to be provided to developing States, specifically Least Developed Countries, SIDS and Coastal Developing States, with a view to accommodate their special requirements and special interests</p> <p>Developing States that hold allocations for particular species corresponding to more than [5-10%] are not eligible to this complementary allocation for that species.</p> <p>To access the Complementary Allocation, Developing CPCs must confirm that their fishing opportunities and efforts are consistent with their Fleet Development Plan submitted under IOTC Resolution 15/11</p>	<p>Page 9, clause 21 provides for a supplementary allocation to be shared equally by all Contracting Parties and Cooperating non-Contracting Parties that have catch history for the species being allocated.</p> <p>Distant Water Fishing New Entrants are excluded from this eligibility (clause 21(a)), and Cooperating non-Contracting Parties shall only receive 50% of that allocated to others (clause 21(b))</p> <p>A CPC that doesn't have catch history may seek a Supplementary Allocation according to a process set out in clause 28</p> <p>Under the Baseline Coastal State Allocation in the Coastal States Proposal Page 7, clause 19(a)(i) and (iii), it is proposed that Coastal States to the IOTC that have catch history would be entitled to receive Baseline Coastal State Allocations calculated on the basis of their status as a Coastal States, and the portion of their EEZ in the IOTC area of competence</p> <p>The EEZ portion criteria may eventually be replaced by one that shares a % of the Baseline Coastal</p>	<p>Both Proposals suggest an allocation structure that contains consideration of more than catch history</p> <p>The Coastal States' Proposal includes a specific portion of the TAC to be shared equally by all CPCs (Supplementary Allocation)</p> <p>Both Proposals include a specific portion of the TAC to be dedicated to Coastal States, in recognition of their status, needs, interests and aspirations</p> <p>And Both Proposals suggest a portion of the catch history by non-Coastal States to be transferred to Coastal States in recognition of, and to address, their status, needs, interests and aspirations</p> <p>The EU Proposal embeds the Developing Coastal State factor for an allocation dedicated to Coastal States to address their status, needs and dependency under their proposed Complementary Allocation, while the Coastal States' proposal has addressed this issue under their Baseline Coastal State Allocation and Correction Factor. While the manner in which the concept is treated in both proposals is different and details vary, there appears to be recognition of, and agreement on, the need to accommodate Developing Coastal States' aspirations and needs in both Proposals.</p> <p>Note: IOTC Resolution 15/11 expired. Members would need to adopt a new resolution on this subject to put the requirement in the EU proposal into effect.</p> <p>The EU Proposal appears to restrict the complementary allocation to developing States – whether Coastal or not, while the Coastal States' Proposal suggests a Baseline Coastal State Allocations for both developed and developing Coastal States</p> <p>Whether under the auspices of a baseline allocation or a complementary allocation, TCAC members will need to agree on which group of Coastal States are being targeted in support of accommodating the needs, interests and aspirations, beyond the expectations addressed through an allocation based on historical catches</p>	<p>Both Proposals suggest an allocation structure that contains consideration of more than catch history</p> <p>The Coastal States' Proposal includes a specific portion of the TAC to be shared equally by all CPCs (Supplementary Allocation)</p> <p>Both Proposals include a specific portion of the TAC to be dedicated to Coastal States, in recognition of their status, needs, interests and aspirations</p> <p>And Both Proposals suggest a portion of the catch history by non-Coastal States to be transferred to Coastal States in recognition of, and to address, their status, needs, interests and aspirations</p> <p>The EU Proposal embeds the Developing Coastal State factor for an allocation dedicated to Coastal States to address their status, needs and dependency under their proposed Complementary Allocation, while the Coastal States' proposal has addressed this issue under their Baseline Coastal State Allocation and Correction Factor. While the manner in which the concept is treated in both proposals is different and details vary, there appears to be recognition of, and agreement on, the need to accommodate Developing Coastal States' aspirations and needs in both Proposals.</p> <p>Note: IOTC Resolution 15/11 expired. Members would need to adopt a new resolution on this subject to put the requirement in the EU proposal into effect.</p> <p>The EU Proposal appears to restrict the complementary allocation to developing States – whether Coastal or not, while the Coastal States' Proposal suggests a Baseline Coastal State Allocations for both developed and developing Coastal States</p> <p>Whether under the auspices of a baseline allocation or a complementary allocation, TCAC members will need to agree on which group of Coastal States are being targeted in support of accommodating the needs, interests and aspirations, beyond the expectations addressed through an allocation based on historical catches</p>

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<p><i>stocks in National jurisdictions</i></p> <p>Corrections for Developing Coastal States</p>	<p>Pages 4-5, Clauses 12-13 provide for Correction Factors, which are to be applied to the sum of allocations to increase such allocations to CPCs where appropriate, to address:</p> <ul style="list-style-type: none"> - Development and social factors, such as: <ul style="list-style-type: none"> - subsistence, small scale and artisanal fishers dependent on fishing, - the needs of Coastal States whose economies are overwhelmingly dependent the exploitation of marine living resources (jobs/GDP), and - the vulnerability of this dependence on meeting nutritional 	<p>State Allocation based on relative abundance of species being allocated, in individual Coastal States’ waters, when such abundance is (can be) estimated by the Scientific Committee (see IOTC-2018-S22-PropK Rev1)</p> <p>Page 9, clause 22 provides for 2 types of Correction Factors in the form of additional allocation to be provided to a Developing Coastal State:</p> <ul style="list-style-type: none"> (a) whose total allocation for a species is less than 95% of its average catch for the reference period; (b) In recognition of development needs. In this instance, the additional future fishing opportunities would be facilitated by the gradual reallocation of % of allocation from distant water fishing CPCs whose total allocation for that species exceeds 4% of the GTAC <p>The reallocation would start 1 year after the adoption of the Allocation Regime and be completed within 5 years, with 20% of the reallocation to occur annually during this</p>	<p>A request was made to Scientific Committee in IOTC 2018-S22-PropK Rev1. The Commission requested the IOTC Scientific Committee to provide advice as to how an index of relative abundance of each allocated species (as detailed in IOTC-2018-S22-Prop K Rev1) might be constructed, within the area under national jurisdiction of each CPC. Currently the data available is not sufficient to be able to develop the indices of abundance requested.</p> <p>TCAC05 Report, para 42-43 reflects support for Correction Factors as relevant, but recognizes a need to elaborate on how they would be quantified and operationalized</p> <p>*The EU Proposal is linked and dependent on a scoping study. This Study was conducted by a IOTC consultant in 2019. While indicators were provided, implementation results were inconclusive due to lack of data.</p>	<p>The Coastal States’ Proposal contains a detailed Developing Coastal State allocation as part of the Baseline Coastal State Allocation, based on a combination of internationally recognized indicators provided by:</p> <ul style="list-style-type: none"> - the UN Department of Economic and Social Affairs; - OECD - UNDP; and - World Bank <p>Including a simulation in Appendix I of their Proposal.</p> <p>Members may wish to consider the internationally accepted GNI (World Bank) indicator used by the IOTC in its Financial Regulations.</p> <p>It is not clear how the Coastal States’ second proposed correction factor in this section related to “development needs” differs from the development factors laid out in their Baseline Coastal State Allocation</p> <p>Clarification needed: The EU proposal appears to require that CPCs hold an initial Baseline Allocation (hence catch history) to be entitled to a Complementary Allocation and Correction Factor, however, this is not clear from the wording of the proposal.</p>

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	<p>requirements of their population;</p> <ul style="list-style-type: none"> - Fishery-related issues and trade factors, such as <ul style="list-style-type: none"> - Real fishing interests evidenced by fishing patterns, practices and existence of an active domestic fleet or a Fishery Development Plan under implementation; - The weight of imports of raw tuna products for transformation on the State’s economy; and - % of GDP depends on exports of products from the exploitation of marine living resources 	<p>period. Eligibility and distribution details are to be developed by the TCAC following the adoption of the Allocation Regime.</p>		
<p>B. SUPPLEMENTARY/ COMPLEMENTARY ALLOCATION</p>	<p>Complementary allocation</p>	<p>21. Supplementary allocation (right to fish as an IOTC CPC)</p>	<p>Concept of baseline and supplementary allocation criteria not retained. All criteria</p>	

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TEXT	<p>9. In addition to the baseline allocation provided for in paragraphs 9 and 10 and to accommodate the special requirements of the developing States in Article 24 UNFSA and special interests of developing countries in the Indian Ocean Region to benefit equitably from the fishery resources as recognised in the IOTC Agreement the following complementary allocations shall be added to the baseline allocation to be distributed amongst the following CPCs:</p> <p>a) Least developed countries (LDCs) on the list of LDCs established by the United Nations’ Committee for Development (CDP) shall receive a supplementary baseline allocation of [1/2] in this paragraph to be distributed amongst all LDCs in proportion of the size of their EEZs.</p> <p>b) Small Island Developing States (SIDS) shall receive a supplementary baseline allocation of [1/4] of the</p>	<p>a) Each CPC, with a ‘baseline historical catch’ for the species being allocated within the IOTC Area of Competence, as detailed in Table 1, with the exception of new entrant DWF CPC as described in paragraph 23(b), shall be allocated a supplementary allocation.</p> <p>b) The supplementary allocation shall be equal among each CP. CNCPs shall receive half of that which a CP receives. If a CPC does not intend to fish, or transfer (in accordance with paragraph 24), its supplementary allocation in a given allocation period, or does not respond to the allocation issuance by the designated time (to be determined by the Commission), its supplementary allocation shall automatically be reallocated to other Coastal State CPs based on the allocation formula adopted by the Commission and applied on an annual basis.</p> <p>c) A CPC that does not have a ‘baseline historical catch’ for a particular species, as detailed in Table 1, may request in writing to the IOTC Secretariat, to receive a Supplementary allocation for the next allocation period for that species, in</p>	<p>inserted in one section under Allocation Criteria</p>	

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	<p>complementary allocation provided for in this paragraph to be distributed amongst all SIDS in proportion of the size of their EEZs</p> <p>c) Coastal developing States, excluding States described in a) and b), shall receive a supplementary baseline allocation of [1/4] of the complementary allocation provided for in this paragraph to be shared amongst all coastal developing States in proportion to the size of their EEZs.</p> <p>10. Any CPC having after the application of the allocation principles set out in this resolution an allocation for a particular species corresponding to more than [5-10%] of the TAC shall no longer be eligible for a complementary allocation for that species.</p> <p>11. In order to benefit from the complementary allocation the CPCs concerned must confirm that such additional allocations and the associated future fishing efforts are consistent with the</p>	<p>accordance with the administrative process described in paragraph 28.</p> <p>28. The IOTC Secretariat shall develop an administrative process for instances where a CPC, who does not have a ‘baseline historical catch’ for a particular species, may request an allocation in accordance with paragraph 19(b) Baseline coastal State allocation; and paragraph 21(c) Supplementary allocation, and how that request would be evaluated against the provisions in this Resolution.</p>		<p>Correction for Extenuating Circumstances</p> <p>6.12. A CPC that is a developing coastal State and whose ability to fish for species covered by this Resolution during the catch history reference period referred to in Article 6.7 has been severely restrained or impeded by extenuating circumstances, such as:</p> <ul style="list-style-type: none"> (a) engagement in war or other military conflicts; (b) engagement in civil conflicts; (c) wide spread piracy in the fishing area; (d) environmental disasters, such as a tsunami,

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	<p>their Fleet Development Plan (FDP) submitted under Resolution [15/11] and its actual implementation.</p> <p>Correction factors</p> <p>12. The following correction factors shall be applied to the sum of the initial and the complementary allocation as per paragraphs 8 to 11 in order to increase, where appropriate, the allocation for a particular CPC:</p> <p>(a) Development and social factors, including: [this shall be revisited on the basis of the result of the scoping study]</p> <p>i. the needs of subsistence, small-scale and artisanal fishers, who are mainly dependent on fishing for the IOTC stocks;</p> <p>ii. the needs of coastal states whose economies are overwhelmingly dependent on the exploitation of marine living resources. Such dependency shall be in terms of for example when [%] of jobs are linked to the exploitation of marine living</p>	<p>22. Correction Factors (CF)</p> <p>a) CF1: Developing Coastal State (DCS) CPs whose allocation arising from the components detailed in paragraphs 19-21, for a particular species, totals less than [95%] of that DCS CPs average catch taken within the catch history reference period (para. 20a), shall receive a corrective allocation. The Correction Factor (CF1) shall be allocated proportionally among eligible DCS CPs, based on the average catch taken within the catch history reference period for those DCS CPs.</p> <p>b) CF2: Additional future fishing opportunities for DCS CPCs shall be provided for by the application of a corrective allocation (CF2), in recognition of development needs. The corrective allocation (CF2) shall be facilitated by the gradual reallocation of [10%] of the allocation from DWF CPCs whose total allocation for that species is greater than [4%] of the GTAC for that species. This reallocation shall commence one (1) year after the commencement of this</p>		<p>may, subject to the approval of the Commission, seek to have its allocation for that species corrected based on the average catch taken within the catch history reference period by CPC developing coastal States for the same species.</p>

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	<p>resources employment and [%] of the GDP income resulting from exports ;</p> <p>iii. the vulnerability of developing coastal states, and notably LDC, in whose area of national jurisdiction the ITOC stock also occur and who are dependent on the exploitation of marine living resources, including for meeting nutritional requirements contribution of their population or parts thereof.</p> <p>b) Fishery-related issues and trade factors, including:</p> <p>i. real fishing interest as evidenced by fishing patterns and fishing practices by the existence an active domestic fleet or a FDP under implementation;</p> <p>ii. the public and/or private sector investments made in the tuna sector;</p> <p>iii. the weight of imports of raw tuna products for transformation on a CPCs economy.</p> <p>iv. [%] of GDP depends on exports of products linked to the</p>	<p>allocation scheme and shall be completed over a five (5) year period, with 20% per year being reallocated. Eligibility, and distribution of allocation among eligible DCS CPCs shall be determined at the TCAC meeting subsequent to the adoption of this Resolution.</p>		

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	exploitation of marine living resources 13. Each individual correction factor in paragraph 12 shall be weighted at 1/2. The application of the correction factors can't result in an increase of the total TAC.			
C. Other Allocation Factors - Contributions to conservation and management of stocks and provision of accurate data, if not addressed as eligibility criteria - CPC Contribution to scientific research - Setting aside an allocation for science survey purpose	None provided	None provided	None of these factors were included in the proposals currently on the table, though the EU proposal did include, in a previous iteration, consideration of the contributions by CPCs to the conservation and management of IOTC stocks. These are suggested by the Chair, for consideration by TCAC Members, recognizing that these are often considered in allocation regime discussions in RFMOs, though not all are retained. Setting aside a % of the GTAC addresses the sustainability of GTAC	

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C. OTHER ALLOCATION FACTORS			No Support for inclusion of such additional factors or criteria	
Theme 5: Adjustments				
<p>A. OVERCATCH & NON-COMPLIANCE ADJUSTMENTS</p> <ul style="list-style-type: none"> - Adjustments for non-compliance - <i>Work that the Commission may wish to refer to the Compliance Committee</i> 	<p>Page 3, Section Main Principles, clause 5</p> <p>Lose eligibility if compliance score of less than 60% over 2 consecutive years without indication of real progress (10% improved compliance)</p> <p>Page 5, clause 15, specifies that such losses are temporary and that the allocation may be reacquired as soon as the conditions that led to the loss have ceased to exist</p> <p>Refers to mechanism to be developed by the IOTC Compliance Committee</p>	<p>Page 10, Section III Allocation Criteria, Clause 25:</p> <p>Deduction Ratios 1:2:1; or 1:5:1 if deferral requested; and 2:1 for subsequent consecutive over-catch with no deferral</p> <p>Refers to mechanism to be developed by the IOTC Secretariat</p>	<p>Consider endorsement of IOTC-2019-TCAC05-R, para 30-31, and Appendix 5</p> <p>These two proposals treat non-compliance differently. The EU Proposal affects eligibility to the entire allocation, whereas the Coastal States' Proposal proposes to proportionally impact the amount of allocation to be received in a given year.</p> <p>Chair suggests Members consider making a specific recommendation from TCAC to the Commission to assign work to the Compliance Committee/Secretariat on developing a mechanism for this purpose</p>	
THEME 5: ADJUSTMENTS				<p>Article 7. ADJUSTMENTS[BN5]</p> <p>7.1 Over-catch</p>

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<p>TEXT</p> <p>A. Overcatch & Non-Compliance Adjustments</p>	<p>5. [A CPC having a compliance score of less than [60%] each year, for two consecutive years, without any indication of real progress in compliance is also not eligible to receive a TAC allocation. In such cases, a temporary proportional adjustment amongst CPCs on the basis of their final allocation shall take place. "Real progress" in this context means an improved compliance score of [10%] compared to the previous year .] Paragraphs 5 need to be revised on the basis of the results of the discussions in CoC on how to take into account the compliance record in the allocation criteria.</p> <p>15. The sum of the initial allocation, the complementary allocation, the allocation for new entrants, plus the correction factors shall constitute the final allocation for the five-year period. Any additional allocation as a result of the applications of paragraphs 3 and 4 above shall</p>	<p>25. Allocation compliance:</p> <p>a) Mechanisms to reconcile reported catch against CPC allocations shall be developed by the IOTC Secretariat no later than the Commission meeting in [2019].</p> <p>b) Over-catch by any CPC of its allocation for a given species, shall be deducted from that CPC's allocation in the future. The default deduction shall be at a ratio of 1.2:1 for the following allocation period, or at the request of the CPC, increased to 1.5:1 for the deduction to be deferred to the subsequent allocation period. A second or greater consecutive over-catch shall result in an allocation deduction of 2:1, and deferral shall not be permitted.</p>		<p>(a) Over-catch of a species by a CPC in a given calendar year within an allocation period shall be deducted from that CPC's allocation for that species in the following calendar year within the same allocation period at a ratio of 1.2:1.</p> <p>(b) A CPC may seek to defer this deduction to the next calendar year within the allocation period, in which case, the deduction ratio will be increased to 1.5:1.</p> <p>(c) A second consecutive over-catch of a given species shall result in an allocation deduction of 2:1, and deferral shall not be permitted.</p> <p>(d) Any outstanding over-catch of a species from an allocation period shall be deducted from the first calendar year of the following allocation period, based on the relevant ratio referred to in paragraphs 7.1. (a) to (c).</p> <p>7.2. Serious Non-Compliance</p> <p>(a) The Commission may temporarily withdraw eligibility to an allocation of any CPC or New Entrant, where the Commission determines that the CPC or New Entrant has demonstrated serious, systematic or gross disrespect of the IOTC's Conservation and Management Measures.</p> <p>(b) In determining whether to temporarily withdraw eligibility of a CPC or New Entrant to an allocation, the Commission may consider the following examples of serious and systematic non-compliance:</p> <p>(i) Repeated and persistent overcatch or underreporting, with refusal to adjust their allocation in accordance with article 7.1, or where no concrete actions are taken to remediate;</p>

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	<p>be considered temporary and the CPCs concerned by the loss of allocation shall reacquire its full allocation as the soon as the conditions that led to the loss have ceased to exist.</p>			<p>(ii) Long-term non-provision of data with no concrete actions taken to address the data gaps;</p> <p>(iii) Persistent non-payment of contributions to the Commission in accordance with Article XIII of the Agreement.</p> <p>(c) The Commission may reinstate a CPC’s or New Entrant’s allocation that has been temporarily withdrawn where:</p> <p>(i) the CPC or New Entrant has fully addressed the non-compliance issue; and,</p> <p>(ii) the CPC or New Entrant has made a request in writing to the Commission for reinstating their allocation, providing information related to steps taken to address the non-compliance, as outlined in paragraph 7.2(b).</p>
<p>B. Adjustments For Stock Declines</p> <p>- Threshold for Developing Coastal States</p>	<p>Page 4, clause 7 provides for a gradual adjustment over a period of [5-10] years to adjust to reductions in allocations in excess of [10%]</p>	<p>Page 11, clause 27 in the Implementation Section provides for a proportional reduction [1/4-1/3] in allocation for Developing Coastal States and SIDS, when a GTAC decreases from previous allocation periods</p>	<p>Would a gradual implementation of an allocation reduction due to stock declines as proposed by the EU not be better suited for Harvest Control Rules implementing a precautionary approach for the given stock?</p>	
<p>B. ADJUSTMENTS FOR STOCK DECLINES</p>	<p>7. In order to assure CPCs and their nationals, who fish or have made other fishing related investments in the IOTC Convention area, relative stability</p>	<p>27. When the Global Total Allowable Catch (GTAC) for an IOTC species decreases from the previous allocation period, DCS and SIDS shall receive a smaller proportional reduction in</p>		<p>7.3 Adjustments based on Changes to TACs</p> <p>When the TAC for a given species changes above or below a threshold set by the Commission and reflected in its Management Procedure for the species, this shall result in proportionate adjustments to allocations of CPCs as follows:</p>

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	<p>of their fishing and related activities and to avoid any sudden economic dislocation/disruption in the countries concerned, any final allocation that results in a reduction in excess of [10]% of the of the average catches in the last 10 years or the precedent quota, if a quota was already established, shall be implemented gradually over a period of [5-10] years (hereinafter referred to as the "stability principle").</p>	<p>catches than other CPCs. The proportion of the allocation reduction for DCS and SIDS would be [¼ - 1/3] of that of other CPCs, consistent with principles enunciated in the Kobe process.</p>		<p>(i) [%] CPCs that are developed States; (ii) [%] CPCs that are developing Coastal States.</p>
<p>Theme 6: Weighting</p> <p>Consider whether weighting is necessary or feasible at this time</p> <p>% of TAC to be attributed to each component of the allocation components</p>	<p>Page 3, Main Principles Section, Clause 3 provides for the GTAC proportions for allocation criteria in the EU proposal:</p> <ul style="list-style-type: none"> - Initial Baseline allocation: 80% - Complementary allocation: 12% - New Entrants: 1% - Correction Factors: 7% <p>Page 6, clause 19 contains a commitment to reaching agreement on a weighting scheme for correction factors within 2 years of adoption of the Allocation Regime</p>	<p>Weighting percentages are spread out in the Coastal States proposal. Pages 10-11, Section IV, clause 26 provide for GTAC Proportions for allocation criteria. Pages Page7, clause 19 provides more details on the % weight to be attributed to each factor and subcomponent of the Baseline allocation for Coastal States:</p> <ul style="list-style-type: none"> -Baseline allocations :80% <ul style="list-style-type: none"> - Baseline Coastal State: 20% - Baseline historical catch: 65% -Supplementary allocation: 5% 	<p>In both proposals, weighting is accomplished by assigning notional [bracketed] percentages of the Global Total Allowable Catch for a given species to each allocation criteria/component, and to each factor within each allocation component.</p> <p>A question arises as to whether it is necessary or useful to consider these weighting % at this time, or whether consideration of this should wait until after the allocation structure, its components and the factors are agreed upon?</p> <p>The Chair suggests that Members consider the timing of developing and agreeing to this: whether this needs to be fleshed out now or whether it can be done in a second phase to the work of the TCAC, after the allocation structure has been agreed to Although this may make things more complex, TCAC members may wish to consider whether weighting could be different by species</p>	

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		<p>-Correction factor allocation: 15%, increasing over time</p> <ul style="list-style-type: none"> - CFI: 15% - CF2: this would not be coming from the GTAC, but instead from a reallocation from DWF CPCs, increased over time 		
<p>THEME 6: WEIGHTING</p>	<p>Main Principles</p> <p>3. The allocation shall be limited to IOTC CPCs and consist of an initial baseline allocation for all CPCs plus complementary and new entrants allocations to be adjusted by certain corrections factors as set out below. The initial baseline allocation shall comprise [80]% of the TAC. The remaining [20]% of the TAC shall be set aside for redistribution through a complementary allocation [12%], new entrants allocation [1%] and adjusted by correction factors [7%].</p> <p>Weighting of the allocation criteria</p> <p>19. Each Member of the Commission commits to making a good faith effort to reach</p>	<p>IV. GTAC Proportions for of allocation criteria</p> <p>26. A weighting scheme shall be simulated for the allocation categories for consideration at the TCAC07 meeting in March 2021, and shall accommodate the special requirements of DCS, including their development aspirations, as follows:</p> <ul style="list-style-type: none"> a) Baseline allocations: 80% (simulation range 80-95%) <ul style="list-style-type: none"> i. Baseline Coastal State: 20% (simulation range 15-40%) ii. Baseline historical catch (within the Exclusive Economic Zone and on the high seas): 65% (simulation range 60-80%) b) Supplementary allocation: 5% 	<p>Discussion Suspended until body of allocation regime is developed.</p>	

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	<p>agreement on a weighting scheme for the correction factors set out in this Resolution within 2 years after the adoption of this Resolution.</p>	<p>c) Correction Factor allocation: 15% (10-15%), increasing over time with reallocation</p> <p>i. CF1: 15%</p> <p>ii. CF2: Increasing over time with reallocation</p> <p>19. Baseline Coastal State allocation</p> <p>a) Each Coastal State CPC with a 'baseline historical catch' of the species being allocated within the IOTC Area of Competence, as detailed in Table 1, and calculated using the method described in paragraph 20b, shall receive a Baseline Coastal State allocation. The Baseline Coastal State allocation shall be made in accordance with the following elements (reference Appendix I) and paragraph 19c:</p> <p>i. Coastal State CPCs: Status weighting = 1 (an equal portion for each). Proportion = 35% (simulation range: 32.5-37.5)] of the Baseline Coastal State allocation;</p> <p>ii. Developing Coastal State CPCs: Proportion = 47.5% (simulation range:</p>		

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		<p>45-50) of the Baseline Coastal State allocation;</p> <ul style="list-style-type: none"> • <i>HDI status</i>: Status weighting = low (1), medium (0.75), high (0.50), Very high (not applicable). Proportion = 30% of the Developing Coastal State CPC element; • <i>GNI status</i>: Status weighting = low (1), low-middle (0.75), upper-middle (0.5), high (0.25). Proportion = 30% of the Developing Coastal State CPC element; • <i>SIDS status</i>: Status weighting = yes (1), no (0). Proportion = 40% of the Developing Coastal State CPC element; • If a DCS does not intend to fish, or transfer (in accordance with paragraph 243), its DCS allocation in a given allocation period, or does not respond to the allocation issuance by the designated time (to be determined by the Commission), its DCS allocation shall automatically be reallocated to other DCS CPs based on the allocation 		

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		<p>formula contained within this measure and applied on an annual basis.</p> <p>iii. EEZ proportion: The size of the area under national jurisdiction (within the IOTC Area of Competence) as a proportion of the overall IOTC Area of Competence. Proportion = 17.5% (simulation range 15-20) of the Baseline Coastal State allocation; EEZ size weighting:</p> <ul style="list-style-type: none"> • >0.0-≤1.0% of the IOTC Area of Competence (weighting = 1) • • >1.0-≤2.0% of the IOTC Area of Competence (weighting = 2) • • >2.0-≤3.0% of the IOTC Area of Competence (weighting = 3) • • >3.0-≤4.0% of the IOTC Area of Competence (weighting = 4) • • >4.0-≤5.0% of the IOTC Area of Competence (weighting = 5) • • >5.0-≤6.0% of the IOTC Area of Competence (weighting = 6) • • >6.0-≤7.0% of the IOTC Area of Competence (weighting = 7) 		

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		<ul style="list-style-type: none"> • • >7.0-≤8.0% of the IOTC Area of Competence (weighting = 8) <p>iv) the relative abundance of the species being allocated, within the area under national jurisdiction. The IOTC Scientific Committee is requested to provide advice as to how an index of relative abundance of each allocated species might be constructed, and may replace the current EEZ proportion criteria detailed in paragraph 19a(iii) [Note that as described in para. 65 of the S22 Report, "<i>The Commission REQUESTED the IOTC Scientific Committee to provide advice as to how an index of relative abundance of each allocated species (as detailed in IOTC-2018-S22-Prop K Rev1) might be constructed, within the area under national jurisdiction of each CPC</i>" The Commission is expecting a response from the SC in its SC21 report to the Commission].</p> <p>(b) Coastal State CPCs who do not have a 'baseline historical catch' for a particular species, as detailed in Table 1, may request in writing to the IOTC Secretariat, and shall receive a Baseline Coastal State allocation for</p>		

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		<p>the next allocation period for that species, in accordance with the administrative process described in paragraph 28.</p> <p>c) The baseline Coastal State allocation for any Coastal State CNCP shall be no more than 50% of that of the lowest Baseline Coastal State allocation for any Coastal State CP.</p>		
<p>Theme 7: Implementation</p> <p>A. Phased Implementation</p> <ul style="list-style-type: none"> - Role of Science Committee, Compliance Committee, the Secretariat, other IOTC bodies - Work for assignment to other IOTC body 			<p>It may be challenging to implement the Allocation Regime on all IOTC stocks at once. Rather than delay the implementation of the regime, the Commission could consider a phased implementation by prioritizing the stocks to which it will apply first. Or, alternatively, it could establish criteria for creating this priority list. TCAC Members could make recommendations on this to the Commission</p> <p>The Chair suggests that it would be useful to identify the roles of various bodies of the IOTC in the implementation of the Allocation regime in the body of the Allocation Regime, and ensure that recommendations are made by the TCAC to the Commission for assigning the necessary work to these bodies</p>	
<p>THEME 7: IMPLEMENTATION</p>				<p>9. IMPLEMENTATION Priority Species</p>

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<p>TEXT</p> <p>A. Phased Implementation</p>				<p>9.1. Allocations shall be established as a matter of first priority for the following species:</p> <ul style="list-style-type: none"> (a) yellowfin tuna; (b) bigeye tuna; (c) skipjack tuna; (d) albacore tuna; (e) swordfish. <p>9.2. The Commission may determine an order of priority for the remaining species covered by this Allocation Regime pursuant to Article 5.1 and Annex I, for which it will gradually implement allocations. In determining the order of priority, the Commission shall consider the advice from the Scientific Committee, and factor in:</p> <ul style="list-style-type: none"> (a) the availability and reliability of data for the species; (b) the status of the species; (c) the schedule (cycle) for species/stock assessments; and (d) the need to manage the workload of the Commission by rotating the timing of various TAC decisions. <p>9.3. The Commission may amend Annex I to reflect these implementation priorities.</p>
<p>B. Catch Reconciliation Mechanism</p> <p>General views on linkages to the Allocation Regime</p> <p>Work that the Commission may wish to</p>	<p>Page 3, Section Main Principles, clause 5</p> <p>Refers to the Compliance Committee to develop a mechanism for addressing the implications of non-compliance on allocations</p>	<p>Process for establishing Historical Catch</p> <p>Page 6, section II Allocation Principles, clause 14(e): Estimates by the Secretariat, approved by the Scientific Committee and endorsed by the Commission</p>	<p>Most RFMOs who have put in place allocations have established a catch reconciliation regime, to enable the relevant Commission bodies and its members to review catch reports and proposed allocations, adjust these based on factual representations by Members and the scientific bodies, and any other adjustments required by the regime, including for compliance, unused allocations and transfer requests.</p>	

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consider assigning to the Compliance Committee		<p>Page 11, clause 27 proposes that the Secretariat establish an administrative process for developing catch reports for the purpose of establishing baseline historical catch, supplementary allocation and baseline coastal state allocations</p> <p>Page 10, clause 25, proposes that the Secretariat propose a mechanism to reconcile reported catch against CPC allocations and submit this for the Commission's recommendation</p>	TCAC members may wish to consider proposing such a mechanism in their proposed Allocation Regime, that could involve more than one committee of the IOTC, and make recommendations to the Commission on roles for the appropriate IOTC bodies	
B. Catch Reconciliation Mechanism		<p>Process for Establishing Allocation</p> <p>14. ...</p> <p>e) <i>Historical catches</i>: The allocation scheme shall recognise historical catches of bigeye tuna, skipjack tuna, yellowfin tuna, albacore, and swordfish, by eligible participants as an element in determining allocations. For the purpose of allocation of future fishing opportunities, all historical catches taken within an area under the national jurisdiction of a CPC shall be attributed solely to that CPC, regardless of the flag State of the vessels that took such catches, referred to as the 'baseline historical</p>	<ul style="list-style-type: none"> - Process for determining historic catch; transferred catch and initial allocations (Secretariat) distinct from Reconciliation mechanism (Compliance Committee jointly with Scientific Committee?) - Reconciliation factoring in 	<p>Implementation Plan</p> <p>9.4. (a) Prior to the coming into force of this Resolution, the Secretariat shall prepare for the Commission's approval, an Implementation Plan for establishing allocations factoring in the priority list of species approved by the Commission pursuant to paragraph 9.1. The Implementation Plan may be amended from time to time, to add species to the priority list based on decisions of the Commission.</p> <p>(b) The Implementation Plan shall include:</p> <ul style="list-style-type: none"> (i) a schedule for setting TACs or appropriate proxies, as per the advice of the Scientific Committee; (ii) a draft template for allocation tables;

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		<p>catch’. Therefore, any catches made during previous provision of access to fisheries resources within an area under national jurisdiction (e.g. via access agreements or other arrangement), shall be attributed solely to the CPC with jurisdiction over that area rather than to any other CPC. This attribution will be given effect in a way that is without prejudice to the responsibilities of flag States to report catch under international law, including under UNFSA. Historical catches include those estimated by the IOTC Secretariat, approved by the IOTC Scientific Committee and endorsed by the IOTC. Where historical high seas catches are used they shall be attributed to the flag State that took the catches.</p> <p>Implementation</p> <p>27. When the Global Total Allowable Catch (GTAC) for an IOTC species decreases from the previous allocation period, DCS and SIDS shall receive a smaller proportional reduction in catches than other CPCs. The proportion of the allocation reduction for DCS and SIDS would be [¼ - 1/3] of that of other CPCs, consistent with</p>	<p>corrections and adjustments</p> <ul style="list-style-type: none"> - Role of Science Committee, Compliance Committee, the Secretariat, other IOTC bodies 	<p>(iii) information and data requirements for establishing TACs and allocations beyond current data requirements of the IOTC; and,</p> <p>(iii) proposed strategies for addressing data gaps required to be addressed to enable the Commission to establish TACs and allocations for species, as needed.</p> <p>Allocation Process and Catch Validation</p> <p>Allocation Committee</p> <p>9.5. Pursuant to Article XII.5 of the Agreement, the Commission hereby establishes the Allocation Committee to support the Commission’s process for allocating IOTC species to CPCs and New Entrants.</p> <p>9.6. The mandate of the Allocation Committee shall include:</p> <ul style="list-style-type: none"> (a) to review, reconcile and validate catch data for establishing allocations pursuant to this Resolution; (b) to adjust and make corrections to the allocations consistent with this Resolution; and, (c) to provide advice and recommendations to the Commission for decisions it is mandated to make pursuant to this Resolution. <p>9.7. Membership and Terms of Reference for the Allocation Committee are provided in Annex IV. A process map for the allocation process and catch reconciliation is included as Appendix 1.</p>

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		<p>principles enunciated in the Kobe process.</p> <p>28. The IOTC Secretariat shall develop an administrative process for instances where a CPC, who does not have a ‘baseline historical catch’ for a particular species, may request an allocation in accordance with paragraph 19(b) Baseline coastal State allocation; and paragraph 21(c) Supplementary allocation, and how that request would be evaluated against the provisions in this Resolution.</p> <p>29. The IOTC Secretariat shall issue allocations for each CPC, by species, once this Resolution takes effect. The first allocation period shall be 1 January to 31 December [2021].</p> <p>30. This Resolution shall be reviewed and revised as necessary, no later than at the annual Session of the Commission occurring five (5) years after adoption of this Resolution, with the intent of incorporating the latest scientific information on areas including but not limited to species biological distribution and spawning grounds, as well as areas of biological-</p>		<p>Implementation Plan</p> <p>9.8. During its first meeting, the Allocation Committee shall review and provide advice and recommendations to the Commission in respect of the adoption of the Implementation Plan drafted by the Secretariat in accordance with article 9.4. Thereafter, the Allocation Committee shall provide advice and recommendations to the Commission on any amendments that may be proposed to the Implementation Plan.</p> <p>Allocation Tables</p> <p>9.9. (a) XX days prior to the commencement of the management cycle for each species, and in accordance with the Implementation Plan referenced in articles 9.4 and 9.8, the Secretariat shall develop draft Allocation Tables for each species to be allocated pursuant to this Resolution for that cycle, based on the TAC decisions of the Commission for each species.</p> <p>(b) The draft Allocation Tables shall include allocations for each eligible CPC established pursuant to the criteria in this Resolution, including any adjustments pursuant to article 7, and any corrections requested pursuant to article 6.14.</p> <p>(c) The draft Allocation Tables do not confer allocation rights to CPCs until they are approved by the Commission.</p> <p>9.10. Eligible CNCPs and New Entrants that wish to be considered for allocations under articles 6.6 to 6.12 and 6.13 to 6.15 respectively, shall send a letter of application to the</p>

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		<p>ecological significance, as indicated in paragraph 19(a)(iv).</p> <p>31. This Resolution supersedes Resolution 14/02 <i>For the conservation and management of tropical tunas stocks in the IOTC area of competence, and Resolution 03/01 on the limitation of fishing capacity of contracting parties and cooperating non-contracting parties.</i></p> <p>25. Allocation compliance:</p> <p>a) Mechanisms to reconcile reported catch against CPC allocations shall be developed by the IOTC Secretariat no later than the Commission meeting in [2019].</p>		<p>Commission at least xx days prior to the meeting of the Allocations Committee.</p> <p>9.11. The Secretariat shall include in the Allocation Tables any transfers notified to the Commission pursuant to article 8.1 and 8.2, and any requests for allocations submitted by CNCPs and New Entrants pursuant to article 9.10.</p> <p>9.12. Upon receipt of the notification in Article 8.3., the Secretariat shall revise the relevant Allocation Tables by reallocating the proposed unused allocation to other CPCs based on the relevant allocation criteria.</p> <p>Annual Meeting of Allocation Committee</p> <p>9.13. The Allocation Committee shall meet annually, prior to the Commission's Annual Meeting.</p> <p>9.14. XX days prior to the meeting of the Allocation Committee, the Secretariat shall share with the Members of the Allocation Committee information and recommendations emanated from the Compliance Committee regarding non-compliance of CPCs and New Entrants for consideration by the Allocation Committee in accordance with article 7.2.</p> <p>9.15. The Secretariat shall update the Allocation Tables with any information submitted to the Commission in accordance with Article 9. It shall post the updated Allocation Tables on the IOTC Website at least xx days prior to the Allocation Committee meeting.</p>

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				<p>9.16. CPCs may seek revisions or corrections to the Allocation Tables from the Allocation Committee to reconcile and validate catch data compiled and reported to the Commission.</p> <p>Commission Approval</p> <p>9.17. The Secretariat shall prepare final draft Allocation Tables for each species reflecting the outcomes of the Allocation Group meeting, and submit them for decision by the Commission.</p> <p>9.18. (a) At its annual meeting, the Commission shall consider the recommendations of the Allocation Committee in approving the Allocation Tables submitted by the Secretariat.</p> <p>(b) The final Allocation Tables, including any decision by the Commission, shall be made public as soon as possible after the Commission’s decision.</p> <p>(c) The allocations contained in the Allocation Tables approved by the Commission constitute the final allocations of CPCs and New Entrants for the management cycle of the species.</p> <p>*****</p> <p><u>Annex IV to Resolution 2023/XX</u></p> <p><u>Terms of Reference for Allocation Committee</u></p> <p>Membership</p> <p>1. (a) The Allocation Committee of the IOTC established pursuant to article 9.4 of the IOTC Allocation Regime contained in</p>

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				<p>Resolution 2023/XX shall consist of representatives of Contracting Parties and Cooperating Non-Contracting Parties.</p> <p>(b) Representatives from New Entrants, Observers and Experts may participate in meetings of the Allocation Committee in accordance with the IOTC Rules of Procedure.</p> <p>Chair</p> <p>2. The Allocation Committee shall be presided by a Chairperson elected by its members in accordance with the IOTC Rules of Procedure.</p> <p>Mandate</p> <p>3. The mandate of the Allocation Committee shall include to adjust and make corrections to the allocations consistent with the Resolution, and to provide advice and recommendations to the Commission for decisions it is mandated to make pursuant to the Resolution.</p> <p>4. Specifically and consistent with the process established in the Resolution and reflected in the process map in Appendix I, the Allocation Committee shall review draft Allocation Tables prepared by the Secretariat for each species allocated pursuant to the Resolution, and provide advice and make recommendations to the Commission for decisions on the following matters:</p> <p>(a) Implementation Plan drafted by the Secretariat pursuant to article 9.3;</p>

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				<p>(b) Allocation Tables prepared by the Secretariat pursuant to article 9.8;</p> <p>(c) Requests from Eligible Participants to reconcile catch data pursuant to article 9.12;</p> <p>(d) Requests for allocations by New Entrants pursuant to articles 6.13 to 6.15;</p> <p>(e) Transfers pursuant to Article 8;</p> <p>(f) Corrections to allocations of a CPC that is a developing coastal State for circumstances provided in Article 6.12;</p> <p>(g) Adjustments made for over-catch pursuant to article 7.1;</p> <p>(h) Temporary withdrawal of an allocation from a CPC or New Entrant for serious non-compliance pursuant to article 7.2; and</p> <p>(i) any other matter required by the Commission.</p> <p>5. The Allocation Committee shall report directly to the Commission on its deliberations and recommendations.</p> <p>6. The Allocation Committee shall cooperate closely with the IOTC secretariat and IOTC subsidiary bodies in accomplishing its functions, in particular, the Compliance Committee and the Scientific Committee.</p> <p>Meetings</p> <p>7. The Allocation Committee shall meet once a year, prior to the annual meeting of the Commission.</p>

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				<p>Rules of Procedure</p> <p>8. The procedures of the Allocation Committee shall be governed mutatis mutandis by the Indian Ocean Tuna Commission: Rules of Procedure (2014), as amended from time to time.</p>
<p>C. Transferability Of Allocations</p> <ul style="list-style-type: none"> - Whether to allow transfers of allocations - Terms and Conditions 	<p>Page 6, Clause 20: No transfers unless authorized by Commission Access agreements with Coastal States exempted from this process requirement</p>	<p>Page 6, Allocation Principles Section, Clause 14(g) and Page 10, clause 24: Allowed Notification requirement to the Secretariat, which must circulate to members CNCs not eligible</p>	<p>Common ground reached at TCAC04 (para 17(iii)), that some provision on transferability should be contained in the final resolution and the process should be transparent.</p> <p>Both proposals support allocation transfers, though the approval/notification requirements differ. TCAC members may wish to consider the operational needs related to transfers and the most appropriate timeframe for decision-making by the IOTC on these matters.</p>	
<p>C. Transferability Of Allocations</p>				<p>8. Allocation Transfers and Use</p> <p>8.1. (a) CPs who wish to transfer, on a temporary basis, a portion or all of their allocations within an allocation period, shall notify the Commission in writing XX days prior to the transfer occurring.</p> <p>(b) The Secretariat shall share the written notification with all CPCs within xx days of its receipt.</p>

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				<p>(c) The written notification of the CP shall include the amount of fish to be transferred; the species; the period; the gear type to be used; and, the CP to whom the allocation, or part thereof, will be transferred.</p> <p>(d) Permanent transfers of allocations are not permitted.</p> <p>8.2. CNCPs and New Entrants are not eligible to transfer any whole or part of their allocations, nor to receive any whole or part of an allocation from CPCs or New Entrants.</p> <p>8.3. A CPC or New Entrant that does not intend to fish, transfer, or preserve its allocation for conservation purposes, in a given allocation period, shall notify the Commission in writing, within xx days of the Annual meeting of the Commission. The unused allocation shall be re-allocated in accordance with Article 9.12.</p>
<p>D. Term Of Allocations</p> <p>5 years or terms aligned with stock assessments for each stock</p>	<p>Page 5, clause 15 Final allocation valid for 5 years Adjustments made for non-compliance or not reporting nominal catch are temporary</p> <p>Clause 17 Final allocation is not a precedent for future allocations decisions or revisions.</p>	<p>Page 4, Definitions Section, Clause 1, and Page 11, Implementation Section V, Clause 29</p> <p>Period set by species, aligned with stock assessment and GTAC Default: 1 calendar year</p>	<p>If the term of the GTAC and allocations are based on a stock assessment cycle as proposed by the Coastal States' Proposal, TCAC Members should consider recommending to the Commission and the Scientific Committee a rotational stock assessment calendar, which would avoid the Commission having to address setting GTACs for all stocks at the same annual meeting. Other RFMOs have implemented this.</p>	
<p>D. TERM OF ALLOCATIONS</p>	<p>Final allocation</p>			<p>10. ALLOCATION PERIOD</p>

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	<p>15. The sum of the initial allocation, the complementary allocation, the allocation for new entrants, plus the correction factors shall constitute the final allocation for the five-year period. Any additional allocation as a result of the applications of paragraphs 3 and 4 above shall be considered temporary and the CPCs concerned by the loss of allocation shall reacquire its full allocation as the soon as the conditions that led to the loss have ceased to exist.</p> <p>16. The final allocation is not to be considered a precedent for future allocation decisions or revisions.</p>	<p>I. Definitions</p> <p>1. Allocation period: Period of time for which an allocation shall apply, and which may vary by species. The allocation period shall be aligned with the species stock assessment schedule and the resultant annual Global Total Allowable Catch (GTAC) set by the Commission. The default allocation period shall be one (1) calendar year, unless otherwise agreed by the Commission.</p> <p>29. The IOTC Secretariat shall issue allocations for each CPC, by species, once this Resolution takes effect. The first allocation period shall be 1 January to 31 December [2021].</p>		<p>10.1. Subject to article 7.2, and any in-period adjustments made pursuant to article 7.1, each species allocation made and approved pursuant to this Resolution shall remain valid for the same period as the TAC or proxy established for the species and reflected in the management procedure for the species.</p>
<p>E. Availability Of Data And Information</p> <p>- Data and Information requirements for proposals and current availability.</p>				<p>While the issue of data availability for establishing TACs has been discussed in detail during previous TCAC meetings, and referred to the Commission and its committees, the TCAC may wish to consider this issue in the context of a phased implementation of the Allocation Regime (see Theme 8), starting on the basis of stocks for which data is available</p> <p>Recommendations to the Commission from the TCAC could include addressing data gaps, as appropriate, so that additional stocks may be implemented under the Allocation Regime</p> <p>- If not currently available, consider feasibility, costs, and phased implementation</p>

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			(Provid under A. Phased Implementation)	
<p>Theme 8: Transition</p> <ul style="list-style-type: none"> - Need to ensure viable, sustainable and manageable regime - Need to mitigate destabilizing effects, including on economies, jobs, markets and market access, etc. - Phased transfer from DWFNs to Coastal States, as a transition to attributing foreign catch to Coastal States’ for historical catch allocations 	<p>Pages 3-4, clauses 7 and 8, and Page 5, clause 16 provide for transitional implementation of allocation setting and adjustments, to ensure stability of the sector</p>	<p>Nothing on this topic</p>	<p>Consider how to move from the current state of play to a Commission with an allocation regime.</p> <p>It may be advisable to put in place an implementation plan to transition from the current state to the new regime, and ensure that the first set of allocations is subject to thorough review before their full implementation.</p> <p>Factor in time required to:</p> <ul style="list-style-type: none"> - put in place the tools (data sets, draft allocation tables, etc) - the governance (subcommittees) to operationalize the regime - review process for Members to review the first set of Allocation tables prior to officially putting in place the regime <p>In addition to considering gradual steps for the first application of the Allocation Regime, as suggested earlier in this Table, Members may wish to consider a phased approach for the full implementation of the Allocation Regime, once adopted. A species-by-species approach may provide for an easier transition, especially if data and information is lacking to fully implement the regime for certain stocks.</p>	
<p>THEME 8: TRANSITION</p>	<p>7. In order to assure CPCs and their nationals, who fish or have made other fishing related investments in the IOTC Convention area, relative stability of their fishing and related activities and to avoid any sudden economic</p>		<p>(See article 6.8 and Annex II for transition of allocation attribution)</p>	

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	<p>dislocation/disruption in the countries concerned, any final allocation that results in a reduction in excess of [10]% of the of the average catches in the last 10 years or the precedent quota, if a quota was already established, shall be implemented gradually over a period of [5-10] years (hereinafter referred to as the "stability principle"). Initial baseline allocation</p> <p>8. The initial baseline allocation of the TAC amongst CPCs shall be based on historical catches covering the period [2000-2016]. For the purposes of this Resolution and in order to calculate the initial baseline allocation historical catches taken within an EEZ shall be reallocated between the respective coastal State and the flag state of the fishing vessel(s) that took the catches in a proportion of respectively [10/90] of those catches. This reallocation of historical catches shall be dependent on reliable catch data being available and validated for catches within the</p>			

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	<p>EEZ concerned. In accordance with the principle of stability the change in attribution that result from this new approach shall be implemented gradually over a transitional period of [10] years.</p> <p>16. In order to ensure the stability of producers, canneries, markets, investments, food supply and to promote the social and economic development and the livelihood of the fishermen, including the need to minimize economic disruption and dislocation, any initial allocation or revision of that allocation in accordance with paragraphs 8 to 13 above that results in a decrease of more than 10% of the allocation from the preceding period for any CPC shall be implemented progressively over the following 10 year period.</p>			
<p>Theme 9: Final Clauses</p> <ul style="list-style-type: none"> - Duration of Allocation Regime - Review and Amendments 	<p>Nothing provided</p>	<p>Page 11, clause 30 provides for a 5 year term for the Allocation Regime, starting after it is adopted, and a review and revisions brought to incorporate latest scientific information on areas including species</p>	<p>Recognizing that the Allocation Regime text would not stand on its own, but rather be read in conjunction with the overarching IOTC Agreement and other relevant instruments, TCAC members may nevertheless wish to include specific final clauses regarding the status of the regime</p>	

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<ul style="list-style-type: none"> - Safeguards for legal positions regarding ongoing disputes - Others 		biological distribution and spawning grounds as well as biological-ecological significance provided in the baseline coastal state allocation provision	<p>Specifically, TCAC members may wish to set a term for reviewing the Allocation regime, balancing the need for stability and recognizing the time it is taking to develop this first iteration</p> <p>It may also be possible to address concerns expressed in TCAC meetings with respect to boundary disputes and other international disputes, by safeguarding members' legal positions in this regard</p>	
THEME 9: FINAL CLAUSES		<p>30. This Resolution shall be reviewed and revised as necessary, no later than at the annual Session of the Commission occurring five (5) years after adoption of this Resolution, with the intent of incorporating the latest scientific information on areas including but not limited to species biological distribution and spawning grounds, as well as areas of biological-ecological significance, as indicated in paragraph 19(a)(iv).</p>		<p>11. FINAL CLAUSES</p> <p>Coming into Effect</p> <p>11.1. This Resolution shall come into effect within the timeline provided by Article IX of the Agreement</p> <p>Term and Amendment</p> <p>11.2. Subject to Article 11.3, the Allocation Regime contained in this Resolution shall be reviewed after [xx years] of its entry into effect, and may be amended by decision of the Commission.</p> <p>11.3. The term of the Allocation Regime contained in this Resolution may be extended by periods of 5 years.</p> <p>11.4. The Allocation Regime shall remain in effect until amended or replaced by the Commission.</p> <p>Safeguard</p> <p>11.5. Consistent with Article IV.6 of the Agreement, nothing in this Resolution, nor any act or activity carried out pursuant to this Resolution, shall be considered or interpreted as changing or</p>

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				<p>in any way affecting the position of any party to the IOTC with respect to the legal status of any area covered by the Agreement.</p> <p>Past Resolutions</p> <p>11.6. This Resolutions replaces and supersedes the following Resolutions:</p> <p>(a) 14/02 (title)</p> <p>(b) 03/01 (title)</p> <p>(c) others..</p>

ⁱ IOTC-2020-TC06-03[E]

ⁱⁱ IOTC-2020-TCAC06-04[E]

ⁱⁱⁱ Includes comments of current Chair, and those of previous Chair of TCAC from his Three Column Document submitted to the Commission after TCAC05 in April 2019, after completion of his work as Chair.