

NEW ENTRANTS

Objective/goal of the Working Group

- 1) To determine how **New Entrant CPCs** should be treated within the Allocation Regime.
- 2) If an allocation is applicable, **how, and when** should that allocation be provided.

NEW ENTRANTS – current text

Article 1. USE OF TERMS

1.1. For the purposes of this Resolution:

(r) “New Entrant” means a State who was not a CPC at the time this Resolution was adopted, and which has been admitted to the IOTC after the adoption of this Resolution, in respect of a Contracting Party, pursuant to the Agreement, and in respect of a CNCP, pursuant to the Rules of Procedures. A State ceases to be considered a New Entrant and shall be considered as a CPC under this Resolution after [XX] year from its date of admission to the IOTC;

NEW ENTRANTS – alternatives

‘New Entrant’ means an eligible party, as defined in the IOTC Agreement (Article IV), that is approved by the **FAO &** Commission to become a Contracting Party, or Cooperating Non-Contracting Party, as defined in the IOTC Rules of Procedure (Rule IX), subsequent to the adoption of this measure.

‘New Entrant’ means an eligible party, as defined in the IOTC Agreement (Article IV), that is approved by the **FAO &** Commission to become a Contracting Party, ~~or Cooperating Non-Contracting Party, as defined in the IOTC Rules of Procedure (Rule IX),~~ subsequent to the adoption of this measure.

NEW ENTRANTS

[6.9 The Commission may set aside a portion of a TAC that has increased from the previous TAC period, to be allocated, as a Special Allocation, to [an eligible] New Entrant as defined in Article 4.3, where such a New Entrant:

(a) submits a written request to the Commission for an allocation of a given stock;

[(b) provides nominal catch data for the fish stock for which it is seeking an allocation, where relevant, and which has been verified by the Scientific Committee;]

(c) [expressed a real interest in the fishery for that stock at the time it sought accession to the IOTC;]

(d)[pays its annual contribution to the Commission;] and,

(e) complies with the CMMs, as determined by the Compliance Committee.]

NEW ENTRANTS

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~~(c) [expressed a real interest in the fishery for that stock at the time it sought accession to the IOTC;]~~

~~(d)[pays its annual contribution to the Commission;] and,~~

~~(e) complies with the CMMs, as determined by the Compliance Committee.]~~

NEW ENTRANTS – alternative 6.9 #1

6.9 New Entrants

- a) **Coastal State CPs.** Each Coastal State CP new entrant shall receive an allocation for the start of the allocation period following their acceptance of the IOTC Agreement, for one or more species upon application to, and approval by, the Commission through the rules set out in this measure.
- i. For the purposes of determining an initial allocation to a new entrant, the existing nominal catch history data estimated by the IOTC Secretariat and vetted through the IOTC science process shall be used;
 - ii. A new entrant may submit alternative nominal catch data for consideration, in accordance with IOTC Resolution 15/02 (or subsequent revision), for review and verification through the IOTC's existing data review and verification processes.

[Note: the text below is technically not necessary, or a simple sentence that says other CPs and CNCPs are not eligible under this measure.]

- b) **Non-Coastal State (Distant Water Fishing) and REIO CP's:** Any Non-Coastal State or REIO CP new entrant shall not be eligible for an allocation under this Resolution.
- c) **CNCP:** Any CNCP new entrant is not entitled to receive an allocation under this measure.

Alternative opinion next slide

NEW ENTRANTS – alternative 6.9 #2

6.9 New Entrants

- a) **Coastal State CPs.** Each Coastal State CP new entrant shall receive an allocation for the start of the allocation period following their acceptance of the IOTC Agreement, for one or more species upon application to, and approval by, the Commission through the rules set out in this measure;
 - i. For the purposes of determining an initial allocation to a new entrant, the existing nominal catch history data estimated by the IOTC Secretariat and vetted through the IOTC science process shall be used;
 - ii. A new entrant may submit alternative nominal catch data for consideration, in accordance with IOTC Resolution 15/02 (or subsequent revision), for review and verification through the IOTC's existing data review and verification processes.
- b) **Non-Coastal State (Distant Water Fishing) and REIO CP's:** Any Non-Coastal State or REIO CP new entrant shall receive an allocation for the start of the allocation period following their acceptance of the IOTC Agreement, for one or more species upon application to, and approval by, the Commission through the rules set out in this measure;
- c) **CNCP:** Any CNCP new entrant is not entitled to receive an allocation under this measure.

Further para c) alternative was to be consistent with the 'Eligibility' section, para 4.2, and allow a 50% allocation.

Drafting notes



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NEW ENTRANTS

- 1) What are the opinions of members on whether all New Entrant CPCs should be eligible for an allocation, irrespective of membership status?
i.e. do you want all New Entrant Coastal State CPCs, Non-Coastal State CPCs (DWF), and REIO CPC to be eligible to receive an allocation? (e.g. 100%, partial, 0%)

Responses:

Most of those who spoke indicated their preference to limit new entrants to Coastal State CPs.

One of those that spoke indicated their preference to include all membership categories.

Previously, it had been suggested that that Coastal State CNCPs could be eligible to receive an allocation, depending on stock status advice from the Scientific Committee.

NEW ENTRANTS

2) When does a new entrant cease to be a new entrant?

RESPONSES:

It was unanimous that a new entrant ceases to be a new entrant to the allocation scheme after approval by the Commission.

There was a desire to include a set of rules in the measure that would automate the Commission approval process.

There was a further request to retain an element of Commission final review and approval of a new entrant.

NEW ENTRANTS

3) Timing of allocation:

- a) In year (upon acceptance)? (would require a set-aside)
- b) the following calendar year? (may require a set-aside)
- c) the following allocation period? (would not require a set-aside)

RESPONSES:

It was unanimous that c) above should be the chosen timing for an allocation. i.e. any allocation to a new entrant would occur in time for the start of the next allocation period.

It was unanimous that a set-aside not be incorporated in the measure, but rather, clarification on how the Scientific Committee provides advice to the Commission on potential harvest limits (landings). It was noted that the Stock Assessment inputs include landings for non-member coastal states, and thus the advice on catch limits already incorporate those estimated landings.

It was highlighted that new entrants may be immediately eligible to receive a temporary transfer from another CP, thus ensuring the right to fish on the high seas is met.

NEW ENTRANTS

4) Should New Entrants be required to apply/request an allocation for a particular species, or should it be automatic?

Response:

Unanimous in favour of any new entrant being required to apply/request for each species.

NEW ENTRANTS – Other areas of agreement

New Entrants

- a) A new entrant ceases to be a new entrant immediately after being accepted as a CPC.
- b) Noting a) above, remove 'new entrant' throughout the Chairs proposal and retain only CPC, CP or CNCP as appropriate, in all areas except in the definitions and 6.9 clauses specifically on new entrants.

Relevant supporting notes



CPC: means a Contracting Party or a Cooperating Non-Contracting Party (collectively term CPCs) to the IOTC Agreement.

1) Contracting Party (CP): Contracting Party to the IOTC Agreement.

2) Cooperating Non-Contracting Party (CNCP): Cooperating Non-Contracting Party to the IOTC Agreement, as defined in Rule IX of the IOTC Rules of Procedure (2022).

MEMBERSHIP DEFINITIONS

Coastal State CPC: means a State that is a CPC, situated wholly or partly within the IOTC Area of Competence.

Non-Coastal State (Distant Water Fishing, DWF) CPC: means a State that is a CPC, which is not situated wholly or partly in the IOTC Area of Competence.

REIO CPC: means a regional economic integration organisation that is a CPC, and of which any State referred to in Article IV, subparagraphs (i) or (ii) of the IOTC Agreement, is a member and has transferred competence over matters within the purview of the Agreement.