



Report of the 11th Technical Committee on Allocation Criteria

Kenya, 30 January – 2 February 2023

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ACRONYMS

AFAD	Anchored fish aggregating device
BMSY	Biomass which produces MSY
CMM	Conservation and Management Measure
CNCP	Cooperating Non-Contracting Party, of the IOTC
CoC	Compliance Committee of the IOTC
CPs	Contracting Parties
CPCs	Contracting Parties and Cooperating non-Contracting Parties
DCS	Developing Coastal State
DFAD	Drifting fish aggregating device
EEZ	Exclusive Economic Zone
FAD	Fish aggregating device
FAO	Food and Agriculture Organization of the United Nations
FMSY	Fishing mortality at MSY
HCR	Harvest control rule
IUU	Illegal, unreported and unregulated
LRP	Limit reference point
LSTLV	Large-scale tuna longline vessel
MSE	Management Strategy Evaluation
NCP	Non-Contracting Party
NGO	Non-Governmental Organisation
OT	Overseas Territories
RFMO	Regional Fisheries Management Organisation
SC	Scientific Committee of the IOTC
SCAF	Standing Committee on Administration and Finance of the IOTC
SIDS	Small Island Developing States
TAC	Total Allowable Catch
TCAC	Technical Committee on Allocation Criteria of the IOTC
TCMP	Technical Committee on Management Procedures
TRP	Target referent point
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System

HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

This report uses the following terms and associated definitions.

Level 1: From a subsidiary body of the Commission to the next level in the structure of the Commission:

RECOMMENDED, RECOMMENDATION: Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

Level 2: From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:

REQUESTED: This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

Level 3: General terms to be used for consistency:

AGREED: Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

NOTED/NOTING: Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

Any other term: Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

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EXECUTIVE SUMMARY

The 11th Session of the IOTC Technical Committee on Allocation Criteria was held in Mombasa, Kenya from 30 January to 2 February 2023 and chaired by Ms Nadia Bouffard. Delegates from 27 Contracting Parties and 11 observer organisations, including invited experts, participated in the session.

The TCAC focused on the 5th draft Allocation Regime text. The Chairperson outlined the major changes made to v4 based on the comments made at TCAC10 and intersessional submissions, before Members shared their views on the latest text.

Discussions were structured around themes that comprised provisions of the text that are related or have common elements. The TCAC convened three working groups during the session which produced constructive outputs for the Chair to consider on allocation adjustment to address compliance; definitions; and new entrants, in the next version of the draft Allocation Regime.

The Chair considered that TCAC11 had made important progress on the allocation regime, particularly on some of the core elements such as the allocation structure, allocation criteria and the scope of the allocation regime. Progress was also made on the definitions of coastal State CPCs and Regional Economic Integration Organisation principles; allocations transfers; adjustments to allocations for non-compliance and exigent circumstances; and topics such as the stepwise transition, implementation and processes for setting allocations.

The TCAC **AGREED** to a work plan leading up to TCAC12. Furthermore, to allow delegations more time to consider the draft allocation regime texts and consult both internally and externally, the TCAC **AGREED** to cancel the TCAC session scheduled for June 2023 on the IOTC calendar and focus its efforts on an October 2023 meeting (TCAC12).

1. OPENING OF THE SESSION

1. The 11th Session of the Technical Committee on Allocation Criteria (TCAC11) was held in Mombasa, Kenya from 30 January to 2 February 2023. The meeting was opened and chaired by the Independent TCAC Chairperson, Ms Nadia Bouffard.
2. The meeting was held in a hybrid format that included participants attending in-person and by videoconference.

2. LETTERS OF CREDENTIALS AND ADMISSION OF OBSERVERS

3. Letters of Credentials were received from 27 Contracting Parties. China, Japan, Philippines, Somalia and Yemen participated virtually. The list of participants is provided in [Appendix 1](#).
4. Pursuant to Article VII of the IOTC Agreement and Rule XIV of the IOTC Rules of Procedure, the Commission admitted the following observers:

Members and Associate Members of the FAO that are not Members of the Commission:

- —

Intergovernmental organizations having special competence in the field of activity of the Commission:

- South West Indian Ocean Fisheries Commission

Non-governmental organizations having special competence in the field of activity of the Commission:

- Australian National Centre for Ocean Resources and Security
- Blue Marine Foundation
- Europêche
- International Pole and Line Foundation
- International Seafood Sustainability Foundation
- Marine Affairs Program (Dalhousie University)
- South West Indian Ocean Tuna Forum
- Sustainable Fisheries and Communities Trust
- World Wide Fund for Nature

Invited consultants and experts:

- Invited Experts

3. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

5. The Chairperson provided an overview of the agenda and introduced the documents available to the meeting ([Appendix 3](#)), including:
 - the Chairperson’s Explanatory Memorandum (IOTC-2023-TCAC11-03);
 - the Chairperson’s proposed 5th draft Allocation Regime text (v5) (IOTC-2023-TCAC11-02_Rev1 and IOTC-2023-TCAC11-REF02_Rev1).
6. The Chairperson proposed that the meeting would focus mainly on the v5 draft text under agenda item 4. First, reviewing the changes made from the previous version; then, on the basis of themes (comprising groups of provisions of the text) as this was the approach used at TCAC10 to assist the Committee to focus on the core issues contained in the draft allocation regime.
7. The TCAC **ADOPTED** the agenda provided in [Appendix 2](#).

4. REVIEW OF THE CHAIR’S PROPOSED ALLOCATION REGIME TEXT, ANNEXES AND APPENDICES

Changes made and reflected in v5 draft

8. The Chairperson outlined a number of changes made and reflected in the v5 draft text, including:

- adjustments to the Definitions (Art 1), noting an outstanding need to clarify the definitions of CPCs and Regional Economic Integration Organisations (REIO);
 - changes to the structure of the Principles section (Art 3), including further streamlining of the text;
 - inclusion of a key principle in the chapeau of Article 3 to make it clear that a foremost principle of the allocation regime is to respect the rights and duties of all States, as provided by international law;
 - changes to the scope (Art 5) including linkages to the structure of the allocation regime (Art 6) with alternative text inserted to reflect text proposed by Bangladesh and India, respectively;
 - changes to address concerns with the inclusion of small scale/artisanal fisheries by enabling the phasing in of the implementation of allocation regime for coastal or artisanal stocks, over time;
 - changes to move the text regarding (Art 4) the eligibility of the Invited Experts from the footnote (in v4) into the text of the draft Resolution; and,
 - changes made to the adjustment provisions (Art 7) related to over catch and serious non-compliance, and the inclusion of a new provision for carry forwards.
9. The Chair noted that some of the most significant changes made to v4 were related to the structure and allocation criteria (Art 6). She noted that since the beginning of the TCAC process, discussions have focused on an allocation regime premised on a TAC for each stock throughout its range within the IOTC Area of Competence, which would be shared among the CPCs based on allocation criteria. With respect to v5, the Chair noted:
- Bangladesh had proposed a different approach whereby the TAC for a given stock would be divided into two sub-TACs, one for the EEZ, and one for the High Seas before the allocation criteria is applied. This approach was included as an alternative to Article 6 in the Text.
 - India had proposed to exclude the catch of artisanal small-scale fisheries involving vessels less than 24m operating inside coastal States waters from the TAC before it would be shared among the CPCs (using criteria proposed by India that include many of the ideas contained in the allocation criteria in the Chair's text). For practical reasons, this alternative approach was included at the end of the allocation regime text.
10. Furthermore, the Chair noted important changes were made to the allocation criteria. Currently, there are 3 main criteria for allocations in the text, i.e. one is a Baseline Allocation for all CPCs; one is based on a CPC's coastal State status with various associated indicators, and one is based on catch history. In v5:
- the Baseline Allocation originally proposed by Australia has been moved out of the catch base allocation as it was not proposed to be based on catch;
 - the order of the next two allocation criteria: Catch base and coastal State criteria, have been switched, as requested by a number of Members; and
 - new indicators and criteria were added at Bangladesh' request to the coastal State Allocation Criteria, which India echoed in its proposed text, in respect of the size of population.
11. The Chair noted that the above issues needed more discussion in order to find text that could reflect the general consensus view of delegations.
12. Following the Chair's presentation, the Members shared views on the revised text structured around themes reflecting groupings of provisions of the text. Certain themes were discussed in a Working Group format, which the Members appreciated for the flexibility and informality. In particular, the TCAC convened three working groups during its session: (1) Allocation Adjustment to Address Compliance, chaired by Indonesia (2) Definitions, chaired by Kenya and (3) New Entrants, chaired by South Africa.
13. The outcomes reported by the Chairs of each working group are provided in [Appendix 4](#).

7. CHAIRPERSON'S SUMMARY

14. The Chairperson thanked all Delegations for their excellent preparations and hard work during the meeting. She noted that while the TCAC has not yet agreed to an allocation regime as there are key issues still to be resolved, TCAC11 made important progress, particularly on some of the core elements of the allocation

regime. This includes the allocation structure, allocation criteria and the scope of the allocation regime. Progress was also made on the definitions of coastal State CPCs and Regional Economic Integration Organisation principles; allocations transfers; adjustments to allocations for non-compliance and exigent circumstances; and topics such as the stepwise transition, implementation and processes for setting allocations.

15. The Chairperson reflected on how well the working groups performed. She noted that there was support for using the working group approach to discuss the stepwise transition to allocations and that this should be discussed.
16. With respect to the forthcoming v6 of the draft text, the Chair indicated that she would amend the current text of the Allocation Regime to reflect the following clear preferences expressed during the meeting:
 - A structure based on one TAC per stock, which would be shared on the basis of three criteria: a baseline allocation, a coastal State allocation, and a catch base allocation;
 - A scope that defines area and species in accordance with the IOTC agreement;
 - A scope that includes all of the IOTC Area of Competence, pending advice from the FAO Legal Office on the extent of this area with respect to the coastlines of IOTCs coastal States;
 - A scope that does not exclude any IOTC fish stocks or fisheries, but focuses the initial implementation, as a priority, on yellowfin tuna, big eye tuna, skipjack tuna, albacore tuna and swordfish;
 - With respect to allocation transfers and use, the elimination of a cap on transfers and the need for a fleet plan;
 - Regarding the possibility of adjusting allocations by carrying forward portions of allocations for extenuating circumstances, there was support for enabling this both when the historical catch a CPC is determined at the outset of the implementation of the allocation regime, and, after, when a CPC is prevented from harvesting its allocation due to exigent circumstances; and
 - Finally, there was support for a provision to be included in the text to address the need for a step-wise transition to an allocation regime, but that its placing in the text should be moved from where it currently stands in Article 9.
17. The Chairperson welcomed the intent of coastal State Members to submit revisions to the text related to the coastal State Allocation criteria and associated indicators based on internationally agreed indicators, including revisions to accommodate, to the extent possible, small-scale fisheries in coastal State waters.
18. The Chairperson thanked the Working Groups and their respective chairs for their excellent work and informed the TCAC of her intent to use the draft proposals for text from the Working Group in respect of New Entrants in the next version of the draft Allocation Regime. She encouraged Members to further engage and propose wording on the definitions and other provisions related to the application of the allocation regime to the European Union and its Member States, as well as text on the compliance provisions, in response to the clear direction provided by the respective working groups.
19. The Chairperson informed the TCAC that she has taken note of the interventions and various points of view expressed over the course of TCAC11, and she will use these notes and the written comments and proposals that delegations have undertaken to provide following the meeting, to assist her draft the next version (v6) of the allocation regime text.
20. In preparation for TCAC12, the TCAC **REQUESTED** that the Secretariat produce a template of a draft calendar that illustrates how the allocation process would be implemented over a normal year, as contemplated by the implementation provisions of the draft text which should include a draft timeline for the introduction of allocations for each species covered by the allocation regime.
21. Statements made to TCAC11 are provided in [Appendix 5](#).

8. APPROACH FOR THE REMAINDER OF 2023

Production of a v6 draft allocation regime text

22. To allow delegations more time to consider the draft allocation regime texts and consult both internally and externally, the TCAC **AGREED** to cancel the TCAC session scheduled for June 2023 on the IOTC calendar and focus its efforts on an October 2023 meeting (TCAC12).
23. The TCAC **AGREED** that any written comments on v5 and/or proposed text for v6 be submitted to the Secretariat by 21 April 2023.
24. The Chair acknowledged the desire of Members to clearly understand the rationale for various positions on allocation provisions and urged those members with strong preferences and positions to make an effort to clearly articulate their rationales so the TCAC can make better progress on those more controversial provisions going forward.
25. The TCAC **AGREED** on the following schedule of work leading to TCAC12.

DATE	WORK
17 February 2023	Secretariat to prepare updated catch data sets and links to them on the TCAC12 webpage
February-April	Intersessional Drafting Groups by the Parties (virtual and electronic)
21 April 2023	Deadline for written comments on Draft #5 of the Allocation Text from TCAC Members
28 April, 2023	Compendium of comments prepared by Secretariat and posted on the TCAC12 webpage
30 June 2023	Draft v6 of Allocation text completed by the Chairperson and posted on the TCAC12 webpage.
31 July 2023	Advice from FAO Legal office on the IOTC Area of Competence posted on the TCAC12 webpage.
31 July 2023	Secretariat to produce calendar of implementation.
16-19 October 2023	TCAC12 Meeting. Venue TBD

9. DRAFT REPORT

26. The TCAC **AGREED** that, like recent TCAC reports, the TCAC11 Report would be succinct and not contain details of the interventions made on the floor, except when they influenced the proceedings of the meeting. However, Members were invited to provide the statements underpinning their interventions on matters they wanted to be recorded, and these would be appended to the report.
27. The TCAC **AGREED** to adopt the meeting report by correspondence. The report was adopted on 4 April 2023.

10. OTHER BUSINESS

28. No matters were raised.

11. MEETING CLOSURE

29. The TCAC11 meeting was closed at 11.25 hr on Thursday 2 February 2023.

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(According to the videoconference participant list)

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APPENDIX 2.

ADOPTED AGENDA OF THE 11TH TECHNICAL COMMITTEE ON ALLOCATION CRITERIA

- 1. OPENING OF THE SESSION**
- 2. LETTER OF CREDENTIALS AND ADMISSION OF OBSERVERS**
- 3. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**
 - Chair’s Memorandum
 - Chair’s Draft #5 Proposed Allocation Regime Text, Annexes and Appendices
- 4. REVIEW OF CHAIR’S PROPOSED ALLOCATION REGIME TEXT, ANNEXES AND APPENDICES**
 - Chair’s presentation (Chairperson)
- 5. SCOPE OF ALLOCATION REGIME – Art. 5**
 - Species
 - Area
 - Fleets (Industrial, Coastal, Artisanal)
- 6. ALLOCATION STRUCTURE AND CRITERIA**
 - Discussion of Allocation Structure and Allocation Criteria – Art. 6 (All delegations)
 - Structure based on:
 - TACs for entire IOTC Area of Competence;
 - TACs for entire IOTC Area of Competence minus Artisanal Catches;
 - Structure based on TAC divided into High Seas and EEZ
 - Criteria based on:
 - CS status of CPC
 - Historical catches on HS
 - Catches in EEZ
 - Equal (baseline) allocations
- 7. WORKING GROUP DISCUSSIONS**
- 8. REPORT FROM WORKING GROUP/S TO PLENARY**
- 9. DEFINITIONS – Art. 1**
- 10. PRINCIPLES – Art. 3**
- 11. ALLOCATION TRANSFERS – Art 8**
- 12. EXTENUATING CIRCUMSTANCES – Art 6.8**
- 13. ALLOCATION IMPLEMENTATION, TRANSITION AND TIMEFRAME, AND PROCESS – Art 9**
- 14. OTHER PROVISIONS NOT DISCUSSED**
- 15. CHAIR’S SUMMARY**
- 16. APPROACH FOR TCAC12**
- 17. DRAFT REPORT**
- 18. OTHER BUSINESS**
- 19. MEETING CLOSURE**

APPENDIX 3. LIST OF DOCUMENTS

All documents are available on the IOTC website [[click here](#)]

Document number	Title
IOTC-2023-TCAC11-01b	Draft Agenda v13 January
IOTC-2023-TCAC11-02_Rev1	TCAC Chairs draft proposal for an Allocation Regime v5 – with TC and without comments
IOTC-2023-TCAC11-03	Chair's explanatory memorandum to TCAC11 participants
IOTC-2023-TCAC10-REF01_Rev1	TCAC comments on the v5 draft Allocation Regime resolution
IOTC-2023-TCAC10-REF02_Rev1	TCAC Chairs draft proposal for an Allocation Regime v5 - Annotated
IOTC-2023-TCAC10-REF03_Rev1	TCAC Chairs draft proposal for an Allocation Regime v5 - Clean
IOTC-2023-TCAC11-REF04	Chair's Presentation on Provisional Agenda for TCAC11
IOTC-2023-TCAC10-REF05	Chair's Presentation on Allocation Regime Text Draft #5 TCAC11
IOTC-2023-TCAC11-INF01	ANCORS Info paper on terminologies used in fisheries allocation discussions
IOTC-2023-TCAC11-INF02	ANCORS Info Paper on Access Agreements and Catch Attribution for TCAC 2023
IOTC-2023-TCAC11-Statement01	Statement by Mauritius under item 2 IOTC TCAC meeting
IOTC-2023-TCAC11-Statement02	Statement by Mauritius under item 5 IOTC TCAC
IOTC-2023-TCAC11-Statement03	Statement by France(OT)

APPENDIX 4.

REPORTS FROM WORKING GROUP CHAIRS

1. Working Group on Allocation Adjustment to Address Compliance

Results of Working Group Discussion on Allocation Adjustment to Address Compliance (Article 7)

1

1. Carry-Forward of Catch

- 1) CPCs agreed to implement carry-forward of catch in case of under-harvested allocation.
- 2) The carry-forward amount or percentage can vary between species based on the status of the stock, considering the risk to fishery sustainability.
- 3) The carry-forward shall not exceed [20%] of the allocation of that CPC or New Entrant, unless a lower percentage of carry-forward is established by the Commission for that stock based on the status of the stock.

2

2. Over-catch

- 1) CPCs recognized the significance of real-time data reporting as a crucial aspect of the allocation.
- 2) The Commission, with the support of the Secretariat, was tasked with providing capacity building to help CPCs fulfilled the data reporting requirement.
- 3) CPCs agreed to not impose an over-catch reduction in the first year of TAC's effective implementation.
- 4) In the event of high over-catch by a CPC, they may submit a **payback plan** for the Commission approval.

3

3. Serious Non-Compliance

- 1) The violation identified with regard to compliance should be restricted to **data reporting**, not other factor such as CPC's payment contribution.
- 2) The CPCs agreed to balance the compliance penalties with a reward system.
- 3) The reward system can be created based with a more comprehensive set of parameters or a matrix of compliance to accurately reflect the overall performance of a CPC.

4

Thank you very much
for your active participation and contribution

5

2. Working Group on Definitions

11th TECHNICAL COMMITTEE ON ALLOCATION CRITERIA, MOMBASA (31st JANUARY 2023)

WORKING GROUP 1 ON DEFINITIONS

Introduction

A presentation from the EU Delegation, touching on the matter of EU jurisdictional mandate and France jurisdictional areas in the Indian Ocean was made.

EU Presentation

The EU put it to the plenary that they have jurisdictional mandate over the EEZ of the Islands of Re Union and Mayotte, while France has the overseas territories, being the islands in the north of Antarctica and in the Mozambique Channel.

These different jurisdictional mandates are as a result of the EU Treaty, articles 349 and 355 of that EU Treaty.

France clarified that the Islands north of Antarctica and in the Mozambique, Channel are not inhabited, that they have no fishing communities nor any other population on them, but rather mainly used for scientific research and biodiversity protection.

The EU further informed the plenary that:

1. They are not a coastal State, but they have jurisdiction over a coastal State EEZs that should be considered in allocating fishing opportunities going forward;
2. They are a member of the IOTC as an REIO having a coastal State jurisdiction;
3. That both France and EU have separate historical catches.

Plenary interjections

There were several counter-interventions from delegates, especially coastal States of the Indian Ocean, that they would wish it considered:

1. That the EU is a member of the IOTC as a REIO and not a coastal State;
2. That the EU be considered as a DWFN and not a coastal State, in the allocation of fishing opportunities;
3. That France is a member of the IOTC as a coastal State;
4. That the France islands do not have a catch history and this would lead to complications when population factors are being considered for an allocation;

Way forward from plenary

The plenary agreed as follows:

1. The EU will undertake a drafting of the text and share with Maldives (the current position is that the EU will consult and have their legal team validate the text before sharing it. This would take a week or more);
2. Maldives will work to improve on the text in consultation with the EU;
3. The draft text will be shared to members for their inputs.

3. Working Group on New Entrants**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.]

~~[6.9The 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 –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.

APPENDIX 5. STATEMENTS

European Union

The European Union states that it does not recognize the declaration from Comoros as having any legal value, as it ignores the fact that the island of Mayotte is a French territory and an outermost region of the European Union over which France as a Member State has consistently exercised full sovereignty. Thus, the European Union enjoys the jurisdictional prerogatives conferred on it by international law in the exclusive economic zone adjacent to the island of Mayotte.

The meetings of the Indian Ocean RFMOs are not the place to discuss issues of territorial sovereignty, but the European Union stresses that it will continue to maintain a constructive dialogue with the Union of the Comoros on this matter.

France(OT)

11th Session of IOTC Technical Committee on Allocation Criteria (TCAC)- 30th January to the 2nd of February 2023

Statement by the Republic of France in response to the statement by the Republic of Mauritius

In a declaration during the 11th Meeting of IOTC Technical Committee on allocation Criteria, Mauritius objects the sovereignty of France over the Island of Tromelin as well as sovereign right or jurisdiction over its Exclusive Economic Zone and rejects the inclusion of the Island of Tromelin in the French Southern and Atlantic Lands (TAAF) or the Scattered Islands (Iles Eparses).

France does not recognize any legal value of the registration of this statement by the Republic of Mauritius submitted to the IOTC Secretariat, which fails to consider that the Island of Tromelin is a French territory over which France has constantly exercised full and total sovereignty.

France would like to point out that neither the Secretariat of this Agreement, nor the regional fisheries management organizations meetings of the Indian Ocean are the appropriate place to discuss territorial sovereignty issues.

This statement applies to other agenda items and to all documents circulated for this meeting. The Republic of France requests that this statement be annexed to the report of this meeting.

Mauritius

Agenda Item 2

11th Meeting of IOTC Technical Committee on Allocation Criteria
30 January-2 February 2023, Mombasa, Kenya

Agenda Item 2: Letter of Credentials and Admission of Observers

Statement by the Republic of Mauritius

The long-standing position of the Republic of Mauritius as regards the United Kingdom's purported membership of the Indian Ocean Tuna Commission (IOTC) as a "coastal State situated wholly or partly within the Area [of competence of the Commission]" remains unchanged. This is all the more relevant in the context of the decision which the Commission will be taking during its 27th Session in that regard.

The Republic of Mauritius would like to take this opportunity to inform this Committee that the Republic of Mauritius and the United Kingdom have decided to begin negotiations on the exercise of sovereignty over the Chagos Archipelago.

This statement also applies to other agenda items and to all documents circulated for this meeting.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.

Agenda Item 5

11th Meeting of IOTC Technical Committee on Allocation Criteria
30 January-2 February 2023, Mombasa, Kenya

Agenda Item 5: Allocation Structure and Criteria

Statement by the Republic of Mauritius

The Republic of Mauritius reiterates the statements which it made with regard to the Chagos Archipelago and the Island of Tromelin under agenda item 6 at the last meeting of the Technical Committee held from 20 to 23 June 2022 in Seychelles and which are annexed to the report of that meeting (Document IOTC-2022-TCAC10-R[E], Appendix 4).

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.