

## Proposed text for consideration

The Commission RECALLED IOTC Circular IOTC Circular 2023-21 in which Seychelles raised concerns about some ambiguity in the interpretation and implementation of Resolution 19/01 (Paragraph 13) and Resolution 21/01 (Paragraph 14), which preceded it and remains applicable for some Members.

As per paragraph 13.b of Resolution 19/01, which states that ***for 2020 and following years, 100% of that over-catch shall be deducted from the following two years limit*** and Resolution 21/01, paragraph 14 provides ***for over-catch of limits recorded in 2020 and/or 2021, 100% of that over-catch shall be deducted over the following two years limit in 2022 and/ or 2023. The*** overlapping years within the two proposals resulted in CPC having to pay-back the same over-catch or portion of the same twice.

Seychelles highlighted that this situation was not the intended outcome of the Commission, but is simply the result of drafting inconsistencies between Resolution 19/01 and 21/01, and as such requested that the Commission considers, that in such case were payback applicable under Resolution 19/01 has been partially paid, should not be paid back again under Resolution 21/01, but only the remaining over-catch amount should be paid to avoid causing a double penalty.

The commission **NOTED** Seychelles concerns and **AGREED** that in the application of Resolution 21/01, over-catch repayment made under Resolution 19/01 should be taken into consideration and CPCs should only pay back the outstanding over-catch amount for the 2020-2021 period, rather than the full 100%, and **RECOMMENDED** that the Secretariat revised the yellowfin tuna allocated catch limit for 2023 (IOTC CIRCULAR 2022–56).