

CHAIR'S DRAFT PROPOSAL FOR AN ALLOCATION REGIME (V7) — ANNOTATED

Prepared by the TCAC Chairperson

ABOUT THIS REVISION

Background on the draft –

Draft #7 has been prepared to reflect comments received from delegations during the TCAC12 meeting, text changes agreed during the meeting, and proposed changes submitted by some Members following the TCAC12 meeting. Changes submitted after the TCAC12 meeting have been identified in sidebar comments. Where the changes submitted after the TCAC12 meeting propose changes to text agreed to during TCAC12, the Chairperson did not include them.

Changes proposed to limit the geographical scope of the Allocation Regime or any of its provisions have not been reflected in this draft pending legal advice from the FAO on the matter.

Minor adjustments such as correcting typographical errors, renumbering of articles and paragraphs, capitalizing first letters of certain words (e.g. Article) have been accepted by the Chair on the assumption that there are no oppositions to these minor changes made to draft #6. Hence these minor changes are not identified as outstanding edits in this Draft #7. The Chair has also accepted changes made in previous drafts that have not been bracketed, reserved, disputed or opposed in the past 2 TCAC meetings. With the exception of these accepted changes, all other changes and deletions have been tracked in the text.

Where changes or deletions proposed have been opposed by one or more delegations, the text has been put in brackets. Where a deletion or a change requested by one or more delegations contradicts a proposed text or stated position of another delegation, the text has been inserted in brackets. Where more than one text proposal has been made with respect to the same part of the text, alternatives have been included for decision by the Members. In such instances, the text with the alternative(s) has been put in brackets. And, where a delegation has indicated reservations on the text of a provision, brackets have been added to the text to enable time for that delegation to consider its views and enable a dialogue.

Brackets will be removed when there is consensus on the wording of the relevant text.

IOTC RESOLUTION 2023/XX

ESTABLISHING AN ALLOCATION REGIME FOR THE IOTC

[PREAMBLE

The Indian Ocean Tuna Commission (IOTC),

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.1 1 of the IOTC Agreement;

MINDFUL that allocation regimes can contribute to the sustainable management of fish stocks, in particular for fish stocks [at levels below maximum sustainable yield / **OR** / that are depleted, or at or below production levels], by providing a transparent and equitable means of distributing fishing opportunities;

NOTING in this regard IOTC 2010 *Resolution 10/01 for the conservation and management of tropical tuna stocks in the IOTC area of competence* 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”;

RECALLING the principles, rights and obligations of all States, and provisions of treaties and other international instruments relating to marine fisheries, and in particular, relating to highly migratory species, including those contained in:

The United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS);

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 (UNFSA);

The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 1993 (The 1993 Compliance Agreement);

The 1995 FAO Code of Conduct for Responsible Fisheries;

Other relevant instruments adopted by the Food and Agriculture Organization of the United Nations; and,

The relevant resolutions of the United Nations General Assembly;

RECALLING global commitments to open and transparent decision-making;

NOTING the sovereign rights of coastal States in accordance with the international law of the sea, including those contained in the above international instruments, 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;

RECOGNIZING the established interests, historical fishing patterns and fishing practices of Members of the IOTC historically fishing in the IOTC area of competence;

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;

UNDERLINING the results and recommendations from the KOBE process;

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 fish stocks;

ADOPTS, in accordance with the provisions of Article IX.1 of the Agreement, the following:]

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;
- (b) **“Allocation”** means a fishing opportunity represented as a percentage share of the Total Allowable Catch (TAC) for a given fish stock pursuant to this Resolution.
- (c) **“Allocation Cycle”** means the allocation process for each stock beginning with the issuance of the report containing the Scientific Committee’s advice for the stock and ending with the expiry of the Allocation Period for that stock;
- ~~(d) “Allocation Regime” means the criteria, rules and process contained in this Resolution pursuant to which allocations are determined and approved by the Commission;~~
- ~~(e)~~(d) **“Allocation Period”** means the period during which an allocation established pursuant to this Resolution remains valid as determined pursuant to Article 10;
- ~~(f)~~(e) **“Coastal State CPC”** means a State that is a CPC which is situated wholly or partly in the IOTC Area of Competence;
- ~~(g) “Commission” or “IOTC” means the Indian Ocean Tuna Commission;~~
- ~~(h)~~(f) **“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);
- ~~(i) “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;~~
- ~~(j)~~(g) **“Contracting Party” or “CP”** means a party to the Agreement;
- ~~(k)~~(h) **“Contracting Parties and Cooperating Non-Contracting Parties”** are jointly referred to as **“CPCs”**;

Commented [NB1]: Proposed by Maldives, with consequential changes throughout the document have been made and accepted.

Commented [NB2]: Proposed by Maldives

Commented [NB3]: Proposed by Maldives

~~(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 been admitted as a Cooperating Non-contracting Party to the IOTC, ~~pursuant to the IOTC Rules of Procedures;~~

Commented [NB4]: Proposed by Maldives

~~(j)~~ **“Developing State”**, which includes least developed States and Small Island Developing States, means a State that is a CPC whose developing status is defined by [the human development index categories of the United Nations Development Program¹ (and subsequent revisions) and the United Nations Department of Economic and Social Affairs² (and subsequent revisions)];

Commented [NB5]: Brackets added to reflect questions raised by Maldives, for further discussion.

~~(k)~~ **“Fish Stocks” or “Stocks”** means highly migratory species as referenced in Article III and Annex B of the Agreement and listed in Article 5;

~~(l)~~ **“Fishing Opportunity”** means, in the context of allocations, access rights of CPCs to catch a share of a given fish stock managed by the IOTC;

~~(m)~~ **“IOTC Area of Competence”** means the area under the IOTC mandate as defined in Article II of the Agreement and set out in *Annex A to the Agreement* and amended pursuant to the decision in the 4th Session of the Commission to modify the western boundary of the IOTC Area of Competence from 30°E to 20°E;

~~(n)~~ **“Management Procedures”** means IOTC Resolutions adopted for the sustainable exploitation of harvested stocks through a set of formal actions, usually consisting of data collection, stock assessment (or other indicators), and harvest control rules, able to iteratively and adaptively provide robust decisions to manage a fishery;

~~(o)~~ **“Member”** means a Member of the Commission as specified in Article IV of the Agreement;

~~(p)~~ **“New Entrant”** means a State or regional economic integration organization which has become a Contracting Party to the Agreement subsequent to the adoption of this Resolution, as defined in Article IV of the IOTC Agreement, which, subsequent to the adoption of this Resolution, has acceded to the Agreement pursuant to paragraph IV.1 and XVII.1 of the Agreement, or whose accession has been approved by the Commission pursuant to IV.2 and XVII.2 of the Agreement;

Commented [NB6]: Proposed by Maldives

~~(q)~~ **“Regional Economic Integration Organization CPC” or “REIO CPC”** means the regional economic integration organization defined in Article IV of the Agreement that is a CP at the time of the adoption of this Resolution;

Commented [NB7]: Proposed by Maldives

~~(r)~~ **“Significant non-compliance”** means violations identified by the Commission pursuant to Article 7.2, which constitute repeated or systematic disrespect of the Agreement, the IOTC’s Conservation and Management Measures adopted by IOTC Resolution including this Resolution, which the Commission deems a significant threat to the conservation of IOTC fish stocks;

~~(s)~~ **“Scientific Committee”** means the permanent committee provided for in Article XII.1 of the Agreement;

Commented [NB8]: Proposed by Maldives

¹ United Nations Development Program...(reference will be added at the time of adoption of resolution)

² United Nations Department of Economic and Social Affairs...(reference will be added at the time of adoption of resolution)

~~(w)~~(s) “Small Island Developing States” or “SIDs” are States whose status has been defined by the United Nations Department of Economic and Social Affairs³ (and subsequent revisions);

~~(x)~~(t) “Stock Assessment Cycle” means a cyclical schedule of stock assessments approved by the Commission for scientific advice provided by the Scientific Committee related to the status of fish stocks listed in Article 5 in its stock assessment reports for such stocks. Stock Assessment cycles may vary by stock;

~~(y)~~(u) “TAC” means the Total Allowable Catch established by the Commission for a stock listed in Article 5 ~~], taking into account advice from the Scientific Committee];~~

~~(z)~~(v) “TAC Period” means the period for which a TAC for a given fish stock remains valid and unchanged by the Commission. The TAC Period is determined by the Commission.

Article 2. PURPOSE AND SCOPE

2.1 This Resolution shall form the basis and manner for the Commission to determine and share in a fair, equitable and transparent manner allocations of fish stocks ~~listed in Article 5 and caught in the IOTC Area of Competence,~~

Commented [NB9]: Proposed by Maldives

Article 3. GUIDING PRINCIPLES

3.1 The following principles shall guide the Commission’s decisions in determining allocations established pursuant to this Resolution, without prejudice to the sovereign rights and obligations of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction and the rights and obligations of all States to engage in fishing on the high seas, consistent with international law and Article IV of the Agreement.

3.2 Allocations shall:

- (1) provide a fair, equitable and transparent mechanism to quantitatively allocate fishing opportunities from the TACs of fish stocks caught in the IOTC area of competence;
- (2) contribute to the sustainable management and use of IOTC stocks by factoring in their status and by ensuring that the total fishing opportunities and resulting fishing mortality of a stock do not exceed the TAC established for that stock;
- (3) ~~]~~ be implemented in a compatible way for fish stocks in their entirety throughout the IOTC Area of Competence, as per Article 7 of the UN Fish Stocks Agreement];
- (4) be established and implemented in a way that considers the compliance of CPCs with the Agreement, ~~and CMMs and this Resolution,~~ and as a result, deters non-compliance that directly impacts the effectiveness of this Resolution;
- (5) ~~recognize~~ take into account the challenges and disproportionate burden faced by developing coastal States in fulfilling their obligations to implement and comply with the IOTC Agreement and ~~IOTC resolutions~~ CMMs, including the implementation of this Resolution, in particular by Small Island Developing States and least developed States who are vulnerable due to their

Commented [NB10]: Proposed by Maldives

Commented [NB11]: Proposed by Maldives

³ As referenced in footnote (2).

socio-economic dependency on IOTC fisheries resources fish stocks including for food security, and shall take into account these challenges and their special requirements:

- (a) by factoring these needs and dependency when establishing their allocations, and,
 - (b) by identifying ways in which IOTC Members may, through the IOTC Secretariat, assist those States in implementing these obligations;
- (6) take into account the respective interests and aspirations of coastal State CPCs, particularly those of developing coastal States, in further developing their fisheries in the IOTC area of competence, and by identifying ways in which IOTC Members, through the IOTC Secretariat, may assist those States in this objective;
- (7) take into account the respective established interests, historical fishing patterns and fishing practices of CPCs who have fished in the IOTC Area of competence;
- (8) take into account the desire to manage the socio-economic impacts on all CPCs from the shift of current fishing patterns resulting from the implementation of this Resolution; and,
- [**(9) reflect the attribution to coastal CPCs of historical catches taken within their respective EEZ in the IOTC Area of Competence regardless of the flag State of the vessels that took the catch.**]**

Article 4. ELIGIBILITY

CPs

- 4.1. Each CP at the time of the adoption of this Resolution is eligible to receive an allocation for one or more fish stocks under this Resolution.
- 4.2 The allocations for the fishing fleet represented by the Invited Experts in the IOTC Area of Competence shall be treated in the same way as those for other distant water fishing fleets represented by Contracting Parties.

CNCP

- 4.3 A CNCP at the time of the adoption of this Resolution is eligible to receive an allocation as described in Article 6.11.

New Entrant

- 4.4 A **[Coastal State]** CPC that is a new entrant is eligible to receive an allocation as described in Article 6.10.
- 4.5 CPCs may lose eligibility to an allocation pursuant to Article 7.2.

Article 5. SCOPE PRIORITY OF IMPLEMENTATION

5.1. This Resolution shall [initially] be implemented for the following fish stocks⁴:

- a) Yellowfin tuna;
- b) Big eye tuna;
- c) Skipjack tuna;
- d) Albacore; and,
- e) Swordfish.

OPTION 1

[5.2 Unless the Commission has adopted an alternative allocation regime for the remaining fish stocks, the Commission shall prioritize the gradual implementation of this Resolution to the following remaining fish stocks:

- (a) Indo-Pacific Blue Marlin
- (b) Black Marlin
- (c) Striped marlin
- (d) Indo-Pacific sailfish
- [(e) Long tail tuna
- (f) Kawakawa
- (g) Frigate tuna
- (h) Bullet tuna
- (i) Narrow barred Spanish mackerel
- (j) Indo-Pacific king mackerel.]

OPTION 2

[5.2 The Commission [may / shall] apply this Resolution to, or develop an alternative regime for other IOTC stocks, taking into account the advice of the Scientific Committee.]

[5.3. In determining the priority order and timelines in which to establish allocations for stocks referred to in Articles 5.1 and 5.2, the Commission shall take into account the state of the stocks based on advice from the Scientific Committee, the data available for the stock, and whether a TAC has been established for the stock.]

Article 6. ALLOCATION STRUCTURE**Total Allowable Catch**

- 6.1. Allocations to CPCs under this Resolution shall consist of fishing opportunities represented as percentage shares of the Total Allowable Catch (TAC) for fish stocks listed in Article 5.
- 6.2. Allocations to CPCs of a given fish stock shall be established [in the order of priority determined by the Commission pursuant to Article 5], based on allocation criteria contained in articles 6.5 to 6.11, pursuant to the process set out in Article 9, and shall be adjusted pursuant to Article 7.

⁴ Southern Bluefin Tuna has been excluded as it is managed by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

Commented [NB12]: Proposed by Madagascar as alternative to that proposed by Coastal States during TCAC12

Commented [NB13]: Proposed by some Coastal States during TCAC12

6.3. The sum of allocations for a fish stock established for a given year shall not exceed the TAC for that stock for that year.

6.4 The TAC for each stock shall be apportioned based on the following:

- (1) [%] of the TAC for that stock to be allocated based on the total Baseline Allocation criteria;
- (2) [%] of the TAC for that stock to be allocated based on the Coastal State Allocation criteria; and
- (3) [%] of the TAC for that stock to be allocated based on the Catch-Based Allocation criteria.

Criteria for Allocations

Baseline Allocation

6.5 A Baseline Allocation consisting of [%] of the TAC for a given fish stock shall be allocated equally between all CPCs.

Coastal State Allocation

6.6 (1) Coastal State CPCs shall be eligible to receive a share of the TAC, which shall comprise the following components:

- (a) ~~[35% / 45%] of the Coastal State Allocation recognizing Coastal State CPCs' interests and aspirations, to be shared in equal portion by all Coastal State CPCs as per Annex 2;~~
- (b) ~~[47.5% / 55%] of the Coastal State Allocation dedicated to Coastal State CPCs that are developing coastal States, in particular Small Island Developing States and least developed States, to address:~~

[OPTION 1]:

- i. their **Vulnerability**, as dependent on the exploitation of fish stocks, including for meeting the nutritional requirements of their populations or portions thereof (UNFSA Article 24(2a)): [33%]
 - per capita fish consumption,
 - Commonwealth universal vulnerability index (CUVI);
- ii. **Priority Sectors**, to avoid adverse impacts on, and ensure access to, fish stocks by subsistence, small scale and artisanal fishers and women fish workers, as well as indigenous people in developing coastal State CPCs, particularly in small island developing State CPCs (UNFSA Article 24(2b)): [34%]
 - [proportion of fish workers employed in small-scale and artisanal fisheries (dependent on domestic statistics/reporting), and]
 - Small Island Developing State (SIDS) status; and,
- iii. to address any **Disproportionate burden** on developing coastal State CPCs that may directly or indirectly result from conservation actions taken pursuant to this Resolution (UNFSA Article 24(c)): [33%]

Commented [NB14]: As the TCAC12 recognized that data was not readily available to simulate and support indicators highlighted in yellow in the first bullet of paragraph ii) and both bullets under iii), the TCAC12 agreed, in the near terms, to simulate this option based on available data – those available for the non-highlighted indicators only. As a result these highlighted bullets have been put in brackets. The TCAC12 also agreed to simulate, as an alternative, the previous text of this allocation criteria and associated UN indicators previously outlined in Annex 2. These have now been incorporated in the body of the Resolution as an alternative option.

In addition, to address data challenges associated to the indicators in Option 1, Maldives also recommended that the TCAC's report raise the need for the IOTC Socioeconomic Working Party to consider the development of a mechanism to harmonise the collection of data for the highlighted indicators with the intention to include them in the allocation regime in the future.

~~- [fisheries (whole sector) contribution to GDP (dependent on domestic statistics/reporting and World Bank), and]~~

~~- [the proportion of the total export value made up of fisheries exports (dependent on domestic statistics/reporting and World Bank).]~~

~~[OPTION 2]:~~

- i. *Human Development Index (HDI) status:*
Status weighting = low (1), medium (0.75), high (0.50), Very high (not applicable).
Proportion = ~~[30% / 40%] of the for~~ developing coastal States ~~element of the Coastal State Allocation;~~
- ii. *Gross National Income (GNI) status:*
Status weighting = low (1), low-middle (0.75), upper-middle (0.5), high (0.25).
Proportion = ~~[30% / 40%] for of the~~ developing coastal States ~~element of the Coastal State Allocation;~~
- iii. *Small Islands Development Status (SIDS):*
Status weighting = yes (1), no (0).
Proportion = ~~[40% / 20%] of the for~~ developing coastal States ~~element of the Coastal State Allocation;]~~

- ~~(i) — address their vulnerability, as dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;~~
- ~~(ii) — avoid adverse impacts on, and ensure access to, fisheries by subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous people in developing States, particularly in small island developing States; and~~
- ~~(iii) — to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States;~~
- ~~based on [internationally agreed upon] indicators described in Annex 2; and,~~

~~[(c) [17.5% / 0%] of the Coastal State Allocation dedicated to Coastal State CPCs to address their rights and status as coastal States, to be shared based on the indicators in Annex 2 In the absence of data supporting an indicator based on spatial 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;~~

EEZ size ~~weighting:~~

- >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)

Commented [NB15]: Taken from previous Annex 2

Commented [NB16]: Taken from previous Annex 2.

- >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).]

(2) Subject to Article 11, ~~Annex 2~~ the above indicators may be amended by the Commission to replace the existing indicators ~~or to include additional indicators with alternative~~ that are more precise, internationally agreed upon ~~indicators and~~ reflective of the special consideration dependency of developing Coastal State CPCs. Such amendments may take place when data on dependency and/or vulnerability on the fish stocks and the fisheries for these stocks, as data necessary to implement such alternative indicators become available. Allocations of developing coastal State CPCs shall be adjusted to reflect the new indicators once approved by the Commission for the subsequent Allocation Cycle.

(3) At least 60 days before the annual Commission meeting, ~~Coastal State CPCs~~ the IOTC Secretariat shall ~~inform~~ advise the ~~Secretariat~~ Commission of any statistical changes that may affect their ~~dependency status indicators~~ referenced in paragraph (1)(b). In the subsequent Allocation Cycle, ~~the~~ IOTC Secretariat shall reflect this change for that CPC's allocation in the Allocation Table submitted for the Commission's approval.

~~[(4) Outermost Regions and Overseas Territories~~

~~(a) The Regional Economic Integration Organisation CPC is eligible to receive an allocation pursuant to Article 6.6(1) [(a) and] (c) in respect of its Outermost Regions whose exclusive economic zones are situated in the IOTC Area of Competence.]~~

~~(b) CPCs whose Overseas Territories whose exclusive economic zones are situated in the IOTC Area of Competence are eligible to receive an allocation pursuant to Article 6.6(1)(c) in respect of these Overseas Territories.~~

Catch-Based Allocation

[6.7. (1) Each CPC shall be eligible to receive a Catch-Based Allocation consisting a share of the TAC for one or more stocks established based on the historical catches of the CPC for each stock determined based on the criteria provided in Article 6.8.

(2) The Catch-Based Allocation shall be normalised for each eligible CPC as a percentage of the stock specific TAC.]

6.8(1)(a) Subject to paragraphs (2) and (3), ~~Annex 1 and~~ Article 6.9 and Article 6.12, the historical catch used to determine a CPC's Catch-Based Allocation for a given stock shall be based on the best nominal catch data provided by the CPC and, where relevant, verified and validated or re-estimated through a process approved by the Commission for each stock, and averaged over the following periods:

Commented [NB17]: TCAC12 recognized the need for a process to verify and validate and, where needed, re-estimate catch data used to determine catch base allocations. It also recognized the need for such a process to enable CPCs to propose any corrections of any assumptions regarding catches in overlap areas. The text has been adjusted to reflect this here, in 6.8(3)(c)(iii), 6.8(3)(d), 6.10(3) and 9.6.

(i) For tropical tuna, albacore and swordfish stocks:

[Option 1: 2000-2016,

Option 2: 2012-16,

Option 3: *best 5 years averaged from within the period 1950-2016*,

Option 4: 2000-2018].

Commented [NB18]: Maldives suggested to change this to minimise ambiguity, and rephrase to: "Highest 5 years of nominal catches for each CPC within the period 1950-2016". I left the wording as is, and suggest that Members further discuss the meaning during the Working Group discussion in February to ensure that the simulations are done with a clear understanding of the meaning.

(ii) [For other stocks:

Best 5 years averaged from within the period of 1950 to [most recent year with data / 2019] / **OR** A time period to be determined by the [Commission].

Commented [NB19]: Proposed by Maldives

[b) In determining the best estimates of nominal catch data pursuant to paragraph (a), catches taken by any vessels on the IOTC IUU Vessels List created pursuant to Resolution 18/03 and all of its predecessor and successor lists, for the relevant period shall be excluded.]

- (2) [For the sole purpose of allocations pursuant to this Resolution, [a portion of L % of] historical catches taken within an area under national jurisdiction of a CPC shall be attributed solely to the CPC with jurisdiction over that area, within the reference period in [Article 6.12 and Annex 1](#), regardless of the flag of the vessels that took and reported such catches.]
- (3) [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 vessels on the IOTC IUU Vessels List created pursuant to Resolution 18/03, and any predecessor or successor lists]:
- (a) 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;
 - (b) Any CPC may provide fine scale spatial information to the IOTC Secretariat no later than 60 days before the Commission annual meeting. Once vetted by the IOTC Secretariat, that information shall be used to spatially attribute the catch history for that CPC;
 - (c) Catches reported for 5x5 or 1x1 degree grid squares that:
 - i) wholly fall within areas under national jurisdiction are to be considered as being taken in areas under national jurisdiction of a coastal State;
 - ii) wholly fall within the high seas are to be considered as being taken in the high seas;
 - iii) overlap one or more areas under national jurisdictions of coastal States and/or the high seas, shall be distributed proportionately by area. In cases where there is disagreement by one or more ~~participants~~CPCs, the supporting evidence shall be provided to, and considered by the Commission in accordance with the process established by the Commission pursuant to Article 6.8(1)(a);

iv) are taken by vessels of a coastal State CPC fishing within its own area under national jurisdiction, shall be considered as being taken within that CPCs' area under national jurisdiction;

v) are taken by vessels flagged to a Member State of the REIO CPC within the exclusive economic zone of the REIO's Outermost Regions shall be considered as being taken within that REIO CPC's national jurisdiction;

vi) are taken by vessels of a CPC fishing within the exclusive economic zone of that CPC's Overseas Territories shall be considered as being taken within that CPC's national jurisdiction.

(d) 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 Commission in accordance with the process established by the Commission pursuant to Article 6.8(1)(a);

(e) Notwithstanding paragraph 6.8(3)(d) and unless otherwise demonstrated by the coastal flag State, catches by small artisanal vessels of a limited range of a coastal State CPC in its coastal fisheries as defined in Resolution 15/02 are assumed to have been taken within the area under the national jurisdiction of that coastal State CPC, irrespective of whether spatial effort data is available.]

Correction for Extenuating Circumstances

6.9 (1) A CPC whose ability to fish for stocks covered by this Resolution has been severely restrained or impeded by extenuating circumstances may seek to have its allocation for that stock ~~corrected~~adjusted or have it, or a portion, carried forward. The CPC shall submit a formal documented request to the IOTC Secretariat at least 60 days before the Commission annual meeting for a decision of the Commission.

(2) Extenuating Circumstances include but are not limited to:

- (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;
- (e) spatio-temporal impacts of climate change on fishing once adequate and stable indicators are adopted by the Commission based on advice from the Scientific Committee;
- and,
- (f) global pandemic,

which have directly affected the fishing capacity of the CPC.

New Entrant

6.10 (1) Each [Coastal State] CP that is a new entrant ~~may~~shall receive [an / 50% of the] allocation for one or more stocks based on the relevant allocation criteria provided by Articles 6.5 to 6.9] for the start of in respect of the Allocation ~~period~~Cycle ~~that~~ following their acceptance of the IOTC Agreement, ~~for one or more species.~~ [SuchThe CP shall submit a request ~~shall be submitted~~ to the Commission for its approval at least 60 days before the Commission

Commented [NB20]: Changes proposed by Maldives, and from Madagascar

annual meeting.] ~~[The CP shall receive 100% of the allocation in the following Allocation Cycle.]~~

(2) For the purposes of determining an initial Catch-Based Allocation to a new entrant CPC, the existing nominal catch history data estimated by the IOTC Secretariat and vetted through the IOTC science process shall be used.

(3) A new entrant CPC 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 process adopted by the Commission pursuant to Article 6.8(1)(a). ~~es at least 90 days prior to the beginning of the allocation process cycle for the stock for which it is seeking an allocation.~~

CNCP

6.11 [(1) A CNCP at the time of the adoption of this Resolution is eligible to receive an allocation for stocks [in the green zone of the Kobe plot based on the advice from the Scientific Committee] if the CNCP expressed a real interest in fishing in the IOTC area of competence when it submitted its application for CNCP status. ~~Upon application to, and approval by, the Commission,~~ such a CNCP is eligible to receive [50%] of the allocation for each fish stock for which it is eligible, until such time as it becomes a CP when it will receive 100% [following payment of its contribution to the Commission pursuant to Article XIII of the Agreement]. ~~A CNCP shall submit its request to receive an allocation to the Commission for its approval at least 60 days before the Commission annual meeting. Such an application shall be submitted at least 60 days prior to the Commission meeting.~~

~~(2) Once the CNCP becomes a CP, it may receive 100% of the allocations to which it is eligible at the beginning of the allocation period that follows its accession to the IOTC, [following payment of its contribution to the Commission pursuant to Article XIII of the Agreement.~~

Transition for Implementation of this Resolution

[6.12 Allocations established on the basis of catches attributed pursuant to Article 6.8(2) ~~this Resolution~~ shall be initially implemented in a step-wise approach during a period of [6 / OR 10] years for each stock through annual increments during this period by establishing a progressive transition period of [no less than X years] on the basis of the following schedule and formula: ~~described in Annex 1.~~

Option 1:

Option 1A

<u>6-Years Transition Period</u>						
<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7 +</u>
<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>100 %</u>	<u>100%</u>

Option 1B

10-Years Transition Period										
Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11+
%	%	%	%	%	%	%	%	%	100%	100%

Option 2:

SPECIES	Transition Period [6 / 10 Years]					
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 .../ OR 10 +
<u>Yellowfin Tuna</u>	%	%	%	%	%	100 %
<u>Skipjack Tuna</u>	%	%	%	%	%	100 %
<u>Big Eye Tuna</u>	%	%	%	%	%	100%
<u>Albacore</u>	%	%	%	%	%	100%
<u>Swordfish</u>	%	%	%	%	%	100 %
<u>Other IOTC Stocks</u>	%	%	%	%	%	100%]

Article 7. ADJUSTMENTS WITHIN ALLOCATION PERIOD

7.1 Over-catch

(a) Where a CPC over catches its allocation of a stock in a given calendar year, 100% of the over-caught allocation shall be deducted from that CPC's allocation for the calendar year following the availability of the catch data demonstrating the over-catch.

(b) Where a CPC over catches its allocation of a stock for 2 or more consecutive years, the Commission may deduct 120% of the over-caught allocation from that CPC's allocation for the calendar year following the availability of the catch data demonstrating the over-catch. The Commission may increase the percentage of adjustment for stocks in poor condition.

(c) A CPC may seek to defer the deduction to the following calendar year, in which case, the percentage of adjustment shall be increased to 150% of the overcaught allocation.

~~(d) A Coastal State CPC may submit, for the approval of the Commission, a plan to pay back overcaught allocations of neritic stocks by its small scale fisheries within a reasonable timeframe in lieu of the adjustment imposed pursuant to paragraph (a).~~

Commented [NB21]: Proposed by Maldives

(e) A CPC seeking to adjust its allocation pursuant to this Article shall submit a written request at least 60 days before the Commission annual meeting.

(f) To ensure proper monitoring of IOTC allocations, in addition to actions taken pursuant to Articles 8.1(2) and (3), CPCs shall report catches of allocated stocks and other data in accordance with IOTC Resolutions 1501 and 1502 (or subsequent revisions).

7.2. Significant Non-Compliance

(a) Upon advice from the Compliance Committee, the Commission shall review and may temporarily withdraw the eligibility of a CPC to an allocation or temporarily reduce its allocation where the Commission determines that the CPC has demonstrated repeated ~~disrespect non-compliance of with~~ the Agreement, ~~or~~ the IOTC's Conservation and Management Measures or Annex A of Appendix V of the IOTC Rules of Procedure (and subsequent revisions), which the Commission deems a significant threat to the conservation of IOTC fish stocks, and no responsive actions have been taken by the CPC to implement, monitor and ensure compliance with the Agreement or the IOTC Conservation and Management Measures consistent with the IOTC Compliance Report established pursuant to Appendix V of the IOTC Rules of Procedure (and subsequent revisions).

(b) The Commission shall identify violations that constitute significant non-compliance which shall lead it to either temporarily withdraw eligibility of a CPC to an allocation or reduce the allocation for the specific species for which a violation has occurred by an amount to be determined by the Commission, based on advice and recommendations from the Compliance Committee. In making this determination, the Commission may factor the following examples of significant non-compliance:

(i) Repeated category 2 non-compliance as provided by Annex A of Appendix V of the IOTC Rules of Procedure (and subsequent revisions), in the absence of concrete remedial actions: including in particular:

(a) Notwithstanding any allocation adjustments made pursuant to Article 7.1, repeated ~~and persistent~~ over-catch or underreporting ~~and/or failure to respect a catch limit reduction resulting from an overcatch, with refusal to adjust their allocation in accordance with~~ pursuant to Article 7.1, ~~or where no concrete actions are taken to remediate;~~

(b) Repeated failure to implement a retention ban on relevant species for 2 or more years; and,

(iii) Non-provision of catch data for [3] years or more with no quantifiable improvement in addressing the data gaps;

~~(iv) Any other factors agreed to by the Commission.~~

(c) The Commission shall reinstate a CPC's eligibility that has been temporarily withdrawn or readjust an allocation that has been reduced, where:

- (i) the CPC has made significant progress in addressing the non-compliance issue; and,
- (ii) the CPC has made a request in writing to the Commission for reinstating their allocation at least 60 days before the Commission annual meeting, providing information related to steps taken to address the non-compliance.

Carry-Forward of Catch

7.3 (1) Upon a documented request from a CPC submitted no later than October 31 to the IOTC Secretariat, the Commission may, without prejudice to future allocations, authorize the carry forward of up to a maximum of 20% of that CPC's under-harvested allocation for a fish stock for the calendar year to the allocation of that CPC for the same stock for the calendar year following the availability of the catch data demonstrating the under-harvest.

Commented [NB22]: Proposed by Maldives

(2) In determining the portion of allocation that may be carried forward, the Commission shall consider:

- (a) the advice from the Scientific Committee regarding the status of the stock;
- (b) whether the stock is normally caught by that CPC as a target fishery or as a bycatch in a mixed stock fishery; and,
- (c) any extenuating circumstance, as referenced in Article 6.9, that would have severely restrained or impeded the CPC's ability to fish and caused the under harvest.

7.4 The IOTC Secretariat shall reflect any adjustments to allocations made pursuant to Article 7 in the Allocation Table and share the revised table with all CPCs.

~~7.5 Allocation adjustments under Article 7 shall not prejudice the determination of future allocations of CPCs.~~

Commented [NB23]: Proposed by Maldives

Article 8. ALLOCATION USE AND TRANSFERS

Allocation Use

8.1 Subject to the provisions of this Resolution, each CPC that receives an allocation pursuant to this Resolution:

- (1) may use, fish, ~~share~~ or transfer this allocation;
- (2) shall implement measures for its fishing fleets to ensure that their catches do not exceed that CPC's allocation;
- (3) shall notify the Commission when its allocation has been fully caught; and,
- (4) in accordance with Coastal States rights and obligations under international law, each coastal State CPC that receives an allocation pursuant to this Resolution:
 - (a) may allocate its share to its fishing fleets in a manner, and to be fished in an area, it deems appropriate;
 - (b) may transfer any portion of its allocation to foreign fleets fishing in waters under its jurisdiction, in a manner that it deems appropriate to meet the requirements of Article 8.2; and,
 - (c) the coastal State CPC shall manage fisheries for fish stocks allocated pursuant to this Resolution and caught in waters under its jurisdiction in a manner to achieve a compatible outcome to the management measures implemented by the Commission for the same stock.

(5) A CPC that does not intend to fish or transfer its allocation pursuant to Article 8.2, in a calendar year period, is encouraged to notify, on a voluntary basis, the Commission in writing, within 60 days of the Commission annual meeting. The unused allocation may be re-allocated in accordance with Article 9.5.

Allocation Transfers

8.2 (1) 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 at least 60 days prior to the transfer occurring.

(2) The written notification shall include the tonnage of fish to be transferred; the stock; the period; and, the CP to whom the allocation, or part thereof, will be transferred.

(3) The transfer shall take effect upon receipt by the IOTC Executive Secretary of the written acceptance from the receiving CP.

(4) The IOTC Executive Secretary shall notify all CPs of the written notification and the written confirmation of the transfer.

(5) When a transfer is notified after the Allocation Table has been approved by the Commission pursuant to Article 9, the IOTC Secretariat shall attach a revised Allocation Table when it shares the written notifications of the transfer with the Commission.

(6) Transfers of allocations are not permitted within the last 45 days of the Allocation Period.

(7) Permanent transfers of allocations are not permitted.

[(8) A CP who has received a transferred allocation
(a) must report the catch to the Commission;
(b) may not use this catch history for future allocations;
(c) may not transfer this allocation or a portion thereof to a CPC.]

8.3 CNCPs are not eligible to transfer any whole or part of their allocations, nor to receive any whole or part of an allocation from CPCs.

[8.4 A transferred allocation or part thereof shall not prejudice the determination of future allocations of CPCs.]

Article 9. IMPLEMENTATION

~~Calendar and Process Map~~

~~(a) The allocation process cycle for each stock shall begin with the issuance of the report containing the Scientific Committee's advice for the stock and end with the expiry of the allocation period for that stock.~~

~~(b) The Secretariat shall prepare for the Commission's adoption a Calendar and Process Map for the implementation of this Resolution.~~

~~Allocation Process and Catch Validation~~

~~[Ad Hoc Allocation Committee~~

~~9.1 (1) Pursuant to Article XII.5 of the Agreement, the Commission hereby establishes the Ad Hoc Allocation Committee to support the Commission's process for allocating IOTC fish stocks to CPCs, when required.~~

~~(2) The Ad Hoc Allocation Committee shall hold meetings on an ad hoc basis, as needed to support the Commission in its roles under this Resolution.~~

~~9.2 The mandate of the Ad Hoc Allocation Committee shall include:~~

- ~~(a) to adjust and make corrections to the allocations consistent with this Resolution; and,~~
- ~~(b) to provide advice and recommendations to the Commission for decisions it is mandated to make pursuant to this Resolution.~~

~~9.3 Membership and Terms of Reference for the Ad Hoc Allocation Committee are provided in Annex 3.]~~

Allocation Administrative Process

9.1 (a) The IOTC Secretariat shall prepare for the Commission's adoption a Calendar and Process Map for the implementation of this Resolution.

(b) During its first annual meeting following the adoption of this Resolution, the Commission shall review and consider the adoption of the Calendar and Process Map.

(a) The Commission shall consider matters of allocation as an agenda item in the annual meetings.

Allocation Tables

9.2 (a) At least 50 days prior to the Commission annual meeting and in accordance with the Calendar and Process Map ~~adopted pursuant to Article 9.7~~, the IOTC Secretariat shall develop a draft Allocation Table for each stock to be allocated pursuant to this Resolution covering the Allocation Period for that stock based on the TAC ~~decisions of the Commission~~ for the stock.

(b) The draft Allocation Tables shall include allocations for each eligible CPC established pursuant to the criteria in this Resolution, including any ~~requests~~ allocations pursuant to Articles 6.10 and 6.11, any adjustments ~~requested~~ pursuant to Articles 7.1, 7.2 and 7.3, and any corrections ~~requested~~ pursuant to Article 6.9.

(c) The draft Allocation Tables do not confer allocation rights to CPCs until they are approved by the Commission.

9.3 The IOTC Secretariat shall also include in the draft Allocation Tables any transfers notified 60 days prior to the Commission annual meeting pursuant to article 8.2. The IOTC Secretariat shall adjust the draft Allocation Tables with any transfers notified after this deadline and circulate to the Commission in accordance with Paragraph 8.2 (5).

Commented [NB24]: As some of these provisions no longer require an application, or such a requirement is still pending consensus, changes have been made to the wording here and in Art. 9.8 to eliminate references to requests.

9.4 Upon receipt of the notification in Article 8.1(5), the IOTC Secretariat shall revise the relevant draft Allocation Tables by reallocating the proposed unused allocation to other CPCs based on the relevant allocation criteria.

9.5 30 days prior to the Commission annual meeting ~~[Ad Hoc Allocation Committee / OR Commission]~~, the IOTC Secretariat shall share with ~~[the Members of the Allocation Committee / CPCs]~~ any information and expert advice it may have regarding non-compliance of CPCs and recommendations emanated from the Compliance Committee regarding non-compliance of CPCs for consideration by the ~~[Ad Hoc Allocation Committee / OR the Commission]~~ in accordance with Article 7.2, and any requests made pursuant to articles 6.9, 6.10, 6.11, 7.1 and 7.3.

Commented [NB25]: TCAC12 recognized the need to consider existing IOTC processes, linkages to other IOTC committees and the annual Commission meeting and timelines related to the allocation process.

9.6 CPCs may seek revisions or corrections to the draft Allocation Tables through the process referred to in paragraph 6.8(1)(a) from the Secretariat to reconcile and validate catch data compiled and reported to the Commission.

9.7 The IOTC Secretariat shall update the draft Allocation Tables with any information submitted to the Commission in accordance with Article 9. It shall post the updated draft Allocation Tables on the IOTC Website at least 30 days prior to the ~~[Ad Hoc Allocation Committee / OR Commission annual]~~ meeting.

Commission Approval

9.8 (a) At its annual meeting, the Commission shall consider for decision any allocation matter referred requests made pursuant to in Articles 6.9, 6.10, 6.11, 7.1, 7.2, and 7.3 in approving the Allocation Tables submitted by the IOTC Secretariat.

(b) The final Allocation Tables, including any decision by the Commission, shall be [adopted by Resolution] and made public as soon as possible after the Commission's decision.

(c) The allocations contained in the Allocation Tables approved by the Commission constitute the final allocations of CPCs for the Allocation Period for ~~each~~the stock.

Commented [NB26]: Some TCAC members requested time to consider the requisite tool for adoption of IOTC allocations and decisions made in respect of allocations in order to be effectively implemented in national legislation.

~~[Calendar and Process Map]~~

~~9.1 [During its first meeting following the adoption of this Resolution, the [Ad Hoc Allocation Committee / OR Commission] shall review [and provide advice and recommendations to the Commission in respect of the adoption of / OR and adopt] the Calendar and Process Map drafted by the Secretariat in accordance with Article 9.1. [Thereafter, the Ad Hoc Allocation Committee shall provide advice and recommendations to the Commission on any amendments that may be proposed to / OR Thereafter, the Commission may review and make any amendments to] the Calendar and Process Map.]~~

~~[[Annual Meeting of the Ad Hoc Allocation Committee]~~

~~9.2 [The Ad Hoc Allocation Committee shall meet on an ad hoc basis as determined by the Commission, prior to the Commission's Annual Meeting.]~~

~~{Commission Approval}~~

~~9.3 [The Secretariat shall prepare final draft Allocation Tables for each stock reflecting the outcomes of the [Allocation Committee / **OR** Commission] meeting and submit them for approval by the Commission at its annual meeting.]~~

~~9.4 (a) At its annual meeting, the Commission shall [consider the recommendations of the [Ad Hoc Allocation Committee / **OR** consider any requests made pursuant to articles 6.9, 6.10, 6.11, 7.1 and 7.3] in approving the Allocation Tables submitted by the Secretariat.~~

~~(b) The final Allocation Tables, including any decision by the Commission, shall be made public as soon as possible after the Commission's decision.~~

~~(c) The allocations contained in the Allocation Tables approved by the Commission constitute the final allocations of CPCs for the Allocation Period for the stock.~~

Article 10. ALLOCATION PERIOD

10.1. Allocations for a given fish stock shall remain valid for the period determined by the Commission for that stock.

Article 11. FINAL CLAUSES

Term and Amendment of Resolution

11.1 (1) This Resolution shall be reviewed after [10 / **OR** 5 years] of its entry into force, and every [X] years thereafter.

11.2 This Resolution may be amended by a decision of the Commission [after the initial term set out in Article 11.1(1)], including to ensure that the allocation recognizes the interests, aspirations, needs and special requirements of Developing States, [in particular least developed States and Small Island Developing States that are coastal States]. [In this respect, this Resolution shall remain in effect until amended or replaced by the Commission.]

Safeguard

11.3 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 in any way affecting the position of any party to the Agreement with respect to the legal status of any area covered by the Agreement.

~~{Annex 1~~

~~Step-wise Transition for Implementation of the Allocation Regime~~

- ~~1. The implementation of the Allocation Regime shall be transitioned for each relevant fish stock over the following periods in the amounts and based on the schedule set out below for each CPC.~~
- ~~2. At the beginning of each allocation period, the allocations of CPCs for the relevant fish stocks shall be revised in the allocation table in accordance with the amounts and schedule provided herein.~~

~~{Details to be negotiated}}~~

Annex 2

Coastal State Allocation Indicators

[1. The following indicators shall be used to calculate the Coastal State Allocation pursuant to Article 6.6 of the Allocation Regime in Resolution 2023/XX:

a) Pursuant to Paragraph 6.6(a), Coastal State CPCs: Status weighting = 1 (an equal portion for each). Proportion = [35% / ~~OR 45%~~] of the Coastal State Allocation;

b) Pursuant to Paragraph 6.6(b), Coastal State CPCs that are Developing States: Proportion = [47.5% / ~~OR 55%~~] of the Coastal State Allocation;

• *Human Development Index (HDI) status*: Status weighting = low (1), medium (0.75), high (0.50), Very high (not applicable). Proportion = [30% / 40%] of the developing coastal States element of the Coastal State Allocation;

• *Gross National Income (GNI) status*: Status weighting = low (1), low-middle (0.75), upper-middle (0.5), high (0.25). Proportion = [30% / 40%] of the developing coastal States element of the Coastal State Allocation;

• *Small Islands Development Status (SIDS)*: Status weighting = yes (1), no (0). Proportion = [40% / 20%] of the developing coastal States element of the Coastal State Allocation;

[c) Pursuant to Paragraph 6.6(c), Coastal State CPCs: 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 State Allocation; EEZ size weighting:

- → 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)
- → 7.0 ≤ 8.0% of the IOTC Area of Competence (weighting = 8)]

~~{Annex 3~~

~~Terms of Reference for Ad Hoc Allocations Committee~~

~~Membership~~

~~1. (a) The Ad Hoc Allocations Committee of the IOTC established pursuant to Article 9.5 of the IOTC Allocation Regime contained in Resolution 2023/XX shall consist of representatives of CPCs.~~

~~(b) Representatives from Observers and Experts may participate in meetings of the Allocations Committee in accordance with the IOTC Rules of Procedure.~~

~~Chairperson and Vice-Chairperson~~

~~2. The Ad Hoc Allocations Committee shall be presided by a Chairperson, supported by a Vice-Chairperson, elected by the Commission.~~

~~Mandate~~

~~3. The mandate of the Ad Hoc Allocations Committee shall include to adjust and make corrections to the Allocations Tables prepared by the Secretariat consistent with the Resolution, and to provide advice and recommendations to the Commission for decisions it is mandated to make pursuant to the Resolution.~~

~~4. Specifically and consistent with the process established in the Resolution and reflected in the Calendar and Process Map, the Ad Hoc Allocation Committee shall review draft Allocation Tables prepared by the Secretariat for each stock allocated pursuant to the Resolution, and provide advice and make recommendations to the Commission for decisions on the following matters:~~

- ~~(a) Calendar and Process Map drafted by the Secretariat pursuant to Article 9.1;~~
- ~~(b) Allocation Tables prepared by the Secretariat pursuant to Article 9.6;~~
- ~~(c) Requests from Eligible CPCs to reconcile catch data pursuant to Article 9.12;~~
- ~~(d) Requests for allocations by CNCs and New Entrants pursuant to article 6.10 and 6.11;~~
- ~~(e) Corrections to allocations of a CPC that is a developing coastal State for extenuating circumstances provided in Article 6.9;~~
- ~~(f) Allocation adjustments pursuant to articles 7.1 and 7.3;~~
- ~~(g) Temporary withdrawal of or reinstatement of an allocation from a CPC for serious non-compliance pursuant to Article 7.2; and~~
- ~~(h) Any other matter required by the Commission.~~

~~5. The Ad Hoc Allocations Committee shall report directly to the Commission on its deliberations and recommendations.~~

~~6. The Ad Hoc Allocations 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.~~

~~Meetings~~

~~7. The Allocations Committee shall meet on an ad hoc basis at the request of the Commission, immediately prior to the annual meeting of the Commission.~~

Rules of Procedure

~~8. The procedures of the Ad Hoc Allocations Committee shall be governed mutatis mutandis by the Indian Ocean Tuna Commission Rules of Procedure, as amended from time to time.]~~