

## Summary report on assessment criteria for the Compliance Report of the Compliance Committee 21

PREPARED BY: IOTC SECRETARIAT<sup>1</sup>  
25 JANUARY 2024

### PURPOSE

To encourage participants at the Working Party on the Implementation of Conservation and Management Measures (WPICMM) to review the assessment criteria to be used to compile the Compliance Report of CPCs, for CoC21.

### BACKGROUND

At the [12<sup>th</sup> Session of the IOTC Compliance Committee](#), the following recommendation was made:

[IOTC-2015-CoC12-R](#) – Paragraph 47. *The CoC **RECOMMENDED** that the IOTC Secretariat provide CPCs with the assessment criteria to understand the process of how the Compliance Reports are compiled, including information on the year being assessed for each requirement.*

At the [27<sup>th</sup> Session of the Indian Ocean Tuna Commission](#) in May 2023, the amendments of the Appendix V of the IOTC Rules of Procedure (IOTC Rules of Procedure (2022) on the Compliance Committee terms of reference and Rules of Procedure) was adopted:

[IOTC-2023-S27-R](#) - Paragraph 90. *The Commission **NOTED** the Compliance Committee's endorsement to amend Appendix V of the IOTC Rules of Procedure (2022) on the Compliance Committee terms of reference and rules of procedure, and after making some amendments, the Commission **ADOPTED** the revision to Appendix V as provided in Appendix 5.*

The new Rules of Procedure are available [HERE](#)

### DISCUSSION

Following the recommendation of the Compliance Committee, and as a result of the amendments to the procedures of the Compliance Committee, the Secretariat has circulated the proposed [“Compliance Assessment Criteria”](#) to assist CPCs to understand the effects of applying the new assessment criteria listed in Appendix V, including its Annex A. The primary purpose of preparing and disseminating the attached document was to inform CPCs about how compliance personnel will be objectively guided in their tasks of conducting compliance assessments.

Following the distribution of the [Circular 2023- 54 - Revised Compliance Assessment Criteria](#), one CPC has contacted the Secretariat and has requested some clarifications.

We wish to bring to the attention of WPICMM07 that the Draft Compliance Report shall be made available to CPC for Comments/Remarks in the e-MARIS application.

The established time frame / calendar, presented in table 1 below, was drafted based on the new Rules of Procedure and the decision of the Heads of Delegations (HoDs) regarding an *ad hoc* change to the deadline for the availability of the Draft Compliance Report (Letter IOTC2023-306; Letter IOTC2023-320), the IOTC Secretariat proposal and the decision of the HoDs are reproduced below:

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**Secretariat proposal:**

In accordance with paragraph 4 a (iii), of Appendix V of the IOTC RoP, for the 2024 IOTC Compliance Committee preparatory work the Secretariat is required to make available to CPCs their draft IOTC Compliance Report by 4th March 2024. This is 11 days before CPCs are required to submit their Implementation Report and response to their Feedback Letter.

These are two crucial components that are utilised in the compliance assessments, we propose that the deadline for the Secretariat to make available the draft IOTC Compliance Report for CPCs is moved to 25 March 2024. This will provide us with 10 days in which to meet the “new” deadline for making available to CPCs their draft IOTC Compliance Report for 2024.

**Decision of the Heads of Delegations:**

Heads of Delegation have agreed to allow an *ad hoc* exception to the deadline as requested by the IOTC Secretariat so that they can develop the Draft Compliance report with all the necessary information. As such, the deadline for the Secretariat to make available the draft IOTC Compliance Report for CPCs is, on an *ad hoc* basis, moved from 4 March 2024 to 25 March 2024.

**Table 1:** Established time frame / calendar of the Compliance Committee 21.

Date	Time frame	RoP Reference	CoC/CPC action(s)	Secretariat (SEC) action(s)
14-Mar-24	Deadline to receive Report of Implementation/Feedback Letter			
	10 days to prepare the Draft CR			SEC prepares Draft-CR
25-Mar-24	Deadline to make available to CPCs Draft CR	70 Days of S28 Para 4 iii) App V- ROP		SEC publish Draft-CR in e-MARIS
	18 days for CPC to provide Comments/Remarks on the Draft CR		CPC Comments on Draft-CR in e-MARIS	
13-Apr-24	Deadline for receiving comments/response on Draft CR	30 Days of S28 Para 4 iii) App V- ROP	CPC Comments on Draft-CR in e-MARIS	
	5 Days for Secretariat to make the Summary CR			SEC prepare Summary CR
18-Apr-24	Deadline for making available Summary CR	25 Days of S28 Para 4 v) App V- ROP		SEC publish Summary-CR in e-MARIS
05-May-24	CoC21	Summary CR in CoC21 plenary for production of Provisional CR at the end of the CoC21	CoC discuss Summary-CR and recommend to S28 (CPC follow up action needed; Actions to be taken by CPC; Capacity building): - remedial action taken, proposed to be taken, by the CPC, - priority obligations to be reviewed for the next compliance assessment cycle, - other responsive action, including incentive measures.	SEC prepare Provisional CR during CoC.
06-May-24				
07-May-24				

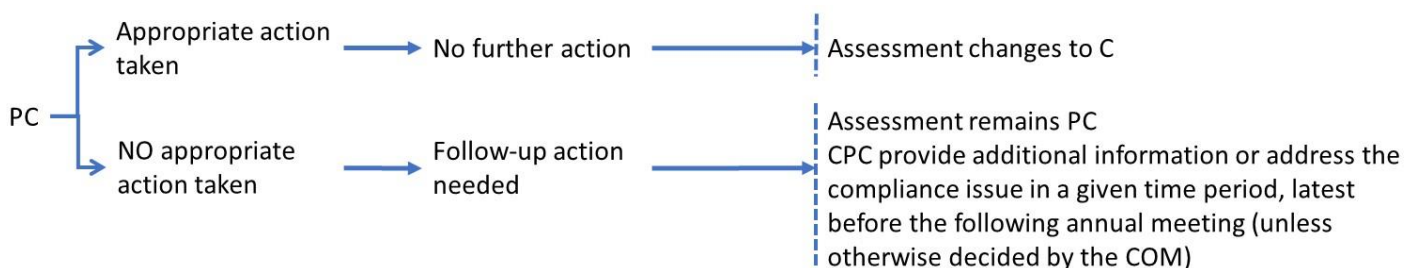
It is reminded to the WPICMM07 that the 30 Days of S28 deadline of the Paragraph 4 iii) App V- ROP is conflicting with the Recommendation of the CoC15<sup>2</sup> that after the 15 days period, the Secretariat will not be considering submission of information, report or data into the Compliance Assessment.

Paragraph 51. The CoC **NOTED** the number of CPCs continuing to submit information after the deadline and **RECOMMENDED** that the IOTC Secretariat shall not integrate information received after the deadline into the Compliance Assessment. *IOTC-2018-CoC15-R*

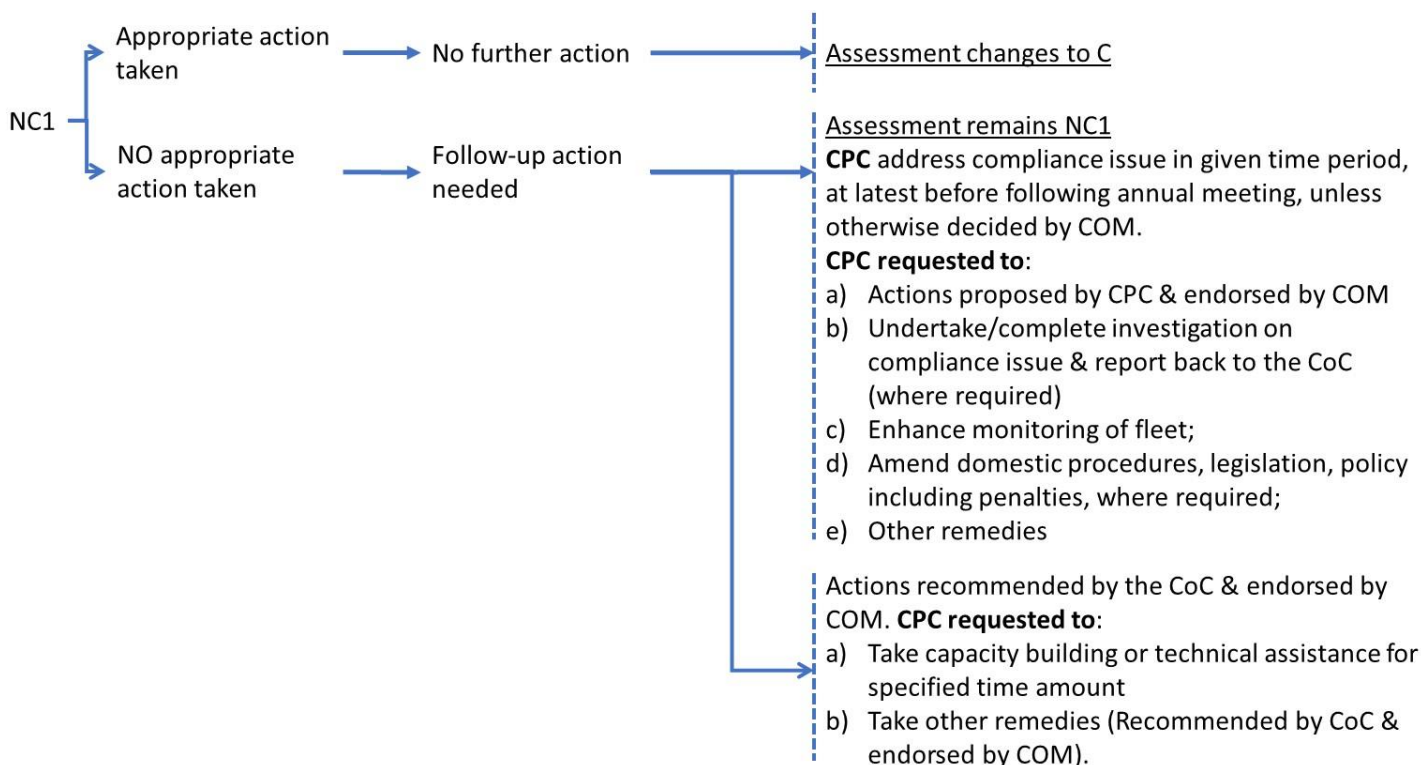
The Deadline for receiving comments/responses on the Draft Compliance Report is 13 April 2024 (according to the 30 Days of S28 deadline of the Paragraph 4 iii) App V- ROP. With the CoC15 Recommendation it is 9 April 2024.

The Compliance Assessment decision making process, for PC, NC1, NC2, during the Compliance Committee (CoC) and the Commission (COM) meetings, is summarized below:

For P/C:

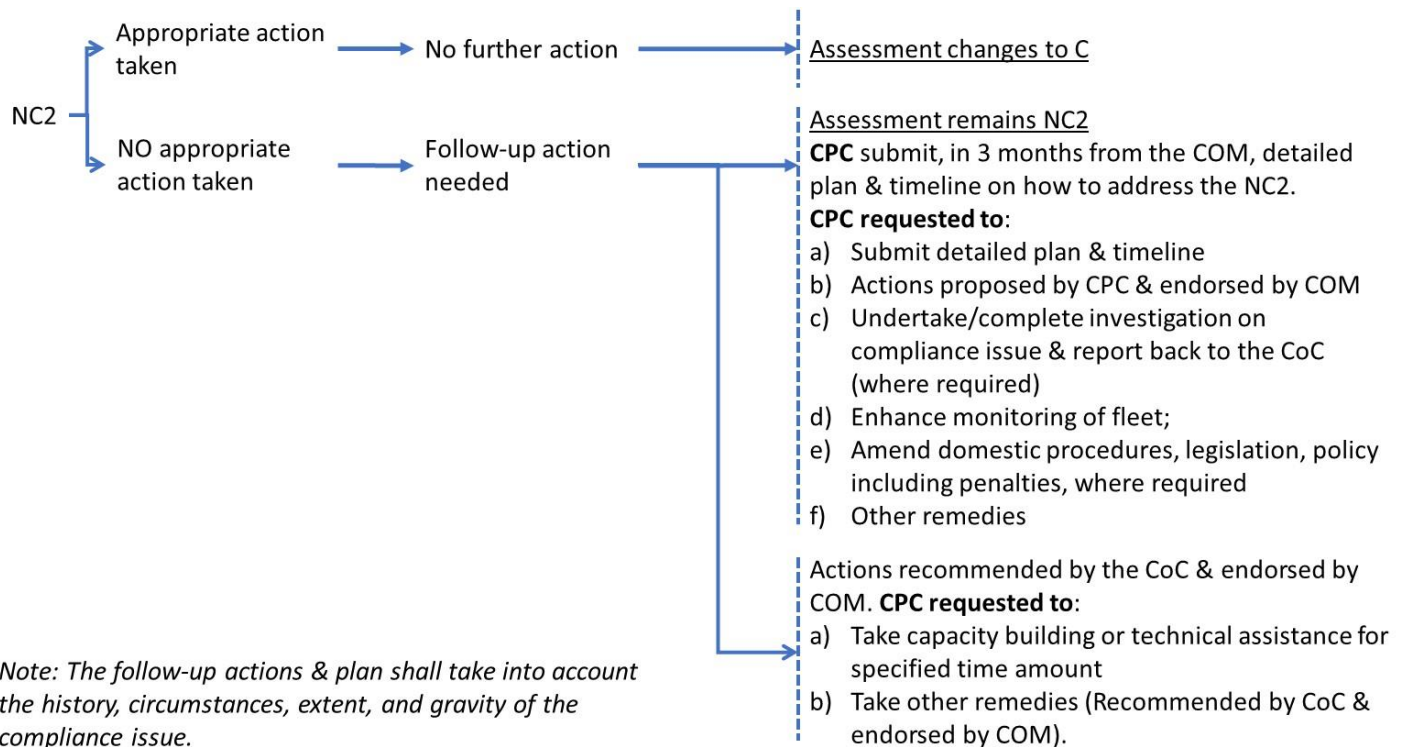


For NC1:



<sup>2</sup> Considering the 15 days period to reply to the IOTC Secretariat, the deadline for the IOTC Secretariat to receive such reply is 09 April 2024. If we do not receive a reply by the afore-mentioned date, the Draft Compliance Report will be finalised on the basis of what is presented in the e-MARIS application.

For NC2:



*Note: The follow-up actions & plan shall take into account the history, circumstances, extent, and gravity of the compliance issue.*

## RECOMMENDATIONS

That the WPICMM07:

- 1) **NOTE** document [IOTC-2024-WPICMM07-05 Rev1](#), which describes the new assessment criteria, the decision making process during the Compliance Committee.
- 2) **NOTE** the timelines and the decision-making process of the Compliance Committee during the Compliance Committee meeting (CoC21).
- 3) **NOTE** the mismatch between the deadline for the IOTC Secretariat to make available the Draft Compliance Report and the deadline for CPCs to submit their Implementation Report and Responses to the Feedback Letter, **REQUESTED** that a CPC submit a proposal to amend paragraph 4 a (iii) of Appendix V of the Rules of Procedure, in accordance to RULE XVIII of the Rules of Procedure (2023), to ensure that the Secretariat has sufficient time to make available the draft IOTC Compliance Report to CPCs.
- 4) **NOTE** the conflict between the deadline of the paragraph 4 a (iii) Appendix V of the Rules of Procedure and the Recommendation of the CoC15 for CPCs to provide comments/responses on the Draft Compliance Report within 15 days, **REQUESTED** that a CPC submit a proposal to amend paragraph 4 a (iii) of Appendix V of the Rules of Procedure, in accordance to RULE XVIII of the Rules of Procedure (2023).
- 5) **AGREE** that the IOTC Secretariat compile the Compliance Reports with the assessment criteria and **FURTHER AGREE** that the assessment will be carried out in the [e-MARIS application](#).