

# IOTC Agreement – Article X

## Report of Implementation for the year 2023 (CoC21)

**Deadline for submission: 14/3/2024**

### READING NOTES:

- This report is composed of 5 sections reporting on the implementation of IOTC Resolutions.
- Answers provided by CPCs are presented in **blue text**.
- A red dash ("-") indicates that no answer was provided.
- Sections in **light grey** are for requirements that do not apply to your CPC

### Reporting CPC: Malaysia

**Date of submission: 14 March 2024 - 07:58**

You can consult your previous Implementation Report by [clicking here](#).

### Notes:

- All dates in the Implementation report must be in the following format => dd/mm/yyyy
- All laws, regulations and administrative instructions in force must be uploaded in the requirement 1.5 named "Transposition of IOTC Conservation and Management Measures into national legislation".

# PART A – LEGAL OBLIGATION

## Articles X & XI.2 of the IOTC Agreement - Legal obligation – Transposition of IOTC CMMs into national legislation

### Transposition of IOTC CMMs into national legislation

#### Reporting obligation CR N°1.5, IR

**Legal obligation:** Provide information on the status of the transposition of all the CMM obligations/reporting requirements into the national legislation.

#### 1. A system or procedures exist to implement this binding obligation to transpose IOTC Resolutions in national legislation:

YES - Malaysia has system / procedure to implement this binding obligation: transpose IOTC Resolutions

a. System or procedures to implement this binding obligation - transposition of CMM :

Transposition of IOTC CMMs in national law • Transposition of IOTC CMMs in national regulation • Transposition of IOTC CMMs in administrative orders/circulars • Text of transposition of IOTC CMMs proposed / signed / adopted by Director (exercises legislative and regulatory powers)

Transposition of IOTC CMM in the Authorisation to Fish outside the Malaysia EEZ (ATF) monitored by Fisheries Officer & Enforcement Officer.

The Fisheries Act 1985 Amendment (2019) is fully transposed for High seas fisheries

b. System or procedures to respond to non-compliance with this binding obligation - non transposition of CMMs :

YES - System / procedures to implement this binding measure are specified/described in the below section

Regular meeting and reports to the Fisheries Management Meeting on CMM, stakeholders consultation on national legislation.

c. Action taken in relation to non-compliance with this binding obligation - non transposition of a CMM :

YES - Actions are described below

Report review of Malaysia Fisheries Act and ATF to the Director General

#### 2. All obligations of IOTC Conservation and Management Measures (CMMs) are fully transposed in the national legislation:

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NO – The transposition of IOTC Resolutions in the legislation of Malaysia is partial

All Resolutions are fully transposed in the Authorisation to Fish outside the Malaysia EEZ (ATF) for all active Resolutions adopted in 2022.

The Fisheries Act 1985 Amendment (2024) is pending review from the Attorney General before being presented to the parliament for endorsement. Expected date of entry into force is in December 2024.

The draft of High Seas Regulation is still under review of the Department of Fisheries Legal Advisor. Expected date of entry into force is in December 2024.

All active Resolutions adopted in 2023

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If NO, specify which Resolutions have not yet been transposed in your legislation:

All active Resolutions adopted in 2023

### Attach National Legislation

a. Attach the laws, regulations and administrative instructions in force and ATF T&C with force of law, related to the IOTC Conservation and Management Measures:

[Malaysia Fisheries Act 1985 Amendment 2019\\_Act 317.pdf](#) [Authorisation to fish Malaysia tem-plate 2023-APRIL.pdf](#) [20210413102453-45311-merchant-shipping-tonnage-regulations1985-p.u-a-83-1985-.pdf](#) [akta-perkapan-saudagar-pindaan-1998.pdf](#) [Fisheries Maritime Amendment 2010.pdf](#) [Turtle Dehooker & Line cutter poster.pdf](#) [MAQIS ACT.pdf](#) [Akta 311\\_EEZ MALAYSIA.pdf](#)

b. Comments/remarks about your submission and the implementation of IOTC Conservation and Management Measures:

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Provide additional information on the implementation of this obligation:

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# PART B – Actions taken, under national legislation, in the previous year to implement CMMs adopted by the Commission

## Actions taken to implement Resolution 23/01

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "Resolution On Management of Anchored Fish Aggregating Devices (AFADs)"

CPC has transposed the CMM 23/01 into domestic legislation ?

NO - In Malaysia context, the CMM 23/01 is and will not be applicable.

## 2023 Anchored FADs management plan

### 1. A system or procedures exist to monitor and to ensure compliance with the obligation for vessels implementation of the DFADs management plan:

NO – NIL Report / Not Applicable - Malaysia has NO AFADs fishery in the EEZ, fishing for tuna and tuna like species under the IOTC mandate.

a. System or procedures to monitor compliance with this binding measure are :

System or procedures to monitor compliance with this binding measure are not listed above, we specify and describe them in the bellow section

Malaysia has no purse seine vessels on the IOTC Record of Authorised Vessel.

Malaysia currently in the process of collecting AFADs information in the Malaysia EEZ including IOTC area of competence (west coast peninsular Malaysia) for the preliminary AFADs inventory

AFADs in the west coast of peninsular Malaysia are targeting multi pelagic species including tuna neritic and seerfish.

b. System or procedures to respond to instances of non-compliance are :

Promoting industry knowledge/understanding of the need for & cooperative participation in MCS activities to comply & prevent/deter/eliminate IUU fishing

DOF Malaysia has conducted AFADs workshop with the stakeholders in February 2023

c. Actions in relation to potential infringements are :

NO action is taken in relation to potential infringements

### 2. DFADs management plans reported for following year(s):

NO - NIL Report - Malaysia has NO AFADs fishery in the EEZ, fishing for tuna and tuna like species under the IOTC mandate.

### 3. Reporting/Updating the 2024 DFADs management plan:

No AFADs management plan for Malaysia in 2024

AFAD management plan:

### 4. The 2024 DFADs management plan is prepared in accordance with the Guideline (Annex I or II):

NO - Some sections are missing

## Actions taken to implement Resolution 23/03

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

DOF Malaysia through the Tuna Industrial Consultation Programme (MPI) Tuna, which took place on 23rd August 2023 in Selangor encourage vessel owner regarding establishing a voluntary fishing closure in the Indian Ocean for the conservation of tropical tunas

**Malaysia has transposed the CMM 23/03 into domestic legislation ?**

NO - The transposition process in domestic legislation of the CMM 23/03 has not yet started.

## Actions taken to implement Resolution 23/04

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

DOF Malaysia has update the ATF Terms & Condition to includes the requirement for Resolution 23/04 On establishing catch limits for bigeye tuna in the area of competence.

**Malaysia has transposed the CMM 23/04 into domestic legislation ?**

YES - The CMM 23/04 has force of law in domestic legislation.

## Actions taken to implement Resolution 23/05

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

DOF Malaysia has update the ATF Terms & Condition to includes the requirement for Resolution 23/05 On establishing a programme for transshipment by large-scale fishing vessels

**Malaysia has transposed the CMM 23/05 into domestic legislation ?**

YES - The CMM 23/05 has force of law in domestic legislation.

## At sea transshipments – CPCs reports participating in the ROP

**1. A system or procedures exist to monitor and to ensure compliance of Large Scale Tuna Longline Fishing Vessels (LSTLVs), that are 24 metres length overall and above, with the obligations of the IOTC regional observer programme (ROP) to monitor transshipment at sea:**

YES - Malaysia has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Transshipment at sea obligations of Flag LSTLVs, monitored and controlled by government fisheries administration with institutional procedures implemented

Request on Transshipment and Observer Program, Transshipment report by the vessel owner

b. System or procedures to respond to non-compliance with this binding measure are:

Established in administratives orders implemented by Government • Maintain compliance / infringements records, related to the Transshipment at sea obligations of Flag LSTLVs

Investigation on Possible Infraction from the Observer report

c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

**2. I have participated in the IOTC regional observer programme (ROP) to monitor transshipment at sea in 2022:**

YES - I am participating in the IOTC regional observer programme (ROP) to monitor transshipment at sea

**3. The report on the list of LSTLVs & the quantities transhipped in 2022, and the report on the assessment of observer reports in 2022, is reported to the IOTC Secretariat:**

--- YES - Complete - The two reports are provided

**4. If YES, provide information on:**

Number of LSTLVs having transhipped at sea in 2022: 6

Quantities transhipped at sea (kg) in 2022: 1509612

## Report on transhipments in foreign ports

### 1. FOR ALL CPCs:

#### 1.1. A system or procedures exist to monitor and to ensure compliance of Tuna Fishing Vessels (LSTVs) with the obligations of the IOTC regional observer programme - transhipments in foreign ports :

YES - Malaysia has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

##### a. System or procedures to monitor compliance with this binding measure are:

Transhipment in port obligations of Flag LSTVs, monitored and controlled by government fisheries administration with institutional procedures implemented • Control & enforcement regime over vessels with monitoring tools, VMS, logbooks/documentation & compliance observers, EMS • Maintain national records of all vessels & current beneficial owners/owners/operators authorized to undertake fishing subject to Malaysia jurisdiction

DOF Malaysia has established Malaysia Fishing Vessel Record (MFVR) for all vessel authorised to fish in the IOTC area of competence.

DOF FMC to monitor vessel using VMS System.

Reminder to vessel owner to comply with port state measures and related regulation.

Annual Vessel Inspection Program for vessel license renewal

##### b. System or procedures to respond to non-compliance with this binding measure are:

Established in administrative orders implemented by Government • Implementation of responses to non-compliance & infringements to ensure prompt control and remediation related to the Transhipment in port obligations of Flag LSTVs • Promoting industry knowledge/understanding of the need for & cooperative participation in MCS activities to comply & prevent/deter/eliminate IUU fishing, related to the Transhipment in port obligations of Flag LSTVs

Regular meeting and reports to the Fisheries Management Meeting on IOTC CMM,

Investigation on possible infraction and reminder to vessel owner to take corrective action

##### c. Actions in relation to potential infringements are:

Suspend/cancel/revoke a licence/ATF • Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

### 1. 2. Flag LSTVs have transhipped in foreign ports in 2023:

YES - Flag LSTVs have transhipped in foreign ports in 2023

#### 1.3. The report on the list of LSTVs & the quantities transhipped in foreign ports in 2023, provided to the IOTC Secretariat:

-- YES - Complete

Any comments/remarks about your submission and the implementation of this requirement:

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Comments/remarks about your submission and the implementation of this requirement:

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### 2. FOR MALDIVES ONLY:

#### 2.1. A system or procedures exist to monitor and to ensure compliance of Flag Pole and line fishing vessel(s) and collector vessel(s) with the obligations of the IOTC regional observer programme - transhipments in port for Maldives:

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##### a. System or procedures to monitor compliance with this binding measure are:

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##### b. System or procedures to respond to non-compliance with this binding measure are:

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##### c. Actions in relation to potential infringements are:

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### 2. 2. Flag Pole and line fishing vessel(s) and collector vessel(s) have transhipped in 2023:

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### 2.3. The reports on the list of Pole and line fishing vessel(s) and collector vessel(s) & the quantities transhipped in 2023, reported to the IOTC Secretariat:

## Actions taken to implement Resolution 23/06

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):

Cetacean are protected under the Fisheries (Control Of Endangered Species Of Fish) Regulations 1999

Malaysia has transposed the CMM 23/06 into domestic legislation?

NO - In Malaysia current context, the CMM 23/06 is and will not be applicable (No vessels, purse seine, gillnetter, vessel fishing on FADs, on the IOTC Record of Authorised Vessels and active/operating in the IOTC Area of Competence).

## Report on Instances of cetaceans encircled, entangled in 2023

### 1. A system or procedures exist to implement this binding reporting obligation (Report on Instances of Cetaceans encircled):

YES - Malaysia has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

In Port vessel inspection

Awareness poster of endangered species protected under the Fisheries Regulation on (Control of Endangered Species of Fish) Regulation 1999

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

In Port vessel inspection

Awareness poster of endangered species protected under the Fisheries Regulation on (Control of Endangered Species of Fish) Regulation 1999

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Any person who contravenes subregulation 2(1) or any of the condition imposed by the DirectorGeneral under subregulation 2(2) commits an offence

### REPORT ON INSTANCES FOR THE 3 CATEGORIES OF VESSEL

#### 2. Cetaceans have been encircled by the purse seine nets as reported by Malaysia flag vessels in 2023:

a. Purse seine vessels:

NO - NIL Report - No encirclement instance of cetaceans caught by purse seine net reported by Malaysia flag purse seine vessels in 2023

b. Reporting instance by purse seine vessel:

For purse seine vessel, report the total number of instance in 2023:

0

Cetaceans species encircled:

None

c. Not applicable:

In 2023, no Malaysia fishing vessel fishing on FAD operating in the IOTC Area of Competence

#### 3. Cetaceans have been entangled by gillnetters as reported by flag vessels in 2023:

a. Gillnetters vessel:

NO - NIL Report - No entanglement instance of cetaceans caught by gillnet reported by Malaysia flag gillnet vessels in 2023

b. Reporting instance by gillnet vessel

For gillnet vessel, report the total number of instance in 2023:

0

Cetaceans species entangled:

None

c. Not applicable:

In 2023, no Malaysia fishing vessel fishing on FAD operating in the IOTC Area of Competence

#### 4. Cetaceans have been entangled in Fish Aggregating Devices, DFAD/AFAD, as reported by flag vessels in 2023:

a. Vessel fishing on DFAD or AFAD:

NO - NIL Report - No entanglement instance of cetaceans caught in Fish Aggregating Devices as reported by Malaysia flag fishing vessels in 2023

b. Reporting instance by vessel fishing on DFAD

For DFAD, report the total number of instances in 2023:

0

Cetaceans species entangled:

None

c. Reporting instance by vessel fishing on AFAD

For AFAD, report the total number of instances in 2023:

0

Cetaceans species entangled:

None

d. Not applicable: In 2023, no Malaysia flag fishing vessel fishing on FAD operating in the IOTC Area of Competence

#### 5. Reporting of cases:

Nil Report - No encirclement / entanglement reported by Malaysia flag fishing vessels: purse seine, gillnetters, fishing on FAD, in 2023

Comments/remarks about your submission and the implementation of this requirement:

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## Actions taken to implement Resolution 23/07

### 1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):

DOF Malaysia has update the ATF Terms & Condition to includes the requirement for Resolution 23/07 On reducing the incidental bycatch of seabirds in longline fisheries

Malaysia has transposed the CMM 23/07 into domestic legislation?

YES - The CMM 23/07 has force of law in domestic legislation.

## Longline vessels to use mitigation measures south of 25°S

### 1. A system or procedures exist to monitor and to ensure compliance with the obligation, for all Malaysia longline vessels, to use at least two of the three mitigation measures:

YES - Malaysia has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Obligation longliner use Seabird mitigation measures, monitored and controlled by government fisheries administration with institutional procedures implemented • Flag State regular inspections are conducted to verify compliance of vessels with the Obligation longliner use Seabird mitigation measures • Maintain national records of all vessels & current beneficial owners/owners/operators authorized to undertake fishing subject to Malaysia jurisdiction  
Establishment of Malaysia Vessel Fisheries Record (MFVR),  
Annual Vessel Inspection Program for vessel license renewal.

b. System or procedures to respond to non-compliance with this binding measure are:

Established in administratives orders implemented by Government • Promoting industry knowledge/understanding of the need for & cooperative participation in MCS activities to comply & prevent/deter/eliminate IUU fishing, related to Obligation longliner use Seabird mitigation measures

Reminder to vessel owner on the requirement of sea bird mitigation measures when operating at south of 25'S

Stakeholders consultation on current IOTC CMM

c. Actions in relation to potential infringements are:

Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator • Accessories sanctions, aside the fine, taken by Government agencies on beneficial owner/owner/operator

Failure to comply with the national laws and regulation, terms and conditions of the licence and terms and condition of the ATF, may, in addition to any judicial penalties that may be incurred, result in the suspension or cancellation of the licence, either temporarily or permanently.

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any



licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

**2. The obligation for all Malaysia longline vessels to use at least two of the three mitigation measures:**

Is required/implemented by terms & conditions of authorisation to fish (ATF) with force of law 10/04/2019

## Actions taken to implement Resolution 23/08

**1. Describe the actions taken, under national legislation, in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

DOF Malaysia is still in the review on the EMS monitoring standard to meet the minimum ROS data requirements as adopted by IOTC. Malaysia have installed CCTV on board and also the CCTV camera plan.

Malaysia has transposed the CMM 23/08 into domestic legislation?

NO - The transposition process in domestic legislation of the CMM 23/08 has started but still ongoing.

## Actions taken to implement Resolution 23/09

**1. Describe the actions taken in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

DOF Malaysia will joint the FAD working group despite of not having any purse seine vessel and supply vessel in the IOTC List of Authorised Vessel.

## Actions taken to implement Resolution 23/10

**1. Describe the actions taken in the previous year to implement conservation and management measure "" adopted by the Commission at its 27th Session (S27):**

DOF Malaysia takes note on the establishment of the Working Party on Socio Economics (WPSE).

Malaysia has transposed the CMM 23/10 into domestic legislation?

NO - The transposition process in domestic legislation of the CMM 23/10 has not yet started.

# Part C – Actions taken, under national legislation, to implement CMMs adopted by the Commission in previous Sessions which have not been reported previously

1. Actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously:

1) Department of Fisheries Malaysia has conducted engagement with the industry and vessel owner through Majlis Perundingan Industry (MPI 2023) on 23/08/2023. Through this MPI, the Department informed the current adopted Resolutions for their actions.

2) Department of Fisheries Malaysia conducted PSM Training for Port Inspectors on 4/4/2023 - 6/4/2023

3) Department of Fisheries Malaysia has established the Standard Operating Procedures on Port State Measures Malaysia effective from 1/12/2023

2. We have taken actions, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions:

Yes

# Part D – Data and information reporting requirements for CPCs to be included in this report

## Resolution 01/03 Establishing a scheme to promote compliance by non-contracting party vessels with resolutions established by IOTC – Observations of non-contracting parties, entities or fishing entities indicating fishing contrary to IOTC CMMs

### Information required: Observations of non-contracting parties, entities or fishing entities indicating fishing contrary to IOTC CMM

1. A system or procedures exist to implement this binding reporting obligation: "*Report on observations of non-contracting parties, entities or fishing entities indicating fishing contrary to IOTC CMM*"

NO – NIL Report / Not Applicable for 2023 – Malaysia has no observation of vessel fishing contrary to IOTC Conservation or Management Measures in the IOTC Area of Competence

a. System or procedures to implement this binding reporting obligation :

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b. System or procedures to respond to non-compliance with this binding reporting obligation:

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c. Action to be taken in relation to non-compliance with this binding reporting obligation:

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2. Observation/Sightings report of Non-Contracting Party, Entity or fishing Entity vessels, indicating that there are grounds for believing that these vessels are fishing contrary to IOTC Conservation or Management Measures

NO - NIL report for 2023 – Malaysia has no observation of vessel fishing contrary to IOTC Conservation or Management Measures in the IOTC Area of Competence

Actions taken & additional information to report?

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### Information required: information on the results of inspections of vessels of NCPs

1. A system or procedures exist to implement this binding reporting obligation: "*Prepare and report on information on the results of inspections of vessels of NCPs*"

NO – NIL Report / Not Applicable for 2023 - no inspection conducted on NCP vessel by Malaysia

a. System or procedures to implement this binding reporting obligation:

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b. System or procedures to respond to non-compliance with this binding reporting obligation:

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c. Action to be taken in relation to non-compliance with this binding reporting obligation:

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2. Reporting on inspections in ports of vessels of Non-Contracting Parties, Entities or fishing Entities:

NO - NIL report 2023 - no inspection conducted on NCP vessel by Malaysia

## Resolution 01/06 Concerning the IOTC bigeye tuna statistical document programme

### Information required: Annual report on the IOTC bigeye tuna statistical document programme in 2022

1. A system or procedures to monitor and to ensure compliance with export of frozen bigeye tuna exists:

YES - Malaysia has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements

a. System or procedures to monitor compliance with this binding measure are:

Export of frozen bigeye tuna monitored by government fisheries administration with institutional procedures implemented • Export of frozen bigeye tuna monitored by another government administration (eg. Customs, Maritime authority, police) with institutional

procedures implemented • Control & enforcement regime over vessels includes mandatory requirements regarding fisheries-related data that must be recorded/reported by the vessels (catches/effort, bycatches/discards/landings/transshipments)  
Data of BET Export recorded by DOF Malaysia and MAQIS Malaysia  
The Owner of the vessel that import / export bigeye tuna shall comply with the IOTC Bigeye Tuna Statistical Programme and submit the statistical documents to the Competent Authorities

b. System or procedures to respond to instances of non-compliance are:

Established in administrative orders implemented by Government • Implementation of responses to non-compliance & infringements to ensure prompt control and remediation

Vessel owner are required to submit the BET statistical data report for export to DOF Malaysia for verification.

DOF Malaysia will conduct a meeting to revise the non-submission of the information on BET Statistical Programme

c. Actions in relation to potential infringements are:

Suspends/cancels/revokes a licence/ATF • Administrative punitive actions - Fine imposed by administration on beneficial owner/owner/operator

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

FISHERIES (MARITIME) (LICENSING OF LOCAL FISHING VESSEL) 1985

22. Any person who contravenes or fails to comply with the provisions of these Regulation shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one thousand ringgit.

#### EXPORT:

2. Frozen bigeye tunas were exported in 2022:

YES - Frozen Bigeye tuna were exported

Total quantity of frozen bigeye tunas exported in 2022 (kg):

—

Country' vessels from which the bigeye tunas were exported:

—

3. If you have exported bigeye tuna in 2022, report the result(s) of the examination between YOUR EXPORT Malaysia data and the IMPORT data declared by IMPORTING CPC(s):

— —

— —

— —

YES - We have examined the data for 2022 and significant difference(s) were identified between Malaysia EXPORT data and the IMPORTING DATA from CPCs Indonesia • Thailand • Vietnam • Other - not in the list 71,746.20

When significant difference(s) were identified between Malaysia EXPORT data and the IMPORTING DATA from other CPCs, report the results of the examinations below:

The significant difference of 71,746.20 kg were from 2 country not in the IOTC list of BET Importing Country which is Vietnam & SIngapore. While Indonesia had a huge differents of imports data then Thailand.

## Resolution 07/01 To promote compliance by nationals of CPCs with IOTC conservation and management measures

**Information required: reports on actions and measures taken to investigate allegations and/or reports on IUU fishing involving nationals**

1 - Reporting on actions and measures taken to investigate allegations and/or reports on IUU fishing involving nationals:

NO - NIL report for 2023 – No Malaysia nationals engage in IUU fishing in the IOTC Area of Competence

## Resolution 11/02 Prohibition of fishing on data buoys

**Information required: Report on observations of damaged data buoys in 2023**

1. A system or procedures exist to monitor and to ensure compliance with the reporting any data buoys observed to be damaged/ inoperable:

[NO – NIL Report / Not Applicable - No report received from flag vessels in 2023](#)

a. System or procedures to monitor compliance with this binding measure are:

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b. System or procedures to respond to non-compliance with this binding reporting obligation:

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–

c. Actions in relation to potential infringements are:

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2. Reporting observations of damaged data buoys in 2023:

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[NO – NIL Report / Not Applicable - No report received from flag vessels in 2023](#)

**Resolution 22/04 On a Regional observer scheme****Information required: description of protocols supporting observer programs (all vessels at sea) and sampling schemes (artisanal vessels landings), the number of fishing vessels & of fishing effort sampled, the coverage achieved by gear type**

1. A system or procedures exist to implement this binding reporting obligation:

i) description of protocols supporting observer programs (all vessels at sea), and

ii) sampling schemes (artisanal vessels landings), number of fishing vessels & of fishing effort sampled, coverage achieved by gear type.

For observer programs at sea:

[YES - Malaysia has system / procedure to implement this binding reporting measure](#)

For sampling schemes (Artisanal / coastal fisheries):

[YES - Malaysia has system / procedure to implement this binding reporting measure](#)

a. System or procedures to implement this binding reporting obligation:

[YES - System / procedure are described below, for both ROS at sea & coastal SOP for Captured Fisheries Data Collection & SOP Monitoring CCTV on Board](#)

b. System or procedures to respond to non-compliance with this binding reporting obligation:

[YES - System / procedure are described below, only for ROS at sea Monitoring CCTV on board](#)

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

[YES - Actions are described below, only for ROS at sea Show Cause Letter](#)

2. Malaysia is implementing the regional observer scheme (ROS) at national level for:

[All fishing vessels of 24 meters length overall and above](#)

3. The description of the protocols supporting observer programs (at sea) and sampling schemes (artisanal vessel landings), reported to the IOTC Scientific Committee:

[YES – Complete](#)

4. Describe the protocols supporting observer programs (at sea) and the sampling schemes (artisanal vessel landings):

a. Protocols - Observer programmes at sea: [Monitoring on CCTV on board](#)

b. Protocols- Sampling schemes for artisanal vessel landings:

[National Sampling and data collection program](#)

5. Complete the below table or upload your report on the coverage achieved by gear type, in the UPLOAD section:

a. At sea - all fishing vessels of 24 meters length overall and above, and fishing vessels under 24 meters operating outside the EEZ:

Type of fishing gear	No of vessels and fishing effort monitored in 2022:	Coverage in 2022 (%)
Purse seine	–	–

<b>Longline</b>	20	90%
<b>Gillnet</b>	-	-
<b>Baitboats</b>	-	-
<b>Handline</b>	-	-

Comments/remarks about your submission and the implementation of this requirement:

[Coverage on CCTV Monitoring](#)

b. Sampling schemes (artisanal vessel landings):

<b>Type of fishing gear</b>	<b>Total number of vessel trips or total number of active vessels in 2022:</b>	<b>Coverage in 2022 (%)</b>
<b>Coastal Purse seine</b>	315	70
<b>Longline</b>	-	-
<b>Gillnet</b>	50	50
<b>Baitboats</b>	-	-
<b>Handline</b>	133	70
<b>Line Trolling</b>	-	-

Other type of fishing gear (Ringnet; Trawl; Beach Seine, etc...):

<b>Type of fishing gear</b>	<b>Total number in 2022:</b>	<b>Coverage in 2022 (%)</b>

-	-	-
Trawl	2671	70

Comments/remarks about your submission and the implementation of this requirement:

-

## Resolution 12/04 On the conservation of marine turtles

### Reporting obligation: Report on progress of implementation of Resolution 12/04

1. A system or procedures exist to implement this binding reporting obligation:

YES - [Malaysia has system / procedure to implement this binding reporting measure](#)

a. System or procedures to implement this binding reporting obligation:

YES - [System / procedure are described below](#)

[NPOA-Marine Turtle was published in 2008 and becomes a guideline for the conservation and management of marine turtles. Establishment of 7 marine turtle conservation and information centres in Malaysia.](#)

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - [System / procedure are described below](#)

[Annual meeting and reports to the Fisheries Management Meeting and Fisheries Research Institute on marine turtle Stakeholders consultation on national legislation and awareness programme on marine turtle.](#)

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - [Actions are described below](#)

[Report review of the non-compliance of this obligation to the Fisheries Research Institute / Director General](#)

2. Reporting the progress of implementation of Resolution 12/04:

YES - [Reporting progress in section 3 below](#)

3. Report on the requirements of the Resolution 12/04:

a. Collect (through logbooks and observer programs) and provide to the Scientific Committee all data on their vessels interactions with marine turtles,

Furnish information to the Scientific Committee on successful mitigation measures and other impacts on marine turtles (such as the deterioration of nesting sites & swallowing of marine debris):

Yes [From the logbook report and observer transshipment report for vessels operating in the IOTC area of competence, there is nil interaction of marine turtles recorded by the fishing master in 2022.](#)

b. Require fishermen to bring aboard, if practicable, any captured hard shelled turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water.

Ensure that fishermen are aware of and use proper mitigation and handling techniques and keep on board all necessary equipment for the release of turtles:

Yes [Awareness Programme through poster of turtle handling and release](#)

c. For gillnet vessels: Require vessel to record all incidents involving marine turtles in the logbooks and report incidents to authorities of the CPC:

No [Not applicable. Malaysia does not have gillnet vessels operating in the high seas.](#)

d. For longline vessels

(a)Ensure that longline vessels carry line cutters & de-hookers to facilitate the handling and release of marine turtles caught or entangled

(b)Encourage use of whole finfish bait;

(c)(c) Require vessel to record all incidents involving marine turtles in the logbooks and report incidents to authorities of the CPC.

Yes

[ATF Terms & Condition](#)

[16. The Master of this vessel \(longliner\) shall ensure line cutters and de-hookers are always on board in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled.](#)

e. For purse seine vessels:

(a) Ensure that vessels:

- (i) Avoid encirclement of marine turtles, if a marine turtle is encircled/ entangled, take measures to safely release the turtle.
- (ii) Release all marine turtles observed entangled in fish aggregating devices (FADs) or fishing gear.
- (iii) If a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and assist the recovery of the turtle before returning it to the water.
- (iv) Carry and employ dip nets to handle turtles.

(b) Encourage vessel to adopt FAD designs which reduce the incidence of entanglement of turtles;

(c) Require vessel to record incidents involving marine turtles in the logbooks and report incidents to authorities of the CPC.

Yes

ATF Terms & Condition

17. The master of this vessel (purse seiner) shall avoid encirclement of marine turtles, and if a marine turtle encircled or entangled, take practicable measures to safely release the turtle following the handling guidelines in the IOTC Marine Turtle Identification Cards; release all marine turtles observed entangled in fish aggregating devices (FADs) or other fishing gear. If a marine turtle entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water; Carry and employ dip nets, when appropriate, to handle marine turtles;

f. CPCs to undertake research trials of circle hooks, use of whole finfish for bait, alternative FAD designs, alternative handling techniques, gillnet design and fishing practices and other mitigation methods which may improve the mitigation of adverse effects on turtles.

Yes

The use of circle hook for longline is also been encouraged and promoted to the artisanal fishermen. Several joint trails and training were conducted between the government and fishermen for the use of C-hook.

As one of the conservation measures to prevent possible interaction the turtles by the fishing gears especially trawlers, a device known as "Juvenile and Turtle Excluding Device" (JTED) is developed and promoted to the fishermen to use in their trawl nets.

g. CPCs continue to undertake research and development to improve the mitigation of adverse affects on marine turtles & provide research outcomes to the Scientific Committee.

Yes Ongoing research for domestic Turtle

h. Collaborate with the IOSEA and take into account the IOSEA MoU

No -

## Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*)

### Information required: Report on Instances of whale sharks encircled in 2023

1. A system or procedures exist to implement this binding reporting obligation (Report on Instances of whale sharks encircled):

NO – NIL Report / Not Applicable - In 2023, no Malaysia purse seine vessel operating in the IOTC Area of Competence

a. System or procedures to implement this binding reporting obligation:

-

-

b. System or procedures to respond to non-compliance with this binding reporting obligation:

- -

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

- -

2. Whale sharks have been encircled by the purse seine nets as reported Malaysia flagged vessels in 2023:

-

3. Report on instances of whale sharks encircled:

For purse seine vessel, total number of instance in 2023:

0

Exempted from reporting to IOTC, Malaysia national legislation for protecting whale sharks

## Resolution 14/05 Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information



**Information required: Access agreements information**

1. A system or procedures exist to implement this binding reporting obligation: To prepare & submit the information on access agreements information

**NO – NIL Report / Not Applicable - Malaysia does not have CPC-CPC agreement in 2023**

a. System or procedures to implement this binding reporting obligation:

--

b. System or procedures to respond to non-compliance with this binding reporting obligation:

--

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

--

2. A system exist to sign Government to Government access agreement for foreign vessels to operate in your waters, within the IOTC Area:

**YES – A system exists exist to sign Government to Government access agreement**

3. Foreign vessels were licensed in 2023 under a Government to Government access agreement:

**NO – NIL report - No foreign flag vessels licensed under a Government (CPC) to Government (CPC) access agreement**

4. CPC-to-CPC agreements in 2023 exist and information concerning these agreements submitted to the IOTC Secretariat:

--

5. For each CPC/CPC agreement:

a. Provide the information: the CPC involved, the start and end dates of the agreement, the number of vessels and the authorised gears in the below table and upload the information about these agreements in the UPLOAD section :

Agreement	CPC/CPC agreement with	Agreement start date	Agreement end date	Number of vessels	Gear authorized
1	--	--	--	--	--
2	--	--	--	--	--
3	--	--	--	--	--
4	--	--	--	--	--

b. Provide the information: the quota or catch limit, MCS measures, data reporting obligation concerning these agreements and complete the below table:

No	Stock/species covered	CPC's quota or catch limit:	Data reporting obligations of the agreement:	MCS measures required by the flag CPC & coastal CPC:
1	--	--	--	--
2	--	--	--	--

3	-	-	-	-
4	-	-	-	-

6. All the mandatory information has been provided to the IOTC Secretariat for all CPC/CPC access agreement:

-  
Specify what mandatory information are not fully provided or missing (tick the appropriate boxes):

-  
Specify the reasons for each not fully provided or missing requirement:

-

## Resolution 16/05 – Sightings of vessels suspected or confirmed of being without nationality

### Information required: Sightings of vessels suspected or confirmed of being without nationality

1. A system or procedures exist to implement this binding reporting obligation:

NO – NIL Report / Not Applicable for 2023 – no sighting of vessel without nationality

a. System or procedures to implement this binding reporting obligation:

-

-

b. System or procedures to respond to non-compliance with this binding reporting obligation:

-

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

-

-

2. Reporting on vessel without nationality that may be fishing in the high seas of the IOTC area of competence:

-

## Resolution 16/08 On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids

### Information required: Any occurrence of fishing operation undertaken with the aid of aircraft or unmanned aerial vehicle

1. A system or procedures exist to implement this binding reporting obligation:

YES - Malaysia has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

Malaysia will report any occurrence of fishing operation with the aid of aircraft or unmanned aerial vehicle in the IOTC area of competence to the IOTC Secretariat

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below Non-compliance will be investigated under Malaysia Fisheries Act 1985

2. Reporting occurrence of a fishing operation undertaken with the aid of aircraft or unmanned aerial vehicle in the IOTC area of competence: Nil report for 2023 – no occurrence of vessel fishing operation with the aid of aircraft or unmanned aerial vehicle

## Resolution 17/07 On the prohibition to use large-scale driftnets in the IOTC area

**Prohibition from: using large-scale driftnets in the entire IOTC area of competence**

1. A system or procedures to monitor and to ensure compliance with the obligation for fishing vessels to not use large scale driftnets in the IOTC area of Competence (High sea and ZEE):

YES - Malaysia has systems & procedures to monitor compliance with this binding measure, AND to take action in relation to potential infringements.

a. System or procedures to monitor compliance with this binding measure are:

Large scale driftnets use monitored and controlled by government fisheries administration with institutional procedures implemented • Flag State regular inspections are conducted to verify compliance of vessels with the use of large scale driftnet  
All Malaysia tuna fishing vessels are not allowed to use fishing gears other than the licensed gears (long lines)  
Annual Vessel Inspection Program for vessel license renewal.

b. System or procedures to respond to instances of non-compliance are:

Established in administrative orders implemented by Government • Promoting industry knowledge/understanding of the need for & cooperative participation in MCS activities to comply & prevent/deter/ eliminate IUU fishing Stakeholders consultation on current IOTC CMM

c. Actions in relation to potential infringements are:

Suspends/cancels/revokes a license/ATF

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

2. Use of large scale driftnets is banned in the IOTC area of competence (high seas and EEZ):

Is implemented by terms & conditions of authorisation to fish with force of law 17/07/2017

Additional information on the implementation of this obligation:

**Information required: Report on MCS actions related to large-scale driftnet fishing.**

1. A system or procedures exist to implement this binding reporting obligation:

YES - Malaysia has system / procedure to implement this binding reporting measure

a. System or procedures to implement this binding reporting obligation:

YES - System / procedure are described below

No vessels registered on the IOTC Record of Authorised vessels that use driftnets for the purpose of targeting tuna and tuna-like species in the IOTC Area of competence.

DOF Malaysia has update the ATF Terms & Condition to includes the requirement for Resolution 17/07 On the prohibition to use large-scale driftnets in the IOTC area

b. System or procedures to respond to non-compliance with this binding reporting obligation:

YES - System / procedure are described below

In Port Inspection by the licensing / enforcement officer

Stakeholders consultation on current IOTC CMM

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

YES - Actions are described below

Failure to comply with the national laws and regulation, terms and conditions of the licence and terms and condition of the ATF, may, in addition to any judicial penalties that may be incurred, result in the suspension or cancellation of the licence, either temporarily or permanently

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

## Monitoring, control, and surveillance (MCS) actions:

2. Monitoring, control, and surveillance actions are applicable to:

[Flag vessels](#)

3. Monitoring, control, and surveillance actions are:

[Controlling of flag vessels at licensing](#) • [Inspection at sea \(EEZ\) of flag vessels](#) • [Inspection in port of flag vessels](#) • [Inspection in port of foreign vessels](#)

Additional MCS actions in place:

–

## Resolution 18/07 On measures applicable in case of non-fulfilment of reporting obligations in the IOTC

**Information required: Report actions taken to implement reporting obligations & improve data collection of catches**

1. A system or procedures exist to implement this binding reporting obligation:

For industrial fisheries:

[YES - Malaysia has system / procedure to implement this binding reporting measure](#)

For artisanal/coastal fisheries:

[YES - Malaysia has system / procedure to implement this binding reporting measure](#)

a. System or procedures to implement this binding reporting obligation:

[YES - System / procedure for Industrial fisheries are described below](#)

[DOF Malaysia conducted data collection on size frequency at port for tuna & tuna like species](#)

[DOF Malaysia conducted management & researchers meeting to improve data collection of catches and submit the information to the Secretariat to comply with IOTC data standard](#)

b. System or procedures to respond to non-compliance with this binding reporting obligation:

[YES - System / procedure for artisanal/coastal fisheries are described below](#)

[DOF Malaysia conducted data collection on size frequency and sampling at port for tuna & tuna like species](#)

[DOF Malaysia conducted management & researchers meeting to improve data collection of catches and submit the information to the Secretariat to comply with IOTC data standard](#)

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

[YES - Actions for artisanal/coastal fisheries are described below DOF Malaysia will conduct a meeting to revise the non-submission of the information on data recording system and submit the information to the Secretariat once the data is ready / available.](#)

2. A system to collect fisheries data exists:

[YES - A recording system to collect fisheries data exists](#)

3. Mandatory data/statistics reported:

[YES - Mandatory data/statistics reported](#)

For Industrial fisheries:

–

For artisanal/coastal fisheries:

–

4. Action(s) to improve data collection that facilitate improvements in compliance in terms of IOTC mandatory reporting obligations:

a. *Development or improvements in the implementation of logbooks:*

[Yes](#)  
Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

[Mandatory logbook implementation to deep sea fisheries operating in coastal waters](#)

Measures taken and the implementation progress for Industrial IOTC fisheries:

[Mandatory logbook implementation to all tuna vessel operating in high seas \(IOTC Area of Competence\)](#)

b. *Port-based sampling or related fisheries surveys:*

[Yes](#)  
Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

[30%-70% of port-based sampling](#)

Measures taken and the implementation progress for Industrial IOTC fisheries:

[30% of size frequency measurement taken at port](#)

c. *National observer scheme:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*d. National Vessel registry:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

DOF Malaysia has established Malaysia Fishing Vessel Record (MFVR) and licensing database for all coastal fisheries

Measures taken and the implementation progress for Industrial IOTC fisheries:

DOF Malaysia has established Malaysia Fishing Vessel Record (MFVR) for all vessel authorised to fish in the IOTC area of competence.

*e. Electronic data capture, VMS, or on-board electronic monitoring:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

VMS is mandatory for deep sea vessel operating in coastal waters

Measures taken and the implementation progress for Industrial IOTC fisheries:

VMS is mandatory for all tuna vessel operating in high seas (IOTC Area of Competence)

5. Action(s) to improve data processing and reporting systems that facilitate submission of data to the IOTC Secretariat:

*a. Development of fisheries databases:*

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

Fisheries databases is established to follow the FAO standard

Measures taken and the implementation progress for Industrial IOTC fisheries:

Fisheries databases is established to follow the FAO standard

*b. Development of data dissemination systems:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*c. Frame surveys:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*d. Coherence of data with alternative fisheries datasets:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*e. Development of automated routines to process and extract IOTC data submission:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

*f. Steps to minimise data entry errors:*

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

–

Measures taken and the implementation progress for Industrial IOTC fisheries:

–

6. Action(s) to improve the quality and accuracy of data submitted to the IOTC Secretariat:

**a. Steps to improve data validation:**

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

Data validation with data officer and researcher

Measures taken and the implementation progress for Industrial IOTC fisheries:

**Data validation with data officer and researcher****b. Improvements in sampling coverage:**

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

[more species covered for the improvements in sampling coverage](#)

Measures taken and the implementation progress for Industrial IOTC fisheries:

[more species covered for the improvements in sampling coverage](#)**c. Frame surveys:**

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-

Measures taken and the implementation progress for Industrial IOTC fisheries:

-

**d. Coherence of data with alternative fisheries datasets:**

No

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

-

Measures taken and the implementation progress for Industrial IOTC fisheries:

-

**e. Comparability of data from previous years:**

Yes

Measures taken and the implementation progress for artisanal (coastal) IOTC fisheries:

[Comparison of data from previous year data base and data submission](#)

Measures taken and the implementation progress for Industrial IOTC fisheries:

[Comparison of data from previous year data base and data submission](#)**Resolution 19/02 - Procedures on a fish aggregating devices (FADs) management plan 19/02****Information required: 2024 DFAD management**

1. A system or procedures exist to monitor and to ensure compliance with the obligation for vessels implementation of the DFADs management plan:

[NO – NIL Report / Not Applicable - No DFADs fishery, fishing for tuna and tuna like species under the IOTC mandate.](#)

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

2. DFADs management plans were implemented and reported for following year(s):

[No DFADs fishery, fishing for tuna and tuna like species under the IOTC mandate.](#)

Additional information:

-

3. Reporting the 2024 FADs management plan:

[No DFADs management plan for 2024](#)

4. The 2024 FADs management plan has been prepared in accordance with the Guideline (Annex I or II):

-

**Information required: Report on progress of implementation of 2023 DFADs management plans**

1. A system or procedures exist to implement this binding reporting obligation:

[NO – NIL Report / Not Applicable - In 2023 , Malaysia has NO purse seine vessels / supply vessels fishing on Drifting Fish Aggregating Devices.](#)

a. System or procedures to implement this binding reporting obligation:

-

b. Système ou procédures pour répondre au non-respect de cette obligation de déclaration contraignante:

-

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

-

2. DFADs management plans were implemented and progress reports on the implementation reported for the years:

[No DFADs fishery, fishing for tuna and tuna like species under the IOTC mandate.](#)

Additional information:

3. Reporting the progress report on implementation of the 2023 DFADs management plan for 2023:

## Resolution 19/04 Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence

### Information required: Report on review of Flag State internal actions & measures, punitive actions and sanctions on flag vessels on the RAV

1. A system or procedures exist i) to review flag State internal actions, measures, punitive actions and sanctions, and ii) to monitor and to ensure compliance by vessels & persons with those obligations of Paragraphs 11 (Resolution 19/04):

YES - Malaysia has system / procedure to i) review flag State internal actions and ii) to monitor & to ensure compliance by vessels & persons with those obligations of Paragraphs 11, AND action in relation to potential infringements.

a. i) System / procedures to review flag State internal actions are:

Review flag State internal actions monitored/conducted by government fisheries administration • Procedures defined under the NPOA IUU implemented by Government Agencies • Review include information exchange & coordinate activities among relevant national enforcement agencies

Establishment of NPOA IUU and RPOA IUU

Review on Malaysia Fisheries Act 1985, Fisheries Maritime Regulations, Authorisation to Fish outside the Malaysian EEZ and vessel licensing policy

a. ii) System / procedures to monitor & to ensure ii) compliance by vessels/persons with the obligations of Paragraphs 11, are:

Obligations of paragraph 11, monitored and controlled by government fisheries administration with institutional procedures implemented • Flag State regular inspections are conducted to verify compliance of vessels with obligations of paragraph 11 • Control & enforcement regime over vessels with monitoring tools, VMS, logbooks/documentation & compliance observers, EMS • Control & enforcement regime over vessels includes mandatory requirements to verify compliance with obligations of paragraph 11 • Registration/licensing procedures - Mandatory information on owners/operators which identifies beneficial owners & operators • Maintain national records of all vessels & current beneficial owners/operators authorized to undertake fishing subject to Malaysia jurisdiction

Establishment of Malaysia Vessel Fisheries Record (MFVR) for all vessel authorised to fish in the IOTC area of competence.

Annual Vessel Inspection Program for vessel license renewal

License policy on vessel owner only for Malaysian citizen or national company

b. System or procedures to respond to instances of non-compliance with the binding measures of paragraph 11:

Established in national law implemented by Government • Established by national regulation implemented by Government •

Established in administratives orders implemented by Government • Promoting industry knowledge/understanding of the need for & cooperative participation in MCS activities to comply & prevent/deter/eliminate IUU fishing, related to obligations of Paragraphs 11

Failure to comply with the national laws and regulation, terms and conditions of the licence and terms and condition of the ATF, may, in addition to any judicial penalties that may be incurred, result in the suspension or cancellation of the licence, either temporarily or permanently.

8. Any person who undertakes any fishing activity, operates, or allows to be operated, in Malaysian fisheries waters or on the high seas, any local fishing vessel for the purpose of fishing—

(a) without a valid licence issued under this Part;

(b) in contravention of any condition in the licence issued in respect of such vessel; or

(c) in contravention of any direction in writing issued by the Director General under this Act, shall be guilty of an offence.

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he

thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

c. Actions in relation to potential infringements of measures of paragraph 11:

Suspend/cancel/revoke a licence/ATF • Legal punitives actions - Fine imposed by court on beneficial owner/owner/operator •

Administrative punitives actions - Fine imposed by administration on beneficial owner/owner/operator

Failure to comply with the national laws and regulation, terms and conditions of the licence and terms and condition of the ATF, may, in addition to any judicial penalties that may be incurred, result in the suspension or cancellation of the licence, either temporarily or permanently.



8. Any person who undertakes any fishing activity, operates, or allows to be operated, in Malaysian fisheries waters or on the high seas, any local fishing vessel for the purpose of fishing—

(a) without a valid licence issued under this Part;

(b) in contravention of any condition in the licence issued in respect of such vessel; or

(c) in contravention of any direction in writing issued by the Director General under this Act, shall be guilty of an offence.

Refusal to license or suspension or cancellation of licence

13. (3) The Director General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

2. Paragraph 11.a):

Fulfil in respect of the vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures:

Malaysia has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraph 11.a) in 2023 and include in the below table the internal actions, punitive actions and sanctions

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Regime to implement IOTC Resolutions through terms and conditions of flag State Authorisation to Fish (ATF) - updated every years

• Implement information/registration/records of vessels according to the Voluntary Guidelines for Flag State Performance

Punitive Actions:

Suspends/cancels/revokes a licence/ATF • Established in administrative orders

Sanctions:

Penalty/Fine imposed by administration

—

3. Paragraph 11.b):

Ensure that AFVs comply with all the relevant IOTC Conservation and Management Measures:

Malaysia has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraph 11.b) in 2023 and include in the below table the internal actions, punitive actions and sanctions

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Implement IOTC Resolutions through terms & conditions of flag State Authorisation to Fish (ATF) updated every years

Punitive Actions:

Suspends/cancels/revokes a licence/ATF • Established in administrative orders

Sanctions:

Penalty/Fine imposed by court • Penalty/Fine imposed by administration

—

4. Paragraph 11.c):

Ensure AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship:

Malaysia has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraph 11.c) in 2023 and include in the below table the internal actions, punitive actions and sanctions

If such a review has been conducted, list of measures with, for each the following details:

Measures:

To keep on board valid certificates of vessel registration & valid authorisation to fish/tranship obliged by national legislations • To

keep on board valid certificates of vessel registration & valid authorisation to fish/tranship obliged by terms & conditions of ATF •

Regular control - Inspection in port of Malaysia vessels • Briefing of owner/operator/captain at ATF issuance & delivery

Punitive Actions:

Suspends/cancels/revokes a licence/ATF • Established in national regulation

Sanctions:

Penalty/Fine imposed by administration

—

5. Paragraph 11.d):

Ensure AFVs on the IOTC Record have no history of IUU fishing activities or that AFVs are not engaged in or associated with IUU fishing:

Malaysia has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraph 11.d) in 2023 and include in the below table the internal actions, punitive actions and sanctions

If such a review has been conducted, list of measures with, for each the following details:

Measures:



Regime to implement IOTC Resolutions through flag State Authorisation to Fish (ATF) terms & conditions - updated every year • National monitoring, control, surveillance and enforcement system in place • Registration procedures - verification of vessel history • Maintain records of all vessels & current owners/operators authorized to undertake fishing subject to Malaysia jurisdiction

Punitive Actions:

Legal punitives actions • Suspends/cancels/revokes a licence/ATF

Sanctions:

1,000,000 > fine > 500,000 USD

6. Paragraph 11.e):

Ensure under domestic law the owners/operators of AFVs on the IOTC Record are not engaged in/associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence:

Malaysia has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraph 11.e) in 2023 and include in the below table the internal actions, punitives actions and sanctions

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Regime to implement IOTC Resolutions through flag State Authorisation to Fish (ATF) terms & conditions - updated every year • Maintain records of all vessels & current owners/operators authorized to undertake fishing subject to Malaysia jurisdiction • Monitoring/surveillance by VMS any encounter of flag Vessel with any other vessel • Port inspection procedures - control/verification of any encounter of flag Vessel with any other vessel

Punitive Actions:

Administrative punitives actions • Legal punitives actions • Suspends/cancels/revokes a licence/ATF

Sanctions:

Penalty/Fine imposed by court • Penalty/Fine imposed by administration • 1,000,000 > fine > 500,000 USD

7. Paragraph 11.f):

Ensure under domestic law the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them:

Malaysia has conducted a review of the internal actions & measures, punitive actions and sanctions for paragraph 11.f) in 2023 and include in the below table the internal actions, punitives actions and sanctions

If such a review has been conducted, list of measures with, for each the following details:

Measures:

Adopted legislation national framework with national plans/programmes to combat IUU fishing or fishing related activities in support of such fishing • Maintains a record of vessels flying Malaysia flag for vessels & owners/operators authorized to undertake fishing subject to their jurisdiction

Punitive Actions:

Administrative punitives actions • Legal punitives actions • Suspends/cancels/revokes a licence/ATF

Sanctions:

Penalty/Fine imposed by court • Penalty/Fine imposed by administration

### Information required: report on vessels engaged in fishing or transshipment and not on the IOTC Record of Authorised Vessels

1. A system or procedures exist to implement this binding reporting obligation:

NO – NIL Report / Not Applicable for 2023 – Malaysia has no factual information

a. System or procedures to implement this binding reporting obligation:

--

b. System or procedures to respond to non-compliance with this binding reporting obligation:

--

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

--

2. Reporting factual information showing that there are reasonable grounds for suspecting vessels not on the IOTC Record to be engaged in fishing and/or transshipment of tuna and tuna-like species in the IOTC area of competence:

NO - Nil report for 2023 – Malaysia has no factual information

Additional information:

--

## Resolution 21/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence

Information required: CPCs subject to catch reductions, over-catch, report on corrective actions taken to adhere to prescribed catch levels

1. A system or procedures exist to monitor and to ensure compliance with corrective actions taken by the CPC to adhere to the prescribed catch levels when subject to catch reductions due to over-catch:

[NO – NIL Report / Not Applicable - Malaysia is not subject to yellowfin tuna catch reductions in 2022 due to no over-catch in 2021](#)

a. System or procedures to monitor compliance with this binding measure are:

– –

b. System or procedures to respond to instances of non-compliance are:

– –

c. Actions in relation to potential infringements are:

– –

2. CPC subject to yellowfin tuna catch reductions in 2022, due to over-catch in 2021:

[NO - NOT subject to](#)

If Yes, YFT catch declared and over-catch in 2021:

– / –

3. Our catch of yellowfin tuna in 2023 was reduced by the following percentage:

–

4. If the CPC is subject to catch reduction due to over-catch, report on corrective actions taken to adhere to prescribed catch levels:

–

Additional information:

–

#### **Information required: Report on methods for achieving the YFT catch reductions**

1. A system or procedures exist to monitor and to ensure compliance with the methods of YFT catch reductions adopted by Malaysia:

[NO – NIL Report / Not Applicable - Malaysia is not subject to yellowfin tuna catch reductions in 2023](#)

a. System or procedures to monitor compliance with this binding measure are:

– –

b. System or procedures to respond to instances of non-compliance are:

– –

c. Actions in relation to potential infringements are:

– –

2. The CPC is subject to yellowfin tuna catch reductions:

[NO - NOT subject to](#)

If Yes, overcatch:

–

3. The report on methods for achieving the yellowfin tuna catch reductions has been provided to the IOTC Secretariat:

[No](#)

4. The methods for achieving the yellowfin tuna catch reductions implemented at national level are:

–

Additional methods:

–

#### **Information required: Report on plans/status of reducing the use of supply vessels**

1. A system or procedures exist to monitor and to ensure compliance with the reduction of supply vessels in purse seine operations (Plan):

[NO – NIL Report / Not Applicable - Malaysia has NO purse seiners \(PS\) and NO supply vessel \(SP\) on the IOTC Record of authorised vessels](#)

a. System or procedures to monitor compliance with this binding measure are:

– –

b. System or procedures to respond to instances of non-compliance are:

– –

c. Actions in relation to potential infringements are:

– –

2. CPC has PS/SP vessels on the Record of authorized vessels:

[NO – NIL Report / Not Applicable - No purse seiner \(PS\) and no supply vessel \(SP\) on the IOTC Record of authorised vessels](#)

3. The plan for reducing the use of supply vessel was provided for:

[NO – NIL Report / Not Applicable - No plan submitted, No purse seiner \(PS\) and no supply vessel \(SP\) on the IOTC Record of authorised vessels](#)

**Information required: Gillnet, Report the level of implementation of paragraphs 21-23**

1. A system or procedures exist to monitor and to ensure compliance with i) phasing out/convert gillnetters to other gears, ii) set gillnets at 2m depth, iii) increase observer coverage/ field sampling in gillnetters by 10% :

[NO – NIL Report / Not Applicable - Malaysia has NO gillnet fishing vessels on the IOTC Record of authorized Vessels](#)

a. System or procedures to monitor compliance with this binding measure are:

--

b. System or procedures to respond to instances of non-compliance are:

--

c. Actions in relation to potential infringements are:

--

2. Malaysia has gillnet catch in 2023, has gillnet fishing vessels on the IOTC Record of authorised vessels, the gillnet fleet was active in the IOTC Area of Competence:

[NO – NIL Report / Not Applicable - Malaysia has NO gillnet fishing vessels on the IOTC Record of authorized Vessels in 2023](#)

3. Report the level of implementation of paragraph 21 - Phasing out or convert gillnet fishing vessels to other gears:

a. Phasing out measures:

--

--

--

--

--

b. Conversion progress:

Number of gillnet vessels converted in 2023:

0

Number of gillnet vessels converted since 2019:

0

Gillnet vessels converted for the following fishing gears:

--

4. Report the level of implementation of paragraph 22 - Set gillnets at 2m depth from the surface in gillnet fisheries:

--

--

--

5. Report the level of implementation of paragraph 23 - Increase observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human):

-- %

-- %

## Report of the previous session of the Commission - Response to letter of feedback on compliances issues

### Information required: Response to the letter of feedback from the previous CoC

1. A system or procedures exist to implement this binding reporting obligation:

[YES - Malaysia has system / procedure to implement this binding reporting reporting measure](#)

a. System or procedures to implement this binding reporting obligation:

[YES - System / procedure are described below](#)

[Review of the repeated compliance issue with the management and researcher for the next commision meeting.](#)

[DOF Malaysia updates ATF Terms & Condition to includes the requirement of IOTC CMM to be transposed under administrative instruction and conditions of the licence.](#)

b. System or procedures to respond to non-compliance with this binding reporting obligation:

[YES - System / procedure are described below Report review of Malaysia feedback letter regarding Fisheries Act and ATF to the Director General](#)

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

[YES - Actions are described below Report review of Malaysia feedback letter regarding Fisheries Act and ATF to the Director General](#)

2. The response to the feedback letter on compliances issues (from the 2023 CoC) has been provided to the IOTC Secretariat:

[YES - The responses to the feedback letter are uploaded in the section UPLOAD](#)

Date of submission of responses to the feedback letter:

[14/03/2024](#)

Number of repeated compliance issues:

2

Number of non repeated compliance issues:

3

Number of compliance issues responded:

5

# Part E - Data and information reporting requirements for CPCs that have objected to some Resolutions

## Resolution 12/12 To prohibit the use of large-scale driftnets on the high seas in the IOTC area

**Prohibition from: using large-scale driftnets on the high seas.**

**APPLIES ONLY TO PAKISTAN**

1. A system or procedures to monitor and to ensure compliance with the obligation for fishing vessels to not use large scale driftnets in the high sea:

—

a. System or procedures to monitor compliance with this binding measure are:

— —

b. System or procedures to respond to instances of non-compliance are:

— —

c. Actions in relation to potential infringements are:

— —

2. Actions taken to implement conservation and management measures in "Resolution 12/12 to prohibit the use of large-scale driftnets on the high seas in the IOTC area" adopted by the Commission:

—

3. Use of large-scale driftnets is banned on the high seas in the IOTC Area of competence:

— —

— —

— —

—

**Information required: Report on MCS actions related to large-scale driftnet fishing.**

**APPLIES ONLY TO PAKISTAN**

1. A system or procedures exist to implement this binding reporting obligation:

—

a. System or procedures to implement this binding reporting obligation:

— —

b. System or procedures to respond to non-compliance with this binding reporting obligation:

— —

c. Action to be taken in relation to non-compliance with this binding reporting obligation:

— —

2. Monitoring, control, and surveillance actions are applicable to:

—

3. Monitoring, control, and surveillance actions are:

—

Additional MCS actions in place:

—

## Resolution 18/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence

**Information required: Report on methods for achieving the YFT catch reductions**

**APPLIES ONLY TO INDIA**

1. Actions taken to implement conservation and management measures in "Resolution 18/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence" adopted by the Commission:

—

2. A system or procedures exist to monitor and to ensure compliance with the methods of YFT catch reductions adopted by India:

a. System or procedures to monitor compliance with this binding measure are:

b. System or procedures to respond to instances of non-compliance are:

c. Actions in relation to potential infringements are:

3. CPC is subject to yellowfin tuna catch reductions:

If Yes, YFT over-catch:

4. The report on methods for achieving the yellowfin tuna catch reductions has been provided to the IOTC Secretariat:

5. The methods for achieving the yellowfin tuna catch reductions implemented at national level are:

Any method implemented and not listed above:



Information required: Report on plans/status of reducing the use of supply vessels

**ONLY APPLICABLE TO INDIA**

1. A system or procedures exist to monitor and to ensure compliance with the reduction of supply vessels in purse seine operations (Plan):

a. System or procedures to monitor compliance with this binding measure are:

b. System or procedures to respond to instances of non-compliance are:

c. Actions in relation to potential infringements are:

2. India has purse seiners (PS) and supply vessels (SP) on the IOTC Record of authorized vessels:

2. The plan for reducing the use of supply vessel was provided for:

Information required: Catch limits – Nominal catch of YFT in 2022

**APPLIES ONLY TO INDIA**

1. A system or procedures exist to monitor and to ensure compliance with the limit of catch of Yellowfin tuna (YFT):

a. System or procedures to monitor compliance with this binding measure are:

b. System or procedures to respond to instances of non-compliance are:

c. Actions in relation to potential infringements are:

2. CPC is subject to yellowfin tuna catch reductions:

3. The catch of yellowfin tuna in 2022 reported to the IOTC Secretariat and the reductions were:

Fishing gear	Baseline year	YFT catch of baseline year	YFT catch in 2022 (T)	Reduction (%)
--------------	---------------	----------------------------	-----------------------	---------------

Purse seine	-	-	-	-
Longline	-	-	-	-
Gillnet	-	-	-	-
Pole and line	-	-	-	-

## Resolution 19/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence

### Information required: Report on methods for achieving the YFT catch reductions

#### APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA

1. Actions taken to implement conservation and management measures in "Resolution 19/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence" adopted by the Commission:

-

2. A system or procedures exist to monitor and to ensure compliance with the methods of YFT catch reductions adopted by Malaysia:

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

3. The CPC is subject to yellowfin tuna catch reductions:

-

If Yes, overcatch:

-

4. The report on methods for achieving the yellowfin tuna catch reductions has been provided to the IOTC Secretariat:

-

5. The methods for achieving the yellowfin tuna catch reductions implemented at national level are:

-

Additional methods:

-

### Information required: Purse seiners served by supply vessels in 2024

#### APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA

1. Actions taken to implement conservation and management measures in "Resolution 19/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence" adopted by the Commission:

-

2. A system or procedures exist to monitor and to ensure compliance with operations of purse seiners served by supply vessel:

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

3. CPC has PS/SP vessels on the Record of authorised vessels:

-

4. The information on purse seiners served by each supply vessel in 2024 has been provided to the Secretariat:

-

**Information required: Report on plans/status of reducing the use of supply vessels**

**ONLY APPLICABLE TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA**

1. A system or procedures exist to monitor and to ensure compliance with the reduction of supply vessels in purse seine operations (Plan):

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

2. CPC has PS/SP vessels on the Record of authorised vessels:

-

3. The plan for reducing the use of supply vessel was provided for:

-

**Information required: Catch limits – Nominal catch of YFT in 2022**

**APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA**

1. A system or procedures exist to monitor and to ensure compliance with the limit of catch of Yellowfin tuna (YFT) :

-

a. System or procedures to monitor compliance with this binding measure are:

-

b. System or procedures to respond to instances of non-compliance are:

-

c. Actions in relation to potential infringements are:

-

2. CPC is subject to yellowfin tuna catch reductions:

-

3. The catch of yellowfin tuna in 2022 reported to the IOTC Secretariat and the reductions were:

Fishing gear	Baseline year	YFT catch of baseline year	YFT catch in 2022 (T)	Reduction (%)
Purse seine	-	-	-	-
Longline	-	-	-	-
Gillnet	-	-	-	-
Pole and line	-	-	-	-

**Information required: Gillnet, Report the level of implementation of paragraphs 20-22**

**APPLIES ONLY TO INDONESIA, THE ISLAMIC REPUBLIC OF IRAN, MADAGASCAR, OMAN AND SOMALIA**

1. A system or procedures exist to monitor and to ensure compliance with i) phasing out/convert gillnetters to other gears, ii) set gillnets at 2m depth, iii) increase observer coverage/ field sampling in gillnetters by 10%:



- 
- a. System or procedures to monitor compliance with this binding measure are:  
- -
- b. System or procedures to respond to instances of non-compliance are:  
- -
- c. Actions in relation to potential infringements are:  
- -
2. Malaysia has gillnet catch in 2023, has gillnet fishing vessels on the Record of authorised vessels, the gillnet fleet was active in the IOTC Area of Competence:  
-
3. Level of implementation of paragraph 20 - Phasing out or convert gillnet fishing vessels to other gears:  
a. Phasing out measures:  
- -  
- -  
- -  
- -  
- -  
- -
- b. Conversion progress:  
Number of gillnet vessels converted in 2023:  
0  
Number of gillnet vessels converted since 2019:  
0  
Gillnet vessels converted for the following fishing gears:  
-
4. Level of implementation of paragraph 21 - Set gillnets at 2m depth from the surface in gillnet fisheries:  
- -  
- -  
- -
5. Level of implementation of paragraph 22 - Increase observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human):  
- %  
- %