



Food and Agriculture
Organization of the
United Nations



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

IOTC-2024-CoC21-sCR14-MYS [E]

2024 **Summary** Compliance Report for: Malaysia

Report date: 11 April 2024 - 15:27

Note: Acronyms and definitions can be consulted last page of the Compliance Report.

Req. n°	Source (para n°) (year)	Information required	Deadline	Previ- ous timeli- ness	Previ- ous status	Current timeli- ness	Current status	Observations	CPC remarks
---------	-------------------------------	----------------------	----------	----------------------------------	-------------------------	----------------------------	-------------------	--------------	-------------

1. Implementation obligations

2. Management Standards

2.3	Res. 19/04 (19.a & b) (2023)	Marking of gears (2)	14/3/2024	C	C	C	P/C	Received 23.02.2024. <u>LEG</u> : Submitted - <i>Authorisation to Fish Outside the Malaysian EEZ</i> – <i>Article 11</i> . <u>STD</u> : NO – Complete BUT not obliged by national legislation. <u>SP</u> : YES – Provided for i) ii) iii). Not described.	
-----	------------------------------------	----------------------	-----------	---	---	---	-----	---	--

2.4	Res. 19/04 (20) (2023)	Fishing logbook on board, bound, consecutive numbered pages, 12 months recording (2)	14/3/2024	C	C	C	P/C	Received 23.02.2024. LEG: Submitted - <i>Authorisation to Fish Outside the Malaysian EEZ</i> - 12. Missing provision for bound logbook. STD: NO – Has provision for logbook onboard, with consecutively numbered pages, original recordings for at least 12 months. Provision not identified in submitted legislation/ATC for logbook bound. SP: YES – Provided/described for i) ii) iii). Based on legislation.	
2.8	Res. 17/07 (2) (2023)	Ban on large-scale driftnets in IOTC Area (2)	14/3/2024	C	P/C	C	N/C2	LEG: NO – Provided - Banned by T&C of the ATF in the High Seas of the IOTC area of competence. Has not banned the use of large-scale driftnets in the entire IOTC area of competence. STD: YES. SP: YES – Provided/described for a), b) and c).	
2.9	Res. 17/07 (6) (2023)	MCS actions related to large-scale driftnets in IOTC Area	14/3/2024	C	C	C	P/C	LEG: Partially provided. Banned by T&C of the ATF in the High Seas of the IOTC area of competence. Has not banned the use of large-scale driftnets in the entire IOTC area of competence. STD: YES. SP: NO – The “system or procedures” and “actions to be taken” provided and described do not specifically refer to the obligation of preparing and submitting the annual report on MCS actions related to large-scale driftnet fishing.	
2.13	Res. 16/07 (1&2) (2023)	Prohibition of surface, submerged artificial lights to attract fish	31/12/2023 (Since 27.09.2016)	C	C	C	P/C	Received 23.02.2024. LEG: YES. Banned by T&C of the ATF in the High Seas only. STD: Not applicable. SP: YES – Provided for “a”, “b” and “c”.	
2.14	Res. 16/08 (1) (2023)	Prohibition of aircrafts & unmanned aerial vehicles	31/12/2023 (Since 27.09.2016)	C	C	C	P/C	Received 23.02.2024. LEG: YES. Banned by T&C of the ATF in the High Seas only. STD: Not applicable. SP: YES – Provided for “a”, “b” and “c”.	
2.22	Res 11/02 (6) (2023)	Reports observations of damaged data buoys	14/3/2024	C	C	C	N/C1	LEG: Submitted - <i>Terms and Conditions of the Authorisation to Fish Outside the Malaysian EEZ</i> . Does not cover the EEZ of Malaysia. STD: YES – Nil report. SP: NO – Not provided/described for a), b) and c).	

2.23	Res 11/02 (2) (2023)	Prohibition from intentionally fishing within 1 nautical mile of or interacting with data buoy	4/1/2024 (Since 2011)	C	P/C	C	N/C2	LEG: Submitted - " <i>Terms and Conditions of the Authorisation to Fish Outside the Malaysian EEZ</i> ". Does not cover the EEZ of Malaysia. STD: YES. SP: YES – Provided/described for a), b) and c).	
2.24	Res 11/02 (3) (2023)	Prohibition from taking on board data buoys	4/1/2024 (Since 2011)	C	P/C	C	N/C2	LEG: Submitted - " <i>Terms and Conditions of the Authorisation to Fish Outside the Malaysian EEZ</i> ". Does not cover the EEZ of Malaysia. STD: YES. SP: YES – Provided/described for a), b) and c).	

3.Reporting on Vessels

3.6	Res. 19/04 (3) (2023)	List of Authorized vessels 24 metres in length overall or more (3)	11/4/2024 (Since 01.07.2003)	C	C	C	P/C	Received 13.06.2023. Last update received 13.06.2023. Vessels $\geq 24m$: 16. LEG: Submitted - " <i>Malaysia fisheries act 1985; fisheries (maritime) (licensing of local fishing vessel) regulations 1985</i> " STD: NO - Missing information for 4 vessels [1 beneficial owner, 1 vessel with outdated authorisation period. Photographs: 3 starboard, 2 portside and 4 bow] SP: YES – Provided & described for i) ii) iii).	
-----	-----------------------	--	------------------------------	---	---	---	-----	---	--

4.Vessel Monitoring System

5.Mandatory statistical requirement – Flag State CPCs

5.6	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Catch & Effort – Coastal fisheries	30/6/2023	C	C	C	P/C	Received: 28.06.2023. Standard: NO - Grid data missing.	
-----	--	------------------------------------	-----------	---	---	---	-----	---	--

5.9	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Size Frequency – Coastal fisheries	30/6/2023	C	P/C	C	N/C2	Received: 28.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. Standard: NO - Less than 1 fish measured per tonne for some species.	
5.11	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Size Frequency – Longline fisheries	30/6/2023	C	C	C	P/C	Received: 28.06.2023. Standard: NO - Less than 1 fish measured per tonne for some species.	
5.16	Res. 12/04 (3) (2022)	Data on interactions with marine turtles	30/6/2023	C	C	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - No data submitted.	
5.17	Res. 12/06 (1 & 2) (2022)	Data on seabirds interactions (2)	30/6/2023	C	C	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - No data submitted.	
5.18	Res. 13/04 (7) (2022)	Data on interactions with Cetaceans	30/6/2023	C	C	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - No data submitted.	
5.19	Res 13/05 (7) (N/A)	Data on interactions with Whale Sharks	30/6/2023	C	C	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - No data submitted.	
5.20	Res 19/03 (8) (2022)	Data on interactions with mobulid rays	30/6/2023	C	C	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - No data submitted.	

6.Implementation of mitigation measures and bycatch of non-IOTC species

6.2	Res. 12/09 (2) (2023)	Prohibition on thresher sharks - all species of family Alopiidae	31/12/2023 (Since 07.07.2010)	C	C	C	P/C	Received 23.02.2024. LEG: YES. Banned by T&C of the ATF in the High Seas only. STD: Not applicable. SP: YES – Provided for “a”, “b” and “c”.	
-----	-----------------------	--	-------------------------------	---	---	---	-----	---	--

6.3	Res. 13/06 (3) (2023)	Prohibition on oceanic whitetip sharks	31/12/2023 (Since 14.08.2013)	C	C	C	P/C	Received 23.02.2024. LEG: YES. Banned by T&C of the ATF in the High Seas only. STD: Not applicable. SP: YES – Provided for “a”, “b” and “c”.	
6.6	Res. 12/04 (8) (2023)	Longliner carry & employ line cutters & de-hookers on board	31/12/2023 (Since 06.08.2009)	C	C	C	P/C	Received 23.02.2024. LEG: YES. Banned by T&C of the ATF in the High Seas only. STD: Not applicable. SP: YES – Provided for “a”, “b” and “c”.	
6.9	Res. 12/04 (5) (2023)	Report on progress of implementation of Res. 12/04 (2)	14/3/2024	C	C	C	P/C	LEG: Submitted. Implemented by “Malaysia Fisheries Act 1985”. This Act does not provide for the specific obligation to report on the progress of implementation of the FAO Guidelines and this Resolution. STD: YES – All information provided according to paragraph 5, R12/04. SP: Provided & described for a), b) and c).	
6.11	Res. 13/04 (8) (2023)	Instances of Cetaceans encircled (2)	14/3/2024 (For PS)	N/A	N/A	C	P/C	LEG: Submitted. Implemented by “Fisheries Regulation on (Control of Endangered Species of Fish) Regulation 1999”. This Act does not provide for the specific obligation to report on instances of cetaceans encircled. STD: YES – Nil report. SP: Provided & described for a), b) and c).	
6.12	Res 18/05 (5) (2023)	Prohibition to retain on board, tranship, land, any Striped Marlin, Black Marlin, Blue Marlin, Indo-pacific Sailfish smaller than 60 cm Lower Jaw Fork Length	31/12/2023 (Since 04.10.2018)	C	C	C	P/C	LEG: Submitted - “Terms and Conditions of the Authorisation to Fish Outside the Malaysian EEZ”. Does not cover the EEZ of Malaysia. SP: <u>YES</u> – Provided/described for a), b) and c).	

7. Illegal, Unreported and Unregulated (IUU) Vessels

8. Transshipments

8.1	Res. 22/02 (28) (2022)	At sea transshipments – CPC report	15/9/2023	C	C	C	P/C	<p><u>LEG</u>: Provided - Malaysia Fisheries Act 1985 and Authorisation To Fish Outside The Malaysian EEZ. The legal references/documents provided do not include specific provision on the obligation to report annually to the IOTC Executive Secretary on the requirement.</p> <p><u>STD</u>: Yes - 6 LSTLVs transhipped at sea 1,509 T in 2022.</p> <p><u>SP</u>: Yes - Provided & described for a), b) & c).</p>	
8.4	Res. 22/02 (31) (2023)	Report on results of investigations on possible infractions	15/1/2024	C	C	C	P/C	<p><u>LEG</u>: NO - Submitted "Malaysia Fisheries Act of 1985 ". However, does not provide any legal document or reference with specific provisions on the obligation to report the list of authorised carrier vessels.</p> <p><u>STD</u>: YES – Provided results of investigation for all the possible infractions notified.</p> <p><u>SP</u>: Provided & described for a) b) & c).</p>	

9. Observers

9.1	Res. 11/04 (9) (2022)	Regional Observer Scheme (2) (No. of vessels monitored and coverage by gear type)	19/11/2023	-/-	-/-	C	P/C	<p>Received 16.11.2023. <u>ROS sea</u>: Implemented for LL (CCTV). <u>ROS coastal</u>: Implemented for PS, GN, HL, TRAWL.</p> <p><u>LEG</u>: Submitted – ROS sea : <i>ATF T&C at sea</i>, ROS coastal Malaysia Fisheries Act 1985 Amendment 2019 Act 317 Article 61. <i>Not regulated</i>, Secretariat unable to identify ROS provision.</p> <p><u>STD</u>: NO - Protocol supporting ROS at sea NOT provided (Efforts made installing CCTV system on board). Protocols supporting ROS coastal provided, Doc <i>SOP National Sampling and data collection program</i>.</p> <p><u>SP</u>: YES – Provided & described for i) ii) & iii).</p>	
9.2	Res. 11/04 (2) (2022)	5% Mandatory, at sea (All vessels) (2)	19/11/2023 (Since 2013)	-/-	-/-	C	P/C	<p>Received 24.02.2024.</p> <p><u>LEG</u>: Submitted – <i>ATF T&C for ROS sea</i>.</p> <p><u>STD</u>: NON – Has declared 90 % coverage. No data no report provided.</p> <p><u>SP</u>: YES – Provided & described for i) ii) & iii).</p>	

9.3	Res. 11/04 (4) (2022)	5 % Artisanal landings (2)	19/11/2023 (Since 2013)	-/-	-/-	C	P/C	Received 24.02.2024. LEG: Submitted – <i>Malaysia Fisheries Act 1985 Amendment 2019 Act 317 - Article 61. Not regulated</i> , Secretariat unable to identify ROS provision. STD: YES – Catches monitored at the landing place by field samplers. Coverage = or > 5 % (all fishing gear/artisanal fishing vessels). Report provided on number of vessels monitored & coverage by gear type. SP: YES – Provided & described for i) ii) & iii).	
9.4	Res. 11/04 (11) (2022)	Observer reports	19/11/2023 (150 days after trip)	-/-	-/-	C	N/C1	Received 24.02.2024. LEG: Submitted – <i>ATF T&C at sea</i> . STD: NO – No report provided. Has declared: No Observer report since Malaysia using CCTV on board for monitoring fishing operations. SP: YES – Provided & described for i) ii) & iii).	

10. Statistical document programme

10.3	Res. 01/06 (6) (2022)	Annual report (2021) (2)	14/3/2024	C	C	C	P/C	Received 05.03.2024. LEG: YES. Fisheries (Maritime) (Licensing of Local Fishing Vessel) (Amendment) Regulations 2010. STD: Report not submitted. SP: YES – Provided for “a”, “b” and “c”.	
------	-----------------------	--------------------------	-----------	---	---	---	-----	---	--

11. Port inspection

11.2	Res. 16/11 (5.1 & 19.1a) (2023)	List of designated ports	31/12/2023 (Since 31.12.10)	C	C	C	P/C	LEG: Provided - Malaysia Fisheries Act 1985 and LEMBAGA KE-MAJUAN IKAN MALAYSIA ACT 1971. Does not provide specific provision to designate and publicise the ports to which foreign vessels may request entry pursuant to Resolution 16/11. STD: YES - Has designated 2 ports: Langkawi and Penang. SP: YES – Provided & described for a), b) & c).	
------	---------------------------------	--------------------------	-----------------------------	---	---	---	-----	--	--

11.4	Res. 16/11 (5.1 & 19.1b) (2023)	Prior notification periods	31/12/2023 (Since 31.12.10)	C	C	C	P/C	<p><u>LEG</u>: Submitted - "Malaysia Fisheries Act 1985" and "Standard Operating Procedures on Port State Measures Malaysia". Not regulated. No specific provision observed on the obligation to establish a minimum notification period as per R16/11.</p> <p><u>STD</u>: YES – Provided. Prior notification period established of 336h.</p> <p><u>SP</u>: YES – Provided & described for a), b) & c).</p>	
11.5	Res. 16/11 (13.1) (2023)	Port inspection reports	31/12/2023 (3 days after inspection)	C	C	C	N/C1	<p>Failed to ensure compliance with the same obligation.</p> <p><u>LEG</u>: YES – Provided. Malaysia Fisheries Act 1985, Standard Operating Procedures on Port State Measures Malaysia.</p> <p><u>STD</u>: NO – Has declared for 2023: 5 port calls, no denial of entry in port, no denial of use of port, 5 foreign vessels inspected, all 5 inspection reports submitted by e-PSM, 83 cases of non-compliance observed and 0 reported. e-PSM data: 22 port calls, 5 inspection report submitted by e-PSM, 0 cases of non-compliance observed/reported. Using e-PSM and PIR tablet application for onboard inspection. All inspection reports submitted 3 days after the end of the inspection.</p> <p><u>SP</u>: YES – Provided & described for a), b) & c). Provided SOP on Port State Measures Malaysia.</p>	
11.6	Res. 16/11 (10.1) (2023)	At least 5% inspection of LAN/TRX	31/12/2023 (Since 01.03.2011)	C	C	C	P/C	<p><u>LEG</u>: Provided - Malaysia Fisheries Act 1985, Standard Operating Procedures on Port State Measures Malaysia. No specific provision in the Act with regards to the obligation.</p> <p><u>STD</u>: YES – Provided. 0 port calls for landing or transshipment.</p> <p><u>SP</u>: YES – Provided & described for a), b) & c). Provided Standard Operating Procedures on Port State Measures Malaysia.</p>	
11.7	Res. 16/11 (7.3) (2023)	Denial of entry in port	31/12/2023 (Since 01.03.2011)	C	C	C	P/C	<p><u>LEG</u>: Provided. Malaysia Fisheries Act 1985, Standard Operating Procedures on Port State Measures Malaysia. No specific provision in the Act with regards to the obligation.</p> <p><u>STD</u>: YES – Nil report.</p> <p><u>SP</u>: YES – Provided & described for a) b) c).</p>	
11.8	Res. 16/11 (9.3) (2023)	Denial of use of port	31/12/2023 (Since 01.03.2011)	C	C	C	P/C	<p><u>LEG</u>: Provided. Malaysia Fisheries Act 1985, Standard Operating Procedures on Port State Measures Malaysia. No specific provision in the Act with regards to the obligation.</p> <p><u>STD</u>: YES – Nil report.</p> <p><u>SP</u>: YES – Provided & described for a) b) c).</p>	

11.9	Res. 16/11 (9.4) (2023)	Withdrawal of denial of use of port	31/12/2023 (Since 01.03.2011)	C	C	C	P/C	<p>LEG: NO - Provided "Malaysia Fisheries Act 1985". However, no specific provision in the Act with regards to the obligation.</p> <p>STD: YES – Nil report.</p> <p>SP: YES – Provided & described for a) b) c), although indicates that they do not have them. Provided Standard Operating Procedures on Port State Measures Malaysia.</p>	
------	----------------------------	--	-------------------------------------	---	---	---	-----	--	--

Current issues on the level of implementation by Malaysia of IOTC Conservation and Management Measures identified for discussion in the CoC21 in 2024

Having reviewed the 2024 Draft Compliance Report for Malaysia, the Chair of the Compliance Committee has identified the following significant repeated non-compliance issues for discussion.

Repeated non-compliance issues

Requirement	Observations	Current status (2024)	Previous status (2023)
2.8	LEG: NO – Provided - Banned by T&C of the ATF in the High Seas of the IOTC area of competence. Has not banned the use of large-scale driftnets in the entire IOTC area of competence. STD: YES. SP: YES – Provided/described for a), b) and c).	N/C2	P/C
2.23	LEG: Submitted - "Terms and Conditions of the Authorisation to Fish Outside the Malaysian EEZ". Does not cover the EEZ of Malaysia. STD: YES. SP: YES – Provided/described for a), b) and c).	N/C2	P/C
2.24	LEG: Submitted - "Terms and Conditions of the Authorisation to Fish Outside the Malaysian EEZ". Does not cover the EEZ of Malaysia. STD: YES. SP: YES – Provided/described for a), b) and c).	N/C2	P/C
5.9	Received: 28.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. Standard: NO - Less than 1 fish measured per tonne for some species.	N/C2	P/C

Note: if the table above is empty, it means there were no repeated compliance issues identified this year.

Reading instructions

(1) Information is to be provided in the Report of Implementation

(2) 24 meters overall length and over, and under 24 meters if they fished outside their EEZ

(Year) = year reporting on/year assessed.

LEG: Legislation - Transposition of Commission decisions, Legislation or administrative orders.

STD : Standard - Reporting format, IOTC standard

SP: System or procedures - Provision of information on system or procedures a) to monitor and ensure compliance of vessels and persons OR b) to prepare and submit information, data, report to the Commission.

i) ii) iii) = a) b) c)

Assessment

Timeliness

- **C:** Compliant
- **L:** Late
- **N/A:** Not applicable
- **N/C:** Non compliant
- **P/C:** Partially compliant

Compliance

- **C:** Compliant
- **C/B:** Capacity building
- **N/A:** Not applicable
- **N/C1:** Not compliant 1
- **N/C2:** Not compliant 2
- **P/C:** Partially compliant

CoC/Commission recommendations

- **Additional info or address the issue:** Provide additional information or address the compliance issue within a given period of time, and at the latest before the following annual meeting.
- **Actions proposed by the CPC:** Actions proposed by the CPC and endorsed by the Commission.
- **Investigation by the CPC:** Completion of an investigation by the CPC regarding a compliance issue and reporting back to the Compliance Committee, where required.
- **Enhanced monitoring of fleet:** Enhanced monitoring of the fleet.
- **Amendments to national rules:** Amendments to domestic procedures, legislation or policy including penalties, where required.
- **Detailed plan and timeline:** Submit, within 3 months from the end of the Commission annual session, a detailed plan and timeline on how it intends to address the non-compliance of category 2 identified.
- **Capacity building or assistance:** Provision of capacity building or technical assistance for a specified amount of time.
- **Other remedies:** Other remedies.

“Missing” values:

- “-/-”: no possible value (e.g.: no previous assessment possible because this is the first campaign in which the requirement is assessed);
- **“None”**: no value provided by the Secretariat (e.g. requirement assessed as Compliant, no text provided in “Observations”);
- **“Not assessed”**: for timeliness and compliance when no assessment has been made yet or the requirement is not assessable;
- “–”: no information provided by the CPC for this question (e.g. nothing entered in a text entry field, no boxes checked...);
- **“Not Submitted”**: the value will only be available after submission of the report (e.g. the “Report date”).