Pre-agreed responsive actions to identified cases of non-compliance - Update on other RFMOs pre-agreed actions

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PURPOSE

The component 4 of the Work Plan of the Working Party on the Implementation of Conservation and Management Measures (WPICMM) requires that Secretariat update the review on other RFMOs pre-agreed actions (e.g. ICCAT, GFCM) and present them to the WPICMM. The WPICMM shall discuss potential agreed actions to be included in the IOTC Compliance process.

BACKGROUND

The component 4, sub-component 4.1 of the Work Plan of the WPICMM comprises the following activities:

4	**Pre-agreed responsive actions to identified cases of noncompliance**
4.1	RFMOs pre-agreed actions
4.1.1	Secretariat update the review other RFMOs pre-agreed actions (e.g. ICCAT, GFCM) and present them to WPICMM.
4.1.2	WPICMM, to discuss potential agreed action to be included in the IOTC Compliance process

As per component 4, section 4.1 of the WPICMM Work Plan, the purpose of this document is to present pre-agreed actions, in case of non-compliance, adopted by other organisations (e.g. ICCAT, GFCM…) to improve compliance of both IOTC Contracting Parties and Cooperating non-Contracting Parties (CPCs). Improvements are expected by identifying properly the root cause of non-compliance which will facilitate the implementation by CPC of targeted pre-agreed action(s) to solve the non-compliance issue.

The findings of the document will serve to assist the WPICMM to discuss potential pre-agreed actions to be included in the IOTC compliance process.

The IOTC compliance framework was updated in 2023 and is established under the Rules of Procedure (8 May 2025) under the Appendix V, Annex A.

There are six compliance statuses defined in the Rules of Procedure, Appendix V – Annex A. They are:

a) Compliant,

b) Partially compliant,

c) Non-compliant category 1,

d) Non-compliant category 2,

e) Capacity building in progress, and

f) Not applicable.

The six statuses are used accordingly to populate the Compliance Reports for the purpose of the compliance assessments of individual requirements (Figure 1).

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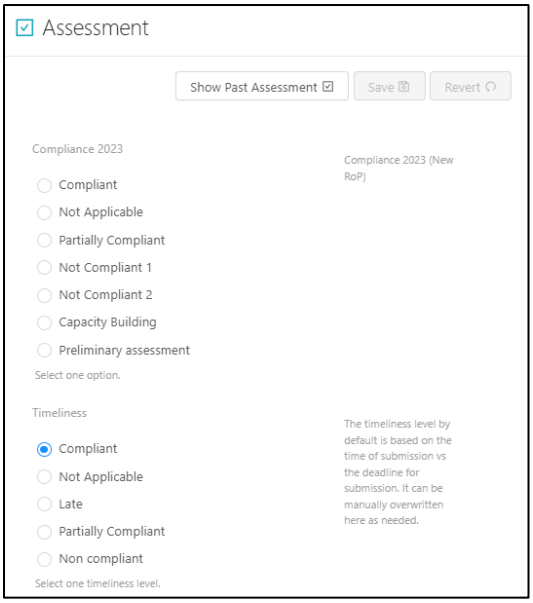


Figure 1 – Compliance statuses currently available in the e-MARIS application to conduct the compliance assessments.

The IOTC compliance process, laid out in Appendix V, Annex A, have provisions for follow up actions for three compliance statuses: P/C, N/C1, N/C2, summarized in the Table 1.

The possible follow up actions are structured in three categories: i) Follow-up action needed; ii) Actions to be taken by the CPC, and iii) Actions recommended by the Compliance Committee and endorsed by the Commission.

IOTC Pre-agreed actions

From the Annex A, and from the compliance categories P/C, N/C1, N/C2, seven actions are considered as pre-agreed actions (Table 1 – Column 3). They are:

1. CPC to provide additional information or address the compliance issue;
2. CPC to propose actions and it is endorsed by the Commission;
3. CPC to submit a compliance action plan to address the non-compliance of category 2 identified;
4. CPC to complete an investigation regarding a compliance issue and report back to the Compliance Committee (where required);
5. CPC to enhance monitoring of the fleet;
6. CPC to amend domestic procedures, legislation or policy including penalties (where required), and
7. Other remedies.

Compliance status	Follow up action (FUA)	Pre-agreed action identified in IOTC RoP	
Partially compliant (P/C)	**Follow-up action needed:** the CPC shall provide additional information or address the compliance issue within a given period of time, and at the latest before the following annual meeting, unless otherwise decided by the Commission.	**1**	1) CPC shall provide additional information or address the compliance issue.
Non-compliant category 1 (N/C1)	**Follow-up action needed:** the CPC shall address the compliance issue within a given period of time, and at the latest before the following annual meeting, unless otherwise decided by the Commission. The follow-up action shall be appropriate to the relevant compliance issue and shall include one or more of, but are not limited to, the following responses, taking into account the history, circumstances, extent, and gravity of the compliance issue. **Actions to be taken by the CPC** : - actions proposed by the CPC and endorsed by the Commission; - the completion of an investigation by the CPC regarding a compliance issue and reporting back to the Compliance Committee, where required; - enhanced monitoring of the fleet; - amendments to domestic procedures, legislation or policy including penalties, where required; - other remedies. **Actions recommended by the Compliance Committee and endorsed by the Commission** : - the provision of capacity building or technical assistance for a specified amount of time; - other remedies.	**6**	1) CPC to provide additional information or address the compliance issue. 2) CPC proposed actions and it is endorsed by the Commission. 3) Completion of an investigation by the CPC regarding a compliance issue and reporting back to the Compliance Committee (where required); 4) CPC enhances monitoring of the fleet. 5) CPC amends domestic procedures, legislation or policy including penalties (where required). 6) Other remedies.
Non-compliant category 2 N/C2	**Follow-up action needed:** the CPC shall 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. The follow-up actions and plan shall be appropriate to the relevant compliance issue and shall include one or more of, but are not limited to, the following responses, taking into account the history, circumstances, extent, and gravity of the compliance issue. **Actions to be taken by the CPC**	**6**	1) CPC to submit a compliance action plan to address the non compliance of category 2 identified. 2) CPC proposed actions and it is endorsed by the Commission. 3) Completion of an investigation by the CPC regarding a compliance issue and

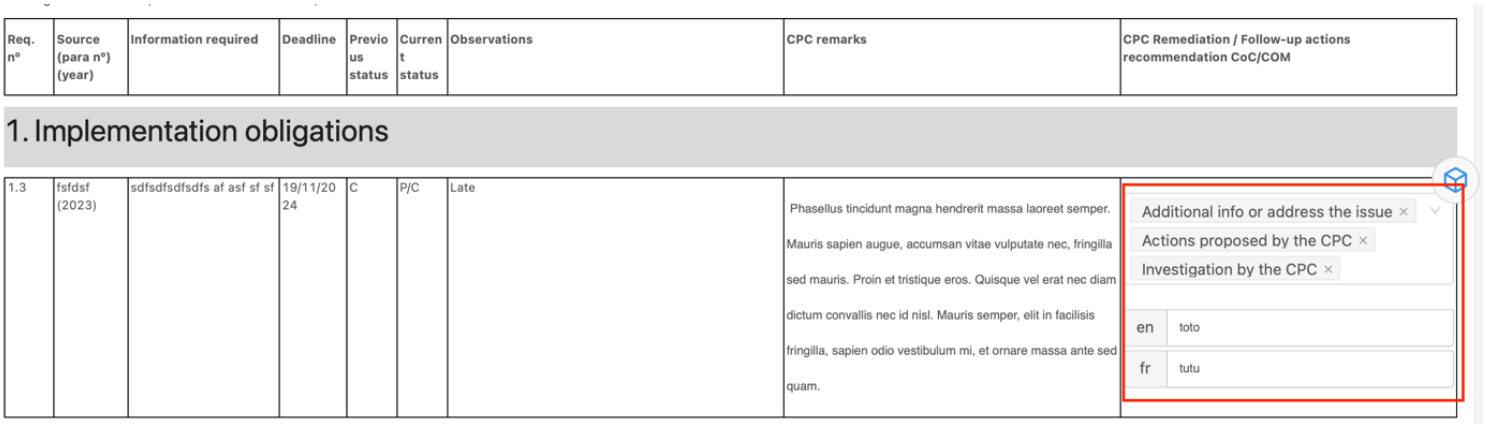
	- submission of a detailed plan and timeline to address the non-compliance of category 2 identified - the completion of an investigation by the CPC regarding a compliance issue and reporting back to the Compliance Committee, where required; - enhanced monitoring of the fleet; - amendments to domestic procedures, legislation or policy including penalties, where required; - other remedies. **Actions recommended by the Compliance Committee and endorsed by the Commission** : - the provision of capacity building or technical assistance for a specified amount of time; - other remedies.		reporting back to the Compliance Committee (where required); 4) CPC enhances monitoring of the fleet. 5) CPC amends domestic procedures, legislation or policy including penalties (where required). 6) Other remedies.

Table 1 – Compliance status categories to conduct compliance assessment and FUAs.

Reminder regarding the Compliance Report process - The Summary-CR and input of follow-up/remedial actions by CPC.

The pre-agreed actions, cited in Table 1 above, can be selected by the CPC in e-MARIS when they are completing the Summary-Compliance report where CPC must input in the Summary-Compliance report column, the follow-up/remedial actions (FUA). CPCs have 15 days to provide those actions. The FUAs are available under a specific menu where CPCs can select one or several action(s) and provide a detailed descriptions on the FUAs(s) selected.

It is anticipated that the FUA(s) selected by CPCs will contribute to the completion of the Compliance Action Plan (N/C2) to be submitted by CPCs 3 months after the end of the Commission meeting.



Req. n°	Source (para n°) (year)	Information required	Deadline	Previous status	Current status	Observations	CPC remarks	CPC Remediation / Follow-up actions recommendation CoC/COM
1. Implementation obligations								
1.3	fsfdsf (2023)	sdfsdfsdfsdfs af asf sf sf	19/11/2024	C	P/C	Late	Phaselus tincidunt magna hendrerit massa laoreet semper. Mauris sapien augue, accumsan vitae vulputate nec, fringilla sed mauris. Proin et tristique eros. Quisque vel erat nec diam dictum convallis nec id nisl. Mauris semper, elit in facilisis fringilla, sapien odio vestibulum mi, et ornare massa ante sed quam.	Additional info or address the issue × Actions proposed by the CPC × Investigation by the CPC × en toto fr tutu

Figure 2 – Last right column of the s-CR where CPC provide / input the follow-up/remedial action(s).

The steps to provide the follow-up/remedial actions are explained and detailed in the e-MARIS manual available on the IOTC Web Site '' *The e-MARIS Compliance Report* '', section *Providing Follow-up actions*, pages 12 and 13.

ANALYSIS

The review of the pre-agreed action in case of non-compliance has been conducted for twelve RFMOs, they are listed in the Annexe 1. Nine RFMOs have pre-agreed actions relevant to the IOTC framework. Some pre-agreed actions have not been retained for three RFMOs: NAFO, NEAFC and SEAFO; they are not relevant to the IOTC as they refer to CMMs or MCS measures not present in the IOTC fisheries management framework.
The pre-agreed actions have been classified in categories related to the type of non-compliance failures (Column context and applicability)

DISCUSSION

The RFMOs pre-agreed actions / corrective actions[2] are presented the Annex 1:

Based on the update review of RFMOs Compliance scheme and corrective actions/pre-agreed actions, a total of 17 actions are presented for discussion and consideration to the WPICMM to update the IOTC Compliance Process.

Pre-agreed actions	Context and applicability
✓ Trade restrictive measures ✓ Limitations on or loss of certain rights (e.g., chartering, transhipment at sea) ✓ Increased monitoring, public disclosure, and trade/market restrictions	Failure to respect effort/catches limits
✓ Fleet capacity limits or reductions	Failure to restrict fleet size or other capacity measures
✓ Gear restrictions or requirements	Failure to implement gear restrictions

[2] Source : IMCS Network Corrective Actions Analysis across RFMO.

✓ More frequent catch reporting / submit a catch data improvement/reporting plan ✓ Enhanced reporting requirements ✓ Increased observer requirements ✓ Bycatch retention limit requirements ✓ Size class limitations ✓ Requesting additional information, directing CCPs to cease non-compliant conduct within a set deadline, providing technical assistance or capacity building, and in serious cases, limiting access to fisheries resources until the issue is resolved to the satisfaction of the Meeting of the Parties,	Failure to report or delay in reporting data and other required data; and Failure to submit or delay in submitting reports.
✓ Enhanced VMS requirements (fleets covered or polling rate used) ✓ Enhanced MCS requirements (VMS, observer coverage, port inspections) ✓ Flag States must investigate alleged infringements, report within set deadlines on findings and sanctions, and include cases in annual compliance reports ✓ Flag State enforcement action- must take appropriate administrative or criminal proceedings under national law against those responsible for non-compliance. Sanctions must be proportionate, effective, and sufficient to deprive offenders of economic benefit and deter future violations ✓ Flag State Duties upon Infringement: Conduct a full investigation, including physical vessel inspection at earliest opportunity, Cooperate with the inspecting party to preserve evidence and chain of custody, Take immediate judicial or administrative action against responsible persons, Ensure sanctions are severe enough to secure compliance and deter repeat offences, Ensure sanctions strip offenders of any benefits gained from the infringement	Failure to exercise flag state control Failure to implement MCS measures, including, inter alia, catch documents /statistical document programmes (transshipment control), and vessel monitoring system (VMS) requirements
✓ Increased port sampling and/or inspection	Failure to exercise port state control, including port inspection requirements

RECOMMENDATION/S

That the WPICMM10:

1) **NOTE** the meeting document IOTC-2027-WPICMM10-06, which present, to the WPICMM, RFMOs pre-agreed actions,
2) **NOTE** that the IOTC Compliance process (s-CR) already make provision for seven pre-agreed actions,
3) **CONSIDER** any of the 17 RFMOs pre-agreed actions to be integrated in the IOTC Compliance process and make Recommendations to the Compliance Committee (CoC24):
    a. To identify additional pre-agreed actions in the compliance framework of IOTC.
    b. Update the Rules of Procedure (to be submitted by a CPC 60 days in advance of the Commission meeting).
    c. Task the Secretariat to update in e-MARIS the new FUA list, if recommended by the WPICMM and endorsed by the Compliance Committee and approved by the Commission.

Annex 1 – Review of RFMOs pre-agreed actions / corrective actions.

RFMO	Types of Corrective Actions Applied	Remarks
1.ICCAT	**Source:** Schedule of Compliance Issues and Corresponding Actions **Corrective Actions:** **Minor-** Letter of Concern requesting rectification. **Considerable-**Identification; requirement to submit an action plan/data improvement plan with reporting on implementation. **Significant-** Identification + limitations on or loss of certain rights (e.g., chartering, transhipment at sea, farming); in coordination with relevant Panel, consider recommending additional fishery restrictions or enhanced MCS requirements. **Very Significant (VS)-** If no rectification/improvement, consider recommending ICCAT responsive actions including trade restrictive measures in accordance with: Recommendation 06-13 (quota/catch limit reductions before trade measures). Species-specific penalty provisions (e.g., bluefin quota payback requirements) **Capacity Building:** Schedule of Compliance Issues requires capacity building and technical assistance options; MCS-related training courses under ABNJ Phase II (five Port Inspection courses, four MCS courses through 2027); Technical assistance for electronic reporting systems; Prioritized support for developing coastal States.	Pre-agreed actions relevant to the IOTC compliance framework.
2.IATTC	**Corrective Actions:** Resolution C-22-02 • Suggested actions in Annex 2 of C-22-02, including written response on investigation findings and corrective actions, Commission review, automatic carry-over at subsequent meetings of the Compliance Committee until the issue is resolved. **Capacity Building:** • Human, financial, and capacity-building needs will be assessed, with a CPC request template due by June 2025 and alternative funding sources explored (3 years) • Sustainable Development Fund under C-14-03 providing financial support for projects that strengthen MCS systems, data collection and reporting capacity in developing coastal States.	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
3.CCSBT	**Source:** Corrective Actions Policy (Compliance Policy Guideline 3) **Corrective Actions may include:** • Quota payback (default 1:1 ratio) • Quota reductions • Increased monitoring, public disclosure, and trade/market restrictions, scaled to severity. **Capacity Building** aims at correcting the deficiencies and can include skills training, system development, analytical assistance and technology purchase. A capacity building workplan targeting improved data collection, scientific analysis, and compliance. It follows a cycle: needs assessment, member engagement, budgeting, delivery of training, monitoring and evaluation, reporting, and periodic review (first after three years, then every five)	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
4.WCPFC	**Source:** CMM 2023-04 **Compliance response** **Non-Compliant/Priority Non-Compliant** - report the following year on any actions taken to address non-compliance or other response as determined by the Commission. • WCPFC has agreed in certain CMMs to pre-agreed follow-up actions where certain quantitative limits have been exceeded. For example in the Tropical Tuna CMM (CMM 2025-02 see para 28 and 38), CMM for North Pacific Striped Marlin (CMM 2024-06 see para 12), and CMM for Pacific Bluefin (CMM 2024-01 para 5) **Compliance response** **Capacity Assistance Needed** - report every year on progress to complete steps in Capacity Development Plan. **Capacity Building** • WCPFC has a well established Special Requirements Fund, as well as supplementary funding for capacity building in developing countries from Japan and Chinese Taipei, and through the WPEA project for Indonesia, Philippines and Vietnam. • Strategic Investment Plan is updated annually, considering the capacity assistance needs identified during the WCPFC Compliance Monitoring Scheme and in annual reporting by CPCs (CCMs) to WCPFC, this guides capacity-building related investments in developing States • CMM 2013-07 identifies priority areas for SIDS support • Regional Capacity Building Workshops delivered by FFA and SPC to Pacific Island countries and territories, are funded by the WCPFC Regular Annual Budget. • The Secretariat has prepared, and continues to develop, training resources and learning aids. It has run an Attachment Programme over the past three years and will continue to do so. Most staff also deliver online training for new staff and refresher training for others, building awareness of obligations, how to meet them, and how to use the reporting systems.	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
5.CCAMLR[3]	**Source:** CM 10-10 **Corrective Actions:** • **Level 1**- SCIC/Commission review; identify gaps; offer capacity-building; amend procedures or conservation measures if needed • **Level 2**- SCIC/Commission review; further action required by the Contracting Party • **Level 3** - SCIC/Commission review; action recommended by the **Commission** (highest escalation) • Catch Documentation Scheme with trade denial for non-compliance **Capacity Building:** • General Capacity Building Fund (GCBF) supporting targeted in-country workshops and missions • CDS Fund under CM 10-05 for IUU fishing prevention capacity	Pre-agreed actions relevant to the IOTC compliance framework.

[3] A conservation Organisation with RFMO attributes.

RFMO	Types of Corrective Actions Applied	Remarks
6.SPRFMO	**Source:** CMM 10-2020 **Corrective actions:** **Non-Compliant** - Compliance Review conducted to identify minor/technical gaps and improve implementation **Priority Non-Compliant** - Compliance Action Plan developed, with technical assistance or capacity building provided as appropriate **Seriously/Persistently Non-Compliant** - Compliance Remedy identified to address persistent failures unresolved after Action Plans and sufficient assistance **Not Assessed** - Commission clarifies the ambiguous obligation and amends relevant provisions if necessary **Limit deduction** in CMM03a Para.21: If orange roughy catch limit is exceeded, the full overrun is deducted from the following year's limit **Capacity Building:** • Technical assistance identified through CMS process (CMM 10-2020 Para 1(b)) • VMS issue identification and resolution support • Training support for Record of Vessel reporting requirements • Communication with VMS points of contact • System support for reporting processes	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
7.NPFC	**Source:** CMM 2025-13 **Corrective Actions:** • Commission meeting, a Final Compliance Report is adopted by consensus (with majority/minority views recorded if consensus fails), covering each Member's or CNCP's compliance status, repeated non-compliance areas, and responses taken or planned — noting that no Member can block assessment of their own compliance. • Letters of Concern to Non-Compliant Members/CNCPs detailing the relevant issues and required responses. (CMM 2025-13 Para 24) • Automatic responses for administrative non-compliance (CMM 2025-13 Para 25(b)) **Capacity Building:** • Identify any technical assistance or capacity building that could assist with achieving compliance	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
8.GFCM	**Source:** Annex III of Recommendation 46/2023/22 **Corrective actions:** • Minor-Y1: letter of concern requesting rectification • Considerable(CO)-Y2: Formal identification of non-compliance; possible requirement to submit a data improvement/reporting plan. • Significant(SI)-Y3: Identification + recommendation of appropriate measures possible action plans required For **CO** and **SI** cases, CPCs should submit an **action plan** to address the issue (para. 8) List of appropriate measures for Category A: 100% quota payback for binding quota/catch limit overharvest **Potential actions** More frequent catch reporting Quota/effort/catch limit reductions Enhanced MCS requirements (VMS, observer coverage, port inspections) Individual vessel quota requirements Bycatch retention limits, size class limitations Fleet capacity limits or reductions Time/area restrictions Gear restrictions **Capacity building:** • PSM training (inspectors and general capacity) • Inspector training programmes • VMS technical assistance •National legislation transposition oversight	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks

9.NAFO	**Source:** NAFO/COM Doc. 25-01
	Corrective actions:
	Article 39 Flag State Duties Upon Infringement
	● Conduct a full investigation, including physical vessel inspection at earliest opportunity
	● Cooperate with the inspecting party to preserve evidence and chain of custody
	● Take immediate judicial or administrative action against responsible persons
	● Ensure sanctions are severe enough to secure compliance and deter repeat offences
	● Ensure sanctions strip offenders of any benefits gained from the infringement
	
	Corrective actions once confirmed:
	● Fines
	● Seizure of vessel, illegal gear, and catches
	● Suspension or withdrawal of fishing authorisation
	● Reduction or cancellation of fishing allocations
	● Increased reporting requirements (higher frequency, additional data)
	● Increased monitoring requirements (observers, inspectors on board, or remote electronic monitoring)
	● Both flag State and port State must immediately notify the Executive Secretary of:
	  ● Judicial or administrative actions and sanctions taken
	  ● Within 4 months of a serious infringement: progress report on investigation and actions initiated
	  ● Upon completion: final outcome report
		Pre-agreed actions NOT relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
10.NEAFC	**Source:** Scheme of Control and Enforcement **Corrective actions:** Flag State response- the flag State must respond without delay and ensure the vessel is inspected within 72 hours. If evidence warrants, the flag State must direct the vessel to port for a thorough inspection, and must provide written justification to the Secretary if it does not do so (Article 30). Flag State enforcement action- Each Contracting Party must take appropriate administrative or criminal proceedings under national law against those responsible for non-compliance. Sanctions must be proportionate, effective, and sufficient to deprive offenders of economic benefit and deter future violations (Article 31). Contracting Parties must report annually to the Secretary on inspection activity and infringement proceedings, including sanctions, until each case is concluded (Articles 32–33).	Pre-agreed actions NOT relevant to the IOTC compliance framework.
11.SIOFA	**Source:** CMM 11(2020) Compliance Monitoring Scheme **Corrective actions:** Requesting additional information, directing CCPs to cease non-compliant conduct within a set deadline, providing technical assistance or capacity building, and in serious cases, limiting access to fisheries resources until the issue is resolved to the satisfaction of the Meeting of the Parties.	Pre-agreed actions relevant to the IOTC compliance framework.

RFMO	Types of Corrective Actions Applied	Remarks
12.SEAFO	**Source:** SEAFO System of Observation, Inspection, Compliance and Enforcement (SOICE) 2024 **Corrective actions:** Flag States must investigate alleged infringements, report within set deadlines on findings and sanctions, and include cases in annual compliance reports. Port States must deny entry or port services (landing, transhipment, refuelling, etc.) to vessels lacking valid authorisation or reasonably suspected/known to be involved in IUU fishing, and notify the flag State and Executive Secretary.	Pre-agreed actions NOT relevant to the IOTC compliance framework.