



**ON PENALTIES APPLICABLE IN CASE OF NON FULFILMENT OF REPORTING OBLIGATIONS
IN THE IOTC**

SUBMITTED BY: EUROPEAN UNION, 13 APRIL 2016

Explanatory Memorandum

Non-compliance with reporting obligations, and in particular, incomplete reporting or no data reporting, remains a serious problem for the Scientific Committee and the Commission despite the adoption of numerous measures intended to address the matter. Several stocks remain not assessed and some others are assessed with significant uncertainty, which lead to important risks of depletion of some IOTC species and negative impact in the ecosystem.

According to the IOTC legislation, CPCs are to provide statistical and other data and information that the Commission may need for the purposes of the management of stocks under the IOTC Agreement. Nominal catch data, catch and effort data, size data and fish aggregating devices data are also to be submitted annually to the Secretariat by 30 June the year following the fishing activities.

The Scientific Committee (IOTC-2015-SC18) noted with concern the lack of information submitted by CPCs on total catches, catch and effort and size data for various IOTC species, despite their mandatory reporting status, and requested that CPCs comply with IOTC data requirements, given the gaps in available information in the IOTC database and the importance of basic fishery data in order to assess the status of stocks and for the provision of sound management advice.

In this context, the Scientific Committee recommended that the Commission develop penalty mechanisms through the IOTC Compliance Committee to improve compliance by CPCs that do not currently comply with the submission of basic fishery data requirements as stated in Resolution 15/01 and 15/02.

Given the unsatisfactory level of compliance with these requirements, additional measures aimed at eliminating or reducing non-reporting and misreporting need to be taken to ensure that all IOTC fisheries are managed in line with the principles of sound scientific advice.

Therefore the IOTC should adopt a measure whereby the Commission may decide, on the basis of a thorough analysis and discussion with the CPCs concerned and of a transparent and accurate evaluation of the Compliance Committee, that individual CPCs not reporting nominal catch data, including zero catches, for one or more species for a given year, in accordance with Resolution 15/02, paragraph 2, shall be prohibited from retaining such species as of the year following the lack of or incomplete reporting. The prohibition would be lifted once the complete and correct data is received by the IOTC Secretariat.



RESOLUTION 16/XX

**ON PENALTIES APPLICABLE IN CASE OF NON FULFILMENT OF REPORTING OBLIGATIONS
IN THE IOTC**

Keywords: Reporting obligations; data submission; incomplete data; catch

The Indian Ocean Tuna Commission (IOTC),

GIVEN that following Article XI of the Agreement for the establishment of the IOTC, Contracting Parties agree to provide statistical and other data and information that the Commission may need for the purposes of this Agreement and that nominal catch data, Catch and effort data, size data and fish aggregating devices data should be submitted annually to the IOTC Secretariat by 30 June the year following the fishing activities;

RECALLING Resolutions by IOTC on the Deadlines, Procedures for Data Submission and Statistical Reporting Obligations, notably Resolutions 15/02, 15/01, 14/05, 12/04, 10/11, 11/04, 10/08 and 01/06;

RECOGNISING that funding is available from the Commission for developing CPCs to improve their data collection and submission capabilities;

TAKING INTO ACCOUNT that the Scientific Committee (IOTC–2015–SC18–R) noted with concern the lack of information submitted by CPCs on total catches, catch and effort and size data for various IOTC species, despite their mandatory reporting status, and requested that CPCs comply with IOTC data requirements, given the gaps in available information in the IOTC database and the importance of basic fishery data in order to assess the status of stocks and for the provision of sound management advice;

CONSIDERING that the Scientific Committee recommended that the Commission develop penalty mechanisms through the IOTC Compliance Committee to improve compliance by CPCs that do not currently comply with the submission of basic fishery data requirements as stated in Resolutions 15/01 and 15/02;

NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;

NOTING that Several stocks remain not assessed and some others are assessed with substantial uncertainty, which lead to important risks of depletion of some IOTC species and negative impact in the ecosystem;

FURTHER NOTING that, in order that all IOTC fisheries should be managed in line with the principles of the precautionary approach, it is necessary to take measures aimed at eliminating or reducing non-reporting and misreporting;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. CPCs shall include information in their Annual Reports (*Report of Implementation*) on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches.
2. Actions taken by CPCs, as described in paragraph 1, shall be reviewed annually by IOTC Compliance Committee.



3. Following the review carried out by the Compliance Committee, the Commission at its annual session, according to the guidelines attached (**Annex I**), and after having given due consideration to the relevant information provided by the concerned CPCs in these cases, shall prohibit CPCs that did not report nominal catch data, including zero catches, for one or more species for a given year, in accordance with the Resolution 15/02, paragraph 2 (or any subsequent revision), from retaining such species as of the year following the lack or incomplete reporting until such data have been received by the IOTC Secretariat. Priority shall be given to situations of repeated non-compliance.



ANNEX 1

Guidelines to facilitate the application of the paragraph 3

1. The Commission will follow the schedule and steps set forth below to guide application of paragraph 3 of this Resolution:

<i>Data review year (starting in 2016 and annually thereafter)</i>	<i>Following the decision on retention prohibition</i>
<ol style="list-style-type: none"> 1. CPCs submit Total catch data to the IOTC Secretariat in accordance with the Resolution 15/02 and Scientific Committee template, including zero catches; 2. The IOTC Secretariat, in consultation with the Scientific Committee will include in the compliance report information detailing data submission status by species or stock (e.g. complete, incomplete, or missing) for each CPC; 3. Compliance Committee reviews the report on the basis of any other relevant information provided by the IOTC Executive Secretary, the Scientific Committee and CPCs. Based on this review, the Compliance Committee identifies in its report those CPCs that did not submit required data (i.e. data are missing or incomplete) and notifies them that they are prohibited from retaining the concerned species/stock from the relevant fishery as of the following year unless and until the data are provided to the Secretariat. 4. Compliance Committee also considers if any other actions consistent with this Resolution should be recommended. 	<ol style="list-style-type: none"> 1. CPCs with a finding of "missing" or "incomplete" data submissions cannot retain those species; 2. Such CPCs should seek to rectify the situation by sending the missing data to the IOTC Executive Secretary as soon as feasible; 3. In consultation, as necessary and appropriate, with the Chairpersons of the Compliance Committee and the Commission, the IOTC Executive Secretary will review the new data submission in a timely manner to determine if it is complete. If the data appear to be complete, the Secretariat will promptly inform the CPC in question that it can resume retention of the concerned species/stock in the relevant fishery. 4. At the Annual Meeting following the intersessional provision of data and the decision to permit resumption of retention, the Compliance Committee reviews this decision and, if it considers that data are still incomplete, the Compliance Committee will again take the actions specified in the previous column, paragraphs 3 and 4.