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**REVIEW OF UNRESOLVED COMPLIANCE ISSUES RAISED BY CPCs AT S18**

Prepared by: IOTC Secretariat, 27 March, 2015

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**PURPOSE**

To provide the Compliance Committee (CoC) with an opportunity to review the current status of compliance issues that remained unresolved at the closure of the 18<sup>th</sup> Session of the Commission.

**BACKGROUND**

It is common for the Commission to request that certain issues that cannot be resolved at a respective session be addressed during the intersessional period. Further to that, paragraph 14 of IOTC Resolution 11/03 provides a specific mechanism for dealing with circumstances where the Commission is unable to decide whether or not to list a vessel in the IOTC IUU Vessels List during the Session. At the close of the 18<sup>th</sup> Session of the Commission, there were nine issues that were left to be resolved and which the Commission recommended follow-ups during the intersessional period. These are listed in the following table.

**RECOMMENDATION/S**

That the Compliance Committee:

- 1) **NOTE** paper IOTC-2015-CoC12-10, which provides the Compliance Committee with an overview of the current status of compliance issues that remained unresolved at the closure of the 18th Session of the Commission.

**CONSIDER** the issues that remains unresolved or pending, and propose further actions.

No.	Actions from the Eighteenth Session (1-5 June 2014)	Adopted	Responsibility	Due date	Status/Progress
1	<p><b>Review of individual CPC Compliance Status against IOTC Conservation and Management Measures</b></p> <p>S18 (para.56): The Commission <b>AGREED</b> that the Chair of the CoC would provide questions in writing to each of the CPCs who were not in attendance at the CoC meeting. For those CPCs who attend S18, this would be done during the last day of the meeting. For those CPCs who do not attend S18, the 'letter of feedback on compliance issues' would be sent by the IOTC Chair following the Commission meeting and would include an expression of concern given the CPCs absence from the IOTC meetings.</p>	S18 (June 2014)	All concerned CPCs/CoC		<b>Completed:</b> Letter of Feedback sent to all CPCs between 11 and 16 June 2014.
2	<p><b>Sri Lanka's effort to address its compliance status</b></p> <p>S18 (para. 58): The Commission <b>ENCOURAGED</b> Sri Lanka to continue their work in improving compliance with IOTC CMMs by their fleets and to work closely with other CPCs and the Secretariat, as they have done in 2012 and 2013.</p>	S18 (June 2014)	Sri Lanka/ Secretariat		<b>Ongoing:</b> Sri Lanka has implemented a pilot observer scheme towards compliance with Resolution 11/04 and is working with the IOTC Secretariat to review, improve and roll-out the programme.
3	<p><b>QIAN YUAN (Flagged to Cambodia)</b></p> <p>S18 (Para 62): The Commission <b>NOTED</b> that the concerned parties have reached an agreement and would like to withdraw the request for keeping the vessel on the IOTC Provisional IUU Vessels List. On the basis of the agreement, China agreed to provide a report on its investigation, within 30 days after the 18<sup>th</sup> Session of the Commission, on the activities of the cargo vessel <i>QIAN YUAN</i> in the IOTC area of competence, including the provision of the names and VMS tracks of the Chinese flagged fishing vessels, which received supplies from this cargo vessel.</p>	S18 (June 2014)	China	30 days after the 18 <sup>th</sup> Session.	<b>Completed:</b> Report of investigation received from China and circulated in Circular 2014-66 - Communication from China on <i>QIAN YUAN</i> .  Response received from Mozambique and circulated in Circular 2014 - 71
4	<p><b>MAAN YIH FENG (Flagged to Taiwan, Province of China)</b></p> <p>S18 (para. 63): The Commission <b>AGREED</b> to retain the <i>MAAN YIH FENG</i> on the Provisional IUU Vessels List, as provided under Resolution 11/03 para. 14, until sanctions of adequate severity have been applied and until an investigation is conducted and the report received. In the absence of these requirements the vessel should be moved onto the IUU list.</p>	S18 (June 2014)	United Kingdom & Taiwan, Province of China	45 days after the S18	<b>Completed:</b> Reports of investigation and actions taken were transmitted through Circular 2014-83. The decision of the Chair of the Commission, based on the assessment of responses received, following the call for opinion from CPCs, was that the vessel should not be listed in the IUU list (cf. Circular 2014-92).

No.	Actions from the Eighteenth Session (1-5 June 2014)	Adopted	Responsibility	Due date	Status/Progress
5	<p><b>General discussion (IUU)</b></p> <p>S18 (para. 65): <b>NOTING</b> the confusion among many CPCs regarding the lack of a clear definition of fishing vessels, the Commission <b>AGREED</b> that the Compliance Committee develop a recommendation for a clear definition for fishing vessels, fishing and fisheries related activities.</p>	S18 (June 2014)	CPCs/ Secretariat	CoC 12	<b>Ongoing:</b> The EU funded SmartFish programme of the COI has agreed to fund the study. The results will be reported at the 2016 Compliance Committee meeting.
6	<p><b>Review of objections received under Article IX.5 of the IOTC Agreement</b></p> <p>S18 (para. 118): The Commission <b>NOTED</b> that INDIA will provide feedback to the IOTC Secretariat in due course.</p>	S18 (June 2014)	India	S19	<b>Unresolved:</b> Letter sent to India on 9 <sup>th</sup> July 2014, clarifying the request. Awaiting feedback from India.
7	<p><b>On establishing a programme for transshipment by large-scale fishing vessels</b></p> <p>S18 (para. 127): <b>NOTING</b> the comments from Australia that the current Resolution contained anomalies concerning references to sharks, the Commission <b>AGREED</b> that Australia could bring forth a proposal to amend the newly adopted Resolution 14/06 for consideration at the next Session.</p>	S18 (June 2014)	Australia	S19	<b>Pending:</b> Australia to provide feedback during S19.
8	<p><b>Terms of Reference of the Indian Ocean Tuna Commission Working Party on Compliance (WPC)</b></p> <p>S18 (para. 154): <b>NOTING</b> the comments from several developing coastal CPCs that their Compliance has improved thanks to the assistance that the IOTC Secretariat has provided through Compliance Missions, and that country-based actions are more effective than meetings, the Commission <b>ENCOURAGED</b> the IOTC Secretariat to continue with this work.</p>	S18 (June 2014)	Secretariat	S19	<b>Ongoing:</b> During the intersessional period, staff of the IOTC Secretariat have conducted CSMs in Comoros, India, Malaysia, Seychelles/Somalia, South Africa and Thailand, where a Compliance Action Plan have been developed with these CPCs. Six CPCs have benefitted from follow-up CSMs.
9	<p><b>Outcomes of the ad hoc meeting on the IOTC Regional Observer Programme</b></p> <p>S18 (para. 158): The Commission <b>AGREED</b> that some of the technical aspects of the Implementation of the Transshipment at-sea programme should be reviewed at the next Compliance Committee meeting. Some participating CPCs expressed concerns on many issues related to the implementation of the ROP and <b>REQUESTED</b> the Commission to establish clearer definitions, guidelines and sets of procedures, especially on minimum safety requirements of fishing vessels and carrier fishing vessels to ensure consistency and transparency.</p>	S18 (June 2014)	CPCs	S19	<b>Completed:</b> The <b>International Convention for the Safety of Life at Sea (SOLAS), 1974</b> , provisions has been included in the new ROP Contract.