

Original: English

**DRAFT RESOLUTION ESTABLISHING AN ICCAT SCHEDULE OF ACTIONS  
TO IMPROVE COMPLIANCE AND COOPERATION WITH ICCAT MEASURES**

*Submitted by the United States*

*RECOGNIZING* that compliance with ICCAT conservation and management measures is critical to the success of the Commission;

*RECALLING* the 2011 Commission adoption of Recommendation 11-24, which amended the mandate and Terms of Reference of the Compliance Committee (COC) and required the COC to develop and make recommendations to the Commission to address issues of non-compliance or lack of cooperation with ICCAT conservation and management measures;

*RECOGNIZING* that non-compliance should be addressed in a concrete, and transparent, non-discriminatory way, taking into account the need to remain flexible to address the unique circumstances of individual CPCs;

*FURTHER RECOGNIZING* that not all non-compliance is of the same level of severity and impact on the effectiveness of ICCAT's conservation and management measures or the work of the Commission; and

*COGNIZANT* of the need to assist in providing a consistent, fair, and transparent approach for considering and applying appropriate actions to improve compliance and cooperation with ICCAT measures pursuant to the requirements of Recommendation 06-13 and other relevant ICCAT instruments;

THE INTERNATIONAL COMMISSION FOR THE  
CONSERVATION OF ATLANTIC TUNAS RESOLVES THAT:

When determining non-compliance and appropriate actions to address non-compliance with ICCAT conservation and management measures, the following guidelines for an ICCAT schedule of actions will be applied:

**Step 1: Determination of category of non-compliance(s)**

Primary areas of focus should include:

*Category A: Conservation and/or Management, including:*

- Failure to limit catches/landings to agreed limits
- Failure to restrict fleet size or other capacity measures to agreed limits
- Failure to implement time/area closures
- Failure to implement minimum size restrictions
- Failure to implement gear restrictions/limitations

*Category B: Reporting requirements, including:*

- Failure to report or delay in reporting statistical and other required data
- Failure to submit or delay in submitting reports

*Category C: Monitoring, Control, and Surveillance (MCS) measures, including:*

- Failure to implement MCS measures, including, *inter alia*, catch documentation schemes/statistical document programs, observer programs, transshipment controls, and VMS requirements

- Failure to exercise port CPC controls, including port inspection requirements
- Failure to exercise flag CPC controls

## Step 2: Determination of the severity of non-compliance(s)

Non-compliance can range from minor to significant. Highest priority should be given to determining and addressing significant non-compliance, although responsive action may also be warranted in other cases.

**Minor non-compliance:** These failures are first time or infrequent and do not significantly impact the work of the Commission or SCRS or diminish effectiveness of ICCAT's conservation and management measures. In most of these cases, the only necessary action would be to request the relevant CPC to rectify the situation and report back to the Compliance Committee on actions taken in this regard at the subsequent annual meeting of the Commission. In general, the preferred method for making such requests and tracking the issue would be through the COC meeting report, though the COC may, depending on the circumstances, recommend sending a Letter of Concern regarding their non-compliance to the CPC(s) in question

**Significant non-compliance:** These non-compliance issues reflect a CPC's systematic disregard of ICCAT regulations or infrequent (and even first time) violations that individually or collectively significantly impact the objectives of the Commission or SCRS or diminish the effectiveness of ICCAT's conservation and management measures. These non-compliance issues could include frequent non-reporting or insufficient reporting that impacts the COC's ability to evaluate the compliance of a CPC effectively. Failures of this nature meet the threshold for identification under the ICCAT Trade Measures Recommendation (Rec. 06-13).

To facilitate CPCs' comprehensive understanding of what constitutes minor or significant non-compliance in the context of existing Recommendations, the COC will develop a reference document, including a simple summary or table that lists the level of severity of types of non-compliance with specific ICCAT provisions, understanding that mitigating and aggravating considerations will also be taken into account as specified above.

**Mitigating and aggravating considerations:** Both mitigating and aggravating considerations, as indicated below, should be taken into account when determining the significance of non-compliance:

- Mitigating considerations include, *inter alia*: (1) the extent to which available capacity building and assistance programs have been used by a CPC to improve its ability to meet its ICCAT obligations and (2) any actions taken by the CPC to address its non-compliance or by a third party CPC in response to the non-compliance of another CPC's vessel.
- Aggravating considerations include, *inter alia*: (1) non-compliance that is repeated, frequent, numerous, and/or severe in degree, scope, and/or effect, individually or cumulatively; and (2) lack of effective corrective action by the flag CPC or third party CPC (if appropriate).

## Step 3: Application of actions to address compliance failures, where warranted

Upon a determination that non-compliance has occurred pursuant to Step 1 and that further action by ICCAT, potentially including identification under Rec. 06-13, is warranted pursuant to Step 2, actions should be taken or required in one or more of the following categories: enhanced reporting requirements, restrictions on fishing activities, additional MCS requirements, and/or, as a last resort, trade restrictive measures. In that regard, a non-exhaustive, non-prioritized list of actions that could be taken or required by type of non-compliance as follows:

**Category A:** *Non-compliance involving conservation and/or management:*

### **Required/Automatic Actions Pursuant to Binding ICCAT Recommendations:**

- In the case of binding quota/catch limit overharvest, 100% payback as specified in Rec. 00-14 and other relevant ICCAT recommendations.

**Potential Actions:**

- Additional reporting requirements, possibly including:
  - More frequent catch reporting
- Fishery restrictions, possibly including:
  - Reduction in quota allocation(s)
  - Additional quota/catch limit reductions
- Enhanced MCS requirements, possibly including:
  - Enhanced reporting requirements
  - Limitations on at sea transshipment
  - Increased port sampling and/or inspection
  - Increased observer requirements
  - Enhanced VMS requirements (fleets covered or polling rate used)
- Fishery restrictions, possibly including:
  - Individual vessel quota requirements
  - Bycatch retention limit requirements
  - Size class limitations
  - Fleet capacity limits or reductions
  - Time and/or area restrictions
  - Gear restrictions or requirements
- Trade restrictive measures

**Category B:** *Non-compliance involving reporting requirements:*

**Required/Automatic Actions Pursuant to Binding ICCAT Recommendations:**

In the case of Task 1 data, application of Recommendation 11-15 (Recommendation by ICCAT on Penalties Applicable in Case of Non Fulfilment of Reporting Obligations)

**Potential Actions:**

- Additional reporting requirements, possibly including:
  - More frequent reporting
  - Submission of a data improvement and/or reporting plan with required reporting on implementation
- Enhanced MCS requirements, possibly including:
  - Increased observer coverage requirements for data collection
  - Increased port sampling requirements
  - Enhanced VMS requirements (fleets covered or polling rate used)
- Fishery restrictions, possibly including:
  - Allocation or quota/catch limit reductions
  - Limitations/reductions in fleet capacity levels
  - Increased port inspection
  - Limitations on or Loss of right to implement certain ICCAT recommendations, such as to charter or conduct at sea transshipment
- Trade restrictive measures

**Category C:** *Non-compliance involving MCS measures, including:*

**Potential Actions:**

- Additional reporting requirements, possibly including:
  - More frequent reporting
  - Submission of a performance improvement plan with required reporting

- Enhanced MCS requirements, possibly including:
  - Increased observer coverage requirements, possibly including use of ICCAT observers,
  - Increased port controls, such as more frequent port calls, expanded inspection requirements, and/or designation of authorized ports
  - Limitations on or prohibition of at sea transshipment
  - Enhanced VMS requirements (fleets covered or polling rate used)
- Fishery restrictions, possibly including:
  - Allocation or quota/catch limit reductions
  - Limitations/reductions in fleet capacity levels
  - Restrictions on posting vessels to the authorized vessel list
  - Placement of vessels on the IUU vessel list
  - Requirement to specify individual vessel quotas
- Trade restrictive measures