

Original: English

*DRAFT*

**WORKING PAPER ON DRAFT SCHEDULE OF ACTIONS:  
SEVERITY OF TYPES OF NON-COMPLIANCE WITH SPECIFIC ICCAT PROVISIONS**

*ICCAT Secretariat in consultation with COC Chair*

Res. 16-17 stipulates that: *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.*

No timeframe for the development of the above-mentioned document was indicated, and to date the COC has not yet done this.

In order to facilitate the drafting of the document, the Secretariat, in consultation with the COC Chair, has drawn up a brief "severity table" for consideration by CPCs, as attached. The Compliance Committee may wish to consider additional actions, such as recommending priority for technical assistance or 'compliance missions'. While each case would need to be evaluated before final decision, the schedule below is intended to provide some guidance to the Committee and ensure coherence among cases and over time.

**DRAFT SEVERITY SCHEDULE AND CORRESPONDING ACTIONS TO BE TAKEN**

PNC = Potential Non-Compliance

M = Minor non-compliance

S = Significant non-compliance

	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
Category A	Catches/landings exceed limits required by ICCAT	Year 1 = M Subsequent years = S	<p>1. Year 1 – ensure required payback is reflected in adopted compliance table; request <u>that the CPC rectify the overage within 2 years</u> and submission of action plan.</p> <p>2. Subsequent years – <b>Identification</b></p> <p>3. If no rectification after <u>2</u> years, consider whether to recommend ICCAT responsive actions in accordance with para 6 of <i>Recommendation by ICCAT Concerning Trade Measures (06-13)</i><sup>1</sup></p> <p>4. All years: consider capacity building and technical assistance options to recommend/facilitate</p>	Degree of overharvest; demonstrated actions to prevent reoccurrence, including reduction in future years, monitoring and enforcement actions, strengthened laws and regulations	Continued failure to take corrective action; degree of overharvest; increasing level of overharvests
	Failure to adhere to fleet size or other capacity limitation required by ICCAT	Year 1 = M Subsequent years = S	<p>1. Year 1, request rectification and submission of action plan</p> <p>2. <u>Subsequent years – Identification</u> [...]</p> <p>3. Year 2 – In coordination with relevant Panel, consider recommending adoption by ICCAT of additional fishery restrictions</p>	Degree of overcapacity; demonstrated implementation of capacity reduction plan	Repeated or frequent; degree of overcapacity

<sup>1</sup> Rec. 06-13 para 6, in the pertinent part, provides “In the case of CPCs, actions such as the reduction of existing quotas or catch limits should be implemented to the extent possible before consideration is given to the application of trade restrictive measures. Trade measures should be considered only where such actions either have proven unsuccessful or would not be effective.”

	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
			4. Year 3 – <u>If no rectification after 3 years, consider whether to recommend ICCAT responsive actions in accordance with para. 6 of Recommendation by ICCAT Concerning Trade Measures (06-13).</u>		
	Failure to implement time/area closures	Year 1 = M Subsequent years = S	1. Year 1, request rectification 2. Year 2 – <b>Identification;</b> in coordination with relevant Panel, consider recommending adoption by ICCAT of additional fishery restrictions 3. Year 3 – <u>Consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u> [...]	None	Repeated or frequent
	Failure to implement minimum size restrictions	Year 1 = M Subsequent years = S	1. Year 1, request rectification 2. Year 2 – <b>Identification;</b> in coordination with relevant Panel, consider <u>recommending that ICCAT impose enhanced MCS requirements</u> 3. Year 3 – <u>Consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u> [...]	None	Repeated or frequent and proportion of catch under minimum size

	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
	Failure to implement gear restrictions/ <u>requirements/limitations, and/or safe handling and release requirements</u>	Year 1 = M Subsequent years = S	1. Year 1, request rectification 2. Year 2 – <b>Identification;</b> in coordination with relevant Panel, consider imposing enhanced MCS requirements <u>and/or temporary quota reductions</u> 3. Year 3 - <u>Consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13).</u> [...]	None	Repeated or frequent
Category B	Failure to report statistical and other required data	S	1. Year 1 = Request rectification 2. Year 2 = <b>Identification;</b> requirement to submit a data improvement and/or reporting plan with required reporting on implementation 3. Year 3 = <u>Limitations on or loss of right to implement certain ICCAT recommendations, such as to charter or conduct at sea transshipment.</u> 4. If no improvement after <b>4</b> years, <u>consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u>	Advance notification of delay or inability to submit the report may be considered by COC. Request for technical assistance has been made but could not be met; <u>minimal impact on the SCRS's or Commission's ability to carry out needed work</u>	Repeated or frequent, lack of corrective action, no response to requests for data or COC Chair's letters; <u>significant impact on the SCRS's or Commission's ability to carry out needed work or ensure intersessional compliance with measures</u>

	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
	Delay in reporting statistical and other required data	If delay is short = M If recurring over several years or delay is significant (e.g., information submitted during meeting) = S	1. Year 1 = Request rectification 2. Year 2 = <b>Identification:</b> requirement to submit a data improvement and/or reporting plan with required reporting on implementation 3. Year 3 = Limitations on or Loss of right to implement certain ICCAT recommendations, such as to charter or conduct at sea transshipment. 4. <u>If no improvement after 4 years, consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u>	Major problems in communication occurred due to <i>force majeure</i> . <u>First instance of failure to correctly apply the requirement, due to confusion,</u> particularly if reporting date has recently changed; <u>minimal impact on the SCRS's or Commission's ability to carry out needed work</u>	Repeated or frequent, lack of corrective action, no response to requests for data or COC Chair's letters; <u>Significant impact on the SCRS's or Commission's ability to carry out needed work or ensure intersessional compliance with measure</u>
	Failure to submit reports	Severity will depend on type and number of reports not submitted. Annual Report = S Other reports may be M unless recurring	1. Year 1 = Request rectification 2. Year 2 = <b>Identification:</b> requirement to submit a data improvement and/or reporting plan with required reporting on implementation 3. Year 3 = Limitations on or loss of right to implement certain ICCAT recommendations, such as to charter or conduct at sea transshipment. 4. <u>If no improvement after 4 years, consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u>	Advance notification of delay or inability to submit the report may be considered by COC	Repeated or frequent, lack of corrective action, no response to requests for data or COC Chair's letters; <u>Significant impact on the SCRS's or Commission's ability to carry out needed work or ensure intersessional compliance with measures</u>

	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
	Delay in submitting reports	If delay is short = M If recurring over several years or delay is significant (e.g., information submitted during meeting) = S	1. Year 1 = Request rectification 2. Year 2 = <b>Identification;</b> requirement to submit an action plan on improved reporting 3. Year 3 and subsequent = Possible <u>identification</u> , depending on gravity and extent of late reporting	Major problems in communication occurred due to <i>force majeure</i> . <u>First instance of failure to correctly apply</u> the requirement, <u>due to confusion</u> , particularly if reporting date has recently changed	Repeated or frequent, lack of corrective action, no response to requests for data or COC Chair's letters; <u>Significant impact on the SCRS's or Commission's ability to carry out needed work or ensure intersessional compliance with measures.</u>
Category C	Failure to implement MCS measures	Year 1 = M, Subsequent years = S	1. Year 1 = Request rectification 2. Year 2 and subsequent: <b>Identification and consideration of limitations on or loss of right to implement certain ICCAT Recommendations related to MSC measures.</b>  3. Year 3 and subsequent = <u>Consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u>  4. All years: <u>consider capacity building and technical assistance options to recommend/facilitate</u>	MCS measure requires major investment of resources or technology not available to the CPC. <u>Transparency regarding implementation challenges.</u> Request for technical assistance has been made but could not be met	Repeated or frequent, lack of corrective action, no response to requests for data or COC Chair's letters. <u>Lack of transparency regarding implementation challenges.</u>

	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
	Failure to exercise port CPC controls	Year 1 = M, Subsequent years = S	<p>1. Year 1 = Request rectification</p> <p>2. Year 2 <u>and subsequent = <b>Identification.</b></u> Year 2 = Request submission of a plan of action to implement the provisions of the relevant Recommendation(s)</p> <p>3. Year 3 and subsequent = <u>Consider whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u></p> <p>4. All years: <u>consider capacity building and technical assistance options to recommend/facilitate</u></p>	<p>MCS measure requires major investment of resources or technology not available to the CPC.</p> <p><u>Transparency regarding implementation challenges.</u></p> <p>Request for technical assistance has been made but could not be met</p>	<p>Repeated or frequent, lack of corrective action, no response to requests for data or COC Chair.s letters, <u>Lack of transparency regarding implementation challenges.</u></p>
	Failure to exercise flag CPC controls	Year 1 = M, Subsequent years = S	<p>1. Year 1 = Request rectification</p> <p>2. Year 2 = <b>Identification;</b> request submission of a plan of action to implement the provisions of the relevant Recommendation(s) with the intent of rectifying the failure</p> <p>3. Year 3= Consider <u>whether to recommend ICCAT responsive actions in accordance with para 6 of Recommendation by ICCAT Concerning Trade Measures (06-13)</u></p>	<p>None (CPCs should not <u>authorize vessels to participate in ICCAT fisheries</u> if they cannot fulfil their obligations as flag CPC)</p>	<p>Repeated or frequent, <u>systematic failure to control fleet</u>, lack of corrective action, no response to requests for data or COC Chair's letters</p>

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	Type of PNC issue	Severity	Warranted Action by COC	Mitigating circumstances	Aggravating circumstances
			4. <u>All years:</u> <u>consider capacity</u> <u>building and technical</u> <u>assistance options to</u> <u>recommend/facilitate</u>		