# INTER-AMERICAN TROPICAL TUNA COMMISSION
## COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF MEASURES ADOPTED BY THE COMMISSION

**SECOND SPECIAL BIENNIAL MEETING**

**Lisbon, Portugal,**
**26 August 2026**

# DOCUMENT CORSB-02-01

## CATEGORIZATION OF NON-COMPLIANCE STATUS AND FOLLOW-UP ACTIONS — PHASE 5
## WORKING DOCUMENT PURSUANT TO RECOMMENDATION 14 (COR-16)

### CHAIR'S INTRODUCTORY NOTE

1. This document is presented pursuant to Recommendation 14 of the 16th Meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission, and constitutes the Working Document contemplated by Phase 5 of the *Detailed Process for the Intersessional Work on the Categorization of Non-Compliance Status and Follow-up Actions*. It is the basis for consideration under agenda item 4(b) of the Second Special Biennial Meeting of the Committee.

2. The intersessional work has proceeded as intended in the Detailed Process: the Discussion Paper; a First Round of written comments, in which submissions and communications were received from Canada, China, Colombia, the European Union, Japan, the United States, and jointly from Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama; the Phase 3 Consolidated Document, circulated to all CPCs; and a Second Round of written comments, in which submissions were received from Canada, the European Union and Vanuatu. The Chair thanks all CPCs for their engagement throughout the process and the quality of the submissions.

3. This document has been built from the record of the process as a whole. Where a CPC expressed its position in both rounds, the more recent one has been used to update the earlier one. Every input received throughout the process is dispositioned individually in Annex I, which maps each to the provision in which it is reflected or records the treatment it received. A limited number of elements introduced by the Chair to ensure the internal consistency and operability of the framework can be found in Part B of Annex I.

4. Several CPCs expressed support during the Second Round for the Working Assumptions set out in the Phase 3 Consolidated Document, with refinements that are reflected in the framework text.

5. The document comprises two parts, accompanied by draft recommendations and by an annex containing the treatment given to the different elements received. Part 1 sets out the Categorization of Non-Compliance and Follow-up Actions Framework. Part 2 addresses the incentive dimension of Resolution C-22-02, paragraph 8. The two parts are independent: nothing in part 2 conditions the consideration or adoption of part 1.

6. The framework in part 1 distinguishes between elements that operate within the existing instruments — through the review and recommendation chain established by paragraphs 3 to 7 of Resolution C-22-02 — and elements whose operation would require legal basis not currently conferred, which are retained in square brackets pursuant to Section F and reserved for Commission decision. This structure reflects the range of legal views expressed during the process, and it delivers the mandate of COR-16 Recommendation 14 in full: the framework as developed, the elements available for operation now, the elements awaiting authorization, and the pathway for their activation.

7. The compliance review process is a shared commitment to accountability, transparency and improvement in meeting the objectives and obligations of the Commission. It is not accusatory, punitive or adversarial in character. It provides an opportunity for CPCs to reflect on and discuss challenges, share best practices, and take responsibility, with the goal of continuous improvement. The framework has been drafted in that spirit throughout.

8. Under the developed framework, no compliance status is assigned other than by determination of the Committee, made collectively and on a case-by-case basis, and adopted by the Commission. The framework provides the Committee with structured criteria for a function it already exercises under Resolution C-22-02; it does not transfer that function to any other body or process. Categorization at IATTC level does not affect, and remains independent of, any categorization CPCs may have established for infringements of IATTC obligations in their domestic legal orders, and the treatment of infractions by vessels or operators remains governed by the domestic legal order of the CPC concerned (Sections A, paragraph 2 and Section B introductory paragraphs).

9. The legal interpretation questions identified during the intersessional process are the subject of the Secretariat's factual note, presented as an information document for the Second Special Biennial Meeting of the Committee. The note compiles the relevant provisions and identifies the readings they permit, without adopting any; nothing in the present document prejudges those questions. The elements of the framework whose operation would exceed the existing review and recommendations are precisely those reserved under Section F.

10. Part 2 records the state of the incentive dimension of Resolution C-22-02, paragraph 8, put forward by the joint submission of the Central American CPCs, together with the views expressed and the elements of positive recognition already present in part 1, and refers the question of its further development to the Commission.

11. The Committee is invited to consider the document under agenda item 4(b) and, under agenda item 5, the draft recommendations that accompany it, presented as a possible basis for its decisions. The Special Meeting is the venue in which all views on the framework are heard; the discussion it holds and the recommendations it adopts will constitute the Committee's response to the mandate of Recommendation 14. The Committee is also invited to take two decisions: the continuation of the framework's consideration toward a proposed amendment to Resolution C-22-02, and the inclusion of the incentive dimension in the Committee's next work plan.

12. The framework is conceived as iterative: it is adopted as a framework, and its specific criteria may be refined over time in light of experience, through the update and review mechanisms it itself establishes. This work was identified at the First Special Biennial Meeting in 2024 as a short-term priority for action within two years. The present document completes that request within the period contemplated.

## PART 1: CATEGORIZATION OF NON-COMPLIANCE AND FOLLOW-UP ACTIONS FRAMEWORK.

### SECTION A: PURPOSE AND SUBJECT OF THE COMPLIANCE REVIEW PROCESS

**1. Purpose:** This framework is governed by the following statement of purpose, which is proposed for insertion as paragraph 1a of Resolution C-22-02 through the pathway set out in Section G, and which operates within the review-and-recommendation chain established in paragraphs 3 to 7 of that Resolution:

"The purpose of the compliance review process is to monitor and improve implementation of and compliance with obligations arising under the Convention and IATTC resolutions by CPCs, in particular by: providing a mechanism and procedures for reviewing compliance; assessing compliance by CPCs with their obligations under the Convention and IATTC resolutions; identifying any trends in non-compliance; identifying areas in which technical assistance or capacity building may be needed to assist CPCs to achieve compliance; identifying aspects of IATTC resolutions which may require improvement or amendment to facilitate or advance their effective implementation; providing for responses to non-compliance through preventive and remedial actions on the basis of a graduated and proportional approach taking into account the reasons for and degree of non-compliance; and monitoring and verifying corrective actions taken by CPCs to resolve outstanding non-compliance issues."

**2. Subject of assessment:** Compliance is assessed at the level of the CPC. The object of assessment is the CPC's implementation of its obligations under the Convention and the Resolutions, including the operation of its control and enforcement systems. Individual vessel or operator infractions are not themselves the subject of status assignment under this framework; information concerning them is examined by the Committee over time as part of the CPC's compliance record, consistent with the preparatory procedures of Resolution C-22-02, paragraph 3. The treatment of infractions by vessels or operators, including the determination of applicable proceedings and measures, remains governed by the domestic legal order of the CPC concerned.

### SECTION B: INTEGRATED TABLE

The table in this Section performs two distinct functions:

1. The first function is the classification of types of potential non-compliance by severity level (MI, NO, SR, VS). This classification attaches to the obligation concerned. It is established once, upon adoption of the framework, and does not constitute an assessment of the conduct of any CPC. This first function engages only the four severity levels; the remaining statuses in the table serve the second function alone.

2. The second function is to set out the compliance statuses that may be assigned to a CPC with respect to a specific obligation in a given review cycle. These statuses comprise three groups: Compliant; the four non-compliance statuses, which correspond to the severity levels established under the first function and are subject to adjustment under Section D; and the statuses relating to the assessment process itself (Not Assessed; Additional Information Required; No Consensus Reached), retained from Annex 2 of Resolution C-22-02.

In all cases, a compliance status is assigned only by determination of the Committee, adopted by the Commission, pursuant to paragraphs 5 and 6 of Resolution C-22-02 and following the process set out in Section C.

For greater certainty, categorization at the IATTC level is independent of any categorization that CPCs may have established in their domestic legal orders for infringements of IATTC obligations.

**Integrated Table of Status Categories for Potential Non-Compliance and Follow-up Actions.**

| **Compliance status[1]** | **Assignment criteria: types of potential non-compliance and thresholds[2]** | **Related resolutions (indicative)[3]** | **Follow-up actions[4]** |
|---|---|---|---|
| **Compliance** | | | |
| **Compliant (C)** | The CPC is fully compliant with the relevant obligation; no compliance issue has been identified with respect to that obligation. | — | No further action required. |
| **Categorization of potential non-compliance by severity level** | | | |
| **Minor Non-Compliance (MI) — Level 1** | Actions or omissions constituting a minor infringement of relevant obligations, including:<br>• submission of incomplete, insufficient, unclear or incorrect information or data, with minimal impact on the ability of the Committee or the Commission to carry out their work;<br>• a reporting or submission deadline missed by fewer than 15 days;<br>• a reporting or submission deadline missed, where the required report or information was submitted prior to the circulation of the Draft Compliance Report and the case is not a repeated case of non-compliance;<br>• any other potential non-compliance of a type initially categorized at this level. | *Secretariat to complete pursuant to the update mechanism — Section G, paragraph 2.* | • Review of compliance to identify non-compliance of a minor or technical nature and implementation gaps;<br>• submission of missing or corrected data or information;<br>• identification of remedial action taken or proposed to be taken.<br>*For cases under the third criterion (deadline missed, report submitted prior to circulation of the Draft Compliance Report, not repeated): a status of MI with "no further action" shall be proposed by the Chair, with the assistance of the Director, in the Draft Compliance Report.* |

| Compliance status[1] | Assignment criteria: types of potential non-compliance and thresholds[2] | Related resolutions (indicative)[3] | Follow-up actions[4] |
|---|---|---|---|
| **Notable Non-Compliance (NO) — Level 2** | Actions or omissions constituting a notable infringement of relevant obligations, including:<br>• a minor non-compliance (MI) repeated or not resolved by the following year (see Section D);<br>• failure to respond to a letter of concern;<br>• a reporting or submission deadline missed by more than 15 days;<br>• failure to report statistical or other required data, or failure to submit required reports (excluding obligations identified under other categories);<br>• failure to implement safe handling and release requirements;<br>• any other potential non-compliance of a type initially categorized at this level. | *Secretariat to complete pursuant to the update mechanism — Section G, paragraph 2.* | • Submission of required information, data or reports within a period determined by the Committee or the Commission, using three months following the conclusion of the annual Commission meeting as a reference point;<br>• identification of remedial action taken or proposed to be taken to improve implementation of the relevant obligation. |
| **Serious Non-Compliance (SR) — Level 3** | Actions or omissions constituting a serious infringement of relevant obligations, including:<br>• a notable non-compliance (NO) repeated or not resolved by the following year;<br>• failure to submit a required detailed Compliance Action Plan in response to previous cases of non-compliance;<br>• failure to implement monitoring, control and surveillance measures, including catch and trade documentation programs or schemes, port controls, transshipment controls, and other controls required as flag or market CPC; | *Secretariat to complete pursuant to the update mechanism — Section G, paragraph 2.* | • Development of a detailed Compliance Action Plan, in the standardized format (Section E, paragraph 2), to assist the CPC to actively take steps to respond to and rectify the non-compliance or improve implementation of the relevant obligations;<br>• identification of technical assistance or capacity-building needs, where appropriate. |

| Compliance status[1] | Assignment criteria: types of potential non-compliance and thresholds[2] | Related resolutions (indicative)[3] | Follow-up actions[4] |
|---|---|---|---|
| | • failure to implement or enforce minimum size provisions;<br>• failure to implement or enforce by-catch provisions;<br>• failure to implement or enforce VMS provisions;<br>• failure to implement or enforce gear restrictions, requirements or limitations;<br>• deficiencies in the implementation or enforcement of time/area closures not involving fishing during a closure period (see VS);[5]<br>• failure to submit the Standard Compliance Questionnaire (C-22-02), where not systematic and repeated (see VS);[5]<br>• any other potential non-compliance of a type initially categorized at this level. | | |
| **Very Serious Non-Compliance (VS) — Level 4** | Actions or omissions constituting a very serious infringement of relevant obligations, comprising:<br>**(a) the types of potential non-compliance identified in Recommendation 15 of the 14th Meeting of the Committee (COR-14):**<br>• harassment and safety of observers;<br>• fishing during a closure period;[5]<br>• failure to provide catch and effort data;<br>• observer coverage and the related reporting obligations;<br>• the systematic and repeated failure to provide the Compliance Questionnaire;[5]<br>**(b) the following types identified in the intersessional record:** | *Secretariat to complete pursuant to the update mechanism — Section G, paragraph 2.* | • Identification of a compliance remedy to address the non-compliance, including review and, where applicable, adjustment of an existing Compliance Action Plan;<br>• [for cases of non-respect of catch limits and, where applicable, capacity or effort limits: application of the payback or corrective mechanisms indicated in the relevant Resolutions — Tier 2 element, see Section F];<br>• any further action decided by the Commission within the framework of the relevant Resolutions or the Convention. |

| Compliance status[1] | Assignment criteria: types of potential non-compliance and thresholds[2] | Related resolutions (indicative)[3] | Follow-up actions[4] |
| --- | --- | --- | --- |
| | • failure to respect catch limits (by stock, on an individual basis);<br>• exceeding fleet size, fishing effort or other capacity limits, including active FAD limits;<br>• exceeding active FAD limits by a significant number [definition of "significant number" to be developed], or remaining over the active FAD limit for more than 10 consecutive days;<br>• failure to implement a Compliance Action Plan;<br>**(c) and:**<br>• a serious non-compliance (SR) repeated or not resolved by the following year;<br>• any other potential non-compliance of a type initially categorized at this level. | | |
| **Statuses relating to the assessment process (retained from Annex 2 of Resolution C-22-02)** | | | |
| **Not Assessed (NA)** | Assessment of the CPC's performance with respect to the obligation is not possible because the obligation is proven to be ambiguous or there is a lack of clarity as to its requirements; or cases of emergency relating to the safety of a ship and those on board, or saving life at sea.<br>*(Consolidates the categories "Need of interpretation or clarification by Committee/Commission" and "No compliance status assigned" of Annex 2 of Resolution C-22-02.)* | — | • The Commission to clarify the obligation and, if necessary, review and amend the relevant provision or conservation and management measure;<br>• no further action in emergency cases. |

| Compliance status[1] | Assignment criteria: types of potential non-compliance and thresholds[2] | Related resolutions (indicative)[3] | Follow-up actions[4] |
|---|---|---|---|
| **Additional Information Required** | No, insufficient or unverifiable information or data exists for the assessment of the case. *(Retained from Annex 2 of Resolution C-22-02.)* | C-22-02 | Review by the Committee and the Commission; further information and/or action(s) sought from the CPC concerned. |
| **No Consensus Reached** | No consensus is reached on the compliance status. *(Retained from Annex 2 of Resolution C-22-02.)* | C-22-02 | The report to reflect the discussion in the Committee and/or the Commission. |

**Notes**

*[1] "Compliance status" refers to the status assigned by the Committee and the Commission with respect to the relevant CPC's implementation of, and response to compliance issues identified under, IATTC Resolutions and obligations. Level names are retained from document COR-16-INF-A for continuity. Consolidation to a three-tier structure remains open on the record of the Second Round.*

*[2] Where an instance of potential non-compliance is identified that does not fall within the descriptions established in this table, the Committee will make a recommendation on the appropriate level for that type of potential non-compliance moving forward, in line with the criteria and approach established herein (residual clause). This approach is consistent with Recommendation 15 of COR-14, which provides that its list "is non-exhaustive nor indicative and it will continue to be developed by the Committee."*

*[3] Indicative and non-exhaustive; to be completed and maintained by the Secretariat pursuant to the update mechanism (Section G, paragraph 2), without prejudice to Member positions on applicability.*

*[4] All follow-up actions are identified by the Committee for recommendation to the Commission pursuant to paragraphs 5 and 6 of Resolution C-22-02. Technical assistance and capacity-building options shall be considered for all non-compliance statuses (Resolution C-22-02, paragraph 9). Escalation and adjustment operate as set out in Section D (frequency as sole automatic factor; rebuttable before the Committee; capacity-building freeze).*

*[5] Grading note. Recommendation 15 of COR-14 identifies "fishing during a closure period" and "the systematic and repeated failure to provide the Compliance Questionnaire" at the most serious level. Accordingly, deficiencies in the implementation or enforcement of time/area closures not involving fishing during a closure period, and a non-repeated failure to submit the Questionnaire, are categorized at SR.*

*[6] Contributions to the Commission budget are not categorized in this table. Article XV, paragraph 4, of the Antigua Convention establishes the consequence applicable to arrears in contributions; the treatment of contributions within the compliance review process is under separate discussion in the Committee.*

## SECTION C: STATUS ASSIGNMENT PROCESS

This Section sets out the process by which compliance statuses are assigned under the framework. It operates within, and does not modify, the preparatory and review procedures established in paragraphs 3 to 7 of Resolution C-22-02.

**1. Preliminary classification proposal:** (1) The severity level of each type of potential non-compliance is established by the table in Section B and attaches to the obligation concerned; it is established once, upon adoption of this framework. (2) On the basis of the information compiled pursuant to paragraph 3 of Resolution C-22-02, the Director shall include in the Draft Compliance Report, for each identified case, a preliminary compliance status proposed in accordance with the criteria in Section B. The preliminary proposal is prepared solely to facilitate the Committee's review; it has no legal effect and does not prejudge the Committee's determination. The Draft Compliance Report shall be circulated in accordance with the timeline established in paragraph 3(d) of Resolution C-22-02.

**2. CPC response:** Each CPC shall investigate and respond to the cases concerning it in accordance with paragraph 3(c) of Resolution C-22-02. In its response, the CPC may present any information, clarification or corrective action it considers relevant, and may indicate the compliance status it seeks with respect to each case. The CPC concerned may submit written observations on any preliminary status proposed under Section C, paragraph 1 up to and during the Committee's review of the case.

**3. COR determination and Commission adoption:** The Committee shall review each case and determine, collectively and on a case-by-case basis, the compliance status of the CPC concerned with respect to each obligation, guided by the criteria in Section B, and shall record its determinations and any recommended follow-up actions in the Provisional Compliance Report, in accordance with paragraph 5 of Resolution C-22-02. The Final Compliance Report shall be adopted by the Commission in accordance with paragraph 6. No compliance status is assigned other than by determination of the Committee adopted by the Commission.

**4. Treatment of promptly corrected reporting cases**: Where a reporting deadline has not been met but the required report or information is submitted prior to the circulation of the Draft Compliance Report, and the case is not a repeated case of non-compliance, the Chair, with the assistance of the Director, shall propose in the Draft Compliance Report a status of Minor Non-Compliance (MI) with "no further action," in order to focus the Committee's review on substantive cases requiring attention. The proposal remains subject to the Committee's review.

**5. Case lifecycle and resolution:** (1) An identified case of potential non-compliance shall remain on subsequent Draft Compliance Reports until it is resolved, consistent with Annex 2 of Resolution C-22-02. (2) A case is resolved where the CPC concerned demonstrates to the Committee the measures it has taken to rectify the situation and to ensure compliance moving forward, and the Committee and the Commission decide, on a case-by-case basis, that this is satisfactory. (3) Non-resolution of a case by the following year, or repetition of the same type of potential non-compliance with respect to the same obligation, is addressed under Section D. (4) Communication of compliance statuses and CPC responses following the annual meeting continue to be governed by paragraph 7 of Resolution C-22-02.

**SECTION D: ESCALATION AND ADJUSTMENT**

**1. Frequency as automatic factor:** Where a potential non-compliance with respect to a given obligation is not resolved by, or is repeated in, the year following its identification, the applicable level shall increase by one level at the next review cycle. Frequency is the only factor that operates automatically under this framework.

**2. Review before the COR:** The escalation under Section D, paragraph 1 operates as a default classification. The CPC concerned may present to the Committee any considerations relevant to the case during its review, and the Committee shall decide whether the escalation stands.

**3. Capacity-building freeze:** Where the CPC concerned is actively engaged in capacity building or technical assistance relevant to the obligation concerned — including under a Compliance Action Plan or through activities identified pursuant to paragraph 9 of Resolution C-22-02 — the level of the potential non-compliance shall not escalate under Section D, paragraph 1 for the duration of that engagement.

**4. Other circumstances:** No other mitigating or aggravating circumstances are enumerated as level-adjustment factors. Circumstances raised by a CPC are considered by the Committee under Section D, paragraph 2 and, as appropriate, in the identification of follow-up actions under Section E. Voluntary self-reporting of non-compliance and the implementation of corrective or remedial measures are expected of all CPCs as part of the normal operation of the compliance process and do not, of themselves, adjust the applicable level.

**5. Recurrence after resolution**: Where a case has been resolved and a potential non-compliance of the same type recurs after one or more intervening years without non-compliance with respect to the obligation concerned, the recurrence is classified at the starting level applicable to that type under Section B.

## SECTION E: FOLLOW-UP ACTIONS

**1. General principles:** (1) Follow-up actions are those set out for each status in the table in Section B. The term "follow-up actions" replaces "warranted actions" throughout the framework. (2) All follow-up actions are identified by the Committee, on a case-by-case basis, for recommendation to the Commission pursuant to paragraphs 5 and 6 of Resolution C-22-02. The actions listed in Section B guide but do not exhaust the Committee's assessment; the Committee retains the flexibility to address each case on its circumstances, within a graduated and proportional approach. (3) The framework operates iteratively: it is adopted as a framework, and its specific criteria may be refined over time in light of experience. (4) [Proposed formulation retained pursuant to Section F, paragraph 3(a): at SR and VS levels, the Commission may require the CPC concerned to implement the follow-up actions on the recommendation of the committee.]

**2. Compliance Action Plans:** (1) Compliance Action Plans under this framework shall follow a standardized template, to be developed by the Secretariat for the Committee's consideration. (2) The template shall provide, at a minimum, for: a clear definition of the compliance issue; the detailed actions to be taken and next steps; timelines for correction; transparent criteria for determining when the non-compliance has been adequately addressed; and the identification of technical assistance or capacity-building needs, where relevant. (3) Each Compliance Action Plan shall be reviewed by the Committee at each annual cycle for the duration of its implementation. A Compliance Action Plan concludes when the Committee determines that its criteria for adequate resolution have been met; the case is thereupon resolved in accordance with Section C, paragraph 5. (4) Standardized formats may also be elaborated for submissions and follow-up actions at other levels.

**3. Technical assistance and capacity building:** Technical assistance and capacity-building options shall be considered for all non-compliance statuses, in accordance with Resolution C-22-02, paragraph 9. Active engagement in relevant capacity building operates as set out in Section D, paragraph 3.

**4. Annual review of follow-up actions:** Implementation of follow-up actions begins upon adoption of the Final Compliance Report. The agenda of each Committee meeting shall contain a standing item on follow-up actions, under which each CPC concerned reports on the actions taken in accordance with the Final Compliance Report of the previous year. This review feeds the case lifecycle under Section C, paragraph 5 and the escalation mechanism under Section D.

## SECTION F: ELEMENTS REQUIRING COMMISSION AUTHORIZATION

**1. Bracketing convention:** Certain elements identified during the intersessional work command substantive support in the record but raise questions of legal basis that the Committee cannot resolve within its own functions. Consistent with the approach proposed during the intersessional process, these elements are retained in this framework in square brackets. Bracketed text forms part of the framework as developed; it does not operate, and shall not be applied, unless and until the Commission has established the corresponding legal basis. The brackets record the state of the work faithfully: they neither discard elements that CPCs have proposed and supported, nor apply elements whose authorization remains pending. Two elements of the framework are so bracketed: the mandatory formulation at Section E, paragraph 1(4), and the payback element in the follow-up actions at the Very Serious level in the table in Section B. Both are reproduced in paragraph 3 of this Section.

**2. Application:** An element is bracketed under this Section where its operation would require the exercise of authority not currently conferred by the Antigua Convention or by a Resolution in force — in particular, where it would require a CPC to apply fishery restrictions or a reduction of fishing opportunities. Such requirements can be applied only where there is explicit legal grounding in a horizontal or in a stock-specific Resolution.

**3. Bracketed elements:** The following elements are bracketed pursuant to this Section:

**(a) Mandatory formulation of follow-up actions at SR and VS levels:** The record contains proposals to formulate certain follow-up actions at Serious and Very Serious levels in mandatory terms ("require CPCs to implement") rather than recommendatory terms. Under the current framework, all follow-up actions are identified by the Committee for recommendation to the Commission (Section E); a mandatory formulation operating directly upon CPCs would require Commission action establishing its basis. The proposed formulation is retained in brackets at Section E, paragraph 1(4), as follows: "[at the SR and VS levels, the Commission may require the CPC concerned to implement follow-up actions, on the recommendation of the Committee]".

**(b) General application of payback or corrective mechanisms:** The record contains support for the application of payback mechanisms — the correction of overages of catch, capacity or effort limits through proportional adjustments — as a follow-up element at VS level (Section B, VS row). The Commission has established mechanisms of this nature in specific instruments, including Resolution C-24-02 (payback of overages) and Resolution C-25-01, paragraph 4 (additional closure days for purse-seine vessels exceeding the annual bigeye catch limit). These instruments establish corrective mechanisms within their respective scopes; a generally applicable payback element operating across obligations would require equivalent grounding in a horizontal Resolution or in the relevant stock-specific Resolutions. The element is retained in brackets pending such grounding. The bracketed text, in the follow-up actions at the Very Serious level in the table in Section B, reads: "[for cases of non-respect of catch limits and, where applicable, capacity or effort limits: application of the payback or corrective mechanisms indicated in the relevant Resolutions]".

**4. Pathway to authorization:** For each bracketed element, the questions for the Commission are: whether to establish the legal basis for the element; through which instrument (amendment of Resolution C-22-02, a horizontal Resolution, or stock-specific Resolutions); and on what terms. These questions are reflected in the draft recommendations accompanying this document. The bracketed elements remain part of the framework and available for activation upon Commission action, without further development work by the Committee being required.

**5. Relationship to the legal interpretation questions:** The legal interpretation questions identified during the intersessional process and set out in the Secretariat's factual note concern, inter alia, the scope of the Committee's functions under Annex 3 of the Antigua Convention read with Resolution C-22-02. Nothing in this framework prejudges those questions. The elements of this framework outside this Section operate through the existing review-and-recommendation chain of Resolution C-22-02, paragraphs 3 to 7; the elements within this Section are precisely those whose operation would exceed that chain, and they are accordingly reserved for Commission decision.

**SECTION G: INTEGRATION PATHWAY INTO RESOLUTION C-22-02**

**1. Amendment of Annex 2:** Recommendation 22 of COR-16 already recommends that the Commission amend Annex 2 of Resolution C-22-02. It is proposed that the table in Section B constitute the content of that amendment, replacing the current table in Annex 2. The proposed table subsumes all six existing Annex 2 categories without deleting any; the amendment is accordingly evolutionary in character. The statement of purpose in Section A, paragraph 1 is proposed for insertion as paragraph 1a of Resolution C-22-02 through the same vehicle. Consistent with the scope of the intersessional mandate under Recommendation 14, these amendments are recommended to the Commission for its decision.

Specifically, of the six existing Annex 2 status categories: “Additional information required” and “No consensus reached” are retained unchanged; “Need of interpretation” and “No compliance status assigned” are consolidated into “Not Assessed”; “Resolved” and “Not Resolved” are retained as case-lifecycle statuses in the assignment process (Section C, paragraph 5): an identified potential non-compliance remains on subsequent Draft Compliance Reports until resolved, and non-resolution by the following year feeds the escalation mechanism in Section D.

**2. Update mechanism:** The Secretariat shall update the "Related Resolutions" column of the table intersessionally to reflect amended or new measures, without prejudice to Member positions on applicability. Following each Annual Meeting of the Commission, the Secretariat shall circulate a proposed update to the Committee for its consideration. In preparing updates, the Secretariat shall distinguish between obligations requiring regular assessment and obligations relating to legislative or structural implementation that, once fulfilled, may not require repeated verification; the classification of an obligation in the latter category is subject to confirmation by the Committee, and any such obligation shall be returned to regular assessment where its implementation proves to be of an ongoing character.

**3. Standard Compliance Questionnaire:** The revised structure of the Standard Questionnaire under Annex 1 of Resolution C-22-02, as proposed in the intersessional record, is recommended for adoption through the same amendment vehicle, comprising: prefilled columns for the Resolution, paragraph number, specific obligation, and corresponding non-compliance category; a column for the compliance status sought by the CPC; and a column for the CPC's detailed explanation, including the status or result of any investigation and corrective or remedial action taken or proposed. The "attachment" section of the current Questionnaire is deleted; CPCs are encouraged to accompany their completed Questionnaire with relevant supporting documents, which shall not be shared with other CPCs except with the agreement of the CPC concerned by the compliance issue. In all reporting formats under this framework, a compliance status entered by a CPC constitutes the status sought by that CPC, without prejudice to the determination of the Committee under Section C, paragraph 3.

**4. Review of the framework:** The Committee shall review the operation of the framework following its second annual cycle of application, on the basis of a report by the Secretariat, and shall recommend to the Commission any adjustments arising from that review.

## PART 2: THE INCENTIVE DIMENSION OF RESOLUTION C-22-02, PARAGRAPH 8

Part 2 forms an integral part of this Working Document. It records the state of development of the incentive dimension contemplated by paragraph 8 of Resolution C-22-02: the proposal in the record concerning it, the views expressed, and the elements of the framework in Part 1 relevant to it. It contains no text proposed for adoption; its operative effect lies solely in the Draft Recommendation 2.

**2.1 Basis:** Paragraph 8 of Resolution C-22-02 provides: "The Committee may consider development of a scheme of sanctions and incentives as well as a mechanism for their application to improve compliance by all CPCs to be submitted to the Commission for consideration and possible adoption." The intersessional work mandated by Recommendation 14 of COR-16 has developed the framework set out in Part 1, which provides for responses to non-compliance through preventive and remedial actions on the basis of a graduated and proportional approach. The incentive dimension contemplated by paragraph 8 has not been the object of equivalent development by the Committee.

**2.2 Proposal:** The joint submission of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama in the First Round (Section 7 and Annex 4 of the Phase 3 Consolidated Document) is the only proposal in the intersessional record that addresses this dimension. The joint submission observed that paragraph 8 refers to both dimensions, and proposed a system of public compliance ratings under which sustained compliance over defined periods would receive formal recognition by the Commission, with statuses reflecting the CPC's compliance trajectory over time. The Chair recalls that this contribution placed the incentive dimension on the table of the intersessional work, where it had not previously been addressed.

**2.3 Views expressed:** In the Second Round, the European Union expressed the view that a system of incentives is neither necessary nor appropriate, on the ground that CPCs are required to comply with their obligations by virtue of their status as Contracting Parties, in accordance with Article XVIII, paragraph 1, of the Convention. No other CPC addressed this dimension in the Second Round. The question accordingly remains open on the record.

**2.4 Positive recognition elements already included in Part 1:** Without prejudice to that question, the Chair observes that the framework in Part 1 already contains elements through which positive compliance performance receives concrete recognition: (a) the formal status of "Compliant" (Section B); (b) the streamlined treatment of promptly corrected, non-repeated reporting cases, assigned MI with no further action (Section C, paragraph 4); (c) the suspension of escalation during active engagement in relevant capacity building (Section D, paragraph 3); (d) the resolution mechanism, under which a CPC that demonstrates satisfactory corrective measures exits the process (Section C, paragraph 5); and (e) the classification of a recurrence following resolution at the starting level of the type concerned, rather than at an escalated level (Section D, paragraph 5). These elements operate within the compliance framework and do not constitute a reward system; they demonstrate that the recognition of positive performance and a rigorous compliance framework are not mutually exclusive. Whether these elements exhaust the incentive dimension contemplated by paragraph 8, or whether that dimension warrants further development, is precisely the question addressed in the draft recommendation 2.

**2.5 Question reserved for the Commission:** Whether the incentive dimension of paragraph 8 should be developed further, and if so through which instrument and on what terms, is a question the intersessional record does not resolve. It is accordingly proposed that the consideration of this dimension be included in the Committee's work plan for the next intersessional period, consistent with the sequence established by paragraph 8, under which the Committee considers and the Commission decides. The corresponding draft recommendation is included in this document.

**2.6 Independence of the Parts.** Nothing in this Part conditions the consideration or adoption of Part 1. The framework in Part 1 is complete and operates independently of any decision taken with respect to this Part.

## DRAFT RECOMMENDATIONS OF THE SECOND SPECIAL BIENNIAL MEETING

The following draft recommendations are presented to assist the Meeting's consideration under agenda item 5. They constitute a possible basis for decision, without prejudice to the Meeting's full discretion to amend, replace, or decide not to adopt any of them. No element of the framework acquires effect except by decision of the Commission, adopted in accordance with Article IX of the Convention; the elements identified in Section F additionally require the establishment of the corresponding legal basis.

The Committee, having considered the Phase 5 Working Document under agenda item 4, agrees to transmit the following recommendations to the Commission (final numbering to be assigned by the Meeting):

**Draft Recommendation 1:** To continue the consideration of the categorization framework on the basis of the Phase 5 Working Document — which completes the mandate of Recommendation 14 of COR-16 — taking into account the views expressed at the Meeting, with a view to presenting a proposed amendment to Resolution C-22-02, consistent with Recommendation 22 of COR-16, for consideration at the 18th Meeting of the Committee and possible adoption by the Commission. This consideration shall encompass the elements bracketed pursuant to Section F, including the instrument and the terms through which the corresponding legal basis could be established.

**Draft Recommendation 2:** To include in the Committee's work plan for the next intersessional period the consideration of the incentive dimension of Resolution C-22-02, paragraph 8, as set out in Part 2 of this document and taking into consideration the elements of positive recognition identified in paragraph 2.4 of Part 2.

## ANNEX I: TREATMENT OF ELEMENTS RECEIVED DURING THE INTERSESSIONAL PROCESS

1. This Annex records the disposition of the comments and proposals received from CPCs during the First Round (R1) and Second Round (R2) of the intersessional process. Each entry indicates where the input is reflected in this Working Document or, where an input was not retained, the reason, by reference to the record of the process. The following terms are used: **Reflected** (incorporated, with section reference); **Absorbed** (incorporated within a broader formulation, with the governing record indicated); **Retained in brackets** (incorporated subject to Section F); **Referred** (transmitted for decision through the accompanying draft recommendations); **Not retained** (with the record-based reason); **Noted** (recorded in the process without incorporation into the framework text at this stage, with the treatment indicated

2. Part B identifies the elements introduced by the Chair (none of which originates in a CPC submission) together with the basis for each. These are identified for transparency; each is severable and may be adjusted by the Meeting without affecting the balance of the framework.

### PART A: ELEMENTS BY CPC

***Canada***

1. Level criteria with quantitative and procedural thresholds (deadlines under/over 15 days; non-response to letter of concern; non-submission of required action plan) (R1). **Reflected**: Section B, MI/NO/SR rows.

2. Principle of pre-assigned starting levels by PNC type (R1, reiterated R2). **Reflected**: Section B architecture (first function).

3. First Round comments on the subject of assessment (Theme 3) (R1) Reflected: Section A, paragraph 2

4. Three-month period for submission of missing information, presented in brackets (Canada R1, endorsing proposed text). **Absorbed:** flexible formulation with three months as reference point (Section B, NO row), per the Second Round record (EU R2)

5. COR-14 types at the most serious level (R1, reiterated R2). **Reflected:** Section B, VS row (a).

6. Residual clause (R1, reiterated R2). **Reflected:** Section B, note 2.

7. Support for the EU table architecture, with the Compliant and Not Assessed categories proposed by Vanuatu (R2). **Reflected:** Section B status architecture.

8. Four-tier structure, openness to three tiers (R2). **Reflected:** four tiers retained; consolidation option noted open (Section B, note 1).

9. Clarity concerns regarding proposed category names; no "years" in level designations (R2). **Reflected:** MI/NO/SR/VS nomenclature retained from COR-16-INF-A.

10. Request for a definition of "significant number" in the FAD provision (R2). **Reflected:** definitional bracket, Section B, VS row (b).

11. Support for streamlined treatment of promptly corrected reporting cases (R2). **Reflected:** Section C, paragraph 4.

12. Frequency as the only automatic aggravating factor; CPCs may present mitigating factors before the Committee (R2). **Reflected:** Sections D, paragraph 1–D, paragraph 2.

13. Non-support for the additional mitigating factors proposed by China (R2). **Reflected:** Section D, paragraph 4.

14. Support for the EU statement of purpose (R2). **Reflected:** Section A, paragraph 1.

15. Support for the EU follow-up actions at VS, with Secretariat guidance sought on Action Plan content (R2). **Reflected:** Section E, paragraph 2 (template development tasked to the Secretariat).

16. Openness to integrating Vanuatu's follow-up proposals (R2). **Reflected:** Section E (merged formulation).

17. Support for case-by-case breadth and an iterative framework refined over time (R2). **Reflected:** Sections E, paragraph 1(2)–(3).

18. Support for C-22-02 integration and questionnaire revision (R2). **Reflected:** Sections G, paragraph 1, G, paragraph 3.

19. Reservation regarding one-time review of legislative obligations (R2). **Reflected:** Section G, paragraph 2 (Committee confirmation; return to regular assessment).

20. Criteria for resolution of non-compliance: CPC demonstrates, Committee and Commission decide case-by-case (R2). **Reflected:** Section C, paragraph 5(2).

21. Sufficiency of the two-year timeline; no impact from the harmonization exercise (R2). **Reflected:** Introductory Note, paragraph 12.

22. Framing of the compliance review as a shared, non-punitive commitment (R2). **Reflected:** Introductory Note, paragraph 7.

***European Union***

23. Alternative compliance-status-based table (R1). **Reflected:** Section B (backbone of the integrated table, as endorsed by Canada in R2).

24. Obligation lists per level (R1). **Reflected:** Section B rows, harmonized with Recommendation 15 of COR-14 (Section B, note 5; Part B, item 2).

25. First Round comments on the subject of assessment (Theme 3) (R1). **Reflected:** Section A, paragraph 2

26. Categorization of failure to contribute to the Commission budget at the most serious level, with follow-up referring to Article XV, paragraph 4, of the Antigua Convention (EU R1 table; a connection also drawn in the USA R1 table). **Not retained:** Article XV, paragraph 4, of the Antigua Convention itself establishes the consequence applicable to arrears in contributions (suspension of participation in decision-making, unless the Commission decides otherwise); contributions are addressed institutionally through the Committee on Administration and Finance; and the question whether arrears fall within the scope of the compliance review is under separate discussion in the

Committee. The omission is without prejudice to the obligation to contribute under the applicable instruments and to the outcome of that discussion.

27. Revised Standard Compliance Questionnaire (R1). **Reflected:** Section G, paragraph 3.
28. Proposed paragraph 1a of Resolution C-22-02 (statement of purpose) (R1). **Reflected:** Sections A, paragraph 1, G, paragraph 1.
29. Bracketed corrective element at the most serious level (R1). **Retained in brackets:** Section B, VS row (follow-up); Section F, paragraph 3(b).
30. Support for the Working Assumptions with refinements (R2). **Reflected:** throughout the framework text.
31. Capacity building not relevant to level assignment (R2). **Reflected:** capacity building operates in follow-up actions (Section E, paragraph 3), not in assignment criteria.
32. Frequency as sole automatic factor; simplicity as design criterion (R2). **Reflected:** Section D, paragraph 1.
33. No other factors for level assignment; voluntary self-reporting not an automatic mitigator; corrective measures pertain to follow-up (R2). **Reflected:** Section D, paragraph 4.
34. Suspension of escalation during active capacity-building engagement (R2). **Reflected:** Section D, paragraph 3 (see Part B, item 4).
35. Openness to quantitative thresholds for overharvest (R2). **Noted** for future refinement under the iterative framework (Section E, paragraph 1(3)).
36. Elaboration on undetected infringements and adequacy of follow-up (R2). **Noted;** the substance is reflected in the scope of assessment ("operation of its control and enforcement systems," Section A, paragraph 2); the elaboration was not adopted as framework text.
37. Flexible period for missing information, three months as reference point (R2). **Reflected:** Section B, NO row (follow-up).
38. Support for the bracketing of legally uncertain elements (R2). **Reflected:** Section F, paragraph 1.
39. Openness to mandatory language subject to explicit legal grounding in a horizontal or stock-specific resolution (R2) **Reflected:** Section F, paragraph 2 (operative test); Section F, paragraph 3(a).
40. Structure B with a resolution-reference column (R2). **Reflected:** Section B (column incorporated).
41. Revision of Annex 2 of C-22-02 to integrate the outcomes (R2). **Reflected:** Section G, paragraph 1.
42. Standardized action-plan content to address reporting requirements (R2). **Reflected:** Section E, paragraph 2.
43. Position that a system of incentives is neither necessary nor appropriate (Article XVIII(1)) (R2). **Reflected:** Part 2, paragraph 2.3.

44. Severity, not urgency, as the criterion for categorization; independence from domestic categorizations (R2). **Reflected:** Section B architecture; Section A, paragraph 2.

***Vanuatu***

45. Compliant and Not Assessed statuses (R2). **Reflected:** Section B.
46. Three-tier consolidation proposal (R2). **Noted open** (Section B, note 1); four tiers retained per the record of the Second Round
47. Status definitions drawing on practice in other RFMOs (R2). **Reflected:** Section B criteria.
48. First Round comments on the subject of assessment (Theme 3) (R1). **Reflected:** Section A, paragraph 2
49. Streamlined treatment of promptly corrected reporting cases (R2). **Reflected:** Section C, paragraph 4; Section B, MI row.
50. "Follow-up actions" nomenclature (R2). **Reflected:** Section E, paragraph 1(1) and throughout.
51. Pre-assigned most-serious types, including catch limits and capacity limits (R2). **Reflected:** Section B, VS row (b).
52. Amendment of Resolution C-22-02 replacing the Annex 2 table (R2). **Reflected:** Section G, paragraph 1.
53. Support for the proposed paragraph 1a (R2). **Reflected:** Section A, paragraph 1.
54. Standing agenda item on follow-up actions (R2). **Reflected:** Section E, paragraph 4.
55. Capacity building and technical assistance at all statuses (R2). **Reflected:** Section E, paragraph 3.
56. Annual process description; avoidance of additional Secretariat burden (R2). **Reflected:** Sections C, E, paragraph 4; standardized formats (E, paragraph 2).

***United States***

57. Annotated version of COR-16-INF-A (R1). Treated per the following entries.
58. "Year 1 / Year 2" level designations (R1). **Not retained:** different types of non-compliance carry different starting levels, and time-based designations were found unclear (Canada, R2); the escalation function is reflected in Section D, paragraph 1.
59. Retention of a broader mitigating and aggravating mechanism, including degree of overharvest, degree of overcapacity, length of failure to implement, and advance notification of inability to report (R1). **Not retained** as an enumerated mechanism: the Second Round record converged on frequency as the sole automatic factor (Canada, EU); circumstances of this kind may be presented by the CPC concerned and considered by the Committee under Section D, paragraph 2, and in the identification of follow-up actions under Section D, paragraph 4.
60. Footnoting of legally-uncertain-actions device (R1). **Reflected:** in F, paragraph 1/F, paragraph 3
61. Mandatory formulation of follow-up actions at SR/VS levels ('require CPCs to implement' — Canada R1, endorsing proposed text; direct formulation at SR — USA R1 annotated table). **Retained in brackets:** Section E, paragraph 1(4); Section F, paragraph 3(a).

62. First Round comments on the subject of assessment (Theme 3) (R1). **Reflected:** Section A, paragraph 2

63. FAD-limit provision at the most serious level (R1). **Reflected:** Section B, VS row (b), with definitional bracket (Canada, R2).

64. Capacity building as a mitigating consideration (R1). **Absorbed:** reflected as suspension of escalation during active engagement (Section D, paragraph 3) and in follow-up actions (Section E, paragraph 3), not as a level-adjustment factor (Section D, paragraph 4).

65. Case-by-case breadth of follow-up actions; streamlined action plans (R1). **Reflected:** Sections E, paragraph 1(2), E, paragraph 2.

66. Defense of the obligation-type table structure (R1). **Absorbed:** resolution-reference column within the integrated table (Section B), per the R2 record.

***China***

67. Annual review and update mechanism, distinguishing operational from one-time legislative obligations (R1). **Reflected:** Section G.2, with Committee confirmation and return-to-regular-assessment safeguard (Canada, R2).

68. First Round comments on the subject of assessment (Theme 3) (R1). **Reflected:** Section A, paragraph 2.

69. Numeric thresholds (first three administrative instances = MI, more = NO). **Not retained:** R2 record converged on frequency as the sole automatic factor; circumstances raised by a CPC are considered under Sections D, paragraph 2 and D, paragraph 4.

70. Criteria for exit from non-compliance (R1). **Reflected:** Section C, paragraph 5(2), in the formulation supported in the R2 record.

71. Resolution-indexed structure preference (R1). **Absorbed:** resolution-reference column within the integrated table (Section B).

72. Replacement of 'restriction of fishing opportunities' with a payback mechanism (R1). **Retained in brackets:** Section B, VS row; Section F, paragraph 3(b).

73. Additional mitigating factors: voluntary self-reporting; implementation of corrective measures (R1). **Not retained:** not supported in the Second Round record (Canada, EU); addressed in Section D, paragraph 4 as elements of the normal operation of the process.

74. Distinction between administrative and substantive obligations (R1). **Absorbed:** the graduated structure distinguishes reporting and procedural failures (MI/NO) from substantive conservation obligations (SR/VS).

75. Overharvest quantitative threshold for SR/VS. **Noted for refinement**, merged with the EU's R2 openness.

***Colombia***

76. Request for a developed explanatory memorandum, together with a demonstration of urgency, noting that the current compliance system is in operation (R1, first note; reiterated in R1, second note). **Reflected in part:** Chair's Introductory Note (paragraph 1–3). The demonstration of urgency

is not a matter for the Chair or the Secretariat to establish; the priority and timeline established for this work by the First Special Biennial Meeting (2024) are recorded in paragraph 12, and the assessment of urgency remains within the deliberation of the Committee.

77. Request for analysis of legal consistency with the instruments governing the Commission (R1). **Reflected:** Secretariat factual note (information document); Section F.

78. Request for a comparative RFMO study (R1). **Reflected in part:** comparative precedents are incorporated where supplied by the record (Section B criteria); a dedicated study was not within the Phase 5 mandate and may be considered in a future work plan.

79. Preservation of the technical, gradual and procedural nature of the mechanism, privileging information exchange, observations, follow-up of commitments and the promotion of corrective measures or action plans; observance of the principles of due process, proportionality, transparency and non-discrimination (R1 second note). **Reflected:** Introductory Note paragraph 7; Section A, paragraph 1; Sections C and D (Committee determination; rebuttable escalation); Section E on action plans.

80. Follow-up reports and documents shall not generate binding legal effects nor automatically enable the imposition of unilateral restrictions outside formal decisions adopted by the Commission (R1 second note). **Reflected:** Section C, paragraph 1; Section C, paragraph 3 (Committee determination); Section F, paragraph 1; the use of compliance information remains governed by Resolution C-22-02, paragraph 11.

81. Question of coherence with existing instruments (R1 first note, reiterated in second note). **Noted:** instrument-coherence questions form part of the legal-interpretation path (factual note, information document).

82. Eventual measures with material or restrictive effects to be subject to express consideration and adoption by the Commission within the applicable normative framework, with implementation corresponding to the competent national authorities, without diminishing the sovereignty and jurisdiction exercised by States under international law and without resulting in the creation or exercise of supranational jurisdiction (R1, second note). **Absorbed:** the framework's structure corresponds to this position through Sections F, paragraph 1 to 4 (elements requiring Commission authorization); Section E, paragraph 1 (recommendatory chain); Section A, paragraph 2 and the Section B, introductory paragraphs (independence of domestic legal orders).

***Japan***

83. First Round comments on the subject of assessment (Theme 3) (R1). **Reflected:** Section A, paragraph 2. No Second Round submission was received.

***Joint submission from: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama***

84. Legal arguments concerning the scope of the Convention and the Committee's functions (R1). **Referred:** legal-interpretation path (factual note, information document), per the process commitments; structurally reflected in Section F, paragraphs 1, 2 and 5 of the same Section (elements requiring authorization bracketed) and Section C, paragraph 3 (recommendation chain).

85. Predefinition of the gravity of infractions by the Commission only where absolutely indispensable, on a case-by-case basis and reserved to each Resolution following a debate on its relevance and usefulness (R1, Statement of Reasons). **Not retained as proposed:** the Second Round record

converged on pre-assigned starting levels by type of potential non-compliance (Canada, EU, Vanuatu), and Recommendation 15 of COR-14, adopted by the Committee, established assignments of this nature. The element of deliberation is reflected in part: assignments for types not covered by the table are made by the Committee under the residual clause (Section B, note 2), and Recommendation 15 provides that its list will continue to be developed by the Committee.

86. First Round comments on the subject of assessment (Theme 3) (R1). **Reflected:** Section A, paragraph 2.

87. An eventual non-compliance by an individual actor cannot, of itself, affect the CPC as a whole (R1, Statement of Reasons). **Reflected in part:** individual vessel or operator infractions are not themselves the subject of status assignment (Section A, paragraph 2). Information concerning them is examined by the Committee over time as part of the CPC's compliance record; the object of assessment is the CPC's implementation of its obligations.

88. Gradation of the severity of infractions as a matter reserved to the domestic legal order (R1, Statement of Reasons). **Absorbed:** the framework requires no modification of any domestic legal order. Categorization at the IATTC level is independent of any categorization established domestically (Section A, paragraph 2; Section B, introductory paragraphs), and the classification of types attaches to the obligation concerned, not to the conduct of any CPC.

89. Referral by the Committee to the Commission of cases of persistent non-compliance without improvement (R1, System B implementation). **Absorbed:** the determination-and-recommendation chain under Section C, paragraph 3, and the escalation mechanism under Section D operate through the Committee and conclude in decisions of the Commission

90. Textual observation that Resolution C-22-02, paragraph 8 refers to both sanctions and incentives (R1). **Reflected:** Part 2, paragraph 2.1–2.2.

91. Alternative System A (urgency and action levels) (R1). **Not retained as architecture:** the Second Round record supports categorization by severity rather than urgency. Elements of the proposal are reflected in the framework: the action-plan concept is reflected in Section E, paragraph 2, and in the follow-up actions at the SR level (Section B); emergency situations relating to the safety of a ship or saving life at sea are reflected in the “Not Assessed” status (Section B); circumstances of force majeure more broadly may be presented by the CPC concerned and considered by the Committee under Section D, paragraph 2, and in the identification of follow-up actions.

92. "Under investigation" category (R1). **Not retained:** not supported in the Second Round record; the framework assesses CPC-level implementation (Section A, paragraph 2), while proceedings concerning operators remain governed by the domestic legal order of the CPC concerned.

93. Exit from the corresponding level upon fulfilment of the action plan (R1, System B implementation). **Reflected:** Section E, paragraph 2 (a Compliance Action Plan concludes upon the Committee's determination that its criteria have been met) and Section C, paragraph 5 (resolution of cases).

94. System B (incentive ratings) (R1). **Referred:** Part 2; Draft Recommendation 2. The joint submission is credited as having placed the incentive dimension on the table of the intersessional work (Part 2, paragraph 2.2).

95. Cooperation and good-faith approach to compliance (R1). **Reflected:** Introductory Note paragraph 7.
96. Due-process considerations; the CPC as guarantor with respect to operator infractions (R1). **Reflected:** Section A, paragraph 2 (domestic legal order); Section C, paragraph 2 (CPC response).

**PART B: ELEMENTS INTRODUCED BY THE CHAIR**

1. Preliminary proposed status in the Draft Compliance Report (Section C, paragraph 1(2)). **Basis:** Resolution C-22-02 does not specify who proposes the status considered by the Committee; the provision codifies existing Secretariat practice and is accompanied by the express safeguard that the proposal has no legal effect and does not prejudge the Committee's determination.
2. Grading reconciliations for closures and the Compliance Questionnaire (Section B, note 5). **Basis:** harmonization of the verbatim text of Recommendation 15 of COR-14 with the obligation lists in the First Round record; both sources are preserved in full.
3. Classification of a recurrence following resolution at the starting level of the type concerned (Section D, paragraph 5). **Basis:** the record addresses non-resolution and repetition in successive years but is silent on recurrence after resolution; the provision follows the proportionality logic of the framework. Severable.
4. Anchoring of the escalation suspension to Compliance Action Plans and paragraph 9 activities (Section D, paragraph 3). **Basis:** the concept in the record required a verifiable definition of "active engagement" for consistent application.
5. Placement of "Resolved"/"Not Resolved" as case-lifecycle statuses (Section C, paragraph 5). **Basis:** continuity of all six categories of Annex 2 of Resolution C-22-02; the resolution criteria follow the Second Round record.
6. "Compliance status sought by the CPC" designation in reporting formats (Section G, paragraph3). **Basis:** consistency with Resolution C-22-02, paragraph 5, under which the status is identified by the Committee; alignment of all reporting formats with the assignment process in Section C.
7. Application of the legal-grounding formulation as the operative test of Section F (Section F, paragraph 2). **Basis:** both bracketed elements concern requirements to apply fishery restrictions or reductions of fishing opportunities, the subject matter of that formulation in the Second Round record.
8. Nomenclature conformance ("follow-up actions"; "payback or corrective mechanisms"). **Basis:** Second Round record (nomenclature proposal; corrective characterization of the actions concerned).