

INTER-AMERICAN TROPICAL TUNA COMMISSION

89TH MEETING

Guayaquil (Ecuador)
29 June-3 July 2015

PROPOSAL IATTC-89 E-1

SUBMITTED BY THE EUROPEAN UNION

REVISION OF THE RESOLUTION C-11-07

RESOLUTION ON THE PROCESS FOR IMPROVED COMPLIANCE OF RESOLUTIONS ADOPTED BY THE COMMISSION

EXPLANATORY MEMORANDUM

Paragraph 10 of Resolution C-11-07 establishes that to facilitate the implementation of IATTC reporting requirements and review pursuant to Resolution C-11-07, the Committee shall also develop a set of common guidelines and formats.

The goal of the revision proposed by the EU is to add a new Annex to provide a standardized and straight forward document to reflect compliance record, areas of possible improvement as well as any recommended actions for consideration of the Commission as required by Paragraph 5 of the Resolution as currently the IATTC lacks such a system.

The new Annex will reflect the result of the discussions of the Commission and will serve as a reference document to facilitate the follow-up of decisions taken by the Commission.

Similar documents have also been adopted by the WCPFC, CCAMLR and SPRFMO.

5. At the end of the meeting, the Committee shall identify, for each CPC, the compliance record, areas of possible improvement as well as any recommended actions for consideration of the Commission based on the results of the review and discussion in paragraph 4 and using the criteria and considerations for assessing compliance status set out in Annex II. Such identifications and recommendations shall be recorded in the report of the Committee, which shall be sent to the Commission.
6. Before proceeding with actions under section D, the CPCs will have the opportunity to reply during the meeting of the Committee, either orally or in writing,
7. Follow-up of the Committee's work
8. Upon receiving the report from the Committee, the Commission shall consider any comments or replies from of the CPC concerned. If necessary, the Commission will subsequently decide actions for improving compliance by each CPC, which includes sending a letter from the Commission Chairman to each CPC, indicating each CPC's compliance record, and making recommendations for possible improvement. Based on the status accorded, those recommendations may include the need for the Commission to undertake a Compliance Review, develop a Compliance Action Plan or identify a Compliance Remedy.

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Annex II

<u>Compliance Status</u>	<u>Criteria</u>	<u>Follow up</u>
<u>Compliant</u>	<u>No compliance issues identified with respect to the relevant obligations.</u>	<u>none</u>
<u>Non-compliant</u>	<u>Non-compliance may be due to:</u> <u>Actions or omissions which constitute a minor infringement of relevant obligations;</u> <u>Insufficient, unclear or incorrect data or information;</u>	<u>Undertake a Compliance Review to identify non-compliance of a minor or technical nature or obligations with respect to which further information is required in order to identify implementation gaps and improve compliance.</u>
<u>Priority non-compliant</u>	<u>Non-compliance may be due to:</u> <u>Action or omissions that constitute a serious infringement of relevant obligations;</u> <u>Non-compliance that undermines the effectiveness of the Convention or IATTC Resolutions;</u> <u>Failure to comply with previous CTC recommendations adopted by the Commission, after sufficient time and assistance has been provided.</u>	<u>Develop a compliance action plan to assist Members and CNCPs to actively take steps to respond to and rectify non-compliance or improve implementation of relevant obligations, including through the provision of technical assistance or capacity building, where appropriate.</u>
<u>Seriously/Persistently Non-Compliant</u>	<u>Non-compliance may be due to:</u> <u>Action or omissions that constitute a repeated serious infringement of relevant obligations;</u> <u>Repeated non-compliance that undermines the effectiveness of the Convention or IATTC Resolutions;</u> <u>Repeated failure to comply with previous CTC recommendations after sufficient time and assistance has been provided.</u>	<u>Identify a Compliance Remedy to address instances of persistent non-compliance which have not been resolved even after sufficient time and assistance have been provided through a Compliance Action Plan.</u>
<u>Not assessed</u>	<u>Proven ambiguity of relevant obligations</u>	<u>Commission to clarify obligation and if necessary, amend relevant provisions</u>