COMISIÓN INTERAMERICANA DEL ATÚN TROPICAL

104~~1~~a REUNIÓN

~~Victoria~~Lisboa, ~~B.C., Canadá~~Portugal

~~7 1~~31 de agosto ~~-~~ 4 de setiembre de 202~~6~~3~~

PROPOSAL IATTC-104 K-1

SUBMITTED BY BELIZE, COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS, NICARAGUA, AND PANAMA

AMENDMENT TO RESOLUTION C-22-02

PARAGRAPHS 7 BIS, 7 TER, 7 QUATER ARE ADDED, PARAGRAPH 8 IS AMENDED, AS WELL AS AN ELEMENT TO ANNEX 2

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

EXPLANATORY MEMORANDUM

This amendment comes about in response to Recommendation 22 adopted by the Committee for the Review of the Implementation of Measures Adopted by the Commission (COR) at its 16th Meeting (Panama, 2025), by which the Committee recommended that the Commission amend Annex 2 of this Resolution C-22-02 to refine the definitions and criteria applicable to the different situations of possible non-compliance, in order to ensure its objective and consistent application. In this context, this amendment incorporates a differentiated status for those cases in which it is determined that a CPC has failed to comply with an obligation established in an existing resolution of the Commission.

Annex 2 contemplates various statuses that describe the procedural status of a matter of possible non-compliance, including 'Resolved', 'Unresolved', and 'Additional information required', but lacks a status that reflects the case in which, after exhausting verification efforts and respecting due process, it is confirmed that a CPC has not complied with its minimum obligations. This deficiency generates a discontinuity in the framework of the compliance process: a case can remain indefinitely as 'Unresolved' without a status that formally recognizes the confirmation of the non-compliance or triggers an orderly and proportionate response.

This proposed amendment addresses this discontinuity in a comprehensive manner. On the one hand, the status of 'Non-Compliance' is incorporated, assignable according to an objective criterion when a matter of possible non-compliance has been confirmed in accordance with due process, in articulation with the status of 'Unresolved' from which it derives. On the other hand, it specifies the criteria of the status of 'Resolved' and 'Unresolved' to ensure their objective and consistent application and establishes a correction procedure that privileges the improvement of compliance over any sanctioning purpose, in line with the objective of the committee to serve towards the improvement of compliance.

The Inter-American Tropical Tuna Commission (IATTC), gathered in Phoenix, Arizona on the occasion of its 100th Meeting:

Reaffirming that compliance by Members with measures adopted by the Commission is one of the key elements to achieve the objective of the Antigua Convention;

Concerned that in general the level of compliance within the Commission needs to be improved in order to ensure the long-term conservation and sustainable use of the fish stocks covered by the Convention; and

Aware that other tuna regional fisheries management organizations (RFMOs) have already started a comprehensive program for reviewing each member's compliance status;

Agrees that:

1. This Resolution shall be applied to Members and co-operating non-Members of the Commission (CPCs).

A) Meetings of the Committee for the Review of Implementation of Measures adopted by the Commission (the Committee)

2. Unless otherwise decided by the Commission:

   (a) Committee meetings shall be held for a period of at least two days in the week preceding the Commission's ordinary meeting;

   (b) Committee meetings shall be held during the ordinary meeting of the Commission in case there are Members that did not participate in the Committee meeting but are participating in that Commission meeting. Committee meetings may also be held, if necessary, during the ordinary meeting of the Commission for other reasons. Committee meetings, explicitly devoted to discussing improvements in the compliance process, shall be held biennially during the intersessional period, either virtually or in-person.

B) Committee preparatory work

3. In preparation for Committee meetings, the following procedures shall be followed:

   (a) Three months prior to the Committee meeting, the Director shall send each CPC a standard questionnaire on compliance with IATTC resolutions (Annex). The contents of the questionnaire shall be kept updated by the Director, in consultation with the Chair of the Committee, to reflect amendments to, or repeals of, existing resolutions, or the adoption of new resolutions.

   (b) The Director shall extract information on possible non-compliance with IATTC resolutions from the data from the observer programs for purse-seine fishing vessels, at-sea transshipment, and longliners as well as other available information, and send to each CPC, three months prior to the Committee meeting, such information related to the fishing vessels flagged to that CPC.

   (c) Each CPC shall fill in the questionnaire and send it back to the Director two months prior to the Committee meeting at the latest. Each CPC shall also investigate the possible non-compliance cases in sub-paragraph (b) and report the results of the investigation back to the Director two months prior to the Committee meeting.

   (d) The Director shall circulate all the filled-in questionnaires to all CPCs one month prior to the Committee meeting. The Director shall also circulate to all CPCs, one month prior to the Committee meeting, the list of names and flags of the fishing vessels involved in the possible non-compliance cases as well as the response of the flag CPCs to such cases.

C) Committee mandate and meetings - Provisional Compliance report

4. The Committee meeting shall review each CPC's compliance and enforcement of IATTC resolutions during the inter-sessional period preceding the meeting, based on, *inter alia*, the filled-in questionnaires, the compliance report provided by the Director and the information on possible non-compliance cases with IATTC resolutions in paragraph 3 (d). The Committee meeting shall also

discuss non-submission or late submission of the questionnaire by CPCs as well as repeated absences at Committee meetings. The order of such reviews shall be decided by the Chairman of the Committee in a fair and transparent manner.

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. Such identifications and recommendations shall be recorded in the Provisional Compliance report in accordance with Annex 2, which shall be sent to the Commission.

D) Follow-up of the Committee's work

6. Upon receiving the Provisional Compliance report from the Committee, the Commission shall adopt the Final Compliance report in accordance with Annex 2 during the annual meeting subsequent to the Committee meeting.

7. Normally no later than 30 days following the conclusion of the Annual Meeting, the Committee Chair shall send a letter to each CPC informing the CPC of its compliance status. Each CPC shall respond to the Commission in writing at least 2 months prior to the subsequent annual meeting of the Commission, in a format to be developed by the Secretariat, to inform the Commission of steps it has taken or plans to address the identified compliance issues, and any other information the CPC deems relevant to share.

7bis. In cases in which in the Final Compliance Report agreed by consensus in the Committee, a CPC has been assigned the status of 'Non-Compliance' in accordance with Annex 2, the Committee, through its Chairman, shall forward to the CPC the communication provided for in paragraph 7, with an express indication of the status assigned and the request that, within 60 (sixty) working days from the receipt of said communication, a Correction Plan shall be submitted that must contain:

a) Detailed description of the identified non-compliance;
b) Assessment of the difficulties and gaps observed to ensure compliance;
c) Actions taken or proposed to remedy non-compliance, accompanied, where appropriate, by deadlines and indicators to assess implementation; and
d) Special technical assistance or capacity-building requirements that the CPC considers to implement the plan.

The CPC will be exempt from submitting the Correction Plan if the disagreement with the assignment of the non-compliance status in the Final Report is justified by means of a comprehensive report on the reasons for the disagreement, containing a clear statement about the way in which the CPC addresses and ensures that non-compliances of a similar nature are addressed, mitigated, and appropriately resolved, so that it is not necessary to implement a remediation plan.

7bis 1. Where the facts that caused the compliance issue are the subject of an investigation or a domestic administrative or judicial proceeding, the CPC shall inform the Committee of the general status of the proceedings and the progress made, without prejudice to national rules on confidentiality, procedural confidentiality, due process, and data protection. The evidence presented by the CPC regarding the existence and legal course pending final resolution of a domestic proceeding under national due process rules will preclude the assignment of default status to the CPC.

2. Prior to the publication of the "Non-compliance" status, the CPC may request the Commission to reconsider it when new information is submitted, when substantial progress in the correction is demonstrated, when it is proven that a domestic administrative or judicial proceeding is pending,

or when it identifies an error of fact or interpretation in the determination adopted. The request for reconsideration shall suspend publication until examined by the Commission.

7ter. The Secretariat shall circulate the Remedy Plans to all Members as soon as it receives them. The CPC shall submit to the Committee, at each subsequent annual meeting, a report on the status of implementation of the Remedy Plan, including the progress made with respect to the measures and timelines contained in the plan.

If a CPC does not submit a Remedy Plan within the established deadline or does not demonstrate reasonable progress in its implementation in accordance with the approved schedule, this situation will be recorded in a public and specific section of the Commission's website.

The Committee shall monitor the implementation of the Remedy Plans and, when it determines that a CPC has failed, without justification, to adopt the committed measures within the timeframes provided for in the plan, it may consider recommending to the Commission possible further actions pursuant to paragraph 8 of this Resolution.

8. The Committee may consider the development and recommendation for adoption by the Commission of a system of corrective measures or incentives aimed at improving compliance by all CPCs. Such a system should establish objective, transparent, gradual, and proportionate criteria; respect due process; and consider the technical assistance and capacity-building needs of CPCs.

No corrective measure will be automatically applicable. Any action must be previously recommended by the Committee and expressly approved by the Commission in accordance with the rules for decision-making established in the Antigua Convention.

~~3. 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.~~

9. Following the recommendations from the Committee identified in the Final Compliance Report, per the request of the interested CPC, the IATTC may consider capacity building support measures and technical assistance for this CPCs or other possible actions to raise awareness of the IATTC obligations, including identification missions undertaken by the IATTC Secretariat

10. To facilitate the implementation of IATTC reporting requirements and review pursuant to this Resolution, the Committee shall also develop a set of common guidelines and formats for data submissions. The Committee shall consider the convenience of achieving the highest standard of data provision and verification, evidence, and inspection mechanisms in all fisheries managed by the Commission. However, the special conditions of small-scale fleets in developing countries will be considered.

11. The information resulting from the compliance review process shall be used exclusively for the objectives established in Annex 3 of the Antigua Convention

12. This resolution amends and replaces Resolution C-11-07.

Annex 1

Standard Questionnaire on Compliance with IATTC Resolutions

Name of member:			
Resolution	**Para-graph No.**	**Specific obligations**	**Compliance Status** Please answer Yes or No or NA (not applicable). If the answer is No, please use the attachment to explain the details
C-11-01	3	All class 5 and 6 purse seiners stopped fishing for 62 days in one of the two closure periods.	
	4	Any class-4 purse seiner that fished during a closure period made only one fishing trip of up to 30 days, with an observer on board.	
	5	All class 4 to 6 purse seiners did not fish in the offshore closure area from 29 September to 29 October.	
	6.a	CPC informed the Director of the names of all class 4 to 6 purse seiners that would observe each closure period.	
	7.a	CPC took the legal and administrative measures to implement the closure before the start of the closure.	
	7.b	CPC informed all interested parties in its tuna industry of the closure.	
	7.c	CPC informed the Director that the steps in 7a and 7b of the Resolution had been taken.	
	7d	All class 4 to 6 purse seiners were in port at the time their respective closure began. Vessels that were not in port had AIDCP observers on board and did not fish in the EPO.	
	8	The longline catch of bigeye tuna did not exceed the allocation per paragraph 8 of the Resolution.	
	10	The catch of bigeye tuna did not exceed 500 t or the catch level in 2001. If the catch exceeded 500 t, CPC provided monthly reports to the Director.	
	12	CPC notified the Director, by 15 July, of its actions taken to implement the measures contained in this resolution.	
	16	All class 4 to 6 purse seiners landed all bigeye, skipjack and yellowfin tuna except for cases stipulated in paragraph 16 of the Resolution.	

C-11-02	1	CPC reported to the IATTC on its implementation of the IPOA-Seabirds.	
	2	All longline fishing vessels used at least two seabird bycatch mitigation measures in the areas specified in the Resolution.	
	5	CPC informed the IATTC, by 1 September, of the mitigation measures that its longline fishing vessels plan to use.	
	7	CPC provided any available information on interactions with seabirds involving its longline fishing vessels.	
C-11-03	1.a	Fishing vessels did not fish near or interact with a data buoy in a manner stipulated in the Resolution.	
	1.b	Fishing vessels did not take on board a data buoy.	
	1.d	Fishing vessels entangled with a data buoy removed the entangled fishing gear with as little damage to the buoy as possible.	
C-11-04	2	The IATTC fee was paid	
C-11-05	2	CPC notified the Director of any change in the list of its LSTFLVs at the time it occurred.	
	4.a	CPC authorized its LSTFLVs on the list to fish in the Convention Area after checking their ability to comply with IATTC resolutions.	
	4.b	LSTLFVs on the list complied with all relevant IATTC resolutions.	
	4.c	LSTLFVs possessed valid certificates of vessel registration and valid authorizations to fish/transship.	
	4.d	CPC ensured that none of its LSTLFVs had been, were and would be involved in IUU activities.	
	5	CPC reported to the Commission the results of the review of internal actions and measures taken pursuant to paragraph 4 of the Resolution.	
	6	CPC prohibited its LSTLFVs not on the list from fishing for, retaining, transshipping and landing tuna and tuna-like species.	
C-11-06	2	CPC notified the Director of all the information listed in para 2 on each of its vessels on the Regional Vessel Register.	
	3	CPC notified the Director of any modification to the information in paragraph 2 of the Resolution.	

	4	CPC notified the Director of any additions or deletions of vessels.	
	5	CPC notified the Director of any fishing vessel no longer flying its flag.	
C-11-09	1	Fishing vessels transshipped tuna and tuna-like species at sea only under the IATTC regional observer program for at-sea transshipment.	
	2	LSTLFVs conducted in-port transshipment in accordance with Annex 1 of the resolution.	
	5	CPC decided whether or not to authorize its LSTLFVs to transship at sea.	
	7	CPC submitted to the Director the list of carrier vessels authorized to receive tuna in at-sea transshipment operations.	
	8	CPC notified the Director of any change of the authorized carrier vessels.	
	10	Carrier vessels are equipped with an operating VMS.	
	11	At-sea transshipments by LSTLFVs within waters under national jurisdiction were conducted with the prior authorization of the coastal State.	
	12	At-sea transshipments were conducted by LSTLFVs with the prior authorization of CPC.	
	13	The master and/or owner of the LSTLFV provided CPC with the necessary information at least 24 hours before the transshipment.	
	14	The master of the carrier vessel completed and transmitted the transshipment declaration to the Director and CPC along with the IATTC Record number within 24 hours of the completion of the transshipment.	
	15	The master of the carrier vessel transmitted the transshipment declaration along with the IATTC Record number to the authorities of the landing country 48 hours before landing.	
	16	All carrier vessels that transshipped at sea had IATTC observers on board.	
	17	LSTLFVs/carrier vessels did not transship without IATTC observers present.	
	18.a	The quantity of fish transshipped was consistent with the catches reported by the LSTLFV.	

	18.b	CPC validated Statistical Documents after confirming that the transshipment had been conducted in accordance with this resolution.	
	18.c	Import of transshipped bigeye tuna was made only with valid Statistical Documents and copies of the corresponding transshipment declarations.	
	19	CPC made necessary notification to the Director before 15 September.	
	20	All landed or imported tuna which had been transshipped was accompanied by transshipment declarations.	
Annex 3	9	Carrier vessels implemented the stipulated obligations.	
	11	LSTLFVs gave necessary access to IATTC observers.	
	14	The observer fee was paid.	
C-11-10	1	CPC prohibited retaining on board, transshipping landing, storing selling, or offering for sale any part or whole carcass of oceanic whitetip shark	
	2	CPCs required to promptly release unharmed, to the extent practicable, whitetip sharks when brought alongside the vessel.	
	3	CPCs recorded through, *inter alia*, the observer programs, the number of discards and releases of oceanic whitetip sharks with indication of status (dead or alive) and report it to IATTC.	
C-09-04	.	CPC placed an observer on each trip of purse seiners of capacity greater than 363 t and ensured that at least half of the observers were IATTC observers.	
C-07-03	1	CPC is implementing the FAO Guidelines on sea turtles.	
	2	CPC reported to the IATTC by 30 June on the progress of implementation of the FAO Guidelines.	
	3	CPC enhanced the implementation of sea turtle bycatch reduction measures and collaborated with other CPCs in the exchange of information.	
	4	CPC implemented observer programs for fisheries that may impact sea turtles.	
	6.c	Purse-seine fishing vessels released all sea turtles entangled with FADs.	

	6.d	Research was conducted to modify FADs to reduce sea turtle entanglement.	
	7.a	Longline fishing vessels carried and used the equipment to promptly release incidentally-caught sea turtles.	
	7.b	CPC continued to improve technique to reduce sea turtle bycatch.	
	7.c	CPC conducted fishing trials for reduction of sea turtle bycatch and provided the results to the IATTC.	
C-05-02	2	The level of fishing effort by vessels fishing for North Pacific albacore tuna did not increase.	
	3	CPC reported all catches of albacore tuna, by gear type, to the IATTC every six months.	
C-05-03	3	Retained sharks were fully utilized.	
	4	The vessels did not have on board shark fins that totaled more than 5% of the weight of sharks on board up to the first point of landing.	
	11	CPC reported required data for catches, effort by gear type, landing and trade of sharks by species.	
	11	CPC sent a comprehensive annual report of the implementation of the resolution by 1 May.	
C-04-05	2	Fishermen on purse-seine vessels were required to promptly release unharmed, to the extent practicable, all sharks, billfishes, rays, dorado, and other non-target species.	
	4.a	Fishermen were required to promptly release unharmed, to the extent practicable, all sea turtles.	
	4.b.	The Commission was provided with all data on bycatches of sea turtles in all fisheries targeting species covered by the Convention.	
	4.d.ii.	Vessels were prohibited from disposing of salt bags or any other type of plastic trash at sea.	
	4.d.iii	Sea turtles entangled in FADs and other fishing gear were released, when practicable	
	4.d.v	Longline vessels carried on board the necessary equipment (*e.g.* de-hookers, line cutters and scoop nets) for appropriate release of incidentally caught sea turtles.	

	4.e.	Specific measures for the protection of encircled or entangled sea turtles were implemented.	
C-04-06	1	Fishing vessels 24 meters or more in length carried an operating VMS on board.	
C-03-01	1	All bigeye tuna imported were accompanied by validated Statistical Documents or Re-export Certificates.	
	2	Statistical Documents and Re-export Certificates accompanying exported bigeye tuna were validated by government officials or authorized individuals or institutions.	
	3	CPC has provided to the Director sample forms of Statistical Documents and Re-export Certificates and information on validation as well as any change.	
	5	CPC reported to the Director the data on imported bigeye tuna by 1 April and 1 October, respectively.	
	6	CPC examined export data upon receiving the import data from the Director and reported the results to the Commission.	
C-03-05	2	Catch and effort data were submitted by 30 June by species and fishing gear.	
	2	Length-frequency data were submitted by 30 June by species and fishing gear.	

Attachment

9. Details of the the possible case of non-compliance
10. Current status of the fishing vessel
11. Status or result of investigation
12. Actions taken based on the result of the investigation, including sanctions and preventive actions

Annex 2

Status categories for possible non-compliance issues

Possible Non-Compliance Issues Status[1]	Criteria	Suggested action
Resolved	CPC addressed the compliance issue.	No further action required.
Not Resolved	CPC's investigation into the compliance issue is in progress. CPC has not responded.	• CPC to provide in writing additional information including update(s) on any investigation and corrective actions taken or planned to solve the case. • Review by the Committee and Commission and recommend further action(s), including taking into account any identified capacity building needs and seriousness or frequency of the compliance issue where applicable. • Automatic inclusion of the compliance issue on the subsequent(s) Draft compliance report(s) for review by the Committee and Commission until the issue is no longer considered as 'not resolved' by the corresponding national authority.
Additional information required	Where there exists no/insufficient/incorrect information or data for verification	Review by the Committee and the Commission and seek further information and action(s) by Contracting Party(ies)
Need of interpretation or clarification by Committee / Commission	Ambiguity of relevant obligation	If necessary, review conservation measure to address any technical impediments to implementation
No compliance status assigned	Cases of emergency relating to the safety of a ship and those on board or saving life at sea	No action required

No consensus reached	No consensus is reached on compliance status	Report to reflect discussion in the Committee
In a state of non-compliance	When a possible non-compliance has been verified and confirmed, and it has been determined by consensus that the CPC has not complied with its minimum obligations in accordance with the Commission's resolutions.	• The Committee, through its Chair, shall request the CPC to submit a Remedy Plan pursuant to the terms set forth in paragraph 7bis. of this Resolution. • If no report has been received from the CPC regarding the proper execution of the Correction Plan in accordance with the deadlines established in the plan itself before the next annual meeting of the Committee, the status of implementation will be recorded in a specific and publicly accessible section of the Commission's website. The Committee will monitor progress and may grant an additional period of up to one year to complete outstanding remedial measures. • If such period has elapsed without resolution, the Committee shall consider recommending to the Commission possible further action pursuant to paragraph 8 of this Resolution

[1] For the purposes of this Resolution, 'compliance status' refers to the adequacy of the relevant CPC's response to the compliance issues identified with respect to the IATTC Resolutions and obligations. Suggested action' refers to further actions to be taken to address compliance issues identified.