

INTER-AMERICAN TROPICAL TUNA COMMISSION

82ND MEETING

LA JOLLA, CALIFORNIA (USA)
4-8 JULY 2011

PROPOSAL IATTC-82-I-1

SUBMITTED BY THE EUROPEAN UNION AND JAPAN

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

The Inter-American Tropical Tuna Commission (IATTC):

Reaffirmed that members' compliance of measures adopted by the Commission is one of the key elements to achieve the objective of the 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;

Concerned that the current practice of the Committee for the Review of Implementation of Measures adopted by the Commission (hereinafter referred to as "the Committee") does not necessarily lead to improvement of members' compliance;

Recalling that subparagraph (b) of Annex 3 (the functions of the Committee) to the Convention stipulates that the Committee shall analyze information by flag or by vessel;

Noting that the Second Joint Meeting of Tuna Regional Fisheries Management Organizations (RFMOs) held in San Sebastian, Spain from June 29 to July 3, 2009 stressed that all tuna RFMOs should introduce and implement a robust compliance review mechanism recording actions by the Parties and non-Parties, on a yearly basis, with a view to possible sanctions to Parties and non-Parties found to be non-compliant and possible incentives for good compliance;

Aware that other tuna regional fisheries management organizations have already started a comprehensive program for reviewing each member's compliance status and such a program is making great contribution in identifying areas for compliance improvement;

AGREED that:

1. This resolution shall be applied to Members and co-operating non-Members of the Commission (hereinafter referred to as "CPCs").

A) Meetings of the Committee

2. The Committee meeting shall be held for a period of at least three days in the week preceding the Commission's ordinary meeting. Committee sessions shall be held during the ordinary meeting in case that there are members that did not participate in the Committee meeting, but are participating in the ordinary meeting. Committee sessions might also be held, if necessary, during the ordinary meeting for other reasons.

B) Committee preparatory works

3. In preparation for the Committee meeting, the following procedures shall be taken:
 - (a) Three months prior to the Committee meeting, the Director shall send each CPC a standard questionnaire on compliance with IATTC resolutions (Annex). The format of Annex shall be modified when existing resolutions are modified or scrapped, or new resolutions are added.

- (b) The Director shall extract information on possible non-compliance with IATTC resolutions from the reports of the IATTC observers for purse seine fishing vessels and at-sea transshipment, 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

- 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 lack of participation to the ordinary meeting. The order of such review 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 report of the Committee, which shall be sent to the Commission.

D) Follow-up of the Committee works

- 6. Upon receiving the report from the Committee, the Commission shall consider and decide actions for improving compliance by each CPC, which includes sending a letter from the Commission Chairman to each CPC, indicating each CPC compliance record and identifying areas of possible improvement.
- 7. CPCs for which areas of possible improvement have been identified shall submit a plan of action for such improvement within three months from the end of the Commission's ordinary meeting.
- 8. 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.

ANNEX

Standard Questionnaire on Compliance with IATTC Resolutions

Name of member:			Compliance Status Please answer Yes or No or NA (not applicable). If the answer is No, please provide the reason for non-compliance.
Resolution	Para No.	Specific obligations	
C-10-01	3	All class 5 and 6 purse seiners stopped fishing for a period of 62 days in one of the periods.	
	4	In case that class 4 purse seiners fished during the closure periods, all the vessels made only one fishing trip up to 30 days with observers on board.	
	5	All class 4 to 6 purse seiners did not fish in the offshore closed area from 29 September to 29 October.	
	6a	CPC informed the Secretariat of the names of all class 4 to 6 purse seiners that would observe each closure period.	
	7a	CPC took the legal and administrative measures to implement the closure before the starting of the closure.	
	7b	CPC informed all interested parties in the national tuna industry of the closure.	
	7c	CPC informed the Director that the steps in 5 and 6 had been taken.	
	7d	All class 4 to 6 purse seiners were at port at the time they had to observe the closure. In case that the vessels were not at port, they had AIDCP observers on board and did not fish.	
	8	The catch of bigeye tuna did not exceed the allocation.	
	10	The catch of bigeye tuna did not exceed 500 MT or the catch level in 2001. If the catch exceeded 500 MT, CPC provided monthly reports to the Director.	
	12	CPC notified the Director, by 15 July, of national 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 the resolution.	
	C-10-02	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 specified areas in accordance with the resolution.	
5		CPC informed the IATTC, by 1 September, of the mitigation measures that its longline fishing vessels were planning to use.	
7		CPC provided any available information on interactions with seabirds involving its longline fishing vessels.	
C-10-03	1a	The fishing vessels did not fish near or interact with	

		a data buoy in a manner stipulated in the Resolution.	
	1b	The fishing vessels did not take on board a data buoy.	
	1d	The fishing vessels entangled with a data buoy removed the entangled fishing gear with as little damage to the data buoy as possible.	
C-09-04		CPC placed an observer on each trip of purse seiners of capacity greater than 363 MT and ensured that at least half of the observers were IATTC observers.	
C-08-02	1	The fishing vessels transshipped tuna and tuna-like species at sea only under the IATTC regional observer program for at-sea transshipment.	
	2	The large-scale tuna longline fishing vessels (LSTLFVs) conducted in-port transshipment in a manner compliant 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 notified CPC of 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 the carrier vessels that transshipped at sea had IATTC observers on board.	
	17	LSTLFVs/carrier vessels did not engage in transshipment without IATTC observers.	
	18a	The transshipment was consistent with the reported catch amount by each LSTLFV.	
	18b	CPC validated Statistical Documents after confirming that the transshipment had been conducted in accordance with this resolution.	
	18c	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 the landed or imported tuna which had been transshipped were accompanied by transshipment	

		declarations.	
Annex3	9	Carrier vessels implemented the stipulated obligations.	
	11	LSTLFVs gave necessary access to IATTC observers.	
	14	The observer fee was paid.	
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 collaborate with other CPCs in the exchange of information.	
	4	CPC implemented observer programs that may impact sea turtles.	
	6c	Purse seine fishing vessels released all sea turtles entangled with FADs.	
	6d	Research was conducted to modify FADs to reduce sea turtle entanglement.	
	7a	Longline fishing vessels carried and used the equipment to release bycaught sea turtles.	
	7b	CPC continued to improve technique to reduce sea turtle bycatch.	
	7c	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 the fishing 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 fins that totaled no more than 5% of the weight of sharks on board up to the first point of landing.	
	11	CPC reported required data on sharks.	
	11	CPC sent a comprehensive annual report of the implementation of the resolution by 1 May.	
C-04-06	1	The fishing vessels larger 24 m or more in length carried an operating VMS on board.	
C-03-01	1	All the 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.	
C-03-07	2	CPC notified the Director of any change in the list of its LSTFLVs at the time they occurred.	
	4a	CPC authorized its LSTFLVs on the list to fish in the Convention Area after checking their ability to comply with IATTC resolutions.	
	4b	The LSTFLVs on the list complied with all relevant IATTC resolutions.	
	4c	The LSTFLVs possessed valid certificates of vessel registration and valid authorizations to fish/transship.	
	4d	CPC ensured that none of its LSTFLVs had been, were and would be involved in IUU activities.	
	5	CPC reported to the Commission the results of the review on internal actions and measures taken pursuant to para 4.	
	6	CPC prohibited its LSTFLVs not on the list from fishing, retaining, transshipping and landing tuna and tuna-like species.	
C-00-06	2	CPC notified to the Director 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 para 2.	
	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.	

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