

STATEMENT BY EU ON THE “WORKING PAPER ON DRAFT SCHEDULE OF ACTIONS: SEVERITY OF TYPES OF NON-COMPLIANCE WITH SPECIFIC ICCAT PROVISIONS” [COC-307]

We would like to welcome again this initiative of the Chair of the Compliance Committee (COC) which we consider important as it has the potential to improve the work and effectiveness of the COC. This document will contribute to promoting the implementation and enforcement of the ICCAT rules and also to improve the level playing field between the different CPCs.

We have already commented on the first version (“*Working paper on draft schedule of actions: Severity of types of non-compliance with specific ICCAT provisions*” COC-307). We thank the Chair of the COC for incorporating into the revised document (latest is COC-307B) several of the oral comments we made during the first COC session and note below some additional, still preliminary, comments.

- The Resolution indicates that non-compliance can range from minor to significant. We see this as providing elbow room to have levels between the two extremes in particular within the minor category. This scale could be broken down into a limited number of additional non-compliance levels;
- All non-compliance cases under category A have similar warranted action by the COC, while we think that the first two (overfishing and exceeding fleet capacity) are more serious as they may have greater impact on the stock and therefore should trigger stronger action than the others. In addition, this category provides objective indicators of non-compliance. It would be easier to take action on them.
- In contrast, the three other types of non-compliance issues in category A are related to technical measures (closed areas or periods, minimum size, fishing gear) and should in our opinion lead to less, relatively, severe actions.
- The measure for an action plan contemplated in category B “reporting”, could be appropriate also for the technical measures under category A. In addition, mitigating measures could be also considered here (e.g. in the case of not enforcing closed areas, that the CPC is in the process of implementing a VMS system or an effective FMC).
- The difference between failure to report and delays in reporting, the latter being a less serious non-compliance, has been considered, but only for reports and not for statistical data; we would like to understand the reasons behind. A quantification here might be necessary in terms of magnitude (how many reports, how important, how long the delay, etc.).
- The difference between the three components of category C is not clear and should be clarified.
- On the layout of the proposal, we would like to recall that Resolution 16-17 lays down a 2-step approach. In the first step the non-compliance is determined and in the second step both mitigating and aggravating considerations are taken into account to determine the significance of non-compliance. In this regard we suggest that the columns with these elements are moved before the column with an indication on the severity. The severity would then have to reflect the effects of these considerations on the assessment and therefore should foresee different outcomes.