



TECHNICAL AND COMPLIANCE COMMITTEE

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Compilation and Analysis of IUU Listing Procedures from other RFMOs

WCPFC-TCC8-2012-10

30 August 2012

Background

1. The first two Kobe meetings discussed the desirability of combining the tuna RFMOs IUU vessel lists into a global list of IUU vessels. At Kobe3, participants noted that procedures and criteria for IUU listing should be harmonized among tuna RFMOs to the maximum extent possible, and that RFMOs should consider adopting procedures for cross-listing IUU vessels of other RFMOs. Kobe3 provided a list of some principles that tuna RFMOs might consider related to cross-listing of vessels that have been listed on other RFMO IUU Vessel Lists.

2. In considering this recommendation, TCC7 agreed to task the Secretariat with compiling IUU listing procedures from other RFMOs, and developing a matrix of similarities and differences in these procedures, as a basis for further discussions on IUU Vessel List harmonisation at TCC8. This paper has been prepared in fulfillment of this task.

Overview of IUU Listing Procedures in tuna RFMOs

3. Four of the tuna RFMOs have adopted IUU listing procedures; CCSBT is the exception. IOTC most recently adopted a revised version of IUU listing procedures, and IATTC procedures have been in place since 2005. The currently applicable decisions (CMM or binding Resolution) for current tuna RFMO IUU listing procedures are listed in Table 1.

4. Two tuna RFMOs provide publicity of other RFMO IUU lists through their websites. The joint tuna RFMO website also provides a link to tuna RFMO IUU list pages. As at 11 June 2012, two of five tuna RFMOs have links to the website of other tuna RFMO IUU lists:

T-RFMO with links to other tuna-RFMO IUU lists	IUU lists that are cross-referenced
Joint Tuna RFMO website: www.tuna-org.org	ICCAT, IATTC, WCPFC, IOTC
ICCAT website: www.iccat.int	CCAMLR, IATTC, IOTC, NEAFC, NAFO
IOTC website: www.iotc.org	ICCAT, IATTC, WCPFC

Table 1. Current list of tuna RFMO IUU listing procedures and their respective date of adoption

T-RFMO	Current tuna RFMO decision	Date adopted
IATTC	Resolution C-05-07 Resolution to Establish a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean (<i>replaced Resolution C-04-04</i>) ¹	June 2005
ICCAT	GEN 09-10 Recommendation by ICCAT further amending the Recommendation by ICCAT to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT Convention Area (<i>replaces Rec 06-12, and Rec 07-09</i>) ²	Nov 2009
WCPFC	CMM 2010-06, Conservation and Management Measure to Establish a list of vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing activities in the WCPO (<i>replaced CMM 07-03</i>)	Dec 2010
IOTC	Resolution 11/03 On establishing a List of vessels presumed to have carried out Illegal, Unregulated and Unreported Fishing in the IOTC Area (<i>replaced Resolution 09/03</i>)	April 2011

Summary of key similarities and differences between WCPFC IUU listing procedures and those of other tuna RFMOs

5. There are many features of tuna RFMO IUU listing procedures that are common to all or most tuna RFMOs. Some differences in the IUU listing procedures are RFMO-specific, and appear to be as a result of the relationship and timing between the TCC-equivalent body with the regular annual meeting of the respective Commission. Additionally each of the IUU listing procedures of tuna RFMOs appears to have taken into account the respective tuna RFMO decision making processes, including intersessional decision-making processes. Other differences seem to have arisen as a result of the negotiation of the CMM, within a respective RFMO at the time the decision was taken.

6. As a desk analysis, the Secretariat reviewed the decisions of the tuna RFMO IUU listing procedures. Two tables were prepared to highlight the similarities and differences in tuna RFMO IUU listing procedures. Table 2 uses the text of *Conservation and Management Measure to Establish a list of vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing activities in the WCPO* (CMM 2010-06) as a basis for describing and highlighting similarities and differences among tuna RFMOs IUU listing procedures (see). For ease of reference, paragraph references for the comparable provisions of other tuna RFMOs current IUU listing procedures are included alongside the WCPFC CMM 2010-06 provisions. Table 3 lists substantive features of other tuna RFMO IUU listing procedures which are not specifically catered for in the WCPFC IUU listing procedures.

¹ 11. This resolution shall apply to any fishing vessel greater than 24 meters overall length

² 12. This recommendation shall apply to fishing vessels 20 meters or greater in length overall and, mutatis mutandis, fish processing vessels, tug and towing vessels, vessels engaged in transshipment, and support vessels. The Commission shall, at its annual meeting in 2011, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities.

7. A summary of the key findings of similarities and differences amongst tuna RFMO IUU listing procedures, as shown in Table 2 and Table 3 include:

- **Some differences in the size of vessels to which the list is applicable:** IATTC and ICCAT IUU listing procedures are limited in application to larger fishing vessels (greater than 24m and 20m length respectively); whereas WCPFC and IOTC procedures are not limited to certain size classes of vessel.
- **A mostly similar definition of IUU fishing:** The definition of IUU fishing is mostly similar, but there are some tuna RFMO-specific differences of note (see notes in Table 2, at CMM 2010-06 paragraph 3);
 - **Some differences in use of common ownership as a basis for IUU listing:** Only WCPFC and IATTC have the criterion of “common ownership” as a basis for IUU listing (see notes in Table 2, CMM 2010-06 paragraph 3(j)). WCPFC has also elaborated procedures for applying this criterion (CMM 2010-06, Annex A).
 - **Some difference in use of harvesting when a flag State is without sufficient quota, catch limit or effort allocation, as a basis for IUU listing:** Only in IOTC and ICCAT, but not in WCPFC or IATTC. (see Table 3)
 - **One RFMO has adopted a process to recognize the IUU lists of other RFMOs (ICCAT)** (see Table 3)
- **Mostly similar IUU list nomination procedures and some differences in the procedure to recommend provisional and adopt final IUU lists:** (see notes in Table 2, at CMM 2010-06 paragraph 6-14)
 - All tuna RFMOs allow members to submit at any time, any additional information that might be relevant to the IUU list nominations;
 - All tuna RFMOs require that the Executive Director, or the equivalent, circulate IUU list nominations with copies of evidence provided, but the timing for circulation differs;
 - All tuna RFMOs have a committee that recommends a provisional IUU list to the Annual Meeting; (see notes in in Table 2, at CMM 2010-06 paragraph 12-14)
 - WCPFC, IOTC and ICCAT, but not IATTC, have specified the details to be included by the Secretariat on the IUU list or its nomination for the IUU list (see notes in Table 2, at CMM 2010-06 paragraph 19);
 - The timeframes differ amongst the tuna RFMOs for nominations, and development of provisional IUU lists (see notes in in Table 2, at CMM 2010-06 paragraph 4, 6)
 - One tuna RFMO (IOTC) has adopted a form for submitting IUU list nominations and a process for intersessional consideration of a nomination for the IUU list (see Table 3)
- **Mostly similar criteria for not including a vessel on the provisional IUU list:** All tuna RFMOs provide for the following two criteria to be considered as a basis for not being included in the provisional IUU list:
 - The vessel did not take part in any IUU fishing activities described in paragraph 1, or

- Effective action has been taken in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity. (IOTC has adopted a qualified version of this criteria).

And WCPFC has adopted a third additional and alternative criteria relating to nominating CCM and flag State satisfaction in response to the IUU fishing activities. (see notes in Table 2, at CMM 2010-06 paragraph 15)

- **Similar actions to be taken following the IUU listing of a vessel:**
 - All tuna RFMOs have specified a similar list of actions to be taken to deter and prevent the activities of vessels on the IUU list and to ensure the due publicity of the IUU list (see notes in Table 2, at CMM 2010-06 paragraph 21-23);
 - All tuna RFMOs have similar provisions relating to trade measures (CMM 2010-06 paragraph 24);
- **Some similarities and some differences in IUU list removal procedures:** There are some similarities and differences in removal procedures, including criteria to be considered. WCPFC, ICCAT and IOTC, but not IATTC, have processes for intersessional removal of a vessel from the IUU list. IATTC procedures appear to consist of the flag State being given the opportunity to demonstrate measures taken in response to the IUU listing. (see notes in Table 2, CMM 2010-06 paragraph 17-18, 20).

Table 2. Analysis of similarities and differences of tuna RFMO IUU listing procedures, using the WCPFC IUU listing procedures as a basis (CMM 2010-06)

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
		Similarities	Differences
Identification of IUU activities			
1. At each annual meeting, the Commission will identify those vessels which have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has undermined the effectiveness of the WCPF Convention and the WCPFC measures in force, and shall establish, and, as necessary, amend in subsequent years, a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out in this conservation measure.	IATTC Resolution C-05-07, paragraph 11 ICCAT GEN Rec 09-10 paragraph 12	WCPFC and IOTC IUU listing procedures apply to all fishing vessels	IATTC Resolution is limited to any fishing vessel greater than 24 meters overall length. ICCAT Resolution is limited in application to fishing vessels 20 meters or greater in length overall and, mutatis mutandis, fish processing vessels, tug and towing vessels, vessels engaged in transshipment, and support vessels.
2. This identification shall be suitably documented, <i>inter alia</i> , on reports from Members, Cooperating Non-Members and Participating Territories (collectively CCMs) relating to WCPFC Conservation measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from CCMs should be provided in the format approved by the Commission.	IOTC Resolution 11/03 paragraph 3, and has Annex 1	The IOTC procedure includes a similar list of sources for suitably documented information.	IOTC procedures also include a reporting form format, specified in Annex I A: details of the vessel being nominated, summary of the alleged IUU activity, summary of any actions taken and the outcome of actions taken B: details of IOTC Resolution Elements contravened C: associated documents D: recommended actions

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Definition of IUU fishing for the purpose of the IUU list			
3. For the purposes of this conservation measure, vessels fishing for species covered by the WCPFC Convention are presumed to have carried out IUU fishing activities, as described in the IPOA on IUU fishing, in the Convention Area when a CCM presents suitably documented information that such vessels, <i>inter alia</i> :	IATTC Resolution C-05-07, paragraph 1(a) IOTC Resolution 11/03 paragraph 1(a)	All four tuna RFMOs have a similar criterion (to 3a) as part of their definition of IUU fishing	
a. Harvest species covered by the WCPFC Convention in the Convention Area and are neither on the WCPFC record of authorized vessels nor a fishing vessel fishing exclusively in waters under the jurisdiction of its flag State, or	ICCAT GEN Rec 09-10 paragraph 1(a)		
b. Conduct fishing activities in waters under the jurisdiction of a coastal State, without permission of that State, or in contravention of its law and regulations, or	IOTC Resolution 11/03 paragraph 1 (h) ICCAT GEN Rec 09-10 paragraph 1 (h)	IOTC and ICCAT have a similar criterion (to 3b) as part of their definition of IUU fishing	<i>No comparable reference in IATTC IUU listing procedures</i> The ICCAT and IOTC drafting includes the following additional text "...without prejudice to the sovereign rights of coastal States to take measures against such vessels,"
c. Do not record or report their catches made in the Convention Area consistent with WCPFC measures, or make false reports, or	IATTC Resolution C-05-07, paragraph 1(b - g)	All four tuna RFMOs have similar criteria (to 3c-h) as part of their definition of IUU fishing	
d. Take and land undersized fish in a way that undermines WCPFC conservation measures, or	IOTC Resolution 11/03 paragraph 1(c - g, i)		
e. Fish in a closed area or during a closed season in a way that undermines WCPFC conservation measures,	ICCAT GEN Rec 09-		

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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<p>or</p> <p>f. Use prohibited fishing gear in a way that undermines WCPFC conservation measures, or</p> <p>g. Tranship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or</p> <p>h. Are without nationality and harvest species covered by the WCPFC Convention in the Convention Area, or</p>	<p>10 paragraph 1(c – g, i)</p>		
<p>i. Engage in any other fishing activities that undermine the provisions of the WCPF Convention or any other WCPFC conservation measures, or</p>	<p>IATTC Resolution C-05-07, paragraph 1(h)</p> <p>IOTC Resolution 11/03 paragraph 1(j)</p> <p>ICCAT GEN Rec 09-10 paragraph 1(j)</p>	<p>IATTC and ICCAT have a similar criterion (to 3i) as part of their definition of IUU fishing</p>	<p>IOTC drafting of this criterion is slightly different: “Engage in fishing, including transshipping, re-supplying or re-fuelling, contrary to any other IOTC conservation and management measures.”</p>
<p><i>Common ownership as a basis for IUU listing</i></p> <p>j. Are under the control of the owner of any vessel on the WCPFC IUU Vessel List. (Procedures for applying this paragraph are attached as Annex A)</p>	<p>IATTC Resolution C-05-07 paragraph 1 (i)</p>	<p>IATTC has the same provision within the definition of IUU fishing for the purposes of IUU listing.</p>	<p>WCPFC has elaborated procedures for applying Paragraph 3(j) of CMM 10-06, which are at Annex A. IOTC and ICCAT procedures do not include this provision within the definition of IUU fishing, for the purposes of</p>

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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their IUU lists.			
Information on alleged IUU fishing activities			
4. At least 70 days before the annual meeting of the Technical and Compliance Committee (TCC), CCMs shall transmit to the Executive Director their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, accompanied by suitably documented information, as provided in para 2, concerning the presumption of this IUU activity.	IATTC Resolution C-05-07, paragraph 2		IATTC is by 1 February of every year (<i>this is approx 150 days before Annual meeting in 2012</i>)
	IOTC Resolution 11/03 paragraph 2, Annex I		IOTC at least 70 days before the annual meeting, and they have a specific form that shall be used for submissions (Annex I)
	ICCAT GEN Rec 09-10 paragraph 2		ICCAT at least 120 days before the annual meeting
5. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Director, the CCM shall notify, either directly or through the Executive Director, the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification. If no acknowledgement is received within 10 days of the date of transmittal, the CCM shall retransmit the notification through an alternative means of communication.			No comparable requirement in other RFMOs IUU listing procedures – they simply advise the Executive Director or equivalent in the RFMO.
Draft IUU Vessel List			
6. The Executive Director shall draw up a draft IUU Vessel List incorporating the lists of vessels and suitably documented information received pursuant to para 4, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided, to all CCMs, as well as to non-	IATTC Resolution C-05-07, paragraph 3-5	All tuna RFMOs allow members to submit at any time to the Executive Director or their equivalent, any additional	In WCPFC a revised draft IUU list is circulated with any new evidence by the Executive Director at least 7 days before TCC. However, in the other
	IOTC Resolution		

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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<p>CCMs with vessels on the list, at least 55 days before the TCC's annual meeting.</p> <p>7. The Executive Director shall request each CCM and non-CCM with vessels on the draft IUU Vessel List to notify the owner of the vessels of their inclusion in that list, and of the consequences of their inclusion being confirmed in the IUU Vessel List.</p> <p>8. Upon receipt of the draft IUU Vessel List, CCMs shall closely monitor the vessels included in that list in order to follow their activities and possible changes of name, flag or registered owner.</p> <p>9. As appropriate, CCMs and non-CCMs with vessels on the list should transmit, at least 10 days before the TCC's annual meeting, their comments to the Executive Director, including suitably documented information, showing that the vessels have fished in a manner consistent with WCPFC conservation measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention.</p> <p>10. The Executive Director shall re-circulate the draft IUU Vessel List, 7 days in advance of the TCC's annual meeting, to the CCMs and the non-CCMs concerned, together with all the suitably documented information provided pursuant to paras 4 and 9 above.</p> <p>11. CCMs and non-CCMs may at any time submit to the Executive Director any additional suitably documented</p>	<p>11/03 paragraph 4-6, Annex II</p> <p>ICCAT GEN Rec 09-10 paragraph 3-5, Annex 1</p>	<p>information that might be relevant to the draft or provisional IUU listings.</p> <p>All tuna RFMOs require that the Executive Director, or their equivalent, to circulate the list (draft or provisional) with copies of all evidence provided.</p> <p>All tuna RFMOs, have a process whereby the draft IUU list is circulated by the Executive Director equivalent, but the timing for circulation differs: WCPFC: 55 days before the TCC meeting, and then 7 days before TCC meeting IATTC: by 1 March IOTC: 55 days before annual meeting ICCAT: 90 days before annual meeting</p>	<p>three tuna RFMOs the Executive Directors equivalent develops a provisional IUU list, and the timing for this to be circulated differs: IATTC: at least two weeks before the Annual Meeting IOTC: at least two weeks before the annual meeting ICCAT: at least 30 days before the annual meeting</p>

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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information regarding any vessels on the draft IUU Vessel List. The Executive Director shall circulate this additional information to all CCMs and to the non-CCMs concerned immediately upon receipt of such information.			
Provisional and current IUU Vessel List			
12. The WCPFC's IUU Vessel List adopted during the previous year, as well as any new suitably documented information regarding this list, including intersessional amendments, shall be transmitted to CCMs and the non-CCMs concerned in conjunction with the draft IUU Vessel List and materials outlined in para 6.	IATTC Resolution C-05-07, paragraph 6-7	All tuna RFMOs have a committee that recommends a provisional IUU list to the Annual Meeting:	IATTC procedures are silent on the process for removing vessels from the IUU list.
13. CCMs and non-CCMs with vessels on the current WCPFC IUU Vessel List should transmit at least 30 days before the annual meeting of the TCC, but may submit at any time, to the Executive Director suitably documented information regarding any of the vessels on the current WCPFC IUU Vessel List, including, where appropriate, suitably documented information as provided for in paragraph 25. The Executive Director shall re-circulate the current WCPFC IUU Vessel List two weeks in advance of the annual meeting of the TCC to the CCMs and non-CCMs concerned, together with all the information provided pursuant to paragraph 12 and this paragraph.	IOTC Resolution 11/03 paragraph 9-12	- WCPFC: Technical and Compliance Committee	
	ICCAT GEN Rec 09-10 paragraph 6-7	- IATTC: IATTC-AIDCP Joint Working Group on Fishing by Non-Parties (Joint Working Group), and may involve the Permanent Working Group on Compliance	
14. At its annual meeting, the TCC shall:		- IOTC: Compliance Committee	
(i) following consideration of the draft IUU Vessel List and the suitably documented information circulated under paras 6, 10 and 11, adopt a Provisional IUU Vessel List; and		- ICCAT: The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures	

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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(ii) following consideration of the current WCPFC IUU Vessel List and the suitably documented information circulated under paras 12 and 13, recommend to the Commission which, if any, vessels should be removed from the current WCPFC IUU Vessel List.			
15. The TCC shall not include a vessel on the Provisional IUU Vessel List if the vessel's flag State demonstrates that:	IATTC Resolution C-05-07, paragraph 3-5	All tuna RFMOs provide that either one of the two conditions will lead to a vessel not being included in the provisional IUU list recommended to the Annual Meeting: – The vessel did not take part in any IUU fishing activities described in paragraph 1, or – Effective action has been taken in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity.	IOTC qualifies the “b” alternative criteria, with “CPCs will report any actions and measures they have taken in accordance with Resolution 07/01, in order to promote compliance by vessels of CPCs with IOTC conservation and management measures.” The WCPFC has a third alternative criteria “c. That the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.”
a. The vessel fished in a manner consistent with WCPFC Conservation Measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention, or	IOTC Resolution 11/03 paragraph 10 ICCAT GEN Rec 09-10 paragraph 6		
b. Effective action has been taken in response to the IUU fishing activities in question, such as, <i>inter alia</i> , prosecution or the imposition of sanctions of adequate severity; or			
c. That the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.			
16. The TCC shall not include a vessel on the Provisional IUU Vessel List if the notifying CCM did not follow the provisions of para 5.			The other tuna RFMOs IUU listing procedures do not specify this.
17. The TCC shall recommend removal of a vessel from the current WCPFC IUU Vessel List only if the vessel's flag State submits to the Executive Director the	IOTC Resolution 11/03 paragraph 12	WCPFC, IOTC and ICCAT procedures all refer to a list of information and	IATTC procedures are silent on the process for a flag State to apply to have a vessel on the

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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information provided in para 25 of this measure. 18. Following the examination referred to in para 14, the TCC shall submit the Provisional IUU Vessel List to the Commission for its consideration, and as appropriate, recommend any proposed changes to the current WCPFC IUU Vessel List.	IATTC Resolution C-05-07, paragraph 7 ICCAT GEN Rec 09-10 paragraph 7	supporting evidence which is information that the flag State is to provide when requesting the removal of its vessel from the IUU list.	IUU list removed. Although as is the case for all tuna RFMO procedures, under the IATTC procedures the flag State is asked at the time of being advised by the Commission that one of its vessels is IUU listed by IATTC, to inform the Commission of the measures taken in response to the IUU listing (IATTC Resolution C-05-07 paragraph 8).
19. The draft IUU Vessel List, Provisional IUU Vessel List, and the WCPFC IUU Vessel List shall contain the following details for each vessel: (i) name and previous names, if any; (ii) flag and previous flags, if any; (iii) owner and previous owners, including beneficial owners, if any; (iv) operator and previous operators, if any; (v) call sign and previous call signs, if any; (vi) Lloyds/IMO number; (vii) photographs, where available; (viii) date first included on the IUU Vessel List; and (ix) summary of activities which justify inclusion of the vessel on the list, together with references to all relevant documents informing of and evidencing those activities.	IOTC Resolution 11/03 Annex II ICCAT GEN Rec 09-10 Annex I	WCPFC, IOTC and ICCAT have adopted a template list of information to be included in the draft, provisional and final IUU list. The WCPFC list of details required for inclusion on the list is the same as the list specified in the IOTC IUU listing procedures, and is mostly the same as the ICCAT procedures.	ICCAT – requires that the details at iii) also include in addition to the three ownership details listed the “owners place of registration” IATTC does not have a format or list adopted as part of Resolution C-05-07
WCPFC IUU Vessel List			
20. At its annual meeting the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the	IOTC Resolution 11/03 paragraph 13		IOTC has an intersessional decision-making process for IUU listings that can be

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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Provisional IUU Vessel List, and any recommendations to amend the current WCPFC IUU Vessel List made pursuant to paragraph 18 above, and adopt a new WCPFC IUU Vessel List. To the maximum extent possible CCMs and non CCMs shall provide any new suitably documented information at least two weeks before the annual meeting of the Commission.	IATTC Resolution C-05-07, paragraph 8 ICCAT GEN Rec 09-10 paragraph 7		enacted in the event that a decision cannot be made by the Commission, or if evidence submitted by a flag State is received within 15 days of the Compliance Committee session. (IOTC Resolution 11/03 paragraph 14) – see Error! Reference source not found. below
21. Upon adopting the new WCPFC IUU Vessel List, the Commission shall request CCMs and non-CCMs with vessels on the WCPFC IUU Vessel List to: a. notify the owner of the vessels of its inclusion on the WCPFC IUU Vessel List and the consequences that result from being included in the list, and b. take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.	IOTC Resolution 11/03 paragraph 15 IATTC Resolution C-05-07, paragraph 8 ICCAT GEN Rec 09-10 paragraph 8	All tuna RFMOs have a similar procedure following the adoption of the IUU list.	
22. CCMs shall take all necessary non-discriminatory measures under their applicable legislation, international law and each CCMs' international obligations, and pursuant to paras 56 and 66 of the IPOA-IUU to: a. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or re-supply vessels on the WCPFC IUU Vessel List; b. ensure that vessels on the WCPFC IUU Vessel List that	IATTC Resolution C-05-07, paragraph 9 IOTC Resolution 11/03, paragraph 16 ICCAT GEN Rec 09-	All tuna RFMOs have similar actions to be taken to deter and prevent the activities of vessels on the IUU list.	The ICCAT provision on ports, is stronger than other tuna RFMOs: it states that CPCs shall take all necessary measures "to prohibit the entry into their ports of vessels included on the IUU list, except in case of <i>force majeure</i> ."

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
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<p>enter ports voluntarily are not authorized to land, tranship, refuel or re-supply therein but are inspected upon entry;</p> <p>c. prohibit the chartering of a vessel on the WCPFC IUU Vessel List;</p> <p>d. refuse to grant their flag to vessels on the WCPFC IUU Vessel List in accordance with para 1f, Section A, in Conservation and Management Measure 2004-01;</p> <p>e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the WCPFC Convention from vessels on the WCPFC IUU Vessel List;</p> <p>f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the WCPFC Convention caught by vessels on the WCPFC IUU Vessel List;</p> <p>g. collect, and exchange with other CCMs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the WCPFC Convention from vessels on the WCPFC IUU Vessel List.</p>	10 paragraph 9		
<p>23. The Executive Director shall take any measure necessary to ensure publicity of the WCPFC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the WCPFC website. Furthermore, the Executive Director shall transmit the WCPFC IUU Vessel List to the FAO and to other regional fisheries organizations for the purposes of enhancing cooperation between the WCPFC and these organizations aimed at preventing, deterring and eliminating IUU fishing.</p>	<p>IATTC Resolution C-05-07, paragraph 10</p> <p>IOTC Resolution 11/03, paragraph 17</p> <p>ICCAT GEN Rec 09-10 paragraph 10</p>	<p>All tuna RFMOs have the same provision which instructs the Executive Director, or the equivalent, to ensuring publicity of the IUU list, by placing the list on the website and transmitting a copy to other RFMOs.</p>	<p>WCPFC procedures specify that the list is to be sent to FAO, as well as other regional fisheries organisations.</p>
<p>24. Without prejudice to the rights of CCMs and coastal states to take proper action, consistent with international</p>	IATTC Resolution C-05-07, paragraph 12	All tuna RFMOs have similar provisions.	WCPFC procedures specify “including applicable WTO

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
		Similarities	Differences
law, including applicable WTO obligations, the CCMs shall not take any unilateral trade measures or other sanctions against vessels on the draft or Provisional IUU Vessel Lists, pursuant to paras 6 or 14, or that have been removed from the WCPFC IUU Vessel List, pursuant to paras 17 and 20, on the grounds that such vessels are involved in IUU fishing activities.	ICCAT GEN Rec 09-10 paragraph 13		obligations”.
Requests to remove a vessel from the RFMO IUU Vessel List			
25. CCMs and non-CCMs with a vessel on the WCPFC IUU Vessel List may request the removal of the vessel from the list at any time during the intersessional period by submitting to the Executive Director suitably documented information demonstrating that: a) it has adopted measures that will seek to ensure that the vessel complies with all WCPFC measures; and b) it will be able to assume effectively flag state duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and c) it has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the WCPFC IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or d) the vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing activities, or e) the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.	IOTC Resolution 11/03 paragraph 19 ICCAT GEN Rec 09-10 paragraph 14	The WCPFC procedures 25 a) – d) are similar wording to that in IOTC and ICCAT.	The WCPFC has considered that requests to a remove a vessel from the IUU list must include a) and b), as well as either one of c), d) or e). The WCPFC procedures include an additional alternative criteria (para 25 (e)) which is allows for the satisfaction of the submitting CCM and the flag State to be considered as one of the possible reasons for removing a vessel from the IUU list. The IOTC and ICCAT procedures appear to be silent on which of the four criteria must be addressed in a request to remove a vessel. IATTC procedures are silent on

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
		Similarities	Differences
			the process for a flag State to apply to have a vessel on the IUU list removed. Although as is the case for all tuna RFMO procedures, under the IATTC procedures the flag State is asked at the time of being advised by the Commission that one of its vessels is IUU listed by IATTC, to inform the Commission of the measures taken in response to the IUU listing (IATTC Resolution C-05-07 paragraph 8).
Intersessional modification of the RFMO IUU list to remove a vessel			
26. The Executive Director will transmit the removal request, with all the supporting information, to the CCMs within 15 days following the receipt of the removal request. CCMs shall promptly acknowledge receipt of the removal request. If no acknowledgement is received within 10 days of the date of transmittal, the Executive Director shall retransmit the removal request and shall use additional means available to ensure the request has been received.	IOTC Resolution 11/03 (paragraphs 20 – 24) ICCAT GEN Rec 09-10 (paragraphs 15 – 20)	WCPFC procedures requiring the Executive Director, or equivalent head of the tuna RFMO, to circulate the removal request within 15 days, is consistent across the two RFMOs that allow for intersessional modification.	IATTC Resolution C-05-07 does not include a process for intersessional modification of IUU list. The WCPFC procedures allow CCMs a longer time period to reply (within 40 days) compared to IOTC and ICCAT which give 30 days. The WCPFC timing reflects the timeframe for intersessional decision making in the WCPFC Rules of Procedure.
27. Each Commission Member shall examine the removal request and notify the Executive Director in writing of its decision, and the rationale therefore, regarding the removal of the vessel within 40 days following the notification by the Executive Director. Decisions on the request to remove the vessel shall be made in accordance			

Text of WCPFC CMM 2010-06	Reference to comparable provisions in other tuna RFMOs	Analysis of WCPFC CMM 2010-06, compared to other tuna RFMOs procedures	
		Similarities	Differences
with Rule 30 of the Rules of Procedure.			
28. If Commission Members agree to the removal of the vessel from the WCPFC IUU Vessel List within the period stipulated in para 27, the Executive Director will inform CCMs, non-CCMs, FAO and other regional fisheries management organizations, and will remove the vessel from the WCPFC IUU Vessel List, as published on the WCPFC website.			
29. If Commission Members disagree with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the WCPFC IUU Vessel List and the Executive Director will inform the CCMs and/or non-CCMs that made the removal request.			

Table 3. List of unique features of other tuna RFMO IUU listing procedures which are not specifically catered for in WCPFC IUU listing procedures (CMM 2010-06)

Additional criteria within the definition of IUU fishing: Harvesting when flag State is without sufficient quota, catch limit or effort allocation under CMMs

IOTC Resolution 11/03 para 1 (b)	Harvest tuna or tuna-like species in the IOTC Area of competence, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable
ICCAT Rec 09-10 (GEN) para 1 (b)	Harvest tuna and tuna-like species in the Convention area, whose flag State is without quotas, catch limit or effort allocation under relevant ICCAT conservation and management measures;

WCPFC does not specifically include this criterion in the list of IUU fishing activities, specified in paragraph 3 of CMM 2010-06, although this could be within the scope of paragraph i)

Process for intersessional consideration of a nomination for the IUU list

IOTC Resolution 11/03 paragraph 11, 14	<p>The IOTC has included a process (paragraph 14) which allows for intersessional consideration of a nomination for the IOTC IUU list. This is activated if:</p> <ul style="list-style-type: none"> * the flag State evidence is submitted after the 15 deadline before the IOTC annual meeting, including any evidence made during the Compliance Committee’s annual meeting (para 11) *If the Commission is unable to decide, on the basis of information provided, whether or not a vessel should be included on the IOTC IUU list, and that further evidence is required (para 14). <p>The process involves:</p> <ul style="list-style-type: none"> Suspending the Commission’s decision on the IUU listing during the Annual Meeting Inviting CPCs and the Flag State to submit supplementary information or evidence within 90 days After 90 days, the Secretary transmits proposal and all supplementary information and evidence to CPCs CPCs consider proposal, and are to advise within 30 days whether or not they support the vessel being included on the IOTC IUU Vessels List At end of 30 days, the Chair ascertains the outcome of the CPCs decision on the proposal, from an intersessional decision making process (if no quorum or clear majority the vessel remains on the Provisional IUU list) The Secretary communicate the result of the decision, along with a copy of the amended IOTC IUU Vessels List or the confirmed Provisional IOTC Vessel List, to all CPCs, the Flag State of the vessels (if is not a CPC), and any non-Contracting Party that may have an interest. The amended IOTC IUU Vessels List will have effect immediately after the Secretary communicates the result of the decision. <p><i>WCPFC, ICCAT and IATTC do not have comparable provisions in their IUU listing procedures</i></p>
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A prescribed form for submitting IUU list nominations

IOTC Resolution 11/03 paragraph 3, and has Annex 1	IOTC procedures include a reporting form format, specified in Annex I A: details of the vessel being nominated, summary of the alleged IUU activity, summary of any actions taken and the outcome of actions taken B: details of IOTC Resolution Elements contravened C: associated documents D: recommended actions
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WCPFC CMM 2010-06 states at paragraph 2 that CCMs should submit information in the format approved by the Commission, but the Commission has not seen the need to adopt a format.

Process to recognize the IUU lists of other RFMOs

ICCAT GEN Rec 09-10 (paragraph 11)	11. Upon receipt of the final IUU vessel list established by another regional fisheries management organization (RFMO) managing tuna or tuna-like species and supporting information considered by that RFMO, and any other information regarding the listing determination, the Executive Secretary shall circulate this information to the CPCs. Vessels that have been included on or deleted from the respective lists shall be included on or deleted from the ICCAT IUU Vessel List as appropriate, unless any Contracting Party objects to the inclusion on the final ICCAT IUU list within 30 days of the date of transmittal by the Executive Secretary on the grounds that: i) there is satisfactory information to establish that: a) The vessel did not engage in the IUU fishing activities identified by the other RFMO, or b) That effective action has been taken in response to the IUU fishing activities in question, including, inter alia, prosecution, and imposition of sanctions of adequate severity, or ii) There is insufficient supporting information and other information regarding the listing determination to establish that none of the conditions in sub-paragraph i) above have been met. In the event of an objection to a vessel listed by another RFMO managing tuna or tuna-like species being included on the final ICCAT IUU Vessel List pursuant to this paragraph, such vessel shall be placed on the Draft IUU Vessel List and considered by the PWG pursuant to paragraph 6.
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WCPFC, ICCAT and IATTC do not have comparable provisions in their IUU listing procedures
