



**TECHNICAL AND COMPLIANCE COMMITTEE
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**Developing a Process and Structure for Monitoring and Reviewing Compliance with
WCPFC Conservation and Management Measures, and Other Decisions**

**WCPFC-TCC2-2006/09
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Paper prepared by the Secretariat

Introduction

1. At its Second Annual Session in 2005 (Comm2) the Commission adopted several binding conservation and management measures, as well as several resolutions. Accordingly, the Commission now needs to consider how it will monitor and review compliance with its conservation and management measures, and other decisions, and what remedial actions it could take in cases of non-compliance, in accordance with the provisions of the Convention, particularly Articles 25 and 32.

2. Article 14 of the Convention identifies that this role resides with the Technical and Compliance Committee (TCC). However, specific guidance on the process to be followed in monitoring and reviewing compliance with the conservation and management measures adopted by the Commission is yet to be considered. As a result, there is a need to develop a structure and process within the TCC to carry out this function. In addition, the Commission also needs to consider what kinds of measures are to be applied in the event of non-compliance, and how and to whom they would apply (e.g., Members, Cooperating Non-Members, Non-Members, individual vessels, market States, port States, etc.). It is recognized that this is a complex undertaking that will need focused discussion and work by the TCC and Commission for some time to come. This paper therefore provides a basis for the beginning of a process to elaborate a means to monitor and report on compliance. This will be an evolving process - one that will need to be refined as the Commission establishes its MCS components and adopts further conservation and management measures.

3. The purpose of this paper is to provide the Second Regular Session of the Technical and Compliance Committee (TCC2) with information on this issue and current practices in other regional fisheries management organizations (RFMOs) to guide its deliberations. This paper proposes a structure and procedures for the monitoring and review of compliance with the conservation and management measures of the WCPFC within the TCC, and options for how the Commission could take remedial action, as necessary, in accordance with the provisions of the Convention.

4. This paper consists of three sections. The first section provides background and a brief summary of other RFMO procedures and arrangements for monitoring and reviewing compliance and measures to deter non-compliance. The second section identifies issues for consideration by TCC2 in developing mechanisms to implement this aspect of its mandate. This section also provides some guidance on issues that will need further consideration by the TCC and the Commission in their development of this process and structure. The third section provides a draft structure for how the TCC could monitor and review compliance with conservation and management measures, and other decisions adopted by the Commission, and make any necessary recommendations to the Commission.

Section I. Background

5. Article 14 of the Convention describes the functions of the TCC as being to:
- a. provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures;
 - b. monitor and review compliance with conservation and management measures adopted by the Commission, and make such recommendations to the Commission as may be necessary; and
 - c. review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make recommendations to the Commission as may be necessary.
6. In carrying out its functions, the Committee shall, *inter alia*:
- a. Provide a forum for exchange of information concerning the means by which Members, Cooperating Non-Members and Participating Territories (CCMs) are applying the conservation and management measures adopted by the Commission on the high seas, and complementary measures in waters under national jurisdiction;
 - b. receive reports from each member of the Commission relating to measures taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant thereto;
 - c. consider and investigate such other matters as may be referred to it by the Commission, including developing and reviewing measures to provide for the verification and validation of fisheries data;
 - d. report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures; and
 - e. make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement.
7. Article 25 of the Convention commits each member of the Commission to complying with and enforcing the provisions of the Convention, and the conservation and management measures adopted by the Commission. Article 25 also provides that the Commission may take collective action in accordance with the Agreement and international law, to deter fishing vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures adopted by the Commission, including the possibility of taking non-discriminatory trade measures consistent with the international obligations of Members of the Commission (Article 25, paragraphs 11 and 12).

Section II. Review of other RFMO structures and processes

8. Several RFMOs have institutional arrangements for reviewing and monitoring compliance that have similar functions to the TCC. A selection of these arrangements is summarized at **Attachment A**.

9. Three RFMOs, the North Atlantic Fisheries Organization (NAFO), the Inter-American Tropical Tuna Commission (IATTC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT), have established committees, processes, and procedures that are particularly relevant to the subject of this paper. The evolving institutional frameworks developed by the two tuna RFMOs (ICCAT is currently considering a review of the institutional framework that supports its compliance functions) could serve as a particularly useful guide to the deliberations of the TCC and Commission on this issue.

10. While institutional arrangements to review compliance are in place for many RFMOs, the processes and procedures for the investigation of an alleged violation, the protection of basic rights and the means to impose sanctions and penalties that are sufficient to deter future infractions are less well developed. In fact, many of the fisheries organizations contacted during the preparation of this paper, including CCSBT and CCAMLR, indicated that this is an area that will be receiving the increased attention of their members in the near future.

Issues for consideration

11. In developing the structure and processes to monitor and review compliance with WCPFC conservation and management measures, other Commission decisions and the provisions of the Convention, there are several considerations that could usefully guide the TCC and help frame its work:

- a. that the structure and procedures promote the objective of the Convention and compliance with the Commission's conservation and management measures and decisions;
- b. that the structure and procedures are transparent, fair and ensure due process;
- c. that the structure and procedures ensure appropriate levels of confidentiality and information security;
- d. the scope of application of the procedures, particularly whether the structure and procedures will apply to both CCMs and Non-Members (NMs), and how;
- e. that the procedures allow for a range of remedial actions to be recommended to the Commission; and
- f. that the procedures provide a means to monitor the affect of any remedial actions agreed by the Commission.

12. In monitoring and reviewing compliance, some consideration should be given to what standard or standards will be used. For example, the TCC could assess whether an action or activity is a violation of a Commission conservation and management measure or decision (applying to CCMs), a failure by a Member to discharge its obligations under the WCPFC Convention and international law, or more broadly "undermining the effectiveness of the Commission's conservation and management measures" (applying to CCMs and NMs), as is used in other RFMOs. The TCC may wish to utilize all of these standards, and perhaps others, depending on the nature of the infraction. Some consideration also needs to be given to the nature of the remedial action to be recommended in each case.

13. The source and types of data to be used by the TCC in monitoring and reviewing compliance also need consideration. For example, the following could be used by the TCC in its work:

- a. Part II Annual Reports submitted by CCMs;
- b. Observer reports (both from the Regional Observer Programme and national programs);
- c. CCM port inspection reports;
- d. WCPFC IUU list (if developed by the Commission);
- e. Unloading reports;
- f. VMS data;
- g. Trade or catch documentation scheme data (if developed by the Commission);
- h. CCM vessel sighting reports;
- i. CCM import/landing data;
- j. Transshipment reports (if developed by the Commission);
- k. Boarding and inspection reports, in accordance with the procedures adopted by the Commission for the high seas; and
- l. Information provided other RFMOs.

14. It may also be necessary to consider a means to verify data provided to the Commission. Verification may be required in relation to data provided as a part of the regular reporting processes to the Commission or in response to an issue that may be raised by the TCC or the Commission during its periodic review of compliance. This may be necessary in the case of Non-Members and where independent verification of data is required by the Commission.

15. The procedures may also benefit from the elaboration of the process for a CCM or NM to respond to a request from the Commission on a matter relating to possible non-compliance. This may be in relation to a request from the Commission for a CCM to:

- a. investigate an incident of non-compliance (per Article 25); or
- b. respond to requests from the Commission for additional information to verify information already received.

16. This process may include a means to track:

- a. responses to requests from the Commission for additional information; and
- b. reporting by CCMs in accordance with Article 25, paragraphs 2 and 10.

17. This process may also include a mechanism for the Commission to take remedial action, particularly in the case of a CCM not complying with its reporting obligations under Article 25 within a specified time-frame.

18. Options for remedial action also require consideration. Action taken in accordance with international law and with the Agreement is intended to be sufficient to deter activities which undermine the effectiveness, or otherwise violate the decisions, of the Commission (Article 25(11)). Actions that could be considered by the Commission include:

- a. Non-discriminatory trade measures against a State or fishing entity;
- b. Placement of a vessel on an WCPFC IUU List (if established by the Commission);

- c. Prohibition of landings and transshipment;
- d. Quota reductions; and/or
- e. Restrictions on port access

19. It is recognized that it will take time to elaborate some or all of these remedial actions. The work of other RFMOs could usefully inform the development of such actions by the Commission. In particular, measures related to IUU vessel lists and trade measures adopted by the IATTC and ICCAT could possibly serve as models. These measures are appended at **Annexes A, B, C, D, E, and F of Attachment A** for TCC2's information.

Section III. Draft TCC Structure for Monitoring and Review compliance with WCPFC conservation and management measures, and other decisions

20. Drawing on the practice of other RFMOs, and bearing in mind the provisions of the WCPFC Convention, a draft structure and process for monitoring and reviewing compliance within the TCC and Commission has been developed (Figure 1).

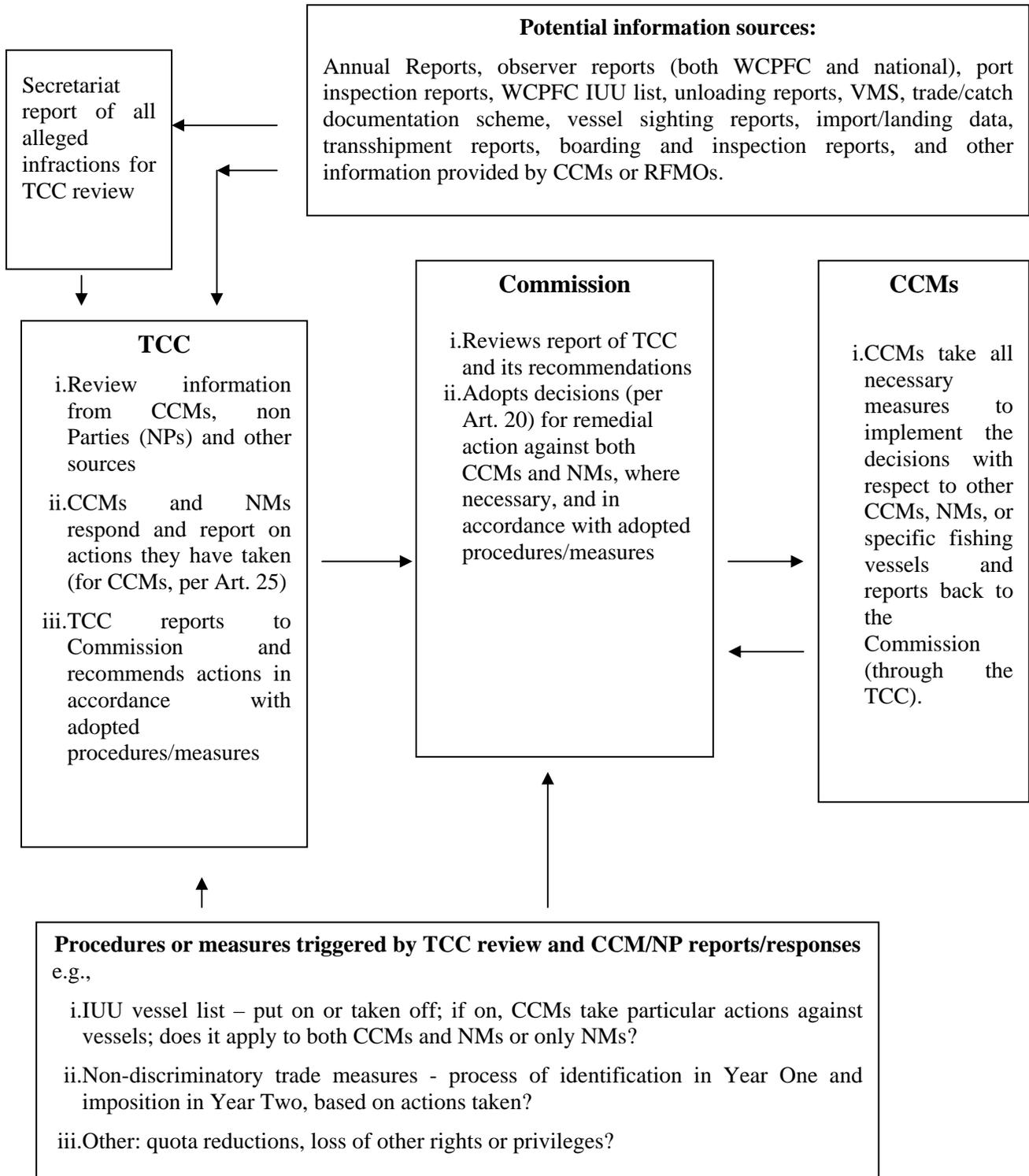
21. The TCC is invited to consider the draft structure and process outlined in Figure 1, as well as the issues identified as needing further consideration and elaboration, and make recommendations to the Commission on how to progress the further elaboration of procedures for monitoring, reviewing and reporting on compliance as provided for within the Commission's mandate.

22. A draft form for reporting on non-compliance, based on a similar form utilized by ICCAT, has been developed for consideration of TCC2 (**Attachment B**).

Conclusion

23. TCC2 is invited to:
- a. comment on the procedures in place, or under development, in other RFMOs for monitoring and reporting on compliance that may be applicable to the WCPFC;
 - b. discuss the key elements of a structure, and associated procedures for monitoring and reporting on compliance in the WCPFC including consideration of possible remedial action; and
 - c. propose a process for further elaboration of procedures for monitoring and reporting on compliance for the Commission.

Figure 1. Draft process and structure for monitoring compliance and taking remedial action within the WCPFC



Summary of arrangements in other RFMOs for monitoring, reviewing and reporting on compliance

ICCAT

ICCAT manages a broad range of non-compliance issues through i) the *ICCAT Conservation and Management Measures Compliance Committee* (COC) (for Parties) and the ii) the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) (for Non-parties). The Terms of Reference for the COC and the PWG are attached at **Annex A**. There is currently some discussion within ICCAT that contemplates a possible restructuring of COC and PWG because of overlap in functions between the two bodies [Recommendation 2002-28].

Some of the main tools used for compliance by ICCAT in recent years include:

- a. Vessel sightings. For non-contracting parties, the process is described at : <http://www.iccat.int/Documents/Recs/compendiopdf-e/2002-23-e.pdf> and for contracting Party vessels, by: <http://www.iccat.int/Documents/Recs/compendiopdf-e/1997-11-e.pdf> (and see **Annex B**)
- b. Catch and international trade of ICCAT species that diminishes the effectiveness of ICCAT regulations. The process followed, which can lead to sanctions, is outlined in: <http://www.iccat.int/Documents/Recs/compendiopdf-e/2003-15-e.pdf> (and **Annex C**)
- c. Over-harvests. Each year the Secretariat prepares "Compliance Tables" for each species that has catch quotas, catch limits or minimum size regulations according to <http://www.iccat.int/Documents/Recs/compendiopdf-e/1998-14-e.pdf>. Quotas can be adjusted depending on overharvests and underharvests, and there is some flexibility in terms of the year(s) in which quotas are adjusted. Therefore the process is iterative in terms of different updates that are circulated by the Secretariat and subsequent responses from Contracting Parties.

IATTC

At its 63rd meeting in 1999, IATTC established a Permanent Working Group on Compliance with the following functions:

- a. to review and monitor compliance with conservation and management measures adopted by the IATTC;
- b. to recommend to the IATTC means of promoting compatibility among the national fisheries management measures of the Parties, including infractions and sanctions;
- c. to recommend to the IATTC appropriate measures for addressing matters related to compliance with fisheries management measures;
- d. analyze information by flag and, as necessary, by vessel, and other information necessary to carry out its functions; and
- e. to report the results of its work to the IATTC, which will in turn inform the Parties and Nonparties.

The Terms of Reference for the PWG are presented at **Annex D**.

The Parties, through the IATTC staff, are required to:

- a. inform the Working Group of legal and administrative provisions applicable to compliance with conservation and management measures adopted by the IATTC, including régimes of infractions and sanctions and measures applicable to vessels of less than 363 metric tons carrying capacity.
- b. inform the Working Group of measures taken to ensure compliance with conservation and management measures adopted by the IATTC, including, if appropriate, an analysis of individual cases and the final decision taken.

The staff of the IATTC is responsible for preparing reports of the Working Group. All information provided to the Working Group is subject to the confidentiality rules of the IATTC. The reports of the PWG are forwarded to IATTC for consideration and action.

The Agreement for the International Dolphin Conservation Program (AIDCP), for which the staff of the IATTC also serve as the Secretariat, has established an International Review Panel (IRP) to oversee implementation of the AIDCP (**Annex E**). The role of the IRP is to identifying possible infractions, based on the list of possible infractions approved by the Meeting of the Parties, and to review remedial actions taken by Parties to AIDCP in respect of vessels flying its flag or operating under its jurisdiction. The IRP is also responsible for providing an annual report relating to the implementation of the AIDCP, including a summary of possible infractions identified and the actions taken, by the Parties.

NAFO

The Fisheries Commission of the North Atlantic Fisheries Organisation (NAFO) has established Standing Committee on International Control (STACTIC) to review and evaluate the effectiveness of the Conservation and Enforcement Measures established by the Fisheries Commission. The functions of STACTIC include:

- a. the review and evaluation the compliance by Contracting Parties with the conservation and enforcement measures;
- b. the review and evaluation of reports on inspection and surveillance activities carried out by the Contracting Parties;
- c. the review and evaluation of reports on infringements, including serious infringements, and the follow-up by the Contracting Party; and
- d. the preparation of an annual report on compliance by all Contracting Parties for the preceding calendar year.

The Terms of Reference for STACTIC are presented at **Annex F**.

International Commission for the Conservation of Atlantic Tunas (ICCAT) (text proposed in *italics*)

Mandate and terms of reference adopted by the Commission for the ICCAT Conservation and Management Measures Compliance Committee (COC) [Ref. 95.15]
<http://www.iccat.int/Documents/Recs/compendiopdf-e/1995-15-e.pdf>

1. Name of Committee

1.1 The committee shall be named the "ICCAT Conservation and Management Measures Compliance Committee", to be hereafter generally known as the "Compliance Committee" [Ref. 95-15.1.1]

2. Mandate and Objectives of the Compliance Committee

2.1 The Compliance Committee shall be broadly responsible for reviewing all aspects of compliance with ICCAT conservation and management measures in the ICCAT Convention Area, with particular reference to compliance with such measures by ICCAT Contracting Parties. [Ref. 95-15.2.1]

2.2 The Compliance Committee shall report directly to the Commission on its deliberations and recommendations. [Ref. 95-15.2.2]

2.3 The Compliance Committee shall cooperate closely with ICCAT subsidiary bodies in order to remain informed on all issues concerning compliance with ICCAT conservation and management measures. [Ref. 95-15.2.3]

2.4 The work of the Compliance Committee shall be guided by the following overall objectives: [Ref. 95-15.2.4]

2.4.1 To provide a structured forum for discussion of all problems related to effective implementation of, and compliance with, ICCAT conservation and management measures in the ICCAT Convention area. [Ref. 95-15.2.4.1]

2.4.2 To gather and review information relevant to review of compliance with ICCAT conservation and management measures from ICCAT subsidiary bodies, and from Annual National Reports submitted by ICCAT Contracting Parties. [Ref. 95-15.2.4.2]

2.4.3 To identify and discuss problems related to the implementation of, and compliance with, ICCAT conservation and management measures, and to make recommendations to the Commission on how to address these problems. [Ref. 95-15.2.4.3]

3. Terms of Reference of the Compliance Committee

3.1 In order to meet three overall objectives, the Compliance Committee shall: [Ref. 95-15.3.1]

3.1.1 Review the status of implementation of, and compliance with, ICCAT conservation and management measures, as reported in Annual National Reports submitted by Contracting Parties, catch data compiled by the Commission and SCRS, trade information

obtained through national statistics, the Bluefin Tuna Statistical Program and other relevant information. [Ref. 95-15.3.1.1]

3.1.2 Specifically review domestic measures for the implementation of the Commission's recommendations, as reported by Contracting Parties. [Ref. 95-15.3.1.2]

3.1.3 Review the implementation of the ICCAT Port Inspection Scheme and progress made with inspections conducted under this scheme. In particular, the Committee shall identify and discuss problems related to noncompliance with ICCAT conservation and management measures detected during such inspections. [Ref. 95-15.3.1.3]

3.1.4 Review other enforcement activities conducted by Contracting Parties in the Convention area, including domestic inspection programs, reported by Contracting Parties, in order to identify problems with noncompliance detected during such enforcement activities. [Ref. 95-15.3.1.4]

3.1.5 Develop and recommend suitable and effective measures to ensure proper application of the provisions of the Convention. In particular, to further develop and recommend effective international inspection and enforcement schemes, if considered necessary, within the ICCAT Convention Area. [Ref. 95-15.3.1.5]

3.1.6 Develop and make recommendations to the Commission to resolve identified problems with implementation of, or compliance with, ICCAT conservation and management measures, in order to enhance compliance with ICCAT recommendations. [Ref. 95-15.3.1.6]

Terms of Reference of the Permanent Working Group (PWG) for the Improvement of ICCAT Statistics and Conservation Measure

<http://www.iccat.int/Documents/Recs/compendiopdf-e/1992-02-e.pdf> and

<http://www.iccat.int/Documents/Recs/compendiopdf-e/2002-28-e.pdf>

The Commission resolves to establish a Permanent Working Group, with the following terms of reference [Res. 92-2]:

1. To obtain, compile and review all available information on the fishing activities of non-Contracting Parties, for species under the purview of ICCAT, including details on the type, flag and name of vessels and reported or estimated catches by species and area; [Rec. 02-28.1]
2. To obtain, compile and review all available information on landings and transshipments of species under the purview of ICCAT caught by non-Contracting Parties, including details on the name and flag of the vessels, the quantities landed and transshipped, and the countries' landing ports through which the product was shipped; [Rec.02-28.2]
3. To obtain, compile and review all available trade data regarding species under the purview of ICCAT and other related information to be obtained from trade statistics of the Contracting Parties and from implementation of the ICCAT Statistical Document Programs; [Rec. 02-28.3]
4. To consider the effectiveness and practical aspects of the implementation of the ICCAT Statistical Document Programs; [Rec. 02-28.4]
5. To review and make recommendations for improvement of ICCAT statistics regarding catches of species under the purview of ICCAT in light of trade data and related information mentioned in point 3 above; [Rec. 02-28.5]
6. To develop recommendations to control the transfer at sea of species under the purview of ICCAT between vessels from different countries, [entities or fishing entities]; [Rec. 02-28.6]
7. To consider and outline measures to prevent the re-flagging of vessels of Contracting Parties for the purpose of avoiding fisheries management measures established by the Commission; and [Rec. 02-28.7]
8. To recommend measures to the Commission based upon the findings of the Working Group's activities. Parties will ensure that these measures conform to their trade obligations. [Rec. 02-28.8]

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.

(Entered into force: **June 4, 2003**)

Preamble.....

1. For the purposes of this recommendation, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT Convention Area, *inter alia*, when a Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity presents evidence that such vessels: [Rec. 02-23.1]

- a) Harvest tunas and tuna-like species in the ICCAT Convention Area and are not registered on the ICCAT list of vessels authorized to fish for tuna and tuna-like species in the Convention area; [Rec. 02-23.1a]
- 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; [Rec. 02-23.1b]
- c) Do not record or report their catches made in the ICCAT Convention area, or make false reports; [Rec. 02-23.1c]
- d) Take or land undersized fish in contravention of ICCAT conservation measures; [Rec. 02-23.1d]
- e) Fish during closed fishing periods or in closed areas in contravention of ICCAT conservation measures; [Rec.02-23.1e]
- f) Use prohibited fishing gear in contravention of ICCAT conservation measures; [Rec. 02-23.1f]
- g) Transship with vessels included in the IUU list; [Rec. 02-23.1g]
- h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the Convention Area without authorization and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels; [Rec. 02-23.1h]
- i) Are without nationality and harvest tunas or tuna-like species in the ICCAT Convention Area and/or[Rec. 02-23.1i]
- j) Engage in fishing activities contrary to any other ICCAT conservation and management measures. [Rec. 02-23.1j]

2. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall transmit every year to the Executive Secretary before July 15, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the Convention Area during the current and previous years, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.[Rec. 03-23.2]. The suggested format for reporting this information is attached as **Appendix 21**. This list shall be based on the information collected by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, *inter alia*, under Article 14, Section 3; Article 15, Section 3; Article 15, Section 5; Article 16, Section 1; Article 20, Section 2; Article 22, Section 3; Article 22, Section.5 and Article 22, Section 7

- 1994 *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures* [94-9];

- 1997 *Recommendation by ICCAT on Transshipments and Vessel Sightings* [97-11];

- 1997 *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [97-10];
- 2000 *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-Like Species in the Convention Area* [00-17]; [Note – this was replaced by 02-22] or
- 1992 *Recommendation by ICCAT Concerning the ICCAT Bluefin Tuna Statistical Document Program* [92-1];
- 2001 *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [01-21]; and
- 2001 *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [01-22]
- 1998 *Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area* [98-18]. [Rec. 02-23.2] [NOTE: This was replaced by 03-15]

3. On the basis of the information received pursuant to Article 19, Section 3, paragraph 2, the ICCAT Executive Secretary shall draw up a draft IUU list and shall transmit it together with all the evidence provided to Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, as well as to non-Contracting Parties whose vessels are included on these lists before August 15 of each year. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities, and non-Contracting Parties, shall transmit their comments, as appropriate, including evidence showing that the listed vessels neither have fished in contravention to ICCAT conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the Convention Area, before September 30 to ICCAT. [Rec. 02-23.3] Upon receipt of the draft IUU list, Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner. [Rec. 02-23.3]

4. On the basis of the information received pursuant to Article 19, Section 3 paragraph 3, the ICCAT Executive Secretary shall draw up a provisional list that he shall transmit 2 weeks in advance of the Commission Meeting to the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, and to the non-Contracting Parties concerned, together with all the evidence provided. [Rec. 02-23.4]

5. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities may at any time submit to the ICCAT Executive Secretary any additional information, which might be relevant for the establishment of the IUU list. The ICCAT Executive Secretariat shall circulate the information at latest before the annual Commission meeting to the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities and to the non-Contracting Parties concerned, together with all the evidence provided. [Rec. 02-23.5]

6. The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall examine, each year, the provisional list, as well as the information referred to in Article 19, Section 3 paragraphs 3 and 5. The results of this examination may, if necessary, be referred to the Compliance Committee. The PWG shall remove a vessel from the provisional list if the flag State demonstrates that:

- a) The vessel did not take part in any IUU fishing activities described in Article 19, Section 3 paragraph 1, or [Rec.02-23.6a]
- b) 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. [Rec. 02-23.6b]

7. Following the examination referred to in paragraph 6, the PWG shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the ICCAT Convention area. [Rec.02-23.7]

8. On adoption of the list, the Commission shall request non-Contracting Parties, whose vessels appear on the IUU list, to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect. [Rec. 02-23.8]

9. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall take all necessary measures, under their applicable legislation:

- a) So that the fishing vessels, the mother ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list; [Rec. 02-23.9a]
- b) So that IUU vessels that enter ports voluntarily are not authorized to land or transship therein; [Rec. 02-23.9b]
- c) To prohibit the chartering of a vessel included on the IUU list; [Rec. 02-23.9c]
- d) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity determines that granting the vessel its flag will not result in IUU fishing; [Rec. 02-23.9d]
- e) To prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list; [Rec. 02-23.9e]
- f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU list; [Rec. 02-23.9f]
- g) To collect and exchange with other Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list. [Rec. 02-23.9g]

10. The ICCAT Executive Secretary shall take any necessary measure to ensure publicity of the IUU vessels list adopted by ICCAT pursuant to Article 19, Section 3, paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the ICCAT web site. Furthermore, the ICCAT Executive Secretary shall transmit the IUU vessels list to other regional fisheries organizations for the purposes of enhanced cooperation between ICCAT and these organizations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing. [Rec. 02-23.10]

11. This recommendation shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2003, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity vessels. [Rec. 02-23.11]

12. Without prejudice to the rights of flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities and coastal states to take proper action consistent with international law, the Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall not take any unilateral trade measures or other sanctions against vessels

provisionally included in the draft IUU list, pursuant to Article 19, Section.3, paragraph 3, or which have been already removed from the list, pursuant to Article 19, Section 3 paragraph 6, on the grounds that such vessels are involved in IUU fishing activities. [Rec. 02-23.12]

RESOLUTION BY ICCAT CONCERNING TRADE MEASURES

(Transmitted to Contracting Parties: **December 19, 2003**)

[Resolution 2003-15]

Preamble.....

1. CPCs that import tuna and tuna-like fish products or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible and submit the following information to the Commission each year: [Res. 03-15.1]

- a) names of the vessels that caught and produced such tuna or tuna-like species products, [Res. 03-15.1a]
- b) flag of those vessels, [Res. 03-15.1b]
- c) species (of tuna and tuna-like species) of the products, [Res. 03-15.1c]
- d) areas of catch (Atlantic Ocean, Mediterranean Sea, or other area), [Res. 03-15.1d]
- e) product weight by product type, [Res. 03-15.1e]
- f) points of export, [Res. 03-15.1f]
- g) names and addresses of owners of the vessels, [Res. 03-15.1g]
- h) registration [Res. 03-15.1h]

2. a) The Commission, through the Conservation and Management Measures Compliance Committee (hereinafter Compliance Committee) or the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (hereinafter PWG), should identify each year:

- i) The CPCs that have failed to discharge their obligations under the ICCAT Convention in respect of ICCAT conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with ICCAT conservation and management measures by the vessels flying their flag; and/or
- ii) The NCPs that have failed to discharge their obligations under international law to co-operate with ICCAT in the conservation and management of tuna and tuna-like species, in particular, by not taking measures or exercising effective control to ensure that their vessels do not engage in any activity that undermines the effectiveness of ICCAT conservation and management measures. [Res. 03-15.2a]

2. b) These identifications should be based on a review of all information provided in accordance with Article 20, Section.3 paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on these species obtained from National Statistics; the ICCAT statistical document programs; the list of the IUU vessels adopted by ICCAT, as well as any other information obtained in the ports and on the fishing grounds. [Res. 03-15.2b]

2. c) In deciding whether to make identification, the Compliance Committee or the PWG should consider all relevant matters including the history, and the nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of ICCAT conservation and management measures. [Res. 03-15.2c]

3. The Commission should request CPCs and NCPs concerned to rectify the act or omission identified under Article 20, Section 3, paragraph 2 so as not to diminish the effectiveness of the ICCAT conservation and management measures. The Commission should notify identified CPCs and NCPs of the following: [Res. 03-15.3]

- a) the reason(s) for the identification with all available supporting evidence; [Res. 03-15.3a]
 - b) the opportunity to respond to the Commission in writing at least 30 days prior to the annual meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and [Res. 03-15.3b]
 - c) in the case of a NCP, an invitation to participate as an observer at the annual meeting where the issue will be considered. [Res. 03-15.3c]
4. CPCs are encouraged jointly and individually to request the CPC/NCPs concerned to rectify the act or omission identified under Article 20, Section 3, paragraph 2 so as not to diminish the effectiveness of the ICCAT conservation and management measures. [Res. 03-15.4]
5. The Executive Secretary should, by more than one means of communication, transmit the Commission's request to the identified CPC or NCP. The Executive Secretary should seek to obtain confirmation from the CPC or the NCP that it received the notification. [Res. 03-15.5]
6. The Compliance Committee or the PWG should evaluate the response of the CPCs or NCPs, together with any new information, and propose to the Commission to decide upon one of the following actions: [Res. 03-15.6]
- a) the revocation of the identification; [Res. 03-15.6a]
 - b) the continuation of the identification status of the CPC or NCP; or [Res. 03-15.6b]
 - c) the adoption of non-discriminatory trade restrictive measures [Res. 03-15.6c].

In the case of CPCs, actions such as the reduction of existing quotas or catch limits should be implemented to the extent possible before consideration is given to the application of trade restrictive measures. Trade measures should be considered only where such actions either have proven unsuccessful or would not be effective. [Res. 03-15.6]

7. If the Commission decides upon the action described in Article 20, Section 3, paragraph 6 c), it should recommend to the Contracting Parties pursuant to Article VIII of the Convention to take non-discriminatory trade restrictive measures, consistent with their international obligations. The Commission should notify the CPCs and NCPs concerned of the decision and the underlying reasons in accordance with the procedures specified in Article 20, Section 3 paragraph 5. [Res. 03-15.7]

8. CPCs should notify the Commission of any measures that they have taken for the implementation of the nondiscriminatory trade restrictive measures adopted in accordance with Article 20, Section 3, paragraph 7. [Res. 03-15.8]

9. In order for the Commission to recommend the lifting of trade restrictive measures, the Compliance Committee or the PWG should review each year all trade restrictive measures adopted in accordance with paragraph 7. Should this review show that the situation has been rectified, the Compliance Committee or PWG should recommend to the Commission the lifting of the non-discriminatory trade restrictive measures. Such decisions should also take into consideration whether the CPCs and/or NCPs concerned have taken concrete measures capable of achieving lasting improvement of the situation. [Res. 03-15.9]

10. Where exceptional circumstances so warrant or where available information clearly shows that, despite the lifting of trade-restrictive measures, the CPC or NCP concerned continues to diminish the effectiveness of ICCAT conservation and management measures, the Commission may immediately decide on action including, as appropriate, the imposition of trade-restrictive measures in accordance with Article 20, Section 3 paragraph 7. Before making such a decision,

the Commission should request the CPC or NCP concerned to discontinue its wrongful conduct and should provide the CPC or NCP with a reasonable opportunity to respond. [Res. 03-15.10]

11. The Commission should establish annually a list of CPCs and NCPs that have been subject to a trade- restrictive measure pursuant to Article 20, Section.3, paragraph 7 and, with respect to NCPs, are considered as non-Cooperating non-Contracting Parties to ICCAT. [Res. 03-15.11]

12. The *Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna* [94-3], the *Resolution by ICCAT Concerning an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish* [95-13] and the *Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area* [98-18] are replaced by the present Resolution. For the purposes of this paragraph, CPCs and NCPs that are under sanction pursuant to any previous Resolution one or more of these three Resolutions are deemed to be sanctioned under the present Resolution, provided that this will not result in any greater level of sanction than that already imposed. [Res. 03-15.12]

INTER-AMERICAN TROPICAL TUNA COMMISSION
Resolution on the Establishment of a Permanent Working Group on Compliance
June 1999

The Inter-American Tropical Tuna Commission (IATTC), meeting in Guayaquil, Ecuador, on the occasion of its 63rd Meeting, agrees to establish a permanent Working Group on compliance with conservation and management measures adopted by the IATTC, in accordance with the following provisions:

1. Definitions

For the purposes of this resolution:

- a) "Party" means a Contracting Party of the IATTC;
- b) "Non-party" means a state/entity/fishing entity or regional economic integration organization to which its member states have transferred competence over matters covered by this Resolution, which is not a Contracting Party of the IATTC whose coast borders the eastern Pacific Ocean or with vessels fishing under its jurisdiction in the eastern Pacific Ocean.

2. The functions of the Working Group shall be:

- a) to review and monitor compliance with conservation and management measures adopted by the IATTC;
- b) to recommend to the IATTC means of promoting compatibility among the national fisheries management measures of the Parties, including infractions and sanctions;
- c) to recommend to the IATTC appropriate measures for addressing matters related to compliance with fisheries management measures;
- d) analyze information by flag and, as necessary, by vessel, and other information necessary to carry out its functions;
- e) to report the results of its work to the IATTC, which will in turn inform the Parties and Nonparties;

3. The Working Group shall be made up of representatives of each of the Parties ("governmental members").

4. Representatives of Non-parties, pertinent intergovernmental organizations, non-governmental environmental organizations with recognized experience in matters pertaining to this Working Group, and owners of tuna vessels fishing in the eastern Pacific Ocean (EPO) under the jurisdiction of any of the Parties, may participate in the Working Group as observers.

5. All participants in the Working Group shall have speaking rights, but only the Parties shall have voting rights. The Working Group shall adopt its reports and recommendations by consensus.

6. The Working Group shall hold at least one meeting every year, if possible in conjunction with a meeting of the IATTC, and at its first meeting shall adopt the rules of procedure necessary for the performance of its functions.

7. The Parties shall, through the IATTC staff:

- a) inform the Working Group of legal and administrative provisions applicable to compliance with conservation and management measures adopted by the IATTC, including régimes of infractions and sanctions and measures applicable to vessels of less than 363 metric tons carrying capacity.

- b) inform the Working Group of measures taken to ensure compliance with conservation and management measures adopted by the IATTC, including, if appropriate, an analysis of individual cases and the final decision taken.
8. The Parties shall:
- a) authorize the use and release, subject to any applicable rules of confidentiality, of pertinent information recorded by observers of the IATTC or a national program;
 - b) ensure that vessel owners and/or captains consent to allow the IATTC to analyze information on the operation and compliance of the fleets;
 - c) provide to the IATTC every six months a report on the activities of its tuna-fishing vessels and any other information necessary for the work of the Working Group;
9. The staff of the IATTC shall:
- a) collect the information necessary for the work of the Working Group and develop a data base;
 - b) provide to the Working Group such statistical analyses as the Working Group deems necessary for carrying out its functions;
 - c) prepare the reports of the Working Group;
 - d) distribute all pertinent information to the members of the Working Group, particularly that set out in paragraph 7(a).
 - e) inform Parties and Non-parties of measures taken under IATTC resolutions, with enough notice for their implementation at the national level.
10. All information provided to the Working Group shall be subject to the confidentiality rules of the IATTC.
11. Non-parties shall be requested and encouraged to comply with the requirements and commitments established in paragraphs 7 and 8 above.

AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

Annex VII - International Review Panel

1. In compliance with Article XII of this Agreement, the International Review Panel (IRP) shall have the following functions:
 - a. Each year compile a list of the vessels that qualify for DMLs as agreed in Annex IV;
 - b. Analyze the reports submitted to the IRP, regarding all tuna-fishing trips made by vessels covered by this Agreement;
 - c. Identify possible infractions, based on the list of possible infractions approved by the Meeting of the Parties;
 - d. Inform each Party, through the Director, of possible infractions committed by vessels flying its flag or operating under its jurisdiction, and receive from that Party information on the actions taken;
 - e. Maintain an updated report on the actions taken by the Parties to provide adequate training for fishing captains, and maintain a list of those fishing captains determined to be complying with established performance requirements, based on the information provided by each of the Parties;
 - f. Recommend to the Meeting of the Parties pertinent measures for achieving the objectives of this Agreement, in particular those related to the use of gear, equipment and fishing techniques, considering improvements in technologies, as well as the adoption of appropriate incentives for captains and crews to meet the objectives of this Agreement;
 - g. Prepare and provide the Meeting of the Parties an annual report on those aspects of the operation of the fleet relating to the implementation of this Agreement, including a summary of possible infractions identified and the actions taken by the Parties;
 - h. Recommend to the Parties ways to progressively reduce dolphin mortality incidental at the fishery in the Agreement Area; and
 - i. Perform other functions as assigned by the Meeting of the Parties.
2. The IRP shall be made up of representatives of the Parties (“governmental members”), three representatives of non-governmental environmental organizations with recognized experience in matters pertaining to this Agreement and with offices in the territory of a Party, and three representatives from the tuna industry that operates under the jurisdiction of any of the Parties in the Agreement Area (“non-governmental members”).
3. The non-governmental members shall have a two-year term of membership, starting at the first meeting of the IRP immediately after their election.
4. The non-governmental members will be elected in accordance with the following procedure:
 - a. Prior to the expiration of the term of a non-governmental member, the relevant nongovernmental organizations may present candidates’ nominations 60 days before the expiration of the term to the Director. A curriculum vitae should accompany each nomination. The current non-governmental members may be nominated for additional periods.
 - b. Once the nominations are received, the Director shall transmit them in writing to the Parties within 10 days. The Parties should send their votes to the Director within 20 days of the transmittal of the nominations by the Director. In this election, the three

nominees from each non-governmental sector who receive the most votes shall be elected; the nominee who receives the fourth largest number of votes shall be designated the alternate member. In the case of a tie, the Director should solicit a new vote from the Parties to determine the member and the alternate.

- c. If a non-governmental position becomes permanently vacant, because of death, resignation, or failure to participate in three consecutive meetings of the IRP, the alternate shall fill the position for the remainder of that position's term. The candidate who received the fifth largest number of votes in the elections referred to in paragraphs (a) and (b) shall be designated the alternate member. If additional vacancies occur, the Director shall inform the relevant nongovernmental organizations so that new candidates may be submitted for an election process consistent with that described in paragraphs (a) and (b).
 - d. Each alternate may attend the meetings of the IRP, but shall have no speaking rights if all the members of his/her respective sector are present.
5. The IRP shall hold at least two meetings a year, one of which will preferably be held on the occasion of the ordinary Meeting of the Parties.
 6. The IRP may convene additional meetings at the request of at least two of the Parties, provided that a majority of the Parties support the request.
 7. The IRP meetings shall be chaired by a Presider elected by the governmental members at the beginning of each meeting, who shall decide on matters of order. Any member shall have the right to ask that any decision made by the Presider be decided as specified in Paragraph 9 of this Annex.
 8. The meetings shall be in Spanish and English, and IRP documents shall also be produced in both languages.
 9. The decisions at the meetings of the IRP shall be adopted by consensus among the governmental members.
 10. The following criteria shall be applied to attendance at IRP meetings:
 - a. There shall be no restrictions on the number of persons a Party can include in its delegation to an IRP meeting.
 - b. Any IATTC member State or Signatory to this Agreement may be represented by an observer.
 - c. Any State not a member of the IATTC and any State or regional economic integration organization not a signatory to this Agreement may be represented by an observer, with prior notification to IRP governmental members, unless any governmental member of the IRP objects in writing.
 - d. The Director may invite representatives of intergovernmental organizations as observers, with prior notification to IRP members, unless any governmental member of the IRP objects in writing.
 - e. In any cases referred to in (c) and (d) above, the Director shall not disclose the identity of the objecting Party.
 - f. Each observer is limited to two delegates, but may bring more with the approval of two-thirds of the governmental members of the IRP.
 11. In cases of urgency, and without prejudice to the provisions of paragraph 9 of this Annex, the IRP may take decisions by correspondence through a vote of the governmental members, under the following procedures:
 - a. The proposal shall be circulated to all members of the IRP, in writing, with all pertinent documentation, at least fourteen days before the proposed effective date of

- the resolution, action, or measure; the votes shall be transmitted to the Director no less than seven days before the proposed effective date;
- b. The proposal shall be considered urgent unless a simple majority of the governmental members objects in writing; the proposal shall be accepted unless any governmental member objects in writing; and
 - c. The Director shall circulate the proposal as well as the accompanying documentation, receive and count the votes, and inform the IRP members of the results of a vote as soon as the voting closes.
12. The Director will carry out the functions of the Secretary, which shall include:
- a. Assisting in the convening and organization of IRP meetings;
 - b. Presenting information required by the IRP for carrying out its functions and responsibilities, including observer IRP forms and field data forms providing information on the activities of the vessels, dolphin mortality, and the presence, condition, and use of the dolphin safety equipment and gear;
 - c. Preparing minutes of all meetings and draft special reports and documents dealing with the activities of the IRP;
 - d. Providing to each Party, for its consideration, recommendations and information concerning possible infractions identified by the IRP for vessels under its jurisdiction;
 - e. Distributing to the IRP information received from Parties on the actions taken on possible infractions identified by the IRP;
 - f. Publishing the Annual Report of the IRP and making it available to the public, in accordance with the instructions given by the Meeting of the Parties;
 - g. Presenting to the members of the IRP information received from the Parties referred to in Paragraph 1(e) of this Annex; and
 - h. Carrying out other tasks necessary for the accomplishment of the IRP's functions, as assigned by the Parties.
13. The rules of procedure of the IRP may be modified by the Meeting of the Parties. Modifications may be recommended by the IRP.
14. The members of the IRP and any other participants invited to attend IRP meetings as observers shall treat all the information presented at such meetings in accordance with the provisions of confidentiality set forth in Article XVIII of this Agreement.

NORTHEAST ATLANTIC FISHERIES COMMISSION 2006

Article 19

Infringement procedures

1. If the inspectors find that there are clear grounds for believing that a fishing vessel flying the flag of another Contracting Party (the flag Party) has engaged in any activity contrary to this recommendation or other NEAFC recommendations they shall:
 - a) note the infringement in the inspection report referred to in Article 17;
 - b) take all necessary measures to ensure security and continuity of the evidence for subsequent dockside inspection. An identification mark may be affixed securely to any part of the fishing gear which appears to the inspector to have been in contravention of applicable measures;
 - c) in order to facilitate Contracting Party action on the infringement, immediately attempt to communicate with an inspector or designated authority of the Contracting Party of the inspected fishing vessel.
2. The Contracting Party inspecting a fishing vessel shall communicate in writing the details of an infringement to the designated authorities of the Contracting Party of the inspected vessel within the working day following the inspection whenever possible.
3. An original of the inspection report with any supporting documentation, shall be forwarded promptly to the appropriate authorities of the Contracting Party of the inspected fishing vessel as well as a copy to the Secretary.

Article 20

Procedures for serious infringements

1. Notwithstanding the provision of Article 1(e) or the purposes of this article, a serious infringement means:
 - a) fishing without a valid authorisation issued by the flag Contracting Party;
 - b) fishing without or after attainment of a quota;
 - c) use of prohibited fishing gear;
 - d) serious mis-recording of catches;
 - e) repeated failure to comply with the provisions of Article 9, 10 and, as appropriate, 12;
 - f) preventing an inspector from carrying out his duties;
 - g) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
 - h) falsifying or concealing the markings, identity or registration of a fishing vessel;
 - i) concealing, tampering with or disposing of evidence relating to an investigation;
 - j) multiple violation which together constitute a serious disregard of conservation and management measures.
2. If a NEAFC inspector considers that there are clear grounds for believing that a fishing vessel has committed a serious infringement, he shall promptly notify the flag Contracting Party of that infringement in accordance with Article 21.

3. The flag Contracting Party shall respond to the notification without delay and shall ensure that the fishing vessel concerned is inspected within 72 hours by an inspector duly authorised by that Contracting Party.
4. In order to preserve the evidence, the inspector shall take all necessary measures to ensure security and continuity of the evidence whilst minimising interference with and inconvenience to the operation of the vessel.
5. The inspector is entitled to remain on board the fishing vessel for the period necessary to provide information to the duly authorised inspector concerning the infringement or until the response of the flag Contracting Party is to require the inspector to leave the fishing vessel.
6. The flag Contracting Party shall, if evidence so warrants, require the fishing vessel to proceed immediately to a port designated by that Contracting Party for a thorough inspection under its authority and in the presence of a NEAFC inspector from any other Contracting Party that wishes to participate.
7. The flag Contracting Party may authorise the inspecting Contracting Party to bring the fishing vessel without delay to a port designated by the flag Contracting Party.
8. If the fishing vessel is not called to port, the flag Contracting Party must provide due justification in a timely manner to the Secretary and to the inspecting Contracting Party. The Secretary shall make such justification available on request to any Contracting Party.
9. Where a fishing vessel is required to proceed to port for a thorough inspection pursuant to paragraph 6 or 7, a NEAFC inspector from another Contracting Party may, subject to the consent of the Contracting Party of the fishing vessel, board the fishing vessel as it is proceeding to port, may remain on board the fishing vessel as it proceeds to port and may be present during the inspection of the fishing vessel in port.

Article 21

Follow up in the case of infringements

The appropriate authorities of a Contracting Party notified of an infringement committed by a fishing vessel of that Party shall take prompt action to receive and consider the evidence of the infringement and, conduct any further investigation necessary for the follow up to the infringement and, whenever possible, inspect the fishing vessel concerned. Each Contracting Party shall designate the appropriate authorities mandated for receiving evidence of infringement and shall inform the Secretary of the address of those authorities. The Secretary shall subsequently inform all other Contracting Parties.

Article 22

Treatment of reports of inspectors

Each Contracting Party shall consider and act on reports from inspectors of other Contracting Parties under the Scheme on the same basis as reports from its own inspectors. Contracting Parties shall cooperate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under the Scheme.

Article 23

Measures taken by Contracting Parties

1. Each Contracting Party shall ensure that the appropriate measures be taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where NEAFC measures have not been respected.

2. The proceedings initiated pursuant to paragraph 1 shall, in accordance with the relevant provisions of national law, be capable of effectively depriving those responsible of the economic benefit of the infringements or of providing sanctions proportionate to the seriousness of such infringements, thus effectively discouraging future infringements.

Article 24

Reporting of infringements

1. Each Contracting Party shall report, without delay, any serious infringement as listed in Article 20 to the Secretary. For other infringements each Contracting Party shall report to the Secretary by 1 October of each year for the period 1 July to 30 June the status of the proceedings relative to infringements of NEAFC measures. The infringements shall continue to be listed on each subsequent report until the action is concluded in accordance with the relevant provisions of national laws.

2. The report required in paragraph 1 above shall indicate the current status of the case (i.e. case pending, under appeal, still under investigation, etc) and any sanctions or penalties imposed shall be described in specific terms (i.e. level of fines, value of forfeited fish and/or gear, written warning given, etc.) and shall include an explanation if no action has been taken.

Article 25

Reports on surveillance and inspection activities

Each Contracting Party shall report to the Secretary by 1 October each year for the period 1 July to 30 June:

- a) the number of inspections conducted by it under the Scheme specifying the number of inspections on the vessels of each Contracting Party and, in the case of infringement, the date and position of the inspection of the individual vessel and the nature of infringement, as well as the follow-up of such reports;
- b) the number of hours flown and the number of days at sea on NEAFC patrols, the number of sightings (Contracting Party vessels and non Contracting Party vessels) and the list of individual vessels for which a surveillance report has been completed as well as the follow-up of such reports.

WCPFC Draft format for reporting alleged infringements or violations (based on ICCAT procedures)

Information	Details
Information submitted by CCM:	CCM Name:
Submission date:	
CCM Official Contact:	
Name:	
Postal Address:	
Phone:	
Facsimile:	
Email:	
Date receipt of submission at WCPFC Secretariat acknowledged:	
Date of first contact with flag State responsible for the vessel concerned in respect of the incident:	
Details for flag State contact:	
Name:	
Phone:	
Facsimile:	
Email:	
Current name of vessel:	
Current flag:	
Previous flag (if known):	
Owners details:	
Name:	
Owner's address:	
Phone:	
Fax:	
Email:	
IRCS, WIN or external marking:	
Actual or approximate date of incident:	
Incident location: [place name, lat/long or port]	
Summary of the alleged incident and action to date:	
Source of information:	

Relevant documentary evidence (attached ¹):	
Attachment A	
Attachment B, etc.	

¹ Documentary evidence should be clearly referenced and attached