

INTER-AMERICAN TROPICAL TUNA COMMISSION
COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF
MEASURES ADOPTED BY THE COMMISSION

16TH MEETING

Panama City, Panama
26-27 August 2025

DOCUMENT COR-16 INF-A

**DRAFT IATTC CATEGORIZATION OF NON-COMPLIANCE STATUS
AND FOLLOW-UP ACTIONS**

The 1st Special Biennial Meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission (Review Committee, COR) was held on 31 August 2024 in Panama City, Panama. The COR developed and recommended to the Commission the document entitled *Priority Elements of a Draft Work Plan*, which was in turn adopted by the Commission at its Annual Meeting.

The adopted work plan identifies six areas for future action, including 3(c) *The Categorization of non-compliance status and the follow up actions*, which is intended “to facilitate the identification of priority areas, streamline the compliance discussions, and contribute to the process of automatization.” The COR recommended that in the categorization of the non-compliance status and follow-up action, the following three step approach be taken by the COR:

- a. First, to define different levels of non-compliance in view of its seriousness (e.g., level 1, level 2, level 3).
- b. Secondly, each category of non-compliance status should be precisely defined with more clear criteria to guide CPCs, COR and the Commission on the decision regarding the applicable status.
- c. Finally, the COR should improve the identification of the specific follow-up action applicable to each status and level of seriousness, which would apply automatically. This will include the notification letters and the setting of corrective actions.

This document has been prepared to facilitate discussions of the development of a COR recommendation to the Commission on how to address each above element of this Work Plan item.

Draft Paper on Options for IATTC Categorization of Non-Compliance Status and Follow-up Actions Prepared Pursuant to the “Categorization of non-compliance status and the follow-up action” Element of the COR Work Plan Approved by the Commission at the 2024 Commission Meeting

PNC = Potential Non-Compliance

Level of PNCs:

- Level 1 = Minor non-compliance – MI
- Level 2 = Notable non-compliance – NO
- Level 3 = Serious non-compliance – SR
- Level 4 = Very serious non-compliance – VS

Determinations of levels of non-compliance take into account any mitigating or aggravating circumstances.

Mitigating circumstances: May reduce the PNC Level by one level.

Aggravating circumstances: May increase the PNC Level by one level.

From level 2 or above, CPCs shall submit action plans, using a format developed by the Secretariat with input from the COR, to address the non-compliance issue. Implementation of such action plans may be considered a mitigating circumstance in future categorization determinations by the IATTC.

Table 1 below presents the different potential non-compliance issues and the corresponding actions required depending on the level of non-compliance.

In the column “Warranted Action” in the table below, actions are cumulative, whereby if a CPC’s compliance issue is categorized as notable non-compliance (NO) or above, the warranted actions include those for the lower-levels of seriousness in addition to the warranted action that corresponds to the current level of seriousness.

The Secretariat shall update the “Related Resolutions” column intersessionally to reflect amended or new measures, as appropriate, without prejudice to Member positions on the applicability of a category to the identified resolution. The COR may review this document at every Special Biennial Meeting, or at the request of Member(s), to consider for recommendation to the Commission other updates to the table it determines to be appropriate. This should be done in alignment with Resolution [C-22-02](#), paragraph 3(a).

TABLE 1. Potential Non-Compliance Issues and Corresponding Actions

Conservation and/or Management				
Type of Potential Non-Compliance issue	Related Resolutions	[PNC Level]/Warranted Action by COR	Mitigating circumstances	Aggravating circumstances
Catch exceeds the limits required by IATTC	C-05-02 C-24-01	<p>MI = Letter of Concern¹; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>	<p>Degree of overharvest; demonstrated actions to prevent reoccurrence, including reduction in future years, monitoring and enforcement actions, strengthened laws and regulations; process of implementing in domestic law initiated but still pending</p> <p>Capacity building and technical assistance</p>	Continued failure to take corrective action; degree of overharvest; increasing level of overharvests. Recurrence of overharvest in another stock/year.
Failure to adhere to fleet size, fishing effort or other	C-24-01 C-02-03 C-05-02	MI = Letter of Concern; require CPCs to submit information on actions	Degree of over capacity; demonstrated	Continued failure to take corrective

¹ In aligning with Resolution C-22-02 (para.7).

capacity limitation required by IATTC		<p>planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>	<p>actions to prevent reoccurrence, including reduction in future years, monitoring and enforcement actions, strengthened laws and regulations; process of implementing in domestic law initiated but still pending</p> <p>Capacity building and technical assistance</p>	<p>action; degree of over capacity; increasing level of overharvests. Recurrence of overharvest in another stock/year.</p>
Failure to implement and/or enforce time/area closures	C-24-01 ²	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did</p>	<p>Length of failure to implement; demonstrated actions to prevent reoccurrence, including reduction in future years, monitoring and enforcement actions, strengthened laws</p>	<p>Continued failure to take corrective action; length of failure to implement. Recurrence of overharvest in another stock/year.</p>

² [COR 14](#) recommended to consider fishing during a closure period a possible very serious non-compliance case

		<p>not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>	<p>and regulations; process of implementing in domestic law initiated but still pending</p> <p>Capacity building and technical assistance</p>	
<p>Failure to implement and/or enforce gear restrictions/requirements/limitations, possession restrictions, and/or safe handling and release requirements</p>	<p>C-23-04 C-24-05 C-19-04 C-11-02 C-04-05 C-19-06 C-11-10 C-23-08</p>	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery</p>	<p>Strengthened laws and regulations, the process of implementing in domestic law initiated but still pending</p>	<p>Continued failure to take corrective action; failure to implement or enforce leads to repeated gear interactions with non-target species under purview of the IATTC</p>

		<p>restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>		
Reporting				
Failure to report statistical and other required data	C-02-03 C-24-01 C-19-08 C-03-01 C-24-02 C-11-03 C-19-02 C-24-03 C-24-02 C-24-05 C-24-07 C-03-05 C-19-04 C-03-02 C-11-02 C-18-03 C-03-01 C-24-04 C-24-06 C-24-07 C-24-01 C-22-02 ³ C-23-08 ² C-19-02 C-19-04 C-24-07	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting</p>	<p>Advance notification of delay or inability to submit the report may be considered by the COR. Request for technical assistance has been made but could not be met; minimal impact on the SAC's or Commission's ability to carry out needed work.</p> <p>Capacity building and technical assistance</p>	<p>Repeated or frequent; no response to requests for data or COR Chair's letters; significant impact on the SCRS's or Commission's ability to carry out needed work or ensure intersessional compliance with measures</p>

³ [COR 14](#) recommended to consider failure to provide the Compliance questionnaire a possible very serious non-compliance case, if systematic and repeated

	C-24-05 C-15-04 C-23-11 C-12-08 C-03-04 C-02-03	requirements, or others as deemed appropriate by the COR/Commission. VS = Consider recommending adoption by IATTC of additional restrictions as described above All PNC levels: consider capacity building and technical assistance options		
Delay in reporting statistical and other required data	C-02-03 C-24-01 ⁴ C-19-08 C-03-01 C-24-02 C-11-03 C-19-02 C-24-03 C-24-02 ¹ C-24-05 C-24-07 C-03-05 C-19-04 C-03-02 C-11-02 C-18-03 ¹ C-03-01 C-24-04 C-24-06 C-24-07 C-24-01 C-22-02 C-23-08 ² C-19-02 C-19-04 C-24-07 C-24-05 C-15-04 C-23-11 C-12-08 C-03-04 C-02-03	MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting. SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission. VS = Consider recommending adoption by IATTC of additional	Major problems in communication occurred due to <i>force majeure</i> ; First instance of failure to correctly apply the requirement, due to confusion, particularly if reporting date has recently changed; minimal impact on the Commission's ability to carry out needed work.	Repeated or frequent; no response to requests for data or COR Chair's letters; significant impact on the Commission's ability to carry out needed work or ensure intersessional compliance with measures

⁴ [COR 14](#) recommended to consider failure to provide catch and effort data a possible very serious non-compliance case

		restrictions as described above All PNC levels: consider capacity building and technical assistance options		
Failure to submit required reports	C-11-02 C-21-07 C-22-02 C-23-11 C-24-01	MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting. SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission. VS = Consider recommending adoption by IATTC of additional restrictions as described above All PNC levels: consider capacity building and technical assistance options	Advance notification of delay or inability to submit the report may be considered by the COR. Request for technical assistance has been made but could not be met; minimal impact on the SAC's or Commission's ability to carry out needed work. Capacity building and technical assistance	Repeated or frequent; no response to requests for data or COR Chair's letters; significant impact on the SCRS's or Commission's ability to carry out needed work or ensure intersessional compliance with measures
Delay in submitting reports	C-11-02 C-21-07	MI = Letter of Concern; require CPCs to submit	Major problems in communication	Repeated or frequent; no

	C-22-02 C-23-11 C-24-01	<p>information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>	<p>occurred due to <i>force majeure</i>; First instance of failure to correctly apply the requirement, due to confusion, particularly if reporting date has recently changed; minimal impact on the Commission's ability to carry out needed work.</p>	<p>response to requests for data or COR Chair's letters; significant impact on the Commission's ability to carry out needed work or ensure intersessional compliance with measures</p>
Monitoring, Control, and Surveillance				
Failure to implement MCS measures, including catch and trade documentation programs/schemes, observer programs, transshipment controls and VMS	C-11-08 C-21-06 C-22-03 C-03-01 C-24-03 (potentially in 2027)	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO= Letter to require submission of a detailed action plan on why the previously planned</p>	<p>The MCS measure requires major investment of resources or technology not available to the CPC</p> <p>Transparency regarding</p>	<p>Repeated or frequent; no response to requests for data or COR Chair's letters; Lack of transparency regarding implementation challenges</p>

	C-19-08 ⁵	<p>preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>	<p>implementation challenges. ; Request for technical assistance has been made but could not be met; Strengthened laws and regulations, the process of implementing in domestic law initiated but still pending</p> <p>Capacity building and technical assistance</p>	
Failure to exercise port CPC controls	C-21-07	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p>	<p>MCS measure requires major investment of resources or technology not available to the CPC Transparency regarding implementation challenges.</p> <p>Capacity building and technical assistance</p>	<p>Repeated or frequent; systematic failure to control fleet, no response to requests for data or COR Chair's letters</p>

⁵ [COR 14](#) recommended to consider observer coverage and the related reporting obligations possible very serious non-compliance cases

		<p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional restrictions as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>		
Failure to exercise flag CPC controls		<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p>	Capacity building and technical assistance	Repeated or frequent; systematic failure to control fleet, no response to requests for data or COR Chair's letters

		VS = Consider recommending adoption by IATTC of additional restrictions as described above		
		All PNC levels: consider capacity building and technical assistance options		
[Other Potential Non-Compliance Issues]				
Harassment and safety of observers ⁶	C-22-03 C-19-08	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance.</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = In coordination with COR, consider recommending the following actions for the CPC: fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>VS = Consider recommending adoption by IATTC of additional</p>	Transparency regarding implementation challenges; Request for technical assistance has been made but could not be met; Strengthened laws and regulations, the process of implementing in domestic law initiated but still pending.	Repeated or frequent; systematic failures, no response to requests for data or COR Chair's letters

⁶ [COR 14](#) recommended to consider harassment and safety of observers a possible very serious non-compliance case

		<p>restrictions on the CPC as described above</p> <p>All PNC levels: consider capacity building and technical assistance options</p>		
Failure to contribute to Commission budget	C-24-11	<p>MI = Letter of Concern; require CPCs to submit information on actions planned to prevent future non-compliance</p> <p>NO = Letter to require submission of a detailed action plan on why the previously planned preventative actions did not work, and how the CPC will prevent future non-compliance. More detailed review at following year's COR meeting.</p> <p>SR = Follow the provisions of Article XV, para 4: “Notwithstanding the provisions of Article IX of this Convention, unless the Commission decides otherwise, if a member of the Commission is in arrears in the payment of its contributions by an amount equal to or greater than the total of the contributions due from it for the preceding twenty-four (24) months, that member shall not have the right to participate in decision-making in the Commission until it has fulfilled its obligations pursuant to this Article”.</p> <p>VS = Consider recommending adoption by IATTC of further</p>	Transparency regarding implementation challenges.	Repeated or frequent; systematic failures; Degree of failure to contribute to the budget.

		<p>restrictions as described above. In coordination with COR, consider recommending fishery restrictions, including reduction of fishing possibilities, increased MCS requirements, increased reporting requirements, or others as deemed appropriate by the COR/Commission.</p> <p>All PNC levels: consider capacity building and technical assistance options</p>		
Should an instance of non-compliance be identified that does not fall within the descriptions above, the COR will make a recommendation on appropriate level and warranted action(s), in line with the above.				