

INTER-AMERICAN TROPICAL TUNA COMMISSION

**COMMITTEE FOR THE REVIEW OF IMPLEMENTATION OF
MEASURES ADOPTED BY THE COMMISSION**

10TH MEETING

**Bilbao, Spain
17-18 July 2019**

DOCUMENT COR-10-01

**IMPLEMENTATION OF THE RECOMMENDATIONS ADOPTED
DURING THE PREVIOUS MEETING (9TH) OF THE REVIEW
COMMITTEE: PROGRESS AND OUTCOMES**

At its annual meetings, the Review Committee (COR) makes recommendations to the Commission, many of which involve action by the staff. This document lists the recommendations currently requiring action by the staff and/or the Commission, and their current status: **green**: completed; **yellow**: in progress, incomplete; **orange**: pending of discussion in the Commission; **red**: no action.

	Recommendation, COR-09	Status (May 2019)	
Recommendations to the Committee / Staff			
1.	To better manage the work of the Committee, review the compliance report initially only for corrections or questions, and conduct the substantive discussions and comments within the CPC review portion of the agenda. CPCs should review and record corrections as soon as possible, with an emphasis on doing so immediately after the initial circulation of the compliance report.	The Compendium and compliance report were circulated and the CPCs were requested to review them and propose the necessary modifications. The requests for correction were received by the Secretariat and incorporated into the document.	
2.	In developing and presenting the compliance report, where there are multiple reporting or compliance requirements within resolutions, the Secretariat should separate compliance reporting for each specific requirement, rather than showing compliance with aggregated requirements (e.g., multiple data reporting requirements).	This recommendation was implemented, in particular with regard to the resolutions concerning observers on longline vessels C-11-08 and conservation of tunas C-17-02 .	
3.	The Secretariat should include the table entitled “Possible infractions in the transshipment program and responses from CPCs” (Table 3.13 in Document COR-09-01) in the summary presentations for future meetings.	This resolution was implemented, as reflected in section 3 of the 2018 compliance report and in the corresponding presentation that will be made to the COR during the meeting in July.	
4.	Consider whether the timing of the compliance reporting procedure in Resolution C-11-07 can be improved or should be changed, as appropriate, in particular to minimize, when possible, the period of time for the Secretariat to initially report possible infractions to flag States, recognizing that it is also important for national observer programs to submit their data to the Secretariat	The Secretariat has expressed the need to review these deadlines, but the adoption of a specific recommendation by the Committee or a decision by the Commission is still pending.	

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	in a timely way and make direct reports to their flag authorities		
5.	The Committee should explore whether a verification step should be added in the reporting of possible infractions, similar to the function of the IRP under the AIDCP.	This is an issue that the Commission should address still. The review is currently carried out as indicated in Resolution C-11-07 . The COR should analyze which possible infractions deserve to be notified to the CPCs, in a similar manner to what the IRP does in the framework of the AIDCP. This would add time and work to send possible infractions to CPCs before the Committee reviews them.	
6.	The Secretariat should not revise or edit the preliminary observer reports directly given the difficulty this presents to flag States relying on the original form for investigative or adjudicative purposes, but instead, following the Commission's standard editing protocol and procedures, issue supplemental edits and clarifications in a separate document.	During its ninth meeting, the Committee was informed that the reports sent by the staff of the IATTC field offices are, as indicated in the accompanying letter, incomplete and preliminary, since some non-compliance cases are not identified as such until the data are analyzed through a computer program. However, efforts are being made to document, as completely as possible, the corrections that are made. One option raised by the staff is to discard the preliminary reports so that CPCs use only the final report which is prepared 3 months before the Committee meeting.	
7.	In future reporting and follow-up to reported cases of possible non-compliance, CPCs should provide detail on the type and, if financial, the amount of sanctions applied to any cases from the current or prior compliance reports, taking advantage of the opportunity to add attachments to the questionnaire.	The CPCs were reminded through memorandum 0239-410, dated 30 April 2019, to consider it in their responses to the cases identified as possible infractions or non-compliance.	
8.	In the event that cases involving investigations or administrative actions are unresolved at the time the responses to the compliance questionnaire and response to the letter from the Secretariat on compliance are due, CPCs should follow up to provide the Secretariat with a written updating the results of the investigations.	The Secretariat included information on this matter in the document called Compendium 2018 , recalling the pending responses to cases of possible infractions or non-compliances identified at the previous meeting to provide updates.	
9.	In future compliance reports, include reporting on the status of the implementation of the Commission's rules of confidentiality.	There were no data or facts to report for this meeting.	
10.	The Secretariat should continue to produce the compendium document for each meeting to help guide the work of the Committee and, with input from CPCs and in collaboration with the Chair, should develop a format for the compendium to input responses from CPCs, and an appendix to the compendium for tracking of the status of cases from year to year	The Compendium 2018 was prepared and published on the IATTC website with password-protected access and contains information where the attention given by CPCs to cases of possible non-compliance presented at the 9 th meeting of the Committee can be verified.	
11.	The Secretariat modify the format of the Compliance Questionnaire to provide a specific space for CPCs to explain "not applicable" responses.	The format of the compliance questionnaire allows now for the inclusion of specific information that clarifies why the provision was considered "not	

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		applicable”. CPCs were also reminded of the need to make such clarification.	
12	Regarding silky sharks, adapt the compliance record format in the silky sharks section to include an additional classification field or comment section for those sharks that fall into the well directly from the brail. For all sharks, ensure observer report formats include all required data for sharks, and make clear the applicability of the shark requirements by gear type	It is important to note that paragraph 1 of Resolution C-16-06 establishes the prohibition to retain silky sharks (as Resolution C-11-10 prohibits the retention of oceanic whitetip sharks). These resolutions do not include extenuating circumstances that should be considered and, from the point of view of compliance, the observer only records if there was retention and should not judge the circumstances. However, the Shark Record Form (RDT), completed by the observer, has spaces to record detailed comments so that national authorities can establish their own criteria about possible non-compliance.	
13	To ask the Commission staff to identify, no later than the 2019 meeting of the Scientific Advisory Committee (SAC), data collection formats, handling and release procedures, and any recommended conservation measures for a specific resolution for the conservation and management of whale sharks, taking into account the identified issues of compliance related to sets on this species as well as discussions of the SAC where information gaps regarding this species have been noted.	The RDT completed by the observers has elements to collect data from this and other elasmobranch species and includes information about release. Resolutions C-16-05 and C-18-05 already contain elements regarding shark handling and release, and observer forms have the means to identify and report on the first 2: <ul style="list-style-type: none"> - Do not make a set when the presence of a whale shark is detected before deploying the net. - Do not tow by the tail whale sharks that were accidentally encircled. - Inform the national authorities of all incidents with whale sharks. In 2017, 8 cases of possible non-compliance were reported, and in 2018 there were 2. On a specific resolution for whale sharks, Venezuela has presented a proposal. It would be important to consider consolidating all existing shark resolutions.	
14	The Committee should continue to highlight areas where compliance and implementation trends continue to improve	The compliance report contains graphs and indications on compliance trends.	
15	Ensure to schedule at least 2 full days for the meeting of the Committee	The 10 th meeting of the COR is scheduled for 17 and 18 July 2019.	
16	Review and assess the implementation of prior Committee recommendations	This document has been prepared in response to this recommendation.	
Recommendations to the Commission			
17	Examine whether the Commission needs to clarify or state that the purse-seine observer IATTC compliance summary form is preliminary and not definitive, and may be supplemented by additional information from the Secretariat or national programs, and that an incomplete or unclear observer compliance form should not prevent effective execution of flag State	The Commission did not discuss this issue at its 93 rd meeting due to lack of time. In the Committee, several Members argued that States have the obligation to investigate and decide on possible non-compliance and investigate with the Secretariat whether an observer's report is confusing or incomplete. The other option, as indicated above, is to eliminate preliminary reports.	

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	responsibilities to investigate and adjudicate compliance cases for each CPC's flag vessels.		
18	Clarify the scope of the requirement(s) in the Commission's resolutions for reporting of shark trade data (e.g., do they apply only for sharks harvested in the EPO).	The Secretariat sent memorandum 0311-410 dated 10 June 2019 to the CPCs trying to clarify and gather opinions on this matter.	
19	Revise the notification on guidelines for transits without observers, with a view to establishing deadlines for sending these notifications and confirming their receipt. This task can be carried out with special attention from the <i>Ad Hoc</i> Working Group to review the legal and operational coherence of IATTC resolutions.	The guidelines for transit waivers (no observer on board) indicate, among other matters, that the Secretariat must receive this waiver before the departure of the vessel, so this matter is already defined. Perhaps, the Commission should decide whether to define this matter as a non-compliance since sending the observer's exemption late does not violate Resolution C-09-04 which indicates the obligation to carry an observer on each trip of Class-6 purse-seine vessels, since the exemption was granted although it was communicated late.	
20	Consider to clarify the implementation of paragraph 1 of Resolution C-16-06 on conservation of sharks (silky sharks) regarding the prohibition of retention on board, transshipment, landing or storage, to clarify the scope of applicability of the prohibition.	The matter must be discussed by the Commission. At its last meeting, it did not do so due to lack of time during the presentation of the committee's report to the IATTC. The Commission might eventually leave to the Working Group all on the legal coherence of resolutions this task. For purse seiners, there is a total ban on retention on board, transshipment, unloading or storage; while for longline vessels there is a limitation of 20% bycatch, but it is not defined whether that 20% can be retained on board, unloaded or transhipped.	
21	Delete the Fijian vessel <i>Xin Shi Jih 16</i> from the IATTC IUU Vessel List.	It was removed from the IUU list.	
22	Renew Cooperating Non-Member status for Bolivia, Chile, Honduras, Indonesia and Liberia.	The corresponding renewal was carried out.	
23	Communicate to Kiribati its responsibility to participate in the meetings of the Committee and to submit the required compliance questionnaire	A letter was sent on 26 April 2019 recalling its obligation to participate in the meetings of the IATTC and the Committee.	
24	Consider adopting a specific resolution to consolidate and strengthen conservation measures and whale shark data collection.	Venezuela has submitted a resolution proposal for the 94 th IATTC meeting on whale sharks specifically, with the corresponding removal of all provisions of this species from the current resolution on FADs. This would be also a good opportunity to include all the technical elements necessary to complete data on this species, without prejudice. to the possibility of having a consolidated shark resolution, as previously indicated.	