



CCSBT-CC/2410/10

Review of Corrective Actions Policy (Compliance Policy Guideline 3)

1. Introduction

The purpose of the Corrective Actions policy is, “... to bring all Members into compliance with their CCSBT obligations in a way that maintains the stability and cohesion of the Commission.” It sets out a framework to respond to evidence of non-compliance by a Member. The primary focus is to assist Members to achieve the necessary capacity and improve their systems to effectively comply with CCSBT obligations.

To date, the CCSBT has utilised a mixed approach to compliance monitoring, reporting, and assessment that relies on input from Members, the Secretariat and independent reviewers (in the case of QARs). The CCSBT has a standardised annual compliance assessment process where Members utilise information presented by the Secretariat¹ and from individual Member reports to the Compliance Committee (CC) to assess whether CCSBT obligations are being met. This approach requires both accurate self-reporting and a high level of diligence and engagement from Members when assessing the information presented. In addition, CPG3’s Guidelines for Corrective Actions often lack clear guidance outside of cases that involve catch in excess of allocation and relies on Members to determine the most appropriate response based on the individual characteristics of the case.

To date, the overwhelming majority of non-compliance identified in the CC relates to what has been termed in CPG3 as “administrative failings” rather than incidents directly involving catch in excess of allocation. However, the guidance for administrative failings is far less prescriptive and involves a greater level of subjectivity. This subjectivity may be influencing the willingness of Members to challenge one another on administrative matters during CC discussions.

Additional flexibility is provided to the CC to address administrative failings by developing Members. This was intended to allow a greater focus on a capacity building program specific to the individual Member’s needs. This has been difficult to achieve in practice given that it relies heavily on the developing Member having a clear understanding of both the nature of the administrative failing, their domestic constraints and how best to resolve it.

¹ This comes primarily from the Secretariat’s “Compliance with Measures” paper presented at CC.

These factors have led to persistent non-compliance in certain administrative areas, for example with respect to the Catch Documentation Scheme (CDS) Resolution, annual reports, annual Data Exchange submission requirements, and the Port Inspection and Transhipment Resolutions.

2. Background

During discussions at CC17, Members recognised the limitations of the existing Corrective Actions Policy (CPG3) to address current compliance issues. From these discussions, the Secretariat was asked to review CPG3 and propose new tools that can be added to the policy to incentivise better compliance amongst Members for consideration at CC18.

At CC18, the Secretariat presented paper [CCSBT-CC/2310/10](#) which noted that, outside of catch in excess of allocation, the existing CPG3 lacked clear guidance. This is particularly lacking in the case of persistent “administrative failings”, which represented the overwhelming majority of non-compliance identified in the meetings of the Compliance Committee. The paper noted that the existing CPG3 provides several corrective actions that already provide flexibility to the CC in determining how best to address the individual circumstances of the detected non-compliance, however, more specific references to defined responses to non-compliance (beyond just catches in excess of allocation) may also support more effective implementation of the policy.

The paper outlined additional mechanisms that could be considered by Members, such as potentially expanding the application of allocation-based punitive measures (e.g. Members’ eligibility to apply the Carry-Forward Resolution), using targeted QARs where persistent non-compliance is identified, enhancing the visibility of compliance performance on CCSBT’s website, and changing the decision-making process.

During discussions at CC18, the following points were raised by Members:

- the concept of persistent non-compliance was currently not well defined in the CCSBT context;
- the importance of unanimous decision-making to ensure that the non-compliant Member agrees with the corrective action;
- some Members felt that having a pre-agreed set of responses to compliance issues could be a useful model since the consequences of being non-compliant would be known in advance; and
- the purpose of CPG3 was understood to be to assist Members to comply and that adding further punitive measures could, in some circumstances, increase non-compliance.

CC18 recognised that more substantive in-person discussions may be required, and it was agreed to re-visit CPG3 at CC19 in 2024.

3. Discussion on the Current CPG3 Approach

The Secretariat has identified two key areas of CPG3 where it sees opportunities to provide further clarity to assist in the effective implementation of CPG3:

- CPG3 states that corrective actions for administrative failings by a developing Member should focus on capacity building programmes, however there is very little guidance currently included on the process required to target, develop, monitor and update these capacity building programmes.
- CPG3 is clear that administrative failings should, in the first instance, be addressed through an agreed programme to correct administrative deficiencies within a specified timeframe. However, CPG3 does not provide specific guidance on what should happen after ‘the first instance’ (where non-compliance is not addressed or is more enduring), how this is reported to the Compliance Committee, and how the agreed programme should be developed where Members may find it difficult to engage.

Further to the first bullet point, Members will also recall that the 2023 – 2028 CCSBT Strategic Plan includes the ‘high priority’ goal to ‘formulate and implement a capacity-building work plan to improve data collection, scientific analysis, and compliance related activities’.

To support more targeted discussions at CC19, the Secretariat developed three questions² based largely on these identified opportunities to elicit Members responses and guidance. A summary of the questions and the intent of each question is included below:

Q1: The need for greater clarity around the process to develop a programme to correct administrative deficiencies:

As noted earlier in the paper, at present this process is very much contingent on the Member about which the administrative deficiencies have been identified and assumes a clear understanding on the part of the Member of both the nature of the administrative failing and how best to resolve it.

Q2: The need for an agreed definition of persistent or enduring non-compliance for CPG3 to be more effective.

This issue was raised by Members during discussions at CC18 and reflects that there is currently no guidance on if, or when, different or escalated responses should be considered by CC where current approaches are not resulting in the change in non-compliant behaviour being sought.

² There were four questions sent to Members, but the fourth question was not focused on the identified priority areas and gave members the opportunity to comment on their CPG3 priority areas more broadly.

Q3: The importance of a capacity-building plan that defines with greater clarity the process for requiring, developing, monitoring, reporting on and assessing/updating capacity building programmes?

Currently CPG3 provides for *Compliance assistance/capacity building programmes* as a corrective action that may be recommended by CC. However, the process for developing, monitoring, reporting on and assessing or updating these programmes is not defined at all. This means there is a lack of clarity in CPG3 about how best to ensure that any compliance assistance or capacity building programme is achieving what is sought.

4. Results of the Intersessional Engagement with Members

Responses to the questions posed by the Secretariat were received from four Members; Australia, New Zealand, Korea and Taiwan. The individual responses from each Member are included in **Attachment A** and are summarised below:

Q1: The need for greater clarity around the process to develop a programme to correct administrative deficiencies:

- All Members that responded agreed that greater clarity was needed around the process to correct administrative deficiencies.
- New Zealand and Australia noted support for providing greater clarity on the role of the Secretariat.
- New Zealand and Korea supported defining with greater clarity the types of failings and guidance on procedures for assessing and addressing administrative deficiencies.
- Australia supported the use of Compliance Assistance/Capacity Building Programmes, Increased Monitoring Requirements, Public Disclosure, and Creating additional incentives to address administrative deficiencies.
- New Zealand supported the greater use of punitive measures in cases of persistent non-compliance and additional punitive tools, such as market access limitations for fish coming from countries not cooperating with the CCSBT.

Q2: The need for an agreed definition of persistent or enduring non-compliance for CPG3 to be more effective.

- All Members that responded agreed that this would be beneficial, however Korea suggested that a discussion on the degree of non-compliance and the corresponding corrective actions should be prioritised, and Australia suggested that any definition needed to be based on an assessment of the risk created by the non-compliance.
- New Zealand suggested that greater definition of the types of non-compliance was needed.

Q3: The importance of a capacity-building plan that defines with greater clarity the process for requiring, developing, monitoring, reporting on and assessing/updating capacity building programmes?

- All Members that responded agreed that capacity building plans were important and that more detail around these was needed.
- Korea noted the importance of supporting the proactive identification of need and possible assistance before non-compliance occurs or is identified.
- New Zealand noted current capacity and funding constraints and recommended exploring alternative funding/capacity such as other RFMOs, International Organisations and eNGOs.

Q4: Any other priority aspects of CPG3 that need to be addressed?

- Australia recommended that the Secretariat review corrective action policies in other RFMOs to ensure consistency.
- New Zealand recommended defining in CPG3 approaches to encourage non-members with catches to cooperate with CCSBT.
- Korea recommended CC19 explore opportunities to make parts of CPG3 binding for effective application and clear decision making.

5. Discussion on Key CPG3 Implementation Concerns

The Secretariat has identified some key implementation concerns that have been raised in discussions and feedback to date and includes further discussion on these for the consideration of the Compliance Committee.

5.1. The Prescribed Use of Further Punitive Measures

Discussions to date indicate reluctance on the part of some Members to apply further punitive measures, particularly to administrative failings where it is felt this may be too severe. CPG3 currently provides flexibility for the Compliance Committee to recommend the appropriate corrective actions to the Commission taking into account *“aggravating factors such as harm caused to other Members, ongoing non-compliance without good cause (including systematic under-reporting or over-catch over multiple years), or evidence of intent to avoid CCSBT obligations.”* CPG3 currently includes compliance assistance/capacity building programmes, quota pay back, quota reductions in national catch allocations, increased monitoring requirements, public disclosure and trade or market restrictions consistent with international law in the list of corrective actions. However, the Compliance Committee is also not limited to only these actions when responding to non-compliance.

By allowing the Compliance Committee to determine how best to address the individual circumstances of non-compliance, rather than applying an arbitrary penalty, CPG3 provides greater flexibility and facilitates access to a greater range of compliance responses to identify and address the cause of non-compliance. The Secretariat recommends maintaining this approach as the most effective method to address the range of non-compliance that may occur (and their underlying causes).

5.2. Decision making

Current processes that require consensus decision-making have previously been raised as a possible limiting factor in correcting non-compliance. However, the Secretariat notes that CPG3 allows for the Compliance Committee to “*recommend corrective actions for consideration by the Commission*” and includes provision for these reports to “*include majority and minority views*”. The policy then states that the Commission will “*consider the Compliance Committee report*” and “*negotiate an outcome (corrective action) with the Member*”. The limiting factor to date does not appear to have been achieving consensus decisions, so much as defining the position of the Compliance Committee on the action recommended to correct the non-compliance.

5.3. Development of the Agreed Programme to Correct Administrative Deficiencies

CPG3 states that administrative failings “*should, in the first instance, be addressed through an agreed programme to correct administrative deficiencies within a specified timeframe*”. Currently the non-compliant Member develops the initial corrective action plan³ which is then presented to, and considered by, the Compliance Committee when it is completed. To be effective, this requires the Member in question to have the time and resources to develop the plan and suggested course of action along with the clear understanding of the nature of the administrative failing and how best to resolve it. If a member should struggle with this, there is no process between the meetings of the Compliance Committee to monitor progress and provide support to the Member as may be required.

In their responses to the intersessional consultation, New Zealand and Australia both noted support for providing greater clarity on the role of the Secretariat. It is recommended that the Secretariat can be tasked by the Compliance Committee to work with the Member in the development of these plans and support subsequent reporting to ensure that progress is made between meetings of the Compliance Committee where the progress can be assessed. This would enable reporting from the Secretariat to more effectively inform the Compliance Committee of progress made intersessionally in developing and implementing corrective actions and addressing non-compliance.

The Secretariat has provided some draft additions to CPG3 for the consideration of Members in **Attachment B** to reflect this recommended change.

5.4. Defining Persistent or Enduring Non-Compliance

CPG3 includes “*ongoing non-compliance without good cause*” as an aggravating factor for the Compliance Committee to consider when recommending the appropriate corrective actions to the Commission. All Members that responded to the intersessional consultation indicated that more clearly defining this would support the implementation of CPG3. However, most responses also indicated that further information or clarification was required

³ CPG3 states that “the Member will be provided with an opportunity to suggest corrective actions or remedies to improve their compliance with CCSBT obligations.”

to ensure this was applied effectively. The current language used in CPG3, including the words “*without good cause*” reflects an intent for the Compliance Committee to consider why the non-compliance had occurred or is occurring, rather than intending an arbitrary application of a penalty based solely on the time over which the non-compliance has occurred.

At present, the information on Member non-compliance that is presented to the Compliance Committee is based predominantly around the last completed calendar year. However, at the 18th meeting of the Compliance Committee (CC18), Members requested that the Secretariat compile, in a letter to each Member, their compliance issues identified in the preceding committee meeting. This was implemented by the Secretariat before CC19 and as well as summarising the compliance issues for the Member that were raised at the preceding committee meeting, it also included a comment from the Secretariat that considered the draft Compliance with Measures assessment for the upcoming meeting. It also noted any other related correspondence or development subsequent to the preceding committee meeting (e.g. noted any more recent changes or developments). The Secretariat suggests that the individual tables attached to each letter could be compiled into a single table that is provided to the Compliance Committee to support greater contextual consideration.

5.5. The Process for Requiring, Developing, Monitoring, Reporting and Assessing/Updating Capacity Building Programmes

CPG3 states that “*corrective actions for administrative failings by a developing country Member should focus on capacity building programmes, provided this is effectively targeted at correcting the deficiencies*”. However, as noted earlier in the paper, there is currently very little guidance included in CPG3 on the process required to develop, monitor and update these capacity building programmes. To deliver on the ‘high priority’ capacity building goal in the 2023 – 2028 CCSBT Strategic Plan, the Secretariat has developed paper CCSBT-EC/2410/13 which has been included in the working papers for CC19 and will be considered by Members at EC31. The Secretariat recommends aligning work on the delivery of this capacity building workplan with CPG3 to ensure that greater clarity is provided in CPG3 on how capacity building programmes are considered, developed and monitored that aligns with the broader CCSBT capacity building approach.

It is recommended that work to progress alignment of CPG3 with the CCSBT Capacity Development Workplan be progressed intersessionally, following Members consideration at EC31.

5.6. Provide Greater Clarity on the Risk Associated with Failing to Meet Specific Obligations

In response to the intersessional consultation this year, Members indicated that CPG3 implementation could be supported by providing greater clarity on the types of administrative failings and guidance on procedures for assessing and addressing any administrative deficiencies. However, it is suggested that this would be more effective if it examined the risk

associated⁴ with specific obligations (or similar groups of obligations) to help inform the CC consideration of appropriate action. This work could also consider ‘non-trivial instances of non-compliance with CCSBT obligations’ that could be maintained on the public side of the CCSBT website consistent with bullet point two under section 5.5 of CPG3⁵. It is recommended that this process also be progressed with Members intersessionally for further discussion at CC20.

6. Conclusion and Next Steps

The draft Compliance Action Plan includes an action for Members to “consider strengthening corrective actions policies” in addressing the risk of “incomplete reporting of SBT mortalities”. This is currently scheduled for 2025, with a suggestion from one Member that it also extend into 2026. The Secretariat recommends making some small changes to CPG3 now to clarify the role of the Secretariat to greater support CPG3 implementation (under the direction of the Compliance Committee) and that an intersessional process be commenced with a view to recommending targeted changes for further discussion at CC20.

The Secretariat invites CC19 to:

- Discuss and consider the information presented in this paper and the results of the intersessional consultation with Members;
- Note the range of corrective actions already available to Members under CPG3;
- Note that advice from Compliance Committee to the Commission under CPG3 may include majority and minority views;
- Consider recommending to EC31 that CPG3 be updated with the changes reflected in **Attachment B** to clarify the role of the Secretariat in supporting Members to understand the causes of non-compliance and to develop and report on the progress of the programmes of corrective actions;
- Consider recommending that the individual tables outlining compliance issues that are produced for each Member in advance of the Compliance Committee meetings be consolidated into a single table that is provided to Compliance Committee as an attachment to the compliance with measures paper to support Members consideration of non-compliance at the committee meeting;
- Recommend any changes or additions to these compliance issues letters and/or the accompanying tables;

⁴ This should build on the work to date to define the agreed risks that have informed the Compliance Action Plan development.

⁵ This was also discussed at CC18 in paper [CCSBT-CC/2310/10](#) which noted that ‘there is a comprehensive record of compliance with administrative requirements currently available in Attachment A of the Secretariat’s “Compliance with Measures” paper. Although this paper is publicly available on the CCSBT website, Members may want to extract key performance measures from the tables of Attachment A and present this information on the CCSBT website’.

- Recognise the opportunities for alignment between the CCSBT strategic goal to develop the capacity-building work plan and the capacity building programmes recommended in CPG3 to correct administrative failings; and
- Recommend tasking the Secretariat to plan and coordinate an intersessional process that seeks to:
 - strengthen processes for developing, monitoring, reporting and assessing/updating Capacity Building Programmes based on EC31's discussion on capacity building work plan (paper CCSBT-EC/2410/13);
 - define with greater clarity the risk associated with failing to meet specific obligations to help inform CC consideration of appropriate action; and
 - recommend to CC20 additional non-trivial instances of non-compliance with CCSBT obligations that could be maintained on the public side of the CCSBT website consistent with bullet point two under section 5.5 of CPG3.

Prepared by the Secretariat

Attachment A

Q1	<i>Do Members agree that, as a priority, CPG3 would benefit from greater clarity on the process to develop the programme to correct administrative deficiencies (including the role of the Secretariat to support Members)? Please also specify what you believe is lacking from the current CPG3 that may inhibit the application of corrective actions and any preferred approach to improving this that you would like to see taken.</i>
Australia	Agreed that it would be beneficial for greater clarity on the program to correct administrative deficiencies. Stated agreement with four of the previously proposed corrective actions (Compliance Assistance/Capacity Building Programmes, Increased Monitoring Requirements, Public Disclosure, and Creating additional incentives) but did not feel the use of Quota Reductions in National Catch Allocation for administrative failings was appropriate. Supported the use of written advice from the Secretariat and greater use of and reporting against Member developed plans to address identified non-compliance.
New Zealand	Supported the development of procedures that define and take steps to address/reduce administrative failings of Members, including the role of the Secretariat as well as additional punitive measures which will be taken in cases of persistent non-compliance. Also supports removing the requirement for consensus under particular circumstances (i.e. persistent non-compliance), better defining 'failings' (i.e. failing to deliver meeting reports), and further consideration of additional punitive tools such as market access limitations (e.g. for fish coming from countries not cooperating with CCSBT).
Korea	Yes. Noted that despite the reference to considering the 'circumstances and degree of non-compliance' in the Policy, there is no agreed process or principle for CCSBT to refer to in deciding the degree of each non-compliance case. Suggested that this should be a starting point and recommended linking the discussions to the priority assessments in the CCSBT Strategic Plan.
Taiwan	Agreed that CPG3 would benefit from greater clarity in the development of the programme to correct administrative deficiencies, noting that there is no specific guidance on how to handle ongoing administrative deficiencies.

Q2	<i>Do Members believe that an agreed definition of persistent or enduring non-compliance is necessary for CPG3 to be more effective?</i>
Australia	Agreed this might be useful, noting cases of non-compliance vary greatly and each may need to be considered case-by-case. Proposed that any definition be based on an assessment of which administrative non-compliance creates the greatest risks to the credibility and reliability of CCSBT management systems.
New Zealand	Yes, including definitions for particular occurrences of non-compliance e.g. not meeting reporting standards either by not submitting reports to meetings or not contributing to the data exchange in full or in part.
Korea	Suggested this may be helpful but recommended that the discussions on the degree of non-compliance and the corresponding corrective actions should be prioritized.

Taiwan	Yes, having an agreed definition of persistent or enduring non-compliance is necessary to improve the effectiveness of CPG3.
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Q3	<i>Do Members agree that CPG3 would benefit from referencing a capacity-building plan that defines with greater clarity the process for requiring, developing, monitoring, reporting on and assessing/updating capacity building programmes? Please also specify anything you would like to see included in the capacity-building work plan or any approach you would like to see taken.</i>
Australia	Agreed that more detailed capacity building plans, with clearer guidelines for monitoring and reporting, would be beneficial. Noted that clearer capacity building plans would allow Australia to identify specific areas where they could support capacity building activities.
New Zealand	Supports a capacity building plan to be developed by the Secretariat, however noting budget constraints of CCSBT and capacity constraints of the Secretariat, also supports exploration of alternative funding/capacity e.g. other RFMOs, World Bank, eNGOs. Recommended that a more prescriptive approach to administrative failings may be required with appropriate associated actions for Members/Secretariat that prioritises addressing the cause of a problem.
Korea	Yes. Also noted the importance of proactive and preventative measures and recommended exploring the establishment of a CCSBT system or process through which a developing Member may request for capacity building assistance in relation to a particular area/subject even before non-compliance occurs or is identified.
Taiwan	Agreed.

Q4	<i>Are there any other aspects of CPG3 that Members believe need to be addressed as a priority at CC19?</i>
Australia	Recommended that the CCSBT Secretariat review the corrective actions policies of other RFMOs to ensure that the approach adopted is consistent.
New Zealand	Recommended encouraging non-members with catches to cooperate with CCSBT.
Korea	Noted that guidelines are normally considered non-binding and non-mandatory and suggested that CCSBT could consider changing some part, if not all, of CPG3 into binding or mandatory rules for effective application and clear decision making.
Taiwan	No other specific priorities for CPG3 at this stage.

Attachment B

Corrective actions policy Compliance Policy Guideline 3

(updated at the Twenty-Fifth Annual Meeting: 18 October 2018)

1. Introduction

This compliance policy provides direction and guidance to implement Strategies 9.1(ii)¹ of the CCSBT Strategic Plan:

Apply the CCSBT's Corrective Actions Policy to breaches in the rules of the CCSBT and establish incentives to promote compliance.

In this policy all references to the Commission include the Extended Commission, and all references to Members include Cooperating Non-Members (CNMs) of the Commission.

2. Purpose of policy

The purpose of this policy is to bring all Members into compliance with their CCSBT obligations in a way that maintains the stability and cohesion of the Commission. To this end, it sets out a framework to respond to evidence of non-compliance by a Member. The primary response focus is to assist Members to achieve capacity to effectively comply with CCSBT obligations.

3. Guidelines for corrective actions

Non-compliance with Members' obligations can arise due to three main sources:

- administrative failings, including not fully implementing effective systems and processes to support obligations
- failure by Members to take action against non-compliance by fishers, farmers, processors, exporters or importers within their jurisdiction
- deliberate actions by Members to avoid meeting obligations.

The following guidelines will be used to determine the corrective action to be recommended where there is evidence of non-compliance:

1. Catch in excess of the Member's annual or multi-year national catch limit should, in the first instance, be repaid at a ratio of 1:1 over a time period specified by the Commission. Where there are specific aggravating factors a higher ratio of quota payback may be determined. Furthermore, if a Member exceeds its national allocation for the 2017 fishing season or later without paying back its excess catch for those seasons:

¹ This corresponds to *Strategy 9.2 Corrective action and remedies* in the draft Compliance Plan.

- the carry-forward procedures provided in CCSBT’s “Resolution on Limited Carry-forward of Unfished Annual Total Available Catch of Southern Bluefin Tuna” shall not be applied by that Member until those catches have been paid back, unless otherwise agreed by the Extended Commission; and
 - the Member is not eligible for an increase in its effective catch limit² until the excess catch has been paid back, unless otherwise agreed by the Extended Commission³.
2. Administrative failings should, in the first instance, be addressed through an agreed programme to correct administrative deficiencies within a specified timeframe.
 3. Corrective actions for administrative failings by a developing country Member should focus on capacity building programmes, provided this is effectively targeted at correcting the deficiencies.
 4. Corrective actions should take into account relevant aggravating factors such as harm caused to other Members, ongoing non-compliance without good cause (including systematic under-reporting or over-catch over multiple years), or evidence of intent to avoid CCSBT obligations.

4. Decision-making process

Compliance Committee

In considering potential non-compliance and any necessary corrective actions, the Compliance Committee may:

- assess initial evidence of non-compliance
- request the Member to investigate and report back
- task the Secretariat to work with the Member to support development of a plan of suggested corrective actions to address the non-compliance
- task the Secretariat with supporting implementation of the corrective actions plan
- if necessary (for instance, where the Member needs assistance or the Committee is not satisfied with the Member’s investigation), recommend an independent investigation which may include an audit or market review
- review evidence of non-compliance on the basis of the reports received

² The Effective Catch Limit is the Member’s National Allocation plus or minus any agreed short-term changes to that allocation, for example temporary transfers or quota pay-backs.

³ The Member’s national allocation may be increased but this increase may not be utilised until any excess catch has been paid back by the Member. Note for example that a 100t increase in the Members’ national allocation would result in a 200t excess catch being paid back in two years (assuming no further excess catches) since the Member’s effective catch limit would not increase during this time.

- task the Secretariat to support the monitoring and reporting on progress made with the development and implementation of programmes of corrective action
- consider any remedies suggested by the Member
- prepare a report to Commission, setting out findings, any remedies already agreed with the Member, and any recommended further corrective actions based on this policy guideline.

The Member will be provided with an opportunity to suggest corrective actions or remedies to improve their compliance with CCSBT obligations. Members will seek the support of the Compliance Committee for their suggested course of action.

Following consideration of the Member's suggestions, the Compliance Committee may agree to the Member's suggestion or recommend corrective actions for consideration by the Commission. The Compliance Committee report to the Commission may include majority and minority views.

Commission

The Commission will:

- consider the Compliance Committee report, and
- negotiate an outcome (corrective action) with the Member.

5. Corrective actions list

Depending on the particular circumstances and degree of non-compliance, corrective actions recommended by the Compliance Committee may include:

1. *Compliance assistance/capacity building programmes*
 - Skills training—e.g. for observers, compliance officers or validators
 - Systems development – e.g. technical or financial assistance to establish or improve operating systems and procedures
 - Analytical assistance – e.g. to improve monitoring of trade flow of SBT from catching phase to the market place
 - Technology purchase – e.g. VMS, data recording and transmission from fishing vessels
2. *Quota pay back*
3. *Quota reductions in national catch allocations*
4. *Increased monitoring requirements*
 - Placement of observers
 - Increased inspection requirements
 - Increased VMS reporting frequency
 - Restrictions on transshipment or landings
5. *Public disclosure*

The Executive Secretary shall maintain on the public side of the CCSBT website, a record of:

- any instances of non-compliance with Members' allocation of the global SBT TAC, and the corrective action(s) that was/were taken by the relevant Member in response to that non-compliance; and
- as agreed by the Extended Commission, other non-trivial instances of non-compliance with CCSBT obligations where corrective action has been specified, together with the corrective action taken.

6. *Trade or market restrictions consistent with international law*

6. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none"> • Approve policy • Consider Compliance Committee's recommendations • Initiate investigations • Determine corrective actions
Compliance Committee	<ul style="list-style-type: none"> • Monitor Member compliance • Assess evidence of non-compliance and consider Members' views • Consider Members' suggestions for corrective actions • If necessary, recommend: <ul style="list-style-type: none"> ○ independent investigation ○ quota payback timeframe ○ quota payback greater than 1:1 ○ corrective actions. • Review policy and recommend any revisions.
Secretariat	<ul style="list-style-type: none"> • <u>Place policy and reports on website</u> • <u>As directed by the Compliance Committee, support Members to develop, deliver and monitor programmes of corrective action and report on their implementation.</u>
Members	<ul style="list-style-type: none"> • Investigate evidence of national non-compliance • Respond to evidence of non-compliance from national or independent investigations

7. Policy review

This policy is to be reviewed every five years from the date of agreement. The Commission may direct a review at any earlier time. A Member may request an earlier review. The request, setting out the reasons for the review, must be submitted to the annual meeting of the Compliance Committee.