



**TECHNICAL AND COMPLIANCE COMMITTEE
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**SUPPORTING PAPER FOR TCC18 CONSIDERATION OF POTENTIAL
IMPROVEMENTS TO THE ROP MINIMUM STANDARD DATA FIELDS FOR IMPACTS
OF FISHING ON WHALE SHARKS AND CETACEANS**

**WCPFC-TCC18-2022-17
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Paper by the Secretariat

Purpose

1. The purpose of the paper is to provide information to assist the Technical and Compliance Committee (TCC) to consider, in accordance with the TCC workplan 2022-2024, potential improvements to the ROP minimum standard data fields related to whale sharks and cetacean interactions, that will allow for more useful consideration in the WCPFC online Compliance Case File System (CCFS) and Compliance Monitoring Scheme review process.

Background on ROP minimum standard data fields

2. The Regional Observer Programme (ROP) was established pursuant to Article 28 of the Convention and has the stated function “*to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.*” The TCC and the Scientific Committee (SC) have a joint responsibility to recommend to the Commission the priorities and objectives of the ROP, and to assess the results of the programme (Convention Articles 12 (2f) and 14(2c)).

3. The Commission has adopted WCPFC ROP Minimum Standard Data Fields and ROP-authorized Programmes are expected to ensure that their programme’s observers collect these data during each placement involving WCPFC longline and purse seine ROP trips. The most current version of the WCPFC ROP Minimum Standard Data Fields was issued in April 2016 (ref: <https://www.wcpfc.int/doc/table-rop-data-fields-including-instructions>). ROP Observer Providers can determine the best format for collection of the WCPFC minimum data fields.

4. Since 2016, the Commission has provided additional guidance through the *WCPFC Standards, Specifications and Procedures for Electronic Reporting in the WCPFC – covering operational catch and effort data + observer data* (https://www.wcpfc.int/doc/data-05/e-reporting_ssps). These Standards also incorporate the SPC/FFA harmonised data fields that are used by a number of observers programmes and include notes to clarify which observer data fields are agreed as WCPFC ROP Minimum Standard Data Fields (WCPFC Field = Y) and which are not presently included (WCPFC Field = N). Consequently, some observers during a ROP trip may record additional observer data and some supplementary notes for example in their observer journal, but as these are not ROP data (WCPFC Field = N), they are

not available for use by the Secretariat to develop or refine cases in the WCPFC CCFS. The TCC18 Paper by SPC-OFP *Status of Observer Data Management* ([WCPFC-TCC18-2022-IP02](#)) provides an update on the status of ROP data management, including the status of observer data entry, observer data provisions and information on ROP coverage levels currently achieved across WCPFC fisheries.

Background on current approach used to create CCFS cases related to purse seine fishery interactions with cetaceans and whale sharks

5. The Compliance Monitoring Scheme CMM (CMM 2021-03) states that the CCFS is to be maintained “*as a secure, searchable system to store, manage and make available information to assist CCMs with tracking alleged violations by their flagged vessels.*” The measure confirms which CCMs should have access to a case, that notifications should be sent when new cases are created and guides what the aggregated summary tables generated from the CCFS should contain and what information flag CCMs are to provide in response to each case related to their vessels.

6. Updates to the CCFS with new cases based on ROP data occurs periodically and through procedures that have been developed by the Secretariat and the Pacific Community – Oceanic Fisheries Programme (SPC-OFP) who manage the WCPFC scientific data holdings. In the past the frequency of updates was primarily constrained by the frequency at which the SPC-OFP could provide ROP data to the Secretariat; but more recently the primary constraint has become the availability, within the Secretariat, of IT professionals capable of loading this data and of Compliance staff to review and check draft cases created from the ROP data. For the last couple of years an update has occurred every three to four months. The TCC18 Paper by the Secretariat *Update on improving the WCPFC online compliance case file system and proposed approaches for receiving CCM feedback* ([WCPFC-TCC18-2022-15](#)) provides an update on the recent upgrade of the CCFS, including on the trial messaging tool to track observer report requests.

7. Since 2016, ROP observer data has been used in the CCFS to notify flag CCMs of observer recorded purse seine fishery interactions with cetaceans and whale sharks and to record the outcome of flag State investigations of cases. The CCFS cases related to cetacean and whale shark purse seine fishery interactions are created by queries run against the ROP data related to catches and interactions with species of special interest during the set.

8. Currently the Cetaceans and Whale Sharks cases in the CCFS are records of instances during a WCPFC ROP trip where an observer on a purse seine vessel has reported a cetacean or whale sharks as identified by a specific species code (SP_code) in combination with an observed fate code (FATE_code). **Annex 1** to this paper provides some examples of the types of fate codes that may be recorded as ROP observer data and that may have been used as the basis for Cetacean and Whale Sharks cases in the CCFS.

Notes on some recent TCC and Compliance Monitoring Report (CMR) outcomes

9. This section presents some contextual information on recent TCC and CMR outcomes related to the recording of cetacean and whale shark purse seine fishery interactions in the CCFS. The information pertains to:

- (i) Recent aggregated summary information related to outcomes of flag CCM investigations of observer-recorded cetacean and whale shark interactions with the purse seine fishery as notified in the CCFS based on ROP data;
- (ii) The issue of access to observer reports associated with cases in the CCFS; and
- (iii) An identified need for TCC to consider updates to the minimum data fields associated with the Observer Trip Monitoring Data Summary.

10. First, the 2021 Final CMR ([WCPFC18 Summary Report Attachment Q](#)) provides in Appendix 4, Table 3 a summary of outcomes of flag CCM investigations of cetacean and whale shark interactions with the purse seine fishery as notified in the CCFS based on ROP data available to the Secretariat as of 1 July 2021 (see Box 1 below). Table 3A (in Box 1 below) indicates that in mid-2021 there were 2842 instances of cetacean and whale shark interactions in purse seine fisheries recorded in the CCFS related to years 2016 - 2020, and 24% of these cases (681 cases) were recorded in the CCFS with a status of flag State investigations completed. Table 3B (in Box 1 below) also shows that 93% of completed cases (635 cases) reported an outcome of no infraction, and 7% of completed cases had reported some form of infraction (46 cases). Additionally, the Final CMR adopted by the Commission in December 2021, records in paragraph 10 the following:

“TCC17 also noted that as the information in the Compliance Case File System (CCFS) on cetaceans and whale shark (CWS) interactions does not currently distinguish between interactions where there is no alleged infringement and interactions where an infringement may have taken place – TCC17 agreed this data would be excluded from consideration of this trial process of reviewing the Aggregated Tables.”

Box 1: Excerpt from Final CMR records in paragraph 10 (WCPFC18 Summary Report Attachment Q) Appendix 4 - 2021 Final Compliance Monitoring Report Aggregated tables from the WCPFC online compliance case file system

Table 3A: Summary Counts of ROP observer reported Cetacean and Whale Shark purse seine fishery interactions based on ROP observer data by year by Investigation Status and counts of cases where ROP Observer Report was received (2016- 2020) *The ROP data that was available as at 1 July 2021, may not include all ROP trips for 2020.*
CWS: Cetacean and Whale Shark fishery interaction (CMM 2012-04: Whale Sharks and CMM 2011-03: Cetaceans)

		NEW CASE	Investigation IN PROGRESS	Investigation COMPLETED	Total Compliance Case Count	Total ROP Observer Report received
☐ CWS	2016	1	251	209	461	241
CWS	2017	78	327	172	577	232
CWS	2018	52	334	173	559	223
CWS	2019	244	578	114	936	179
CWS	2020	126	170	13	309	67
Grand Total		501	1660	681	2842	942

Table 3B: Summary Counts of flag CCMs investigations for ROP observer reported Whale Shark and Cetacean purse seine fishery interactions notified in the WCPFC online Compliance Case File System that were based on ROP data and are in the CWS list (2016-2020) *Note in the below tables the omission of a row (year), confirms the annual count of cases were zero.*
CMM 2011-03 (01 - 03): Cetaceans CMM 2012-04 (01, 04): Whale Sharks

	NEW CASE	Investigation IN PROGRESS	Investigation COMPLETED			Total	Grand Total	
			No infraction					
			Infraction - warning	Infraction - sanction				
☐ Mitigating impacts of fishing on species of special interest	501	1000	035	1	21	24	081	2842
☐ Cetacean protection in purse seine fishery	279	984	401	0	18	17	430	1099
☐ CMM 2011-03 (01-03)	279	984	401	0	18	17	430	1099
2016	0	173	132	0	4	5	141	314
2017	49	224	108	0	12	3	123	390
2018	22	108	103	0	1	1	103	295
2019	130	299	48	0	1	8	57	480
2020	78	120	10	0	0	0	10	208
☐ Shark mitigation and fishery management	222	070	234	1	3	7	245	1143
☐ CMM 2012-04 (01, 04)	222	070	234	1	3	7	245	1143
2016	1	78	64	0	4	0	08	147
2017	29	103	48	0	1	0	49	181
2018	30	100	67	1	0	0	08	204
2019	114	279	52	0	2	3	57	450
2020	48	50	3	0	0	0	3	101
Grand Total	501	1000	035	1	21	24	081	2842

NOTE: TCC17 also determined that as the information in the Compliance Case File System (CCFS) on cetaceans and whale shark (CWS) interactions does not currently distinguish between interactions where there is no alleged infringement and interactions where an infringement may have taken place - hence, for TCC17 this data would be excluded from consideration of the Aggregated Tables

11. Second, on the issue of access to observer reports the Commission, in December 2020 at WCPFC17, agreed to the following outcome recommended by TCC16 stemming from the work through the TCC Observer-related WG (WCPFC17 Summary Report paragraph 317)

“The Commission endorsed the TCC16 recommendation in paragraph 181 of the TCC16 Summary Report and requested that ROP Providers be requested to review observer reports associated with cases in the CCFS that are generated by queries by the Secretariat of the ROP database, to help assess whether the possible violation(s) identified through the Secretariat’s screening is supported by the information in the observer report, and to provide in the “CCM comments” box for the consideration of the relevant CCM(s) a succinct summary of the relevant information in the observer report.”

12. Table 3A (in Box 1 above) also provides an indication of the scope of the continuing challenges that some CCMs have reported in accessing observer reports from ROP observer providers, specifically for instances of cetacean and whale shark interactions in purse seine fisheries recorded in the CCFS. As of September 2022, only forty percent (40%) of cases where the flag State had indicated investigations had commenced or were completed, had the ROP observer report been received. The 2021 Final CMR records in paragraph 18, the following outcome related to this matter

“TCC17 discussed the process of considering the Aggregated Tables. For the majority of outstanding cases in the Aggregated Tables, some CCMs reported they were unable to complete investigations due to a failure to receive observer reports from the ROP observer providers. These CCMs noted that they requested the observer reports and some providers were able to provide the information in a timely fashion, but that other providers were not responsive to flag CCM requests for observer reports. Some CCMs highlighted the non-receipt of observer reports which had hindered their investigations, as shown in Table 2 of Appendix 3. Other CCMs considered that communication was the problem including that the observer reports may not have been requested yet in some cases as well as the time lag in notification of the alleged infringements in the CCFS and emphasized the importance of reaching out bilaterally to ROP observer providers to obtain observer reports, as well as the use of other investigative tools to progress investigations. Some CCMs noted that observer providers made every effort to respond to requests for reports and provided them.”

The Secretariat notes there have been recent improvements in CCFS records of observer reports received in response to cases in the CCFS.

13. Third, through the work of the TCC Observer-related working group, TCC in 2020 had previously identified, a need to review the ROP minimum data fields associated with the Observer Trip Monitoring Summary. The outcome as agreed by the Commission, at WCPFC17 (WCPFC17 Summary Report paragraph 318) was as follows

“The Commission noted the TCC16 recommendation in paragraph 182 of the TCC16 Summary Report that the Commission (possibly through work of the ROP IWG) review the minimum data fields associated with the Observer Trip Monitoring Summary and make updates to those data fields to better reflect the Commission’s priorities and the types of violations that are amenable to yes/no indications by the observer. Any such recommendations should take into account

their implications (e.g., on observers' workloads, in terms of ROP Providers having to revise their forms, etc.)."

Additionally, the Secretariat notes that Observer Trip Monitoring Summary ROP data, are not currently used by the Secretariat to develop or refine CCFS cases related to cetacean and whale shark fishery interactions.

Considering improvements to ROP minimum standard data fields for monitoring implementation of whale shark and cetacean CMM requirements, including in the CCFS

14. At WCPFC18, the Commission in adopting the TCC Workplan 2022 – 2024, agreed to the following TCC Priority project specific task “j) *Review and provide advice improvements to the ROP data fields, including those in ROP pre-notifications, to allow for more useful consideration in the compliance case file system and compliance review process [TCC task with assistance from Secretariat]*”. In 2022, the priority activity for TCC in response to this task corresponds to TCC18 Provisional Agenda item 5.5(a) “*Advice on improvements to ROP minimum standard data fields for whale sharks and cetaceans to allow for a distinction between an interaction and a possible infraction in the compliance case file system.*”

15. The review provided earlier in this paper of aggregate CCFS summary data related to cetacean and whale shark interactions with the purse seine fishery, clearly confirmed that over time there have been some infractions correctly identified in the CCFS. Noting the proportion of completed cases with an outcome of “*no infraction*”, the review also indicates there is scope to further improve the identification of alleged infractions in the CCFS. To assist TCC’s consideration, the Secretariat has prepared as a summary Table 1 (below), which presents the current CCFS approach alongside the relevant obligations intended to mitigate impacts of purse seine fishing on cetaceans and whale sharks, and suggests areas where modifications of the ROP Minimum Data Fields may be beneficial for the CCFS.

16. Noting that the CCFS is intended to assist CCMs with tracking alleged violations by their vessels, the four guiding principles for the Compliance Monitoring Scheme of effectiveness, efficiency, fairness and cooperation towards compliance should also be considered relevant and as guidance to this TCC task (CMM 2021-01 paragraph 3).

17. During 2020 TCC Observer-related working group discussions where changes to ROP data fields were explored, some CCM participants had highlighted the importance of duly considering the broad implications of any proposed changes to ROP data fields. Noting this is pertinent to the current task, for ease of TCC’s information and reference some of the broader considerations mentioned by CCMs, include taking into consideration:

- the costs/logistics of ROP providers having to change observer forms;
- the need to schedule updates and refresher training for observers and debriefers in advance of the changes being implemented;
- the impact of the changes on observer workloads and safety;
- impacts of changes in data fields on the time series of observer data used for the WCPFC scientific work; and
- the costs of implementing new paper/e-reporting forms.

Table 1: Summary Table of current approach in CCFS for cases to monitor impacts of purse seine fishing on whale sharks and cetaceans, and possible areas where modified ROP data fields could be considered to better align with the requirements of CMM 2011-03 and CMM 2019-04 paragraph 21

	CMM Obligations to mitigate impacts of purse seine fishing <i>Brief description</i>	Current ROP Data fields used for WCPFC CCFS cases	Areas where modified ROP data fields might assist CCMs in identifying potential infractions
CETACEANS	CMM 2011-03 01 <i>Prohibit purse seine setting on cetacean associated with a school of tuna, if animal is sighted prior to commencement of the set - Flag CCM responsibility</i>	Currently, CCFS cases are created in instances where during a ROP trip, an ROP observer on a purse seine vessel has reported a cetacean or whale sharks species code (SP_code) in combination with an observed (FATE_code). <SP_CODE> = RHN or species from Marine Mammal list	It would be beneficial if the ROP data fields were refined to align with the requirements of CMM 2011-03 and CMM 2019-04 21 (01-07) more clearly. For example, (i) Are there ways that observers could record additional data about interactions, including whether a purse seine vessel could have reasonably seen a cetacean or whale shark prior to the set? (ii) For instances where a whale shark or cetacean was inadvertently encircled, can information be recorded by observers that assists national compliance processes to be better informed about whether best attempts were made to follow the guidelines for safe release? (iii) Is additional information needed or do refinements to CCFS need to be considered which more clearly identify any ROP observer reported instances of retention of Whale Sharks, either in part or whole, noting that CMM 2019-04 21 (02) includes a prohibition of retention of whale sharks, either in part or whole?
	CMM 2011-03 02 <i>Requirements in the event of unintentional encircling of cetaceans in the purse seine net, including incident reporting requirements - Flag CCM responsibility</i>		
WHALE SHARKS	CMM 2019-04 21 (01-07) <i>Prohibit purse seine setting on whale sharks, retaining/transshipping/landing of whale sharks - Flag CCM responsibility and Coastal CCM responsibility</i>	<FATE_CODE> = Fate of this catch. This field provides more detail on fate and indicates whether it was RETAINED, DISCARDED or ESCAPED, and any specific processing. Some examples of FATE codes available in WCPFC ROP data used in the CCFS is provided in Annex 1 to this paper.	

18. Considering the various points raised around the context, on balance there appears to be merit in having a CCM-led process to develop and consider recommended modifications to ROP Minimum Standard Data Fields. In this regard, CCMs will recall that the Intersessional Working Group on the ROP (IWG-ROP) was established in 2006 by the Commission, through adoption of CMM 2006-07 Conservation and Management Measure for the Regional Observer Programme. Four meetings of the IWG-ROP were held during 2007 – 2015 (see this [link](#)). The Commission at WCPFC12 (2015) had agreed that the IWG-ROP was not tasked to meet in 2016 (WCPFC12 Summary Report paragraph 581), and since then no meetings of the IWG-ROP have been held and the IWG-ROP Chair is currently vacant. At WCPFC18 the Chair noting that the IWG-ROP presently had no Chair, had indicated that the position of the Chair for the IWG-ROP would be invited during the intersessional period in 2022 (WCPFC18 Summary Report paragraph 382).

19. TCC18 is invited to support the Commission’s intention to reactivate the IWG-ROP.

20. TCC18 is invited to also recommend that the Commission task the IWG-ROP, once it is reactivated, to develop draft recommended modifications to ROP data fields with the intention of allowing for more useful consideration of ROP data in the CCFS and in the Compliance Monitoring Scheme processes, and while taking into account their implications.

21. TCC18 is further invited to consider recommending that the IWG-ROP, once it is reactivated, prioritize work on ROP data fields that were identified in the TCC Workplan 2022-2024 project specific task (j), and to decide if any additional CMMs should also be prioritized in this work.

Annex 1. Examples of Fate Codes may be used in the CCFS for cetacean and whale shark purse seine fishery interactions.

Excerpt from **Standards, Specifications and Procedures for Electronic Reporting in the WCPFC - operational catch and effort data + observer data** (https://www.wcpfc.int/doc/data-05/e-reporting_ssps)

APPENDIX A9 – OBSERVER FATE CODES

FATE CODE	DESCRIPTION
DCF	Discarded - Line cut or Other
DDL	Discarded - Difficult to land
DFR	Discarded - fins removed and trunk discarded
DFW	Discarded - Discarded from well
DGD	Discarded - Gear damage
DNS	Discarded - No space in freezer
DOR	Discarded - other reason (specify)
DPA	Discarded - Protected species - Alive
DPD	Discarded - Protected species - Dead
DPQ	Discarded - poor quality
DPS	Discarded - protected species (e.g. turtles)
DPU	Discarded - Protected Species - Condition unknown
DSD	Discarded - Shark damage
DSO	Discarded - rejected (struck off before landing)
DTS	Discarded - too small
DUS	Discarded - Undesirable species
DVF	Discarded - Vessel fully loaded
DWD	Discarded - Whale damage
ESC	Escaped
RCC	Retained - Crew Consumption
RFL	Retained - Filleted
RFR	Retained - fins removed and trunk retained
RGG	Retained - gilled and gutted (retained for sale)
RGO	Retained - gutted only
RGT	Retained - gilled gutted and tailed (for sale)
RHG	Retained - headed and gutted (Marlin)
RHT	Retained - Headed, gutted and tailed
RMD	Retained - fins removed/trunk retained (MANDATORY)
ROR	Retained - other reason (specify)
RPT	Retained - partial (e.g. fillet, loin)
RSD	Retained - Shark damage
RTL	Retained - Tailed
RWD	Retained - Whale Damage
RWG	Retained - Winged
RWW	Retained - whole
UUU	Unknown - not observed

Excerpt from Code guidelines for use with [ROP Minimum Standards Data Fields](#)

Fate Codes	
Retained Codes	
RWW	Whole weight
RHG	Headed & Gutted (Billfish only)
RGG	Gilled & Gutted (kept for sale)
RPT	Partially retained (e.g fillet loins etc)
RCC	Retained for crew consumption
ROR	Retained for other reasons (specify)
RFR	Trunk and fins retained (shark only)
Discarded Codes	
DFR	Discarded trunk - fins retained (shark only)
DTS	To small (record only for tuna)
DGD	Gear Damage (record only for tuna)
DVF	Vessel fully loaded (no more storage)
DUS	Unwanted species
DSD	Shark Damage
DWD	Whale Damage
DPQ	Poor quality
DPA	SSI species released alive
DPD	SSI species released dead
DPU	SSI species released in unknown condition
DOR	Other reason for discard.
ESC	Tuna escaped from net.
DAH	Alive Hook/Line removed (SSI & Sharks)