



**COMMISSION**  
**NINETEENTH REGULAR SESSION**  
Da Nang City, Vietnam  
28 November to 3 December 2022

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**PROPOSED APPROACH FOR THE AGGREGATE TABLES REVIEW PROCESS IN 2023**

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**WCPFC19-2022- CMS\_Agg tables**  
**24 November 2022**

TCC Chair

## Section 1 – Context

1. The requirement for the development of aggregated summary tables of information drawn from the WCPFC online compliance case file system (CCFS) and for this information to be considered alongside the Draft Compliance Monitoring Report was established in CMM 2019-06, as follows:

*26. At the same time, the Executive Director shall draw from the online case file system and transmit to:*

*(ii) all CCMs, aggregated information across all fleets based on the information reported by CCMs pursuant to paragraph 10, for the previous 5 years. The templates attached as Annex II will serve as the basis for the data fields that will be included. This will be used to provide an indicator of potential anomalies in the implementation of obligations by a CCM, with a view towards identifying implementation challenges for that CCM and identifying systemic failures to take flag state action in relation to alleged violations. This information shall be considered by TCC alongside the Draft Compliance Monitoring Report.*
2. Noting the challenges associated with virtual meetings, TCC16 in 2020 did not review the aggregated tables (though the tables were prepared by the Secretariat). Instead, the TCC Chair was tasked to develop a proposed process for reviewing the tables at TCC17 (2021). A trial review of the aggregated tables was undertaken at TCC17.
3. The implementation of the trial review of the aggregate tables yielded mixed results.
  - i. Feedback on the dynamic tables was generally positive, although this format does make it somewhat difficult to envision the presentation of information in a way that is consistent for all CCMs in the room.
  - ii. The implementation of the para 34 process (outstanding CCFS cases) was smooth, however there were some issues identified through this process that need further consideration.
  - iii. The implementation of the para 33 process (identification of implementation challenges) however did not result in any discussion or issues identified as no CCM raised issues for discussion and this needs further consideration.
4. An overview of the trial aggregate tables review process and associated issues was reviewed by TCC18 (refer WCPFC-TCC18-2022-13), with participants invited to provide feedback on key questions to inform development of a revised aggregate tables review process for consideration by WCPFC19.
5. This paper summarises the feedback received at TCC18 and proposes a way forward for the aggregated tables review as flagged at TCC18, as well as providing additional related recommendations drawn from CCMs feedback.

*101. TCC18 noted the intention of the TCC Chair to develop a proposal for CCM consultation and WCPFC19 consideration on a process for using the aggregated tables to be undertaken in 2023 as part of the Compliance Monitoring Report Review at TCC19, taking into account the guidance provided by TCC18 in response to the issues raised in the discussion paper.*

*(TCC18 Summary Report)*

## Section 2 – TCC18 Feedback

6. Feedback was received from FFA members, PNA members, the United States and China in the Online Discussion Forum, as well as the European Union during TCC18.

### *Outstanding cases*

7. CCMs were generally of the view that the purpose of the review of outstanding cases was not to incentivise resolution of cases, rather to provide a platform for identifying what may be preventing this and to discuss what might support resolving these cases.
  - i. The development of the tracking function for requests of observer reports through the OCCFS is a positive step and is expected to lead to resolution of a number of issues. This could be enhanced through reporting in the aggregated tables of the number of observer reports requested versus the number provided [*Chair comment: feedback was not specific, but assume this would be drawn from the observer report tracking function*].
  - ii. Feedback highlighted the importance of providing reports against the requirements of the measure (paras 34a and 34b).
  - iii. A concern was raised about the detail in observer reports not providing enough information to facilitate investigations.
8. CCMs feedback reiterated that the purpose of the CMS is to review CCM compliance, not deal with individual vessel issues. It is possible that individual lingering cases may indicate a systemic issue but this would need to be addressed on a case-by-case basis.

*Identification of systemic issues/implementation challenges*

9. CCMs indicated a need to utilise the aggregate tables to identify anomalies as the first step, with the subsequent step being considering possible causes (e.g. implementation challenges or systemic failure to effectively implement an obligation).
10. CCMs are largely of the view that the process to identify anomalies should be member-led, with feedback highlighting the need for a more structure process to support this. One CCM advocated for a Chair/Secretariat-led process to review the aggregate tables process noting the importance of neutrality. Relevant to this, some CCMs noted the clear role of the Secretariat in preparing the aggregate tables and presenting the information for CCMs collective review under the guidance of the chair.
11. CCMs are not supportive of identifying a prioritised or risk-based approach to the identification of anomalies.

*Other issues*

12. There are differing views on the application of compliance status associated with the review of the aggregated tables:
  - i. One CCM noted the importance of assigning a compliance status where the aggregate tables demonstrate systemic failure to take flag state action in response to infringements.
  - ii. A group of CCMs noted that there is a distinction between the application of a compliance status against a specific obligation in a specific year and the identification of systemic issues that might span multiple reporting years and/or multiple obligations. These CCMs also reiterated concerns regarding the imbalance in available information to develop the aggregated tables given the imbalance in monitoring between purse seine and longline fisheries, while recognising that Article 25(2) cases was not subject to the same imbalance. Noting this, these CCMs proposed that review of the Article 25(2) tables could be considered alongside the dCMR in 2023.
13. Preference for dynamic versus static presentation of the aggregate tables is mixed – some CCMs and individuals have expressed appreciation for the utility of the dynamic tables, while other CCMs

have noted that the static tables are useful for ensuring that everyone is looking at the same information particularly when undertaking collective review of the aggregate tables.

### **Section 3 – Chair’s comments**

14. Thank CCMs for constructive and detailed feedback and welcome ongoing commitment to making this process work and I am of the view that there is not as much divergence as first appears. However, there is clearly ongoing work to be done to and through TCC19 and through implementing the CMS CMM next year.
15. Most CCMs that provided feedback are of the view that the identification of anomalies should be a member-led and collective process. The concern raised regarding neutrality can be addressed through defining a clear role for the Secretariat in presenting information and the Chair in presiding over the collective review of the aggregated tables in a fair and unbiased manner.
16. The reframing of the purpose of the aggregated tables to focus initially on identification of anomalies and the suggestion of a phased approach is useful – this highlights that the aggregate tables can be used to identify an issue that warrants consideration without presupposing the cause of the issue, and that TCC has a clear role in discussing what the causes might be and how these can be addressed.
17. The differing views expressed regarding the application of a compliance status associated with the review of aggregated tables are not necessarily inconsistent:
  - i. I expect that where TCC’s review of the aggregate tables clearly identifies a systemic failure on the part of a flag state to take action in response to infringements, CCMs may be supportive of having this recorded via a compliance status. However, it is not clear how the application of a compliance status associated with a specific obligation in a specific reporting year would be applied or linked to a systemic issue across multiple years and/or multiple obligations.
  - ii. Further, we do not have any precedent for how TCC would make a determination of where an anomaly is associated with flag state failure and any corresponding threshold.
  - iii. The opportunity to road test the identification of anomalies and determination of causes by TCC19 will be an important part of aggregate tables review process.
18. The implementation of a tracking tool for observer report requests is widely expected to lead to significant improvements in this issue which will help streamline the resolution of outstanding case file cases.
19. The WCPFC Secretariat has continued work to enhance the presentation of the dynamic and static aggregated tables. I expect this work will support CCMs to better utilise the aggregate tables to identify anomalies for TCC’s consideration. Given this, I propose a body of work to be undertaken in the first half of 2023 (i.e. well in advance of TCC19) to be led by the TCC Chair to consult CCMs on the Secretariat’s ongoing work on presentation of the aggregate tables as well as addressing some specific suggestions made by CCMs at TCC18.
20. CCMs suggestions on how the Secretariat presents information and sequencing of reporting are helpful and will guide the aggregate tables review process in 2023.

## Section 4 – Proposed Way Forward:

21. Based on the feedback provided, I provide here:

- i. A proposed high-level approach for review of the aggregate tables at TCC19
- ii. An overview of key work to be undertaken up to and through TCC19 to WCPFC20
- iii. Specific recommendations drawn from CCM feedback for WCPFC19 consideration and endorsement.

### *i. High-level approach for Aggregate Tables Review at TCC19*

#### **Recommendation: WCPFC19 is invited to endorse the proposed approach for the process to review aggregate tables in 2023**

May 2023	Reminder to CCMs to complete Annual Report Part 2 and finalise outstanding cases in the OCCFS by the deadline of 12 June [Secretariat]
12 June 2023 (100 days prior to TCC)	Submission of Annual Report Part 2 [All CCMs]
TBC June/July (deadline to be advised by Secretariat based on internal processes)	Finalisation of cases in the OCCFS [Relevant CCMs]
27 July 2023 (55 days prior to TCC)	Provision of dCMR [Secretariat] Provision of aggregate tables (static and dynamic versions) [Secretariat] Notification to relevant CCMs of outstanding (>2yr) cases in the OCCFS and request for provision of para 34(a) and 34(b) reports. [Secretariat]
6 Sept 2023 (two weeks prior to TCC)	Notify Chair of potential anomalies for discussion [All CCMs] Provision of Para 34(a) and 34(b) reports [relevant CCMs]
TCC19	<u>Review of Aggregate Tables (as part of CMR process)</u> <i>Para 34 (outstanding cases &gt;2yr)</i> <ul style="list-style-type: none"><li>- Review of provided para 34(a) and para 34(b) reports</li></ul> <i>Para 33 (identification of anomalies)</i> <ul style="list-style-type: none"><li>- Review of CCM-nominated anomalies and TCC discussion</li><li>- Review of static tables</li></ul> <i>Development of recommendations</i> <ul style="list-style-type: none"><li>- Outstanding cases – direction to resolve prior to the Commission Regular Session</li><li>- Anomalies – development of plan to address (CCM) or recommendation to the Commission (Chair)</li></ul>

(note this is predicated on WCPFC19 agreement to the Secretariat’s recommendation in WP26 that the submission date for the Annual Report Part 2 continues to be 100 days prior to TCC – if this is not agreed the proposed timing will need to be revised)

## *ii. Key work for 2023*

**Recommendation: WCPFC19 is invited to endorse the proposed key work for 2023 to further develop the aggregate tables review process.**

- TCC Chair and Secretariat to lead work on enhanced presentation of aggregate tables, including:
  - Presentation of information on the number of observer reports requested versus number received by CCM drawn from the Online Compliance Case File System request tracking tool alongside the aggregate tables.
  - Enhancements to the dynamic and static versions of the aggregate tables for presentation with the dCMR.
  - Format for reporting against para 34(a) and 34(b) for outstanding (>2yr) cases
- TCC Chair to develop “rules of the road” for the aggregate tables review process (prior to TCC19) to ensure the process is fair and robust.
  - Including specific guidance on addressing single-case situations to avoid assessing vessel-level compliance.
- TCC Chair to work with interested CCMs to further consider the application of compliance statuses in relation to review of the aggregate tables, including:
  - Developing guidance on the review by TCC19 of Article 25(2) cases for inclusion in the provisional Compliance Monitoring Report (prior to TCC19).
  - Review of CMS CMM, for consideration by WCPFC20 (up to and through TCC19 to WCPFC20)

## *iii. Other recommendations*

The following are specific **recommendations** drawn from CCM feedback for WCPFC19 consideration:

- i. **WCPFC19 is invited to note and provide advice related to the level of detail needed in observer reports to support investigations.**
- ii. **WCPFC19 is invited to consider extension of the observer report tracking functionality in the Online Compliance Case File System to enhance and monitor communication between observer providers and flag States.**