



**TECHNICAL AND COMPLIANCE COMMITTEE**  
**Nineteenth Regular Session**  
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**USE OF ROP DATA IN THE COMPLIANCE MONITORING SCHEME (CMS)**

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**WCPFC-TCC19-2023-09**  
**4 September 2023**

**Paper by the Secretariat**

**Purpose**

1. The purpose of the paper is to provide information to assist the Technical and Compliance Committee (TCC) review of processes to refine how data collected through the Regional Observer Programme (ROP) is used in the Compliance Monitoring Scheme (CMS).

**Function of the ROP and the definition of WCPFC ROP data**

2. The ROP was established pursuant to Article 28 of the Convention “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 ROP has at its core, the collection of independent, verified catch and scientific data at-sea which can also be used for compliance purposes in monitoring CCMs’ implementation of CMMs.
3. The ROP is based on the use of the regional, subregional and national observer programmes of its members. Operational rules for the ROP are set out in [CMM 2018-05](#). The TCC and the Scientific Committee (SC) have a joint responsibility to recommend the priorities and objectives of the ROP to the Commission and to assess the results of the programme (Convention Articles 12 (2f) and 14(2c)).
4. The current required observer coverage rates are:
  - Purse seine vessels 20N and 20S: 100% observer coverage ([CMM 2021-01](#) paragraphs 32 and 33).
  - Longline vessels: a minimum rate of 5% ROP observer coverage ([CMM 2018-05](#), Annex C paragraph 6).
  - Transshipments-at-sea: a minimum rate of 100% ROP observer coverage with the observer usually deployed on the receiving vessel ([CMM 2009-06](#), paragraph 13).

5. 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 Commission at WCPFC19 in December 2022 adopted new [Minimum Data Fields for Observer Transshipment Monitoring](#) as data fields to be collected by transshipment observers during transshipment events and provided to the Commission as of 1 April 2023. ROP Observer Providers can determine the best format for collection of the WCPFC minimum data fields.
6. Since 2016, the Commission has provided additional guidance relevant to ROP data collection and submission through the WCPFC Standards, Specifications and Procedures for Electronic Reporting in the WCPFC – covering operational catch and effort data + observer data ([ER Standards for observer data and logbooks](#)). These Standards also incorporate the SPC/FFA harmonised data fields that are used by many observer 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 defined as ROP data (WCPFC Field = N), they are not available for use by the Secretariat in the CMS.
7. WCPFC receives observer data management services through a contract with the Pacific Community – Oceanic Fisheries Programme (SPC-OFP). SPC-OFP also supports Pacific Island countries and territories with observer data management, and as a result there is centralized observer data processing and management in the WCPO. In accordance with WCPFC rules, SPC will consider observer data to be WCPFC ROP data if the activity of a fishing vessel during a trip meets the definition of being a ROP-defined<sup>1</sup> trip. For ROP-defined trips, the data fields that correspond to WCPFC ROP Minimum Standard Data Fields will be considered WCPFC ROP data.

### **How ROP data is currently used in the CMS**

8. The primary use of ROP data in the CMS to date, has been as an independently collected data source which once available to the Secretariat, provides the basis for seeking clarification and requesting investigations by flag CCMs of potential alleged infringements by their vessels. The initial exploration of this use for ROP data in the CMS commenced in 2014/15 when the Secretariat provided supporting files to relevant CCMs based on ROP data.

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<sup>1</sup> CMM 2018-05 paragraph 5: Scope of the Commission ROP

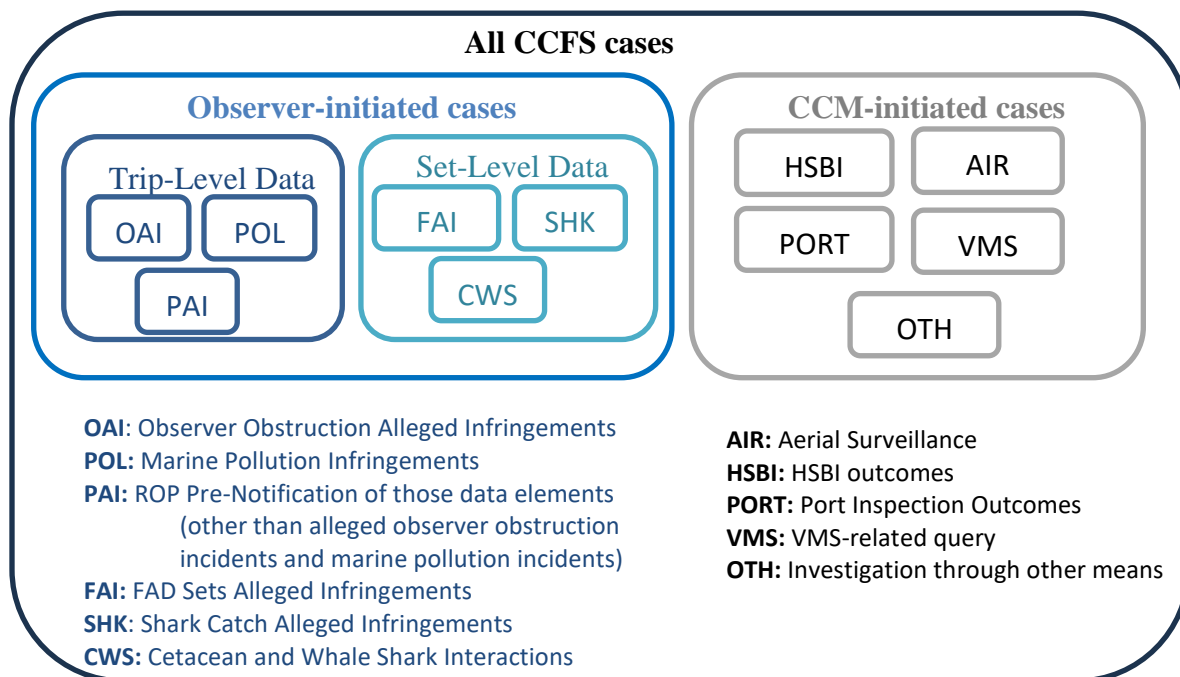
*5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:*  
*i) vessels fishing exclusively on the high seas in the Convention Area, and*  
*ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.*

9. In April 2016, the Secretariat launched the Compliance Case File System (CCFS) with the requirement of providing the Secretariat with a mechanism for the structured and centralized recording of correspondence related to potential alleged infringements of CMMs. As such, the CCFS was originally a tool to support the Secretariat's delivery of tasks under the CMS. However, the eventual design of the CCFS included allowing relevant CCMs to view "cases" and to submit information that they considered relevant to a case.
10. In the initial design of the CCFS the Secretariat took into consideration Convention Article 25(2):

*“Each member of the Commission shall, at the request of any other member, and when provided with the relevant information, investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request and a report on the outcome of the investigation shall be provided when the investigation is completed.”*
11. In recent years, the CMS CMM ([CMM 2021-03](#)) has elaborated the purpose of the CCFS, and currently the stated purpose is 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 also confirms which CCMs should have access to a case, directs 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. In accordance with these rules, and where applicable, ROP observer providers, coastal CCMs, and chartering CCMs can view and provide responses to relevant cases through the CCFS.
12. There are two main groups of cases in the CCFS are differentiated by the way that cases are initiated:
  - Observer-initiated cases are cases that are created by queries against the fields in the WCPFC ROP data. Observer-initiated cases may be further grouped based on whether the ROP data is collected on the WCPFC Observer Trip Monitoring Summary (Trip Level Data) or collected based on vessel activity, set-type, species codes and/or fate codes (Set Level Data). There are currently six types of Observer-initiated cases, and data in the CCFS commences from 2015/16.
  - CCM-initiated cases are for alleged infringements in which a flag State investigation has been requested by a WCPFC member, in accordance with Article 25(2) of the Convention. These cases are created by the Secretariat individually, based on email communications from one CCM to another CCM to request an explanation or investigation into the conduct of its vessel and/or its nationals. Data commences from 2013.

13. The groupings and subgroupings are illustrated in Figure 1 below. Snapshot summaries are included in the next section of the paper which provides further detail about each of the six current Observer-initiated case types and their linkage to reviews of CMM obligations.

*Figure 1: Schematic diagram of current CCFS case types, to illustrate the groupings based on how a case is initiated, and within the Observer initiated group whether the ROP data is based on the observer trip monitoring summary or is based on set-level (operational) data.*



14. The processes to update the CCFS through adding new cases based on ROP data, occurs periodically and through procedures that have been developed by the Secretariat and the SPC-OFP who manage the WCPFC scientific data holdings. In the past, the frequency of updates was primarily constrained by the frequency with 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. SPC-OFP prepares an annual report for SC and TCC on *Status of Observer Data Management* which including the status of observer data entry, observer data provisions and information on ROP coverage levels currently achieved across WCPFC fisheries.
15. In early 2022, the Secretariat launched an upgraded CCFS with the aim of continuing to enhance and improve the ease of use of the system. The Secretariat has received some feedback from CCMs and continues to welcome further feedback on the CCFS. TCC19 Working Paper 22 provides additional detail on the Secretariat’s IT-related system upgrades.
16. The Commission is currently progressing work to refine WCPFC’s monitoring programs. The recently reactivated [IWG-ROP](#) has a workplan that prioritizes the review and development of 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 ([Circ 2023-53](#)). The [TS-IWG](#) is progressing the review of the Transshipment CMM ([CMM 2009-06](#)) and the scope includes considering refining monitoring of at-sea transshipment activities. The [ERandEM-IWG](#) is also progressing work to establish E-monitoring as a tool to meet WCPFC’s data needs.

### Analysis of information related to CCFS Observer-initiated cases

17. The information presented in this section of the paper draws from work in the Secretariat supported by two analytical consultancies during 2023, and specifically to develop a comprehensive set of aggregated tables based on CCFS data. Data presented in these analyses is based on available ROP data as at the 18<sup>th</sup> May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023. The analysis is structured as follows:

- Overview of observer-initiated cases in the CCFS
- Issues with CWS interactions and some pre-notification cases (PAI cases)
- Purse seine fishery vs Longline fishery
- High seas vs EEZs distribution
- Time from event to notification - trends and potential issues
- Trends and potential biases in outcomes

### Overview of observer-initiated cases in the CCFS

18. Figure 2 and Table 1 below illustrate the scale of observer-initiated cases in the CCFS which peaked during 2016 – 2019 but has fallen in recent years. Reduced observer placements during the COVID-19 pandemic could be a contributing factor for reduced case numbers for 2021/22.

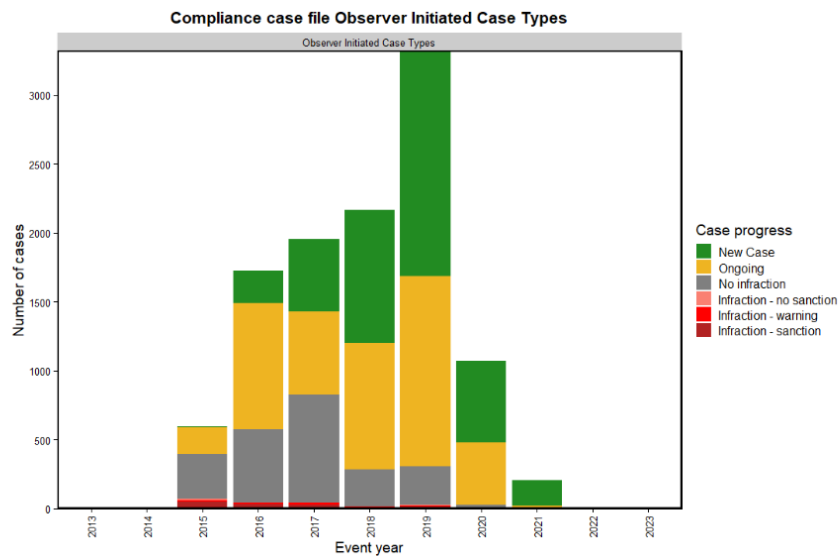


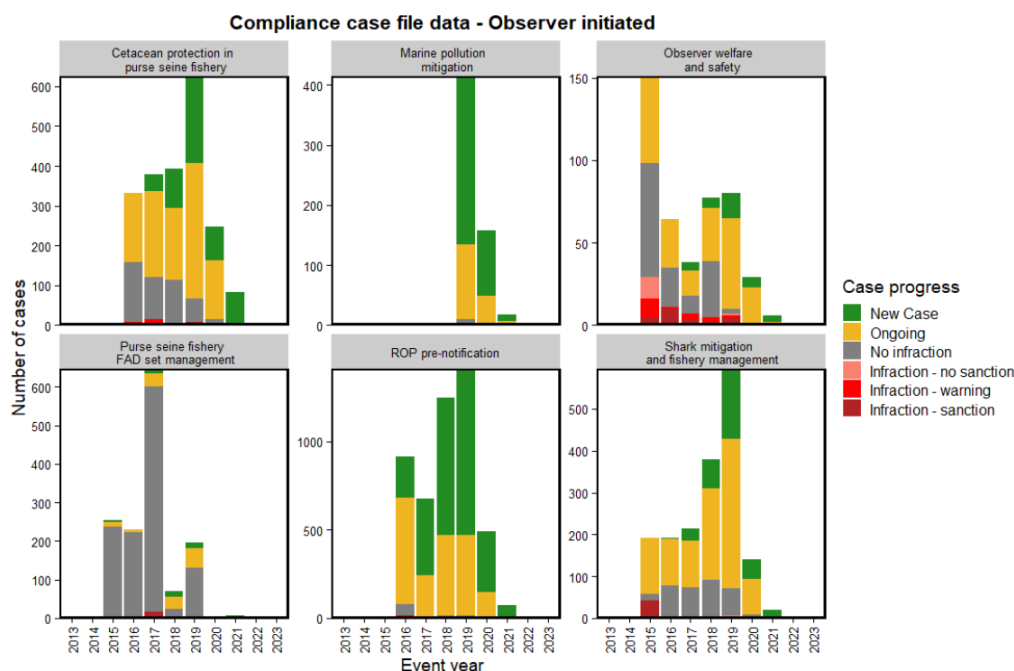
Figure 2: Summary of the observer-initiated cases between 2015 and May 2023 showing the case progress and, if completed, the outcome of the investigation

19. Table 1 and Table 2 below illustrate the scale of recorded PAI, CWS and FAI cases compared to OAI, SHK and POL cases. Table 1 also shows that four of the six types of observer-initiated cases showed a trend of initially higher case numbers, which then declined over time. Figure 3 presents information on the progress of CCFS case investigations by topic which shows larger proportions of *No Infraction* outcomes. Table 2 and Table 3 confirm the trends that many investigations of cases remain underway, particularly for CWS and PAI cases.

20. Snapshot summaries of trends and data related to FAI, OAI, SHK and POL Observer-initiated case types, including how they link to CMM obligations, are provided on Pages 8 – 11. Snapshot summaries and discussion about CWS interactions and PAI notifications are on Pages 12 – 16.

*Table 1: The breakdown in observer-initiated case number by year, with sub-total before including PAI and CWS cases*

	Case type	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Observer Initiated Case	FAI	0	0	255	229	646	69	197	4	7	0	0
	OAI	0	0	151	64	38	77	80	29	6	0	0
	SHK	0	0	191	44	34	72	34	11	0	0	0
	POL	0	0	0	0	0	0	415	158	18	0	0
	Sub-total	0	0	597	337	718	218	726	202	31	0	0
	CWS	0	0	0	478	561	699	1,187	378	104	0	0
	PAI	0	0	0	911	677	1,248	1,408	491	71	0	0
	Sub-total	0	0	0	1,389	1,238	1,947	2,595	869	175	0	0



*Figure 3: The number of observer-initiated cases in the compliance case file system by CMM theme type*

*Table 2: The breakdown in case numbers by year, for the observer-initiated cases and the case progress, for FAI, SHK, OAI, POL cases*

Case progress	2015	2016	2017	2018	2019	2020	2021
New Case	6	0	15	24	298	113	15
Ongoing	144	41	46	76	201	56	10
No infraction	251	228	602	36	144	4	0
Infraction - no sanction	0	0	0	0	1	0	0
Infraction - warning	1	0	1	1	2	0	0
Infraction - sanction	44	4	16	4	0	0	0

*Table 3: The breakdown in case numbers by year, for CWS interactions and PAI cases*

Case progress	2016	2017	2018	2019	2020	2021
New Case	233	507	934	1,322	473	165
Ongoing	850	542	810	1,125	375	9
No infraction	276	166	194	133	20	1
Infraction - no sanction	2	1	1	0	0	0
Infraction - warning	9	16	5	4	0	0
Infraction - sanction	19	6	3	11	1	0

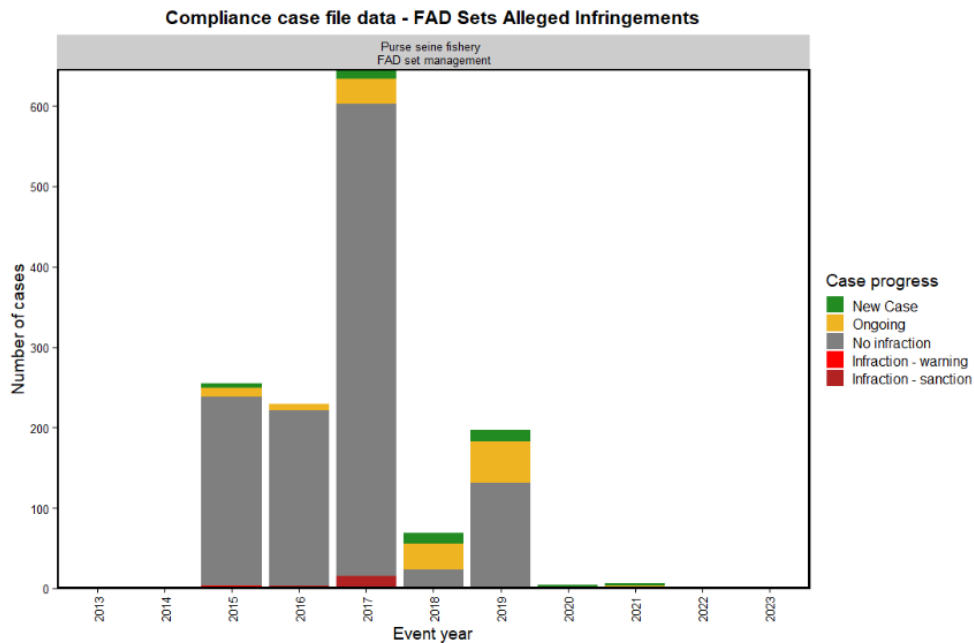
## FAI: FAD Set Alleged Infringement case snapshot summary

Data presented in these analyses is based on available ROP data as at the 18th May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023.

Cases for alleged infringements related to setting on FADs during the FAD closure period, and as were identified in ROP observer data.

Cases are generated where a ROP observer has reported instances during a WCPFC ROP trip where a purse seine vessel was observed to have made an associated set in a location and during a period, when the said vessel was not expected through the provisions of the TT CMM to be permitted to set on FADs

**Obligation:** [CMM 2021-01](#) 14, 15



The number of observer-initiated FAD alleged infringement cases (FAI) and the number of ROP observer reports received (value in parenthesis)

Status	FAI - All										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New Case	0	0	6 (0)	0	12 (4)	13 (1)	15 (0)	2 (0)	4 (0)	0	0
Investigation in Progress	0	0	11 (0)	7 (3)	32 (8)	33 (11)	51 (6)	2 (2)	3 (0)	0	0
No infraction	0	0	235 (24)	219 (56)	586 (84)	22 (8)	131 (8)	0	0	0	0
Infraction - no sanction	0	0	0	0	0	0	0	0	0	0	0
Infraction - warning	0	0	1 (1)	0	0	1 (1)	0	0	0	0	0
Infraction - sanction	0	0	2 (2)	3 (3)	16 (16)	0	0	0	0	0	0



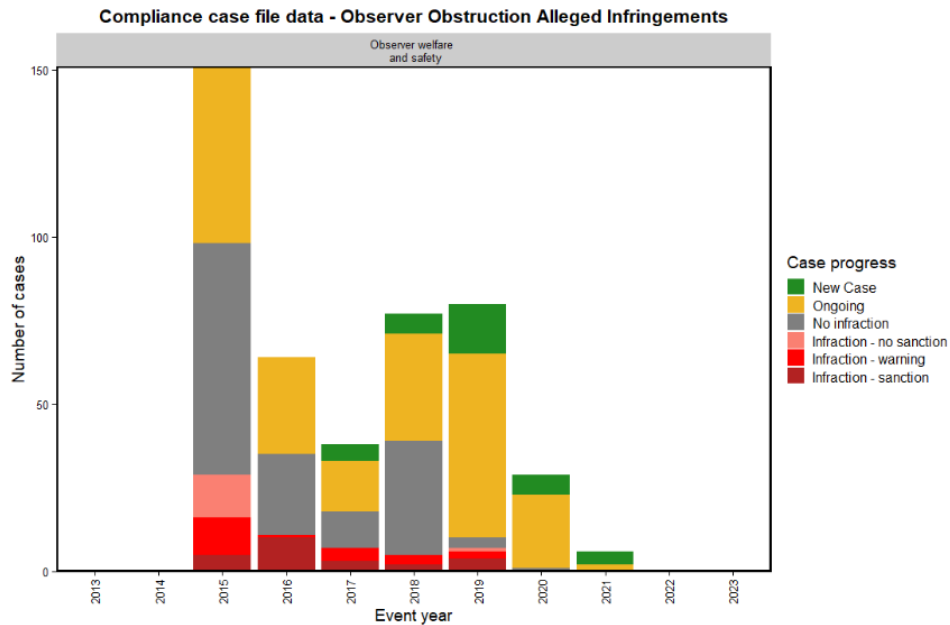
## OAI: Observer Obstruction Alleged Infringements snapshot summary

Data presented in these analyses is based on available ROP data as at the 18th May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023.

### Observer Trip Monitoring Codes

- RS-A** Did the operator or any crew member assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observer in the performance of their duties.
- RS-B** Request that an event not be reported by the observer.
- RS-D** Did the operator fail to provide the observer, while on board the vessel, at no expense to the observer or the observer's government, with food, accommodation and medical facilities of a reasonable standard equivalent to those normally available and medical facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.

**Obligation:** [CMM 2018-05](#) 15(g)  
(formerly CMM 2007-01 14(vii))



The number of observer-initiated observer obstruction cases (OAI) and the number of ROP observer reports received (value in parenthesis)

Status	OAI											
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
New Case	0	0	0	0	5 (2)	6 (1)	15 (0)	6 (1)	4 (0)	0	0	
Investigation in Progress	0	0	53 (4)	29 (3)	15 (5)	32 (11)	55 (18)	22 (11)	2 (0)	0	0	
No infraction	0	0	69 (68)	24 (21)	11 (10)	34 (34)	3 (3)	1 (1)	0	0	0	
Infraction - no sanction	0	0	13 (13)	0	0	0	1 (1)	0	0	0	0	
Infraction - warning	0	0	11 (11)	1 (1)	4 (4)	3 (3)	2 (1)	0	0	0	0	
Infraction - sanction	0	0	5 (5)	10 (10)	3 (3)	2 (2)	4 (4)	0	0	0	0	

## SHK: Shark Catch Alleged Infringements snapshot summary

Data presented in these analyses is based on available ROP data as at the 18th May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023.

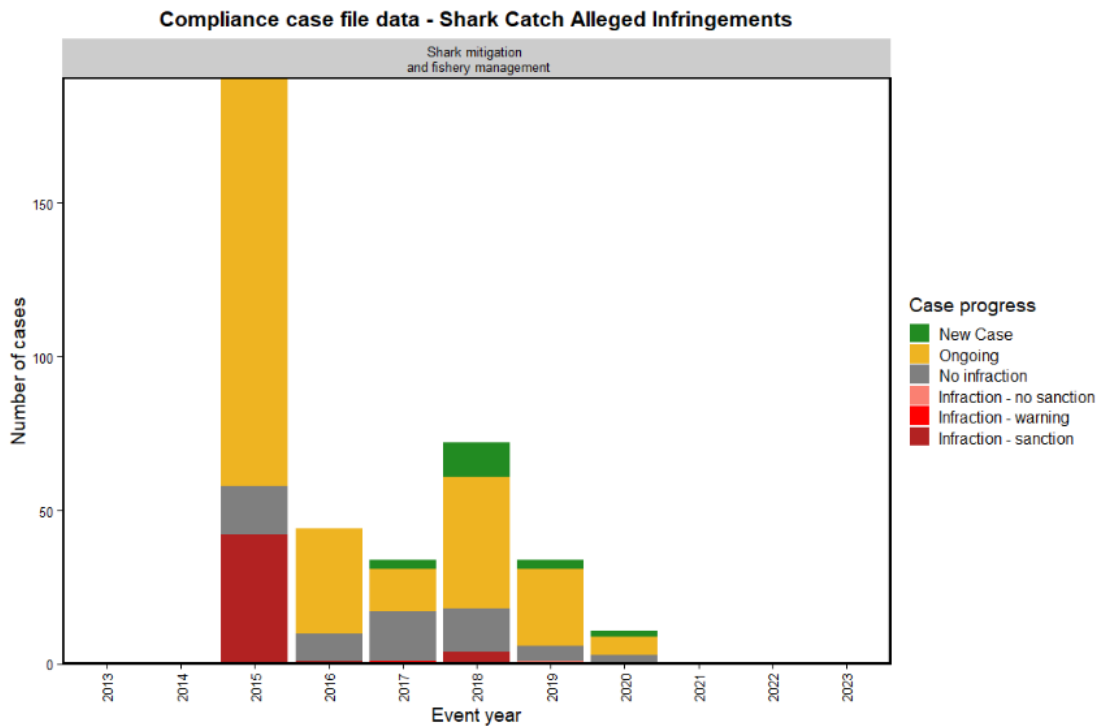
Cases for alleged infringements related to retention of oceanic white tip or silky sharks, or shark fining activity identified in ROP observer data.

Cases are generated where a ROP observer has reported instances during a WCPFC ROP trip where

- fishing vessel has caught an oceanic white tip or silky shark as identified by a specific species code (SP\_code) in combination with an observed fate code (FATE\_code) indicating retention is whole or in part.
- fishing vessel has caught shark as identified by a species code (SP\_code) in combination with an observed fate code (FATE\_code) indicating fining activity.

### Obligation: [CMM 2022-04](#)

(formerly CMM 2010-07: Sharks, CMM 2011-04 Oceanic Whitetip Sharks, CMM 2013-08: Silky Sharks, and CMM 2019-04)



The number of observer-initiated shark-catch cases (SHK) and the number of ROP observer reports received (value in parenthesis)

SHK - All											
Status	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New Case	0	0	0	0	3 (2)	11 (5)	3 (0)	2 (0)	0	0	0
Investigation in Progress	0	0	133 (6)	34 (12)	14 (4)	43 (37)	25 (4)	6 (3)	0	0	0
No infraction	0	0	16 (16)	9 (9)	16 (16)	14 (14)	5 (5)	3 (3)	0	0	0
Infraction - no sanction	0	0	0	0	0	0	1 (1)	0	0	0	0
Infraction - warning	0	0	0	0	1 (1)	0	0	0	0	0	0
Infraction - sanction	0	0	42 (42)	1 (1)	0	4 (4)	0	0	0	0	0

**POL: Marine Pollution Infringements snapshot summary**

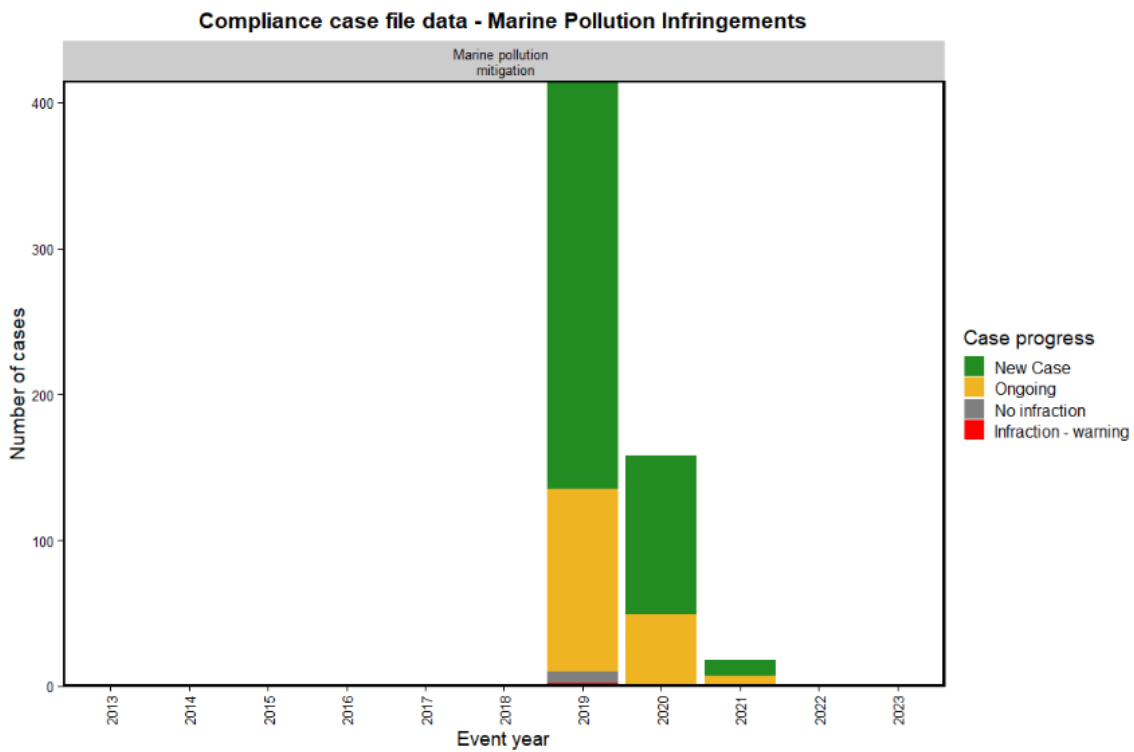
Data presented in these analyses is based on available ROP data as at the 18th May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023.

**Observer Trip Monitoring Codes**

- PN-A** Dispose of any metals, plastics, chemicals or old fishing gear
- PN-B** Discharge any oil
- PN-C** Lose any fishing gear
- PN-D** Abandon any fishing gear
- PN-E** Fail to report any abandoned gear

**Obligation:** [CMM 2017-04](#) 02, 03-07

Cases commence in 2019, because CMM 2017-04 had an effective date of 1 January 2019



The number of observer-initiated pollution-related cases (POL) and the number of ROP observer reports received (value in parenthesis)

POL - All											
Status	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New Case	0	0	0	0	0	0	280 (35)	109 (10)	11 (0)	0	0
Investigation in Progress	0	0	0	0	0	0	125 (22)	48 (4)	7 (0)	0	0
No infraction	0	0	0	0	0	0	8 (8)	1 (1)	0	0	0
Infraction - no sanction	0	0	0	0	0	0	0	0	0	0	0
Infraction - warning	0	0	0	0	0	0	2 (1)	0	0	0	0
Infraction - sanction	0	0	0	0	0	0	0	0	0	0	0

Issues with CWS interactions and some pre-notification cases (PAI cases)

21. In recent years, TCC has recognized that PAI and CWS cases should be differentiated from other observer-initiated cases in CCFS. For this reason, Table 1 and Table 3 (on pages 6 and 7 above) presents the PAI and CWS case counts separately from the presentation of other CCFS case data.

*CWS interactions*

22. At TCC18, the Secretariat prepared a paper that outlined the ROP data issues affecting the CWS cases, in [TCC18-2022-17](#) Supporting paper for TCC18 consideration of potential improvements to the ROP Minimum Standard Data Fields for impacts of fishing on whale sharks and cetaceans. The issue is that currently the ROP data fields do not permit the observer to categorise the data fields that are inputs to the CCFS to distinguish between interactions where there is no alleged infringement and that are of scientific interest, with those interactions or actions by the crew that could indicate a potential infringement has occurred.
23. The CCFS CWS instances currently reflect a recording by the observer of interactions between the vessel and marine mammals or with whale sharks (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)). The rationale for the collection of the relevant ROP data fields was to provide information for the Commission and CCMs to support both science and compliance monitoring purposes but the current reporting does not achieve this effectively.
24. The data in the CWS Interactions snapshot summary on Pages 14 – 15 illustrates the scale of the issue and highlights that the data and experience show the current ROP data definitions are creating unintended consequences in the CCFS.
25. The Commission has acknowledged the CWS cases are an issue and TCC17 (2021) agreed this data would be excluded from consideration of the current trial process of reviewing the Aggregated Tables. (Final CMR, paragraph 10 (December 2021)). The broader context in the summary information shown below quantifies the current priority level of this issue in the [IWG-ROP](#) workplan.

*PAI cases*

26. The ROP Data based on Observer Trip Monitoring Summary Data is essentially a tick (an answer in the affirmative) by the observer against the relevant Trip Monitoring Summary Codes (commonly this is collected on the FFA/SPC GEN-3 form). Within the CCFS, there are three types of cases that are based on Observer Trip Monitoring Summary Data:
  - **OAI:** Observer Obstruction Alleged Infringements
  - **POL:** Marine Pollution Alleged Infringements

- **PAI:** The remaining ROP Pre-notification data elements (other than alleged observer obstruction incidents (OAI) and marine pollution incidents (POL)) that were answered in the affirmative by a ROP observer on the WCPFC Observer Trip Monitoring Summary.
27. The reason that the OAI, POL and PAI cases are notified through the CCFS stems from a previous Commission decision from WCPFC12 (December 2015).<sup>2</sup> This decision tasks the SPC-OFP and the Secretariat to prioritise data entry for the observer trip monitoring data and to facilitate the notification of any affirmative answers on the Observer Trip Monitoring Summary to the responsible flag State with a view to providing them earlier notification of potential alleged infringements by their vessels. For ease of reference a copy of the 2015 adopted pre-notification process is provided in Annex 1.
  28. In the summary snapshots of the data for OAI and POL cases provided on Pages 9 and 11 above, progress of investigations by flag CCMs is evident, and there is a clear link to specific obligations in CMMs: for OAI it is CMM 2018-05 15(g) and for POL it is CMM 2017-04 02 or 03-07. The issue with PAI cases, which relate to the remaining Observer Trip Monitoring Summary Data Fields is that these codes presently don't have a clear link to an obligation in a WCPFC CMM or a specific requirement in the Convention.
  29. The Commission has acknowledged the PAI cases are an issue and at WCPFC14 accepted the TCC13 recommendation that TCC not consider the information contained in the ROP Pre-notification List for the purpose of assessing any obligations for which it was relevant, with the exception of those cases related to observer interference or obstruction in future years (WCPFC14 final CMR, December 2017). Following the entry into force on 1 January 2019 of CMM 2017-04, the relevant Observer Trip Monitoring Codes (PN-A to PN-E) are notified as POL cases.
  30. The scale of the PAI cases in the CCFS illustrated in the snapshot summary on pages 16 quantifies the issue. The issue of PAI cases has priority for resolution through the [IWG-ROP](#) workplan.

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<sup>2</sup> “Commission Adopted pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels and to coastal State CCMs of possible alleged infringements in their waters” (WCPFC12 Summary Report paragraph 569, Attachment U).

## CWS: Cetacean and Whale Shark Interactions snapshot summary

Data presented in these analyses is based on available ROP data as at the 18th May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023.

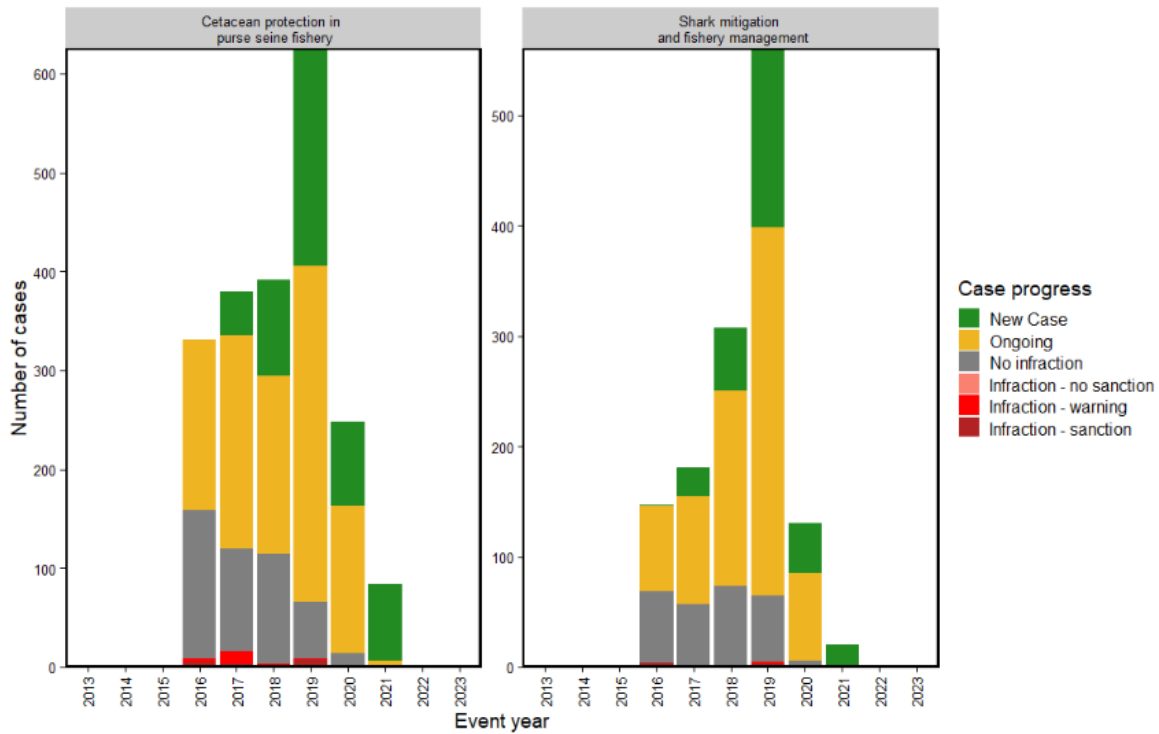
Relevant WCPFC requirements prohibit purse seine vessels from setting if a whale shark or cetacean is sighted prior to the commencement of the set; required reporting of any incidents of unintentional encircling; and guidelines for safe release.

Cases are generated where a ROP observer has reported instances during a WCPFC ROP trip where a cetacean or whale sharks as identified by a specific species code (SP\_code) in combination with an observed fate code (FATE\_code) indicates an interaction with the fishing vessels activity.

**Obligations:** [CMM 2011-03](#)

[CMM 2022-04](#) (formerly CMM 2012-04 and CMM 2019-04)

### Compliance case file data - Cetacean and Whale Shark Interactions



*The number of observer-initiated cetacean and whale shark interactions in the purse seine fishery cases and case progress*

All CCMs - CWS												
Case Progress	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
New Case	0	0	0	1	70	154	383	130	97	0	0	835
Investigation in Progress	0	0	0	250	314	358	673	228	8	0	0	1 829
No infraction	0	0	0	214	160	183	117	19	1	0	0	694
Infraction - no sanction	0	0	0	0	0	1	0	0	0	0	0	1
Infraction - warning	0	0	0	4	14	1	3	0	0	0	0	22
Infraction - sanction	0	0	0	9	3	2	11	1	0	0	0	26
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>478</b>	<b>561</b>	<b>699</b>	<b>1,187</b>	<b>378</b>	<b>104</b>	<b>0</b>	<b>0</b>	<b>3 407</b>

*Table 4: The breakdown in case numbers by year, for interactions between purse seine vessels with cetaceans and whale sharks. The lower half of the table represents new and ongoing cases that are older than 104 weeks.*

Theme	2016	2017	2018	2019	2020	2021	Total
Cetacean protection in purse seine fishery	331	380	392	626	248	84	2,061
Shark mitigation and fishery management	147	181	307	561	130	20	1,346
<b>Total</b>	<b>478</b>	<b>561</b>	<b>699</b>	<b>1,187</b>	<b>378</b>	<b>104</b>	<b>3,407</b>
<b>Ongoing &gt;104 weeks</b>							
Cetacean protection in purse seine fishery	173	244	176	386	130		1,109
Shark mitigation and fishery management	78	120	188	343	45		774
<b>Total</b>	<b>251</b>	<b>364</b>	<b>364</b>	<b>729</b>	<b>175</b>	<b>-</b>	<b>1,883</b>

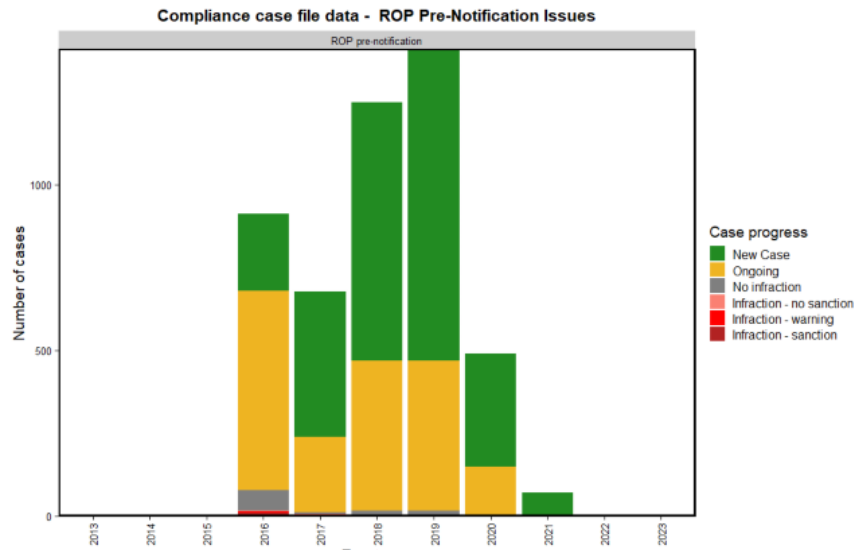
**PAI: ROP Pre-Notification of those data elements (other than alleged observer obstruction incidents and marine pollution incidents) snapshot summary**

*Data presented in these analyses is based on available ROP data as at the 18th May 2023 and CCMs replies to CCFS cases that had been reviewed by the Secretariat as at the 27th July 2023.*

**Observer Trip Monitoring Codes**

- LC-A** Inaccurately record retained ‘Target Species’ in the vessel logs
- LC-B** Inaccurately record ‘Target Species’ discards
- LC-C** Record target species inaccurately (e.g. combine bigeye/yellowfin/skipjack catch)
- LC-E** Inaccurately record retained bycatch species
- LC-F** Inaccurately record discarded bycatch species
- LP-A** Inaccurately record vessel position on vessel logsheets for sets, hauling and catch
- LP-B** Fail to report vessel positions to countries where required when entering and leaving an EEZ
- NR-A** Fish in areas where the vessel is not permitted to fish
- NR-C** Use a fishing method other than the method the vessel was designed or licensed
- NR-E** Transfer or tranship fish from or to another vessel
- NR-G** Fail to stow fishing gear when entering areas where they were not authorized to fish
- SI-B** Interact (not land) with Species of Special Interest
- SS-A** Fail to monitor international safety frequencies
- WC-A** Fail to comply with any Commission CMMs
- WC-B** High-grade the catch

**Obligation: [ ]**



Case progress	2016	2017	2018	2019	2020	2021
New Case	232	437	780	939	343	68
Ongoing	600	228	452	452	147	3
No infraction	62	6	11	16	1	0
Infraction - no sanction	2	1	0	0	0	0
Infraction - warning	5	2	4	1	0	0
Infraction - sanction	10	3	1	0	0	0

Theme	2016	2017	2018	2019	2020	2021
ROP pre-notification	911	677	1248	1408	491	71
New cases >104 weeks	232	430	610	621	127	



## Purse seine fishery vs Longline fishery

31. Figure 4 and Figure 5 below show the potential bias in ROP observer coverage compared to actual effort. With a long-standing WCPFC requirement of 100% observer coverage on Purse Seine vessels as compared to a minimum of 5% ROP coverage on longline vessels, it isn't surprising that purse seine ROP coverage is a significantly higher proportion of fishing effort, than for longline effort.

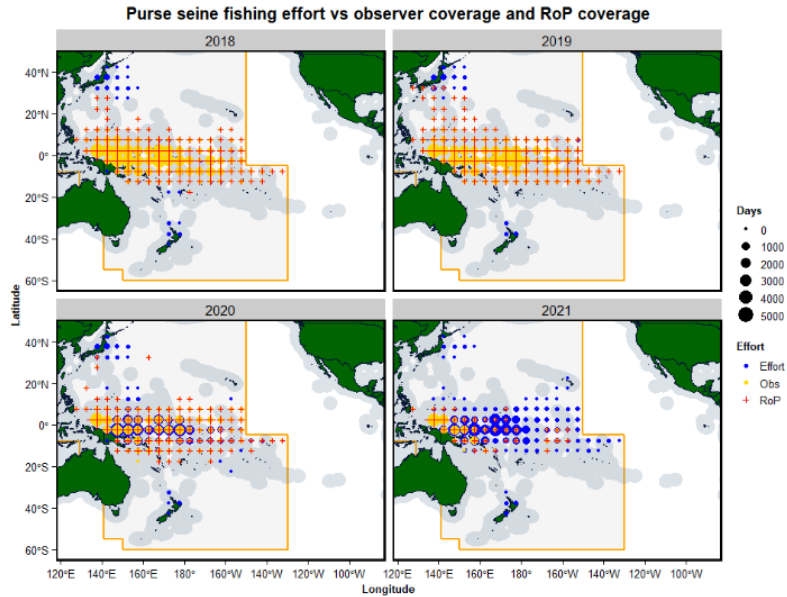


Figure 4: The distribution of purse seine fishing effort and observer effort for 2018-2021

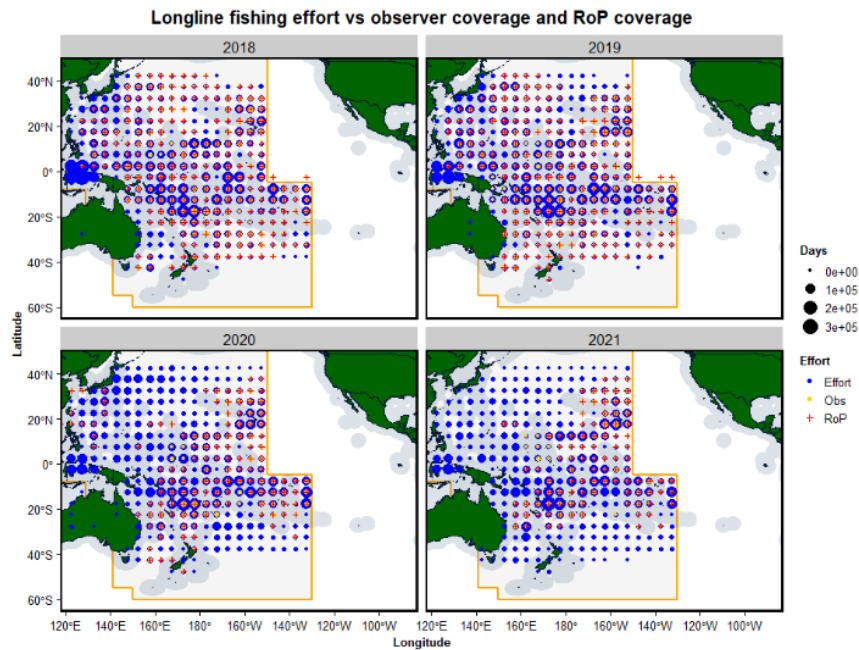


Figure 5: The distribution of longline fishing effort and observer effort for 2018-2021

Table 5: Count of Individual flag vessels that have generated CCFS cases by event and year and vessel type

Vessel type	2016	2017	2018	2019	2020	2021	2022	2023
Bunker	0	0	0	1	0	0	1	0
Fish carrier	0	1	2	0	0	0	8	2
Longliner	92	67	88	160	111	40	112	3
Others	0	6	0	0	0	0	0	0
Pole and line	2	0	5	0	0	0	0	0
Purse seiner	118	212	255	244	252	210	241	2
Support vessel	0	0	0	0	0	1	13	0

32. In Table 5 the impact of the observer-initiated cases in the CCFS, indicates a potential bias in the CCFS cases towards purse seine vessels. In Figure 6 it is apparent that all observer-initiated cases relate to purse seine vessels (which have 100% observer coverage). Whereas for CCM-initiated cases, Figure 6 shows a greater proportion of cases relate to longline vessels.

33. The Commission has acknowledged the imbalance between purse seine and longline observer coverage as an issue. For example, most recently at WCPFC19 in December 2022, the Commission endorsed the following TCC recommendation: - “TCC18 noted the imbalance between the information available for monitoring compliance between the longline and purse seine fisheries and recommended that the Commission recognise the need to address this imbalance.” (WCPFC19 Summary Report para 351 (i)).

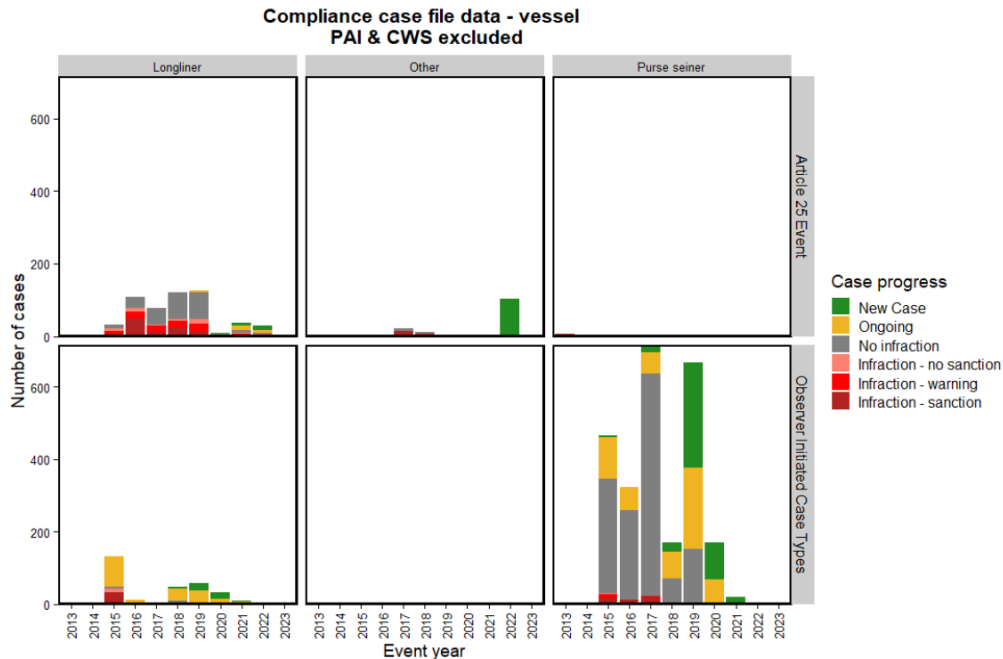
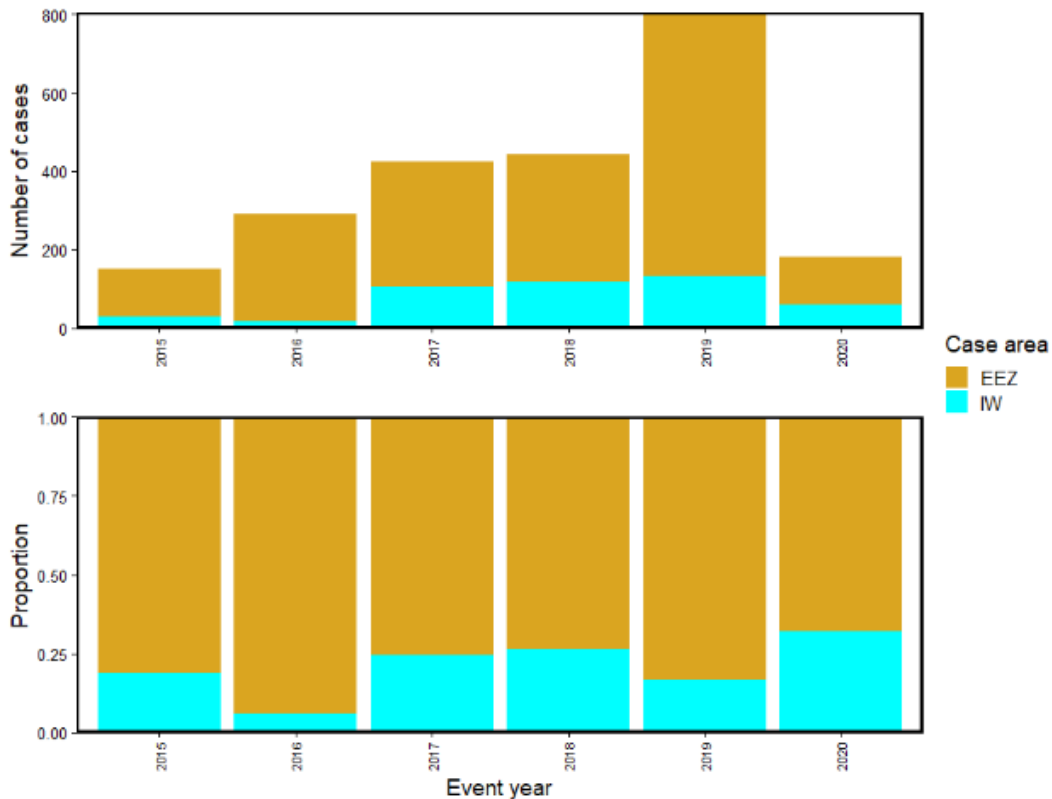


Figure 6: The number of cases by vessel type that are CCM initiated and Observer-initiated, excluding PAI cases by vessel type

### High seas vs EEZs distribution

34. Figure 7 confirms that the majority of CCFS observer-initiated cases (which may differentiate between the High Seas and EEZs) relate to EEZ waters. This is expected given the 100% observer coverage rate in the purse seine fishery and that purse seine activities occur mostly in EEZ waters. Note that OAI, POL and PAI cases are excluded from the analysis and are not shown in Figure 7 because these pre-notification ROP data fields are recorded at trip level and so do not have coordinates.



*Figure 7: The number of cases (top) and proportion (bottom) emanating from observer-initiated cases within EEZs and the high seas (IW), for SHK, FAI and CWS cases combined.*

### Time from event to notification - trends and potential issues

35. For Observer initiated cases (FAI, OAI, SHK, POL, CWS and PAI), the issue of the ROP data process and CCFS case creation process<sup>3</sup> is evident in Figure 8 and Figure 9 below. There are usually delays of 1-2 years from when an observer reports data, to when a case is notified in the CCFS. The lower numbers in 2021 would reflect both reduced observer coverage rates due to COVID and that data at the time of this report were potentially incomplete.

<sup>3</sup> The ROP data and CCFS case creation processes are overviewed on page 4 of this report.

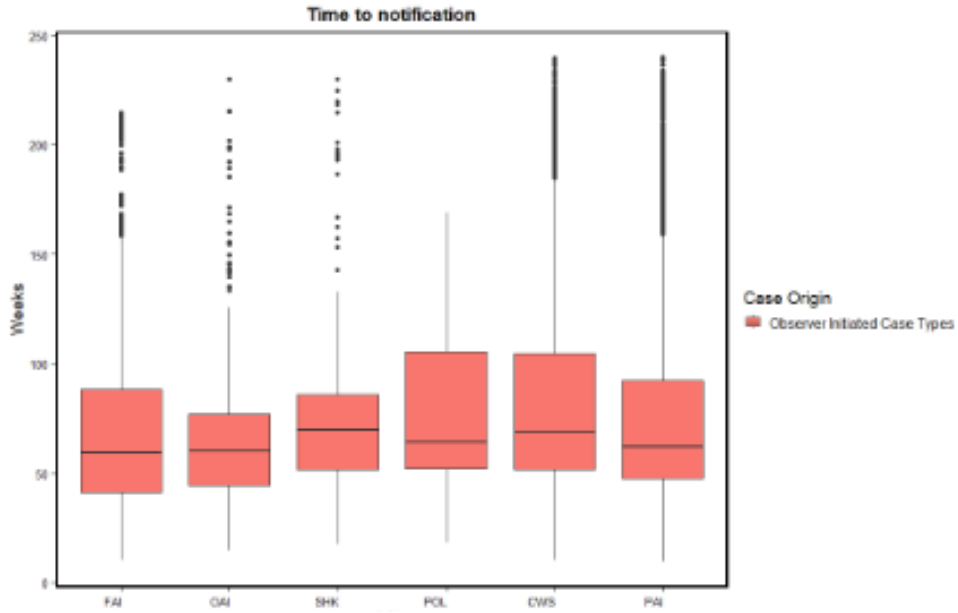


Figure 8: The time to notification for observer-initiated cases by case type and years combined (2015 – 2021). The points outside are outliers.

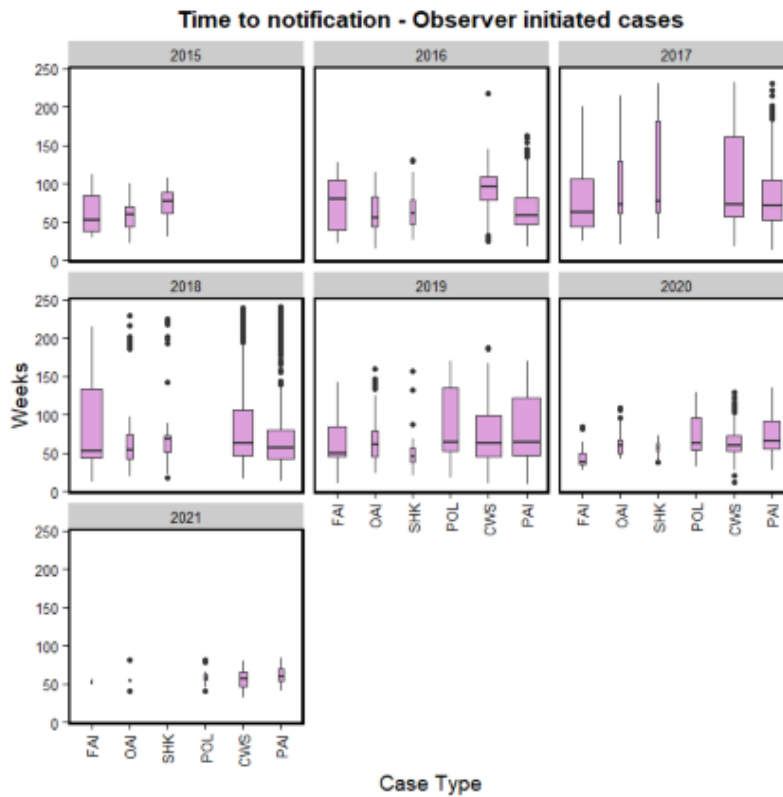


Figure 9: The time to notification for observer-initiated cases by case type and year

Table 6: The number of observer-initiated cases and the number of ROP observer reports received (value in parenthesis).

Status	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
New Case	0	0	6 (0)	233 (54)	527 (84)	964 (97)	1635 (152)	592 (57)	184 (0)	0	0
Investigation in Progress	0	0	197 (10)	920 (178)	603 (112)	918 (247)	1381 (296)	453 (120)	21 (0)	0	0
No infraction	0	0	320 (108)	528 (313)	779 (275)	264 (247)	280 (154)	25 (25)	1 (0)	0	0
Infraction - no sanction	0	0	13 (13)	2 (2)	1 (1)	1 (1)	2 (2)	0	0	0	0
Infraction - warning	0	0	12 (12)	10 (10)	21 (21)	9 (9)	8 (6)	0	0	0	0
Infraction - sanction	0	0	49 (49)	33 (33)	25 (25)	9 (9)	15 (15)	1 (1)	0	0	0

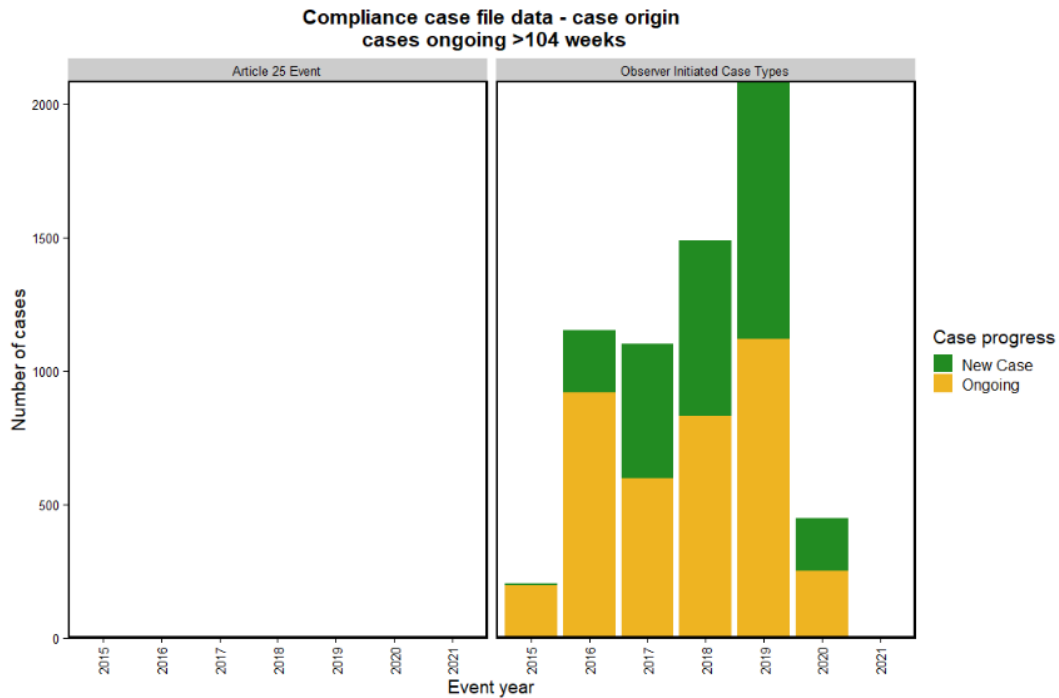


Figure 10: The number of CCM-initiated cases and observer-initiated case that have not been completed and are older than 104 weeks.

36. Figure 10 and Table 6 above show the scale of cases that remain ongoing, with Figure 10 providing information about cases that are ongoing and older than 104 weeks. Based on a preliminary analysis of 2015 – 2018 ongoing cases, for the majority (58%) of SHK, FAI and OAI cases, the Secretariat is waiting for updates to be entered into the CCFS on flag State action or because the flag State has requested but is yet to receive the observer report or other requested information from the observer provider (38%). Table 6 also shows the trend over time of case status and whether observer reports have been received.

37. As was explained previously, a greater proportion of CWS and PAI cases are ongoing (see Table 2 and Table 3). Based on a preliminary analysis of 2015 – 2018 ongoing cases, 69% of CWS and PAI cases are waiting for updates on flag State action to be entered into the

CCFS and for a further 21% of these cases, the flag State has requested and is awaiting the observer report.

38. Additionally, there are a small number (~2%) of FAI, SHK, and OAI cases (and <1% of CWS and PAI cases) where the updates provided by the flag State have requested closure of the case because the investigations are unlikely to be completed. The four reasons for this are either that the crew and/or captain of the fishing vessel has changed, the fishing entity no longer exists, the date of the event exceeds the national statute of limitations, or that the vessel has changed flag. For the latter circumstance, some flag States have indicated that they have requested the cooperation of the new flag State and are awaiting a response. In other cases, the flag State has indicated that due to the change of flag it is not possible to complete the investigations. It seems possible that some of these four reasons may apply to additional ongoing cases, but the flag State has not expressed this in their comments provided into the CCFS as a contributing reason for lack of updates about flag State actions.

Trends and potential biases in outcomes based on observer-initiated case data in CCFS

39. Figure 11 provides an alternative illustration of the focus of topics covered by observer-initiated cases in the CCFS over time to that in Figure 3 (see page 6). The scale of recorded FAI cases and CWS cases over time, as compared to OAI, SHK and POL cases is apparent.

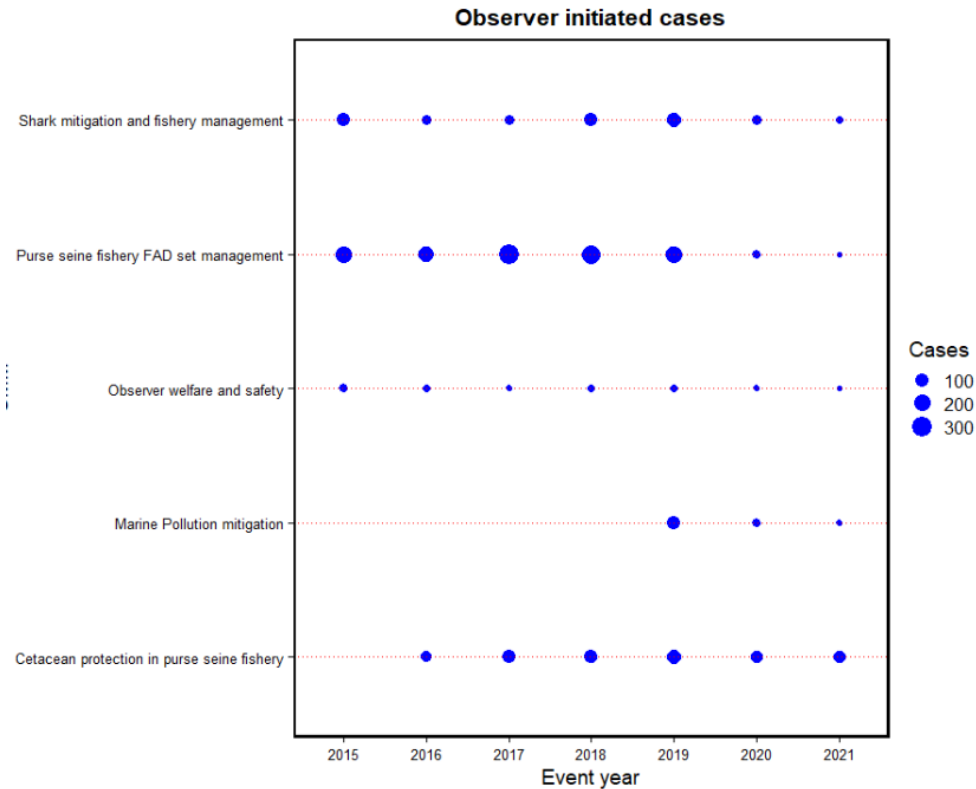


Figure 11: Observer-initiated cases by CMM theme type from 2015 - 2023

40. Figure 12 below presents information on the outcome of flag State investigations as recorded in the CCFS for observer-initiated cases. This provides an alternative illustration to the outcome-related data that is illustrated in the Figure 3 coloured bar charts (see Page 6). The scale of outcomes indicating with a finding of No Infraction suggests there is room for improvement in data inputs and processes related to use of observer data in the CCFS.

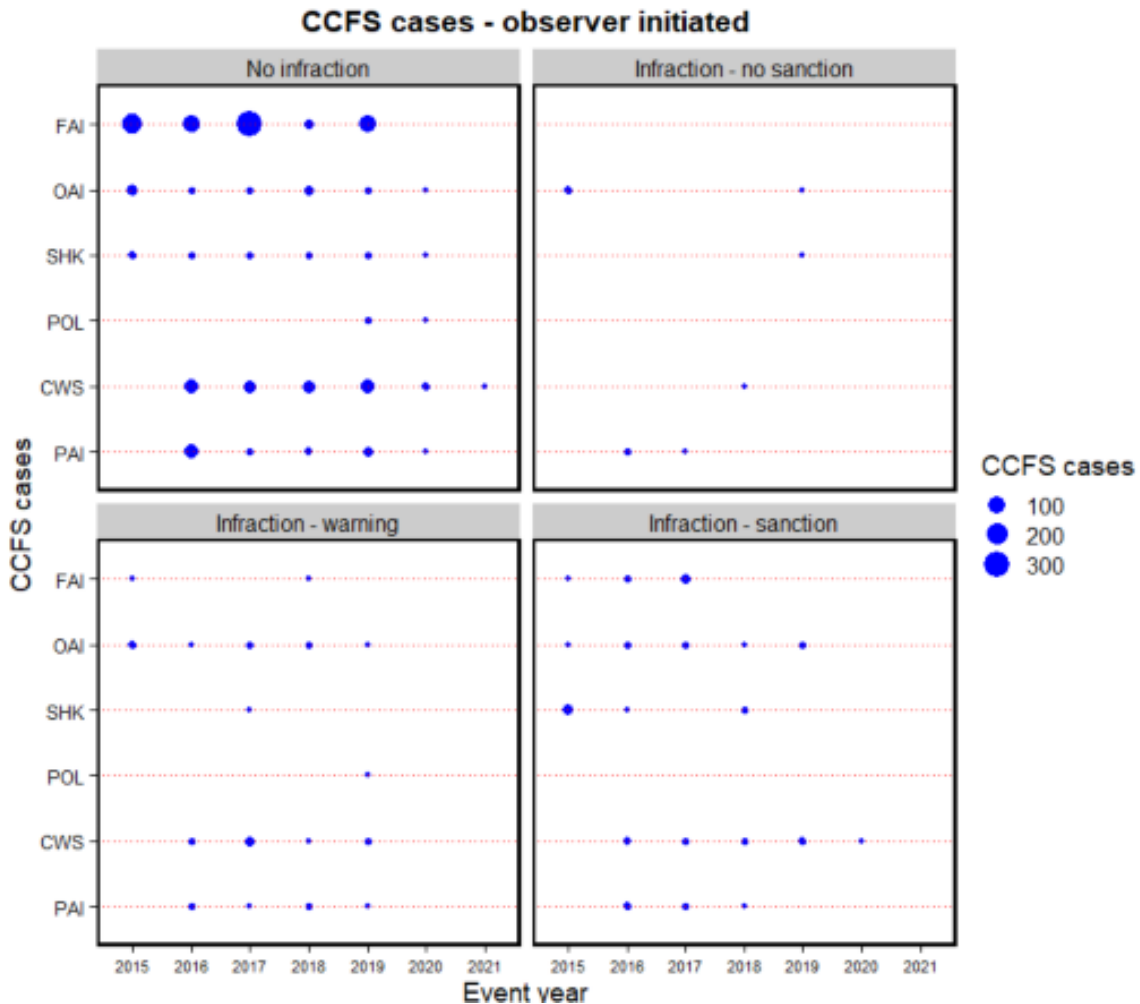


Figure 12: Observer-initiated cases by case type, year and investigation outcomes

41. The information in Figure 11, Figure 12 and Figure 3 (see page 6) also indicates there are topics which are covered by WCPFC CMMs that are not currently covered by observer-initiated cases in the CCFS.

### Conclusion

42. There is a range of WCPFC IWG-led work to refine WCPFC’s monitoring programs in ways that could improve the representation of data for use in the CMS, including in the CCFS. For example, the workplan for the [IWG-ROP](#) prioritizes the review and development of 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 CMS. Areas of focus over coming years includes advice on improvements to the ROP minimum standard data fields for CWS and PAI cases, as well as around implementation of mitigation measures to protect sea turtles and seabirds to allow for use of ROP data in the CCFS. The current exclusion of PAI and CWS cases from consideration in aggregate tables and the fact that CCMs are not progressing CWS and PAI cases will undermine the objective of the CMS and the relevant CMM in the medium to longer term.

43. In addition, the [TS-IWG](#) is progressing the review of the Transshipment CMM [CMM 2009-06](#)) and the scope includes considering refining monitoring of at-sea transshipment activities. The [ERandEM-IWG](#) is also progressing work to establish E-monitoring as a tool to meet WCPFC's data needs. This work will enhance the ability of the Commission to update data fields to reflect changes to CMMs and more clearly target observer data collection to address scientific and monitoring needs including the identification of potential infringements.

44. TCC is invited to:
- a. note the information presented in this paper;
  - b. reaffirm the importance of the continuing work through IWG-ROP, TS-IWG and ERandEM-IWG to refine and enhance the WCPFC's monitoring programs; and
  - c. support efforts by the Secretariat to further analyse available information to promote heightened understanding and awareness of fishing impacts in the WCPFC Convention Area.





**COMMISSION  
TWELFTH REGULAR SESSION**  
Bali, Indonesia  
3-8 December 2015

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**COMMISSION ADOPTED PRE-NOTIFICATION PROCESS FROM OBSERVER PROVIDERS  
TO FLAG CCMS OF POSSIBLE ALLEGED INFRINGEMENTS BY THEIR VESSELS AND TO  
COASTAL STATE CCMS OF POSSIBLE ALLEGED INFRINGEMENTS IN THEIR WATERS:**

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- a) Observer, as part of their usual duties will complete the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 (see example below), for each trip;
- b) Observer keeps this report/form (and all other data) confidential and returns to home port or disembarkation point;
- c) Observer fully disembarks the vessel\*;
- d) Observer transmits their data and reports per their standard procedures to an authorized observer provider/person for their national or subregional observer programme;
- e) Observer arriving back from the vessel in observer's home port, or if required, has to travel back to home country & awaits debriefing;
- f) Observer is debriefed as soon as is practicable after finishing the trip/trips\*;

**Pre-Notification Process**

- g) In the event that there is a "YES" noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 the observer provider is expected where practicable, to promptly submit the relevant data to the Commission Secretariat (the data may be provided through the Commission data service provider (SPC-OFP) or provided directly to the Secretariat).
- h) In considering the timeliness of the submission of the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3, the observer provider must ensure the observer is safely disembarked from the vessel and has returned to their home port, and where possible the observer has been fully debriefed.
- i) The observer provider may decide that further investigation of a "YES" noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or equivalent) is needed before the relevant data is submitted to the Commission Secretariat.

- j) If there is only “NO” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or debriefing determines there to be only “NO” noted) the ROP data, including WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 would be submitted through usual processes to the Commission Secretariat.
- k) The Commission Secretariat will facilitate the provision of certain data fields in the relevant WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 and the additional supporting fields \*\*\* to the responsible flag CCM and coastal State CCM where applicable. In accordance with the data rules, the information that is provided to flag CCMs and coastal State CCMs will exclude the name of the observer, their nationality and the observer trip ID, but will instead identify the observer provider programme that placed the observer.
- l) The authorised Flag state and coastal State official contacts can request from the observer provider\*\* further supporting details for their investigations. Vessel captain/owners/point of contact will communicate with flag State official contacts regarding any alleged infringements.
- m) The Commission Secretariat will facilitate the collation of communications related to the outcome of investigations of any “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3, including from the flag CCMs.

\*If an observers carries out one or more trips consecutively on the same vessel. That vessel cannot request through their official contacts a copy of the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 compiled by that observer until the observer has completely finished his trips on the vessel and has fully disembarked the vessel.

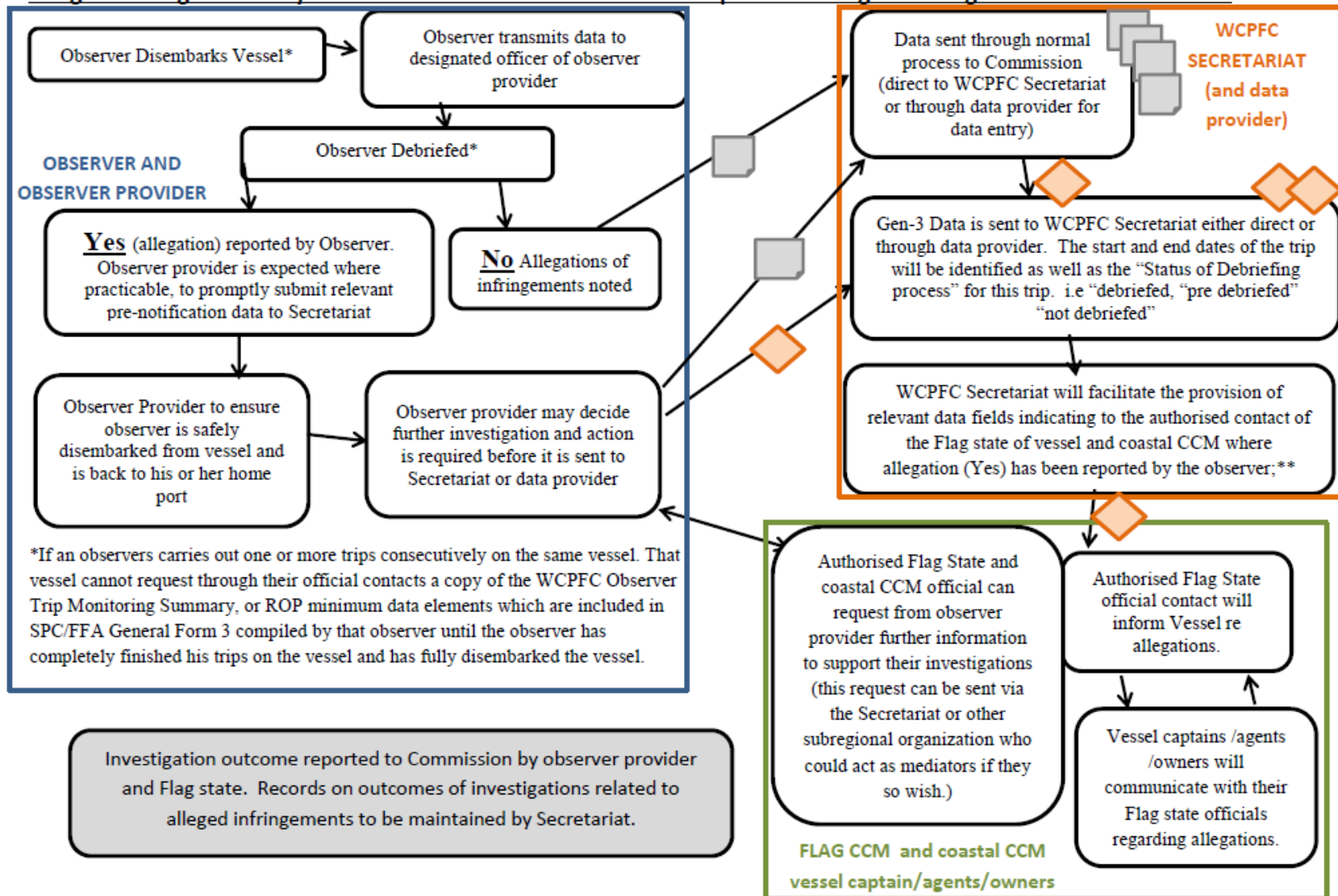
\*\* Request could be sent via the Commission Secretariat or other sub regional organizations who would verify the persons making the request are genuine official contacts and could act as intermediators between the relevant CCM and the provider if they so wish.

\*\*\* The Commission agreed that to support the pre-notification process, that there are two additional fields that should be provided by observer providers to support a flag CCMs investigations of any possible alleged infringements. These are:

1. “start date of trip and end date of trip”
2. “status of the debriefing process” i.e, “debriefed”, “pre debriefed” or “not debriefed”

**Final notes: The Commission agreed that there would be a six month delay before implementation of the pre-notification process commences, and approved the attached flowchart to illustrate the approved pre-notification process.**

**Schematic of Commission adopted Pre-Notification Process from observer providers to flag CCMs of possible alleged infringements by their vessels and to coastal CCMs of possible alleged infringements in their waters**



**\*\*Note:** that in accordance with the data rules, the information that is provided to flag CCM and as applicable coastal CCM will not include name of observer their nationality and the observer trip ID, but will instead identify the observer provider that placed the observer. The start and end dates of the trip will be identified as well as the "Status of Debriefing process" for this trip. i.e "debriefed, "pre debriefed" "not debriefed"