



TECHNICAL AND COMPLIANCE COMMITTEE
Nineteenth Regular Session
20 – 26 September 2023
Pohnpei, Federated States of Micronesia

**RESOURCES TO ASSIST CCM REPORTING AND
IMPLEMENTATION OF OBLIGATIONS**

WCPFC-TCC19-2023-19
15 September 2023


Paper by the Secretariat

Purpose

1. The purpose of this paper is to:
 - i. review progress on WCPFC19 tasks to the Secretariat to assist CCMs with annual reporting; and
 - ii. consider further opportunities for guidelines, training resources, learning aids and IMS-support documentation (resources) to support CCMs in response to TCC Work Plan tasking¹.

Progress on tasks from WCPFC19

Training resources and learning aids to support CCMs use of the IMS

2. Work on resources to support CCM's use of the Commission IMS began in 2020 with the inclusion of a [Support](#) 'button' () at the top of the WCPFC webpages. This gives users access to brief, targeted guidance on how to use Commission systems and tools such as the [Record of Fishing Vessels](#) (RFV) and [online meeting resources](#). **Annex 1** shows an image of the Support home page. New topics are added as upgraded systems are released and as a need is identified by CCMs or the Secretariat.
3. An additional IMS related training resource for CCMs was the development of a fully functioning Training RFV site² that mirrored the new RFV. This system was developed because the RFV is a critical dataset, and it has new functions that CCMs use to directly manage their own data. The training system was used by Secretariat staff to support system testing and for their staff training. It was released to CCMs in advance of the 'real' RFV going live and remains available.

¹ [WCPFC19 Summary Report Attachment V](#), TCC Work Plan 2022-2024, *Priority project specific task p*: Continued development of training resources and learning aids for the IMS

² <https://training.vessels.wcpfc.int>

4. In 2023, the Secretariat provided training sessions with CCMs on new systems released in 2022 and 2023. These sessions were also used as an opportunity to refresh CCM familiarity with:

- i. the Commission process for annual reporting;
- ii. how to use the online annual reporting system; and
- iii. how responses could be targeted to the specifics of each obligation and to the points set out in the Audit Point, where adopted.

More detail on this assistance to CCMs and the potential next steps are available in [WCPFC-TCC19-2023-22](#).

5. Discussions and training sessions with CCMs in 2022 and 2023, have reinforced the need to expand the concept and focus of the ‘how to’ information to better support CCMs, particularly through change. Changes to Commission processes or the rules governing processes may occur through:

- i. new or amended Conservation and Management Measures;
- ii. system upgrades;
- iii. Secretariat streamlining.

6. In addition, there are staff changes for CCMs and some Commission processes are not frequently used by CCMs. All are situations that could potentially benefit from resources to provide information as an easy ‘go to’ for CCMs.

7. Some examples of needs identified through discussions with CCMs include:

- i. how to request non-public domain data and what happens to my request;
- ii. getting vessels on the [Register of Inspection Vessels](#);
- iii. the annual reporting process steps (including Secretariat approach to reviews and refreshed guidance to assist in responding);
- iv. requirements for high seas boarding and inspection processes;
- v. Secretariat process and actions for reviews of Compliance Case Files;
- vi. supporting processes for the RFV such as data quality reviews for completeness and currency;
- vii. Secretariat process with CCMs to review submitted Fish/Did not fish reporting; and
- viii. process where a CCM applies Article 25(2) of the WCPFC Convention.

8. The Secretariat proposes to confirm and prioritise its initial list of topics and the best form and channel for these resources. For example, the resources could be short information papers in a similar way to the existing web-based ‘Support’, or short videos or graphics to supplement Support material or discussions. This task will be considered as future content to be accommodated within the Secretariat’s efforts to refresh the WCPFC website.³

³ See [WCPFC-TCC19-2023-22](#) – Update on upgrades of IT-related tools supporting CCM reporting and implementation of obligations

Annual reporting

9. As part of CCM’s ongoing consideration of annual reporting processes, the Secretariat has been tasked to provide more clarity on aspects of its process, specifically to update and develop additional guidelines to support:

- i. determining the applicability of obligations for review by TCC; and
- ii. CCMs reporting of statements of implementation for review by TCC.⁴

10. Historically, the Secretariat has provided guidance to explain the scope of anticipated responses to each ARPt2 obligation in the online system through the ‘Print view + Notes’ filter. This approach has now been refined by the Commission’s adoption of Audit Points in 2022. Where adopted for RY2022 obligations, CCMs may have seen the Audit Points in the upgraded Conservation and Management webpage. The Audit Points were also included in the Annual Report Part 2 (ARPt2) online system at the bottom of the text box CCM’s used to enter their responses. The Audit Points are presented in the 2023 draft Compliance Monitoring Report (dCMR) covering 2021 and 2022 activities.

11. Preparation for the training and refresher sessions for CCMs in 2023, updating information in the ARPt2 system to support CCM reporting, and the subsequent reviews of that reporting have confirmed to the Secretariat that Audit Points have strengthened the focus for reporting and, in doing so, have given increased clarity and certainty to the expected scope and content of responses for each obligation. As a result, the Secretariat’s approach to its reviews of responses for RY2022 were refined and simplified.

12. This experience has been the basis for some initial guidance the Secretariat has compiled to clarify the applicability of obligations and the basis for guidance on responding to statements of implementation. As this underpins the Secretariat comments on CCM responses in the dCMR covering 2022 activities, it is relevant to TCC19 discussions. For this reason, the Secretariat considered this a useful opportunity to provide the draft Guidance to TCC19 for greater transparency (**Annex 2**). The Secretariat welcomes TCC19 discussions to further clarify and identify additional areas for inclusion in the guidance and welcomes feedback from CCMs.

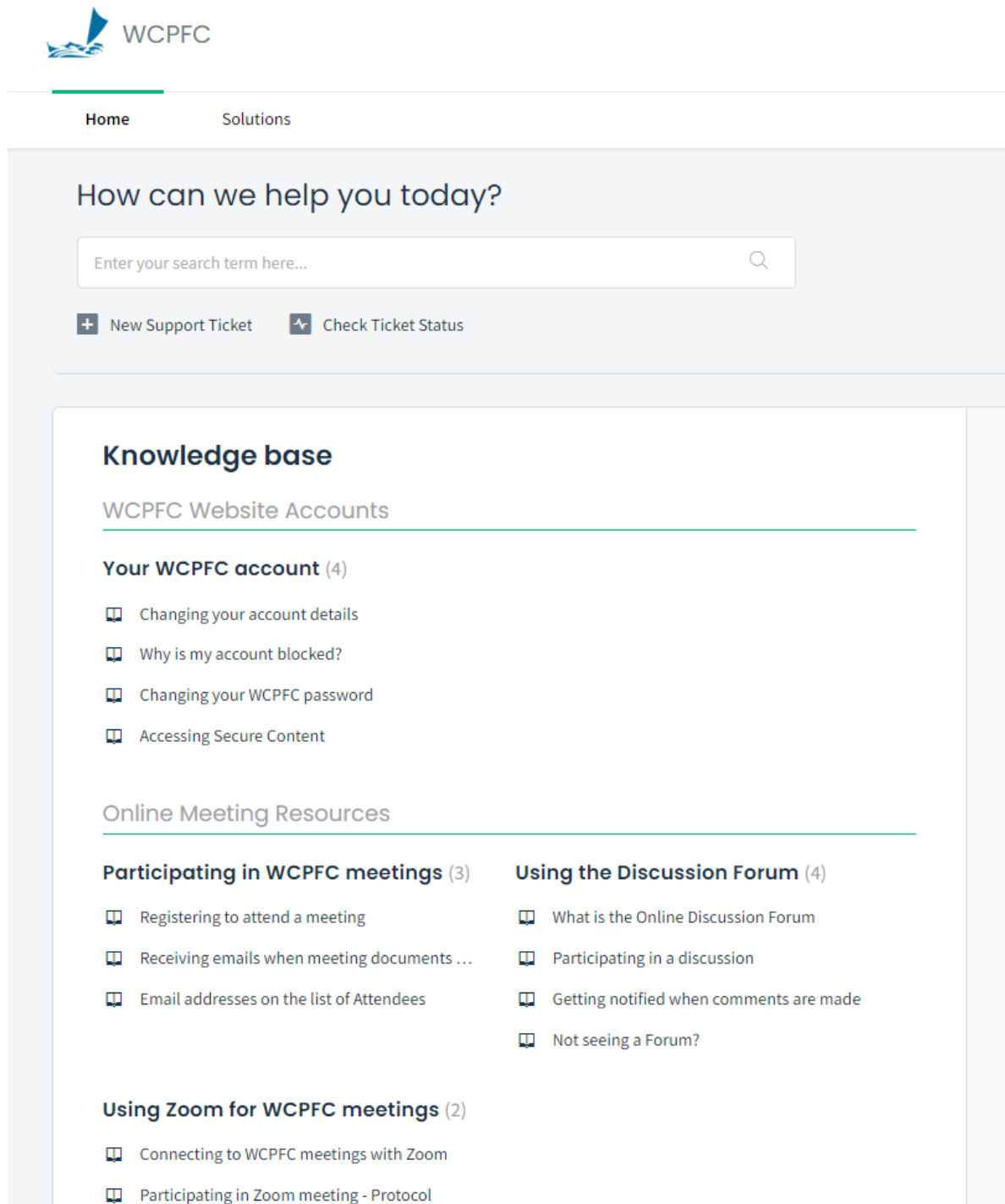
Recommendations

13. TCC19 is invited to:

- i. provide feedback on the existing resources and approach to supporting CCM’s use of IT-related tools during 2022 and 2023;
- ii. identify topics for new resources relating to Commission processes that would support CCMs; and
- iii. discuss and provide feedback on the draft Guidance for CCMs on how to respond to AR Pt 2 in Annex 2.

⁴ [WCPFC19 Summary Report, paragraph 351 v and vi](#)

Figure 1: Image of Home screen accessed through the Support 'button' on WCPFC webpages



{DRAFT} GUIDANCE FOR CCMs ON HOW TO RESPOND TO ARPt2

1. The aim of this guidance is to provide greater transparency of the assumptions that currently underpin reviews of reported information by CCMs in Annual Report Part 2 (ARPt2) and the 2023 draft Compliance Monitoring Report (dCMR) for 2022. These assumptions have been refined to take account of the greater guidance from Audit Points.
2. It is anticipated that further experience with Audit Points, the implementation of the [Audit Point checklist](#) for proposals for new CMMs or for amendments of CMMs, reviews of annual reporting by CCMs and the outcome of work to improve independent verification of relevant obligations will inform this guidance. The addition of guidance for some specific obligations that frequently require additional information and as examples may also be useful.

General Approach for CCMs to consider in formulating responses in ARPt 2

3. The following guidance is relevant to responses in three of the four specific categories of obligations, Implementation, Quantitative Limits and Reporting. The ** beside some points, denotes where there may be further opportunities to streamline processes for some monthly and annual reporting, or to streamline the frequency of reporting for certain obligations over time.
 - i. **Applicability is established based on the profile of each CCM and their activity in the Convention Area and therefore, the relevance of each obligation.**

Where a CCM self-assesses a different applicability status, the Secretariat reviews response to assess what has changed from the previous year. Where a response clearly outlines a change in status, the Secretariat will alter the applicability of that obligation even if the CCM has not.

- ii. **Examples of situations for Applicability assessments that guide the Secretariat assessment include:**
 - a. Article 1 of the WCPFC Convention describes a fishing vessel. A CCM with no active catching vessels on the RFV in the reporting year will be listed as 'Not Applicable' where an obligation specifically relates to catching vessels only.
 - b. A CCM with no vessel on the RFV in the reporting year will be listed as 'Not Applicable' for obligations that are flag State responsibilities.
 - c. SIDS will be listed as 'Not Applicable' for obligations where the CMM indicates that an exemption applies to SIDS fleets.
 - d. A CCM limited to carriers that had active carriers on the RFV in the reporting year will show as 'Applicable' for obligations for 'fishing vessels' that relate to, for example, RFV requirements, VMS requirements. Some obligations may relate to catching vessel activity but may also include requirements such as prohibiting retention and/or storage and/or transfer and/or transshipment or more general

activities such as being boarded for inspection, garbage management that are applicable to many vessel types.

- e. A CCM whose national management of their fisheries or vessels includes prohibitions on activities (that may be more stringent than WCPFC requirements) may still have catch and landing related obligations that are 'Applicable'. For example, where some fishing activity is still allowed, an obligation relating to accidental retention and landing requirements, and how this is monitored, and potential non-compliance or non-compliance handled would continue to be 'Applicable'.
- f. Obligations that solely relate to High Seas activities will be 'Not Applicable' for a CCM that has flagged vessels that only operate within their own EEZ however, obligations that include EEZs whether specifically stated or not, will be 'Applicable'.
- g. Obligations that solely relate to EEZ activities will be 'Not Applicable' for a CCM that does not have national waters located within the Convention Area.

- iii. **CCMs view of Audit Points alongside where they enter their responses supported a shortened Secretariat statement of the outcome of its review and, where relevant, the description of the reporting gap.** As CCM familiarity with Audit Points grows, this should allow a simpler Secretariat statement of any issue however, in the short term this may require a little extra information particularly for those for whom English is a second language.

Reason – The Audit Point provides guidance to the CCM on the standard expected for the response. Consequently, it is anticipated that CCMs will use the Audit Point to shape a full response and therefore, understand reference to the part of the Audit Point not satisfied or only partially satisfied e.g. 'a' or 'b' etc. This form of comment may shorten the Secretariat time to review responses.

- iv. **Where there is no independent data available to verify responses, all available sources of self-reported data are reviewed, including previous years responses and relevant other required reports, for relativity across all reporting.**

Reason – inconsistency in responses can indicate issues. Responses to other related obligations may add information that removes or creates a need for further clarification or could create a potential compliance issue.

- v. **Where multiple paragraphs are included as one obligation, the Secretariat anticipates a response that clearly demonstrates that a CCM understands and has fully implemented and/or reported on all elements.**

*Reason – each paragraph is typically a related but distinct obligation. Experience has shown that responses that do not give a clear sense that all elements have been recognised and addressed or that only refer to one or two elements of the obligation, can indicate a lack of implementation.***

- vi. **Information required to be included in ARPt1 that is missing or incomplete in ARPt1, or where ARPt1 has not been supplied** will be taken as an issue for the dCMR even if the information has been supplied in the response to the ARPt2
*Reason – the response in ARPt1 is required to satisfy CMM reporting and dCMR reviews based on Audit Points include confirmation of reporting.***
- vii. **Responses identifying Capacity Assistance Needs** – CCMs may have different issues that affect their ability to implement or fully respond to obligations. This may be a need for skills and/or systems development and/or time. Where CCM responses have implied such an issue in their responses, they are encouraged to provide additional information that clearly outlines the support needed to meet the obligation, and to clearly identify they are seeking capacity assistance. Additionally, for a SIDS or Participating Territory, or Indonesia or the Philippines to be considered as ‘Capacity Assistance Needed’ through the Compliance Monitoring Scheme process, a Capacity Development Plan also needs to be submitted.⁵

Responding to Implementation (IM) obligations–

The adopted Audit Points for implementation obligations are based on the following template language:

The CCM submitted a statement in AR Pt2 that:

- *confirms CCM’s implementation through adoption of a national binding measure that ensures {xxx};*
- *describes how CCM is monitoring its vessels to ensure they do/do not {xxx}, and how potential infringements or instances of non-compliance with this requirement are handled.*

- i. **A legally binding instrument must be in place or stated as intended to be in place and applicable within a RY to implement a mandatory obligation.** A response that no activity occurred is insufficient.
*Reason - Where a CCM has vessels of ‘active’ status on the RFV, a response to a flag State related obligation that no vessels actually ‘fished’ in a RY is not sufficient for IM purposes. Such responses would be more relevant to Reporting (RP) obligations. Vessels that are active on the RFV can begin operating at any time in the RY and must be bound before they do so. Obligations which include phrasing such as “to ensure” are intended to be obligations of conduct. So CCMs are expected to have a legally binding mechanism, as well as take additional actions to ensure that vessels meet obligations and have a mechanism in place to check and if instances of non-compliance are identified, to take action. Similar reasoning applies to a range of obligations such as prohibitions on the capture and retention of some species, bycatch mitigation, gear requirements, and disposal of garbage, ***

⁵ A template prepared by the Secretariat for Capacity Development Plans may be accessed here: <https://www.wcpfc.int/doc/commission-09c/wcpfc-capacity-development-plan-template-draft-cmr-issued-march-2017>

- ii. **Where an obligation is not yet implemented, additional information is requested to provide clarity on the intended process and timeline.**

Reason – This situation will result in a potential compliance issue, however this approach aims to assist CCMs understanding and streamline review at TCC and the Commission meetings.

- iii. **Audit Points for Implementation obligations typically require a description of the national binding measure, monitoring approach, and how potential infringements or instances of non-compliance are handled.** The CCMs approach to all three elements needs to be clear in the response. For the 2023 dCMR covering 2022 activities, CCM responses that described general approaches to each element of this Audit Point or that did so through describing real situations were accepted as a response. A response that solely indicated there had been no instances of potential infringements or non-compliance is not sufficient as this does not describe the mechanisms in place irrespective of whether they have been needed or not.

*Reason – the Audit Point defines three parts to be addressed in the response. Responses that indicate no compliance issues occurred relate more to Reporting (RP) rather than Implementation obligations and do not respond to the Audit Point. Similarly, responses that address one or two of the elements do not meet the Audit Point requirement.***

Responding to Reporting (RP) obligations –

The adopted Audit Points for report obligations are based on the following template language:
The Secretariat confirms that CCM submitted in AR Pt2 or AR Pt 1 that:
{xxxx}
OR
The Secretariat confirms receipt of {xxx} report of {XXX}
OR
The Secretariat confirms that the CCM submitted the required information contained in the template in {XXX}

- i. **Taken to require a report describing the CCM activities in the RY against an implemented obligation.**

Reason – this approach distinguishes between IM and RP. For example, using IM i. above, a CCM may indicate no activity or report on the activity in ARPt1 or ARPt2 in the RY for an obligation in a legally binding instrument.

***This approach would indicate an IM obligation may not need reviewed each year except for a CCM that has not yet completed implementation or where a CMM has changed. Periodic inclusion of such obligations would test whether there has been any change to a CCMs implementation. The RP for that obligation may be selected more frequently.*

Responding to Quantitative Limit (QL) obligations –

The adopted Audit Points for Limit obligations are based on the following template language:
*The CCM reported (where applicable in AR Pt2) its level of fishing effort / total number of vessels fishing for / total catch of {species}
and the Secretariat can verify the CCM's reported effort/ number of vessels/catch level and confirm that the CCM's allowable limit has not been exceeded.*

- i. **Typically relates to a baseline (where one exists) and then a RY report on actuals** e.g. number of vessels and catch. All required data and information reflected in the Audit Point must be shown in the response.

Reason – all information indicated in the obligation and Audit Point is taken as the requirement for the response. The Audit Point may require the inclusion of data and information already reported e.g., in ARPt1.

Including where reported – must be reported as required – streamlining of where and how things are reported across monthly, ARPT21 and 2.

**This approach would indicate that there may be opportunities to streamline where information is reported, particularly if reporting can be automatically linked for cross-referencing and where other forms of information are available to independently verify the response.

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