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**Review of CMM 2015-02: South Pacific Albacore and Summary of Reporting to WCPFC**

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**WCPFC-TCC20-2024-IP06<sup>1</sup>**

**29 July 2024**

**Prepared by the Secretariat and SPC-OFP**

### Purpose

1. This paper presents for the information of TCC20 a summary of data about [CMM 2015-02](#): South Pacific Albacore, and including reporting received by the Commission under [CMM 2015-02](#) and its predecessor, [CMM 2010-05](#).

### History of the south Pacific albacore CMM

2. The inaugural south Pacific albacore CMM was adopted at the 2<sup>nd</sup> Regular Session of the Commission ([CMM 2005-02](#)) and included among the first set of substantive conservation and management measures adopted by the Commission. This was replaced by CMM 2010-05 in 2010 and again in 2015 with what is now the current iteration in [CMM 2015-02](#).

### Application of Limits

3. [Paragraph 1](#) of the CMM is an “*actively fishing for vessel capacity limit*” which applies to most CCMs fishing for south Pacific albacore in the waters south of 20S. This language is unchanged from the inaugural CMM 2005-02. Australia, China, New Zealand, and Chinese Taipei have notified the Commission of their limits with reference to the baseline of 2005 or 2000 – 2004 levels. The European Union, Japan, and Korea who are acknowledged to have vessels fishing in the waters south of 20S, have reported that their vessels do not “fish for” south Pacific albacore, so have an unspecified limit. The United States has notified of the baseline levels for the troll fishery 2000 – 2004 levels but the applicable limit is not yet specified. The limit is considered applicable to Indonesia and Philippines and is also unspecified but in recent years they have not had any vessels operating in the area south

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<sup>1</sup> This paper updates [TCC19-2023-IP06](#) issued on 14 September 2023, and [WCPFC20-2023-13](#) issued on 1 November 2023.

of 20S.<sup>2</sup> The limit does not apply to small island developing State and Territory CCMs in the Convention Area (paragraph 2).

### Changes to CMM and Reporting

4. Over time, the changes agreed to the CMM for south Pacific Albacore were to the CMM reporting requirement (now CMM 2015-02 paragraph 4). This was intended to ensure the Commission received information to clarify baselines and to support monitoring of compliance with the quantitative limits. Key points relating to changes are:
  - a. CMM 2005-02 did not include an annual reporting requirement.
  - b. CMM 2010-05 added a new annual reporting obligation intended to support monitoring and review of the quantitative limits.
  - c. CMM 2015-02 included changes to the reporting requirement to further clarify reporting requirements and ensure the monitoring and assessment of vessels and catches from vessels fishing for south Pacific albacore in waters south of 20S.
5. [Paragraph 4](#) of CMM 2015-02 requires that CCMs report the annual catch levels taken by each of their fishing vessels that have taken south Pacific albacore, as well as the number of vessels actively fishing for south Pacific albacore, in the Convention area south of 20°S. Catch by vessel is to be reported according to the following species groups: albacore tuna, bigeye tuna, yellowfin tuna, swordfish, other billfish, and sharks. Initially this information will be provided for the period 2006-2014 and then updated annually. CCMs are encouraged to provide data from periods prior to these dates.
6. **Annex 1** collates information reported by CCMs to the Secretariat and/or SPC-OFP in response to paragraphs 1 of CMM 2010-05, paragraph 1 of CMM 2015-02 or paragraph 4 of CMM 2015-02. Noting that the catch and effort information provided is self-reported, over the period 2015 – 2022 some differences between years and amongst CCMs can be seen in the levels of annual catch and vessel numbers reported as fishing for south Pacific albacore in the waters south of 20S. Across all CCMs combined, there have been relatively stable trends in reported annual catches and vessel numbers reported as fishing for south Pacific albacore in the waters south of 20S over this period.

### Interim arrangements for south Pacific albacore fisheries (2022)

7. At WCPFC18, the Commission noted the ongoing work to review CMM 2015-02 through the SP Albacore Roadmap IWG and the concerns regarding the delayed process to implement an interim TRP adopted in 2018, the need to take action to rebuild the stock to support the economic viability of fleets and to achieve a long-term TRP (WCPFC18, paragraphs 195 – 196). Considering these concerns, the Commission agreed to an interim arrangement for south Pacific albacore as follows:

*197. Given the urgency of these concerns, the Commission agreed that until a new CMM for south Pacific Albacore is adopted, each CCM is encouraged to take steps to implement interim controls on south Pacific albacore catch or effort across the convention area south of the equator.*

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<sup>2</sup> In early 2023, the Secretariat released an enhanced CMM page that includes Audit Points and Limits (<https://cmm.wcpfc.int/>)

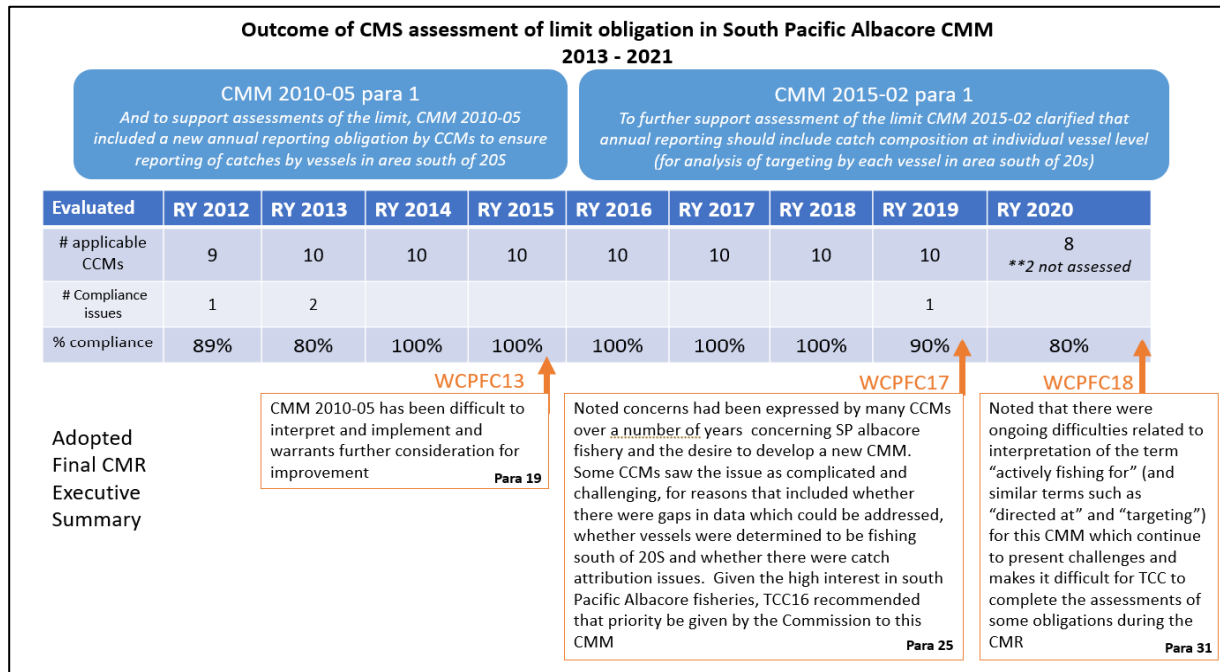
- i. CCMs are encouraged to limit commercial fishing of south Pacific albacore within EEZs to domestically applied catch or effort limits in recent years.*
  - ii. Each CCM is encouraged to ensure that its flagged vessels for this species shall not exceed the high seas catch or effort (such as number of vessels) of south Pacific albacore by its flagged vessels in recent years.*
- 198. These interim arrangements do not confer the allocation of rights to any CCM and are without prejudice to any future decisions of the Commission.*
- 199. These interim arrangements shall not prejudice the legitimate rights and obligations under international law for small island developing State and Participating Territory CCMs in the Convention Area for whom south Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction, and who may wish to pursue a responsible level of development of their fisheries for south Pacific albacore in their EEZs or adjacent high seas.*

#### Review of TCC assessments of compliance with the CMM 2015-02

8. TCC has annually assessed the limit obligation in the south Pacific albacore CMM through the Compliance Monitoring Scheme (CMS) except for this year (covering RY 2021 and RY 2022). A summary of the outcomes of annual CMS assessments of the limit obligation over 2013-2021 (covering RY 2012-2022) is provided in **Figure 1** (below). This illustrates how CMM revisions to add and then clarify the annual reporting requirement obligations in the south Pacific albacore CMM were intended to respond to the difficulties faced by TCC in assessing compliance with the limit over many years. **Annex 1** collates information reported by CCMs to the Secretariat and/or SPC-OFP in response to paragraphs 1 of CMM 2010-05, paragraph 1 of CMM 2015-02 or paragraph 4 of CMM 2015-02.
9. Prior to 2015, TCC had acknowledged that there were challenges for TCC to complete assessments of compliance with the south Pacific albacore CMM limit (CMM 2010-05 para 1) e.g., see note from WCPFC13 final CMR in lower left side of **Figure 1**. The limitation at that time was that some CCMs had gaps in the provision of complete operational catch and effort data. This meant the data available to the Secretariat when preparing the draft Compliance Monitoring Report (dCMR) tended to be based on the levels of longline activity based on VMS analysis for relevant CCMs in the area where the limit applies. This was problematic because the information was not targeted to the vessels that each flag CCM considers to be “actively fishing for” South Pacific albacore in the area south of 20S.
10. Since the adoption by the Commission of CMM 2015-02, the SSP has had the additional paragraph 4 reported information to support their preparation of supporting information for the Secretariat to use in preparing the dCMR. The table in **Annex 1** presents the summary reporting based on paragraph 4 reporting. However, because there are gaps in the provision of complete operational catch and effort data by some CCMs to which the limit applies, the CMM 2015-02 paragraph 4 report can be submitted in an anonymized format, and there is a 5% minimum observer coverage rate on longline and troll vessels area where the south Pacific albacore CMM limit applies, the Secretariat approach in the dCMR evaluation continues to

be based mostly on self-reported information provided by the CCM.<sup>3</sup> This represents an important data collection gap impacting the SSP and the Secretariat’s ability to validate data and verify compliance with limits.

Figure 1.



11. The following CMS audit points for the south Pacific albacore CMM were adopted by the Commission at WCPFC19, in December 2022:

Obligation and brief description	Full text of obligation	Current Audit Point definition
<p style="color: blue; font-weight: bold; margin: 0;"><u>CMM 2015-02 01</u></p> <p style="margin: 0;">Limit on number of vessels actively fishing for SP ALB south of 20S above 2005 or 2000-2004 levels</p>	<p style="margin: 0;">1. Commission Members, Cooperating Non-Members, and participating Territories (CCMs) shall not increase the number of their fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S above 2005 levels or recent historical (2000-2004) levels.</p>	<p style="margin: 0;">CCM reported its number of flagged vessels actively fishing for SP Albacore south of 20S and the Secretariat can verify the CCM’s reported information and confirm that the allowable limit has not been exceeded.</p>

<sup>3</sup> [TCC19-2023-11](#) Available data for verifying compliance in the Compliance Monitoring Scheme

Obligation and brief description	Full text of obligation	Current Audit Point definition
<p><a href="#">CMM 2015-02 04</a> Annual report of SP ALB by vessel by species</p>	<p>4. CCMs shall report annually to the Commission the annual catch levels taken by each of their fishing vessels that has taken South Pacific albacore, as well as the number of vessels actively fishing for South Pacific albacore, in the Convention area south of 20°S. Catch by vessel shall be reported according to the following species groups: albacore tuna, bigeye tuna, yellowfin tuna, swordfish, other billfish, and sharks. Initially this information will be provided for the period 2006-2014 and then updated annually. CCMs are encouraged to provide data from periods prior to these dates.</p>	<p>The Secretariat confirms that the CCM submitted information on annual catch levels by its flagged vessels taking SP Albacore, as well as the number of CCM flagged vessels actively fishing for SP Albacore south of 20S, with catch levels reported by species groups.</p>

12. In 2023, TCC19 used the agreed CMS audit point to assess the annual reporting requirement obligation (CMM 2015-02 04) in the south Pacific albacore CMM for RY 2021 and RY 2022. Noting that the information provided is self-reported, no compliance issues were raised by TCC. This outcome was endorsed by the Commission at WCPFC20.
13. Although CMS audit points were adopted by the Commission in December 2022 for the limit obligation found in paragraph 1, as noted above, the limit was not included in the list of obligations for review by TCC19 (2023). The Secretariat’s understanding is that one of the reasons that CMM 2015-02 paragraph 1 was not included was the outcome of the previous CMS assessment which confirm the continuing difficulties in assessing the limit.
14. The most recent CMS assessment of the limit obligation occurred in 2021 (covering RY 2020), prior to the adoption of CMS audit points. TCC17 found no compliance issues for most CCMs (Australia, European Union, Indonesia, Japan, Korea, New Zealand, Philippines, and United States). However, TCC17 recorded two assessments with majority/minority views, and subsequently WCPFC18 recorded that due to a lack of consensus, and for different issues, the Commission was not able to complete assessments of the limit in RY 2020 for China and Chinese Taipei. For ease of reference the relevant paragraphs from the Final Compliance Monitoring Report (CMR) adopted at WCPFC18 are provided in **Annex 2**.
15. The Final CMR adopted at WCPFC18 records several points expressed by CCMs that related to the difficulties in TCC completing evaluations of CMM 2015-02. These included:
  - a. A strong interest by many coastal State CCMs in developing a new measure for the south Pacific albacore fishery that ensures the long-term sustainability and economic viability of their national longline fisheries into the future.
  - b. A difference of opinion amongst CCMs in relation to the suitability of the evaluation approach used by the Secretariat and SSP, based on the CMM 2015-02 paragraph 4 reported data, to estimate the counts of vessels per flag CCM that “actively fished for South Pacific albacore in waters south of 20S.” Some CCMs felt that consistency of evaluation approach to all CCMs was important. Others questioned the current methodology and were uncomfortable with the catch data analysis being weight-based.

- c. There were questions about the baseline data for the assessment of the quantitative limit under CMM 2015-02, which is intended to be based on average of 2000-2004 levels, or 2005 levels. There was a suggestion that for consistency, the current evaluation approach of compliance with the limit, should be applied to the baseline data it is available and then it should be used by the Commission to adjust south Pacific albacore CMM limits as required.

16. Ultimately, the Commission at WCPFC18 (December 2021) noted that:

- a. there were ongoing difficulties related to interpretation of the term “actively fishing for” (and similar terms such as “directed at” and “targeting”) for this CMM which continue to present challenges and makes it difficult for TCC to complete the assessments of some obligations during the CMR.
- b. the disparities in available operational-level data for determined baseline periods raised difficulties in undertaking compliance assessments as this results in some limits being based on analysis of operational-level data and other limits being based on self-reporting, and
- c. the issues raised in the discussions on CMM 2015-02 emphasized the importance of ensuring that CMMs are clear in their application and are able to be monitored and enforced.

To this end, the Commission requested that the South Pacific Albacore Roadmap WG take note of this in consideration of its future work.

## WCPFC20 Outcomes

17. The Commission at WCPFC20 (December 2023) considered two sets of options that were each proposed with a view to assisting TCC in completing future assessments of the limit obligations.

18. The Secretariat proposed the following recommendations in [WCPFC20-2023-13](#):

- a. *adopt a framework that will establish RFV-reporting requirements for the CMM 2015-02 paragraph 1 limits and other “vessels fishing for-type CMM limits”, by adopting an amendment to the RFV SSPs CMM 2022-05 which adds into Attachment 1 a new data field “Area based CMM limit obligation(s)” as described in the following table:*
- b. *Task the Secretariat with prioritizing the development of an enhancement to the WCPFC’s annual reporting online facilities to enable relevant CCMs to complete a report as part of Annual Report Part 2, for individual vessels an equivalent of “fished” and “did not fish” in accord with the relevant CMM limit(s) in the previous year (this would be based on the CCM reported RFV data in previous year at a. above).*
- c. *Task the Secretariat to continue to consider opportunities for relevant flag CCMs to be supported and informed about potential reporting gaps arising from the new RFV data field and associated annual reporting requirements, and to explore IT-related tools to assist the Secretariat with working closely with relevant CCMs to resolve any data and reporting inconsistencies in advance of dCMR evaluations.*
- d. *Task the Secretariat, working with relevant CCMs, to review and update the CMM database with information about basis for baselines for specific “area-based vessels fishing for” type limit obligations and to present an update on progress to TCC20 in 2024.*

19. FFA Member CCMs provided a proposal in [WCPFC20-2023-DP03](#) that was intended to clarify the longstanding problem of interpreting the definition of the term 'actively fishing for' contained in the South Pacific albacore measure, CMM 2015-02. Their aim was for WCPFC to agree an interpretation, and to resume the assessment of this obligation under the CMS. They were concerned that the non-assessment of the only active management control in the current South Pacific albacore measure rendered this measure ineffective.
20. The original FFA proposal was that the term 'actively fishing for' in CMM 2015-02 should be interpreted to mean 'vessels fishing south of 20° South with annual catch of albacore greater than 50% of the catch of potential target tuna, namely albacore, yellowfin and bigeye and swordfish'. This understanding was based on the advice of the SSP and was the generally accepted definition as used in the WCPFC CMS process in the past. FFA Member CCMs expressed that the CMS assessments of the limit stopped as a result of one or more CCMs exceeding the agreed limit, based on the previously agreed definition. The bottom line was that FFA Member CCMs wanted to resume assessments of the obligation in the CMS, and they urged other CCMs to work with them in this meeting to find a solution for all on this matter.
21. The eventual Commission decision during WCPFC20, was based on the FFA Member CCMs proposal, and is set out in paragraph 289 to the WCPFC20 Summary Report:

The Commission agreed that the term "actively fishing for" used in CMM 2015-02 is applied to:  
*"Vessels fishing south of 20 degrees South with an annual catch of albacore in that area with South Pacific albacore greater than 50% of the catch of potential target tuna (albacore, yellowfin, bigeye, southern bluefin), skipjack and swordfish."*

22. The table in **Annex 1** presents the summary reporting based on paragraph 4 reporting, and includes the information which applies the WCPFC20 definition of "vessels actively fishing for" to the counts of vessels 2023 for each flag CCM.

### Recommendation

23. TCC20 is invited to note the paper.



**Annex 1: Reporting by CCMs against paragraphs 1 and 4 of CMM2015-02, and for 2023 has also applied the WCPFC20 definition of “vessels actively fishing for” (as at 28 July 2024)**

		CMM 2015-02 Para. 4																
		2006-2014		2015			2016			2017			2018			2019		
	GEAR	Vessels	Catch	Vessels	Catch by vessel	Catch	Vessels	Catch by vessel	Catch	Vessels	Catch by vessel	Catch	Vessels	Catch by vessel	Catch	Vessels	Catch by vessel	Catch
AUSTRALIA	LL	YES	YES	36	YES	585	34	YES	715	36	YES	687	53	YES	608	34	YES	646
CHINA	LL	YES	YES	70	YES	6,504	76	YES	3,945	63	YES	6,676	37	YES	4,960	81	YES	4,464
COOK ISLANDS	LL	YES	YES	2	YES	58	3	YES	81	11	YES	232	8	YES	371	7	YES	264
EUROPEAN UNION	LL	YES	YES	4	YES	2	4	YES	0	3	YES	2	3	YES	2	3	YES	2
FIJI	LL	YES	YES	49	YES	1,498	72	YES	2,572	65	YES	3,456	73	YES	3,538	61	YES	2,518
FRENCH POLYNESIA	LL	YES	Partial	42	YES	518	73	YES	636	53	YES	561	42	YES	275	41	YES	229
JAPAN	LL	YES	YES	NO	NO	851	2	YES	835	2	YES	974	27	YES	608	27	YES	567
	PL	NO	NO	NO	YES	0	3	YES	7	2	YES	2	1	YES	39	1	YES	25
KIRIBATI	LL	...	...	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NEW CALEDONIA	LL	YES	YES	26	YES	1,003	17	YES	1,527	16	YES	1,137	18	YES	1,271	19	YES	1,211
NEW ZEALAND	LL	YES	YES	34	YES	207	32	YES	242	32	YES	189	34	YES	239	28	YES	650
	TR	YES	YES	139	YES	2,425	137	YES	1,669	115	YES	1,952	148	YES	2,271	145	YES	2,320
NIUE	LL	YES	YES	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
REPUBLIC OF KOREA	LL	NO	NO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SOLOMON ISLANDS	LL	YES	YES	5	YES	49	-	-	-	-	-	-	-	-	-	-	-	-
CHINESE TAIPEI	LL	YES	YES	YES	YES	3,264	44	YES	4,947	61	YES	7,517	65	YES	8,393	50	YES	6,057
TONGA	LL	...	...	5	YES	31	4	YES	46	6	YES	22	5	YES	19	6	YES	22
TUVALU	LL	...	...	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
USA	LL	YES	YES	3	YES	14	2	YES	3	3	YES	7	0	YES	0	0	YES	0
	TR	YES	YES	7	YES	156	9	YES	300	15	YES	555	12	YES	433	9	YES	876
VANUATU	LL	YES	YES	21	YES	3,132	16	YES	2,262	26	YES	3,792	24	YES	4,549	15	YES	3,449



		CMM 2015-02 Para. 4													CMM 2015-02 Para.1		
		2020			2021			2022			2023						
	GEAR	Vessels	Catch by vessel	Catch	Vessels	Catch by vessel	Catch	Vessels	Catch by vessel	Catch	Reported Vessels	Catch by vessel	Catch	Adjusted Vessels (NOTES 11)	# Vessels (avg. 2000-2004)	# Vessels (2005)	NOTES
AUSTRALIA	LL	34	YES	842	32	YES	844	33	YES	854	29	YES	579	24		132	5
CHINA	LL	35	YES	3,594	46	YES	2,156	64	YES	6,171	67	YES	3,734	67		70	2, 10
COOK ISLANDS	LL	6	YES	286	3	YES	184	2	YES	44	2	YES	82	2	n/a		4
EUROPEAN UNION	LL	3	YES	4	7	YES	4	7	YES	0	0	YES	7	0	EU - not specified		5
FIJI	LL	61	YES	3,083	56	YES	2,571	45	YES	2,670	47	YES	3,501	47	n/a		4
FRENCH POLYNESIA	LL	48	YES	335	43	YES	292	42	YES	312	52	YES	609	51	n/a		4
JAPAN	LL	21	YES	952	23	YES	694	22	YES	745	23	YES	669	21	not specified		1, 7
	PL	0	YES	0	1	YES	227	1	YES	48	-	-	-	-	not specified		1, 7
KIRIBATI	LL	2	YES	16	4	YES	285	3	YES	145	3	YES	20	3	n/a		4
NEW CALEDONIA	LL	22	YES	1,472	18	YES	1,208	16	YES	1,575	16	YES	1,653	16	n/a		4
NEW ZEALAND	LL	28	YES	165	28	YES	78	22	YES	145	20	YES	60	16		270	5
	TR	142	YES	2,859	151	YES	3,383	135	YES	4,147	91	YES	864		combined with LL		5
NIUE	LL	-	-	-	-	-	-	-	-	-	-	-	-	-	n/a		6
REPUBLIC OF KOREA	LL	-	-	-	-	-	-	-	-	-	-	-	-	-	not specified		6
SOLOMON ISLANDS	LL	-	-	-	-	-	-	-	-	-	1	YES	130	1	n/a		6
CHINESE TAIPEI	LL	102	YES	9,255	32	YES	2,569	27	YES	3,911	41	YES	3,422	41		81	9
TONGA	LL	5	YES	12	4	YES	8	6	YES	26	3	YES	20	-	n/a		4
TUVALU	LL	-	-	-	1	YES	60	0	YES	0	-	-	-	-	n/a		4
USA	LL	0	YES	0	0	YES	0	0	YES	0	-	-	-	-	not specified		3, 5
	TR	18	YES	1,912	21	YES	1,908	18	YES	1,401	10	YES	1,400		not specified		3
VANUATU	LL	26	YES	3,518	30	YES	3,486	10	YES	1,446	10	YES	1,875	10	n/a		4

## NOTES

1. Japan provided 2006-2014 vessels and catch according to CMM 2015-02 Para 4. requirements on 31st October 2016. Japan provided 2015-2023 vessels and catch in their April 2024 data submission.
2. China provided 2015 vessels and catch according to CMM 2015-02 Para 4. requirements on 4th November 2016.
3. USA provided 2006-2014 vessels and catch according to CMM 2015-02 Para 4. requirements on 10th June 2017. USA also provided 2015-2023 vessel catch and vessel numbers.
4. Operational data submitted to SPC (as a member country) on a regular basis since 2000 and therefore satisfies the requirement for producing breakdowns of catch and vessel numbers by year.
5. Operational data submitted to WCPFC for years 2015-2023, and therefore satisfies the requirement for producing breakdowns of catch and vessel numbers by year.
6. These fleets do not appear to have been active in the WCPFC Area south of 20°S for years 2015 onwards.
7. Operational data submitted to WCPFC for 2016-2023, and therefore satisfies the requirement for producing breakdowns of catch and vessel numbers by year. Operational data provided for 2015 does not cover the area south of 20°S while there is evidence of catch.
8. Cells with 'Partial' mean that coverage of the catch by vessel data was evaluated to be < 80% but > 40%. Cells with 'NO' mean that coverage of the catch by vessel data was evaluated to be < 40%.
9. Chinese Taipei provided 2006-2014 vessels and catch according to CMM 2015-02 Para 4. requirements on 31st December 2016. Chinese Taipei also provided 2015 vessel catch and vessel numbers on this date. The 2016 catch has been determined from aggregate catch/effort data provided by Chinese Taipei. The 2017-2023 catch and vessels has been determined from operational data provided to the WCPFC by Chinese Taipei and coastal states.
10. Operational data submitted to WCPFC for years 2015-2023, which would normally satisfy the requirement for producing breakdowns of catch and vessel numbers by year, but coverage is not 100%. However, China also provided separate summaries of annual catch by vessel for the WCPFC area south of 20°S (according to CMM 2015-02 Para 4.) which represents 100% coverage.
11. WCPFC20 agreed that the term "actively fishing for" used in CMM 2015-02 is applied to: "Vessels fishing south of 20 degrees South with an annual catch of albacore in that area with South Pacific albacore greater than 50% of the catch of potential target tuna (albacore, yellowfin, bigeye, southern bluefin), skipjack and swordfish." The "adjusted vessels" figures consider that a vessel may conduct trip(s) in a certain season where ALB is the predominant part of the catch. In addition, for China and Chinese Taipei, the number of vessels reported as CMM 2015-02 04 were used for RY2023.

**Excerpts from Final Compliance Monitoring Report adopted at WCPFC18<sup>4</sup> related to CMM 2015-02 limit assessments.**

23. In accordance with CMM 2019-06, paragraph 35, where there were majority/minority views on the assessment, TCC17's provisional assessment reflects the majority view and records the minority view. TCC17 notes the following assessments with majority/minority views for the Commission for its final assessment:

a. CMM 2015-02 01–The majority view was that Chinese Taipei should be assessed as Priority Non-Compliant; however, there was a minority view that the obligation should be assessed as CMM Review.

b. CMM 2015-02 01–The majority view was that China should be assessed as Compliant; however, there was a minority view that the obligation should be assessed as Priority Non-Compliant.

24. After further deliberation at WCPFC18, there remained majority/minority views on these two assessments. As there was not consensus on the compliance status, WCPFC18 noted the majority and minority views for these two assessments.

25. A summary of the detailed discussion of this assessment is contained in Section VI.

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28. TCC17 noted that TCC consistently had difficulty assessing some obligations due to differing interpretations of those obligations and different views on how implementation of the obligation was to be assessed.

29. With regard to CMM 2015-02 on South Pacific Albacore, TCC17 noted that concerns had been expressed by many CCMs over a number of years concerning the South Pacific albacore fishery and the desire to develop a new measure.

30. Chinese Taipei noted during CMR review process that there is lack of consensus for the definition of “vessels fishing for south Pacific albacore”. This issue should be discussed further, including at future Commission meetings. The majority of CCMs were of the view that the data provided by the Scientific Services Provider (SPC-OFP) indicates that this CCM had exceeded its limit for the number of vessels actively fishing for albacore south of 20°S and noted that this had been assessed this way consistently in the past and therefore should be assessed as Priority Non-Compliant. A minority of TCC17 highlighted the difficulty that TCC had in defining terms such as “fishing for” a stock and also questioned the basis for the assessment of “actively fishing” in terms of the weight of catch. Many CCMs noted that the breach of the quantitative limits in CMM 2015-02, paragraph 1, by Chinese Taipei was considered a serious issue.

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<sup>4</sup><https://www.wcpfc.int/doc/wcpfc18-2021-fcmr/2021-final-draft-compliance-monitoring-report-covering-2020-activities-adopted> paragraphs 23-25, 28-35

31. WCPFC18 noted that there were ongoing difficulties related to interpretation of the term “actively fishing for” (and similar terms such as “directed at” and “targeting”) for this CMM which continue to present challenges and makes it difficult for TCC to complete the assessments of some obligations during the CMR.
32. Most CCMs considered that it was important to treat all CCMs the same and to use a consistent approach to the use of baseline data for the assessment of the quantitative limit under CMM 2015-02. One CCM raised an issue on the quantitative limit under CMM 2015-02, which was not raised in the dCMR. It noted its view that China should be assessed as Priority Non-Compliant as in its view China had exceeded the number of vessels which fished in 2005 as set out in [TCC17-2021-IP07](#), which was based on TCC14-2018-IP14. China noted that the data set out in TCC17-2021-IP07 was based on partial information and that the baseline of 70 vessels had been accepted by TCC in past assessments. One CCM disputed TCCs acceptance of the baseline 70 vessels, based on TCC14-2018-IP14.
33. CCMs noted that China did provide additional information related to the number of vessels and their catch for the baseline year (2005) however this information was received after the deadline for submission of information after TCC17 and could not be verified and hence was not considered in this discussion, but that this information would be reviewed by the Scientific Services Provider (SPC-OFP) and the Secretariat in accordance with existing practice in the new year.
34. WCPFC18 also noted that the disparities in available operational-level data for determined baseline periods raised difficulties in undertaking compliance assessments as this results in some limits being based on analysis of operational-level data and other limits being based on self-reporting.
35. WCPFC18 noted the issue raised during discussions on this CMM and emphasized the importance of ensuring that CMMs are clear in their application, and are able to be monitored and enforced. WCPFC18 requested the South Pacific Albacore Roadmap WG take note of this in consideration of its future work.

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