



**TECHNICAL AND COMPLIANCE COMMITTEE
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Supporting CCMs with Technical and Compliance Matters

**WCPFC-TCC20-2024-27
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Prepared by the Secretariat

Purpose

1. This paper provides TCC20 with an update on Secretariat outreach and responds to TCC19 taskings to support CCMs by:
 - developing training resources and learning aids;
 - proposing additional support aids and seeking further advice from TCC20 on other areas of need for CCMS; and
 - updating the Guidance on annual reporting.

Introduction

2. In 2023, the Secretariat was tasked with updating and maintaining the annual Reporting Guidance (Annex 2 of [WCPFC-TCC19-2023-19](#)) to provide CCMs with clarity on their reporting requirements for further discussion at future TCC meetings¹.
3. Also, TCC has previously identified that a priority task is the continued development of training resources and learning aids for the IMS, and the Secretariat has been tasked to explore the development of training videos. Recent upgrades of key IT-related systems and associated guidelines and training resources have focused on supporting CCMs reporting.

Secretariat Outreach 2023/24

4. Specific training for CCMs has been delivered online and in-person. Requests for assistance at workshops or for one-on-one sessions come from individual CCMs or organisations such as PNAO. The Secretariat will offer training if day-to-day engagement suggests CCMs are less

¹ [TCC19 Summary Report para 424](#)

familiar with WCPFC processes and supporting systems or to support the release of a new system.


5. In 2023 and 2024, the Secretariat provided training for individual CCMs on many processes and systems particularly the Compliance Case File System (CCFS), Record of Fishing Vessels (RFV) including the integrated Vessel Monitoring System (VMS) and Fish/Did not fish functions, the Vessel Reporting and Tracking System (VRST) and the CMM webpage.
6. On 3 April 2024, the Monitoring and Evaluation system which included the existing CMM webpage and new Annual Report Part 2 (AR Pt2) application was released. Twenty-three (23) CCMs received at least one on-line familiarisation session at one of the four workshops organised by the Secretariat. Some CCMs also received one on one training and the PNAO and FFA were supported at workshops.
7. Training on the AR Pt2 navigation and use was provided in the context of:
 - a. the Commission's annual reporting process under the Compliance Monitoring Scheme;
 - b. a suggested approach to developing responses to obligations in the CMS based on Secretariat experience reviewing CCM responses;
 - c. the use of information and guidance available in the upgraded AR Pt2 application;
 - d. the available support documentation; and
 - e. potential future developments that would further streamline how routine reporting occurred and was incorporated into annual reports.

Future training priorities

8. A particular focus for Secretariat training in the rest of 2024 and 2025 is on Commission processes and online tools that provide inputs to annual reporting. Examples are Fished/Did not fish status reporting through the RFV, using the Vessel Reporting Status Tool (VRST) and Transshipment e-reporting (TSER e-reports) and progressing cases in the CCFS.
9. The aim is to raise awareness of these tools and the benefits of their use to allow CCMs to routinely identify and address reporting issues. The Secretariat continues to develop its own tools and CCM Dashboards to facilitate this. The result should be a more efficient spread of the workload for CCMs and the Secretariat, reducing the emphasis on issue resolution through annual reporting processes (AR Pt2 and CMR) and the ensuing TCC and Commission discussions. The refocus for Compliance staff places significant emphasis on their day-to-day role in outreach to support CCMs understanding and use of these tools and for the Secretariat to routinely carry out its own internal processes that complete and verify, where relevant, the CCM reporting.

Training Resources and Learning Aids

Accessing and navigating online tools:

10. The resources available through the  button on the WCPFC website for accessing and navigating online tools have been expanded for existing systems particularly the RFV and AR Pt2 reporting. Changes reflect:
 - a. new Helpdesk documents or amendments to clarify existing ones;
 - b. updates to reflect system enhancements released during 2023 and 2024 including for the RFV/VMS, CCFS and CMM webpage; and
 - c. the release of the new AR Pt2 application.

Opportunities and progress on new resources:

11. In 2023, the Secretariat identified topics for resources to support CCMs. These topics are largely focused on clarifying Commission processes². Initial topics were:
 - a. how to request non-public domain data and what happens to a request*;
 - b. the annual reporting process and guidance on how to interpret and respond to reporting requirements (that also clarifies the basis for the Secretariat approach to applicability and reviews)*;
 - c. how to include vessels on the [Register of Inspection Vessels*](#); and related information;
 - d. requirements and supporting processes for high seas boardings and inspections*, and for port state inspections*;
 - e. CCM use of Article 25(2) to request investigations by a flag State and the supporting process for all CCMs involved in a case;
 - f. how CCMs use CCFS and respond to alleged non-compliance (Article 25(2) and observer generated cases), the use of the observer request tool and the Secretariat review process;
 - g. supporting RFV processes e.g. data quality reviews for completeness and currency*;
 - h. the Secretariat process with CCMs to review Fish/Did not fish reports leading into VMS reporting gaps resolution*;
12. Those topics marked with an * in a. - h. above, are being progressed. Some involve the development of online applications scheduled for development between 2024 and 2025, depending on resources. The design of applications can affect the process described in training resources and learning aids hence supporting documentation will be developed concurrently.

² WCPFC-TCC19-2023-19

13. Additional online tools to further streamline reporting are currently being designed; a CMR application and a facility to receive required routine or annual reports and notifications e.g. monthly catch reports, annual shark management plans and FAD closure notifications. Training resources will be developed to support the release of these new tools. Others in the list above that are not system dependent will be developed during 2024/25.
14. As part of the refocus of the Compliance team, staff have specific responsibilities for the development and maintenance of training resources and learning aids. In addition, the Secretariat is grateful for funding from Canada for 2024/2025 which has allowed work to commence on the development of more accessible training resources that will:
 - a. enhance the capacity of CCMs to:
 - i. more efficiently meet Commission reporting requirements in a way that more effectively informs Commission awareness of issues, supports decision-making and better monitors for positive change over time;
 - ii. ensure they are aware of and proficient in Commission requirements, processes and resources to complement Small Island Developing States (SIDS) for example, in flag State and port State responsibilities; and
 - b. to facilitate the ongoing upskilling of Secretariat staff in wider techniques for developing and delivering training resources e.g. through video and written/infographics.

Guidance for Annual Reporting

15. As part of CCM's ongoing consideration of annual reporting processes, the Secretariat has been tasked to provide more clarity on aspects of its review process and to develop additional guidelines to support:
 - a. determining the applicability of obligations for review by TCC; and
 - b. CCMs reporting of statements of implementation for review by TCC³.
16. The Commission's adoption of Audit Points in 2022 and 2023 has clarified the scope and focus for CCM responses to AR Pt2 and CMR obligations. As a result, the Secretariat has refined and simplified its approach to reviewing responses. The Guidance in Annex 1 has been refreshed to incorporate CCM's guidance during TCC19's review of CMR potential issues and interpretations noted in the [Audit Points adopted at WCPFC20](#). Much of this information has already formed the basis for Secretariat discussions with CCMs during this year's annual reporting process. This Guidance will be available as a standalone online document.
17. The Secretariat welcomes TCC20 discussion on the Guidance which is a "living" document to be updated as required by Commission decisions. The Secretariat will assess the final format to ensure its presentation is as simple as possible.

³ [WCPFC19 Summary Report, paragraph 351 v and vi](#)

Recommendations

18. TCC20 is invited to:
 - a. discuss and provide the Secretariat with feedback on the updated “Guidance for CCMs on how to respond to obligations in the AR Pt 2 and CMR.”

{DRAFT} GUIDANCE FOR CCMs ON HOW TO RESPOND TO OBLIGATIONS IN AR Pt2/CMR**Objective**

1. This Guidance clarifies how CCM “Applicability” for an obligation is assessed and clarifies how Audit Point formulation affects the expected responses to obligations being assessed through the Compliance Monitoring Report (CMR).
2. Updates to this document will be triggered by:
 - i. the Commission’s adoption of new or amended Audit Points as a result of [Audit Point checklist](#)⁴ to be prepared for proposed new or amended Conservation and Management Measures (CMMs);
 - ii. TCC/Commission reviews of CMR potential issues and the resolution of interpretation issues;
 - iii. the frequency with which a specific obligation’s Audit Point is raised as a potential issue; and
 - iv. changes in the available sources of information that affect the ability to independently verify reporting because of the Commissions ongoing work to review and address data needs.

Introduction

3. The Commission considers the range of obligations that apply in CMMs and how to assess compliance with those requirements. This is the basis for the Audit Points⁵ which, since 2022, have informed CMR assessments under the Compliance Monitoring Scheme process.
4. Obligations are categorized as one of four types of obligations: **Implementation (IM), Reporting (RP), Quantitative Limits (QL) and Deadline (DL)**. There may be multiple categories of Audit Points for the same obligation e.g. IM and RP, each of which requires a different framing for the expected response.
5. This Guidance focuses on the first three of these four categories. The fourth category of **Deadline (DL)** obligations is specifically limited to an assessment of whether the timeframe for the provision of a report or activity has been met by a CCM. Responses simply explain any exceptional circumstances that affected the timeliness of reporting and, where relevant, identify actions taken to prevent late reporting in the future.
6. Initial Audit Points were adopted at WCPFC19 in 2022. Remaining Audit Points and their formulation were further refined at WCPFC20 in 2023 after extensive discussion during the Commission’s reviewing of CMR issues. CMR reviews in 2023 were the first time that Audit Points were applied.
7. Online reporting facilities are progressively being designed to allow CCMs to view:

⁴ Adopted at WCPFC19 ([Attachment R, WCPFC19 Summary Report](#))

⁵ As agreed at [WCPFC19](#) and [WCPFC20](#)

- i. the Audit Point alongside the obligation they are reporting against;
- ii. guidance statements about the applicability of an obligation, including quantitative limits values for relevant CCMs and their sources; and
- iii. over time, the reported information CCMs have already submitted for the Reporting Year via an online tool e.g. any actual reporting of vessels numbers of catch against a quantitative limit or whether a report has already been received by the Secretariat.

The Formulation of Audit Points for Obligation categories and certain specific CMM obligations

Formulating Categories for :

8. The following are key points from Commission discussions that clarify how a category is set for an obligation and therefore the form of its associated Audit Point. This in turn determines the expected framing for responses to Audit Points for the **Implementation (IM)**, **Reporting (RP)**, and **Quantitative Limits (QL)** categories of obligations.
 - i. Obligations that require CCMs to take control or action over its vessels, operators, masters or crew (e.g. 'CCMs shall ensure that its flagged vessels...') are best treated as **Implementation** obligations. This is because these obligations require CCMs to exercise control over their vessels, masters or crew, and require national binding measures to enable it to do so, along with appropriate monitoring controls.
 - ii. Where monitoring is difficult, but the obligation requires implementation of certain action/s, the **Implementation** form of the Audit Point can be created without the monitoring component
 - For example, [Observer Safety CMM 2017-03 07 and 08](#) Category: **Implementation (IM)**
 - iii. Once implementation is confirmed, the mechanism is not likely to change frequently and so the obligation may not need to be reviewed frequently or can be reviewed as the **Reporting** form. Only CCMs that have "Compliance Issues" should report annually until assessed as "Compliant".
 - iv. Obligations that require CCMs to report on an action or activity are **Reporting** obligations and responses must describe their actions and/or what happened in the reporting year.
 - v. Where a limit is to be met but is not framed as a specific allocation for a CCM/s it is framed as an **Implementation** obligations rather than a Quantitative Limit
 - For example, [CMM 2023-01 21](#), the maximum number of FADs
 - vi. Obligations that require CCMs to complete an activity in the reporting year (e.g. 'CCMs shall...') but provide some qualification that uses non-binding language e.g. 'to the extent practicable' or 'where possible' or when to use identified guidelines) are best treated as **Reporting** obligations. This is because a CCM still has a binding obligation to take a particular action but has some discretion considering particular circumstances.

- For example, Port State Measures [CMM 2017-02 26](#) Category (RP) - CCMs shall, to the extent practicable, encourage the use of ports of SIDS in order to increase the opportunity to undertake inspections, and participation of SIDS in fisheries for WCPO tuna stocks.
- vii. Obligations that require specific action from a CCM national authority or its officers (e.g. inspectors) are best treated as **Reporting** obligations rather than implementation obligations. This is because CCMs do not generally have national binding measures requiring their CCM authority or officials to take specific action; instead, they implement or require such action as part of national procedures or policies.
 - For example, flag State control through [CMM 2018-06 17](#) – requiring implementation of a prohibition on activity by unauthorized vessels and a description of how the national authority ensures authorised vessels are on the RFV and unauthorised vessels are not breaching the prohibition on fishing for, retaining, transshipping or landing HMFS in the Convention Area beyond areas of national jurisdiction.
- viii. Obligations requiring CCMs to cooperate are best treated as **Reporting** obligations.
- ix. Where the required action under an obligation is triggered by an event and that monitoring is difficult as relates to a reportable event, this is best treated as a **Reporting** obligation.
 - For example, Observer Safety [CMM 2017-03 03-06](#) Category: Report (RP)
- x. When language in the obligation is not binding but relates to an obligation that is important to ensure the objective of the CMM it would be a **Reporting** obligation.
 - For example, ‘if practicable’ but relates to use of guidelines for Sea Turtles [CMM 2018-04 04](#) Report (RP)
- xi. Where a binding obligation relates to confirmation a statement, annual plan or a report on a required activity or action of a CCM has been submitted or whether an explanation or description of certain situations it is taken to be a **Reporting** obligation.
 - For example – Shark [CMM 2022-04 17](#) requirement for a management plan for longline fisheries targeting sharks to be submitted in AR Pt2 and CMM Pacific Bluefin Tuna [CMM 2023-02 11](#) requiring a description of actions to prevent commercial transactions of BFT and its products that undermine the CMM.
- xii. Secretariat reviews of responses to Audit Points that must be verified are reviewed using wider sources of information. A ‘**Verify note**’ is included in the CMR for relevant obligations to confirm the type of information included in the assessment. Where the review identifies inconsistencies or missing information, the CCM will be asked to provide additional clarification. For further detail on CMR verify notes see [TCC20 Paper 25 Available Data for Verifying Compliance](#).

Assessing Applicability

9. The following table describes why an obligation assessed as ‘Applicable’ for a particular CCM.

APPLICABILITY: General comments	
i.	The applicability of an obligation is based on each CCM’s profile and activity in the Convention Area
ii.	<p>A CCM can self-assess applicability and indicate a different status. A supporting explanation is needed.</p> <p>Also, if a CCM response or other information suggests a change in applicability not notified by a CCM self-assessment, the Secretariat will update the applicability.</p> <ul style="list-style-type: none"> ▪ For example: SIDS will be ‘Not Applicable’ for CMM obligations that state SIDS are exempt. However, some SIDS develop port facilities to support other SIDs such as for pollution obligations relating to facilities for waste and garbage disposal. In this case they are self- assessing the obligation as applicable as a SIDS.
iii.	<p>For relevant IMPLEMENTATION (IM) obligations, a CCM will be listed as ‘Not Applicable’ if it:</p> <ul style="list-style-type: none"> • has NO vessels on the RFV; or • is NOT a State relevant to the obligation e.g. Inspecting CCM, port State, coastal State, ROP Provider, transshipping CMM; or • does NOT have the ability to carry out the activity in the obligation. <ul style="list-style-type: none"> ▪ For example, a CCM is ‘Not Applicable’ for an obligation that relates to: <ol style="list-style-type: none"> a. purse seine activity if it has no purse seine vessels on the RFV; b. coastal CCM if its national waters are located outside the Convention Area; c. conducting high seas boardings and inspection if the CCM has no authorised inspection vessels; and d. receiving vessels (carriers) if it does not have carriers or prohibits high seas transshipments.
iv.	Species specific CMMs can include obligations that define a limit on levels of catch or fishing effort that is permitted for some CCMs and so are categorized as QUANTITATIVE LIMIT (QL) . These are ‘Applicable’ to only those CCM’s.
v.	Some obligations include activity within the EEZ’s of CCMs within the WCPO. This may be referenced in the CMM scope or certain obligations. Where that is the case, the obligation will be ‘Applicable’ to those CCMs that have vessels on the RFV that only operate in a CCMs national waters.
APPLICABILITY for certain obligation types	
i.	<p>A CCM with ‘Active’ vessels on the RFV that are the type of vessel or vessel activity relevant to an obligation will be ‘Applicable’</p> <p>Note: Article 1 of the WCPFC Convention definition of a fishing vessel is applied.</p> <ul style="list-style-type: none"> ▪ For example: A CCM with carriers will be ‘Applicable’ for obligations that: <ol style="list-style-type: none"> a. relate to RFV and VMS requirements;

<ul style="list-style-type: none"> b. include terms such as retention, storage, possession, transfer and/or transshipment; and c. refer to activities such as being boarded for inspection and the need to manage pollution/garbage. <ul style="list-style-type: none"> ▪ A CCM with purse seiners will be 'Applicable' for obligations specific to purse seine activity.
<p>ii. A CCM with no vessels on the RFV in the reporting year will be listed as 'Not Applicable' for obligations that are flag State responsibilities.</p> <p>Similarly, CCMs with ports (irrespective of whether they are in the Convention Area or not) will be listed as 'Applicable' for obligations that are port State responsibilities and CCMs with no ports but that have vessels that use ports, an obligation may be 'Applicable' if it relates to the use of a port.....and so on for the various States that apply to CMMs.</p>
<p>iii. 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'.</p>
<p>iv. 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'.</p>
<p>v. 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.</p>

How to respond to different categories of obligations and their agreed Audit Points in AR Pt2 and CMR

10. The following are key points from Commission discussions that clarify the expected approach to responses to certain categories of obligations.

Responding to Implementation (IM) obligations
<p>The adopted Audit Points for implementation obligations are based on the following template language: <i>The CCM submitted a statement in AR Pt2 that:</i></p> <ul style="list-style-type: none"> • <i>confirms CCM's implementation through adoption of a national binding measure that ensures {xxx};</i> • <i>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>
<p>There are typically three parts to Audit Points in this category, each of which needs to be clearly addressed in the response:</p> <ul style="list-style-type: none"> • the nationally binding instrument • the monitoring regime • how potential infringements and detect non-compliance is handled

A specific legally binding instrument or type of instrument must be identified and in place or stated as intended to be in place and applicable within the Reporting Year. The intent is it must be in place before the event or activity in the obligation is allowed to occur.

Where an obligation is **not** yet implemented in law, information should be included to clarify the intended process and timeline. This situation will result in a potential compliance issue, but [Capacity Assistance Needs](#) can be requested in these circumstances to assist CCMs and streamline review at TCC and the Commission meetings.

The expected response does **not** require and may **not** be met by:

- a report on whether non-compliance occurred or to describe the activity that occurred in the Reporting Year – this would be a response to the **Reporting (RP)** form of an obligation, not an Implementation (IM) form;
- a response that none of the events/activities referred to in the obligation occurred– this would be a response to some types of the **Reporting (RP)** form of an obligation

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}

The expected response is the CCM confirmation that they supplied the required report or information. The Secretariat will confirm receipt and that the report describes the CCM's activities in the Reporting Year against an implemented obligation.

Note: The quality of the reported information against the expected content of the report is NOT assessed unless the Audit Point requires the Secretariat to confirm or verify the described activity would meet the obligation.

Note: The comment above in relation to the type of response expect from RP obligations rather than IM obligations.

Note: Applying this distinction between IM and RP obligations would support an IM obligation not needing to be reviewed each year except for a CCM that has not yet completed implementation or where a CMM has changed. The RP for that obligation may be selected more frequently.

Responding to Quantitative Limits (QL)

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.*

These obligations typically relate to a baseline (where one exists) and then to the actual report against that baseline for the relevant Reporting Year e.g. number of vessels and/or catch. All required data and information reflected in the Audit Point must be shown in the response.

Note: The Audit Point may require the inclusion of data and information already reported e.g., in ARPt1.

Note: The data or information may already be provided to the Secretariat and, if provided by an online tool, may show in the annual reporting system. CCMs must still check this remains current for the reporting period.

Secretariat observations and tips for CCMs developing responses

11. The Secretariat has worked with CCMs over many years to assist in the completion of AR Pt2 and CMRs. The following observations are applied in familiarisation sessions and in the design of online reporting tools:

- CCMs should have the Audit Point alongside where they are formulating and entering their response.
 - Ideally, use the system to enter the response – it is secure to the individual CCM until finalized. Using a CSV reduces the visual link between the obligation and the Audit Point.
- Review the Secretariat explanation of the reporting gap alongside the Audit Point and as you are formulating the additional information to be provided.
 - The Audit Point indicates the expected standard for the response. If additional information is requested, it ONLY needs to address the missing information.
- 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, to ensure relativity across all reporting.
 - Inconsistency in responses across various forms of reporting can indicate issues and so further clarification may be required to either clear or confirm a compliance issue.
- Where multiple paragraphs are included as one obligation for reporting purposes, the response must clearly demonstrate the CCM has fully implemented and/or reported on all elements.
 - 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.

- v. Where an Audit Point requires the Secretariat to simply confirm the receipt of the required information, the quality of the response is not reviewed unless other information indicates a possible issue.
- 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 AR Pt2
 - The response in ARPt1 is required to satisfy CMM reporting and dCMR reviews based on Audit Points include confirmation of reporting in the required way.
- vii. CCMs can identify an obligation as “Capacity Assistance Needed” in their CMR responses and must supply a completed [Capacity Development Plan template](#).
 - SIDS, Participating Territory, or Indonesia or the Philippines have different issues that may affect their ability to implement or fully respond to obligations e.g. the need for additional skills, resources, systems development, more time. Where this is the case, CCMs are encouraged to clearly identify they are seeking capacity assistance and outline the support needed. To be considered as Capacity Assistance Needed through the Compliance Monitoring Scheme process, the [“Capacity Assistance Needed” template](#) must be submitted.