



## TECHNICAL AND COMPLIANCE COMMITTEE

### Twentieth Regular Session

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#### Development of the Provisional List of Obligations for future CMS Assessments

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WCPFC-TCC20-2024-11

16 September 2024

#### Submitted by the Secretariat

#### Purpose

1. The purpose of this paper is to provide updated information to fulfill TCC20's task to prepare a provisional list of obligations to be assessed in the following year's Compliance Monitoring Scheme (CMS).<sup>1</sup> This paper also presents an update of [WCPFC20 Working Paper 26](#) which proposed a set of principles for selecting obligations to be assessed in the annual review of CCM compliance.
2. The following supporting information is available in Annexes 1 to 3:
  - a. **Annex 1** provides the list of obligations and categories that are presented in the dCMR for review by TCC20;
  - b. **Annex 2** reviews TCCs progress to apply Agreed Audit Points to Implementation Obligations, and is a reference list that supports the trial streamlining approach that tracks CCMs progress in resolving their implementation gaps from previous year/s; and
  - c. **Annex 3** provides an updated list of obligations where Audit Points are yet to be agreed on by the Commission.

#### Introduction

3. [CMM 2023-04](#) (CMS CMM) reinforces the importance of the CMS as the means of ensuring that CCMs implement and comply with obligations under the Convention and CMMs. The CMS CMM is the basis for:
  - a. assessing CCMs' compliance with obligations;

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<sup>1</sup> [CMM 2023-04](#) paragraph 6: TCC shall annually prepare a provisional list of obligations to be assessed in the following year's CMS referring to a risk-based approach as a possible guidance. This will allow the Secretariat and TCC Chair sufficient time to determine whether the Commission will need to adopt any additional audit points to inform the next year's CMS process.

- b. identifying areas in which technical assistance or capacity building may be needed to assist CCMs in attaining compliance;
  - c. identifying aspects of CMMs which may require refinement or amendment for effective implementation;
  - d. responding to non-compliance by CCMs through remedial and/or preventative options; and
  - e. monitoring and resolving outstanding instances of non-compliance by CCMs with their WCPFC obligations.
4. Through Annual Report Part 2 (ARPt2), CCMs report annually on their compliance with obligations that have been listed for annual consideration under CMMs or in an agreed Audit Point. CCMs aim to ensure the reporting process is effective and balances the workload, particularly for smaller administrations including Small Island Developing States (SIDS). The Secretariat has been progressively identifying and implementing ways to reduce the burden of reporting on CCMs and to increase the efficiency of its own work in administering annual reporting and the CMR process, which is resource intensive for all.<sup>2</sup>
  5. The next section builds on ideas proposed in 2023 for further streamlining of reporting based on the maturity of the current CMR process.

### Principles to Guide the Selection of Obligations

6. The proposed principles draw on the direction in [paragraph 6](#) of CMM 2023-04 as well as on key points from extensive discussions during the development of the risk-based assessment framework ([RBAF](#)). The principles also build on TCC and Commission meeting discussions during 2022 and 2023, and the experience from applying Audit Points in 2023 and 2024. It is likely that more than one principle will apply to consideration of any one obligation.
  - a. Prioritise consideration of obligations with potential compliance issues
    - o **Table 1, Figure 1, and Figure 2** (next page) provide summary information about CCM-initiated cases (*Article 25(2) cases*) in the online Compliance Case File System (CCFS), supporting CCMs consideration of areas of risk. These cases are for alleged infringements in which a flag State investigation has been requested by another WCPFC member, in accordance with Article 25(2) of the Convention.<sup>3</sup> The data includes reported findings from Member’s MCS activities, including High Seas Boarding and Inspection (HSBI) and Port Inspections.

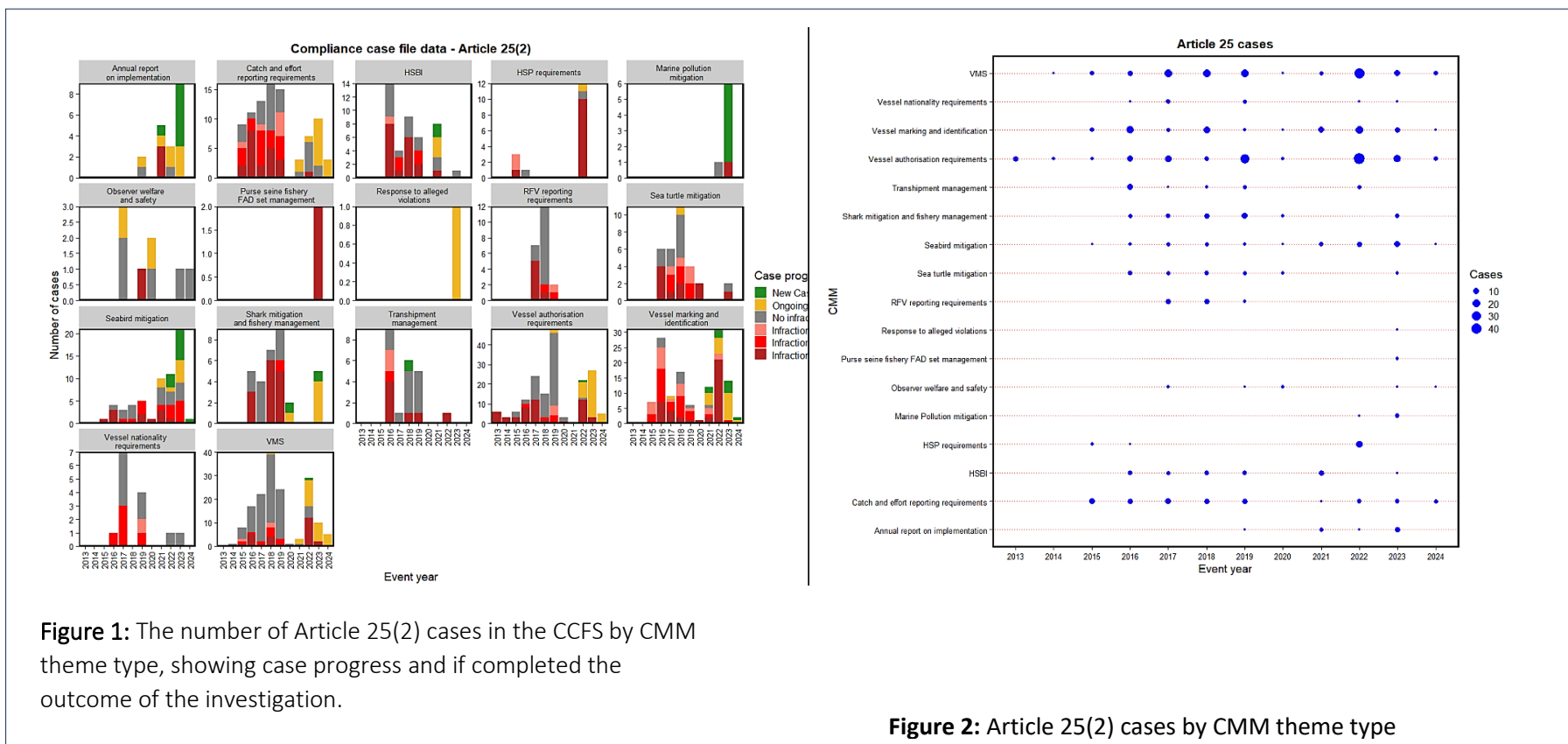
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<sup>2</sup> In 2024, the CMM webpage was enhanced to become the Monitoring and Evaluation incorporating CMM page. In April 2024, the webpage included an Annual Report Part 2 reporting interface and continual enhancements released to the Monitoring and Evaluation incorporating CMM page to improve ease-of-use for CCMs e.g. CCM Reporting Dashboard, links to other WCPFC online systems and noting where an audit point is N/A. An update on task from WCPFC20 to update and maintain the Annual Reporting Guidance and provide additional support aids in [TCC Working Paper 27](#). In early 2025, the Secretariat has scheduled work to release an upgraded online Compliance Monitoring Report (CMR) reporting interface.

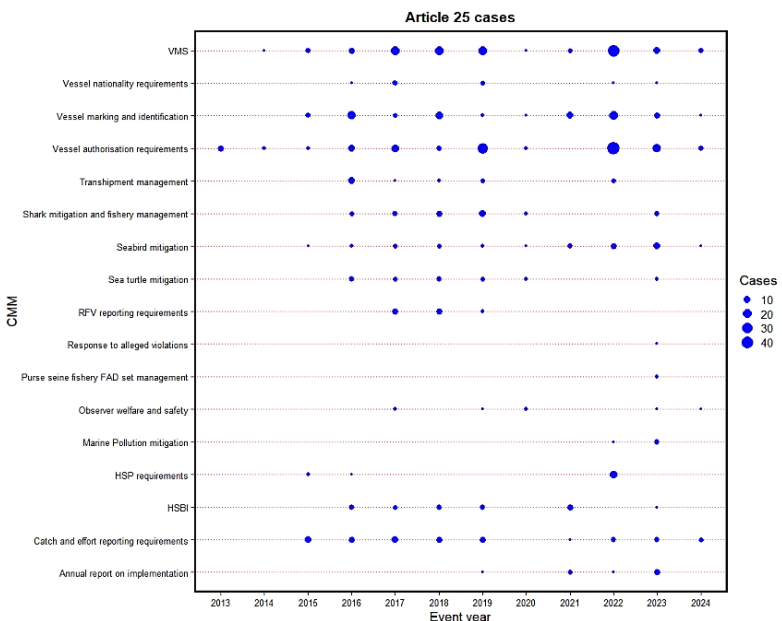
<sup>3</sup> **Convention Article 25(2):** Each member of the Commission shall, at the request of any other member, and when provided with the relevant information, investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any conservation and 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.

**Table 1.** Summary counts of the Article 25(2) cases between 2013 and July 2024 (AIR: Aerial Surveillance, HSBI: HSBI outcomes, PORT: Port Inspection Outcomes, VMS: VMS-related query, OTH: Investigation through other means).

	Case type	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Article 25 (2)	AIR	0	1	1	6	21	3	1	0	6	87	7	2
	HSBI	0	1	24	96	67	116	130	5	35	30	59	4
	PORT	0	0	3	0	6	4	0	2	0	0	10	1
	VMS	6	2	5	3	0	6	0	1	0	0	17	0
	OTH	0	0	1	3	9	8	0	4	0	1	17	10
	Total	6	4	34	108	103	137	131	12	41	118	110	17



**Figure 1:** The number of Article 25(2) cases in the CCFS by CMM theme type, showing case progress and if completed the outcome of the investigation.



**Figure 2:** Article 25(2) cases by CMM theme type

- The information in the below figures show more prevalent or persistent potential compliance issues identified through members' MCS activities and reported to WCPFC as Article 25(2) matters for investigation. For example, the notified Article 25(2) cases in 2022, included VMS, vessel authorization, vessel and gear marking, seabird mitigation and HSP requirements are potential compliance issues.
  - There could also be additional data and information from WCPFC monitoring programmes that suggests potentially higher risk obligations such as discrepancies in information reported to the Commission by CCMs through routine processes. This could relate particularly to Implementation (IM) or Report (RP) forms of obligations.
- b. Consider the potential risks of non-compliance expressed as likelihood and consequence.
- This principle recognises the direction in paragraph 6 of CMM 2023-04<sup>4</sup> for TCC to use the Risk-based Assessment Framework (RBAF) noted by WCPFC18<sup>5</sup> as guidance when preparing a provisional list of obligations to be assessed in the following years CMS process. Information on likelihood and some CCMs<sup>6</sup> notified ratings of consequence of non-compliance with WCPFC obligations has been available since early 2023, on the enhanced [Monitoring and Evaluation, incorporating CMM pages](#) on the WCPFC website.<sup>7</sup>
- c. Prioritise obligations that relate to current Commission work priorities including:
- monitoring priorities for the Commission, as reported through SC and TCC, and
  - CMMs that are to be reviewed by the Commission considering work that is planned through SC and TCC. For example, the SC has planned stock assessments for skipjack tuna in 2024, and agreed [TCC workplan priorities](#) for 2025 could be considered in the list of obligations for review by the CMS in 2025.
- d. Prioritise obligations where there are adopted audit points and no pending interpretation issues.
- To establish benchmarks given a new, consistent approach to reporting by CCMs and for IM obligations, to clarify that legally binding mechanisms have been updated to reflect the intent of the obligation (where required).
  - Conversely, assess the practicality of selecting obligations identified for review versus the risk of not having a report in any one year for that obligation i.e. is it a high priority for the Commission's work and/or higher risk given the likelihood and potential consequences of non-compliance, noting obligations/audit points with interpretation issues undermine the compliance assessment as CCMs are not reporting on a consistent basis. Examples might be that Quantitative Limit (QL) obligations continue

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<sup>4</sup> Noting paragraph 6 in CMM 2021-03 was amended by the Commission to what is now the process in CMM 2023-04 paragraph 6 -8.

<sup>5</sup> [WCPFC18](#) Summary Report, paragraph 331. The RBAF allows consideration of the risk of non-compliance undermining the ability to achieve CMM objectives.

<sup>6</sup> In 2021 FFA Members and Philippines, and in 2022 the European Union submitted consequence scores for obligations.

<sup>7</sup> In early 2023, the Secretariat released an enhanced CMM page that includes Audit Points, Compliance History of obligations, RBAF evaluations and Limits (<https://cmm.wcpfc.int/>)

to be selected based on the risk of not reporting compliance with limits (or see suggestion for trial below).

- e. Prioritise new or amended obligations in existing or new CCMs.
  - o Desirably, reporting to occur within the first full one to two years a new/amended obligation is in effect as a benchmark to ensure implementation and consistent interpretation.
7. Other considerations for selecting or removing obligations:
  - Where an obligation has been evaluated in the CMS in its Implementation (IM) form (i.e. implemented through a legally binding mechanism) and there are no compliance issues, consider the objective of continuing to require annual evaluation through the CMS. If a high priority, consider whether the CMS evaluation objective would at that time, be better met with the CMS evaluation focused on reviewing the CMM Reporting (RP) obligations, including for data quality. Consideration could also be given as to whether the CMS evaluation of the reported information should be focused on activity in the reporting year or whether to have a reporting cycle, for example, reported on in 'X' year or through a reporting cycle of, for example 2 or 3 years.
  - Adopting a shorter list than 50 obligations each year (1,900 rows of reporting in the draft Compliance Monitoring Report (dCMR)) will provide TCC and the Secretariat with an opportunity to prioritise other TCC workplan activities.

#### Update on trial streamlining approach to support tracking progress by CCMs to resolve their implementation gaps from previous year/s

8. This approach was first proposed in [WCPFC20 Working Paper 26](#) and took into consideration the application in 2023 of adopted audit points and that TCC reviews had confirmed no compliance issues for the majority of CMMs. As IM obligations test for implementation through confirmation of a legally binding mechanism, frequent change in circumstances is not anticipated. Typically, triggers for change would be where an obligation is amended or the circumstances of the CCM change.
9. Where TCC completes a review of an IM obligation for all CCMs based on agreed Audit Points, a new step in the TCC CMS process is proposed involving:
  - a. Acknowledgement that most CCMs have fully implemented an IM obligation and are confirmed by TCC to have met the agreed Audit Point and should no longer need to report on that obligation in the following year.
  - b. The individual update reports (which would be the Annual Report Part 2 previous year issue response), from those few CCMs with identified implementation gaps (i.e. have not met the agreed Audit Point), being reviewed annually by TCC until the CCM and TCC *confirms* that a CCMs implementation meets the Audit Point.
  - c. TCC20 will review the progress by relevant CCMs to resolve the above individual obligation implementation gaps from the previous year (covering RY2022) and will determine if these CCMs now meet the audit point (WCPFC20 Summary Report paragraph 769), for these obligations

- d. To track progress, the Provisional CMR Executive Summary prepared by TCC (and final CMR adopted by the Commission) would record a summary of the reports by relevant CCMs on their progress to resolve individual obligation implementation gaps from the previous year, and the outcome of the TCC assessment would consider if the Audit Point had been met.
10. The rationale for this proposal was that many CCMs ‘held on file’ responses do not change from year to year. Where it is a priority for the Commission to continue to include the obligation in its list each year, there is unlikely to be significant additional benefit from imposing additional reporting on all CCMs. The periodic inclusion of the obligation for reporting in ARPt2 by all CCMs would allow a ‘check’ on implementation and identify any change in circumstances not already notified by a CCM to the Secretariat for example, through an update to a ‘hold on file’ response.
11. Also, where an amendment to the obligation occurs, the above principles would also necessitate the potential inclusion of the obligation on the full list for reporting by all CCMs. Information is routinely available to identify when an obligation has previously been assessed and can be considered during the process of agreeing a List of Obligations at any Commission meeting.
12. **Annex 2** provides an analysis of the full list of Implementation (IM) obligations which have current Audit Points which are divided into five parts. The list is the basis for considering which of those obligations is the subset to be included for reporting in any one year. to be reported.
- a. **Part A:** List of nine (9) Implementation obligations where TCC has or will likely confirm that all applicable CCMs met the agreed Audit Point;
  - b. **Part B:** List of eight (8) implementation obligations from RY2022 where TCC assessed that most applicable CCMs have met the adopted Audit Point. At TCC20, the progress by the remaining few CCMs to resolve their implementation gaps identified from previous year/s will be reviewed;
  - c. **Part C:** Provisional list of ten (10) implementation obligations where six or fewer CCMs have potential implementation gaps identified in the dCMR for review by TCC20;
  - d. **Part D:** An implementation obligation that is recommended for re-review in dCMR prepared in 2025, covering 2024 activities; and
  - e. **Part E:** List of sixteen (16) additional Implementation Obligations where TCC is yet to review Implementation using agreed Audit Points.
13. WCPFC20 agreed to trial the approach set out in paragraphs 8 to 11 in 2024.<sup>8</sup> The list of eight obligations and relevant CCMs updated statements of implementation that will be reviewed at TCC20 is provided in **Annex 2 Part B**.
14. Issues to be further considered include whether there is merit in setting a time period for the process to apply for example, 3- 5 years before all CCMs implementation is re-reviewed by TCC. Additionally, there may be merit in considering the development of a process around how TCC can take into consideration circumstances of a CCM that changes the applicability of implementation obligation to a CCM over time, such as a CCM becoming a flag State or for a new type of fishing vessel. The process would need to be developed taking into consideration the principles set out in the CMS CMM.

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<sup>8</sup> WCPFC20 Summary Report, paragraph 769

## Obligations without Adopted Audit Points

15. **Annex 3** provides a list of obligations without Adopted Audits Points. The current list of obligations without Adopted Audit Points relates to specific obligations within four CMMs:
- a. [CMM 2023-03](#) Conservation and Management Measure for North Pacific Swordfish.
  - b. [CMM 2023-01](#) Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean.
  - c. [CMM 2022-06](#) Conservation and Management Measure on Daily Catch and Effort Reporting.<sup>9</sup>
  - d. [CMM 2018-04](#) Conservation and Management of Sea Turtles.
16. For ease of reference, WCPFC20 agreed that the following general approach would be applied to determine category of obligations and for developing associated audit points:<sup>10</sup>

The Commission will apply the following general approach when determining the category of obligations (i.e. implementation or reporting) and developing associated audit points:

- i. obligations that require CCMs to take particular 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 its vessels, masters or crew – and require national binding measures to enable it to do so, along with appropriate monitoring controls.
- ii. obligations that require specific action from a 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 national authority or officials to take specific action, and instead they implement or require such action as part of national procedures or policies.
- iii. obligations that require CCMs to complete an action (e.g. 'CCMs shall...') but provide some qualification (e.g. 'to the extent practicable' or 'where possible') 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 in light of particular circumstances.
- iv. obligations requiring CCMs to cooperate are best treated as reporting obligations.
- v. obligations may be categorised as both implementation and reporting obligations.
- vi. no audit points are required for:
  - Convention obligations that are covered by specific CMMs or which are general in nature;
  - non-binding obligations; and
  - obligations that apply to the Commission (in relation to CCMs' compliance assessments).

## Possible streamlining opportunities for future consideration

17. For Quantitative Limit (QL) obligations in the upgraded ARPt2 online system in 2024, the Secretariat has started to incorporate available information for CCMs from ACE tables in support of each CCMs review as part of ARPt2. The Secretariat will continue to consider ways to further streamline the reviews of all QL obligations in the CMS by drawing on the information currently

<sup>9</sup> WCPFC20 Summary Report paragraph 754 (g) TCC20 prepare new audit points for the revised catch and effort reporting CMM (CMM 2022-06), noting it enters into force on 1 January 2024.

<sup>10</sup> WCPFC20 Summary Report, paragraph 754 (j)

used by the Secretariat in its assessments. The expectation would be that the Secretariat would present summary information for TCC's review each year. The Secretariat could work with the TCC Chair and TCC Vice-Chair to explore streamlining opportunities for QL and report to TCC21.

18. For some Implementation (IM) obligations, Report (RP) and Deadline (DL) obligations with Audit Points that indicate the Secretariat confirms or verifies a report received, there is opportunity to further streamline, drawing on work currently being undertaken by the Secretariat to streamline the preparation of summary reporting and analyses. It may be possible to consider an alternative reporting option for CCMs that uses the data already reported to the Commission. Over time, where good quality data (that is verified) is reported by CCMs, it may be possible to provide CCM-specific presentations of these data as pre-populated information in the AR Pt2 and look at ways to reduce the need for duplicate reporting i.e. of data already reported routinely during the reporting year. Examples are to prepopulate the ARPt2 with the analysis of high-level reporting gaps such as for VMS or missing or inconsistent transshipment reports or inconsistencies. A similar process to that outlined in paragraphs 10 and 11 above could be adopted. These are areas the Secretariat routinely works with CCMs to resolve in advance of TCC with only 'exceptions' noted by the Secretariat in the dCMR.
19. This potential approach builds on the use of existing and new analytical reporting tools for CCMs that identifies unresolved reporting issues which relate to obligations reported on in ARPt2 and which would provide the initial response for CCMs based on information each CCM already has access to. The Secretariat will provide updates on this to TCC21.
20. Issues to be considered are to ensure there is a reasonable level of verification possible from other sources of data available to the Secretariat and that there is no additional value to be gained from the annual response as additional reporting. Where that is the case, the compilation and presentation of CCM self-reported data provided during the reporting year would be used to populate the initial CCM response for CCM review in the dCMR.

## Recommendations

21. TCC20 is invited to:
  - a. Support the continuation of the streamlining approach to support tracking progress by CCMs to resolve their implementation gaps from previous year/s (based on Annex 2, Part B and Part C).
  - b. Recommend that the Commission task the Secretariat
    - i. to publish on the website information about the list of Implementation Obligations which TCC has confirmed that all applicable CCMs have met the Audit Point, and the applicable reporting year (based on Annex 2, Part A and future final CMRs),
    - ii. to include an enhancement into the Annual Reporting system which supports tracking of relevant CCMs implementation gaps,
    - iii. to further consider ways to streamline and clarify annual reporting requirements for CCMs, and
    - iv. to provide updates on these tasks to TCC21.
  - c. Recommend to the Commission that it adopt a list of obligations for review in 2025 that is no more than fifty (50) obligations and that consists of:



- i. No more than twelve (12) quantitative limit obligations;
  - ii. [CMM 2014-02 9a](#) **IM** *Fishing vessels comply with the Commission standards for WCPFC VMS including being fitted with ALC/MTU that meet Commission requirements* (see Annex 2, Part D);
  - iii. The sixteen (16) additional Implementation Obligations where TCC is yet to review Implementation using agreed Audit Points (see Annex 2, Part E);
  - iv. [SciData 01](#) **RP** Estimates of Annual Catches, [SciData 02](#) **RP** Number of vessels active, [SciData 03](#) **RP** Operational Level Catch and Effort Data and [SciData 05](#) **RP** Size composition data, [CMM 2018-06 09](#) **RP** Submission by Member to ED a list of all vessels on national record in previous year, noting FISHED or DID NOT FISH for each vessel; and
  - v. Approximately sixteen (16) additional report and report deadline obligations, that reflect topics that would be useful for a closer focus by TCC in 2025, and which brings the provisional list of obligations for review in 2025 to be no more than fifty (50) obligations in total.
- d. Where possible, also develop draft Audit Points for any obligations listed in Annex 3 that TCC proposes would be reviewed in the draft Compliance Monitoring Report (dCMR) prepared for TCC's review in 2025.

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List of Fifty-Five (55) Obligations in the dCMR prepared in 2024 for review by TCC20  
(covering RY2023)

Operational requirements for Fishing Vessels

- [CMM 2004-03 02](#) **IM** Fishing vessel marking and technical specifications.
- [CMM 2014-02 9a](#) **IM** Fishing vessels comply with the Commission standards for WCPFC VMS including being fitted with ALC/MTU that meet Commission requirements.
- [CMM 2014-02 9a VMS SSPs 2.8](#) **RP** Provision of ALC/MTU 'VTAF' data.
- [CMM 2018-06 02](#) **IM** CCMs to ensure its fishing vessels only transship to/from, and provide bunkering for/ are bunkered by or otherwise supported by vessels on the RFV.
- [CMM 2018-06 09](#) **RP** Submission by Member to ED a list of all vessels on national record in previous year, noting FISHED or DID NOT FISH for each vessel.
- [CMM 2018-06 11](#) **RP** Requirement to report extraordinary circumstances as to why IMO or LR number is not able to be obtained.
- [CMM 2018-06 17](#) **IM** Flag CCM to ensure fishing vessels are on RFV in accordance with this CMM. Vessels not on RFV shall be deemed not authorized to fish for, retain on board, transship or land HMFS in Convention Area beyond the national jurisdiction of its flag State.
- [CMM 2018-06 18](#) **IM** CCMs to prohibit landings in ports or transshipment to vessels not on RFV.

Activity related requirements

- [CMM 2009-06 11](#) **RP** Annual report on all transshipment activities covered by this Measure (including transshipment activities that occur in ports or EEZs) in accordance with the specified guidelines (Annex II).
- [CMM 2009-06 35 a \(ii\)](#) **RP** Flag State's notification to the Secretariat on its flag vessels that are authorised to transship on the high seas.
- [CMM 2009-06 35 a \(iii\)](#) **RP** WCPFC Transshipment Advance Notification (including fields in Annex III).
- [CMM 2009-06 35 a \(iv\)](#) **RP** WCPFC Transshipment Declaration (including information in Annex I)
- [CMM 2019-07 22](#) **RP** CCMs shall take all necessary non-discriminatory measures, including under their applicable legislation, to take certain actions in respect of vessels listed on the WCPFC IUU Vessel List.
- [SciData 01](#) **RP** Estimates of Annual Catches.
- [SciData 02](#) **RP** Number of vessels active.
- [SciData 03](#) **RP** Operational Level Catch and Effort Data.
- [SciData 05](#) **RP** Size composition data.

Observer activity related requirements

- [CMM 2012-03 02](#) **QL** CCMs shall achieve 5% coverage of the effort of each fishery fishing for fresh fish beyond the national jurisdiction in area N 20N.

- [CMM 2018-05 07](#) **IM** *Vessels to be prepared to accept an observer from the ROP, if required.*
- [CMM 2018-05 09](#) **IM** *CCMs shall source observers for their vessels as determined by the Commission.*
- [CMM 2018-05 Annex C 06](#) **RP** *CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission.*

#### Mitigating impacts of fishing on species of special interest

- [CMM 2008-04 02](#) **IM** *Measures necessary to prohibit use by their vessels of large-scale driftnets in the high seas.*
- [CMM 2017-04 02](#) **IM** *Prohibit fishing vessels from discharging any plastics (including plastic packaging, items containing plastic and polystyrene) but not including fishing gear.*
- [CMM 2017-04 05](#) **RP** *Encourage adoption of additional measures to reduce marine pollution through retrieval of abandoned, lost or discarded fishing gear for discharge at port reception facilities and to report the location of abandoned, lost or discarded fishing gear.*
- [CMM 2017-04 08](#) **RP** *Requirement to actively support SIDS and Territories through provision of adequate port facilities for receiving and appropriately disposing of waste from fishing vessels.*
- [CMM 2018-03 01, 02, 06](#) **IM** *Required longline mitigation measures to reduce incidental catch of seabirds applying north of 23N or south of 25S.*
- [CMM 2018-03 08](#) **RP** *Report on which mitigation measures are used north of 23N or south of 25S, as well as technical specifications. Subsequent years include advice on any changes.*
- [CMM 2018-04 04](#) **RP** *CCMs to ensure fishermen use proper mitigation and handling techniques and foster the recovery of any turtles that are incidentally captured.*
- [CMM 2018-04 07d](#) **IM** *CCMs to ensure vessels fishing in a shallow-set manner are required to report all incidents involving sea turtles.*
- [CMM 2019-05 03](#) **IM** *Prohibit targeted fishing or intentional setting on mobulid rays.*
- [CMM 2019-05 \(04-06, 08, 10\)](#) **IM** *Prohibit retaining/transshipping/storing/landing mobulid rays.*
- [CMM 2022-04 25](#) **RP** *Report on Implementation of CMM 2022-04 Sharks (Part 2 Annual Report).*
- [CMM 2022-04 25](#) **DL** *Report on Implementation of CMM 2022-04 Sharks (Part 2 Annual Report).*

#### Inspection activity related requirements

- [CMM 2017-02 08](#) **RP** *Port CCMs to ensure fisheries inspections are conducted by Government Authorised Inspectors.*
- [CMM 2017-02 09-10](#) **RP** *Minimum requirement for vessels to be inspected by Port CCMs.*
- [CMM 2017-02 17](#) **RP** *Expected actions by Port CCMs where there is sufficient evidence of IUU fishing.*
- [CMM 2017-02 19 and 21](#) **RP** *Requirement to notify and maintain current Port CCM contacts with WCPFC and advise of Port State measures applying in designated ports.*
- [CMM 2017-02 26](#) **RP** *Requirement to encourage use of ports of SIDS to the extent practicable.*

### Quantitative Limits for tuna and billfish

- [CMM 2006-04 01](#) **QL** *Limit number of fishing vessels fishing for MLS south of 15S to 2000 – 2004 levels.*
- [CMM 2009-03 01](#) **QL** *Limit number of vessels fishing for SWO south of 20S to the number in any one year between 2000-2005.*
- [CMM 2009-03 02](#) **QL** *Limit the catch of SWO by its vessels in area south of 20S to the amount in any one year during 2000-2006.*
- [CMM 2010-01 05](#) **QL** *NP striped marlin catch limits applicable to CCMs with vessels fishing in the Convention Area north of the equator: commencing 2011.*
- [CMM 2015-02 01](#) **QL** *Limit on number of vessels actively fishing for SP ALB south of 20S above 2005 or 2000-2004 levels.*
- [CMM 2015-02 04](#) **RP** *Annual report of SP ALB by vessel by species.*
- [CMM 2021-01 24](#) **QL** *Purse seine EEZ limits (for skipjack, yellowfin and bigeye tuna) and advice from other coastal CCMs of EEZ limits to be applied.*
- [CMM 2021-01 25](#) **QL** *High seas purse seine effort limits applying 20N to 20S.*
- [CMM 2021-01 37](#) **QL** *Bigeye longline annual catch limits for 2021-2023, with adjustment to be made for any overage.*
- [CMM 2021-01 40](#) **QL** *Bigeye longline catch limits by flag for certain other members which caught less than 2000t in 2004.*
- [CMM 2021-01 42](#) **QL** *Limit by flag on number of purse seine vessels >24m with freezing capacity between 20N and 20S.*
- [CMM 2021-01 44](#) **QL** *Limit by flag on number of longline vessels with freezing capacity targeting bigeye above the current level (applying domestic quotas are exempt).*
- [CMM 2021-01 45](#) **QL** *Limit by flag on number of ice-chilled longline vessels targeting bigeye and landing exclusively fresh fish above the current level or above the number of current licenses under established limited entry programmes (applying domestic quotas are exempt).*
- [CMM 2021-02 02](#) **QL** *Total effort by vessels for Pacific Bluefin limited to 2002 - 2004 levels in Area north of 20N.*
- [CMM 2021-02 03](#) **QL** *Pacific bluefin tuna catch limits for Japan, Korea and Chinese Taipei applying from 2022.*
- [CMM 2021-02 04](#) **QL** *Pacific Bluefin 30kg or larger catch limits, by flag for certain other members.*

### Additional measures for tropical tunas

- [CMM 2021-01 Att 2 03](#) **RP** *Philippines vessels Entry/Exit reports for HSP1-SMA.*

## Review of TCCs progress to apply Agreed Audit Points to Implementation Obligations

**Part A: List of nine (9) Implementation obligations where TCC has or will likely confirm that all applicable CCMs met the agreed Audit Point**

For RY2022 and assumed to be continuing in RY2023

- [CMM 2011-03 02](#) **IM** Requirements in the event of unintentional encircling of cetaceans in the purse seine net, including incident reporting requirements.
- [CMM 2018-04 06](#) **IM** CCMs to require longline vessels to carry and use line cutters and de-hookers to handle and promptly release sea turtles, as well as dip-nets where appropriate.
- [CMM 2018-04 07\(a, b\)](#) **IM** Sea Turtle mitigation requirements for shallow-set longline vessels.
- [CMM 2018-06 03](#) **IM** CCMs should only allow its fishing vessels to be used for fishing, if properly authorized.
- [CMM 2022-04 14-15](#) **IM** Implement at least one option to minimize bycatch of sharks in longline fisheries, and notify choice and whenever the selected option is changed.
- [CMM 2022-04 22 \(01\)](#) **IM** Prohibit retaining/transshipping/storing/landing oceanic whitetip & silky sharks.
- [CMM 2023-01 Att2 05-06](#) **IM** Specific requirements for deploying observers on Philippines vessels fishing in HSP-1.

Potentially in RY2023 if confirmed at TCC20

- [CMM 2018-03 01, 02, 06](#) **IM** Required longline mitigation measures to reduce incidental catch of seabirds applying north of 23N or south of 25S.
- [CMM 2018-04 07d](#) **IM** CCMs to ensure vessels fishing in a shallow-set manner are required to report all incidents involving sea turtles.

**Part B: List of eight (8) implementation obligations from RY2022 where TCC assessed that most applicable CCMs have met the adopted Audit Point. At TCC20, the progress by the remaining few CCMs to resolve their implementation gaps identified from previous year/s will be reviewed. If the final CMR outcome adopted by the Commission at WCPFC21, records that implementation gaps have not yet been resolved, the progress to resolve remaining implementation gaps would be re-reviewed for the relevant CCMs by TCC in 2025.**

- [CMM 2011-03 01](#) **IM** Prohibit purse seine setting on cetaceans, if animal is sighted prior to commencement of the set.  
**Indonesia (RY2022)**
- [CMM 2019-04 12](#) / [CMM 2022-04 12](#) **IM** Take measures necessary to prevent fishing vessels from retaining on board (including for crew consumption), transshipping and landing any fins harvested in contravention of CMM 2019-04 .  
**Philippines (RY2022)**

- [CMM 2019-04 13](#) / [CMM 2022-04 13](#) **IM** Take measures necessary to ensure carcasses and their corresponding fins are landed or transshipped together, in a manner that allows inspectors to verify. **Philippines** (RY2022)
- [CMM 2019-04 18](#) / [CMM 2022-04 19](#) **IM** Ensure that sharks that are caught but are not to be retained, are hauled alongside the vessel in order to facilitate species identification (only applicable where observer or EM camera is present, and where safe for crew and observers).  
**Philippines** (RY2021, RY2022)  
**United States of America** (RY2021, RY2022)
- [CMM 2019-04 20 \(02\)](#) / [CMM 2022-04 22 \(02\)](#) **IM** Requirement to release oceanic whitetip & silky sharks asap. **Philippines** (RY2021, RY2022)
- [CMM 2019-04 20 \(03\)](#) / [CMM 2022-04 22 \(03\)](#) **IM** If oceanic whitetip & silky sharks caught, must be given to govt or discarded.  
**Philippines** (RY2022)  
**Nicaragua** (RY2021, RY2022)
- [CMM 2019-04 21 \(01-07\)](#) / [CMM 2022-04 23 \(01-07\)](#) **IM** Prohibit purse seine setting on whale sharks, retaining/transshipping/landing of whale sharks.  
**Indonesia** (RY2020, 2021, 2022)  
**Nicaragua** (RY2022)
- [CMM 2021-01 14](#) **IM** Purse seine 3-month FAD closure (1 July - 30 September)  
**Indonesia** (RY2018, RY2019, RY2020, RY2021, RY2022)  
**Philippines** (RY2018, RY2019, RY2020, RY2021, RY2022)

**Part C: Provisional list of ten (10) implementation obligations where six or fewer CCMs have potential implementation gaps identified in the dCMR for review by TCC20.** Depending on the final CMR outcome adopted WCPFC21, each of these obligations could be added to the list of Implementation Obligations where progress by relevant CCMs to resolve implementation gaps would be reviewed by TCC21 in 2025.

- [CMM 2004-03 02](#) **IM** Fishing vessel marking and technical specifications.
- [CMM 2008-04 02](#) **IM** Measures necessary to prohibit use by their vessels of large-scale driftnets in the high seas.
- [CMM 2017-04 02](#) **IM** Prohibit fishing vessels from discharging any plastics (including plastic packaging, items containing plastic and polystyrene) but not including fishing gear.
- [CMM 2018-05 07](#) **IM** Vessels to be prepared to accept an observer from the ROP, if required.
- [CMM 2018-05 09](#) **IM** CCMs shall source observers for their vessels as determined by the Commission.
- [CMM 2018-06 02](#) **IM** CCMs to ensure its fishing vessels only transship to/from, and provide bunkering for/ are bunkered by or otherwise supported by vessels on the RFV.
- [CMM 2018-06 17](#) **IM** Flag CCM to ensure fishing vessels are on RFV in accordance with this CMM. Vessels not on RFV shall be deemed not authorized to fish for, retain on board, transship or land HMFS in Convention Area beyond the national jurisdiction of its flag State.

- [CMM 2018-06 18](#) **IM** CCMs to prohibit landings in ports or transshipment to vessels not on RFV.
- [CMM 2019-05 03](#) **IM** Prohibit targeted fishing or intentional setting on mobulid rays.
- [CMM 2019-05 \(04-06, 08, 10\)](#) **IM** Prohibit retaining/transshipping/storing/landing mobulid rays.

**Part D: An implementation obligation that is recommended for re-review in dCMR prepared in 2025, covering 2024 activities**

- [CMM 2014-02 9a](#) **IM** Fishing vessels comply with the Commission standards for WCPFC VMS including being fitted with ALC/MTU that meet Commission requirements.

**Part E: List of sixteen (16) additional Implementation Obligations where TCC is yet to review Implementation using agreed Audit Points.**

Operational requirements for fishing vessels

- [CMM 2006-08 07](#) **IM** Fishing vessels to accept HSBI boardings by duly authorised inspectors, and as applicable Members to ensure compliance of its authorised inspectors with the HSBI procedures.
- [CMM 2014-02 9a VMS SSPs 5.4 - 5.5](#) **IM** VMS Manual Reporting procedures.
- [CMM 2018-06 04](#) **IM** Vessels authorization requirement.
- [CMM 2023-01 32](#) **IM** Purse seine vessels are not to operate under manual reporting during FAD closure period.

Additional measures for tropical tunas

- [CMM 2009-02 03-07](#) **IM** FAD Closure Rules - high seas.
- [CMM 2009-02 08-13](#) **IM** Rules for Purse seine catch retention, including reporting - high seas.
- [CMM 2023-01 16](#) **IM** Required FAD design and construction specification requirements to reduce the risk of entanglement of sharks, sea turtles or other species (effective 1 Jan 2024).
- [CMM 2023-01 21](#) **IM** Each purse seine vessel is limited to no more than 350 FADs with activated instrumented buoys.
- [CMM 2023-01 26](#) **IM** CCMs not to transfer fishing effort in days fished in the purse seine fishery to areas N20N and S20S.
- [CMM 2023-01 30](#) **IM** Purse seine catch retention requirements (20N - 20S).
- [CMM 2023-01 Att 2 04](#) **IM** Philippines to ensure its flagged vessels report sightings of any fishing vessel to the Commission Secretariat (vessel type, date, time, position, markings, heading and speed).
- [CMM 2023-01 Att 2 08](#) **IM** Philippines to monitor landings by vessels operating in HSP1-SMA and collect reliable catch data by species.

Observer activity related requirement

- [CMM 2009-06 13](#) **IM** *CCM shall ensure that vessels they are responsible for carry observers from the WCPFC ROP to observe transshipments at sea.*
- [CMM 2023-01 33](#) **IM** *Requirement for purse seine vessels to carry a ROP observer.*
- [CMM 2023-01 34](#) **IM** *100% purse seine coverage: specific rules for vessels fishing exclusively in areas under its national jurisdiction.*

Mitigating impacts of fishing on species of special interest

- [CMM 2022-04 16](#) **IM** *Requirements to minimize bycatch of sharks in longline fisheries between 20N and 20S (effective 1 Jan 2024).*

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## List of twelve (12) new or recently updated obligations without Audit Points

New or updated obligations

- [CMM 2022-06 01 IM/RP](#) Requirement to ensure the master of each vessel completes an accurate electronic log of every day that it spends at sea on the high seas of the Convention Area as specified (effective for most vessels as of 1 Jan 2024).
- [CMM 2022-06 02 IM/RP](#) Requirement that information recorded by the master of each vessel each day with fishing operations shall, at a minimum include the information as specified.
- [CMM 2022-06 03 IM/RP](#) Requirement that the master of each vessel fishing in the Convention Area provides an required information to its national authority within 15 days of the end of a trip or transshipment event.
- [CMM 2022-06 04 RP](#) Requirement to provide operational catch and effort data recorded by the master of each vessel each day with fishing operations to the Commission, and where possible in accordance with the agreed SSPs.
- [CMM 2022-06 05 IM/RP](#) Requirement that the master of each vessel fishing in the Convention Area provides an accurate and unaltered original or copy of the required information pertaining to the current trip on board the vessel at all times during the course of a trip.
- [CMM 2023-01 38 QL](#) Bigeye longline annual catch limits for 2024-2026, with adjustment to be made for any overage and certain CCMs may also increase the catch limit by committing to proportionate increase in observer coverage level above the minimum 5% ROP coverage level.
- [CMM 2023-03 02 QL](#) CCMs take measures to ensure fishing effort by fisheries taking more than 200mt of NP SWO N20N per year is limited to 2008 – 2010.

Draft Audit Point definition<sup>11</sup>: The CCM reported in AR Pt2 its level of fishing effort of its fisheries taking North Pacific swordfish in the Convention Area north of 20N and the Secretariat can verify the CCM's reported information and confirm that the allowable limit has not been exceeded.

- [CMM 2023-03 04 RP](#) Annual report of catches of North Pacific swordfish in waters N20N and fishing effort in N20N, and catch and effort of North Pacific swordfish across the North Pacific, using the template and by gear type, for those fisheries subject to the limits in paragraph 2 of the CMM.

Draft Audit Point definition<sup>12</sup>: The Secretariat confirms that CCM submitted a report of information on all catches and effort by CCM flagged vessels subject to the limits in paragraph 2, by gear type and days fished (effort) and by weight (catch), in two tables: the area north of 20°N in the convention area, as well as the entire North Pacific north of the equator, and using the template at Annex 1 of CMM 2022-04.

- [CMM 2023-01 13 IM](#) Purse seine 1 1/2 month FAD closure (1 July - 15 August).

<sup>11</sup> [WCPFC20 Working Paper 20](#) Review of Billfish Conservation and Management Measures – prepared by the Secretariat

<sup>12</sup> [WCPFC20 Working Paper 20](#) Review of Billfish Conservation and Management Measures – prepared by the Secretariat

- [CMM 2023-01 14](#) **IM** *Annual advice on choice and implementation of one additional month high seas purse seine FAD closure (April, May, Nov or Dec)*

Obligations with noted interpretation issues needing resolution by the Commission

- [CMM 2018-04 07 \(d, e\)](#) **RP** *Annual reporting requirement for incidents involving sea turtles in shallow-set longline fisheries.*
- [CMM 2023-01 48](#) **QL** *Limit on total catch of certain other commercial tuna fisheries (that take >2000Mt of BET, YFT and SKJ).*

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