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**PROPOSED IMPROVEMENTS TO THE COMPLIANCE CASE FILE SYSTEM (CCFS)**

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**WCPFC-TCC21-2025-DP02**

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**Submitted by the United States of America**

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## EXECUTIVE SUMMARY

This paper proposes nine targeted improvements to the Commission's Compliance Case File System ("CCFS") to address operational challenges and enhance its Members' effectiveness in investigating alleged infringements. The proposals are organized by how cases originate.

For all CCFS cases:

1. **Case Notification for Re-flagged Vessels.** Provide a mechanism to allow original Flag CCMs to alert new flag states when a vessel re-flags after an alleged infringement, facilitating continuity of investigation.
2. **Automated Reminders for Investigation Benchmarks.** Auto-generate recommended timelines and reminders for certain case investigation steps to increase transparency, improve communication, and reduce delays.
3. **Enhanced "Infringement Statuses."** Refine statuses (create new statuses for "Pre-Notification" and "Under Secretariat Review"), sub-categorize new- and in-progress case statuses by initiation method, and generate linked task benchmarks automatically.
4. **Improved Messaging Tool Identifiers.** Automatically append short, bracketed identifiers to each narrative Response in the messaging tool to indicate the posting user.

For CCM-Initiated CCFS cases:

5. **Identify Multiple Initiating CCMs.** Implement a function to recognize multiple initiating CCMs for joint CCFS case referrals, reflecting and encouraging cooperative enforcement.

For Observer-Initiated CCFS cases:

6. **Clarify Pre-CCFS Process Flow.** Document and publish criteria, map data fields to case types, and conduct quality-control checks before CCFS case creation.
7. **Add Provision of Full Observer Reports to the Process Flow.** Integrate the transmission of observer reports into the "Observer Provider – Commission CCFS process flow" as a standard step, and encourage SPC-OFP to prioritize transmission of full reports (with sensitive information redacted), when practical, to facilitate successful investigations.
8. **Automatic Report Provision (or Streamlined Request Process).**
  - a. *Option A (Preferred):* Automatically provide complete observer reports via direct upload to the CCFS, with sensitive material redacted; assign "Pre-Notification" Infringement Status until report arrives and the status becomes a "NEW CASE."
  - b. *Option B (Alternative):* If automatic provision is not adopted, then implement a streamlined request process with automated notifications to all necessary observer-related entities, predicted transmission targets, and refined tracking.
9. **Revise CCFS Observer "Case Type" Identifiers.** Align identifiers with ROP-IWG categories, eliminate "PAI" as a Case Type (replaced by "Pre-Notification" Infringement Status), and ensure consistency across Commission materials. See Annex 2 for details.

These nine improvements aim to improve transparency, consistency, and timeliness across all CCFS functions. The United States seeks other members' feedback on the corresponding draft recommendations, as supported by Annex 1 and Annex 2.

## DRAFT TCC RECOMMENDATIONS

TCC21 recommended:

1. **Case Notification for Re-flagged Vessels.** WCPFC22 endorse the development of a CCFS re-flagging function that enables designation of “original flag CCM” and notifies and provides case access to the new flag CCM.
2. **Automated Investigation Timelines.** WCPFC22 endorse implementation of automated CCFS prompts and reminders that establish recommended benchmarks for key investigation milestones.
3. **Enhanced “Infringement Statuses.”** WCPFC22 endorse the revision of CCFS “Infringement Statuses” to include “Pre-Notification” and “Under Secretariat Review”; to sub-categorize “NEW CASE” and “Investigation IN PROGRESS” statuses by case-initiation method; and to link each status to investigation benchmarks, as described in Proposal #2.
4. **Improved Messaging Tool Identifiers.** WCPFC22 agree that each narrative CCFS “Response” entry be appended with a secure and short identifier code linked to the contributing CCM user, with codes managed by the Secretariat to balance transparency and privacy.
5. **Identify Multiple Initiating CCMs.** WCPFC22 endorse creation of a CCFS function for identification of and case access for multiple initiating CCMs, based on written confirmation to the Secretariat.
6. **Clarify Pre-CCFS Process Flow for Observer Reports.** WCPFC22 encourage the Secretariat, SPC-OFP, and the ROPs to document and publish the criteria, mapping, and quality-control checks applied to observer reports prior to CCFS case creation.
7. **Add Provision of Full Observer Reports to the Process Flow.** WCPFC22 agree that provision of complete observer reports, with sensitive information redacted, be incorporated as a standard CCFS case flow step.
8. **Automatic Observer Report Provision or Streamlined Request Process.** WCPFC22 endorse automatic provision of complete observer reports (with sensitive information redacted) by direct upload to CCFS as soon as practicable after they become available.
9. **Revise CCFS “Case Type” Identifiers.** The ROP-IWG consider the revised CCFS “Case Type” identifiers in Annex 2 for recommendation to the Commission at WCPFC22.

## I. INTRODUCTION

The Compliance Case File System (CCFS) is a central tool for facilitating investigations into alleged infringements. Yet, Secretariat reporting and TCC discussions have consistently highlighted operational CCFS challenges, including: cases that remain unresolved for years, unrefined criteria for observer-initiated case referrals, and delays in access to observer reports, among others. These shortcomings create imbalances between case types, hamper efficiency, and reduce the likelihood of successful enforcement outcomes.

This paper proposes a package of nine targeted reforms to address operational challenges within the CCFS. The proposals include—for all CCFS cases: (1) re-flagged vessel notifications, (2) automated investigation-benchmark tracking, (3) refined Infringement Statuses, and (4) improved communication tools; for cases arising under Convention Article 25(2): (5) recognition and case access for multiple initiating parties; and for cases arising out of data from the Regional Observer Programme (“**ROP**”): (6/7) clearer standardized pre-CCFS processes, (8) processes for automatic and direct (or at least streamlined) access to complete copies of observer reports, with sensitive information redacted, and (9) revised Case Type identifiers. Collectively, these measures would build on years of effort to improve transparency, consistency, and timeliness across all CCFS functions.

## II. BACKGROUND

The CCFS is the Commission’s primary tool for recording, tracking, and monitoring alleged infringements of its conservation and management measures (“**CMMs**”).<sup>1</sup> The CCFS supports investigations into alleged infringements of those CMMs by allowing responsible CCMs<sup>2</sup> to upload information, track progress, and communicate with other implicated CCMs and the Secretariat. The CCFS also provides the Secretariat with a mechanism to monitor cases and report annually to the TCC on their status.<sup>3</sup>

While the CCFS has proven useful, enhancements can increase its effectiveness. For example, Secretariat reporting and TCC discussions have highlighted the facts that many CCFS cases remain unresolved for more than two years, a substantial number close without completed investigations when vessels re-flag, and in many cases arising out of Regional Observer Program (ROP) observer reports, key documents and evidence are unavailable.<sup>4</sup>

An imbalance also persists between the two categories of CCFS cases, which are

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<sup>1</sup> See CMM 2023-04 ¶¶ 10–14.

<sup>2</sup> In this Paper, “**CCM**” refers to the WCPFC’s Members, Cooperating Non-Members, and Participating Territories. Because a flag CCM, coastal CCM, and/or a chartering CCM may each independently exercise jurisdiction over an alleged infringement, this Paper refers to them generally as the “**responsible CCM(s)**.”

<sup>3</sup> See *Overview of the CCFS and linkage to Convention Article 25(2)* (07 Jun 2023).

<sup>4</sup> See WCPFC-TCC20-2024-09\_rev1 ¶¶ 2–6; WCPFC-TCC18-2022-15 (discussing 2022 CCFS enhancements).

differentiated by how they originate.<sup>5</sup>

“**Article 25**” or “**CCM-Initiated**” cases are created when an initiating CCM requests a flag (or other responsible) CCM investigation pursuant to Article 25(2) of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean* (Convention) and are generally supported by direct surveillance or inspection. CCM-Initiated cases are created in the CCFS by the Secretariat based on written communications by one CCM requesting an investigation into alleged infringements by vessel(s) and/or national(s) of other CCM(s). Upon entry into the CCFS and assignment of a “Case ID,” “the Secretariat posts copies of the [initiating- and responsible-CCM(s’)] written] correspondence that are exchanged [directly] into the CCFS.”<sup>6</sup> As such, a responsible CCM receiving notice of a new Article 25 case can access documentation of the alleged infringement directly via the CCFS and initiate a meaningful investigation immediately upon notification. Therefore, CCM-Initiated case investigations tend to progress more smoothly.

By contrast, “**Observer**” or “**Observer-Initiated**” cases arise out of data collected in observer reports that are maintained by the ROPs. They fall into two groups based on how the alleged infringement is identified in observer materials, and they are further categorized by subject matter.<sup>7</sup> Specifically, CCFS cases are “created by queries run against the [ROP] data” that are collected in the form of an observer report, and “[u]pdates to these cases are made . . . through procedures that have been developed by the Secretariat and Pacific Communities Oceanic Fisheries Programme (**SPC-OFP**)[.]”<sup>8</sup> But these investigations commonly stall and can remain unresolved for years.<sup>9</sup> The U.S., for example, is unable to prosecute Observer-Initiated cases reported via CCFS if its investigations stall due to unavailability of records and/or observers. Left unaddressed, these weaknesses risk undermining confidence in the CCFS.

The Commission has already undertaken steps to address some of these issues. For

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<sup>5</sup> Both case-initiation categories are divided into “Case Types” indicated by a 3- or 4-letter code used in each assigned CCFS “Case ID.” WCPFC-TCC20-2024-09\_rev1 ¶¶ 14–16; *Overview of the CCFS*, *supra* n.3.

<sup>6</sup> *Overview of the CCFS*, *supra* n.3. CCM-Initiated Case Types are categorized by the method of detection, including via Aerial Surveillance (**AIR**), High Seas Boarding Inspections (**HSBI**), port inspections (**PORT**), Vessel Monitoring System-related queries (**VMS**), and cases arising out of an investigation by other means (**OTH**). *Id.*

<sup>7</sup> CCFS cases based on operational observer data records involve alleged infringements related to cetaceans or whale sharks (**CWS**); oceanic white tip or silky sharks or shark finning (**SHK**); or setting on Fish Aggregating Devices (“**FADs**”) during a FAD closure period (**FAI**). Cases based on an observer’s affirmative report of certain events in the Trip Monitoring Summary Data, on the other hand, arise from allegations of marine pollution (**POL**), observer interference (**OAI**), or they are Pre-Notification of Alleged Incident (“**PAI**”) cases, which can involve any of the foregoing subjects. See WCPFC-TCC20-2024-09\_rev1 ¶ 16 (Fig. 1); WCPFC-ROP-IWG06-2025-01 ¶¶ 1–3.

<sup>8</sup> *Overview of the CCFS*, *supra* n.3. The procedures themselves remain vague. A Memorandum of Agreement (“**MOA**”) between the WCPFC and SPC-OFP (rev. 21 Jan 2022) governs the exchange of data between these entities. But substantively, it does not shed light on details of SPC-OFP’s processes for the CCFS specifically. Likewise, SPC-OFP’s annual report (WCPFC-SC21-2025/ST-IP-05 (Rev.01)), while thorough, is silent on these details.

<sup>9</sup> See, e.g., ns. 12, 14, 22, and 26, *infra*.

example, the ROP Intersessional Working Group (“**ROP-IWG**”) has been working to harmonize Case Type identifiers for Observer-Initiated cases to better align observer Trip Monitoring Issue (“**TMI**”) codes and other of the Minimum Standard Data Fields (“**MSDFs**”) used in observer reports.<sup>10</sup> The Secretariat has also adopted refinements to reporting formats and CCFS case Infringement Status identifiers.<sup>11</sup> However, a more comprehensive package of targeted improvements will further improve the CCFS’ ability to fully serve its intended purpose.

The following proposals build on prior Commission and intersessional work and are intended to address identified issues in order to increase effectiveness of the CCFS as a compliance monitoring and enforcement tool.

### **III. DISCUSSION**

The following proposals are intended to address gaps in the CCFS’ ability to facilitate thorough, dynamic, and effective investigations. Together, they aim to improve accountability, ensure consistency, and reduce administrative burdens on both the Secretariat and CCMs.

#### **A. PROPOSED IMPROVEMENTS FOR ALL CCFS CASES**

##### **1. Case Notification for Re-flagged Vessels.**

Currently, when a vessel re-flags, investigations can stall, particularly where a vessel’s owner and/or operator at the time of the alleged infringement dissolves,<sup>12</sup> and the CCFS lacks a structured method for alerting the new flag CCM. Cases with an Infringement Status of “Investigation NOT COMPLETED” due to reflagging and dissolution of the vessel’s owner/operator represent a significant portion of the United States’ unresolved files.

Without a CCFS mechanism to alert the new flag State of the re-flagging and engage its cooperation with the ongoing investigation, alleged infringements could go unaddressed, creating enforcement loopholes and increasing the likelihood that misconduct will continue.

The United States proposes a mechanism within the CCFS that would:

- Allow the investigating flag CCM to re-designate itself as the “original flag CCM”;
- Enable “tagging” of the new flag CCM, ensuring it receives notifications and access to case materials, and providing a forum for narrative exchanges between both flag CCMs;
- Provide a standardized re-flagging notification memorandum template, documenting

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<sup>10</sup> *E.g.*, WCPFC-ROP-IWG05-2025-04 (ROP-IWG’s 2023 – 2025 workplan).

<sup>11</sup> Every CCFS case webpage includes a notation to indicate the case’s Infringement Status. In recent years, the Secretariat has enabled sub-categories of investigation outcomes for cases with a status of “Investigation NOT COMPLETED” to identify the reason for such a result. *E.g.*, *infra* n.16.

<sup>12</sup> *See, e.g.*, WCPFC-TCC20-2024-10 at Appendix 1 (¶ 43) (WCPFC20 acknowledging difficulties arising in these investigations, particularly where they depend on observer reports, the receipt of which is often delayed).

progress made and evidence collected, and describing any investigative assistance the original flag CCM anticipates seeking from the new flag CCM; and

- Facilitate improved accountability when vessels under investigation re-flag.

Adopting this Proposal will promote continuity, reduce duplication of effort, and help to close or narrow one of the most common loopholes in CCFS-based enforcement.

## **2. Automated Reminders for Investigation Benchmarks.**

Investigations by responsible CCMs into both CCM- and Observer-Initiated CCFS cases are often delayed, and the lack of uniform and easily tracked benchmarks for case progression may be a contributing factor. Although Article 25(2) requires a responsible CCM to provide an investigative progress report within 2-months, for example,<sup>13</sup> there are no similar requirements or guidelines for the preferred timing of any of the numerous other investigation benchmarks (*e.g.*, the provision of requested observer materials). This creates disparities in responsiveness to notifications of alleged infringements, particularly in jurisdictions where successful enforcement is constrained by narrow statutes of limitations.<sup>14</sup>

To address these issues, the CCFS should automatically generate recommended investigation timelines linked to refined Infringement Statuses discussed in Proposal #3. These would be recommended benchmarks, rather than hard deadlines, and they cover both case types as well as the Secretariat's review of certain actions, where applicable. For example:

- In all CCFS cases:
  - Annual narrative updates at minimum, with an automatically generated notation in the "Response" feed indicating number of days since last update/action; and
  - Secretariat review and case closure (and assignment of Infringement Status with an investigation outcome noted) or request for follow-up information within 90 days of CCM marking a case "CCM Complete," subject to capacity constraints.
- In CCM-Initiated CCFS cases:
  - Acknowledge notice and initiate investigation: within 60 days (per Article 25(2)).
- In Observer-Initiated CCFS cases:
  - Request observer report: within 60 days of CCFS case creation/notice;
  - Observer program response (by acknowledging request, providing debriefing status/ anticipated timeline for finalization and transmission): within 30 days;
  - Confirm receipt of observer report: within 10 days;

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<sup>13</sup> Under Article 25(2), updates "on the progress of the investigation . . . shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months . . . ."

<sup>14</sup> A significant number of CCFS cases go unresolved for more than 24 months, with a clear disparity based on how the case is initiated. See WCPFC-TCC20-2024-10 ¶¶ 6–7 ("There are usually delays of 1-2 years from when an observer reports data, to when a case is notified in the CCFS, [but the timeframe between] when an event takes place compared to the time a [CCM-Initiated] case is notified, generally [is] in the scale of weeks-months[.]").



- Report completeness assessment and submit any follow-up request for missing or supplemental observer information: within 90 days of report receipt; and
- Observer program response to supplemental requests or characterizations of report inadequacy: within 30 days.<sup>15</sup>

By automating reminders and suggested target dates for completion of various investigative tasks and case closure, the Secretariat will have objective benchmarks for assessing case statuses, and CCMs will have clarity on expected progress and be better able to manage expectations regarding verification of reported investigation outcomes.

### 3. Enhanced “Infringement Statuses.”

Currently, each CCFS case is assigned one of four overarching “Infringement Statuses”: “NEW CASE,” “Investigation IN PROGRESS,” “Investigation COMPLETE,” or “Investigation NOT COMPLETED.”<sup>16</sup> Although helpful, these Infringement Statuses do not capture the procedural nuances of investigations. In particular, statuses do not distinguish by case-initiation method despite significant disparities between them<sup>17</sup>; Observer cases with “PAI” Case Type designations have proven “ineffective as a pre-notification tool”<sup>18</sup> and may be more appropriately characterized by *status* rather than *type*; and there is no status for cases pending Secretariat review after the case is marked as “CCM Completed” by the responsible CCM.

To address these challenges, the United States recommends: refining Infringement Statuses to include “Pre-Notification” and “Under Secretariat Review” and to sub-categorize “NEW CASE” and “Investigation IN PROGRESS” cases by initiation method; and linking each status to investigation benchmarks, as described in Proposal #2. For example:

- In all CCFS cases:
  - “Under Secretariat Review - Marked as Closed (verify by: [90 days]).”
- In CCM-Initiated CCFS cases:
  - “NEW CASE - Article 25 (initiate investigation by: [60 days]);” and
  - “Investigation IN PROGRESS - Article 25 (narrative update by: [365 days]).”
- In Observer-Initiated CCFS cases:
  - “PRE-NOTIFICATION - Observer (request report by: [60 days]);”

<sup>15</sup> These recommendations will be obsolete if the automatic provision in Proposal #8 (Option A) is adopted.

<sup>16</sup> The latter two statuses are further divided by investigation outcome. For example—“Investigation COMPLETE (No Infraction)”; “Investigation COMPLETE (Infraction - No Sanction)”; “Investigation COMPLETE (Infraction - Warning)”; “Investigation COMPLETE (Infraction - Sanction)”; “Investigation NOT COMPLETED (Vessel or owner/operator no longer exists)”; “Investigation NOT COMPLETED (Vessel changed flag and unable to progress with new flag state)”; and “Investigation NOT COMPLETED (Date of event exceeds national statute of limitations).”

<sup>17</sup> See, e.g., WCPFC-TCC20-2024-10 ¶¶ 6–7 (describing some of the key differences).

<sup>18</sup> See WCPFC-ROP-IWG06-2025-01 ¶ 5; WCPFC-TCC-20-2024-09\_rev1 ¶¶ 47–48.

- “PRE-NOTIFICATION - Observer (acknowledge request, provide debriefing status/ anticipated timeline for report transmission by: [30 days])”;
- “PRE-NOTIFICATION - Observer (update anticipated timeline by: [180 days])”;
- “NEW CASE - Observer (confirm report transmission by: [3 days])”;
- “NEW CASE - Observer (confirm report receipt by: [10 days])”;
- “Investigation IN PROGRESS - Observer (report assessment by: [90 days])”; and
- “Investigation IN PROGRESS - Observer (respond to follow-up by: [30 days]).”

These refinements would provide both CCMs and the Secretariat with more granular, actionable information, which will help to clarify case stages and responsibilities for increased accountability. Automatic generation of the recommended-timeframes described in Proposal #2 tied to each status would further guide CCMs and Secretariat staff, improve reporting accuracy, and provide interested parties with actionable insights into case progress.

#### **4. Improved Messaging Tool Identifiers.**

The CCFS “Response” function is a key tool for case communication because it allows for narrative messages. But in its current form, the tool does not indicate which authorized user contributed each entry. The lack of user identifiers makes it difficult to track accountability for entries, particularly when multiple agencies within a CCM contribute.<sup>19</sup>

To improve transparency, the United States proposes enhancing the CCFS messaging tool to automatically append a short, bracketed identifier code (2–4 letters) to the end of each Response corresponding to the authorized user who posted it. These codes could be set by each CCM and provided confidentially to the Secretariat to reduce privacy concerns.

This improvement would make it easier to identify the sources of Responses, while still maintaining sufficient confidentiality in the event that a CCM does not wish to share such specific information with every user who can see the CCFS case page; it would also streamline communication and improve record integrity.

### **B. PROPOSED IMPROVEMENTS FOR CCM-INITIATED CCFS CASES**

#### **5. Identify Multiple Initiating CCMs.**

Article 25(2) of the Convention contemplates investigations “at the request of any other member” when provided with relevant information. The CCFS currently recognizes a single “initiating CCM” and lacks a mechanism to capture joint submissions. But in practice, detection of alleged infringements often involves multiple CCMs—*e.g.*, aerial surveillance conducted by one CCM, boarding by another, and reporting by a third. This limitation may underestimate (and disincentivize) joint compliance efforts, and it reduces the ability of all CCMs with potential evidence of the alleged violation to seamlessly provide ongoing support for the investigation.

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<sup>19</sup> See generally, *Providing responses to individual cases in the CCFS* (25 Mar 2022).

The United States proposes creating a CCFS function to list and provide case access for multiple initiating CCMs within a single Article 25 CCFS case. Each relevant CCM would confirm its role in identifying the alleged infringement in writing to the Secretariat before listing.

This addition would improve accuracy, acknowledge cooperative enforcement, and help resolve jurisdictional disputes. It would also encourage greater regional collaboration in line with the Commission's cooperative compliance mandate under Convention Article 25.

## C. PROPOSED IMPROVEMENTS FOR OBSERVER-INITIATED CCFS CASES

### 6. Clarify Pre-CCFS Process Flow for Observer Reports.

Observer-Initiated CCFS cases require preliminary review of observer materials before matters are forwarded to the Secretariat for CCFS case creation. But at present, CCMs lack visibility into the details of how potential infringements are screened, categorized, and forwarded.<sup>20</sup> This lack of transparency risks neglecting certain infringements and increases the likelihood that CCFS referrals will be made where data does *not* support the allegation.

The United States therefore proposes that the Secretariat and SPC-OFP publish:

- The criteria currently used to identify alleged infringements (and a description of the entity tasked with making such identifications);
- How Trip Monitoring Issue (TMI) codes and other data from the Minimum Standard Data Fields (MSDFs) are mapped to CCFS Case Types and CMMs<sup>21</sup>; and
- The quality-control checks in place before case referrals to the Secretariat are made.

Clearly defining the pre-CCFS review process will ensure consistent analysis of observer report data and build CCM confidence in its use for the CCFS.

### 7. Add Provision of Complete Observer Reports to the Process Flow.

The absence of observer reports in CCFS case files remains one of the most significant obstacles to enforcement of alleged infringements notified via the CCFS.<sup>22</sup>

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<sup>20</sup> See generally, MOA, *supra* n.8; WCPFC-TCC20-2024-09\_rev1 ¶ 17 (describing SPC-OFP's periodic batching and provision of ROP data to the Secretariat, and noting capacity constraints affecting the timelines).

<sup>21</sup> The ROP-IWG's current workplan prioritizes review and development of draft recommended modifications to ROP data fields to facilitate more useful consideration of ROP data for compliance. WCPFC-ROP-IWG06-2025-04; WCPFC-ROP-IWG06-2025-WP02\_suppl01 (listing obligations in CMMs that observers could collect data on); *E.g.*, WCPFC-ROP-IWG05-2025-04. The ROP-IWG is not, however, tasked with identifying or documenting technical processes or policies implementing the actual review of observer reports, verification procedures, or the details of what is included in Secretariat referrals for CCFS case creation.

<sup>22</sup> See, *e.g.*, WCPFC-TCC17-2021-DP02 (U.S. Delegation Paper, *Observer Reports for Investigations*).

Many CCFS cases rely on observer records, but observer reports are not directly accessible through CCFS; they must be individually requested for every case. When these materials are provided, they are not submitted to the Secretariat or uploaded to the CCFS, which limits transparency and oversight.<sup>23</sup> Furthermore, in recent years, the United States has only received limited excerpts of observer reports—if anything—in response to its requests,<sup>24</sup> which lack sufficient context to support legal action under domestic law.

Observer materials are presumably excerpted by the ROP before their transmission to requesting CCMs, likely due to observer confidentiality concerns.<sup>25</sup> However, without a complete copy of the observer materials, with or without confidential information redacted, the United States cannot use these excerpts as evidence in its domestic enforcement proceedings. Consequently, the United States and other responsible CCMs frequently lack the necessary evidentiary foundation to pursue investigations in Observer-Initiated cases.<sup>26</sup>

To address these concerns, the United States proposes that the Process Flow be amended to explicitly include observer report transmission as a documented, standard step. Additionally, reports should be provided *in full*, with confidential information redacted as necessary. SPC-OFP should also be encouraged to prioritize delivery within target timeframes.

Integrating transmission of complete observer reports into the CCFS process flow and encouraging SPC-OFP to prioritize their provision<sup>27</sup> reduce the risk of procedural delays and improve the quality of responsible CCM investigations, including better enforcement outcomes.

## **8. Automatic Observer Report Provision OR Streamlined Request Process.**

Building on Proposal #7 in order to further address documented delays in Observer-Initiated cases,<sup>28</sup> the United States proposes two alternative options.

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<sup>23</sup> The Secretariat's recent *Observer Provider – Commission CCFS Process Flow*, WCPFC-ROP-IWG06-2025-01 (Attachment 1), while informative, is silent on the observer providers' provision of materials to responsible CCMs.

<sup>24</sup> The U.S. has used the CCFS tool in February 2025 to request dozens of observer reports for trips occurring in 2023 and earlier, but it has received no responsive communication from any observer entity to date.

<sup>25</sup> *E.g.*, *Rules & Policies for the Protection, Access to, and Dissemination of Data Compiled by the Commission* at Tables 1 & 2 (assigning data risk classifications to "certified observer personnel"), and ¶ 19 (noting that "CCMs shall have access to Non-Public Domain data to serve the purposes of the Convention," including for enforcement).

<sup>26</sup> Analysis of CCFS through 2023 shows nearly all "Infraction" outcomes are supported by observer reports. WCPFC-TCC20-2024-09\_rev1 at pp. 16 (FAI Snapshot), 18 (OAI), 20 (SHK), 22 (POL), 26 (CWS), and 30 (PAI).

<sup>27</sup> *Cf.*, *e.g.*, WCPFC-SC21-2025/ST-IP-05 (Rev.01) ¶ 21 (noting SPC-OFP's current priority for data entry).

<sup>28</sup> *See, e.g.*, WCPFC-TCC20-2024-10 ¶¶ 6–7, Appendix 1 (¶ 43).

a. *Option A (Preferred): Automatic Provision by Direct CCFS Upload.*

Observer reports should be automatically provided for all Observer-Initiated CCFS cases as soon as they become available and it is practicable to transmit them.<sup>29</sup> Moreover, the reports should be provided *in full*, with confidential information redacted as needed. The limitation on access to each CCFS case and using *redaction* technologies (rather than omitting pages) should be sufficient to mitigate providers' concerns about uploading confidential observer information directly to the CCFS.

b. *Option B (Alternative): If automatic provision is not adopted, then report procedures should be streamlined.*

If reports must still be requested, then the CCFS should provide mechanisms for follow-up requests and acknowledgments of receipt, ensuring that no report request remains unacknowledged or indefinitely pending without adequate communication to interested CCMs.

First, when a Responsible CCM checks the "Request ROP Report" box in CCFS, an automated notification should be sent to the observer's host country CCM, the regional observer programs, and SPC-OFP.

Second, the entity in possession of the finalized observer report should be required to transmit requested materials within an agreed-upon timeframe after finalization (*e.g.*, 30 days) by either uploading reports directly to the corresponding CCFS case page for transparency (preferred), or else emailing reports directly to the responsible CCM(s) and confirming the action via CCFS. This includes the expectation that the observer entity, at a minimum:

- Acknowledge receipt of the report request within an agreed timeframe (*e.g.*, 10 days),
- Confirm report transmission (*e.g.*, by uploading to CCFS the cover email demonstrating transmission to the requestor(s)) within an agreed timeframe (*e.g.*, 3-days), or
- If a report is unable to be transmitted within the expected time frame, provide a narrative explanation in CCFS before the time elapses with an updated anticipated timeline for the transmission.

Persistent failure of observer entities to meet these benchmarks would be included as an agenda item for discussion at the subsequent years' TCC meeting.

Third, an automated follow-up tool should be implemented to address unreceived or incomplete reports within a predictable timeframe. This would include generation of an automated follow-up request for transmission to the relevant observer entity if a report is requested, but the request is not acknowledged and materials are not received within the relevant timeframes. The United States notes that additional CCFS messaging tool checkboxes

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<sup>29</sup> As discussed in Proposal #3, Observer-Initiated cases without supporting documentation would be assigned an initial "Pre-Notification" Status until a report is provided, after which the status will be "NEW CASE."

could be added to further streamline communication—*e.g.*, for responsible CCMs: to acknowledge receipt of reports and confirm completeness; for observer entities: to acknowledge receipt of the request and to indicate fulfillment status.

## **9. Revise CCFS Observer “Case Type” Identifiers.**

Current Case Type identifiers in the CCFS do not fully align with categories established by the ROP-IWG and include outdated designations such as “PAI.” This lack of alignment makes it difficult to compare CCFS records with CMM obligations or observer reporting categories. Updating identifiers and assigning new Infringement Statuses for legacy categories will therefore improve consistency and ease-of-reference across Commission materials.

The United States therefore proposes:

- Eliminating “PAI” and assigning a new Infringement Status (“Pre-Notification”), which would be updated (to “NEW CASE”) upon provision of supporting observer materials.
- Adopting nine Observer-Initiated Case Types corresponding to the nine categories of observer-data-supported CMM obligations identified by the ROP-IWG—including new identifiers for mobulid rays (**RAY**), turtles (**TUR**), seabirds (**BIR**), and driftnets (**DNS**)<sup>30</sup>—and identifying specific CMMs corresponding to each. Such standardized identifiers support accurate reporting, reduce confusion in inter-CCM communications, and ensure that all stakeholders reference the same categories when analyzing cases.<sup>31</sup>
- Assigning identical Case Type identifiers to all related categories of CMMs, Working Papers, and other Commission materials.

These reforms would eliminate confusion around “PAI,” ensure one-to-one correspondence between CCFS case types, observer TMI codes and MSDFs, and relevant CCMs, and provide consistency across Commission materials.

## **IV. CONCLUSION**

The CCFS is a practical tool that provides a transparent, reliable mechanism for following up on alleged infringements. After more than a decade of operation, its strengths are evident, but so too are its limitations. Cases remain unresolved for years, procedural gaps allow investigations to stall, and key evidence—such as observer reports—can be out of reach for Responsible CCMs who need it. These shortcomings undermine the effectiveness of the Compliance Monitoring Scheme and erode confidence in the CCFS.

The proposals set out in this Paper are designed to address these gaps in practical,

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<sup>30</sup> See WCPFC-ROP-IWG06-2025-WP02\_suppl01.

<sup>31</sup> The table in Annex 2 of this Paper demonstrates how revised identifiers could align alleged infringements with the corresponding binding provisions of current CMMs.

incremental ways. By implementing vessel-reflagging notifications, standardizing investigation benchmarks and tracking, refining Infringement Statuses, and enhancing communication tools, the CCFS will better support all cases. By recognizing multiple initiating CCMs engaged in joint enforcement, it will reflect the cooperative spirit of Article 25 of the Convention. And by clarifying pre-CCFS processes, guaranteeing timely access to observer reports, and modernizing Case Type identifiers, it will bring greater efficiency and balance to Observer-Initiated cases.

Taken together, these reforms are neither radical nor burdensome. They build on work already underway in the ROP-IWG and Secretariat reporting, align with practices CCMs already employ domestically, and can be implemented with modest adjustments to existing CCFS architecture. Most importantly, they directly respond to challenges repeatedly identified by TCC and the Secretariat, ensuring that the system fulfills its core purpose: enabling fair, timely, and effective follow-up of alleged violations.

The United States seeks other members' feedback and consideration of these proposals with a view to recommending their adoption, either individually or as a package of reforms, to strengthen the CCFS as a cornerstone of the Commission's compliance framework.

## ANNEX 1: Summary of Proposed CCFS Improvements

Proposal	Problem Addressed	Benefit
<b>1.</b> Case Notification for Re-flagged Vessels	Cases close without completed investigations when vessels change flags.	Ensures continuity of follow-up by expanding case access to the new Flag CCM.
<b>2.</b> Automated Investigation Benchmark Tracking	No consistent benchmarks for investigation progress beyond Article 25(2), allowing cases to stall for years.	Promotes consistency, reduces delays via automated response reminders, and increases accountability with oversight benchmarks.
<b>3.</b> Enhanced Infringement Statuses	Current statuses are overbroad and overlook key stages ( <i>e.g.</i> , Pre-notification and Secretariat review).	Clarifies case stages; improves accountability and tracking; and integrates with Proposal #2 timelines.
<b>4.</b> Improved CCFS Messaging Tool Identifiers	CCFS Response entries lack user attribution, hampering intra-CCM accountability and transparency; identifiers would not be known outside of a user's CCM.	Adds short user identifiers for each response to improve intra-CCM transparency and record integrity while still balancing privacy concerns.
<b>5.</b> Identify Multiple Initiating CCMs	Joint enforcement efforts are not fully reflected in CCFS when only one "Initiating CCM" field exists.	Accurately reflects cooperative enforcement efforts, improves transparency, and encourages continued collaboration.
<b>6.</b> Clarify Pre-CCFS Observer Report Process Flow	Lack of visibility into how observer data is screened and alleged infringements forwarded, risking inconsistent case creation.	Increases clarity, consistency, and CCM confidence in Observer- Initiated cases by publishing criteria and providing for quality-control.
<b>7.</b> Add Observer Report Provision to Process Flow	Observer reports are often missing, delayed, or excerpted, which undermines investigations and success in legal proceedings.	Makes provision of reports a standard case step, thus strengthening the evidentiary foundation for investigation and reducing delays.
<b>8.</b> Automatic or Streamlined Observer Report Provision	Delays and inconsistency in observer report access for Observer-Initiated cases.	Guarantees timely provision (automatic or within anticipated timeframe after request), improving efficiency.
<b>9.</b> Revise CCFS Observer Case Type Identifiers	Current type identifiers are outdated and do not align with standard observer data fields or all relevant CMMs.	Standardizes categories, eliminates confusion, harmonizes CCFS with current Commission materials for improved consistency and clarity.



## ANNEX 2: Summary of Proposal #9's "Case Type" Identifiers for Observer-Initiated Cases<sup>32</sup>

Type	Description	Relevant CMMs
<b><u>POL</u></b> (same as current)	Marine Pollution ( <i>including required prohibition on vessel discharge any non-fishing gear plastics and encouragements to CCMs regarding additional marine pollution measures and reporting of gear loss</i> )	<a href="#">CMM 2017-04</a> (for Marine Pollution; eff. 01 Jan 2019 - Current) - <a href="#">CMM 2017-04 02</a> - <a href="#">CMM 2017-04 05</a> <sup>33</sup>
<b><u>FAD</u></b> (currently "FAI")	Fishing on Data Buoys ( <i>including prohibition on fishing within 1 nautical mile or interacting with data buoys on the high seas and adherence to various requirements in the case of entanglement</i> ) and FAD closures for Tropical Purse Seine Vessels ( <i>including prohibition on setting on FADs in EEZ waters or high seas of the Convention Area during the 1.5-month FAD closure and for one additional month of FAD Closure period that the Flag State has chosen</i> )	<a href="#">CMM 2023-01</a> (for Bigeye, Yellowfin and Skipjack Tuna in the Western & Central Pacific Ocean; eff. 06 Feb 2024 - Current) - <a href="#">CMM 2023-01 13</a> - <a href="#">CMM 2023-01 14</a>  <a href="#">CMM 2009-05</a> (Prohibiting Fishing on Data Buoys; eff. 09 Feb 2010 - Current) - <a href="#">CMM 2009-05 01, 03, 05</a>
<b><u>CWS</u></b> (same as current)	Interactions with Cetaceans ( <i>including prohibition on purse seine ("PS") setting on cetaceans if animal is sighted prior to commencement of the set; requirements in the event of unintentional circling of cetaceans in the PS net, including incident reporting; the prohibition on all vessels (PS and longline ("LL")) from harvesting, retaining onboard, transshipping, or landing any cetacean, in whole or any part thereof, in the Convention Area; and the requirement that LL vessels release, taking into account the safety of the crew, any cetacean that is caught or entangled by its fishing gear in the Convention Area as soon as possible and in a manner that results in as little harm to the cetacean as possible and utilizing the Best Practices for the Safe Handling and Release of Cetaceans, if possible</i> ); and Interactions with Whale Sharks ( <i>including prohibition on PS setting on whale sharks and on retention/ transshipment</i> )	<b>Cetaceans:</b> <a href="#">CMM 2024-07</a> (for Protection of Cetaceans from PS & LL Fishing Operations; eff. 01 July - Current) - <a href="#">CMM 2024-07 01-04</a> <sup>34</sup>  <b>Whale Sharks:</b> <a href="#">CMM 2024-05</a> (for Sharks; eff. 01 Feb 2025 - Current). - <a href="#">CMM 2024-05 25 (01-07)</a> <sup>35</sup>
<b><u>OBS</u></b> (currently "OAI")	Observer Obstruction	<a href="#">CMM 2018-05</a> (for the ROP; eff. 12 Feb 2019 - Current) - <a href="#">CMM 2018-05 15(g)</a>

<sup>32</sup> The Case Types described here are not listed by how the alleged infringement is identified in observer data, as clarification of that process is forthcoming. See WCPFC-ROP-IWG05-2025-04 (ROP-IWG workplan).

<sup>33</sup> The U.S. agrees with ROP-IWG's recommendation but notes that paragraph 05 is only an *encouragement*.

<sup>34</sup> The ROP-IWG identified the obligations in [CMM 2024-07](#), which superseded [CMM 2011-03](#). The relevant obligations are described in: [CMM 2011-03 01](#), [CMM 2011-03 02](#), [CMM 2011-03 03](#), and [CMM 2011-03 05](#).

<sup>35</sup> [CMM 2024-05](#) supersedes [CMM 2022-04](#), [CMM 2019-04](#) (Sharks), and [CMM 2012-04](#) (Whale Sharks).

Type	Description	Relevant CMMs
<b><u>DNS</u></b> (NEW)	Driftnet regulations <i>(including prohibition on the use of large-scale driftnets on the high seas)</i>	<a href="#">CMM 2008-04</a> (to Prohibit the Use of Large Scale Driftnets on the High Seas of the Convention Area; eff. 10 Feb 2009 - Current) - <a href="#">CMM 2008-04 02</a>
<b><u>SHK</u></b> (same as current)	Shark Catch <i>(including prohibitions on shark finning (including transshipment of fins), retention on board of sharks (including for crew consumption), provisions intended to minimize bycatch of sharks in certain LL fisheries, the preference for hauling non-retained sharks alongside for species identification, and various requirements related to Silky Sharks and Oceanic White Tip sharks specifically, among others)</i>	<a href="#">CMM 2024-05</a> (for Sharks; eff. 01 Feb 2025 - Current). <sup>36</sup> - <a href="#">CMM 2024-05 07-09</a> - <a href="#">CMM 2024-05 14</a> - <a href="#">CMM 2024-05 15</a> - <a href="#">CMM 2024-05 18</a> - <a href="#">CMM 2024-05 21</a> - <a href="#">CMM 2024-05 24 (01-03)</a>
<b><u>RAY</u></b> (NEW)	Mobulid Rays <i>(including prohibitions on the retention, transshipment, storing, or landing of mobulid rays, as well as the targeted fishing or intentional setting on them)</i>	<a href="#">CMM 2019-05</a> (for Mobulid Rays caught in association with fisheries in the WCPFC Convention Area; eff. 01 Jan 2021 - Current). - <a href="#">CMM 2019-05 (04-06, 08, 10)</a> - <a href="#">CMM 2019-05 03</a>
<b><u>TUR</u></b> (NEW)	Sea Turtles <i>(including CMMs ensuring that fishermen use proper mitigation and handling techniques and foster the recovery of any incidentally captured turtles before returning them to the water, requiring LL vessels to carry and use certain equipment for the prompt handling and release of incidental bycatch, and imposing mitigation requirements for shallow-set LL vessels)</i>	<a href="#">CMM 2018-04</a> (of Sea Turtles; eff. 01 Jan 2020 - Current). - <a href="#">CMM 2018-04 04</a> - <a href="#">CMM 2018-04 06</a> - <a href="#">CMM 2018-04 07 (a, b)</a>
<b><u>BIR</u></b> (NEW)	Seabirds <i>(including: Required longline mitigation measures to reduce incidental catch of seabirds applying north of 23°N or south of 25°S. i. use at least two mitigation measures in paragraph 1(a) or hook shielding devices when fishing south of 30°S ii. use one of the mitigation measures in paragraph 2 when fishing in area 25°S-30°S iii. 24m or more in overall length, to use at least two mitigation measures in paragraph 6, Table 1; and including at least one from Column A when fishing north of 23°N iv. less than 24m in overall length, to use at least one of the mitigation measures from Column A in Table 1, when fishing north of 23°N)</i>	<a href="#">CMM 2018-03</a> (to mitigate the impact of fishing for highly migratory fish stocks on seabirds; eff. 12 Feb 2019 - Current) - <a href="#">CMM 2018-03 01, 02, 06</a>

<sup>36</sup> [CMM 2010-07](#) (Sharks) and [CMM 2013-08](#) (Silky Sharks) were superseded by [CMM 2019-04](#) (Sharks), and subsequently by [CMM 2022-04](#) (Sharks), and [CMM 2024-05](#) (eff. 01 Feb 2025 - Current). Although [CMM 2011-04](#) (Oceanic Whitetip Sharks) was effective until 01 Nov 2020 and does not appear to have been superseded, paragraph 24 of the currently effective [CMM 2024-05](#) includes specific requirements to protect these species.