



TECHNICAL AND COMPLIANCE COMMITTEE

Sixth Regular Session

30 September - 5 October 2010

Pohnpei, Federated States of Micronesia

**DRAFT PROPOSAL BY CANADA TO ESTABLISH A PROCESS FOR THE REVIEW AND
REPORTING OF COMPLIANCE INFORMATION**

WCPFC-TCC6-2010-DP-07

16 September 2010

Paper prepared by Canada

**DRAFT PROPOSAL BY CANADA TO ESTABLISH A PROCESS FOR
THE REVIEW AND REPORTING OF COMPLIANCE INFORMATION**

RECOGNIZING the international obligations regarding flag state responsibilities to ensure compliance with management measures and to immediately and fully investigate allegations of non-compliance,

ACKNOWLEDGING that effective monitoring and control is required to achieve compliance with agreed upon WCPFC management measures so that the goals of such management measures have a chance of being achievable,

ACKNOWLEDGING that the Commission has historically suffered from a lack of information as well as data deficiencies thus resulting in an inability to identify relevant instances of non-compliance with management measures,

NOTING that, in a responsible, open, transparent and non-discriminatory manner, the Commission should be made aware of any and all available information that may be relevant to the work of the Commission in identifying and holding accountable instances of non-compliance with management measures,

FURTHER NOTING WCPFC's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes

RECOGNIZING that, the Compliance Officer position is authorized and financed by the members of the Commission to assist the Secretariat specifically with the Commission's ongoing work to strengthen WCPFC; particularly in regards to overseeing, coordinating, and executing actions on compliance matters of relevance to the Commission,

**THE WESTERN AND CENTRAL PACIFIC FISHERIES
COMMISSION (WCPFC) DECIDES THAT:**

1. Members, Cooperating Non-members and Participating Territories (CCMs) shall submit to the Secretariat documented information that indicates possible non-compliance with WCPFC Conservation and Management Measures at least 120 days before the annual meeting of the Technical and Compliance Committee (TCC).
2. The Executive Director shall transmit this information to the CCMs involved in any reports of non-compliance at least 90 days before the TCC's annual meeting.
3. CCMs shall, consistent with domestic laws, provide the Executive Director with the findings of any investigation taken in relation to the allegations of non-compliance and any actions taken to address compliance concerns at least 60 days before the TCC's annual meeting. If such investigation is ongoing, CCMs shall advise the Executive Director of the expected length of the investigation and provide periodic updates in their progress until completed.

4. The Executive Director shall circulate to all CCMs, at least 30 days in advance of the TCC's annual meeting, a summary report of information received, including Responses by CCMs, which shall be considered by the TCC as appropriate in a responsible, open, transparent and non-discriminatory manner.
5. Non-governmental organizations (NGOs) may submit reports on non-compliance with WCPFC conservation and management measures to the Secretariat at least 120 days before the TCC's annual meeting for circulation to the CCMs. NGOs submitting reports may request to present such reports to the TCC. In adopting the Agenda for the TCC's annual meeting CCMs shall determine if NGO presentations can be accommodated.