



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Sixth Regular Session**

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**PROPOSED DRAFT TEMPLATE TO ASSIST WITH THE PREPARATION OF  
ADVICE AND RECOMMENDATIONS FROM TCC TO THE COMMISSION**

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**WCPFC-TCC6-2010-DP-15**

**2 October 2010**

**Paper prepared by Kiribati and Tuvalu**

**PROPOSED DRAFT TEMPLATE TO ASSIST WITH THE PREPARATION OF ADVICE AND RECOMMENDATIONS FROM TCC TO THE COMMISSION.**

**Kiribati and Tuvalu**

This is the second year that the Commission has implemented this revised procedure for Cooperating Non-Member applications. For Kiribati and Tuvalu, with certain Cooperating Non-Members as development partners, it is important that the process used for considering CNM applications and providing advice to the Commission is transparent and fair. Each CNM application should be considered individually, and to the same standard.

At WCPFC6 the Commission adopted the flowchart for consideration of CNM applications (Attachment R to the WCPFC6 Report), attached herein. This flowchart is intended to provide clarity about the steps in the process as set out in CMM 2009-11. However, Kiribati and Tuvalu, believe that is room for improvement in the process that TCC formulates advice and recommendations to the Commission, relating to the assessment and advice and recommendations relating to each CNM application. A standardised template would assist in ensuring that each application is considered to the same standard, as well as providing information to the Commission in a consistent format.

The attached template is designed to:

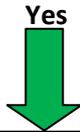
- support the TCC's assessments of CNM applications against the requirements specified for CNM applications as set out in CMM 2009-11 (paragraphs 1 and 2(a-g));
- support the TCC's assessment of the record of compliance of CNMs with CNM requirements such as participatory rights determined by the Commission as well as with WCPFC CMMs, coastal State laws and in other tuna RFMOs (3(a-e), 5 and 11 (a-e));
- be a concise summary of TCCs evaluation of each CNM application, as well as advice and recommendations to the Commission, that can be attached to the TCC Summary Report for forwarding to the Commission; and
- provide a summary of each applications assessment by the TCC that can be forwarded to each individual applicant by the Executive Director, as is required in accordance with CMM 2009-11 paragraph 4.

It is proposed that the informal small working group on Sunday could populate a separate template for each CNM application, providing comments in the white boxes as necessary. The completed and finalised summary of advice and recommendations from TCC for each application, will then comprise a complete record of TCC's assessment which applicants have the opportunity to respond to in advance of WCPFC7. The Commission can consider any supplementary information from applicants in the light of the full TCC assessment and any gaps that were highlighted.

<b>Applicant</b>		<b>NAME</b>	
<b>New applicant or application for Renewal of CNM status?</b>		CNM since XXX, application is for renewal of CNM status <b>OR</b> new applicant for CNM status	
<b>2010 Application received in English, at least 60 days before TCC?</b> (CMM 2009-11 paragraph 1)		YES/NO Date received	
<b>Any supplementary information received from the applicant during TCC?</b> (CMM 2009-11 paragraph 5)		YES/NO detail	
<b>Did the applicant provide its reason for seeking CNM status?</b> (CMM 2009-11 2(a))	YES /NO	<b>Brief description of interest in WCPFC fisheries</b>	<b>INSERT</b>
<b>Notes on gaps or omissions in information or data to be provided in application</b> (CMM 2009-11 para 2(d, e, 3(a) )		Refer to WPCFC-TCC6-2010/28 (Rev3)	
<b><u>Were the required commitments included in Application?</u></b>			
<b>Commitment to cooperate fully in the implementation of CMMs adopted by the Commission and, to the greatest extent possible, its nationals, comply with the provisions of the convention and CMMs adopted by the Commission?</b> (CMM 2009-11 Para 2(b))	<b>Commitment to accept high seas boarding and inspection?</b> (CMM 2009-11 Para 2(c))	<b>Explicit commitment to make a financial commitment commensurate with financial contribution if Contracting Party of Commission?</b> (CMM 2009-11 Para 2(g))	
YES/NO <b>INSERT</b> detail if required	YES/NO <b>INSERT</b> detail if required	YES/NO <b>INSERT</b> detail if required	
<b><u>2010 PARTICIPATORY RIGHTS OF CNMs (WCPFC6 Record)</u></b> (CMM 2009-11 Para 12) <b>INSERT RELEVANT PARAGRAPHS FROM WCPFC6 RECORD</b>		<b>INSERT</b> Summary of any information available to TCC which demonstrates compliance or non-compliance by the applicant with these limits in 2010.  Information from years prior to 2009 may also be helpful	
<b>If renewal, compliance record in WCPFC and fisheries laws and regulations of coastal States?</b> (CMM 2009-11 Para 3(b))		<b>INSERT</b> Summary of any information available to TCC which demonstrates the compliance record of the applicant OR No information presented demonstrating poor record of compliance.	

<p><b><i>If renewal, whether the applicant is meeting the expectations of CNMs (para 11 (a-e))?</i></b> (CMM 2009-11 para 3(e))</p>	<p><b>INSERT</b>  Summary of any information available to TCC which demonstrates whether the applicant is meeting the expectations of CNMs  OR  No information to demonstrate that the applicant is not meeting expectations of CNMs</p>
<p><b><i>As flag States, what is record of compliance of responding to IUU activities by its flag vessels that have been brought to the attention in accordance with Article 25 of the Convention?</i></b> (CMM 2009-11 para 3(c))</p>	<p><b>INSERT</b>  Summary of any information available to TCC which demonstrates the compliance record of the applicant  OR  No information presented demonstrating the applicant has a poor record of compliance.</p>
<p><b><i>As appropriate, record of compliance in other tuna RFMOs?</i></b> (CMM 2009-11 para 3(d))</p>	<p><b>INSERT</b>  Any advice from other tuna RFMOs on the record of compliance of the applicant with CMMs</p>
<p><b>RECOMMENDATIONS AND ADVICE FROM TCC6 TO THE COMMISSION</b></p>	
<p>TCC6 has reviewed the CNM application and any supplementary information provided by [the applicant] against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:</p> <p>TCC6 advises the Commission that the application from [the applicant] was received by the WCPFC Secretariat on [XXXX] which is [before OR after] the deadline set out in CMM 2009-11. TCC6 also advises that the application [did OR did not] meet the requirement of being submitted in English.</p> <p>TCC6 [recommends or does not recommend] [the applicant] for consideration by the Commission for CNM status in 2011 subject to the information requested in WCPFC-TCC6-2010/28 (Rev3) being provided to, and accepted by, the Commission.</p> <p>TCC6 advises the Commission that [the applicant] has made a commitment to [XXXX]. However the application omits commitments to [XXXX], which is required under paragraph 2 (XX) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of [XXXX] financial contribution for 2011 based on the draft budget for 2011.</p> <p>TCC6 advises the Commission that based on the best information available that [the applicant] [did OR did not] comply with the participatory rights specified by the Commission at WCPFC6 and there [is OR is not] information of non-compliance in WCPFC or other RFMOs. [If so, elaborate on the areas of non-compliance]</p>	

Was the application to request CNM status (new or renewal) submitted in English at least 60 days before the TCC? (Para. 1)



The **TCC considers** all applications that met the deadline. It may consider those that did not, as appropriate. The **TCC assesses** whether the applications includes all the information required (Para. 3a) and has fulfilled the requirements of paragraph 3. The **TCC provides recommendations and technical advice** on the applications, using criteria in paragraph 3, to the Commission.

**The Ex. Director** forwards TCC's recommendations and advice to the applicants (Para. 4)

**Applicants consider** TCC's advice and recommendations and may submit additional information, as necessary, to the Executive Director in advance of the Annual Commission meeting (Para. 5).

**The Commission considers:**

- (1) TCC's advice and recommendations and criteria in para 3 and any resulting information (para 6);
- (2) any additional information provided by the applicant(s);
- (3) other information and data (Para. 7); and
- (4) In renewing CNM status, **the Commission** also reviews the CNM's compliance with the Convention's objective and requirements (Para. 8).

Is CNM status renewed or accorded?

CNM status is accorded or renewed for one year. **The Commission** may prescribe requirements to ensure compliance with CMMs (para 9) and shall, where necessary, determine how participatory rights of each CNM will be limited by CMMs adopted by the Commission (Para. 12 and 13).

Yes

No

**CNM status is not renewed or accorded by the Commission.**

**CNMs** are entitled to participate in Commission and subsidiary body meetings as an observer (Para. 10). **CNMs** shall comply with the requirements of Paras. 9 and 11 and be invited by the Commission to make financial contributions (Para. 14). **The Commission** shall monitor the activities and compliance of CNMs and shall take appropriate action against CNMs deemed to have undermined CMMs. (Paras. 15 and 16).