



**FIFTH REGULAR SESSION**

8-12 December 2008

Busan, Korea

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**WORKING GROUP ON COMPLIANCE WITH CONSERVATION AND  
MANAGEMENT MEASURES – DRAFT TORs**

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**WCPFC5-2008/DP38**

**12 December 2008**

As noted, TCC4 recommended the formation of a CCMM working group which would be tasked with preparing a draft approach for consideration at TCC5.

Draft terms of reference for such a working group are provided at Attachment A, initial comments are included from a small working group convened at WCPFC5.

It is recommended that, in light of the busy meeting schedule anticipated for the Commission through 2009, the working group should undertake its work electronically, where possible. The Executive Director should be tasked with calling for final comments of the Terms of Reference and nominations from CCMs for the working group early in 2009.

## Draft Terms of Reference for the Compliance with Conservation and Management Measures Working Group

The Compliance with conservation and management measures (CMMs) Working Group (the C-CMM Working Group) shall comprise a Chair, the Executive Director and any WCPFC Member wishing to participate. The working group will convene intersessionally and, to the extent possible, progress its work through electronic means.

The Working Group shall recommend to TCC5 options for an effective structure and process for a WCPFC Compliance Monitoring Scheme in light of the direction provided by WCPFC5 in regard to the objective and scope for such a scheme.

The Working Group shall consider:

1. Procedures for analysis and reporting of CCM compliance, including tasks for the Secretariat and the timing and frequency.
  - Work under this item could include selection and prioritisation of CMMs for the compliance monitoring scheme; and
  - ~~work under this item could include~~ consideration of processes to ensure that information is available in a form and within a timeframe that supports consideration under a Compliance Monitoring Scheme.
2. Process to review information on compliance by CCMs,
  - Work under this item could include consideration of a process to verify the accuracy of information presented; the involvement of the non-compliant CCMs, and potential categorisation of any instances of non-compliance detected according to severity;
3. Options available to respond to non-compliance
  - Work under this item could include establishing processes to engage with noncompliant CCMs / non-CCMs, identifying the cause for non-compliance and addressing obstacles to compliance (including consideration of the special requirements of small island developing States) and guidelines for prescribing incentives and sanctions in a procedurally fair, non-discriminatory and transparent manner.
4. Procedures for recommending action to be taken where compliance obligations have not been met
  - work under this item could include establishing a fair and transparent process to recommend any actions to be taken, which may be either incentives or punitive-based and consideration of decision-making processes that would prevent a non-compliant party from blocking punitive action.

3.—Structure/s required to support ~~the~~an effective and efficient Compliance Monitoring Scheme.

5. Work under this item would include:

- Identifying options for creating new subcommittees or working groups under existing committees or the Commission to be responsible for the Scheme.
- Ensuring that the functions of TCC are not duplicated.
- Assessing compatibility of the Scheme with other RFMO compliance schemes
- Assessing the Scheme's utility to the Commission and its subcommittees.
- Identifying triggers for reviewing the Compliance Monitoring Scheme.
- Assessing the cost of the Scheme.