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Scope of Observer Monitoring for Potential Infringements in the Compliance Case File System

WCPFC-TCC22-2026-24B

14 September 2026

Submitted by the ROPIWG Chair

Purpose

1. This paper proposes updates to the Regional Observer Programme Minimum Standard Data Fields (ROP MSDF) to support observer monitoring of new obligations in CMMs. It also seeks to clarify the distinction between data collected for scientific purposes and data needed to identify potential non-compliance and support flag CCM review through the Compliance Case File System (CCFS).
2. The paper also reports on ROPIWG discussion of proposed technical changes to the operation of the CCFS and its case file structure submitted by the United States to WCPFC22, and referred for intersessional consideration and further consideration by TCC22.¹

Introduction

3. This paper presents two related but distinct areas for consideration by TCC22.
4. The first area concerns which CMM obligations should be reflected in ROP MSDF for the purpose of identifying potential non-compliance. It also considers whether existing data fields are sufficient or whether new or revised data fields are required. These updates are intended to:
 - ensure that observer reporting reflects new obligations in CMMs;
 - retain existing data fields required for scientific purposes; and
 - ensure that, where observer information may indicate potential non-compliance, the data and information collected are sufficiently focused to allow an informed decision on whether to create a CCFS case file for flag CCM investigation.
5. The proposals consolidate the ROPIWG's discussions during 2026 on the following topics:
 - observer obstruction
 - the driftnet prohibition

¹ [WCPFC22 Summary Report](#), paragraphs 88 to 91 ([WCPFC22-2025-DP15](#), [WCPFC22-2025-DP16](#) and [WCPFC22-2025-17](#))

- the prohibition on fishing on data buoys
- marine pollution
- the tropical purse seine FAD Closure
- seabirds
- sea turtles
- mobulid rays
- sharks
- whale sharks
- cetaceans

6. TCC22 is invited to confirm, where possible, which obligations and associated CMM paragraphs should be included in or excluded from observer monitoring from potential CCFS cases. TCC22 is also invited to confirm the associated reporting and procedural approaches and identify any matters requiring further intersessional work before WCPFC23. The intended outcome is observer reporting that supports the monitoring of relevant CMM obligations while continuing to meet scientific data needs. It should also help avoid the creation of CCFS cases based solely on scientific data fields whose scope is broader than the corresponding compliance obligation or that do not provide sufficient information to assess potential non-compliance. Table 1 also identifies where existing MSDF may be sufficient and where new or revised fields may be required.
7. The second area concerns United States proposals to standardise CCFS case identifiers that would apply irrespective of the source of a case. Table 2 presents the identifiers considered through the ROPIWG. Broader United States proposals affecting the structure and operation of the CCFS are presented in [WCPFC-TCC22-2026-DP01](#). In response to the TCC21 tasking, the Secretariat provided WCPFC22 with indicative implementation costs for the proposals presented at that time. TCC22 is invited to consider the proposals.

Obligations and proposed approach to ROP reporting

8. Table 1 summarises CCM comments made during [ROP-IWG9](#). TCC22 is invited to confirm the proposed inclusion or exclusion of the identified obligations, the associated procedural approaches and, where relevant, the need for new or revised MSDF. The table also identifies matters that may require further intersessional work before recommendations can be submitted to WCPFC23.
9. Once the scope of observer monitoring has been confirmed, the complete list of relevant obligations and associated MSDF can be finalised for Commission consideration. This will also support any subsequent consideration of these obligations under the Compliance Monitoring Scheme.
10. Overall themes from discussions were:
 - Strong preference for clear, binding, vessel-level obligations that observers can directly and consistently monitor at sea.
 - Tendency to remove or de-emphasise: non-binding/encouragement language, port- or landing-based requirements, highly judgement-dependent provisions, and new data fields raising practicality or safety concerns.
 - Strong PNA emphasis on practicality for CCFS vessel-level cases.

- Several items left open for further CCM discussion or pending the outcome of ongoing CMM reviews (especially marine pollution).
- Observer debriefing frequently proposed as a useful complementary step where full at-sea assessment has limitations.

11. In addition, proposals were made to clarify the recording of mesh netting on FADs and the classification of purse-seine activity as searching or transit. TCC22 comments on these proposals would assist further intersessional work.

Table 1: Summary of ROPIWG9 discussions on obligations to the scope of observer monitoring relevant to CCFS cases

Source: ROP-IWG09. Focus: practicality for at-sea observer monitoring (MSDF / CCFS).

Colour Legend (Agreement Level): Green = Broad agreement to retain Yellow = Partial / mostly agreed Orange = No agreement / needs discussion				
CMM Obligation	Relevant Paragraphs	Proposed Approach / Decision required	Agreement Level on Obligation	Key Comments & Notes
Observer Obstruction CMM 2018-05 15(g)	15(g)	Retain existing MSDF codes. Strengthen reporting and debriefing to support flag CCM follow-up.	Agreed – Retain	Broad agreement
Driftnet Prohibition CMM 2008-04	01 (preferred), 02	Replace paragraph 2 with paragraph 1 in the MSDF Discuss whether reported or dealt with through training and debriefing.	Agreed – Retain	General agreement for US proposal to use paragraph 1; PNA prefers training and debriefing
Sea Turtles ² CMM 2018-04	04, 06, 07(a), 07(b)	Retain paragraph 4 (first sentence), paragraph 6 and paragraph 7(a). Clarify paragraph 7(b) and the two proposed data fields. Ensure that fields relating to paragraph 7 specify their application to shallow-set longline fishing.	Mostly Agreed – Retain	The USA supports retaining paragraph 7(b). PNA favours debriefing for additional questions. China raised practicality and safety concerns for two new data fields (first-sighting time, line length).

² Noting ongoing discussions on reporting requirements for sea turtles through the [US led review](#) of sea turtle interaction reporting requirements under CMM 2018-04) and [SC22 Outcomes Report](#), paragraph 151 SC22 noted that some CCMs recommend further development and piloting of modifications to the ROP MSDF to, where possible, collect hook type and hook size, bait type, branch line material, and estimated amount of remaining gear for sea turtles brought on board and released in the water.

Sharks – Specific Protections (OCS & FAL) CMM 2025-06 24	24(1)–(4)	Retain paragraphs 24(1)–(2); exclude paragraph 24(3). Clarify the treatment of paragraph 24(4) - biological sampling, requires observer data collection for CCFS monitoring.	Agreed – Retain / Remove	PNA and the USA support the proposed treatment of paragraphs 24(1)–(3). China questioned whether the provisions can be monitored objectively. Consider whether improved reporting and debriefing may assist verification.
Whale Sharks CMM 2025-06 25	25(1)–(7)	Retain subparagraphs 1, 2 and 5(a); exclude the remaining provisions from direct observer monitoring. Use debriefing to clarify existing data.	Mostly Agreed – Retain	PNA and the USA support this approach. China raised concerns about some proposed SSI fields. (as for sea turtles).
Cetaceans CMM 2024-07	Core prohibitions and safe release, including paragraph 2	Retain vessel-level provisions. Clarify which elements of paragraph 2 are suitable for direct observer monitoring.	Mostly Agreed – Retain	PNA and the USA support retaining vessel-level provisions. Concerns remain about distinguishing intentional and unintentional encircling Improved reporting and debriefing may assist in documenting the observer circumstances.
Fishing on Data Buoys CMM 2009-05	1, 3 and 5	Retain paragraphs 1 and 3; exclude paragraph 5 as not specific and non-binding. Clarify the evidence needed to document an event. because it lacks specificity and includes non-binding language.	Mostly agreed – Retain / Remove	PNA and the USA support the approach. China emphasised the need to compare buoy and vessel positions. Improved reporting and debriefing may assist

FAD Closure – Tropical Purse Seine CMM 2025-02	13 and 14	Retain both paragraphs. Make notified closure and exemption information available to observer providers and clarify whether access should be public or secure.	Broadly agreed – Retain	PNA and the USA support retention. Only the first sentence of paragraph 14 is relevant to observer monitoring.
Seabirds CMM 2025-05	1, 2 and 6	Retain existing MSDf and apply them to the new area. Include applicable areas and mitigation requirements in observer materials.	Agreed – Retain	PNA and China raised practicality concerns to be resolved to confirm certain data fields. The USA supports retention and inclusion of the CMM tables in observer materials.
Marine Pollution CMM 2017-04	2, 3 and 5	Retain paragraph 2. Confirm direction on retaining or excluding paragraphs 3 and 5 pending the CMM review.	Partial / Mixed – Needs consensus	PNA and China support excluding non-binding provisions. Canada and some other CCMs prefer no change pending the review. Clear evidence linking a discharge to the vessel is needed through improved reporting and debriefing.
Mobulid Rays CMM 2019-05	3–6, 8 and 10	Retain paragraphs 3 and 4 and the binding element of paragraph 5. Exclude paragraph 6, paragraph 8 and the non-binding element of paragraph 5. Clarify the treatment of paragraph 10.	Mostly Agreed – Retain / Remove	Views differ on whether paragraph 10 should be treated under RAY or observer obstruction. China also raised concerns about retention and subjective assessments. Observer reporting and debriefing could be strengthened accordingly.

Sharks – Full utilisation, finning & mitigation CMM 2025-06	7–9, 14, 15, 18 and 21	Retain paragraphs 7 and 18. Clarify direction on paragraphs 8, 9, 14, 15 and 21. Note that the shark CMM is scheduled for review in 2027.	No agreement on some paragraphs – Needs CCM discussion	Views differ on what observers can verify at sea and what should instead be monitored through transshipment, port or inspection processes.
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Additional ROP / PNA Proposals for MSDF Refinement (for CCM consideration)

- Make mesh-net recording on FADs more explicit (linked to code 13 and CMM 2025-02 paragraph 16).
- Improve guidance for classifying purse-seine vessel activity as “searching” versus “transit” to strengthen effort estimates.

United States proposals

12. As tasked by WCPFC22, the ROPIWG considered during 2026, US proposals for changes to the CCFS. At ROPIWG9 in June 2026, the working group recognised the potential value of proposed updates to CCFS reference materials, case-status designations, case-identification structures and case types. It also considered that further technical assessment was required, particularly where the proposals extended beyond ROP-sourced cases or affected the broader CCFS. The US also proposed changes to the names reflecting the source of the case that are used in CCFS and to the standardised case identifiers that would apply irrespective of the source of a case.
13. It is proposed that the current ‘observer initiated’ case types be called ‘observer sourced’ case types and that ‘CCM initiated’ case types be known as ‘Inspection sourced’ case types. It is also proposed, that the case file structure reflect the source of the information leading to a case i.e. cases arising from observer reporting would include “OBS” in the case file name and those from other sources would retain their use of HSBI, AIR, PORT etc. All cases would also include the code for the subject of the potential infringement. This proposal would mean each case file has a four-part identifier. Examples are shown in Table 2.

Table 2: Proposed new CCFS case file naming structure

Current case file naming	Proposed CCFS case file structure: [CCM]-[Detection Method]-[Subject Matter]-[ID]
[CCM]-HSBI-143	[CCM]-HSBI-POL-143
[CCM]-SHK-345	[CCM]-OBS-SHK-345
[CCM]-PORT-579	[CCM]-PORT-SHK-579
[CCM]-POL-251	[CCM]-OBS-POL-251

14. During discussions on the scope of observer monitoring, the US proposed the case identifiers in Table 3 for cases associated with the identified CMM topics, including topics for which no identifier currently exists.

Table 3: United States proposals for standardised case identifiers by CMM topic

CMM topic	Existing case identifier and meaning	Proposed case identifier for a topic
Marine Pollution (CMM 2017-04)	POL - prohibited discharge of plastics from a vessel	POL
Fishing on data buoys (CMM 2009-05) and FAD closures (CMM 2025-02)	FAI – potential setting on a FAD during an applicable FAD-closure period No existing case identifier covers potential non-compliance concerning data buoys deployed for scientific or environmental purposes	FAD

Cetaceans and whale sharks (CMM 2024-07 and CMM 2025-06)	CWS – prohibited purse-seine setting where a cetacean or whale shark is sighted before the set; prohibited harvesting, retention, transshipment or landing; or failure to follow applicable handling and safe-release requirements	CWS
Observer obstruction (CMM 2018-05)	OAI - assault, obstruction, intimidation of or interference with an observer, including requests that an observer not report an event	OBS
Driftnet regulations (CMM 2008-04)	None – high seas large scale driftnet prohibition	DNS
Sharks (CMM 2025-06)	SHK - prohibited finning, retention, storage, transshipment or landing; failure to use required mitigation measures; or failure to follow applicable handling and release requirements	SHK
Mobulid rays (CMM 2019-05)	None - targeted fishing or intentional setting; prohibited retention, storage, transshipment or landing; or failure to release a captured ray promptly and as required	RAY
Sea turtles (CMM 2018-04)	None - failure to use required mitigation measures or equipment, or to follow applicable handling, recovery and safe-release requirements	TUR
Seabirds (CMM 2025-05)	None - failure to use the mitigation equipment or fishing practices required in the applicable area	BIR

15. Other United States technical proposals affecting the structure and operation of the CCFS are presented in [WCPFC-TCC22-2026-DP01](#) for consideration by TCC22.

Recommendations

16. TCC22 is invited to:

- **confirm**, where possible, the CMM obligations and paragraphs identified in Table 1 that should be included in or excluded from observer monitoring for potential CCFS cases;
- **confirm** the associated procedural approaches, including the use of observer training, reference materials and debriefing, and identify where new or revised MSDF are required;

- **identify** any obligations, data fields or procedural matters requiring further intersessional work and provide guidance on that work so it can be completed before WCPFC23;
- **consider** the proposed standardised case identifiers in Table 2 and Table 3, together with the broader CCFS proposals in WCPFC-TCC22-2026-DP01, and determine the recommendations or further work to be forwarded to WCPFC23.