



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Fifth Regular Session**

1-6 October 2009

Pohnpei, Federated States of Micronesia

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**DRAFT TERMS OF REFERENCE FOR THE COMPLIANCE WITH CONSERVATION  
AND MANAGEMENT MEASURES (CCMM) WORKING GROUP**

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**WCPFC-TCC5-2009/IP-06**

**18 September 2009**

On 26 June 2009 the Secretariat distributed to all WCPFC Official Contacts a letter from Australia dated 26 June 2009 (**Attachment 1**) and draft Terms of Reference for the Compliance with Conservation and Management Measures (CCMM) Working Group (**Attachment 2**).



Australian Government

Department of Agriculture, Fisheries and Forestry

Mr Andrew Wright  
Executive Director  
Western and Central Pacific Fisheries Commission  
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FEDERATED STATES OF MICRONESIA

Dear Drew

It is with pleasure that I provide to the Secretariat of the Western and Central Pacific Fisheries Commission (WCPFC) the draft terms of reference for the Compliance with conservation and management measures (CMMs) Working Group (the C-CMM Working Group).

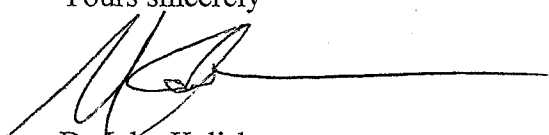
The C-CMM Working Group will consider options for an effective structure and process for a WCPFC Compliance Monitoring Scheme with the view to providing a draft proposal for consideration at the 5th Regular Session of the Technical and Compliance Committee (TCC5), 1-6 October, 2009, Pohnpei, Federated States of Micronesia. Please note that the draft terms of reference also incorporate comments received from Members and Co-Operating Non-Members at the 5th annual session of the WCPFC. In order for the C-CMM Working Group to begin this important work, endorsement of the draft terms of reference is sought from Members and Co-Operating Non-Members.

Parties interested in actively participating in the C-CMM Working Group should also notify their intent as soon as possible to the Secretariat, including providing contact details of the person/s who will participate.

It is anticipated that the C-CMM Working Group will circulate a draft version of the documents to all Members and Co-Operating Non-Members in the lead up to TCC5.

It would be appreciated if the draft terms of reference could be distributed to Members and Co-Operating Non-Members at your earliest convenience. Thank you for your assistance in this matter.

Yours sincerely



Dr John Kalish  
General Manager  
International Fisheries Branch

26 June 2009

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**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
    - 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 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 non-compliant 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 prevent a non-compliant party from blocking punitive action.
5. Structure/s required to support the Compliance Monitoring Scheme.
  - work under this item could include:
    - identifying options for creating new sub-committees or working groups under existing committees or the Commission to be responsible for the Scheme; and
    - identifying resourcing implications for the Secretariat.