



**TECHNICAL AND COMPLIANCE COMMITTEE  
NINTH REGULAR SESSION**

26 September – 1 October 2013  
Pohnpei, Federated States of Micronesia

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**FINAL dCMR AS ADOPTED BY WCPFC9 – COVERING 2011 ACTIVITIES**

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**WCPFC-TCC9-2013-IP02**

**3 September 2013**

**Attachment L to WCPFC9 Summary Report**

## **Final Compliance Monitoring Report for the activities in 2011** **Executive Summary**

WCPFC9 noted that CCMs were evaluated at TCC8 in five categories as specified in the CMS CMM2011-06. CCMs were evaluated using three criteria; a) Compliant b) Not Applicable and c) Potential Compliance or Implementation Issue Identified. CCMs were then rated as either “Compliant” (no compliance issue was identified) or “Compliance Review” (where at least one of the five categories was evaluated as “potential compliance or implementation issue identified”).

WCPFC9 concluded that the following CCMs are considered to be “compliant” under the provisions of CMM2011-06: Australia, Canada, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Republic of Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Chinese Taipei, Tonga, Tokelau, Tuvalu, Panama and Vietnam.

WCPFC9 concluded that the following CCMs are considered to be “compliance review” under the CMM: China, European Union, Japan, Kiribati, Korea, Philippines, Solomon Islands, United States of America, Vanuatu, Belize, Ecuador, El Salvador and Indonesia.

TCC8 could not conduct a review of dCMRs due to the lack of sufficient information for Wallis & Futuna, Mexico, Senegal and Thailand. WCPFC9 concluded that these CCMs should be rated as “compliance review”.

WCPFC9 recommends that TCC9 consider an additional Compliance Status to address ongoing non-compliance with effort limits and provision of scientific data.

WCPFC9 took the following into account in its consideration of a succeeding CMS Measure:

- The CMS is still in a development phase and any succeeding measure should take into account the experience of the trial period of two years.
- Summary dCMR prepared by the Secretariat for the work of the TCC8 was very useful to conduct the review. This experience should be taken into account in discussing a succeeding CMR measure. Current time frame of the process is doable, provided that every step is taken as specified. However, since the process has little slack, a small delay in one step could disrupt the whole process.
- Many CCMs, expressed their difficulty to keep up with CMS process as well as reporting requirements from various CMMs. However, it was also made clear that late submission or no submission of required information, particularly Part 1 and Part 2 reports, made CMR review for those CCMs impracticable. CCMs were again encouraged to comply with their reporting obligations. In particular, SIDS CCMs expressed concern with the increasing reporting obligations which was becoming an undue burden on their small administrations. SIDS CCMs also wanted to ensure that the CMS process does not further marginalize them given their struggle to meet the Commission’s obligations. It was recognized that the reporting obligations need to be revisited to ensure that they are streamlined to ease this burden, particularly for SIDS CCMs.

- Capacity building, in particular for SIDS is crucial in order for these CCMs to fulfill their obligations. To this end, common areas identified where capacity building may be needed is the VMS MTU/ALC audit and inspection; shark species identification and reporting; estimates of discards; and data collection in particular for Philippines and Indonesia.
- CCMs continue to have difficulty complying with particular CMMs, such as data provision of by-catch species including sharks. For sharks, it was also noted that for some CCMs, implementation of reporting requirements relating to specific species is done on a regional basis and as a result, there can be time delays associated with implementation by CCMs across the region. It was also noted that the data requirement for artisanal fisheries such as paragraph 39 of CMM2008-01 is difficult to comply with, particularly for developing CCMs.
- It was noted that certain CCMs report on behalf of their territories, but that separate compliance monitoring reports are not prepared with respect to these territories.
- Ambiguities in some CMMs were noted, such as whether the SIDS exemption in paragraph 3 of NP Striped Marlin CMM (2010-01) applies to its data reporting requirement in paragraph 7. In addition, some CCMs noted the potential implementation issue with CMM 2010-01 with regards to the applicability of how to apply reductions set out in paragraph 5 of the measure to those who only catch North Pacific striped marlin as by-catch. The ambiguity in CMMs should be minimized to the extent possible.
- Responses to possible non-compliance, including a weighting scheme of the seriousness of non-compliance, would be desirable for the CMS to be more effective and complete. The CCMs evaluated as “compliance review” are strongly encouraged to address their implementation issues even without a response procedure.
- The issue of operational data provision was raised. In relation to this, it was also noted that the Scientific Committee 8 recommended that those CCMs who have yet to provide operational level catch and effort data should provide annual catch estimates by gear and species for waters under national jurisdiction and high sea areas separately as per the scientific data provision rules. WCPFC9 requested that the Secretariat include this in a future CMR.
- Since the current CMR review is conducted on a country by country basis, it was not possible to evaluate the implementation of the CMMs which are managed under multilateral framework, such as VDS in PNA waters or operation conducted under USA-FFA treaty.
- Through the discussion at TCC8, several possible compliance issues were noted, such as the use of FADs during the FAD closure period, ALCs not reporting in accordance with the VMS CMM, VMS manual reporting, transshipment in Eastern High Seas Pocket, and issues suggested through GEN-3 observer reports and failure to notify the Commission of chartered vessels. TCC8 expressed its concern that the current CMS does not adequately address these and other possible compliance issues. Given the importance of these CMMs and that the transshipment and E-HSP measures will be reviewed in 2013, it is recommended that the 2013 compliance assessment process assess every

obligation contained within these measures.

- Many CCMs advised that they submit required information to SPC but not to the Secretariat despite the requirement under some CMMs. Although such reporting was evaluated as “compliant” at the TCC8, all CCMs were encouraged to submit the required information to the designated recipient.
- The evaluation of the implementation in the overlap area between WCPFC and IATTC was difficult since the participatory rights given to CNMs at WCPFC7 and the basic approach for the management of the area adopted at WCPFC8 are sometimes contradictory. Evaluations for such operations should be carefully reviewed by the Commission.
- With respect to effort limits, some CCMs noted that the metric for measuring vessel days is still varied in the region and this may need to be taken into consideration when assessing effort by CCMs

WCPFC9 agreed that until such time as the Compliance Monitoring Scheme becomes a permanent measure, the compliance status of any CCM or information regarding compliance developed through the Compliance Monitoring Scheme shall only be used consistent with paragraph 1 and 6 in CMM 2011-06 and to support the continued development and refinement of the CMS and will not be used by CCMs for any outside purpose.