



**TECHNICAL AND COMPLIANCE COMMITTEE**  
**Seventh Regular Session**  
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**DRAFT COMPLIANCE MONITORING REPORT - INTRODUCTION**

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WCPFC-TCC7-2011/17  
9 September 2011

**Paper prepared by Secretariat**

**ISSUES:**

1. CCMs are obligated to report on the implementation of Conservation and Management Measures (CMMs). WCPFC6 adopted the recommendation that the Secretariat attribute reporting gaps to the CCMs concerned. WCPFC7 adopted a new Compliance Monitoring Scheme through CMM 2010-03 highlighting the need to evaluate compliance of CCMs to:

- i. catch and effort limits;
- ii. catch and effort reporting;
- iii. spatial and temporal closures and gear restrictions;
- iv. observer and VMS requirements; and
- v. scientific data provision, reporting and handling.

2. Compliance with these five issues this year is addressed in the format noted in WCPFC-TCC7-2011-IP-01 *Draft Compliance Scheme Monitoring Report (CMR)*. The CMRs are compiled for each CCM from information provided in Part 1 and Part 2 Annual Reports, VMS, ROP, RFV, Scientific data provided to the Commission, and other reporting requirements noted in CMMs. A total of 19 Part 2 Annual Reports were received by 7 September, and the package of 19 individual CCM Compliance Monitoring Reports for 2010 Activities is found at <http://wcpfc.int/ccm/compliance-monitoring-reports>, on the non-public domain side of the WCPFC website. These comprise the Draft Compliance Monitoring Report (Draft Report) for 2010 from which TCC is to compile a Provisional Compliance Monitoring Report (Provisional Report) for the Annual Commission Meeting.

3. The CMRs are required to be sent back to CCMs for review 5 days after receipt of the Part 2 Annual Report or 25 days prior to TCC, whichever is earlier. Part 2 Annual Reports are due to the Secretariat 30 days prior to TCC. There are 25 members, 7 Participating Territories and 9 Cooperating Non-Members who would complete Annual Reports each year, which leaves 5 days to compile and disseminate 37-41 individual reports in the aforementioned format to the respective CCMs for comment. Comments

are due back to the Secretariat 12 days prior to TCC and the Secretariat has 5 days to input comments and disseminate all the reports in one package to all CCMs for review at TCC. This time frame does not allow for any detailed analysis of individual reports for factors impacting compliance or assessment of major compliance issues.

4. The current CMRs do not address all compliance issues in the CMMs or Commission decisions. Those issues not addressed in the current CMR are elaborated in **Attachment 1** with the reporting/action requirements presented in a format similar to the current CMR. Some challenges facing the proposed Compliance Monitoring report scheme include:

- very short submission time which does not permit time for appropriate analyses and evaluation of the submission, further discussed in WCPFC-TCC7-2011/18 and WCPFC-TCC7-2011/19;
- the lack of clear and standard evaluation measure for reports, however, it is noted that this may evolve over time; and
- no fixed and clear baseline of data against which to measure progress with respect to compliance.

#### **DECISIONS/ENDORSEMENTS**

5. TCC7 is invited to review the CMRs and compile the Provisional Report for the Annual Meeting. The proposed format for the individual provisional CMRs is attached as **Attachment 2**.

6. TCC7 is invited to review CMM 2010-03, as it is due for review by the Commission at its annual meeting later this year. Options to consider may include:

- extension of the CMR format to include all reporting requirements in CMMs and Commission decisions;
- a strategy to synthesize the CMRs' compliance issues from individual CCM reports, develop options to rectify the issues and enable the Commission to decide on such recommendations to address compliance problems on a wider scale than that of individual CCMs.

## ADDITIONAL CMM REPORTING REQUIREMENTS AND DECISIONS

Paragraph	Obligation	CCMs reported	CCMs Compliant	CCMs not reported or non-Compliant
<b><i>Rules and Procedures for Protection of, Access to, and Dissemination of Data compiled by the Commission</i></b>				
20	Notify WCPFC Secretariat of representatives authorised to request and receive non-public domain WCPFC data			
21	Maintain confidentiality and security of data received in accordance with ISP			
31	Notify WCPFC Secretariat of representatives authorised to release non-public domain data that the CCM has provided to the Commission			
<b><i>Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes.</i></b>				
6	Confidentiality and security of data received is maintained			
11	Notify Secretariat of MCS entities authorized to receive non-public domain data and information			
12	Data and information received is only further disseminated in accordance with these rules and procedures			
28	Retention and destruction requirements are complied with			
32 and 34	Notify Secretariat of Management entities authorized to receive high seas VMS data for scientific purposes and submit Data Request Form and Confidentiality Agreement			
44	If applicable, comply with AR Part 2 Reporting Requirements			
	1) Information on domestic measures taken to ensure confidentiality of data and information received 2) Statement affirming compliance with the data retention and destruction requirements of Section V 3) Annual summary report of the status of any investigation, judicial or administrative proceedings, until the conclusion of the investigation, judicial or administrative proceedings.			
<b><i>2004-03 Specifications for Marking and Identification of Fishing Vessels</i></b>				
2	CCMs to ensure that all vessels marked in accordance with FAO Standard Specifications for the Marking and Identification of Fishing Vessels which becomes the vessel WCPFC Identification Number (WIN)			
<b><i>2006-08 WCPFC High Seas Boarding and Inspection Procedures</i></b>				
7	CCMs ensure vessels flying its flag accept boarding and inspection by authorized inspectors iaw these procedures			
13	Each Member intending to carry out boarding and inspection provides information on patrol vessels and the requirements for inspectors iaw this CMM			
14- 27	Authorized vessels and Inspectors shall comply with the procedures in the aforementioned paragraphs			
29	Use of force to be reported immediately to the authorities of the fishing vessel as well as the Commission			
30-31	Full boarding report to flag State within 3 working days or as agreed between authorities of both inspection			

	and FS of receiving party, including the name of the inspector, authority of the inspector and alleged violation			
32-36	Immediate notification of FS or fishing vessel and Commission on funding of serious violation and compliance with procedures for such an incident in these paras			
38	Evidence to FA of fishing vessel			
40	Contracting Parties operating under these procedures to report annually on boarding and inspections and possible violations			
41	FS of fishing vessels inspected shall report action taken in response to HSB&I in Annual Reports Part 2			
42-44	Procedures and reports for non-Members			
<b>2007-04 Seabird Mitigation</b>				
1 & 10	Implement IPOA according to dates in the CMM <ul style="list-style-type: none"> <li>• South of S30 – 1 Jan 08 vessels &gt;24m and 31 Jan 09 &lt;24m</li> <li>• North of N23 30 Jun 08 &gt;24m</li> </ul>			
<b>2008-01 Bigeye and Yellowfin</b>				
27	Retain all bigeye and yellowfin tuna and land in port except for final set and hold full, unfit for human consumption or serious equipment malfunction			
42	Prohibit landing, transshipment and any commercial transactions in tuna and tuna products that are identified as originating in contravention to any element of CMMs			
<b>2009-01 Record of Fishing Vessels and Authorization to Fish</b>				
1 (a-i), 2, 15	CCMs commitment to manage its fleet as part of its authorization and its annual report to the Commission			
5	CCMs record of fishing vessels authorized to fish in areas beyond its national jurisdiction			
4, 6 (a-r)	CCMs Data requirements for posting on the RFV			
7	New or changes in vessel information and deletion from the RFV			
8	CCMs provide information requested by the ED within 15 days			
9 & 10	Fished not fished report requirements – 1 July each year			
17	CCMs prohibit landing or transshipment of WCPFC fish if the vessel is not on the RFV			
18	CCMs notify the ED with information on vessels not on the RFV that have fished or transshipped in the Convention Area.			
23	Revoke the authorization of IUU F/V flying its flag and ED to remove it from the RFV on receipt of notice in Para 7			
28, 29, 30	Information requirements to list a vessel on the Interim Register			
41-43	Conditions for CCMs that charter non-member vessels			
<b>2009-04 Sharks</b>				
1, 2	CMMs advise on implementation of IPOA and need for NPOA for sharks			
9	CMMs prohibit from retaining, transshipping, landing or trading any fins harvested in contravention of this CMM			
<b>2009-05 Prohibiting fishing on Data Buoys</b>				
1, 3	CMMs prohibit from fishing within 1 nm of a data buoy and prohibit taking a data buoy onboard			

5	CCMs report to Secretariat any reported entanglements with data buoys			
<b>2009-06 Regulation of Transshipment</b>				
11	CCMs shall report on transshipments in their AR2			
13	Responsibility for carrying observers on receiving vessels >33m, and receiving or transshipping vessels for <33m receiving vessels			
20	Prohibition to transship to non-member vessel unless it is on the Interim Register of licensed to fish in an EEZ as a decision of the Commission			
25, 32	Prohibition for Purse Seine transshipment at sea in an EEZ without an exemption. No transshipment on high seas by PS permitted			
33-38 and Annex 1	Prohibition for high seas transshipment except for cases of exemption. CCM transshipment requirements on HS in case of exemptions, notices and declarations for vessels other than Purse Seine vessels, including notification by CMM for exemptions to permit transshipment on the high seas.			
<b>2009-08 Charter Notification Scheme</b>				
2	Notification to the ED of all vessels identified to be chartered by 1 July 2010			
3	Notification of new or changed information to ED within 15 days or within 72 hours prior to commencing fishing activities			
<b>2009-09 Vessels Without Nationality</b>				
5	Reporting of sightings of vessels without nationality by CCMs to the Secretariat			
<b>2009-11 Cooperating Non-Members</b>				
1, 2	Request to ED 60 days prior to TCC and information requirements			
9	CNMs renewing status requirements			
11	Compliance requirements for CNMs including contributions			
<b>Financial Regulations</b>				
5.3	Each Member of the Commission shall contribute to the budget iaw Article 18, para 2 of the Convention			

**Provisional Compliance Monitoring Report**

In accordance with CMM 2010-03 *Conservation and Management Measure for Compliance Monitoring Scheme*, the TCC is required to develop a Provisional Compliance Monitoring Report that includes:

- a provisional assessment of each CCM’s Compliance Status and recommendations for any corrective action needed (paragraph 14)
- recommendations for amendments or improvements to existing CMM to address implementation or compliance difficulties experienced by CCMs (paragraph 15(i)), and
- recommendations or observations for additional priority obligations that should be reviewed under the Scheme pursuant to paragraph 4 of the CMM (paragraph 15(ii)).

To give effect to the first requirement, TCC could use a simple template to provide a provisional assessment of each CCM’s compliance status, setting out:

1. a summary of any potential compliance issues identified with respect to each CCM in relation to the five categories of obligation with which compliance is monitored under the Scheme (para 3), and
2. a provisional assessment of compliance status for each CCM.

The template could be along the following lines:

<p><b>Provisional 2010 Compliance Assessment:</b> <i>[Name of CCM]</i></p> <p>1. <u>Potential compliance issues identified:</u></p> <p>(i) Catch and effort limits <i>[compliant/exceeded catch or effort limit with respect to [detail of species/fishing method and extent of excess catch/effort]]</i></p> <p>(ii) Catch and effort reporting <i>[compliant/failed to comply with catch or effort reporting requirements with respect to [detail of any under-reporting or mis-reporting for species/fishing method]]</i></p> <p>(iii) Spatial and temporal closures, and gear restrictions <i>[compliant/failed to implement [closure or gear restriction] or failed to take action with respect to vessel/s breaching [closure or gear restriction]]</i></p> <p>(iv) Observer and VMS requirements <i>[compliant/failed to give effect to [observer or VMS requirement] or failed to take action with respect to vessel/s breaching [observer or VMS requirement]]</i></p> <p>(v) Scientific data provision, reporting and handling <i>[compliant/failed to provide [details of scientific data] or failed to give effect to [reporting or handling requirement]]</i></p> <p>2. <u>Provisional assessment of compliance status:</u> <i>[Compliant/Compliance Review/Compliance Action Plan/Compliance Remedy]</i></p>
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