TECHNICAL AND COMPLIANCE COMMITTEE

Thirteenth Regular Session

27 September – 3 October 2017

Pohnpei, Federated States of Micronesia

TCC13 CMR REVIEW PROCESS

WCPFC-TCC13-2017-12

25 September 2017

Paper by TCC Chair

TCC13 CMR REVIEW PROCESS

Four New Issues This Year:

1. Report back on obligations that were assessed as Flag State Investigation last year

Ref: TCC13-2017-dCMR01-ISR

For each obligation that was assessed as Flag State Investigation (FSI) last year, CCMs were required to report in their annual report on the progress of the investigation. The CMS working group will go through each of the FSI assessments from last year and determine whether the assessment should remain FSI or whether the assessment should be changed to reflect progress or lack of progress made over the past year. The results of these assessments will be included in the Provisional CMR that is sent to the Commission.

2. Report back on obligations that were assessed as Capacity Assistance Needed last year

Ref: TCC13-2017-dCMR01-CDP

For each obligation that was assessed Capacity Assistance Needed (CAN) last year, CCMs were required to report in their annual report on the progress of the Capacity Development Plan. The CMS working group will go through each of the CAN assessments from last year and determine whether it should remain CAN or whether the assessment should be changed to reflect progress or lack of progress made over the past year. The results of these assessments will be included in the Provisional CMR that is sent to the Commission.

3. Alleged violations from 2015 that were not included in last year's CMR

Ref: TCC13-2017-11c

There were a number of alleged violations from 2015 that were not included in last year's CMS because the information came in after the CMS has been completed. The Secretariat has included information regarding these 2015 alleged violations through the dCMRs that went to each CCM and in the online system. CCMs have reviewed and reported on these additional alleged violations. **In order to ensure consistency with our 2016 assessments, I am recommending that we conduct our assessment of the outstanding 2015 alleged violations in conjunction with the 2016 assessments, but that we give a separate assessment for the 2015 alleged violations.** The results of the assessments related to the outstanding 2015 alleged violations will be included in the Provisional CMR that is sent to the Commission.

4. ROP Pre-Notification Issues

Ref: TCC13-2017-11c

The ROP Pre-Notification Issues list has generated an extremely large number of cases – 544. Fewer than 100 of these cases have a completed investigation/review by a CCM. This list is generated from any observer report where the observer has checked a box "YES" on the GEN-3 form, without any additional verification or review. As a result, and based on the experiences of those CCMs who have reviewed these cases, many if not most of the cases on the list either do not involve violations at all or involve only de minimis violations. Significant violations are being captured through the other compliance case file system lists. This list was originally intended to provide more timely notification to flag states of alleged violations, particularly while the

Secretariat completed the work on the more comprehensive online Compliance Case File System. It was not necessarily intended to be included in the CMS process.

Given the large number of cases, the original intent of the ROP Pre-Notification Issues list, the low likelihood of significant cases being identified through this list, **I am recommending that we NOT assess the cases from the ROP Pre-Notification Issues list during this year's CMS process, EXCEPT for the subset of those cases related to observer obstruction.**

Reminder on Process from Past Years

- Review will be on obligation-by-obligation basis, not by country
- CCMs cannot block their own compliance assessment if other CCMs have reached consensus.
- Where additional information is provided verbally during the CMS working group, this information will be accepted for the assessment, *unless the Secretariat needs additional time to review and confirm the information received*
- In cases where CCMs were late with a reporting deadline, TCC13 will accept the assessment of the Secretariat unless there was additional relevant information provided by the CCM