



**COMMISSION  
SIXTEENTH REGULAR SESSION**  
Port Moresby, Papua New Guinea  
5 – 11 December 2019

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**REPORT FROM THE IWG TO DEVELOP CMS AUDIT POINTS**

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**WCPFC16-2019- IWG\_CMSAuditPoints-01<sup>1</sup>  
21 November 2019**

**Submission from Chair of the IWG to develop CMS Audit Points**

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<sup>1</sup> Please note there is a zip file that accompanies this report that is titled *Final Audit Points Report.Nov2019* that contains four Excel files:-

- DEADLINE – comparison;
- IMPLEMENTATION – comparison;
- LIMIT – comparison; and
- REPORT -comparison.



# National Oceanic Resource Management Authority

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21 November 2019

Colleagues,

First, I would like to thank all those CCMs and Observers who contributed to the intersessional work to develop audit points for the Compliance Monitoring Scheme. This is one of the five Future Work tasks set out in Section IX of the CMS CMM 2018-07 for 2019, which WCPFC15 suggested that interested CCMs should work together to progress in the intersessional period.

In May of this year, I sent out a letter to all CCMs and Observers indicating FSM's willingness to lead the intersessional work to develop audit points on behalf of FFA members, and invited other interested CCMs and Observers to also indicate their interest and nominate a point of contact for the work. In June, I emailed a proposed process to the nominated points of contact and outlined the following:

- Begin reviewing audit points of those obligations adopted by WCPFC15 to be reviewed in the 2019 CMS (83 obligations<sup>1</sup>):
  - Report – 24 obligations
  - Deadline – 19 obligations
  - Implementation – 25 obligations
  - Limit – 16 obligations
- Use the WCPFC Secretariat's existing "Evaluation Methodology" as the starting point for the review, identifying for each of the 83 obligations any additional criteria for reviewing compliance, or proposed removal of any criteria;
- For comments to be submitted to me by 31 August 2019 so I could prepare a report for the consideration of TCC15.

As at 31 August, only two members (one CCM and one Observer) had submitted comments to me (I note that in the June email where I outlined the proposed process for the work, I had inadvertently left out one CCM in that communication, who had indicated their interest in participation in the work.)

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<sup>1</sup> The list of 83 obligations for review in the 2019 CMS covered obligations that were in force for Reporting Year 2018. For purposes of the audit points work, the obligations were updated for those CMMs that were revised at WCPFC15. This resulted in one obligation (CMM 2017-01 29) being deleted from the review as it was not carried over into the successor measure, CMM 2018-01. This reduced the total number of obligations to be reviewed for audit points to 82. Following the TCC15 discussions, Canada requested and offered to complete audit point evaluations for the obligations in CMM 2016-05 on Charter Notifications, bringing the total to 85. Note also that some obligations were reviewed in more than one category, i.e. SciData 01-05, which are both Report and Deadline obligations.



I submitted a report to TCC15 (see WCPFC-TCC15-2019-19) to update CCMs on progress to that point and invited additional feedback from intersessional participants up to 31 October 2019 so that I could compile a final report for WCPFC16. During TCC15, I met informally with interested CCMs and Observers to discuss the work and members decided that a template to guide the evaluation of audit points would be useful for advancing the work ahead of WCPFC16. TCC15 agreed that the participants in the intersessional group could use the templates to review obligations and would seek to return them to me by 31 October. In order to ensure that we would make progress, I assigned obligations to each of the CCMs and Observers who met with me at TCC15 and most of you returned your completed evaluations against your assigned obligations by the agreed deadline.

Given the quantity of information and the level of detail, I have undertaken an initial review of the completed templates against the WCPFC Secretariat's existing Evaluation Methodology and attempted to highlight areas where further review or analysis is required. You will see in the report that not all templates were completed in the same manner and proposed audit points in some categories differ considerably from criteria we are currently using, requiring further review.

We need to ensure that we are approaching this task in a methodical, realistic way that will give us the strongest chance for a successful outcome and will not put us at risk of undoing the good progress we've made on the CMS over the last nine years. We also need to keep in mind that our existing approach to compliance assessment is a result of CCM input into TCC's review process over a nine-year period and that we don't want this exercise to generate issues where there are none.

We have very limited time during the Annual Session to conduct our work and the audit points exercise is a very detailed, technical one, so I ask that we be realistic and pragmatic in how we approach the work at WCPFC16. Although we all want to make progress, I do have concerns about our ability to devote the necessary attention at WCPFC16 to reviewing audit points for all 83 obligations since there is a need to review nearly every single one, as evidenced in the report. As such, I propose the following options for your consideration:

- Option 1:** Note the TCC15 recommendation for WCPFC16 to establish a Technical Working Group to meet in 2020 to further consider audit points, and to clarify the task of the TWG is to review audit points for all Commission obligations/priority obligations<sup>2</sup> with a view to presenting a report to TCC16 for finalization and recommendation to WCPFC17 for adoption. In this option, WCPFC16 would agree not to consider any of the proposed audit points for the 83 obligations and would refer all of this work to the 2020 process.
- Option 2:** Agree to review only one or two of the obligation categories at WCPFC16, e.g. Limit and Report obligations, only. Agree that the remaining categories of obligations, in addition to other obligations not reviewed in 2019, to be reviewed in 2020 through the intersessional process agreed to by WCPFC16, e.g. a Technical Working Group.

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<sup>2</sup> Could consider the 83 obligations agreed to by WCPFC15 for the 2019 CMR to be a reflection of Commission priorities.



**Option 3: Decide on a combination of priority obligations across the four categories and agree to review only those audit points at WCPFC16, e.g. Limits for key tuna species, SciData, RFV, etc.**

Another approach, which I would not consider to be a viable option, is to review proposed audit points for all 85 (see *footnote 1*) obligations and conduct this work through a SWG at WCPFC16 (schedule TBD). SWG would aim to have a report of proposed new audit points for adoption by WCPFC16 that contains audit points for 85 obligations (or as many as can be agreed to by the SWG).

The second part of this Future Work task was to develop a checklist of audit points that proponents of new obligations would complete at the time new proposals are submitted for consideration. Participations in the intersessional group considered a template in the margins of TCC15 and Australia volunteered to “test” it with its new proposal to WCPFC16 on Manta and Mobulid Rays (now an FFA proposal). This template is attached.

Pending the WCPFC Chair’s concurrence, I would ask that we come to the Heads of Delegation meeting on December 4<sup>th</sup> prepared to discuss the above options with a view to deciding on a way forward as soon as possible before WCPFC16. On the proposed audit points checklist, I will defer to the WCPFC Chair on how to take that forward.

Please let me know if you have any questions or concerns, otherwise I look forward to continuing discussions in a few weeks.

Sincerely,



Eugene P. Pangelinan  
Chair of the intersessional group  
developing audit points for the CMS

**Proposed CMM Audit Point Checklist**

*To be completed by proponents of new measures and attached to new proposals*

**What is the obligation?**

CMM \_\_\_\_\_, para \_\_\_\_\_

Set out the obligation. Where there are separate obligations in the paragraph, set out each separately.

Should any other obligations be assessed in combination with this obligation?

Yes – if so, which CMM \_\_\_\_\_, para \_\_\_\_\_  No

**To whom does the obligation apply?**

All CCMs  Flag CCMs  Some CCMs - if so, which CCMs?

Set out any exceptions or exclusions.

**What does it apply to (if relevant)?**

i.e. does it apply to a particular geographical area, fishery, stock, species of special interest?

**What is the nature of the obligation?**

Report deadline  Report  Implementation  Limit  Other

**Go to relevant section:**

**I. Report Deadline**

What is the deadline?

Specify how compliance is to be assessed:

- Has an annual Report been submitted to the Secretariat by the required deadline?
- Have all monthly Reports been submitted to the Secretariat by the required deadline?
- Have all activity Reports been submitted to the Secretariat by the required deadline?
- In respect of any other deadline, specify how compliance is to be assessed:

**II. Report**

Specify how compliance is to be assessed:

Is this information already provided as part of the submission of operational level catch and effort data?

Yes  No

If no, is this information to be provided in  Annual Report pt1  Annual Report pt2 or  Directly?



Must the information provided be complete?  Yes  No  
Can the information provided be verified through another source?  Yes  No  
If yes, what other data or information source should be used? Please specify:

### III. Implementation

Specify how compliance is to be assessed:

Adoption by an applicable CCM, in accordance with its own policies and procedures, of binding measures that implement the requirement, and provision of the requisite information on this in Annual Report pt 2 (eg provision of information on or link to relevant legislation, or policies or procedures).

If this information has been provided in the past, confirmation from the CCM that it has checked that this information is current for the reporting year, and if not, that it has updated the requisite information.

Provision by an applicable CCM of information in Annual Report pt 2 showing that it has a system to monitor and ensure compliance with this obligation. Specify the type and nature of the information required to be provided to demonstrate this:

Specify how compliance is to be assessed where incidents of non-compliance have been identified on the on-line compliance case file system:

### IV. Quantitative Limit

Specify how compliance is to be assessed:

What is the limit? (Specify the CCM-level or Collective limit)

Is there a baseline for a limit?  Yes  No

If yes, what is the baseline for each applicable CCM?

Has the CCM provided data in Annual Report pt 2 confirming that the limit has not been exceeded?  
 Yes  No

Is the data provided by the CCM on the limit able to be verified from another data source?  
 Yes  No

If yes, what is the source of data is to be used to verify the limit?

### V. Other

If none of the other categories are appropriate:

Specify the nature of the obligation:

Specify how compliance is to be assessed