

## List of Obligations SWG Summary Report \_ adopted at WCPFC17

1. The CMR List of Obligations small working group met once virtually during WCPFC17, as well as undertaking work via email exchange. The following CCMs and Commission Observers participated: Australia, Canada, China, Cook Islands, European Union, Fiji, French Polynesia, Indonesia, Japan, Marshall Islands, New Zealand, Chinese Taipei, Tokelau, United States, WCPFC Secretariat, SPC, FFA Secretariat, PNAO, SPREP, Birdlife International and WWF.
2. The SWG recognised that WCPFC16 tasked TCC16 to recommend a revised list of obligations to be assessed in 2021 but that TCC16 was not able to agree a list. The SWG used the FFA proposal on a list of obligations (WCPFC17-2020-DP01-Attachment 1) as the basis for developing a new list for adoption.
3. SWG participants expressed divergent views on the appropriate length of the list of obligations for assessment in 2021. A majority of CCMs expressed a view that the list should be no longer than the list assessed in 2020. Some CCMs expressed that the length of the list should not be limited to 2020 levels. All participants recognised the importance of ensuring that the list of obligations is manageable given the broad range of issues that TCC17 will need to address in 2021, including developing and implementing a process to consider aggregated summary tables required under paragraph 26(ii) of CMM 2019-06, ongoing Future Work to develop the CMS and providing advice related to the development of a new tropical tuna measure.
4. The SWG recognised the impacts of COVID-19 on the operation of the WCPO tuna fishery and on the operation of the Commission, including the requirement for the Commission and its subsidiary bodies to meet virtually in 2020.
  - a. In line with the decision taken by WCPFC17 under agenda item 5, the SWG agreed not to include assessment of the “Intersessional Decisions in response to COVID-19” in the CMR process in 2021.
  - b. The SWG agreed to include the obligations suspended by the “Intersessional Decisions in response to COVID-19” for review in the 2021 CMR for the periods prior to their suspension, noting the importance of these obligations and the duration of their applicable periods. The applicable periods are referenced in the list recommended at Attachment 1.
  - c. The SWG agreed not to include CMM 2018-05 Ann C 06 (related to longline observer coverage) – the SWG noted that the impacts of the COVID pandemic meant that it was highly unlikely that the CMR would be able to effectively assess this obligation for the year 2020. The SWG expressed that the decision not to include this obligation does not represent a suspension of this obligation; rather this is a recognition of the genuine impact that the COVID-19 pandemic will have on the ability of the TCC to assess this obligation. The SWG noted that the decision not to assess this obligation does not remove CCMs’ obligation to comply with this provision
5. The SWG agreed not to include the “comprehensive sharks measure” (CMM 2019-04) in the list of obligations for assessment in 2021, noting that this measure only came into effect on 1 November 2020 and hence the period of application for 2020 was only two months. The SWG also noted that the superseded sharks measure, CMM 2010-07, was included in the list.

- a. **Noting the importance of the new sharks measure, the SWG recommended that obligations under CMM 2019-04 be included in the list of obligations for assessment in 2022.**
6. The SWG agreed not to include obligations related to CMM 2011-04 (Oceanic whitetip sharks) and CMM 2013-08 (Silky sharks) noting that these measures have been reviewed consistently over the last three years and CCMs' non-compliance has been low.
  - a. **Noting the importance of measures related to non-retention of species of concern, the SWG recommends that obligations in CMM 2019-04 related to silky sharks and oceanic whitetip sharks be included in the list of obligations for assessment in 2022.**
7. The SWG noted advice on the high concern for some species of seabirds and the recent entry into force of a revised seabirds measure (CMM 2018-03) and agreed to include certain obligations under this measure.
  - a. The SWG recognised the concerns raised regarding the reliance on observer information for assessing compliance with certain provisions of this measure in a situation where observer deployment has been heavily impacted by the COVID-19 pandemic.
  - b. Given this, the SWG agreed not to include para 13 of CMM 2018-03 as this obligation is reliant on observer information.
  - c. **The SWG recommends that paragraph 13 of CMM 2018-03 be included in the list of obligations for assessment in 2022.**
8. The SWG noted advice on the conservation risk for sea turtles, and the recent adoption of revised mitigation requirements. Given this, the SWG agreed to include key mitigation requirements of the sea turtles CMM 2018-04.
  - a. The SWG noted that reporting requirements related to sea turtles are implicitly, but not explicitly, covered by the Commission's requirements to provide Scientific Data, and provision of bycatch and interaction data is specified in the ROP minimum data fields. It was not clear to the SWG whether there is a data gap related to these obligations that would be remedied via compliance assessment of these obligations. Hence, the SWG did not include the reporting requirements in the list of obligations for assessment in 2021.
9. **The SWG recommended that WCPFC17 adopt the list of obligations at Attachment XX for assessment through the CMR in 2021.**
10. The SWG also considered a request from the WCPFC Secretariat to revise the deadline for submission of the Annual Report Part 2.
  - a. The SWG noted the views of the Secretariat that CCMs' earlier submission (at least two weeks) of their Annual Report Part 2 in 2021 would be useful. This timing would assist the Secretariat to commence the earlier preparation of draft CMRs, particularly the review of any new or less familiar statements of implementation in Annual Report Part 2. It will also assist with successfully meeting the deadlines in CMM 2019-06 for the issuance of the draft CMR (at least 55 days before TCC17).
  - b. In addition, the Secretariat advised that it expected that earlier submission of Annual Report Part 2 reporting related to the COVID-19 intersessional decisions

would also assist the Secretariat in the timely preparation of the TCC17 paper that the Commission under WCPFC17 Agenda 5 has tasked the Secretariat to prepare on the implementation of the COVID-19 Intersessional Decisions in 2020/21.

11. **The SWG recommended that WCPFC17 decide that, in 2021, CCMs shall submit their Annual Report Part 2 at least 100 days prior to TCC17.**

List of Obligations to be assessed in the CMS in 2021 – AGREED BY SWG 15 Dec 2020

CMMs	CMM/para	Category
SciData	SciData01	Report
	SciData02	Report
	SciData03	Report
	SciData05	Report
TT CMM	2018-01 16	Implementation
	2018-01 17	Implementation & Report
	2018-01 23	Implementation
	2018-01 25	Limit
	2018-01 26	Limit
	2018-01 27	Implementation
	2018-01 31	Implementation
	2018-01 33	Implementation
	2018-01 34	Implementation
	2018-01 35	Implementation
	2018-01 39	Limit
	2018-01 41	Report
	2018-01 43	Limit
	2018-01 45	Limit
	2018-01 47	Limit
	2018-01 48	Limit
2018-01 51	Limit	
2018-01 52	Report	
2018-01 54	Report	
	2018-01 Att 2 03	Report
	2018-01 Att 2 05-06	Implementation
	2018-01 Att 2 08	Implementation
PBT	2019-02 02 (1)	Limit
	2019-02 02 (2)	Limit
	2019-02 03	Implementation
	2019-02 05	Report
	2019-02 11	Report
NP ALB	2019-03 02	Limit
	2019-03 03	Report
SP ALB	2015-02 01	Limit
	2015-02 04	Report
NP striped marlin	2010-01 05	Limit
	2010-01 08	Report
Sharks	2010-07 09	Implementation
	2010-07 12	Report
Striped marlin	2006-04 01	Limit
	2006-04 04	Report
Swordfish	2009-03 01	Limit
	2009-03 02	Limit
	2009-03 03	Limit
	2009-03 08	Report
Seabirds	2018-03 01	Implementation
	2018-03 02	Implementation
	2018-03 06	Implementation

**Commented [MK1]:** Through the Intersessional decisions this obligation was suspended effective 8 April 2020.

The review of this obligation through the CMS should only relate to the period 1 Jan 2020 - 7 April 2020.

**Commented [MK2]:** Through the Intersessional decisions this obligation was suspended effective 8 April 2020.

The review of this obligation through the CMS should only relate to the period 1 Jan 2020 - 7 April 2020.

CMMs	CMM/para	Category
RFV	2018-06 09	Report
ROP	2018-05 10	Implementation
	2018-05 15 (g)	Implementation
VMS	2014-02 09a	Implementation
	2014-02 09a VMS SSPs 2.8	Implementation
	2014-02 09a VMS SSPs 7.2.2	Report
Transshipment	2009-06 11	Report
	2009-06 13	Implementation
	2009-06 29	Limit
	2009-06 34	Limit
	2009-06 35 (a) (ii)	Report
	2009-06 35 (a) (iii)	Report
	2009-06 35 (a) (iv)	Report
EHSP	2016-02 06	Limit
Marine Pollution	2017-04 02	Implementation
Charter notifications	2019-08 02	Report
	2019-08 03	Report
	2019-08 07	Report
Whale sharks	2012-04 01	Implementation
Sea Turtles	2018-04 05a	Implementation
	2018-04 06	Implementation
	2018-04 07a	Implementation

**Commented [MK3]:** Through the Intersessional decisions this obligation was suspended effective 28 May 2020.

The review of this obligation through the CMS should only relate to the period 1 Jan 2020 - 27 May 2020.