



TECHNICAL AND COMPLIANCE COMMITTEE

Eighth Regular Session

27 September- 2 October 2012

Pohnpei, Federated States of Micronesia

**PROPOSED PROCESS FOR DEVELOPING PROVISIONAL COMPLIANCE
MONITORING REPORTS AT TCC8**

WCPFC-TCC8-2012/07

12 September 2012

Paper prepared by the TCC Chair

Proposed process for developing Provisional Compliance Monitoring Reports at TCC8

Background

The Secretariat has prepared a draft Compliance Monitoring Report section (dCMRs) for twenty (20) CCMs, covering CCM's activities in 2011. The dCMRs are based on information available from Annual Reports Parts 1 and 2, Scientific Data provided to the Commission, and any other information available to the Secretariat at the time of drafting (July 2012). The dCMRs also contain information provided by CCMs in response to any implementation issues that were identified in the 2010 Compliance Monitoring Report.

At the time of writing, twelve Members and Territories, and five Cooperating Non-Members had not received dCMRs from the Secretariat, owing to the non-provision or very late submission of Annual Report Part 2 and/or Part 1 reports.

All CCMs that received their dCMRs prior to TCC8 had opportunity to comment on or respond to any areas requiring clarification or further information. Three weeks prior to TCC8, the Secretariat in accordance with CMM 2011-06 is required to circulate a full draft Compliance Monitoring Report (full dCMR), and it is envisaged that this report will contain a section for the twenty CCMs which have had dCMRs prepared in advance of TCC8. A copy of the "SPC data gaps table" summarizing each CCMs data provision is attached to each full dCMR section.

In addition, in preparation for TCC8 and based on the full dCMR and any additional information provided by the CCM, dCMR Summaries (Attachment A) were developed for each CCM and reflect each CCM's status on implementation or compliance within each of the five categories assessed under the Scheme. The dCMR Summaries for each CCM contain the exact information as in the CCM's full dCMR, but in summary form. Owing to the length of some of the dCMRs (30-50pgs), it was felt that a Summary was necessary in order to ensure TCC8 could complete its task in time.

The individual dCMR Summaries will be distributed to all delegations at the HoD meeting or via the secure side of the WCPFC website. The full dCMRs are available on the secure side of the WCPFC website.

A decision will need to be made about how TCC8 will handle the circumstances of sixteen CCMs for which the Secretariat was not able prepare dCMRs covering 2011 activities. In 2011, twelve new dCMRs needed to be developed by the Secretariat after TCC7. This could be an approach taken at TCC8, but it would be subject to these CCMs submitting their outstanding Annual Report Part 1

and Annual Report Part 2. It should also be noted that despite dedicated efforts during WCPFC8, there was not sufficient time to develop provisional CMRs for all twelve CCMs and only five were completed. Therefore, if this same approach were to be taken in 2012, some dedicated time may be required for a CMS SWG during WCPFC9 to develop provisional CMRs and prepare a final CMR for adoption by WCPFC9.

Proposed Process

TCC8 will break from Plenary and turn into a Working Group starting Thursday afternoon and continuing through Friday, for purposes of reviewing the full dCMR. The primary working document should be the individual CCM dCMR Summaries. CCMs that wish to see more detail can reference the full dCMR. The dCMR Summaries will be projected onto the big screen during the WG meeting for ease of reference. Consistent with the amended CMS Measure, inter-governmental sub-regional agencies will be allowed to participate in the WG, along with CCMs. All meeting observers and those not forming part of a CCM delegation or an inter-governmental sub-regional agency will not be allowed to participate in the WG.

In 2011, the CMR Working Group reviewed each category for each CCM and assigned a preliminary compliance assessment to each category. Each CCM then received a Provisional compliance score based on the preliminary assessments, noting that CCMs were either 100% Compliant or warranted a Compliance Review. It is proposed that for 2012, unless some weighting is done of each category score to arrive at the overall Provisional score, compliance assessments for each category of the dCMR are unnecessary. Instead, after the TCC8 WG reviews each dCMR Summary and any other information provided by CCMs during the WG, an overall Provisional compliance score will be assigned to each CCM. Annex I of the CMS Measure provides a Compliance Status Table with criteria for TCC to use in assigning the Provisional compliance scores.

The Provisional CMR to be adopted by TCC8 could consist of two parts: individual CCM Provisional CMRs based on the results of the dCMR Summary reviews, and; a table similar to the Final CMR of 2010 and agreed at WCPFC8 (Attachment B). The table will also denote for each CCM the number of years where the same implementation or compliance issue has arisen. After the TCC8 WG completes its review of each CCM's dCMR and Summary, the CMR table (Attachment B) will be updated, accordingly.

The goal of the TCC8 WG is to produce a complete Provisional CMR that can be easily assessed and adopted by the Commission.

The following points are for noting by CCMs with respect to the WG process and development of the Provisional Compliance Monitoring Report:

- The CMS is still in a developmental phase, including the process for adopting Provisional CMRs.
- The Part 2 reporting template is being streamlined to accommodate more efficient and timely reporting by CCMs and Part 1 reporting may also be streamlined in the same way, which will affect both the quality and quantity of information that CCMs provide in the future.
- Some ambiguity still exists in the interpretation of some Commission obligations.
- Responses to non-compliance have still yet to be fully discussed and developed.
- The Compliance Monitoring Scheme is only adopted for 2012, pending further extension by WCPFC9.
- CCMs have an opportunity to provide additional information during the WG and questions from other CCMs should be limited to those of a clarifying nature.
- dCMRs could be considered alphabetically, or as an alternative, by length, with the longer dCMRs considered first.
- The Executive Summary that accompanies the Provisional CMR should highlight those CMMs where repeated implementation issues have arisen, by CCM, and the reasons associated.
- While reviewing dCMRs, TCC8 WG should begin to develop a priority list of CMMs and/or Commission Decisions requiring regular TCC review. Some items may not need to be reviewed annually by the TCC and these should also be noted.
- The Provisional Compliance Status for each CCM should be assigned in accordance with Annex I of the CMS Measure, keeping in mind that the corresponding response to a particular Compliance Status is still pending.

**EXAMPLE dCMR Summary for a CCM on potential implementation or compliance issues,
or where additional information is needed**

CCM X

Category	2010 Assessment	Any issues identified or additional information required for 2011?	CCM Response (<i>if none received to date</i>)
(i) Catch and effort limits	None	None	
(ii) Catch and effort reporting	None	None	
(iii) Spatial and temporal closures and restrictions on the use of FADs	<i>Potential compliance issue and more information is needed:</i> 2007-01 ROP para 10 and 14vii: Explain duties to Captains and ensure that vessel operators comply with Guidelines in Annex B	2007-01 ROP para 10 and 14vii: Explain duties to Captains and ensure that vessel operators comply with Guidelines in Annex B <ul style="list-style-type: none"> • <i>More information is needed</i> 	
(iv) Observer and VMS coverage	None	VMS SSPs para 7.2.2, 7.2.4: Conduct and report results of MTU/ALC inspections in accordance with the agreed procedures <ul style="list-style-type: none"> • <i>A summary of audits has been provided but not a list of ALC inspections by vessel type</i> 	
(v) Provision of scientific data through Part 1 and the Scientific Data to be provided to the Commission	<i>Potential compliance issue and more information is needed:</i> Estimates of annual catches for the calendar year in accordance with the requirements in paragraph 1: seven species of sharks (one optional for 2010)	Estimates of discards <ul style="list-style-type: none"> • <i>More information is needed</i> 	
Provisional Assessment of CCM's Compliance	<i>TCC8 WG to assign Provisional Compliance Score using Annex I of CMS Measure</i>		

EXAMPLE Provisional Compliance Report (based on 2010 Final Compliance Report)

CMR Category	CMM or obligation	Compliance or Implementation Status <i>A number next to each CCM reflects the number of years with the same implementation assignment</i>				
		a. Implemented	b. Not applicable	c. Potential Implementation issue and explanation identified	d. Potential implementation issue and more information needed	e. Implementation needed
(i) catch and effort limits	CMM 2005-02: South Pacific Albacore	<i>Insert Countries</i>	<i>Insert Countries</i>	<i>Insert Countries</i>	<i>Insert Countries</i>	<i>Insert Countries</i>
	CMM 2005-03: North Pacific Albacore					
	CMM 2006-04: Striped Marlin in the Southwest Pacific					
	CMM 2008-01: Bigeye and Yellowfin					