



**DEVELOPMENT OF A NEW TROPICAL TUNA MEASURE  
WORKSHOP 2 (TTMW2)  
Electronic Meeting  
6-10 September 2021**

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**SUMMARY OF FINAL CMR OUTCOMES FROM THE REVIEW OF IMPLEMENTATION OF  
CMM 2017-01/CMM 2018-01 THROUGH THE COMPLIANCE MONITORING SCHEME**

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**WCPFC-TTMW2-2021-IP02<sup>1</sup>  
22 April 2021**

**Paper prepared by the Secretariat**

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<sup>1</sup> This was posted to TTMW1 Meeting as **WCPFC-TTMW1-2021-03\_rev1**



**DEVELOPMENT OF A NEW WCPFC TROPICAL TUNA MEASURE  
WORKSHOP 1 (TTMW1)  
Electronic Meeting  
26-30 April 2021**

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**SUMMARY OF FINAL CMR OUTCOMES FROM THE REVIEW OF IMPLEMENTATION OF  
CMM 2017-01/CMM 2018-01 THROUGH THE COMPLIANCE MONITORING SCHEME**

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WCPFC-TTMW1-2021-03\_rev1<sup>1</sup>  
1 April 2021

**Paper prepared by the Secretariat**

**Purpose**

1. This paper provides information for **TTMW1** on the final Compliance Monitoring Report (CMR) outcomes from the review of CCMs implementation of CMM 2017-01 and CMM 2018-01 of the *Conservation and Management Measure for Bigeye, Yellowfin and Skipjack* through the Compliance Monitoring Scheme (CMS) in 2019 and 2020. The paper draws from the Commission adopted final CMR outcomes related to the 2018 and 2019 calendar years, and presents the final CMR outcomes under seven thematic categories:
  - Purse Seine Effort control;
  - Purse Seine Fishery FAD Set Management;
  - Catch Retention, Monitoring and Control: Purse Seine fishery;
  - Longline catch limits for bigeye tuna;
  - Capacity Management for Purse seine and Longline Vessels;
  - Other commercial fisheries; and
  - Data provision requirements.

The aim of grouping obligations by thematic category is to simplify how CCMs identify the obligations and assist with interpreting the final CMR outcomes.

2. The collated final CMR outcomes for 2019 and 2020 (related to the 2018 and 2019 calendar years) in the various sections of this paper identifies those matters that the Commission has highlighted as requiring further consideration or review. The paper is for noting.

**Background to the Compliance Monitoring Scheme**

3. The Commission has been implementing the WCPFC CMS since 2011. The purpose of the CMS is described in paragraphs 1 and 2 of CMM 2019-06 *Conservation and Management Measure for the Compliance Monitoring Scheme*, as follows:

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<sup>1</sup> Rev 1 replaces the version issued 1 April 2021, to correct an omission in Figure 2 and Table 3 on page 8 and 9.

1. *The purpose of the WCPFC Compliance Monitoring Scheme (CMS) is to ensure that Members, Cooperating Non-Members and Participating Territories (CCMs) implement and comply with obligations arising under the Convention and conservation and management measures (CMMs) adopted by the Commission. The purpose of the CMS is also to assess flag CCM action in relation to alleged violations by its vessels, not to assess compliance by individual vessels.*

2. *The CMS is designed to:*

- (i) assess CCMs' compliance with their WCPFC obligations;*
- (ii) identify areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance;*
- (iii) identify aspects of CMMs which may require refinement or amendment for effective implementation;*
- (iv) respond to non-compliance by CCMs through remedial and/or preventative options that include a range of possible responses that take account of the reason for and degree, the severity, consequences and frequency of non-compliance, as may be necessary and appropriate to promote compliance with CMMs and other Commission obligations<sup>1</sup>; and*
- (v) monitor and resolve outstanding instances of non-compliance by CCMs with their WCPFC obligations.*

*Footnote 1: In accordance with the process for identifying corrective action, as provided for in paragraph 46(iv).*

4. Each year at the Regular Annual Session in December, the Commission adopts a final CMR which includes a Compliance Status for each CCM for each assessed obligation and any corrective action needed. In practice, and considering the annual Commission decision on the list of obligations to be considered through the CMS, each of the assessed obligations tend to be assigned to one or more of the following four CMR sections:
- Quantitative Limits: CCM-level and Collective CCM (**QL**)
  - Implementation (**IM**)
  - Report (**RP**)
  - Report deadline (**DL**)
5. The final CMR also contains an executive summary setting out any recommendations or observations from the Commission that identify any CMMs or obligations that should be reviewed to address implementation or compliance difficulties experienced by CCMs and capacity building assistance or other obstacles to implementation identified by CCMs. Copies of all Final CMRs may be accessed from the dedicated WCPFC Compliance Monitoring Scheme page <https://www.wcpfc.int/compliance-monitoring>

### **Context for the review of CMM 2017-01 and CMM 2018-01 through the Compliance Monitoring Scheme**

6. The CMS was reviewed by Members during 2017 and 2018, and since 2019 work has been continuing to further enhance the Scheme. Since 2020, this member-led work has been overseen by an Intersessional Working Group under the leadership of the Vice-Chair of TCC

and in 2021 certain members are leading work streams of CMS Future Work tasks, including on audit points and the risk-based framework. Background on the broader work to review and enhance the CMS since 2010 may be also accessed from the dedicated WCPFC Compliance Monitoring Scheme page <https://www.wcpfc.int/compliance-monitoring>

7. [CMM 2018-07](#) *Conservation and Management Measure for the Compliance Monitoring Scheme* was adopted in December 2018, as the culmination of the Commissions consideration of the outcomes of the 2017/18 Review of the Compliance Monitoring Scheme. This included the initial commitment by the Commission to the multi-year CMS Future Work tasks. Twelve months later in December 2019, some modifications were adopted in the form of [CMM 2019-06](#) *Conservation and Management Measure for the Compliance Monitoring Scheme*.
8. Key changes from CMM 2018-07 included the removal of “Flag State Investigation” Compliance Status from Annex I, and a specification that in the development of the Provisional Report, TCC shall not assess compliance by individual vessels (paragraph 32 (ii) of CMM 2019-06). CMM 2019-06 also clarified how the aggregate report (drawing from the online compliance case file system) should be structured and the reports intended purpose (see paragraph 26(ii) and Annex II of CMM 2019-06). Paragraphs 33 and 34 of CMM 2019-06 provide direction to TCC on how the aggregate report described in paragraph 26 (ii) is to be considered by TCC alongside the draft CMR. The revised CMM also directs that a new section to provide aggregate data based on the online Compliance Case File system will be included in the Provisional CMR(see paragraph 38 and Annex III of CMM 2019-06). CMM 2019-06 will expire on 31 December 2021.
9. This year additional intersessional work is expected to be progressed by the TCC Chair, with a view to providing guidance on how TCC17 in 2021 will consider the aggregated tables alongside the draft CMR.

**Table 1. List of the Tropical Tuna CMM that applied from 2018 - 2021, with the corresponding CMM for the Compliance Monitoring Scheme that was used to review CCMs implementation of the CMM in each year, and the Meeting when the relevant final Compliance Monitoring Report was adopted.**

<b>Implementation Year</b> <i>(Conservation and Management Measure for Bigeye, Yellowfin and Skipjack)</i>	<b>Final Compliance Monitoring Report (CMR) adopted</b> (Regular Annual Session)	<b>CMM for the Compliance Monitoring Scheme used to review CCMs implementation</b>
<b>2018</b> (CMM 2017-01)	<b>Dec 2019</b> (WCPFC16)	CMM 2018-07
<b>2019</b> (CMM 2018-01)	<b>Dec 2020</b> (WCPFC17)	CMM 2019-06
<b>2020</b> (CMM 2018-01)	<b>Dec 2021</b> (WCPFC18)	CMM 2019-06
<b>2021</b> (CMM 2020-01/2018-01)	<b>Dec 2022</b> (WCPFC18)	<i>tbc</i>

10. **Table 1** above, summarizes by year the tropical tuna CMM that was implemented, and which CMM was used to review CCMs implementation for each CMR. [CMM 2017-01](#) *Conservation and Management Measure for Bigeye, Yellowfin and Skipjack* was implemented by CCMs in 2018, and CCMs implementation of CMM 2017-01 was reviewed in 2019 through CMM 2018-07 *Conservation and Management Measure for the Compliance Monitoring Scheme*. For 2019, the implementation of CMM 2018-01 by CCMs was reviewed in 2020 through CMM

2019-06 *Conservation and Management Measure for the Compliance Monitoring Scheme*. In 2021, the implementation of [CMM 2018-01](#) by CCMs in 2020 will be also reviewed through CMM 2019-06. As summarized in **Table 1** above, the review of CCMs implementation of [CMM 2020-01/2018-01](#) in 2021 will depend on the decision taken by the Commission at WCPFC18 in response to the expiry of CMM 2019-06 on 31 December 2021.

11. Prior to reviewing the final CMR outcomes for 2018 and 2019, it is important to recognize that the Commission in December 2018 also agreed to amendments to CMM 2017-01 *Conservation and Management Measure for Bigeye, Yellowfin and Skipjack*. Some of the key changes made from CMM 2017-01 to CMM 2018-01 *Conservation and Management Measure for Bigeye, Yellowfin and Skipjack*, included:

- the removal of footnote 1 to paragraph 8;
- modifying paragraph 18 to include a definition of FAD set that applied in 2019;
- modifications to paragraph 19 - 22 related to non-entangling FADs;
- modification of select deadlines and agreed tasks; and confirming that paragraph 29 applied in 2018 only.

In addition to these specific amendments, some provisions in CMM 2017-01/CMM 2018-01 apply for one year only and flag CCMs have tended to make an annual notification for the choice of additional high seas FAD closure option.

12. In addition to differences among the provisions of the tropical tuna CMM that applied from year to year, there also are differences in the final CMR outcomes between implementation years 2018 and 2019, because there were amendments to CMM 2018-06 related to the CMS. For example, the reviews of CCMs implementation in 2018 included [Flag State Investigation](#) as a possible compliance status. However, in 2019 the final CMR did not have Flag State Investigation as a possible compliance status, and instead included aggregate summary tables drawing from the online Compliance Case File System, as Appendix 3 to the final CMR.

13. **Table 2** on the next page presents an overview of the counts within each of the final CMR that reviewed CCMs implementation of the tropical tuna CMMs in 2018 and 2019. There were some small differences in the total number of CCMs because there was a new Cooperating Non-Member in 2019, and some differences in the counts of individual obligations from the tropical tuna CMMs which the Commission had approved to be reviewed through the CMS.

14. **Figure 1** also on the next page provides an overview of the proportion of compliance statuses in each final CMR and by CMR Section. In 2018 and 2019, 85 - 95% of applicable CCMs received a [compliant](#) status in the final CMR for quantitative limit obligations, implementation obligations and reporting. Reporting deadlines had higher percentages of non-compliance in 2018 and 2019 (with 58 - 78% [compliant](#) statuses in the final CMR). From 2018 to 2019, there was an increase in the proportion of [priority non-compliant](#) statuses in the final CMR within the Implementation (**IM**), Report (**RP**) and Report Deadline (**DL**) CMR sections. Within the Quantitative Limit (**QL**) section there was a declining trend from 2018 to 2019 in the proportion of [priority non-compliant](#) statuses in the final CMR, and there were instances of [CMM Review](#) that were determined for 2019 only. In addition, within the Quantitative Limit section there were obligations that were [Not Assessed](#) in the final CMR covering both 2018 and 2019 activities.

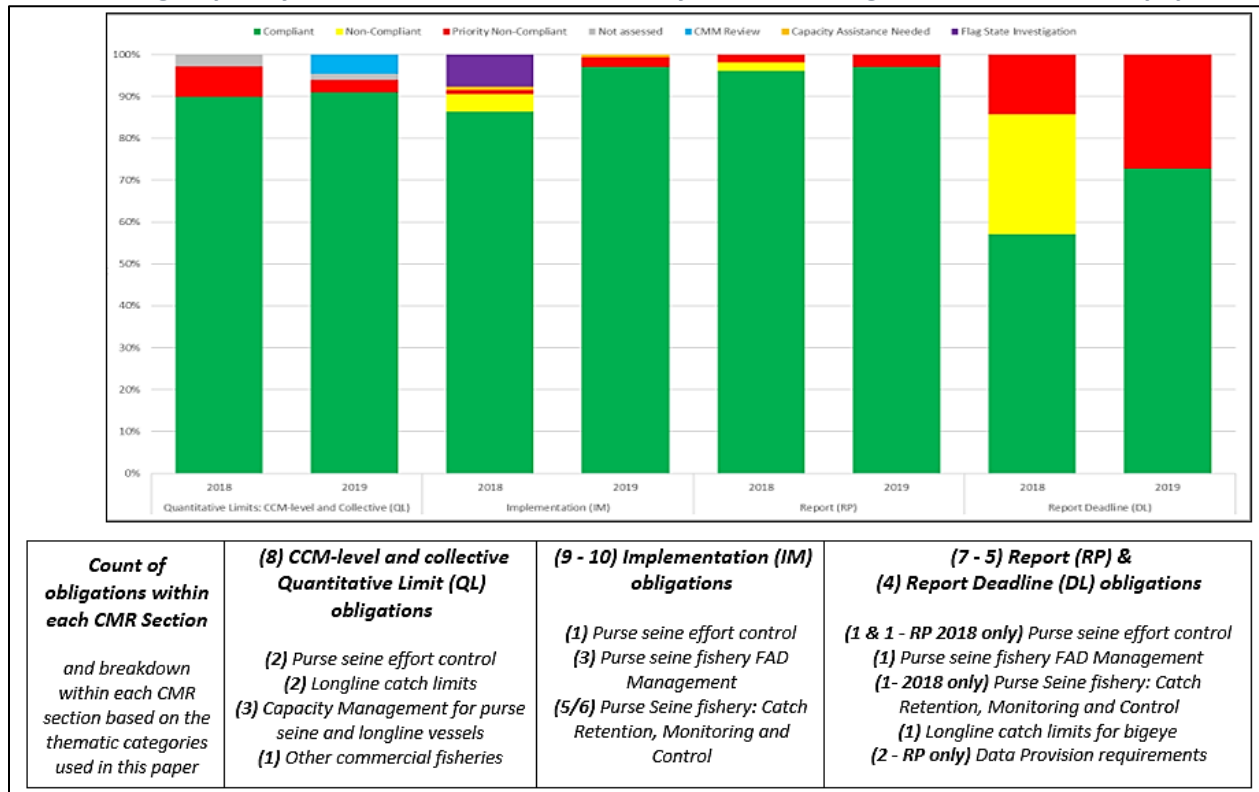
**Table 2. Key statistics from the final CMR outcomes related to the review of CCMs implementation of Tropical Tuna CMMs in 2018 and 2019**

<b>Implementation Year</b> <i>(Tropical Tuna CMM)</i>	<b>2018</b> <i>(CMM 2017-01)</i>	<b>2019</b> <i>(CMM 2018-01)</i>
<b>Total count of CCMs and collective groups</b>	35 CCMs + PNA	36 CCMs + PNA
<b>Individual CMM paragraphs reviewed by the CMS</b>	23	22
<b>Count of obligations assessed within each CMR Section</b>		
<b>Quantitative Limits: CCM-level &amp; Collective (QL)</b>	8	8
<b>Implementation (IM)</b>	9	10
<b>Report (RP)</b>	7	5
<b>Report deadline (DL)</b>	4	4
<b>Total count of obligations in final CMR</b>	<b>28</b>	<b>27</b>

**Potential Compliance Statuses based on Annex I of CMM 2018-07 / CMM 2019-06**

Compliant; Non-Compliant; Priority Non-Compliant; Capacity Assistance Needed; CMM Review  
Flag State Investigation

**Figure 1. Proportion of compliance statuses recorded for applicable CCMs for obligations in the Tropical Tuna CMMs (CMM 2017-01 / CMM 2018-01) in the final CMRs covering 2018 and 2019 activities, grouped by CMR Section and with counts by thematic categories used within this paper.**





15. As is illustrated in **Figure 1** above, certain **Capacity Assistance Needs** were identified for some CCMs in the Implementation section of the final CMR for both 2018 and 2019.
16. As shown in **Table 2**, the **Flag State Investigation** status was only available as a possible compliance status for the final CMR covering 2018 activities, and as illustrated in **Figure 1** above **Flag State Investigation** was assessed for some CCMs within the Implementation section of the final CMR covering 2018 activities.
17. The next section of this paper further considers the final CMR outcomes by thematic category.

### **Presentation of final CMR outcomes related to CCMs implementation in 2018 and 2019 of the Tropical Tuna CMMs by thematic category.**

#### *Explanation of Thematic Categories*

18. This section of the paper reviews the final CMR outcomes related to Tropical Tuna CMM obligations in 2018 and 2019 within thematic categories. The grouping of obligations by thematic category is intended to simplify how CCMs identify the obligations and aims to assist CCMs with interpreting the final CMR outcomes. Within the Tropical Tuna CMMs seven thematic categories have been identified (*with page references to this paper*):
  - Purse Seine Effort control (*pages 7 - 11*)
  - Purse Seine Fishery FAD Set Management (*pages 11 - 16*)
  - Catch Retention, Monitoring and Control : Purse Seine fishery (*pages 17 - 20*)
  - Longline catch limits for bigeye tuna (*pages 20 - 21*)
  - Capacity Management for Purse seine and Longline Vessels (*pages 22 - 23*)
  - Other commercial fisheries (*pages 23 - 25*) and
  - Data provision requirements (*pages 25 - 26*).
19. The presentation of obligations within each thematic category is supported by Figures which has two parts. The first is a bar chart (**Figures 2 - 8**) that indicates for each obligation, a brief description of the obligation, the CMR Section where the assessment was placed (QL, IM, RP or DL), the count of applicable CCMs and compliance statuses assessed in each final CMR. The summary table presented immediately below the bar chart (**Tables 3 - 9**) provides a brief description of the obligation and the list of each applicable CCMs compliance status for each obligation in the final CMR for each year (where an obligation is considered not applicable to a CCM, they are not listed in the table).
20. Where there was relevant text from the final CMR executive summary this is included as **Box 1 - 4** as an excerpt. The excerpts include recommendations or observations from the Commission regarding the identification of any CMMs or obligations that should be reviewed to address implementation or compliance difficulties experienced by CCMs, and areas where capacity building assistance or other obstacles to implementation have been identified by CCMs. For the final CMR covering 2019 activities, the relevant excerpts from the Appendix 3 Aggregate tables have also been included.

*Key Points from 2019 and 2020 Final CMR outcomes by thematic category*

21. The following information outlines key points within each thematic category from the final CMR outcomes for 2018 and 2019 activities.

Purse Seine Effort control obligations

*(CMM 2017-01 / CMM 2018-01 25, 26, 27 and Att 2 03)*

22. The CMM 2017-01 / CMM 2018-01 obligations covered within the purse seine effort control thematic category include:

- purse seine EEZ limits (paragraph 25) (**QL / DL**);
- high seas purse seine effort limits for certain fleets (paragraph 26) (**QL**);
- a general obligation to not transfer purse seine effort from the tropical fishery (20N to 20S) (paragraph 27) (**IM**);
- a reporting requirement for United States in 2018 (paragraph 29) (**RP**); and
- reporting requirements for Philippines activities in high seas pocket one special management area (Attachment 2 paragraph 3 / Attachment C paragraph 3) (**RP DL**).

23. The final CMR outcomes covering 2018 and 2019 activities for the above obligations in the purse seine effort control thematic category are presented in **Figure 2, Table 3** and **Box 1** on the following four pages (pages 8 - 11).

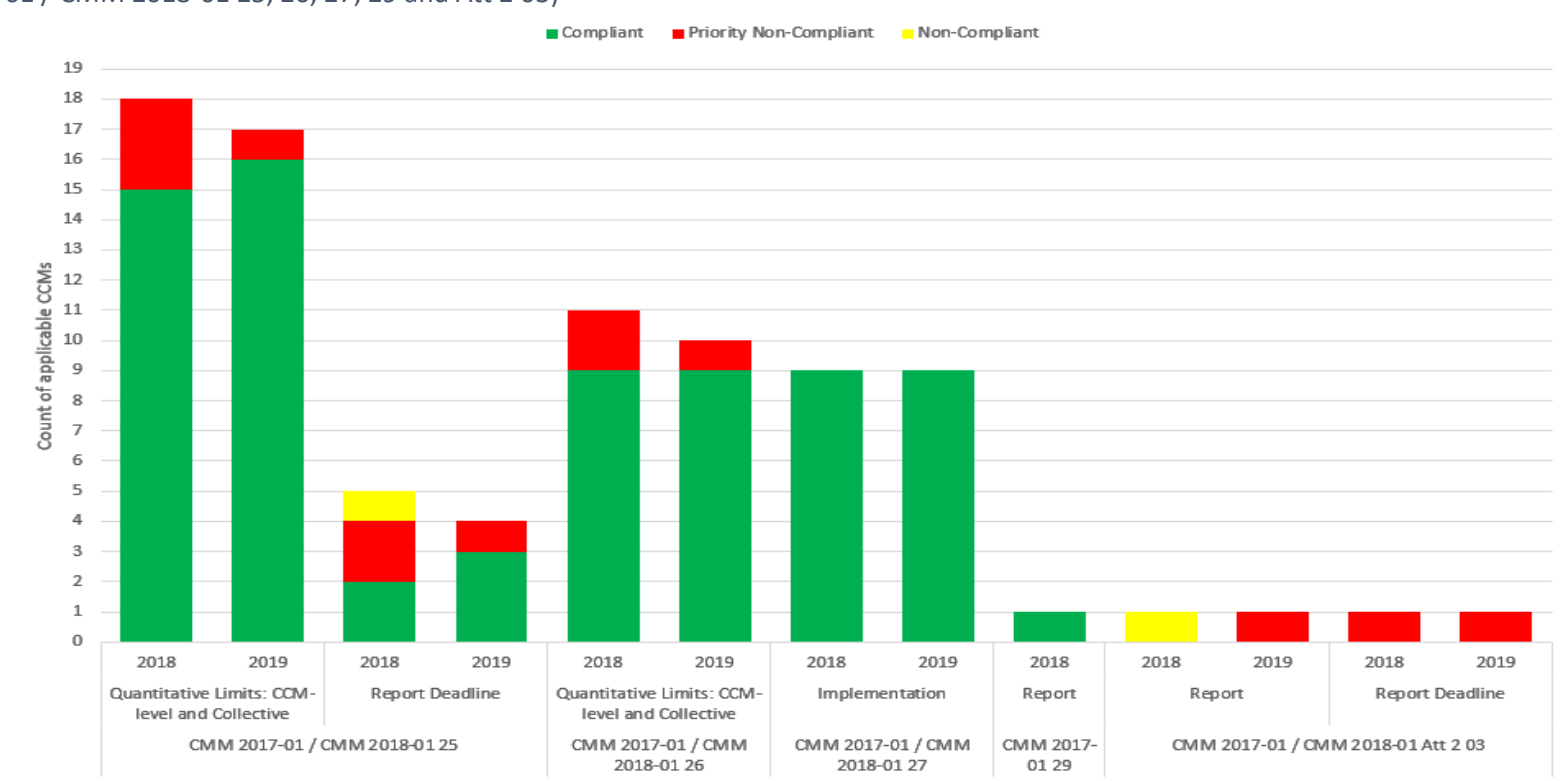
24. For 2018 and 2019 activities, most coastal CCMs received a **compliant** status in the final CMR for their implementation of **purse seine effort quantitative limit in EEZs**. *Wallis and Futuna* received **priority non-compliant** status in 2018 and 2019, because a purse seine EEZ limit had not been notified to WCPFC (**Table 3**). In the final CMR covering 2018 activities, paragraph 28 of the Executive Summary noted that TCC recognized this to be an ongoing issue that should be prioritized for resolution by the Commission (**Box 1**).

25. For certain flag CCMs that are subject to **high seas purse seine effort limits**, most CCMs received a **compliant** status in the final CMR in 2018 and 2019 and there was a trend of fewer CCMs receiving **priority non-compliant** status in 2019 compared to 2018. In the final CMR covering 2018 activities, paragraph 29 of the Executive Summary explains the long-standing practice of using SPC analysis of data provided by CCMs to verify information provided by CCMs in Annual Report Part 2 (**Box 1**). Although *Korea* received a **priority non-compliant** status in the final CMR in 2018 and 2019, TCC16 did not consider this a repeat year compliance issue noting updated data presented by the Secretariat and SPC-OFP in TCC16-2020-IP05 (updated by WCPFC-TTMW1-2021-IP02) (**Table 3**).

26. For 2019, there was not consensus on the final CMR status for the *United States of America's* implementation of the **high seas purse seine effort limit** in 2019 or on the underlying understanding of paragraph 26 of CMM 2018-01. In the final CMR covering 2019 activities, paragraphs 13 - 16 of the Executive Summary present the majority and minority views of CCMs on this assessment and the outcome (**Box 1**). The absence of agreement meant that consequently the status that is recorded in the final CMR is **not assessed** (**Table 3**). In addition, within paragraph 29 of the Executive Summary of the final CMR covering 2019 activities, TCC emphasized the need for clarity in drafting of CMMs and the importance of developing audit points as part of the Future Work to enhance the CMS (**Box 1**).



**Figure 2. Presentation of Final CMR Outcomes for 2018 and 2019 related to Purse Seine Effort control obligations in Tropical Tuna CMMs (CMM 2017-01 / CMM 2018-01 25, 26, 27, 29 and Att 2 03)**



<p><b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b></p>	<p><i>Para (25) CCM-level and collective Quantitative Limit (QL) Purse seine EEZ limits (for skipjack, yellowfin and bigeye tuna) and advice from other coastal CCMs of EEZ limits to be applied</i></p> <p><i>Para (25) Report Deadline (DL)</i></p>	<p><i>Para (26) CCM-level and collective Quantitative Limit (QL) High seas purse seine effort limits applying 20N to 20S</i></p>	<p><i>Para (27) Implementation (IM) CCMs not to transfer fishing effort in days fished in the purse seine fishery to areas N20N and S20S</i></p>	<p><i>Para (29) Report (RP) United States reporting related to paragraph 29</i></p>	<p><i>Att 2 /Att C (3) Report (RP) Philippines vessels Entry/Exit reports for HSP1-SMA</i></p> <p><i>Att 2 /Att C (3) Report Deadline (DL)</i></p>
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**Table 3. List of each applicable CCMs Compliance or Implementation Status for Purse Seine Effort Control obligations**

	Compliance Status: <b>Compliant</b> <b>Non-compliant</b> <b>Priority Non-Compliant [x = years with potential compliance issue]</b>		Not assessed			
<b>CMM 2017-01</b> <b>CMM 2018-01</b> <b>Tropical Tunas</b>	<i>Para (25)</i> <b>CCM-level and collective Quantitative Limit (QL)</b> <i>Purse seine EEZ limits</i>	<i>Para (25)</i> <b>Report Deadline (DL)</b>	<i>Para (26)</i> <b>CCM-level and collective Quantitative Limit (QL)</b> <i>High seas purse seine effort limits applying 20N to 20S</i>	<i>Para (27)</i> <b>Implementation (IM)</b> <i>CCMs not to transfer fishing effort in days fished in the purse seine fishery to areas N20N and S20S</i>	<i>Para (29)</i> <b>Report (RP)</b> <i>United States reporting related to paragraph 29</i>	<b>Att 2 /Att C (3)</b> <b>Report (RP)</b> <i>Philippines vessels Entry/Exit reports for HSP1-SMA</i>  <b>Report Deadline (DL)</b>
<b>2018</b> <i>(2019 Final CMR)</i>	Australia, Cook Islands, Fiji, <b>Indonesia</b> , Japan, Korea, New Caledonia, Niue, New Zealand, French Polynesia, <b>Philippines</b> , Samoa, Tonga, Chinese Taipei, United States, Vanuatu, <b>Wallis and Futuna [2]</b> PNA	<b>Indonesia [2]</b> , <b>Korea</b> , Philippines, Chinese Taipei, <b>Wallis and Futuna[2]</b>	China, European Union, Indonesia, Japan, <b>Korea</b> , New Zealand, Philippines, Chinese Taipei, <b>United States</b> , Ecuador, El Salvador	China, European Union, Japan, Korea, New Zealand, Philippines, Chinese Taipei, United States, El Salvador	United States	<b>(RP) Philippines</b>  <b>(DL) Philippines [3]</b>
<b>2019</b> <i>(2020 Final CMR)</i>	Australia, Cook Islands, Fiji, French Polynesia, Indonesia, Japan, New Caledonia, New Zealand, Niue, Philippines, Samoa, Tonga, Chinese Taipei, United States, Vanuatu, <b>Wallis and Futuna [3]</b> , PNA	Indonesia, Philippines, Chinese Taipei, <b>Wallis and Futuna [3]</b>	China, European Union, Indonesia, Japan, <b>Korea<sup>2</sup></b> , New Zealand, Philippines, Chinese Taipei, Ecuador, El Salvador  <b>Not Assessed for:</b> United States	China, European Union, Japan, Korea, New Zealand, Philippines, Chinese Taipei, United States, El Salvador	<b>Not Applicable</b>	<b>(RP) Philippines [2]</b>  <b>(DL) Philippines [4]</b>

<sup>2</sup> Noting updated data presented in Table 2 of TCC16-2020-IP05, TCC16 does not consider this assessment to be a repeat year compliance issue.

**Box 1. Relevant excerpts from the Executive Summary of each final CMR covering 2018 and 2019 activities related to Purse Seine Effort control obligations in Tropical Tuna CMMs**

**2019 Final CMR covering 2018 activities Executive Summary related to Tropical Tuna CMM**

**28.** WCPFC16 and TCC15 noted that CMM 2017-01, paragraph 25 and the requirement to provide zone-based limits and the nature of those limits, needed attention by the Commission. {...} TCC has repeatedly had to spend multiple hours making these assessments and these should be prioritized for resolution by the Commission so that they were not repeated year after year.

**29.** With respect to high seas purse seine limits in CMM 2017-01 paragraph 26, TCC reminded the longstanding practice of using SPC analysis of data provided by CCMs to verify information provided by a CCM in Annual Report Part II. Korea noted that it had been almost impossible for a CCM, under the current practice, to monitor and ensure that its purse seine vessels complies with this particular requirement in a timely manner. Korea also expressed that there is a need for SPC to provide this analysis of high seas purse seine fishing effort data to CCMs on a monthly basis, at least, so that they can ensure their compliance through better monitoring. SPC confirmed that it is not the SPC data, it is the data submitted by the flag State that was the basis of the analysis.

**2020 Final CMR covering 2019 activities Executive Summary related to Tropical Tuna CMM**

**13.** In accordance with CMM 2019-06, paragraph 35, where there were majority/minority views on the correct assessment, TCC16's provisional assessment reflects the majority view and records the minority view. TCC16 notes the following assessment with majority/minority views for the Commission for its final assessment:

a. CMM 2018-01 paragraph 26 – The majority view was that the United States should be assessed as Priority Non-Compliant; however, there was a minority view that the United States was Compliant.

**14.** In consideration of the compliance status for one member related to CMM 2018-01 paragraph 26, TCC provided a Majority / Minority recommendation. After further deliberation at WCPFC17, the majority of members viewed the United States as being Priority Non-Compliant with its obligation to limit its 2019 purse seine fishing effort on the High Seas to levels specified in CMM 2018-01 consistent with the Commission's decision in 2018, 2016 and 2015. The majority of members concluded that the United States had breached and exceeded its High Seas purse seine fishing effort limit in 4 of the previous 5 years. It was recognised by the majority of members that there had been no changes to the tropical tuna measure in relation to what these High Seas limits are and where they apply, and no CMMs provide for the transferability of fishing effort limits between high seas and EEZs. Those members called on the United States to desist from its non-compliant practices. The majority of members expressed very serious concern that the United States had applied unilateral measures through its national law that had the effect of systematically undermining CMM provisions negotiated and agreed in good faith, and that its actions adversely impact on the integrity of the CMS and its objective to ensure that CCMs implement and comply with measures as adopted by the Commission.

**15.** The minority view of one member plus the United States, was that the United States was Compliant as the approach of the United States to satisfy its obligations under paragraphs 25 and 26 together with a single combined limit, and its success in controlling its purse seine fishing effort below the limit, were compliant with the measure and consistent with its objectives. The minority view is that it is the sum of the limits that matter with respect to achieving the measure's conservation objectives, not any single limit in isolation. The United States has been completely transparent about how it implements its

obligations, which has no effect on total purse seine fishing effort. When the sum of the limits has been exceeded in the past, the United States has accepted an assessment of priority non-compliant and deducted overages from future years' limits in accordance with the measure.

16. WCPFC17 noted that while there was no consensus on the compliance status or on the underlying understanding of the specific obligation, WCPFC17 noted the majority and minority view for the United States.

29. There was extensive discussion in TCC16 concerning the quantitative limit set out in CMM 2018-01, paragraph 26, and including Attachment 1, Table 1 Footnote \*\*, which resulted in a majority/minority (one CCM) view noted earlier. Many CCMs expressed their concern over the implications of how the obligation was being implemented by one CCM. TCC16 emphasized the need for clarity in the drafting of CMMs and the importance of developing audit points as part of the Future Work to enhance the CMS.

27. **Table 3** above shows all applicable CCMs were assessed in the final CMR for both years as **compliant** related to their implementation of the **requirement to not transfer fishing effort in days fished to areas north of 20N or south of 20S** (paragraph 27). The *United States* was assessed as **compliant** for **reporting related to paragraph 29** which applied in 2018 only.

28. For 2018 and 2019, the *Philippines* received statuses of **non-compliant** and **priority non-compliant** for the reporting requirements related to **entry and exit of Philippine vessels into high seas pocket one** special management area (HSP1-SMA) (**Table 3**).

Purse Seine Fishery FAD Set Management  
(CMM 2017-01 / CMM 2018-01 16, 17 and 23)

29. The CMM 2017-01 / CMM 2018-01 obligations covered within the purse seine FAD Set Management thematic category include:

- implementation of the purse seine 3 month FAD closure (paragraph 16) (**IM**);
- implementation of two additional months high seas FAD closure and associated required reporting (paragraph 17) (**IM / RP / DL**); and
- the requirement for CCMs to limit each of their purse seine vessels to no more than 350 FADs with activated instrumented buoys (paragraph 23) (**IM**).

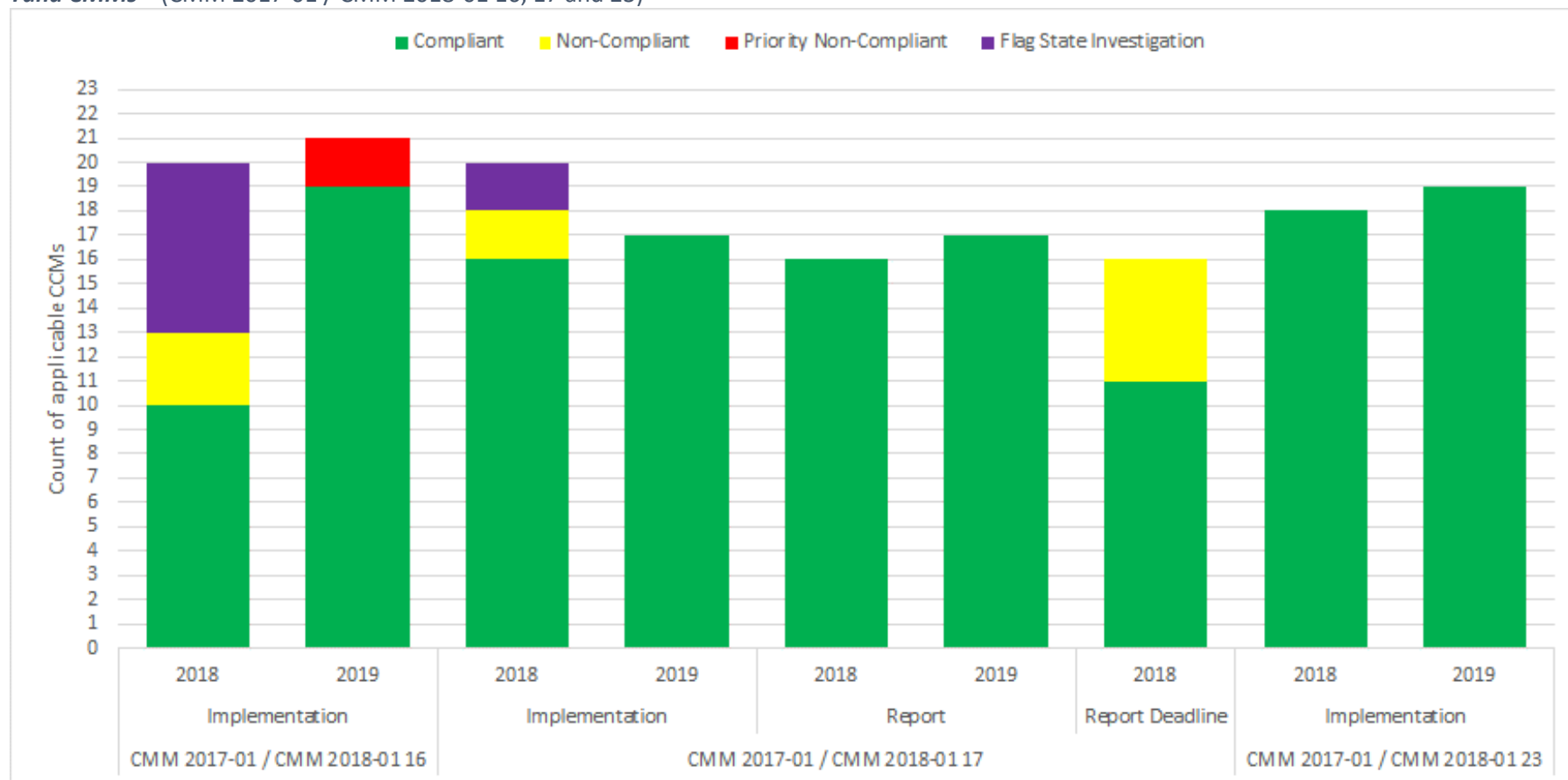
30. The final CMR outcomes covering 2018 and 2019 activities for obligations in the purse seine FAD Set Management thematic category are presented in **Figure 3**, **Table 4** and **Box 2** on the following four pages (pages 13 - 16).

31. For purse seine FAD Set Management obligations, the proportion of **compliant** statuses assessed in the final CMR covering 2018 activities ranged from 50% to 100% of applicable CCMs. As was outlined previously, **Flag State Investigation** was only available as a possible compliance status for the final CMR covering 2018 activities, and as illustrated in **Figure 3**, **Flag State Investigation** was assessed for some CCMs in their implementation of the **3 month FAD closure** and the **two additional months high seas FAD closure**. In the final CMR covering 2018 activities, paragraphs 7, 9 and 10 show the scale of the flag State investigations

that were outstanding at the time (2015 - 2018), and records the explanations from flag States that requisite information particularly the observer report had not been received (**Box 2**).

32. In the final CMR covering 2019 activities, the proportion of **compliant** statuses assessed for purse seine FAD Set Management obligations was sustained or improved to 90 - 100% of applicable CCMs (**Figure 3**). When assessing 2019 activities, the final CMR did not have **Flag State Investigation** as a possible compliance status for applicable CCMs. Instead, the final CMR covering 2019 activities included aggregate summary tables drawing from the online Compliance Case File System to provide a snapshot of the cases per year from 2015 - 2019 related to FAD closure alleged infringements that have been completed and remain outstanding (**Box 2**). It is also noted that the aggregate tables are based on ROP observer data as at June 2020 and so coverage of 2018 and 2019 may be incomplete. In the final CMR covering 2019 activities it records in Appendix 3 that for 35% of cases related to 2018 calendar year the flag State had completed the investigation, and the finding was there was no infraction (19 of 54 cases notified). The remainder of 2018 cases had investigations underway. For 2019 calendar year most (96%) investigations remained underway (29 of 31 cases notified).
33. Related to the implementation of the **3 month FAD closure**, **Table 5** records that *Indonesia* and the *Philippines* received **non-compliant** status in 2018 and **priority non-compliant** statuses in 2019. In the final CMR covering 2019 activities, paragraph 27 records that TCC noted with concern a continuing issue of non-implementation of this requirement by some CCMs (**Box 2**).
34. For the implementation of the **two additional months high seas FAD closure**, most applicable CCMs were assessed as **compliant** in the final CMR covering 2018 activities, and all applicable CCMs were assessed as **compliant** for 2019 calendar year. In respect of the associated reporting requirement, in 2018 five out of sixteen CCMs received **non-compliant** statuses for the reporting deadline and the deadline was determined to be not applicable to all CCMs in 2019. In the final CMR covering 2019 activities, this was explained in paragraph 28 which records a difference in interpretation amongst CCMs of the reporting obligation in CMM 2018-01 paragraph 17. Some CCMs were of the view that CCMs had a one-time choice to be made by March 2018 and that was to apply throughout the measure, whereas others had notified their choice in subsequent years. Consequently, in the final CMR Executive Summary, TCC had recommended that this issue be addressed by the Commission in the future (**Box 2**).
35. All applicable CCMs were assessed in the final CMR for both years as **compliant** related to their implementation of the **requirement to limit each purse seine vessel to no more than 350 FADs with activated instrumented buoys** (paragraph 23). In the final CMR covering 2018 activities, paragraph 26 and 27 records the views of some CCMs that a review of relevant legislation should be sufficient to demonstrate that the CCMs had the requisite “monitoring” for the purpose of assessment of the obligation.

**Figure 3. Presentation of Final CMR Outcomes for 2018 and 2019 related to Purse Seine Fishery FAD Set Management obligations in Tropical Tuna CMMs (CMM 2017-01 / CMM 2018-01 16, 17 and 23)**



<b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b>	<i>Para (16) Implementation (IM) Purse seine 3 month FAD closure (1 July - 30 September)</i>	<i>Para (17) Implementation (IM) Implementation of two additional month high seas FAD closure (April-May or Nov-Dec)</i>	<i>Para (17) Report (RP) Advice on choice of two additional month high seas FAD closure (April-May or Nov-Dec)</i>	<i>Para (17) Report Deadline (DL)</i>	<i>Para (23) Implementation (IM) Each purse seine vessel is limited to no more than 350 FADs with activated instrumented buoys</i>
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**Table 4. List of each applicable CCMs Compliance or Implementation Status for Purse Seine Fishery FAD Set Management obligations**

	<u>Compliance Status:</u> <b>Compliant</b>	<b>Non-compliant</b>	<b>Priority Non-Compliant [x = years with potential compliance issue]</b>	<b>Flag State Investigation</b>	
<b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b>	<i>Para (16) Implementation (IM) Purse seine 3 month FAD closure (1 July - 30 Sept)</i>	<i>Para (17) Implementation (IM) Implement two additional month high seas FAD closure (April-May or Nov-Dec)</i>	<i>Para (17) Report (RP) Advice on choice of two additional month high seas FAD closure</i>	<i>Para (17) Report Deadline (DL)</i>	<i>Para (23) Implementation (IM) Each purse seine vessel is limited to no more than 350 FADs with activated instrumented buoys</i>
<b>2018</b> <i>(2019 Final CMR)</i>	Australia, <a href="#">China</a> , European Union, Federated States of Micronesia, <a href="#">Indonesia</a> , <a href="#">Japan</a> , <a href="#">Kiribati</a> , <a href="#">Korea</a> , <a href="#">Marshall Islands</a> , Nauru, New Zealand, <a href="#">Papua New Guinea</a> , <a href="#">Philippines</a> , Solomon Islands <a href="#">Chinese Taipei</a> , Tuvalu, United States, <a href="#">Vanuatu</a> , Ecuador, El Salvador	Australia, <a href="#">China</a> , European Union, Federated States of Micronesia, <a href="#">Indonesia</a> , Japan, <a href="#">Kiribati</a> , <a href="#">Korea</a> , Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Tuvalu, Chinese Taipei, United States, <a href="#">Vanuatu</a> , Ecuador, El Salvador	China, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Solomon Islands, Tuvalu, Chinese Taipei, United States, Vanuatu, El Salvador	China, European Union, Federated States of Micronesia, Kiribati, Korea, <a href="#">Japan</a> , Marshall Islands, <a href="#">Nauru</a> , New Zealand, <a href="#">Papua New Guinea</a> , Solomon Islands, <a href="#">Chinese Taipei</a> , Tuvalu, United States, <a href="#">Vanuatu</a> , El Salvador	China, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Tuvalu, Chinese Taipei, United States, Vanuatu, Ecuador, El Salvador
<b>2019</b> <i>(2020 Final CMR)</i>	Australia, China, Cook Islands, European Union, Federated States of Micronesia, <a href="#">Indonesia</a> [2], Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, <a href="#">Philippines</a> [2], Solomon Islands, Tuvalu, Chinese Taipei, United States, Vanuatu, Ecuador, El Salvador	China, Cook Islands, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Solomon Islands, Chinese Taipei, Tuvalu, United States, Vanuatu, El Salvador	China, Cook Islands, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Solomon Islands, Chinese Taipei, Tuvalu, United States, Vanuatu, El Salvador	<b>Not Applicable</b>	China, Cook Islands, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Chinese Taipei, Tuvalu, United States, Vanuatu, Ecuador, El Salvador

**Box 2. Relevant excerpts from the Executive Summary of each final CMR covering 2018 and 2019 activities related to Purse Seine Fishery FAD Set Management obligations in Tropical Tuna CMMs**

**2019 Final CMR covering 2018 activities Executive Summary related to Tropical Tuna CMM**

7. Consistent with the practice last year, TCC15 received reports from CCMs on the progress of capacity development plans and flag state investigations for each of 2015, 2016 and 2017. The outcomes of both discussions are in the tables set out below.

CMM	Flag State Investigation (CMR RY2015) Ongoing	Flag State Investigation (CMR RY2015) Completed
<b>2014-01, para 14</b>	Japan, Philippines, Chinese Taipei	

CMM	Flag State Investigation (CMR RY2016) Ongoing	Flag State Investigation (CMR RY2016) Completed
<b>2015-01 para 14</b>	Korea, Philippines, Chinese Taipei	United States

9. TCC15 noted the need to address the large number (569) of Flag State Investigations from 2015 - 2017 which were still outstanding. The relevant CCMs advised that many of these were due to the non-receipt of observer reports. TCC15 noted the continuing need for improvement both in the way that some flag CCMs request information and the response from some observer providers, so that flag CCMs can complete investigations. Some CCMs indicated that they would seek to close Flag State Investigations from 2015 and 2016 if the requisite information has not been received by WCPFC16. Other CCMs noted the importance of satisfactorily completing a flag state investigation.

10. Some CCMs expressed concerns over the process for reporting back on ongoing Flag State Investigations and the lack of information on how a case was closed. Some CCMs noted that the process being used this year was very similar to that of the previous year, despite the changes made to the measure. TCC15 noted that the development of a process for assessing CCM's actions in response to alleged infringements was identified in Section IX of CMM 2018-07 and any concerns over the process should be addressed through amendments to the CMS CMM.

13. The United States and Federated States of Micronesia suggested that in future the online case file number be included in the information presented to TCC on alleged violations from past years in order to assist in TCC's review of these cases.

26. In relation to instrumented buoys (CMM 2017-01, paragraph 23), some CCMs noted that the provision of relevant legislation should be sufficient to demonstrate that the CCM had the requisite "monitoring" for the purposes of assessment of this obligation.

27. TCC15 noted that it would be useful for CCMs to include a reference and link to specific legislation which implements a CMM.

**2020 Final CMR covering 2019 activities Executive Summary related to Tropical Tuna CMM**

26. The EU raised concerns about possible differences in the interpretation of the attribution of the purse seine catch of tropical tunas under CMM 2018-01, paragraph 8 (chartering agreements), and the risk it could introduce for allowing CCMs that are not SIDS to make use of the exemptions that are granted solely to SIDS and which subsequently could undermine the effectiveness of the

measure. China and PNA members expressed the view that the vessels chartered by SIDS are part of the domestic fleets of SIDS.

27. TCC16 identified a continuing issue with the implementation of CMM 2018-01, paragraph 16 relating to the 3-month FAD closure. TCC16 expressed concern that the non-implementation of this requirement by some CCMs undermined the effectiveness of the measure. Most CCMs were of the view that the CMM did not provide for CCMs to employ alternative methods of implementing the obligation and it was on this basis that the compliance assessments were made.

28. With respect to the reporting obligation in CMM 2018-01, paragraph 17, some CCMs were of the view that this was a one-time obligation under which the choice of the two additional month closure was made by the deadline of 1 March 2018. However, some other CCMs had notified their choice in subsequent years. TCC16 noted the challenges in assessing compliance with this obligation and recommended that this issue be addressed by the Commission in the future.

**2020 Final CMR Appendix 3 Aggregated tables from the WCPFC online compliance case file system**

Summary tables derived from the online compliance case file system and intended to provide summaries by topic of flag CCMs responses to compliance cases in the online compliance case file system. Information is based on ROP observer data as at 18 June 2020 and updates in the WCPFC online compliance case file system as at 13 September 2020. **Table 1 - 2** summarize cases based on ROP observer data

**Table 1: Counts of cases in the compliance case file system based on ROP observer data by year showing count of cases by Investigation Status and counts of cases where ROP**

**Observer Report was received (2015- 2019)** The ROP data that was available as at 18 June 2020, may not include all ROP trips for 2019.

**Table 1A: Counts of FAD set alleged infringements (FAI) (2015 - 2019)**

**(CMM 2014-01, CMM 2015-01, CMM 2016-01, CMM 2017-01, CMM 2018-01)**

	Flag CCM Notified	Flag CCM Investigation in Progress	Flag CCM Investigation Completed	Total Compliance Case Count	Total Sum of ROP_Rpt_Received_Count
FAI	82	93	936	1111	73
2015	6	12	237	255	20
2016	3	7	219	229	10
2017	51	32	459	542	26
2018	5	30	19	54	12
2019	17	12	2	31	5

**Table 2: Summary Tables of outcome of flag CCMs investigations to compliance cases notified in the WCPFC online Compliance Case File System that were based on ROP data (2015-2019)** The ROP data that was available as at 18 June 2020, may not include all ROP trips for 2019.

**Table 2A: Summary of FAD alleged infringements notified in the WCPFC online Compliance Case File System that were based on ROP data (2015-2019)**

**CMM 2014-01, CMM 2015-01, CMM 2016-01, CMM 2017-01, CMM 2018-01**

Row Labels	Flag CCM Notified	Flag CCM Investigation in Progress	Flag CCM Investigation Completed				Grand Total	
			No infraction	Infraction - no sanction	Infraction - warning	Infraction - sanction		
CMM 2014-01	6	12	235				2	255
2015	6	12	235				2	255
CMM 2015-01	3	7	216				3	229
2016	3	7	216				3	229
CMM 2016-01	51	32	459					542
2017	51	32	459					542
CMM 2017-01	5	30	19					54
2018	5	30	19					54
CMM 2018-01	17	12	2					31
2019	17	12	2					31

Catch Retention, Monitoring and Control : Purse Seine fishery  
(CMM 2017-01 / CMM 2018-01 31, 33, 34, 35, Att 2 / Att C (5-6) and Att 2 / Att C (8))

36. The CMM 2017-01 / CMM 2018-01 obligations covered within the purse seine Catch Retention, Monitoring and Control thematic category include:
- implementation of the purse seine catch retention requirements (paragraph 31) (**RP / IM**);
  - implementation of the requirement to not allow purse seine vessels to operate under manual position reporting during the FAD closure (paragraph 33) (**IM**);
  - implementation of requirement for 100% purse seine coverage rate (paragraphs 34 and 35) (**IM**); and
  - specific observer and monitoring requirements for Philippines fleet operating in high seas pocket one special management area (Attachment 2 5-6 and 8 / Attachment C 5 - 6 and 8) (**IM**).
37. The final CMR outcomes covering 2018 and 2019 activities for obligations in the purse seine Catch Retention, Monitoring and Control thematic category are presented in **Figure 4, Table 5** and **Box 3** on the following three pages (pages 18 - 21).
38. For purse seine Catch Retention, Monitoring and Control obligations, the proportion of **compliant** statuses assessed in the final CMR covering 2018 and 2019 activities ranged from 83% to 100% of applicable CCMs. All applicable CCMs were assessed in the final CMR for both years as **compliant** related to their implementation of the **purse seine catch retention requirements** (paragraph 31); **implementation of the requirement to not allow purse seine vessels to operate under manual position reporting during the FAD closure** (paragraph 33); and **implementation of requirement for 100% purse seine coverage rate for ROP observers** (paragraph 34).
39. For the implementation of the requirement for **100% purse seine coverage on vessels operating exclusively in areas under national jurisdiction**, ten (10) CCMs received **compliant** statuses in the final CMR covering 2018 and 2019 activities (**Table 5**). For this obligation in 2018 and 2019, a **Capacity Assistance Need** was identified for the *Philippines* in the final CMR for both 2018 and 2019. In the final CMR covering 2018 activities, in paragraph 32 of the Executive Summary, it confirms that a capacity development plan was submitted by the *Philippines* in 2019 related to calendar year 2018. In the final CMR covering 2018 activities, paragraph 12 of the Executive Summary, records that the Philippines provided a progress report on its capacity development plan, which provided a schedule for implementation to progressively increase observer coverage in Philippines waters over 2020 and 2023 (**Box 3**).
40. Related to the implementation of the **100% purse seine coverage on vessels operating exclusively in areas under national jurisdiction**, **Table 5** records that *Indonesia* received **priority non-compliant** statuses in 2018 and 2019, and that this has been a repeat year issue.
41. In 2018 and 2019, the *Philippines* received statuses of **compliant** for the implementation of related to **specific observer and monitoring requirements for Philippines fleet operating in high seas pocket one** special management area (HSP1-SMA) (**Table 5**).

**Figure 4. Presentation of Final CMR Outcomes for 2018 and 2019 related to Catch Retention, Monitoring and Control : Purse Seine fishery obligations (CMM 2017-01 / CMM 2018-01 31, 33, 34, 35, Att 2 /Att C (5-6) and Att 2 / Att C (8))**



<b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b>	<i>Para (31) Report (RP) / Implementation (IM)  Purse seine catch retention requirements (20N - 20S)</i>	<i>Para (33) Implementation (IM)  Purse seine vessels are not to operate under manual reporting during FAD closure period</i>	<i>Para (34) Implementation (IM)  Requirement for purse seine vessels to carry a ROP observer</i>	<i>Para (35) Implementation (IM)  100% purse seine coverage: specific rules for vessels fishing exclusively in areas under its national jurisdiction</i>	<i>Att 2 /Att C (5-6) Implementation (IM) Specific requirements for deploying observers on Philippines vessels fishing in HSP1-SMA</i>	<i>Att 2 / Att C (8) Implementation (IM) Philippines to monitor landings by vessels operating in HSP1-SMA and collect reliable catch data by species</i>
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**Table 5. List of each applicable CCMs Compliance or Implementation Status for Catch Retention, Monitoring and Control : Purse Seine fishery obligations**

	<b>Compliance Status: Compliant</b>		<b>Non-compliant</b>	<b>Priority Non-Compliant [x = years with potential compliance issue]</b>	<b>Capacity Assistance Needed</b>
<b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b>	<b>Para (31) Report (RP) / Implementation (IM)</b> <i>Purse seine catch retention requirements (20N - 20S)</i>	<b>Para (33) Implementation (IM)</b> <i>Purse seine vessels are not to operate under manual reporting during FAD closure period</i>	<b>Para (34) Implementation (IM)</b> <i>Requirement for purse seine vessels to carry a ROP observer</i>	<b>Para (35) Implementation (IM)</b> <i>100% purse seine coverage: specific rules for vessels fishing exclusively in areas under its national jurisdiction</i>	<b>Att 2 / Att C (5-6) &amp; (8) Implementation (IM)</b> <i>Specific requirements PHP vessels fishing in HSP1-SMA</i>
<b>2018</b> <i>(2019 Final CMR)</i>	<b>Report (RP)</b> China, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Chinese Taipei Tuvalu, United States, Vanuatu, Ecuador, El Salvador	China, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Chinese Taipei Tuvalu, United States, Vanuatu, Ecuador, El Salvador	China, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Chinese Taipei Tuvalu, United States, Vanuatu, Ecuador, El Salvador	China, Federated States of Micronesia, <b>Indonesia [7]</b> , Japan, Kiribati, Korea, Marshall Islands, Nauru, Papua New Guinea, <b>Philippines</b> , Solomon Islands, Tuvalu, United States, Vanuatu	<b>Att 2 / Att C (5-6) (IM)</b> - Observer deployment Philippines  <b>Att 2 /Att C (8) (IM)</b> - monitor landings and collect reliable catch data by species Philippines
<b>2019</b> <i>(2020 Final CMR)</i>	<b>Implementation (IM)</b> China, Cook Islands, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Chinese Taipei Tuvalu, United States, Vanuatu, Ecuador, El Salvador	China, Cook Islands, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, Solomon Islands, Tuvalu, Chinese Taipei, United States, Vanuatu, Ecuador, El Salvador	China, Cook Islands, European Union, Federated States of Micronesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Philippines, , Solomon Islands, Chinese Taipei, Tuvalu, United States, Vanuatu, Ecuador, El Salvador	Cook Islands, Federated States of Micronesia, Kiribati, <b>Indonesia [8]</b> , Marshall Islands, Nauru, Papua New Guinea, <b>Philippines[2]</b> , Solomon Islands, Tuvalu, United States, Vanuatu	<b>Att 2 /Att C (5-6) (IM)</b> - Observer deployment Philippines  <b>Att 2 /Att C (8) (IM)</b> - monitor landings and collect reliable catch data by species Philippines



**Box 3. Relevant excerpts from the Executive Summary of each final CMR covering 2018 and 2019 activities related to Catch Retention, Monitoring and Control : Purse Seine fishery obligations in Tropical Tuna CMMs**

**2019 Final CMR covering 2018 activities Executive Summary related to Tropical Tuna CMM**

**V. REQUESTS FOR ASSISTANCE AND CAPACITY BUILDING**

**32.** Several areas were identified where targeted assistance is required to assist SIDS and other CCMs in implementing specific obligations.

CMM	Obligation	CMR section	CCM	Capacity Assistance Needed Score
2017-01	CMM 2017-01 35 (for 100% PS observer Coverage for vessels fishing exclusively in areas under national jurisdiction)	Implementation	Philippines	Capacity Assistance Needed (CMR RY2018)

**2020 Final CMR covering 2019 activities Executive Summary related to Tropical Tuna CMM**

**12.** TCC16 received reports from CCMs on the progress of capacity development plans for 2019. The outcomes of the discussions are in the table and information set out below.

CMM	Capacity Assistance Needed Ongoing	Capacity Assistance Needed Completed
<b>100% purse seine observer coverage for vessels fishing exclusively in areas under national jurisdiction (CMM 2018-01 paragraph 35)</b>	Philippines (RY2018)	

...

b. **Philippines:** TCC noted that a written report was received from the Philippines on progress on its Capacity Development Plan which provided a schedule for implementation to progressively increase observer coverage in Philippine waters over 2020 to 2023. TCC noted that for RY 2019 Philippine’s capacity assistance needs in their Capacity Development Plan were not yet met.

Longline catch limits for bigeye tuna  
(CMM 2017-01 / CMM 2018-01 39, 41 and 43)

42. The CMM 2017-01 / CMM 2018-01 obligations covered within the longline catch limits for bigeye tuna thematic category include:

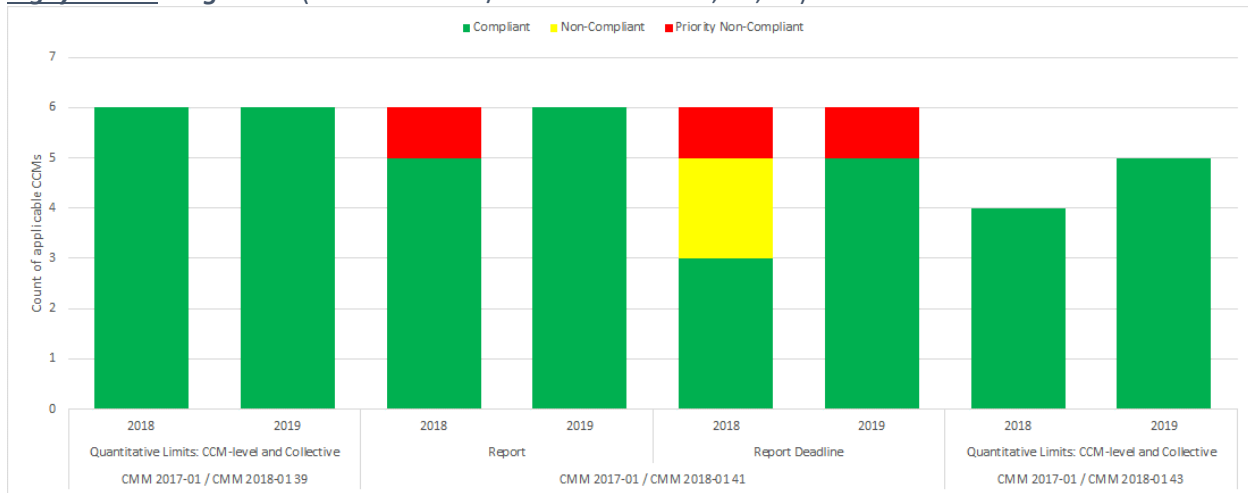
- bigeye longline catch limits (paragraph 39 and paragraph 43) (**QL**); and
- monthly reporting requirements for specific CCMs subject to a paragraph 39 quantitative limit (paragraph 41) (**RP / DL**).

43. The final CMR outcomes covering 2018 and 2019 activities for obligations in the longline catch limits for bigeye tuna thematic category are presented in **Figure 5** and **Table 6** (below).

44. For longline catch limits for bigeye tuna quantitative limits, all applicable CCMs were assessed in the final CMR for both years as **compliant** (paragraph 39 and 43).

45. In respect of the reporting requirements for certain CCMs (paragraph 41), from 2018 to 2019 there was increase in the proportion of **compliant** statuses received by applicable CCMs for both the monthly reporting requirement and for compliance with the reporting deadline. Of note, due to non-submission of monthly bigeye longline catch required reports for 2018 calendar year *Indonesia* had received a **priority non-compliant** status and a note that this was a repeat year issue. However, in the final CMR covering 2019 activities, *Indonesia* was assessed as **compliant** with submission of monthly bigeye longline catch required reports for 2019 calendar year. Also, in respect of compliance with the monthly reporting deadlines, two CCMs who were assessed as **non-compliant** in final CMR covering 2018 activities, improved their performance to receive **compliant** statuses for 2019 calendar year.

**Figure 5. Presentation of Final CMR Outcomes for 2018 and 2019 related to Longline catch limits for bigeye tuna obligations (CMM 2017-01 / CMM 2018-01 39, 41, 43)**

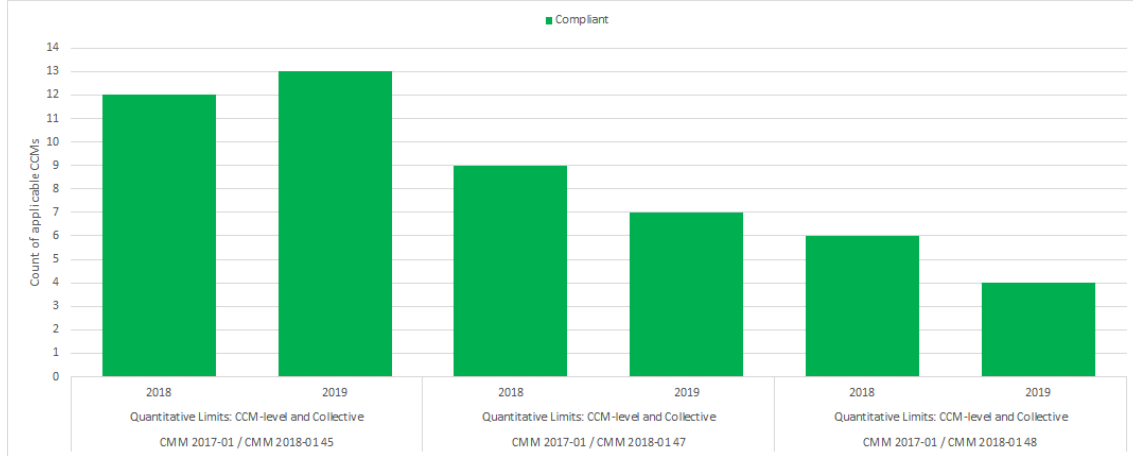


<b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b>	<i>Para (39) CCM-level and collective Quantitative Limit (QL) Bigeye longline catch limits for 2018, 2019 and 2020, with adjustment to be made for any overage</i>	<i>Para (41) Report (RP) Bigeye longline catch required report</i>	<i>Para (41) Report Deadline (DL)</i>	<i>Para (43) CCM-level and collective Quantitative Limit (QL) Bigeye longline catch limits by flag for certain other members which caught less than 2000t in 2004</i>
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**Table 6. List of each applicable CCMs Compliance or Implementation Status for Longline catch limits for bigeye tuna obligations**

	<b>Compliance Status: Compliant</b>	<b>Non-compliant</b>	<b>Priority Non-Compliant [x = years with potential compliance issue]</b>	
<b>2018</b> <i>(2019 Final CMR)</i>	China, Indonesia, Japan, Korea, Chinese Taipei, United States	China, <b>Indonesia [6]</b> , Japan, Korea, Chinese Taipei, United States	<b>China, Indonesia [6]</b> , Japan, Korea, <b>Chinese Taipei</b> , United States	Australia, European Union, New Zealand, Philippines
<b>2019</b> <i>(2020 Final CMR)</i>	China, Indonesia, Japan, Korea, Chinese Taipei, United States	China, Indonesia, Japan, Korea, Chinese Taipei, United States	China, <b>Indonesia [7]</b> , Japan, Korea, Chinese Taipei, United States	Australia, Canada, European Union, New Zealand, Philippines

**Figure 6. Presentation of Final CMR Outcomes for 2018 and 2019 related to Capacity Management for Purse seine and Longline Vessels obligations (CMM 2017-01 / CMM 2018-01 45, 47 and 48)**



<p><b>CMM 2017-01</b> <b>CMM 2018-01</b> <b>Tropical Tunas</b></p>	<p><i>Para (45)</i> <b>CCM-level and collective Quantitative Limit (QL)</b> <i>Limit by flag on number of purse seine vessels &gt;24m with freezing capacity between 20N and 20S</i></p>	<p><i>Para (47)</i> <b>CCM-level and collective Quantitative Limit (QL)</b> <i>Limit by flag on number of longline vessels with freezing capacity targeting bigeye above the current level (applying domestic quotas are exempt)</i></p>	<p><i>Para (48)</i> <b>CCM-level and collective Quantitative Limit (QL)</b> <i>Limit by flag on number of ice-chilled longline vessels targeting bigeye and landing exclusively fresh fish above the current level or above the number of current licenses under established limited entry programmes (applying domestic quotas are exempt)</i></p>
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**Table 7. List of each applicable CCMs Compliance or Implementation Status for Capacity Management for Purse seine and Longline Vessels obligations**

	<b>Compliance Status: Compliant</b>		
<p><b>2018</b> <i>(2019 Final CMR)</i></p>	<p>Australia, Canada, China, European Union, Japan, Korea, New Zealand, Philippines, Chinese Taipei, United States, Ecuador, El Salvador</p>	<p>Australia, China, European Union, Japan, Korea, New Zealand, Philippines Chinese Taipei, United States</p>	<p>China, Japan, Korea, Philippines, Chinese Taipei, United States</p>
<p><b>2019</b> <i>(2020 Final CMR)</i></p>	<p>Australia, Canada, China, European Union, Japan, Korea, New Zealand, Philippines, Chinese Taipei, United States Ecuador, El Salvador, Nicaragua</p>	<p>China, Japan, Korea, New Zealand, Philippines, Chinese Taipei, United States</p>	<p>China, Japan, Philippines, United States</p>

Capacity Management for Purse seine and Longline Vessels  
(CMM 2017-01 / CMM 2018-01 45, 47 and 48)

46. The CMM 2017-01 / CMM 2018-01 obligations covered within the capacity management for purse seine and longline vessels thematic category, include three types of quantitative limits that apply to certain CCMs:
- limits by flag on number of purse seine vessels >24m with freezing capacity between 20N and 20S (paragraph 45) (QL);
  - limits on longline vessels with freezing capacity targeting bigeye above the current level, except for those fleets that apply domestic quotas (paragraph 47) (QL); and
  - limits by flag on number of ice-chilled longline vessels targeting bigeye and landing exclusively fresh fish above the current level or above the number of current licenses under established limited entry programmes , except for those fleets that apply domestic quotas (paragraph 48) (QL).
47. The final CMR outcomes covering 2018 and 2019 activities for obligations in the capacity management for purse seine and longline vessels thematic category are presented in **Figure 6** and **Table 7** (page 22 above).
48. All applicable CCMs were assessed in the final CMR for both years as **compliant** related to their implementation of the three **quantitative limits** on numbers of **purse seine vessels with freezing capacity, and longline vessels targeting bigeye both with freezing capacity and ice-chilled**. There was some difference in the list of CCMs to whom the obligation was considered applicable between 2018 and 2019. For the purse seine capacity limits there was an increase in the number of CCMs from 2018 to 2019 because there was a new Cooperating Non-Member in 2019 (*Nicaragua*) (**Table 7**). For the longline capacity limits there was a decrease in the number of CCMs from 2018 to 2019, owing to the clarifications these CCMs provided in their annual reporting about their implementation of domestic quotas or limited entry programmes to their fleets.

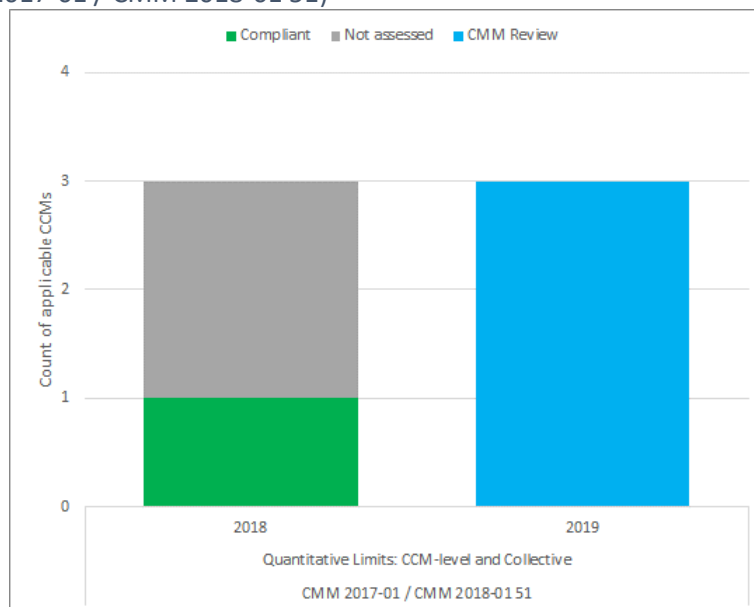
Other commercial fisheries  
(CMM 2017-01 / CMM 2018-01 51)

49. There is one CMM 2017-01 / CMM 2018-01 obligation covered within the other commercial fisheries thematic category. The obligation is a quantitative limit (QL) that requires three CCMs limit the total catch of certain other commercial tuna fisheries (that take >2000Mt of bigeye tuna (BET), yellowfin tuna (YFT) and skipjack tuna (SKJ)) (paragraph 51).
50. The final CMR outcomes covering 2018 and 2019 activities for obligations in the capacity management for the other commercial fisheries thematic category are presented in **Figure 7**, **Table 8** and **Box 4** (page 24 below).
51. In the final CMR covering 2018 activities, one CCM (*Japan*) received a **compliant** assessment and two CCMs (*Indonesia* and *Philippines*) received a compliance status of **not assessed**. Paragraph 28 of the Executive Summary also noted that TCC recognized that there continues to be issues with assessments of this obligation, and that this issue that should be prioritized for resolution by the Commission (**Box 4**). In the final CMR covering 2019 activities, the

outcome for all applicable CCMs was **CMM Review**. Paragraph 17 of the Executive Summary recognized the difficulty of the application of this paragraph in terms of the scope of “other commercial fisheries” in Indonesia and the Philippines, and that each had submitted papers to SC16 and TCC16 in response to the tasking from TCC15 to inform a Commission discussion on the application of paragraph 51 of CMM 2018-01.

52. In 2021, the Commission has tasked SC17 and TCC17 to review these papers and provide advice to the Commission to facilitate a decision by WCPFC18 on the application of paragraph 51 of CMM 2018-01.

**Figure 7. Presentation of Final CMR Outcomes for 2018 and 2019 related to Other commercial fisheries obligations (CMM 2017-01 / CMM 2018-01 51)**



<b>CMM 2017-01</b> <b>CMM 2018-01</b> <b>Tropical Tunas</b>	<i>Para (51)</i> <b>CCM-level and collective Quantitative Limit (QL)</b> <i>Limit on total catch of certain other commercial tuna fisheries (that take &gt;2000Mt of BET, YFT and SKJ)</i>
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**Table 8. List of each applicable CCMs Compliance or Implementation Status for Other commercial fisheries obligations**

	Compliance Status: <span style="color: green;">Compliant</span> <span style="color: grey;">Not assessed</span> <span style="color: blue;">CMM Review</span>
<b>2018</b> <i>(2019 Final CMR)</i>	Japan <b>Not Assessed for:</b> Indonesia, Philippines
<b>2019</b> <i>(2020 Final CMR)</i>	<span style="color: blue;">CMM Review</span>

**Box 4. Relevant excerpts from the Executive Summary of each final CMR covering 2018 and 2019 activities related to Other commercial fisheries obligations in Tropical Tuna CMMs**

**2019 Final CMR covering 2018 activities Executive Summary related to Tropical Tuna CMM**

14. In accordance with paragraph 34 of CMM 2018-07, where there were majority/minority views on the correct assessment, TCC15 took the assessment of the majority view and noted the minority view. TCC15 notes the following assessments with majority/minority views for the Commission for its final assessment:

- a. CMM 2017-01, para 51 – The majority view was that Indonesia should be assessed as Capacity Assistance Needed; however, there was a minority view that no assessment could be made.
  - b. CMM 2017-01, para 51 – The majority view was that the Philippines should be assessed as Capacity Assistance Needed; however, there were two minority views. One was that no assessment could be made, and one was that the Philippines should be assessed as Non-Compliant.
- WCPFC16 noting the difference of views on the above two assessments, agreed that the Indonesia and Philippines not be assessed for CMM 2017-01, para 51 in RY2018.

28. WCPFC16 and TCC15 noted that CMM 2017-01, paragraph 25 and the requirement to provide zone-based limits and the nature of those limits, needed attention by the Commission. Similarly, WCPFC16 and TCC15 expressed concern that there continued to be issues with the assessment of compliance with CMM 2017-01, paragraph 51. TCC has repeatedly had to spend multiple hours making these assessments and these should be prioritized for resolution by the Commission so that they were not repeated year after year.

**2020 Final CMR covering 2019 activities Executive Summary related to Tropical Tuna CMM**

17. There were two obligations that WCPFC17 and TCC16 once again assessed as CMM Review.

...

b. CMM 2018-01 paragraph 51: In applying a status of “CMM Review” to paragraph 51 of CMM 2018-01, TCC16 recognized the difficulty of the application of this paragraph in terms of the scope of “other commercial fisheries” in Indonesia and the Philippines. TCC16 noted that Indonesia and the Philippines had submitted papers to SC16 and TCC16 in response to the tasking from TCC15 to inform a Commission discussion on the application of paragraph 51 of CMM 2018-01. The virtual format of these meetings made it difficult to consider these papers at SC16 and TCC16. TCC16 recommends that WCPFC17 task SC17 and TCC17 to review these papers and provide advice to the Commission to facilitate a decision by WCPFC18 on the application of paragraph 51 of CMM 2018-01.

Data provision requirements

*(CMM 2017-01 / CMM 2018-01 52 and 54).*

53. The CMM 2017-01 / CMM 2018-01 obligations covered within the data provision requirements thematic category are:

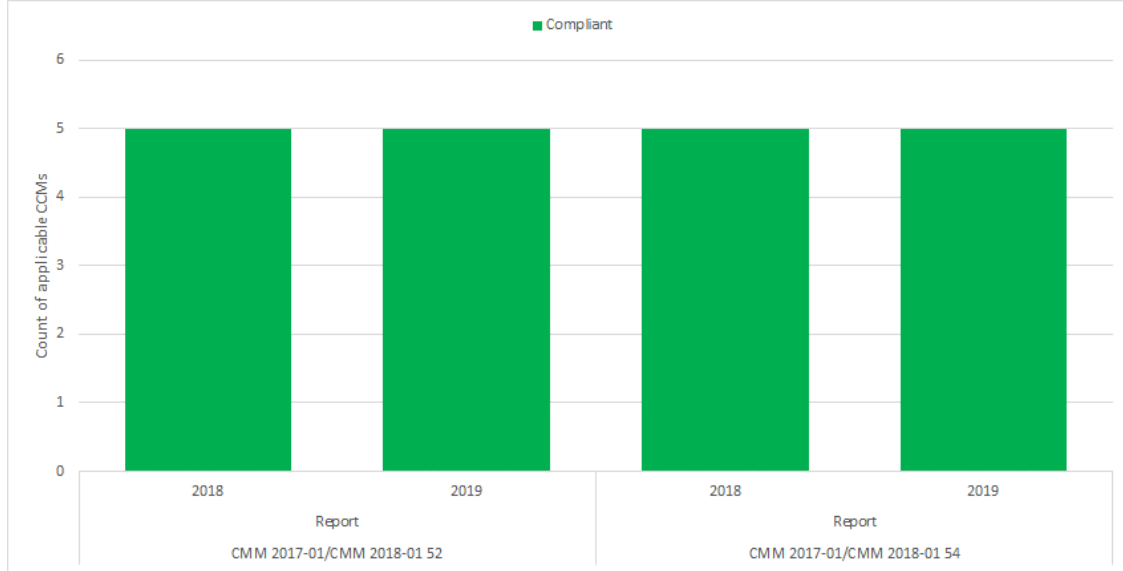
- Requirement to provide operational level catch and effort data for EEZ and high seas S20N (paragraph 52) **(RP)**; and
- Requirement to provide 1 x 1 aggregate data for vessels fishing in EEZs and high seas N 20 N, as well as to cooperate in providing operational data to SPC for stock assessment (paragraph 54) **(RP)**.

54. The final CMR outcomes covering 2018 and 2019 activities for obligations in the data provision requirements thematic category are presented in **Figure 8** and **Table 9** (page 26 below).

55. All applicable CCMs were assessed in the final CMR for both years as **compliant**.



**Figure 8. Presentation of Final CMR Outcomes for 2018 and 2019 related to Data provision requirements obligations (CMM 2017-01 / CMM 2018-01 52 and 54)**



<b>CMM 2017-01 CMM 2018-01 Tropical Tunas</b>	<p style="text-align: center;"><i>Para (52) Report (RP)</i></p> <p><i>Requirement to provide operational level catch and effort data for EEZ and high seas S20N</i></p>	<p style="text-align: center;"><i>Para (54) Report (RP)</i></p> <p><i>Requirement to provide 1 x 1 aggregate data for vessels fishing in EEZs and high seas N 20 N, as well as to cooperate in providing operational data to SPC for stock assessment</i></p>
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**Table 9. List of each applicable CCMs Compliance or Implementation Status for Data provision requirements obligations**

	<b>Compliance Status: Compliant</b>	
<b>2018</b> <i>(2019 Final CMR)</i>	China, Japan, Korea, Philippines, Chinese Taipei	China, Japan, Korea, Philippines, Chinese Taipei
<b>2019</b> <i>(2020 Final CMR)</i>	China, Japan, Korea, Philippines, Chinese Taipei	China, Japan, Korea, Philippines, Chinese Taipei

*Summary list of obligations that have implementation or compliance difficulties experienced by CCMs, and areas where capacity building assistance has been identified.*

56. In summary and as shown in **Table 10** below, there were eight Tropical Tuna CMM obligations identified in the final CMR outcomes covering 2018 and 2019 activities where the compliance status assessments indicate that certain CCMs have experienced implementation or compliance difficulties in 2018/19. Some of these obligations have also been identified in the final CMR executive summary covering 2018 and 2019 activities as needing to be prioritized for resolution by the Commission. For one of these obligations a capacity building assistance need has been identified for one CCM, and progress reports on its capacity development plan has been received which includes a schedule for progress towards implementation of the obligation.

**Table 10. List of the Tropical Tuna CMM (CMM 2017-01 / CMM 2018-01 ) obligations where implementation or compliance difficulties have been experienced by CCMs as indicated in the final CMR covering 2018 and 2019 activities. The last column lists a page number reference where in this paper further detail on the issue can be found.**

Thematic category	CMM 2018-01 obligation	CMR Section IM = Implementation QL = Quantitative Limits: CCM-level & Collective RP = Report DL = Report deadline	Final CMR Outcome / Compliance Status <b>Priority Non-Compliant</b> <b>Capacity Assistance Needed</b> <b>CMM Review</b> <b>Not Assessed</b> <b>## CCFS Aggregate tables may also need to be considered</b>	Page ref in this paper
Purse Seine Fishery FAD Set Management	para 16	IM	Indonesia (2019) Philippines (2019) ##	pg 12
	para 17	IM	##	pg 12
Purse Seine Effort control	para 25	QL / DL	Wallis and Futuna (2018, 2019)	pg 7
	para 26	QL	Republic of Korea (2018 <sup>3</sup> , 2019) United States of America (2018, 2019)	pg 7
	Att C 03	RP	Philippines (2019)	pg 11
		DL	Philippines (2018, 2019)	
Monitoring and Control : Purse Seine fishery	para 35	IM	Indonesia (2018, 2019) Philippines (2018, 2019)	pg 17
Longline catch limits for bigeye tuna	para 41	DL	Indonesia (2018, 2019)	pg 21
Other commercial fisheries	para 51	QL	Japan (2019) Indonesia (2018, 2019) Philippines (2018, 2019)	pg 23

## Recommendation

57. TTMW1 is invited to note this paper.

<sup>3</sup> Note in the final CMR covering 2019 activities, TCC16 did not consider this assessment to be a repeat year compliance issue.