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Proposed Amendments to CMM 2018-05 (Regional Observer Programme)

WCPFC21-2024-DP06
29 October 2024

Submitted by Japan

Explanatory note:

1. For the purpose of implementing WCPFC Regional Observer Programme, there are currently two different CMMs, namely CMM2018-05 and CMM2012-03. Due to the duplicated provisions in these CMMs, TCC20 saw complicated discussion on the implementation of paragraph 2 of CMM2012-03 (5% observer coverage of the effort of each fishery fishing for fresh fish in the area north of 20 degrees north). TCC20 recommended that the Commission at WCPFC21 discuss the ongoing applicability of paragraph 2 of CMM2012-03 on “Conservation and Management Measure for Implementing the Regional Observer Programme by Vessels Fishing for Fresh Fish North of 20N”.
2. CMM2013-03 provided special consideration for fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees North until 2014. However, the special consideration was terminated at the end of 2014 when the Regional Observer Program became applicable to such fresh fish fishing vessels.
3. With the aim of avoiding future confusion, Japan proposes an amendment to CMM2018-05 “Conservation and Management Measure for the Regional Observer Programme” to delete the special provision for fishing vessels used exclusively to fish for fresh in the area north of 20 degrees North, as well as to repeal CMM2012-03, as attached.
4. For your reference, the following are the history of the development of relevant CCMs:
 - (1) CMM 2007-01 on “Conservation and Management Measure for the Regional Observer Programme” established the Commission’s Regional Observer Programme and required CCMs to achieve 5% observer coverage of the effort in each fishery under the jurisdiction of the Commission no later than 30 June 2012. However, special consideration was given to those fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees North, for which, Northern Committee were tasked to consider and recommend the implementation of ROP for such vessels no later than 31 December 2014. In other words, those fishing vessels were exempted from the observer coverage requirement established by CMM2007-01.
 - (2) WCPFC9 adopted CMM 2012-03 that requires CCMs to implement observer programmes for fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees North and achieve 5% coverage of the effort of each fishery. This CMM was intended to remove the exemption established by CMM 2007-01 for those vessels.
 - (3) WCPFC15 adopted CMM 2018-05, which superseded CMM 2007-01. CMM2018-05 maintained the provision for exemption for fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees North, despite the fact that CMM 2012-03 in effect removed the exemption.



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CONSERVATION AND MANAGEMENT MEASURE FOR THE
REGIONAL OBSERVER PROGRAMME

Conservation and Management Measure ~~2018-~~
05/2024-XX¹

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

Recalling Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

Further recalling Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

Cognizant of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

Establishment of the Commission ROP

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.

¹~~This measure updates and revises CMM 2007-01, and as was agreed by the Commission at WCPFC15 (2018).~~

3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

Objectives of the Commission ROP

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

Scope of the Commission ROP

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measure 2004-01 (or its replacement CMM):

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

Functions of observers

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

Obligations of CCMs of the Commission

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

11. CCMs shall take advantage of the information collected by observers for the

purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.

Role of the Commission and its subsidiary bodies

12. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

Role of the Secretariat

13. Consistent with Article 15(4), the role of the Secretariat will be to:

a) coordinate ROP activities, including, *inter alia*:

- i) maintaining the ROP Manual and the ROP Observer Workbook;
- ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
- iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
- iv) coordinating ROP activities with other RFMOs as directed and appropriate;
- v) facilitating the use of authorized observers in the ROP;
- vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
- vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
- viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
- ix) managing and administering observers for special situations as directed by the Commission;
- x) support staff necessary to effectively administer the ROP; and
- xi) maintain on the Commission website an up-to-date list of the National Observer Coordinators and their contact information, and copies of, or links to, each ROP provider's code of conduct for its observers.

b) authorize observer providers to the ROP.

Role of coastal States

14. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.

Guiding principles for operation of the Commission ROP

15. The Commission ROP shall operate in accordance with the following principles:

- a) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
- b) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;²
- c) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
- d) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub- regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.
- e) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
- f) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in **Annex A** — Guidelines for the Rights and Responsibilities of Observers.
- g) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.
- h) The Commission ROP shall ensure the security and confidentiality of non- aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

² See TCC2 Summary Report, para 54ii: "the need to integrate existing national and regional observer programmes into the Commission programme and "to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas."

Others

16. CMM 2012-03 and CMM 2018-05 are repealed and replaced by this CMM.

Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the applicable Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

Rights and responsibilities of vessel operators and captains

1. The rights of vessel operators and captains shall include:

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

2. The responsibilities of vessel operators and captains shall include:

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allow and assist the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties, ensuring the ROP observer is not coerced or convinced to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.

Rights and responsibilities of vessel crew

3. The rights of vessel crew shall include:

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

4. The responsibilities of the vessel crew shall include:

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties, not coercing or convincing the ROP observer to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

Implementation programme for the Regional Observer Programme

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
 - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
 - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
 - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 ~~and 10~~). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

Special circumstances

~~9. Fishing vessels used exclusively to fish for fresh fish³ in the area north of 20 degrees north shall be accorded the following considerations:~~

~~i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.~~

~~ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.~~

~~iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.~~

~~10.9.~~ The implementation schedule for the following vessels shall be deferred:

i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.

ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

³For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.

CMM2013-06 Criteria

In accordance with CMM2013-06 (Conservation and management measure on the criteria for the consideration of conservation and management proposals), the following assessment has been undertaken.

a. Who is required to implement the proposal?

All CCMs are required to implement the current CMM(CMM-2018-05). Japan's proposal does not change this nature of current CMM.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

Japan's proposal is to clarify the applicability of CMM 2012-03 and its relationship with the current CMM 2018-05, and therefore there would be no impact to the CCMs.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

No.

d. Does the proposal affect development opportunities for SIDS?

No.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

No.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

No additional resources are required for SIDS to implement this proposal.

g. What mitigation measures are included in the proposal?

No mitigation measures are included since this proposal does not impact fisheries by SIDS.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

No assistance mechanisms is included since this proposal does not impose any disproportionate burden on SIDS.

Audit Points Checklist for Proposed New or Amended Obligations (“Audit Points Checklist”)

(To be completed by proponents of new and amended measures. This checklist should not be confused with the “2013-06 Checklist”, which is specific to impacts of new or amended proposals on SIDS.)

1. To whom does the obligation apply? Set out any proposed exceptions or exclusions.

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

2. What is the scope of the new obligations (i.e., does it apply to a particular geographical area, fishery, stock, species of special interest?)

There is no new obligation imposed by this proposal.

3. Are there existing obligations that should be assessed in combination with any of the proposed new obligations? If so, name the CMM and paragraph(s), or other Commission obligation.

No.

4. Which proposed new obligations will require submission of Reports (R) or Implementation Statements (I), impose Limits (L), or have Deadlines (D)? Please fill out the relevant section(s) for each of the proposed new obligations.

I. Deadline

Specify what is required and by what deadline.

There is no new obligation imposed by this proposal.

II. Report

Specify the type of information that is required, including any specific formats or templates to be used, and whether the information must be complete (100%) or a sub-set of information is sufficient to meet the proposed objective.

There is no new obligation imposed by this proposal.

Is this information already provided wholly or in part through any other data submission requirement, i.e. operational level catch and effort data?

There is no new obligation imposed by this proposal.

If no, specify the proposed reporting mechanism to be used for submission of new required

information (i.e., Annual Report Part 1, Annual Report Part 2, direct to WCPFC Secretariat, other)

N/A

Can the information provided be verified through another source? If yes, specify what other data or information source should be used.

There is no new obligation imposed by this proposal.

III. Implementation

In addition to the required Implementation Statements, list any additional information required to demonstrate CCM's implementation with the proposed new requirement.

Describe any data or other information that can be reviewed by the WCPFC Secretariat to confirm or verify implementation.

IV. Quantitative Limit

Specify the proposed CCM-level or Collective limit.

There is no new obligation imposed by this proposal.

Specify what verifiable data shall be provided by CCM to confirm its adherence to the limit.

There is no new obligation imposed by this proposal.

Specify what data sources are available to the WCPFC Secretariat to review and confirm CCM's reported limit.

There is no new obligation imposed by this proposal.

V. Other

If none of the other categories are appropriate:

Specify the nature of the obligation.

Specify how compliance is to be assessed.

Process for considering proposed audit points alongside new proposals

The purpose of the checklist is for proponents of new obligations to identify what they see as being the appropriate criteria or performance standard by which compliance should be assessed against new or amended obligations. This process will assist in identifying data gaps,

potential duplication of reporting, and existing measures that might be linked to new or amended obligations.

The process for considering proposed audit points for proposed new obligations is as follows:

Step 1: Proponent of the proposed new or amended obligation(s) submits a completed AP Checklist at the same time as the proposed new or amended obligation(s) is submitted.

Step 2: Where proposed new or amended obligation(s) undergoes further discussion and negotiation, the AP Checklist remains attached to the proposal and is also considered throughout the iterative process.

Step 3: If proposed new or amended obligation(s) reaches the stage of finalization for adoption, the lead CCM on finalizing the proposed new or amended obligation(s) also updates the AP Checklist to reflect the final proposed new or amended obligation(s).

Step 4: The proposed audit points for the proposed new or amended obligation(s) are adopted as part of the final proposed new or amended obligation(s) and attached to the final CMM, or in the case of a Commission decision that is not reflected in a CMM, the proposed audit points are posted on the appropriate section of the WCPFC website associated with the decision or outcome.

Proposed audit points for proposed amendments to CMM2018-05

Note: These remain unchanged from current audit points for the current CMM2018-05.

Paragraph	Obligation	Draft Audit Point
<p>7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.</p>	<p>Implementation</p>	<p>CCM submitted a statement in AR Pt2 that:</p> <ul style="list-style-type: none"> a. confirms CCM’s implementation through adoption of a national binding measure that requires its flagged vessels to accept an ROP observer, if required by the Commission. b. describes how the CCM is monitoring and ensuring its flagged vessels are accepting ROP observers, and how the CCM responds to potential infringements or instances of noncompliance with this requirement.
<p>9. CCMs shall source observers for their vessels as determined by the Commission.</p>	<p>Implementation</p>	<p>CCM submitted a statement in AR Pt2 that:</p> <ul style="list-style-type: none"> a. confirms CCM’s implementation through adoption of a national binding measure that requires it to source observers for their flagged vessels as determined by the Commission. b. describes how the CCM is monitoring and ensuring it is sourcing observers for their flagged vessels as determined by the Commission, and how the CCM responds to potential infringements or instances of noncompliance with this requirement.
<p>10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.</p>	<p>Report</p>	<p>The Secretariat confirms that the CCM submitted information on how it implements the requirement to explain to the vessel captains of its flagged vessels, observer duties relevant to appropriate measures adopted by the Commission.</p>
<p>11. CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by</p>	<p>Report</p>	<p>Secretariat confirms that CCMs have provided a statement on its use of information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and the CCM’s cooperation in exchange of such information in accordance with</p>

<p>proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.</p>		<p>standards adopted by the Commission.</p>
<p>14. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.</p>	<p>Report</p>	<p>Secretariat confirms that CCMs have provided a statement confirming its nomination of a National Observer Coordinator and notification to the Secretariat of any changes to the nominee or his/her contact information.</p>
<p>15. The Commission ROP shall operate in accordance with the following principles:</p> <p>g) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in Annex B — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.</p>	<p>Report</p>	<p>The Secretariat confirms that CCMs submitted a statement in its AR Pt2 that confirms how it ensured that vessel operators complied with the Guidelines in Annex B — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.</p>
<p>Annex C</p> <p>4. No later than 31 December 2008:</p> <ul style="list-style-type: none"> • Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission. • Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data. 	<p>Report</p>	<p>Secretariat confirms that CCMs with a WCPFC ROP authorised observer programme have submitted a statement confirming that it has submitted data obtained through its observer programmes to the Commission.</p>

<p>Annex C 6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.</p>	<p>Report</p>	<p>The Secretariat confirms receipt by the CCM in AR P1 of the required information contained in WCPFC11 reporting procedure of previous year longline observer coverage achieved using the chosen metric and in the agreed format. The Secretariat can verify, through ROP data received by WCPFC, that the CCM did meet the minimum observer coverage rate of 5% for its flagged, non-PS vessels</p>
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