**2016 FINAL COMPLIANCE MONITORING REPORT**

**(COVERING 2015 ACTIVITIES)**

**Executive Summary**

**I. INTRODUCTION**

1. WCPFC13 undertook its sixth annual review of compliance by CCMs against a priority list of Commission obligations agreed to at WCPFC12 (Paragraphs 469 and 471 and Attachment O to WCPFC12 Summary Report). WCPFC13 reviewed the provisional Compliance Monitoring Report prepared by TCC12 assessing all CCMs against obligations in seven categories as per paragraph 3 of CMM 2015-07.

2. WCPFC13 and TCC12 conducted their review in accordance with the revised Compliance Monitoring Scheme (CMS) adopted at WCPFC12 – CMM 2015-07. Unlike past versions of the CMS, the current CMS does not require an overall assessment of each CCM, but only asks WCPFC to identify a compliance assessment for each specific obligation. In accordance with Annex I of the CMS, the following statuses were considered in making the assessments: Compliant, Non-Compliant, Priority Non-Compliant, Capacity Assistance Needed, Flag State Investigation and CMM Review.

3. A number of CCMs provided additional information between TCC12 and WCPFC13. A small working group met in closed session during WCPFC13 to review and evaluate the additional information. The small working group considered all additional information, including for CCMs not present at the working group meetings.

4. After considering the additional information, the small working group was unable to assess seven obligations for certain CCMs contained in the following measure and specified in further detail below: CMM 2014-01, paras 14, 16, 25 and 40 as well as SciData 03.

5. The small working group noted significant concerns with the process for reviewing and evaluating the additional information that came in between TCC12 and WCPFC13. The group felt that trying to accomplish this work in several separate sessions, at times while other working groups were running concurrently, impacted its ability to make fair and consistent assessments.

**The small working group recommends that:**

**a. The work to review and evaluate the additional information be done in a separate stand alone session either prior to the commencement of the annual session or in an additional day at the beginning of WCPFC;**

**b. The working group should be chaired by the TCC Chair and staffed by the Compliance Manager and Assistant Compliance Manager with the assistance of the Science Provider to ensure consistency with the evaluations taken at TCC in the development of the provisional Compliance Monitoring Report; and**

**c. The final Compliance Monitoring Repor**t **be adopted early in the annual session to better inform the work of the Commission.**

**II. DEVELOPMENT OF THE PROVISIONAL COMPLIANCE MONITORING REPORT AT TCC12**

6. TCC12 reviewed the draft Compliance Monitoring Report (draft CMR) for thirty seven (37) CCMs and one (1) collective group of Members in a closed working group session. The draft CMR is classified as non-public domain data and a number of CCMs were not able to agree to release their non-public domain data, therefore the decision was made to close the session. There continues to be interest among some CCMs and the Observers (who are not able to attend the closed session) in finding a way to address the confidentiality concerns of CCMs, and some CCMs would like to invite WCPFC13 to find a solution to this situation as a matter of urgency. It was noted that such efforts must begin either at the Commission meeting or well in advance of TCC, and will likely not get resolved if only raised just prior to TCC each year.

7. TCC12 noted that the new statuses of Investigation Status and Capacity Assistance Needed were helpful in progressing our assessment of CCMs’ compliance related relevant obligations.

8. As this was the first year that we used these new statuses, TCC12 agreed to be flexible in its approach to assessing these statuses and even when complete information was not provided in accordance with CMM 2015-07, TCC12 allowed CCMs to supplement information across the floor.

9. TCC12 noted that paragraphs 5 and 8 of CMM 2015-07 provide specific information that is required for a Capacity Development Plan (para 5) and Investigation Status Report (para 8). Some CCMs provided detailed information in their dCMR responses and/or in the WCPFC compliance case file system, while other CCMs provided more general information in their reports or across the floor.

**10. TCC12 reminds CCMs of the requirements in CMM 2015-07 paragraphs 5 and to submit Capacity Development Plans or Investigation Status Reports, where appropriate, 28 days prior to TCC in their dCMR responses, and recommends that this information be provided in writing to improve TCC’s ability to make informed assessments.**

11. TCC12 noted that CCMs should provide information on each alleged violation or investigation, so that TCC can fully understand the status of each investigation, rather than providing summary information related to all alleged violations. Some CCMs also noted that when closing investigations, CCMs should provide the reason(s) those investigations were closed.

**12. TCC12 agreed that for paragraphs 5 and 8 a paper template might assist CCMs in providing the required information and recommends that such a template be developed by the Secretariat.**

13. There were seven assessments that WCPFC13 was not able to make due to a lack of consensus as to the compliance status. Therefore, these obligations were not assessed. However, the CMS small working group notes that all of these issues related to differences in interpretation of the obligation, and therefore recommends that consideration be given to clarifying these obligations. In particular, we note that four of the five obligations were related to the Tropical Tuna Measure (CMM 2014-01).

 a. CMM 2014-01, para 14 – WCPFC13 took no assessment for China, Federated States of Micronesia, and Kiribati.

 b. CMM 2014-01, para 16 – WCPFC13 took no assessment for China.

 c. CMM 2014-01, para 25 – WCPFC13 took no assessment for China.

 d. CMM 2014-01, para 40 – WCPFC13 took no assessment for the United States.

 e. SciData 03 – WCPFC13 took no assessment for Chinese Taipei.

14. TCC12 was pleased to note that it was able to complete an assessment for all obligations identified for assessment in 2016.

15. Consistent with the 2012, 2013, 2014 and 2015 Final Compliance Monitoring Reports, CCMs evaluated as other than “compliant” for obligations are strongly encouraged to address their implementation issues.

**IV. ISSUES RELATED TO SPECIFIC CMMs OR OTHER OBLIGATIONS**

16. For CMM 2007-01, Attachment K, Annex C, para 6, China requests that SC13 complete the tasking related to the required metric for assessing observer coverage that was requested by WCPFC11. Some CCMs stated that assessment of observer data provision is not covered under this paragraph.

## 17. For CMM 2008-03, para 7, there were extensive discussions on the specific requirement of this paragraph and several issues were raised that would benefit from further discussion and/or proposals for consideration at WCPFC13:

 a. What is the difference, if any, between to “fish for” and to “target” a species?

 b. There was discussion regarding the broad definition for “shallow-setting” contained in the measure.

 c. It was noted that this measure is fairly old and suggested that consideration should be given as to whether the measure should be updated.

18. For our assessment this year, TCC12 applied a strict application of the language in CMM 2008-03, para 7, and found the obligation not applicable to CCMs if they confirmed that they did not have “longline vessels that fish for swordfish in a shallow-set manner” based on the exact language in the measure.

19. WCPFC13 noted that CMM 2010-05 related to South Pacific Albacore has been difficult to interpret and implement and warrants further consideration for improvement.

20. In our assessment of CMM 2013-08, paragraph 1, China was assessed as Investigation Status but requested a note indicating that it will be unable to investigate any further without being provided further evidence.

21. Questions related to the respective obligations of the flag state and chartering state came up in several discussions, primarily around CMM 2014-01. TCC12 noted that this issue would benefit from further discussion at the Commission.

22. Some CCMs raised the question in a couple of discussions as to whether the obligation to provide observer data is the responsibility of the flag CCMs or the observer provider.

23. TCC12 noted that although paragraph 16 of the CMS CMM (2015-07) requires that we address “compliance by CCMs with recommendations adopted pursuant to the Scheme the previous year,” we have not implemented this requirement of the review.

**24. TCC12 recommends that the Commission discuss how para 16 of the CMS CMM (2015-07) can be implemented.**

25. TCC12 noted that although we assessed whether Annual Reports were submitted on time, we did not assess whether Annual Reports were submitted at all. We noted that there was some ambiguity in the language of the measure on this point.

**26. TCC12 recommends that the Commission agree that in future assessments, we will assess, separately, whether Annual Reports-Parts 1 and 2 have been submitted.**

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

27. Several areas were noted where targeted assistance is required to assist SIDS and other CCMs in implementing specific obligations.

|  |  |  |  |
| --- | --- | --- | --- |
| **CMM** | **para** | **section** | **CCM** |
| 2005-03 NP ALB | 2005-03 03 | ii | TV, VU |
| 2007-01 ROP | 2007-01 Att K Ann C 06 | v | FSM, ID |
| 2008-03 Turtle | 2008-03 02 | iii | FSM, ID |
| 2009-06 Transhipment | 2009-06 34 | i | PA |
| 2009-06 11 | ii & vii | PA |
| 2009-06 35 a (iii) | vii | PA |
| 2010-02 EHSP | 2010-02 02 | ii | PA |
| 2010-07 Shark | 2010-07 09 | i | ID, PA |
| 2011-04 OCS | 2011-04 03 | iii | FSM, ID |
| 2012-07 Seabird | 2012-07 04 | ii | Vanuatu |
| 2013-08 FAL | 2013-08 01 | i | ID |
|  | 2013-08 03 | iii | FSM, ID |
| 2014-01 TT | 2014-01 16 | iv & vii | ID |
|  | 2014-01 23 | vii | ID |
|  | 2014-01 24 | vii | ID |
|  | 2014-01 33 | v | PH |
|  | 2014-01 34 | v | ID, PH |
|  | 2014-01 40 | i | ID |
|  | 2014-01 44 | ii & vii | ID |
|  | 2014-01 47 | i | ID |
|  | 2014-01 48 | ii | ID |
| 2014-02 VMS | 2014-02 9a | v | ID & PH |
|  | 2014-02 9a VMS SSPs 2.8 | v | ID & PH |
|  | 2014-02 9a VMS SSPs 7.2.2 | v & vii | ID, TV |
| 2014-03 RFV | 2014-03 02 | v | PA |
| SciData | SciData 01 | vi & vii | ID |
|  | SciData 03 | vi & vii | ID |