

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

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**TCC Chair's Paper on a Proposal for Provisional Compliance Monitoring Reports
at TCC9**

Dear All,

Please find a paper from the TCC Chair on a proposal for the Provisional Compliance Report. Can you please provide any comment to Rhea at rhea.moss@norma.fm.

Thanks



Professor Glenn Hurry
Executive Director

TCC Chair's Proposed Process for Developing Provisional Compliance Monitoring Reports at TCC9

The Commission's Compliance Monitoring Scheme (CMS) is in its third trial year and TCC9 will be responsible for developing a Provisional Compliance Report for recommendation to the Commission. Each year of implementation has provided CCMs with valuable information on how Commission measures and obligations are being implemented, including what steps may be required to improve compliance by CCMs.

In some ways, the CMS has helped to clarify and focus TCC on its mandate, but further integration of the CMS into the work of TCC may still be required. At this point, it is worth reflecting on the Commission's experience with the CMS thus far, and the following questions are posed for the consideration of TCC9:

- How has the Compliance Monitoring Scheme enhanced TCC's work?
- How does the Commission appropriately and meaningfully measure compliance in a way that contributes to the overall objectives of the Convention? Does the Compliance Monitoring Scheme support this?
- How can CCMs better integrate the Compliance Monitoring Scheme into the work of TCC?

For the purpose of completing the development of a Provisional Compliance Monitoring Report in 2013, the TCC Chair proposes a new approach for TCC9 to review the Draft Compliance Monitoring Report (dCMR), outlined in further detail below.

Background

The Commission adopted a Compliance Monitoring Scheme (CMS) at its 2010 session (CMM 2010-03), to be applied for 2011, only. TCC7 produced a partial Provisional Compliance Monitoring Report (CMR) that WCPFC8 was unable to complete, although a Final Compliance Monitoring Report was adopted. In addition, WCPFC8 extended the Compliance Monitoring Scheme for an additional year (CMM 2011-06).

TCC8 followed a new process for developing a Provisional Compliance Monitoring Report and was able to forward a complete Provisional CMR to WCPFC9, who subsequently adopted a Final CMR as well as a new CMM (2012-02) to be applied for 2013, only.

In the two years since the CMS was adopted, the TCC has taken two different approaches to developing the Provisional CMR, with two different outcomes. The experience of the first two years of CMS implementation has been invaluable to assisting the Commission in a number of ways, including further refinement of its compliance review process as well as highlighting key CMMs requiring further work. Also, WCPFC9 took into account the experience of the first two years of implementing the CMS when it adopted CMM 2012-02 and noted that the CMS is still in a development phase.

2013 Implementation of the CMS

The WCPFC Secretariat in developing dCMRs in 2013 (for 2012 activities) has conducted an initial "Compliance Evaluation" based on information available at the time of dCMR preparation (July 2013). CCMs then had the opportunity to provide additional information or clarification based on any "issues

detected” by the Secretariat and could provide responses by August 28, if they so chose. The CMR WG at TCC9 will also be an opportunity for CCMs to discuss any potential compliance issues and to provide additional information, as appropriate.

As of writing, 39 dCMRs were prepared by the Secretariat and are now with each CCM to review and provide comment, either by August 28 or at TCC9. This is a significant improvement from 2012 on completed dCMRs in advance of TCC and due in part to on time submissions of most Part 2 Annual Reports and the online facility for completing Part 2 Reports, as well as a clearer understanding of the reporting requirements. As a result, it is anticipated that with dCMRs completed for most CCMs, TCC9 will be able to complete its Provisional CMR within the time allotted.

The Compliance Monitoring Scheme calls on the Commission to evaluate CCMs in the following five categories (para 3 of CMM 2012-02):

- (i) catch and effort limits for target species
- (ii) catch and effort reporting for target species
- (iii) spatial and temporal closures, and restrictions on the use of fish aggregating devices
- (iv) observer and VMS coverage
- (v) provision of scientific data through the Part 1 Annual Report and the Scientific Data to be provided to the Commission

The Secretariat has prepared dCMRs based on the following CMMs and other Commission obligations, in line with the five categories as noted above:

1. 2005-03: North Pacific Albacore
2. 2006-04: Striped Marlin in the Southwest Pacific
3. 2007-01: Regional Observer Program (ROP)
4. 2007-04: Seabirds
5. 2008-01: Bigeye and Yellowfin Tuna
6. 2009-01: Authorization to Fish
7. 2009-02: Catch Retention and FADs on the High Seas
8. 2009-03: Swordfish
9. 2009-06: High Seas Transshipment
10. 2010-01: North Pacific Striped Marlin
11. 2010-02: Eastern High Seas Pocket
12. 2010-04: Pacific Bluefin
13. 2010-05: South Pacific Albacore
14. 2010-07: Sharks
15. 2011-01: Temporary Extension of 2008-01
16. 2011-02: Vessel Monitoring System (VMS)
17. 2011-05: Charter Notification
18. VMS Standards, Specifications, and Procedures (SSPs)
19. Scientific Data to be Provided to the Commission

Proposed Process

TCC9 will break from plenary session on the first day (September 26) and convene as a *CMS Working Group* to review the implementation of obligations by each CCM and prepare a Provisional CMR using the review format shown below. The CMS Working Group will not be open to Observers, with the exception of intergovernmental sub-regional agencies referred to in paragraph 8(i) of CMM 2012-02. Experience from the previous two years has shown that a review of individual CCMs one at a time can lead to inconsistencies in making compliance assessments. Although that situation in most cases was rectified, it was also a time consuming process.

TCC9 will review CCM's compliance "measure-by-measure", rather than individually by CCM. This approach still covers all of the obligations covered in each individual dCMR, but it reorganizes the way in which TCC will look at the information. It is expected that a review of CCMs collectively against a single obligation will address the problem of inconsistent assessments across CCMs, as well as provide the TCC with a more holistic view of how CCMs are faring overall in the implementation of Commission obligations.

The following table elaborates on the layout and the basis for information contained in the review tables for review by TCC9:

| Column | Description of Information to be Displayed |
|---|---|
| Obligation | Based on obligations consistent with categories (i)-(v) in para 3 of CMM 2012-02 and corresponding to CMMs and other Commission obligations, as contained in dCMRs |
| Applicable CCMs | Reflects how each CCM has determined for itself which measures are applicable |
| Limit/Reporting Requirement (where applicable) | Identified limits or agreed reporting requirements and deadlines, as appropriate |
| 2011 Assessment | Based on individual CCM assessments against specific obligations as recommended by TCC8 and adopted by WCPFC9 in the Final Compliance Monitoring Report |
| 2012 Implementation | Information contained in dCMR column "CCM Implementation", which reflects information reported by CCMs through Annual Reports Part 1 and 2 or other reporting requirements, and in some cases, any additional information that was available to the Secretariat through the Commission's Data Collection Programs |
| TCC Assessment | TCC9 will complete this column based on the information contained in dCMRs and discussions during the CMR Working Group |

The Chair acknowledges that this new review format could be fairly lengthy and for this reason, recommends that CCMs use this format as a review tool for visual purposes only, as it will be displayed on the large screen during the working group. As in previous years, all dCMRs will be available to CCMs to supplement the review process. If CCMs do choose to print hard copies of the review table, please take note of the length of the document.

- The following tables are indicative -

| CMM 2005-03: North Pacific Albacore | | | | | |
|---|------------------------|------------------------------------|------------------------|----------------------------|-----------------------------------|
| Obligation | Applicable CCMs | Limit/Reporting Requirement | 2011 Assessment | 2012 Implementation | TCC Assessment¹ |
| ¶2 – Ensure level of fishing effort is not increased beyond current levels (i) | Canada | | | | |
| | China | | | | |
| | Japan | | | | |
| | Korea | | | | |
| | Chinese Taipei | | | | |
| | United States | | | | |
| | Philippines | | | | |
| ¶3 – Report catches of NP ALB every six months (or annually for small coastal) (ii) | Canada | | | | |
| | China | | | | |
| | Japan | | | | |
| | Korea | | | | |
| | Chinese Taipei | | | | |
| | United States | | | | |
| | Philippines | | | | |
| ¶4 – Report annually all catches of ALB north of the equator and all fishing effort north of the equator in fisheries directed at albacore (ii) | Canada | | | | |
| | China | | | | |
| | Japan | | | | |
| | Korea | | | | |
| | Chinese Taipei | | | | |
| | United States | | | | |
| | Philippines | | | | |

¹ To maintain consistency with previous years, CCMs will be assessed against each obligation as (a) Implemented, or; (b) Potential Implementation Issue. Based on these assessments, the final Provisional Compliance Assessment for each CCM will either be Compliant or Compliance Review.

| CMM 2010-07: Sharks | | | | |
|--|-----------------|-----------------|---------------------|----------------|
| Obligation | Applicable CCMs | 2011 Assessment | 2012 Implementation | TCC Assessment |
| ¶4 – Each CCM shall include key shark species, as identified by the SC, in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data. CCMs shall also report annual retained and discarded catches in Part 2 of their annual report. (ii) | | | | |
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| ¶7 – CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins an carcasses to be offloaded together | | | | |
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| <p>at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass. (i)</p> | | | | |
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