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TCC Chair's Proposal for Developing a Provisional Compliance Monitoring Report at TCC10

WCPFC-TCC10-2014-06

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TCC Chair's Proposal for Developing a Provisional Compliance Monitoring Report at TCC10

1. Consistent with the last two TCC meetings, the TCC Chair again wishes to propose to CCMs a process for TCC10 to develop its 2014 Provisional Compliance Monitoring Report (pCMR). The proposed process for TCC10 builds on the process followed by TCC9, with some modifications.

Background

2. The Commission's Compliance Monitoring Scheme (CMS) is now in its fourth year of implementation and WCPFC10 adopted a revised CMM (2013-02) to apply for 2014, only. Key features of the revised CMM are the additional categories of obligations to be reviewed under the CMS (see paragraph 3(i-vi) of CMM 2013-02), the inclusion of a section concerning collective obligations (see paragraph 4 of CMM 2013-02), and the revised Annex I that sets out new Provisional Compliance statuses and qualifiers.

3. At WCPFC10, some CCMs suggested that further clarification of the roles of the Secretariat and TCC in the review of compliance obligations is necessary. The TCC Chair worked with the Secretariat and the TCC Vice-Chair in early 2014 to discuss ways in which the respective roles of the Secretariat and the TCC could be delineated to ensure that effective compliance review was being undertaken by TCC, in particular. There was also consideration of how to address some obligations that are deemed to be "self-assessed" by CCMs, where neither the Secretariat nor other CCMs currently receive or have access to sufficient information to make meaningful compliance assessments. One approach considered was to divide the obligations covered under the CMS into categories such as:

- Self-assessed obligations;
- Obligations where information is received and reviewed by the Secretariat and/or Executive Director;
- Priority obligations to be reviewed by TCC, i.e. catch/effort, data submission where information is either straightforward or quantitative in nature.

4. We discussed the option of assigning lead review roles to each of these categories. For example, the Secretariat might appropriately take the lead role in reviewing compliance with high seas transshipment notifications and declarations where the CMM requires that this information be provided directly to the Executive Director. In such cases, only the Secretariat can logically determine whether the requirement has been complied with and would then provide that information to TCC for its review and concurrence, as appropriate.

5. Catch and effort limits, on the other hand, because of its quantitative and priority nature, could be more appropriately reviewed and assessed by TCC with the Secretariat compiling and presenting the relevant data to CCMs without making an initial compliance evaluation. For example, if a catch limit for CCM "XYZ" is 3,000mt

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and the available data shows an overall catch of 4,000mt, then TCC can easily look at the data and make a compliance determination.

6. Although this approach may be reasonable, the TCC Chair determined that making the initial assignment of lead review roles for each obligation required greater transparency and input from CCMs and that this exercise was not conducive to intercessional work. As an alternative, TCC10 may wish to make these determinations during the 2014 dCMR review at TCC10 that can be used for future years.

Proposal for TCC10

7. The TCC Chair proposes that TCC10 review the 2014 draft CMR in its original format. The dCMR template adopted by WCPFC10 (Attachment H of WCPFC10 Summary Report) is in a format that can be easily adjusted to accommodate certain viewing requirements, i.e. by CMM, by CCM or by section. This approach would do away with the "Review Tables" utilized at TCC9 and would focus TCC10 on the full content of the dCMR. The dCMR will be projected on the wall during the review session to guide TCC10's work. The Secretariat has also confirmed that the dCMR will be accessible to CCMs on the secure side of the WCPFC website (as a complete MS Excel file) and WCPFC intranet (online version) in accordance with the timeframe specified in CMM 2013-01 (three weeks before TCC10).

8. Consistent with the approach followed at TCC9, the Chair proposes again that TCC10 conduct its review obligation-by-obligation to ensure consistency in reviewing each CCM's compliance with all obligations.

9. The TCC Chair further proposes that CCMs consider prioritizing the order in which obligations are reviewed using the Compliance Matrix adopted as part of the 2013 Final Compliance Monitoring Report as a starting point. The Compliance Matrix showed non-compliance by obligation reflected as a percentage. TCC10 could begin its compliance review with those obligations that showed non-compliance of 20% (or other appropriate number) or higher:

1. CMM2007-01 Att. K Ann. C 06 (ROP)	58%
2. CMM2008-01 33	20%
3. CMM2008-01 39	67%
4. CMM2009-06 11 (Transshipment)	26%
5. CMM 2009-06 34	33%
6. CMM2009-06 35 a ii)	33%
7. CMM2009-06 35 a iii)	62%
8. CMM2009-06 35 a iv)	62%
9. CMM2010-02 02 (EHSP)	50%
10. SciData03 - Op. C&E level data	33%
11. Sci.Data04 - Aggregated data	22%

10. Therefore, TCC10 would conduct its compliance review in the following order:

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1. Highest percentage of non-compliance obligations as reflected in 2013 Final CMR Compliance Matrix
2. Collective obligations (paragraph 4 of CMM 2013-02)
3. Remaining obligations (beginning with earliest CMM)

Assignment of Provisional Compliance Status

11. The revised Annex I in CMM 2013-02 provides three Compliance Status options as follows:

Annex I.

Compliance Status Table

Compliance Status	Next Steps
Compliant	None
Non-Compliant	One or more of the following: a. Further clarification of obligation b. Capacity building or technical assistance required c. Additional information required by XX date d. Rectify by XX date e. Other remedial action as determined by the Commission
Priority Non-Compliant	a. Undertake additional review of compliance with WCPFC obligations. b. Other remedial action as determined by the Commission

12. In implementing the revised Annex I, TCC10 should assign one of the above three compliance statuses for each CCM and obligation. Where a status of “Non-Compliant” or “Priority Non-Compliant” is assigned, TCC10 should determine which of the conditions or qualifiers in the “Next Steps” column is relevant and these should be noted in the final Provisional Compliance Monitoring scores.

13. TCC10 will convene the CMS Working Group in closed session on September 25-26, the first two days of the meeting. A small working group will also need to be established to compile the outcomes of the CMS WG and develop a Draft Provisional CMR for TCC10’s review.

14. As in the past, CCMs will have the opportunity to discuss this process further during the Heads of Delegation meeting that will directly precede TCC10 and again at the start of the meeting. CCMs may also provide their comments to the TCC Chair in advance at rhea.moss@gmail.com.