**2015 FINAL COMPLIANCE MONITORING REPORT**

**(COVERING 2014 ACTIVITIES)**

**Executive Summary**

**I. INTRODUCTION**

1. WCPFC12 undertook its fifth annual review of compliance by CCMs against a priority list of Commission obligations agreed to at WCPFC11 (see Att U to WCPFC11 Summary Report). TCC11 developed a provisional compliance monitoring report covering all CCMs against obligations in seven categories as per paragraph 3 of CMM 2014-07.
2. A number of CCMs provided additional information between TCC11 and WCPFC12. A special TCC was convened prior to WCPFC12 to review and evaluate the additional information. The special TCC only considered additional information that was provided by the deadline of 30 days prior to WCPFC12. The special TCC considered all additional information, including for CCMs not present at the working group meetings.
3. After considering the additional information, the special TCC was unable to assess three obligations: CMM 2007-01, Para 14 (vii); CMM 2013-01 Para 14 and CMM 2013-01 Para 16. This report has been updated to reflect the outcomes of the special TCC.
4. The Commission concluded that the following CCMs are considered to be “Compliant” under the provisions of CMM 2014-07:…*Canada,* *Cook Islands, Mexico, New Caledonia, Nauru and Vietnam.*
5. The Commission concluded that the following CCMs are considered to be “Non-Compliant” under the provisions of CMM 2014-07:… *Australia, China, Ecuador, European Union, Fiji, Federated States of Micronesia, France, Indonesia, Japan, Kiribati, Republic of Korea, Marshall Islands, Niue, New Zealand, Panama, French Polynesia, Papua New Guinea, Philippines, Palau, Samoa, Solomon Islands, El Salvador, Thailand, Tokelau, Tonga, Tuvalu, Chinese Taipei, United States of America, Vanuatu, Wallis and Futuna.*

**II. DEVELOPMENT OF THE PROVISIONAL COMPLIANCE MONITORING REPORT BY TCC11**

6. TCC11 reviewed the draft Compliance Monitoring Report (draft CMR) for 36 CCMs in a closed working group session. The draft CMR is classified as non-public domain data as 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.

7. TCC11 agreed to conduct the compliance review process in accordance with the agreed principles articulated in WCPFC-TCC11-2015-23 rev 1.

8. The tier scoring system adopted by WCPFC11 assisted in evaluating the compliance of CCMs for the provision of scientific data and TCC11 concluded that it was very useful and informative tool.

9. TCC11 notes that the Provisional CMR provides its provisional compliance assessment and it is submitting this report to the Commission for its consideration and final assessment.

**III. ISSUES ARISING DURING THE COMPLIANCE REVIEW PROCESS**

*CMM 2007-01, Para 14(vii); CMM 2013-01, Para 14; and CMM 2013-01, Para 16*

10. TCC11 encountered difficulty in assessing the obligations in CMM 2007-01, Para 14(vii); CMM 2013-01, para 14; and CMM 2013-01, Para 16. A number of significant issues were raised by both flag states and coastal states.

11. TCC11 reached a compromise for progressing the issue during this year’s assessment; however, many CCMs remained uncomfortable with the agreed way forward. TCC11 noted that this reflects a change to the way these obligations have previously been assessed.

12. TCC11 agreed that CCMs would be assessed as Compliant against these obligations if they were able to provide details indicating that a good faith effort had been made to investigate the alleged violations. However, many CCMs noted that most of the reports of investigations fell far short of what would be considered a full investigation, and would be considering any relevant CCMs actions between TCC11 and WCPFC12 when assessing the final compliance status.

13. TCC11 agreed that the provisional CMR would clearly note the concerns raised with the agreed approach. The following issues were noted:

 a. CCMs take allegations of violations involving observer harassment or interference very seriously;

 b. CCMs consider the annual FAD closure to be a central part of the Tropical Tunas measure;

 c. The revised CMS CMM must include a mechanism that requires CCMs to report back annually on the progress of these investigations until they are resolved;

 d. The Commission must prioritize finding a resolution to facilitate the process for flag states to obtain observer reports relating to alleged violations in a timely manner;

 e. Any solution must include the commitment of both flag states and coastal states that provide observers to collaborate to improve this process;

 f. If the allegations of a violation come from an observer report, any investigation into those violations must include, at a minimum, review of that report;

g. CCMs noted that a full investigation is the first step and what is most critical is that CCMs address any violations that are found; and

 h. Coastal states shall receive notification of alleged violations occurring in their waters.

14. The special TCC, when considering the additional information provided by a number of CCMs between TCC11 and WCPFC12, were unable to reach consensus on the final compliance assessments for CMM 2007-01 Para 14 (vii), CMM 2013-01 Para 14 and CMM 2013-01 Para 16 and agreed to not assess these three obligations for 2014.

15. TCC11 agreed that the process as described in paragraph 12 was only accepted on the basis that this does not set a precedent for how these obligations will be assessed in the future. The special TCC reaffirmed this view.

16. TCC11 identified three recommendations and the special TCC identified a further two recommendations to assist in improving the ability of the Commission to assess compliance on these issues in the future.

**IV. WCPFC12 ADOPTED THE FOLLOWING RECOMMENDATIONS CONTAINED IN THE TCC11 pCMR AND OUTCOMES OF THE SPECIAL TCC:**

**17. TCC11 and the special TCC recommend that WCPFC12 prioritize finding a resolution to facilitate the process for flag states to obtain observer reports relating to alleged infringements in a timely manner, noting that any solution must include the commitment of both flag States and coastal States as well as observer providers to collaborate to improve this process. It is the responsibility of all CCMs to work together on this issue as a priority.**

**18. As an initial response to the recommendation in paragraph 17, TCC11 and the special TCC recommends that WCPFC12 adopt IWG-ROP4’s recommendations in paragraphs 28 – 31 of the IWG-ROP4 Summary Report to establish a “pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels.”**

**19. TCC11 recommends that WCPFC12 encourage the Secretariat to continue its work developing the Secretariat’s compliance case file system on the IMS, which would allow the Secretariat to track the alleged infringements reported by observers as Article 25(2) matters.**

**20. Special TCC recommends that WCPFC12 prioritize development of criteria to provide guidance to TCC in assessing what would constitute a “compliant” assessment in respect to matters of investigations under Article 25(2) of the Convention.**

**21. The special TCC notes with concern that there are a number of outstanding investigations from 2014 and recommends that WCPFC12 reiterate flag State obligations under Article 25(2) of the Convention to investigate fully and report progress on outstanding investigations to TCC12 in their Annual Part 2 report.**

22. The special TCC was pleased to note the reporting of remedial actions being undertaken by a number of CCMs as they improve implementation of obligations. The special TCC encourages the continued reporting of these efforts.

23. TCC11 was pleased to note that there has been significant progress in the provision operational level catch and effort data by two CCMs. However, there continues to be a significant difference of interpretation as to whether the obligation contained in paragraph 03 (Operational level catch and effort data) of the Scientific Data to be Provided to the Commission is met by providing aggregated catch and effort data and size composition data, as described in paragraphs 04 and 05 of the Scientific Data to be Provided to the Commission.

24. As a result, TCC11 was again unable to assess this obligation. However, TCC11 notes that additional progress in this area is expected in 2016.

25. In conducting its assessment of CMM 2013-01, Para 40, TCC11 noted that a majority of CCMs identified one CCM as Priority Non-Compliant against this obligation, while a minority of CCMs believed that the CCM should be assessed as Compliant. The majority view was that despite the fact the CCM had adjusted its annual Bigeye Tuna quota for 2015, to reflect the overage in 2014, the CCM remained Priority Non-Compliant due to the overage. The minority view was that paragraph 40 allows for the adjustment of the following year’s quota and thus if the CCM has made that adjustment, it should be assessed as Compliant.

26. Consistent with the 2012, 2013 and 2014 Final Compliance Monitoring Report, CCMs evaluated as “non-compliant” are strongly encouraged to address their implementation issues even without a response procedure.

27. TCC11 agreed not to assess the following paragraphs: CMM 2007-01 Para 8, CMM 2007-01, Att K, Annex C, Para 4; CMM 2013-01, Para 28; Section 03 of the Scientific Data Requirements (as noted above); and Section 07 of the Scientific Data Requirements.

28. The special TCC also agreed not to assess the following paragraphs: CMM2007-01 Para 14 (vii); CMM2013-01 Para 14 and CMM2013-01 Para 16.

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

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

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| CMM | CMM paragraph | CCM |
| 2007-01 |   | Indonesia |
| 2007-01 | Att. K Annex C para 06 | Kiribati, FSM, Vanuatu |
| 2009-06 |   | Kiribati, Vanuatu |
| 2011-02 (2014-02)  | 9a | Indonesia |
| 9a VMS SSPs 7.2.2 | Tuvalu |
| 2013-01 (2014-01) | 24, 44, 47, 48, 49 | Indonesia |

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