



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Fifteenth Regular Session**

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Pohnpei, Federated States of Micronesia

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**TCC15 CMR REVIEW PROCESS**

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**WCPFC-TCC15-2019-09**

**20 September 2019**

**Paper by TCC Chair**

TCC15 will follow the following process during the CMR Review, consistent with past years and in accordance with CMM 2018-07:

1. We will first report back on obligations that were assessed as Capacity Assistance Needed (CAN) in past years. We will go through each of the CAN assessments from last year and determine whether it should remain CAN or whether the assessment should be changed to reflect progress made over the past year. The results of these assessments will be included in the Provisional CMR that is sent to the Commission.
2. We will then report back on obligations that were assessed as Flag State Investigation (FSI) in past years. We will go through each of the FSI assessments from last year and determine whether the assessment should remain FSI or whether the assessment should be changed to reflect progress made over the past year. The results of these assessments will be included in the Provisional CMR that is sent to the Commission.
3. In keeping with the recommendation from TCC14 and the decision from WCPFC15, we will not be considering any of the ROP Pre-Notification List.
4. Provisional assessment of each CCM's Compliance Status is to be based on the criteria and considerations for assessing Compliance Status set out in Annex I and paragraph 7 of CMM 2018-07.
5. Other reminders on process, consistent with past years:
  - i. Review will be on obligation-by-obligation basis, not by country.
  - ii. TCC15 will limit the practice of allowing CCMs to provide additional information verbally to situations of clarification only.
  - iii. Decisions on provisional assessments are to be by consensus (refer CMM 2018-07 para 34)

- iv. CCMs cannot block their own compliance assessment if other CCMs have reached consensus (refer CMM 2018-07 para 35); and
- v. In cases where CCMs were late with a reporting deadline, TCC15 will accept the assessment of the Secretariat unless there was additional relevant information provided by the CCM (refer CMM 2018-07 para 36).

6. In accordance with paragraph 39 of CMM 2018-07, TCC shall consider whether any potential compliance issues related to a particular obligation may be met with the provision of additional information by a CCM up to 21 days after TCC. Noting, the information is restricted to that which only requires administrative consideration by the Secretariat, my recommendation is that TCC decides that this be applied to obligations that are classified as 'report' or 'deadline' in the draft CMR or where an assessment of 'Flag State Investigation' was determined.

Additional alleged violations from 2016 and 2017 that were not included in CMRs in 2017 and 2018

7. As was true in past years, there are alleged violations from 2016 and 2017 that were not included in the CMRs that were done in 2017 and 2018 because the information came in after the CMR was completed for those years. The Secretariat has included information regarding these 2016 and 2017 alleged violations through the dCMRs that went to each CCM and in the online system. CCMs have reviewed and reported on these additional alleged violations. The results of the assessments related to the outstanding 2016 and 2017 alleged violations will be included in the Provisional CMR that is sent to the Commission.

8. There are also violations from 2016 that relate to CMM 2011-03 and CMM 2012-04. These measures are not being assessed this year. However, CCMs were assessed against these obligations in 2015 and 2016, and so in the interest of fairness, I am recommending that we assess these violations as well.

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