

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

**Circular No.: 2022/35**

**Date: 31 May 2022**

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**Compliance Monitoring Scheme Intersessional Working Group – Updated 2022-2024 Workplan, Audit Points and Risk Based Assessment Framework**

Dear All,

You may recall that the Commission at WCPFC18 as recorded in the WCPFC18 Summary Report paragraph 332 *“noted that the CMS-IWG workplan will be modified intersessionally to take into account the approach to the Commission’s Compliance Monitoring Scheme in 2022 and 2023.”*

As requested, and further to WCPFC Circular 2022/19 dated 20 April 2022, I circulate a self-explanatory letter from the Chair of the Compliance Monitoring Scheme Intersessional Working Group (CMS-IWG) providing an updated 2022-2024 workplan. The letter also circulates two enclosures for comments and feedback: first is a paper providing draft Audit Points, and second is a Risk Based Assessment Framework Discussion Paper.

The CMS-IWG Chair requests that views from IWG participants on the options to progress the Audit Points work are submitted to the CMS IWG Chair ([emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov)) and the Audit Points lead ([rhea.moss@gmail.com](mailto:rhea.moss@gmail.com)) by **Wednesday 15 June 2022**.

Any responses to the Chairs letter and feedback on the enclosed papers are requested by **Friday 22 July 2022** to the CMS-IWG Chair at [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov) (cc: the lead on the development of a risk based assessment framework [heather.ward@mpi.govt.nz](mailto:heather.ward@mpi.govt.nz), the lead on the development of audit points [rhea.moss@gmail.com](mailto:rhea.moss@gmail.com), and Compliance Manager [Lara.Manarangi-Trott@wcpfc.int](mailto:Lara.Manarangi-Trott@wcpfc.int)).

In addition, the Secretariat takes this opportunity to advise CCMs and Observers that a copy of this circular and its two enclosures in pdf and word formats will also be posted to the CMS-IWG page at this link:- [https://www.wcpfc.int/cms-iwg\\_2020](https://www.wcpfc.int/cms-iwg_2020). The supporting spreadsheet that accompanies the Risk Based Assessment Framework Discussion Paper will also be available at the same link.

Yours sincerely,



**Feleti Penitala Teo, OBE  
EXECUTIVE DIRECTOR**

30 May, 2022

**To:** WCPFC Members, CNMs, Participating Territories and Observers

**Subject:** Compliance Monitoring Scheme Intersessional Working Group – Updated Workplan, Audit Points and Risk Based Assessment Framework

Dear Colleagues,

As you will recall, a draft workplan for the CMS IWG was presented for consideration by WCPFC18. Based on amendments to the Commission's Compliance Monitoring Scheme (CMM 2021-03), the Commission noted the following (WCPFC18 Summary Report, paragraph 332):

*332. The Commission noted that the CMS-IWG workplan will be modified intersessionally to take into account the approach to the Commission's Compliance Monitoring Scheme in 2022 and 2023.*

An updated workplan and request for comments was circulated to members on 20 April, 2022 (Circular 2022/19). Thanks to Japan, Chinese Taipei and the United States for your comments and suggestions. All suggested changes were incorporated into the attached updated workplan.

The workplan takes in to consideration the following amendments included in CMM 2021-03, adopted at WCPFC18:

- i. The Compliance Monitoring Report (CMR) assessment review process (provisional CMR and final CMR process), including the review of the aggregate tables, shall be deferred in 2022 so that the Technical and Compliance Committee can dedicate appropriate time to the completion of CMS Future Work components (Section IX);*
- ii. TCC18 shall focus on completing the development of audit points, a risk-based assessment framework and the development of guidelines for observer participation in the CMS and provide recommendations to WCPFC19 to support WCPFC19's adoption of these work areas. TCC18 shall also continue to consider: a.the process for reviewing the aggregated information referred to in paragraph 26(ii); b.the other components of the CMS Future Work; c.further improvements to the compliance case file system; and d.appropriate compliance assessment decision making processes.*
- iii. WCPFC19 shall adopt audit points and a risk-based assessment framework for use in the 2023 CMR review;*

In line with the workplan, and to assist us in preparing for the work ahead of us at TCC18 and WCPFC19, we are circulating two documents for review and comment by the CMS IWG.

## 1. Audit Points (AP)

The attached AP draft contains draft audit points for ~160 obligations. It covers most of the current reporting obligations in Annual Report Part 1 and Annual Report Part 2, and has been cross-checked with the obligations covered by the Risk Based Assessment Framework to ensure consistency. Note that no Deadline (D) obligations are included in the AP work because of the Commission's agreement to accept the WCFPC Secretariat's assessment of whether deadlines were met. Some guidance for reviewing the draft Audit Points is contained on page 9 of the AP draft.

As a first task, IWG participants should review the three Options starting on page 6 of the AP Draft and decide on a preference for making progress in the intersessional period leading up to TCC18. **Please convey your preference by June 15** so a decision can be confirmed and the IWG can use the remaining intersessional period to focus on the agreed approach. Note that at a minimum, we will focus on reviewing APs for the 60 obligations to be reviewed in the 2023 CMS.

Once an Option for progress is confirmed, CCMs will be invited to review and provide feedback by mid-July. An updated draft will then be prepared for discussion at TCC18.

## 2. Risk Based Assessment Framework (RBAF)

An RBAF Discussion Document #5 and the RBAF spreadsheet are also attached. The Discussion Document includes a new table which groups obligations by both thematic groups and risk ratings (severe, high, moderate and low).

This table is designed to guide CCMs to consider the relative importance of broad thematic areas for compliance assessment priority – whilst recognizing that there are significant variations in the compliance risk for specific obligations within each thematic group.

There are specific questions to prompt discussion and feedback on Discussion Document #5. Taking into account feedback from CCMs, an updated draft will be prepared for discussion at TCC18.

## 3. Comments and Feedback on Audit Points and Risk Based Assessment Framework

Please convey your preferred option for how to progress the AP work to the CMS IWG Chair ([emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov)) and the AP lead ([rhea.moss@gmail.com](mailto:rhea.moss@gmail.com)) **by June 15<sup>th</sup>**.

Once we determine the best way to progress the AP work, we will be requesting feedback on specific audit points by **July 22<sup>nd</sup>**. We are also requesting feedback on the questions included in the RBAF document by **July 22<sup>nd</sup>**.

Please send all comments and feedback to the CMS-IWG Chair at [emily.crigler@noaa.gov](mailto:emily.crigler@noaa.gov) (cc: the lead on the development of a risk based assessment framework [heather.ward@mpi.govt.nz](mailto:heather.ward@mpi.govt.nz), the lead on the development of audit points [rhea.moss@gmail.com](mailto:rhea.moss@gmail.com), and Compliance Manager [Lara.Manarangi-Trott@wcpfc.int](mailto:Lara.Manarangi-Trott@wcpfc.int)).

#### 4. Participation of observers

Regarding the development of guidance for the participation of observers in the CMS process, recall the following recommendation from TCC17 (TCC17 Summary Report, para. 115):

*TCC recommended that the CMS-IWG, with assistance from the Secretariat, develop intersessionally a working paper aiming at: i) clarifying the nature of the information and data that populate the excel file supporting the dCMR, based on the WCPFC Rules for protection, access and dissemination of data held by the Commission, ii) identifying instances (categories in this excel file that supports the dCMR) that are likely to include data that could be in breach of such rules and iii) formulating suggestions for addressing the risk of unintended release of non-public domain data during the dCMR process.*

I will be working with the Secretariat to develop a working paper in response to this recommendation for review during TCC18.

#### 5. CCFS Improvements

For updates on the Secretariat's delivery of WCPFC17 tasks to enhance the CCFS, CCMs are referred to Attachment 1 *Update on Progress to Implement Proposed WCPFC Online CCFC enhancements* to WCPFC Circular 2022/16 dated 23 March 2022 announcing the launch of the new CCFS. The new CCFS system includes a trial CCFS messaging tool to track observer report requests and responses, and there is a guide in WCPFC helpdesk to explain the approach and how to use it: [CCFS messaging tool](#). A survey of CCMs will be planned ~six months after launch of upgraded CCFS.

As a reminder, the Secretariat has developed a dedicated webpage to support the organization and work of the CMS-IWG on the WCPFC website, available at [https://www.wcpfc.int/cms-iwg\\_2020](https://www.wcpfc.int/cms-iwg_2020). All papers related to the work of the CMS-IWG, including this most recent round of documents, will be made available on the CMS-IWG webpage.

I would like to thank Heather, Rhea and the Secretariat for the enormous amount of effort they have dedicated to this work to date. We look forward to working with all of you to continue to progress this critical work.

Kindest Regards,



-Emily Crigler  
TCC Vice-Chair & Chair of the CMS IWG

CMS Future Work	2022	2023	2024
<p><b><i>Development of Risk-based Assessment Framework (RBAF)</i></b></p>	<p>Submit Discussion Paper on proposed RBAF to TCC18 (by 5 September 2022), with a view to making recommendations to WCPFC19. <i>(Intersessional)</i></p> <p>Reflecting discussions in 2021, continue to develop a RBAF as a tool to prioritize obligations for assessment in the CMS. <i>(Intersessional/TCC18)</i></p> <p>Adoption of RBAF and process to incorporate use of the RBAF into the development of annual list of priority obligations, taking into account the development of audit points. <i>(WCPFC19)</i></p> <p>Use RBAF as a tool to inform the development of the list of obligations (covering activities in 2022) for assessment in 2023. <i>(TCC18/WCPFC19)</i></p> <p>Modify CMS CMM as necessary to incorporate RBAF. <i>(WCPFC19)</i></p> <p><b>[Work Completed]</b></p>		

CMS Future Work	2022	2023	2024
<b><i>Development of Audit Points</i></b>	<p>Develop and circulate information paper on the progress to date in the development of audit points. <i>(Intersessional)</i></p> <p>Develop draft audit points for obligations as agreed by the CMS IWG, for intersessional consideration ahead of TCC18. <i>(Intersessional)</i></p> <p>Meeting of CMS IWG to refine audit points as necessary and agree to a full list of audit points to be forwarded to WCPFC19 for review. <i>(TCC18)</i></p> <p>Agree that audit points will be trialed at TCC19 in the adopted list of obligations for assessment in 2023. <i>(WCPFC19)</i></p>	<p>Secretariat to reference draft audit points for 2023 trial in preparation of the Annual Report Part 2 online system for CCMs, and when preparing the dCMR. <i>(Intersessional)</i></p> <p>Incorporate audit points into review of the dCMR (trial). <i>(TCC19)</i></p> <p>Make any necessary changes to audit points based on trial. <i>(Intersessional)</i></p> <p>Adoption of audit points and process to develop audit points for future CMMs. Modify CMS CMM as necessary to incorporate audit points. <i>(WCPFC20)</i></p> <p><b>[Work Completed]</b></p>	
<b><i>Facilitate improvements to the CCFS</i></b>	<p>Secretariat to complete delivery of WCPFC17 tasks to enhance CCFS. <i>(Intersessional)</i></p> <p>CCMs to trial CCFS messaging tool to track observer requests. <i>(Intersessional)</i></p>	<p>Further develop process for the consideration of aggregated summaries of information drawn from the CCFS ahead of TCC19. <i>(Intersessional)</i></p>	

CMS Future Work	2022	2023	2024
<p><i>Facilitate improvements to the CCFS</i></p>		<p>Secretariat to implement refinements to aggregate summary tables to support the revised process for the consideration of aggregated summaries of information drawn from the CCFS. <i>(Intersessional)</i></p> <p><b>[Work Completed]</b></p>	
<p><i>Participation of Observers in CMR</i></p>	<p>Prepare a working paper to explore data included in the CMR as it relates to the WCPFC Rules for Protection, Access and Dissemination of Data Held by the Commission (TCC17 Recommendation). <i>(Intersessional)</i></p> <p>Meeting of the CMS IWG to discuss data included in the CMR as it related to WCPFC data rules. <i>(TCC18)</i></p> <p>Develop tentative approach to allow participation of Observers in the CMR. <i>(Intersessional)</i></p> <p>Agree to trial process for participation of Observers in the CMR. <i>(WCPFC19)</i></p>	<p>Admission of Observers during review of the dCMR. (trial). <i>(TCC19)</i></p> <p>Make any necessary improvements to allow participation of Observers in the CMR. <i>(Intersessional)</i></p> <p>Adoption of process to allow participation of Observers in the CMR. Modify CMS CMM as necessary. <i>(WCPFC20)</i></p> <p><b>[Work Completed]</b></p>	

CMS Future Work	2022	2023	2024
<p><i>Development of Corrective Actions</i></p>	<p>Provide one or more nominations to lead work on the development of corrective actions, for decision at WCPF19. (TCC18)</p> <p>Nominate lead for the development of corrective actions. (WCPFC19)</p>	<p>Begin work on the development of corrective actions. (Intersessional)</p> <p>Agree to incorporate trial corrective actions into review of the dCMR at TCC20. (WCPFC20)</p>	<p>Incorporate trial corrective actions into review of the dCMR. (TCC20)</p> <p>Make any necessary improvements and continue development of corrective actions based on trial. (Intersessional)</p> <p>Adoption of corrective actions and process to agree to corrective actions for future obligations. Modify CMS CMM as necessary to incorporate corrective actions. (WCPFC21)</p> <p><b>[Work Completed]</b></p>