

## **Compliance Assessment Process — Reporting from the intersessional correspondence group.**

### *Background*

At the meeting of the CCSBT Compliance Committee (CC) in 2019 (CC14) Australia presented paper CCSBT-CC/1910/16 on considerations on a CCSBT compliance assessment process.

The paper compared the current CCSBT compliance process with more formalised assessment processes used in other RFMOs, such as SIOFA, WCPFC and the IOTC and posed a number of questions for Members on whether and how aspects of these processes might be adopted by the CCSBT.

The paper noted that more formalised schemes offered improvements in Member compliance and accountability. However, it also noted possible weaknesses in other assessment processes, such as potentially complex and burdensome reporting requirements, a lack of independent verification of reported information and a lack of prioritisation of critical compliance issues.

The meeting agreed that Australia would lead an intersessional correspondence group that would consider aspects of a compliance assessment process for the CCSBT and report the outcome of those deliberations to CC 15. However, due to delays in agreeing a paper, CC15 agreed the intersessional correspondence group would continue its work and report to CC16. This paper serves that purpose.

### *Process*

In October 2019 Australia sought nominations of participants for an intersessional correspondence group and comments on paper CCSBT-CC/1910/16 (see Circular #2019/057)

Following receipt of nominations and comments on Australia's earlier paper, Australia circulated a summary of views and suggested options that might be usefully considered further by the intersessional correspondence group. A number of Members subsequently commented on these options.

A draft paper summarising the views of intersessional correspondence group Members was circulated to the group prior to CC15 in 2020, however consensus could not be reached on the paper, and as noted above, CC15 agreed to continue the intersessional correspondence group and to consider the recommendations of the group at CC16.

A further draft of a paper was circulated in May 2021 and further comments were provided by some group Members. Based on these and previous comments, the views of the intersessional correspondence group can be summarised as follows.

### *Summary of Member's views*

In general Members appear to support only limited modifications to the existing compliance process and see the existing process as effective.

Responses to the suggestions made by Australia, with the views of Members, are as follows:

1. Request the Secretariat to identify areas of persistent non-compliance by individual Members in its annual report to the CC (noting that the Secretariat has recently commenced doing this).

**Member's response:** All Members either supported this, or did not comment.

**Recommendation:** As this action has already been taken, the intersessional group proposes nothing further be done in this regard.

2. Formally record any cases of non-compliance that require improvement or corrective action, noting that there is a standing agenda item on the Compliance Committee agenda for identifying such non-compliance.

- Record causes of non-compliance and actions proposed by Members to address non-compliance, including identifying timeframes within which corrective actions are to be completed.
- Request the Compliance Committee, as a standing agenda item for Compliance Committee meeting, review Members' progress against proposed actions and timeframes to ensure that progress is monitored.

**Member's response:** This was not supported by all Members on the basis that the substance of follow-up actions is likely to have already been covered by a discussion on the application of the Corrective Actions Policy with regard to the specific non-compliance matter, and that follow up action and reporting, if needed, would be considered in this process. It was suggested therefore that a new process was not necessary.

**Recommendation:** Given that there was not consensus with regard to this suggestion, the group recommends a continuation of the existing ad-hoc follow up process.

3. To help focus the work of the Compliance Committee, identify, through the Compliance Action Plan (CAP), CCSBT's high priority Conservation and Management Measures for which compliance is essential.

**Member's response:** This was not supported by all Members. It was suggested that the reason why other RFMOs prioritise compliance issues to be reviewed is because they do not have enough time to consider all compliance issues. It was suggested this is not the case for the CCSBT and prioritisation is therefore not necessary.

**Recommendation:** The group therefore proposes no further action in this area.

4. As part of the CAP, review the outcomes of the first round of Quality Assurance Reviews (QARs) with respect to compliance risks, both for individual Members, and for particular obligations.

**Member's response:** All Members either supported this as a CAP activity, or did not comment. It was noted this activity is not currently resourced or budgeted and was therefore not supported at this time as a part of this process. Further, it was noted that the original QAR process did not consider compliance with all CCSBT measures, and that

the European Union QAR was further limited in scope, suggesting that a review of QAR outcomes would not provide a complete evaluation of compliance risk or priority.

**Recommendation:** The intersessional group suggests this activity be considered further, in the context of any future QAR consideration.

5. Develop and agree, through the Compliance Committee, a plan for future QARs, which could involve a series of predefined QARs or running QARs on an ad hoc basis to address specific compliance issues for either all or selected Members.

**Member's response:** This was not supported by all Members, and it was suggested that any consideration of future QARs await the results of the upcoming CCSBT performance review to ensure budget considerations are considered and to avoid potential duplication.

**Recommendation:** The intersessional group suggests this activity be considered further, in the context of future QAR activity.

6. Treat the current CC/EC reporting template as a living document and adjust the template as new requirements emerge. Similarly, provide recommendations to the ESC and ERSWG for changes to their reporting templates as new compliance requirements emerge.

**Member's response:** This was not supported by all Members, and it was suggested by a Member that it may not be suitable to change the ESC and ERSWG report formats for compliance purposes.

**Recommendation:** Noting that there was not consensus with regard to this proposal, the group recommends no further action in this area.

*Conclusion:*

At this time it appears that the intersessional correspondence group provisionally supports Items 1, (noting this has already been implemented) with item 4 to be potentially considered further in the context of the Compliance Action Plan, if required.

Some Correspondence Group participants have also suggested Item 5 could be revisited after the Performance Review recommendations become available, considering budgetary implications and the potential for duplication of work.

*Recommended next steps*

Given that some of these matters are subject to decisions or actions elsewhere at the CCSBT, the correspondence group recommends the intersessional group not continue, and any potential future changes be considered again, either as part of the Compliance Action Plan, or following the outcome of the current Performance Review.