



CCSBT-CC/2010/12

## Compliance Risks and Consideration of a Draft Compliance Action Plan for 2021 to 2025

### 1. Introduction

The current three-year Compliance Action Plan (CAP) for 2018 to 2020<sup>1</sup> inclusive is part of the Compliance Plan and includes three components:

- A list of compliance risks,
- Table 1: Project action items, and
- Table 2: Annual ongoing maintenance action items.

In 2019, the Fourteenth Meeting of the Compliance Committee (CC14) recommended that the Compliance Action Plan (CAP) become a five-year plan from 2021 onwards, with the caveat that it is reviewed rigorously on an annual basis as part of a standing agenda item and is as such considered to be “a living document”.

This paper considers a proposed new five-year CAP for 2021 to 2025 including reporting back on the following items:

- The annual standing item agreed by the Twelfth meeting of the Compliance Committee (CC12) for the Secretariat to review the list of compliance risks and consider emerging risks<sup>2</sup>, as well as to report on what has been done to mitigate or better quantify those risks, and
- Two CC14 recommendations endorsed by CCSBT 26:
  - *That the Secretariat will lead an intersessional email group that will work towards developing a draft Compliance Action Plan for consideration by CC 15. Nominations for participants will be sought from Members intersessionally<sup>3</sup>,*
  - *Establish and convene an intersessional correspondence group to develop the new CAP and work on suggested actions and timing, including consideration of progress with regard to mitigation and better quantification of current compliance risks (2020 Workplan item – Secretariat and Members)<sup>4</sup>.*

### 2. 2020 CAP Intersessional Correspondence Group

During 2020, the Secretariat’s Compliance Manager coordinated the work of the CAP intersessional correspondence group with its key goal being to develop a draft CAP for 2021 to 2025 inclusive.

---

<sup>1</sup> Refer to pages 9-18 of the CCSBT [Compliance Plan](#)

<sup>2</sup> Refer to paragraph 104 of [CC12’s report](#)

<sup>3</sup> Paragraph 87 of the CC14 report

<sup>4</sup> Paragraph 101 of the CC14 report

### ***Intersessional Correspondence Group Process***

The intersessional process involved the following steps:

- January/ February:  
The Secretariat sought and received nominations for intersessional group members;
- March:  
The Secretariat advised the group of confirmed nominations received;
- May:  
The Secretariat initiated the consultation process by circulating background information as well as three proposed revised documents for group members to comment on by 26 June 2020:
  1. Proposed revised list of compliance risks;
  2. Proposed project action items for 2021 – 2025; and
  3. Proposed maintenance action items for 2021- 2025;
- June/ July:  
Responses on documents 1 to 3 above were received from Australia, the EU, Japan, New Zealand and Taiwan.  
Korea advised that, “*The proposed changes/additions seem reasonable and appropriate, and we don't have any specific comments at this stage*”; and
- August:
  - The Secretariat collated the responses received and contacted group members with relevant queries and clarifications where relevant. Members’ suggestions and proposed revisions were then incorporated into a further revision of each of the attachments 1 – 3 above, provided as **Attachments A, B and C** to this paper, and
  - The Secretariat circulated a draft table summarising what has been done to mitigate or better quantify the existing (2018-20) list of compliance risks to the intersessional group members and requested comments. One minor comment was received.

### ***Note about Comments Received***

Australia and Japan generally provided specific revised text with associated comments for each of the circulated documents, and Taiwan provided comments to recommend either re-wording, suspending, postponing or deleting specific action items. Therefore, these three Members’ proposed revisions and comments have been incorporated into **Attachments A, B and C** largely as provided and without the need for interpretation. However, the EU and New Zealand generally provided more overarching comments in email/letter format which the Secretariat has tried to propose revisions to address. For reference, the comments provided by the EU and New Zealand are provided as **Attachments D and E** respectively.

### **3. Consideration of Compliance Risks**

This paper considers two items with respect to compliance risks:

- Proposed revisions to the list of currently agreed compliance risks (refer to section 3.1), and
- The Secretariat’s report back on what has been done to mitigate or better quantify the current list of compliance risks (refer to section 3.2 – Table 1).

### 3.1 Proposed Revisions to Compliance Risks

As part of the intersessional process, the Secretariat circulated a document containing a proposed revised list of compliance risks.

#### *Summary of Comments Received*

- Australia and Japan proposed specific revisions to the risks document;
- Taiwan did not have any objections to or propose any further updates to the revised list of compliance risks, including the proposed new risk;
- The EU provided general comments including that, “*these compliance risks do not allude to the magnitude of the non-compliance cases*” (**Attachment D**);
- New Zealand provided various comments including that, “*The absence of hierarchy in the risks identified results in those risks having little influence on the subsequent 5 year Compliance Action Plan (CAP). Instead, the actions in the plan are largely opportunistic and lack an overall strategic objective. From this review, it has become apparent to New Zealand that our current approach lacks rigor and that systemic changes are necessary to meet this Commission’s shared objectives as they relate to minimising the risk of non-compliance. .... The underlying issues with the CAP should, however, be looked at when conditions allow. This work would align well with item 8.2 of the Compliance Plan Strategy*” (**Attachment E**).

**Attachment A** is a proposed revised list of compliance risks prepared after taking into account both the Secretariat’s proposed revisions as well as the intersessional group’s comments and revisions. Members are invited to review the revised list of compliance risks provided in this attachment.

### 3.2 The Secretariat’s Update on Progress to Mitigate or Better Quantify Risks

As a standing agenda item, the Secretariat is required to report back on what has been done to mitigate or better quantify the current list of compliance risks. This information is summarised in Table 1 below and is an update of a similar table that was provided in 2019 (paper CCSBT–CC/1910/11).

As mentioned in section 2 of this paper, a draft of Table 1 was circulated to intersessional group members in August 2020. Only one minor comment was received (regarding bullet 1 of existing risk number 5) and that bullet point was updated accordingly.

**Table 1**

Existing Compliance Risk	Progress on Mitigating or Better Quantifying the Risk
1. Non-compliance or incomplete implementation of the CDS	<ul style="list-style-type: none"> <li>• The Secretariat provides a summary of compliance in its annual Compliance with Measures paper (CCSBT-CC15/2010/04). These analyses include an in-depth analysis of Members’ compliance with the CDS as well as other requirements. The paper includes a section which highlights areas where there is persistent non-compliance.</li> </ul>
2. Members not fully implementing the agreed Conservation and Management Measures of the CCSBT	<ul style="list-style-type: none"> <li>• The Secretariat has prepared its annual summaries of:               <ul style="list-style-type: none"> <li>○ the implementation of and compliance with CCSBT measures (paper CCSBT-CC15/2010/04 – refer to risk 1 above);</li> <li>○ Members’ implementation of Ecologically Related Species measures and performance with respect to ERS (CCSBT-CC15/2010/05); and</li> <li>○ operation of CCSBT’s measures (<i>e.g.</i> CCSBT-CC15/2010/09).</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• During 2019, Australia, with input from Members and the Secretariat, prepared a paper for CC14 on the potential development of a more formalised CCSBT Compliance Monitoring Scheme (CMS) for the CCSBT. During 2020 Australia convened an intersessional correspondence group to further consider the development of appropriate compliance assessment tools and processes, including the use of Quality Assurance Reviews (QARs). Australia will report back to CC15 on the progress of this group.</li> <li>• In 2020, in consultation with Members, the Secretariat prepared a proposed draft, “<i>Guideline on principles for action and steps to be taken in relation to extraordinary circumstances</i>”, to help guide Members on actions and steps to be taken if extraordinary circumstances prevail, <i>i.e.</i> when rare and unpredictable events or problems prevent the normal operation of the CCSBT’s measures.</li> </ul>
<p>3. Incomplete reporting of SBT mortalities and not fully attributing all SBT mortalities (such as recreational catch, artisanal catches, discards, farm sector catches, non-farm commercial sector catches) against national allocations</p>	<ul style="list-style-type: none"> <li>• All reported SBT mortalities (actual or estimated) have been counted against national allocations from the 2018 fishing season onwards.</li> <li>• Members are reporting on actions they are taking to estimate all SBT mortalities.</li> <li>• Results of a National Recreational Fishing Survey for SBT in Australia (2018/19), undertaken by the University of Tasmania for Australia, were published during 2020.</li> <li>• The long-standing issues relating to the farm and market anomalies were discussed with input from Farm and Market Experts at the 2019 Extended Scientific Committee (ESC 24) meeting and a number of recommendations were agreed/accepted including that: <ul style="list-style-type: none"> <li>a. Australia committed to providing an update to CCSBT 27 of its activity in relation to stereo video including a “roadmap” to its implementation of stereo video, and</li> <li>b. Japan committed to submitting a paper to the ESC and CCSBT 27, which will include a proposal to compare Japanese market data with catch data from all Members to identify any anomalies or discrepancies.</li> </ul> </li> <li>• In August 2020 Japan convened a small informal virtual workshop to discuss its market monitoring proposal.</li> </ul>
<p>4. Risks associated with transhipments (both in port and at-sea), including difficulties in tracking product, preventing unauthorised introduction of product and the limitations of transshipment observers detecting infringements (including identification of SBT) when</p>	<ul style="list-style-type: none"> <li>• In 2019, Trygg Mat Tracking (TMT) was contracted by the FAO (under the Common Oceans ABNJ Tuna project) to undertake some analyses of Automatic Identification System (AIS) information to improve the CCSBT’s understanding of the risk of IUU SBT fishing activities occurring in SBT fishing grounds, including identifying events which may indicate that transhipments are occurring between non-CCSBT-authorized fishing vessels and authorized fishing vessels or carrier vessels (whether CCSBT-authorized or not) within SBT fishing areas. The results of these analyses were reported to CC14.</li> <li>• Also in 2019, the Pew Charitable Trusts submitted a paper which included analyses by Global Fishing Watch (GFW) – GFW used commercially available AIS data and machine learning technology to analyse movement patterns of carrier vessels operating in CCSBT Statistical Areas (1-10, 14, 15) during calendar year 2017 and compared these data with publicly available CCSBT information on reporting of at-sea transfers of SBT to gain a better understanding of carrier vessel</li> </ul>

product is transhipped at-sea	activity occurring in these areas, including potentially highlighting vessels that could be involved in unreported or unauthorised catches and at-sea transfers of SBT. An new analysis of 2018 data has been provided by Pew/GFW in 2020.
5. SBT being landed as other (non SBT) species	<ul style="list-style-type: none"> <li>• The Secretariat maintained its relationships with a number of relevant agencies concerned with international fisheries compliance including colleagues from other RFMOs and observer organisations, particularly with respect to the operation of the transshipment observer programme. This programme is important for monitoring transshipment arrangements including that SBT is not transhipped as other species (refer to paper CCSBT-CC15/2010/13).</li> <li>• The Secretariat has sought updates from CSIRO regarding the feasibility and practicality of genetic testing kits.</li> </ul>
6. Catches of SBT by Non-Cooperating Non-Members (NCNMs)	<ul style="list-style-type: none"> <li>• As above (refer to compliance risk #5) including correspondence with Namibia.</li> <li>• In 2020, OMMP 11 reviewed an updated analysis of SBT catch by non-cooperating non-Members.</li> <li>• The Cape Town Procedure adopted by the Extended Commission in 2019 incorporates plausible IUU catches. Consequently, providing that unreported catch is no more than the amounts considered plausible, the MP-derived TAC can be implemented as calculated, without setting aside part of the TAC to account for IUU catch.</li> </ul>
7. Expansion of markets for SBT that are not cooperating with the provisions of the CCSBT's CDS	<ul style="list-style-type: none"> <li>• The Secretariat is now using COMTRADE to check trade statistics (it previously used the Global Trade Atlas database). Between 2012 to 2019 inclusive, the Secretariat provided an annual summary of trade data available for the preceding three calendar years.</li> <li>• The Secretariat continues to contact some Members and non-Members to seek further information on trade data and/or advising about the requirements of CCSBT's CDS (e.g. Canada, Lebanon, Mauritius, Namibia and the USA)</li> </ul>
8. Incomplete or inaccurate reporting of non-SBT bycatches, including seabirds	<ul style="list-style-type: none"> <li>• In 2018 additional mitigation measure checks and reporting requirements were included within Annex B (inspection reporting form) of The Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port, however little new information has been collected to date from this inclusion.</li> <li>• In 2019, ERSWG 13 recommended improving the spatial and temporal resolution of data captured in the ERSWG Data Exchange template and also agreed in-principle support of a joint BirdLife/CCSBT Secretariat proposal, "to enhance the implementation of ERS measures through outreach/education and to verify compliance with measures", that was requested by CC 13. During 2020 the intersessional seabird correspondence group, under the leadership of BirdLife International, has continued to further develop this project proposal for CC15's consideration.</li> </ul>

<p>9. Limited ability of some RFMOs to share relevant compliance information with each other due to confidentiality constraints and/or lack of relevant data exchange/ cooperation agreements</p>	<ul style="list-style-type: none"> <li>• The adopted Transshipment Letter of Understanding between the CCSBT and the IOTC<sup>5</sup> should facilitate improved sharing of all transshipment observer programme information between the two RFMOs.</li> </ul>
<p>10. Limited information regarding fleet compliance with respect to binding and recommendatory ERS measures</p>	<ul style="list-style-type: none"> <li>• CCSBT adopted the Resolution to Align CCSBT’s Ecologically Related Species measures with those of other tuna RFMOs in October 2018. It includes a requirement for the Secretariat to annually present a report to the CC on Members’ implementation of ERS measures which commenced in 2019. This year’s report will be presented in paper CCSBT-CC15/2010/05) and will improve overall transparency of implementation in this area.</li> <li>• In 2019, ERSWG 13 recommended improving the information on usage of seabird mitigation measures and the spatial and temporal resolution of data captured in the ERSWG Data Exchange template.</li> </ul>

#### 4. Consideration of CAP Project and Maintenance Action Items

In 2019, the Secretariat presented some preliminary ideas about items to include within a new 2021 – 2025 CAP to CC14 (paper CCSBT–CC/1910/11), however no recommendations resulted.

In order to commence intersessional consultations with Members during 2020, the Secretariat again identified a number of proposed action items that could be included within the next CAP for 2021 – 2025. The structure/ action items in tables 1 and 2 of the current 2018-20 CAP were used as a base, especially for the maintenance action items, which tend to change very little from year to year. In addition, proposed action items were drawn from ideas already discussed or previously presented to CC14 (paper CCSBT–CC/1910/11), and/or items included within the summary of possible future actions that Australia provided to the Compliance Assessment Process intersessional correspondence group in May 2020.

These Secretariat-proposed action items were sent to intersessional group participants for comment during May 2020. The Secretariat then collated the feedback received from the group’s participants into **Attachments B** (Table 1 - Project action items) and **C** (Table 2 - Maintenance action items).

The following summaries explain the various colour-coding and revisions found within **Attachments B** and **C**.

---

<sup>5</sup> The Indian Ocean Tuna Commission

#### Attachment B: Elements provided to intersessional group participants for comment

- **Green** text (not tracked)  
Items carried over from the previous CAP without revision or with minor editorial revisions;
- **Red** text (not tracked)  
Items listed in the CC14 report (paragraph 86) that were discussed and identified as potential project action item areas to include within the new CAP;
- **Blue** text (not tracked)  
This text was taken from the summary of possible future actions provided by Australia to the Compliance Assessment Process intersessional correspondence group (email dated 5 May 2020).
- **Black** text  
Any other items added by the Secretariat for participants' consideration.

#### Attachment C: Elements provided to intersessional group participants for comment

- **Black** text  
Text from the existing 2018 – 2020 CAP which was used as a base for the maintenance action items.
- **Red** text (not tracked)  
Revisions previously proposed to the maintenance action items in paper CCSBT–CC/1910/11 (CC14) – no recommendation was made on these by CC14 and so these items are re-included for CC15's consideration.
- **Blue** text (not tracked)  
This text was taken from the summary of possible future actions provided by Australia to the Compliance Assessment Process intersessional correspondence group (email dated 5 May 2020), except for the proposed revision to action item number 20 which was suggested by the Secretariat.

#### Attachments B & C: Tracked revisions proposed by intersessional group participants

- All of the tracked revisions reflect revisions or suggestions provided by intersessional group participants:
  - a) Revisions linked to comments labelled, "MemberRev":  
These are generally specific text revisions that were proposed by various Members. The comment boxes note which Member proposed the revisions and any other relevant information, and
  - b) Revisions linked to comments labelled, "Add Prop":  
These revisions were added by the Secretariat to take into account more general comments made by various Members.

Note that the EU commented that:

*".... we believe that the Minimum Performance Requirements (MPRs) could be revised".*

Maintenance action item 16b already provides for maintenance and enhancement of the existing MPRs and so the Secretariat did not propose any additional revisions to address this comment.

## **5. Recommendations**

CC15 is invited to consider:

- The progress made on mitigating or better quantifying existing compliance risks summarised by the Secretariat in Table 1; and

To consider and revise as appropriate:

- The list of compliance risks (**Attachment A**) to include within the 2021 - 2025 CAP;
- The project action items (**Attachment B**) to include within the 2021 - 2025 CAP;
- The maintenance action items (**Attachment C**) to include within the 2021 - 2025 CAP.

**Prepared by the Secretariat**