

Notes on the Colour Coded Version of the Compliance Plan

Due to extensive reorganisation of the Compliance Plan, it has been difficult for some people to use the tracked version of the Plan to determine what changes have been made to the Plan.

To provide a simpler document for Members to examine, a colour coded version of the Compliance Plan (attached) has been produced by the Consultant. This version highlights the text in three colours as described below:

- **Green** – For unchanged text (i.e. text from the version of the Compliance Plan that was submitted to the August Special Meeting).
- **Yellow** – For text that comes substantially from the adopted CCSBT Strategic Plan.
- **Blue** – For text which is new.

The colour coding is only a guide to assist participants to determine what has changed and to indicate where certain new text comes from. It should be noted that the colour coding is not exact. For example:

- Some text has been marked as yellow even though that text is not exactly the same as the text in the Strategic Plan. In these cases, the Strategic Plan text has been re-worded to better fit within the Compliance Plan document, but the intent of the text is the same as in the Strategic Plan.
- On occasions, certain text existed in both the original Compliance Plan and in the Strategic Plan. In general, such cases have been highlighted in yellow to help emphasise the alignment of the Compliance Plan with the Strategic Plan.

In most cases, the new (blue) text does not represent new ideas, but instead comes from feedback from the Compliance Committee Working Group (CCWG) at the Special Meeting, or from elsewhere in CCSBT discussions. For example, all the content of page 10 of the Compliance Plan has been highlighted in blue, but nearly all of this is either from the CCSBT 17 report or from feedback from the CCWG.

Finally, with one exception, the text in this colour coded version of the Compliance Plan is the same as in the “clean” version that has been submitted to CC6. The single exception is a colour coding issue (due to the colours used in this document) and this has been tracked and is on page 10.

CCSBT Compliance Plan

Purpose

The Compliance Plan supports the CCSBT Strategic Plan, approved in August 2011. Specifically it supports the vision for Category C:

“Members are actively participating in management of SBT through the Commission, and implementing its decisions”.

The purpose of the Compliance Plan is to provide a framework for the Commission and Members to improve compliance, and over time, achieve full compliance with their CCSBT conservation and management measures.

The Compliance Plan includes a Three-Year Action Plan to address priority compliance risks. The action plan will be reviewed, and confirmed or updated every year. The action plan will therefore be a ‘rolling’ document and over time its emphasis will change.

Throughout this document references to Members include Cooperating Non-Members of the Extended Commission (CNMs), and all references to the Commission include the Extended Commission.

Structure

This plan is in five parts:

1. Goals and Strategies
2. Compliance Principles
3. Roles and Responsibilities
4. Plan implementation and review
5. Three -Year Action Plan (Appendix)

Part 1: Goals and Strategies

Goals

The CCSBT Strategic Plan identifies four goals concerning participation and implementation by Members (Category C):

- **Monitoring, control, and surveillance (Goal 8)**
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.
- **Members' obligations (Goal 9)**
All Members comply with rules of CCSBT.
- **Supporting developing countries (Goal 10)**
Developing country members and cooperating non-members are able to comply with the Commission's management measures and other requirements.
- **Participation in the CCSBT (Goal 11)**
Ensure that all states and Regional Economic Integration Organisations (REIOs) and entities catching SBT are engaged in the cooperative management of SBT.
Encourage the cooperation of port and market States with CCSBT's objectives and management arrangements

Strategies

Strategies are the suggested approach to achieve the goals, and are numbered according to their corresponding goal.

The strategies below are based on the strategies set out in the CCSBT Strategic Plan (pages 14-15). In some cases the titles have been modified, and the descriptions elaborated. Strategy 8.4 has been expanded to explicitly cover monitoring of IUU fishing by non-members. Strategy 8.7 (Research) is new.

8.1 Implementation by Members of agreed MCS measures

The Compliance Committee will monitor Members' implementation of CCSBT conservation and management measures. This will include developing a comprehensive list of conservation and management measures, and Members regularly reporting against their obligations under the measures. Member's reports will be analysed by the Compliance Committee, and Members will be questioned and provided with feedback on their reports.

The Compliance Committee will develop¹, and regularly review, compliance policies that clearly specify Members' obligations and associated performance requirements, and provide Members with specific information on how their performance in meeting these obligations will be monitored. Compliance policies will be adopted following agreement by the Commission.

¹ Draft compliance policies have been prepared for minimum performance requirements (CP1), audit (CP2), corrective actions (CP3), and information sharing (CP4).

8.2 Develop and implement an MCS strategy

New measures may be needed to address emerging compliance risks or replace ineffective or inefficient measures. The Compliance Committee will adopt a risk-management approach when developing measures and obligations to recommend to the Commission. This includes:

- a) identifying any gaps between MCS measures in place and any improvements or additional measures required, and
- b) developing a plan for implementing any changes needed.

Recommendations for changes or additions to conservation and management measures will also include performance requirements.

8.3 Strengthen Members' compliance

Strengthen efforts by Members to ensure sufficient compliance at each stage of SBT fisheries, from catch grounds to markets, including transshipment, farming and trade.

The Compliance Committee will develop policies and guidelines to assist Members to plan and implement effective MCS systems and the cost efficient delivery of compliance services. These policies and guidelines will be based on Members' obligations and be focussed on how best to avoid, remedy or mitigate the risks of not meeting obligations.

8.4 Monitoring expansion of SBT markets

The Commission and Members will actively monitor SBT fishing by non-members and the expansion of SBT markets. This will include regular review of SBT trade data.

Non-members and port States that are facilitating any fishing for SBT that is inconsistent with CCSBT obligations will be encouraged to cooperate with CCSBT measures. Action will be taken against IUU SBT fishing including the use of trade and market measures consistent with international law.

8.5 Exchange of compliance data

The Compliance Committee will develop policies to facilitate exchange and sharing of MCS information among Members and with Port states. This will include implementation of any necessary data confidentiality rules.

The Compliance Committee will promote the sharing of information amongst Members; other interested parties such as port states, market states, and NGOs; and the public. This will include actively removing barriers to information sharing, developing systems to lower the costs of information sharing, and adopting policies that maximise open access to Commission information.

8.6 Secretariat MCS services

The Secretariat will provide the Compliance Committee with compliance policy and process advice, and assist with the specification and purchasing of shared compliance services.

This will include:

- a) analysis of MCS data submitted, and reporting, on an annual basis, trends in MCS data;

- b) assessing the effectiveness of existing MCS measures based on data submitted to the Secretariat;
- c) managing and monitoring the CCSBT's compliance initiatives; and
- d) administration of compliance systems and programmes (for instance catch documentation and reporting).

To provide these services, appointment of a dedicated compliance officer to the staff of the Secretariat will be considered.

Subject to funding decisions, the Secretariat may provide the Commission with MCS services in circumstances where these can be provided cost-effectively and without conflicting with its core roles of Commission support, facilitation and information management. Such services may be provided through dedicated staff or contracted services.

8.7 Research & development

The Compliance Committee will recommend the commissioning of research on new technologies and methods aimed at facilitating implementation of MCS systems. Promising technologies will be trialled to assess their practicality and cost-effectiveness. Allocation of costs for such trials should be based on compliance risks and benefits. Depending on the technology and its application, trials may be funded by individual Members or collectively.

9.1 Auditing Members MCS systems and processes

Members' implementation, enforcement, and compliance with conservation and management measures and international obligations as they relate to CCSBT will be routinely audited.

The Compliance Committee will require Members to have their SBT MCS systems independently audited. The audit will focus on the systems and processes that each Member has implemented to meet its CCSBT obligations. Audit reports will be made available to all Members. The purpose of these audits is to give the Member assurance on the adequacy of their MCS systems, identify areas of improvement, and assure the Commission that the Member is meeting its obligations.

9.2 Corrective action and remedies

The Compliance Committee will establish fair, transparent and non-discriminatory procedures for corrective actions—including penalties and incentives—to promote compliance with CCSBT obligations.

The Compliance Committee will recommend an investigation where it has reasonable cause to believe that a Member is not complying with core conservation and management measures and obligations, in particular Catch Management Measures and MCS Measures. The results of an investigation will be considered by the Commission.

The Committee will consider the nature and extent of corrective action and/or remedies that shall be applied to a Member that is non-compliant with its CCSBT obligations. Depending on the particular circumstances and degree of non-compliance, the corrective action and remedies recommended may include:

- compliance assistance

- payback of overcatch
- quota reduction
- public disclosure
- increased monitoring measures (inspections, observers etc)
- trade or market restrictions (as consistent with international law).

10.1 Assist developing countries with Commission requirements

The Compliance Committee will recommend that the Commission provide technical and financial assistance for Members to develop and implement MCS systems to meet their CCSBT obligations. Assistance may include:

- education, training and extension services
- technical consultancies
- sharing of services
- financial assistance.

The Committee will work with developing country Members to:

- a) identify areas where assistance would be beneficial to ensure they meet CCSBT obligations;
- b) identify ways in which assistance may be provided (e.g. up-skilling, secondments, workshops etc); and
- c) develop and implement a programme to assist developing countries with Commission requirements.

11.1 Inclusive cooperation

To promote broader implementation of CCSBT management measures, the Compliance Committee will identify non-member States that have, or are likely to become, important port States or market states for SBT. These States will be nominated to the Commission for it to consider whether to seek their cooperation with CCSBT management measures.

Part 2: Compliance Principles

In implementing this plan, decisions will be guided by the following principles:

Encouraging compliance: Members should be encouraged to comply with their CCSBT obligations through implementation of effective compliance systems.

Deterrence: Effective deterrence should be used to detect and sanction IUU fishing.

Accountability: Members should be held publicly accountable for meeting their CCSBT obligations.

Openness and transparency:

- a) Compliance information should be available to all Members.
- b) Discussions should be inclusive of all Members.
- c) All compliance reporting documents should be publicly available as soon as practicable (subject to Rule 10 of CCSBT Rules of Procedure).

Cooperation and collective action: Members should cooperate, including through collective action, to facilitate effective monitoring and improve levels of compliance.

Incentives: Positive incentives should be used to encourage Members to monitor and improve their compliance systems.

Efficiency: Compliance obligations should be able to be met cost-effectively, and not impose unreasonable costs on Members.

Risk management: A risk management approach should be used to determine changes or additions to conservation and management measures, and the systems and processes to support those measures.

Part 3: Roles and Responsibilities

Members

- Actively participate in the Commission’s decision-making processes relating to policy, planning, and establishing conservation and management measures.
- Meet obligations and ensure compliance with the measures agreed to by the Commission.
- Maintain effective fisheries MCS systems and ensure that nationally-flagged vessels and authorised farms comply with the Member’s rules.²
- Report to the Compliance Committee on the implementation of measures and obligations and any areas where improvement is needed to achieve effective compliance with measures and obligations.
- Report any material non-compliance detected and remedial action taken.
- Implement any corrective actions or remedies agreed by the Commission.

Commission

- Approve Compliance Plan and Three-Year Action Plan.
- Determine any corrective actions and remedies.
- Consider recommendations from Compliance Committee and make final determinations.

Compliance Committee

- Recommend policy frameworks, guidelines, and technical assistance, to facilitate effective and consistent implementation of CCSBT measures by Members.
- Monitor the performance of Members’ implementation of CCSBT measures.
- Carry out annual compliance risk assessment.
- Review the Three-Year Action Plan (Appendix 1), based on identification of compliance risks, and recommend any updates.
- Recommend additions or changes to CCSBT obligations to address compliance risks.
- Review audit reports and recommend compliance audits.
- Recommend investigations of alleged serious non-compliance and, if necessary, recommend corrective actions or remedies.

Secretariat

- Facilitate constructive working relationships between Members.
- Facilitate inclusive, participative and transparent decision-making processes.
- Manage and distribute information that supports the role and responsibilities of Members and the Commission.

² “Rules” include laws, regulations, and conditions on permits, licenses or authorisations.

- Facilitate provision of educational, extension and technical services to support effective implementation of Commission measures.
- Prepare variance reports for the Compliance Committee.
- Provide advice to the Compliance Committee on compliance/ MCS policy, plans, guidelines and services.

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Part 4: Plan Implementation and review

Implementation responsibilities

The Compliance Committee will be responsible for managing implementation of this plan under the direction and oversight of the Commission. This will include:

- annual assessment of compliance risks, and
- annual review and update of the Three-Year Action Plan.

The Compliance Committee will make recommendations on updates to the Action Plan, new obligations, policies, or other actions for consideration and determination by the Commission.

The Secretariat will provide technical and administrative support, and compliance policy advice, to both the Compliance Committee and the Commission.

Review

The Commission will review the Compliance Plan whenever the CCSBT Strategic Plan is reviewed. The Three-Year Action Plan (Appendix 1) will be reviewed by the Compliance Committee every year.

Approval

This plan was approved by the Commission:

Chair, Commission

Date

Appendix 1. Three-Year Action Plan (2012-2014)

This Appendix sets out actions under each Goal and Strategy over the next three years. Numbers shown in ~~blue-red~~ are the numbers used for the strategies as set out in the CCSBT Strategic Plan.

In October 2010 the Extended Commission (EC) agreed that the Compliance Plan should place special emphasis on managing specific compliance risks identified by the Compliance Committee on the basis of a risk assessment. The specific compliance risks are listed below.

- Effective implementation of the CDS, with special emphasis on physical validation and appropriate verification.
- Improvement to the transshipment monitoring program, including prior notification of SBT transshipments with observer deployment requests and training of all observers to enable detection of SBT transshipments even when SBT is not declared.
- SBT being landed as other (non SBT) species.
- Expansion of markets for SBT.
- Monitoring of catches from the farm sector.
- Non-reporting of bycatch and discards against national allocations.
- Better systems to provide information to port States to assist port States to provide improved monitoring of SBT activities.

Based on Members' feedback in August 2011, the specific compliance risks have been prioritised. In the first period (2012 to 2014) the Action Plan focuses on the following priorities:

- compliance with national allocations
- implementing the CDS
- IUU fishing
- transshipment at sea.

Actions which are not directly related to current priorities show no activity in the current period.

Goal 8 – Monitoring, control, and surveillance Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.					
Strategy	Priority Actions	2012	2013	2014	
8.1 Implementing agreed MCS measures 8.1 (i)	8.1.1 Develop agreed list of conservation and management measures (done)				
	8.1.2 Develop and adopt minimum performance requirements (Compliance Policy 1)				
	- Compliance with national allocations				
	- CDS implementation				
	- Transshipment at sea				
8.2 Develop and implement MCS strategy 8.1 (ii)	8.1.3 Develop a revised and consolidated template for Members to report their performance against the obligations and agreed minimum performance requirements				
	8.1.4 Performance reporting system in place, including consideration of Members' performance reports and Secretariat's variance report				
	8.2.1 Develop a compliance risk assessment framework to facilitate a consistent and coordinated approach to compliance/MCS planning and prioritisation by Members and Compliance Committee				
8.3 Strengthen compliance (MCS systems and services) 8.1 (iii)	8.2.2 Review and rationalise measures and obligations to eliminate unnecessary compliance costs				
	8.3.1 Explore costs and benefits of:				
	- common IUU vessel list with other RFMOs				
	- rationalisation of VMS among Members and RFMOs				
	- sharing common vessel registries with RFMOs				
	- rationalising CDS with other RFMOs				
	8.3.2 Evaluate ways to effectively implement Port State obligations				
	8.3.3 Build on existing bilateral arrangements and international networks (such as International Monitoring, Control and Surveillance Network) to enable Members to better monitor their fleet performance and any IUU fishing, and investigate non-compliance				

Goal 8 – Monitoring, control, and surveillance				
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.				
8.4 Monitoring expansion of SBT markets 8.1 (iv)	8.4.1	Implement systematic monitoring regime for emerging SBT markets		
	8.4.2	Review SBT trade data		
	8.4.3	Implement systematic monitoring and surveillance regimes for IUU SBT fishing		
	8.4.4	Seek support and assistance from non-member port states and market states to take action against IUU SBT fishing		
8.5 Sharing compliance data 8.1 (v)	8.5.1	Determine standardised MCS information to share with Members and Port States		
8.6 Secretariat MCS Services 8.1 (vi)	8.6.1	Analyse MCS data and report on trends (annually)		
	8.6.2	Assess effectiveness of MCS measures based on data submitted		
	8.6.3	Analysis of observer data submitted by Members		
	8.6.4	Ensure all transshipment observers are trained in CCSBT obligations (in case SBT is found)		
8.7 Research & development	8.7.1	R&D on new technologies & tools to aid observers, certifiers, and validators to identify SBT (in particular once processed).		

Goal 9— Members' obligations All Members comply with rules of CCSBT.				
Strategy	Priority Actions	2012	2013	2014
9.1 Auditing Members' systems and processes 9.1 (i)	9.1.1 Appoint CCSBT auditor			
	9.1.2 Require audits of MCS systems to ensure compliance with national allocations			
	9.1.3 Receive audit reports, consider findings, and take appropriate action			
9.2 Corrective action and remedies 9.1 (ii)	9.2.1 Develop procedure for investigation of alleged non-compliance			
	9.2.2 Investigate allegations as needed			
Goal 10: Supporting developing countries Developing country Members and Cooperating Non-Members are able to comply with the Commission's management measures and other requirements.				
Strategy	Priority Actions	2012	2013	2014
10.1 Compliance assistance 10.1 (i)	10.1.1 Provide a programme of MCS assistance to Indonesia			
	10.1.2 Identify and share best practice for MCS systems			
Goal 11: Participation in the CCSBT Encourage the cooperation of port and market States with CCSBT's objectives and management arrangements				
Strategy	Priority Actions	2012	2013	2014
11.1 Inclusive cooperation 11.2	11.1.1 Analyse data to identify non-member port and market states whose cooperation should be sought			
	11.1.2 Nominate such States to the Commission			