



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
Eighth Regular Session**

**Pohnpei, Federated States of Micronesia
27 September–2 October 2012**

Summary Report

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SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1. The Technical and Compliance Committee (TCC) Chair, R. Moss-Christian, of the Federated States of Micronesia (FSM), welcomed delegates to the Eighth Regular Session of the TCC (TCC8), and a representative of Fiji opened the meeting with a prayer. The Chair drew the attention of Members, Cooperating non-Members and Participating Territories (CCMs) to the functions of TCC, as specified by Article 14 of the Western and Central Pacific Fisheries Convention.

2. The following CCMs attended TCC8: Australia, Canada, China, Cook Islands, Ecuador, El Salvador, European Union (EU), FSM, Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Niue, Palau, Panama, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America (USA), Vanuatu and Vietnam.

3. Observers representing Parties to the Agreement on the Conservation of Albatrosses and Petrels (ACAP), Birdlife International, Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Pacific Islands Forum Fisheries Agency (FFA), the International Seafood Sustainability Foundation (ISSF), Greenpeace, Pacific Islands Tuna Industry Association (PITIA), Pew Charitable Trusts, Parties to the Nauru Agreement (PNA), and Secretariat of the Pacific Community (SPC). A list of participants is provided as Attachment A.

1.2 Adoption of agenda

4. The TCC Chair introduced TCC8's agenda as presented in meeting paper TCC8-2012-02 (rev 3).
5. The Philippines informed TCC8 of its request in Delegation Paper TCC8-2012-DP-11 for the recognition of a transshipment exemption from conservation and management measure (CMM) 2009-06.
6. This matter was addressed under Agenda Item 5.2(b).
7. With this additional item, TCC8 adopted the agenda (Attachment B).

1.3 Meeting arrangements

8. Staff of the Western and Central Pacific Fisheries Commission (WCPFC) Secretariat who attended the meeting included Dr S.K. Soh, Science Manager; Dr L. Manarangi-Trott, Compliance Manager; A. Nighswander, Finance and Administrative Manager; S. Taufao, ICT Manager; A. Carlot, Vessel Monitoring System Manager; K. Staisch, Regional Observer Programme Coordinator; L. Martinez, Administration Officer; A. Takesy, Executive Assistant; G. Jano, Compliance Officer; D. David, Data Quality Officer; M. Abello, Vessel Monitoring System Operations Officer; J. Mendez Vessel Monitoring System Operations Officer; and J. Nanpei Record of Fishing Vessel Officer.

9. In addition to Secretariat staff, three meeting participants provided support services: Dr M. Tsamenyi, WCPFC Legal Advisor; Dr Shelley Clarke, rapporteur; and Mark Farrell, consultant.

10. WCPFC Executive Director G. Hurry briefed participants on other meeting logistics and arrangements.

11. The TCC Chair explained the need for working sessions on: the compliance monitoring scheme (CMS), the review of applications of Cooperating Non-Member, and the TCC work plan. Other small working groups (SWGs) will be formed, as necessary, during the course of the meeting.

1.4 Issues from WCPFC8, TCC7, NC8 and SC8

12. The Secretariat highlighted that three issues have been referred from the Eighth Regular Session of the Scientific Committee (SC8) to TCC8 (TCC8-2012-IP-01 [rev 1]). It was noted that information on the recommendations from TCC7, WCPFC8, SC8 and the Eighth Regular Session of the Northern Committee (NC8) — and their relationship to papers and the TCC8 agenda — is found in Information Paper IP-01 (rev 1).

13. CCMs highlighted the importance of the provision of accurate and timely scientific data to the Commission, and considered that failures and shortfalls in doing so, including failing to submit a data improvement plan as called for in the WCPFC7 Summary Report (para 173), should be considered in the compliance monitoring report (CMR) process.

14. Japan noted that while it does not provide operational-level data to the Commission, it does make these data available for stock assessments by the Commission's scientific services provider.

15. The Philippines informed TCC8 that it holds an annual workshop on catch data, and submits the results of the workshop to the Commission and the scientific services provider.

16. TCC8 considered that issues associated with data provision should be addressed under the CMR.

17. With regard to TCC8's consideration of a plan for improving the availability and use of purse-seine catch composition data, one CCM noted that SC8 intended that Project 60 would be completed in 2013, and that this should be acknowledged.

18. FFA members noted that the purse seine catch composition data improvement plan addressed scientific aspects well, but needed further work on compliance aspects, and requested that the Commission's compliance and observer staff review the plan with a view to including proposals for: improving reporting, including the possibility of placing two observers on vessels that systematically misreport their catches; identifying fleets systematically misreporting; and providing estimates of purse-seine catch composition by species by fleet to TCC9.

19. The EU noted it has been informed by the scientific services provider that there are some difficulties with logistics in shipping the large bins used in Project 60 to the Pacific.

20. TCC8 considered that a further discussion of Project 60 would occur in connection with the TCC work plan.

21. With regard to other commercial fisheries for bigeye and yellowfin tunas in reference to CMM 2008-01 (para 39), some CCMs expressed concerns about the exclusion of small vessels from the Regional Observer Programme (ROP).

1.5 Information papers to be discussed by exception

22. The Secretariat clarified that the papers listed in meeting paper TCC8-2012-06 (rev 1) are proposed to be noted for information rather than discussed at specific points in the agenda.

23. With regard to the information paper on charter notifications received (TCC8-2012-IP-08), Japan expressed its desire for a current and full list of chartered vessels to be provided.

24. The TCC Chair explained that further information on this topic will be provided in the agenda item on the Charter Notification Scheme (Agenda Item 5.3), and also noted that the Review of the Interim Register of Non-CCM Carrier and Bunker vessels would be covered under the Record of Fishing Vessels (Agenda Item 5.1).

25. USA noted that it would comment on the cross-endorsement of observers when this issue is discussed in connection with the ROP Annual Report under Agenda Item 2.4(b).

1.6 Items that the Executive Director deems necessary to put before TCC8

26. The Executive Director presented a summary of key issues for TCC8 from his perspective (TCC8-2012-08). These included ROP reports for review by vessel captains; permission for purse-seine vessels to transit without an observer; ROP terminology definitions; port coordinators in main transshipment ports; updates in observer training programmes to reflect new requirements; and the review of IT security in conjunction with the review of the integrity of the Commission's vessel monitoring system (VMS) data.

27. The TCC Chair noted that the first six items relate to the ROP (Agenda Item 2.4) and the final item relates to the VMS (Agenda Item 2.3).

28. Two CCMs noted that according to the results of the Commission's audits of the ROP interim authorized national and subregional observer programmes, the outstanding definitions are not resulting in any major problems in the programmes and, thus, discussion on and agreement of these definitions should not be a priority issue for TCC8.

29. Some CCMs expressed support for a cost-benefit analysis of the establishment of port coordinators in the form of a simple, in-house Secretariat paper to be provided to TCC9. In addition to the costs and benefits, the paper should investigate the optimal number of ports and coordinators to be designated, whether there would be duplication with existing national and regional ROP coordinator roles, and the experience of the Inter-American Tropical Tuna Commission (IATTC) in operating and funding their port coordinator positions.

30. TCC8 requested the WCPFC Secretariat to prepare a brief paper for TCC9, examining relevant issues relating to the establishment of port coordinator positions.

31. Some CCMs welcomed the Secretariat's assistance in providing materials to update observer training modules.

32. The Secretariat noted that in order to avoid cost implications, a simple list of changes to training procedures, based on changes to CMMs, could be prepared and circulated.

33. TCC8 requested the WCPFC Secretariat consider providing an annual list of changes required to observer training programmes, based on changes in Commission CMMs, rules and procedures, and report progress on this at TCC9.

AGENDA ITEM 2 — REQUIRED TCC BUSINESS ITEMS

2.1 IUU List and IUU Listing Procedures

(a) Review of WCPFC IUU list and IUU nominations

34. The Secretariat noted that three Chinese-flagged vessels have been proposed for the Draft Illegal Unreported and Unregulated (IUU) Vessel List for 2013 by New Zealand, and that there is new information with regard to one of the vessels on the WCPFC IUU Vessel List for 2012 (TCC8-2012-09).

35. New Zealand provided further information on the three Chinese-flagged vessels (*Rong Da Yang 8*, *Lu Rong Yuan Yu 29*, *Lu Rong Yuan Yu 17*) that have been proposed for the Draft IUU Vessel List. These vessels were notified by New Zealand of incursions into New Zealand's exclusive economic zone (EEZ) in April and September 2011. Since that time, New Zealand has been working with China to resolve the issues.

36. China explained that its response to New Zealand comprises: i) requiring that Chinese longline fishing vessels remain at least 10 nautical miles (nm) outside of New Zealand's EEZ at the time of setting, in order to account for potential vessel movements due to weather and currents; ii) requiring that Chinese fishing vessels use paper charts as a back-up in case of failure or inaccuracies in electronic charts; iii) punishing the *Rong Da Yang 8*, *Lu Rong Yuan Yu 29* and *Lu Rong Yuan Yu 17* in accordance with Chinese law; and iv) payment of the fine imposed by New Zealand.

37. New Zealand stated that it applied a set of guidelines for coastal State satisfaction when considering China's response, and is no longer seeking to have *the Rong Da Yang 8*, *Lu Rong Yuan Yu 29*, and *Lu Rong Yuan Yu 17* placed on the Provisional IUU Vessel List for 2013. Nevertheless, New Zealand expressed growing domestic concerns about the continued increase in longline fishing effort in the area, and the weak deterrence effect offered by the relatively low maximum fine for such offenses allowed under Chinese law.

38. Several CCMs congratulated New Zealand and China for resolving the issue, noting the relationship between the resolution and other issues before TCC8, including New Zealand's use of in-zone VMS data from the Commission (see Agenda Item 2.3 [d]), and the guidelines for coastal State satisfaction (see Agenda Item 2.1 [b][i]).

39. TCC8 noted that there are no vessels proposed for the Provisional Vessel List for 2013.

40. With regard to the WCPFC IUU Vessel List for 2012, FSM informed TCC8 that settlement has been reached with the parties involved in the *Jinn Feng Tsair No. 1* incident, which had led to the listing of this vessel in 2007 and its retention on the WCPFC IUU Vessel List thereafter. FSM stated that it will not object to the removal of this vessel from the WCPFC IUU Vessel List.

41. Chinese Taipei confirmed that settlement had been reached, and requested that the *Jinn Feng Tsair No. 1* be removed from the WCPFC IUU Vessel List.

42. TCC8 agreed to recommend to WCPFC9 the removal of the *Jinn Feng Tsair No. 1* from the WCPFC IUU Vessel List.

43. France informed TCC8 that it had received no new information regarding the Georgian-flagged *Neptune*.

44. TCC8 agreed to recommend to WCPFC9 that the *Neptune* should remain on the WCPFC IUU Vessel List.

45. USA informed TCC8 that it had received no new information regarding the Georgian-flagged *Fu Lien No. 1*.

46. TCC8 agreed to recommend to WCPFC9 that the *Fu Lien No. 1* should remain on the WCPFC IUU Vessel List.

47. RMI informed TCC8 that it had received no new information regarding the Chinese Taipei-flagged *Yu Fong 168*.

48. Chinese Taipei noted that the *Yu Fong 168* had escaped, and requested other CCMs to assist in locating it.

49. TCC8 agreed to recommend to WCPFC9 that the *Yu Fong 168* should remain on the WCPFC IUU Vessel List.

(b) IUU listing procedures

(i) Paragraphs 15c and 25e

50. Tonga summarized the background to this issue. Guidelines to ensure coastal State satisfaction play a major role in the resolution of WCPFC IUU vessel listing decisions were first called for at TCC5, which designated them as a priority work item. While there have been a number of subsequent recommendations calling for further development of such guidelines, including those at TCC7 and WCPFC8, no proposal has been produced for TCC8's consideration. Therefore, Tonga suggested that the existing guidelines used by the Cook Islands, New Zealand, Tokelau and Tonga be used as a proposal for consideration.

51. USA, which was charged by WCPFC8 with leading intersessional work on this subject, explained that it requested written comments on FFA members' proposal from WCPFC8 via a WCPFC circular distributed in May 2012. Comments were only received from two CCMs, one of which referred only to previous comments contrary to the proposal. Given this lack of input from CCMs, USA considered that there was no prospect for tabling a revised proposal at TCC8.

52. Some CCMs supported Tonga's proposal to adopt the existing guidelines as the basis for Commission guidelines for coastal State satisfaction. Some of these CCMs noted that as Tonga's proposed guidelines apply to national waters, they would need to be adapted for the high seas but they could still serve as a basis for the development of compatible measures. Some CCMs noted that the adopted guidelines should not limit the sovereignty of coastal states to determine what is a satisfactory penalty.

53. Other CCMs suggested that further work would be required before the Commission could consider this issue any further. Concerns raised by these CCMs included: potential inconsistencies with international law, a lack of attention to the legal requirements of the flag State, a need to focus primarily on defining "sanctions of adequate severity" as referred to in CMM 2010-06 (para 15b), and the fact that the current IUU vessel listing/de-listing procedures appear to be working adequately without any formal Commission guidelines for coastal State satisfaction.

54. TCC8 noted that an FFA proposal circulated intersessionally by USA for comments and revision was unable to garner sufficient support to serve as a basis for a recommendation to the Commission on coastal State satisfaction, as a factor in resolving IUU vessel listing issues. There was no consensus on the need for such guidelines or on the basis for them.

55. Tonga presented a statement on para 15 of CMM 2010-06 highlighting the need for WCPFC to adopt guidelines for coastal State satisfaction in IUU listing decisions (Attachment C). This statement signals FFA members' intention to apply Tonga's existing guidelines as FFA guidelines to IUU incidents occurring in national waters, and to work toward adoption by WCPFC of compatible measures for the high seas by providing a proposal to TCC9.

(ii) IUU listing procedures of other tuna regional fisheries management organizations

56. The Compliance Manager presented a comparison of WCPFC IUU listing procedures and those of other regional fisheries management organizations (RFMOs), which was prepared in response to a request from TCC7 (TCC8-2012-10). Key differences included: specification of a minimum vessel size for IUU listing; common ownership as a basis for listing; exceedance of catch or effort limits as a basis for listing; linkages to other RFMO lists (weblinks and cross-recognition); and the annual timing of listing and de-listing procedures. Potential issues for TCC8 to consider for inclusion in the WCPFC listing process were highlighted as including catch or effort limit exceedance as a basis for listing; intersessional listing procedures; a format for submitting listing nominations; and recognition of other RFMOs' IUU Vessel Lists.

57. FFA members were supportive of tuna RFMOs' harmonization efforts in general, however, they did not support the inclusion of a minimum vessel size, and wished to maintain common ownership as a basis for listing. FFA members also welcomed listing based on recognition of the IUU lists of other RFMOs but cautioned that this process should not weaken existing WCPFC IUU vessel listing procedures.

58. TCC8 noted the paper on comparison and analysis of IUU listing procedures from other RFMOs (TCC8-2012-10).

2.2 Cooperating Non-member (CNM) applications

(a) Assessment of CNM applications

59. An SWG, chaired by New Zealand, met in the margins of TCC8 to consider CNM applications (TCC8-2012-26).

(b) Draft recommendations and technical advice to the Commission on CNM applications

60. New Zealand presented the outcomes of the SWG on CNM applications (TCC8-2012-28 [rev. 2]).

Belize

61. TCC8 reviewed the CNM application submitted by Belize against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Belize dated 16 July 2012 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Belize has:
 - i) provided a commitment to cooperate fully;
 - ii) provided an explicit commitment to accept high-seas boarding and inspections; and
 - iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for the Sixth Regular Session of the Finance and Administration Committee (FAC6), and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Belize's financial contribution for 2013 based on the draft budget for 2013. The WCPFC Secretariat advised TCC8 that Belize informed the Secretariat in September that its financial contribution for 2012 would be made shortly. The Secretariat advised TCC8 that, as at the conclusion of TCC8, the financial contribution had not yet been received.

- c) TCC8 advises the Commission that, based on the best information available, Belize complied with the participatory rights specified by the Commission at WCPFC8. There were also no reported incidents of non-compliance by Belize of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 notes that there is one vessel flagged to Belize on CCAMLR's IUU Vessel list. TCC requested the Secretariat ask Belize to provide supplementary information, before WCPFC9, relating to the actions it has taken to respond to its vessel on the CCAMLR IUU Vessel list, in accordance with para 3(c) of CMM 2009-11.

62. TCC8 recommends that the Commission consider Belize's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

Democratic Peoples Republic of Korea

63. TCC8 reviewed the CNM application submitted by Democratic Peoples Republic of Korea (DPRK) against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from DPRK dated 3 August 2012 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that DPRK has: i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high-seas boarding and inspections; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of DPRK's financial contribution for 2013 based on the draft budget for 2013. The Secretariat advised TCC8 that DPRK did not provide a financial contribution for 2012.
- c) TCC8 advises the Commission that, based on the best information available, DPRK complied with the participatory rights specified by the Commission at WCPFC8, and that there is no information of non-compliance with WCPFC's CMMs or with other RFMOs. There were also no reported incidents of non-compliance by DPRK of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 requested the Secretariat ask DPRK to provide additional information, before WCPFC9, concerning the vessels it states that it intends to purchase in its application for CNM status, including but not limited to:
 - (i) the types of vessels DPRK intends to purchase;
 - (ii) where DPRK intends those vessels to operate; and
 - (iii) the intended timeframe for purchasing those vessels.
- e) TCC8 requested the Secretariat to ask DPRK to provide, in advance of WCPFC9, additional information relating to the catch and effort data provided with DPRK's application, including further specification of effort in sets for purse-seine vessels, and the number of hooks for longline vessels, and the corresponding location of fishing.

64. TCC8 recommends that the Commission consider DPRK's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

65. *[Editorial note: this paragraph has been left blank to retain the same paragraph numbering which is referenced in the draft summary report and the WCPFC9 Summary Report]*

Ecuador

66. TCC8 reviewed the CNM application submitted by Ecuador against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Ecuador dated 25 July 2012 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Ecuador has: i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high-seas boarding and inspections; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Ecuador's financial contribution for 2013 based on the draft budget for 2013. The Secretariat advised TCC8 that Ecuador provided a contribution of USD 28,186 in 2012.
- c) TCC8 advises the Commission that, based on the best information available, Ecuador complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or with other RFMOs. There were also no reported incidents of non-compliance by Ecuador of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 requested the Secretariat to ask Ecuador to provide, in advance of WCPFC9, historical 2001–2009 data, which are noted as having been collected but not yet available.

67. TCC8 recommends that the Commission consider Ecuador's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

68. *[Editorial note: this paragraph has been left blank to retain the same paragraph numbering which is referenced in the draft summary report and the WCPFC9 Summary Report]*

El Salvador

69. TCC8 reviewed the CNM application submitted by El Salvador against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from El Salvador dated 3 August 2012 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.

- b) TCC8 advises the Commission that El Salvador has: i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high-seas boarding and inspections; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of El Salvador's financial contribution for 2013 based on the draft budget for 2013. The Secretariat advised TCC8 that El Salvador provided a contribution of USD 23,209 in 2012.
- c) TCC8 advises the Commission that, based on the best information available, El Salvador complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or with other RFMOs. There were also no reported incidents of non-compliance by El Salvador of the national laws and regulations of any coastal State member of the WCPFC.

70. TCC8 recommends that the Commission consider El Salvador's application for CNM status in 2013.

71. *[Editorial note: this paragraph has been left blank to retain the same paragraph numbering which is referenced in the draft summary report and the WCPFC9 Summary Report]*

Indonesia

72. TCC8 reviewed the CNM application submitted by Indonesia against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Indonesia dated 26 June 2012 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Indonesia has: i) provided a commitment to cooperate fully, and ii) provided an explicit commitment to accept high-seas boarding and inspections. However, the application does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention, which is required by para 2(g) of CMM 2009-11. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Indonesia's financial contribution for 2013 based on the draft budget for 2013. The Secretariat advised TCC8 that Indonesia did not provide a financial contribution in 2012.
- c) TCC8 advises the Commission that, based on the best information available, Indonesia complied with the participatory rights specified by the Commission at WCPFC8.
- d) TCC8 notes that the scientific data indicates that Indonesia's longline catch of yellowfin tuna in 2011 was as much as 13,750 mt. SPC advised TCC8 that Indonesia's limit for yellowfin catches (in accordance with CMM 2008-01) was assessed at 7,192 mt. TCC8 requested the Secretariat to ask Indonesia to provide further information, before WCPFC9, on its longline catches of yellowfin tuna and its compliance with CMM 2008-01.

- e) TCC8 notes that there are seven vessels flagged to Indonesia on the ICCAT IUU vessel list. TCC8 requested the Secretariat to ask Indonesia to provide supplementary information, before WCPFC9, relating to the actions it has taken to respond to its vessels on the ICCAT IUU vessel list, in accordance with para 3(c) of CMM 2009-11.
- f) TCC8 advises the Commission that there were no reported incidents of non-compliance by Indonesia of the national laws and regulations of any coastal State member of the WCPFC.
- g) TCC8 requested the Secretariat to ask Indonesia to provide, in advance of WCPFC9, a full set of aggregated catch and effort data for all relevant gear types. In requesting these data, TCC8 acknowledges the significant progress made on the provision of these data to date.

73. TCC8 recommends that the Commission consider Indonesia's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

74. Indonesia arrived at TCC8 after the CNM SWG had completed their deliberations. Indonesia explained that it cannot make a financial contribution to an organization of which they are not a member because this is prohibited under national law. However, Indonesia indicated that its domestic process to ratify the Convention is well-advanced and that it is hoping to announce the deposit of its instrument of ratification at WCPFC9.

Mexico

75. TCC8 reviewed the CNM application submitted by Mexico against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Mexico dated 3 August 2012 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Mexico has provided a commitment to cooperate fully. However, Mexico has not provided an explicit commitment to accept high-seas boarding and inspections in accordance with the Commission procedures, which is required by para 2(c) of CMM 2009-11. Mexico's application also does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Mexico's financial contribution for 2013 based on the budget for 2013. The Secretariat advised TCC8 that Mexico did not provide a financial contribution in 2012.
- c) TCC8 advises the Commission that, based on the best information available, Mexico complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or with other RFMOs. There were also no reported incidents of non-compliance by Mexico of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 notes that, in granting Mexico's application for 2012, WCPFC8 encouraged Mexico to participate in the NC. TCC8 is pleased to advise the Commission that Mexico did participate in the NC meeting in 2012, and encourages its continued participation in future NC meetings.

- e) TCC8 requested the Secretariat to ask Mexico to provide, in advance of WCPFC9, its 2012 Annual Part I and Part II Reports for 2011 activities.

76. TCC8 recommends that the Commission consider Mexico's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

Panama

77. TCC8 reviewed the CNM application submitted by Panama against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Panama dated 27 June 2012 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Panama has provided: i) a commitment to cooperate fully; ii) provided an explicit commitment to accept high-seas boarding and inspections; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Panama's financial contribution for 2013 based on the budget for 2013. The Secretariat advised TCC8 that Panama provided a financial contribution of USD 15,617 for 2012, but had not yet provided its financial contribution for 2011. Panama advised TCC8 that it is working with the Secretariat to provide its 2011 financial contribution.
- c) TCC8 advises the Commission that, based on the best information available, Panama complied with the participatory rights specified by the Commission at WCPFC8. There were also no reported incidents of non-compliance by Panama of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 notes that there are two vessels flagged to Panama on the CCAMLR IUU vessel list. Panama provided information to TCC8, indicating that it had revoked the licences of both vessels and was in the process of removing the vessels from the Vessel Registry of Panama. TCC8 requested the Secretariat to ask Panama to provide supplementary information, before WCPFC9, confirming the actions it has taken to respond to its vessels on the CCAMLR IUU vessel list, in accordance with para 3(c) of CMM 2009-11.
- e) TCC8 requested the Secretariat to ask Panama to provide, in advance of WCPFC9, its 2012 Annual Part I Report for 2011 activities.

78. TCC8 recommends that the Commission consider Panama's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

Saint Kitts and Nevis

79. TCC8 reviewed the CNM application submitted by Saint Kitts and Nevis against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Saint Kitts and Nevis dated 19 September 2012 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Saint Kitts and Nevis has: i) provided a commitment to cooperate fully; and ii) provided an explicit commitment to accept high-seas boarding and inspections. However, Saint Kitts and Nevis has not provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. Saint Kitts and Nevis' application for CNM status notes that it will attend WCPFC9 to discuss the financial contribution and payment conditions, and intends to make a commitment to provide a financial contribution after that discussion at WCPFC9. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Saint Kitts and Nevis' financial contribution for 2013 based on the budget for 2013. The Secretariat advised TCC8 that Saint Kitts and Nevis did not provide a financial contribution in 2012.
- c) TCC8 advises the Commission that, based on the best information available, Saint Kitts and Nevis complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or within other RFMOs. There were also no reported incidents of non-compliance by Saint Kitts and Nevis of the national laws and regulations of any coastal State member of the WCPFC.

80. TCC8 recommends that the Commission consider Saint Kitts and Nevis' application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

Thailand

81. TCC8 reviewed the CNM application submitted by Thailand against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Thailand dated 22 August 2012 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Thailand has: i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high-seas boarding and inspections (but its application notes that it automatically opts out because it does not have any vessels fishing in the western and central Pacific Ocean); and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Thailand's financial contribution for 2013 based

on the draft budget for 2013. The Secretariat advised TCC8 that Thailand did not provide a financial contribution in 2012.

- c) TCC8 advises the Commission that, based on the best information available, Thailand complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or with other RFMOs. There were also no reported incidents of non-compliance by Thailand of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 requested the Secretariat to ask Thailand to provide, in advance of WCPFC9, its 2012 Annual Part I and Part II Reports for 2011 activities.

82. TCC8 recommends that the Commission consider Thailand's application for CNM status in 2013, subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

Vietnam

83. TCC8 reviewed the CNM application submitted by Vietnam against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC8's recommendations and technical advice to the Commission are as follows:

- a) TCC8 advises the Commission that the application from Vietnam dated 27 July 2012 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC8 also advises the Commission that the application met the requirement of being submitted in English.
- b) TCC8 advises the Commission that Vietnam has: i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high-seas boarding and inspections; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the WCPF Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC6, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Vietnam's financial contribution for 2013 based on the draft budget for 2013. The Secretariat advised TCC8 that Vietnam provided a contribution of USD 16,095 in 2012.
- c) TCC8 advises the Commission that, based on the best information available, Vietnam complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or with other RFMOs. There were also no reported incidents of non-compliance by Vietnam of the national laws and regulations of any coastal State member of the WCPFC.
- d) TCC8 requested the Secretariat to ask Vietnam to provide, in advance of WCPFC9, clarification of any available historical data holdings. In requesting these data, TCC8 acknowledges the significant progress made on the provision of these data to date.

84. TCC8 recommends that the Commission consider Vietnam's application for CNM status in 2013 subject to the additional information identified by TCC8 being provided to, and accepted by, the Commission.

85. TCC8 noted that many CNM applications were received after the deadline stipulated in CMM 2009-11 this year, with one report being received only six days before the start of TCC8. TCC8 noted that late receipt of CNM applications makes the TCC's role of assessing applications

more difficult and encouraged CNM applicants to submit their applications in advance of the deadline.

86. TCC8 noted that only a very small number of CNM applicants attended the TCC8 meeting and considered that attendance by CNM applicants at the TCC would enable the TCC to better consider CNM applications. TCC8 also noted the importance for CNMs to participate in the CMS process. TCC8 encouraged CNM applicants to attend TCC meetings in the future. TCC8 recognized and thanked Ecuador, El Salvador, Indonesia, Panama and Vietnam for their attendance at TCC8.

87. TCC8 recommended that, in the Commission's consideration of whether to grant CNM status, WCPFC9 review the Provisional CMRs prepared by TCC8 for CNM applicants.

88. TCC8 noted that an application for renewal of CNM status was not received by the Secretariat from Senegal.

89. TCC8 directed the Executive Director to inform CNM applicants of any requirements for additional information to be provided prior to WCPFC9, compile the responses, and report on this process to WCPFC9 to inform the CNM application decision.

2.3 Vessel monitoring system

(a) Progress report from co-chairs of VMS SWG

90. C. Brown (Cook Islands), co-chair of the VMS SWG, reported to TCC8 on the progress of its work. At the request of WCPFC8, the SWG was formed by means of a WCPFC circular, requesting nominations from interested CCMs. The work then proceeded via email, and a meeting was held just prior to TCC8. The SWG aims to prepare a paper for WCPFC9's consideration by early October.

91. Some CCMs expressed appreciation for the work of the VMS SWG thus far, and noted that it assists CCMs in better understanding the functioning of the Commission's VMS, standards specifications and procedures (SSPs), and data rules. These CCMs suggested that since the standard operating procedures (SOPs) were last revised in 2009, an update should be considered.

92. Some CCMs stated that they were not aware that the VMS SWG had begun its work and, thus, reserved their right to comment on any SWG products.

93. The VMS SWG co-chair agreed to send copies of all VMS SWG materials thus far to CCMs and the Secretariat, take comments electronically, and advise on the time and location of the next meeting of the SWG.

(b) Annual report on the Commission VMS, including bracketed text in SSPs

94. The Secretariat presented the Annual Report on the Commission VMS (TCC8-2012-IP-02).

95. Some CCMs queried why and how the number of vessel tracking agreement forms (VTAFs) received could exceed the number of vessels reporting to the WCPFC VMS on the high seas as shown in Annex 1, and the difference between vessels reported as fished and vessels reporting to the Commission's VMS.

96. The Secretariat referred CCMs to para 7 of the report, which explains these issues. The key point regarding the discrepancy between VTAFs and numbers of vessels reporting to the Commission VMS is that some vessels report to WCPFC VMS through the FFA VMS, but a VTAF is not received by WCPFC. This issue highlights the difficulties faced by the Secretariat in monitoring the implementation of WCPFC VMS requirements.

97. Some CCMs noted that their data do not correspond to the figures shown in Annex 1, and requested corrections to the table. In some cases, these CCMs provided explanations for the

discrepancies; for example, vessels fishing in the northwestern Pacific outside the area currently covered by the Commission's VMS.

98. The Secretariat responded that the data shown were the best available data at the time of the paper's preparation, and that due to the nature of the data, it was not possible to draw clear conclusions from the table regarding compliance. Nevertheless, the Secretariat offered to receive any corrections or updates from CCMs, and re-posted the document as TCC8-2012-IP-02 (rev 1).

99. FFA members stated that as the Commission's VTAF requirement does not apply to FFA-registered vessels, these vessels should be removed from the Commission's VMS. These CCMs also encouraged the Commission to better link VMS and record of fishing vessel (RFV) data, and to increase efficiencies with regard to the FFA VMS.

100. The Secretariat explained that the VTAFs from FFA-registered vessels are kept on file but are not activated unless the vessel is removed from the FFA register. This is done with the aim of providing seamless VMS coverage in such instances and yet avoid unnecessary costs.

101. Several CCMs requested clarification on the issue of geo-fencing (i.e. masking data on the Commission's VMS when an otherwise reporting vessel enters a particular area) and reduced polling rate procedures. Concerns were raised about the potential for a lack of VMS coverage and associated risk of IUU activities arising from: i) the application of these procedures when vessels cross EEZ/high-seas boundaries as well as WCPFC Convention Area boundaries; and ii) from the gap in coverage arising during the return from the reduced polling rate to the standard polling rate when a vessel re-enters the Commission's VMS tracking area. CCMs also questioned whether reduced polling rates are actually cost-effective.

102. The Secretariat explained that it had applied the geo-fencing and reduced polling rate procedures at the end-user level to both vessels that left the Convention Area and vessels that entered EEZs (other than those of New Zealand and the Cook Islands). Although it had done this based on its understanding of the recommendations of the Joint WCPFC/FFA Review of the WCPFC VMS, it now understood that the procedures should only apply to those vessels that leave the Convention Area, and it will apply the procedures in this way effective immediately. However, it was acknowledged that once a vessel leaves the Convention Area, its return to the Convention Area will only be confirmed at the next daily (24 hour) report. Therefore, there is a potential gap in coverage of up to 24 hours. In response to a question, the Secretariat clarified that reporting vessels are approximately equally split (50–50) between EEZs and the high seas. It was also noted that geo-fencing can be applied, for some types of automatic location communicators (ALCs), at the level of the ALC itself rather than at the end-user level, in which case the higher polling frequency would be triggered immediately upon return to the Convention Area.

103. Some CCMs noted that the gap in coverage created by geo-fencing at the Convention Area boundary could be addressed through the implementation of a buffer zone.

104. TCC8 supported the Secretariat's revised approach to application of the recommendations from the Joint FFA-WCPFC Review of the WCPFC VMS with regard to application of geo-fencing and reduced polling rate procedures only at the boundaries of the Convention Area and not at EEZ high-seas boundaries.

105. TCC8 tasked the Secretariat with implementing an appropriate buffer zone around the Convention Area with regard to the application of geo-fencing and reduced polling rate procedures.

106. One CCM suggested that the retrospective "did/did not fish" reporting be changed to a prospective "will/will not fish" in order to prevent cases in which vessels are fishing but are not reporting to the VMS.

107. Some CCMs stated that a prospective list of vessels that "will/will not fish" would be impossible to provide with any degree of accuracy.

108. Some CCMs suggested that because three specific mobile transceiver unit (MTU) types are associated with high levels of manual reporting, these problematic MTU types should be removed from the list of approved MTU types. These CCMs also called for reporting of reasons for manual reporting as required by Article 23(5) of the WCPFC Convention.

109. With regard to bracketed text in the VMS SSPs, some CCMs considered that in the event of MTU failure, manual reporting should be required every four hours, fishing operations should cease, fishing gear should be stowed, and the vessel should return immediately to port. These CCMs noted that these requirements would be compatible with FFA and PNA requirements.

110. Japan and Korea stated that a manual reporting frequency of six hours would be acceptable but that 30 days should be allowed for the vessel to return to port.

111. USA stated that as frequent manual reporting would be problematic for small vessels, the requirement should be for manual reporting every eight hours.

112. EU stated that it would be comfortable with manual reporting every four hours. However, with a view to finding a compromise, EU suggested that manual reporting could be required at no more than eight-hour intervals, with each manual report containing hourly positions for the previous eight hours.

113. PNA members noted that they have national laws that require port-to-port VMS reporting, including VMS reporting while on the high seas. These national laws have set standards for manual reporting in the event of ALC/MTU breakdown. WCPFC requirements will not override nor undermine these national laws.

114. A SWG was convened by New Zealand to further discuss this issue (TCC8-2012-30).

115. TCC8 reviewed the remaining bracketed text in the Commission VMS SSPs in paras 5.4 and 5.5 related to manual reporting. TCC8 advised that CCMs were not able to agree on long-term manual-reporting provisions, but noted that CCMs wished to ensure that there is a manual reporting requirement and a requirement for vessels to return to port in place for 2013.

116. TCC8 agreed to recommend to WCPFC9 to revise the language in paras 5.4 and 5.5 provisionally for one year, and recommended that WCPFC9 task TCC9 to continue to consider this issue. TCC8 noted that the revised language proposed by TCC8 does not reflect final agreement on either the period of manual reporting or the length of time that a vessel may continue to fish while manually reporting.

117. TCC8 noted that coastal States' laws and regulations continue to apply to manual reporting with respect to VMS breakdown where vessels are in coastal State jurisdictions, and noted Section 1 in the Commission SSPs relating to the application of VMS.

118. TCC8 recommended that WCPFC9 task the Secretariat with updating its report on manual reporting and with carrying out an assessment of whether certain models of ALC/MTU units, and whether particular vessels, are failing more often than others. TCC8 recommended that TCC9 be tasked to consider the updated report and the assessment and make recommendations to WCPFC10 on options regarding the use of those ALC/MTU units and suggestions to improve the performance of those vessels that fail repeatedly.

119. TCC8 agreed to a standard format for manual reporting as follows and recommended that WCPFC9 adopt this standard format.

1	WIN
2	VesselName
3	Date: dd/mm/yy
4	Time: 24 hour format HH:MM (UTC)
5	Latitude – DD-MM-SS (N/S)
6	Longitude – DDD-MM-SS (E/W)
7	Activity (Fishing/Searching/Transit/Transshipping)

120. TCC8 agreed to recommend to WCPFC9 that, for the period 1 March 2013 to 1 March 2014, section 5 of the Commission’s VMS SSPs be modified as follows:

- “4. In the event of non-reception of two consecutive, programmed high-seas VMS positions, and where the Secretariat has exhausted all reasonable steps¹ to re-establish normal automatic reception of VMS positions, the Secretariat will notify the flag State CCM who shall then direct the vessel Master to begin manual reporting. During this period the vessel shall be required to report its position manually to the Secretariat every 6 hours. If automatic reporting to the Commission VMS has not been re-established within 30 days of the commencement of manual reporting, the flag State CCM shall order the vessel to cease fishing, stow all fishing gear, and return immediately to port. The vessel may recommence fishing on the high seas only when the ALCMTU has been confirmed as operational by the Secretariat following the flag State CCM informing the Secretariat that the vessel’s automatic reporting complies with the regulations established in this SSP.
- 4bis. The standards outlined in paragraph 4 above will apply for the period 1 March 2013 to 1 March 2014 and will be reviewed for monitoring, control and surveillance (MCS) effectiveness at TCC9.
5. In exceptional circumstances,² the flag State CCM may extend the period established in paragraph 4 for an additional consecutive 15 days during which time the vessel will continue to report its position manually every 4 hours to the Secretariat while on the high seas. When such permission is provided, the flag State CCM shall provide a report to the Secretariat as to the nature of the exceptional circumstances and steps taken to re-establish automatic reporting. Such reports shall be included in the Secretariat’s annual report on the operations of the Commission’s VMS to the TCC as required under paragraph 7.3.9.

Footnotes:

¹ The flag State CCM, in coordination with the Secretariat and through communication with the vessel Master as appropriate, will endeavour to re-establish normal automatic reception of VMS positions. If such efforts reveal that the vessel is successfully reporting to the flag State CCM’s VMS or a subregional VMS (indicating that the vessel’s VMS hardware is functional), the Secretariat, in coordination with the flag State CCM, will take additional steps to re-establish automatic reporting to the Commission VMS.

² **Exceptional circumstances includes such events as satellite malfunction unrelated to MTU/ALC, and mechanical failure of the fishing vessel, which reduces the ability of the fishing vessel to return to port within 30 days. ”**

(c) Consideration of cost optimization of the Commission VMS

121. FFA members suggested that there are three areas in which additional cost efficiencies for the Commission VMS may be explored: i) management of ALCs at the vessel; ii) management of satellite provider contracts; and iii) further integration of the WCPFC and FFA VMS systems (e.g. to operate under a single license, while maintaining the appropriate data partitioning and security controls).

122. TCC8 noted the VMS cost optimization issues presented in the VMS Annual Report (TCC8-2012-IP-12).

(d) Operationalizing Article 24(8) of the Convention (Access to In-Zone Data, Niue Application and Flick the Switch)

123. The TCC Chair drew CCMs' attention to a new proposal for the application of the Commission VMS to the national waters of members (TCC8-2012-DP-08).

124. USA introduced the new proposal (TCC8-2012-DP-08), which outlines the process and procedures governing the application of the Commission VMS to the national waters of CCMs. USA explained that comments from four CCMs were received intersessionally and have been incorporated into the proposal.

125. Several CCMs voiced their support for the proposal, stating that it is an important way of recognizing the special requirements of developing States under Article 30 of the Convention and of promoting compatibility between national waters and the high seas.

126. Two CCMs indicated that they require further consideration of the proposal.

127. TCC8 agreed that this issue would be further considered within a TCC8 VMS SWG co-chaired by New Zealand and USA.

128. TCC8 considered Delegation Paper TCC8-2012-DP-08 (rev 3) prepared by the TCC8 VMS SWG, and was able to reach an agreement on the vast majority of the provisions of this paper (Attachment D).

129. It was noted that the majority of CCMs, including all FFA members, were of the view that the brackets in para 4(a) could be removed. The minority were of the view to maintain the brackets in order to obtain its assurances, with a view to reaching a final agreement on this important issue at WCPFC9.

130. One CCM noted that the text in para 4(b) is designed to address the concerns of some CCMs regarding potential abuse of VMS data accessed under para 4(a).

131. Several CCMs stated that a refusal to permit coastal State CCMs access to VMS positions of vessels subject only to the Commission VMS but transiting waters of coastal States in the Convention Area is in breach of Article 30, and is impeding the fight against IUU fishing.

132. Some CCMs suggested that further time would be required to find a consensus on the remaining issues and, therefore, consultation should continue intersessionally and the issue be considered at WCPFC9.

133. One CCM informed TCC8 that it was unable to agree to the bracketed text in proposal TCC8-2012-DP-08 (rev 3) for three reasons: i) further assurances are required regarding whether the text is in compliance with international law, in particular whether continuous and uninterrupted VMS monitoring of vessels passing through national waters is permissible; ii) further domestic consultations are required before the text can be agreed on by the CCM's WCPFC delegation; and iii) this issue needs to be addressed within the broader context of the operational functionality and effectiveness of the WCPFC's

VMS. This CCM noted that while it was unable to agree to the text at TCC8 it remained open to further discussion both intersessionally and at WCPFC9.

134. TCC8 recommends that proposal TCC8-2012-DP-08 (rev 3) (Attachment D) be forwarded for consideration by WCPFC9. All of TCC8-2012-DP-08 (rev 3) has been agreed on with the exception of the bracketed text in subparagraphs 4 (a), (l) and (lbis). Comments on the bracketed text in these three subparagraphs — 4(a), (l) and (lbis) — should be sent to USA by 3 November 2012. USA will prepare a revised draft for consideration by WCPFC9.

(e) Proposed template for ALC/MTU audits by CCMs

135. The TCC Chair referred CCMs to a proposed ALC/MTU Inspection Template and proposed the reporting format contained in meeting paper TCC8-2012-12.

136. Some CCMs accepted the template as providing useful guidelines, but suggested that minor changes may be required to suit national requirements and noted that this can be made by individual CCMs as they use the template.

137. TCC8 recommended that WCPFC9 approve the proposed ALC/MTU Inspection Template as guidance for CCMs when conducting audits under Annex I of CMM 2011-02 and the WCPFC VMS SSPs (Attachment E).

138. The Secretariat confirmed that the Inspection Template is only intended as guidance. A proposed format for reporting summary inspection to the Commission in Annual Reports Part 2 is shown in table format on the first page of the paper.

139. With regard to the summary reporting format, one CCM expressed a concern that the data fields MTU ID and MTU Serial Number represent confidential information not otherwise available to all CCMs. Therefore, this CCM suggested that the information reported to the Commission in Annual Reports Part 2 not include these two fields.

140. Some CCMs suggested that the FFA MTU certification be recognized as satisfying the ALC/MTU inspection requirement, thereby removing potential redundancies for vessels that would otherwise be inspected twice.

141. Other CCMs noted that since the inspection is the responsibility of the flag State, equivalency of a certificate issued by FFA may require further consideration.

142. TCC8 recommended to WCPFC9 that it adopt the proposed format for reporting ALC/MTU Audit Inspections to the Commission in Annual Reports Part 2 contained in WCPFC-TCC8-2012-12 with the exclusion of data fields on MTU ID and MTU Serial Number (Attachment F).

143. TCC8 recommended to WCPFC9 that the FFA MTU certification should be recognized as equivalent to the certification of inspection under Annex I of CMM 2011-02 and the WCPFC VMS SSPs.

(f) Review of integrity of Secretariat's VMS data

144. The Executive Director explained the late arrival of a paper containing the results of the audit of the integrity of the Commission's VMS data and the Secretariat's data security arrangement by an external auditor (TCC8-2012-13). This topic is discussed under Agenda Item 8.1.

2.4 Regional Observer Programme

(a) ROP-Technical Advisory Group

145. The Chair of the ROP-Technical Advisory Group (TAG), Phillip Lens (PNG), reported on the activities of the ROP-TAG (TCC8-2012-14). All work has been conducted electronically. The limited

level of participation suggests that perhaps some CCMs have not had the opportunity to provide comments requested from the ROP-TAG issued by the Chair in June and August 2012. The scope of ROP-TAG's work is limited to technical matters, and it has thus far focused on recommendations concerning carrier vessels, cross-endorsement of observers, and disembarkation of observers in foreign or home ports. Other issues examined that require further work include a more detailed elaboration of the hybrid model and the situation with regard to transiting without an observer.

146. The Secretariat clarified that the ROP-TAG recommendations in meeting paper TCC8-2012-14 are based on comments on the June 2012 circular only.

147. In response to a question, the Secretariat and the Legal Advisor clarified that if TCC wished to endorse the recommendations of ROP-TAG it could either draft text for a proposed amendment to CMM 2007-01 or recommend that WCPFC9 task TCC9 with drafting such text.

148. Some CCMs queried why the issue of providing observer reports to the vessel captain upon disembarkation was not considered by ROP-TAG. While acknowledging that this issue involves some policy aspects that are not appropriate for ROP-TAG to discuss, it was also considered that a technical review would be helpful.

149. USA highlighted how "technical" issues can sometimes bleed into policy matters, and appreciated the efforts made by the TAG chair to follow the TAG's terms of reference. USA also noted, regarding fishing vessels transiting without an observer, that the Secretariat should be alerted but not that it be a condition of allowing transit and that this should be a responsibility of the National Authority or sub-regional organization.

150. Several CCMs appreciated the work of ROP-TAG thus far, but considered that further technical work was necessary. The TAG chair and the Secretariat were encouraged to find ways of increasing the level of participation of CCMs in ROP-TAG. These CCMs noted that if the authorization of the ROP-TAG work could be extended, ROP-TAG could take into account further comments, reconcile those comments with the existing technical provisions of CMM 2007-01, consider and clarify the status and purpose of its recommendations, and circulate new recommendations for consideration.

151. TCC8 recommended to WCPFC9 that the ROP-TAG continue its work under the current terms of reference until March 2014.

(b) Annual report by Secretariat on ROP

152. The Secretariat presented the ROP Annual Report (TCC8-2012-15) to TCC8 as required by CMM 2007-01 (para 3). Key issues for the past year included completion of 23 national and subregional audit programmes (ROP Annual Report, Attachment 1); observer data available for 2011 (see Agenda Item 2.4[c]); a proposal to relocate SPC-Pohnpei ROP data entry staff to the WCPFC Secretariat office; additional seabird-related fields to be added to the ROP Set of Minimum Standard Observer Data fields (see Agenda Items 5.6); purse-seine, longline, transshipment and overlap area coverage levels; cross-endorsement of observers and other observer availability and training issues; reporting under the catch retention requirements; conflicts between observers and vessel captains and crew; and the use of the SPC/FFA General Form-3 (GEN-3) as a summary of the observer trip post-observer disembarkation. It was noted that a lack of Commission-agreed definition of the terms "independent" and "impartial" leaves them open to individual interpretation by individual CCMs.

153. One CCM suggested that the Commission consider setting a timeframe for ROP data submission. This CCM also queried why the Secretariat is reporting on observer coverage levels as that is a responsibility of flag States, and why the paired spill and grab sampling project is being financed by both the Scientific Committee (SC) and TCC budgets.

154. The Secretariat clarified that CMM 2007-01 (para 12) requires the Secretariat to report on observer coverage levels. The Secretariat also explained that the TCC-authorized ROP budget for special

projects and research activities has been used to deploy observers to assist with the SPC “Spill Sampling Project” but after 2013, the special projects and research activities budget can be used for other projects.

155. FFA members expressed their appreciation to the Secretariat for the report and the ongoing support to the ROP, including the audit process that allowed 23 observer providers to be fully authorized under the ROP. These CCMs noted that while significant progress has been achieved in recent years, more improvements are needed, including providing a continuous and sufficient supply of observers and de-briefers. The Commission was encouraged to continue funding the ROP as a high priority.

156. EU noted that it strongly supports the ROP through its funding of workshops that will result in the training of over 600 observers for the period 2012–2013.

157. CCMs thanked the Secretariat for progressing the observer cross-endorsement programme with IATTC but raised several questions regarding the:

- a) status of cross-endorsement documents contained in meeting paper TCC8-2012-15 (ROP Annual Report, Attachment 2);
- b) provision of future training funds for cross-endorsed observers;
- c) definition of “clear and free of any obligations” in the IATTC procedures for using a cross-endorsed observer; and
- d) need for specifying procedures for cross-endorsed observers on vessels passing from east to west.

158. The Secretariat responded that the current observer cross-endorsement procedures (TCC8-2012-15, ROP Annual Report Attachment 2) apply to vessels crossing from west to east. At present, there are no special procedures required for vessels using cross-endorsed observers passing from east to west (from the IATTC Convention Area into the WCPFC Convention Area).

159. USA expressed support for continued training for cross-endorsed observers, ongoing funding for spill sampling from sources other than the special projects fund, and for continued funding of ROP audits. It also noted that in the future, procedures for vessels passing from east to west may need to be clarified, and that it would provide comments to the Secretariat on ROP Annual Report Attachment 2 on the existing west to east procedures.

160. FFA members suggested that IATTC vessels in the overlap area that do not carry ROP observers are potentially in breach of WCPFC requirements.

161. The Secretariat explained that the temporary arrangement currently in place between WCPFC and IATTC requires that all WCPFC vessels operating in the overlap area to use ROP observers, similarly, IATTC vessels operating in the overlap area use IATTC-accredited observers. The WCPFC Chair will be meeting with IATTC in October 2012 and will discuss these issues and report on the results at WCPFC9.

162. One CCM queried how the number of observers used could be less than the number of carriers monitored in Table 3, and whether the cross-endorsement applied to all types of observers (i.e. purse-seine, longline and transshipment). This CCM also expressed support for cross-endorsement procedures and continued observer training, and concerns about reported incidents of observer bribery.

163. In reference to Table 3, the Secretariat clarified that some transshipment observers were deployed on more than one carrier vessel. It was also explained that the cross-endorsement programme is only applicable to purse-seine observers. The Secretariat also commented that there was some information to suggest that bribery was an issue in the fishery and it was sometimes linked to vessels or their agents directly paying observers, and suggested that a review of these practices might help stabilize the programme.

164. FSM, on behalf of FFA members, noted that the safety, welfare and security of the observer is of paramount importance to FFA members, and that the independence of the observer and hence the integrity and veracity of the information collected cannot be compromised. FFA members consider that the Commission and other CCMs must be made aware of circumstances where the observer programme has been compromised, but stress that the resolution of the matter is between those CCMs involved in the particular circumstance, either as providers, flags of vessel, or as the coastal State. FSM, on behalf of FFA members, requested that the Secretariat provide formal reports of incidents involving conflicts between observers and vessel captains and crew to the national observer providers, rather than reporting them anecdotally.

165. One CCM requested that meeting paper TCC8-2012-15 Table 7 be provided to individual flag States for their vessels.

166. FFA members noted that they are developing electronic tools to support ROP, and will provide more information on this at TCC9.

(c) Review of ROP data

167. E. Schneiter (SPC) and L. Manarangi-Trott (Secretariat) updated TCC on the status of ROP data as required by CMM 2007-01, Annex C (para 7) (TCC8-2012-16 [rev 1]). The presentation covered human resources involved in observer data management at SPC, current issues with observer data management, initiatives for distributing observer data processing, ROP data management financing and cost optimisation, and future expectations. Key issues for TCC8's consideration were highlighted as the relocation of SPC-Pohnpei ROP data entry staff to the Secretariat offices; maintenance of the ROP data entry budget at the current level for at least the next three years; adding the costs of the observer data manager and data audit officer to the 2014 and 2015 budget if existing funding is terminated; and considering whether the Secretariat should be tasked with an analysis of ROP data management options with regard to cost recovery and optimisation.

168. CCMs supported the proposed relocation of SPC-Pohnpei ROP data entry staff to the Secretariat office on the condition that there would be no cost implications.

169. TCC8 recommended to WCPFC9 that it approve the relocation of the SPC-Pohnpei ROP data entry staff (two) from the SPC-Pohnpei office to the WCPFC Secretariat office in January 2013.

170. With regard to the ROP data entry and data management budget, some CCMs expressed concerns that the observer data manager and data audit officer were new SPC positions.

171. SPC and the Secretariat clarified that these are existing positions that have confirmed funding through 2013, and their inclusion in the budget was to reflect the anticipated full costs of ROP data management should this funding not be continued.

172. New Caledonia noted that while it cannot at this time confirm future funding due to ongoing domestic budget decision-making processes, it should be in a position to provide more information at WCPFC9.

173. Two CCMs stated that while allowing SPC to handle ROP data entry is an acceptable short-term arrangement, future ROP data entry should be handled directly by the Secretariat.

174. TCC8 recommended to WCPFC that the ROP data entry budget be maintained at least at the current level for the next three years, with consideration for adding the costs of the observer database management staff (observer data manager and data audit officer) to the 2014 and 2015 budget, pending clarification of when current funding for these positions will terminate and discussions at respective TCC and WCPFC regular sessions in the next two to three years.

175. Several CCMs commented on the fact that for 2010 observer data, ~20% have not yet been sent to SPC, and another ~10% have problems that prevent data entry.

176. SPC explained that despite these figures, data entry rates have improved over time with increased training and using data scanning techniques to replace data submission by post. It was noted that scanning also prevents data from being lost in the post.

177. Some CCMs stated that priority should be placed on electronic data entry, rather than scanning.

178. The Secretariat noted that with regard to desk-based electronic data entry, the Tuna Fisheries Observer Database System (TUBs), as well as national Information Management Systems (IMS) are being developed and implemented. Trials of onboard observer data entry had no budget to continue such trials.

179. Some CCMs suggested that the key objective was the timely provision of data and, thus, an inquiry into the reasons for late submissions should be conducted and resources focused on remedying those issues.

180. One CCM asked how much of the observer data received by SPC has been de-briefed.

181. SPC replied that it does not have these data readily at hand but will provide information on this point in the next annual report to TCC on ROP data.

182. Some CCMs stated that untimely data submission is more due to a lack of de-briefers than to a lack of electronic data entry systems.

183. The Secretariat added that a lack of de-briefers and de-briefer data rejection is not the only reason data are not being submitted. Lost data, staff turnover and other issues also contribute to the problem. The Secretariat suggested that the de-briefing situation will improve as national observers gain experience and become de-briefers.

184. TCC8 recommended to WCPFC9 that it task the Secretariat, in cooperation with the scientific services provider, to consider electronic data entry for ROP as a priority.

185. TCC8 recommended to WCPFC9 that coastal States developing Information Management Systems receive assistance, including training of de-briefers, to improve their ability to meet their national obligations in providing observer data.

(d) Consideration of cost optimization of ROP

186. Concerning future demands and cost-efficiencies for ROP data management (TCC8-2012-16 and TCC8-2012-IP-12), several CCMs with national observer programmes called for continuing support of national programme development, including further distribution of and training for the SPC-developed TUBs Observer Database System. These CCMs noted that scanning had helped facilitate timely data submission but that the requirement for 100% purse-seine observer coverage had stretched national capacity and that sufficient de-briefer capacity remained a common bottleneck.

187. One CCM questioned whether an analysis by the Secretariat of future options for ROP data management with regard to cost recovery and optimization would duplicate other work being undertaken by the Secretariat on cost recovery and optimization in general.

188. The Secretariat replied that no work on cost recovery and optimization was currently underway.

189. TCC8 recommended to WCPFC9 that the Secretariat be tasked with undertaking a more comprehensive analysis of future options for ROP data management, including options raised in the Cost Recovery and Optimization of Commission Service Costs Report.

(e) Proposals for vessel captains or operators to review ROP reports

190. A proposal submitted by China, EU, Japan, Korea and Chinese Taipei on ensuring the opportunity for vessel captains or operators to review and comment on the Commission's ROP Report (i.e. operationalizing CMM 2007-01, Attachment B, para 1[c]) was introduced by Japan (TCC8-2012-DP-09). Japan noted that the paper has not been revised since its submission at WCPFC8. Japan stated that the proponents consider this a major issue that requires resolution and requested comments from other CCMs.

191. USA reiterated earlier comments about the need for ROP-TAG to consider the technical issues inherent in the proposal, such as the exact type of information to be provided to vessel captains or operators and whether the information must be cleared by de-briefers before providing.

192. FFA members expressed concerns with the proposal's effect on the safety, welfare and security of observers, and with the fact that if observers feel threatened, data quality may be compromised. Furthermore, these CCMs suggested that the proposal contravenes WCPFC and FFA rules and procedures, and would pose particular safety concerns for observers who make multiple trips with the same vessel, company or fleet.

193. The Secretariat queried whether the SPC/FFA General Form-3 (GEN-3) represented the requested information or whether other information was being requested.

194. One CCM, noting the requirement in CMM 2007-01 for the captain or operator to review the observer's report and append supplemental information, suggested that the GEN-3 report was insufficient as it does not provide information on when and how many times the problem occurred. This CCM also suggested that the information needed to be provided before de-briefing.

195. Other CCMs, while noting the requirements in the measure, stated that provision of the GEN-3 would be sufficient.

196. The TCC Chair closed the discussion by encouraging proponents to undertake further consultations either through ROP-TAG or intersessionally prior to WCPFC9.

AGENDA ITEM 3 — COMPLIANCE MONITORING SCHEME

3.1 Update on submissions of Annual Report Part 1 and Part 2 and other reporting requirements in CMMs

197. The Secretariat presented a summary of Annual Report Part 1 and Part 2 and other reports received by the Commission as of the opening of TCC8 (TCC8-2012-IP-03 [rev 7]). CCMs were referred to the 2010 Final Compliance Monitoring Report (TCC8-2012-IP-19). It was noted that the deadline of 1 July for the Annual Reports Part 2 greatly facilitated the Secretariat's preparation of the draft CMRs but perhaps made it more difficult for some CCMs to achieve timely submission. Summaries of the draft CMRs were prepared for 16 CCMs, but due to late submission by other CCMs, only rough draft CMRs (not summaries) could be produced.

198. Several CCMs apologized for missing the submission deadlines. Some of these CCMs attributed this situation to the heavy reporting burden they face and asked that the trend toward ever-increasing WCPFC reporting requirements be halted.

199. One CCM suggested that future submission summaries, such as Table 1 of Information Paper TCC8-2012-IP-03 [rev 7]) include the historical submission record of each CCM.

200. FFA members questioned the rationale for some, but not all, territories to report and, therefore, were not certain if they would be evaluated under the compliance monitoring scheme.

3.2 Provisional CMR 2011 and Executive Summary

201. The TCC Chair introduced her proposals for completing the Provisional Compliance Monitoring Reports (CMRs) as called for by CMM 2011-06 (TCC8-2012-07). The proposed process involves the working group reviewing draft CMR summaries (one to four pages) for each CCM prepared and circulated by the Secretariat. Compliance scores will be assigned by the working group to each draft CMR category (catch and effort limits, catch and effort reporting, spatial and temporal closures and restrictions on the use of fish aggregation devices (FADs); observer and VMS coverage; and provision of scientific data through Annual Report Part 1 and the scientific data to be provided to the Commission). CCMs will be able to seek clarification and provide further information on any issues identified. The results of the compliance assessment for 2010 (if conducted) will be shown for reference. An overall provisional compliance score (“compliant” or “compliance review”) will be assigned to each CCM in accordance with Annex 1 of CMM 2011-06. The TCC Chair emphasized that the compliance monitoring process is still evolving as the TCC seeks an efficient, effective and transparent method for preparing the provisional CMR.

202. Some CCMs suggested that rather than assigning a compliance status in five columns (implemented, not applicable, potential implementation issues and explanation identified, potential implementation issue and more information needed, and implementation need) that these be condensed to three columns (implemented, not applicable, potential implementation issues).

203. CCMs discussed whether observers could participate in the working group and whether there should be any constraints on the extent of their participation. The TCC Chair clarified that in accordance with CMM 2011-06, participation by observers is limited to subregional agencies supporting CCMs that are small island developing States (SIDS).

204. EU, after suggesting that the participation of subregional agencies supporting SIDS CCMs be limited to the discussion of those CCMs’ draft CMRs, and that such participation be limited, under CMM 2011-06 and Rule 36 of the Rules of Procedure, to areas within their scope of their competency, accepted that the process could proceed as outlined by the TCC Chair, in order not to delay the process, but noting that this is not in line with CMM 2011-06.

205. Several CCMs, including FFA members, stressed that all CCMs should be assessed for compliance for 2011 as required in CMM 2011-06. In addition, these CCMs agreed to the clear and practical process set out by the Chair to achieve the provisional CMR.

206. Several CCMs, including FFA members, noted that the focus of the compliance monitoring exercise at TCC should be on refining the process for future years.

207. S. Nakatsuka (Japan) and A. Taholo (Tonga) agreed to co-chair the CMR working group.

208. TCC8 agreed to the Executive Summary for the Provisional CMR, and recommended that the provisional CMR be forwarded to WCPFC9 for consideration (a copy of this document is provided on the WCPFC members secure section of the website).

209. The TCC8 Chair noted that in accordance with CMM 2011-06 (para 6). draft and provisional CMRs shall constitute non-public domain data, and final CMRs shall constitute public domain data.

3.3 Refinements to reporting requirements related to CMR development

(a) Update on development of online interface for Annual Report Part 2 and suggested refinements to Annual Report templates (Parts 1 and 2)

210. The Secretariat presented a report on the development of an online interface for Annual Report Part 2 and suggested refinements to future reporting requirements for CMRs (TCC8-2012-18). In

response to strong feedback from CCMs that the Annual Report Part 2 reporting template should be streamlined, a revised template was recommended by TCC7 but not adopted by WCPFC8. Therefore, for 2011 compliance reporting, the Secretariat provided a template based on the Annual Report Part 2 template used for 2010 compliance reporting (i.e. not the “streamlined” version discussed at TCC7). In parallel, efforts to develop an online interface for the template considered: i) whether the purpose was to capture structured data to populate tables or to simply capture yes/no data in tick boxes; ii) what data are needed for CMRs; iii) the desirability of developing a template that can be used for both data entry (by CCMs) and data output (by the Secretariat when preparing CMRs). The Secretariat foresees integrating the online template into the Commission’s IMS. CCMs were invited to trial the prototype for online Annual Report Part 2 reporting and provide comments to assist in finalizing the interface for Annual Report Part 2 reporting.

211. CCMs provided a number of comments on the online interface, requesting:

- a) a way of distinguishing whether the CCM or the Secretariat has entered the data;
- b) a function to print, or otherwise extract, the information (e.g. for checking, internal approval and/or archiving historical versions);
- c) a way to save incomplete entries to return later, complete and which distinguishes saving from formally submitting the report;
- d) a way to review or re-use information provided from previous year reports (possibly as a default value) ;
- e) an ability to paste in information from MS Word documents; and
- f) an option to select “not applicable” not only for the entire CMM, but for individual elements of CMMs.

212. TCC8 recommended the revised Annual Report Part 2 template (TCC8-2012-18 [rev 2], Annex C) be used as a basis for finalizing the online interface to be used for Annual Report Part 2 that is to be submitted by CCMs in 2013, and which covers 2012 activities; (Attachment G).

213. TCC8 recommended that the Secretariat finalize the development of online interface for Annual Report Part 2, with a view to making it available for all CCMs to use for their 2013 Annual Report Part 2; and

214. TCC8 recommended the adoption of the proposed addendum to the Annual Report Part 1 template for future reports (TCC8-2012-18 [rev 2], Annex B), so as to ensure that CCMs’ Annual Report Part 1 cover the required reporting provisions as contained in CMMs (Attachment H).

(b) Anticipated resourcing requirements for the Secretariat from the CMS

215. The Secretariat presented a paper reviewing draft CMR development in 2012 and anticipated resource requirements for the Secretariat associated with the extension of CMM 2011-06 (TCC8-2012-19). Highlighted issues included a plan to work with SPC in the coming year to provide its annual report on data gaps in a format that can be readily attached to individual CMRs and complementary development of Commission and national IMSs. The workload is expected to continue to strain staff resources despite the possibility of interns assisting again in future years, and the expected efficiency gains from electronic systems. As a result, the Secretariat proposed the creation of an Assistant Compliance Manager position at a professional level to support an extension of the CMS.

216. All CCMs recognized the workload placed on the Secretariat by the CMS.

217. Some CCMs suggested that the solution lay in work efficiencies such as greater streamlining of reviews, conducting them every other year, combining Annual Report Part 1 and Part 2 and/or providing an online template for Annual Report Part 1 reports.

218. Some CCMs stated that they are willing to consider a new staff position but reserved their support, pending review of a terms of reference for the position, a consideration of budget issues including the ability to find cost savings elsewhere, and a decision on extension of the measure at WCPFC9.

219. In response to a question regarding what the staff person would do during the remainder of the year, the Secretariat explained that it envisaged that the staff person would travel in the region assisting SIDS with their compliance reporting requirements.

220. Some CCMs cautioned that the Secretariat should not only rely on interns from SIDS during the CMR period because this is the time when their national programmes need them most.

221. One CCM suggested that timing factors could ease the workload (i.e. if Annual Report Part 2 reports are submitted on time and if the scheduling of TCC is moved later in the year, the Secretariat would have more time to prepare CMRs.

222. TCC8 recommended to WCPFC9 that a deadline of 1 July each year for Annual Report Part 2 submissions be adhered to by all CCMs, and that the deadline for Annual Report Part 1 be maintained.

223. TCC8 recommended to WCPFC9 that it consider the establishment of an Assistant Compliance Manager position at professional staff level within the WCPFC Secretariat, subject to review of a terms of reference, an indicative budget and the expected workload of the Secretariat if CMM 2011-06 is extended.

224. TCC8 recommended that subject to available funds, the Secretariat continue work to develop its internal systems to streamline the process of generating draft CMRs, including:

- a) in 2013, a system that could automate the generation and development by the Secretariat of draft CMRs;**
- b) possibly a system in 2013 to allow CCMs to provide responses to draft CMRs prepared by the Secretariat through an online interface similar to that proposed for use by Annual Report Part 2;**
- c) continuing to strive to increase, where possible, the use of available WCPFC MCS information in the development of future draft CMRs;**
- d) the further development of an enhanced and integrated WCPFC IMS to improve the integration of WCPFC MCS information;**
- e) the feasibility and practicality of combining Annual Report Part 1 and Part 2; and**
- f) streamlining and developing an online interface for Annual Report Part 1 reports.**

3.5 Future considerations and potential refinements to CMM2011-06

225. The TCC Chair noted that the mandate for refining the CMS measure was not that of TCC's and is a Commission role under the current measure. However, in recommending to the Commission whether the measure should be extended, TCC would need to consider a process for making recommendations to WCPFC9 with regard to any refinements that might be required, including the possibility of forming an intersessional working group to develop a draft CMM.

226. CCMs stated that they considered CMS, though only in its second year, to be performing well and does not require major modifications to the measure itself. Instead, these CCMs suggested that comments toward refining the implementation of the measure can be provided in the executive summary of the provisional CMR 2011.

227. TCC8 recommended to WCPFC9 that CMS be continued, noting the comments with respect to implementation of the scheme as contained in the executive summary of the provisional CMR 2011.

3.6 Process for responses to non-compliance for CMS (CMM 2011-06, para 24)

228. The TCC Chair noted that it was not TCC's role to develop responses to non-compliance, as the CMS measure clearly designates the Commission as having this mandate. However, TCC can still provide general comments to the Commission, noting that Australia had prepared a paper on responses to non-compliance under the WCPFC CMS (TCC8-2012-IP-10) that can serve as a basis for TCC8 to have a general discussion.

229. Some CCMs expressed concerns about formalizing responses to non-compliance that may not adequately distinguish between specific (e.g. one-time) versus broad-scale, non-compliances, or between unintentional and wilful non-compliances.

230. Other CCMs stated that responses to non-compliance are an essential component of the WCPFC CMS and should be developed by the Commission as a high priority. These CCMs considered that the concerns expressed by some CCMs could be addressed through graduated measures, beginning with a compliance action plan aimed at correcting, rather than penalizing, the non-compliant party.

231. Some CCMs considered that failing to recognize the special requirements of SIDS under Article 30 of the WCPF Convention, could create a situation in which some CCMs have less capacity for compliance than others, and that this should be recognized in responses to non-compliance.

232. One CCM noted that responses to non-compliance in the Australian proposal take such a situation into account by providing solutions rather than penalties. This CCM considered that intent and compliance capacity, as well the nature of the specific non-compliance observed, should be taken into account when developing responses.

233. TCC8 noted the importance of developing responses to non-compliance under the WCPFC CMS, and recommended the Commission consider a graduated process aimed at addressing non-compliance.

AGENDA ITEM 4 — DISCUSSION OF REPLACEMENT CMM FOR CMM 2008-01 AND CMM 2011-01

234. C. Karnella, WCPFC Chair, introduced a paper prepared by the WCPFC Chair and Vice-Chair regarding the CMM for bigeye, yellowfin and skipjack tunas (TCC8-2012-27). The Chair explained that the paper has been informed by information presented at SC8, which shows an increase in purse-seine fishing effort in 2011 over the 2010 baseline levels; an increase in catch of juvenile bigeye; and a total bigeye catch of near record levels. Changes in the CMM's objectives, which are framed in terms of $F_{current}$ relative to F_{MSY} as well as a maximum catch level based on the latest stock assessments were highlighted. It was noted that whereas current catches for yellowfin and skipjack tunas are close to MSY catches for these species, the current catch for bigeye is nearly twice the MSY catch. The section on the purse-seine fishery contains a proposal for a six-month FAD closure and for a limit of 10,000 vessel days on the high seas. The latter corresponds roughly to the high-seas effort from CMM 2008-01. Provisions relating to catch retention and FAD management plans have been removed to streamline and focus the measure and can be addressed separately (e.g. under CMM 2009-02). In this draft, there are no new major controls imposed for the longline fishery because its catch levels are currently in line with the anticipated outcomes of CMM 2008-01. It is proposed that the measure remain in effect until the Commission decides otherwise.

235. Japan presented a conceptual proposal on purse-seine management as an alternative measure to a six-month FAD closure. The proposal would involve:

- a) an annual limit of 15,000 FAD sets in the tropical western and central Pacific Ocean;
- b) an allocation of these FAD sets to CCMs based on the proportion of the average purse-seine total catches in 2008–2010 (or an alternatives for SIDS);
- c) rollover of unused FAD sets for two years with 50% of FAD sets rolled over by non-SIDS to be re-allocated to SIDS;
- d) repeal of the FAD and high-seas pockets (HSP) closures; and
- e) monthly reporting of FAD sets to the Secretariat by each flag State or CCM.

236. G. Pilling (SPC) presented an overview of meeting paper SC8-2012/MI-WP-06. The paper provided a review of the implementation and effectiveness of key management measures for tropical tuna, using the most current data and stock assessments available. The implementation of the CMM was reviewed for its key components – purse-seine effort, the FAD closure, HSP closure, longline catches and catches by other fisheries. The main conclusions from the paper regarding implementation are as follows:

- a) Purse-seine effort has expanded continuously since the introduction of CMM 2008-01, with effort (excluding domestic purse-seine vessels based in Indonesia and the Philippines) in 2011 estimated to have increased by approximately 31% compared with effort in 2004.
- b) The incidence of reported activity related to the use of drifting FADs during the FAD closures was considerably lower in 2010 (6.0%) and 2011 (8.2%) compared with 2009 (16.1%). Effort remained at around normal levels throughout the closures. In 2010, the proportions of effort associated with FAD usage outside the closure period, particularly the months immediately before and after the closure, were lower than is typically the case. In 2011, overall FAD usage returned to more typical levels prior to the 2011 closure. The total estimated number of FAD sets made in 2011 was a record high, largely due to increased purse-seine effort overall. Catches of bigeye tuna were strongly reduced during closure periods compared with other months of those years.
- c) Available data from all sources indicate that the HSP closure since 1 January 2010 has largely been respected.
- d) In 2011, the reported longline catch of bigeye tuna was 64,175 tonnes, or 76% of 2001–2004 levels. There is evidence that the reduction in the bigeye tuna catch resulted more from reduced catch per unit of effort (CPUE), possibly indicating stock declines, than from reduction in fishing effort.

237. To evaluate the effectiveness of CMM 2008-01, stock projections were undertaken using reference case models for the 2011 assessments for bigeye, skipjack, and yellowfin tunas. These models were adopted by SC7 for the provision of management advice. Similar methods were used as in previous years, and the results are provided in the form of two Excel files with a separate worksheet for each species contained therein. Of particular interest from the projections is the following.

- a) Maintenance of bigeye tuna catch and effort levels observed in the fishery in 2009 results in F/F_{MSY} remaining high, with a projected level of 1.40 in 2021.
- b) However, for the scenario best approximating the reported catch and effort in the fishery in 2010, F/F_{MSY} declines and is at a projected level of 0.96 in 2021. This is driven by several factors: lower than usual FAD use in 2010, lower longline catches, and a large (30%) reduction in reported catches from the domestic fisheries of Indonesia and the Philippines.

- c) For the scenario approximating 2011 fishery conditions, F/F_{MSY} stabilizes at a projected level of 1.29. The difference between 2010 and 2011 fishery outcomes is mainly due to the return to higher levels of FAD-based, purse-seine effort in 2011.
- d) For scenarios that mimic a total purse-seine closure (i.e. where FAD effort is not transferred to unassociated fishing), there is a relatively small incremental reduction in F/F_{MSY} compared with that achieved by a FAD closure. However, this comes at a cost of substantial reductions in total catch, particularly in the purse-seine fishery.
- e) The projection results were also used to quantify, in an approximate way, the impact of various exemptions contained in CMM 2008-01. It was estimated that if the CMM was implemented without exemptions, approximately half of the overfishing that is estimated could occur under the CMM as written could be removed (reduction of bigeye tuna F/F_{MSY} from 1.35 to 1.17). This result is similar to previous analyses of this issue.

238. With regard to Information Paper TCC8-IP-20, SPC noted that catch estimates in this document have been adjusted using the observer spill sampling information on species composition, and there is some uncertainty in the estimates arising from this adjustment. For example, USA bigeye catch estimates are higher than presented in their Annual Report Part 1 report because the USA purse-seine fleet focused on FAD use to a greater extent in 2011 compared with earlier years, and the adjustment may, therefore, have led to some increase in the estimate. SPC continues to receive logsheets from the fishery and will continue to refine estimates.

239. CCMs requested that the information in Information Paper 2012-TCC8-IP-20 be presented to WCPFC9 along with similar catch estimates for previous years.

240. FFA members commented that they supported the approach to purse-seine effort limits, continuing use of the FAD closure as the primary instrument of reducing juvenile bigeye mortality, the new thinking on additional measures, and the further development to be undertaken on FAD management. However, these CCMs consider that the measure does not adequately distribute reductions in F on bigeye to all sectors of the fishery (i.e. to both purse-seine and longline sectors) and this should be rectified. The key problem with the proposal was considered to be that it does not comply with Article 30 of the WCPF Convention because it places a disproportionate burden on SIDS for bigeye conservation and does not provide for compensatory arrangements.

241. PNA members expressed that they appreciated the measure taking into account their positions such as purse-seine effort limits being primarily aimed at optimal utilization of skipjack rather than at bigeye conservation. PNA members do not support a six-month FAD closure because it would place a disproportionate burden on SIDS and reduce purse-seine catches in their waters, especially catches of skipjack. This would reduce earnings of the fleets in their waters and, consequently, their revenue, for the benefit of distant-water fleets' bigeye catches. These CCMs suggested a conservation levy of USD 500 per tonne to be paid by larger fleets to fund compensation for SIDS. It was also noted that new FAD management plans are being developed for EEZs and FAD trials are already underway.

242. Korea expressed support for measures that control FAD operations, either by limiting the total number of FAD sets, as in Japan's proposal, or via FAD closures, as proposed in the Chair's draft (if the measure is implemented in a fair and transparent manner with no exemptions in order to ensure the intended effects and conservation benefits). Korea also expressed concerns over whether a bigeye catch limit of 77,000 tonnes is achievable.

243. Chinese Taipei also commented in favor of a FAD closure, and considered that Japan's proposal could be difficult to implement and allocate. Chinese Taipei noted that technical approaches for reducing bycatch of juvenile bigeye by purse-seine vessels are still being investigated. Chinese Taipei also stated that setting an objective bigeye tuna catch at 77,000 tonnes is too ambitious.

244. The Philippines noted their proposal in Delegation Paper TCC8-2012-DP-02 supports an extension of CMM 2011-01 on the basis that it has implemented new management arrangements through national regulations (e.g. effort limits, FAD reductions, FAD closures), and time is required to evaluate their effectiveness, particularly given that the Philippines represents a spawning and nursery ground for commercial tuna species.

245. Kiribati voiced support for the statements made by FFA and PNA, noting the potentially severe impacts of a six-month FAD closure on their fishery and national revenue.

246. FFA members proposed that paragraphs in the preamble of CMM 2008-01 relating to the PNA Third Implementing Arrangement and the adoption of zone-based longline limits should be retained to draw attention to the need for compatibility with these PNA and FFA initiatives.

247. Japan stated that it is inappropriate to specify catch limits in the objectives. It was noted that the bigeye catch limit is too low because currently, purse-seine vessels alone catch that amount. Furthermore, if bycatch of juvenile bigeye in the purse-seine fishery can be avoided, the stock could rebound and MSY could be raised.

248. USA generally supported the definition of the measure's objectives in terms of both F and MSY catch but noted Japan's comment that catches at FMSY are dependent on the stock biomass at any given time.

249. China suggested that catch limits for yellowfin need to take account of the fact that yellowfin tunas are also caught as bycatch in the purse-seine fishery.

250. In response to a question, SPC explained that the 2010 skipjack catch was 1.6 M t, whereas the MSY catch is estimated to be ~1.5 M t. The recent catch is higher than MSY, and if catches are not reduced the stock biomass will fall below the MSY biomass level.

251. Japan suggested that the total annual catch limit for skipjack should be 1.5 M t. It also queried the need for additional bigeye conservation measures for the longline fishery, suggesting that the scientific evidence for the impact on bigeye stocks originating in the purse-seine fishery is much greater than the evidence for the impact originating in the longline fishery.

252. FFA members considered that while it is difficult to set objectives in the measure when WCPFC agreed on reference points have not yet been adopted, any objectives should be defined and measurable. Furthermore, it is not appropriate to set an objective that would require a change in the fishery without specifying management measures that could achieve that objective.

253. Japan asked SPC to present historical longline catch and effort trends country by country. While acknowledging that SC8 had recommended a reduction in longline fishing mortality, Japan noted that this was based on preliminary analyses only.

254. USA requested that SPC provide estimates of fishing mortality for bigeye from the longline fishery over time.

255. In response to these questions, SPC explained — using graphics showing the impact on the bigeye stock by gear fishing type (SC7-2011/SA-WP-02, Fig. 47 [WCPO]), and juvenile bigeye fishing mortality (a proxy for the purse-seine fishery) and adult bigeye fishing mortality (a proxy for the longline fishery) (SC7-2011/SA-WP02 Fig 40 [run3j]) — that the longline impact has not decreased over time. Furthermore, bigeye longline catches have declined not due to a reduction in effort, but due to a reduction in catch rates. SPC noted that the 2011 Tuna Fishery Yearbook (to be produced soon) will address Japan's data request by showing purse-seine and longline fisheries separately. (Previous Tuna Fishery Yearbooks presented similar but more aggregated catch data for purse-seine vessels.)

256. USA stated that SPC's assignment of adult fishing mortality to the longline fishery and juvenile fishing mortality to the purse-seine fishery was an approximation. USA considered that the trends in

fishing mortality for adult bigeye in the longline fishery showed a decrease in the last year of the time series.

257. FFA members suggested that the objective for skipjack should relate to the scientific advice on maintaining skipjack catch rates, and that for the yellowfin objective, the target value of F should be specified and sourced.

258. Japan suggested several small changes to the Rules of General Application section:

- a) deletion of “or other similar mechanism” from para 5 in order to avoid ambiguity;
- b) addition of “reduction of F for bigeye” just before “no increase in F for yellowfin” in para 6(b);
- c) clarification of the need for para 9 (Area of Application); and
- d) further consideration of the need for fixed timeframes in para 10.

259. In response to Japan’s question regarding para 9, PNG agreed that the CMM does not apply to archipelagic waters, and stated that the existing wording of para 9 is acceptable. PNG offered to have further consultations with Japan on this matter.

260. USA expressed support for the indefinite duration of the measure as proposed but noted the possible advantage of including fixed times for certain elements, at which points those elements would be reviewed and/or revised.

261. FFA members offered alternative text for para 5 as follows: “For the purpose of paragraphs ... (referring to longline catch limits and high-seas, purse-seine effort limits [if appropriate]), attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2011/xx (the new Charter Notification CMM) shall be attributed to the chartering CCM. For the purpose of the paragraphs ... (referring to in-zone, purse-seine effort limits), all effort in the EEZ shall be attributed to the coastal State. Attribution for the purpose of this measure is without prejudice to attribution for the purposes of establishing rights and allocation. ”

262. Chinese Taipei suggested deletion of the final sentence in para 5 because it complicates charter arrangements.

263. With regard to the proposed purse-seine measures, Japan stated that total effort must be managed, not only in-zone effort. Further consideration should be given to the specification of a high-seas vessel day limit in order to ensure that it accounts for recent effort shifts to EEZ areas and does not allow for an increase in the Convention Area as a whole. Also, if the high-seas vessel days are utilized in an “Olympic” manner, a certain number of days should be set aside to account for North Pacific fisheries, which begin later in the year.

264. USA concurred with Japan on the need for jointly considering both high-seas and in-zone purse-seine effort and on further consideration of the magnitude of a high-seas vessel day limit. USA further stated that clear and consistent definitions would be required for “vessel days” and “non-fishing” days, especially where no scheme to do so already exists.

265. Korea concurred with the points raised by Japan and USA, and for the high-seas queried what the mechanism would be allocating vessel days to each CCM.

266. Chinese Taipei also requested clarification of the allocation and transfer mechanisms for high-seas vessel days, and warned against “Olympic” implementation arrangements.

267. FFA members: i) requested clarification of what is meant by “recognizing that consideration may need to be given to how this effort is expended in light of the objectives for bigeye and yellowfin tunas”; and ii) noted that the SIDS exemption in para 8 should be applied consistently in paras 11 and 12.

268. PNA members supported the use of the 2010 effort levels for PNA EEZs as consistent with scientific advice. They also stated that the SIDS exemption must be applied consistently to PNA and non-PNA countries.

269. FFA members suggested that the sentence, “Other coastal States with effort in their EEZs exceeding 500 days annually over the period 2006–2010 shall limit effort in their EEZs to 2001–2004 average or 2010 levels” be added to the beginning of para 12. With regard to the high seas, FFA members support an effort limit but questioned the basis for 10,000 days as this could increase F for all three species. These CCMs also suggested that HSP 1 be closed and requested that an updated estimate of the effort on the high seas from Table 2(b) in Information Paper TCC8-2012-IP-04 (Table 2[b]) be used as the limit. Clarification of the meaning of “equivalent days” in para 13 of the proposed measure was also sought.

270. EU queried how the 2010 level of fishing days for the EEZs relates to the scientific advice, and what was the rationale for the proposal for 10,000 high-seas vessel days.

271. The WCPFC Chair explained that the figures have been proposed as “strawman” starting points, and if CCMs have other proposals, these will be considered.

272. TCC8 continued discussions on the proposal on 1 October 2012.

273. The WCPFC Chair provided further background on the proposed objectives for skipjack, explaining that the proposed catch limit of 1.65 M t is slightly higher than the MSY catch limit, but given that the biomass is currently far from an overfished condition, a catch slightly higher than MSY may be acceptable in the short term. The figure of 1.65 M t derives from the 2010 stock assessment’s estimated MSY catch for 2006–2009. The WCPFC Chair also explained that the six-month FAD closure originated from SPC’s assessment that six months is approximately the amount of time necessary to reduce bigeye fishing mortality to the target level.

274. EU stated that it does not support a six-month FAD closure and instead suggests a three-month total closure of the fishery because it would be easier to implement and have benefits for all three tuna species. If a FAD closure is proposed, it should require 100% observer coverage on all purse-seine vessels, a ban on night setting, and increased VMS polling rates at dawn and dusk.

275. USA also expressed a preference for a total closure rather than a FAD closure, and asked that FAD closure proposals be scrutinized for their ease of enforcement. In this regard, USA stated that Japan’s proposal appears to have some merit.

276. Japan stated that in achieving the objective of reducing F, their proposal would be less onerous than a six-month FAD closure. Nevertheless, Japan is willing to modify the proposal in response to comments. The ban in night setting in para 17 was not supported because night setting is a standard operating practice.

277. FFA members stated that any extension to the existing three-month FAD closure in national waters must be accompanied by measures to reduce fishing mortality of bigeye by the longline fleet and compensation to SIDS for reduced purse-seine catches and revenue. However, extension to a four-month FAD closure was supported for foreign vessels in EEZs, and all vessels on the high seas. The ban on night setting was supported. These CCMs stated that the existing CMM is in breach of Article 30 of the Convention.

278. With regard to Japan’s proposal, FFA members noted that an allocated limit on FAD sets could have merit, but expressed opposition to any flag-based limits on FAD sets applicable to national waters, and indicated that they would consider looking at an alternative set of EEZ-based FAD limits.

279. On the proposed high-seas limit, FFA members noted that PNA will maintain its ban on high-seas, purse-seine fishing as a condition of licensing purse-seine vessels to fish in PNA waters, but FFA

members are open to discussions on alternative high-seas management arrangements, which can include the areas identified in the Chair's draft for discussion.

280. Korea expressed no preference for a FAD closure or a limit on FAD sets as long as the measure could be effectively, equitably and transparently implemented. Korea noted that it originally proposed and still supports, the ban on night setting. With specific regard to Japan's proposal, Korea stated that it would support it if the allocation mechanism can be better articulated and can be implemented without loopholes and exemptions.

281. Chinese Taipei, with regard to Japan's proposal, requested more details on the allocation mechanisms and on whether 15,000 FAD sets per year is an appropriate figure. Chinese Taipei does not support the six-month FAD closure nor the ban on night setting. If a limit on purse-seine fishing days on the high seas is set, Chinese Taipei suggested that the days should be transferable or otherwise compatible with the PNA vessel day scheme.

282. Japan explained that the 15,000 FAD sets per year derives from the number of FAD sets in 2010, and it was estimated that returning to 2010 effort levels in the purse-seine fishery would achieve a 30% reduction in bigeye fishing mortality. Japan expressed a willingness to discuss compatibility between their proposal and PNA measures so that an overall (high seas plus in-zone) FAD set limit could be agreed. Japan acknowledged that further discussions would be necessary to propose an allocation mechanism, and welcomed further input from CCMs. It was noted that its proposal would require 100% observer coverage and twice-monthly reporting to manage the allocations.

283. The Pew Environment Group advocated a limit on the number of FAD sets to 2010 levels, a reduction in drifting FAD sets in the eastern part of the Convention Area, and a tracking system for drifting FADs.

284. With regard to the allocation of high-seas, purse-seine effort discussed on p. 6 of the proposal (para C), USA expressed its expectation that the existing limits for the high seas versus national waters for 2004 or 2001–2004 under CMM 2008-01/CMM 2011-01 would be maintained. USA stated that this is important in order to provide an allowance for changes in fishing effort that occur under El Niño/La Niña conditions.

285. Some CCMs supported the HSPs remaining open to fishing.

286. FFA and PNA members stated that re-opening of the western HSP was a mistake. These CCMs suggested that each high-seas, purse-seine fishing day entail a fee of USD 5,000, which could be used to support development of management capacity in SIDS.

287. The Philippines reiterated its request for an extension of the existing CMM 2011-01 (TCC8-2012-DP-02).

288. Japan noted the potential for revenue loss to PNA members from the opening of HSPs and considered that some kind of scheme may be necessary to prevent undue economic impacts arising from decisions regarding closures or limits to high-seas fishing.

289. The WCPFC Chair thanked CCMs for their participation and highlighted the useful opportunity provided by TCC to hold this kind of discussion in preparation for a decision at WCPFC9.

290. The discussion resumed for the final time on 2 October 2012. The WCPFC Chair opened the session by inviting comments on paras 19–21 of the proposal.

291. USA suggested that provisions dealing with observers and catch retention should be removed from the proposal and dealt with under separate CMMs.

292. FFA members agreed that observer-related measures should be dealt with under ROP.

293. EU suggested that observer requirements should apply to all purse-seine vessels without exception.
294. Japan and Korea supported maintaining paras 19–20 on observers in the proposal.
295. FFA members welcomed the “additional measures” proposed in para 21 as an alternative and less burdensome approach to juvenile bigeye conservation. However, these CCMs, suggested that the wording could be improved by replacing the word “encourage” with stronger language, and including a guideline such as ensuring that no more than 50% of the sets made by a fleet annually shall be FAD sets.
296. With regard to catch retention and FAD management plan issues, the WCPFC Chair explained that the proposal was to remove these from the measure in order to be handled under separate CMMs such as CMM 2009-02.
297. EU stated a concern with separating out FAD management plans because this might result in the new measure being implemented without an accompanying measure on FAD management plans.
298. USA supported the separation of FAD management plans and suggested that useful elements of separate proposals would encompass FAD marking, vessel data, using ROP to collect data on FADs and analyzing that data, setting of regional objectives, and working toward new CMMs to meet those objectives. USA considered that there should not necessarily be any gap between implementation of the measure and implementation of FAD management plans because only a few technical provisions would need to be agreed on in order to implement the latter.
299. Japan stated that FAD management plans must include incentives for industry compliance otherwise they will be ineffective.
300. FFA members did not support separating out catch retention measures. These members stated that mahi mahi, rainbow runner, wahoo and billfish should be required to be retained, except where fish of these species are subject to requirements for live release under national law, as this will create a disincentive for bycatch.
301. FFA members also supported further work on FAD management options, including marking and tracking of FADS, some trials of which are already underway.
302. With regard to measures relating to the longline fishery, FFA members questioned whether the proposal as written is consistent with the SC8 recommendation for a reduction of F on bigeye. These CCMs considered that the failure to place any additional measures on the longline fleet constitutes a disproportionate burden for SIDS and disregards Article 30. It was suggested that a minimum additional 10% reduction in bigeye fishing mortality should be imposed on the longline fleet in the short-term and that this reduction should be expected to increase to make way for SIDS’ development aspirations.
303. Japan supported paras 22–23 as written, citing its opinion that the provisions of CMM 2008-01 nearly achieved its goals for the longline fishery whereas the goals for the purse-seine fishery were not achieved due to a lack of reduction of fishing mortality on juvenile bigeye.
304. Chinese Taipei also supported paras 22–23, agreeing that the longline fleet has achieved its goal and should not be asked for further sacrifices.
305. Korea and USA supported the comments expressed by Japan and Chinese Taipei.
306. Japan stated that there is a misperception that the longline fishery is benefitting from the current situation when in fact, it is suffering from catch reductions each year as a result of purse-seine fishing. Japan suggested that a more productive approach would be to decide on meaningful and effective measures, and then to discuss how to allocate the burden arising from such measures.

307. FFA members stated that the current catch allocations for China and USA should be reduced by 30%. These CCMs noted that in the case of China, the only reason for deferring the reduction was a catch attribution problem, and this issue has now been resolved.

308. Kiribati questioned how the catch limit of 77,000 t of bigeye would be applied, given that the existing longline catch under CMM 2008-01/CMM 2011-01 is nearly at that level, and some allowance would still need to be made for bycatch in the purse-seine fleet.

309. Regarding paras 24–26 on other commercial fisheries, FFA members stated that limits should apply to all fisheries. These CCMs noted that only Japan met the effort reporting requirements. It was suggested that a better description of fisheries be compiled in order to determine which fisheries should be included in the measure.

310. Both FFA members and USA queried the details of the vessel inventory requested in para 26, particularly given that the inventory is meant to apply to all vessels yet the measure applies to only a limited set of vessels in para 24.

311. Japan noted that there seems to be an inconsistency between control of effort (para 24) and estimation of effort (para 25). Japan suggested that the structure of CMM 2008-01 should be retained (i.e. an initial reference to capacity, rather than effort, followed by a reference to effort estimates). Japan questioned the need for a vessel inventory given the existence of the WCPFC RFV.

312. Korea asked for clarification of the definition of “artisanal fisheries”.

313. Regarding the topic of capacity, which is not explicitly addressed in the Chair’s proposal, FFA members stated their support for the recommendations of Kobe3, which calls for either a freeze in fishing capacity, or a reduction in distant-water fishing capacity with a transfer to SIDS, and noted their preference for the removal of incentives for excess capacity through market mechanisms such as the vessel day scheme.

314. Regarding paras 27–28 on evaluation of effectiveness, Australia suggested that “each year” should be replaced with a less strict timeframe such as “at the request of the Commission”.

315. USA suggested that the proposal should clearly specify that it replaces CMM 2011-01 in total and CMM 2008-01 in part.

316. The Cook Islands requested supplementary analysis by SPC to inform further discussion of the proposal at WCPFC9 including: i) an analysis of selected options from the projection models that would remove bigeye tuna overfishing; ii) a projection of stock outcomes of the CMM as it stands; and iii) an estimate of the loss of bigeye tuna yields at different levels of bigeye overfishing.

317. The WCPFC Chair concluded the discussion by thanking participants for their input and noting that considerable work remains to find consensus-based solutions. He encouraged CCMs to stay flexible during consultations and to allow ample time to explore the details of various management options so as not to adopt a revised measure in haste.

AGENDA ITEM 5 — REVIEW OF OTHER MCS MEASURES AND CMMS

5.1 Record of fishing vessels

(a) Proposed RFV SSPs

318. The TCC Chair noted that WCPFC8 did not refer this matter to TCC8 and that the WCPFC8 record simply noted that some CCMs required more time to consider the proposal. Nevertheless, TCC8 is invited to discuss the proposed RFV SSPs (TCC8-2012-24) and provide comments and guidance to the Commission on how or whether to move these forward.

319. Some CCMs expressed their disappointment that the RFV SSPs had not been agreed on by WCPFC8 and expressed their support for TCC8 recommending them for agreement by WCPFC9.

320. Other CCMs indicated their concerns with the proposed RFV SSPs because of the potential for setting lower standards than called for by CMM 2009-01 and the FFA vessel register. Specific issues were cited as including a 10-year period of validity for vessel photographs and inconsistencies with FFA unique vessel identifier (UVI) requirements being implemented in October 2012. These CCMs suggested that further work on the proposed RFV SSPs should be undertaken so that a revised proposal could be considered.

321. USA stated that it had understood that at WCPFC8 some CCMs had opposed the adoption of SSPs because they would be too onerous. However, it now notes concerns by these CCMs that the proposed SSPs would lower the standards established in the Convention. While supportive of establishing UVIs, USA expressed concerns regarding the amount of work and time that would be required to establish a UVI and wished to avoid a situation in which the objective of establishing a UVI impedes progress toward adoption of an agreed set of RFV SSPs.

322. One CCM suggested that the data requirements in the currently proposed RFV SSPs may be too onerous.

323. EU queried whether a vessel can be placed (or can remain) on the WCPFC RFV if the date shown in the “End of period of validity of authorization” (TCC8-2012-24 (Attachment 1) has passed. This CCM requested that TCC8 clarify the status of such vessels.

324. The Secretariat explained that in 2012, a number of queries were received about the meaning of an expired authorization period for a vessel on the WCPFC RFV. The Secretariat’s response to these queries has been that if a vessel is on the WCPFC RFV, this implies through reference to CMM 2009-01 that the flag State considers that the vessel is “entitled to fly its flag and is authorized to fish in the Convention Area” (CMM 2009-01, para 5). There are differences among CCMs’ views on this issue, and the advice from the Legal Advisor is that the expiry of authorization date is an administrative matter between the flag State and the vessel, and not a basis for the Secretariat to judge whether to add or remove the vessel from the WCPFC RFV. Further, it is a policy issue for port or market CCMs to determine, in circumstances where a vessel has been maintained on the WCPFC RFV by the flag State but with a lapsed period of validity of authorization.

325. USA agreed to continue to lead consultations on revising the RFV SSPs as long as the task excludes the establishment of UVIs.

326. TCC8 noted an offer by USA to revise the proposed RFV SSPs through further intersessional consultation with a view to submitting a revised proposal to TCC9.

(b) Review of the Interim Register of non-CCM Carrier and Bunker Vessels

327. The TCC Chair invited TCC8 to consider providing a recommendation regarding the WCPFC Interim Register of Non-Member Carrier and Bunker Vessels, which will expire 60 days after WCPFC9 unless the Commission decides otherwise (TCC8-2012-IP-06).

328. CCMs agreed that the Interim Register had achieved its goal of reducing the number of non-CCM carriers and bunkers in the Convention Area from 105 in 2010 to 22 in 2012, and should be allowed to expire.

329. Some CCMs suggested that instead of expiring 60 days after WCPFC9, the Interim Register should be allowed to continue for another 6 months in order to give the remaining carriers and bunkers more time to find a solution.

330. TCC8 recommended to WCPFC9 to extend the WCPFC Interim Register of Carrier and Bunker Vessels to 30 June 2013.

5.2 Transshipment CMM (CMM 2009-06)

(a) Review of high-seas transshipment rules (CMM 2009-06) for fishing vessels other than purse-seine vessels

331. The Secretariat presented a working paper analyzing high-seas transshipment declarations received in accordance with CMM 2009-06 since June 2010 (TCC8-2012-17 [rev 1]). CMM 2009-06 calls for the Executive Director to prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction, for adoption by the Commission in 2012. This was inadvertently not done, however, and with apologies these guidelines will be prepared for TCC9. It was noted that: the number of transshipment reports vary considerably from year to year; a substantial portion of the tuna and billfish catches (6–36% by species) are included in transshipments; and most reported transshipments occur in the eastern central portion of the Convention Area. The Secretariat expressed an intention to conduct further analysis in the coming year, including an integration of transshipment reports, VMS and available ROP observer data. It was suggested that a list of vessels authorized to tranship on the high seas be posted on the Commission's website.

332. Several CCMs supported development of guidelines regarding when it is “impracticable for certain vessels to operate without being able to tranship on the high seas” per CMM 2009-06 (para 37) as a high priority.

333. USA noted that it had provided input on this issue in response to a WCPFC circular earlier in the year and that this input remains relevant. USA also noted that the CMM calls for the Executive Director to develop draft guidelines and that TCC8 was to review them and make recommendations to the Commission. For various reasons the Executive Director did not do so, and proposes that this task be accomplished next year.

334. Some CCMs, including FFA members, noted that the reported transshipments are not a complete record of all transshipments occurring, and called on flag States to ensure that all high-seas transshipments are reported and that IUU fishing activities are not occurring. These CCMs noted that a complete baseline dataset is necessary for formulating appropriate guidelines, and that transshipment operations that are not in compliance with CMM 2009-06 should be prohibited.

335. In response to a question regarding transshipment from longline vessels in the overlap area, the Secretariat clarified that the WCPFC-IATTC observer cross-endorsement agreement only pertains to purse-seine vessels, not to longline vessels, but that arrangements for cross-endorsement of longline observers could be discussed if necessary. It was also noted that IATTC has an observer programme for carrier vessels operated by a private observer provider.

336. Regarding making available on the WCPFC website the list of vessels other than purse-seine vessels authorized to tranship on the high seas, some CCMs stated that this should be placed in the secure portion of the WCPFC website and that future discussions of the list within the WCPFC should be conducted in accordance with rules for non-public data.

337. Some CCMs pointed out that the guidelines for Transshipment Declaration Forms provided by the Secretariat do not specify that the catch location be specified as called for in CMM 2009-06 and requested the Secretariat to rectify this.

338. TCC8 agreed that in 2013, a priority project-specific activity will be an in-depth review of the high-seas transshipment rules, with a view to providing recommendations and advice to WCPFC10, specifically on paras 36, 37 and 38 of CMM 2009-06, and noting the work the Executive Director will undertake in 2013 in accordance with para 37.

339. TCC8 agreed to task the Secretariat with providing TCC9 with further analyses of the reported high-seas transshipment information, including:

- a) cross-verification of reported positions on high-seas transshipments with WCPFC VMS;**

- b) use of available information from ROP observers; and
- c) other available WCPFC MCS information and WCPFC catch and effort data.

340. TCC8 agreed to task the Secretariat with making available, through the secure portion of the WCPFC website, the list of vessels that CCMs have determined to be authorized to tranship in high-seas areas, and have been advised to the Commission.

341. TCC8 recommended that the CCMs who are yet able to provide advice in accordance with para 34 (advice of its vessels that are authorized to tranship on the high seas) and para 35 (advice on the procedures for monitoring and verifying high-seas transhipments, and a plan detailing what steps it is taking to encourage transhipment to occur in port in the future), do so as a matter of priority.

342. TCC8 requested that all transhipment reports be provided in formats that specify the geographic location of the catch according to CMM 2009-06 (i.e. high seas, outside the Convention Area, or EEZs [listed separately]).

343. TCC8 directed the Secretariat to revise the model Transhipment Declaration Forms to specify the geographic location as required by CMM 2009-06.

- (b) Review of any applications received for an exemption from the prohibition of transhipment at sea by purse-seine fishing vessels

344. New Zealand presented its application for an exemption for purse-seine, at-sea transhipment activities (TCC-2012-DP-01). The exemption is requested from 1 July 2012 to 1 July 2013 and is based on the same operations and transhipment management system as previous applications.

345. CCMs agreed that New Zealand's application meets all the requirements of CMM 2009-06 (para 25). The Secretariat noted that WCPFC8 had approved New Zealand's previous application until 30 May 2013.

346. TCC8 recommends to WCPFC9 that it approve New Zealand's application for an exemption for purse-seine, at-sea transhipment activities for the period 30 May 2013 to 29 May 2014.

347. The Philippines drew TCC8's attention to meeting paper TCC8-2012-17 (Background, para 2), which states that "WCPFC8 in adopting CMM 2011-01 granted the Philippines the ability to operate group purse-seine vessels in High Seas Pocket (HSP) 1 until 29 February 2012 and in doing so it is unclear to the Secretariat whether the transhipment rules and approval processes apply or not". The Philippines noted that its understanding of the Commission's decision at WCPFC8 was that the Philippines group seine vessels permitted to operate in HSP 1 are not covered by the requirements of CMM 2009-06 to seek exemption to tranship at sea in the Convention Area. The Philippines further explained that it is impossible for these vessels to operate without transhipment because the catcher vessels do not have fish storage capacity. Because the Philippines believes these fishing operations are not covered by the transhipment rules, it did not make an application for a transhipment exemption. MCS safeguards such as VMS, observer coverage and catch documentation schemes will be imposed on these operations.

348. Other CCMs stated that as a developing State, the Philippines should be allowed to operate its traditional fishery in accordance with Article 30 of the WCPFC Convention.

349. The WCPFC Legal Advisor explained that generally under CMM 2009-06, the Philippines must seek an exemption from the prohibition on high-seas transhipment. However, by adopting CMM 2011-01, which specifically permitted a number of Philippines group seiners to operate in HSP 1, the Commission, by implication granted these vessels exemption from the prohibition on transhipment on the high seas by

purse-seine vessels operating in the Convention Area. Accordingly, revision of CMM 2009-06 will not be necessary. These vessels would, however, be subject to all other provisions of CMM 2009-06.

350. Some CCMs, while not opposed to the operations of the Philippines vessels in HSP 1 as a specific case, considered that under CMM 2009-06, potential exemptions for purse-seine vessels apply only for in-zone transshipment and that all high-seas transshipments by purse-seine vessels are prohibited without exception, except emergency transshipments in certain circumstances. These CCMs suggested that revisions to, or waivers from, CMM 2009-06 might be required to accommodate the operations of the Philippines' vessels in HSP 1.

351. FFA members, some of whom border HSP 1, requested assurances from the Secretariat and the Philippines that appropriate MCS controls are implemented in HSP 1 in order to avoid it becoming a haven for IUU fishing activities. In particular, information regarding the carriage of observers, VMS and data provision of this fleet were requested.

352. TCC8 noted the Commission's decision with regard to Philippine group seine vessels in HSP 1 as contained in CMM 2011-01, and considered that these vessels are exempt from the prohibition to tranship on the high seas under CMM 2009-06.

5.3 Charter notification scheme (CMM 2011-05)

(a) Proposals to extend CMM 2011-05 or for a replacement CMM

353. The TCC Chair invited TCC8 to consider a summary of current WCPFC charter notifications under CMM 2011-05 and CMM 2009-08 (TCC8-2012-IP-08). It was noted that the current charter notification measure (CMM 2011-05) expires on 31 December 2012 unless otherwise extended by the Commission. A catch attribution study prepared for WCPFC8 (TCC8-2012-IP-07) may inform CCMs consideration of this issue.

354. EU noted that there has been poor compliance with this measure and that amendments to strengthen it are required.

355. CCMs agreed that the charter notification scheme should be extended, as well as revised and/or clarified, and that all CCMs should comply with the measure as it currently stands.

356. Some CCMs, while accepting the current procedures, considered that notification to the Secretariat by chartering States may lead to conflicts with domestic laws that require flag State permission before entering into charter arrangements. This in turn could create complexities with regard to catch attribution.

357. One CCM asked that the Secretariat provide a current and complete list of chartered vessels on the secure portion of the WCPFC website. The Secretariat confirmed that the information contained in Information Paper 08 reflects the best available information provided to the Secretariat by CCMs in accordance with CMM 2011-05 and CMM 2009-08.

358. TCC8 recommended to WCPFC9 to call all CCMs to comply with this CMM on the charter notification scheme and that this measure be revised and extended.

359. TCC8 recommended WCPFC9 instruct the Secretariat to publish a list of chartered vessels on the secure portion of the WCPFC website.

(b) Ad Hoc Task Group on Data's outstanding task: Rules for access by chartering States to data for their vessels

360. The TCC Chair noted that the Ad Hoc Task Group on Data (AHTG [Data]) was tasked by the Commission with developing rules for access by chartering States to data for their vessels (TCC8-2012-IP-09), but that with the departure of H. Koehler (USA), the Chair of the AHTG [Data], the work of the group has ceased.

361. RMI, which submitted a proposal on this issue to TCC7 (2011-TCC7-DP-02), asked that further work on these rules be conducted by TCC8 or intersessionally.

362. Some CCMs expressed support for the RMI proposal submitted to TCC7.

363. The TCC Chair noted that because the work was entrusted to the AHTG [Data], it is necessary for the Commission to appoint a new Chair for the AHTG [Data] and for further work on the rules to progress through that body.

364. TCC8 recommended to WCPFC9 that it appoint a Chair for the AHTG [Data] on Data and task the AHTG [Data] with undertaking further work on developing rules for access by chartering States to data for their vessels as a matter of priority.

5.4 Eastern high-seas pocket special management area (CMM 2010-02)

365. The Cook Islands presented a compliance review of the eastern high-seas Pocket (EHSP) that it conducted, with support from French Polynesia, Kiribati and the Secretariat, for the first year of implementation of the special management area established by CMM 2010-02 (TCC8-2012-DP-03). Findings of the analysis showed that VMS alerts accounted for only 57% of manual reports, and demonstrated deficiencies in the Secretariat's ability to fully monitor vessels operating in the Convention Area. Furthermore, manual reports are received by the Secretariat in formats (character formats, different languages) that do not facilitate data entry and analysis. Analysis of VMS and manual reports demonstrated that transshipment is occurring in the area but no transshipment notifications were received by the Secretariat. These issues have heightened concerns about the potential for IUU fishing activities to occur in the EHSP. As a result, the Cook Islands proposed that the Commission reaffirm that all transshipment activities must be conducted in compliance with the WCPFC transshipment measure (CMM 2009-06), and that the Commission be provided with resources to manage the data arising from transshipment notifications. In line with a declaration at the August 2012 Pacific Islands Forum Leaders Meeting, the Cook Islands called for the EHSP to be closed to fishing.

366. FFA members supported the Cook Islands' proposal, stating that the EHSP situation calls for the Commission to redouble its efforts to improve existing MCS tools, including necessary revisions to CMMs, for use in the EHSP special management area and elsewhere.

367. French Polynesia and France thanked the Cook Islands for the analysis and echoed their concerns for the MCS shortfalls and associated potential for IUU fishing. These CCMs asked that the CMM be fully implemented and that the Secretariat conduct further analysis of discrepancies between the number of vessels reporting to the Commission VMS and the number of vessels fishing on the high seas. They also suggested that the Secretariat liaise with the flag States when exit or entry reports are received for vessels that do not report to the Commission VMS in order to solve the problem.

368. Some CCMs expressed concerns that these findings have wider implications for the Commission's VMS and transshipment monitoring systems, and indicate that special management area tools and measures need strengthening. It was noted that further discussions on VMS (including manual reporting) and transshipment, underway at TCC8, may inform these issues.

369. Some CCMs suggested that the Secretariat confirm the situation highlighted by the Cook Islands' analysis, and inform flag States of any compliance issues, as well as report the results to WCPFC9.

370. Some CCMs stated that they did not support the closing of the EHSP to either fishing or transshipment.

371. The Cook Islands, joined by other CCMs, reminded TCC8 that compliance is a joint responsibility and urged flag States and the Secretariat to assist with identifying and following up on non-compliances, including data sharing initiatives such as "Flick the Switch".

372. TCC8 recommended that additional resources be provided to the Secretariat for ongoing MCS data entry and analysis to support the EHSP special management area, subject to discussions related to the TCC work plan and budget.

373. TCC8 recommended that the Secretariat undertake a further review of compliance issues relevant to the ESHP special management area and present its findings to WCPFC9.

374. The Cook Islands requested that non-compliant vessels identified in the Secretariat's compliance review of the ESHP special management area be attached as a list to the report to WCPFC9.

375. The Cook Islands plans to develop proposals to further strengthen the management of the EHSP special management area and to discuss these proposals at WCPFC9.

5.5 South Pacific albacore CMM (CMM 2010-05)

376. The TCC Chair noted that Te Vaka Moana (TVM) members had requested that South Pacific albacore conservation and management measures be discussed at TCC8 (TCC8-2012-DP-06), and had convened an informal meeting in the margins of TCC8.

377. FFA members explained that for many Pacific Island countries, albacore is the most economically important tuna species, and CMM 2010-05 is the most important WCPFC CMM. These CCMs thanked participants in the informal meeting for a useful discussion and a cooperative approach. FFA members anticipate strengthening the existing CMM through a new CMM at WCPFC9 that would include expanding the spatial scope of the measure, accounting for effort rather than just vessel numbers, and converting limits from flag-based to zone-based. Transshipment of ~10% of the catch was highlighted, and concerns were expressed that there is a lack of compliance with the current WCPFC transshipment measures. These CCMs questioned whether the decline in albacore stocks in the Indian Ocean, rather than piracy per se, had contributed to the shift in effort to the South Pacific. Finally, FFA members asked that sufficient time be made available on the WCPFC9 agenda for this issue.

378. FFA members requested that SPC update its analysis (which was presented to WCPFC8) for WCPFC9 and then annually for TCC and Commission meetings. Ideally, this paper would include finer scale spatial and temporal information and the inclusion of additional fleets such as the troll fishery.

379. In response to a question regarding the influence of the South Pacific albacore fleet on bigeye stocks, SPC noted that this type of analysis has not been done and may be limited by the available data, including a lack of operational data.

380. Some CCMs confirmed their willingness to discuss details of a new albacore CMM.

381. USA reminded TCC8 of the importance of South Pacific albacore to American Samoa. USA also emphasized that in improving the CMM for South Pacific albacore, as for other stocks, it will be important to consider how to treat vessels operating under charter arrangements.

382. French Polynesia and New Caledonia also cited the importance of the stock to their fisheries, and called for reference points based on both biological and economic considerations.

383. USA noted that the exercise being undertaken by the Northern Committee (NC) for North Pacific albacore, in which NC is evaluating the proportion of all catches that are subject to the CMM's effort limits, could be a useful model for evaluating the CMM for South Pacific albacore.

384. TCC8 recommended sufficient priority be accorded to the development of a revised CMM on South Pacific albacore at WCPFC9.

5.6 Seabirds (Review of CMM 2007-04)

385. The TCC Chair informed TCC8 that USA had requested that the issue of the seabird CMM be included on the TCC8 agenda.

386. USA noted the seabird-related outcomes of SC8, including:

- a) a recommendation that CCMs report to SC9 on the size composition of their longline fleets in the North Pacific so that the effects of the small-vessel exemption could be evaluated;
- b) recommendations to revise certain elements of the seabird CMM, including differential treatment of the North and South Pacific; and
- c) a recommendation that TCC consider including specific minimum data fields relating to seabirds in the ROP. With respect to the small-vessel exemption in the North Pacific, USA proposed that as a complement to the SC8 recommendation, TCC recommend that CCMs report to TCC9 on any practical or technical constraints facing their small vessels with respect to the use of seabird mitigation methods in the North Pacific, as well as descriptions of any mitigation methods that could be used by such vessels.

387. For the purpose of strengthening seabird mitigation in the North Pacific, and as a complement to the recommendation of SC8 regarding the provision of longline fleet size compositions, TCC8 agreed to recommend that CCMs report to TCC9 on any practical or technical constraints facing their small vessels with respect to the use of seabird mitigation methods in the North Pacific, as well as descriptions of any mitigation methods that could be used by such vessels.

388. FFA members supported efforts to develop a new seabird CMM.

389. New Zealand stated it is preparing a draft of a new CMM that would include mitigation measures such as tori lines, weighted branchlines, and night setting for the South Pacific, and would remove ineffective mitigation measures for the North Pacific.

390. All CCMs that expressed an opinion were in favor of adding the new minimum data fields to the ROP.

391. In responding to a question, the Secretariat noted that there are no major issues associated with these additions, but that such changes may take time to implement through the ROP.

392. TCC8 recommend that WCPFC9 include the seabird related data-fields noted by SC8 as the minimum required data in the ROP.

393. TCC8 noted New Zealand's invitation to cooperate with them on preparing a proposal for a revised seabird measure for discussion at WCPFC9.

394. New Zealand advised TCC8 that it has prepared text for amendments to the WCPFC seabird measure (CMM 2007-04) for discussion at WCPFC9 (TCC8-2012-DP-18). CCMs were encouraged to forward comments to Stephen Brouwer (New Zealand).

5.7 North Pacific striped marlin (Review of CMM 2010-01)

395. In light of a new stock assessment for North Pacific striped marlin produced by the International Scientific Committee for Tuna and Tuna-like Species (ISC), USA invited TCC8 to consider whether new catch limits are warranted under CMM 2010-01.

396. FFA members supported the idea of strengthening the North Pacific striped marlin measure (CMM 2010-01). These CCMs also stated that all ISC stock assessments should be made available in full and on time to SC, and that all recommendations concerning this stock should be channelled through SC.

397. One CCM, noting that CMM 2010-01 has only been in effect for two years, considered that it is too early to revise the measure.

AGENDA ITEM 6 — NEW PROPOSALS FOR CMMs, INCLUDING NEW MCS MEASURES

6.1 Proposed whale shark CMM

398. Australia presented its proposal for the protection of whale sharks from purse-seine fishing operations (TCC8-2012-DP-04 and TCC8-2012-DP-05). It was noted that WCPFC8 agreed that the measure would be finalized at WCPFC9, and that to facilitate this Australia was available to discuss CCMs' comments in the margins of TCC8 or intersessionally. The need for more research on safe release guidelines was acknowledged along with the potential need to update the measure once new techniques are developed.

399. FFA and PNA members supported the proposal, stating that setting on whale sharks is already banned in PNA waters and this proposal represents a compatible measure for the high seas. These CCMs also supported further research into appropriate safe release techniques.

400. One CCM urged Australia to incorporate preliminary release guidelines prepared by SC8 into the proposal.

401. One CCM asked that observers be required to provide supporting information when noting in their records that the set on a whale shark(s) was intentional.

402. One CCM suggested that "regardless of whether the animal is alive or dead" be removed from para 1 of the draft measure.

6.2 Port State measures

403. EU introduced its proposal for minimum standards for inspections in ports (TCC8-2012-DP-12, TCC8-2012-DP-13), explaining that the proposal has been scaled down from the full-fledged FAO port State measures approach. The proposal contains elements on the designation of ports, prior notification, inspection and infringements. It has been simplified for small administrations, and sets out assistance provisions for SIDS (paras 7–11). There is also latitude to discuss timeframes and figures shown in brackets.

404. Some CCMs supported the proposal as an example of a cost-effective MCS tool.

405. One CCM suggested that the EU's proposal could be improved through the inclusion of a phased approach to implementation over a span of one to two years and a periodic review of the consistency of implementation across ports.

406. Some CCMs stated that this issue was not a priority and that they had not yet had sufficient time to consider the proposal. These CCMs suggested that work could be carried on intersessionally but that it might not be ready to table at WCPFC9.

407. Some CCMs considered that the proposal would not apply to vessels licensed to fish in waters of the port State. These CCMs considered that these licensed vessels are already inspected under other regulations and to have to inspect them under this measure would be a burden, especially because it would impose another set of inspection procedures and reporting requirements.

408. EU responded that these are minimum standards, and as long as the port State has more stringent standards there would be no additional burden. Also, in noting that the port State would be free to choose which vessels to inspect, EU stated its strong preference for not including an exemption for licensed

vessels in the proposal. EU also expressed optimism that substantial progress can be achieved prior to WCPFC9.

409. TCC8 supports the development of a WCPFC CMM for port State measures. TCC8 recommends that EU provide a draft of the new CMM to members as soon as possible, and encourages all members to contribute with a view to reaching an agreement at TCC9 unless substantial progress is made before WCPFC9.

6.3 Catch documentation scheme working group terms of reference

410. FFA members introduced a terms of reference (TOR) for a catch documentation scheme working group (TCC8-2012-25), noting that the TOR has been discussed since 2010 and has been developed in a consultative manner. FFA members stated that they have already begun work on designing an electronic system based on their own catch documentation scheme objectives.

411. EU introduced its proposal for a catch certification scheme (TCC8-2012-DP-14 and TCC8-2012-DP-15), highlighting that two changes have been made to the proposal to cater for the needs of SIDS and to better reflect economic realities. With regard to the TOR, EU stated that the current version was less acceptable than the final version produced at WCPFC8, and considered that the final WCPFC8 version contained acceptable Attachment language and only needed slight modifications in the cover note.

412. After some discussion among CCMs and the Secretariat, it was determined that the version described by EU had not been tabled in Guam, and that the FFA proposal represented the final version of the document as of WCPFC8.

413. One CCM supported the TOR as a starting point for forming a working group to enter into more technical discussions.

414. EU queried why it is necessary to mention “chartering States” in the TOR when “flag States” and “coastal States” are already mentioned.

415. FFA members stated that they could not agree to removing “chartering States” from the TOR. These CCMs considered that the party providing data should not be unduly restricted.

416. TCC8 recommended that EU and FFA members work to finalize the charter documentation scheme TOR prior to WCPFC9, noting that the new proposal needs to be circulated 30 days prior to WCPFC9.

6.4 Response to reported fishing gear damages

417. Japan introduced Delegation Paper TCC8-2012-DP-07, concerning a proposed WCPFC response to reported damage of fishing gear. Japan explained that this proposal was prompted by an escalation in the number of gear damage incidents, and involves WCPFC fishermen reporting incidents to their flag States who then report these to the Secretariat. The Secretariat would then compile annual reports on the issue for submission to TCC.

418. CCMs noted positive aspects of the proposal, including the need to address gear damage incidents and the usefulness of marking FADs and buoys.

419. CCMs also raised concerns with the proposal regarding dispute settlement procedures, the relative importance of damage to gear as opposed to damage caused by gear (e.g. derelict FADs and longlines), the potential use of GEN-6 forms or logsheets to record this information, and the need to avoid placing additional burdens on the Secretariat.

420. SPC noted that GEN-6 forms, which were first introduced in 2009, have recorded very few recorded incidents of gear damage thus far.

421. TCC8 recommends that CCMs provide comments to Japan, which will further develop the proposal for WCPFC9.

AGENDA ITEM 7 — PERFORMANCE REVIEW

7.1 Review of TCC-related performance review recommendations

422. The Secretariat introduced TCC8-2012-20 (rev 1), which provides the recommendations from the WCPFC performance review in a new tabular format that classifies each recommendation as policy, operational or legal and assigns each to a WCPFC committee.

423. The WCPFC Legal Advisor drew CCMs' attention to the WCPFC8 Summary Report (para 82) which states:

WCPFC8 noted the report of the Performance Review Panel. WCPFC8 agreed that CCMs could provide comments to the Secretariat by June 1 2012 on the priorities and process to move the recommendations forward. WCPFC8 tasked the Executive Director with preparing a matrix categorising the recommendations, and noting any comments from CCMs, for the consideration of the Commission's subsidiary bodies as appropriate. The matrix and recommendations from subsidiary bodies will be considered at WCPFC9.

424. USA noted that the number of recommendations arising from the performance review was daunting but that it provided comments on priority recommendations on 30 May 2012.

425. TCC8 did not have sufficient time to provide comments on the matrix of performance review recommendations prepared by the Executive Director.

AGENDA ITEM 8 — FUTURE TCC AGENDA AND WORK PROGRAMME DISCUSSION

8.1 Report by the Secretariat on the implementation of the 2012 work programme

426. TCC8 noted the report by the Secretariat on the implementation of the 2012 work plan (TCC8-2012-21).

(a) Report of the review related to the integrity of the Secretariat's information management system and record of fishing vessels

427. The Secretariat provided a brief summary of the data security review of the Secretariat conducted by Deloitte and Touche (TCC8-2012-13). Key findings included a need to document security procedures independent of existing staff knowledge, and strengthen backup arrangements currently serviced in Guam. The Secretariat also just received an independent consultant's review of its IT system in overview.

428. TCC8 noted the report by the Secretariat. CCMs that wish to comment on the report may direct their comments to the Executive Director.

8.2 Future approaches to TCC work, including TCC agenda and rationalization of meetings

429. The Executive Director introduced a paper on best practice procedures (in RFMOs) relating to the structure and scheduling of meetings (TCC8-2012-23). The origin of this paper was a request by FFA members at WCPFC8 to examine ways to rationalize the various meetings of the Commission to achieve greater efficiency and cost-effectiveness (TCC8-2012-IP-11). While acknowledging that each RFMO is

unique, a general theme emerged that several hold their compliance committee meetings just prior to their annual meeting, and those that do not do so hold a considerable number of intersessional meetings throughout the year. Options for changing the focus of TCC meetings were also considered but CCMs were reminded that the functions of TCC must remain true to those specified for it by the WCPF Convention.

430. Some CCMs suggested that NC be held in conjunction with the annual meeting. One advantage cited was that this schedule would facilitate SIDS attending NC.

431. One CCM considered that there was no particular need to change the current timing of NC.

432. One CCM considered that the option of holding an annual meeting every other year was not practical.

433. Several CCMs favored the option of holding TCC in conjunction with the annual meeting each year. These CCMs stated that this would save time and money, and allow more time for the Secretariat to prepare CMRs.

434. One of these CCMs suggested that the timing of the meetings should move to the end of February or beginning of March.

435. Some CCMs stated that streamlining the TCC agenda is the first priority, and then the timing of the meeting can be examined. A focus on activities unique to TCC (e.g. CMS and IUU listings) was also suggested.

436. One CCM advised that the CMS meetings be held separately from TCC and not interspersed within the TCC agenda.

437. FFA members suggested that in order to allow more time for document review prior to TCC, all papers from previous meetings, and all those that are not dependent on Annual Reports should be posted on 1 June.

438. TCC8 noted the paper from the Secretariat on rationalization of meetings (TCC8-2012-23 [rev 1]).

8.3 Proposed TCC work plan and budget for 2013–2015

439. A SWG, chaired by N. Malsol (Palau), convened in the margins of TCC8 to develop the TCC work plan and budget for 2013–2015, based on information contained in meeting paper TCC8-2012-29 (rev 3). The SWG identified priority work items that would provide effective results for the Commission and allow for appropriate monitoring of measures.

440. FFA members stated that they would like to compare the proposed TCC budget with previous budgets in order to assess it thoroughly.

441. The Executive Director responded that although it is difficult to provide actual expenses for the current year, the Secretariat would endeavor to provide the requested information for FAC.

442. TCC8 recommended to WCPFC9 the adoption of the TCC work plan and the consideration by FAC of the attached budget (Attachment I).

443. In response to a comment regarding the Secretariat's proposed enhancements for the WCPFC IMS being scattered across a number of papers for TCC, and noting the priority placed by TCC in the work plan for improvements to the WCPFC IMS, the Executive Director undertook to provide a paper to FAC6/WCPFC9, providing a consolidated proposal of enhancements to the WCPFC IMS.

AGENDA ITEM 9 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

444. EU noted its contribution of USD 42 million to fisheries projects via the European Development Fund for 2008–2012. A number of these projects are implemented throughout the region by FFA and SPC, and benefit WCPFC. Several of these projects relating to compliance issues were highlighted, including a component of DevFish2 involving upgrading of the FFA Fisheries Surveillance Centre; MCS projects in Kiribati, FSM and Nauru; real-time exchange and joint operations among the navies of coastal States; and observer training under the SciFish and SciCoFish projects. With regard to the latter, it was noted that in 2011, workshops were held in the Solomon Islands, Vanuatu and PNG with 139 observers trained and 8 trainers hired. For 2012–2013, 24 workshops are planned with over 600 people to be trained. EU also funded new network servers to support the observer programmes in four SIDS. EU will continue to recognize and support the development aspirations of SIDS and will provide a further update at WCPFC9.

445. Japan highlighted its support of the Japan Trust Fund, which is administered by the Secretariat and targeted toward MCS implementation in SIDS. A list of project summaries for funded projects will be circulated soon. Japan hopes to continue to make these funds available subject to budgetary approval from the Japan Finance Ministry. Noting that the deadlines for submission of proposals in the last round were tight, Japan asked SIDS to begin conceptualizing and designing proposed projects now for next year's funding cycle.

446. Chinese Taipei noted support for SIDS in two areas: MCS assistance and fisheries development. With regard to the former, Chinese Taipei has held two regional observer training courses, resulting in the training of 22 observers in 2010 and 2012. In terms of fisheries development, Chinese Taipei has installed software and contributed to technology transfer activities both bilaterally and through regional organizations. Chinese Taipei also assisted with the development of SIDS' fisheries through vessel construction and repair, and investment through capital and planning of infrastructure and trade.

447. Korea explained that it had held two workshops on data collection and MCS involving 40 participants in 2011 and 60 participants in 2012. Fisheries and scientific observers have also been trained. Korea noted that several joint venture fisheries projects are underway to support SIDS' development aspirations.

448. USA stated that it continues to conduct many activities in the region that implement Article 30, and specifically referred to continuing support for the development of observer and debriefing capacity. It also referred to ongoing negotiations relating to the multilateral purse-seine Treaty and the component of "broader cooperation" that includes many aspects similar to Article 30. USA will provide a full report on its activities in support of SIDS at WCPFC9 but also suggested that SIDS CCMs consider a companion report of activities, including private sector investments that were, and were not, successful in helping to enhance capacity and suggestions as to how specific activities could be made more successful.

449. RMI, on behalf of FFA members, thanked CCMs for their reports and assistance. Key areas of desirable development assistance were commercialization of fisheries, strengthening of CMMs, and rights-based management. Furthermore, specific areas of assistance to SIDS that were identified by RMI, on behalf of FFA members, were sought at TCC8, including the streamlining of reporting responsibilities, avoidance of disproportionate burdens arising from CMMs, and provision of VMS data through initiatives such as "Flick the Switch". Subsidies to distant-water fleets involved in the South Pacific albacore fishery were noted as a concern.

450. The Cook Islands thanked: Japan for contributions in support of development of the Cook Islands IMS, EU for the DevFish project, New Zealand for contributions to scientific support, and Australia for the Pacific patrol boat programme. The Cook Islands also highlighted concerns regarding distant-water fishing nation subsidies and excess capacity in the South Pacific albacore fishery. With regard to the provision of data to assist SIDS in managing their fisheries, EU was requested to respond to June 2012 queries regarding potential longline catches in the Cook Islands' EEZ from 2004–2010.

451. RMI urged CCMs to integrate consideration of assistance to SIDS as required under the Convention, particularly Article 30, into the everyday work of the Commission. This includes when drafting and implementing CMMs and deciding priority activities for work plans and budgets, to ensure that SIDS both have the capacity to comply and the capacity to monitor compliance. RMI considered that this integration is an essential element of the Convention, particularly under Article 30.

AGENDA ITEM 10 — OTHER MATTERS

10.1 Election of officers

452. A. Cole (USA) was nominated and seconded to take the role of TCC Vice-Chair vacated by H. Koehler (USA).

453. TCC8 recommended that WCPFC9 confirm A. Cole (USA) as Vice-Chair of TCC.

10.2 Next meeting

454. TCC8 noted that there are two potential sets of dates for TCC9: 26 September–1 October 2013 or 3–8 October 2013.

455. EU expressed a preference for the second period because it would avoid conflicts with the Northwest Atlantic Fisheries Organization annual meeting (23–27 September 2012).

456. New Zealand stated that the first period would provide for more time between TCC and the annual meetings of CCAMLR held from mid- to late October.

457. The Executive Director noted that China holds a long-standing preference for TCC to begin earlier in September in order to avoid overlap with the Chinese national holidays on and around 1 October.

AGENDA ITEM 11 — TCC PRIORITIES

458. See Agenda Item 8.3, “Proposed TCC work plan and budget for 2013–2015”.

AGENDA ITEM 12 — ADOPTION OF THE REPORT OF THE EIGHTH REGULAR SESSION OF THE TECHNICAL AND COMPLIANCE COMMITTEE

12.1 Adoption of the summary report of the Eighth Regular Session of the Technical and Compliance Committee, and any recommendations to the Commission

459. The TCC Chair led discussion of the draft summary report as prepared by the rapporteur as of noon on the final day of the meeting. Bolded text represents recommendations and other significant decision points of TCC8 that were agreed on and adopted.

460. A full record, including additional non-bolded text from discussions held near the close of the meeting, will be circulated for comment shortly and once agreed on will be adopted intersessionally.

AGENDA ITEM 13 — CLOSE OF MEETING

461. The TCC Chair expressed her appreciation to A. King for chairing the SWG on CNM applications, N. Malsol for chairing the SWG on the TCC work plan and budget, S. Nakatsuka and A. Taholo for co-chairing the CMS working group, M. Hooper for chairing the TCC8 SWG on VMS manual reporting, and A. Cole for chairing the TCC8 SWG on VMS for operationalising Article 24(8). The TCC Chair also thanked the WCPFC and SPC Secretariats, and the rapporteur, for their work in supporting the meeting.

462. Participants congratulated the TCC Chair on a smooth and efficient meeting, particularly with regard to the CMS process.

463. TCC8 adjourned at 17:00 on 2 October 2012.

**The Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
Eighth Regular Session**

**Pohnpei, Federated States of Micronesia
27 September–2 October 2012**

LIST OF PARTICIPANTS

CHAIR

Rhea Moss-Christian

Chief of Compliance
National Oceanic Resource Management
Authority
PO Box PS 122
Palikir, FM 96941
Federated States of Micronesia
Ph: 691-320-2700
rhea.moss@gmail.com

AUSTRALIA

Erin Tomkinson

International Fisheries
Department of Agriculture, Fisheries and
Forestry
GPO Box 858
Canberra ACT 2600
Ph: 612 6272 5715
erin.tomkinson@daff.gov.au

Claire Van Der Geest

International Fisheries
Dept. of Agriculture, Fisheries and Forestry
GPO Box 858
Canberra ACT 2600
Ph: 612 6272 5725
claire.vandergeest@daff.gov.au

Jim Neely

Manager, Foreign Compliance Policy
Australian Fisheries Management Authority
Box 7051
Canberra ACT 2610
Ph: 612 6225 5463
jim.neely@afma.gov.au

CANADA

Robert P. Jones

Assistant Director
Fisheries and Oceans Canada
200 Kent Street
Ottawa, Ontario
Ph: 1-613-990-9387
robert.jones@dfo-mpo.gc.ca

CHINA

Liu Xiaobing

Director
Division of International Cooperation
Bureau of Fisheries, Ministry of Agriculture
No.11 Nongzhanguan Nanli
Chaoyang District, Beijing
Ph: 8610-5919 2928
Inter-coop@agri.gov.cn

Zhao Gang

Deputy Secretary General
China Overseas Fisheries Association
No. 5 Nongzhanguan Nanlu
Chaoyang District, Beijing
Ph: 8610-65854085
admin@tuna.org.cn

COOK ISLANDS**Joshua Mitchell**

Director, Offshore Fisheries
Ministry of Marine Resources
PO Box 85 Avarua
Rarotonga
Ph: 682-28730
j.mitchell@mmr.gov.ck

Colin Brown

Adviser
Ministry of Marine Resources
PO Box 2011
Rarotonga
Ph: 682-70361
cibn@oyster.net.ck

EUROPEAN UNION**Nicolas Dross**

International Relations Officer
Directorate General for Maritime Affairs and Fisheries
European Commission
Office J-99 3/34, B-1049 Brussels
Belgium
Ph: 32 229 80855
nicolas.dross@ec.europa.eu

Mario Alcaide

Inspector
Rue Joseph II 99 02/219
Brussels, Belgium
Ph: 32-2-296-5567
mario.dos-santos-alcaide@ec.europa.eu

FEDERATED STATES OF MICRONESIA**Patrick Mackenzie**

Executive Director
National Oceanic Resource Management Authority (NORMA)
PO Box PS122
Pohnpei 96941
Ph: +691 320-2700
Patrick.mackenzie@norma.fm

Eugene Pangelinan

Deputy Director
National Oceanic Resource Management Authority (NORMA)
PO Box PS122
Pohnpei 96941
Ph: 691 320-2700
eugenep@mail.fm

Naiten Bradley Phillip Jr.

Chief Researcher
National Oceanic Resource Management Authority (NORMA)
PO Box PS 122
Kolonias, Pohnpei 96941
Ph: 691-320-2700
bradley.phillip@norma.fm

Justino Helgen

VMS Compliance Manager
National Oceanic Resource Management Authority (NORMA)
PO Box PS122
Pohnpei 96941
Ph: 691-320-2700
Justino.helgen@norma.fm

Pole Atanraoi

Assistant Attorney General
FSM National Government
FSM Department of Justice
Ph: 691-320-2644
pole_atanraoi@yahoo.com

Georgia Prim

Office of Environment Emergency Management
(OEEM)
PO Box 69
Palikir, Pohnpei 96941
Ph: 691-320-8814
gcprim@gmail.com

Ishmael Le behn

Senator
Pohnpei State Legislature
PO Box 477
Kolonias, Pohnpei 96941
Ph: 691-320-2753
ilebehns@gmail.com

Nicholson Solomon

Chairman
FSM National Offshore Fisheries Association
PO 712
Kolonias, Pohnpei 96941
Ph: 691-320-8011
nis@mail.fm

Takasy Reim

Chief
FSM National Police
PO Box PS11
Palikir, Pohnpei 96941
Ph: 691-320-2058
treim@nationalpolice.fm

Geoff Hart-Davies

Marine Surveillance Advisor
FSM National Police
Ph: 691-920-1523
msafsm@mail.fm

Whylik Alfons

VMS Officer
FSM National Police
PO Box PS 11
Ph: 691-320-2384
fsmvmsalfons11@gmail.com

Peter Steward

Commander
Maritime Wing FSM National Police
Dept. of Justice FSM
PO Box 11
Ph: 691-320-2384
j4s271@yahoo.com

Peter Sitan

President/CEO, National Fisheries Corporation
National Fisheries Corporation
PO Box R
Kolonias, Pohnpei
Ph: 691-320-2529
psitan@mail.fm

Marko Kamber

Caroline Fisheries Corporation
Dehketik Port Compound
PO Box 7
Kolonias, Pohnpei 96941
Ph: 691-320-5361/5791
cfc@cfctuna.com

Clement Mulalap

Legal Counsel
Diving Seagull
PO Box 1036
Colonia, Yap
Ph: 691-350-4796
mulalap@mail.fm

Leelkan Dabchuran

Legal Counsel
Diving Seagull
PO Box 1036
Colonia, Yap
mulalap@mail.fm

Carmen Kigimmang

Manager
Diving Seagull
PO Box 1036
Colonia, Yap
Ph: 691-350-4796
car@mail.fm

John Waayan

Chairman, Board of Directors
Diving Seagull, Inc.
PO Box 1036
Colonia, Yap
Ph: 691-350-4796
Landresources@mail.fm

John Fathal

President, Board of Directors
Diving Seagull, Inc.
PO Box 1036
Colonia, Yap
Ph: 691-350-4796
FathalJohn@yahoo.com

Charles Falmeyog

Board of Directors
Diving Seagull, Inc.
PO Box 1036
Colonia, Yap
Ph: 691-350-4796
charlesfalmeyog@yspsc.fm

Kazutoshi Otsuka

Director
Taiyo Micronesia Corporation
PO Box R
Kolonias, Pohnpei
Ph: 691-923-9604
otsuka_tmc@j03.itscom.net

Bruno D. Ned

Fisheries Specialist
Department of Resources and Economic Affairs
Division of Fisheries and Marine Resources
PO Box 82
Tofol, Kosrae 96941
Ph: 691-370-3031
fisherieskos@mail.fm

Cornelius T. Nena

Fisheries Specialist
Department of Resources and Economic Affairs
Division of Fisheries and Marine Resources
PO Box 82
Tofol, Kosrae 96941
Ph: 691-370-3017

Samuel T. Chou

COO and President (Far East)
Luen Thai Fishing Venture Ltd.
5/F Nanyang Plaza
57 Hungto Road
Kwun Tong, Kowloon
Hongkong
Ph: 852-2193-3000
samchou1@aol.com

FIJI**Sanaila Naqali**

Director of Fisheries
Ministry for Fisheries and Forest
PO Box 2218
Government Building, Suva
Ph: 679-330-1611
naqali2@hotmail.com

Anare K Raiwalui

Principal Fisheries Officer (Offshore)
Fisheries Department
Ministry of Fisheries and Forests
PO Box 2218
Government Buildings
Suva, Fiji
Ph: 679-330-1611
raiwalui.anare@gmail.com

Jone Amoe

Senior Fisheries Officer (Offshore)
Ministry of Fisheries and Forests
Takayawa Tower, Toorak
Suva, Fiji.
Ph: 679- 330-1611
fishfinderfj@gmail.com

FRANCE**Matthieu Serna**

Fisheries officer
Ministere De L'Ecologie, DV
Development Durable Et De L'Energie
MRCC Papeete
BP 9435 - 98715
Papeete CMP
French Polynesia
mrccpapeete.adjoint@mail.pf

JAPAN

Takashi Koya

Senior Fisheries Negotiator
Fisheries Agency of Japan
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8907
Ph: 81-3-6744-2364
takashi_koya@nm.maff.go.jp

Shuya Nakatsuka

Assistant Director
Fisheries Agency of Japan
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8907
Ph: 81-3-3502-8459
shuya_nakatsuka@nm.maff.go.jp

Miwako Takase

Assistant Director
Fisheries Agency of Japan
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8907
Ph: 81-3-6744-2364
miwako_takase@nm.maff.go.jp

Wataru Tanoue

Fisheries Agency of Japan
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8907
Ph: 81-3-3502-8459
wataru_tanoue@nm.maff.go.jp

Keisuke Sato

National Research Institute of Far Seas Fisheries
5-7-1 Orido, Shimizu-ku, Shizuoka-shi
Shizuoka 424-8633
Ph: 81-54-336-6000
kstu21@fra.affrc.go.jp

Masaaki Nakamura

Advisor
Japan Tuna Fisheries Cooperative Association
2-31-1 Eitai, Koto-ku, Tokyo 135-0034
Ph: 81-3-5646-2382
goyojo@japantuna.or.jp

Kikuo Chiyo

Manager
Japan Tuna Fisheries Cooperative Association
2-31-1 Eitai, Koto-ku, Tokyo 135-0034
Ph: 81-3-5646-2382
goyojo@japantuna.or.jp

Mitsunori Murata

National Ocean Tuna Fishery Association
Coop Bldg. 7F, 1-1-12 Uchikanda, Chiyoda-ku
Tokyo 101-0047
Ph: 81-3-3294-9634
mi-murata@zengyoren.jf-net.ne.jp

Takafumi Ura

Second Secretary
Embassy of Japan in FSM
PO Box 1837
Kolonias, Pohnpei, FSM
Ph: 691-320-5465
takafumi.ura@mofa.go.jp

Akihiko Yatsuzuka

National Offshore Tuna Fisheries Association
1-3-1 Uchikanda, Chiyoda-ku
Tokyo 101-0047
Ph: 81-3-3295-3721
zenkinjp@kinkatsukyo.or.jp

Yuki Okuda

Japan Far Seas Purse Seine Fishing Association
6F Shonan Bldg. 1-14-10 Ginza, Chuo-ku
Tokyo 104-0061
Ph: 81-3-3564-2315
japan@kaimaki.or.jp

Takashi Shibata

Cubic-I Ltd
Bluebell Bldg. 7F, 2-15-9 Nishi-Gotanda
Shinagawa-ku, Tokyo 141-0031
Ph: 81-3-3779-5506
shibata@cubic-i.co.jp

Osamu Shirakawa

Taiyo A & F Co., Ltd.
4-5, Toyomi-cho, Chuo-ku
Tokyo, 104-0055
Ph: 81-3-6220-1263
fishery2@maruha-nichiro.co.jp

Masayuki Yanagida

Fukuichi Fisheries Co, Ltd
5-9-25 Nakaminato, Yaizu
Shizuoka, 425-0021
Ph: 81-54-627-1211
ma-yanagida@fukuichi.gr.jp

Masaki Tani

Counselor, Embassy of Japan in FSM
PO Box 1837
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-5465
masaki.tani@mofa.go.jp

Koichi Sakonju

Resident Representative
Overseas Fishery Cooperation Foundation
FSM Office
PO Box 2112
Kolonias, Pohnpei FSM 96941
Ph: 691) 320-8581/6867
sakonju@mail.fm

KIRIBATI**Mbweneateioki**

Senior Fisheries Officer
Ministry of Fisheries and Marine Resource
Development
Bairiki, Tarawa
Ph: 686- 21099
mbweneat@gmail.com

Tuutana Teitengaun

Senior Data Technician
Kiribati Fisheries Licensing and Enforcement
Unit
Ministry of Fisheries and Marine Resources
Development
PO Box 64
Bairiki, Tarawa
Ph: 686-21099/Fax: 686-21120
tutanat@mfmrd.gov.ki

REPUBLIC OF KOREA**Hyunwook Kwon**

1 Joonang-dong, Gwachun-si, Gyeonggi-do
Ph: 82-2-500-2414
Seoul, Korea
6103kwon@naver.com

Kim, Young-Gyu

Chairman of International Cooperation
Committee
Korea Overseas Fisheries Association
6th F. Samho Center Bldg. "A", 275-1
Yangjae-Dong, Seocho-Ku, Seoul
ygkim3821@yahoo.co.kr

Myunai Shin

Korea Overseas Fisheries Association
6th fl. Samho Center Bldg. "A", 275-1
Yangjae-Dong, Seocho-Ku, Seoul
Ph: 822-589-1613
fleur@kosfa.org

Cho Kyudong

Deputy Director
Ministry for Food, Agriculture, Forestry and
Fisheries
47 Gwanmunro, Gwacheon-si
Gyeonggi-do
Ph: 82-10-907-90702
kdcho@korea.kr

SungSu Lim

Assistant Director of International Fisheries
Organization Division
Ministry for Food, Agriculture, Forestry and
Fisheries of Korea
Ph: 82-2-500-2415
sslim789@korea.kr

Sang Jin Park

General Manager
Dongwon Industries Co., Ltd
275 Yangjae-dong, Seo-cho-Ku
Seoul
Ph: 82-0-2589-3078
sjpark@dongwon.com

Bruce Lee

Dongwon Industries Co., Ltd
275 YangJae Dong, Seocho Gu,
Seoul
bruce2891@dongwon.com

Anthony Kim
Manager, Silla Co., Ltd.
Baekjegobunnno #362
Seockchon-dong, Songpa-gu, Seoul
Ph: 81-10-9126-7459
jhkim@sla.co.kr

Won-Ou Lee
Managing Director, Silla Co., Ltd
Baekjegobunnno #362
Seockchon-dong, Songpa-gu, Seoul
Ph: 82-01-4735-2007
leewonou@sla.co.kr

William Lee
Silla Co., Ltd.
#286-7 Seokchon-dong, Songpa-gu,
Seoul
Ph: 822-3434-9711
leewonou@sla.co.kr

Jin Seok, Park
Manager
Sajo Industries Co.,Ltd.
157, Chungjeongro 2-ga, Seodaemun-gu, Seoul,
Ph: 822-3277-1663
goodtime9@sajo.co.kr

Kim Dong Haen
Large Purse-seine Fisheries Cooperative
Nambumindong, Busan
k1116506@hanmail.net

Jiwon Yoon
Advisor-International Fisheries
Institute for International Fisheries Cooperation
#1107 Grace Hotel, 1-15 Byeoryang-dong
Gwacheon-si, Gyeonggi-do,
Ph: 822-507-8295
missjyoon@gmail.com

Kyung Soo Lee
Deputy General Manager
Sajo Industries Co., Ltd.
157, Chungjeongro 2-ga, Seodaemun-gu,
Seoul
Ph: 82-2-3277-1662
kslee@sajo.co.kr

**REPUBLIC OF THE
MARSHALL ISLANDS**

Glen Joseph
Director
Marshall Islands Marine Resources Authority
PO Box 860
Majuro 96960
Ph: 692-625-8262
gjoseph101@gmail.com

Samuel Lanwi, Jr.
Deputy Director
Marshall Islands Marine Resources Authority
PO Box 860
Majuro 96960
Ph: 692-625-8262
blanwi@gmail.com

Tion Nabau
Legal Advisor
Marshall Islands Marine Resources Authority
PO Box 860
Majuro 96960
Ph: 692-625-8262
tion.nabau@gmail.com

Dike Poznanski
Observer Supervisor
Marshall Islands Marine Resources
Authority
PO Box 860
Majuro 96960
Ph: 692-625 8262
dikep@mimra.com
djpoznanski@gmail.com

Jerry Aneo
VMS Officer
RMI Sea Patrol
jerryaneo@yahoo.com

Eugene Muller
Koo's Fishing Co., Ltd
PO Box 321
Majuro 96960
gene.muller@ntamar.net

Don Xu
General Manager
Pan Pacific Foods (RMI) Inc
PO Box 1289
Majuro 96960
pescamore@gmail.com

NAURU

Charleston Debye
Chief Executive Officer
Nauru Fisheries and Marine Resources
Authority
PO Box 449
Ph: 674-557-3055
cdebye@gmail.com

Murin Jeremiah
VMS Officer
Nauru Fisheries and Marine Resources
Authority
PO Box 449
Ph: 674-556-4484; Fax: 674-444-3812
mhzjere@gmail.com

NEW ZEALAND

Matt Hooper
Principal Adviser
Ministry for Primary Industries
PO Box 2526
Wellington
Ph: 64-4-819-4612
matt.hooper@mpi.govt.nz

Andrew Wright
Legal Adviser
Ministry of Fisheries
101-103 The Terrace
Wellington
andrew.wright@fish.govt.nz

Alice King
Legal Adviser
Ministry of Foreign Affairs and Trade
195 Lambton Quay
Wellington
Ph: 64-4-439-8337
alice.king@mfat.govt.nz

Joanna Anderson
International Advisor
Ministry for Primary Industries
25 The Terrace
Wellington
Ph: 64-4-894-6481
joanna.anderson@mpi.govt.nz

NIUE

James Tafatu
Niue Fisheries Manager
Department of Agriculture Forestry and
Fisheries
Alofi
Ph: 683-4302
jtafatu@gmail.com

PALAU

Nannette Malsol
Director, Bureau of Oceanic Fishery
Management, Ministry of Natural
Resources, Environment and Tourism
dillymalsol@gmail.com

PAPUA NEW GUINEA

Noan Pakop
Executive Manager
Monitoring, Control and Surveillance
National Fisheries Authority
PO Box 2016
Port Moresby, NCD
Ph: 675-309-0444
npakop@fisheries.gov.pg

Alois Kinol
Audit and Certification Unit
National Fisheries Authority
PO Box 2016
Port Moresby, NCD
Ph: 675-309-0444
alois.kinol@gmail.com

David Karis
VMS Supervisor
National Fisheries Authority
PO Box 2016
Port Moresby, NCD
Ph: 675-309-0444
dkaris@fisheries.gov.pg

Phillip Lens
Observer Manager
National Fisheries Authority
PO Box 2016
Port Moresby, NCD
Ph: 675-309-0444
plens@fisheries.gov.pfg/phillip70@gmail.com

Grace Kaue
Senior Legal Officer – International Law
Department of Justice and Attorney General
PO Box 591
Waigani, NCD
Ph: 675-301-2889/2969
grace_kaue@justice.gov.pg

Francis Houji
Managing Director
Fair Well Fishery (PNG) Ltd
PO Box 262, Gordons
Port Moresby, NCD
Ph: 675-320-0655
hope@daltron.com.pg

Charles CP Lee
Consultant
Fair Well Fishery (PNG) Ltd
PO Box 262, Gordons
Port Moresby, NCD
Ph: 675-320-0655
charlespaul@fairwell.com

Deborah R. Telek
Manager
South Sea Tuna Corporation
PO Box 376
Port Moresby, NCD
Ph: 675-3213214
deborah@southseastuna.com.pg

FL Sang
South Sea Tuna Corporation
PO Box 376
Port Moresby, NCD
Ph: 675-3213214

Chris Peilin Hsu
Vice-President
South Seas Tuna Corporation
PO Box 376
Wewak, PNG
Ph: 886-933-301-7333
ssttchris@gmail.com

Brian Kumasi
Fisheries Management Officer
PNG National Fisheries Authority
11th Floor Deloitte Tower, Douglas Street
Port Moresby
Ph: 675-309-0444
bkumasi@fisheries.gov.pg

PHILIPPINES

Benjamin F.S. Tabios, Jr.
Assistant Director for Administrative Services
Bureau of Fisheries and Aquatic Resources
(BFAR)
3rd Floor, PCA Building, Elliptical Road
Diliman, Quezon City
Ph: 632-9298390
btabios@bfar.da.gov.ph

Alma C. Dickson, DFT
Agricultural Center Chief IV
Bureau of Fisheries and Aquatic Resources
(BFAR)
3rd Floor, PCA Building, Elliptical Road
Diliman, Quezon City
Ph: 632-929-6668/63-917-835-0884
alma_dickson@yahoo.com

Ambutong K. Pautong
Regional Director
Bureau of Fisheries and Aquatic Resources XII
RGC, Carpenter Hill
Koronadal City
Ph: 63-917-712-1954/Fax: +63-083-552-1328
akponly@gmail.com

Augusto Natividad

Vice Chairman
Tuna Industry Council of the Philippines
1051 Northbay Blvd.
Navotas City, Metro Manila
Ph: 63-917-817-2746
gus@frabelle.net

Josephina Natividad

Univerity of the Philippines
Diliman, Quezon City
Ph: 63-920-9141-561
Jnatividad55@yahoo.com

Rosanna Bernadette B. Contreras

Executive Director
Socksargen Federation of Fishing and Allied
Industries, Inc.
2nd F. SAFI 4 Bldg., Ramon Magsaysay Avenue
General Santos City
Ph: 63-917-721-2634
fishing.federation@gmail.com

SAMOA**Ueta Faasili**

Principal Fisheries Officer
Fisheries Division
Ministry of Agriculture and Fisheries
ueta.faasili@maf.gov.ws
faasilijunior@gmail.com

Yohni Fepuleai

Fisheries MCS Officer
MAF – Samoa
Apia
Ph: 685-20369
yohni.fepuleai@maf.gov.ws

SOLOMON ISLANDS**Sylvester Diake**

Under Secretary/ Fisheries
Ministry of Fisheries and Marine Resources
PO Box 913
Honiara
Ph: 677-38674/39143; Fax: 677-38730-38106
sdiake@fisheries.gov.sb

Charles Tobasala

Principal Fisheries Officer
VMS/S&E, MFMR
ctobasala@fisheries.gov.sb

Phil Roberts

Industry Representative
National Fisheries Developments Ltd.
SOLTUNA LTD.
Ph: 65-9829-3112
philroberts@trimarinegroup.com

Nollen Leni

Manager-Government Affairs
National Fisheries Development Ltd.
PO Box 717
Honiara
nlennie@tri-marinegroup.com

CHINESE TAIPEI**Huang, Hong-Yen**

Director, Deep Sea Fisheries Division
Fisheries Agency, Council of Agriculture
70-1, Sec 1 Jinshan S.Rd.
Taipei
Ph: 886-2-33436182
hangyen@msl.f.gov.tw

Chia-Chi Fu

Secretary
Overseas Fisheries Development Council
19, Lane 113, Roosevelt Road, Sec 4
Taipei
Ph: +886-2-2738-1522 ext. 115
joseph@ofdc.org.tw

Eric H.L. Tsai

Tuna Purse Seiners Association
Room 401 No.3
Yu Kang East 2nd Road, Chien Cheng Dist
Kaohsiung
Ph: 886-7-813-1619
eriktsai@gmail.com

Chi Chao Liu
Section Chief
Deep Sea Fisheries Division
Fisheries Agency
Council of Agriculture
70-1, Sec 1 Jinshan S. Road
Taipei
Ph: 886-2-33436084
chichao@msl.f.gov.tw

Wen-Ying Wang
Specialist
Deep Sea Fisheries Division
Fisheries Agency
Council of Agriculture
70-1, Sec 1 Jinshan S. Road
Taipei
Ph: 886-2-33437236
[wenying@msl.f.gov.tw](mailto:wenyin@msl.f.gov.tw)

Wang, Wen-Chi
Deep Sea Fisheries Division
Fisheries Agency
Council of Agriculture
70-1, Sec 1 Jinshan S. Road
Taipei
Ph: 886-2-33436189
wenchi@msl.f.gov.tw

Yun-Hu Yeh
Dept. of Maritime Police, Central Police
University
una108@mail.cpu.edu.tw

Fang, Shih-Chieh
Coast Guard Administration, Executive Yan
gunshot@cga.gov.tw

Hsiang-Yin, Chen
Assistant
Deep Sea Fisheries Division
Fisheries Agency, Council of Agriculture
70-1, Sec 1 Jinshan S. Road
Taipei
Ph: 886-2-33436086
hsianyin@msl.f.gov.tw

Hsu Wei-Tang
Fong Kuo Fishery Co., Ltd.
wthsu@fongkuo.com.tw

Sun-her SHEU
Taiwan Tuna Purse Seiners Association
peter@ttdpsa.org.tw

Jason Chien-Chen Lien
Department of Treaty and Legal Affairs
Ministry of Foreign Affairs
cclien@mofa.gov.tw

Kuang-I Hu
Department of International Organizations
Ministry of Foreign Affairs
kihu@mofa.gov.tw

Chia Chang Tsai
Assistant
Taiwan Purse Seiner Association
jason@ttdpsa.org.tw

TONGA

Viliami Mo'ale
Acting Secretary for Fisheries
Ministry of Agriculture and Food, Forests and
Fisheries
PO Box 871
Nuku'alofa
Ph: 676-21399
vmoale@tongafish.gov.to

Ana F. Taholo
Senior Fisheries Officer
Fisheries Division, Ministry of Agriculture and
Food, Forests and Fisheries
PO Box 871
Nuku'alofa
Ph: 676-21399
anataholo@gmail.com

TUVALU

Kakee Kaitu
Permanent Secretary of Natural Resources
kpkaitu@yahoo.com.au

Sam Finikaso

Director, Department of Fisheries
Ministry of Natural Resources
Private Mail Bag
Vaiaku Funafuti,
Phone: 688-20836 / 901007
sfinikaso@yahoo.com
samfinikaso70@gmail.com

Simon Kofe

Fishes Legal Officer
Government of Tuvalu
Fisheries Department
Vaiaku, Funafuti
Ph: 688-20836
ozysafe@gmail.com

Afesene Hopi

Managing Director
Tuvalu Tuna – FH Co., Ltd.
Teone, Fakaifou
Funafuti
Ph: 688-20724
kolotoh@gmail.com

Antony Chang

Executive Assistant
Weelee International Co; Ltd
No.1 Fusing 4th Rd.4F
Cianjhen District
Kaohsiung City 806, Taiwan
Ph: 866-7537-1366
antony@weelee.com.tw

UNITED STATES OF AMERICA**Michael Tosatto**

Regional Administrator
NOAA Fisheries Service
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Ph: 1-808-944-2200
michael.tosatto@noaa.gov

Tom Graham

Fishery Policy Analyst
NOAA Fisheries Service
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Ph: 1-808-944-2219
tom.graham@noaa.gov

Raymond Clarke

Fishery Biologist
NOAA Fisheries Service,
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Ph: 1-808-944-2205
raymond.clarke@noaa.gov

Alexa Cole

Senior Enforcement Attorney
NOAA – Office of General Counsel
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Ph: 1-808-944-2167
alexa.cole@noaa.gov

Oriana Villar

Fishery Policy Analyst
NOAA Fisheries Service - Pacific Islands
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Ph: 1-808-944-2256
oriana.villar@noaa.gov

Sean Martin

US Commissioner
Hawaii Longline Association
1133 North Nimitz Highway
Honolulu, HI
Ph: 1-808-540-1303
sean@pop-hawaii.com

Bill Pickering

Special Agent in Charge
NOAA Office of Law Enforcement
Pacific Islands Division
1601 Kapiolani Blvd., Suite 950
Honolulu, HI 96814
Ph: 1-808-203-2500
Bill.Pickering@noaa.gov

Terry Boone
VMS Program Manager
NOAA Office of Law Enforcement
Pacific Islands Division
1601 Kapiolani Blvd., Suite 950
Honolulu, HI 96814
Ph: 1-808-203-2500
terry.boone@noaa.gov

Brian Hallman
Executive Director
American Tunaboat Association
1 Tuna Lane
San Diego, CA 92132
Ph: 1-619-233-6407
bhallmanata@gmail.com

Linda Paul
Vice President
Hawaii Audubon Society
850 Richards St., Ste 505
Honolulu, HI 96813
Ph: 1-808-262-6859
linpaul@aloha.net

Eric Roberts
Living Marine Resources Specialist
US Coast Guard, District 14
300 Ala Moana Blvd., Rm. 9-232
Honolulu, HI 96850
Ph: 1-808-535-3265
eric.t.roberts@uscg.mil

LT Natalia Best
Living Marine Resources Program Manager
US Coast Guard, Pacific Area
Coast Guard Island, Bldg. 51-7
Alameda, CA 94577
Ph: 1-510-437-2992
Natalia.M.Best@uscg.mil

Eric Kingma
International Fisheries Enforcement NEPA
Coordinator
Western Pacific Fishery Management Council
1164 Bishop St., Ste 1400
Honolulu, Hawaii 96813
Ph: 1-808-522-8220
eric.kingma@noaa.gov

Kamaile Nichols
Attorney Advisor
NOAA – Office of General Counsel
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814
Ph: 1-808- 944-2154
kamaile.nichols@noaa.gov

Svein Fougner
Hawaii Longline Association
32506 Seahill Drive,
Rancho Palos Verdes, CA 90275
sveinfougner@cox.net

VANUATU

Moses Amos
Director, Fisheries Department
Private Mail Bag 9045
Port Vila, Vanuatu
mjatinapua@gmail.com

William Naviti
Manager, Compliance and Licensing Division
Department of Fisheries
PMB 9045
Port Vila
Ph: 678-5501151
wnaviti@gmail.com

Jacob J. Raubani
Manager, Management and Policy Division
Vanuatu Fisheries Department
PMB 9045
Ph: 678-7742101
3jraudinbani@gmail.com

Kevin Lin
No.2 Yukang East 2nd Road
Kaohsiung Taiwan
kevin.mdfc@msa.hinet.net

PARTICIPATING TERRITORIES

FRENCH POLYNESIA

Cedric Ponsonnet
Fisheries Officer
Fisheries Office Direction des Ressources
Marines
cedric.ponsonnet@drm.gov.pf

NEW CALEDONIA

Regis Etaix-Bonnin

Fisheries Expert
Fisheries Department
BP 36-98845 Noumea Cedex
New Caledonia
Ph: 687-27-26-26; Fax: 687-28-72-86
regis.etaix-bonnin@gouv.nc

TOKELAU

Dave Marx

Manager and Coordinator
Te Vaka Moana
PO Box 24554, Manners St.
Wellington, New Zealand
Ph: 642-7301-7965
davemarx@tevakamoana.org

Feleti Tulafono

Offshore Fisheries Officer (MCS)
Department of Economic Development
Natural Resources and Environment
Fakaofu
Ph: 690-3134
ftulafono@gmail.com

COOPERATING NON-MEMBERS

ECUADOR

Rafael Trujillo

Executive Director
Camara Nacional De Pesqueria
Av. 9 de Octubre 424 Piso 8, Of. 802
Guayaquil
Ph: 593-4-2308448
direjec@camaradepesqueria.com
rtrujillo57@gmail.com

Ramón Montaña Cruz

Director
Policy and Fishery Management
Under Subsecretary of Fisheries Resources
Avenida 4 y calle 12
Manta
Ph: 593-5-2611410; Mobil: 593-093761316
rmontano@pesca.gob.ec

EL SALVADOR

Carlos Sánchez Plaza

El Salvador Representative
carlos.sanchez@calvo.es

Oscar Gustavo Alvarez Colmenarejo

El Salvador Representative
gustavo.alvarez@calvo.es

INDONESIA

Saut Tampubolon

Assistant Deputy Director for Fisheries
Resources in Indonesia's EEZ and High Seas
Ministry of Marine Affairs and Fisheries
Jl. Medan Merdeka Timur No. 16
Jakarta Pusat 10110
Ph: 62-21-3453008
s.tampubolon@yahoo.com

PANAMA

Raul Delgado

Monitoring, Control and Surveillance General
Director
Aquatic Resource Authority of Panama
Calle 45, Bella Vista, Edificio La Riviera
Ph: 507-66795200
rdelgado@arap.gob.pa
rauldelgadoQ@gmail.com

VIETNAM

Doan Manh Cuong

Programme Officer
Ministry of Agriculture and Rural Development
No. 2 Ngoc Ha Str., Badminh Dist., Hanoi
Ph: 84-4-4459-2131; Mob: 84-903-255-238
Fax: 84-4-37330752
doanmanhcuong@gmail.com

To Viet Chau

Deputy Director General of International
Cooperation Department
Ministry of Agriculture and Rural Development
No.2 Ngoc Ha Street, Ba Dinh District
Hanoi
Ph/Fax: 84-4-3734-7083; Mob: 84-9-1290-6426
chautv.htqt@mard.gov.vn
tovietchau@yahoo.com

OBSERVERS

AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

Jacquelyn Turner
27 Salamanca square
Battery Point, 7004
Tasmania, Australia
Ph: 61-0-438-677-1968
jturner21@gmail.com

BIRDLIFE INTERNATIONAL

Karen Baird
Policy Officer
Birdlife International
400 Leigh Road, RD 5
Warkworth, New Zealand
Ph: 64-9-422-6868
k.baird@forestandbird.org.nz

COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

Sarah Reinhart
Fishery Monitoring and Compliance Manager
181 Macquarie Street
Hobart, Tasmania 700
Australia
Ph: 61-3-6210-1102
sarah.reinhart@ccamlr.org

PACIFIC ISLANDS FORUM FISHERIES AGENCY

Wez Norris
Director
Fisheries Management
Pacific Islands Forum Fisheries Agency
PO Box 629
Honiara Solomon Islands
Ph: 677-21124
wez.norris@ffa.int

Fraser McEachan
MCS Specialist
Pacific Islands Forum Fisheries Agency
PO Box 629
Honiara, Solomon Islands
Ph: 677-21124
fraser.mceachan@ffa.int

Mark Young
Director – Fisheries Operation
Pacific Islands Forum Fisheries Agency
PO Box 629
Honiara, Solomon Islands
Ph: 677-21124
mark.young@ffa.int

Ramesh Chand
Manager VMS
Pacific Islands Forum Fisheries Agency
PO Box 629
Honiara, Solomon Islands
Ph: 677-21124
ramesh.chand@ffa.int

Mike Pounder
Surveillance Operations Officer
Pacific Islands Forum Fisheries Agency
1 FFA Road
PO Box 629
Honiara, Solomon Islands
Ph: 677-7496262
Mike.Pounder@ffa.int

Timothy J. Costello
Subregional Coordinator (Observer Program)
Pacific Island Forum Fisheries Agency
Kaselehlie Street
PO Box Q
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-3749
tim.costelloe@ffa.int

Manu Tupou-Roosen
Legal Counsel
Pacific Islands Forum Fisheries Agency
1 FFA Road
PO Box 629
Honiara, Solomon Islands
Ph: 677-21124
manu.tupou-roosen@ffa.int

Les Clark
Consultant
85 Innes Road
Christchurch, New Zealand
Ph: 64-3-356-2892
les@rayfishresearch.com

GREENPEACE

Duncan Williams
Pacific Oceans Campaigner
Greenpeace
Level 1 Old Town Hall Building, Victoria Pde,
Suva, Fiji
Ph: 679- 9926232
dwilliam@greenpeace.org

Seni Nabou
Political Adviser
Greenpeace
Level 1 Old Town Hall Building, Victoria Pde,
Suva, Fiji
Ph: 679-3312121
seni.nabou@greenpeace.org

Chow Yuen Ping
Greenpeace East Asia
4/F Obelium 426-7 Hapjeong-dong, Mapo-gu
Seoul, South Korea
apple.chow@greenpeace.org

INTERNATIONAL SEAFOOD SUSTAINABILITY FOUNDATION

Kathryn Matthews
Vice President, Policy Development
International Seafood Sustainability Foundation
kmatthews@iss-foundation.org

PACIFIC ISLANDS TUNA INDUSTRY ASSOCIATION (PITIA)

Naitilima Tupou
Secretariat
Pacific Islands Tuna Industry Association
PO Box 1704
Nuku'alofa, Tonga
secretariat@pitia.org

PEW CHARITABLE TRUSTS

Adam Baske
Officer, International Policy
Pew Environment Group
901 E. St., NW
Washington, DC 20004 USA
Ph: 1-202-534-5977
abaske@pewtrusts.org

Angelo Villagomez
Pew Environment Group
901 E. St., NW,
Washington, DC 20004 USA
Ph: 1-202-552-2000
avillagomez@pewtrusts.org

PARTIES TO THE NAURU AGREEMENT

Sangaa Clark
Policy Development Advisor
PNA
sangaa@pnatuna.com

Anton Jimweireiy
PNA Coordinator
PNA Office
PO Box 3992,
Majuro, Marshall Islands 96960
anton@pnatuna.com

Patricia Jack
VDS Manager
PNA Office
PO Box 3992
Majuro, Marshall Islands 96960
Ph: 692-247-7896
patricia@pnatuna.com

SECRETARIAT OF THE PACIFIC COMMUNITY

Emmanuel Schneiter
Fisheries IT Specialist
BP D5, 98848 Noumea Cedex
New Caledonia
Ph: 687-787487
emmanuel@spc.int

Graham Pilling
Fisheries Scientist
BP D5, 98848 Noumea Cedex
New Caledonia
Ph: 687-262000
grahamp@spc.int

Aliti Vunisea
Human Development Programme Adviser
Pohnpei Regional Office
Kolonias, Pohnpei, FSM
Ph: 691-320-7523
alitiv@spc.int

Aminisita Koroi
Disaster Risk Management Country Counterpart
Pohnpei Regional Office
Kolonias, Pohnpei, FSM
Ph: 691-320-7523
aminisitaik@spc.int

**WESTERN AND CENTRAL PACIFIC
FISHERIES COMMISSION SECRETARIAT**

Dr. Charles Karnella
International Fisheries Administrator
NOAA Fisheries Service
1601 Kapiolani Blvd., Suite 1110
Honolulu, HI 96814 USA
Ph: 1-808-944-2206
charles.karnella@noaa.gov

Glenn Hurry
Executive Director
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
glenn.hurry@wcpfc.int

Sungkwon Soh
Science Manager
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
sungkwon.soh@wcpfc.int

Lara Manarangi-Trott
Compliance Manager
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
lara.manarangi-trott@wcpfc.int

Aaron Nighswander
Finance and Administration Manager
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
aaron.nighswander@wcpfc.int

Sam Taufao
ICT Manager
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
sam.taufao@wcpfc.int

Albert Carlot
VMS Manager
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
albert.carlot@wcpfc.int

Karl Staisch
Regional Observer Program Coordinator
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
karl.staisch@wcpfc.int

Tony Beeching
Assistant Science Manager
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992; Fax: 691-320-1108
anthony.beeching@wcpfc.int

Martin Tsamenyi
Legal Advisor
Australian National Centre for Ocean Resources
and Security (ANCORS)
University of Wollongong
Wollongong, NSW, Australia 2522
Ph: 61-2-4221-3224
tsamenyi@uow.edu.au

Shelley Clarke
Rapporteur
Sasama Consulting
1675 Sasama-kami, Kawane-cho
Shimada-shi, Shizuoka-ken
Japan 428-0211
scc@sasama.info

Robert Mark Farrell
Consultant
Ph: 61-2-61616159/ 61-411-254844
markfarrell@grapevine.com.au

Lucille Martinez
Administration Officer
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
lucille.martinez@wcpfc.int

Arlene Takesy
Executive Assistant
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
arlene.takesy@wcpfc.int

Glenn Jano
Compliance Officer
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
glenn.jano@wcpfc.int

Donald David
Data Quality Officer
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
donald.david@wcpfc.int

Milo Abello
VMS Operations Officer
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
milo.abello@wcpfc.int

Julio A. Mendez
VMS Operations Officer
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
julio.mendez@wcpfc.int

Jeannie Marie Hawley
Assistant Administrative Data Entry
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
jeannie.nanpei@wcpfc.int

Rose George
Support Staff
PO Box 2356
Kolonias, Pohnpei, FSM 96941
Ph: 691-320-1992/1993; Fax: 691-320-1108
rosalin.george@wcpfc.int

Yvonne Falieapiy
Support Staff
National Oceanic Resource Management
Authority (NORMA)
PO Box PS122
Pohnpei, FSM 96941
Ph: 691 320-2700
yvonne.f@norma.fm

Prileen Martin
Support Staff
National Oceanic Resource Management
Authority (NORMA)
PO Box PS122
Pohnpei, FSM 96941
Ph: 691-320-2700
Prileen.martin@norma.fm

Tosuo Irons Jr.
Support Staff
National Oceanic Resource Management
Authority (NORMA)
PO Box PS122
Pohnpei, FSM 96941
Ph: 691-320-2700
Tosuo.Irons79@yahoo.com

Welsin Helgenberger
Support Staff
Ph: 691-924-0348

Virgilio San Jose
Support Staff
Ph: 691-920-1905

Attachment B

**The Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
Eighth Regular Session**

**Pohnpei, Federated States of Micronesia
27 September–2 October 2012**

PROVISIONAL AGENDA WITH INDICATIVE SCHEDULE AND PAPERS

WCPFC-TCC8-2012/02_rev 3¹

Thursday 27th Sept

		Doc list
Morning session (8.30am–10.30am)	AGENDA ITEM 1 OPENING OF MEETING	
	1.1 Welcome	
	1.2 Adoption of agenda.	02 _rev1 03 _rev1
	1.3 Meeting arrangements.	
	1.4 Issues from WCPFC8, and TCC7, NC8 and SC8	IP01_rev1
	1.5 Information papers to be discussed by exception (<i>see WCPFC-TCC8-2012-06</i>)	06
	1.6 Items that Executive Director deems necessary to put before TCC8 (Rule 2(i))	08
	AGENDA ITEM 2 REQUIRED TCC BUSINESS ITEMS	
	2.1 IUU list and IUU listing procedures	
	a) Review of WCPFC IUU list and IUU nominations	09 Supporting documentation (secure side)
	b) IUU listing procedures	
	i. Para 15c and 25e – Update on USA led intersessional process (Tonga's paper regarding the issue of coastal state satisfaction in listing and delisting procedures)	
	ii. IUU listing procedures of other tuna RFMOs (Secretariat paper from TCC7)	10 (+10Att)
2.2 Assessment of Cooperating Non-Member Applications, and recommendations and technical advice to the Commission (CMM 2009-11, para 3) <i>Confirm working group process as discussed at HOD</i>	26 (+26Att)	
10.30am – 11.00am	Morning tea	

¹ This is rev2, with 5 September 2012 with list of documents for each agenda item included

Mid-morning session (11.00am–12.30pm)	2.3	Vessel Monitoring System	
	a)	Progress Report from Co-Chairs of VMS SWG	
	b)	Annual Report on the Commission VMS (see para. 7.3.9 and 7.3.10 SSPs), including requested information to inform discussions regarding the bracketed text in the SSPs related to manual reporting. (Information paper)	IP02
	c)	Consideration of cost optimization of the Commission VMS	IP02 IP12
	d)	Operationalising Article 24(8) of the Convention (Access to in-zone data, Niue application and Flick the Switch)	DP08 (USA) IP15
	e)	Proposed template for ALC/MTU Audits by CCMs (SSPs para 9-13)	12
	f)	Review of integrity of Secretariats VMS data (SSPs para 6.10)	<i>Late paper</i>
12.30 – 2.00pm	Lunch – working group on CNMs		
	AGENDA ITEM 3 COMPLIANCE MONITORING SCHEME (CMS)		
Afternoon session (2 – 7pm)	3.1	Update on submissions of Annual Report Part 1 and Part 2 and other reporting requirements in CMMs	IP03 rev5
	3.2	Development of Provisional CMR 2011 and Executive Summary	07

Friday 28th Sept

8.30am – 7pm	3.2 CMS continued... <i>If not completed then to Working Group</i>	
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Saturday 29th Sept

		Doc list	
Morning session (8.30am – 10.30am)	AGENDA 4 DISCUSSION OF REPLACEMENT CMM FOR CMM 2008-01 AND CMM 2011-01 (including consideration of Philippines letter dated 29 August 2012)	27 DP02 DP10 OP03	
10.30am – 11.00am	Morning tea		
Mid-morning session (11.00 – 12.30pm)	AGENDA ITEM 2 REQUIRED TCC BUSINESS ITEMS continued...		
	2.4	Regional Observer Programme	
	a)	ROP-TAG – update from ROP-TAG Chair on progress and overview of proposed work plan for 2012-13	14
	b)	Annual Report by Secretariat on ROP (CMM 2007-01, para. 3) including items for consideration raised by the ED (Rule 2 (i))	15 08
	c)	Review of ROP data (CMM 2007-01, Annex C para 7)	16_rev1
	d)	Consideration of cost optimization of the ROP	16_rev1
	e)	Proposals for Vessel Captains/Operators to review	DP09

	ROP reports (Operationalising CMM 2007-01 Attachment B paragraph 1(c))	08 (ED)
12.30–2.00pm	Lunch - working group on CNMs continued?	
Afternoon session (2 – 7pm) Aim to cover as much of this list as possible (unfinished items will be picked up on Monday mid-morning)	2.4 Regional Observer Programme continued... (if required)	
	AGENDA ITEM 5 REVIEW OF OTHER MCS MEASURES AND CMMs	
	5.1 Record of Fishing Vessels	
	a) Proposed RFV SSPs	24
	b) Review of Interim Register for non-CCM carrier and bunkers (CMM 2009-01, para 39)	IP06_rev2 (Att rev 1)
	5.2 Transshipment CMM (CMM 2009-06)	
	a) Review of High Seas Transshipment Rules (CMM 2009-06) for fishing vessels, other than purse seine	17_rev1 (Att)
	b) Review of any applications received for an exemption from the prohibition of transshipment at sea by purse seine fishing vessels (CMM 2009-06, para 25-32)	DP01 (NZ) DP11 (PHP)
	5.3 Charter Notification Scheme (CMM 2011-05)	
	a) Proposals to extend CMM 2011-05 or for replacement CMM <i>Resource paper: catch attribution report (Gillett 2011) WCPFC-TCC8-2012-IP07</i>	IP08
	b) AHTG [Data] outstanding task: rules for access by chartering States to data for their vessels	IP09
	5.4 Eastern High Seas Special Management Area (CMM 2010-02)	
	5.5 South Pacific Albacore CMM (CMM 2010-05)	DP06_rev1(TVM) IP04_rev1 (page 9) IP01_rev1 (page 20) DP16 (FFA)
	5.6 Seabirds (Review of CMM 2007-04) (U.S.)	OP1 OP2 IP04_rev1 (page 10) IP01_rev1 (page 21)
	5.7 NP Striped Marlin (Review of CMM 2010-01) (U.S.)	IP04_rev1 (page 7) -IP01_rev1 (page 23)
	AGENDA ITEM 6 NEW PROPOSALS FOR CMMs, INCLUDING NEWMCS MEASURES	
	6.1 Proposed Whale Sharks CMM	DP04 (AU) DP05 (AU)
6.2 Port State Measures	DP12 (EU) DP13 (EU)	
6.3 Catch Documentation Scheme WG TOR	25 (PNG) DP14 (EU)	

		DP15(EU)
6.4	Response to reported fishing gear damages (Japan)	DP07 (JP)

Monday 1st October

		Doc list
	AGENDA ITEM 3 COMPLIANCE MONITORING SCHEME (CMS) continued...	
	3.2 Consideration of draft Provisional CMR 2011 and Executive Summary	
Morning session (8.30am–10.00am)	3.3 Refinements to reporting requirements that are relied on for CMR development, including Annual Report Part 2 template design, streamlining and online interface for completing <ul style="list-style-type: none"> a. Update on development of online interface for Part 2 Annual Reporting b. Suggested refinements to Annual Reporting templates (Part 1 and Part 2) 	18_rev2 IP19
	3.4 Anticipated resourcing requirements for the Secretariat from the CMS	19
	3.5 Future considerations and potential refinements to CMM 2011-06	
	3.6 Process for responses to non-compliance for the CMS (CMM 2011-06, para 24)	IP10
	10.00 – 10.30am	Morning tea
Mid-morning session (10.30am – 12.30pm)	2.2 Draft recommendations recommendations and technical advice to the Commission on CNM applications (CMM 2009-11,para 3)	
12.30- 2.00pm	Lunch	
Afternoon session (2.00pm – 7pm) (start with unfinished items from Saturday afternoon)	<i>Any Agenda 4 or Agenda 6 items that were not completed on Saturday</i>	
	AGENDA ITEM 7 PERFORMANCE REVIEW	
	7.1 Review of TCC-related Performance Review recommendations	20_rev1
	AGENDA ITEM 8 FUTURE TCC Agenda and WORK PROGRAM discussion	
	8.1 Report by the Secretariat on implementation of the 2012 programme of work.	21
	a) Report of the review related to the integrity of the Secretariats Information Management System and Record of Fishing Vessels	Late paper
	8.2 Future approaches to TCC work, including TCC agenda and rationalization of meetings, including <i>WCPFC8-2011-DP48</i> .	23 IP11
	8.3 Proposed TCC Work Plan and budget for 2013-2015	20_rev1

Tuesday 2nd October

		Doc list
Morning Session (8.30am – 10.30am)	AGENDA ITEM 4 DISCUSSION OF REPLACEMENT CMM FOR CMM 2008-01 AND CMM 2011-01 CONTINUED...	
10.30 – 11am	Morning tea	
11.00 – 12.00	AGENDA ITEM 4 DISCUSSION OF REPLACEMENT CMM FOR CMM 2008-01 AND CMM 2011-01 CONTINUED...	
12.00am - 12.30pm	AGENDA ITEM 9 SPECIAL REQUIREMENTS OF DEVELOPING STATES	
	9.1 Consideration of the Special Requirements of Developing States pursuant to Part VIII of the Convention	
	9.2 Reports on Article 30 of the Convention and Res 2008-01	
12.30– 2.00pm	Lunch	
Afternoon session (2.00pm– 6.00pm)	3.2 Agreement on provisional CMR Report and Executive Summary (including refinements to CMMs/reporting requirements Agenda 3.3 – 3.5)	
	AGENDA ITEM 10 OTHER MATTERS	
	10.1 Election of officers	
	10.2 Next Meeting	
	10.3 Other Supplementary items	
	AGENDA ITEM 11 PRIORITIES FOR TCC9	
	8.2 Recommendations on future approaches to TCC work, including TCC agenda	
	AGENDA ITEM 12 ADOPTION OF the REPORT OF THE EIGHTH REGULAR SESSION OF the TECHNICAL AND COMPLIANCE COMMITTEE	
	<ul style="list-style-type: none"> • Adopt decisions of meeting (and indirectly what will be sent to WCPFC9) 	

**The Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
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STATEMENT BY TONGA ON PARA 15(b) OF CMM 2010-06

Tonga’s submission to TCC8 on paragraph 15 of the WCPFC illegal, unreported and unregulated fishing measure and the need for the WCPFC to develop guidelines that are compatible with the guidelines of the Pacific Islands Forum Fisheries Agency for assessing the true cost of illegal, unreported and unregulated fishing

I would like to take this opportunity to express Tonga’s long-standing concerns with regard to the application of para 15 of the IUU conservation measure (used to be 2007-03 but now 2010-06). I would also like to put attaché this statement to the summary record of this TCC meeting.

It is the application of this specific text (para 15 of IUU measure) that led Tonga in 2008 to propose developing guidelines for the purpose of IUU listing.

But before expressing my concern regarding para 15 of the WCPFC IUU Measure, I would like to voice again some of the common practical difficulties faced by coastal states in combating IUU fishing activities.

- 1. At a National level:** Small Island Developing coastal states often find it very difficult to apprehend and prosecute IUU vessels due mainly to lack of resources (human, air and sea surveillance) to patrol huge portions of the Convention Area that they are under the sovereignty and sovereign rights of coastal states. Also added to the difficulty, is when the IUU vessel escapes the jurisdiction and when there is no extradition or Agreement between the coastal state and the flagstate, it makes it very difficult for coastal state to bring the IUU offenders to Court proceedings subject to national laws of coastal state. Needless to say, coastal states would prefer to settle all IUU cases at the national level, using national laws of the coastal state. However, in a situation where IUU case could not be solved in the national level, the issue has to be taken up at the regional level, and all of a sudden, the small island developing coastal state finds itself in a very difficult, unfavorable and “unfairly treated” position. This is because at the regional level (and specifically through the application of para 15 of the IUU measure), the sovereignty and sovereign rights of coastal states are not treated as paramount when considering IUU listing and considering real costs of IUU fishing activities within coastal waters.

2. **At a Regional level:** The application of para 15 of the IUU measure(2007-03/2010-06) has been tested by Tonga in 2008 and I would like to mention some of the issues that Tonga has identified:
- i. It seems para 15 was designed mainly to promote the interest of the flag State. Clearly it was not designed to take into account sovereignty and sovereign rights of the coastal state .To be fair there is a reference in para 15(c) for Flagstate to settle IUU fishing activities to the satisfaction of the coastal state (which is normally the nominating CCM) but unfortunately Flagstate is not obligated (under the IUU measure) to apply 15(c) and that was evident (and that was the case) in 2008, in the Tonga IUU case. As a small island developing coastal state, this Para 15 is very much seems like a “Defence menu” for Flagstate, and our concern is it will continue to promote and protect IUU fishing by flagstate vessels in the waters of small island coastal states.
 - ii. And that is why Madam Chair we proposed in previous years to amend this para 15 – the aim is not to disregard or eradicate the rights of the flagstate, not at all. The aim is to find balance (to insert some element of deterrence) and to ensure that interests of both coastal state and flagstate are recognized, respected and fairly reflected in the text (para 15). As the text stands now, it is only the right of the flagstate that is recognized and respected.
 - iii. We also find that there are no clear and transparent procedures or guidelines for flagstate and coastal state to use especially in determining the real cost of IUU fishing in waters of coastal states. Chair, we seems to forget the three key guiding principles for deterring IUU fishing as reflected in the FAO IPOA –IUU and also reflected in the very first paragraph of the preamble of the IUU conservation measure 2010-06; that we must follow agreed procedures and be applied in an **equitable, transparent and non-discriminatory way**. From Tonga’s perspective, it is unfair, inequitable and highly discriminatory to apply para 15(b) and (c) of the IUU measure 2010-06 without clear and transparent guidelines.
 - iv. To apply para 15 as it stands now, without clear and transparent guidelines, is unfair, inequitable and highly discriminatory to coastal state. How can para 15 be fair and non-discriminatory knowing that sovereignty and sovereign rights of coastal state are not taken as a mandatory requirement by para 15.
 - v. It such a pity, madam chair, that all efforts that have been exhausted in the last four years to ensure that both rights of flagstate and coastal states are fairly reflected in para 15 of IUU measure were blocked by only 3 or 4 CCMs, without willingness to offer a way forward or recognize sovereignty and sovereign rights of coastal states.
3. **FFA Guidelines:** I would like to put on record that:” FFA members would like to reiterate that the guidelines we have tabled are FFA Guidelines which are applied by our member countries in articulating real costs for IUU activities within our waters. They are already being used successfully by our Members as highlighted in the recent IUU incidents in NZ’s waters. And whenever para 15 of the IUU measure (2010-06) comes into play, we will apply the FFA Guidelines. CCMs will be formally notified before the Commission meeting in December.

4. **Compatible Measures** It is the view of FFA Members that the Commission still needs to put in place compatible guidelines for the purposes of IUU listing.
5. **Future Work** FFA members will further discuss our approach on this issue with a view to providing a proposal to TCC9.

Thank you.

Viliami Moale (Tonga)

2nd October 2012, Pohnpei, FSM

**The Commission for the Conservation and Management of
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**Technical and Compliance Committee
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**TCC8 VESSEL MONITORING SYSTEM SMALL WORKING GROUP PROPOSAL
ON APPLICATION OF THE COMMISSION VESSEL MONITORING SYSTEM TO
THE NATIONAL WATERS OF MEMBERS**

WCPFC-TCC8-2012-DP-08 (rev 3)

1 October 2012

Application of the Commission VMS to the national waters of members

Background

At WCPFC7, the following decisions (contained in WCPFC-2010-DP27 rev 1), which remain in effect, were taken:

- a. The Commission approved the application of the Commission VMS, pursuant to Article 24(8) of the WCPF Convention and Paragraph 6(c) of CMM 2007-02, to the national waters of all Commission Members that request such application.
- b. A Commission Member's decision to exercise the option to apply the Commission VMS to its waters will not affect, impair or invalidate its participation in any other future or existing national or regional VMS program. Nothing in this decision in any way affects, impairs or invalidates the operation of VMS programs within the waters under national jurisdiction, which, as stated in the SSPs, shall be the exclusive responsibility of the coastal State.
- c. The Secretariat will provide notification to all CCMs when any Commission Member exercises the option to apply the Commission VMS to its national waters. The Secretariat will maintain an updated list of all CCMs that have access to Commission VMS data in their waters on the secure area of the WCPFC website.
- d. The Secretariat will develop a template agreement, for Commission review and approval, which will be used for all Commission Members exercising this option. The template agreement will address details regarding the application of the Commission VMS to the individual Commission Member's waters, including any costs that may be associated

Recommended language for consideration by TCC8

TCC8 recommends that the Commission adopt the following paragraphs as decisions relating to the application of the Commission VMS solely to waters under the jurisdiction of Members and to complement and support Members' national VMS, including compatibility:

1. Coastal States, particularly Small Island Developing States, have a legitimate and pressing need to increase their ability to monitor fishing vessels in their national waters to ensure the effectiveness of measures adopted by the Commission or domestic laws or regulations of any Member are not undermined. CCMs that are both SIDS and coastal States are some of the smallest developing nations in the world.
2. Flag States have a legitimate right to know when vessels flying their flag in the Convention Area are being monitored and must consent to that monitoring in the national waters of another Member. CCMs consented to the monitoring of vessels flying their flag in the Convention Area at WCPFC7, pending resolution of an agreed upon template agreement. CCMs have agreed to take the decisions captured in paragraph 4 below instead of creating a template agreement.
3. All Members have an interest in ensuring that vessels that are authorized to fish in the Convention Area do so in accordance with the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission or domestic laws or regulations of any Member when operating in waters under its jurisdiction. Effective conservation and management in Members' national waters is critical to the success of the Commission as these areas are where the majority of catch and effort occurs in the Convention Area.
4. CCMs have agreed that rather than adopting a specific template agreement, as specified by WCPFC-2010-DP27 rev 1, the following principles will govern the application of the Commission VMS to the national waters of any Member that requests such application and the provision of those data (hereinafter "in-zone VMS data") to Members:
 - a. Members that have existing national VMS programs may choose to have the Commission provide the in-zone VMS data for [vessels reporting to the Commission VMS] who enter their national waters directly to their national VMS to ensure compatibility between national and high seas vessel monitoring systems.
 - b. Vessels reporting to the Commission VMS that enter the national waters of a Member whose waters are included in the Commission VMS retain all their navigational rights, including transit, innocent passage and freedom of navigation under international law. Vessels in transit will not be subject to MCS activities based solely on the in-zone VMS data provided.
 - c. The in-zone VMS data will be provided only to Authorized MCS Personnel and Authorized Management Personnel, as defined in paragraphs 11 and 32, respectively, of the Commission's 2009 Rules and Procedures or to FFA Secretariat on behalf of FFA Members.
 - d. Members will use the in-zone VMS data only for (i) monitoring, control and surveillance purposes and for (ii) scientific purposes as described in paragraph 35 of the Commission Rules and Procedures for the Protection of, Access to and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and

Dissemination of High Seas VMS Data for Scientific Purposes, first adopted in 2009 (Commission's 2009 Rules and Procedures).

- e. Members shall maintain the confidentiality and security of the in-zone VMS data in a manner no less stringent than the security standards established by the Commission for the Secretariat in its Information Security Policy. Failure to maintain the confidentiality and security of the VMS data in accordance with the provisions of this paragraph will result in suspending the flow of VMS data from WCPFC to the respective coastal State until the standards are met.
- f. Members will destroy any in-zone VMS data received for its national waters within 15 days of receipt, unless such data are necessary for (i) an investigation or a judicial or administrative proceeding of an alleged violation of the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission or domestic laws or regulations of the Member or (ii) a scientific purpose as described in paragraph 35 of the Commission's 2009 Rules and Procedures. Members will report on their compliance with this requirement in Part 2 of their Annual Report.
- g. Members may only share in-zone VMS data with intergovernmental regional fisheries bodies and the Flag State to answer a specific and precise request for MCS purposes and with the Authorized MCS Entities and Personnel, as defined in paragraph 11 of the Commission's 2009 Rules and Procedures, of other Members for the purpose of conducting MCS activities. The in-zone VMS data will be shared in a manner consistent with Members' national VMS SSPs and the WCPFC rules and procedures, and in accordance with the confidentiality and retention and destruction requirements established herein.
- h. Members will be responsible for any additional costs associated with the application of the Commission's VMS to their national waters, as determined by the Executive Director. However, this issue will be revisited in the event that there is any change to the cost and payment structure of the Commission's VMS. Failure to make timely payment of the additional costs, if any, identified by the Executive Director will result in a suspension of the provision of in-zone data until payment is made.
- i. A Member's national waters will be included in the Commission's VMS only at that Member's request and Members are not obligated to request inclusion.
- j. Upon receipt of a request by a Member pursuant to paragraph 12, the Executive Director shall immediately notify Members of the Commission of the request by circular. The waters of the Member making a request under paragraph 12 shall be included in the Commission's VMS 30 days after the date of that circular.
- k. The Executive Director shall establish and maintain a list on the Commission's website of all the Members whose waters are included in the Commission's VMS.
- l. In the event that two or more Members have conflicting claimed EEZ geographical coordinates, VMS data for the disputed area will only be provided to any of those Members with the agreement of all of those Members. If any of those Members objects to the provision of VMS data in the disputed area, none of those Members will be provided such data. [No Member may object to the provision of in-zone VMS data in disputed areas not associated with its own claimed EEZ.]

[Ibis. Chinese Taipei Proposed language for Ibis:

In the event that any Member has fleets fishing in the disputed zone claimed to be EEZ by another Member but the claim of disputed zone is not recognized by international law or fully accepted by the concerned Member(s), no Member will be provided such data.

Chair's proposed rewrite of Ibis:

In the event that any Member has disputed another Member's claimed EEZ geographical coordinates, no Member will be provided in-zone VMS data in the disputed area until and unless the dispute is either formally resolved under international law or the Members have reached an agreement.]

- m. The implementation of these decisions will be in accordance with the provisions of the Convention including Article 3(2) of the Convention.
- n. The implementation of and compliance with these decisions will be subject to review under the existing and any future Compliance Monitoring Scheme.
- o. These decisions will be effective 60 days after the Commission meeting and shall only allow for the provision of data generated from that date forward. These decisions will be reviewed or revised in two years. During this period, CCMs will consider additional technical solutions to address concerns of illegal fishing occurring in waters under the jurisdiction of Members.

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**PROPOSAL ON AUTOMATIC LOCATION COMMUNICATORS (ALC)/
MOBILE TRANSMITTING UNITS (MTU) INSPECTION TEMPLATE AS GUIDANCE
FOR CCMS WHEN CONDUCTING AUDITS UNDER ANNEX I OF CMM 2011-02,
AND THE WCPFC VMS
STANDARD SPECIFICATIONS AND PROCEDURES**



MTU Inspection Checklist.			
Inspection Date	____/____/____ <small>(dd/mm/yy)</small>	Place Where Inspection took place:	_____ <small>(Port)</small>
VESSEL INFORMATION			
Vessel Name	_____	WIN number:	_____
International Callsign (IRCS)	_____		
Flag Registration Number	_____		
Vessel Gear Type	_____		
Flag	_____		
MTU Details			
Manufacturer	_____		
Model	_____		
MTU ID (IMN)	_____		
MTU Serial Number	_____		
Inspect the MTU and provide answers / comments to the following questions and indicate if OK			
Item	Check for	Comments or Action Taken	OK
MTU indoor unit (transceiver)	Securely mounted		
	Not exposed to weather		
	Is the unit powered on? If yes provide date (dd/mm/yy) and time		
	Satellite Signal Strength		
	GPS PDOP Value		
ELECTRICAL	Power supply - on Load Voltage and Current rating		
	Battery - On Load Voltage		
	Changeover switch or in case of power supply - Auto changeover		
ANTENNA	Securely mounted		
	Clear unobstructed view with easy access for maintenance		
CABLING	Protected run		
	Not possible to remove both antenna and transceiver without first disconnecting the antenna cable		
TAMPERING	Is there visible evidence of tampering? If YES please provide details and action taken.		
MTU Accuracy	Poll the vessels MTU at least 10 times and compare its position relative to its known geographic location (note: must be within the standard - CMM 2011-02 Annex 1 para 10)		
Transmission and Reception of position report	Calculate the elapse time between transmission and reception of position report. (note: need to work with VMS staff at WCPFC Secretariat, CMM 2011-02 Annex 1 para 4.)		

Name: _____ Signature: _____
(name of person who carried out the above MTU inspection)

Organisation Name: _____
 Address: _____

Results of these audits conducted by CCMs will be provided to the Commission in Part 2 component of the Annual Report to the Commission by the CCMs, for compilation into a VMS Audit Report Document.

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**PROPOSED FORMAT FOR REPORTING AUTOMATIC LOCATION COMMUNICATORS/
MOBILE TRANSMITTING UNITS AUDIT INSPECTIONS TO THE COMMISSION IN
ANNUAL REPORT PART 2 (WCPFC-TCC8-2012-12, AS AMENDED BY TCC8)**

Proposed format for CCMs to provide annual summary information on ALC/MTU Audit inspections to the Commission, including in Part 2 Annual Reports (in fulfillment of VMS SSPs 7.2.4 and 2.13)

	Name of Fishing Vessel	Gear type	Flag	WIN	IRCS	MTU Type/ System	Inspected By	Inspection Date	Summary notes on results
1									
2									
3									
...									

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**PROPOSED TEMPLATE FOR THE 2012 ANNUAL REPORT (PART 2) COVERING 2011
ACTIVITIES**

TCC7 recommended shortened Annual Report Part 2 template (WCPFC-TCC7-2011/19 Attachment B version 2) was used as the starting point for this revised template. Some features in the template of the Part 2 report which was used in 2012 (for reporting on 2011 activities) were also maintained.

The main modifications and additions to the Annual Report Part 2 TCC7 recommended Attachment B version 2 template include:

- Adding to Section 2.1 the CMMs which were adopted by the Commission in 2011;
- Adding an optional tick-box within the “Measures in Place” column of section 2.1 to allow for CCMs to refer to attachments and to provide advice where applicable on response to the CMR process during 2011. These include a tick-box for: on measures in place; action taken to address non-compliance; explanation of implementation obstacles and implementation plan; capacity building and assistance requirements; and CMM specific reporting requirements.
- Expanding the provisions covered by the template, to ensure that all the fields which were used in the draft CMR template for 2012 (covering 2011 activities), have fields to collect relevant information on implementation;
- Clarifying the HSBI reporting fields for summary reports by CCMs conducting boardings in accordance with CMM 2006-08 (para 40), and summary reports by CCMs whose flag vessels were boarded on the high seas (by other CCMs) in response to any alleged violations.
- Including a suggested format for CCMs use for reports under paragraph 44 of the *Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes*.

TEMPLATE
ANNUAL REPORT TO THE COMMISSION
1 JANUARY – 31 DECEMBER 2012

PART 2. MANAGEMENT AND COMPLIANCE

2.1 IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

Report on CCM steps to implement conservation and management measures in the Convention area (Article 23(2)c)

CMM	Implemented (yes/no) (If no, explain why not) (If N/A, explain why)				Measures in place Attachment (__)
	2.	3.	4.	7.	
CMM 2005-03: Conservation and Management Measure for North Pacific Albacore					Attachment (__) reports one or more of the following: <input type="checkbox"/> measures in place; <input type="checkbox"/> action taken to addressing non-compliance; <input type="checkbox"/> explanation of implementation obstacles and implementation plan; <input type="checkbox"/> capacity building and assistance requirements <input type="checkbox"/> CMM specific reporting requirements

CMM	Implemented (yes/no) (If no, explain why not) (If N/A, explain why)																Measures in place Attachment (__)	
CMM 2006-04: Conservation and Management Measures for Striped Marlin in the South West Pacific	1.								4.									
CMM 2007-01: Conservation and Management Measure for the Regional Observer Programme.	7.	9.	10.	13.	14ii)	14(vii)	Attachme nt K, Annex C, 4.	Attachme nt K, Annex C, 6 ² .										
CMM 2007-04: <i>(Revision of CMM- 2006-02)</i> Conservation and Management Measure for Mitigating the Impact of Fishing on Seabirds.	1.				2.				1.				4.					
CMM 2008-01: Conservation and Management Measure for Bigeye and Yellowfin Tuna	9.	10.	17.	18.	19.	23.	26.	28.	30.	31.	32.	33.	36.	39.	42.	43.	45.	

² The Secretariat suggests CCMs could submit a plan for meeting required levels of coverage (this is not mandatory).

CMM	Implemented (yes/no) (If no, explain why not) (If N/A, explain why)															Measures in place Attachment (__)		
in the WCPO. <i>(Replaces CMM 2005-01 and CMM 2006-01).</i>																		
CMM 2008-03: Conservation and Management for Sea Turtles.	2.									7. (c)								
CMM 2008-04: Conservation and Management Measure to Prohibit the Use of Large Scale Driftnets on the High Seas in the Convention Area.	1.				2.					5.								
CMM 2009-01: Record of Fishing Vessels and Authorization to Fish <i>(Replaces CMM 2004-01)</i>	9.									15								
CMM 2009-02: Conservation and Management Measure on the Application of High Seas FAD Closures	2. (Fad Closure Rules: 4 – 7)									2. (Catch Retention Rules: 8 – 12)								

CMM	Implemented (yes/no) (If no, explain why not) (If N/A, explain why)				Measures in place Attachment (__)
and Catch Retention					
CMM 2009-03: Conservation and Management for Swordfish. <i>(Replaces CMM 2006-03 and CMM 2008-05).</i>	1.	2.	3.	8.	
CMM 2009-05: Conservation and Management Prohibiting Fishing on Data Buoys	1.	3.	4.	5.	
CMM 2009-06: Conservation and Management on the Regulation of Transshipment	11.		13.		
CMM 2010-01 Conservation and Management Measure for North Pacific Striped Marlin	5.(a) (b) (c)	6.	7.	8.	
CMM 2010-02 Conservation and	2.				

CMM	Implemented (yes/no) (If no, explain why not) (If N/A, explain why)							Measures in place Attachment (__)	
Management Measure for the Eastern High Seas Pocket Special Management Area									
CMM 2010-04 Conservation and Management for Pacific Bluefin Tuna <i>(replaces CMM 2009-07)</i>	2.		3.			4.			
CMM 2010-05: Conservation and Management Measure for South Pacific Albacore <i>(replaces CMM 2005-02)</i>	1.				4.				
CMM 2010-07 Conservation and Management Measure for Sharks <i>(replaces CMM 2009-04, which replaced CMM 2008-06 and before that CMM 2006-05)</i>	1.	2.	4.	6.	7.	9.	10.	12.	

CMM	Implemented (yes/no) (If no, explain why not) (If N/A, explain why)					Measures in place Attachment (__)
	2.	3.	4.	5.		
CMM 2011-01 Conservation and Management Measure for Temporary Extension of CMM 2008-01						
CMM 2011-02: Commission VMS (replaces CMM 2007-02, which replaced CMM-2006-06).	4.	9 (a).	VMS SSPs 2 (8)	VMS SSPs 2 (9, 11, 13), 7.2 (2, 4) ³	VMS SSPs 7.2 (5)	
CMM 2011-06 Conservation and Management Measure for the Compliance Monitoring Scheme (Replaced CMM 2010-03)	21.					

2.2 SURVEILLANCE ACTIVITIES

The completion of this section should be in summarized form.

³ A proposed format for CCMs to provide summary results of audits (required under VMS SSPs 2.13 and 7.2.4: is included in WCPFC-TCC8-2012-12)

Activity	Frequency	Incidents/CMM Clause	Comment
Seagoing patrols			
Aerial surveillance			

2.3 INVESTIGATIONS AND PROSECUTION ACTIVITY

The completion of this section should be in summarized form to the level of detail that domestic requirements allow

Activity	Number	CMM Clause	Reason and summary outcome
Investigations			
Outcomes – penalties or other action			
- No further action			

2.5 WHERE APPLICABLE, SUGGESTED FORMAT FOR CCMS TO REPORT ON THEIR IMPLEMENTATION OF RULES AND PROCEDURES FOR DATA PROTECTION, ACCESS TO AND DISSEMINATION OF WCPFC DATA

Paragraph 44 of the *Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes* states “Members of the Commission shall include in their Part 2 Annual Report to the Commission information on the domestic measures that they have taken to ensure the confidentiality of the data and information received pursuant to these Rules and Procedures. Members of the Commission shall provide in their Part 2 Annual Report to the Commission a statement affirming that they have complied with the data retention and destruction requirements of Section V of these Rules and Procedures. In addition, Members of the Commission shall include a summary report of the status of any investigation, judicial or administrative proceedings in Part 2 of its Annual Report to the Commission at the next session of the Technical and Compliance Committee (TCC) until the conclusion of the investigation, judicial or administrative proceedings.”

Summary of data and information that was received in 2012 pursuant to Rules and Procedures for Access to, Protection of and Dissemination of WCPFC data (2007 and 2009)
Information on the domestic measures taken to ensure the confidentiality of any data and information received in 2012 pursuant to the Rules and Procedures for Access to, Protection of and Dissemination of WCPFC data (2007 and 2009)

Statement affirming compliance with the data retention and destruction requirements of Section V of the High Seas Rules and Procedures for Access to, Protection of and Dissemination of WCPFC data (2009), of any data and information received in 2011.

If data that was received in 2012 was retained, a summary report of the status of any investigation, judicial or administrative proceedings, until the conclusion of the investigation, judicial or administrative proceedings.

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**PROPOSED ADDENDUM TO THE TEMPLATE TO BE USED BY CCMS FOR ANNUAL
REPORT PART 1, NATIONAL FISHERY REPORT
(as an addition to Attachment N of the SC4 Summary Report)**

SPECIFIC INFORMATION TO BE PROVIDED IN PART 1 AS REQUIRED BY CMMS

CMM 05-03, para 4	All CCMS shall report annually to the WCPFC Commission all catches of albacore north of the equator and all fishing effort north of the equator in fisheries directed at albacore. The reports for both catch and fishing effort shall be made by gear type. Catches shall be reported in terms of weight. Fishing effort shall be reported in terms of the most relevant measures for a given gear type, including at a minimum for all gear types, the number of vessel-days fished.* [* footnote 1: The first such report shall be due on April 30th, 2006 and shall cover calendar year 2004. Small Island Developing States will make their best efforts to comply with this first reporting deadline.]
CMM 06-04 para 4	In accordance with paragraph 1, CCMS shall provide information to the Commission, by 1 July 2007, on the number of their vessels that have fished for striped marlin in the Convention area south of 15°S, during the period 2000 – 2004, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for striped marlin in the area south of 15°S. CCMS shall report annually to the Commission the catch levels of their fishing vessels that have taken striped marlin as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S.
CMM 07-04, Seabirds para 9	CCMS shall annually provide to the Commission, in part 1 of their annual reports, all available information on interactions with seabirds, including bycatches and details of species, to enable the Scientific Committee to estimate seabird mortality in all fisheries to which the WCPF Convention applies.
CMM 09-03, Swordfish para 8	CCMS shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish for the following: a. vessels flying their flag anywhere in the Convention Area south of 20°S other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another CCM; b. vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20°S; and c. any other vessels fishing within their waters south of 20°S. This information shall be provided in Part 1 of each CCM's annual report. Initially, this information will be provided in the template provided at Annex 2 for the period 2000-2009 and then updated annually.
CMM 09-06, Transshipment para 11 (annex II)	11. CCMS shall report on all transshipment activities covered by this Measure (including transshipment activities that occur in ports or EEZs) as part of their Annual Report in accordance with the guidelines at Annex II. In doing so, CCMS shall take all reasonable steps to validate and where possible, correct information received from vessels undertaking transshipment using all available information such as catch and effort data, position data, observer reports and port monitoring data.

	<p>ANNEX II TRANSHIPMENT INFORMATION TO BE REPORTED ANNUALLY BY CCMs</p> <p>Each CCM shall include in Part 1 of its Annual Report to the Commission:</p> <p>(1) the total quantities, by weight, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:</p> <ul style="list-style-type: none"> a. offloaded and received; b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction; c. transhipped inside the Convention Area and transhipped outside the Convention Area; d. caught inside the Convention Area and caught outside the Convention Area; e. species; f. product form; and g. fishing gear used <p>(2) the number of transhipments involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:</p> <ul style="list-style-type: none"> a. offloaded and received; b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction; c. transhipped inside the Convention Area and transhipped outside the Convention Area; d. caught inside the Convention Area and caught outside the Convention Area; and e. fishing gear.
CMM 10-05, south Pacific albacore para 4	CCMs shall report annually to the Commission the catch levels of their fishing vessels that have taken South Pacific Albacore as a bycatch as well as the number and catch levels of vessels actively fishing for South Pacific albacore in the Convention area south of 20°S. Initially this information will be provided for the period 2006-2010 and then updated annually.
CMM 10-07, Sharks para 4	<p>Each CCM shall include key shark species*, as identified by the Scientific Committee, in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed reporting procedures. . . .</p> <p>*footnote 2: The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks, and thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate) and hammerhead sharks (winghead, scalloped, great, and smooth).]</p>
<i>Commencing in reports that cover activities post-1 January 2013</i>	
CMM 11-03 Cetaceans and Purse Seine fisheries, para 5	CCMs shall include in their Part 1 Annual Report any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, reported under paragraph 2(b).
CMM 2011-04 Oceanic white tips, para 3	CCMs shall estimate, through data collected from observer programs and other means, the number of releases of oceanic whitetip shark, including the status upon release (dead or alive), and report this information to the WCPFC in Part 1 of their Annual Reports.

**The Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
Eighth Regular Session**

**Pohnpei, Federated States of Micronesia
27 September–2 October 2012**

**PROPOSED TCC WORK PLAN AND BUDGET
(AS AGREED TO ON SCREEN)**

Introduction

“TCC Work Program 2013–2015” is formatted and tailored on the functions of TCC. Priority TCC tasks are identified upfront and reflected by their immediacy in the work plan.

The format of the workplan remains true to the functions of TCC and should be applied in the same manner when drafting future TCC Agendas, noting that it does not prevent members from tabling other proposals.

In considering the work plan caution was and should be exercised with the amount of tasks set in the first year. The aim should be to assign tasks equally over the three years of the work plan.

TCC Work Plan & Budget 2013 – 2015

TCC Priorities

- 1) Priority core business tasks (standing Agenda Items):
 - a. Assessment of IUU vessel nominations
 - b. Assessment of cooperating non-member applications
 - c. Give effect to obligations relating to Small Island Developing States.
 - d. Consider performance review and cost optimisation where it relates to TCC issues.
 - e. Consider Annual report(s) of the Executive Director to include, HSBI, ROP, VMS, RFV, Data Rules,
 - f. Review integrated reports of implementation of CMMs on target fisheries

- 2) Priority project specific tasks :
 - a. Develop a systematic analysis, prioritization and response mechanism for non-compliance
 - b. Review effectiveness of Resolution 2008-01 On Aspirations of Small Island Developing States and Territories.
 - c. Implement a Catch Documentation Scheme for key species.
 - d. Review and enhance port state measures.
 - e. Integrated Information Management System. Includes streamlined Part I and II reporting, and compliance monitoring reporting.
 - f. Develop a revised South Pacific Albacore Measure
 - g. Develop a revised Shark Measure
 - h. Develop metric for measuring fishing effort and capacity

- i. Implement, as appropriate, recommendations from the Joint WCPFC/FFA Review of the WCPFC VMS (paper WCPFC-2011/27)
- 3) Priority Issues forwarded from the Commission (pending Commission meeting)

TCC Activities (Priority Projects)

Note: [] refers to items that are subject to WCPFC9 outcomes

2013 (TCC9)	2014 (TCC10)	2015 (TCC11)
Article 14(1)(a) - Priority tasks with respect to the provision of information, technical advice and recommendations:		
<p>Advice and recommendation for a revised South Pacific Albacore Measure</p> <p>Review effectiveness of Resolution 2008-01 (SIDS)</p> <p>[Develop management frameworks for catch and/or effort on the high seas depending on outcome of the new CMM 08-01, and subject to the requirements of the Commission]</p> <p>[Develop Catch Documentation Scheme (\$)]</p> <p>Review and enhance existing port state measure(s)</p> <p>Review non-target CMM (sharks).</p> <p>Develop metrics for measuring fishing effort and capacity.</p>	<p>Advice and recommendation for a revised south Pacific swordfish measure</p> <p>Implement Catch Documentation Scheme (\$)</p> <p>Finalise management arrangements for IATTC overlap.</p> <p>Review catch discard monitoring arrangements</p> <p>Review non-target CMM (Birds)</p> <p>Trial metrics for measuring fishing effort and capacity</p>	<p>Advice and recommendation for a revised BE, YF, SKP measure(s)</p> <p>Review non-target CMM (turtles)</p> <p>Review mechanism to give full effect to SIDS obligations.</p> <p>Adopt metrics for measuring fishing effort and capacity.</p>
Article 14(1)(b) - Priority tasks with respect to the monitoring and review of compliance:		
<p>Implement and refine compliance monitoring scheme.</p> <p>Revise measure identified as “ambiguous” or with “misunderstanding” prioritised by the compliance monitoring process.</p> <p>Target capacity assistance to areas of need identified by the compliance monitoring process. (\$)</p> <p>Develop Integrated Information Management System: streamline CCM reporting, detection and response to IUU fishing, including response collation to IUU detected through HSBI (\$).</p>	<p>Implement and refine compliance monitoring scheme</p> <p>Revise measure identified as “ambiguous” or with “misunderstanding” prioritised by the compliance monitoring process (\$)</p> <p>Target capacity assistance to areas of need identified by the compliance monitoring process.</p> <p>Refine Integrated Information System</p>	<p>Develop systematic response to non-compliance</p> <p>Revise measure identified as “ambiguous” or with “misunderstanding” prioritised by the compliance monitoring process.</p> <p>Target capacity assistance to areas of need identified by the compliance monitoring process (\$).</p>

2013 (TCC9)	2014 (TCC10)	2015 (TCC11)
Article 14(1)(c) - Priority tasks with respect to implementation of cooperative MCS &E:		
<p>Transshipment Review and Guidelines in place for HS LL exemptions</p> <p>E – HSP Pockets review CMM and consider extension to other HS pockets.</p> <p>VMS – review implementation of Commission recommendations (from 2012) small WG (\$).</p> <p>ROP – review implementation of Commission recommendations from 2012 ROP TAG. System in place for timely provision of observer data to Master of vessel (\$).</p>	<p>VMS – review SLAs with Mobilise Satellite Provider, develop ALC type approval process</p> <p>ROP – mechanism in place for observer data to be provided to Master.</p> <p>ROP – funding or IT capacity in place to maintain observer data provision (\$).</p> <p>HSBI – review implementation and effectiveness</p>	<p>VMS – review compatibility of WCPFC high seas VMS with coastal VMS.</p> <p>VMS – review implementation of Commission recommendations (from 2012) small WG (\$).</p> <p>ROP – review implementation of Commission recommendations from 2012 ROP TAG (\$)</p>

TCC approved 2012 budget, and indicative budget for 2013 and 2014, with proposed budget for 2013 and proposed indicative budget for 2014 and 2015

	<i>WCPFC8 Approved 2012</i>	<i>WCPFC8 Indicative 2013</i>	<i>Proposed 2013 (TCC8- 2012-21)</i>	<i>Proposed_ rev 2013</i>	<i>WCPFC8 Indicative 2014</i>	<i>Proposed Indicative 2014</i>	<i>Proposed Indicative 2015</i>
ROP – audit/remediation	10,000	15,000	15,000	15,000	15,000	15,000	15,000
ROP - special projects and research activities	30,000	30,000	30,000	30,000	30,000	30,000	30,000
ROP - Training, assistance & development	30,000	30,000	30,000	30,000	30,000	30,000	30,000
Regional Observer Progr data entry (SPC) see Note #3	334,769	334,769	334,769	334,769	334,769	662,627	896,811
By-catch mitigation - website	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Vessel Monitoring System – capital costs	0	40,000	40,000	40,000		40,000	40,000
Vessel Monitoring System - SLA costs Note #5	370,000	375,000	375,000	375,000	380,000	380,000	385,000
Vessel Monitoring System –airtime costs Note #5	80,000	90,000	90,000	90,000	95,000	95,000	100,000
Vessel Monitoring System –security audit Note # 6	37,000	39,000	39,000	9,000	39,000	30,000	9,000
CCM/Staff VMS Training (including MTU audit and inspection training for developing Members) Note #7	40,000	75,000	40,000	60,000	75,000	75,000	40,000
VMS redundancy provision Note #8	18,000	18,000	18,000	18,000	18,000	18,000	18,000
Information Management System incl. RFV Note #9	50,000	35,000	90,000	Note #9	35,000	Note #9	Note #9
AR Part 2 and CMS Online Hosting and Publishing Note #8	-	-	18,000	18,000		18,000	18,000
IATTC and WCPFC cross-endorsement training (formerly workshops with Note #4)	45,000	-	25,000	25,000	-		
Targetted capacity building to areas of need identified by the CMR process: 7-8 countries Note #10				30,000		50,000	50,000
Total, item 2.3	1,054,769	1,091,769	1,154,769	1,084,769	1,061,769	1,453,627	1,641,811
Additional items for Part 1 of the budget							

Catch Documentation Scheme working group meeting/workshop		140,000		
Compliance Assistant Manager (conditional on extension of CMS and could cover EHSP monitoring)				
Note #11		190,000	170,000	175,000

Note # 3 Reg. Obs. Prog. Data entry support (SPC): The line item for data entry costs are offset by donations paid directly to SPC from New Caledonia and New Zealand. The funds from New Zealand will continue through to May 2014. WCPFC8 noted that an increase in the indicative budget will be made in FAC6. WCPFC-TCC8-2012- 16 requested consideration be given to adding the costs of the observer database management staff (observer data manager and data audit officer) to the 2014 and 2015 budget pending clarification of when current funding for these positions will terminate - a pro-rata amount has been included here, but revised estimates will be provided to FAC6 based on the recommendations of TCC8

Note #4: a training in Micronesia for cross endorsement (so that ROP observers can be used in IATTC waters)

Note #5: the figures above are based on actuals not estimated full costs of 100% reporting. Also future SLA costs and airtime costs are likely to be affected by the outcomes from the VMS SWG (costs could be higher or lower depending on the features of the system), and a modest allocation for hardware is also maintained for 2013

Note #6: costs of audit in 2012 was substantially less than the budgeted amount, so subsequent annual amounts are reduced, but the amount proposed for 2014 is higher in case there is a need for a more "substantial" audit.

Note #7: it is proposed that WCPFC VMS staff could use some of the VMS training funding to respond to the MTU/ALC audit/inspection training requests, and this has expanded to cover all developing members of the Commission)

Note #8: it was proposed that alternative costings to Guam location be provided to FAC6, this can be provided for the VMS redundancy as well as the AR Part 2 online hosting and publishing commencing in 2013

Note #9: IMS maintenance and development plan to be further developed for FAC6. This is expected to include: a) systems for electronic provision of data to CCMS including access logs; b) a module for transshipment observer monitoring to complement the transshipment notices and declarations database, and consider ways to cross-check declared transshipment positions with VMS; c) developing linkages between the VMS database, VTAFs and RFV; d) RFV SSPs data upload feature and inclusion of drop down menu options for standardised data from 2014; e) EHSP monitoring and verification with flag CCMS; f) electronic reporting project for observers on carrier vessels; g) HSBI IMS module including investigate possible secure online information for MCS personnel who are conducting HSBI activities; h) VMS manual reporting electronic monitoring and database (ALC malfunction or failure and EHSP entry and exit reports); i) and any refinements to online AR reporting during 2014 and 2015;

Note #10: targeted capacity building assistance in 2013 this is proposed to be for Annual Report assistance

Note #11: the exact terms of reference will need to be proposed in the staff establishment paper that is to be provided to FAC6