



TECHNICAL AND COMPLIANCE COMMITTEE
Eighteenth Regular Session
Electronic Meeting
21– 27 September 2022

TCC18 ONLINE DISCUSSION FORUM SUMMARY

WCPFC-TCC18-2022-05
26 September 2022

Introduction

1. The Online Discussion Forum (ODF) was established to support the 18th Regular Session of the Technical and Compliance Committee (TCC18). The ODF facility provided the key platform for preparatory and supplementary work to enable TCC participants to best utilize the limited time available in the Zoom plenary. The ODF included:

- (a) The regular reports prepared by the Secretariat (including the Executive Director's Annual Report), with issues to be raised to plenary by exception only.
- (b) Consideration of Cooperating Non-Member (CNM) applications, with the results reported to plenary.
- (c) Delegation papers or proposals.

2. **WCPFC-TCC18-2022-ODF** (as updated 21 September) contains the provisional list of ODF topics for TCC18. Each ODF topic was opened for discussions as the relevant papers were posted to the WCPFC e-Forum website commencing Monday 22 August 2022 (Pohnpei time). The TCC18 ODF was closed as scheduled at 12 pm Sunday 25 September 2022 (Pohnpei time).

3. The purpose of this TCC18 ODF Summary paper is to serve as a background and reference document informing the relevant TCC18 plenary deliberations.

Topic A: Annual Report of the Executive Director - overview report of the WCPFC MCS and Compliance Programmes

Background

Supporting paper: TCC18-2022-04. *Executive Directors Overview Report of the WCPFC MCS and Compliance Programmes*

Purpose: The paper presents for the information of TCC18 the Executive Director's Overview Report of the WCPFC Monitoring, Control and Surveillance (MCS) and Compliance Programmes for 2022.

TCC18 Agenda Item: 2

Recommendations in supporting paper: TCC18 is invited to note the report.

Key Questions and Comments:

4. Korea thanked the Executive Director for the report, stating it was glad to know that the Secretariat continued informal collaboration with other RFMOs, and that IT solutions are being explored regarding IUU vessel cross-listing procedures. Korea stated its belief that the cross-listing procedure is an effective tool to enhance the Commission's ability to control vessels on the IUU list irrespective of the vessel's location, and that a number of RFMOs have already adopted such a procedure. It also noted a general concern about the possible increase in the workload of WCPFC Secretariat as well as CCMs in the event that the Commission adopts this procedure. As such, Korea stated its hope that the collaborative work among RFMOs and the IT tool solution would be progressed in the near future, and that the Commission would be in a position to adopt the cross-listing procedure as soon as possible.

Topic B: Cooperating Non-Member (CNM) Requests for 2023

Background

Supporting paper: TCC18-2020-07. *Cooperating Non-Member Requests in 2023*

Purpose: The paper presents the requests received for Cooperating Non-Member (CNM) status for 2023 for the consideration and decision of TCC18.

TCC18 Agenda Item: 4

Recommendations in supporting paper: TCC18 is invited to consider the requests for CNM status for 2023 and make recommendations and technical advice to the Commission. It is expected that a working group will develop draft recommendations for TCC18 to consider.

Key Questions and Comments:

5. The United States raised the following in conjunction with its review of CNM applications:

- Sought clarification from Vietnam on the missing responses in Section 2 of the application as well as the missing responses in 3.4 and 3.5.
- Asked Ecuador if they could expand on their response in 3.2, noting they appreciated Ecuador's commitment to cooperate with WCPFC and would appreciate more information on the "cases of IUU fisheries" that are referenced.
- Encouraged those CNMs that have not yet done so to pay their 2021 dues.
- Noted several countries did not respond to 2.1 because it is not applicable, and suggested considering adding N/A as a field option for these forms.

6. The EU stated it wish to share its concerns regarding the application of Panama for renewing its CNM status in WCPFC. The EU stated that several recent incidents in the North Pacific involving carrier vessels flagged to Panama raise doubts regarding the capacity of Panama to exert effectively control over its flagged vessels in the Pacific. The EU requested that Panama provide information regarding the

aforementioned incidents, including in particular any follow up actions. The EU requested that TCC receive concrete information providing confidence that Panama can ensure that similar incidents will not occur in WCPFC fisheries. The EU stated that in its view, the submission and consideration of this information under point 3e of CMM 2019-01 is necessary for the finalisation of the assessment of Panama's application.

7. Korea stated it shares the concern expressed by EU on renewing Panama's CNM status. Korea stated that a Panamanian-flagged carrier vessel that undertook IUU operations in the NPFC Convention Area notified its intention to enter the port of Busan in July, and Korea indicated it would deny the entry in accordance with the Agreement on Port State Measures (PSMA). However, Panama requested Korea to allow the port entry for inspection. As per the request, Korea allowed the vessel in and carried out an inspection in Busan port in July 2022, and a number of infringements were found. Panama requested that Korea hold the vessel until the sanctions imposed on it were completed, without indicating how long this would take. It took Korea's multiagency-inspection authority, Ministry of Fisheries, Korea Coast Guard, Policy Agency—to monitor and control the vessel for weeks, and Korea undertook efforts above and beyond the requirements of the PSMA. On completing its inspection, Korea requested the Panamanian authority to take over the custody of the vessel soon as possible, but it took a very long time for Panama to do so, resulting in unnecessary administrative burden on Korean port authority and other Korean government officials concerned. Although the carrier vessel finally departed from Busan port with the Panamanian authority being aware of it, Korea was very concerned as the vessel's movements were not in line with the instruction from the flag state Panama. Taking this opportunity, Korea stated it would like to emphasize that the flag state, and not port states, has the primary responsibility to control its flagged vessels effectively, although the role of port states is also very important to fight against IUU fishing activities. As such, Korea supported the comment made by EU and stated its hope that Panama will provide the relevant information as soon as possible and demonstrate its capability to fully exercise its flag state control.

8. The Government of Panama, through its Fisheries Authority, thanked all the members of the WCPFC for their support towards Panama's integral participation in the WCPFC. Panama welcomed the concerns expressed by EU and shared by Korea, noting that this type of actions improves the participation and deliberation in the RFMO, and in this specific case, the assessment on Panama's CNM application. Based on the considerations regarding activities incurred by Panamanian vessels in other RFMOs, Panama clarified that all cases had been duly attended and it is currently waiting for the corresponding meeting to express its position for the North Pacific RFMO to carry out their analysis. Panama stated it has always complied with all the regulations and measures of the WCPFC, and is consequently applying once again to continue its CNM status. It stated that the best reassurance Panama can provide is the historical record of its compliance and participation in the framework of the Convention. Panama stated it has strengthened its national laws and is currently developing the law's regulation and implementation mechanisms, its management measures, restructuration of the fishing vessel registry procedure (currently in process), improved its working tools as well as its human capital including international relations and has been coercive in respect of domestic and international laws. It noted that it is important to recall that prevention is an important part of the fisheries activities, but corrective actions such as deterring and eliminating IUU fishing are also necessary. Concrete measures have included the prohibition of flag changes or change of ownership; the suspension of fishing licenses, as well as of their authorizations in the different RFMOs; exhaustive inspections; monetary sanctions; and prohibitions from sailing, among others. Within the latest actions carried out, specifically the vessel referred by Korea, Panama highlighted that, in addition to the transparency in the international communications that have shared about the vessel within the NPFC, Panama has also filed an application to place the vessel on the draft list of vessels related to IUU fishing practices as stipulated in the CMMs, thus reaffirming its commitment of zero tolerance against illegal fishing. Panama stated the case of the Panamanian flagged vessel in the NPFC involved prompt actions from the participants in a Commission to prevent further IUU activities. All the actions carried out by Panama, Japan, Korea, EU, and China (among others), as well as RFMOs, the international fisheries community,

international organizations and authorities, and NGOs, who all lent their support in this important matter, is an example of international cooperation in the fight against irregular fishing practices. Panama reflected that the flag state has the principal responsibility for each vessel and its activities, that is the reason Panama is reinforcing all the MCS elements, including prevention, monitoring, corrective actions, sanctions, and enforcement actions. Panama stated it will continue to procure the compliance of the vessels in WCPFC as it been doing; in the event that one of its vessels does not comply, Panama stated it guarantees that the necessary steps will be taken to eliminate illegal activities. Panama stated it is confident that the performance shown reflects the responsible management of all areas of the fisheries sector in which Panama has a presence. Panama stated it stood ready to provide further information on the matter as required.

Topic C: Update on Improving the WCPFC online Compliance Case File System (CCFS)

Background

Supporting paper: TCC18-2022-15. *Update on Improving the WCPFC online Compliance Case File System (CCFS) and proposed approaches for receiving CCM feedback.*

Purpose: The purpose of the paper is to table for TCC18’s consideration and noting, an update on the progress of implementing enhancements to the WCPFC online Compliance Case File System (CCFS). The paper also sets out a proposed process for the Secretariat to receive further feedback from CCMs, including on the trial messaging tool to track observer report requests.

TCC17 Agenda Item: 5.3(a) & 7.3

Recommendations in supporting paper:

- i. CCMs are invited to submit through the dedicated TCC18 ODF topic for CCFS or to the Secretariat directly, feedback to the question of “whether an appropriate level of ease-of-use has now been achieved with the CCFS?”
- ii. CCMs are also invited to submit in writing to the Secretariat directly or through the TCC18 ODF any suggestions of areas CCMs would like to be considered in a workplan for further improvement of the CCFS.
- iii. TCC18 is invited to note the progress of implementing the WCPFC17 mandated CCFS enhancements as presented in this paper, and to provide guidance and direction to the Secretariat on the process post-TCC18 to further consider any potential improvements for the CCFS.

Key Questions and Comments:

9. FSM on behalf of PNA and Tokelau thanked the Secretariat for the updated work on progressing the improvements to the CCFS, and stated they would appreciate enhancements towards the messaging tool for case notification alerts to ensure members immediately respond by initiating investigative actions to address the infringement cases. They stated that the concept — especially tracking of observer reports — is a valuable approach towards enabling flag CCMs to take actions and further enhance the process. One of these actions is to have the CCFS dashboard be filtered by cases category and by year similar to that shown on the “case file” tab instead of only giving total CCFS cases by CCM by year. They stated that an appropriate level of ease-of-use has now been achieved with the CCFS, but that they need to work with it a bit more to be sure. Noting that, they made two suggestions:

- i. It would be important to track the vessels reflagging status to the RFV to make it easier for CCMs involved in potential cases involving reflagged vessels to work collaboratively to complete the cases online using the CCFS.
- ii. PNA and Tokelau are concerned that coastal state CCMs are not currently informed of potential cases in their waters through the CCFS. Many of the incidents involved are potential infringements

of coastal state national laws. Early engagement by any involved coastal state offers the prospect for dealing with potential cases more quickly and more effectively than just relying on flag state action.

- **Reply:** the Secretariat’s IT Manager thanked FSM on behalf of PNA and Tokelau for their contribution and feedback on the WCPFC’s upgraded CCFS and noted the following:
 - i. The first request — to add a filter to the dashboard view allowing CCMs to filter all cases by Observer and CCM Initiated Case Types (FAI, OAI, SHK, CWS, POL, PAI, AIR, HSBI, PORT, VMS, OTH) — the Secretariat expects can be accommodated within its current maintenance budget.
 - ii. The second request to “track the vessels reflagging status to the RFV” is currently accommodated to some degree. When a case is generated, the RFV Vessel ID (VID) is linked to the case. This makes it possible to click on the vessel hyperlink on the CCFS case page and view the latest public RFV record with any new details such as a flag change (this WCPFC helpdesk page provides further guidance on the steps to see the information about a vessel at the time of the case; see [Guidance for responding to cases in the CCFS : WCPFC](#)). If the vessel is removed from the RFV the Secretariat will not have updated details; the IT Manager requested further details on the specific enhancements to the CCFS that will accommodate this request.
 - iii. The issue of “coastal state CCMs are not currently informed of potential cases” should be accommodated since the launch of the new CCFS, since all parties involved in a case (Flag state, Coastal State and Observer Provider) receive an email from the system advising when a case has been created or updated. CCMs will recall that with cases that were created in the old CCFS system (where the case created date is prior to 23 March 2022), there were technical constraints with the IT software platform (SharePoint) which meant that each CCM was limited to one email address to receive relevant notifications. The Secretariat acknowledged that this was a significant limitation in the old CCFS, and stated it has sought to rectify this in the upgraded CCFS launched earlier in 2022. However, if the issue is in relation to cases created date after 23 March 2022, the Secretariat inquired if a reason for the request might be as a result of a coastal state CCM not having a CCFS nominated individual at the time the case was created?
- **Follow-up:** PNA and Tokelau stated that they appreciated the comments from the Secretariat in response to the suggested approach to improving the WCPFC online CCFS and the clarification made on the coastal state CCMS not being informed of CCFS cases. Regarding the specific request to track the vessels reflagging status to the RFV, they stated they anticipate that when a vessel is in the process of deregistering from a CCM, a notification from that CCM is sent to the Secretariat for verification status to affirm the vessel seeking reflag status is free from CCFS cases under flag state investigations. If the Secretariat confirms that there are several cases on the CCFS link to the vessel seeking de-registration that are yet to be completed or closed, a notification is sent to the vessel’s CCFS contact for an update status on the cases to be provided. This may mean having to look at the RFV CMM to accommodate these changes, if agreed.

10. FFA Members thanked the Secretariat for the progress report on implementing the WCPFC17 mandated CCFS enhancements, noting that the CCFS is focused on flag States but a number of alleged

infringements occur within FFA EEZs, and stated they would appreciate the same consideration be given to informing coastal States of cases within their jurisdiction to ensure early engagement by the relevant coastal State in resolving the case/s rather than just relying on the flag State. In addition, as noted in previous TCC meetings, whale shark interactions are included in the CCFS, which then assumes there were potential infringements that need investigating. In the experience of FFA members, after investigating, most of these were confirmed to be interactions (rather than infringements) in which the vessel acted in accordance with the CMM, so investigating these interactions has been a distraction from other priority work and a waste of resources for SIDS small national administrations. This relates to the work envisaged under Agenda 5.5 on improvements to the ROP minimum standard data fields for whale sharks and cetaceans to allow for a distinction between interactions and infringements. FFA member stated they welcome this work and look forward to progressing it in order to allow for more useful consideration in the CCFS. In terms of training, FFA members thanked the Secretariat for the online training provided to CCMs and reiterated the point made in the past including at TCC16 (TCC16 Summary Report para 103) that in addition to online training, downloadable training videos are also a cost-effective way of providing training to CCMs and something that the Secretariat should explore.

11. Japan stated it appreciates the Secretariat for its continued effort to improve the CCFS, and stated it finds the new functionality very useful and helpful. To make it a bit more user friendly, Japan requested some improvements as suggested below.

i. **Improvement in vessel search functionality**

The “Case Files” webpage allows selection of “vessels” (see the red circle below). When this section is clicked, seemingly all the vessels contained in the database, including those not relevant to the CCM, show up. For the utility and data confidentiality purpose, this functionality needs an improvement to limit the list to those vessels relevant to the CCM.



- **Reply:** The Secretariat stated that selecting from a limited list of vessels will need some further analysis to keep page load response times down but it would examine options.

ii. **Improvement and expansion of data sorting functionality**

In the table showing the searching result, each case has following items.

Case ID	Vessels	Provider Trip Number	Event/Trip Dates	Obligations	Parties Involved	CCM Notified Date	Last Updated	Case Status
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- (a) Some of the items are subject to “sort” function. For example, when we click “vessels”, the list seems to be sorted by alphabetical order of vessel names. However, in fact, the vessel is not sorted by alphabetical order. Japan would like to request the Secretariat to fix this problem.

- (b) Japan would like to request to add the “sort” function to items “Case ID” and “Last Updated” as well.
 - **Reply:** The Secretariat stated that the vessel sort is currently sorting on the Vessel ID, and that while it can look at the technical impacts of making the requested fields sortable, the vessel can be a multi-valued list if two vessels are involved in a case.

iii. Add functionality to add a new response to multiple cases.

The current system allows users to submit their responses on each cases only by inserting texts into the window below that is located at the end of each case file.

New Response *

As noted in previous occasions, it would be extremely helpful if either of following functionality is developed.

- (a) A functionality to select multiple cases and submit the same text as a response at one time; or,
- (b) A functionality to import Excel spreadsheet listing case numbers and responses (see the table below for example).

Case ID	Response
JPHEBI-001	The issue was solved between Japan and the country A.
JPHEBI-002	Administration sanction was imposed on ddmm/yyyy
JPHEBI-003	The issue was solved between Japan and the country B.

Although Japan prefers option (ii), we would like to hear the feasibility and budget implication from the Secretariat.

- **Reply:** Regarding updating multiple cases, the Secretariat would consider the second approach, loading case comments from an Excel spreadsheet may have wider utility. Furthermore the Secretariat developed this capability as part of the new RFV development and it would be relatively straightforward to reuse the same techniques for comments to be loaded into the CCFS system.

12. China made the following comments with regards to the CCFS:

- (i) Regarding whether an “appropriate level of ease-of-use has now been achieved”, China stated that the CCFS has become a useful tool to manage the outstanding case, but with room for improvement.
- (ii) Regarding suggestions CCMs would like considered in a workplan for further improvement of the CCFS, China stated the CCFS system should enhance two-way communication and leave a trail of communication between flag states and the observer provider through the CCFS. Observer provider could give further evidence to the flag state through the CCFS and also flag CCMs could provide further result of investigation based on the further evidence until both parties reach an agreement. The whole communication should be logged by the CCFS. The Secretariat should monitor, trace and note the entire process to urge consultation between the observer provider and the flag state to finally come to an agreement.
- (iii) Regarding providing guidance and direction to the Secretariat on the process post-TCC18 to further consider any potential improvements for the CCFS, China stated the CCFS should have the contact point from each CCM, especially the contact information of observer provider and flag CCMs, to facilitate communication among them. The CCFS further could develop the communication function such as leaving messages direct to the observer provider or flag CCMs, which could assist both parties to settle the outstanding case while protecting their respective interests.

13. Chinese Taipei thanked the Secretariat for the continued development and enhancement of WCPFC IMS, noting that the new functions of the current CCFS have taken into consideration challenges in the past and are helpful, and made it is easy to use. Given that it was released in March, Chinese Taipei stated it continues to trial the functions. It noted some additional functions that would be helpful in the case search process. In the case files page, basic and advanced search options already incorporate several useful options. As a flag CCM, the search options frequently used include the event year and the notification year; therefore:

- (i) Could the current “event year” option, which is established but currently in advanced search, be move to basic research, as it is one of the most used search conditions?
- (ii) It would be very helpful to add “notification year” as a basic research option. This function would help authorized users keep track of new cases and would support prioritization, especially in case that the newly notified cases occurred 3 or more years ago.

**Topic D: Review information about scientific data provision (TCC Workplan 2022-2024
Priority Project specific task b)**

Background

Supporting papers:

- WCPFC-TCC18-2022-IP03 *Scientific data available to the WCPFC (SC18-2022-ST-WP01)*
- WCPFC-TCC18-2022-IP04 *Tables of coverage levels for operational data fields submitted to the WCPFC (SC18-2022-ST-IP10_rev1)*
- WCPFC-TCC18-2022-IP02 *Status of Observer Data Management (SC18-2022-ST-IP02_rev1)*
- WCPFC-TCC18-2022-18 *SC18 Outcomes relevant to TCC18 Agenda 7.1*

TCC18 Agenda Item: 7.1

Key Questions and Comments

14. Nauru on behalf of PNA members and Tokelau stated that as they noted at SC18 they support the recommendations from TCC18-2022-IP03 as well as the resulting SC18 recommendations outlined under SC18 agenda item 2.1. They noted the importance of maintaining 100% purse seine observer coverage. PNA and Tokelau recommended that like SC18, TCC18 accept the recommendations in TCC18-2022-IP03, and supported the inclusion of the explanatory Annex to the Commission's Scientific Data Rules. They also noted the utility of the tables presented in TCC18-2022-IP04. They noted that despite the data improvements in recent years, all CCMs seem to be having challenges in providing data on all key species, and many longline operational data fields are not fully reported, in particular the reporting of the number of baskets set, floatline and branchline length as well as the distance between floats. They encouraged all members to develop systems to fill these data gaps.

Topic E: Advice to support the Commission’s consideration of a baseline period or limit for the Indonesia Large Fish Handline Fishery

Background

Supporting paper: TCC18-2022-16. Secretariat. *An update on the options for a baseline of the “large-fish” Handline fishery fishing in Indonesia’s EEZ (IEEZ) with vessels >30GT for the WCPFC Tropical Tuna Measure*

Commission Directive to TCC18: Noting potential issues with data availability, the Commission agreed that, at its regular session in 2022, it would agree a baseline period or limit for the Indonesia Large Fish Handline Fishery, based on the Indonesia proposal and advice from SC18 and TCC18 (WCPFC18 Summary Report, paragraph 144).

TCC17 Agenda Item: 5.4(a)

Recommendations in supporting paper: Given the lack of data available for the baseline period of 2001-2004, Indonesia is proposing a baseline of 12,682t. (as the maximum annual catch in the period 2013-2016) listed in Table 1 as the limit to be applied to the Indonesia “large-fish” handline fishery for vessels >30GT in the Indonesia’s EEZ under paragraph 51 of CMM 2020-01.

Key Questions and Comments

10. The United States thanked Indonesia for the information provided in their paper. After reviewing the paper, the USA Stated it would be hesitant to agree to Indonesia’s baseline as proposed. While sympathizing with Indonesia’s data issues, the USA stated that Indonesia’s baseline per the measure should have some connection to the 2001-2004 time period. The USA further noted that the proposed baseline of 12,682 mt from Indonesia is based on the highest catch between 2013-2016, which seems high compared to the possible range of catch in 2001-2004. The USA agreed with comments by Tuvalu and Japan that a discussion on these issues should be held at the Commission.

Topic F: Transshipment IWG Chairs’ Discussion Paper for TCC18

Background

Supporting papers: TCC18-2022-20 2 *TS-IWG Chairs’ Discussion Paper to TCC18*

TCC17 Agenda Item: 7.6a

General Questions and Comments:

15. The Pew Charitable Trusts, the Ocean Foundation and the International Seafood Sustainability Foundation (ISSF) stated they appreciate the opportunity to provide input on the TS-IWG Co-Chairs’ discussion paper to TCC18 on transshipment observer data. They noted that within the last year, IOTC, ICCAT, and IATTC have updated their transshipment measures, and at its recently concluded meeting, the FAO Committee on Fisheries (COFI) endorsed a set of guidelines on transshipment that include specific calls to improve the provision of transshipment observer data by standardizing observer reports and ensuring their submission to RFMOs “as soon as possible and on a timeline that will support effective MCS...” The lack of standardized reporting formats and data fields and the current loophole that results in the WCPFC Secretariat not receiving reports from the vast majority of transshipment observers perpetuates the risk of illegal, unreported, and unregulated (IUU) activities associated with at-sea transshipment and for IUU fish to enter the market. These two matters are addressed in the Co-Chairs’ paper; they stated that they look forward to working with all members of the IWG to strengthen the monitoring and management of at-sea

transshipment in the WCPFC. Pew, Ocean Foundation and ISSF also provided responses to the specific questions raised by the co-chairs, as noted below.

16. WWF supported the suggestions provided by Pew, the Ocean Foundation, and ISSF. Specifically, within the context of data reporting, data collection by transshipment observers should be prioritised for implementation of electronic data collection tools to ensure the timely delivery of that information.

17. Japan thanked the co-chairs of the TS-IWG for preparing the document. They offered comments on the FC format 1-3 from a technical perspective (noted below), and stated they look forward to further discussion on these important issues at the meeting.

18. FFA members stated that in response to the questions raised in the paper regarding the forms FC-1, FC-2 and FC-3, FFA Members are comfortable with adopting the data fields in the forms FC-1, FC-2 for reporting for transshipment observers. In relation to amending the measure to ensure transshipment observer minimum standard data fields are submitted in a timely manner, they stated that this can also be done through other mechanisms such as a Commission decision and can be incorporated into the new CMM once the review of the CMM is finalized, or through the decision relating to the ROP minimum data fields to be collected by observers. To this end, FFA Members propose the following decision language:

- i. TCC18 recommends that WCPFC19 adopt the ROP data fields in FC-1 and FC-2 as data fields to be collected by observers during transshipment events.
- ii. TCC18 recommends that TCC review the ROP data fields in FC-1 and FC-2 data fields in 2 years to consider whether any revisions are necessary.
- iii. TCC18 recommends that the 'Data fields' item of the Agreed Minimum Standards and Guidelines of the Regional Observer Programme be amended as follows:

ROP providers which place observers on fish carrier vessels that tranship on the high seas shall send ROP data to the Commission Secretariat within 120 days of the disembarkation of the observer from the carrier.

19. Pew thanked all the members who considered the questions from the chairs and provided feedback. Pew inquired if it would be possible to get further clarification on question 2: Should transshipment observer data be submitted to the Secretariat within 30 days of the transshipment observer disembarking their vessel?

Pew asked if all members would be able to provide some details on the need for an extended timeline for transshipment observer data submission? They noted 120 days is quite a variation from the 7-15 days practiced at other RFMOs and prompt data reporting is key for improved oversight of transshipment.

20. Chinese Taipei provided two comments regarding the periods of submission of transshipment observer data (noted below).

Specific Comments in Response to Discussion Questions and Points to Guide Next Steps (from the TS-IWG Chairs):

Question 1: Should existing ROP data fields in FC-1, FC-2, and FC-3 (all three forms are available on the WCPFC ROP page 5) be adopted in their entirety as required forms of reporting for transshipment observers?

- Many of the data field in FC-1, FC-2, and FC-3 are already ROP minimum standard data fields (see annotated forms FC-1, FC-2, and FC-3 attached). Last year, your co-chairs reviewed and annotated carrier forms FC-1, FC-2, and FC-3 to help members identify which fields are already required by the ROP; the current WCPFC ROP table is available here.

21. Pew, Ocean Foundation and ISSF stated they support the adoption of the 3 forms in their entirety. The “Table of observer minimum standard data fields including FAD data fields” should also be updated to include any necessary fields that are not already included in that document.

22. Japan stated the following:

- i. Regarding the column named “No of Wells”, they agreed with the Co-chair’s observation that Carrier’s “holds” are divided fore/aft, rather than port/starboard. In addition, the term “well” is not used on carrier vessel. Therefore, they suggested using “Holds” in these columns instead of “Wells”.
- ii. Regarding the column “VMS operational”, Japan agreed with the Co-chair’s observation that it is difficult for observers to determine if the VMS is operational or not. The operational status of the VMS at the time of transshipment can be (and has already been) monitored by the Secretariat, as noted in WCPFC-TCC18-2022-RP03 (para 33).
- iii. The column “Tranship times” (“24hours”, “day only” or “night only”) could not be very informative, provided that specific transshipment time will be reported through FC-2.
- iv. In the section under “Off Loading Fishing Vessel”, there is a column for “Copy of Vessel Log Sheet Attached” to which YES or NO answer is anticipated. Japan noted that, while observers shall have full access to both the unloading and the receiving vessel (including relevant document such as log sheet), it is not feasible to prepare physical copy of the logsheet onboard fishing/carrier vessels. In order to avoid confusion on board, we suggest changing the title of this column from “Copy of Vessel Log Sheet Attached” to “Access to Log Sheet”.
- v. Japan suggested changing the title of column “Market Destination of Unloadings” to “Destination (Place of Unloading)”. The current word “Market Destination of Unloading” implies the place where the fish will be finally sold and consumed, which cannot be known onboard the carrier vessel. In contrast, the carrier vessel should have an accurate information on the place of unloading.

23. PNA and Tokelau stated that in approaching this question, it is important to ensure that the level of detail is sufficient for the intended purpose and practicability. They stated that their view is consistent with their effort to seek improved monitoring of the longline fishery in general but more specifically, the portion of the fishery that operates pre-dominantly in the high-seas. For that purpose, it is important to be able to link the information provided in the transshipment declarations as provided in Annex 1 of CMM 2009-06. This would be useful in generating a snapshot for a relatively poorly monitored high-seas longline fishery. The information that provides that link is contained in form FC-2, in terms of the additional data fields that are recommended for adding in the IWG Chair’s paper. On the data fields in the FC-3 form, it seems that this would be better captured by introducing a requirement for completion of a carrier unloading form.

Question 2: Should transshipment observer data be submitted to the Secretariat (inclusive of the SSP ?) within 30 days of the transshipment observer disembarking their vessel?

- TS observer data are not required to be submitted to the Secretariat or the SSP. The most recent guidance is in the form a reminder from WCPFC18 for members that transshipment data should be submitted to the Secretariat within 120 days. Some members have repeatedly sought to shorten this voluntary timeline to 30 days because the longer timeframe is a legacy of submitting data by post, which is increasingly obsolete among members.

24. Pew, Ocean Foundation and ISSF stated that observer reports should be submitted within 7 working days of disembarking, to harmonize the requirements across the entire Pacific. This is especially important given the movement of carriers between the WCPO and EPO. They suggested that the IWG request the WCPFC legal advisor's input on the current text in the "Agreed Minimum Standards and Guidelines of the Regional Observer Programme" regarding making the submission of at-sea transshipment observer reports to the Secretariat mandatory.

25. PNA and Tokelau stated that considering a transshipment declaration is required to be submitted within 15 days of the completion of each transshipment, due consideration will need to be given to the state of technology adoption in terms of electronic reporting and logistics for repatriating observers monitoring high-seas longline transshipments before transshipment monitoring forms can be transmitted. Perhaps a period between 30-60 days would be more appropriate.

26. Chinese Taipei questioned whether the transshipment observer data shall be submitted to the WCPFC Secretariat after completing the debriefing process? Chinese Taipei stated that in its experience, their observer provider submits their longliner observer data to the Secretariat after the observers have been debriefed. While the debriefing process would need to be proceeded by the observer provider with the observer in person, it will at least take 60-90 days for the observer provider to complete the process and submit the observer data electronically to the WCPFC Secretariat and the SSP.

Question 3: Should the TS-IWG consider drafting and making specific recommendations to WCPFC19 with specific revisions to CMM 2009-06 to ensure transshipment observer minimum standard data fields are submitted to the Secretariat in a timely manner?

- At WCPFC18, some members wanted to consider the work of the TS-IWG with a view to adopting a revised transshipment measure in 2022. Focusing on the specific needs of the Commission in 2022, the TS-IWG could review the FC forms and consider member input with a focus on only revising the CMM to address transshipment observer reporting requirements.

27. Pew, Ocean Foundation and ISSF stated that the TS-IWG should recommend the Commission consider at WCPFC19 actions to address the observer data gap, such as the adoption of the existing ROP data fields and a clear requirement that these data be submitted to the WCPFC Secretariat within 7 business days. At WCPFC19, the Commission could adopt these options as standalone decisions to improve the implementation of the existing provisions of CMM 2009-06. Then, in 2023, the IWG should develop – for adoption at WCPFC 20 - a comprehensive proposal to strengthen CMM 2009-06 that aligns with recent improvements in the transshipment measures in IATTC and ICCAT, the recently endorsed FAO International Guidelines for Transshipment, and other needed improvements. To accelerate this work, they also suggested that the IWG should have regularly scheduled meetings in 2023, including in-person meetings when possible.

- **Reply:** Chinese Taipei stated in response to the comments mentioned by PEW regarding the IATTC regulations, IATTC adopted C-22-07 during its recent annual meeting, revising the original transshipment measure. It is stipulated in the Annex 3 (IATTC Regional Observer Program) 5.2 d, the observer shall submit to the Director, the Coastal State (where applicable) and

the flag CPCs the aforementioned “general report” within seven (7) from the end of the period of observation. Chinese Taipei stated that when discussing the issue of submitting the “observer data” in this WG, “general report” is different from “observer data” as per its understanding.

28. PNA and Tokelau stated “yes” in response to Question 3.

Reply from the TS-IWG co-Chairs

29. The TS-IWG co-Chairs stated that, reflecting on the comments in the ODF, as well as member feedback during the TS-IWG/SWG at the beginning of TCC18, they would like to provide draft recommendations for TCC18 consideration and would welcome members’ edits during their 30-minute session during TCC18. They noted that for the first recommendation, CCMs expressed that many of the fields that are not in the ROP are as important as those labelled as **WCPFC ROP Minimum Standard Observer data fields** and members may wish to consider adding these voluntary fields to the ROP minimum standards in the future. Such action would make all of the fields in the forms mandatory, further strengthening monitoring, control, and surveillance of transshipment activity under CMM 2009-06.

- (i) **TCC18 recommends that WCPFC19 adopt the WCPFC ROP Minimum Standard Data Fields identified in FC-1 and FC-2 (attached) as data fields to be collected by observers during transshipment events, as of 1 January 2023.**
- (ii) **TCC18 recommends that TCC20, and the ROP-IWG if it is reinitiated, consider the ROP data fields in FC-1 and FC-2 data fields and whether any revisions are necessary.**
- (iii) **TCC18 recommends the TS-IWG and the ROP IWG if it is initiated, consider FC-3 and its data fields for inclusion in the WCPFC’s Agreed Minimum Standards and Guidelines for the Regional Observer Program.**
- (iv) **TCC18 recommends that the ‘Data fields’ item of the Agreed Minimum Standards and Guidelines of the Regional Observer Programme be amended to read as follows:**

ROP providers which place observers on fish carrier vessels, longline fishing vessels, and purse seine fishing vessels that transship on the high seas shall send the agreed ROP minimum standards data in forms FC-1 and FC-2 to the Commission Secretariat within 90 days of the disembarkation of the observer from the carrier.

- (v) **TCC18 notes the Commission has already adopted electronic reporting standards for observer data and that the development of standards for electronic reporting by transshipment observers in 2023 could significantly shorten the required timeline for electronic reporting of transshipment observer data to the Secretariat.**

References:

[FC-2-Annotated Sep 2022.pdf](#)

[FC-1-Annotated and Revised Draft Sep 2022.pdf](#)

Topic G: Southwest Pacific Swordfish

Background

Supporting papers: WCPFC-TCC18-2022-DP01 2 A revised draft conservation and management measure for southwest Pacific swordfish in the WCPFC Area

Purpose: The purpose of this paper is to seek technical feedback from WCPFC Members and Participating Territories on a revised draft CMM for southwest Pacific swordfish (WCPFC-TCC18-2022-DP01, refer to Attachment A).

Specifically, the TCC is asked to provide feedback regarding:

- Sufficient robustness in Monitoring, Control and Surveillance (MCS) provisions to achieve the objective of the revised and strengthened measure for this stock.
- Alternate or additional MCS provisions to achieve the objective of the revised and strengthened measure for this stock.
- Further data gaps that should be taken in consideration for monitoring the longline sector in the Commission targeting swordfish or taking swordfish as bycatch.

TC18 Provisional Agenda: 7.6 (c)

Next Steps: Following feedback from TCC18 on the technical aspects of the revised draft CMM (Attachment A), Australia will use this feedback, along with feedback from further bilateral consultations to inform a revised draft CMM for WCPFC19 consideration.

Key Questions and Comments:

30. There were no comments under this agenda item.

Topic H: Intersessional work on Safety and Security for Crew on Fishing Vessels

Background

Supporting paper: *TCC18-2022-22 4 Update from Co-Chairs on Intersessional Work to Improve Crew Labour Standards*

Other relevant papers:

- TCC17-2021-IP10. Philippines. *Estimates of annual catches of tropical tuna by the Philippines relevant to WCPFC CMM on Tropical Tunas “other commercial fisheries” (SC17-ST-IP08)*
- TCC17-2021-IP11. Indonesia. *Availability of Catch Estimates from the Other Commercial Fisheries in Indonesia - update 01 (SC17-ST-IP09)*

TCC17 Agenda Item: 7.7

Update from Co-Chairs:

In December 2020 the Commission agreed that intersessional work to improve crew labour standards be led by Co-Chairs Indonesia and New Zealand. Work commenced in February 2021 with multiple rounds of email feedback and a virtual workshop in July 2021. An update was also provided to TCC17 in September 2021. TCC17 recommended that work continue on improving crew labour standards and an update be provided to WCPFC18 in December 2021. Due to limited time, the draft CMM was not discussed at WCPFC18 and it was recommended that work continue intersessionally in 2022. A virtual meeting has been conducted in July 2022 with an updated draft as an outcome. The co-chairs would like to thank members of the intersessional working group for their excellent feedback to-date. We have made significant progress and the latest revised draft CMM is attached to TCC18-2022-22. The Co-Chairs also thanked members and observers for their engagement at the workshop on 27 July. Regarding the three main issues discussed at the workshop: scope of the measure; roles and responsibilities for port CCM, flag CCM, vessel owner/operator, and crewing agency; and status of the crew agreement, further discussion is needed. The latest draft CMM (TCC18-2022-22 4) incorporates feedback received at the workshop and we look forward to discussing these issues further.

Key Questions and Comments:

31. WWF commented that it supports all of the work that the Chairs and the working group have put into furthering this effort, noting that that at the recent FAO 35th Session of the Committee on Fisheries this issue was considered under “COFI/2022/INF/8 - Safety at sea, social protection and decent work in fisheries and aquaculture” and operative language was adopted in support of improving the welfare of crew working at sea. WWF specifically noted FAO’s reference to the best available scientific information that indicates that the “number of fatalities within the fishing sector is likely much greater than 100,000 annually,” which should be shocking, and wholly unacceptable, to anyone. In advance of COFI, FAO conducted multiple stakeholder consultations to discuss and consult with members, the industry, international, and regional organizations (e.g. ILO, IMO, OECD, and UNCTAD), specifically collaborating with ILO and IMO across parallel initiatives. WWF stated it would like to particularly point out the language that states “Information collected on accidents and fatalities in fisheries..., will be published in 2022 and follow-up activities will be developed with partners.” WWF stated its belief that, because collection and collation of this information starts at the National and Regional level, this discussion must also occur simultaneously at the WCPFC level as well to ensure this information is made available to those international entities such as FAO, ILO, and IMO to ensure that we all may adequately assess and address crew welfare based on the best information available. Therefore, WWF stated it strongly encourages the WCPFC to consider mandatory reporting for all accidents and fatalities that occur on board vessels operating in the WCPO as part of this process.

32. Advocates for Public Interest Law (APIL) supported the work led by the Chairs and the working group in developing the draft CMM thus far, welcomed the recognition of the importance of the recruitment

process in preventing and mitigating human trafficking and other abusive labor practices on fishing vessels, and stated it appreciates the identification of the roles to be played by crew providers and port CCMs. Considering the transnational nature of distant water fishing, both the countries that provide migrant fishers and port states could serve as effective actors to prevent and remedy labor and human rights abuse on fishing vessels. However, APIL stated its concern that the draft CMM would transfer responsibility to crew providers instead of holding crew provider CCMs, port CCMs, and most importantly flag CCMs accountable. APIL highlighted the need to ensure CCMs are responsible for regulating crew providers to prevent practices outlined in TCC18-2022-OP3. APIL’s investigations (e.g., APIL’s 2016 report “Tied at Sea”) indicate crew providers commonly charge recruitment fees to crew in violation of the Employer Pays principle or retaining of passports until a crew member enters into a new contract; APIL stated that better identification of the regulatory obligations of flag CCMs and crew provider CCMs with respect to crew providers is needed in order to manage such unethical recruitment practices. APIL stated it appreciates the working group’s hard work in making significant progress with the draft CMM, and hopes a timely agreement will be reached in regards to the scope of the CMM. It noted protection of labor and human rights on fishing vessels is a complicated issue and requires engagement of multiple actors. APIL called on CCMs to facilitate coordination across ministries and municipalities as needed in order to overcome international and local gaps in labor standards and forward the draft CMM to WCPFC 19 for a decision.

Topic I: DRAFT Graphics to illustrate the Best Handling Practices for the Safe Handling and Release of Cetaceans

Background

Supporting paper: WCPFC-TCC18-2022-24 3 DRAFT Graphics to illustrate the Best Handling Practices for the Safe Handling and Release of Cetaceans

Purpose: To present a set of draft graphics produced to illustrate the guidelines adopted by WCPFC18, for technical advice and recommendation from TCC.

TCC17 Agenda Item: 10

Recommendations in supporting paper:

TCC18 is invited to:

1. Note that the enclosed draft graphics were produced to illustrate the guidelines adopted at WCPFC18 and were forwarded to TCC18 by SC18; and
2. Consider forwarding the draft graphics, with any technical advice and recommendations, to WCPFC19 for consideration and possible adoption.

Key Questions and Comments

15. The United States stated it supports the adoption of the graphics for Best Practices for the Safe Handling and Release of Cetaceans, and suggested the following TCC18 recommendation:

“TCC18 recommends the graphics for Best Practices for the Safe Handling and Release of Cetaceans be forwarded to WCPFC19 for consideration and adoption.”

Topic J: Summary of High Seas Boarding and Inspections carried out by New Zealand, France, Australia and the United States during 2022**Background**

Supporting paper: TCC18-2022-DP02 *Information Paper on a Cooperative Monitoring, Control and Surveillance Activity in the Western and Central Pacific Fisheries Commission Convention Area - Operation Nasse 2022* (Paper submitted by New Zealand on behalf of Australia, France, New Zealand and the United States)

TCC17 Agenda Item: 10

Key Questions and Comments:

16. There was no discussion under this topic.

Topic K: Recommended Modifications to CMM 2014-03 RFV SSPs**Background**

Supporting paper: WCPFC-TCC18-2022-21 Recommended modifications to CMM 2014-03 RFV SSPs

Purpose: The purpose of this paper is to outline, in accordance with paragraph 14 of CMM 2014-03, Secretariat recommended modifications to CMM 2014-03.

As was noted to TCC17, the IT platform the Record of Fishing Vessels (RFV) runs on requires updating and work has commenced in 2022 to migrate the RFV system from Sharepoint to the Drupal platform. The system upgrade requires some minor updates to the RFV SSPs to reflect some changes such as new file formats, a new web address and update of CMM references.

TCC17 Agenda Item: 7.4

Recommendations in supporting paper:

TCC18 is invited to recommend to WCPFC19 that the recommended edits in Box 1 in paragraph 6 of the paper are adopted by the Commission.

Key Questions and Comments:

33. There was no discussion under this topic.

Topic L: Preliminary Review of Available Information on Biodegradable FADs

Background

Supporting paper: WCPFC-TCC18-2022-25 *Preliminary Review of Available Information on Biodegradable FADs - Update from FAD Management Options IWG Chair*

Purpose:

1. Inform TCC18 of the SC18 recommendations related to biodegradable FADs,
2. Forward SC18-2022/EB-IP-13: Preliminary Review of Available Information on Biodegradable FADs (as attached in this paper),
3. Request TCC18 for any feedback related to definition of biodegradable FADs, a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information. and
4. Support SC18 recommendations.

TCC17 Agenda Item: 10

Recommendations in supporting paper:

Please refer to SC18 recommendations on pp. 1-2 of TCC18-2022-25

Key Questions and Comments:

34. Japan stated that as noted in paragraph 5 of the FADMO-IWG-2022-WP-01 (Rev.02) attached to WCPFC-TCC-2022-25, the Commission established a prohibition on the use of mesh net for any part of a FAD, “as from 1st January 2024” (para 17 of CMM 2021-01). Japan stated it sought to ensure CCMs have a common interpretation on the timeline for this prohibition on the use of mesh net, and inquired if one of the following interpretations is correct:

- (1) Paragraph 17 prohibits purse seiners from just deploying FADs with mesh net after 1st January 2024, or
- (2) Paragraph 17 also prohibits purse seiners from fishing on FADs with mesh net that have been deployed before 1st January 2024.

Japan stated it would appreciate it if other members could share their view on this point.

- Reply. The FADMO-IWG Chair (FSM) thanked Japan, for raising this question, noting that although the purpose of the paper was to focus on para. 19 of CMM 2021-01, they also acknowledged this concern. The IWG Chair stated on a personal note that para 17 (1) maybe interpreted as prohibiting purse seiners from deploying FADs with mesh net from 1st January 2024, as we do not have such prohibition prior to the said date. It is assumed that those FADs that have been deployed prior to this date will eventually be destroyed or no longer drift in the WCPFC Convention Area and any replacement or future deployment should comply with the specifications set out in para 17 of CMM 2021-01. He welcomed other views, and stated it will be important that TCC recognize this and recommends to the Commission to clarify or address this interpretation issue to avoid misunderstanding in future CMR process.

35. PNG on behalf of the PNA and Tokelau stated they continue to attach importance to the decision of WCPFC to consider the adoption of measures on the implementation of biodegradable material on FADs, but at the same time are cautious about the implications of changes because of the economic dependence of some PNA Members on the FAD fishery in their waters. PNA and Tokelau stated they support a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information as put forward in the recommendations. PNA noted the need for improved monitoring of the implementation of non-entangling and/or biodegradable FAD guidelines and requirements. PNA and

Tokelau stated they are implementing new requirements for FAD data to be provided by vessel operators that are aimed at improving the quality of data on FADs and FAD buoys and allowing observers to focus on monitoring the use of FADs and the implementation of FAD-related measures. That will mean revising the ROP minimum data fields for FAD data to remove some of the detailed technical fields now provided by observers and replacing them with data elements more specifically directed at monitoring the implementation of non-entangling and biodegradable FADs.

- **Reply.** The FADMO-IWG Chair thanked PNG for the comments and support on behalf of the PNA and Tokelau, stating that the IWG will continue to work on the timeline for the stepwise introduction of biodegradable FADs including potential gaps/needs and any other relevant information for Commission consideration based on SC and TCC advice. The Chair stated that considering the improvement of FAD data quality and monitoring, the FADMO-IWG has yet to reach this stage but that would be considered for incorporation into the timeline for the stepwise approach; it would also worth noting for the DCC or TCC to revisit the ROP minimum data fields related to FADs, particularly monitoring of non-entangling and biodegradable FADs implementation in the future, to improve data quality in this area.

Topic M: Compliance Monitoring Scheme Aggregate Tables - Discussion Paper

Background

Supporting paper: TCC18-2022-13 *Compliance Monitoring Scheme Aggregate Tables - Discussion Paper*

Purpose: The paper was prepared by the TCC Chair. It summarises the process undertaken at TCC17, identifies a few key issues arising from that process, and provides several key questions that CCMs views are sought on, with a view to tasking the TCC Chair to develop further advice ahead of WCPFC19. In considering the aggregated tables process, it is important to keep in mind that the development of an effective review process for the aggregated tables is interlinked with (and in some cases dependent on) a range of related bodies of work. These include: the development of Audit Points and a Risk-based Assessment Framework for the CMS; work to improve ROP data reporting; work to understand (and account for) differential ROP coverage levels across the fishery; and improvements to the functionality of the CCFS.

TCC17 Agenda Item: 5.1(e)

Proposed next steps: TCC Chair to develop a proposal for CCM consultation [and WCPFC19 consideration] on an aggregate tables process to be undertaken in 2023 as part of the Compliance Monitoring Review at TCC19, taking into account the guidance provided by TCC18 in response to the critical questions raised.

Discussion Points from Section 4 of TCC18-2022-13.

Section 3 identifies a range of issues arising from the trial aggregated tables review process that are relevant to the development of a revised process for 2023. From this, a few key questions arise that CCM guidance is sought on to inform the development of advice to the Commission. It is important to note that these questions do not cover the full range of issues identified in this paper, and hence the full range of issues that will need to be considered in the development of a revised aggregated tables review process. Rather, these questions are aimed at identifying the general direction for the revised aggregated tables review process which can then be built on in consultation with CCMs.

Critical questions for TCC18 consideration:

For the Outstanding Cases:

1. Is the aggregate tables process providing adequate incentive for CCMs to resolve outstanding cases?

2. Are the tools provided (and in development) supporting this?
 - Do the improvements to the CCFS (outlined in WP15) meet CCMs requirements for resolving outstanding cases?
3. Do CCMs agree that categories with only one/a couple of outstanding cases can be treated “in the aggregate”?

For the identification of systemic issues/implementation challenges:

4. Should the identification of systemic issues/implementation challenges be a member-led or Chair-led process (or a hybrid approach)?
5. Should this process be focused/prioritised according to risk (potentially drawing on the risk-based assessment framework) or any other factors?

General Questions and Comments:

24. FFA Members stated that the process for how to review the aggregate tables is vital to the successful implementation of the Compliance Monitoring Scheme. This is supported by the specific TCC18 tasking on this issue outlined in CMM 2021-03. FFA members stated they note the primary importance of identifying potential anomalies in the implementation of obligations by a CCM (or CCMs). This is the essential first step that CCMs and TCC must identify from the review of the aggregate tables. From this platform, TCC should subsequently discuss and consider possible causes for any identified anomalies - whether due to implementation challenges or by inadequate flag State action. FFA members stated it is not constructive to immediately seek to address systemic failures or implementation challenges, particularly if these are not clear or agreed. Thus, TCC needs to have a phased process for considering the aggregate tables – beginning with the identification of anomalies based on a review of the trends indicated in the tables themselves. Additional FFA comments are included below under the specific questions posed by the TCC Chair.

36. The United States requested for future TCC meetings that the aggregated tables be viewed alongside the dCMR, as required by 2021-03 26(ii), stating that it is essential that TCC assign a compliance status based on that review for CCMs that demonstrate systemic failures to take flag state action for infractions. The USA also stated that the number of observer reports requested by a CCM and the number of observer reports provided in response to those requests should be included in the aggregated tables for future TCC meetings. This information is necessary to determine if the new CCFS tool for tracking requests and responses for observer reports is effective and allowing CCMs access to the observer data required to investigate potential infractions. CCMs should be encouraged to provide initial responses to the questions in paragraph 34(a) and (b) of the CMS CMM in future TCC meetings as part of the aggregated summary table review. For cases that have been in the CCFS for over two years, TCC must work to identify what is needed to progress and resolve those cases, so initial assessments from the relevant CCMs would speed the process and result in outcomes that are more useful. In the TCC17 review of aggregated tables, some CCMs identified the need to obtain observer reports to complete their investigations. For other outstanding cases, there was little, if any, discussion of what CCMs needed to progress or resolve the outstanding cases. The United States stated it believes this is an important element of assessing whether a CCM has an implementation challenge, or whether there has been a systemic failure by a CCM to investigate outstanding infractions. Additional comments from the USA are included below under the specific questions posed by the TCC Chair.

37. PNA and Tokelau stated they share the FFA view that the Aggregate Tables are a vital element of the CMS that should be expected to grow in importance over time.

- (i) PNA and Tokelau consider that it is generally not reasonable to link the review of the Tables to a CCM’s Compliance Status in the current CMR for two reasons:
- **Those are two different things.** PNA and Tokelau stated that the current CMR process is “an annual assessment of compliance by CCMs during the previous calendar year with the priority obligations”. It applies to particular obligations in a particular year. The Aggregate Tables provide evidence of compliance failures or challenges across multiple years and possibly across CMMs. Any systemic failures/implementation challenges may be associated with CMMs and obligations that are not included in the CMR for that year. PNA and Tokelau stated that the outcomes of the two processes are not directly comparable so they can’t be combined. Rather, the requirement is that the results of the review of the Aggregate Tables are considered by TCC “alongside” the dCMR, so the issue is how to capture the meaning of “alongside”.
 - **The deep imbalance and bias in the information base for most of the information in the Tables and the dCMR.** PNA and Tokelau stated that this imbalance and bias deeply undermine the value of most of the tables in the same way that it undermines the value of most elements of the dCMR. Linking the two processes would compound the unfairness arising from this flaw. Using the tables in that way at this point would mean that longline flag states would almost never be held accountable through this process for potential infringements by their vessels while other CCMs are. However, PNA and Tokelau indicated that that the table of alleged infringements arising from Article 25 (2) might support a review that could be considered alongside the dCMR in some way, noting that this information is not subject to the same imbalance and bias as the information dependent on observer reports. PNA and Tokelau proposed that TCC start in 2023 by considering how results of the review of the Article 25 (2) Tables might be considered alongside the dCMR.
- (ii) **Static and Dynamic Tables:** PNA and Tokelau stated they consider that the static and dynamic tables are both important, and stated it is important to have the static tables in exactly the form that they were distributed in 2020. They noted that without the static tables, it is very difficult to have the necessary dialogue among CCMs as found at TCC17, but that it is also very useful to have the dynamic tables as a means of analytically identifying potential anomalies instead of having to read through each static table physically looking for potential anomalies.

Additional comments from the PNA and Tokelau are included below under the specific questions posed by the TCC Chair.

Comments regarding the TCC Chair’s specific questions: CCMs offered the following comments on the questions posed in the TCC Chair’s paper (TCC18-2022-13).

1 Is the aggregate tables process providing adequate incentive for CCMs to resolve outstanding cases?

38. FFA members noted it is not the purpose of the Aggregate Tables to provide an “incentive” to resolve cases, rather to identify when and why a CCM may have been unable to close cases. It should be an opportunity for a CCM to consider what is preventing it from closing cases and how this might be resolved by that CCM, including where support or engagement from other CCMs is required.

39. PNA and Tokelau stated they support the FFA response to the question and expect that the improvements to the CCFS, especially the messaging tool related to observer reports, will greatly increase the effectiveness of the Aggregate Tables in resolving outstanding cases.

40. China stated that the aggregate tables do not provide an incentive for investigation, but rather demonstrate the existing problems and why so many investigations could not be completed; reasons include the lack of observer reports available to flag states, the lack of detailed evidence of specific violations in many of the observer reports obtained, and the inability of flag states to deal with fishing vessels based on the brief descriptions in observer reports. The evidence as contained in the observer report is not enough to support the judgement of the case by flag CCMs.

41. The EU stated that although there is no doubt that all CCMs strive to resolve the outstanding cases to the best of their capacity, the EU considers that using information from the aggregated tables for deriving compliance status to CCMs would provide an additional incentive for mobilising the resources required for undertaking this important task and duty. The EU recalled the commitment made during the revision of the CMS CMM when the removal of the “vessel-level assessment” was agreed with the tacit agreement that the aggregated tables would serve the purpose of developing the dCMR, i.e., assessing compliance status. The EU stated the tables may provide indication on potential implementation issues and potential systemic failures to take flag state action in relation to alleged violations, but such failures should be reflected in the dCMR. Assessment of the effective exercise of flag state responsibility is an essential component of any meaningful CMS, together with the assessment of effective implementation, monitoring and reporting of obligations. Without assessing the effective enforcement of obligations, the CMS process might rapidly become a simple administrative procedure of ticking boxes in an Excel sheet and be dramatically reduced in scope and effectiveness. The EU stated that within the spirit of the new measure, it is not seeking for assessment of compliance of individual vessels, but considers that when a flag state that has received all the information available and has not taken action within a reasonable timeframe, this should be reflected in the dCMR. With the preceding in mind, the EU stated it hopes that WCPFC CCMs would agree to work collectively towards integrating in a transparent, fair and non-discriminatory manner the aggregated tables in the dCMR process, including for deriving compliance status as appropriate to reflect failures in the exercise of flag state duties, as it was agreed during the negotiation of the current measure. The EU stated it considers that this is a priority matter for ensuring that the scope of the CMS is not weakened by the omission of one of its key components, including under the WCPFC Convention.

2 Are the tools provided (and in development) supporting this? Do the improvements to the CCFS (outlined in WP15) meet CCMs requirements for resolving outstanding cases?

42. PNA and Tokelau stated that the effect of those improvements will have to be seen but they expect the observer report messaging tool will make a big difference to the resolution of cases from now on.

43. China stated that the CCFS system should enhance two-way communication and leave a trail of communication between flag states and the observer provider through the CCFS. Observer provider could give further evidence to the flag state through the CCFS and flag CCMs could provide further results of investigations based on the further evidence until both parties reach an agreement. The whole communication should be logged by the CCFS. The Secretariat should monitor, trace and note the entire process to urge consultation between the observer provider and the flag state to finally come to an agreement.

44. The EU commended the Secretariat for the significant and helpful improvements of the CCFS, stating it believes some further developments in terms of tracking the requests and reception of observers reports by CCMs would further improve the process. In particular, a function allowing to sort the

information available for the cases for which the observer report has been received could be useful for tracking progress of ongoing investigations. Similarly, it would be interesting to be able to sort the information available based on the time elapsed after the reception of the observer report by the flag state. The EU stated it also believes that it would be useful to include an additional option in the CCFS, related to the observers reports: under “advanced” (where currently “yes” or “no” is available) a third option “received” could assist CCMs in tacking the reports received. The EU also raised another issue that is directly linked to the CCFS and the aggregated tables and is related to the information deriving from the ROP and feeding into the CCFS. In most RFMOs observer data are mainly collected to address scientific needs and processes of these bodies. In WCPFC it was agreed that these data would also feed into the compliance process. However, the forms and fields of the ROP forms have been designed by scientists and mainly for scientific purposes, and it has become clear that in many instances they do not meet the needs of the compliance process. This might result for instance in triggering “false-positive” alleged compliance issues. There might be a need for TCC to review and, if needed, amend the ROP forms from a compliance perspective, to reduce/eliminate the “false-positive” cases in the CCFS. This might reduce the administrative work of the CCMs and the Secretariat and allow concentrating efforts and resources on the more relevant cases.

3 Do CCMs agree that categories with only one/a couple of outstanding cases can be treated “in the aggregate”?

45. FFA members supported the aggregated tables being used to identify anomalies and other trends in CCMs’ discharge of their flag state obligations and reminded TCC that in the development of the Provisional Report, TCC shall not assess compliance by individual vessels.

46. PNA and Tokelau stated that this will depend on the circumstances, noting that it seems unlikely to become a significant issue. They stated they find it difficult to see how a single case or two would indicate a systemic failure by a flag state even if repeated over several years, and would be happy to put this question aside for now and take the view that the answer will depend on the circumstances when this situation arises.

47. China stated that if categories only have one case, it must be pointing to a particular vessel, and suggested only dealing with a couple of outstanding cases, which could be treated “in the aggregate”.

48. The EU stated it considers that as long as the information is made anonymous and it is ensured that the identity of individuals, vessels etc. cannot be disclosed, or inferred, it should be possible to include in the aggregated tables less than three cases. Moreover, it seems that not including information of individual vessels, would involve that the same vessel could be repeatedly pre-identified for the same alleged infringement without ever been brought up in these tables, which would be a significant bias in the process.

4 Should the identification of systemic issues/implementation challenges be a member-led or Chair-led process (or a hybrid approach)?

49. FFA members stated their position is that the identification of anomalies should be CCM-led, with the particular CCM(s) given the opportunity to respond to provide context or explanation regarding the reasons for the anomaly (including any implementation or systemic issues that might be at play). The discussion of systemic issues or implementation challenges can then be discussed at TCC to explore potential solutions or actions.

50. Regarding issues related to the identification of implementation challenges, the United States stated it supports the approach of CCMs self-identifying challenges and allowing other CCMs to identify such

challenges. However, to make the process more effective for CCMs to identify potential implementation challenges of other CCMs, the United States suggested the Secretariat circulate the final version of the aggregated tables before the deadline to submit an implementation concern. At TCC17 the deadline to identify potential implementation issues occurred before the circulation of the final aggregated tables, so CCMs did not have the data needed to identify potential concerns. To enhance consideration of the aggregated report under Section VII of the CMM, flag CCMs should ensure data in the CCFs are finalized before any deadline established for notifying the TCC of potential implementation challenges pursuant to paragraph 33 of the measure pertaining to other CCMs.

51. PNA and Tokelau stated they share the FFA view that the process should be member-led. The first step of identifying potential anomalies can be led by any CCM. The next steps of considering whether a potential anomaly is actually an anomaly and indicates an implementation challenge or a systemic failure would be expected to involve the particular CCM involved. PNA and Tokelau stated they also share the FFA view that the focus is on identifying potential anomalies from the tables first, and then moving on to systematic failures by flag states or implementation challenges; the process of identifying anomalies should be a fairly straightforward process using the static tables as a basis for discussion. Once the potential anomalies have been identified, the next step will be to confirm whether the feature identified is really an anomaly or whether there is a good explanation for it. Where anomalies are confirmed, there will then need to be a process with the CCM involved to assess whether the anomaly indicates a systemic failure or an implementation challenge. PNA and Tokelau stated that they see the key role of the Secretariat as being to prepare the tables, which they do with great efficiency and accuracy; they do not see the Secretariat playing a central role in identification of potential anomalies, but prefer the notion of a process which allows CCMs to look over each others' shoulders through the Tables under the guidance of the Chair to see that all CCMs are doing the right thing, rather than a process in which the Secretariat is making judgements about CCMs.

52. Considering neutrality, China recommended that the identification of systemic issues/implementation challenges should be a Chair-led process.

53. The EU stated that the Secretariat could play a key role in the identification of systemic/implementation challenges based on audit points to be developed by TCC. Subsequently, a process mirroring the dCMR in terms of timing and opportunities for CCMs to provide additional information ahead of TCC and Commission meetings could be sought.

5 Regarding whether this process be focused/prioritised according to risk

54. FFA members stated they do not think the scope of the Aggregate Table work should be reduced by risk-based assessments or other factors. The purpose of the work is to identify anomalies revealed by the tables, and then assess possible causes for these anomalies and work to address them; reducing the scope of this work would reduce its effectiveness. FFA members observed that recent datasets are already limited (due to COVID-19), and suggested using all aggregated information available to consider anomalies and conduct trend analyses.

55. PNA and Tokelau supported the FFA view of not applying a risk element, noting they favour keeping the process simple for a start. However, they stated they can understand the basis for the proposal, and expect that consideration of the aggregated tables may be a time-consuming process the first time and much swifter thereafter. They proposed that in 2023 the process simply work through the aggregated tables in a static form in the order set out in Annex II of CMM 2012-03 beginning with the Article 25 (2) Tables, then the FAD set tables and so on.

56. China stated that they preferred the process not introduce any other factors.

Topic N: Current WCPFC IUU Vessel List

Background

This ODF topic was set up to facilitate the recording of responses from relevant CCMs, to questions posed by FFA members at TCC17 in regard to certain vessels on the WCPFC IUU Vessel List. The inclusion of this ODF topic was to allow for consideration of the responses by all TCC18 registered participants.

TCC18 Agenda Item: 3

Relevant excerpt from TCC17 Summary Report, paragraph 23:

Fu Lien No 1 (IMO # 7355662)

Vanuatu, on behalf of FFA members, stated that the Fu Lien No 1 (IMO # 7355662) appeared to be currently (or had previously) flown the flag of Panama, possibly after the vessel was listed by the WCPFC. Through the Secretariat, FFA members requested specific information from Panama on if and when the vessel Fu Lien No 1 (IMO # 7355662) was registered under Panama's registry. If so registered, FFA members stated they also sought information from Panama on the ownership of the vessel when it was registered there. In addition, they noted that the owning company of the listed vessel is the Fu Lien Fishery Co. Ltd registered in Georgia, and that the parent company was believed to be the Fu Lien Fishery Co. Ltd of Kaohsiung City, Chinese Taipei. FFA members stated they were seeking information from Chinese Taipei on:

1. whether the Fu Lien Fishery Co. Ltd of Georgia is/was part of the Fu Lien Fishery Co. Ltd of Kaohsiung City, Chinese Taipei?
2. whether the Fu Lien Fishery Co. Ltd of Kaohsiung City, Chinese Taipei, has any interests, beneficial or otherwise, in the vessel Fu lien No 1 (IMO # 7355662)?
3. whether the Fu Lien Fishery Co. Ltd of Kaohsiung City, Chinese Taipei, has any vessels on the WCPFC Record of Fishing Vessels (RFV)?

Yu Fong 168

FFA members further stated that the vessel Yu Fong 168 is owned by Chang Lin Pao-Chun, 161 Sanmin Rd., Liouciuo Township, Pingtung County 929, Chinese Taipei. FFA Members stated they were seeking information from Chinese Taipei on:

1. whether Chang Lin Pao-Chun is a person or a company?
2. whether any actions have been taken against Chang Lin Pao-Chun (registered owner) or the master of the vessel Mr Jang Faa Sheng?
3. whether Chang Lin Pao-Chun has interests, beneficial or otherwise, in any other vessel on the WCPFC RFV?

Key Questions and Comments:

29. Chinese Taipei responded as follows regarding the questions posed by FFA members:

Fu Lien No 1 (IMO # 7355662)

- (i) To ensure the fishing vessels invested in or operated by Chinese Taipei nationals are not to be involved in IUU activities, Chinese Taipei requires its nationals to apply and obtain approval before they invest in foreign-flagged vessels. If the flag state or the vessel itself is associated with IUU activity, the application will not be approved.
- (ii) According to the International Maritime Organisation's Global Integrated Shipping Information System (GISIS), a company named Fu Lien Fishery Co. Ltd is registered under 6, Foyou Road, Qianzhen District, Kaohsiung City. However, after investigation, Chinese Taipei found that there is no company nor any vessel flagged to Chinese Taipei is registered under this address. Moreover, Chinese Taipei cannot confirm that whether this company mentioned above is the one that FFA members indicated in TCC17.

- (iii) Furthermore, according to the registration system of Chinese Taipei's commerce authority, there is no available information shown that Fu Lien Fishery Co. Ltd of Kaohsiung City has registered. Chinese Taipei stated it has doubts about the accuracy of the information provided and appreciate any further clarification.

Yu Fong 168

- (iv) The former owner, Chang Lin Pao-Chun, is a person, on whom a total fine of about USD 60,000 has been imposed. The owner has not yet completed the payment. The Fisheries Agency has launched compulsory enforcement under domestic regulations.
- (v) Sanctions were also imposed on the master of the vessel, Mr. Jang Faa Sheng, whose Fishing Vessel Crew Identification was revoked for 2 years. Related information was provided to the Secretariat in April 2020.
- (vi) According to Chinese Taipei's records and the database of WCPFC RFV, neither the owner nor the master currently own any vessel flagged to Chinese Taipei or vessel listed on the WCPFC RFV.

Topic O: Suggestion for addressing in the short term the issue of “targeting/fishing for”

Background

Supporting paper: TCC18-2022-DP03 Suggestion for addressing in the short term the issue of “targeting/fishing for” – in reference to Agenda 5.4 (b)

Purpose: This ODF topic was set up to support further consideration of suggestions raised by the European Union under TCC18 Agenda item 5.4(b)

TCC17 Agenda Item: 5.4b

Background:

For ease of reference this was the WCPFC18 agreed outcome which was referenced (WCPFC18 Summary Report para 352)...“The Commission noted that there were ongoing difficulties related to interpretation of the term “actively fishing for” (and similar terms such as “directed at” and “targeting”) in CMM 2015-02 which continue to present challenges and makes it difficult for TCC to complete the assessments of some obligations during the CMR. The Commission also noted that the disparities in available operational-level data for determined baseline periods raised difficulties in undertaking compliance assessments as this results in some limits being based on analysis of operational-level data and other limits being based on self-reporting.”

Key Questions and Comments:

31. There was no discussion on this topic.