



**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS,  
PARTICIPATING TERRITORIES AND OBSERVERS**

**Circular No.: 2022/68  
Date: 30 September 2022  
No. of pages: 13**

**Announcing Availability of TCC18 Outcomes Document**

Dear All,

I am pleased to advise that the Provisional Outcomes Document for the recently concluded TCC18 meeting is now available and is distributed for viewing and comments by CCMs and TCC18 participants. The Provisional Outcomes Document lists the agreed decisions taken at TCC18. It is also being posted to the TCC18 meeting webpage at [TCC18 Meeting](#).

Should there be comments on the Provisional Outcomes Document, please submit them together with comments on the Summary Report of TCC18 which will be forwarded to CCMs and TCC18 participants in due course.

Yours sincerely,

**Feleti Penitala Teo, OBE  
EXECUTIVE DIRECTOR**



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

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**PROVISIONAL OUTCOMES DOCUMENT**

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**WCPFC-TCC18-2022-outcomes**  
**30 September 2022**

### **Agenda Item 1: Opening of Meeting**

#### 1.2 Adoption of agenda

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| 1. The agenda was adopted. (TCC18-2022-02_rev2) (Attachment C). |
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#### 1.3 Meeting arrangements

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| 2. The meeting arrangements for TCC18 were confirmed without adjustment. |
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### **Agenda Item 2: Annual Report of the Executive Director**

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| 3. TCC18 noted the Annual Report of the Executive Director, an overview report of the MCS and Compliance Programmes (WCPFC-TCC18-2022-04). |
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### **Agenda Item 3: IUU Vessel List**

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| 4. TCC18 recommended to WCPFC19 that the three fishing vessels <b>NEPTUNE</b> , <b>FU LIEN No.1</b> and <b>YU FONG 168</b> on the WCPFC IUU Vessel List in 2022 remain on that list for 2023.                                |
| 5. TCC18 tasked the Executive Director to liaise actively with flag CCMs and former flag States as well as other RFMOs to ascertain information on these vessels, their masters and on the beneficial owners of the vessels. |

## Agenda Item 4: CNM Requests

6. TCC18 provided the following decisions and recommendations to WCPFC19 on Cooperating Non-Member (CNM) requests:
- a) TCC18 reviewed the following eight applications for renewal of CNM status and is forwarding them to WCPFC19 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam.
  - b) TCC18 noted with appreciation the attendance and participation of Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam at this year's meeting.
  - c) TCC18 reminded CNM applicants of the obligations included in CMM 2019-01, particularly paragraph 3 and paragraph 11(a), which states that CNMS shall *"comply with all conservation and management measures adopted by the Commission."*
  - d) TCC18 noted that while it is tasked with taking into consideration the record of compliance of CNM applicants with the provisions of the Convention and the conservation and management measures adopted by the Commission, the record of compliance will not consider the review of the CMR (2021 RY) this year.
  - e) TCC18 reminded CNM applicants of the importance of flag state's control over its flagged vessels and encouraged them to continue to make improvements to the management of flagged vessels.
  - f) TCC18 considered paragraph 2.1 of the CNM applications: "2.1 Submitted full historical data?" and recommended an additional field "N/A" be applied as this paragraph is not applicable to all CNM applicants.
  - g) TCC18 further reminded CNM applicants of the considerations specified in paragraph 3(a) of CMM 2019-01, which include *"the attendance by an applicant for CNM status at the TCC meeting where its application is considered, subject to the applicant being able to attend the meeting as an observer."* TCC18 thanked all CNM applicants for their attendance and participation in TCC18 and the CNM SWG.
  - h) TCC18 noted that seven of the eight CNM applications have paid financial contributions in full prior to the commencement of TCC18. TCC18 reminded CNM applicants to ensure that financial contributions are paid in a timely manner and referred to TCC15 recommendation that CNM Contributions are treated with the same expectations applied to full members *"contributions from members are "due and payable in full within 60 days of the receipt of the communication of the Executive Director referred to in regulation 5.3 above, or as of the first day of the calendar year to which they relate, whichever is the later."*

- i) TCC18 noted Liberia's statement that it paid its financial contribution during the meeting. TCC18 noted the status of Liberia's contribution was considered paid, as was confirmed by the WCPFC Secretariat during TCC18.
- j) TCC18 noted that seven of the eight applications for CNM renewal status were complete and complete applications were received from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Thailand, and Vietnam.
- k) TCC18 sought further information from one of the eight applications for CNM renewal status from Panama:
  - (i) TCC18 noted recent serious incidents involving Panama's flagged vessels in the NPFC Convention area. TCC18 noted the investigation conducted by one CCM on a carrier vessel flagged to Panama, pursuant to the Port State Measures Agreement, which resulted in the identification of a number of infringements relating to obligations under NPFC. TCC18 sought further information from Panama regarding its application relating to ensuring effective flag state control over its flagged vessels, including in response to alleged violations or IUU activities.
  - (ii) TCC18 noted Panama's response to concerns raised by several CCMs about Panama's efforts to deter and eliminate IUU fishing associated with flagged vessels. TCC18 noted Panama's preliminary efforts on carrying out actions to ensure corrective measures, including proposing the vessel of concern be added to the NPFC draft list of IUU vessels. TCC18 forwards this matter to WCPFC19 for its consideration, and requests Panama to provide to the Commission detailed information about all control and enforcement measures adopted as a flag State (as well as status of their implementation), including any follow up actions regarding the issues identified by TCC18, to allow the Commission to make an informed final decision on the matter. TCC18 reiterated its reminder under Recommendation e) to specifically encourage Panama to make efforts to make improvements to the management of its vessels.

*Nicaragua's request for an extension of its CNM Participatory Rights:*

- 7. TCC18 noted Nicaragua's request for additional CNM participatory rights and referred to WCPFC18's request that Nicaragua provide further information to support its request.
- 8. TCC18 noted that extension of CNM Participatory Rights is generally a consideration for the WCPFC Commission meeting and encouraged Nicaragua to provide further detailed information regarding this request, including an assessment of the vessel type, implications of a further vessel, and areas intended to be fished, to the early attention of the WCPFC19 for a complete assessment of its proposal.

## **Agenda Item 5: Monitoring and Review of Compliance**

### **Agenda Item 5.1 Compliance Monitoring Scheme Future Work Components**

9. TCC18 noted the imbalance between the information available for monitoring compliance between the longline and purse seine fisheries and recommended that the Commission recognises the need to address this imbalance.
10. TCC18 noted that compliance with some obligations cannot be independently verified from available data sources. TCC18 recommended that WCPFC19 task the Secretariat to develop a paper, which identifies those obligations for which there is a lack of independently verifiable data, as well as potential sources of data that could provide independent verification of those obligations, for review by TCC19.
11. TCC18 recommended that the Commission prioritize the development of additional data collection mechanisms for some obligations to allow for more timely and verifiable data to feed into the CMR process. TCC18 noted in particular that there is ongoing work related to electronic reporting and electronic monitoring and transshipment reporting that will allow for more verifiable data to feed into the CMR process.
12. TCC18 noted that some quantitative limits and baselines for some CMMs are not easily accessible to CCMs. TCC18 recommended that WCPFC19 task the Secretariat to publish tables of CCM's limits and baselines for all relevant CMMs, and notes on their sources.
13. TCC18 noted that greater clarity about the basis for determining applicability of obligations may assist CCMs with their annual reporting. TCC18 recommended that WCPFC19 task the Secretariat to update and develop additional guidelines to support determining the applicability of obligations for review by TCC19. TCC18 recommended that once the applicability has been reviewed by TCC, it is integrated and held on file in the Annual Report Part 2 reporting system.
14. TCC18 noted that additional guidance on reporting statements of implementation may assist CCMs with their annual reporting. TCC18 recommended that WCPFC19 task the Secretariat to update and develop additional guidelines to support CCMs reporting of statements of implementation for review by TCC19.
15. TCC18 recommended to WCPFC19 that it task the Secretariat to maintain the information relevant to the Risk Based Assessment Framework, a list of all binding obligations, audit points, data sources, compliance history and other information which supports the draft CMR in one place associated with information related to the Compliance Monitoring Scheme and Conservation and Management Measures.

### 5.1(a) Develop audit points

16. TCC18 expressed its sincere appreciation to the Lead of the CMS-IWG work on Audit Points, Rhea Moss-Christian, for her work to develop audit points to date.
17. TCC18 recommended that WCPFC19 task the Secretariat to apply the draft audit points in **Attachment D**, to its development of the 2023 draft Compliance Monitoring Report covering the 2022 Reporting Year, to be reviewed by TCC19.
18. TCC18 recommended that the CMS IWG, under the leadership of the Audit Points lead, Rhea Moss-Christian, continue work to develop audit points for the remaining obligations (~100) for review and clearance ahead of WCPFC19. If needed, TCC18 recommended that the CMS IWG meet during WCPFC19 to finalize the remaining draft audit points to recommend to the Commission for adoption.
19. TCC18 noted that for some Report obligations, there may be a need to review reported information for adequacy or accuracy, which may require further consideration of how reporting inaccuracies could be addressed elsewhere by TCC, including through further standardizing reporting obligations.

### 5.1(b) Develop Risk Based Assessment Framework

20. TCC18 expressed its sincere appreciation to the Lead of the CMS-IWG work on the Risk Based Assessment Framework (RBAF), Heather Ward, for her hard work developing a RBAF. TCC18 recommended the RBAF to the Commission as a useful tool that CCMs may use to guide their consideration of future lists of obligations to review during the Compliance Monitoring Report Review.

### 5.1(c) Develop Guidelines for Participation of Observers

21. TCC18 noted the recommendation from the Independent Panel to Review the Compliance Monitoring Scheme to adopt a phased process for observers to participate in all CMS discussions (Final Report from the Independent Panel to review the Compliance Monitoring Scheme, para. 34).
22. TCC18 noted the previous work to develop draft guidelines and a confidentiality agreement to allow for the participation of observers in closed meetings of the Commission and its subsidiary bodies which consider the Compliance Monitoring Report (WCPFC16-2019-DP14).
23. TCC18 noted the paper (**WCPFC-TCC18-2022-12**) by the CMS-IWG Chair and the Secretariat in response to TCC17 on WCPFC Data Rules.
24. TCC18 informed the Commission that it has not been able to progress on the tasking from WCPFC18, pursuant to para 46 of CMM 2021-03, and provide recommendations on the development of guidelines for the participation of observers in the CMS, for adoption at WCPFC19. TCC18 also noted that a group of Members said they would be prepared to

consider the issue of observer participation in the CMS again when the current unfairness in the CMS is addressed.

### **5.1 (d) Develop Corrective Actions**

25. TCC welcomed the nomination by the United States for Ms. Elizabeth O'Sullivan to lead work through the CMS IWG to develop corrective actions to encourage and incentivize CCM's compliance with the Commission's obligations, where non-compliance is identified and encourages CCMs to participate in this work.

### **5.1 (e) Review of Aggregate Tables**

26. TCC18 noted the intention of the TCC Chair to develop a proposal for CCM consultation and WCPFC19 consideration on a process for using the aggregated tables to be undertaken in 2023 as part of the Compliance Monitoring Report Review at TCC19, taking into account the guidance provided by TCC18 in response to the issues raised in the discussion paper.

## **5.2 Consideration of Compliance Monitoring Report RY2022 and RY2023**

27. Recognizing the increased workload which may be associated with reviewing two years of draft CMR data during TCC19, TCC18 recommended that the Commission consider adopting the same or a very similar list of obligations for review in both the 2022 and 2023 draft CMR.

28. TCC18 noted that the Commission will need to consider whether the adopted Audit Points will apply to the 2022 draft CMR (covering 2021 reporting period).

29. TCC18 recommended that WCPFC19 agree to continue in 2023 to require CCMs to submit their Annual Report Part 2 at least 100 days prior to TCC19 (which is a date in mid-June instead of 1 July).

### **5.3 (a) Improving the online Compliance Case File System**

30. TCC18 noted the progress of implementing the WCPFC17 mandated CCFS enhancement (WCPFC-TCC18-2022-15).

## **5.4 Provide advice on CMMs that need revision to improve compliance and monitoring, including those for which interpretation issues have been identified through the CMS process**

31. TCC18 noted the SC recommendation that the seabird mitigation measure be reviewed in 2023-2024.

#### **5.4 (a) Advice on baseline period or limit for the Indonesia Large Fish Handline Fishery**

32. TCC18 noted the information provided by Indonesia in **WCPFC-TCC18-2022-16** and observed that the decision on the baseline period for the Indonesian large fish handline fishery is a decision for the Commission.
33. TCC18 invited Indonesia to submit a comprehensive paper to WCPFC19 to provide any additional information on their fisheries and the trends, particularly in relation to the large fish handline fishery.

#### **5.4 (b) Interpretation of “actively fishing for”**

34. TCC18 noted the longstanding difference in the interpretation of “actively fishing for” and recommended that the Commission resolve to ensure fairness and consistency in the application of the CMM.
35. TCC18 noted the proposal from the EU (**WCPFC-TCC18-2022-DP03**) to assist in resolving the interpretation of "actively fishing for" in CMM 2015-02 and recommended that this and other proposals should be considered further at WCPFC19.

#### **5.5 (a) Advice on improvements to ROP minimum standard data fields for whale sharks and cetaceans**

36. TCC18 supported the Commission’s intention to reactivate the IWG-ROP.
37. TCC18 recommended that the Commission task the IWG-ROP, once it is reactivated, to develop draft recommended modifications to ROP data fields with the intention of allowing for more useful consideration of ROP data in the CCFS and in the Compliance Monitoring Scheme processes, and while taking into account their implications, including the impact on observer workloads and observer safety, as well as any related training needs.
38. TCC18 recommended that the IWG-ROP, once it is reactivated, prioritize work on issues such as a solution to identifying interactions with whale sharks and cetaceans, and on the inclusion of ROP data fields that were identified in the TCC Workplan 2022-2024 project specific task (j), and to identify any CMM that should also be prioritized in this work.

#### **Agenda Item 6: Technical and Compliance Matters Arising from COVID-19 related Intersessional Decisions**

39. TCC noted the positive development that some observer placements have recommenced on transshipment vessels and some purse seine vessels during the transitional period of 15 June – 1 January 2023.



### **Agenda Item 7.1: Scientific Data Provision**

40. TCC18 supported the recommendations made by SC18 relating to scientific data gaps (TCC18-2022-WP18).

41. TCC18 noted the recommendation from SC18 that paragraph 1 bullet point 3 of the Scientific Data Rules relating to annual catch data for key shark species be amended as follows:

“The estimates of annual catch of key shark species should be separated into catch north and south of the equator and that the WCPFC Secretariat should work with CCMs to get these data retrospectively corrected where possible.”

### **Agenda Item 7.2: Enhance how CCM’s and Secretariat’s VMS practices integrate to facilitate ongoing monitoring and compliance with CMM 2014-02 (VMS)**

42. TCC18 recommended that the Secretariat continue to progress the various VMS-SWG recommendations adopted by WCPFC18. This will include the Secretariat providing an update on the status of the implementation of VMS-SWG recommendations in the VMS annual report at TCC19.

### **Agenda Item 7.4: RFV SSPs**

43. TCC18 recommended to WCPFC19 that the recommended edits in Box 1 and in paragraph 6 of WCPFC-TCC18-2022-21 are adopted by the Commission. (Attachment E)

### **Agenda Item 7.5: ER and EM Working Group**

44. A majority of CCMs at TCC18 recommended that the Commission agree that CCMs shall submit operational catch and effort data in accordance with the agreed Standards, Specifications and Procedures for Electronic Reporting in the WCPFC – operational catch and effort data + observer data from 1st of January 2024.

45. TCC18 encouraged those CCMs who have trialed or implemented E-Reporting to report back these results at WCPFC19 with a view to improving understanding of the benefits of Electronic Reporting of operational catch and effort data.

### **Agenda Item 7.6: Review ongoing work of relevant IWG/TCC WGs**

#### **7.6 (a): TS-IWG**

46. TCC18 recommended that WCPFC19 adopt the WCPFC ROP Minimum Standard Data Fields identified in FC-1 and FC-2 (Attachment F) as data fields to be collected by transshipment observers during transshipment events, as of 1 January 2023.

47. TCC18 recommended that TCC20, and the IWG-ROP if it is reinitiated, consider the ROP data fields in FC-1 and FC-2 data fields and whether any revisions are necessary.

48. TCC18 recommended the TS-IWG and the IWG-ROP if it is reinitiated, consider FC-3 and its data fields for inclusion in the WCPFC ROP Minimum Standard Data Fields.

49. TCC18 recommended that the 'Data fields' item of the Agreed Minimum Standards and Guidelines of the Regional Observer Programme be amended to read as follows:

“For transshipment on the high seas, transshipment ROP providers 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.”

50. TCC18 noted that the Commission has already adopted electronic reporting standards for observer data and that the development of standards for electronic reporting by transshipment observers or providers in 2023 could significantly shorten the required timeline for electronic reporting of transshipment observer data to the Secretariat.

51. TCC18 requested the Secretariat to report on the implementation of observer reporting of transshipments for WCPFC19.

### **7.6(b): SPA-IWG**

52. TCC18 noted the update from the Chair of the South Pacific Albacore Roadmap Intersessional Working Group (Fiji).

### **7.6(c): Southwest Pacific swordfish**

53. TCC noted the updated proposal from Australia and TCC noted further that Australia plans to prepare an updated proposal for consideration at WCPFC19.

### **7.6(e) CMM 2019-04 Shark CMM**

54. TCC18 recommended that WCPFC19 amend CMM 2019-04 as follows:

8. In order to implement the obligation in paragraph 7, in 2020, 2021, 2022 and 2023, CCMs shall require their vessels to land sharks with fins naturally attached to the carcass.

9. Notwithstanding paragraph 8, in 2020, 202, 2022 and 2023, CCMs may take alternative measures as listed below to ensure that individual shark carcasses and their corresponding fins can be easily identified on board the vessel at any time:

- (1) Each individual shark carcass and its corresponding fins are stored in the same bag, preferably biodegradable one;
- (2) Each individual shark carcass is bound to the corresponding fins using rope or wire;
- (3) Identical and uniquely numbered tags are attached to each shark carcass and its corresponding fins in a manner that inspectors can easily identify the matching of the carcass and fins at any time.

Both the carcasses and fins shall be stored on board in the same hold. Notwithstanding this requirement, a CCM may allow its fishing vessels to store the carcasses and corresponding fins in different holds if the fishing vessel maintains a record or logbook that shows where the tagged fins and correspondingly tagged carcasses are stored, in a manner that they are easily identified by inspectors.

### **Agenda Item 7.7: Work to Improve Crew Labour Standards**

55. TCC noted the updated proposal from New Zealand and Indonesia, and the plans by the Co-Chairs to hold a virtual intersessional workshop and to prepare a proposal for WCPFC19.

### **Agenda Item 9.1: Anticipated forecast of Secretariat work commitments for TCC**

56. TCC18 commended the Secretariat for its excellent work and noted the intention of the Secretariat to work intersessionally to prepare additional information about the preliminary forecast of future work commitments of the Secretariat's MCS and Compliance Programme to acquire the appropriate level of resources to support implementation of the TCC workplan 2022 – 2024 and to support Commission directives.

### **Agenda Item 9.2: Update of TCC Workplan 2022 – 2024 (if needed)**

57. TCC noted the intention of the TCC Vice Chair to work intersessionally to prepare an updated TCC Workplan 2022 - 2024 for adoption at WCPFC19.

### **Agenda Item 9.3: Update on WCPFC IT/VMS Security Audit**

58. TCC18 supported the Secretariat's recommendation to expand the annual VMS Security Audit budget, to include a more dynamic and continual assessment of the WCPFC information systems, with an estimated budget of \$11,900 USD.

59. TCC18 recommended to the Commission that an additional budget allocation of \$15,000 USD be set aside for annual penetration testing of the WCPFC information systems.

### **Agenda Item 9.4: Election of Officers**

60. TCC acknowledged with appreciation the hard work of Mat and Emily in their roles as TCC Chair and TCC Vice-Chair.

61. TCC18 welcomed the nomination by FFA members of Mat Kertesz for a second term as TCC Chair. Noting the TCC Chair's absence from TCC18, this nomination should be finalized at WCPFC19.

62. TCC18 also noted that the TCC Vice-Chair's nomination would be finalised at WCPFC19.

### **Agenda Item 9.5: Next meeting**

63. TCC18 recommended that TCC19 be held in Pohnpei, Federated States of Micronesia, from Wednesday 20<sup>th</sup> September to Tuesday 26<sup>th</sup> September 2023.

64. TCC18 noted that the Commission may need to consider whether an additional day should be added to TCC19 to facilitate review of two years' CMRs in 2023.

### **Agenda Item 10: Other Matters for TCC Advice Arising from the TCC18 Online Discussion Forum**

#### *ODF Topic L: DRAFT Graphics to illustrate the Best Handling Practices for the Safe Handling and Release of Cetaceans*

65. TCC18 recommended the graphics for Best Practices for the Safe Handling and Release of Cetaceans (Attachment 1 to **WCPFC-TCC18-2022-24**) be forwarded to WCPFC19 for consideration and adoption. (**Attachment G**)

#### *ODF Topic L: Preliminary Review of Available Information on Biodegradable FADs*

66. TCC18 supported the SC18 recommendations related to biodegradable FADs as detailed in supporting paper **WCPFC-TCC18-2022-25**.

67. TCC18 recommended that WCPFC19 endorse the interpretation of paragraph 17 of CMM 2021-01 as presented by the FAD Management Options IWG Chair in the TCC18 ODF Summary Report (**WCPFC-TCC18-2022-05**): “paragraph 17 prohibits deploying FADs with mesh net after 1 January 2024.”

68. TCC18 noted the need 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. TCC18 recommended that if the IWG-ROP, once it is reactivated that it, be tasked to undertake this work.

#### *Future use of ODF*

69. TCC18 recommended that the online discussion forum continue to be used in future meetings.

**DRAFT LIST OF ATTACHMENTS FOR TCC18 DRAFT SUMMARY REPORT**  
**(note order and numbering of attachments will change)**

<b>Attachment A</b>	Opening Statements
<b>Attachment B</b>	List of Attendees
<b>Attachment C</b>	TCC18 Agenda – as adopted ( <b>TCC18-2022-02_rev1</b> )
<b>Attachment D</b>	Report by the Lead of the CMS Audit Points Small Working Group at TCC18
<b>Attachment E</b>	Recommended modifications to CMM 2014-03 to support the Upgraded RFV (Box 1 and paragraph 6 of <b>WCPFC-TCC18-2022-21</b> )
<b>Attachment F</b>	Recommended WCPFC ROP Minimum Standard Data Fields identified in FC-1 and FC-2 as data fields to be collected by transshipment observers during transshipment event
<b>Attachment G</b>	Recommended Graphics for Best Practices for the Safe Handling and Release of Cetaceans (Attachment 1 to <b>WCPFC-TCC18-2022-24</b> )
<b>Attachment H</b>	List of Abbreviations