



TECHNICAL AND COMPLIANCE COMMITTEE

Nineteenth Regular Session

20 – 26 September 2023

Pohnpei, Federated States of Micronesia

PROVISIONAL OUTCOMES DOCUMENT

WCPFC-TCC19-2023-outcomes

4 October 2023

Agenda Item 1: Opening of Meeting

1.2 Adoption of agenda

1. The agenda was adopted. (WCPFC-TCC19-2023-02) (Attachment **XX**).

1.3 Meeting arrangements

2. The meeting arrangements for TCC19 were confirmed without adjustment.

Agenda Item 2: Executive Director's Annual Report on Technical and Compliance Matters

3. TCC19 noted with appreciation the Annual Report of the Executive Director on relevant technical and compliance issues, including key strategic issues for discussion at WCPFC20 (WCPFC-TCC19-2023-04).

Agenda Item 3: IUU Vessel List

4. TCC19 agreed that fishing vessel **Mark Ezekiel 03** will not be added to the Provisional IUU Vessel List.
5. TCC19 agreed that fishing vessels **Makmur-10, FB Tri Rezeki 808, FB Makmur-11, Mutiara Indah 07, Tri Rezeki 06, Kuda Laut 03, Yanreyd 294, FB Janice 01, FB**

Atlantis II, FBLB Janice 02, FBLB Twinj 106, and FB Sumber Lautan 08 will be included on the Provisional IUU Vessel List.

6. TCC19 noted that the Commission may decide to not place these vessels on the Final IUU Vessel List pending the receipt of further information from the Philippines and noted that the Philippines has committed to addressing the issues raised through the IUU listing process.
7. TCC19 recommended to WCPFC20 that the three fishing vessels **NEPTUNE, FU LIEN No.1** and **YU FONG 168** on the WCPFC IUU Vessel List in 2023 remain on that list for 2024.
8. TCC19 noted the requests to those flag CCMs and States involved seeking their cooperation in sharing information on these three vessels, and the companies and owners of the vessels, including beneficial owners.

Agenda Item 4: CNM Requests

9. The Secretariat confirmed receipt of eight requests for grant of CNM status in 2024, that all were renewal applications, and that TCC's task in accordance with CMM 2019-01 was to consider the applications for CNM status for 2024, and make recommendations and technical advice to the Commission.
10. TCC19 established a CNM SWG (chaired by Australia) to develop draft recommendations and technical advice for TCC19 to consider for recommendation to the Commission.
11. TCC19 noted that all current CNMs had registered for TCC19, either in person or online. CNM Requests for 2024 (**WCPFC-TCC19-2023-07_rev1** posted 25 September 2023) details the dates of receipt of each request, the status of financial contributions, and participatory rights of CNMs related to the requests.
12. TCC19 noted that consideration of amending CNM Participatory Rights is not a consideration for the TCC and reminded CNMs to provide further information to WCPFC20 if any new amendments are requested by existing CNMs.
13. TCC19 noted that some CNM applicants indicated a desire for full membership to the WCPFC Commission. TCC19 noted that the CMM 2019-01 does not provide for membership to be considered by the TCC CNM status process and is a matter for the Commission.
14. Following its deliberations, the Chair of the CNM SWG provided a report from the CNM SWG. In his comments the CNM SWG Chair thanked members for constructive participation in the SWG.

15. TCC19 provides the following recommendations to WCPFC20 on Cooperating Non-Member (CNM) requests:

- a) TCC19 has reviewed the following eight applications for renewal of CNM status and is forwarding them to WCPFC20 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam.
- b) TCC19 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.*”.
- c) TCC19 noted the importance of the mandatory reporting obligations of the WCPFC and that Nicaragua had not provided this information prior to the TCC19 for Reporting Years 2021 and 2022. CNM’s are strongly reminded of the obligation of all CCMs to provide required information prior to TCC meetings, to ensure that the TCC can fully consider compliance with the WCPFC’s Conservation and Management Measures. TCC19 noted that Nicaragua provided required information to TCC during the meeting.
- d) TCC19 noted that 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, including, but not limited to, the record of compliance including TCC19’s two year review of the dCMR (RY2021, RY2022).
- e) TCC19 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 monitoring and management of flagged vessels.
- f) TCC19 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.*” TCC19 thanked all CNM applicants for their attendance and participation in TCC19 and the CNM SWG.
- g) TCC19 noted that three of the eight CNM applicants have paid financial contributions in full prior to the commencement of TCC19. TCC19 thanked El Salvador, Panama and Thailand for the timely payment of financial contributions.
- h) TCC19 reminded CNM applicants that while the non-payment of contributions prior to TCC19 would not exclude applicants from consideration for CNM status, CNMs should ensure that financial contributions are paid in a timely manner.
- i) TCC19 reminded CNM applicants of 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.”*

- j) TCC19 noted Curacao's, Ecuador's, Liberia's, Nicaragua's and Vietnam's statements of commitment to ensure payment of financial contributions during the meeting. TCC19 noted the status of Ecuador's and Vietnam's contribution was considered paid, confirmed by the WCPFC Secretariat during TCC19. TCC19 noted that Nicaragua had provided evidence of payment during the meeting however, receipt was not confirmed by the conclusion of the meeting.
- k) TCC19 recalled WCPFC19's renewal of Panama's CNM status was contingent upon evidence of Panama's effective flag State action, including listing of the Panamanian vessel on the NPFC IUU vessel list in 2023. TCC19 responded to the WCPFC19 tasking to consider the outcome of NPFC IUU listing process and efforts from Panama to improve the management and monitoring of its vessels when considering Panama's CNM application in 2023. TCC19 noted that the Panamanian vessel was listed on the NPFC IUU vessel list, and considered that Panama took effective action as a flag state by supporting the IUU listing process. As such, TCC19 did not consider this precludes Panama from consideration of its request for renewal of CNM status.
- l) TCC19 requested that Panama provide further information clarifying what activities Panama's carrier vessels undertake in the WCPO, for further consideration of its CNM renewal status. TCC19 noted Panama's response that its vessels are engaged in transport and tranship of fish, also to provision Carrier Vessels and bunkering, supply food, water, and spare parts.
- m) TCC19 noted that the review of all eight applications for CNM renewal status was complete and recommends WCPFC20 consider all applicants for CNM status renewal.

Agenda Item 5: Compliance Monitoring Scheme (CMS)

5.1 Provisional CMR covering RY 2021 and RY 2022

- 16. TCC19 submitted the Provisional CMR covering RY 2021 and RY 2022, containing its provisional compliance assessment, and recommended the report to WCPFC20 for its consideration and final assessment.

5.2 Use of ROP data in the CMS

- 17. TCC19 noted the information presented in **WCPFC-TCC19-2023-09** and expressed appreciation to the Secretariat for the work undertaken in preparing the paper.
- 18. TCC19 recommended continuing work through IWG-ROP, TS-IWG and ERandEM-IWG to refine and enhance the WCPFC's monitoring programs.
- 19. TCC19 supported efforts by the Secretariat to further analyze available information to promote heightened understanding and awareness of fishing impacts in the WCPFC Convention Area.

20. TCC19 reaffirmed the importance of increasing monitoring and observer coverage in the longline fishery, including through the implementation of electronic monitoring.

5.3 Progressing ongoing work of CMS-IWG

5.3 (a) Finalize audit points

21. TCC19 agreed to progress work on the finalization of audit points prior to WCPFC20 in light of the need to determine a list of obligations to be assessed under the CMR in RY2023, with associated audit points. TCC19 noted that the Audit Point Lead proposes to circulate a paper on remaining audit points two weeks after TCC19 so that it can be considered by CCMs in the lead up to WCPFC20.

5.3 (b) Develop corrective actions

22. TCC19 noted the report presented by the CMS IWG Lead for corrective actions on the progress made towards finalization of the TOR for the CMS IWG to develop corrective actions to encourage and incentivize CCM's compliance with the Commission's obligations. TCC19 noted that a revised draft TOR was circulated on 26 September, together with the comments received to date for consideration and comments from CCMs.

5.3 (c) Refine the aggregate tables review process

23. TCC19 noted the usefulness of the process for using the aggregated tables and the broad support within TCC19 for the continuation of the process. TCC19 accepted that there was still work required to refine the process and some lessons learned from the use of the aggregated tables over the previous two years.

24. TCC19 thanked the Secretariat for the comprehensive information in the Aggregated Tables. TCC19 recommended to WCPFC20 that:

- an additional column be included in the Aggregated Tables to indicate whether the observer report had been requested, and whether it had been received;
- the Commission request CCMs to provide to the Secretariat information on the domestic statute of limitations, the allowable period to bring a prosecution, for various types of cases: fisheries offences and criminal offences;
- the Secretariat include the following information about Article 25(2) cases when developing the aggregated tables for TCC20 a) whether the infringement occurred in the high seas or in zone; and b) a breakdown of case subcategories by type of infringement;
- the issue of cases older than 24 months in the CCFS be addressed by the Commission in a systematic way, not through automatic close-out of old cases, but with CCMs providing explanation as to why the case needs to be closed before completing the investigation, noting the requirement for flag CCMs to take action in response to alleged violations;

- it consider ways in which to rationalize and streamline data flows so that only genuine cases were included in the CCFS.

5.4 Expiry of CMM 2021-03

25. TCC19 noted the proposal by some CCMs to amend CMM 2021-03. WCPFC19 noted the imbalance between the information available for monitoring compliance between the longline and purse seine fisheries and recommended that the Commission recognise the need to address this imbalance. TCC19 noted that this proposal would be put forward to WCPFC20.

Agenda Item 6: Status of Fisheries Presentation and Updates on the Impacts of Climate Change

26. TCC19 noted the presentation by the Scientific Services Provider on the Status of Fisheries and Impacts of climate change and the increased importance of ensuring information and data collection to understand the impacts of climate change and implications for management of WCPFC fisheries.
27. TCC19 recommended that the TCC Chair and Secretariat consider how ongoing work on developing monitoring strategies for harvest strategies, and SC19's recommendation to develop and test ecosystem and climate indicators, intersect with the work of TCC, including how these may be included in the TCC workplan.
28. TCC19 noted it would be beneficial to receive direction from the Commission on incorporating climate change discussions into its agenda.

Agenda Item 7: Compliance Verification

29. TCC19 thanked the Secretariat for the 'Available data for verifying compliance in the compliance monitoring scheme' paper (**WCPFC-TCC19-2023-11**) and noted its value in guiding and enhancing the work of TCC and the Commission, as well as relevant intersessional working groups.
30. TCC19 recommends that the Secretariat provide this paper as a standing paper and agenda item for TCC in the future.
31. TCC19 noted that some CCMs suggested that WCPFC20 consider:
- Adding a data field to the RFV that would allow a CCM to report via the RFV whether vessel capacity limits (CMM 2021-01 42, 43, 44 and 45) apply to a vessel, in order to provide a way for the Secretariat to independently verify compliance with capacity limit obligations.
32. TCC19 recommends that WCPFC20 consider:
- Whether a new data field, "Target Species" should be added to the RFV and, if so, task TCC20 with developing the data field and framework for potential future implementation

Agenda Item 8: IWG Updates and TCC Advice on Existing CMMs

8.1 TS-IWG

33. TCC19 expressed its appreciation to the Secretariat for the presentation and the information contained in the Annual Report on WCPFC Transshipment Reporting (**WCPFC-TCC19-2023-RP03_rev1**).
34. TCC19 noted the ongoing work of the TS-IWG and IWG-ROP to complete their respective reviews. TCC19 emphasized the importance of full implementation of the new data fields (suppl_CMM 2009-06 3, based on FC1 and FC2 form) adopted at WCPFC19 to improve the flow of transshipment data and tasked the TS-IWG to consider whether additional data fields should be adopted to improve the quality of transshipment reporting.
35. TCC19 expressed its appreciation to the Secretariat for the progress made on refining analytical tools to improve data quality and to inform CCM's and the Commission's understanding of transshipment activities.
36. TCC19 noted the report of the Co-Chairs of the TS-IWG (**WCPFC-TCC19-2023-12**) and noted that TS-IWG made significant progress on its analysis of the regulation of at sea transshipment in the WCPFC Area.
37. TCC19 recommends the TS-IWG continue with its work and that it submits timely recommendations by 20 October for CCMs' consideration prior to WCPFC20 for revising CMM 2009-06 on transshipment as well as recommendation for decisions by the Commission, that can strengthen at-sea transshipment regulation in the WCPFC Area.
38. Depending on the TS-IWG outcomes and related decisions of WCPFC20, TCC19 recommends WCPFC20 consider whether the TS-IWG should remain active in 2024.

8.2 IWG-ROP

39. TCC19 noted the Annual Report on Regional Observer Programme (**WCPFC-TCC19-2023-RP02**).
40. TCC19 noted the update on the multi-year workplan for the IWG-ROP provided by the Chair of the IWG (**WCFPC-TCC19-2023-13**). TCC19 expressed appreciation to the United States for its voluntary contribution to the training of observers following the departure of observers from programs during the COVID-19 pandemic.

8.3 ER and EM IWG

41. TCC19 noted the Annual Report on E-reporting standards and their application (**WCPFC-TCC19-2023-RP09**) and the SPC Report on the status of observer data management (**WCPFC-TCC19-2023-IP02**).
42. TCC19 expressed its appreciation to Australia and the previous Chairs of the ER and EM IWG for their hard work in progressing ER and EM. TCC19 noted the update from New Zealand

and the new Chair of the ER and EM IWG (Dr Shelton Harley) on the plans for the ER and EM IWG to have an intersessional meeting prior to WCPFC20.

8.4 SPA Roadmap IWG

43. TCC19 noted the update from the Chair of the South Pacific Albacore Roadmap Intersessional Working Group (Fiji).

8.5 Tropical Tuna CMM and FAD Management Options IWG

44. TCC19 noted the update from the Commission Chair on the plans for the TTM Workshop on 29-30 September 2023.

45. TCC19 noted the proposal by some CCMs on amending the SKJ management procedure monitoring report. SC19 indicated that TCC may have a role to play in fisheries monitoring and data collection as captured in SC19-MI-WP2. TCC19 referred the proposal to WCPFC20 for guidance on what the technical contribution that TCC is expected to contribute to the SKJ management procedure monitoring process.

46. TCC19 noted the update from the FAD Management Options IWG on priority tasks for 2023 (**WCPFC-TCC19-2023-16**).

8.6 Labour Standards IWG

47. TCC19 noted the update from the Co-Chairs of the Labour Standards Intersessional Working Group (Indonesia, New Zealand) (**WCPFC-TCC19-2023-17**) and TCC noted further that the Co-Chairs plan to prepare an updated draft CMM on labour standards for consideration at WCPFC20.

8.7 CMM 2017-02 Port State Minimum Standards

48. TCC19 noted the presentation from the Secretariat on the Annual Report of Port State Minimum Standards (**WCPFC-TCC19-2023-RP07**).

49. TCC19 recommends that WCPFC20 tasks TCC20 to review CMM 2017-02 taking into account current Commission implementation of the measure, other RFMOs' experience, the UN FAO's Port State Measures Agreement (PSMA), and the Pacific Islands Forum Fisheries Agency regional PSM framework.

8.8 CMM 2014-02 Commission VMS

50. TCC19 noted the annual report on the Commission's VMS (**WCPFC-TCC19-2023-RP01**).

8.8a Philippine delegation proposal

51. TCC19 noted the Philippines' delegation paper regarding trials of VMS 100Si (**WCPFC-TCC19-2023-DP02**).

52. TCC19 noted that some CCMs needed further time to consider the Philippines' proposal given its technical nature and deferred consideration of the proposal to WCPFC20.

8.8b United States delegation proposal

53. TCC19 noted the delegation proposal from the United States (WCPFC-TCC19-2023-DP03) on an additional VRST option.

54. TCC19 recommends that WCPFC20 include and prioritize their 2024 Work Plan and budget to add the option for flag CCMs to select the status of, "ALC reporting OK to flag VMS" in the WCPFC VRST "Non-reporting vessels" interactive interface. TCC19 believes that this addition would further streamline and assist in focusing on VMS-related communication, would improve the ongoing accuracy of VMS-status monitoring by flag CCMs and the Secretariat, and significantly reduce the number of dCMR VMS data gap issues. Operationally, this status should focus flag CCM and Secretariat troubleshooting efforts on the relevant administrative issues (database inconsistencies), rather than other issues, such as vessel-resident hardware or flag CCM VMS issues. This new status update option, like the existing status options, may be periodically reviewed by the Secretariat in cooperation with the flag CCMs.

8.9 Other CMMs with interpretation issues identified through the CMS

55. TCC19 noted the ongoing work in revising the Tropical Tuna Measure which will be considered at TTMW4 and WCPFC20.

56. CCMs raised a number of issues with the consolidated shark measure (CMM 2019-04/2022-04):

- **CMM 2019-04 05 (RP):** It was suggested that clarification is required on what is meant by “alternative measures not contained in the CMM” that the CCM is applying in waters under its national jurisdiction, as compared with “additional measures” that a CMM may apply, and what is required to meet this obligation. TCC19 concurred that the obligation was not being understood by CCMs in the same way and agreed that there needed to be further clarification of what is an “alternative measure” and its applicability to a CCM.
- **CMM 2019-04 07-10 (IM):** There is a lack of clarity over the application of these obligations to carrier vessels, and in particular, how the retention requirements or alternative measures are applicable to carrier vessels.
- **CMM 2019-04 07-10 (IM):** The EU noted that paragraphs 7-10 meant that a choice was required to be made between paragraph 8 (retention fins naturally attached) and paragraph 9 (alternative measures). Without a choice being made, no clear directions could be given to fishers. This suggested that more work needed to be done on the audit point for paragraphs 7-10. There was also a difference of interpretation between some CCMs on the relationship between paragraph 7 on non-retention and paragraphs 8 and 9, and if there was a ban on retention, the choice needed to be made.

- **CMM 2019-04 11 (RP):** Some CCMs noted that the purpose of paragraph 11 was to gather information to determine whether the alternative measures in paragraph 9 were effective and required TCC to consider compliance with the alternative measures. A question was raised as to whether this was an obligation that had to be assessed at the CCM level or whether it could be assessed at the vessel level. In response it was suggested that it was an obligation for a CCM to report, but the approach adopted by the CCM may lead to their flag vessels choosing an alternative measure. TCC19 agreed that this and other issues related to paragraph 11 warranted further clarification.
- **CMM 2019-04 18 (IM):** The obligation only applies where there is an observer present. This suggests that the obligation does not apply where there is no observer or EM present. This should be considered further.

57. TCC19 noted that CMM 2022-04 is scheduled to be reviewed in 2024 (CMM 2022-04, paragraph 31). TCC19 recommends that the Commission notes that limited information is currently available in regard to alternative measures currently implemented under paragraph 9 of the measure to inform the review of this measure, and TCC19 is not in a position to evaluate the effectiveness of such measures.

58. TCC19 noted that some CCMs have committed to provide additional information ahead of TCC20 on the implementation of alternative measures under paragraph 9 to inform the review of the measure in 2024.

Agenda Item 9: Analytical Interpretation of Data and Communication of Technical and Compliance Matters

59. TCC19 thanked the Secretariat for the presentation and paper on enhanced data analysis and interpretations: experiences and opportunities (**WCPFC-TCC19-2023-18**).

60. TCC19 noted the increasing complexity and size of the data stream available to the Commission and the Secretariat. TCC19 notes the benefit to the Commission and concomitant efficiencies gained by the Secretariat through the two data analytic consultancies in 2023.

61. Noting the outputs delivered through the data analytics consultancies and the benefit to members, especially to the added value to the Commission's work, TCC19 recommends that FAC17 consider supporting two data analytic consultancies for 2024 and 2025.

62. TCC19 recommends that WCPFC20, consider the data analytic needs of the Commission as to whether a permanent staff position focused on data analytics be added to the Secretariat staffing plan in the future.

63. TCC19 noted that when developing further data analytical tools, output metrics will need to be considered to demonstrate the value to CCMs that the tools have provided in supporting improved CCM compliance.

Agenda Item 10: Supporting CCMs with Technical and Compliance Matters

64. TCC19 thanked the Secretariat for the presentation and paper on resources to assist CCM reporting and implementation of obligations (**WCPFC-TCC19-2023-19**) and provided feedback on the existing and new resources and approach that would support CCMs.

65. TCC19 expressed appreciation for the IT upgrades and the training and guidance provided to CCMs by the Secretariat and TCC19 recommended that such support to CCMs continue.

66. TCC19 recommends that the Secretariat update and maintain the Annual Reporting guidance (Annex 2 of **WCPFC-TCC19-2023-19**) to provide CCMs clarity on their reporting requirements for further discussion at future TCC meetings.

Agenda Item 11: Special Requirements of Developing States

67. TCC19 noted the capacity assistance needs and Capacity Development Plans listed in (**WCPFC-TCC19-2023-20**) and the Summary from 2023 Part 2 CMM 2013-07 annual reports: RY2022 (**WCPFC-TCC19-2023-21**).

68. TCC19 noted the importance of additional contributions to the Special Requirements Fund to assist developing countries, especially small islands developing States and territories in implementing requirements and the full participation of SIDS and territories at WCPFC20.

Agenda Item 12: Information Management Systems and Processes

12.1 IT-related system upgrades

69. TCC19 thanked the Secretariat for the presentation and paper on upgrades of IT-related tools supporting CCM reporting and implementation of obligations (**WCPFC-TCC19-2023-22**) and expressed its appreciation for the new IT-related tools which had assisted CCMs in their work.

70. TCC19 noted the further upgrades to IT-related tools proposed and the ongoing need for capacity support to CCMs to make most effective use of the tools.

12.2 WCPFC IT/VMS Security Audit

71. TCC19 thanked the Secretariat for the presentation and paper on IT security update (**WCPFC-TCC19-20223-23**).

72. TCC19 noted the Secretariat's progress in strengthening its in-house security of IT systems and resources.

73. TCC19 noted the Secretariat's plans to continue the ongoing, expanded security review work, which includes completing work on the development of an IT Systems Risk Register and conduct of routine penetration testing, and efforts to continue to improve the Secretariat's IT security score.

74. TCC19 recommends to WCPFC20 that it support the continuation of the Secretariat's ongoing, expanded security review work.

Agenda Item 13: Administrative Matters

75. TCC19 noted the report on Memorandum of Understanding Matters (**WCPFC-TCC19-2023-24**).

13.1 Proposed MOU with NPFC

76. TCC19 recommends to the Commission the conclusion of an MoU between WCPFC and NPFC on the basis of the attached text (in Attachment **XX**), subject to any necessary amendments.

13.1a SPRFMO MOU

77. TCC19 recommends to the Commission the renewal of the MoU with SPRFMO, with an amendment to remove the current three-year term limit while retaining the provision that either Organisation may discontinue the MoU by giving six months' prior written notice to the other Organisation, subject to any other necessary amendments (refer to Attachment **XX**).

13.2 Required resources

78. TCC19 noted that the Secretariat will provide further updates and information to FAC17 on the resources required to support TCC19 outcomes, including tasks set out in the TCC Workplan for 2024 and subsequent years.

13.3 Process to update TCC Workplan

79. TCC19 noted the intention of the TCC Chair to prepare advice to WCPFC20, in conjunction with the Secretariat, TCC Vice-Chair and Chairs of the IWG, on the progress of work in the TCC Workplan 2022-2024, including where additional work may be required.

13.4 Next meeting

80. TCC19 recommended that TCC20 be held in Pohnpei, Federated States of Micronesia, from Wednesday 25th September to Tuesday 1st October 2024.

Agenda Item 14: Other Matters for TCC Advice Arising from the TCC19 Online Discussion Forum

81. TCC19 noted the SC19 recommendations related to Scientific Data to be Provided to the Commission (**WCPFC-2023-25 pages 2 – 3**) and noted that these will be considered by WCPFC20.
