



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

Nineteenth Regular Session of the Technical and Compliance Committee

**Pohnpei, Federated States of Micronesia
20-26 September 2023**

SUMMARY REPORT

Issued: 15 November 2023

Contents

AGENDA ITEM 1 — OPENING OF THE MEETING	1
AGENDA ITEM 2 — EXECUTIVE DIRECTOR’S ANNUAL REPORT ON TECHNICAL AND COMPLIANCE MATTERS.....	4
AGENDA ITEM 3 — IUU VESSEL LIST.....	6
AGENDA ITEM 4 — CNM REQUESTS.....	13
AGENDA ITEM 5 — COMPLIANCE MONITORING SCHEME.....	15
AGENDA ITEM 6 — STATUS OF FISHERIES PRESENTATION AND UPDATES ON THE IMPACTS OF CLIMATE CHANGE	28
AGENDA ITEM 7 — COMPLIANCE VERIFICATION	30
AGENDA ITEM 8 — IWG UPDATES AND TCC ADVICE ON EXISTING CMMs.....	32
AGENDA ITEM 9 — ANALYTICAL INTERPRETATION OF DATA AND COMMUNICATION OF TECHNICAL AND COMPLIANCE MATTERS.....	53
AGENDA ITEM 10 — SUPPORTING CCMs WITH TECHNICAL AND COMPLIANCE MATTERS	1
AGENDA ITEM 11 — SPECIAL REQUIREMENTS OF DEVELOPING STATES	3
AGENDA ITEM 12 — INFORMATION MANAGEMENT SYSTEMS AND PROCESSES	5
AGENDA ITEM 13 — ADMINISTRATIVE MATTERS.....	8
AGENDA ITEM 14 — OTHER MATTERS FOR TCC ADVICE FROM THE TCC19 ONLINE DISCUSSION FORUM (ODF).....	13
AGENDA ITEM 15 — CLEARANCE OF TCC19 RECOMMENDATIONS.....	16
AGENDA ITEM 16 — CLOSE OF MEETING.....	16
ATTACHMENT 1 — MEETING PARTICIPANTS	17
ATTACHMENT 2 — WCPFC CHAIR’S OPENING REMARKS	37
ATTACHMENT 3 — EXECUTIVE DIRECTOR’S OPENING REMARKS.....	39
ATTACHMENT 4 — ADDITIONAL AUDIT POINTS FOR CONSIDERATION.....	41
ATTACHMENT 5 — WCPFC/NPFC MOU.....	43
ATTACHMENT 6 — WCPFC/SPRFMO MOU REVISION	46

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AGENDA ITEM 1 — OPENING OF THE MEETING

1.1 Welcome

1. Mat Kertesz (Australia), Chair of the Technical and Compliance Committee (TCC) opened the Nineteenth Regular Session of the Technical and Compliance Committee (TCC19) of the Western and Central Pacific Fisheries Commission (WCPFC). After a prayer by the delegation of Fiji he greeted delegations of the WCPFC Members, Cooperating Non-Members, Participating Territories (CCMs) and Observers and invited Jeannie Hawley of the WCPFC Secretariat to act as MC and introduce the opening speakers.
2. Faustino Yarofaisug, Acting Secretary of Resources and Development of the Federated States of Micronesia (FSM) welcomed participants to Pohnpei. Paying his respects to the traditional leaders of Pohnpei State, on behalf of the president and four Governors of the four states—Pohnpei, Kosrae, Chuuk and Yap—he welcomed participants with the greeting words of the four states and thanked them for agreeing that FSM could host the meeting. He said it was customary to welcome guests to the shores of Pohnpei with a small rainfall, but for very important guests the huge downpour that had greeted them was a sign that they were very welcome indeed. He invited participants to visit the historical sites of the island, but first to take the time to meet the people and learn the culture. Similarly, the people of Pohnpei would want to learn about the culture of the participants.
3. The Pacific Ocean and the tuna resources that lived within it are important for livelihoods, so it was important that they were managed wisely. He understood that this was the first face-to-face TCC meeting for some time and this was just one aspect of the way all our lives had changed as a result of the pandemic. But isolation has been the only option and he commended all for their perseverance in keeping on working and strengthening compliance in the WCPFC convention area. He hoped the participants could all cooperate effectively to safeguard our resources, but that this was really about managing our behaviour in utilizing these resources. Our children and perhaps our grandchildren would need to be sure that the bounty of the ocean could support their livelihoods and economic development. He expressed profound gratitude for allowing Pohnpei to host the WCPFC HQ, noting that it was a great source of pride. FSM would stand steadfast in providing support to the Commission wherever possible.
4. The WCPFC Chair Dr Josie Tamate saluted those present and expressed her pleasure at being back in Pohnpei after many years. She thanked FSM and its leaders for opening their doors once again to the first TCC meeting since 2019. As Commission Chair she thanked all CCMs for their ongoing support and participation in the last 4 years, and those who had been working hard behind the scenes, particularly the Secretariat's Compliance team under Lara Manarangi-Trott. A great deal of work had gone into the

preparation of the draft Compliance Monitoring Report, and in trying to make the process more efficient. The CMR was a report card on the implementation by CCMs of WCPFC measures and making sure that their requirements were met, and this was particularly important for the Pacific Island members of the commission. As WCPFC chair she looked forward to receiving the recommendations of this body in due course. Her full remarks are appended to this report in Attachment 2 .

5. WCPFC Executive Director Rhea Moss-Christian made some opening remarks on behalf of the Secretariat, and these are recorded in full in Attachment 3 . She recalled how TCC’s work had evolved since 2004 when WCPFC was designing its monitoring processes, with the VMS and observer programmes established as a priority and drew the attention of participants to the vast potential for enhanced management contained in the volume of data that is provided to the Commission. This TCC meeting provided opportunities to reflect on the systems that has been established to create robust programmes that reflect compliance. The meeting would be looking to draw together patterns with the Scientific Committee in applying the provisions of the WCPFC convention, and the 2023 system upgrades provided greater capacity to process this information efficiently. The potential to “work smarter” had been established. This committee would also need to also address the increasing demands that global awareness brings to the sector. She acknowledged the work of secretariat compliance team and echoed the Commission Chair’s acknowledgement of the work of Compliance Manager Lara Manarangi-Trott. She paid tribute to the great depth of experience in the team, with particular reference to the long years of dedication by Karl Staisch and Albert Carlot. She thanked the whole team for ensuring that the visit to Pohnpei would be a productive and memorable one for all, and looked forward to supporting TCC deliberations throughout the week.

6. TCC Chair Mat Kertesz noted with pleasure that TCC was able to meet in person again after four years. He recognised the significant efforts of the Secretariat and CCMs to allow TCC to continue its critical business virtually to maintain the Commission’s MCS framework and provide advice to the Commission through a challenging few years. The Chair noted that TCC19 had a heavy agenda, in particular a two-year compliance review, but significant progress has been made to streamline the Committee’s work, including through the lessons from virtual meetings. He noted with thanks the efforts of the TCC Vice Chair and the excellent support from the Secretariat, and expressed sincere thanks to the previous vice-chair, Emily Crigler, for her support, especially in stepping-in to chair TCC18.

7. The following members, cooperating non-members and participating territories (CCMs) attended TCC19: Australia, Canada, China (online), Cook Islands, Curacao (online), Ecuador (online), El Salvador, European Union (EU), Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, Liberia (online), Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Nicaragua (online), Niue, Palau, Panama, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Thailand (online), Tokelau, Tonga, Tuvalu, United States (USA), Vanuatu, and Vietnam (online).

8. Representatives from the following intergovernmental organisations attended TCC19: the Food and Agriculture Organisation of the United Nations (FAO), Pacific Islands Forum Fisheries Agency (FFA), North Pacific Fisheries Commission (NPF), the Office of the Parties to the Nauru Agreement (PNAO), the Pacific Community (SPC), and the Secretariat of the Pacific Regional Environment Programme (SPREP).

9. Observers representing the following organisations also attended TCC19: Accountability.Fish, BirdLife International, Pew Charitable Trusts (Pew), The Ocean Foundation, World Tuna Purse Seine Organisation (WTPO), and World Wide Fund for Nature (WWF).

10. A full list of participants is provided as Attachment 1

1.2 Adoption of agenda

11. The Chair presented the Provisional Agenda (TCC19-2023-02) for consideration and adoption. No requests were submitted for inclusion of supplementary items on the agenda or for consideration under Other Matters.

Agenda Item 1.2 Outcomes cleared at TCC19

12. The agenda was adopted. (WCPFC-TCC19-2023-02).

1.3 Meeting arrangements

13. The Chair outlined the meeting arrangements and indicative schedule (TCC19-2023-01_rev1). Aaron Nighswander (WCPFC Finance and Administration Manager) explained meeting logistics and WCPFC IT Manager Tim Jones described the process for remote online participation for registered participants and access to meeting documents at various levels of security. All public domain meeting documents were posted to <https://meetings.wcpfc.int/meetings/tcc19>.

14. Australia thanked the host country FSM, the State of Pohnpei and the FSM National Oceanic Resources Management Authority (NORMA) for the warm welcome and the use of their facilities. The WCPFC Secretariat was thanked for their excellent preparation, and it was noted that the tireless work of the WCPFC helped ensure that the region's tuna stocks remained the best-managed in the world. Australia also thanked the Intersessional Working Group Leads for their work leading up to and continuing throughout this meeting and wished everyone well in the forthcoming discussions.

15. WWF thanked the Chair for the opportunity to address TCC. He felt that all participants would be pleased that they could once again convene in person to conduct the important business of this Committee. Thanks were also due the government of FSM and NORMA for again acting as hosts to TCC and, as always, in their support for the work of the Secretariat for preparations in this meeting. He noted that this was the first time in the history of WWF's engagement in this process that they were taking the floor at this point in the agenda and that there was an important reason for doing so. As TCC participants came back together, there was one issue that cut across every single other issue addressed by the WCPFC, including all the subsidiary bodies. That issue was observer coverage. The Executive Director had addressed this in her report, noting the current focus on Regional Observer Programme (ROP) observers, establishing an electronic monitoring (EM) programme and in enhancing monitoring and management of at-sea transshipments, further noting that *"opportunities to address limitations are available and within reach"* with which WWF fully agreed. The issue was threaded throughout almost every working paper, but most notably in TCC19-2023-11 on Compliance Verification. This region was fortunate in that it had one of the few global fishing fleets with mandatory 100% observer coverage thanks to the foresight and insight of the purse seine fishery stakeholders who understood the need for, and value of, fisheries observers. However, it was nearly 17 years since the first recommendation was made to achieve 5% observer coverage in the longline fleet and CCMs had not yet achieved that minimal goal – which was not even a goal but a simple benchmark on the way to appropriate observer coverage because 5% was neither statistically significant for scientific purposes nor useful for compliance. And yet the region still fell short of even that minimal arbitrary benchmark after almost two decades. More importantly, those members that were meeting or exceeding longline observer coverage requirements—proving that it was possible to do so—were bearing the conservation and compliance burden that others were not. Like Fiji against Australia in the rugby world cup, it was time to step up the game on longline observer coverage. WWF acknowledged specifically the importance of observers on transshipment interactions, particularly the need for independence and for standards to ensure their safety and independence. WWF had received

several communications from cross-endorsed transshipment observers that expressed serious concerns over the independence of observers serving on some transshipment vessels, which must be addressed as part of this process. All CCMs had obligations under the convention to conserve and manage the resource using the best available science and could not meet that obligation without improving observer coverage across the longline and transshipment sectors. WWF thanked the Chair again for allowing them to take the floor at this time and looked forward to a robust discussion of this important issue as the meeting progressed.

16. The Pew Charitable Trusts and The Ocean Foundation made a short statement welcoming the opportunity to participate as observers and appreciating the work of the chair, members and secretariat to convene this meeting. As this was the first in-person TCC meeting since 2019 they urged members to make progress and reach agreement on approaches that provide stability and resilience to the region's fisheries. These should include recommending the renewal and enhancement of the compliance process and strengthening the management of transshipment. They noted a number of papers provided by the secretariat highlighting the need for additional data to be collected to support the verification of fishing activities, and urged TCC to recommend steps to accelerate the introduction of new tools like Electronic Monitoring which could fill the gap in effectively monitoring fishing activities. They looked forward to a successful meeting.

17. TCC19 established the following small working groups (SWGs) to supplement plenary discussions:

- a. Cooperating Non-Member applications SWG, led by James Van Meurs (Australia);
- b. Compliance Monitoring Audit Points SWG, led by Viv Fernandez (Australia)
- c. Corrective Actions SWG led by Elizabeth O'Suillivan (USA)/ Ilkang Na (Korea) TCC vice Chair

18. A meeting of the WCPFC Transshipment Intersessional Working Group also took place during TCC19. Its outcomes are reported under Agenda Item 8.1.

Agenda Item 1.3 Outcomes cleared at TCC19

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

AGENDA ITEM 2 — EXECUTIVE DIRECTOR'S ANNUAL REPORT ON TECHNICAL AND COMPLIANCE MATTERS

20. The Executive Director, Rhea Moss-Christian presented TCC19-2023-04 — the Director's Annual Report on relevant technical and compliance issues, and key strategic issues for discussion at WCPFC20.

21. The report was prepared in close collaboration with the WCPFC Compliance Manager, Dr Lara Manarangi-Trott, and aimed to cover the breadth of the Commission's monitoring systems that had been adopted to support fisheries management. It was acknowledged there was more to do, but CCMs should take time to reflect on how much had been collectively achieved, and how much was now working effectively. The report also contained a snapshot of the Commission's monitoring programs that showed a comprehensive set of tools essential for assisting the Commission in monitoring compliance with obligations.

22. The report broadly described the functions of the Commission's monitoring programs, noting that the details could be found in other working papers for the meeting, including the annual Required Reports. Although many of annual Required Reports would be taken as read and not presented, the Executive Director urged members to take the time to read through the information and realise how much they, as members and stakeholders, were contributing to the Commission's compliance work.

23. The TCC workplan carried through to 2024, but as a living document it could be updated at the end of this meeting. The workplan was comprehensive and contained a long list of priorities. The Secretariat was hoping that members could reflect on these and try to refine them, based on the priorities of the Convention, and also reflect on the role that TCC played in supporting the Commission's work. There were some updates on the Secretariat's compliance work since TCC18, and these were detailed in other working papers, most notably the upgrades to two online systems: the Record of Fishing Vessels (RFV) and the organization and presentation of Conservation and Management Measures (CMMs). Both of these systems had contributed to a more streamlined and efficient way for all to work together and coordinate information, and to ensure that information was complete and accurate.

24. The Secretariat had engaged in a number of capacity-building exercises during the year, including hosting officials from three CCMs to spend two weeks with the Secretariat to learn and to engage more closely with the Compliance section on the priority reporting requirements of those CCMs. The Executive Director reminded CCMs that the Secretariat remained open and available to assist members in any way that was needed to help them in meeting those reporting obligations and to providing information for verification.

25. The Executive Director drew particular attention to the opportunity section of the report, and asked participants to consider the opportunities that the new data analyses had provided to the Secretariat and noted that this would become apparent in the presentation of some of the reports, including a paper that was dedicated to data analytics. Was the Commission extracting maximum value from all of the information that members were providing as part of their obligations? And what purpose was it serving in the Commission? And, more importantly, what were we *not* seeing in the data? The opportunity provided by the more in-depth and focused data analyses should enable the Commission to better identify gaps, strengths, and where efforts might need to be refocused. This discussion would be held under agenda item 9, and she looked forward to TCC discussing how far these additional data analyses could go towards maximising the value of the information that is being collected and collated as a Commission, and particularly in strengthening the process of verification which had already been alluded to by WWF. This was the core business of TCC.

26. Agenda item 7, on compliance verification, would go hand in hand with the compliance review that would precede it, and this year was the opportunity for TCC to try to move the needle on this issue and improve the systems that were currently in place. Continued streamlining was an important goal for the Secretariat to ensure that not only was it working efficiently, but that it was being done in a way that served member needs and the purpose of the organization. This work would be considered in more detail under another agenda item on the upgrades from TCC18, to demonstrate how some streamlining within the Secretariat systems was expected to support member participation in the WCPFC.

27. The Cook Islands, on behalf of FFA CCMs thanked the Executive Director for her first annual report to TCC, and further thanked the Secretariat for the system upgrades which had allowed for CCM feedback and training on the enhancements to existing systems. Some FFA SIDS had already benefitted from the capacity building and attachment opportunities offered to CCMs. They recognised the benefit of those opportunities and requested that the Secretariat continue to offer such opportunities to SIDS in the future. Finally, they requested that the Secretariat continue to progress existing work and explore further opportunities to enhance monitoring activities to address the lack of independent verification tools to support the Commission's compliance work.

Agenda Item 2 Outcomes cleared at TCC19

28. 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

29. The Chair introduced Working Paper TCC19-2023-06 (*Draft IUU vessel list and current WCPFC IUU vessel list*). He suggested that this discussion be in three parts: (a) a discussion of the draft IUU vessel list (new IUU listing proposals); (b) a review of the current IUU vessel list (outstanding IUU cases) and (c) a discussion, if needed, of matters related to process.

30. In terms of process, the Chair intended to provide an opportunity for TCC to consider each of the draft IUU List nominations in turn. The nominating CCM would have an opportunity to present their case and the flag CCM responsible for each vessel case would have an opportunity to respond. Other CCMs would be provided an opportunity to ask questions of clarification. If the draft IUU List cases appeared possible to resolve during this segment, TCC would do so. Otherwise, this agenda item would be held open to come back to each nomination later in the meeting. But based on the Heads of Delegation meeting it appeared likely that this agenda item would need to be held open for further discussion. He noted that there was also an option to have an independent mediation to assist the consultation.

31. At the conclusion of this agenda item TCC would be asked to adopt a Provisional IUU Vessel List and submit it to the Commission for consideration and approval; and to recommend, as appropriate, any proposed changes to the existing WCPFC IUU Vessel List.

a. 2023 draft IUU vessel list

32. The TCC chair noted that there were 13 nominations in 2023 for inclusion in the draft IUU list. These were described in Annex 1 of Working Paper TCC19-06. He offered an opportunity to New Zealand as nominating CCM to introduce those cases.

33. New Zealand explained that they regularly take part in joint regional surveillance operations in support of the Commission's effort to ensure that vessels fishing are compliant when operating in the high sea. On 24th October 2022 the Royal New Zealand Air Force had taken part in the FFA-coordinated Operation Kurukuru. During the surveillance patrol, 13 vessels flagged to the Philippines were identified to be fishing in the convention area that, when checked, were not recorded on the active WCPFC Record of Fishing Vessels. These vessels were the Mark Ezekiel 03, Makmur-10, Tri Rezeki 808, Makmur-11, Mutiara Indah 07, Tri Rezeki 06, Kuda Laut 03, Yanreyd 294, Janice 01, Atlantis II, Janice 02, Twinj 106 and Sumber Lautan 08.

34. These and several other issues were communicated to the Philippines and all correspondence had been provided to TCC as part of New Zealand's nominations for members to consider. They noted that fishing without a valid license, authorisation, or permit issued by the Flag State was considered to be a serious violation under the WCPFC High Seas Boarding and Inspection Conservation and Management Measure procedures.

35. In addition to this, a serious violation could also be considered where several alleged breaches were identified. Taken together, this constituted a serious disregard of measures enforced pursuant to paragraph 3A of the IUU CMM where vessels fishing for species covered by the WCPFC Convention were presumed to have carried out IUU fishing activities in the Convention Area when a CCM presented evidence that such vessels harvested species covered by the WCPFC Convention in the Convention Area and were neither on the WCPFC record of authorized vessels nor a fishing vessel fishing exclusively in

waters under the jurisdiction of its flag State.

36. Correspondence from the Philippines showed that after investigating, 12 of the nominated vessels were found to be fishing in the convention area while unauthorized. One vessel, the Mark Ezekiel 3, was reported to have been authorized at the time of sighting but had not yet been updated on the WCPFC RFV.

37. New Zealand commended and thanked the Philippines for their engagement to date, and also for the opportunity to speak face to face the previous day to address some of the ongoing concerns. Before considering removal of these vessels from the draft IUU list, New Zealand sought clarification from the Philippines on the following:

- a. With respect to those 12 vessels which were found to have been fishing while unauthorised, the Philippines had provided clarification on the fines issued but more information was sought about the benefit gained by these vessels whilst operating in High Seas Pocket 1 (HSP1) and whether these fines were of adequate severity for the offences.
- b. Secondly, in relation to the fish carrier Mark Ezekiel 03, the Commission and the Philippines were asked if it could be confirmed that this vessel was operating in accordance with WCPFC Conservation Measures and was providing all required reporting to the Commission at the time of sighting. Furthermore, could reassurance be provided that this vessel was not supporting or transhipping with other vessels not recorded on the WCPFC RFV? If so, New Zealand was willing to exclude this vessel from those being nominated for inclusion in the IUU list.

38. The Chair thanked New Zealand for the overview and the introduction to the 13 nominations and said that he would give the opportunity to the Philippines as the responsible Flag State to respond. He noted that there had been some general questions posed for the Philippines in relation to 12 of the vessels, and some specific questions in relation to one vessel. The floor would then be opened for TCC to make comments, and then the committee would take stock.

39. The Philippines briefly reported the status of the 13 vessels nominated by New Zealand in the draft IUU list for the year 2024, noting they had already submitted a report to the Secretariat, which had been circulated to all CCMs.

40. All 13 vessels had already been filed with administrative complaints to the Adjudication Committee for violating the Domestic law, which corresponds to the applicable Conservation and Management Measures. It could be noted that one of the vessels, the FB Mark Ezekiel 03 had been issued with the required distant water fishing permit, dated 27 September 2022 and valid from 1 October 2022 to 30 September 2023. However, the WCPFC historical Record of Fishing Vessels had only been updated on 16 November 2022. This delay had been caused by the ongoing transition of government, as well as personal station assignments. With regard to the vessel markings, it was determined that the markings were indeed incomplete hence the vessel was restricted from leaving the port and the license was suspended pending full completion of the required vessel markings.

41. In the case of the other 12 vessels, all the administrative cases had been resolved and the owners were penalized with corresponding penalties pursuant to Section 88 of the Amended Fisheries Code of the Philippines for failure to secure a fishing permit prior to engaging in distant water fishing.

42. Further orders had been issued to seize these vessels and they were restricted from leaving the port pending full satisfaction of the penalty. Moreover, 5 vessels that were found not compliant with vessel markings requirements were charged under section 122 of the amended Fisheries Code of the Philippines for falsifying, concealing, or tampering with vessel markings, identity or registration. The investigation concluded the markings were found on both sides except the top deck markings. These

vessels were restricted from leaving the port and their fishing licenses were suspended pending full compliance with the marking requirements.

43. The Philippines noted that seven of the 12 vessels were also reported by New Zealand to have a skiff unmarked consistent with the mother vessel. It was explained that these small craft were actually not skiff boats, but were called pakuras, which are auxiliary boats used in handline fishing that are not required to have markings under existing Philippine domestic law.

44. The 12 vessels that the Philippines had penalised were able to pay a total amount of 12,857,266 pesos which was equivalent to about 233,768 US dollars.

45. The Philippines said that they had engaged with New Zealand to provide them with clarifying information, and they also encouraged other interested CCMs to engage on the sidelines of TCC prior to the substantive discussions in plenary session. They thanked the Chair for providing the opportunity to update the committee on this important concern.

46. Furthermore, pertaining to the catch of these vessels, the Philippines was implementing the catch documentation and traceability system to monitor catches of vessels. In this regard they had found that subject vessels were not able to secure the catch documentation required for the export market. Probably therefore this catch had been landed in an area not covered by the system. The Philippines recognised that this was a gap and hoped to address this with full implementation of their vessel monitoring system. However, the electronic reporting system had faced legal challenges in its implementation on all local fleets. Last June there had been a policy directive from the highest level of government to proceed with the implementation, and they hoped that the monitoring control and surveillance of their vessels would substantially improve.

47. With regard to the penalty for IUU fishing based on domestic law, there was a legal remedy through administrative sanctions. They also recognized the need to align this local legislation with WCPFC CMM. It was timely that the Philippines Fisheries Code was also undergoing review and would be able to address this gap between the provision of the national law and the WCPFC CMM on IUU fishing.

48. The Chair thanked the Philippines for the comprehensive response and since New Zealand had no further comments, the floor was opened for other CCMs to comment.

49. Japan thanked New Zealand for their enforcement activity in this area and also commended the Philippines for their response to the matters raised. Japan had one question in response to the Philippines explanation that small vessels were not required to be marked under its domestic law, noting that under the WCPFC CMM markings *were* required for small vessels as well, and would like to know the relationship between the WCPFC CMM and the domestic law.

50. The Philippines explained that these were very small boats. Only one person was aboard and the catch for a day might be only a few fish. It was an accessory boat to the mother vessel. These small pakura were attached to the mother vessel in terms of licensing and fees. There were requirements in terms of the markings for the mother vessel, and the requirement was for the mother vessel to indicate the number of pakuras it covered. So, in terms of in terms of the responsibility, it was attached to the mother vessel because it was just a small boat.

51. Korea thanked New Zealand for their surveillance activities and the Philippines for their clarification and additional information in the circular 5 days ago. Korea had three questions:

- a. How did the Philippines maintain and manage the authorization or registration system for vessels that go beyond the Philippines EEZ?
- b. Considering that the Philippines Vessel Monitoring System was undergoing improvement, Korea

wondered how the VMS was currently managed by the Philippines, and if VMS information was being received by the flag State authority.

- c. The third question was related to Japan's question regarding pakura marking, and if those vessels were really exempt from the current conservation measure. And if not, whether the Philippines had plans to keep the Philippines National Regulation in line with the conservation and management measure of the WCPFC.

52. Korea also aligned itself with New Zealand's question regarding how much financial gain those vessels had received in comparison with the severity of the penalties the Philippines had imposed on the vessels.

53. The Philippines thanked Korea for the question. With regard to how they managed and regulated Philippines distant water fleets, there were specific local regulations called the Fisheries Administrative Order 245 series, that regulated the fleet that operated beyond National waters. With regard to the VMS, for all the vessels operating beyond national waters, it was already compulsory for distant water fishing.

54. The VMS coverage for *domestic* was what the Philippines Head of Delegation had been referring to. There had been a legal challenge in terms of covering all the domestic however of late they had been able to get a directive from the highest level of government to proceed with implementing the system. So they were hoping that all of the capture vessels in all domestic fleets would be covered by the current VMS system.

55. In addition, for clarification on the pakura, in terms of responsibility it was attached to the mother vessel, and even the Philippines agency responsible for registration of fishing boats would only be registering the mother vessels, not the small vessels. So the authority to fish provided to these handline vessels came with the specification of how many pakura were authorized under that mother vessel. The mother vessel did not catch fish. The Philippines further explained that each pakura was very, very small - even less than one gross tonne and just a few metres in length with a small inboard motor, that could only accommodate one person.

56. New Zealand thanked other CCMs for their interventions and suggested that more time was needed for some additional discussions with the Philippines. Some further thoughts had arisen around some of the additional questions that they would like to just seek clarification on.

57. The Chair suggested that this agenda item be held open on the nomination of new vessels and encouraged those countries to work together with the Philippines. More clarification and comfort with the questions that have been posed would be helpful to progress this discussion.

58. The Cook Islands on behalf of FFA CCMs thanked the Philippines, Korea, and Japan for the very helpful discussion and commended the Philippines for the actions taken in respect of the 13 vessels nominated by New Zealand and supported by all FFA members. The Cook Islands requested additional information about the systematic challenges that Philippines had as a flag State in managing and controlling its flagged vessels, and the actions it planned to take to address those ongoing challenges.

59. PNA CCMs and Tokelau supported the comments made on behalf of all FFA CCMs on the proposed listing of the 13 Philippines flagged vessels by New Zealand. They also appreciated the response to the proposed listing of these 13 vessels by the Philippines, as the responsible flag State. Having said that, the alleged infringements levelled against the 13 vessels were a concern for PNA and Tokelau, noting that these vessels passed through the waters of some PNA members to enter the HSP1 Special Management Area. This raised concerns for them on the ability of the Philippines to exercise flag State control over the vessels that accessed HSP-1 Special Management Area and this would have relevance in future revisions to the Tropical Tuna Measure. PNA and Tokelau would be seeking additional monitoring and control

measures for Philippine flagged vessels accessing the HSP-1 Special Management Area. These would include using VMS/ALCs that meet WCPFC type approval, notification to the Commission of the 36 vessels that are authorised to access the area, high visibility markings consistent with WCPFC vessel marking requirements, and specific audit points developed for the quantitative limits stated in Attachment 2 of the tropical tuna measure.

60. The TCC19 meeting on its last day resumed discussion under this agenda item.

61. New Zealand thanked the Philippines for engaging in constructive dialogue and for the efforts made to resolve these issues. Concerning the Carrier Vessel Mark Ezekiel 03, New Zealand had been satisfied that the vessel was duly authorised and meeting its obligations. As such they were happy for this vessel to be removed from further consideration.

62. During the discussions, a key point for clarification had been to determine if the penalties issued by the Philippines to the other 12 vessels nominated to the draft IUU list had fully deprived the operators of the benefits of unauthorised fishing.

63. New Zealand noted that the Philippines had confirmed unauthorised fishing had occurred which continued to be of serious concern. With respect to the 12 remaining vessels, from the limited information they had regarding landing of catch, they believed that the fines imposed *were* potentially appropriate to the scale of offending, however further information was needed to understand how long some of these unauthorised activities had been occurring for. There was still only limited information available on the landing of catch, how long the unauthorised activities had been occurring prior to- and post-detection, and therefore it was difficult to know definitively the value of catch obtained.

64. It was New Zealand's opinion, if this was the first high seas fishing trip conducted by these vessels, that the fines imposed were potentially appropriate to the scale of offending. They did however have concerns that some of those vessels might have operated for a sustained period of time and were unsure that actions taken today would fully deter future offending. They felt it would be valuable to hear from other members but on this, but they believed that sustained or recidivist unauthorised activities by fishing operators should be prioritised for consideration to the WCPFC IUU Vessel List

65. The Philippines thanked New Zealand for providing information that had enabled the Philippines to respond and penalise violators not only of the WCPFC rules but also of Philippines domestic law. They agreed that those violators who had spent a long time in violation should be prioritised. These issues had had been checked, including in consultation with Palau (whose EEZ the vessels normally transit to enter and leave HSP1). It appeared that one vessel has visited HSP1 more than once and this will be investigated further in order to confirm that indication.

66. Regarding penalties being appropriate to the scale of the offence, they noted that, depending on the known catch, the penalty was generally three times the economic value derived from the activity. In one case it was 25-30% of the value of the vessel. For a second offence, the penalty would be much higher. The Commission should rest assured that the PH would be acting accordingly.

67. The TCC Chair noted the importance of the discussions and summarized that New Zealand would propose the removal of one vessel from the draft IUU list and the Philippines would continue investigating the remaining 12. It was not yet clear if New Zealand would want to step back from keeping all 12 on the draft IUU list.

68. The Philippines had been hoping the vessels already fined could be excluded from the list, but noted that one vessel was still under investigation because it was suspected that they may have violated the regulation twice. The identity of the vessel could not be revealed because it was still under active investigation. The Philippines would therefore be seeking deletion from the draft IUU list for only 11 of

these vessels.

69. The USA pointed out that, as a practical matter, if it was not possible to name the vessel that may need to remain on the draft IUU list, then it would not be possible to remove any of the vessels from the draft IUU list. But it was appreciated that the flag State had taken firm action against the vessels involved and suggested they provide a little more information so the decision can be finalised at WCPFC20 in December.

70. Regarding the Mark Ezekiel 03 the USA pointed out that the Philippines had already provided information that the vessel was in fact authorised and that the fact that the WCPFC RFV had not been updated immediately was an error by the flag State not the vessel. So the USA supported taking this vessel off the draft IUU list. New Zealand and several other CCMs supported this.

71. The Philippines stated that they saw the practicality of keeping the remaining 12 vessels on the list until the investigation was complete, given that the identity of the vessels remaining under investigation for a potential repeated offence had to remain confidential pending the resolution.

72. Japan noted that the Philippines had clarified that there was no domestic regulation about markings being required for the small pakura boats but had stated that they intended to bring the domestic regulation into line with the WCPFC CMM as soon as possible. Japan felt this had been a very positive development and proposed to include it in the Outcomes.

73. The EU supported the proposed way forward and welcomed the bilateral efforts between New Zealand and the Philippines to clarify as much as possible the cases of the vessels proposed for listing on the WCPFC IUU list. It noted that since these vessels were operating in the high seas, this process would merit to involve all Commission Members.

74. The Chair summarised the discussion, clarifying that 12 vessels would be placed on the provisional IUU list and the Philippines would, before WCPFC, provide information from their investigations of each vessel's history of entry to HSP1 and their historical authorisations to fish in HSP1, to enable WCPFC20 to make a decision on finalising the 2024 IUU Vessel List. He thanked all concerned for the work they had done, and the positive engagement in the discussion.

Agenda Item 3a Outcomes cleared at TCC19

75. TCC19 agreed that fishing vessel **Mark Ezekiel 03** will not be added to the Provisional IUU Vessel List.

76. 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.

77. 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.

b. Current IUU list

78. The Chair moved the discussion onto the current IUU vessel list, noting that long-time participants would be very familiar with this.

79. FFA CCMs recommended the retention of the vessels currently on the WCPFC IUU List for 2022-2023. There had been no new suitably documented information provided in accordance with CMM 2019-

07. These vessels had been on the IUU List for over 10 years and continued to be a serious concern to FFA members, especially as these vessels had been listed in other RFMO IUU Vessel lists. FFA continued to raise this question: what further actions can the Commission take? Should these three vessels remain listed in perpetuity? They had raised the following as options to consider over the years:

- a. Cooperation of CCMs to actively find out information about these vessels and inform the Commission, and that CCMs provide prompt advice of any information they come across about these vessels.
- b. A letter from the ED to other RFMOs conveying this same message for cooperation to locate these vessels. Noting however that no information had been forthcoming.
- c. Inclusion of master and nationality in the WCPFC IUU List. They applauded the Commission for the efforts taken thus far since WCPFC17 approved the inclusion of the “master’s name and nationality” on the WCPFC IUU List.

80. FFA Members therefore supported the focus on cooperation and follow up on the information from WCPFC Secretariat on these. FFA Members thanked Chinese Taipei for the information provided in TCC18 regarding the two longstanding vessels in the IUU list. This was certainly appreciated. They had a number of follow up questions on the response provided:

81. On the vessel FU LIEN NO 1:

- a. Was there a business registered in Chinese Taipei called Fu Lien Fishery Co Ltd of Kaohsiung City, Chinese Taipei?
- b. If so, who were the owners of Fu Lien Fishery Co Ltd of Kaohsiung City, Chinese Taipei? and
- c. Did they (owner(s)/company) of Fu Lien Fishery Co Ltd have any interests, beneficial or otherwise, in the vessel Fu Lien No. 1 (IMO# 7355662)?

82. On the vessel YU FONG 168:

- a. Had the owner (Chang Lin Pao-Chun) and master (Jang Faa Sheng) of the vessel, completed the payment of their fine? and
- b. As a flag state, what actions had Chinese Taipei taken to mitigate the recurrence of such a case?

83. The WCPFC Compliance manager explained that WCPFC had been in contact with other RFMO secretariats around the world and hadn’t been able to obtain any more information from them.

84. Concerning the vessel Fu Lein No.1, Chinese Taipei drew the attention of the meeting to their response last year to similar questions. And as a result of their internal investigation there was found to be no business registered in Chinese Taipei called Fu Lien Fishery Co Ltd of Kaohsiung City.

85. Concerning the second case, as soon as they had received notification of the IUU activities they had immediately investigated and imposed the most severe administrative penalties, thus fulfilling the obligations imposed on the Flag State by Article 25 (7) of the Convention. The owner of the vessel had not been able to settle the administrative penalty within the specified timeframe. Administrative enforcement measures were taken against her assets resulting in bankruptcy and compulsory acquisition of assets, which was still under way. On the other hand, the vessel master had paid the fine.

86. To deter similar cases to the Yu Fong 168, Chinese Taipei had revised the relevant laws under the Distant Water Fisheries Act and the fines had been increased. If a vessel was proved to have committed a serious violation a fine ranging from about 33,000 to 1,000,000 US dollars would be imposed on operators, and a fine ranging from about 6,600 to 200,000 US dollars would be imposed on the master, while the relevant fisheries licenses would be suspended or revoked. Chinese Taipei was now monitoring vessels in real time and liaising with port states among other measures. Vessel operators that failed to comply with

an order under Article 35 of the Distant Water Fisheries Act to enter a designated port faced a maximum 3 years imprisonment and a fine ranging between 200,000 to 1,000,000 US dollars designed to deter future such infringements.

87. The Chair asked if FFA had any follow up comments and whether they would be changing their recommendation that the vessels be maintained on the list based on the response provided.

88. The Cook Islands thanked Chinese Taipei for the helpful response but FFA CCMs would maintain the recommendation and could discuss this later if necessary.

Agenda Item 3b Outcomes cleared at TCC19

89. 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.

90. 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

91. The TCC Chair noted that the Secretariat had received eight requests for grant of CNM status for the calendar year 2024, that all were renewal applications, and that TCC's task in accordance with CMM 2019-01 was to consider these applications and provide recommendations and technical advice to the Commission. He noted that all applicants: Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam, had registered for TCC19.

92. WCPFC-TCC19-2023-07 CNM requests for 2024 (posted 24 August 2023) detailed the dates of receipt of each request, the status of financial contributions, and included as attachments copies of letters and communications related to the requests. TCC19 established a CNM SWG (chaired by Australia) to develop draft recommendations and technical advice for TCC19 to consider for recommendation to the Commission.

93. Following its deliberations, held in hybrid mode (with most participation in person, and several online), the Chair of the CNM SWG provided a report to TCC19.

Agenda Item 4 Outcomes cleared at TCC19

94. 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.

95. TCC19 established a CNM SWG (chaired by Australia) to develop draft recommendations and technical advice for TCC19 to consider for recommendation to the Commission.

96. 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.

97. 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.

98. 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.

99. 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.

100. 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

101. The Chair noted that 2023 marked the thirteenth year of implementation of the CMS. The WCPFC18 had adopted CMM 2021-03 (Conservation and Management Measure for the Compliance Monitoring Scheme) for 2022-2023, and enhancement work had been prioritized in accordance with the cover note to CMM 2021-03 and through the TCC Workplan 2022-2024.

102. He drew the attention of TCC to several Secretariat papers that were relevant to the operational aspects of the CMR process: TCC19-2023-09: *Use of ROP data in the CMS*, TCC19-2023-11: *Available data for Verifying Compliance* and TCC19-2023-19: *Resources to support CCMs reporting and implementation of obligations*, before presenting TCC19-2023-08 (*TCC Chair's paper on the process for dCMR review and aggregate tables consideration*).

103. He recalled that CMM 2021-03 (Conservation and Management Measure for Compliance Monitoring Scheme) specified that the purpose of the WCPFC Compliance Monitoring Scheme (CMS) was to ensure that Members, Cooperating Non-Members and Participating Territories (CCMs) implement and comply with obligations arising under the Convention and conservation and management measures (CMMs) adopted by the Commission. The purpose of the CMS was also to assess flag CCM action in relation to alleged violations by its vessels, not to assess compliance by individual vessels.

104. He recalled that CMM 2021-03 had confirmed that CMM 2019-06 would continue in force until 31 December 2023, with the following amendments:

- a. The Compliance Monitoring Report (CMR) assessment review process (provisional CMR and final CMR process), including the review of the aggregate tables, shall be deferred in 2022 so that the Technical and Compliance Committee dedicate appropriate time to of CMS Work
- b. In 2023, TCC19 shall consider a CMR that assesses CCMs' compliance over the previous 2-year reporting period (RY2021 and RY2022) using the agreed Audit Points and Risk-Based Assessment Framework adopted by WCPFC19.

105. He suggested that the compliance monitoring review process under this agenda item should be broken down as follows:

- a. Review of Capacity Assistance Needed statuses from previous years
- b. Review of issues arising from the dCMR and application of a compliance Status for 2021 and 2022
- c. Review of the aggregated tables
- d. Addressing outstanding cases in the Online Compliance Case File system (CCFS)
- e. Discussion of potential anomalies identified by CCMs

106. This process – of applying the Audit Points for the first time – would probably be quite laborious this year but would pay dividends in the future as it was refined and CCMs became accustomed to it. It promised to remove a great deal of ambiguity from the process, and this should particularly streamline the preliminary work of the Secretariat in processing the enormous amount of information involved in preparing the dCMR.

107. TCC would not be going through individual vessel cases in the CCFS but would need to discuss the CCFS in a more general way. For example, if there were cases on the CCFS for a long time, TCC would need updates from responsible CCMs on the challenges they were having in resolving these lingering cases. And CCMs should inform TCC of any anomalies that needed to be discussed regarding the CCFS.

108. He proposed that the Provisional Compliance Monitoring Report emerging from TCC19 would consist of five parts:

- Executive Summary
- Appendix 1 — Traffic Light pCMR matrix (1 table per year)
- Appendix 2 — Tabular version of pCMR outcomes
- Appendix 3 — Outcomes of TCC consideration of aggregate tables
 - Table 1- recommendations related to identified anomalies
 - Table 2 — Outstanding Cases (>104 weeks) from the CCFS (Para 34)
- Appendix 4 — Aggregate tables templates in Annex III of CMM 2019-06

109. There being no questions on the proposed process, the Chair opened the floor for general discussion.

110. The WCPFC Compliance Manager noted that a considerable amount of extra information had been submitted in the previous few days and was still being reviewed by the Secretariat.

111. The Chair sought CCMs' views on whether there was consensus to undertake the Compliance Monitoring Review process in open session. He noted that the Heads of Delegation Meeting before TCC19 did not reach consensus on opening the CMR discussion because some CCMs felt this would be incompatible with the agreed data rules on the confidentiality of certain types of data, and such data would need to be considered during the review from time to time. This understanding however would need to be confirmed in plenary.

112. The Marshall Islands confirmed that the position of FFA CCMs remained unchanged from the previous year, and that the data rules concerning public release of certain categories of data remained unchanged.

113. The USA understood the reasons for the current situation but hoped the Commission could find a way around it in future.

114. The Ocean Foundation noted that this was not a new issue and suggested that the secrecy surrounding this process did not serve the interests of the Commission. Article 21 of the Convention provided for it¹ and nearly all of the information populated in the draft compliance monitoring reports should be considered public domain data under the data rules, as discussed in a paper presented to TCC last year. As TCC talked about how to improve the compliance process, it was essential to recognize that providing for greater transparency in the way decisions are made was an effective practice for enhancing the legitimacy of this process and generating better outcomes. These were huge resources of significant public interest, including to people in fishing, related industries, civil society, and others among the more than two dozen members, participating territories and cooperating non-members of the Commission. Greater openness was a key part of building a more effective system and building public confidence in the management of this organization. Secrecy surrounding this process did not serve the interests of this Commission.

115. Accountability.Fish explained that they were an organization solely focused on improving the openness, transparency and accountable function of RFMOs. The WCPFC represented nearly 60% of the planet's tuna supply, making its decisions far-reaching and indeed global in scale. Yet for another year, members had chosen to keep observers out of one of the most critical meetings they held. The public had every right to understand WCPFC's decision-making processes and the outcomes thereof. Consequently, Accountability.Fish had a right and a responsibility to call this secrecy out for what it was. And, for as long as it continued, they intended to call it out openly and publicly throughout their interactions with the commercial, political and social actors with which they engaged. This secrecy was corrosive to WCPFC's credibility, both in terms of its overall legitimacy, and as a credible player in ocean sustainability. With two exceptions, every member of WCPFC had ratified the UN Fish Stocks Agreement. Yet in closing this meeting again and participating in this session, all members were willingly violating Article 12 of this agreement. By ratifying the Fish Stocks Agreement, members had agreed that "States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organizations and arrangements." They had also agreed that "procedures shall not be unduly restrictive" in this regard. Moreover, the UN Economic and Social Council requires and calls for "a just, balanced, effective and genuine involvement of NGOs from all regions and areas of the world" This stance was also reflected in other key international agreements. He recalled that the Rio Declaration, Article 10 stated "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level.... "States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided." Similarly, the Aarhus Convention stated: "In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and wellbeing, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters." Furthermore, similar guidelines existed within The Almaty Guidelines The Escazu Convention, and more. As individual members, many of the WCPFC nations had agreed to these norms and ideals, and some even went to

¹ Article 21 – Transparency: "The Commission shall promote transparency in its decision-making processes and other activities. Representatives from intergovernmental organizations and non-governmental organizations concerned with matters relevant to the implementation of this Convention shall be afforded the opportunity to participate in the meetings of the Commission and its subsidiary bodies as observers or otherwise as appropriate. The rules of procedure of the Commission shall provide for such participation. The procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall be given timely access to pertinent information subject to the rules and procedures which the Commission may adopt."

lengths to publicly promote them. Yet they persisted in violating them here. WCPFC members were not saving face by editing their actions for public consumption. Instead, such behaviour merited legitimate questions not only about the behaviours that such secrecy is invoked to protect. It also raised questions about the willingness of states and other economic stakeholders to continue to tolerate this secrecy. There could be no accountability without openness. And without accountability, there would be no sustainability.

116. The Marshall Islands hadn't meant to intervene further in this discussion, but after the intervention they had just heard they wanted to state on behalf of all FFA members that they were all for transparency, and they were all for accountability, but there was a process in place and TCC needed to adhere to that.

117. Fiji wished to reinforce the comments made previously on their behalf by FFA CCMs and now the Marshall Islands. Fiji took note of the comments made by the NGO that had just spoken and acknowledged the points they had raised. But emphasised that TCC had a process to follow, much as they would like to move this forward. The words and comments used just now had not been helpful in moving forward and illustrated one of the reasons why the process is not yet completely open. Participants should consider the effects of the words that they use. There was substantial work being done to ensure that CCMs continued to comply with their obligations, and this should not be ignored. The Compliance Monitoring Report would be made publicly available once all the data had been gathered and the processing had been done.

118. The Chair noted that there was no consensus to release non-public domain data and hence the CMR process would be undertaken in a closed session at TCC19. The Chair noted the comments about work needing to be being done to move forward on the issue of greater transparency.

5.1 Provisional CMR covering RY 2021 and RY 2022

119. TCC19 committed 3.5 days to the review of the full dCMR covering 2021 and 2022 activities prepared by the Secretariat in accordance with CMM 2019-06 (Compliance Monitoring Scheme), using Audit Points adopted by WCPFC19. TCC19 also reviewed the aggregate tables summarizing information in the WCPFC online compliance case file system, and this was guided by the approach adopted by WCPFC19. The review was held in closed session.

120. Following the opening of the Agenda 5.1 closed session, several comments were made for the record.

121. The European Union expressed concern that this discussion had been held in closed session. As the EU had expressed on several previous occasions, they urged other members to take action to follow up on the commitment made within the CMS itself to find ways to accommodate the participation of observers in the future compliance assessments by TCC. This was an area of priority for the EU and hoped that there would be some progress on this priority in the near future.

122. The Marshall Islands – on behalf of FFA members – also wanted to make a general statement on this issue. They noted that the Western and Central Pacific Ocean was home to the world's largest tuna fisheries. The WCPO was unique as it was largely made up of the EEZs of coastal States, most of which were Pacific Small Island Developing States and Territories, with very limited resources and in which these fisheries resources were crucial to their economies and livelihoods. The WCPFC was the only tuna RFMO with all of its key tuna species in a healthy state. This was testimony to the great work done collectively to manage these important tuna resources and was something they were proud of. They had an integrated MCS framework and tools in place to support the sustainable management of Pacific tuna

resources and to make sure the agreed rules were being complied with. The Compliance Monitoring Scheme was one such tool, now in its thirteenth year of progressive implementation, and was where CCMs held each other to account. Over the years, the Commission has refined and enhanced the CMS to suit this Commission's context - to ensure that a robust, fair, effective, and efficient scheme was in place, and was encouraging cooperation towards compliance. These were the principles embedded in the CMS measure. The Commission had done a lot of work to enhance the CMS and its associated processes. The Commission had come a long way - building trust, integrity, and common understanding among CCMs and with the Secretariat. CCMs had seen the great work that the Secretariat had done over the years, in particular with the incremental development of the WCPFC Information Management System and the analysis they undertook to support the CMS process. However, there was still work to be done to ensure that the principles embedded in the measure, in the compliance context of this Commission, were upheld. The data used in the CMS process were sensitive non-public domain data. There were rules in place relating to these non-public domain data. The CMS process has been held in closed session for good reasons. Whilst there was work to be done to get all CCMs comfortable with opening this process to observers, the rest of the Commission and the TCC work remained open to observers. FFA CCMs invited them, especially those who were not familiar with this Commission, to take time to understand the work of this Commission. They welcomed constructive partnership with stakeholders and did recognize and appreciate the good work and support from a number of Observers in the room.

123. Fiji said that the push towards transparency was something dear to their hearts. But participants should consider whether this was transparency for transparency's sake or was it for the benefit of the work of the whole Commission? They were not confident enough to remove these data rules and push towards having observers in closed sessions, and negotiations could be greatly altered if there were observers inside reporting outside the room. It was vital to the integrity of these processes that all WCPFC CCMs should feel comfortable to speak openly and freely. It was still not clear why certain observers wanted these discussions to be open, noting the impact it could have on the discussion and on the CMS process as a whole. There was a lot of room for improvement in the process yet and the additional participants could have unintended consequences that make it harder to agree CMS cases. Fiji said their key argument was, in a nutshell: let us focus on getting the process right and fair and achieving the objective, and then we could have transparency, noting that there are still ongoing discussions around this. The engagement of many NGOs in national activities was governed by a set of rules of procedure, but many of the NGOs coming to WCPFC did not observe any rules. Once the Commission was clear in its CMS processes, and guidelines were in place, they would be happy to open up this session.

124. The USA noted they had already put their position forward, but just wanted to draw the attention of participants to the paper written last year by TCC Vice-Chair Emily Crigler², explaining how we might both comply with the non-public domain data rules and open up the discussion.

125. The EU also referenced this paper and suggested that most, if not all, of the data that are discussed during the CMR process were in the end public domain data. They did not see any clear path forward when there was no shared commitment to undertake definite action through the TCC Workplan to reach a place where members that had expressed concern could get enough confidence, and also at the same time where observers could participate in the so-called closed meetings. The EU expressed the hope it would be possible to agree a definite way forward. Continually exchanging statements across the floor was not a very productive way forward and did not allow meeting CCMs' common obligation to fulfil the

² WCPFC-TCC1-2022-12 "[CMS-IWG paper in response to TCC17 recommendation on WCPFC data rules](#)"

requirements of Article 21 of the Convention on transparency.

Agenda Item 5.1 Outcomes cleared at TCC19

126. 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

127. TCC19 resumed discussions in open session at midday on Saturday, 23 September.

128. The Chair noted that in 2022 WCPFC19 had endorsed the following TCC18 recommendation: -

“TCC18 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. (WCPFC19 Summary Report para 351 (i)).”

129. This TCC19 agenda item 5.2 was to discuss and as appropriate, provide advice and recommendations related to the use of Regional Observer Programme (ROP) data in the Compliance Monitoring Scheme.

130. The WCPFC Compliance Manager introduced Secretariat paper TCC19-2023-09 on the use of ROP data in the Compliance Monitoring Scheme (CMS). The paper purpose of the paper is to assist TCC in its review of processes to refine how data collected through the Regional Observer Programme is used in the CMS. The starting point is to first consider the role of the Regional Observer Programme from Article 28 of the Convention:

“To collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.”

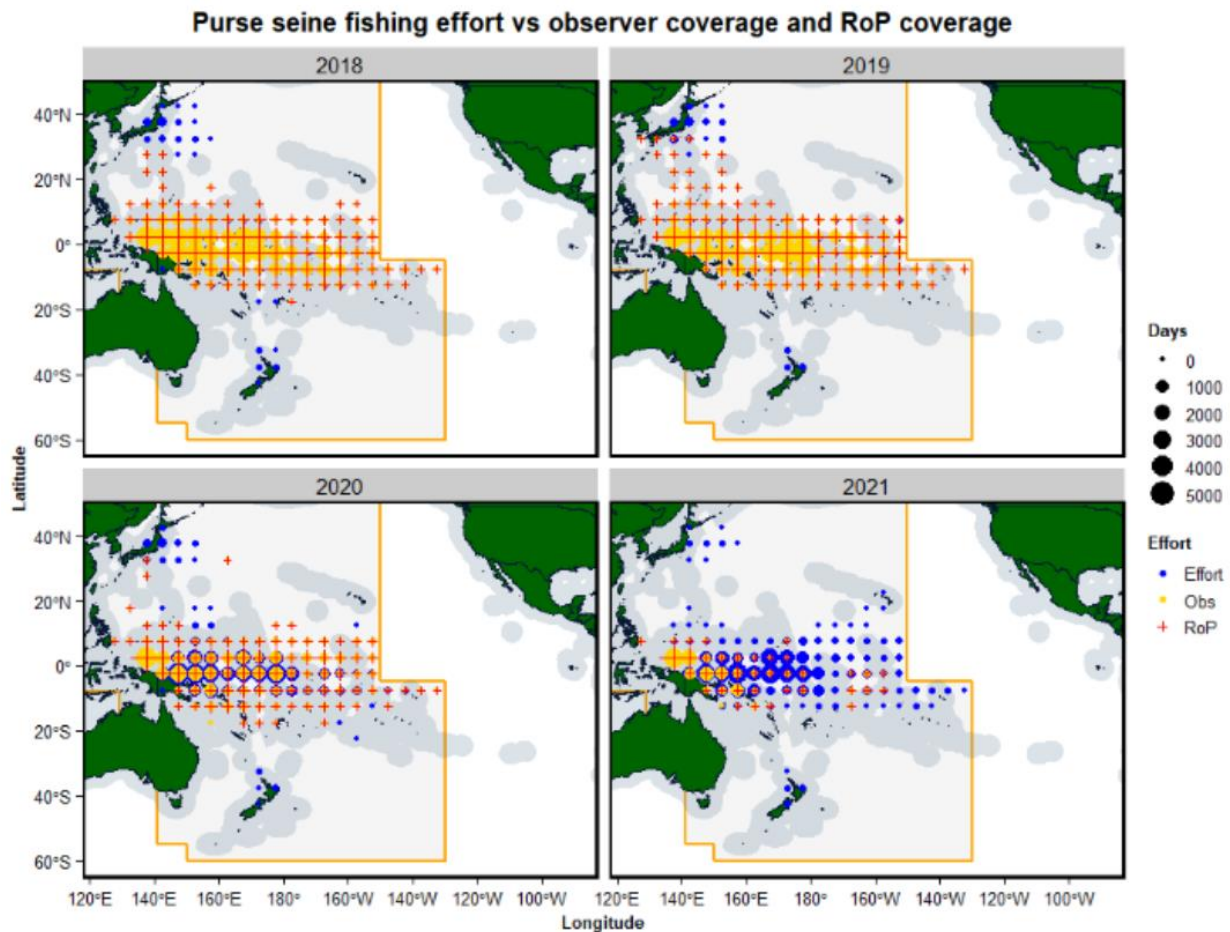
131. The WCPFC Compliance Manager noted that TCC19-2023-RP02 – the Secretariat Required annual Report on the Regional Observer Programme which explained the functions of the ROP and activities of the Secretariat in support of the ROP, and also noted that TCC19-2023-IP02 which was prepared by SPC summarises the observer data management activities that they provided to the Commission. Thirdly, the Intersessional Working Group on the Regional Observer Programme had been reconvened under the leadership of Harold Vilia of the Solomon Islands and was reviewing the data fields currently used by the ROP and consider whether refinements were needed (an update of the IWG planned activities is provided in TCC19-2023-13).

132. It had been noted earlier in TCC19 that the WCPFC had long-established observer coverage targets and the 5% ROP coverage target for longline fisheries had been in place for some time. The observer coverage rate for purse-seiners was of course much higher and high seas transshipment observer data fields had recently been agreed and data should be flowing from these this year.

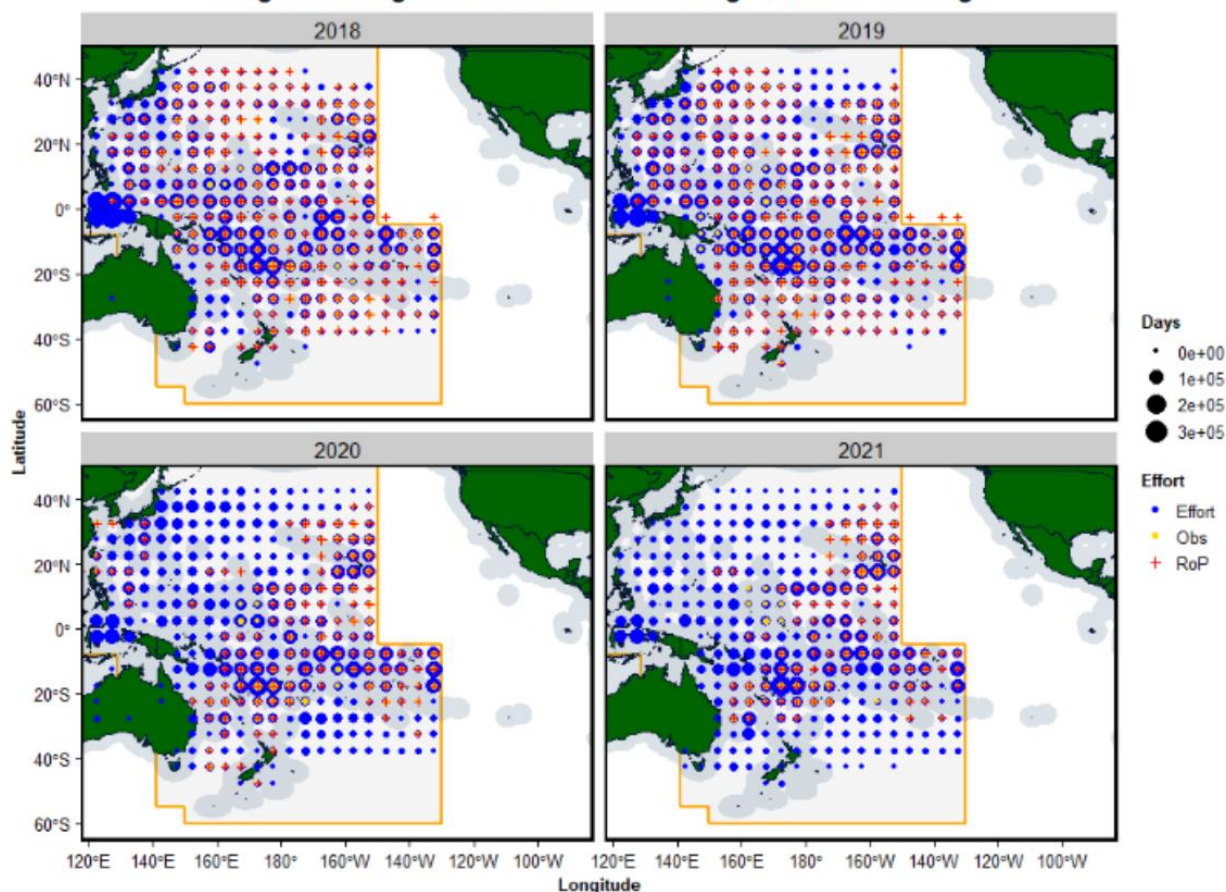
133. The paper provided an overview of how observer data had been used to fulfil the last part of that role – to monitor the implementation of CMMs – particularly through the Compliance Case File System (CCFS), drawing from the comprehensive set of aggregated tables summarizing the CCFS data. Initially, in 2014/15 the Secretariat had been using Excel files to process and summarise this data, but this had become unwieldy and since 2016 a version 1.0 of the CCFS was used, and an upgraded system was released in early 2022. More recently considerable effort had been put into purpose-built data compilation and analysis systems that drew directly on the Commission’s databases.

134. Some of the outputs being provided by the systems being developed were presented which had been developed through work supported by one of the specialist analytical consultants who were carrying out this work, and it was noted that all the code being developed would remain with the Commission and could be used to quickly repeat the same analyses from year to year as new data was added to the database.

135. Concerning observer coverage of different gear types, Figures 4 and 5 of WP09 provided a spatial comparison of observer coverage overlaid on fishing effort for each of the two main gear types of the commission as follows (the blue being fishing effort and the yellow being total observer coverage, with crosses marking ROP observer coverage). The impact of COVID on observer placements on non-domestic vessels, particularly in 2021, could be clearly seen.



Longline fishing effort vs observer coverage and RoP coverage



136. Participants were invited to examine the several analyses provided in TCC19-2023-09 for more details, since it was only possible to provide a few examples in the presentation to illustrate how the WCPFC Compliance Section was progressing in using observer data to support TCC and the Commission's compliance work.

137. For the future, the Commission would be drawing on the advice of three Intersessional Working Groups to continue advancing the refinement of WCPFC's monitoring programmes.

- a. the IWG-ROP would be reviewing and developing recommended modifications to ROP data fields with the intention of allowing for more useful consideration of ROP data in the CCFS and in the CMS. Areas of focus would include advice on improvements to the ROP minimum standard data fields for CWS and PAI cases, as well as implementation of mitigation measures to protect sea turtles and seabirds to allow for use of ROP data in the CCFS.
- b. the TS-IWG would be progressing the review of the Transshipment CMM (CMM 2009-06) and the scope will include considering refining monitoring of at-sea transshipment activities.
- c. the ER&EM-IWG would also be progressing work to establish E-monitoring as a tool to meet WCPFC's data needs. This work would enhance the ability of the Commission to update data fields to reflect changes to CMMs and more clearly target observer data collection to address scientific and monitoring needs including the identification of potential infringements.

138. The Solomon Islands on behalf of PNA and Tokelau CCMs thanked the chair for putting this item on the agenda. They also thanked the Secretariat for a very good paper. As noted in the paper and the

Annotated Agenda the key issue under this agenda item was the imbalance between the information available for monitoring compliance between the longline and purse seine fisheries. In the longline fishery observer coverage target was around 5% and in the purse seine fishery was 100%. The particular concern of PNA and Tokelau was that this imbalance meant that the CMS did not meet the principle of fairness in paragraph 3 of the CMS CMM, and this unfairness severely limited the value and scope of the CMS. The imbalance needed to be addressed particularly because work in areas such as the use of the aggregate tables and corrective action could not progress until it was addressed. PNA and Tokelau looked forward to the Commission adopting effective monitoring of longline fisheries, especially in the high seas, to remove the imbalance. That might take time. So PNA proposed in the meantime to address the imbalance by using data drawn from a random sample of purse seine trips equivalent to observer coverage in the longline fishery for use in the CMR. They would be proposing some revision to the CMS CMM to apply this approach.

139. Tuvalu on behalf of all FFA CCMs noted that the work of the WCPFC Intersessional Working Groups, in particular, ROP-IWG, TS-IWG and ER&EM-IWG would enhance the WCPFC's monitoring programs by improving the representation of data for use in the CMS, including the Compliance Case File System. They were committed to actively engaged in those processes. The imbalance of ROP data in the CMS towards the purse seine fishery was a longstanding concern for FFA Members. They requested clarification from the Secretariat whether the available longline ROP data were being analysed for alleged infringements, similar to that being done for the purse-seine ROP data. And if not, whether there was any plan to improve the compliance analysis of the ROP data collected from longline vessels. FFA CCMs also wanted to see ongoing improvement in the use of Observer data captured on board carrier vessels. They sought clarification on how potential issues outside of the FC-1, FC-2 and FC-3 forms were considered when examining potential compliance issues by the carrier fleet. To ensure timely use and routine submission of ROP data in the CMS, including the CCFS, FFA Members were progressing work on e-reporting noting the Commission had adopted the e-reporting standards for observer reports.

140. The WCPFC Compliance Manager noted that the GEN-3 data and shark cases were based on observer data that was analysed for the longline fishery, but it would need more work by IWG-ROP to identify links between specific data fields and longline obligations. The Secretariat would be happy to take on the task of more fully utilising available data if members wanted to explore this.

141. Tuvalu thanked the Secretariat for their response and appreciated their willingness to undertake this work. They requested that this please go ahead.

142. Following from the FFA comment, Korea noted that they were moving ahead with Electronic Monitoring and Reporting and would be interested in sharing information with members.

143. Japan noted that observer coverage of longliners needed to be increased, but this would need to be step by step. The introduction of EM would help increase observer coverage of longliners; however, EM standards need to be discussed before agreeing on the coverage increase.

144. The EU noted there was common interest by SC and TCC in observer data and expected that they would be working together. The EU fully supported an increase in longline observation but noted that a lot of scientific data cannot be collected by EM, in particular biological data, and therefore an increase in human observer coverage aboard longliners was also necessary.

145. WWF thanked the secretariat for putting together this analysis, which clearly showed the need for observers, noting that infringements tended to disappear when observers were not on board. They also agreed with comments by PNA and EU about the need for greater longline observation. The fishery could not wait for EM to become perfect, and there was also a need to increase human observer coverage. They thanked Korea and Japan for their advances on LL Electronic Monitoring. However, WWF felt that

the recommendations in the paper didn't go far enough. Everyone had skirted the fact that the region needed more observers. At SC it had been stated that an increase to 10% on the longliners was needed for biological purposes, and we knew that for compliance it must be much higher. They were disappointed that a firm commitment to improving observer coverage across the long line fleet in particular was not recommended in the working paper. WWF appreciated all of the work that the members around the table have done to move forward but felt that we were long past due to improve longline observer coverage.

146. The Chair asked whether CCMs had any comment on making an additional recommendation from this agenda item, based on several interventions that had been made, as follows: "TCC reaffirmed the need to increase observer coverage in the long line fleet supported by the implementation of electronic monitoring", and whether more specific language was needed.

147. The USA supported the positions of others that had expressed their great concern about the lack of observer coverage in the long line industry. They absolutely supported an increase in observer coverage for longliners. They felt there was need for an increase in both human and electronic observation, but there was definitely a need to focus on implementing electronic monitoring out there.

148. The Chair asked if TCC would want to quantify the recommend increase, or just remain with that general statement.

149. In response to a question from EU asking if the WCPFC SC had recently issued a recommendation regarding an appropriate level of human observation for the longline fleet, it was recalled that the SC19 Outcomes Report had *"noted that the adopted level of 5% observer coverage, which has been in place for over a decade, has not provided good estimates of longline bycatch. Therefore, SC19 recommended that the Commission explore options to expand the observer coverage on longline vessels through both human and electronic approaches in the WCPO so that the SC can provide better estimates of bycatch levels and other metrics from these fleets"* but had not agreed on recommending a specific level.

Agenda Item 5.2 Outcomes cleared at TCC19

150. TCC19 noted the information presented in WCPFC-TCC19-2023-09 and expressed appreciation to the Secretariat for the work undertaken in preparing the paper.

151. TCC19 recommended continuing work through IWG-ROP, TS-IWG and ERandEM-IWG to refine and enhance the WCPFC's monitoring programs.

152. 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.

153. 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

a. Finalise Audit Points

154. The Commission had tasked the CMS-IWG and the TCC with progressing a multi-year workplan of tasks to enhance the CMS, with the aim of making the CMS more efficient and effective by streamlining its processes. TCC19 received an update from TCC Vice Chair, Mr Ilkang Na, in his additional capacity as CMS-IWG Chair, overviewing the continuing CMS-IWG activities. WCPFC19 had adopted ninety-two (92) audit points for the WCPFC CMS and an [Audit Point Checklist](#) for proposed new or amended obligations. WCPFC19 had also agreed to prioritize work on the remaining Audit Points in 2023.

155. The CMS-IWG Lead on Audit Points, Mr. Viv Fernandes (Australia) provided an update to TCC19

on intersessional work (TCC19-2023-10A) and following a small working group meeting explained the draft list of amended or additional Audit Points that had been developed by the group for consideration. These were recorded in Attachment 4. The CMS-IWG Audit Points Lead would produce a paper on the remaining Audit Points for consideration by CCMs prior to WCPFC20.

156. PNA and Tokelau CCMs thanked the Audit Point Lead for progressing this work for consideration. It was important that the Commission's obligations had Audit Points to facilitate CCMs reporting efficiently in their annual reports, as required by the Convention. Some of the biggest challenges were the Quantitative Limits (QL) obligations, especially on self-reported catch levels in the longline fishery, where no independently verifiable data was available to corroborate the catch level. Due to time constraints to consider this at TCC, they suggested progressing this work before going into the Commission meeting in December. The proposal that PNA and Tokelau had previously made, on linking the logsheet catch estimates, to the transshipment declaration, and the final point of landing weight verification, was important to achieve this aspect of monitoring. Without this level of monitoring, it would be impossible to assess compliance with the obligations of restriction to a set catch limit and the ensuing Audit Point.

Agenda Item 5.3a Outcomes cleared at TCC19

157. 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.

b. Develop corrective actions

158. The TCC Vice-chair and Chair of the CMS-IWG introduced the IWG Corrective Action Lead (Elizabeth O'Sullivan (USA) who had prepared a written update (TCC19-2023-10B) on the development of the Terms of Reference (TOR) for the Corrective Actions work.

159. The Corrective Actions Lead thanked the Chair and Secretariat and had a revised draft TOR with specific comments from CCMs that could be circulated. It was hoped that this could be finalised in October and circulated before WCPFC20.

160. Palau thanked the working group Chair for the work on the development of corrective actions. PNA and Tokelau supported the position that there should be a cooperative and supportive approach to corrective actions. In addition, as reflected in the TCC18 report, PNA and Tokelau had indicated last year that the flaw in the CMR resulting from the imbalance in the information used for the CMR severely limited the scope for following up on the CMS outcomes in terms of corrective actions. PNA and Tokelau considered that the key corrective actions needed were for the Commission to correct the imbalances and biases in the CMS – a process to improve the fairness and effectiveness of the CMS.

161. The EU felt that this was not a constructive approach to something that had been agreed upon. It supported the continuation of this work because it was an important part of the CMS. The so-called imbalance between LL and PS could be addressed as the Commission moves forward.

162. The Marshall Islands reinforced the Palau intervention for PNA+TK on corrective actions.

163. The Chair saw that there was unlikely to be a consensus, with one group of CCMs against progressing the corrective actions work until there is more balance in the data going into the process, and one CCM for progressing it unconditionally. It would need to be addressed by the Commission.

Agenda Item 5.3b Outcomes cleared at TCC19

164. 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.

c. Refine the aggregate tables

165. The CMS-IWG Chair felt there was broad support for a continuation of this process to refine the aggregate tables which summarised the Compliance Case File System cases in a way that concentrated the attention of the Committee on CCM-level compliance rather than vessel-level compliance. Some areas needing to be refined had been identified in the Small Working Group but noting that this discussion had been convened in plenary he deferred to the Chair for more detailed updates.

166. The TCC Chair applauded the detailed work on the aggregate tables in closed session; that there was broad support for the process and some lessons to be learned. These would be worked through as the pCMR was developed. There would be some recommendations to make to WCPFC20 under this agenda item.

167. Australia, on behalf of FFA CCMs, recognised the proposed approach to the review of the aggregate tables that was adopted at WCPFC19 last year. Australia agreed with the Chair that the identification of anomalies for TCC discussion was a Member-led process, as agreed at WCPFC19, i.e. the onus was on CCMs to review the aggregate tables and identify issues that they wished to discuss. Australia recognised and appreciated the work that the Secretariat had undertaken in generating this aggregate information. Noting that there was a lot of information in these tables, Australia suggested that it may be useful in the future to formulate some specific questions to guide CCMs when looking at these tables. As TCC discussed any identified anomalies through its review of the aggregate tables, this process might help inform what these questions could be.

168. Australia also suggested some additional ways to display certain datasets in the aggregate tables, including splitting EEZ/high seas infringements and providing additional breakdown of location, nature and outcome of Article 25(2) cases.

Agenda Item 5.3c Outcomes cleared at TCC19

169. 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.

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

- a. an additional column be included in the Aggregated Tables to indicate whether the observer report had been requested, and whether it had been received;
- b. 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;
- c. 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;

- d. 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;
- e. 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

171. TCC19 needed to consider whether to recommend the continuation of CMM 2021-03 to the Commission, noting that CMM 2021-03 would lapse at the end of 2023. The Chair noted that there were no working papers or specific Secretariat proposals on this issue but had already heard one group of CCMs say that they intended to propose an amendment to the CMM to WCPFC20. He opened the floor for CCMs to provide more guidance.

172. The Marshall Islands said that for PNA and Tokelau, the key change needed in the CMS CMM would be to remove the effects of the imbalance arising from the difference in observer coverage between the longline and purse seine fisheries. PNA and Tokelau would propose to insert a new paragraph 8 bis for that purpose. This would enable the Secretariat to sample the cases from the purse seine cases in the CCFS for use in the CMR to achieve a coverage level for purse seine trips equal to the level of coverage for ROP longline trips in the most recent year for which this data is available. The text for this would be provided through the PNAO, and there would also be some suggestions for paragraphs 3 and 6.

173. The Solomon Islands spoke for FFA CCMs who recognised that the CMS measure was now in its thirteenth year of implementation and had undergone various amendments and iterations. There had been a lot of effort put into the CMS and its associated processes, including enhancing CCMs' and TCC's ability to conduct the review and certainly some very good lessons had been learned and experience gained in those thirteen years. But FFA Members still had the underlying concern that the imbalance of data available to the CMS process needed to be addressed, in order to provide a level playing field on the implementation of the CMS. They called upon the Commission to address the issue.

174. The agenda item remained open to enable discussion in the margins, and resumed on the last day of the meeting when the Chair suggested that TCC might craft a recommendation to WCPFC20.

175. PNA and Tokelau had proposed drawing observer data from a random sample of purse seine trips equivalent to the LL observer coverage for use in the CMR to match the availability of longline data from the purse seine fishery. There would still be 100% purse seine observer coverage; 100% of the data would still be available for scientific purposes; and all cases would continue to be advised to both the coastal state and the flag state.

176. PNA and Tokelau's proposals to WCPFC20 for amended text in the CMS CMM would be:

- Para 3 (iii) *"Fairness: Promote fairness, including by: ensuring that obligations and performance expectations are clearly specified, that assessments are undertaken consistently and based on a factual assessment of available information; and that CCMs are given the opportunity to participate in the process; and that there is balance between fisheries and CCMs in the assessment process."*

- New 8 bis. *“In order to address the imbalance in observer coverage between the longline and purse seine fisheries:*
 - a) *By September 30 each year, SPC shall determine the level of coverage for ROP longline trips in the most recent year for which this data is available.*
 - b) *The WCPFC Secretariat shall adopt a sampling scheme for the purse seine fishery on a trip basis designed to achieve the level of coverage in the CMR for ROP purse seine trips determined for the longline fishery under paragraph a) above.*
 - c) *Cases from the sample of trips by purse seine vessels identified under the sampling scheme described in paragraph b) above, will be used for the CMR, including for the purposes of paragraphs 26, 33 and 34.”*

177. China had no difficulty with the proposal. They just wanted to note that they had some difficulty with SPC’s assessment of observer coverage when Chinese flag vessels were under either charter or access arrangements. Vessels under charters were not calculated under Chinese observer coverage but vessels under access arrangements were, and it wasn’t clear why.

178. Japan was aware of the imbalance and understood the frustration, but noted that according the meeting document (WCPFC-TCC19-2023-RP04), 90-100% of High Seas Boarding and Inspection activity was on longliners, and if the proposed approach was applied to the CMR based on reports of observers, the same approach should be taken to the CMR based on the reports of High Seas Boarding and Inspection activity.

179. CCMs discussed, amended and agreed the following recommendation from TCC19 to WCPFC20:

Agenda Item 5.4 Outcomes cleared at TCC19

180. 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 this proposal will be put forward for further consideration at WCPFC20.

AGENDA ITEM 6 — STATUS OF FISHERIES PRESENTATION AND UPDATES ON THE IMPACTS OF CLIMATE CHANGE

181. TCC19 received brief updates from the Scientific Services Provider (SSP) on the status of the WCPO tuna and billfish stocks and climate change impacts. WCPFC19 had agreed Climate Change as a new standing agenda item for the Commission, and TCC19 might wish to discuss how best to incorporate climate change information and analyses into the work of TCC.

182. Andrew Hunt of SPC Oceanic Fisheries Programme’s Data Management Section presented the overview of tuna stocks in the WCPO (TCC19-2023-IP01).

183. He explained that skipjack catch had stabilised in the last 15 years probably because of the introduction of the VDS, but yellowfin catch was still increasing year by year. He presented plots that suggested that bigeye catches had peaked a decade ago and were still dropping in both purse-seine and longline fisheries while South Pacific albacore looked stable.

184. He described two aspects of climate change – the El Niño Southern Oscillation (ENSO) cycle and global warming. ENSO had a major effect on tuna fisheries, and the knowledge it provided about the responses of tuna stocks and tuna fisheries to both warming and cooling events contributed to the

predictions that were being made about their likely responses to continued global warming. He explained several scenarios and their potential effects on biomass.

185. In summary it was noted that

- a. Key tuna stocks are at biologically healthy levels, but are they at the levels we want them?
- b. Some non-target species not so healthy
- c. Catches for most gear types / species have stabilised for the most part
- d. Climate change can impact a stable fishery and make stocks unhealthy even without change in fishing effort
- e. Work is still to be done on establishing harvest strategies to maintain stocks at desired levels

186. Japan thanked SPC and, regarding the effort and catch shift with ENSO, wondered if this shift was due to movement of schools or variations in the availability of fish.

187. SPC suggested it was the latter.

188. The USA, noting the outcomes of SC19, wondered if there was anything being done to educate managers about this, and about the questions that Managers might need to ask the Secretariat.

189. FFA members felt that it might be too early for this to be integrated into the work of TCC, but TCC needed to be aware of what was happening.

190. PNG thanked SPC for the advice on how fisheries might shift over the years with loss of revenue. It required work to be done to understand the impacts on the stock. The equator would remain the warmest part of the ocean under global warming, so how would that affect abundance of tuna if this warm area remained warm for longer throughout the year? CCMs were beginning to understand tuna stock dynamics in the region, and the impact of technology creep, but now there would also be a climate change “creep” factor that would need to be integrated into regional management policies.

191. The EU asked whether the impact would be the same for all stocks, including non-tuna species covered by the mandate of the Commission.

192. SPC explained that the South Pacific albacore behaved a little differently from the tropical tuna stocks, and the SPA projections were more uncertain because the distribution of albacore depended more on dissolved oxygen concentration, and the data on this were not as good as the data on factors impacting tropical tuna. SPC was not aware if anyone was doing this kind of work looking at the potential impacts of climate change on ISC species (northern stock) fisheries.

193. Australia welcomed embedding climate change in all the work of the Commission and suggested TCC consider how best climate change could meaningfully be integrated into its work.

194. WWF felt that it was always sobering to receive these presentations. The region needed to keep a finger on the pulse of what would be happening on the water and avoid following the example of the Bering Strait king crab fisheries where the whole fishery had to be shut down following climatic changes which reduced the capacity of the stock to withstand fishing. Probably the observer work would be most relevant, and particularly the observer coverage of longline fisheries with their much wider range of bycatch indicator species.

195. PNG felt it was important to continue to obtain information. What would be the impact on sustainability, and what technology would be needed, and what direction the main impacts would be coming from.

196. The USA said their question at the start of this discussion had been mainly about defining the role

of climate in TCC. SC19 had made a specific recommendation suggesting for funding a workshop on climate change in 2024. But what technical aspects would fall under TCC, and how should fisheries managers get to understand climate? Were there similar plans to inform non-scientists about climate change?

197. The WCPFC Executive Director said that WWF had touched on a potential role for TCC, and there had been similar discussion at IATTC. She saw the role of TCC as being to acquire the data to enable the scientists to do this work. As for the education of managers, SC wanted the workshop on Climate Change to be inclusive and it would not mean separating scientists and non-scientists. The Commission didn't have any specific instructions from the membership about how to incorporate climate change into TCC work, but the basic role of TCC is information. And TCC would need to think about defining its role in relation to climate change soon, and not leave it too long.

198. The Chair also noted that TCC would have an ongoing role in adaptive management in relation to the implementation of monitoring strategies under the harvest strategy approach. The Chair noted the SC recommendation for a workplan on testing climate change indicators and TCC's role in considering implementation of monitoring requirements.

199. The EU said that effective monitoring was among the cornerstones of these fisheries, and part of the daily work. It inquired about whether the current processes, indicators and data were fit for the purpose of addressing climate change. It also inquired about the need to develop new indicators and methodologies to capture and monitor climate considerations and in such case whether that would involve a need for new types of data to be collected.

200. SPC said the climate change work at SPC to date is based on existing data types. If there is a need for new types of data, then it is likely that SC would identify them.

201. The Chair noted that this food for thought was particularly useful for consideration of next year's agenda.

Agenda Item 6 Outcomes cleared at TCC19

202. 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.

203. TCC19 recommended that the TCC Chair and Secretariat consider how ongoing work on developing monitoring strategies for management procedures and SC19's recommendation to develop and test ecosystem and climate indicators would intersect with the work of TCC, including how these may be included in the TCC workplan.

204. 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

a. Availability of data for assessing compliance

205. The WCPFC Compliance Manager presented TCC19-2023-11, describing the data available for independently verifying compliance, starting with a definition of how this term was understood:

Verify as in “to make certain or prove that something is true or accurate”

Independently verified as in “there is no influence or control in any way by other people, events, or things, when checking or proving that something is true or correct”

206. It was noted that there were data available for verification of tropical Purse-seine EEZ and high seas days limits, because SPC had summary tables enabling cross-checks between observer, logsheet, VMS and other data. For the special case of purse-seining in HSP#1 there were 2 limits: the number of vessels and the catch, which were mainly derived from exit/entry reports.
207. For longline limits there was less independent verification data and the Secretariat had to rely mainly on CCM data provided in Part 1 reports for assessing compliance.
208. Vessel capacity (number of vessels) limits were mostly self-reported. Most purse-seine vessels had FFA good-standing information available and were fairly straightforward to verify, but for most longline vessels it was a lot harder to check self-reported information. Some CMM limits, such as “vessels actively fishing for species X” were not precisely defined, and the Secretariat needed much better guidance about which vessels are subject to which limits in order to verify self-reporting. And where limits were explicit, Electronic Reporting, and Monitoring and Transshipment Observation data, would help in verification.
209. For catch limits the dCMRs were based on self-reported information. There was some information from observers that could be used to verify catch data if more of this could be made available to SPC. In some cases, there was no historical baseline data to even know what the limit was, or to verify the limit.
210. Regarding the adopted Audit Point for implementation, most dCMR evaluations were not independently verified. Some CCMs provided links to legislation but the Secretariat didn't have the capacity to do detailed reviews of legislation.
211. TCC19 was invited to note and discuss the information in this paper related to the status of available data to support compliance reviews of certain obligations in the Compliance Monitoring Scheme and was invited to consider how best to support efforts by the Commission (including through relevant IWGs) to strengthen independent verification of key obligations in future WCPFC compliance reviews.
212. Tonga, on behalf of FFA CCMs, thanked the Secretariat for the paper. It provided useful information in understanding the status of available data currently used to support compliance reviews of individual obligations in the CMS, the Secretariat’s approach to evaluating compliance based on the available data and ways to strengthen independent verification of key obligations in future WCPFC compliance reviews. They reiterated their long-standing position for the Commission to address the imbalance in information available for monitoring compliance between longline and purse seine fisheries and called for work in addressing this issue to be expedited. They noted the lack of independently verifiable data to support review of compliance with some key obligations and requested that the Secretariat prioritise work of the relevant WCPFC Intersessional Working Groups to progress additional data collection mechanisms to support timely and verifiable data in the CMR.
213. The USA also thanked the Secretariat. This was a valuable resource for TCC future work. They supported several recommendations including upgrading the RFV in a way that made it possible to identify the limits applying to vessels, and ways of identifying the target species for any trip. It would be useful to have a working group on authorisation fields.
214. The Chair queried whether reactivating the CDS-IWG might be necessary, and asked CCMs to convey any specific recommendations to him and the Secretariat in writing.
215. Australia asked if this analysis was intended to be provided at each TCC as a standing paper and asked about the context behind the original tasking.
216. The Compliance Manager said there had been a recommendation to TCC last year to identify the data needs for independent verification of obligations:

“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” (TCC18 report)

217. Australia confirmed that they would like to see this as a standing TCC paper, and for the information to be made available to IWGs, audit point reviews and other relevant exercises.

218. Korea appreciated the paper and thanked the Secretariat. Regarding the USA’s two suggestions for improved verification of PS capacity and reviving the IWG CDS, Korea wondered what fields might be included in the RFV. But for the IWG on the Catch Documentation Scheme the work could not be continued because of a lack of necessary information, so perhaps it would not be possible to revive it.

219. The Chair suggested the USA provide some text on their suggestion and for the meeting to return to work on this later in the agenda.

220. The EU found the paper insightful and had a similar question to Korea about the USA proposal. More detail would be useful. The EU suggested that the “Fished/Did not fish” report might be a more suitable vehicle for conveying this information than the RFV fields, but that depended on the exact proposal.

221. NZ had also found WP11 to be an excellent paper and also wanted it to become a standing paper at TCC. And like the EU would want to know what exactly was proposed regarding the IWG-CDS. New Zealand would like to work more with the Secretariat in closing these verification data gaps.

Agenda Item 7 Outcomes cleared at TCC19

222. 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.

223. TCC19 recommends that the Secretariat provide this paper as a standing paper and agenda item for TCC in the future.

224. 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.

225. 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

Developments for Annual Report on Transshipments

226. The WCPFC Assistant Compliance Manager presented TCC19-2023-RP03 (Annual Report on WCPFC Transshipment Reporting) and introduced some of the work being done by the two compliance analyst consultants Steve Brouwer and Doug Jackson to supplement the analytical capacity of the Secretariat. There was a lot of information in the required reports, and they had been keen to see what

additional issues could be illustrated by the data. The Secretariat felt the analysis had emphasised the value of improved annual reporting. WCPFC collects and curates the data on behalf of CCMs, and it can also support the work of individual CCMs, as well as IWGs and the CMR process for the Commission as a whole.

227. The focus of this particular analysis was high seas transshipments (HS TS), and the Commission did not have much data on in-port transfers monitored by the port State. Since purse-seiners do not tranship on the high seas, 85% of the Commission’s high seas transshipment reports were from longliners, 10% from carriers and the rest from other fisheries, particularly pole and line. There were 1,126 high seas transshipments in 2022. The Secretariat checked if both vessels involved in a notified transshipment were transmitting on the VMS and would alert the VMS team if not. The Secretariat did not review data for completeness.

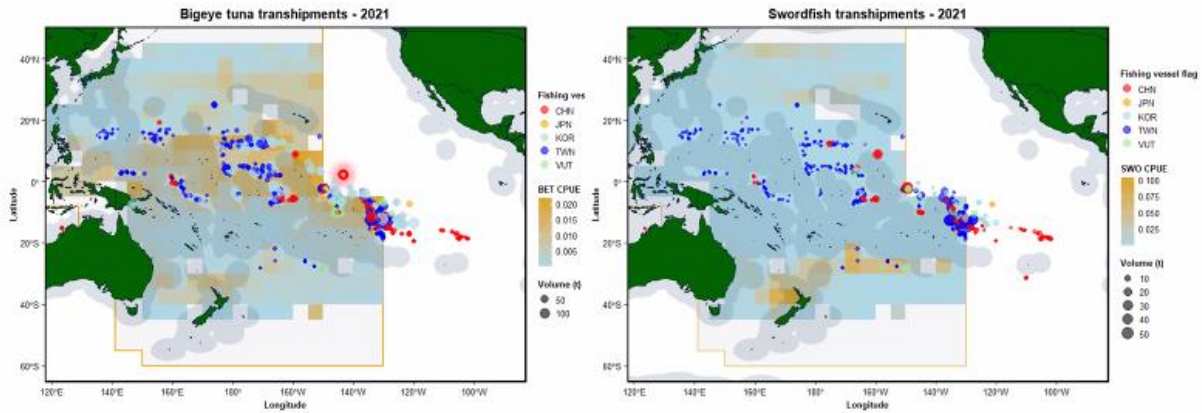
228. Some analyses were presented to illustrate the potential of this work for improving understanding of transshipment. For example, the figure below showed that a higher percentage of the albacore and bigeye catch is transhipped on the high seas than the yellowfin and swordfish catch.

Proportion of the catch transhipped

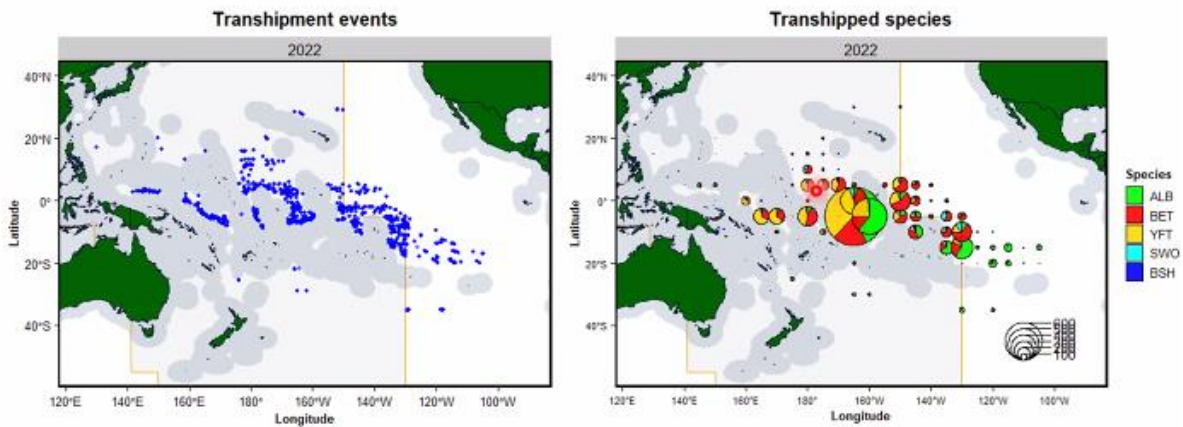


	Year	ALB	BET	YFT	BUM	MLS	SWO
Reported transhipped	2021	18,311.00	17,005.00	14,119.00	1,441.000	347.000	2,137.00
Raised catch estimated		56,256.40	47,963.30	68,576.71	6,645.000	2,097.000	11,529.00
Percent transhipped		32.50	35.50	20.60	21.700	16.500	18.50
Reported transhipped	2020	25,034.00	19,003.00	12,338.00	2,254.000	471.000	2,435.00
Raised catch estimated		77,698.21	58,936.63	75,260.95	8,209.887	2,887.998	13,659.86
Percent transhipped		32.20	32.20	16.40	27.500	16.300	17.80
Reported transhipped	2019	25,064.00	23,455.00	15,707.00	2,364.000	15,707.000	2,899.00
Raised catch estimated		89,312.83	70,350.49	106,698.00	12,079.424	106,698.003	14,456.30
Percent transhipped		28.10	33.30	14.70	19.600	14.700	20.10

229. It was noted that most of the swordfish that was transhipped was transhipped in near-equatorial high seas areas and not in the high seas areas where swordfish CPUE was highest, unlike bigeye where high seas transshipment occurs mainly in the areas of highest catch, suggesting that swordfish was not the main target closer to the equator.



230. The following figure shows where high seas transshipments were reported to occur in 2022, and the species breakdown of transshipments in each cell of the grid.



231. The analysts didn't analyse the pattern of transshipments by destination but said that it could be useful to do this at a later stage.

232. Some work had also been done on the monitoring tools, and an example was provided of the refinements that were being made to factors involved in the proximity identification algorithm which automatically identifies potential transshipment events for further investigation. The main basis for this algorithm was VMS evidence of two vessels remaining within 250m of each other for more than 4 hours (the minimum frequency of VMS transmissions for the vessels involved), and this produced a lot of false positives, particularly in High Seas Pocket 1 where the Philippines small-scale group seiners were operating.

233. Five recommendations were made by the Secretariat, for TCC19 to note:

1. the slow increase in transshipment events in the last part of 2022 and the resumption of observer monitoring;
2. the process underway to implement observer reporting of transshipments;
3. ongoing work of the TS-IWG and IWG-ROP to complete their respective reviews;
4. the consideration of data fields to improve the quality of transshipment reporting; and
5. the progress made on refining analytical tools to improve data quality and inform CCM's and the Commission's understanding of transshipment activities.

234. Japan said that their position was that transshipment at sea was adequately monitored by 100% coverage of transshipments by the observer aboard the carrier vessel, and this was a great resource for monitoring and management of transshipment. There had been progress on a transshipment observer data report at TCC18, and the Commission had agreed on the format of FC1 and FC2 forms to obtain transshipment observer data in a common format. Japan asked the Secretariat if the new data fields were being successfully used by the transshipment observers. Japan also requested clarification of the recommendation 4 (the consideration of data fields to improve the quality of transshipment reporting), since the Commission had just agreed a new format last year.

235. The Assistance Compliance Manager explained that it meant that data was not currently flowing to the Secretariat. Although monitoring is occurring there had been no reporting of the outcomes of monitoring to WCPFC. It would take a while for these new standards to flow out to the observer programmes and national data units via the ROP and SPC. When the data started arriving it would need quality control in the early stages. And the TS IWG was also looking at the FC3 form for the carrier, but this work was not finished yet. The Secretariat needed to be able to link catch and landings, among other issues.

236. Japan suggested this should be discussed in the transshipment IWG which would meet in the margins of TCC19 later.

237. Australia drew attention to the TCC19-2023-25 (SC19 Outcomes relevant to TCC). SC19 had agreed that additional data fields were desirable for certain events and had recommended some input from TCC19 concerning their practicability of implementation.

238. The Chair suggested TCC19 look at this when the SC19 report was considered.

239. Australia supported the Secretariat's analytical activities and noted the value in the Secretariat further developing analytical tools to support the work of the Commission. Australia noted that TCC19-2023-RP03 referenced transshipment notifications and suggested that it would be useful if the Secretariat could analyse the timeliness of transshipment notifications and include that analysis in the report in the future. Identification of location discrepancies in transshipment reports was useful and would likely also reveal efficiencies in notifications made via electronic reporting.

240. New Zealand felt this level of analysis was definitely needed for this activity.

241. Marshall Islands thanked the Secretariat for the presentation and the work to use VMS to quantify transshipment reporting. They noted that the TS-IWG would be asked to explore Electronic Reporting. But what were the prospects for investigating dark vessel encounters? Would AIS be useful? And it was noted that the transshipment identification tool used a proximity period of 4 hours to flag potential transshipments. Why this particular number?

242. The consultant compliance analyst said it was simply that the default reporting rate on VMS was 4 hours. For dark vessel detection, some research had been done using "3rd party technology" but the Commission didn't currently have that available. But it was being investigated and would be seriously considered.

243. The Assistant Compliance Manager noted that the Secretariat had not pre-supposed what the endpoint of this analytical work would be, and it was exploratory at the moment to see what was possible. Hopefully the TS-IWG would be able to specify what analyses were most useful for implementation.

244. The Chair asked if TCC could provide any guidance on this, or should it be left to the IWG?

245. Vanuatu supported this work, and the recommendations. Vanuatu had been using FC1 and FC2 and developing a workbook for observers. It was important to link systems together and thanked WCPFC

for the support provided over the previous 18 months.

246. Papua New Guinea noted that high seas transshipment was prohibited for purse-seiners, so in this work perhaps the best tool was the Catch Documentation Scheme. They wanted to know if this would be targeted on high seas longliners? It would also be useful if the Commission could alert members about vessels that were fishing on the high seas and then drifted into EEZs.

247. WWF thanked the Secretariat for yet another excellent paper and that it was good to see so much excellent work coming out of the Commission. He reminded Participants that there were good reasons for the Commission restricting high seas transshipment, and that at-sea transshipment was supposed to be an exception, not the norm. The analysis that suggested there may be travel from fishing areas to areas where transshipment occurs raised the question of whether transshipment in port was actually impracticable or just not preferred for unknown reasons. At-sea transshipment remained a significant IUU risk and warranted observers on both catcher and carrier, reporting electronically. He suggested that the last recommendation be amended to include improved observer coverage.

248. Japan pointed out that TCC19 did not discuss having additional observer coverage on longline vessels, and a carrier already has an observer on board.

249. China thanked WWF for the suggestion but agreed with Japan.

250. Korea agreed with Japan and said that they already had 100% observer coverage of transshipment.

251. Chinese Taipei agreed with Korea.

252. The Chair noted that there was definitely no consensus on the proposed amendment to the recommendation.

253. The Transshipment Intersessional Working Group met in the margins of TCC19 to advance its work and an update was provided by the TS-IWG Co-Chairs, Dr Alex Kahl (USA) and Mr Felix Ngwango (Vanuatu) towards the end of the meeting.

Agenda Item 8.1 Outcomes cleared at TCC19

254. 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).

255. 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.

256. 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.

257. 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.

258. TCC19 recommends the TS-IWG continue with its work and that it submit 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.

259. 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

260. The update on the work of the Intersessional Working Group on the Regional Observer Programme prepared by the IWG-ROP Chair, Mr Harold Vilia (Solomon Islands), TCC19-2023-13, was taken as read in the absence of the IWG chair.

261. The USA noted that a lot of observers hadn't returned to their observer programmes after the shortfall in placements resulting from the pandemic, and the USA had provided a voluntary contribution to the Secretariat for assisting with training new observers.

262. The Chair thanked the USA for responding to an identified need in such a positive fashion.

Agenda Item 8.2 Outcomes cleared at TCC19

263. TCC19 noted the Annual Report on Regional Observer Programme (WCPFC-TCC19-2023-RP02).

264. TCC19 noted the update on the multi-year workplan for the IWG-ROP provided by the Chair of the IWG (WCPFC-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 WG

265. The meeting took the Annual Report on the ER Standards and their application (TCC19-2023-RP09) as read.

266. New Zealand acknowledged the efforts and leadership by Australia and in particular former ER and EM WG Chair, Claire van der Geest, in progressing this work which was of great importance to the Commission. They had been pleased to announce earlier in the year that Shelton Harley, who had been involved in the work of SPC and WCPFC in the past and was currently involved in New Zealand's own EM programme, would take up the role as Chair of this WG. They noted that he would bring to the work of the Commission some practical knowledge of both the challenges and opportunities of EM. Shelton had been reviewing the work of the WG and had been grateful for discussions with many delegations who had responded to the various WCPFC Circulars and shared their thoughts. Some of the key themes from these discussions included:

- a. Recognition of the very different stages of the EM journey that different CCMs are at, and what that would mean for a Commission EM programme. Very few were currently operating regulated EM programmes, some were moving from trials and pilots to regulated programmes, and others were just testing the technology to understand how it could be used.
- b. Most were optimistic about the opportunity of EM to improve verification of scientific data and supplement information on protected species and bycatch estimates recorded by at-sea observers.
- c. There was a strong interest in developing Standards, Specifications and Procedures (SSPs) with due consideration given to work done by CCMs and other RFMOs, ensuring comparability where possible. And New Zealand acknowledged the very detailed and comprehensive work that the

FFA had done on SSPs. This was a huge contribution to the regional process.

- d. Finally, there had been recognition of the special sensitivity around footage collected through EM, which contained information on the men and women who worked and lived on fishing vessels. Many CCMs felt it important that any Regional EM programme be designed in such a way to consider these factors.

267. Shelton was considering scheduling a ½ day virtual session prior to the annual Commission meeting in December. Timings and an agenda would be proposed via Circular in mid-October.

268. The Chair thanked New Zealand for leadership in this critical area.

269. FFA CCMs through FSM welcomed the new Chair of the ER&EM Working Group, Dr Shelton Harley and looked forward to progressing the ER&EM issues in this Working Group. In the WCPFC Circular #55 this year, the Chair of the ER&EM Working Group had highlighted the key pieces of work identified by ER&EM Working Group 5, which was the work on developing the at-sea monitoring CMM, the Electronic Monitoring CMM and the associated SSPs, and noted there were also legal and policy questions to be addressed to guide this work. The Chair had sought views on what Members saw as the next step. FFA CCMs were keen to hear other views but FFA Members would like to see the EM work being expedited to address the issue of imbalance of the data available to the CMS process. In addition, ER&EM Working Group 5 identified one of the tasks was to seek expert advice no later than June 2023 on key issues related to the establishment of the Regional EM Programme to enable the ER&EM WG to review and develop the Regional EM Programme, including related policies. This work had not been carried out by the suggested deadline of the first half of 2023. They suggested that perhaps this could be something that the WG could progress immediately to help inform the development of the CMMs and the Regional EM Programme. Lastly, they wished to remind CCMs that FFA Members had shared the FFA EM SSPs, tabled at WCPFC19 as DP08. They welcomed views on this and were keen to hear from others about their experience with EM and looked forward to hearing more on this from CCMs through the discussion in the ER&EM Working Group.

270. Australia noted that various CCMs had referenced EM's value to the Commission throughout various TCC19 agenda items, in terms of scientific utility and levels of independent monitoring. Australia confirmed that it hoped to see the Commission making further progress in this area.

271. Japan welcomed the new Chair Dr Harley and noted that IOTC had adopted an EM standard during 2023. This would be a good reference for future WCPFC work.

Agenda Item 8.3 Outcomes cleared at TCC19

272. 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).

273. 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

274. An update was provided by Meli Raicebe on behalf of the SPA Roadmap IWG Chair, Ms Neomai Ravitu (Fiji).

275. He said that since the adoption of the SPA Roadmap IWG Workplan last year at WCPFC19, the

IWG had managed to meet once on the 5th May through Zoom. At the meeting in May, the Science Service Provider SPC had provided an update on the key developments towards a South Pacific albacore Management Procedure.

276. On this update, Members of the IWG had sought clarification from SPC on the significant reduction in the albacore estimated spawning biomass apparently due to very poor recruitment over the 2015-16 period, and that the projections into the future for the operating model grid predicted further significant reductions of the spawning biomass in the coming years and this should be becoming evident in CPUE data for the longline fishery from 2020- 2021. This reduction was referred to as the 'big dip' and SPC had been further requested to investigate this issue specifically and provide some further explanation at SC19. SPC had provided an explanation at SC19 through information paper SC19-MI-IP-08 and this issue was further discussed at SC19. The IWG would consider the SC19 recommendations in its next meeting.

277. Also at the May meeting, the South Pacific Group with Australia tabled a proposal for a revised interim Target Reference Point (iTRP) for South Pacific albacore, but because the proposal was received late there was minimal discussion as other Members of the IWG required time to digest the proposal. More work was required to progress the workplan and as all might be aware, much of the work was dependent on advice from SPC, particularly on the development of the SPA Management Procedure that is currently underway. However, as Chair of the SPA IWG, Fiji also took responsibility for possibly being slow to push this work, and Fiji reaffirmed its commitment to provide leadership.

278. Provided that one of the taskings of this SPA IWG was to provide recommendations for a revised SPA iTRP and a SPA management objective to the Commission this year, and there is a proposal put forward by some Members for the IWG's consideration, Fiji did intend to reach out to IWG Members after the TCC19 and ahead of the WCPFC20 with a number of options for their consideration of this proposal, and to seek the views of the IWG on the possibility of discussions in the margins of the WCPFC20 to discuss the proposals for recommendations on a revised SPA iTRP and management objective for the Commission's consideration.

279. Fiji thanked the SPA IWG for their patience with this work and again sought their support to work together in progressing the activities identified in the IWG Workplan for the improved management of the South Pacific albacore fisheries.

280. Samoa stated that they fully supported the objectives of SPA Roadmap IWG, since this fishery was one of the drivers of their economy and important both for fishing livelihoods and food security.

Agenda Item 8.4 Outcomes cleared at TCC19

281. 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

a. TT CMM WG

282. TCC19 received a brief update from the Chair of the Commission Dr Josie Tamate (Niue) on the process to develop a revised Tropical Tuna Measure, noting that the next, fourth, workshop to develop a successor to CMM 2021-01 would take place immediately after TCC19 in the same venue.

283. Referring to Attachment 3 of WCPFC-TCC19-2023-25 ("*SC19 Outcomes relevant to TCC*" *Attachment 3: WCPO skipjack management procedure monitoring report*), the Marshall Islands on behalf of PNA and Tokelau CCMs said that PNA welcomed the first trial run of the skipjack management procedure, and that it seemed to have been generally successful, but it raised a number of important

issues that needed further consideration. Most of those issues were appropriate to discuss at the WCPFC20 session but, as SC19 had noted, there was a need for the TCC to provide input into the development of these Management Procedure Monitoring Reports before reaching WCPFC20.

284. PNA and Tokelau would suggest three revisions to the text of the draft SKJ MP monitoring report.

- a. Firstly, in reviewing the MP performance, it seemed clear that a key element to monitoring the performance of the MP would be whether it was achieving its objective. This seemed to have been overlooked. So PNA and Tokelau proposed that a new item for Achievement of Objective be included as Item 1.1. They would provide some text for the Status and Comments column for that item.
- b. Secondly, they noted there were some issues with the revision of the historical data that were not resolved at the SC19. So PNA and Tokelau proposed to insert some text in the Comments column for TCC19 to express under Item 1.2. This text was "Further consideration is needed of the revision of some historical data for this run and of maintaining the historical data for future runs of the MP".
- c. On the same issue, PNA and Tokelau had some suggested text for the TCC19 comments column for Item 3.4. This would be "Changes to historical data may require a review of the TRP and HCR".

285. The Commission Chair said that this proposal had been received from PNA and the request to include the MP had been taken on board. The linkage between the MP and CMM was very important.

286. Japan thanked the Commission Chair for this notification of new documents uploaded, because no automatic notification had been received from the system.

b. FAD Management Options IWG

287. TCC19 received a brief update from the Chair of the FAD Management Options IWG, Mr Jamel James (FSM), who presented TCC19-2023-16 (*FADMO-IWG Priority Tasks for 2023*) online. He also drew attention to various FAD issues that had been put before SC19 and forwarded to TCC19 in SC19 in TCC19-2023-25 (*SC Outcomes relevant to TCC*) for additional technical input for the benefit of WCPFC20, including a timeframe for the introduction of biodegradable FADs, the Tropical Tuna Measure paragraph 21 limit on the number of FADs allowed per vessel per year, and paragraph 22 guidance on improving the retrieval of FADs. He invited comment from TCC.

288. Nauru on behalf of the FFA CCMs thanked the Chair and the FADMO Intersessional Working Group on their work on the biodegradable FADs during the year. FFA members supported the suggestion by the IWG on taking Suggestion 1 for categories IV, IIIa and IIIb. They were also very mindful of the issue of supplying materials for biodegradable dFADs from limited small-island stocks of such material and advised the IWG to continue monitoring the situation and discuss tentative years for the starting point for implementation (year X) as targets to progress the full transition into the use of 100% bio-dFADs.

289. The USA drew attention to their paper to the Tropical Tuna Management Measure workshop, on the transition to biodegradable FADs and encouraged CCMs to read it.

290. Tokelau spoke for PNA and Tokelau CCMs and emphasised again that PNA and Tokelau did not consider the 350 buoy limit to be an effective measure to control FAD use. For a start, in its current form, it didn't limit the number of FADs in the water, only the number of buoys activated, so if a vessel approached its annual limit, it could simply deactivate some transponder buoys to create space within the limit for new FADs with buoys. Worse still, it created an incentive for companies to abandon FADs so that they can put more in the water where they want them without breaching their limit. In addition, the

language was not clear. Paragraph 22 said that “The buoy shall be activated exclusively on board the vessel”. PNA and Tokelau had asked in the FAD Working Group what that meant, but so far hadn't received an answer. As PNA and Tokelau CCMs understood it, FAD buoys were often activated off the vessel by home offices or were deployed from vessels other than the purse seine vessels with which the buoys were associated. They might also be deactivated and reactivated for the FAD closure.

291. As a first step towards making the current limit effective, PNA and Tokelau proposed that TCC recommend to TTMW4 and the Commission that all drifting FAD buoys should be activated and transmitting position data when in the waters of the WCPFC Convention Area. This would be compatible with the PNA 4th Implementing Arrangement (*A Fourth Arrangement Implementing The Nauru Agreement relating to Fish Aggregating Device (FAD) Tracking and FAD Buoy Registration*) (4IA) requirement being applied by PNA from January 2024. It would make the 350 limit a real limit, not a theoretical one, and it would ban the abandonment of FADs instead of encouraging abandonment as the measure does in its current form. To summarise, PNA and Tokelau did not support changing the FAD buoy limit. PNA and Tokelau proposed instead that TCC19 recommend to TTMW4 and WCPFC20 that CCMs be required to ensure that all drifting FAD Buoys were activated and transmitting position data when in the waters of the WCPFC Convention Area.

292. PNA and Tokelau CCMs were also concerned by the large workload of the FADMO-IWG at the current time, and that a lot of detailed technical work was having to be done by email. This was important work and they suggested that the FADMO-IWG meet physically not later than 2025 but preferably in 2024.

293. France congratulated the USA for their paper to the Tropical Tuna Management Measure workshop on the transition to biodegradable FADs.

294. The EU thanked the FADMO-IWG for its work, and agreed with PNA that it was important to meet physically and thought that a Pacific-wide approach in collaboration with the IATTC would have merits. They were also interested in the other priorities identified by SC19 and the FADMO-IWG itself.

295. The FADMO-IWG Chair expressed appreciation for the useful guidance from the meeting.

296. This agenda item was held open pending the drafting and discussion of potential recommendations. TCC19 returned to this discussion on the last day of the meeting and CCMs further exchanged views.

297. In view of the discussion by TCC19 of the SC19 Outcomes under several agenda items, the Chair noted that WCPFC itself might need to discuss how the different Commission subsidiary bodies communicate with each other in the context of their separate but connected roles. SC could only advise WCPFC and TCC could only advise WCPFC, and they couldn't task each other directly without going through the Commission. But for efficiency there needed to be a pipeline for processes like the operation of harvest strategies where the implementation of a Management Procedure may need TCC advice on technical aspects – or even to implement certain elements itself, such as the organisation of data needed to inform a Management Objective, some of which would be social or economic data outside the remit of the Scientific Committee. And the advice of Technical and Compliance Committee would also be needed on assessing or reviewing the technical feasibility of certain elements of each Management Procedure. He suggested however that it might be more appropriate to have this discussion at WCPFC itself.

298. The Solomon Islands on behalf of PNA and Tokelau CCMs said they were withdrawing their proposal for a TCC19 recommendation on Commission-wide FAD buoy activation and transmission. The issue of compatibility with the PNA 4IA would be taken up elsewhere and in the interests of time PNA and Tokelau would concentrate on the implementation of the Skipjack Management Procedure Monitoring Plan under this agenda item, as presented by the Marshall Islands earlier.

299. The Marshall Islands introduced the changes that PNA and Tokelau was proposing to the SKJ MP Monitoring Report Summary Table contained in Attachment 1 to TCC19-WP25, as had been mentioned at the start of the discussion under this agenda item. The proposed PNA additions to the draft Skipjack Management Procedure Monitoring Report Summary Table from the Attachment to SC19-WP25 (Outcomes of SC19 relevant to TCC), to propose certain roles for TCC in the process, are recorded below in red and underlined.

Item	MP element	Commission Body	Status and comments	Priority
1. Review MP performance				
<u>New 1.1</u>	<u>Achievement of Objective</u>	<u>SC19</u> <u>WCPFC20</u>	<u>To be reviewed in terms of available information on whether the MP is achieving its Objective currently and whether it is likely to achieve its Objective in future.</u>	
1.1	Comparison with stock assessment	SC19	Will be reviewed following implementation of the MP through the stock assessment scheduled in 2025, noting however that there will only be one year of MP implementation included within that assessment.	
1.2	Data availability & quality	SC19	The level of pole and line CPUE data in tropical regions is declining over time. If this trend continues, there may be insufficient information to inform the MP. Work should begin to evaluate alternative MPs that are robust to this potential decline in pole and line data availability.	High
		TCC19	<u>Further consideration is needed of the revision of some historical data for this run and of maintaining the historical data for future runs of the MP,</u>	
1.3	Other sources of data	SC19	No new information noted at SC19.	-
		TCC19		
1.4	EM performance	SC19	The EM showed acceptable performance.	
2. Review of the MP				
2.1	Management objectives	WCPFC20		-
2.2	Scope of the MP	SC19	No new information at the time of SC19.	-
		TCC19		
		WCPFC20		
2.3	Exceptional circumstances	SC19	None identified by SC19.	-
		TCC19		
		WCPFC20		
3. Review MSE framework				
3.1	Operating model grid	SC19	The OM grid (robustness set) to be augmented with climate change scenarios. Further consideration of the OM grid is also suggested given the predicted outcomes of the	Medium

			adopted MP and the 2022 stock assessment showed some departure for the historical period. These issues will be considered for inclusion when the current MP is reviewed.	
3.2	Calculation of performance indicators	SC19	No new information at the time of SC19.	-
3.3	Modelling assumptions	SC19	While no major issues are identified, any re-evaluation of the skipjack EM (identified under 1.2) may require a re-evaluation of the modelling framework.	High
3.4	Data availability and quality	SC19	Generally good	
		TCC19	<u>Changes to historical data may require a review of the TRP and HCR.</u>	

300. The EU thanked PNA and Tokelau for their suggestions on the SKJ MP Monitoring Report. They had no strong views but were struggling to understand any role for TCC in this monitoring report. They understood it was SC that did this monitoring regarding the historical data under item 3.4 in the table. Until the role of TCC was clarified in this process, it would prefer to nominate SC for this proposed task under 3.4.

301. Regarding item 3.4 in the table, Japan recalled that SC19 had discussed the possible reason for the change of skipjack stock status indicated by the spawning biomass depletion ratio which last year had been estimated at 54% by the MP model and 42% this year. At SC19, SPC had suggested this was because of a change in the historical data that had been provided by Japan, but the Japanese scientists had made a comprehensive analysis of the Japanese catch data submitted over the years and this did not seem to be the reason.

302. Japan also had a similar view to the EU on the role of TCC in item 3.4. They would need more time to scrutinize 1.2 and 3.4 pending further discussion at WCPFC20.

303. The Chair noted that there was obviously a clear role for SC in implementing Management Procedures but he felt there was also a role for TCC particularly in the implementation of the Monitoring Strategy. But he was not sure if that role had become clearly defined yet.

304. SPC thought the PNA and Tokelau suggestions were useful. There was obviously some potential overlap between TCC and SC on data, but TCC has definite involvement in compliance and data verification. Regarding the comment by Japan on the historical data going into the operational model, something had clearly happened with the pole and line data. This was not an accusation, and Japan had been able to report that after review, the data they provided was consistent and accurate. Something had happened further down the line before the “dry run” of the operational model. There was also an issue of maintaining historical data for re-running the analysis. SPC had assumed that the historical analysis would need to be re-run every time, but the model was producing very consistent results now, and the historical data probably didn’t need to be maintained. But there had been revisions of historical data in other fisheries, so it would be necessary to keep an eye on this. Regarding the insertion of a task to review achievement of the objective, the objective is usually about maintaining a certain depletion level so it hadn’t been spelled out by SC, but it would be good to have that more precisely specified at the top rather than just assumed.

305. The Chair noted there were several other lines in the existing table where the SKJ MP Monitoring

Report asked for TCC19 attention, and where TCC might take the SC19 lead and simply say “no new information was noted at TCC19” in those spaces.

306. The Marshall Islands thanked CCMs and SPC for their feedback and looked forward to discussing this further at WCPFC20. They proposed the following text for inclusion in the TCC19 Outcomes under this agenda item:

“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-WP02. TCC19 referred the proposal to WCPFC20 for guidance on what the technical contribution that TCC is expected to make to the SKJ management procedure monitoring process”.

307. The EU wanted to add a role for SC as well as TCC against item 3.4 at the bottom of the table, and the Marshall Islands agreed on behalf of PNA and Tokelau to do so.

308. Japan requested the Chair to clarify the status of this proposed amendment and was not yet ready to agree to any changes to the table.

309. The Chair said that the process was that TCC was hearing proposals for editing the SKJ MP Monitoring Report table forwarded by SC19, but the modified table would be proposed by PNA and Tokelau to WCPFC20, not by TCC. Perhaps instead of recording this table in the TCC Outcomes, TCC would simply leave these suggestions to PNA and Tokelau for their consideration in amending the Table before PNA and Tokelau passes it to the Commission in December, possibly as a Delegation Paper.

Agenda Item 8.5 Outcomes cleared at TCC19

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

311. 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.

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

8.6 Labour Standards IWG

313. An update on the progress of the working group was provided by IWG Co-Chairs Ms Putuh Suadela (Indonesia) and Ms Sarah McAvinchy (NZ) through TCC19-2023-17.

314. In December 2020, the Commission agreed that intersessional work to improve crew labour standards would be led by co-chairs Indonesia and New Zealand. An update was provided to WCPFC18 and a forward workplan agreed. Unfortunately, the IWG session planned for July 2023 had to be postponed due to illness and the IWG was rescheduled for 7 September. Working Paper 17 provided a summary of the rescheduled 7 September IWG session and noted next steps for this work.

315. The co-chairs thanked members of the intersessional working group for their excellent feedback and engagement. The group had made important progress in its deliberations and a revised draft of the CMM would be submitted to WCPFC20 for further discussion. They also thanked members and observers for their engagement at the workshop on 7 September. As noted in the Chairs’ opening of the meeting,

they considered the work of this Commission to often be world-leading and saw labour standards as another area where this Commission could show leadership. Regarding the IWG discussions on the draft CMM, they noted the differing positions on the area of application and importance of this issue to the implementation of labour standards. They recognised this was a critical issue that had yet to be resolved and looked forward to working closely with CCMs to progress this important work.

316. Samoa speaking on behalf of FFA CCMs thanked the co-chairs from New Zealand and Indonesia for their hard work through the intersessional period, and further wished to thank other CCMs for their work and cooperation in this process. Crew labour standards were a priority area for FFA members, and they urged other CCMs to continue working with FFA Members to maintain the progress being made on a CMM to ensure safety for fishers.

317. WWF acknowledged the leadership of Indonesia and New Zealand on this important issue and acknowledged the priority that this particular issue warranted. They also acknowledged the work that the FFA had done both within their own systems with respect to the harmonized minimum terms and conditions, and also the advocacy around this issue. They didn't think anyone around the table would underplay the progress of the work they had achieved. However, this had been under discussion for three years now and there had been less progress on some other critical issues. This was just to emphasize the urgency of moving this issue forward and ensuring that CCMs were treating their crews—the men and women who were out there harvesting the resource for the benefit of humanity—were treated with the respect and dignity that they deserved. Again, WWF didn't wish to diminish the work that had already been put into this, but greater priority needed to be attached to it by CCMs because people's lives were at stake.

318. The Marshall Islands said that they supported this work and thanked the co-chairs Indonesia and New Zealand for an excellent paper in TCC19-2023-WP17. This was a priority area and they urged the Commission now to expedite and resolve this outstanding gap that that could be seen in addressing the safety and well-being of the people involved in catching the fish—those that were out at sea and trying to make ends meet

319. The Chair thanked those who had spoken for the timely reminder of the importance of making progress in this work and looked forward to a substantive discussion at WCPFC20.

Agenda Item 8.6 Outcomes cleared at TCC19

320. 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

321. The Chair introduced this agenda item, explaining that CMM 2017-02 had to be reviewed every two years since its effective date of February 2018. The measure set out some elements to be included in the review. TCC19 was asked to consider how best to further develop port-based monitoring and other MCS activities as part of the suite of cooperative MCS tools.

322. The Assistant Compliance Manager presented TCC19-2023-RP07 *Annual Report on Port Inspections and Implementation of Port State Minimum Standards for Port State Measures* which provided an update on the status of CMM 2017-02. There was an increasing level of activity by several WCPFC members to develop their own port State measures. A number of those CCMs were already signatories to the FAO Port State Measures Agreement or were interested in becoming signatories. There were also several members who are working on implementing their own measures.

323. With that in mind, the Secretariat thought it useful to point out, even though there were no specific recommendations in the paper, that there were two elements of the Port State Measures minimum standards CMM that had not yet been actioned.

324. The first was paragraphs 22-27. There was assistance available and specifically identified within the measure as being dedicated to support small island developing States with implementing port State measures, and part of those paragraphs includes the need to develop a mechanism for funding support to those States. This had not yet been developed.

325. The other element, as the Chair had mentioned, was that the port state minimum standards CMM (CMM 2017-02) took effect in 2018, and it includes reference to a review two years after taking effect. That review has not yet taken place. There was also a proposal from the USA that related to Port State minimum standards and so the Secretariat wanted to leave those ideas with members.

326. Fiji for FFA CCMs noted that CMM 2017-02 on Port State Minimum Standards was an important measure in the fight against IUU fishing activities. FFA Members had an effective integrated MCS framework that was held up at the international level as a model, and they took pride in the great work that they did to fight IUU in their region. This included port state measures put in place by their Members that were tailored to their situation and their context. In this vein FFA CCMs wanted to see a Port State Minimum Standard that was unique to the context of the region and membership of the Commission. They also noted that the designation of ports under the measure was voluntary. Designation of ports was a sovereign decision and came with a lot of responsibility, and SIDS looked forward to what the Commission could do to incentivize SIDS to designate ports. They saw paragraphs 22- 25 of the measure critical to assist SIDS implement Port State MCS measures. The application of prescriptive port State measures needed to be balanced with effective and equally prescriptive flag State controls to avoid unnecessarily high rates of high seas transshipment in the Convention area. They reminded CCMs that any proposal put forward in relation to this measure, as with all proposed measures, would need to go through the evaluation processes specified by CMM2013-06.

327. FSM confirmed that PNA and Tokelau CCMs supported the approach in the current WCPFC CMM 2017-02. PNA and Tokelau CCMs would not support changes to the CMM that would limit its application to foreign vessels in the way that the FAO Port State measure did. In the WCPO that would mean transferring a disproportionate share of the burden for port State measures onto SIDS especially PNA Members whose ports were used by large numbers of vessels of other flags, including other PNA flags, and who were already subject to other comprehensive controls and measures. They noted that a key element in CMM 2017-01 was the provision for requests for inspection in paragraph 11 which applies to the flag vessels of the port State. In addition, PNA and Tokelau would not be able support requirements for additional inspection activities and costs until the Commission takes more effective action to discourage transshipment at sea by longline vessels. Increasing requirements for port inspections without taking action to discourage transshipment at sea by longline vessels will increase incentives for longliners to tranship at sea, where the same level of inspection does not exist. If the Commission wanted to adopt increased port inspection requirements, then it would need to first ban transshipment at sea by longliners.

328. The European Union, like some others, considered that the FAO PSMA was an essential global instrument for tackling the issues related to the eradication of IUU fishing activities. At their recent meeting in May 2023, the Parties to the PSMA adopted the so-called Bali strategy on improving the effectiveness of the agreement together with a commitment to further effort and the need to ratify and effectively implement the agreement, including specific arrangements for supporting developing countries in implementing the Agreement. They urged the members of WCPFC that are not yet members of the PSMA to consider joining it.

329. New Zealand thanked the USA for their paper. New Zealand supported the need to review the measure but were mindful that a thorough review first needs to be undertaken in order to highlight the gaps within the measure which could be addressed. They were also aware of the significant workload facing the WCPFC Secretariat and the membership, and the disproportionate burden that any changes to this measure would have on SIDS. New Zealand was, however, willing to work with interested members on exploring opportunities to progress this review.

330. The Ocean Foundation also thanked the United States of America for its proposal. They urged members to more widely discuss the port State measures and felt that the USA proposal was a good basis for that. Deterring IUU fishing and adequately monitoring fishing activities required multiple strategies working together, and to its credit the WCPFC had taken a look and reviewed the performance of several measures recently. The Vessel Monitoring System (VMS) was the subject of quite a discussion several years ago. The transshipment measure is under review and work continues on electronic monitoring. All of these were very positive activities by this Commission and its members, but one area that hadn't received the same level of attention, at least at the WCPFC, was the measure on minimum standards for Port State Measures. They suggested that a review would be timely and could yield benefits for the Commission and its members.

Agenda Item 8.6 Outcomes cleared at TCC19

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

332. 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

a. Annual Report on the Commission's VMS

333. An update from the Secretariat was made on progress with the remaining tasks of the VMS SWG and from the TCC Workplan. TCC19 was asked to consider how to enhance CCMs' and Secretariat's practices to integrate and facilitate ongoing monitoring and compliance with CMM 2014-02.

334. The WCPFC VMS Manager presented TCC19-2023-RP01, the Annual Report on the Commission's Vessel Monitoring System (VMS), noting several improvements that had been made during 2023 particularly on streamlining the manual reporting process. The main recommendation in the paper was for TCC19 to recommend that WCPFC20 remove 9 MTU types from the list of WCPFC approved MTUs/ALCs.

335. Korea noted that according to the VMS SSP on manual reporting, the Secretariat was supposed to inform the flag CCM and the vessel master if reports were not being received, but now there was a VRST system that said that CCMs were supposed to check reporting status and provide updates directly into the system. Had the VMS SSP been replaced?

336. The WCPFC VMS Manager explained that the Commission VRST was set up in line with the VMS SSP. If there was no reporting within 8 hours of the VMS failing, after 9 hours it would provide a status of non-reporting and the Secretariat would issue this to the CCM. Currently, no alert was set up.

337. Korea also noted that one of the useful features of the compliance case file system (CCFS) was

that an automatic alert was sent to the flag State whenever CCFS information was updated. It would be useful if the VMS could send the same kind of alert to the flag State in the event of non-reporting and wondered if this was something that the Secretariat could consider in its improvements to the VRST.

338. The WCPFC Compliance Manager noted the system had been set up over several years to assist CCMs with their own VMS reporting. VRST was a tool for both CCMs and the Secretariat. If CCMs required, enhancements could certainly be considered. More streamlined approaches had become available now and were being worked on and would be reported upon in 2024.

339. Japan thanked the Secretariat for the very detailed report. But they couldn't support the recommendation to remove those MTUs from the approved list since the criterion was not appropriate to find MTUs with problems. For instance, under the criterion, if an MTU only sent just one report on a day and it took 10 minutes, then it would score 100% but if another MTU sent 100 reports on a day and only 80 got through in 10 minutes then it would fail. Their expert had checked the Japanese vessels which used those MTUs and the reports almost arrived in time, even though the WCPFC performance check had failed.

340. New Zealand on behalf of the FFA membership thanked the Secretariat for the report. They noted that some of the MTUs didn't meet the requirements under the SSPs and recommended commencing a process of phasing out the 9 DNID MTUs because they needed a lot of work. Some of these had led to Article 25.2 requests for CCM investigations into alleged area infringements with reports coming back from flag CCMs that those vessels had believed that they were operating in an authorized area due to the positional information shown on their navigational device and at the national VMS centre. Perhaps TCC19 could consider recommending that CCMs must, on authorizing a vessel, provide the location of maritime boundaries which are consistent with those of the WCPFC and that should these WCPFC VMS boundaries be updated, that CCMs must notify all authorized vessels on the RFV of this change.

341. Chinese Taipei said they had similar concern to Japan.

342. China thanked the Secretariat but had a question: would it be possible for the Secretariat to accept manual reporting through the VRST instead of by email? Each year they had to send a thousand emails to the Secretariat, and this was very inefficient for both sides. Was it feasible?

343. The WCPFC IT Manager said that the Secretariat could set up an Applications Programming Interface (API) which would make this possible. It might not be the VRST API but it would be very similar.

344. The Chair asked how TCC would like to resolve the question of whether or not to remove 9 MTUs from the approved list and noted that there were two CCMs against removing them and a group of members in support.

345. In response to the Chair's question of whether the 9 MTU's could be phased out, Japan considered that a phase-out approach was not a solution because the analysis per se had problems.

346. Chinese Taipei was also not convinced by the need to phase-out the 9 MTUs in view of the comments and requested more information.

347. The Chair suspended agenda item 8.8 to give time for the Secretariat to talk to the two CCMs about the analysis and any alternative MTU assessment methods that might be used.

348. On returning to Agenda item 8.8 after time for informal discussions to take place, the WCPFC VMS Manager said that, following the reservations expressed, the Secretariat was suggesting not delisting these MTUs pending reanalysis of the data. The original recommendation was based on transmission by report type, but it had been suggested they concentrate on normal reporting. When these systems shutdown they sent a shutdown report and a startup report. The last report was held in memory if the

battery was dead and was sent out when it started up again, but only then did it send the shutdown report. This had biased the transmission speed analysis, and this would need to be considered.

349. The WCPFC VMS Manager noted that this had been a very useful and constructive process, and it would be brought back to TCC after more precise analysis.

350. Japan thanked the Secretariat for taking account of their concern and reanalysing the data. They noted that filling VMS data gaps was an important issue and looked forward to the new analysis next year. Chinese Taipei was also appreciative.

351. Australia thanked the Secretariat and clarified that, if the reanalysis still showed reporting problems or data gaps with these MTUs, then TCC20 in 2024 would need to recommend a phase-out, on the basis that the units were not meeting Commission VMS standards.

Agenda Item 8.8 Outcomes cleared at TCC19

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

b. Trial of VMS-100Si proposed by Philippines for type approval

353. The Philippines presented TCC19-2023-DP02 which provided additional reference information relative to the completed formal testing (in consultation with WCPFC VMS team) and proposed WCPFC accreditation of the MTU/ALC VMS-100Si, embedding Iridium and AIS satellite communication channels from SRT Marine Systems.

354. Korea noted the upload of this paper had been awaited well in advance of TCC19 meeting, before the last date for posting of meeting papers, but it had only been uploaded recently, therefore more time would be needed to consider it. Iridium was well known to be a reliable ALC and wondered if the Secretariat had time to compare this system with the current VMS SSPs.

355. Japan recalled that a similar system was not approved in 2020 because it had the possibility to use AIS. They asked if the system would be using AIS for the VMS and if the Secretariat was able to confirm the VMS report transmitted through Iridium and not AIS.

356. The Philippines said that the 2020 test had apparently used an ALC which was only AIS, but this system uses Iridium for VMS. It was locked through software, but SRT Marine Systems was also adding a tamper-proof seal. The AIS would still be there but was not transmitting, and it was possible for the Commission's VMS provider Trackwell to identify whether the system was transmitting data through Iridium or AIS.

357. Palau also asked for some more time to understand this late paper.

358. Tuvalu on behalf of FFA noted from the information provided in DP02 that it could be determined that either of the communications channels (Iridium and/or AIS VHF) could be used, or was used, during the trials. This was problematic as there was no additional information that could indicate the source of the position data—whether via AIS/VHF or Iridium. As a result, the SRT-VMS-100Si unit as presented, was currently not suitable for WCPFC Type Approval. However, configuring the unit for Iridium use only could make it suitable for WCPFC Type Approval

359. WWF thanked the Chair and supported the Philippines request for type approval for the VMS-100Si, which was an Iridium-only unit that met all the type-approval specifications and was not only delivering regular positions, but also allowing fisherman to report in a way that combatted IUU fishing. In fact, tests of the unit indicated it actually performed better than many of the MTUs already on the

approved list that highlighted in WCPFC-TCC19-2023-RP01. Additionally, WWF particularly supported the use of the VMS-100Si because it could also be used by observers to report in real time both data and safety status when using the associated Observer App. Notwithstanding that the 100Si unit is configured as Iridium only, they remained sceptical of the resistance to a combined unit with AIS compatibility that could prove the utility of the technology and the benefits for fishers and fisheries management, particularly with respect to small vessel fleets like those in Philippines archipelagic waters for which sustained VMS was uneconomical. TCC should be supporting any technology, or even an opportunity to research or develop any technology, that made compliance more achievable and affordable.

360. Vanuatu asked how TCC could be assured that the AIS channel could not be used for transmission and whether Trackwell could confirm whether the transmission was coming through Iridium or AIS.

361. The Philippines assured Vanuatu that the AIS can be locked out, and the WCPFC VMS Manager added that the incoming VMS data is tagged with its source.

362. New Zealand drew attention to the schematic which showed two antennae. Was it intended to install the AIS antenna as a backup or just the Iridium antenna? The Philippines confirmed that only the Iridium antenna would be installed.

363. The Chair suggested that if there were additional queries, to please package them for the Philippines to answer in writing. Since some CCMs had asked for extra time there can be no decision by TCC19, but if any extra information was needed and could be provided soon, this could be resolved at WCPFC20. This question-and-answer process would need to be completed very soon.

Agenda Item 8.8b Outcomes cleared at TCC19

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

365. 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.

c. USA Recommendation on Additional VRST Option

366. The USA presented WCPFC-TCC19-2023-DP03 – recommending an additional dropdown menu option for the current VMS manual reporting VRS Tool. This was intended to account for ALC status on every day of the year on a continuous basis instead of having to compile this data just before TCC. The possibility was already in the SSPs and the VRST was already available to members, although not mandatory.

367. FFA CCMs supported the addition of this option, noting that it could only be used if the same ALC transmitted to the WCPFC as well as the national VMS.

368. Japan welcomed and supported the proposal. They said that this would enable the Secretariat to confirm the VMS reports had been transmitted to the flag CCMs although the Secretariat did not receive them.

369. The WCPFC VMS Manager said that the VRST info was currently drawn from the transmission report with no location attached – just the timing of the activity – and was only available for vessels currently reporting. FFA would need to authorise the service provider to release this data for the vessels whose data was transmitted through the FFA VMS, but it was not a lot of work to add this option to the dropdown list.

370. Chinese Taipei supported the proposal and would also be contacting the Secretariat with some other ideas that might be considered for improving VRST usability for all CCMs.

371. China would also be happy to see manual reporting to come through Trackwell rather than email, and asked the WCPFC Secretariat if this could go ahead.

372. The WCPFC Compliance Manager said the Secretariat would endeavour to include this on the list of requested upgrades for the Commission IT systems, along with the agreed US proposal, subject to budget being available.

Agenda Item 8.8c Outcomes cleared at TCC19

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

374. 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

375. TCC19 was requested to provide advice to the Commission relating to CMMs that needed revision to improve compliance and monitoring, including those where interpretation issues had been identified through the CMS process.

376. The Chair noted that issues were always raised about the interpretation of the Tropical Tuna CMM, particularly on the application of footnote one but these would be shortly considered during the Tropical Tuna Measure Workshop following TCC19, and at WCPFC20 itself where the future of Tropical Tuna Measure CMM 2021-01 would be a major item of discussion. There were also numerous interpretation issues raised by the Compliance Monitoring Process for the shark CMM but these concerned individual assessments discussed in closed session and therefore could not be discussed in plenary. He opened the floor for any issues that need to be raised, or general statements made for the record.

377. Several CCMs raised the need for a process to evaluate the effectiveness of the alternative measures taken by some CCMs under Part IV (full utilisation and prohibition of shark finning) of the shark CMM. The EU and USA noted that when this measure was designed there had been a commitment by those taking advantage of alternative measures to provide information that would assist in verifying the effectiveness of those measures and confirming that they were monitored and enforced as required, but this had not been provided yet. Japan noted that since the measure was due to be reviewed the following year, they had been collecting information and examining the effectiveness of the alternative measures, and they would provide the results of their examinations at TCC20. Chinese Taipei said that they had provided information in their Part 2 Annual Report, and this went into an additional paper. But because this drew on non-public domain data it remained on the secure side of the server and was not discussed

in plenary. It was however not true to say that no such information was available.

378. Regarding the shark measure, WWF said that the need for observer coverage crosscut all the bycatch mitigation measures, whether it was with regard to alternative methods or otherwise. The observer coverage level in the longline fleet remained abysmally low and must be increased to meaningfully address bycatch mitigation and avoidance of non-target species effectively.

379. With respect to seabird measures, New Zealand noted that, as part of their review of CMM 2018-03, to ensure implementation and enforcement of seabird bycatch reduction through catch mitigation obligations it would be important to consider ways to improve monitoring control and surveillance of the long line fishery, as noted in a paper to SC19 on its purpose, scope and process. New Zealand proposed building on paragraph 12 of the current measure which sought to emphasize the need for relevant MCS tools to incorporate monitoring of the implementation of seabird mitigation bycatch methods. It would also be proposed to incorporate an obligation for CCMs to require their longline vessels to record all incidents involving seabirds during fishing operations and report such incidents to the appropriate authorities of the CCM. This reporting should be provided to the Commission as part of the CCM's annual reporting of scientific data. This would be a similar provision to that required in CMM 2018-04 on sea turtles. The CMS also required reporting of interactions between fishing vessels and vulnerable species.

380. Tuvalu, on behalf of FFA CCMs said that all were aware that the CMS process had identified CMMs with interpretation issues which, through the final CMRs, had been forwarded to the Commission. There were longstanding issues such as the interpretation of phrases like "actively fishing for" but there had been no resolution, although there had been attempts to resolve these in the past. The CMS measure under paragraph 2 stated that the CMS was designed to, amongst other things, identify aspects of CMMs which may require refinement or amendment for effective implementation. Clearly the CMS had done this for several CMMs but the challenge to come would be to address those remaining. FFA CCMs had no solution to offer at that point but to recognise that the Commission needed to address these issues.

Agenda Item 8.9 Outcomes cleared at TCC19

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

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

- a. **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.
- b. **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.
- c. **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, and this could be challenging for monitoring, in particular inspections. 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.

- d. **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.
- e. **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.

383. 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.

384. 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

385. The Compliance Manager presented TCC19-2023-18 *Enhanced data analysis and interpretation: Experiences and Opportunities* on enhanced data analysis, explaining that the Secretariat had continued to progress work which had commenced in 2022 that aimed to simplify the delivery of required reports to TCC including annual reports, and to set a foundation for improved and expanded analytical capacity within the Secretariat. Using additional funds approved by WCPFC19 for short-term consultancy in 2023, the Secretariat had secured a Compliance and Monitoring Analyst to help implement the streamlining and enhancement of the Secretariat's routine and ad-hoc analyses, and reports that support the work of the Commission. The Secretariat reported to TCC19 on its experience with the additional consultancy in 2023 to inform further consideration as appropriate at FAC17 on future arrangements.

386. The consultants, Dr. Steve Brouwer and Doug Jackson presented some typical outputs from the analytical tools and approaches that they had developed or which they had identified as potential tools and approaches that could be considered for future development. These tools summarised information from the Commission databases and the code would remain with WCPFC and could be re-run as often as required to assist staff in preparing reports and supporting the Compliance Monitoring Process, and to assist CCM compliance managers in accessing overviews of the activities of their vessels, amongst other things.

387. This work in 2023 had led to the streamlining and enhancement of several WCPFC annual reports to TCC, including dCMR02 (a comprehensive set of non-public domain static aggregated tables based on CCFS data for reference in the CMS); WP09 (Use of ROP data in the public CMS); RP03 (Transshipment); RP04 (High Seas Boarding and Inspection Scheme); RP05 (Record of Fishing Vessels); and RP06 (Eastern High Seas Pocket).

388. 2023 had also seen the development of several prototype analytical tools, as a proof of concept,

to support Secretariat tasks in verification and monitoring of high seas activities such as the High seas pocket special management areas (RP06: Eastern High Seas Pocket); Transshipment activities (RP03: Transshipment); VMS reporting (RP01: Commission VMS, and Preparation of dCMR VMS reporting gaps) and Charter Notifications.

389. They also touched upon the role of TCC in implementation of Harvest Strategies through the monitoring strategies and indicators and evaluating the effectiveness of implementation. Monitoring bycatch was something outside the harvest strategy but would be directly relevant to any assessment of WCPFC's implementation of ecosystem-based management principles.

390. TCC19 was invited to consider this paper and:

- a. Note the current and potential benefits that are realized from the Secretariat and CCMs ability to analyse and present snapshots from WCPFC data to date through the current consultancies;
- b. Note the outputs delivered through consultancies were not possible within current Secretariat resources and expertise;
- c. Provide feedback to the Secretariat on the results from the work to date; and
- d. Note the Secretariat's experience with the consultancies, which reinforces the benefits of additional expertise to deliver and add value to the Commission's work.

391. Many CCMs expressed great appreciation for this work and hoped that the means could be found to continue and expand its utility.

392. The USA noted that the WCPFC website was becoming more useful as a resource for managers, and that the discussion highlighted the need for additional technical capacity at the Secretariat to continue to support this.

393. New Zealand suggested that it would also be useful to develop performance metrics to measure the outputs in terms of improved compliance that would be gained from investment in data analytical work.

Agenda Item 9 Outcomes cleared at TCC19

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

395. 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.

396. 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.

397. 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.

398. 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

399. The WCPFC Assistant Compliance Manager presented TCC19-2023-19 (*Resources to assist CCM reporting and implementation of obligations*)

400. The aim of this paper was to refresh CCM awareness of some of the available systems and processes that went along with those systems. It should also assist new personnel in CCM administrations to engage with WCPFC.

401. The WCPFC Secretariat had been progressively rolling out additional resources since 2020 including training resources and learning aids to support CCMs use of the IMS, and resources to assist CCMs with improved annual reporting.

402. There had been 3 CCM attachments in 2023 particularly around annual reporting and understanding newer systems, the RFV, the VMS CCFS, the international legal framework and WCPFC functions. Being able to engage in person seemed to be more productive than other forms of assistance.

403. The online guidance to fulfilling Annual Report Part 2 requirements had been refreshed now that Audit Points had been adopted, and the Secretariat had drafted some guidance for CCMs on defining applicability and responding to statements of implementation. This would evolve with the experience of applying Audit Points and this draft was presented in the working paper for any comments by TCC19.

404. The WCPFC Secretariat work was aimed at complementing training delivered by other related organisations and focussed more specifically on WCPFC issues. There was scope for additional topics – such as summary guidance for process-based topics, with 1 or 2-page briefs in the support area of the website, and possibly also some videos.

405. Feedback was invited on existing resources and the approach to supporting CCM's use of IT-related tools during 2022 and 2023; to identify topics for new resources relating to Commission processes that would support CCMs; and for the draft “Guidance for CCMs” on how to respond to AR Pt 2 in Annex 2.

406. Korea thanked the Secretariat for a very informative paper and believed that the functionality of the WCPFC website had been significantly improved. Korea suggested that over the longer term that for the VMS - when non-reporting of an ALC is detected - that an automated alert be sent to the VMS officer of the flag State, and to have online submission system for receiving proposals or papers rather than the Secretariat having to receive by email and then upload. This could be a holding area where proposed documents can be received and vetted by Secretariat before uploading into the system. Korea did not have any feedback on the draft Guidance for CCMs on how to respond to AR Pt 2 in Annex 2 of the paper but would provide feedback during the course of putting this guidance into practice. Korea also thought that it would be useful to set up a dedicated online support forum, that compiles all the guidance and helpful information that helps CCMs to write part 1 or 2 annual reports or submit papers or submit any information.

407. Canada had no constructive feedback at this time, but just wanted to take a moment to thank the Secretariat. They had found this information really helpful as they were trying to navigate through these processes and wanted the Secretariat to keep up the good work.

408. The USA thanked the Secretariat for their hard work as evidenced by increased usability of the Commission IT platforms. Regarding the Korea proposal for a portal for submitting proposals, this sounded like something that the US could support in future.

409. FFA CCMs, through the Solomon Islands, thanked the Secretariat for the very good work done

during the year. They were very pleased with the impressive work on the live RFV site, and also noted the RFV tool which was very useful particularly for FFA members in better understanding and accessing the RFV. They continued to support the work of the Commission, and the support from the Secretariat was well noted and appreciated. They also noted and appreciated the support of the FFA Secretariat and the PNA Office for their better understanding of Commission obligations and their effective participation in the processes and meetings of this Commission.

410. Nauru particularly appreciated the work of the WCPFC Secretariat in this area. Colleagues taking part in the training were very appreciative of the very useful support.

411. Japan had no specific comment on the draft guidance in Annex 2 at this moment since WCPFC had only one year's experience of the CMR process using the Audit Points, but they should be in a position to comment in the future.

412. Papua New Guinea thanked the Secretariat for timely technical assistance provided to PNG technical officers in 2023. It had been of great help to staff in improving understanding of national obligations and RFV issues. They hoped this assistance could be made available annually to members to help them enhance their national capacity.

413. The EU joined others in commending the Secretariat for the amount and quality of work undertaken throughout the year, and particularly for the improvements of the IT resources that continue to improve their capacity to source information and also provide information online. In relation to the Annual Report Part 2, something to consider would be to add the list of obligations, that have agreed by TCC for the year to be evaluated, in a separate tab so that they can be easily identified. And for the implementation obligations it could be useful to indicate somehow on the IT tool the date when a given obligation has been updated by a given CCM.

414. Australia felt that all the tools developed were particularly intuitive. They supported specific suggestions made by others including the automated alert for VMS failure and appreciated the increased transparency on how the Secretariat assessed compliance. They hoped that the proposal to maintain and update the guidelines mention by the Assistant Compliance Manager could be maintained over the long term.

415. Vanuatu sincerely appreciated all the work done, and the training provided to Vanuatu staff. They had found it very useful. They also supported Korea's suggestion about automatic alerts for ALC failure. They looked forward to more electronic tools that could be used online.

416. Indonesia appreciated the work related to the Compliance Monitoring Scheme. They also needed to enhance capacity related to IT systems, and to their understanding of the CMMs, and assistance with national implementation. Like PNG they would also like annual training to be available, particularly as new officers are recruited.

417. New Zealand believed that some of the existing tools were under-utilised particularly the Trackwell vessel monitoring system interface, and it would be useful to produce a guide to Trackwell to help CCMs improve VMS monitoring.

418. China also thanked the Secretariat and had no difficulties with the suggestions. They supported the additional suggestion from Korea about a system to produce a report on missing vessel positions over a year, adding that it would be useful to have a system that could track flag State requests for observer reports and for these reports to be submitted through the CCFS. China also suggested that the transshipment notification to be sent to the flag State in the transshipment Electronic Reporting app and to the Secretariat.

419. The Chair noted that several suggestions had been made with universal support, and there had been universal appreciation of the work of the Secretariat over the course of the year. And it was clear that all had seen the benefits of that work this year. He summarised the various requests that had been made to the Secretariat and noted that these would be in future, or were already in the process of being, followed up, and that the main recommendation from TCC19 to WCPFC20 would be to maintain and keep improving the online guidance.

420. The WCPFC Compliance Manager appreciated the support and the feedback on the work that they had been carrying out, and appreciated the work of the colleagues that made it all possible. They had been really enjoying the suggestions coming through and would be looking at all of these and working with CCMs to progress as much as possible.

421. The EU made one more comment for the attention of the Secretariat, that in the CCFS aggregate table there was a column showed when a case had been updated, but it seemed to reflect the last update by the Secretariat and not the update by the CCM, which would be useful information to have when tracking back these cases, and which they believed would also be useful for the CCM. So perhaps a box to tick to indicate to the Secretariat when a case has been closed by a CCM, and finally perhaps a flag, for when an observer report is available or not available, in the homepage of the cases to allow for easier filtering depending on the availability of the Observer Reports.

Agenda Item 10 Outcomes cleared at TCC19

422. 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.

423. 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.

424. 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

11.1 Monitor obligations relating to, and support building the capacity of SIDS and territories

425. The TCC Workplan 2022-2024 contains a list of possible areas of support to build capacity of SIDS:

- a. implement observer programs, including training and data management;
- b. develop and implement MCS information management system (IMS) at a national level;
- c. improve bycatch reporting;
- d. set up a system or process for reports on transshipment activities and MTU inspections;
- e. implement minimum standards for Port State measures.

426. The TCC Chair noted that in accordance with Rule 2 (h) of the WCPFC Rules of Procedure, Consideration of the Special Requirements of Developing States pursuant to Part VIII of the Convention was a standing agenda item, and that:

- a. The approved TCC workplan 2022-2024 identified that a TCC priority specific task is to “Monitor obligations relating to, and support building the capacity of, SIDS and territories”

- b. At WCPFC10 two CMMs were approved: CMM 2013-06 Conservation and Management Measure on the criteria for the consideration of conservation and management proposals and CMM 2013-07 Conservation and Management Measure on the special requirements of SIDS and participating territories; and
- c. A Strategic Investment Plan was approved at WCPFC15 and is updated by the Secretariat considering any Capacity Needs and Capacity Assessment Needed scores in provisional CMR

427. TCC19 was invited to consider relevant information and make recommendations as appropriate to the Commission.

428. Samoa spoke for FFA CCMs in thanking developed CCMs for the assistance rendered to SIDS through the Commission. They acknowledged in particular Australia, Canada, EU, Japan, Korea, New Zealand and USA who had reported the assistance they had provided in their Annual Report Part 2. However, they also noted the assistance reported differs in detail among these CCMs while some assistance reported was broad and might not directly relate to fisheries. Article 30 of the Convention was important for SIDS and its operationalisation through CMM 2013-06 and CMM 2013-07 was critical to the overall work of the Commission. FFA Members saw CMM 2013-07 as an opportunity for CCMs to better understand SIDS needs and ensure that any conservation and management measures does not result in transferring, directly, or indirectly, a disproportionate burden of conservation action onto SIDS and territories. Finally, FFA CCMs noted with concern the status of the Special Requirements Funds and they supported the Secretariat's invitation to CCMs as well as Observers to make voluntary contributions to the fund so that it continues to meet its objective to support SIDS effective participation in the overall work of the Commission.

429. Fiji spoke on behalf of FFA members around the floor concerning the tremendous work that has been done to keep supporting small island developing States across the region, through the contributions that have been made and in the funds kept with the Secretariat through the SRF. Fiji noted the WCPFC Circular that had been sent to members, and also the latest update received from the Secretariat. They noted that the balance left in the SRF has substantially declined to around USD 30,000. Considerable work had been put into setting up these funds, and they acknowledged that their partners had contributed towards these funds. However, there were still obligations, and there were still limitations that most SIDS faced in the implementation of certain measures, and in preparing for the Commission meeting at the end of the year. With only USD 30,000 remaining within this fund, some FFA members would not be able to continue this work. In light of this, they asked those that had contributed to these funds and the countries that were willing to continue to do so to please consider contributing to this important fund so that it could assist small island developing States that have limitation in their implementation of measures, and also in participation in in-person overseas meetings. Again, they thanked the partners who had contributed.

430. The WCPFC Finance and Administration Manager confirmed that USD 30,000 remained in the SRF at that moment, but the Commission was expecting a little more money to come into the Fund from a donation, and there was also underspending on a project so between those two sources there should be another USD 40-50,000 coming in as well, so the SRF would probably have around USD 80,000 going into the rest of the year. However, this would not be enough to fund all SIDS to send a second participant to the Annual Session.

Agenda Item 11.1 Outcomes cleared at TCC19

431. 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.

11.2 Capacity assistance needs identified through the Annual Reporting and the CMS

432. The Chair noted that capacity development plans were addressed in some detail through the Compliance Monitoring process. He noted that the following papers for this agenda item would not be presented and were taken as read:

- a. TCC19-2023-WP20 (List of Capacity Assistance Requests and Capacity Development Plan) which summarised Capacity Assistance Needs identified by CCMs, based on this year's Annual Report Part 2 reporting, and/or draft CMR replies. The information in this summary was up to 17th September 2021.
- b. TCC19-2023-WP21 (Summary from 2023 Part 2 CMM 2013-07 annual reports - RY2022) which was an extract of what CCMs provided as response in their Annual Report Part 2 for CMM 2013-07 paragraph 19. CMM 2013-07 para 19 required CCMs to provide an annual report (in AR Part 2) on the implementation of CMM 2013-07.

433. TCC19 reviewed requests for capacity development assistance from developing states and territories that had been identified through annual reporting and the CMS, for inclusion into the [WCPFC Strategic Investment Plan](#).

434. Tuvalu on behalf of FFA CCMs thanked CCMs who had provided assistance through the Commission and other regional organisations such as FFA, SPC and PNAO to support SIDS in their capacity development needs to meet their obligations under the Convention and the Conservation Management Measure.

435. The USA would continue to seek to work with members who had expressed a need for assistance to identify opportunities to address capacity gaps.

436. The EU reiterated, in the context of the plenary comment they had made earlier during the CMR review, their reminder to members that they could also use the regional PEUMP programme, which provided specific opportunities for those members that needed support for improving their capacity to monitor and control their fisheries.

Agenda Item 11.2 Outcomes cleared at TCC19

437. 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).

AGENDA ITEM 12 — INFORMATION MANAGEMENT SYSTEMS AND PROCESSES

12.1 IT-related system upgrades

438. The Chair invited the WCPFC Compliance Manager and IT Manager to present WCPFC-TCC19-2023-22 (*Update on upgrades of IT-related tools supporting CCM reporting and implementation of obligations*). The purpose of this paper was to provide an update on (a) Progress with necessary IT-related system consolidation (b) Additional IT-related tasks from WCPFC19 to support CCM reporting and (c) Update on continuing improvement to IT-related tools to improve the ease of use for CCMs to manage their own information and reporting.

439. TCC19 was invited to note and discuss the updates on the Secretariat's upgrades of IT-related

tools used to support CCM reporting and implementation of obligations.

440. Korea thanked the Secretariat for this update. In line with Korea's comment under the previous agenda item they expressed special appreciation to the IT manager who had kept the whole system functioning through COVID and had been a great help to the Chair - always responsive!

441. Japan also appreciated this work. They noted that items 9 and 10 in Attachment 1 might have been related to a request from Japan at the last TCC meeting. Japan agreed to the suggestion here.

442. New Zealand thanked the Secretariat for a great job. The work on the CMMs, showing the audit points and old versions, with all the integration and everything at your fingertips was such a time saver when all this had to be looked up manually, so that was really appreciated. It would be useful to continue with integration, and further development to support Part 1 and Part 2 annual reports. Annual Report Part 1 is due after Annual Report Part 2 and having some sort of integration where scientific data required in the Annual Report Part 1 can automatically be referred into Annual Report Part 2 in future work would be beneficial. New Zealand had no specific suggestions but urged the Secretariat to continue along this path, because it was saving a lot of time in the preparing the draft Compliance Monitoring Report and other work. The mobile deployment of the RFV was especially beneficial, particularly for boarding in port or at sea. The Secretariat was congratulated on that piece of work as well.

443. Chinese Taipei also expressed appreciation including for the training for staff. They had two suggestions which they would be discussing further with the Secretariat. The first was to suggest adding uploading functions for MTU all the information to be provided in the Annual Report Part 2. And also that this function be provided to help updates based on reporting status in the ALC. The second suggestion was that for a CCM Portal. It was understood that each CCM currently had a primary account in the system portal, through which many things can be done including approving registrations. But would it be possible to add a function to allow the other designated personnel to have access if the primary account holder is away from the office for a long time. This would be discussed with the Secretariat.

444. The USA appreciated the hard work and would join other members in congratulating the Secretariat. The functionality of the system now went far beyond what was available in previous years as CCMs were going through the CMR process – linking CMMs etc. Was there any particular factor behind this sudden increase in functionality? Was it the additional consultancies, even if they just freed up time for regular staff to do this work? The USA also appreciated the RFV improvements and appreciated being able to update the VTAF information online. Being able to auto-fill fields from the RFV would help avoid the kind of errors that had plagued the VMS in the past. This could only improve compliance by members.

445. The WCPFC IT Manager couldn't explain exactly why this progress was occurring since the reasons were complex. Some of these developments were fairly long-term as well. He took the comments on board about the RFV.

446. The European Union commended the Secretariat for this impressive work. It was genuinely innovative but more importantly, extremely helpful. They also appreciate the training possibilities and would like this to continue over time.

447. The Marshall Islands speaking for FFA CCMs thanked the Secretariat for carrying out continued improvements to enhance the WCPFC Information Management Systems and related tools and recognised that these improvements had greatly assisted CCMs with their reporting and the implementation of obligations.

448. Australia thanked the Secretariat for all the hard work and like Korea was looking forward to FAC17 discussions around future work plans.

449. Nauru joined others in presenting their gratitude for this work and would continue to support it. It was a gateway towards helping CCMs to become more efficient in their reporting and implementation obligations.

450. Fiji shared the same sentiments, adding that once these IT tools were completed they needed to be complemented by capacity building and training to use them. Fiji welcomed the support thus far.

451. The Philippines expressed their sincere gratitude and appreciation to the Secretariat for the hard work and a job well done. They asked if the Secretariat could possibly provide capacity building training on the familiarity and use of webpage, web-based tools and data analytics used by WCPFC.

452. The WCPFC IT Manager thanked CCMs for their vote of thanks and wanted to also acknowledge WCPFC IT Officer Sam Rikin for his support, and the WCPFC Compliance Manager, who provided the backbone for the work.

453. The WCPFC Compliance Manager was reassured by the feedback from members and commented that it was nice to know that the Secretariat seemed to be on the right track in understanding what CCMs felt are important features and approaches from WCPFC's IT tools to further support CCM reporting and implementation of obligations.

454. The Chair noted that this was a joint effort by a team and that thanks to one was thanks to all.

Agenda Item 12.1 Outcomes cleared at TCC19

455. 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.

456. 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

457. WCPFC19 had approved the TCC18 recommendations to expand the annual VMS Security Audit to include a more dynamic and continual assessment of the WCPFC information systems and annual penetration testing of the WCPFC information systems. The Secretariat updated TCC19 on the progress of the year's WCPFC IT/VMS Security Audit.

458. The WCPFC IT Manager explained that the previous audit system had been of no practical value to the Secretariat, and they had now shifted away from an occasional audit to a continuous systems security mentality. He invited TCC19 to note and support 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, and in providing secure systems for CCMs use.

459. Korea felt this was of utmost importance. They were aware of other RFMOs whose websites had instances of being hacked.

Agenda Item 12.2 Outcomes cleared at TCC19

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

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

resources.

462. 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.

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

AGENDA ITEM 13 — ADMINISTRATIVE MATTERS

13.1 Proposed MOUs with NPFC & SPRFMO

464. The WCPFC Executive Director presented WCPFC-TCC19-2023-24 and explained that this agenda item was to consider a new MOU between the WCPFC and the North Pacific Fisheries Commission (NPFC), and then a renewal of the MOU with the South Pacific RFMO (SPRFMO).

465. She started with a quick snapshot of the current MOUs that the Commission has in place, and this was also available on the Commission website. There were currently 10 MOUs and the SPRFMO MOU expired in August 2023. The development of the proposed MOU with NPFC started last year. The resulting text was consistent with existing Commission MOUs with other organizations.

466. Some key points were to note the geographical overlap between the two commissions and their shared need for scientific knowledge and understanding of the activities that are happening in an area of overlap between the two organisations. The NPFC approved this MOU at their annual session earlier this year and the WCPFC SC19 in August supported a recommendation to the Commission to sign this MOU.

467. She noted that in this draft MOU with NPFC the signatory for WCPFC was currently the Executive Director, but consistent with other WCPFC MOUs that would be changed to the Chair of the Commission. This administrative change would need to be made in the final MOU text.

468. On the renewal of the MOU with SPRFMO, this was the only Commission MOU with a time limit. As such, the proposal for the SPRFMO MOU would be, in addition to renewing it, to align the term of the MOU with the other MOUs that the Commission has in place, and for the MOU to remain in effect until either party submitted written notice to terminate.

469. The SPRFMO Annual Session earlier in the year supported renewal of this MOU and SC19 also adopted a recommendation for WCPFC20 to support it.

470. FFA CCMs, through the Cook Islands, supported the paper's recommendations and for the MOU between WCPFC and NPFC to be signed by the respective Chairs as per the usual WCPFC practice. They also supported renewal of the MOU with SPRFMO, with the proposed amendment in the paper to remove the current 3-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. They would also be interested to hear from the Secretariat whether there had been any request by either SPRFMO or WCPFC relating to the sharing of transshipment information and if so, what information was shared. In addition, they would be interested to hear more on the intent of the NPFC's interest in WCPFC transshipment information, noting that the NPFC transshipment measure only recently came into effect in July 2023.

471. The United States expressed its appreciation for all the work that had gone into developing the MOU between WCPFC and NPFC. The United States fully supported recommending the conclusion of this MOU to WCPFC20 on the basis of the draft text. The USA also supported recommending renewal of WCPFCs MOU with SPRFMO, including removal of the 3-year term limit, as WCPFC's other MOUs are not

term-limited. On the matter of the signatories of the MOU, the most usual approach between international organizations was for the organisation’s Executive Director to sign. While they appreciated NPFC’s perspective, they did recognize that the WCPFC’s other MOUs were signed by the Chair of the Commission, and that would also be acceptable. It was more important that TCC recommended that the signatories of each MOU be individuals of the same level, whichever way WCPFC decided to go on that.

472. The EU noted that they had worked together to develop the MOU and the renewal of the MOU for SPRFMO and so fully supported the recommendations. The EU saw a lot of value in such cooperation.

473. Japan supported both MOUs but wanted to propose a small change to the preamble of the MOUs. Japan had no strong position on this but wondered if it could be considered.

474. The Chair said that comments could be taken, noting that this is still to be considered by the Commission.

475. Japan explained that for the sake of consistency it would be appropriate to insert the abbreviation “NPFC” in parentheses after the words “*Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean*” in the second line of the second paragraph of the preamble to the draft NPFC/WCPFC MOU. In addition, the “WCPF Convention” on the third paragraph should be “WCPFC Convention.” A similar amendment may be necessary for the SPRFMO MOU.

476. TCC19 debated whether this might cause a delay in finalising the MOU if such minor drafting issues had to go back and forth between the organisations’ Governing Councils. There were mixed views, but one CCM understood that the NPFC Executive Secretary had the authority to make such amendments, and another noted that if there was any delay then the NPFC governing council would next be meeting in April 2024 so the delay would not be long.

477. The EU had a more substantive issue – drawing attention to the MOUs with SPRFMO and NPFC which states that the Objective of the MOU applies “particularly with respect to stocks or species which are within the competence or mutual interest of both Organisations”. The EU’s understanding was that there were no such stocks or species which were within the competence of both Organisations, and asked if the WCPFC legal adviser might provide an opinion.

478. The WCPFC Legal Advisor felt this was something that needed to be considered and thanked the EU for raising it. They would review the wording and the matter could be taken up again at the Commission meeting.

479. On FFA’s question on transshipment data exchange, the Secretariat noted that this was just a mechanism for considering exchange. With NPFC this was a new MOU and no formal exchanges had taken place with NPFC. With SPRFMO there had been some informal discussions concerning questions of how these things were approached and how the Secretariats might learn from each other’s experience, and also to understand how systems might be set up in future to handle such things if required, but nothing in the way of data exchange had taken place.

480. The Chair asked the Secretariat to put these issues – Japan’s drafting edit to the MOUs and EU’s question about stocks within the competence or mutual interest of both organisations in the NPFC and SPRFMO MOUs – into the paper that presents the MOUs to WCPFC. The Secretariat might wish also to contact those organisations.

Agenda Item 13.1 Outcomes cleared at TCC19

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

482. TCC19 recommends to the Commission the conclusion of an MoU between WCPFC and NPFC

on the basis of the attached text (in Attachment 5), subject to any necessary amendments.

483. 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 6).

13.2 Required resources

484. The Chair noted that there was no working paper for this agenda item, which was intended as an opportunity for discussion and to hear the Secretariat's preliminary thoughts.

485. The Executive Director explained Key Issues for the Commission in 2024. It had been hoped that there would be time for TCC19 to reflect on the Commission's priorities in the context of what had occurred during the meeting—to reflect on the issues identified as particular priorities and what would be TCC's role in supporting those priorities, and what performance or output metrics could be used to measure how WCPFC was addressing those priorities.

486. Harvest strategy development remained a major priority for the Commission and TCC19 had just finished a discussion about the need to define TCC's role in implementing this. Climate change was another issue that the Commission had now identified as a key priority, and in TCC19 also discussed what role TCC could play in supporting this priority for the Commission. The third priority was around improving monitoring and information management. This probably went without saying and was something that was consistent throughout all of the work of WCPFC, not just in TCC. There had been a long list of issues that we had covered, at least in this TCC meeting, around improved monitoring and information management. And this went to closing gaps overall in in the Commission's work, whether it was in data provision or in covering priorities, or the mandate of the Commission as outlined in the Convention.

487. She made special note of the additional recommendation that had been offered in agenda Item 9 by New Zealand on the need for performance metrics, which the Executive Director thought was incredibly important and one that she was particularly happy to see, because the last thing anyone wanted was for the Secretariat to be working in a vacuum in terms of understanding how to apply limited resources to issues and activities that would add value to the Commission's work. What the Secretariat would take away from that was the opportunity to work closely with members to try to identify the performance or outcome metrics that would be important to members to ensure that the work being done was meeting those expectations.

488. The 4th priority identified was the ongoing review and strengthening of a number of CMMs, and the 5th would be support to the Intersessional Working Groups on the new programmes or measures or guidelines that were currently underway. The Executive Director noted that WCPFC had eight intersessional working groups currently active in 2023 and that meant that the Commission's work was continuing in earnest throughout the entire year. This was work that members were leading and undertaking themselves, and which would need targeted and efficient support throughout their lifespan. There was also an ongoing need for capacity support and training that had been expressed by most CCMs, particularly regarding the upgrades made to the IT tools that improved efficiency and streamlined the work.

489. She also noted that the Corporate Plan was coming up for renewal and this would need to be reviewed in the continued absence of a strategic plan for the Commission. Using the Convention and the work of various subsidiary bodies instead, the Secretariat would need to review and package this for consideration in December. Also under way was an internal review of the structure of how the Secretariat

was carrying out its work. Most monitoring programmes are well-established and the focus was now well into the improvement phase. The Secretariat would be seeking to review Terms of Reference for routine tasks and any new tasks arising from the issues discussed here, such as the new analytics. More detail would be brought to FAC17.

490. TCC19 was invited to discuss and provide advice and recommendations to FAC17 and the Commission on the resources required to support TCC19 outcomes, including tasks set out in the TCC Workplan for 2024 and subsequent years, taking into consideration the views of the Secretariat.

491. Seeing no CCMs asking for the floor, the Chair agreed that it would have been difficult to have had a strategic discussion of this nature at that late point in the meeting, which was why the Secretariat had flagged that this work will need to be done between TCC19 and WCPFC20. However, it sounded as though everyone was happy with the recommendation proposed.

492. The EU provided reassurance and thanked the Secretariat for providing such food for thought, and also for working towards developing the additional information that CCMs would be considering in the lead-up to the WCPFC Annual Session. CCMs were looking forward to receiving this information and reflecting on it.

Agenda Item 13.2 Outcomes cleared at TCC19

493. 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

494. The Chair explained that there was no specific paper on this but the TCC Workplan was available on the website. The Workplan was currently in the middle of its 3-year term and there was one more reporting year (2024) to go. The Workplan would therefore need to be updated. There were a couple of questions to discuss, the first being: what should be the process to do that? And what would we be looking to do? An update between now and the Commission meeting, or after the Commission meeting?

495. There had been a number of issues that had arisen during the course of this meeting, not the least of which had been that the workplan was very extensive and included 18 priorities. This did raise a genuine question around the ability of the TCC to prioritise its work. The Chair posed some open questions for CCMs to consider:

- a. Do CCMs have any thoughts or feedback on how the TCC agenda was structured this year? The agenda had been structured to respond, not only to the workplan, but also to the lessons learned from the last couple of years of having to hold this meeting virtually. For example, not running a compliance review process last year and having to do a two-year compliance review process this year. So feedback was very much welcomed on that.
- b. Did participants think that a review of the workplan needed to be undertaken in the lead-up to WCPFC20 or would there be benefit in allowing the workplan to go unchanged this year, and then taking a more considered approach next year. From the perspective of the Chair, there was quite a lot of work to be done between TCC and the Commission, and he was concerned about the prospect of trying to do a wholesale revision or extension of the workplan in this period, particularly when the list of priorities was so long. But if the TCC would like to see a draft revised workplan for presentation to WCPFC20 that could certainly be taken on notice and a draft provided.

- c. The last question was the duration of the TCC workplan. This had generally been set for three years and then updated towards the end of that process. Another option would be to establish the TCC workplan as a rolling plan similar to the Harvest Strategy Workplan, where a three-year process was agreed, but after every year another year would be added.

496. The Chair welcomed feedback on any of those questions. And some guidance, particularly around what needed to be done between TCC19 and WCPFC20.

497. The Cook Islands reported that FFA CCMs had reviewed the TCC workplan, focussing on progress of implementation of the TCC Priority project specific tasks against the indicative timelines and were pleased to note that there were tasks that had been fully completed and others semi-completed or nearing completion. However, there were few important tasks with 2023 as indicative timeline which might need more time to be completed, particularly those led by IWGs such as the project-specific tasks relating to the South Pacific Albacore measure, development of a Commission measure on crew safety, review of the transshipment measure and development of observer protocols, observer data fields and databases. For those tasks, it was good to hear from the relevant IWG Chairs that more time was needed and perhaps for the indicative timeline to be amended and extended to 2024.

498. The European Union thought it would be useful to have an evaluation of state of progress of different tasks even if it was not possible to do a full review.

499. The Chair felt that both comments were in alignment and suggested the preparation of some advice for the Commission on progress against the workplan so far, and to consult with the Secretariat and the leads of various IWGs on where there may be work that needs to be extended.

Agenda Item 13.3 Outcomes cleared at TCC19

500. 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

501. The Chair noted that this was usually a fairly straightforward agenda item. The Secretariat did have some recommended dates for TCC next year, but first he took a moment to reflect on the timing of TCC in line with the discussion under the last two agenda items, after two years of virtual meetings, and after the option of swapping SC and TCC meeting dates had been discussed but not agreed as a recommendation by SC19.

502. He welcomed any thoughts from the floor and from the Secretariat, and flagged that he didn't think any decision would be made quickly. It was something that would need to be given serious thought because there was a range of implications, and it was unlikely that any change could take effect next year.

503. The USA wondered why CCMs at SC19 might have discussed such a move. Although they were neither for it nor against it but didn't think that granting SPC additional time to get analyses done before SC would be more valuable than having less time before WCPFC.

504. Australia and Japan both raised the need to be aware of the timing of other RFMO meetings when considering options for changing the timing of WCPFC subsidiary body meetings because many WCPFC CCMs were members of other RFMOs as well.

505. The Chair noted it was clear that any question of changing meeting timing substantially would require considerable discussion. There was a wide range of factors to be considered on this, not only those

raised by CCMs here, and there were some genuine concerns. But this was mainly opened up for an airing of views because it was likely to come up again at the Commission in some form.

Agenda Item 13.4 Outcomes cleared at TCC19

506. 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 FROM THE TCC19 ONLINE DISCUSSION FORUM (ODF)

507. This agenda item provided a limited opportunity for TCC19 to consider outcomes on other topics from the TCC19 online discussion forum (ODF) and also where appropriate, advice and recommendations from the SC19 and NC19 outcomes reports.

508. The Chair noted that there hadn't been any significant exchange of views in the ODF. But several issues had been passed from SC for TCC consideration, in the working paper WCPFC-TCC19-2023-25 (SC19 Outcomes relevant to TCC). TCC did deal with the Skipjack Management Procedure Monitoring Plan in the Attachment to WCPFC-TCC19-2023-25 earlier in the meeting. But there were also some other SC19 outcomes in that paper that had not been considered elsewhere at TCC.

509. The WCPFC Compliance Manager explained that Paragraph 2 of WCPFC-TCC19-2023-25 contained SC19 Table ST-01 with "Additional longline operational data fields for CPUE standardization and related analyses". There was an interest from a scientific point of view in having some additional long line operational data fields that would assist with catch per unit effort standardisation, and the suggestion that these might initially be implemented as voluntary reporting requirements to get a sense for how useful they are, and how burdensome they might be.

510. There was also an additional code suggested for the ACTIVITY field where there would be a new activity code for any day when a "transshipment at sea occurs" which would allow the WCPFC's Scientific Services Provider (SSP) to more accurately define 'trips' within the operational data submitted to the Commission. And there were some recommendations there that were briefly discussed at the transshipment IWG but there hadn't actually been a resolution of that particular set of recommendations.

511. The third group of reporting requirements had come up in the Audit Points SWG at this TCC19 session, and this related to an inconsistency that had been identified between the Sea Turtle CMM 2018-04 and the rules that are set out for operational catch and effort data and the scientific data to be provided to the Commission. As mentioned during the SWG, there had been an attempt during SC19 to work on some draft amendment text, but in the course of those discussions it was clear that there were differences around whether or not this was data that should be provided at the operational trip by set level, or whether it was something that was provided in summary form. As a result of that, SC19 had not been able to finalise those particular reporting and had asked TCC19 for assistance in trying to clarify this reporting requirement. The Audit Point small working group had some discussion of this item, but concluded that perhaps this was an issue that could not be resolved through interpretation. Rather, it needed to be considered as an amendment either to the CMM or to the scientific data rules, or both.

512. The last set of recommendations was around the recording of the time in operational catch and effort data and there was a recommendation for a new field to signal where a time other than UTC was being reported, just to make it possible for conversions to UTC to be made. One further recommendation was for an amendment to include short bill spearfish and sailfish into the scientific data to be provided.

TCC19 was asked to think about how best to include this in the scientific data to be provided.

513. The Compliance Manager was not sure TCC would have a way forward on these recommendations, but it did seem that these were important, and to be given some further consideration so that the data that was needed both to support the science and the and the management monitoring work could actually find a way through.

514. Australia did not clearly understand why some of these had come to TCC19. They suggested that perhaps TCC19 should take a general approach and simply report to the Commission that no additional data or advice was provided.

515. China said TCC19 didn't have time to consider these issues at such a late stage and felt that the recommendations from SC19 to the Commission should just be noted.

516. The Chair said that it was being suggested that TCC19 should simply note the SC19 recommendations to WCPFC20 without making any particular approach.

517. Japan said that some of these recommendations to WCPFC required TCC19 discussion but TCC19 did not have enough time to do so, and they would agree with the Chair's proposed approach.

518. The Chair moved on to considering the one paper that had been uploaded to the ODF, which was on Operation Nasse submitted by France, Australia, New Zealand, Fiji, and the USA and invited any of these CCMs to present it.

519. New Zealand said that, as a joint host of this years' operation, they wished to thank their regional partners for their commitment to surveillance activities in the Convention Area and also thanked the support provided by the Secretariat. Their submitted paper summarised compliance issues which were detected through surveillance activities on the water and from the air and a moment was taken to reflect on a couple of compliance themes that had been identified: Firstly, it was observed that non-compliant seabird mitigation continued to be the most common issue identified. It was noted that, of the tori lines that were observed and inspected, many, if not most, had failed to meet the Commission's specifications. Additionally, concerns were expressed about the poor implementation of night setting practices by vessels fishing below 30 degrees South and the significant risk that fishing during the period of first light posed to seabird life. Secondly, concerns had been raised with CCMs (Coastal States) regarding the accuracy of catch reporting, including potential discrepancies that had been recorded in catch logs and as part of reported transshipment activities. It was mentioned that some of these inquiries remained ongoing. Lastly, attention was drawn to issues pertaining to labour standards. During the operation, it was noted that one of the vessels that had been inspected and had a history of poor labour standards in its reporting had been found to have significantly improved onboard working conditions. This served as a demonstration of the importance of continued compliance actions and improvements. Appreciation was again extended to the regional partners who had been involved, they looked forward to next year.

520. Fiji wished to acknowledge the work done by New Zealand, and for inviting Fiji to participate in the operation. This was something that the Fiji had benefited from, not just in terms of building their capacity and capabilities, but in understanding the different aspects of this activity for when they conducted boarding and inspections in port. It also provided an indication of the intensity of the work and the need for broader cooperation and information-sharing when it comes to the implementation of IUU measures. They looked forward to participating next year.

521. The EU thanked all the members who participated in these operations since they provided a very important service to all members of WCPFC, and any geographically overlapping organisations. This was important to allow us combating effectively illegal, unreported, and unregulated activities in the region. They also encouraged other members that had vessels operating in the WCPFC Convention area and

undertaking fishing operations to facilitate the work of inspectors undertaking inspection activities in the high seas under these multilateral collective operations.

522. Japan asked if use of de-hookers for sharks and rays was mandatory since no CMM requires mandatory use of de-hookers for sharks.

523. Australia also thanked New Zealand for outlining the report. Operation Nasse is a very important high seas MCS activity for Australia and its partners, that also supports effective fisheries management. It also provides a meaningful platform to enhance partnerships and engagements with counterpart flag States of vessels operating in the high seas. Australia also extended particular thanks to Fiji for its valuable participation and ongoing support and looked forward to that continued collaboration with Fiji and other Pacific partners.

524. China also wished to thank participants for this contribution to effective high seas monitoring, but had noted that the report by New Zealand suggested they had conducted some standard labour investigations. They advised that a multilateral language questionnaire should be used and ALL questions at the checkpoint should be based on WCPFC CMMs.

525. Chinese Taipei also raised their concern on the matter raised by China. They wondered if some members use other languages or ways to communicate with crew aboard Chinese Taipei vessels, and if the translation is not precise it may lead to some misunderstanding.

526. Canada also took the opportunity to thank New Zealand and the other members that participated in the joint operation, and in particular for having provided a brief for consideration. Canada found it very helpful to hear the results of these types of enforcement operations since they can help shed light on any systemic issues that the Commission might want to address in an open way. And also, of course, to help address IUU fishing in the Convention Area. Canada was inspired by the approach and would be submitting a similar paper outlining the work that Canada has undertaken in the North Pacific next year.

527. The United States also thanked New Zealand for submitting the paper and wanted to recognize the partnership with Australia, Fiji, and France. They appreciated the positive feedback on this report and, touching on what Canada just mentioned, they were hopeful that other CCMs involved in enforcement operations throughout the year would also be inspired to provide reports, because they would be valuable for all CCMs to read and to see what was going on.

528. France saw these fishery control and surveillance activities as extremely important, and thanked the other CCMs for their collaboration. This report demonstrated the importance of continuing this action in the future.

529. New Zealand responded to Japan's question regarding the use of de-hookers and noted that this was also specified in the safe release guidelines for sharks, which under the CMM falls under paragraph 18.

530. Japan thanked New Zealand for their response but expressed its concern that the non-use of de-hookers constituted a violation even though the use of de-hookers for sharks was stipulated as a non-binding guideline.

531. New Zealand thanked Japan for the question and noted that the guidelines specified best practice to be used when handling sharks. But in this case the violation was in relation to more than just for the use of de-hookers as best practice to make sure that hooks are removed.

532. Japan again thanked New Zealand and would further discuss the details of the case with New Zealand.

Agenda Item 14 Outcomes cleared at TCC19

533. 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.

AGENDA ITEM 15 — CLEARANCE OF TCC19 RECOMMENDATIONS

534. TCC19 adopted an Outcomes Document reflecting decisions and agreed recommendations, with the full summary report (this report) to be cleared intersessionally. The individual outcomes under each agenda item would also be included in the full summary report.

AGENDA ITEM 16 — CLOSE OF MEETING

535. The Marshall Islands on behalf of FFA CCMs thanked the host FSM, the Chair, the Executive Director, the Vice Chair and the incredible Secretariat including Compliance Manager, Dr Lara Manarangi-Trott. As he had said before in clearing the pCMR as a former TCC Chair, it was not easy, and the Chair had done an incredible job.

536. FSM thanked all visitors for making the journey to their shores and felt that the excellence of the Secretariat team paid testament to the importance that all CCMs placed in the management of this resource.

537. The Executive Director echoed the vote of thanks to the Chair for getting all participants through a very challenging meeting and agenda. She also recognised the strong Secretariat team, particularly the Compliance and IT teams. She looked forward to welcoming members back to Pohnpei for TCC20 in 2024.

538. The Chair, Mat Kertesz, agreed that this had been a huge meeting. It had been delightful to be back in Pohnpei, and great to be back at TCC in person. All involved had accomplished an enormous amount of work and had set up the work for WCPFC20. There was no way any of this could have been done without the Secretariat staff. But most of the thanks were due to the members. “This is your Commission. And you are the custodians of the fishery”.

539. With that the Chair declared the meeting closed.

ATTACHMENT 1 — MEETING PARTICIPANTS

19TH REGULAR SESSION OF THE TECHNICAL AND COMPLIANCE COMMITTEE

POHNPEI, FSM (HYBRID)

20 - 26 September 2023

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ATTACHMENT 2 — WCPFC CHAIR'S OPENING REMARKS

Kaselehlie, Fakalofa lahi atu and Good morning to you all.

Assistant Secretary....., TCC Chair Mat Kertesz and Vice Chair, Heads of Delegation, Delegates, Observers, Executive Director Rhea Moss-Christian, Secretariat Staff ladies and gentlemen. It is so good to be back in Pohnpei once again, the home of our Secretariat. I would like to thank the Host Government, FSM and Pohnpei State for welcoming us back to your beautiful home. The last time we were here in Pohnpei, was also the last TCC in-person meeting in 2019. So it is good to be here once again.

This is my third Subsidiary Body meeting that am attending in my capacity as WCPFC Chair; and I am very happy to join you here this week for the 19th session of the TCC. At least I am familiar with TCC meeting arrangements as I attended my first TCC meeting also in 2019.

As WCPFC Chair, I want to thank you all the members for your ongoing support and participation during the last few years especially via the virtual platform. It was not easy for some of the CCMs due to internet connections issue but through perseverance, dedication and leadership from the TCC Chair and support from the Secretariat, the responsibilities of the TCC continues to be met and the recommendations were provided as required for the WCPFC meetings.

I want to recognize and acknowledge all the work behind the scene from collecting the information and submitting them accordingly. I also want to thank the Secretariat team, in particular, the Compliance Team led by Dr Lara Manarangi-Trott, for all the preparation for this meeting. Fakaue lahi mahaki. Meitaki Maata.

Each subsidiary body has specific functions and to provide the best available information and advice to the WCPFC. The TCC provides the technical oversight and monitoring of the implementation of the CMMs, to ensure all requirements and obligations are met, among other things.

The TCC19 schedule has allocated at least 2 days to discuss the Compliance Monitoring Report. I know a lot of work has gone into preparing this report and especially the work to make the process more efficient and effective.

The report is an important one for the WCPFC. It is report-card on the implementation of the Conservation Management Measures and whether the requirements and obligations are being met.

There are those on the outside who are looking for ways to question what we do; there are also comments that the WCPFC is working in secret. We all know that is not true because our work is guided by the processes and systems we have established over years. We are all committed to ensuring that the fish stocks under the WCPFC mandate continues to be sustainable because for some of the SIDs, fishery is their only resource and that they are dependent on that for their

people's livelihood. Your presence here this week whether in person or via zoom, is a strong signal that you are committed to making sure our fish stocks are managed and responsibilities are met. On that, I want to thank you all – members and observers including, for your ongoing commitment and support for the WCPFC and its work.

Chair, I wish you a successful meeting and I look forward to receiving the TCC's recommendations and advice in December.

Fakaue lahi and kia monuina.

Thank you Chair.

ATTACHMENT 3 — EXECUTIVE DIRECTOR’S OPENING REMARKS

Good morning and welcome, delegates, to the home of WCPFC’s headquarters here in Pohnpei.

Colleagues, the Agenda before you these next few days reflects the view from the Secretariat, in consultation with the TCC Chair, of how TCC’s work has shifted since the early years of the Commission when TCC was establishing the Commission’s monitoring programs. In the coming days, in addition to compliance review, members are given the opportunity to again consider how best to add value to the Commission’s management measures through strengthening independent verification of implementation, as well as recognizing the vast potential for enhanced management that the volume of compliance data and information affords us.

In the final year of TCC’s teen years, this meeting provides members with the important opportunity to reflect on the origins not only of the compliance monitoring scheme, but of TCC’s work more generally, to assess and acknowledge the level of work that has occurred in the Commission’s young life of 19 years to establish robust programs that provide critical information on fishing activities, and how members are performing against their obligations.

We are all perhaps feeling a bit of apprehension about the double-year review of the draft compliance monitoring report ahead of us, and this is understandable. But I am confident that members, under the steady guidance of our Chair, will be able to move through the review constructively and with a view to identifying key areas that require our collective support and attention. In other words, through the discussions on individual member performance, we will as an organization be simultaneously looking for the patterns and the threads that tie TCC’s work together with the work of the SC, to support the Commission’s efforts toward meeting the Objective of the Convention.

The Secretariat, in performing its functions outlined in the Convention, continues to respond to Members’ requirements year to year to ensure the WCPFC fisheries are managed sustainably. With the increased demands for streamlining and efficiency, the Secretariat’s 2023 system upgrades provide members with greater control and responsibility over their data reporting requirements. Adding to this is the experience gained through two analytical consultancies that have demonstrated the value of the available data yet to be most effectively utilized by this organization. In other words, the potential to work smarter is there.

This organization has changed dramatically since the Commission first met in 2004 and tasked the TCC with establishing the regional observer program and the VMS program, as matters of priority. The state of the fisheries that we are charged with managing is strong. Our accountability to stakeholders remains at the forefront of our work. As we continue to learn from the experience of our compliance review and the annual review of our progress, let us also look at ways to redefine our work to keep pace with the increasing demands that global awareness brings, and to do better in our respective roles within this organization.

Colleagues, it's an honor for me to address this 19th meeting of the TCC, and to commend the Secretariat's compliance team led by Compliance Manager, Lara, for their hard work in preparing delegations for the discussions ahead; and to recognize all members of the Secretariat for their efforts in preparing for this first in person meeting in three years. It has been all-hands-on-deck the last couple of days and a real show of commitment by your Secretariat to supporting TCC's work.

And to member delegations, thank you for your support to the Secretariat and our host nation of FSM, in continuing to hold TCC meetings here in Pohnpei, at the heart of the WCPFC Convention Area.

We look forward to supporting you throughout your deliberations.

ATTACHMENT 4 — ADDITIONAL AUDIT POINTS FOR CONSIDERATION

CMM 2006-04 04

CMM Language:

4. In accordance with paragraph 1, CCMs shall provide information to the Commission, by 1 July 2007, on the number of their vessels that have fished for striped marlin in the Convention area south of 15° S, during the period 2000 – 2004, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for striped marlin in the area south of 15°S. CCMs shall report annually to the Commission the catch levels of their fishing vessels that have taken striped marlin as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S.

Current Audit Point:

The Secretariat confirms that the CCM submitted in its ARPt1:

- a. the number of its flagged vessels that fished for MLS south of 15S between 2001-2004 and has nominated the maximum number of its flagged vessels that are permitted to continue to fish for MLS south of 15S
- b. the catch levels of CCM flagged vessels that have taken MLS as a bycatch the number and catch levels of its vessels fishing for MLS south of 15S.

Draft Audit Point:

The Secretariat confirms that the CCM submitted:

- a. the number of its flagged vessels that fished for MLS south of 15S between 2001-2004 and has nominated the maximum number of its flagged vessels that are permitted to continue to fish for MLS south of 15S
- b. the catch levels of CCM flagged vessels that have taken MLS as a bycatch the number and catch levels of its vessels fishing for MLS south of 15S in its ARPt1.

CMM 2021-01 14 (Purse seine 3 month FAD closure (1 July - 30 September))

CMM Language:

14. A three (3) months (July, August and September) prohibition of deploying, servicing or setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20N and 20S.

Audit Point Definition

CCM submitted a statement in AR Pt2 that:

- a. confirms CCM's implementation through adoption of a national binding measure that prohibits CCM flagged PS vessels from fishing on FADs between 1 July and 30 September in EEZs and high seas between 20N and 20S.
- b. describes how CCM is monitoring its flagged PS vessels to ensure they do not fish on FADs in EEZs and on high seas between 20N and 20S and how potential infringements or instances of non-

compliance with this requirement are handled.

New Audit Point

CCM submitted a statement in AR Pt2 that:

- a. confirms CCM's implementation through adoption of a national binding measure that prohibits CCM flagged PS vessels, tender vessels, and any other vessels operating in support of PS vessels from fishing on FADs between 1 July and 30 September in EEZs and high seas between 20N and 20S.
- b. describes how CCM is monitoring its flagged PS vessels to ensure they do not fish on FADs in EEZs and on high seas between 20N and 20S and how potential infringements or instances of non-compliance with this requirement are handled.

CMM 2021-01 15

CMM Language:

In addition to the three-month FAD closure in paragraph 14, except for those vessels Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone, and Philippines' vessels operating in HSP1 in accordance with Attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April –May or November –December) shall be closed to setting on FADs by their fleets in the high seas for 2022, and 2023 and notify the Secretariat of that decision by March 1, each year. In case a CCM decides to change the notified period at any given year of the application of this CMM this shall be notified to the Secretariat before 1st March of that year.

Audit Point

Based on the CCM's notification by the required deadline of its choice of implementation of which two consecutive additional months of FAD closure on the high seas, the CCM has submitted a statement that:

- a. confirms CCM's implementation through adoption of a national binding measure that prohibits CCM flagged PS vessels from fishing on FADs on the high seas between 20N and 20S during the chosen additional two months closure period
- b. describes how CCM is monitoring its flagged PS vessels to ensure they do not fish on FADs on the high seas between 20N and 20S during the chosen additional two months closure period, and how potential infringements or instances of non-compliance with this requirement are handled.

New Audit Point

Based on the CCM's notification by the required deadline of its choice of implementation of which two consecutive additional months of FAD closure on the high seas, the CCM has submitted a statement that:

- a. confirms CCM's implementation through adoption of a national binding measure that prohibits CCM flagged PS vessels from deploying, servicing or setting on FADs on the high seas between 20N and 20S during the chosen additional two months closure period
- b. describes how CCM is monitoring its flagged PS vessels to ensure they do not fish on FADs on the high seas between 20N and 20S during the chosen additional two months closure period, and how potential infringements or instances of non-compliance with this requirement are handled.



Memorandum of Understanding between the North Pacific Fisheries Commission (NPFC) and the Western and Central Pacific Fisheries Commission (WCPFC)

The North Pacific Fisheries Commission (hereafter NPFC) and the Western and Central Pacific Fisheries Commission (hereafter WCPFC):

Acknowledging that the objective of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean is to ensure the long-term conservation and sustainable use of the fisheries resources in the Convention Area while protecting the marine ecosystems of the North Pacific Ocean in which these resources occur;

Acknowledging also that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPF Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

Recognising that Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations;

Recognising further that Article 21 of the NPFC Convention calls upon the NPFC to take into account the conservation and management measures or recommendations adopted by regional fisheries management organizations and arrangements and other relevant intergovernmental organizations that have competence in relation to areas adjacent to the NPFC Convention;

Conscious of the fact that there is a geographical area overlap within the Convention Areas of both the NPFC and the WCPFC;

Noting that provisions of both the NPFC and the WCPF Conventions address the conservation of non-target, associated or dependent species which belong to the same ecosystem as the target species;

Desiring to put in place a mechanism to promote and facilitate cooperation between WCPFC and NPFC;

Therefore, NPFC and WCPFC record the following understandings:

OBJECTIVE OF THIS MEMORANDUM

The objective of this MoU is to facilitate, where appropriate, cooperation between NPFC and WCPFC ('the Organisations') in order to advance their respective objectives, particularly with respect to stocks or species which are within the competence or mutual interest of both Organisations.

AREAS OF COOPERATION

The Organisations will establish and maintain consultation, cooperation and collaboration in respect of matters of common interest to both organisations, including but not limited to, the following areas:

- i. exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each organization;
- ii. exchange data and scientific information in support of the work and objectives of both Organisations, consistent with the confidentiality rules, information sharing policies and internal data security procedures of each Organisation including, but not limited to, information on:
 - a) vessels authorised to fish in accordance with conservation and management measures adopted under the NPFC and WCPFC Conventions;
 - b) at the specific request of one of the Organisations, transshipment activities of those vessels authorised to conduct transshipment in accordance with conservation and management measures adopted under the NPFC and WCPFC Conventions, on a necessity basis; and,
 - c) vessels identified as having engaged in illegal, unreported and unregulated (IUU) fishing activity and the IUU Vessel Lists established by each Organisation.
- iii. collaborate, where appropriate, on research efforts relating to species and stocks of mutual interest, including non-target, associated and dependent species;
- iv. cooperate where appropriate, on the implementation of conservation and management measures adopted under the NPFC Convention and under the WCPFC Convention;
- v. share best practices in areas of mutual interest, including but not limited to:
 - a) monitoring, control and surveillance policies and systems, including with respect to Vessel Monitoring Systems;
 - b) administration, auditing, training and structure of observer programmes; and
 - c) Compliance Monitoring Schemes, and information management systems.
- vi. exchange on expertise gained, lessons learned and use of best practices between the Organisations' Secretariats in their areas of activity.
- vii. consistent with each Organisation's rules of procedure, grant reciprocal observer status to representatives of the respective Organisations in relevant meetings of each Organisation, including those of each Organisation's subsidiary bodies;

CONSULTATIVE PROCESS

To facilitate effective development, implementation and enhancement of cooperation, the

Organisations may establish a consultative process between their respective Secretariats that includes telephone, email and any other means of communication. The consultative process may also proceed in the margins of meetings at which both Organisations' Secretariats are represented by appropriate staff.

MODIFICATION

This MoU may be modified at any time with the mutual written consent of both Organisations.

LEGAL STATUS

This MoU does not create legally binding rights or obligations. Each Organisation should cover their own costs related to the implementation of this MoU.

This MoU does not alter the obligations of members of either Organisation to comply with the conservation and management measures adopted under their respective Conventions.

OTHER PROVISIONS

This MoU will commence on the date of the second signature.

Either Organisation may discontinue this MoU by giving six months' prior written notice to the other Organisation.

SIGNATURES

Signed on behalf of the North Pacific Fisheries Commission and the Western and Central Pacific Fisheries Commission:

FOR THE NORTH PACIFIC FISHERIES
COMMISSION (NPFC)

FOR THE WESTERN AND CENTRAL PACIFIC
FISHERIES COMMISSION (WCPFC)

Robert Day
Executive Secretary

Rhea Moss-Christian
Executive Director

Place:

Place:

Date:

Date:

ATTACHMENT 6 — WCPFC/SPRFMO MOU REVISION



Memorandum of Understanding between the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC)

The South Pacific Regional Fisheries Management Organisation (hereafter SPRFMO) and the Commission for the Western and Central Pacific Fisheries Commission (hereafter WCPFC):

Acknowledging that the objective of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (hereafter SPRFMO Convention) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of fishery resources in the SPRFMO Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources occur;

Acknowledging also that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPF Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

Recognising that Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations;

Recognising also that Article 31 of the SPRFMO Convention requires the SPRFMO Commission, *inter alia*, to cooperate, as appropriate, with other relevant organisations on matters of mutual interest and to seek to make suitable arrangements for consultation, cooperation and collaboration with such other organisations;

Conscious of the fact that there is a geographical area overlap within the Convention Areas of both the SPRFMO and the WCPFC;

Noting that provisions of both the SPRFMO and the WCPFC Conventions address the conservation of nontarget, associated or dependent species which belong to the same ecosystem as the target species; Desiring to put in place a mechanism to promote and facilitate cooperation between SPRFMO and WCPFC;

Therefore SPRFMO and WCPFC record the following understandings:

OBJECTIVE OF THIS MEMORANDUM OF UNDERSTANDING

The objective of this MoU is to facilitate, where appropriate, cooperation between SPRFMO and WCPFC ('the Organisations') in order to advance their respective objectives, particularly with respect to stocks or species which are within the competence or mutual interest of both Organisations.

AREAS OF COOPERATION

The Organisations will establish and maintain consultation, cooperation and collaboration in respect of matters of common interest to both organisations, including but not limited to, the following areas:

- i. exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each Organisation;
- ii. exchange data and scientific information in support of the work and objectives of both Organisations, subject to the information sharing policies and data use, access and confidentiality rules of each Organisation, including but not limited to, information on:
 - a) vessels authorised to fish in accordance with conservation and management measures adopted under the SPRFMO and WCPFC Conventions;
 - b) at the specific request of one of the Organisations, transshipment activities of those vessels authorised to conduct transshipment in accordance with conservation and management measures adopted under the SPRFMO and WCPFC Conventions, on a necessity basis; and
 - c) vessels identified as having engaged in illegal, unreported and unregulated (IUU) fishing activity and on the IUU Vessel Lists established by each Organisation;
- iii. collaborate, where appropriate, on research efforts relating to species and stocks of mutual interest, including non-target, associated and dependent species;
- iv. cooperate where appropriate, on the implementation of conservation and management measures adopted under the SPRFMO Convention and under the WCPFC Convention;
- v. share best practices in areas of mutual interest, including but not limited to:
 - a) monitoring, control and surveillance policies and systems, including with respect to Vessel Monitoring Systems;
 - b) administration, auditing, training and structure of observer programmes; and
 - c) Compliance Monitoring Schemes, and information management systems;

- vi. exchange of information between the Secretariats of the Organisations on expertise gained, lessons learned and the use of best practices in their respective activities;
- vii. consistent with each Organisation's rules of procedure, grant reciprocal observer status to representatives of the respective Organisations in relevant meetings of each Organisation, including those of each Organisation's subsidiary bodies.

CONSULTATIVE PROCESS

To facilitate effective development, implementation and enhancement of cooperation, the Organisations may establish a consultative process between their respective Secretariats that includes telephone, email and any other means of communication. The consultative process may also proceed in the margins of meetings at which both Organisations' Secretariats are represented by appropriate staff.

MODIFICATION

This MoU may be modified at any time by the mutual written consent of both Organisations.

LEGAL STATUS

This MoU does not create legally binding rights or obligations. Each Organisation will cover its own costs related to the implementation of this MoU.

This MoU does not alter the obligations of members of either Organisation to comply with the conservation and management measures adopted under their respective Conventions.

OTHER PROVISIONS

This MoU will commence on the date of the second signature.

Either Organisation may discontinue this MoU by giving six months' prior written notice to the other Organisation.

This MoU will operate for three (3) years. Before the end of the three year period, the Organisations will separately review the operation of this MoU to decide whether it should be renewed.

SIGNATURES

Signed on behalf of the South Pacific Regional Fisheries Management Organisation and the Western and Central Pacific Fisheries Commission:

FOR THE SOUTH PACIFIC REGIONAL FISHERIES
MANAGEMENT ORGANISATION (SPRFMO)

Mr Luis Molledo, Chair SPRFMO

FOR THE WESTERN AND CENTRAL PACIFIC
FISHERIES COMMISSION (WCPFC)

Dr Josie Tamate, Chair SPRFMO

Place:

Date:

Place:

Date: