



TECHNICAL AND COMPLIANCE COMMITTEE

Third Regular Session

27 September – 02 October 2007
Pohnpei, Federated States of Micronesia

PROVISIONAL ANNOTATED AGENDA (REVISED)

WCPFC-TCC3-2007/04 (Rev.2)
5 September 2007

AGENDA ITEM 1 OPENING OF MEETING

The meeting will open at 08:30 on Thursday 27 September 2007.

The Third Regular Session of the Technical and Compliance Committee (TCC3) of the Western and Central Pacific Fisheries Commission (WCPFC) will be called to order and delegations of the WCPFC Members, Cooperating Non-Members, Participating Territories (CCMs) and observers welcomed to the meeting.

1.1 Welcome

The Chair will introduce (TBA) of (TBA) who will make the welcoming address.

1.2 Adoption of agenda

The Vice-Chair will introduce the Provisional Agenda for TCC3 (WCPFC-TCC3-2007/03) that was prepared and distributed on 27 June 2007 in accordance with Rule 1 of the Commission's Rules of Procedure. The Rules of Procedure adopted at WCPFC1 in December 2004 will apply *mutatis mutandis* until such time as the TCC adopts its own Rules of Procedure (Rule 31). The Rules of Procedure provide that Members may propose supplementary agenda items up until 30 days before the meeting (Rule 3). The Agenda, as modified, will need to be adopted by the meeting (Rule 5).

1.3 Selection of Chair

WCPFC3 elected Mr Feleti Teo (Tuvalu) as TCC Chair and Mr Wendell Sanford (Canada) as TCC Vice-Chair. Due to other commitments Mr Teo was unable to continue as TCC Chair after May 2007. In accordance with Rule 9(3) of the Rules of Procedure, Mr Sanford (Canada) assumed the role of acting TCC Chair. In late August the Secretariat was advised that Mr Sanford was no longer available as Vice-Chair. TCC3 will now need to recommend a Chair and Vice-Chair to the Fourth Regular Session of the Commission (WCPFC4).

1.4 Meeting arrangements

The Chair will invite TCC3 to review the Indicative Schedule (WCPFC-TCC3-2007/05), noting logistical arrangements in place to support the meeting, proposed meeting times and any social events.

AGENDA ITEM 2 PRIORITY MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

2.1 Regional Observer Programme

WCPFC3 endorsed [Paragraph 149(b) of the WCPFC3 Summary Report] TCC2's recommendation that an inter-sessional working group (IWG-ROP) be established to expedite further development of the Regional Observer Programme (ROP), in conjunction with the employment of an Observer Programme Coordinator (OPC) by the Secretariat. WCPFC3 also endorsed TCC2's recommendation that the Commission task TCC3 with developing a Conservation and Management Measure (CMM) for the establishment of the ROP. Discussion at TCC3 will focus on a Strategic Plan for the Development and Phased Implementation of the ROP, an ROP Programme Document and other documentation considered and prepared by the IWG-ROP.

2.2 Vessel Monitoring System

WCPFC3 endorsed [Paragraph 145 of the WCPFC3 Summary Report] TCC2's recommendations that the Commission should develop a stand-alone VMS with the capability of accepting VMS data from the FFA VMS and adopt draft minimum ALC standards. WCPFC3 also adopted [Paragraph 148 of the WCPFC3 Summary Report] CMM-2006-06 for the Commission VMS. Discussion in TCC3 will focus on a draft Request For Tender for the Commission VMS developed from a draft Commission VMS Business Plan prepared by a consultant during 2007 as approved at WCPFC3. TCC3 will also commence consideration of standards, specifications and procedures of the Commission VMS as provided for in CMM-2006-06.

2.3 CMM for transshipment monitoring

WCPFC3 agreed [Paragraph 159(a) of the WCPFC3 Summary Report] that interested CCMs collaborate with the Secretariat to prepare a draft proposal on transshipment for consideration at TCC3 and endorsed TCC2's recommendation to extend, for a further 12 months, a 12-month exemption to the Philippines and FFA members regarding existing at-sea transshipment activities until transshipment guidelines are adopted at WCPFC4. Discussion at TCC3 will focus on the draft CMM for transshipment monitoring prepared by the Secretariat.

2.4 Draft CMM on harmonized port State standards

WCPFC3 endorsed [Paragraph 157 of the WCPFC3 Summary Report] TCC2's request that all CCMs provide outstanding information on existing port State and/or port inspection schemes to the Secretariat by 1 February 2007 to allow the Secretariat to undertake a gaps analysis for existing measures relative to the 2005 FAO Model Scheme on Port States Measures to Combat IUU Fishing and to develop draft CMM on harmonized port State Standards to be discussed at TCC3. Discussion at TCC3 will focus on the development of draft harmonized port State standards.

2.5 CMM for a Regional Vessel Chartering Scheme

WCPFC3 agreed [Paragraphs 109-110 of the WCPFC3 Summary Report] to refer to TCC3 a draft CMM for a Regional Vessel Chartering Scheme prepared by FFA members [WCPFC3-2006/DP06.Rev.1]. Discussion at TCC3 will focus on CCM proposals [WCPFC3-

2006/DP06.Rev.1 and WCPFC3-2006/DP32] with a view to providing advice to WCPFC4 on this issue.

2.6 Trade Documentation Schemes

WCPFC2 [Paragraph 44 of the Summary Report] agreed that concerned members of the Commission should work inter-sessionally with Japan to develop a more comprehensive scheme covering all catch and that this would be considered at WCPFC3. Little progress was made on this issue and WCPFC3 agreed [Paragraphs 164-165 of the WCPFC3 Summary Report] that interested CCMs would continue their dialogue on this matter inter-sessionally and that the matter would be taken up again at TCC3 for subsequent consideration by WCPFC4. Discussion at TCC3 will focus on proposals for Statistical Documentation Schemes and Catch Documentation Schemes prepared by interested CCMs as a result of their inter-sessional discussions on this issue.

AGENDA ITEM 3 ADVICE AND RECOMMENDATIONS IN RESPONSE TO REQUESTS FROM THE COMMISSION

3.1 Catch Retention Plans pursuant to CMM-2006-01

Paragraph 9 of CMM-2006-01 states, “Prior to the 2007 session of the Technical and Compliance Committee, each CCM with purse seine fishing vessels fishing in the Convention Area shall develop and provide to the Executive Director plans to require all purse seine vessels to retain on board and then land all skipjack, yellowfin and bigeye tuna, except for fish unfit for human consumption for reasons other than size, including provisions outlining how such requirement would be implemented and enforced. The TCC will review such plans and make a recommendation to the Commission with respect to the adoption of such a measure at WCPFC4.” Discussion at TCC3 will focus on reviewing Catch Retention Plans submitted by CCMs and consideration of a recommendation for a catch retention measure for presentation to WCPFC4, pursuant to CMM-2006-01.

3.2 Mitigation measures for seabirds pursuant to CMM-2006-02

Paragraph 3 of CMM-2006-02 states, “The Commission will at its 2007 Annual Meeting adopt minimum technical specifications for the mitigation measures, based on the advice and recommendations of SC3 and TCC3.” Paragraph 8 of CMM-2006-02 states, “The SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.” Discussion at TCC3 will focus on the development of minimum technical specifications for seabird mitigation measures and review of any new information on new or existing seabird mitigation measures or on seabird interactions from observer or other monitoring programmes, pursuant to CMM-2006-02.

3.3 Technical specifications for sea turtle by-catch mitigation measures compiled by SC3

WCPFC3 requested [Paragraph 98 of the WCPFC3 Summary Report] TCC3 to examine the mitigation measures compiled by the Third Regular Session of the Scientific Committee (SC3) that when applied can substantially reduce sea turtle interactions in fisheries covered by the Convention while maintaining viable target species catch rates. WCPFC3 further requested TCC3 to develop technical specifications (definitions) for each measure, and to recommend measures for consideration by WCPFC4. Discussion at TCC3 will focus on the mitigation measures compiled by SC3 and the development of technical specifications for each measure

3.4 Mitigation measures for juvenile bigeye and yellowfin tuna taken around FADs, pursuant to CMM-2005-01

Paragraph 16 of CMM-2005-01 states, “Beginning in 2006, the Scientific Committee and the Technical and Compliance Committee shall undertake to explore and evaluate mitigation measures for juvenile bigeye and yellowfin tuna taken around FADs, in cooperation with other RFMOs, and present the results annually to the Commission. This work shall continue on an annual basis.” Discussion at TCC3 will focus on work undertaken on this issue since TCC2 in September 2006, pursuant to CMM-2005-01.

AGENDA ITEM 4 REVIEW OF CCMs IMPLEMENTATION OF, AND COMPLIANCE WITH, CONSERVATION AND MANAGEMENT MEASURES

4.1 Report by the Secretariat

Article 14 (1) of the Convention describes the functions of the TCC. The Secretariat will provide a summary report to TCC3 on information received from CCMs, including information received under Article 24(5) of the Convention.

4.2 Reports from CCMs

Pursuant to Article 14 (2) and Part VI of the Convention, CCMs are invited to supplement the report by the Secretariat by reporting on measures taken to implement and monitor these provisions of the Convention. Reports will be based on Part 2 of the Annual Report to the Commission as revised by the Commission at its third regular session (WCPFC3) in December 2006. Part 2 of the Annual Report to the Commission is to cover the period from 1 January through 31 December of the previous year. In May 2007, as directed by WCPFC3, the Secretariat provided CCMs with guidelines on the preparation of Part 2 of the Annual Report to the Commission.

AGENDA ITEM 5 ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

5.1 High Seas Boarding and Inspection Procedures

WCPFC3 adopted [Paragraph 156 of the WCPFC3 Summary Report] CMM-2006-08, ‘WCPFC Boarding and Inspection Procedures’ and requested the Executive Director to begin developing the information necessary for the implementation of these procedures. Discussion in TCC3 will concentrate on a Secretariat paper that includes drafts of this information, e.g. multi-language questionnaire (paragraph 21 of CMM-2006-08), submission form for authorized inspection vessels (paragraph 24), authorities and inspectors (paragraph 12), and a WCPFC Inspection Flag (paragraph 18).

5.2 Authorization to fish

This agenda item provides an opportunity to review the implementation of CMM-2004-01, “Record of Fishing Vessels and Authorization to Fish”, including, *inter alia*, the possible development of an “active/inactive vessel” category. In addition, WCPFC3 endorsed [Paragraphs 143-144 of the WCPFC3 Summary Report] a TCC2 confirmation that only vessels flagged to CCMs may be licensed to operate in the WCPO, an agreement that there should be no amendments to CMM-2004-01 and a recommendation for a one-year phase-out period for those identified bunker and carrier vessels flagged to non-CCMs currently operating in the WCPO. WCPFC3 agreed on a set of regulations to be applied to such bunker and carrier vessels during this one-year period, including the maintenance by the Secretariat of a temporary register of carriers and bunkers. WCPFC3 also agreed [Paragraph 144(f) of the WCPFC3 Summary Report] that the TCC shall further consider issues surrounding beneficial ownership and control of

carriers and bunkers listed on the temporary register. Discussion in TCC3 will focus on the possible further operation of the temporary register and the regulations governing its operation.

5.3 Draft WCPFC IUU Vessel List

The Secretariat, in implementing its responsibilities in respect of CMM-2006-09, circulated a draft WCPFC IUU Vessel List to CCMs and non-CCMs with vessels on the list, at least 90 days before TCC3. Based on responses from CCMs and non-CCMs with vessels on the list at last 30 days before TCC3, the Secretariat will draw up a draft WCPFC IUU Vessel List and transmit it, two weeks in advance of TCC3, to CCMs and non-CCMs concerned, together with all evidence provided. After consideration of the draft WCPFC IUU Vessel List, supporting information and evidence, TCC3 will adopt a Provisional IUU Vessel List and submit it to the Commission for consideration and approval.

5.4 Review of CMM-2006-09

This item provides CCMs with an opportunity to review the implementation of CMM-2006-07 on the basis of experience during 2007. TCC3 may also consider a format for the provision of the information required for the identification of vessels which have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which diminishes the effectiveness of WCPFC Measures in force for subsequent approval by the Commission.

AGENDA ITEM 6 FUTURE WORK PROGRAM

6.1 Draft Work Program for 2008-2012

Based on the outcomes of discussion on matters before TCC3, and other matters relating to conservation and measures that may be considered by the Commission, TCC3 will recommend a program of work for the TCC for the period 2008-2012 for subsequent consideration by WCPFC4.

AGENDA ITEM 7 OTHER MATTERS

7.1 Consideration of Rules and Procedures for Access to, and Dissemination of, Data and Draft Framework for Access to Non-public Domain Data, Confidentiality Agreement and Data Request Form

The Third Regular Session of the Commission (WCPFC3) which met 11-15 December 2006 at Apia, Samoa adopted the report of the AHTG [Data] which met at Manila, Philippines 31 July-4 August 2006 as a "living document", noting reservations by Japan. The most important component of the report of the AHTG [Data] is the Rules and Procedures for Access to and Dissemination of Data Compiled by the Commission. The Commission requested that SC3 and TCC3 consider and possibly refine the report of the AHTG [Data]. This item was considered during SC3 in August. Similarly, TCC3 is invited to review the Rules and Procedures for Access to and Dissemination of Data Compiled by the Commission, including possible refinements developed at SC3. TCC3 is also invited to review the Draft Framework for Access to Non-public Domain Data, a Draft Confidentiality Agreement and Draft Data Request Form developed by the Executive Director in response to a request from the AHTG [Data] to ensure that it is consistent with the Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission as may be refined by the TCC.

7.2 Draft Information Security Policy

WCPFC3 agreed [Paragraph 40 of the WCPFC3 Summary Report] that a report prepared by the Ad-Hoc Task Group (Data) relating to science and compliance data dissemination, and data confidentiality and security be considered by SC3 and TCC3 for possible refinement. This report

refers to the further elaboration of a draft Information Security Policy (ISP) for the Commission. Discussion in TCC3 will focus on a draft ISP prepared by the Secretariat, particularly the security and confidentiality of information generated by the Commission VMS and the ROP.

7.3 Consideration of applications for Cooperating Non-Member Status

WCPFC3 spent considerable time [Paragraphs 10-22 of the WCPFC3 Summary Report] discussing applications for Cooperating Non-Member (CNM) status from several countries. TCC2 had previously considered the nature and extent of its role in reviewing applications for CNM status, without reaching a conclusion. Discussion at TCC3 will concentrate on a paper prepared by the Secretariat suggesting that the technical elements of such applications for CNM status could be usefully discussed by the TCC and for the TCC to include advice and recommendations to the Commission on applications for CNM status. A role for the TCC in this respect is consistent with functions of the TCC in terms of the TCC providing the Commission with information, technical advice and recommendations relating to the implementation of CMMs – in this case CMM-2004-02.

7.4 Cooperation with other organizations

WCPFC3 noted [Paragraph 187 of the WCPFC3 Summary Report] the Executive Director's report on cooperation with other organizations that included a requirement in 2007 to initiate new formal arrangements with the IOTC, CCAMLR, SPREP and ACAP. Discussion in TCC3 will concentrate on a Secretariat report that describes progress on cooperation with these and other organizations.

7.5 Requirements of developing States

WCPFC3 adopted [Paragraph 184 of the WCPFC3 Summary Report] guidelines for capacity building among developing States using the Special Requirements Fund that had been prepared by the Secretariat and subsequently refined by FFA members. Discussion at TCC3 on this issue will be informed by an FFA members' report describing progress in implementing these guidelines.

7.6 Rules of Procedure

TCC2 agreed [Paragraph 137 of the TCC2 Summary Report] that consideration of the Rules of Procedure should be deferred until TCC3, due to time constraints experienced at TCC2. In accordance with SC3's recommendation on Rules of Procedure [Paragraph 314 of the draft SC3 Summary Report], the Executive Director will take into account any comments on this issue provided by TCC3 in his provision to WCPFC4 of options for progressing this issue.

7.7 Other business

In accordance with Rule 3 of the Commission's Rules of Procedure, any Member, the Chair or the Executive Director may, at least thirty (30) days before the date of the meeting, request the inclusion of supplementary agenda items.

7.8 Next meeting

The date and venue for the Fourth Regular Session of the TCC will be agreed.

AGENDA ITEM 8 REPORT TO THE COMMISSION

8.1 Adoption of the report of the Third Regular Session of the Technical and Compliance Committee, and any recommendations to the Commission.

TCC3 will need to adopt a report, including advice and recommendations, to the Commission.

AGENDA ITEM 9 CLOSE OF MEETING

9.1 Close of meeting

The meeting is scheduled to close at 1800h on Tuesday, 02 October 2007
