



TECHNICAL AND COMPLIANCE COMMITTEE

Twentieth Regular Session

25 September to 1 October 2024

Pohnpei, Federated States of Micronesia (Hybrid)

Review of Data Access and Data Exchange Arrangements

WCPFC-TCC20-2024-23_Rev01¹

16 September 2024

Submitted by the Secretariat

Purpose

1. This paper reports on taskings from WCPFC20 to establish data exchange arrangements with some RFMOs for transshipment related data and information, and on data access issues in support of port inspection related processes as tasked by WCPFC20.

Introduction

2. TCC19 and WCPFC20 considered the outcomes from the Transshipment Intersessional Working Group (TS-IWG). There were additional papers that included consideration of transshipment-related issues and the need to address information and data gaps that support tropical tuna management decisions² and to strengthen independent verification of key obligations³. At WCPFC20, the Commission requested the Secretariat:

"1) establish transshipment activity, observer reports, and carrier vessel data exchange arrangements with the [Inter-American Tropical Tuna Commission \(IATTC\)](#), the [Indian Ocean Tuna Commission \(IOTC\)](#), the [Commission for the Conservation of Southern Bluefin Tuna \(CCSBT\)](#), [South Pacific Regional Fisheries Management Organisation \(SPRFMO\)](#) and the [North Pacific Fisheries Commission \(NPFC\)](#); and

2) provide an update to TCC20 seeking recommendations for WCPFC21."

3. WCPFC20 adopted the TCC19 recommendation to task TCC20 to review [CMM 2017-02 Conservation and Management Measure on Minimum Standards for Port State Measures](#) taking into account

¹ Rev01 fixes paragraph numbering and references. Original document posted on 14 September 2024.

² [WCPFC-2023-18](#) Information and Data Requirements to Support Management Decisions for SP Albacore, Skipjack, Bigeye and Yellowfin Tunas and [WCPFC20 Summary Report](#), paragraph 959

³ [WCPFC-TCC19-2023-11](#) Available Data for verifying compliance in the Compliance Monitoring Scheme and [TCC19 Summary Report](#), Agenda Item 7

current Commission implementation of the measures, other RFMOs' experience, and the UN FAO's Port State Measures.⁴

4. The UN FAO Port State Measures Agreement (UN-PSMA) came into force in 2016 and a year later, WCPFC adopted CMM 2017-02. The CMM required the Commission to review its effectiveness within two years of its entry into force, and its regular review is now included on the TCC Work Plan 2022 – 2024, which will be considered at TCC20.⁵
5. The increasing number of CCMs that are establishing port measures and becoming signatories to the UN-PSMA is leading to an increase in the need for:
 - a. supporting Commission data exchange mechanisms;
 - b. access to data, including non-public domain data, to support port entry and departure decisions; and
 - c. support to exchange data and information relating to inspection reports including through the UN Global Information Exchange System (GIES) for those CCMs that are signatories to the UN-PSMA.
6. This review at TCC20 provides a timely opportunity for CCMs to consider an immediate issue relating to CCM implementation of CMM 2017-02 and, as relevant, the UN-PSMA.

Existing Commission data exchange provisions for Pacific Based and tuna RFMOs

7. WCPFC's rules for data exchanges with RFMOs are addressed in paragraph 29 of the "[Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission](#)". (refer to Annex 1 of this paper for relevant sections). The associated [Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance \(MCS\) Activities and the Access to and dissemination of High Seas VMS Data for Scientific Purposes](#) (MCS Data Rules) include specific requirements for access to Transshipment Notices and Declarations by RFMOs.⁶
8. In addition, the Commission has [Memoranda of Understanding \(MOUs\)](#) with RFMOs including those identified in the tasking in paragraph 2 above. The Secretariat confirms that all MOUs provide for reciprocal exchanges of data and information in accordance with data sharing rules. In the case of CCSBT and IATTC, each arrangement includes a Memorandum of Cooperation (MOC) explicitly covering the exchange and release of certain specified data. The MOUs/MOCs have differing degrees of specificity in relation to the types of data and information to be exchanged as reflected in the summary of relevant abridged sections shown in Table 1 (refer to Annex 2 of this paper).
9. In June 2024, the WCPFC Secretariat participated in the [Tuna Compliance Network](#) with tuna RFMO colleagues from ICCAT, IOTC, and IATTC⁷. Discussions considered the need to:
 - a. identify specific data and information to be shared and any difference in the standards applied to that data and information;

⁴ TCC19 Summary Report paragraph 332, [WCPFC20-2023-27](#) and [WCPFC20 Summary Record](#) paragraph 826

⁵ [WCPFC-TCC20-2024-05](#)

⁶ Paragraphs 26-27 and the Addendum

⁷ A change in personnel prevented the attendance of CCSBT

- b. Identify the mechanism for sharing (including potential interim mechanisms) with appropriate security and recording exchanged data; and
 - c. ensure or propose amendments if necessary to ensure MOU's and respective data sharing requirements enable the types of data exchanges to occur as directed by WCPFC20.
10. On 24-25 July 2024, the Secretariats of the IATTC and WCPFC met virtually to discuss a broad range of common issues, including the work underway in WCPFC to prepare for future data exchanges of transshipment reporting.
 11. Preliminary discussions have also been held with SPRFMO and NPFC through the auspices of the [Pan Pacific Fisheries network of RFMOs](#). Both have indicated in principle interest in such a data exchange arrangement but have identified a need to further discuss details around the specific mechanisms and formats for the exchange of data, e.g. database extracts rather than copies of raw emails.
 12. The WCPFC Secretariat and those of the other RFMOs agree on the importance of clarifying the details of data exchange cooperation to allow consideration of the necessary establishment of supporting processes and systems that would require implementation by our respective Commissions. Once in place, these mechanisms will enable RFMOs to maximise the potential utility of the exchange of data for immediate use in RFMO processes and reporting to CCMs.
 13. Table 2 below sets out existing transshipment reporting across tuna and Pacific-based RFMOs.

Table 2: Different RFMO Transshipment Reporting Requirements

Key: The first ✓ or ✗ reflects whether the report must be collected.
The second ✓ or ✗ reflects whether the transshipment report must be supplied to the RFMO's Secretariat.

RFMO	Offloading Vessel Notification	Receiving Vessel Notification	Offloading Vessel Declaration	Receiving Vessel Declaration
WCPFC	✓ ✓	✓ ✓	✓ ✓	✓ ✓
CCSBT	✓ ✗	✗ ✗	✓ ✗	✓ ✓
IATTC	✓ ✗	✗ ✗	✓ ✗	✓ ✓
IOTC	✓ ✗	✓ ✗	✓ ✗	✓ ✓
NPFC	✓ ✓	✓ ✓	✓ ✓	✓ ✓
SPRFMO	✗ ✗	✓ ✓	✗ ✗	✓ ✓

14. The above reflects the scope of potential vessel-reported data currently available on transshipment activities.⁸ Considering the objectives of the TS-IWG⁹ and more recent discussions on improving verification of compliance, enhanced data exchange between RFMOs will support more complete and robust monitoring of high seas transshipment activities and improve the quality of reporting of transshipments.

Commission work to ensure the quality of transshipment data and information to be exchanged

15. For WCPFC purposes, [CMM 2009-06](#) has a strong focus on ensuring the Commission's awareness of intended and actual transshipment events through the reporting of notifications and declarations to the Secretariat. This reporting supports monitoring and verification of data and information on the movement of quantities of species through high seas transshipments.

16. Existing processes to support the verification of transshipments have been enhanced recently by the introduction of observer reporting to strengthen monitoring. This mix of self-reporting and observer information sources is particularly important for cross verification of data and information given the inherent complexity associated with wider monitoring of the flow of fish/fish products through ship-to-ship transshipments at sea. While implementation of observer reporting continues and refinements are likely to be required to observer data collection and training, this additional source of data from observers will further enhance the quality of the current Secretariat processes and analytical tools aimed at identifying trends, and potential issues and anomalies for CCM review.

17. The importance of transshipment monitoring is underpinned by the annual review of transshipment reporting obligations each year through the WCPFC Compliance Monitoring Scheme (CMS) and CCM's intent for ongoing work on transshipment reporting to allow for more verifiable data to feed into the compliance monitoring review (CMR) process.¹⁰ Transshipment notifications and declarations are also frequently used by CCMs involved in a range of MCS activities including to verify vessel activity, support risk profiles for operational activity, plan MCS operations, review potential discrepancies across notifications and declarations, and in support of port entry applications and port inspection focuses.

18. For this reason, the current reporting requirements in CMM 2009-06 are integral to being able to effectively meet CCM's stated objectives for a transshipment monitoring and verification programme, and therefore, provide opportunities to consider the type of data for exchange.

19. While some elements of the verification programme are in their early stages of implementation, current verification is limited to reviews of self-reported transshipment notifications and declarations and more recently observer reporting, and the refinement of analytical tools to allow cross-checking of data sets. These elements will also add to efforts to streamline annual reporting through focusing on CCMs addressing issues as they arise. However, gaps remain where:

- a. transshipments occur in the IATTC/WCPFC overlap area; and

⁸ Other relevant data sources that would be useful for cross-checking, include operational catch and effort (logbook data). VMS data and Observer data.

⁹ The [TS-IWG Terms of Reference](#) set out the objectives for the review of the CMM 2009-06 *on the Regulation of Transshipment*.

¹⁰ [WCPFC19 endorsement of TCC18](#), paragraph 351 iii.

- b. where vessels offload or receive fish on vessels that may be authorised to operate and tranship in the Pacific, and which may be intended to land in the port of a WCPFC CCM or the port of a non-WCPFC member.
20. These factors are an important consideration to support identification of data and data treatments that have potential benefits for exchange with other RFMO's, to consider the impact of data gaps and whether decisions on these are required, and to indicate what data exchanges may be possible in the near future, noting current differing RFMO arrangements.

Next steps towards establishing data exchanges with Pacific based and tuna RFMOs under existing MOUs

21. Against the context described in the above sections, there are several steps the Secretariat has identified and is progressing towards establishing the required data exchanges with RFMOs.

Transshipment observer reporting

22. Implementation of observer reporting of transshipments is progressing. The WCPFC Secretariat and SPC have been receiving some transshipment observer reports, although this reporting is not likely to represent all transshipment events. The observer data will need to be directly accessible (available) to the WCPFC Secretariat to progress analysis of the reporting. This is necessary to support the work of the TS-IWG and particularly the IWG-ROP to identify any necessary enhancements to the quality of the reporting, including any required revisions to the minimum data fields for transshipment monitoring by observers.¹¹ This ongoing process will also assess the completeness of reporting relative to the number of transshipment events, and is scheduled to occur through 2025 depending on the speed of implementation by ROP CCMs.¹²
23. The analysis of reporting will underpin an assessment of the quality of observer data and, once any critical issues have been addressed, will support further consideration of next steps towards establishing data exchange arrangements with other RFMOs.
24. At this time, there are some areas of potential issues identified relating to the completeness of observer reporting, such as observers relying on the vessel's declarations rather than their own independent assessment, potential data field gaps such as reporting partial transshipments, and the need to review how current protocols are supporting completion of key data fields such as estimated catch of species and volumes of transhipped fish and fish products. The Secretariat and SPC are working to address these issues and will provide an update to the Commission at WCPFC22.

Transshipment event reporting by vessels/flag CCMs

25. Information in paragraphs 8 and 9 above indicates that the WCPFC Data Rules and Procedures and general or specific provisions in MOUs/MOCs are sufficient to enable data exchanges of transshipment reporting.
26. The CMMs/Resolutions of each RFMO provide for the collection of transshipment event reporting data (notifications and declarations) and, in some cases, the provision of that data to the Secretariat depending on the objectives of their relevant measures. The common denominator for all RFMO's is

¹¹ [WCPFC19 Summary Report, paragraph 466](#)

¹² Refer to 1e. of the [IWG-ROP Work Plan 2023 – 2024/5](#)

that all Secretariats receive high seas transshipment declarations which would support an automated data exchange based on certain data fields and information from these reports.

Next steps

27. The Commission's work to progress the review of the transshipment CMM and the Secretariat's work to implement the Commission's decisions on improved monitoring and verification of transshipments will continue.
28. Concurrently, the Secretariat will continue discussions with colleagues in the listed RFMOs to progress the tasking from WCPFC20 including:
 - a. an assessment of our respective data fields (and the associated standards) and information from transshipment declarations and observer reports that would support improved monitoring and verification;
 - b. options for the type and level of data/information to be exchanged;
 - c. supporting processes e.g. managing updates required after CCM updates/verification; and
 - d. an efficient mechanism for the exchange.
29. Considering RFMO meeting cycles, it is anticipated this work will continue to progress during 2024 and throughout 2025, with an update and proposals expected to be provided to TCC21 and WCPFC22.

Access to data for some CCMs in support of CMM 2017-02 Port State Minimum Standards

30. As of August 2024, there are 22 WCPFC CCMs that are signatories to the UN PSMA, six of whom are WCPFC Cooperating Non-Members (CNMs).¹³ One of these CNMs has also implemented [CMM 2017-02 Conservation and Management Measure on Port State Minimum Standards](#), with designated ports and a contact point listed on the [WCPFC Port State Minimum Standards webpage](#). Several CNMs have active ports used by vessels with WCPFC-caught fish that are located both within and outside of the WCPF Convention Area.
31. As implementation of CMM 2017-02 and the UNPSMA has progressed, Members and CNMs have been increasingly active in seeking access to public (RFV) and non-public domain data (particularly VMS and transshipment data) to support their reviews of port arrival entry applications and port inspections.
32. Paragraph 8 above references the two sets of data rules and procedures that govern the access to, and dissemination of, certain Commission data. Of these, the MCS Data Rules are most relevant to port state measures related data requests, however, as raised at WCPFC20, these data rules do not allow CNM's to access non-public domain data.
33. While the data rules do not specifically reference port state measures or related data, the typical data requested relates to vessel and time specific VMS and transshipment reporting. Currently, in relation to VMS reporting, the Secretariat interpretation of the data rules does not allow any confirmation as to whether or not the Commission VMS shows any vessel interactions that involved the vessel of interest. Similarly, the Secretariat is not able to disclose whether it holds any high seas transshipment reports from the vessel of interest.

¹³ [Annual Report on Port State Minimum Standards](#) paragraph 13

34. To not unduly hamper CNM implementation of CMM 2017-02 or their obligations under the UN-PSMA, the Commission could consider the linkage between CMM 2017-02 and the MCS Data Rules as part of the scope for the Port State Measures review identified in the TCC Work Plan.¹⁴
35. Based on the most common request types, CNM's seek:
 - a. VMS reports on any interactions between the vessel seeking port entry and another vessel in the preceding 30 days; and/or
 - b. whether transshipments that involve the vessel in question have been properly reported to the Commission for a particular date or period.
36. To alleviate this problem which has been arising over the last two years in particular, the Secretariat has considered an interim approach to support CCM implementation of port state measures until the completion of the CMM 2017-02 review. The following two options are proposed for consideration.

Option 1

37. Members could allow the release of high-level information rather than detailed data. Such an approach would need to be discussed with CNMs to ensure it would be of benefit.
38. This approach would in the case of the above examples, allow the Secretariat to confirm via a template response:
 - a. for VMS-related requests, either the absence of interactions or where there had been interactions with other vessels, the date/s, type and flag/s of the vessels involved; and
 - b. for transshipment-related requests, either the absence of high seas transshipment reports or where there had been high seas transshipments reported in the last month, the date/s and flag of the other vessel/s involved.

Option 2

39. Secondly, in relation to high seas transshipments (reported to WCPFC in accordance with CMM 2009-06), a list of reported transshipments and their associated high-level data – date of transshipment, offloading and receiving vessel name, flag, VID, and species code for transhipped fish could be made available through a secure portal on the WCPFC website. This would be accessible to CCMs authorized users.
40. Under either of these options, any information released would be recorded in the same way as other Member data requests and reported on in the [Annual Report on the Administration of the WCPFC Data Access Rules and Procedures](#).
41. TCC20's views on these matters and options are welcomed.

Recommendation

42. TCC20 is invited to:

¹⁴ [TCC Work Plan 2022 – 2024 – revised to include updates as of June 2024](#) – see Article 14(1)(c)

- a. task the Secretariat to provide an update to TCC21 and WCPFC22 on progress to establish data exchange arrangements with other RFMOs.
- b. discuss the inclusion of the linkage between CMM 2017-02 and the MCS Data Rules in the proposed review of the Port State Measures CMM in the TCC Work Plan to consider CNM access to some data to ensure they can effectively implement CMM 2017-02 and the UNPSMA requirements.
- c. consider the interim options set out in paragraphs 42 – 45 to alleviate the effect of the MCS data rules on CNMs until the review of CMM 2017-02 is completed.

Relevant excerpt from the [“Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission”](#)

29. If the Commission enters into agreements for the exchange of data with other regional fisheries management organisations (RFMOs), such agreements must include requirements that the other RFMO provides equivalent data on a reciprocal basis and maintains the data provided to them in a manner consistent with the security standards established by the Commission. The data which may be exchanged is specified in Appendix 4. At each annual session the Executive Director will provide copies of data exchange agreements that exist with other RFMOs and a summary of the data exchanges that occurred during the previous 12 months under such agreements. For the purposes of these Rules and Procedures, the following organisations will be treated as being equivalent to a RFMO:

- International Scientific Committee (ISC)
- Secretariat of the Pacific Community (SPC)

Appendix 4 of the Data rules and Procedures:

Data that may be disseminated to other regional fisheries management organisations

Operational level data

1. Operational-level tuna fisheries data may be disseminated to other regional fisheries management organisations (RFMOs), subject to the terms of the agreement specified in paragraph 29 of these Rules and Procedures. Such data includes catch and effort (including by-catch of mammals, turtles, sharks and billfish), observer, unloading, transshipment and port inspection data.

Aggregated data

2. Aggregated catch and effort data may be disseminated to other RFMOs. Such data includes:
 - Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month
 - Data for surface gear (including purse seine) aggregated by flag State by 1° latitude and by 1° degree longitude by month
 - Aggregated observer data (made up of observations from a minimum of three vessels).

Other data

3. Monitoring, control, surveillance, inspection and enforcement data may be disseminated to other RFMOs. Such data includes:
 - The names and other markings of ‘Vessels Of Interest’ to each organization;
 - Transshipment verification reports for vessels transshipping in the Convention Area of one RFMO but which have fished within the Convention Area of the other.

Table 1: Scope of MOU between WCPFC and RFMO relative to specific data exchange tasking

RFMO	Data exchange in scope of the MOU?		Comment
	Transshipment activity / carrier vessel data	Observer reports	
CCSBT	Yes Non-specific	Yes Specific	Transshipment activity: (d) of overarching MOU: <i>“Agree to exchange data and scientific information on annual basis”</i> Observer reports: MOC on the exchange and release of data applies where a transshipment involving Southern Bluefin Tuna occurs in the high seas of the WCPFC Convention Area
IATTC	Yes	Yes	Transshipment activity and observer reports: <i>“1. Areas of Cooperation i. exchange of data and information....”</i> MOC: <i>“2. Operational Level Data Operational-level tuna fisheries data includes catch and effort (including by-catch of mammals, turtles, sharks and billfish), observer, unloading, transshipment and port inspection data”</i>
IOTC	Yes Non-specific	Yes Non-specific	Transshipment activity and observer reports: 1. Areas of Cooperation <i>“Agree to establish and maintain consultation, co-operation and collaboration in respect to matters of common interest including but not limited to i. exchange of data and information iii. CMMs for stocks and species of mutual interest”</i>
NPFC ¹⁵	Yes Non-specific	Yes Non-specific	Transshipment activities and Observer Reports <i>“2. Areas of Cooperation II. b) exchange data and scientific information at the specific request of one of the Organisations, transshipment activities of those vessels authorised to conduct transshipment on a necessity basis; and</i>

¹⁵ [WCPFC20 Summary Report Attachment 16](#)

RFMO	Data exchange in scope of the MOU?		Comment
	Transshipment activity / carrier vessel data	Observer reports	
			<i>V. cooperate where appropriate, on the implementation of CMMs adopted under the NPFC and WCPFC Conventions”</i>
SPRFMO	Yes	Yes	<p>Transshipment activities and Observer Reports</p> <p><i>“2.Areas of Cooperation</i></p> <p><i>ii. exchange data and scientific information in support of the work and objectives of both Organisations,..:</i></p> <p><i>b. at the specific request of one of the Organisations, transshipment activities of those vessels authorised to conduct transshipment in accordance with CMMs adopted under the SPRFMO and WCPFC Conventions, on a necessity basis”</i></p>