



**TECHNICAL AND COMPLIANCE COMMITTEE**  
**Sixth Regular Session**  
30 September - 5 October 2010  
Pohnpei, Federated States of Micronesia

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**WORKING GROUP REPORT ON CMM 2007-03 120 DAYS TRANSMITTAL**  
**NOTICE – SWG**

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**WCPFC-TCC6-2010-WP/37**  
**5 October 2010**

**Paper prepared by SWG on CMM 2007-03**

## Report of Small Group on 120-day transmittal date

The general preference of the group was for a one-track process to address this issue on the basis of two key principles:

- (1) that flag states have an obligation in 25(2) of the Convention to report on the outcome of investigations into alleged IUU fishing within 2 months; and
- (2) it is important that alleged cases of IUU fishing are considered at TCC.

The approach followed by the group was to consider reducing the timeframe in paragraph 4 (and other consequential changes in paragraphs 6, 9 and 10). Further discussion will need to take place on the numbers and some delegations will need to consult further, but there was agreement to proceed with bracketed numbers in paragraphs 4, 6, 8 and 10 of CMM2007-03:

There were a range of ideas about what numbers might be included in the brackets. Some CCMs thought that paragraph 4 should read two months consistent with Article 25(2) of the Convention. Others thought time difference provided for in paragraphs 6 and 9 should be two months.

The relevant paragraphs are reproduced here:

4. At least [120 days] before the Annual Meeting of the Technical and Compliance committee (TCC), CCMs shall transmit to the Executive Director their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, accompanied by suitably documented information, as provided in paragraph 2, concerning the presumption of this IUU activity.

...

6. The Executive Director shall draw up a draft IUU vessel list incorporating the lists of vessels and suitably documented information received pursuant to paragraph 4, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided, to all CCMs, as well as to non-CCMs with vessels on the List, at least [90 days] before the Annual Meeting of the TCC.

...

9. As appropriate, CCMs and non-CCMs with vessels on the list should transmit, at least [30 days] before the Annual Meeting of the TCC, their comments to the Executive Director, including suitably documented information, showing that the vessels have fished in a manner consistent with WCPFC Conservation Measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention.

...

10. The Executive Director shall re-circulate the draft IUU Vessel List, [two weeks] in advance of the Annual Meeting of the TCC, to the CCMs and the non-CCMs concerned, together with all the suitably documented information provided pursuant to paragraphs 4 and 9 above.

There was agreement to work further on this intersessionally in the lead up to WCPFC7. New Zealand is happy to coordinate comments on this proposal.