



TECHNICAL AND COMPLIANCE COMMITTEE
Fifth Regular Session
1-6 October 2009
Pohnpei, Federated States of Micronesia

SUGGESTED AMENDMENTS FOR PARAGRAPH 44, NEW PARAGRAPHS 12.BIS AND 44 BIS., AND AMENDMENTS TO PARAGRAPH 25(b) TO 6TH DRAFT OF MCS DATA RULES AND PROCEDURES

WCPFC-TCC5-2009/DP-15
3 October 2009

FFA Proposal

12bis. Authorized MCS Entities and Personnel may request and shall receive data covered by these rules and procedures for vessels that fish in waters under their jurisdiction and vessels applying to fish in their national waters, unload in their ports or transship within waters under their jurisdiction.

25. Subject to paragraph 26, Authorized MCS Entities and Personnel shall destroy any non-public domain data received under these Rules and Procedures, including any copies or derivatives of such data, including full erasure of all electronic data, within:

- (a) 168 hours or 7 days following the completion of its MCS activities on the high seas per paragraphs 20 and 24 above; or
- (b) 168 hours or 7 days following the completion of MCS activities, including in areas under its national jurisdiction per paragraphs **12.bis**, 21 and 22 above; or
- (c) 72 hours or 3 days following the receipt of data not related to current MCS activities covered by subparagraphs (a) and (b) above

44. These Rules and Procedures do not prevent or restrict a Member of the Commission from ~~unfettered~~ access to data from VMS, HSB&I, and high seas trip reports of observers (minus identity and contact information, except in accordance with paragraph 15) covered by these Rules and Procedures **for vessels flying its flag in the Convention Area, except where paragraph 7 and 8 are applicable.** ~~[any vessels fishing in waters under its national jurisdiction, or vessels applying to fish in its national waters, unloading in its ports or transshipping fish within waters under its jurisdiction.]]~~

44.bis. These Rules and Procedures do not prevent or restrict a Member of the Commission from access to data from VMS, HSB&I, and high seas trip reports of observers (minus identity and contact information, except in accordance with paragraph 15) covered by these Rules and Procedures for a vessel that is alleged to have or has engaged in fishing activities in areas under that Member's national jurisdiction in violation of that Member's domestic laws and regulations, for the purpose of a investigation, judicial or administrative proceeding related to that violation, except where paragraph 7 and 8 are applicable.