



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
6-10 December 2010

**SUMMARY REPORT, RECOMMENDATIONS OF THE TECHNICAL AND
COMPLIANCE COMMITTEE**

WCPFC7-2010/18
22 October 2010

Paper prepared by Secretariat

ISSUES:

1. TCC6 was held in Pohnpei, Federated States of Micronesia between 29 September and 5 October 2010, chaired by Noan Prakop of Papua New Guinea, and attended by over 170 participants from CCMs, CNMs and Observers.
2. The TCC Report is on the Web www.wcpfc.int under the secure CCM section for the reference of the Commission and is attached hereto for endorsement of the Commission.

ADVICE AND RECOMMENDATIONS:

3. WCPFC7 is invited to endorse the report of the Sixth Regular Session of the Technical Compliance Committee.

SUMMARY:

AGENDA ITEM 2 – PRIORITY MCS ISSUES BEFORE THE COMMISSION

ROP and FADs Closure

4. The ROP Annual report was endorsed by TCC6 with highlights for action being:
 - a) clarification of the CCMs responsibility for ROP data flow to the Science data provider, SPC, **and** the Commission for analyses;
 - b) ROP audits for completion for ROP certification prior to 2012;
 - c) cross endorsement of Observers between WCPFC and IATTC;
 - d) requirement for clarification of definitions, especially with respect to FADs sets, data gaps, and Compliance issues regarding fishing on FADs

AHTG – Data

5. Priorities for the AHTG-Data included data provision and attribution for chartered vessels. The catch attribution study is being undertaken by Gillett, Preston and Associates.

VMS

6. The VMS report was endorsed to the Commission with the following highlights:

- a) CMMs access to Commission data in their EEZs;
- b) Bracketed text;
- c) SSP modifications to have administrative rights to the Commission VMS Data;
- d) Boundary areas for VMS;
- e) Commission VMS Security Audit where there was agreement to extend the audit to both the Commission and FFA VMS;
- f) Reporting of anomalies on the high seas;
- g) Activities in the overlap area IATTC and WCPFC.

RFV and Interim Registry

7. TCC6 noted the following highlights and issues for further work:
- a) Recommendation on annual fee of US\$2500 for non-member carriers and bunkers;
 - b) Use of US\$230,000 from non-member ‘nominal fee’;
 - c) Compliance with and clarification of data requirements for posting of a vessel on the RFV;
 - d) Development of an electronic registry;
 - e) Proposed SSPs for the RFV from USA.

Cost Recovery for Commission Operations

8. TCC6 recommended that a consultant study be commission for this initiative as it was very complex.

IUU Provisional Vessel List

9. TCC6 reviewed the draft IUU Vessel List and the Current WCPFC IUU Vessel List endorsed the Provisional IUU Vessel List in the TCC6 report Attachments D and E. TCC6 could not make any recommendations on six Chinese vessels listed by the Solomon Islands and urged the two parties to resolve the issues. The following vessels are proposed for the Provisional IUU Vessel list:

Neptune – Georgia
Fa Chun No. 126 - Vanuatu
Liao Dagan Yu 55049 - China
Fu Lien No 1 – No Nationality
Jinn Feng Tsair No 1 – Chinese Taipei
Senta – Panama
Yu Fong 168 – Chinese Taipei

10. CMM 2007-03 outstanding issues included:
- a) Paragraph 3(j) – Vessel owner IUU
 - b) Paragraphs 15 and 25 on national satisfaction
 - c) 120 days prior notice

CCM’s compliance with CMMs

11. Members noted the complexity of completing the Annual Reports and proposed criteria for the Secretariat to revise the reporting scheme using the information management system where possible. The Secretariat seeks the advice and direction of WCPFC7 on its proposal to amend the IMS as well as the Annual Report to address the criteria proposed by the TCC6 small working group (WCPFC7- 2010/25).

12. *Data Gaps* TCC6 endorsed the continued provision of the report on data gaps to the TCC and noted the importance of the provision of complete and accurate data to the Commission and

urged CCMs to improve the provision of this data and where problems occurred, CCMs were to provide a draft plan as to how these difficulties could be overcome so other CCMs could assist to in this matter.

Committee on Compliance with Conservation and Management Measures

13. Australia, working with Canada and others is expected to present a CMM on this item to WCPFC7.

KOBE II

14. Reports on the KOBE II workshops in 2010 and responses to recommendations are included in the Science Committee report and are appended as a separate paper to this report.

Review of CMMs

15. The following CMMs were reviewed:

- a) CMM 2005-02 [South Pacific Albacore]
 - b) CMM 2007-01 [ROP] accenting the value of ROP data to both conservation and management activities
 - c) CMM 2007-04 [Seabird Mitigation Measures] with more work required to mitigate bycatches of seabirds with a focus on deep set line shooters
 - d) CMM 2008-01 [Bigeye and Yellowfin] noting the prime importance of this CMM to the future work of the Commission, **and** highlighting the necessity to extend the 2011 provisions due to expire until a new measure can be developed. Further, the requirement for a mechanism to address non-compliance was an issue identified for further work and advice
 - e) CMM 2009-02 [FADs Closure and Catch Retention] noting the need for further clarification of the definition of FAD by some CCMs
 - f) CMM 2009-06 [Transshipment] is a CMM requiring more attention by WCPFC7 on the practicalities of implementing the measure
 - g) CMM 2009-10 [Monitoring of Purse Seine Port Landings]
- with those requiring WCPFC& attention listed earlier in this meeting.

AGENDA ITEM 3 – ADDITIONAL MCS ISSUES BEFORE THE COMMISSION

16. The following matters were discussed:

- a) ***Port State Measures*** – the EU is expected to table a revised CMM for WCPFC7 consideration.
 - b) ***Catch Documentation Scheme*** – The FFA members are expected to consider the four papers presented under this discussion and present a report to WCPFC7.
17. Other matters including: role of capacity in overfishing, North Pacific Striped Marlin, and port monitoring of purse seine catches had already been addressed in other agenda items.

AGENDA ITEM 4 – APPLICATIONS FOR NON-MEMBER STATUS

18. Ten applications had been received by the Secretariat, and one (Panama) could not be assessed as it was not in the language of the Commission. All nine were recommended for CNM status pending the submission of additional information in accordance with the CMM 2009-11. CNM applicants included: Belize, Democratic Peoples' Republic of Korea, Ecuador, El Salvador, Indonesia, Mexico, Panama (which has resubmitted their application in English for consideration by the Commission), Senegal, Thailand, and Vietnam.

AGENDA ITEM 5 – SPECIAL REQUIREMENT OF SMALL ISLAND DEVELOPING STATES

19. FFA Members volunteered to develop a template for developing CCMs to report their assistance to SIDs for future Commission meetings.

AGENDA ITEM 6 - FUTURE WORK PROGRAMME

20. This item was discussed and an update will be presented for the consideration of WCPFC7.

AGENDA ITEM 7 – SUPPLEMENTARY ITEMS

21. Issues raised by SC6 and NC6 are included in the respective reports to the Commission.
22. TCC6 recommended the conduct of the commission performance review in 2011. A proposed terms of reference for this review is presented for consideration of the Commission.
24. Under relations with other organizations, the EU is expected to table a revised Observer Cross Endorsement MOU to WCPFC7; the Commission is invited to note the NPAFC MOS that has been signed by the Chair of WCPFC and transmitted to NPAFC for their annual meeting in November.
25. Intersessionally it has been determined that an amendment to the MOU with SPC is required to allow SPC access to VMS data for stock assessment and cross verification of observer reports. WCPFC7 is invited to consider and endorse this MOU.



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

**Technical and Compliance Committee
Sixth Regular Session**

**30 September–5 October 2010
Pohnpei, Federated States of Micronesia**

SUMMARY REPORT

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SUMMARY REPORT¹

AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1. The Chair of the Technical and Compliance Committee (TCC), Mr. Noan Pakop (Papua New Guinea [PNG]), opened the Sixth Regular Session of the TCC at 8:30 am on 30 September 2010. He expressed his appreciation to the Federated States of Micronesia (FSM) Government and to the College of Micronesia for their support of the meeting.
2. Dr. Transform Aqorau, Director of the Parties to the Nauru Agreement (PNA) Office, offered tributes to the late Bernard Thoulag, acknowledging his contribution to fisheries in the Pacific, and FSM in particular, and to the late Pius Chotailug, FSM Chief of Police, who provided guidance and leadership in regional maritime surveillance activities.
3. The Deputy Secretary of Foreign Affairs, Hon. Jane Chigiyal, presented an address prepared on behalf of the Hon. Lorin Robert, Secretary, Department of Foreign Affairs (appended as Attachment A).
4. The following CCMs attended TCC6: Australia, Canada, China, Cook Islands, European Union (EU), Federated States of Micronesia (FSM), Fiji, French Polynesia, Japan, Kiribati, the Republic of Korea, Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Republic of Palau, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America (USA) and Vanuatu. Ecuador, El Salvador and Vietnam attended TCC6 as cooperating non-members.
5. Observers representing, the Agreement on the Conservation of Albatrosses and Petrels (ACAP), Pacific Islands Forum Fisheries Agency (FFA), Greenpeace, the Pacific Islands Tuna Industry Association (PITIA), the PEW Environment Group, and the Secretariat of the Pacific Community (SPC) also participated. A list of participants is provided in Attachment B.

1.2 Adoption of agenda

6. The provisional agenda (WCPFC-TCC6-2010/03, Rev 5.) was adopted, as amended, by TCC6 (Attachment C).

¹ This Summary Report contains agreed upon decision points, **in bold**, which are the decisions of TCC6. The narrative text is the responsibility of the Chair.

1.3 Meeting arrangements

7. The Secretariat prepared a revised draft indicative schedule (WCPFC-TCC6-2010/05 Rev 1). The Executive Director noted that a number of revised papers have been posted on intranet.
8. Meeting support to the Chair of TCC6 was provided by the WCPFC Executive Director Glenn Hurry; Dr SungKwon Soh, Science Manager; Peter Flewwelling, Compliance Manager; Karl Staisch, Observer Programme Coordinator; Sam Taufao, ICT Manager; Ken Smithson, Financial and Administrative Manager; Albert Carlot, VMS Manager; Milo Abello and Julio Mendez, VMS Operations Officers; Donald David, ROP Data Quality Officer; Glenn Jano, Compliance Officer; Herolyn Movick, Office Manager; Lucille Martinez, Executive Assistant; and Yolanda Elanzo, Treasury Assistant, and all additional support staff of the Commission. In addition, support services were provided by Dr Martin Tsamenyi, Legal Advisor; Dr. John Hampton, Chief of the Offshore Fisheries Programme of the Secretariat of the Pacific Community; and Mark Smaalders, rapporteur.

AGENDA ITEM 2 — PRIORITY MONITORING, CONTROL AND SURVEILLANCE ISSUES BEFORE THE COMMISSION

2.1 Regional Observer Programme

2.1a) Annual Report on the ROP by the Secretariat

9. Karl Staisch, Observer Programme Coordinator, presented the second annual report prepared by the Secretariat on the ROP (WCPFC-TCC6-2010/08) as required under CMM 2007-01, para 3 (WCPFC-TCC5-2009/07). Reporting covered 2009 and where possible, through to August 2010. The presentation highlighted the following key points:
 - i. During the 2009 period about 180 observers were used to cover fleets during the year, with 100% coverage for August–September 2009. Additional training courses during 2010 resulted in 551 authorised observers being available for ROP trips as of July 2010. Ongoing training programs by FFA, SPC and CCMs are important in maintaining the adequate pool of trained observers to meet coverage levels set by the Commission. In addition, it has been estimated that approximately 90 debriefers are needed across all programmes to maximize the benefits from the information from observers with most debriefers to operate from the busier landing ports. The USA made funds available to the ROP in 2010 to assist with the establishment of debriefers in the major Pacific landing ports. The WCPFC ROP will work closely with FFA and SPC to ensure the high standards for debriefers is maintained.
 - ii. The Observer Programme Coordinator assisted in training sessions in the Philippines and FSM and continues to offer advice to many CCMs on different aspects of observer training and the requirements of the WCPFC.
 - iii. It is expected that experienced observers will be required to assist with audit procedures in 2011 and 2012. All observer programmes with interim authorization seeking full authorization as ROPs must do so before June 2012.

- iv. Observers for special situations will be required to conduct independent observer trips, as part of a review or audit of national and subregional observer programmes to ensure that the Commission's minimum standards for ROPs are being maintained.
 - v. A Data Quality Officer, Donald David, has been on staff as of June 2010 and will monitor member reports on coverage, catch retention, transshipment and other data areas to assist CCMs to meet their reporting requirements.
 - vi. The ROP Coordinator was involved in TCC5, WCPFC6, SC6, the Pacific Island Debriefing and Coordinators meeting in Cairns, and the FFA/SPC Data Consultative Committee in Noumea.
 - vii. Longliner coverage varies widely between CCMs; 5% coverage for long liners will be required by June 2012. Purse seine coverage for the multilateral programmes for 2009 was approximately 20%; with 100% observer coverage for purse seiners commencing in Jan 2010. Observer coverage for purse seiner with respect to national programmes was not available to the Secretariat.
 - viii. Where relevant, CCMs were encouraged to give SPC approval to release ROP Minimum Data standard fields collected by national and sub-regional observers on ROP duties as only five CCMs have released their ROP data to the Secretariat to date.
 - ix. New Caledonia currently subsidizes the costs for three data entry positions, reducing the total cost of data entry to the Commission. TCC6 was invited to review an attachment on ROP data entry and management costs and provide recommendations to the Finance and Administration Committee (FAC) and the Commission.
 - x. It was noted that a number of FFA member States are not submitting data on catch retention.
10. The Chair stated that it was a remarkable achievement to attain the prevailing 100% coverage levels in such a short time.
11. Solomon Islands spoke on behalf of FFA members noting ROP data availability was a concern because very few CCMs had provided their data, or authorised SPC to provide data to the Commission. They noted FFA members were working with SPC to ensure the Commission received appropriate ROP data information relating to ROP trips. Solomon Islands on behalf of FFA Members supported the continuation of the ROP data entry and management functions within SPC in Noumea. They noted that problems with data availability stemmed in part from the insufficient budget provided at WCPFC6, and indicated data entry and management costs for the USA Treaty and FSMA fleets are now being undertaken by the FFA Secretariat, based on cost-recovery from vessels. This will reduce Commission costs, but will result in those vessels (including domestic FSMA vessels) subsidising other vessels in the Commission, whose data management is paid for by all CCMs. FFA members expressed deep concerns about allegations of threats, unacceptable living conditions, obstructions to duty and attempted bribery of observers, and encouraged all CCMs to work with industry to ensure that observers are treated appropriately.
12. The Observer Programme Coordinator then reviewed several issues on which the Secretariat sought guidance from TCC6.

13. **TCC6 accepted the second annual report of the ROP presented by the Secretariat (WCPFC-TCC6-2010/08).**

Definitions.

14. The Observer Programme Coordinator raised the status of some definitions that remained unresolved (presented in Table 1 of TCC6-2010/08)—“principally”, “occasional”, “independent”, “impartial”, and “observer trip” (for different gear types)—and their respective meanings in the context of the ROP. Some CCMs also indicated that the issue of vessel size was also important with respect to implementation of some CMMs, and should be better defined. It was observed that the issue of definitions had been on the agenda of TCC for some time, and was unlikely to be resolved in the absence of additional experience in implementing CMMs, whereby information would become available regarding actual problems that arose as a result of differing interpretations of various terms. A proposal was made to draw on the experience of the ROP coordinator in conducting the ROP audits of the national and subregional observer programs and use these findings to assist in resolving the current different interpretations of various terms.
15. **TCC6 agreed to continue to resolve the outstanding definitions and issues listed above from Table 1 of TCC6-2010/08. TCC agreed to revisit the issue of definitions following completion of the ROP audits in light of any relevant findings emerging.**

Cross-endorsement of observers.

16. The Observer Programme Coordinator noted that CMM 2008-01 (para 29) directs the Secretariat to work with IATTC to develop procedures to allow observers from one regional fisheries management organization (RFMO) to work in the other’s Convention Area. A draft Memorandum of Cooperation (MOC; Attachment A to WCPFC-TCC6-2010/33) was presented to TCC6 and was also being presented to the IATTC annual meeting for consideration. The process proposed is similar to the cross-endorsement arrangement that has been in place between the FFA Secretariat and IATTC in regard to USA Treaty vessels since 1998; it would allow flagged vessels to carry a certified WCPFC or an IATTC observer when they cross from one Convention Area to another for operations on the high seas. Cross endorsement, would be subject to internal coastal State agreements of access if vessels fished within EEZs.
17. The USA noted that a change in the language of the draft might be needed to allow current cross-endorsements between the USA and IATTC to continue, and Japan indicated that “shall” should be changed to “will” in para. 2 and para.6 of Attachment A to WCPFC-TCC6-2010/33.
18. CCMs noted the importance of cross-endorsements, and the need to consider some elements in greater detail, including the possibility that observer data might need to be used in legal proceedings. Members stressed that the standards established by WCPFC should not be undermined by any cross-endorsement arrangements.
19. Tonga spoke on behalf of FFA members, stating they were not opposed to cross endorsement of observers as a means to increase flexibility in some cases. They addressed several issues relating to the draft agreement:

- i. Cross endorsement between WCPFC and IATTC would not override domestic requirements (e.g. use of a PNA observer inside PNA EEZs).
 - ii. WCPFC standards for training and data provision would have to be met, and training provided to IATTC observers in catch sampling for size and species composition.
 - iii. Data collected by IATTC observers should be made available for compliance purposes and use in legal proceedings.
 - iv. FFA member observers that are cross endorsed would remain under the control of the national programme and be made available to fulfil duties in the EPO only with the approval of the national programme.
20. The EU chaired a small working group, which discussed the draft agreement developed by the IATTC and WCPFC Secretariats (Attachment A to WCPFC-TCC6-2010/33). The FFA provided comments to the draft agreement in track changes, which reflect the comments made by Tonga on behalf of FFA concerning cross-endorsement.
21. **TCC6 recommends to continue the intersessional work on the cross endorsement. The EU will take views electronically on an intersessional basis with comments to be received no later than 31 October 2010. On the basis of comments received the EU will submit a new draft MOC to WCPFC7 for consideration.**

Data Entry and Management costs.

22. The USA expressed the hope that budget requests relating to the ROP were given full and appropriate consideration by WCPFC7, noting that the USA had provided resources for compilation of data and various other issues. The USA expressed concern regarding possible double charging of the USA fleet under the proposed scenario.
23. Some CCMs expressed concern regarding how the costs of observer coverage could be segregated. It was observed that the use of regional agencies could in effect result in Pacific Island countries subsidizing the cost of the ROP program. Some support was expressed for the independent servicing of data processing of ROP data outside the current data provider, SPC. Other Members supported full recovery of data collection/analysis costs from vessels. Some CCMs stated that operation of the ROP should be supported by the Commission due to the existing high cost burden on vessels. The need to ensure funds are available to properly run the Commission's ROP was stressed. There was support that the full costs of the ROP need to be accurately reflected in reports with the subsidies noted separately to provide the Commission with the knowledge of such costs for the future.
24. The Chair noted that the issue of the separation of costs had been raised previously. The Secretariat clarified that analysis of non-ROP trips (including in-country trips) was funded separately by SPC, and that USA Treaty vessels were not included in the cost recovery figures and therefore were not double charged.
25. **TCC6 acknowledged the importance of ensuring full cost funding is available for ROP data entry from 2011. These costs will be included in the draft budget and workplan for consideration by the FAC at WCPFC7.**

Audit procedure options.

26. The Observer Programme Coordinator presented three options for procedures on reporting of the audits of interim-authorized observer programmes to TCC and the Commission when a programme fully meets the Commission's standards: i) delivery of the full report; ii) delivery of a summary; or iii) notification only. He noted that Philippines interim-authorized observer programme had been audited and found to meet the WCPFC standards. This was the first program in the Commission to receive full ROP authorization. CCMs were encouraged to request their ROP audits as early as possible to enable the Secretariat to assist them in achieving full ROP status prior to the deadline set by the Commission of 2012.
27. Support for the "notification only" option was expressed by some CCMs, as programs might need time to implement changes before reports were released into the public domain. This would then allow for a strong working relationship between the ROP Coordinator and programs to assist in their further development. It would also alleviate any concern that public release of audit reports might embarrass CCMs. Conversely, it was also observed that it could be useful to have a summary of the report, to see problem areas, and gain insight into the functioning of the ROP. Questions were raised regarding action that is taken should a program not fully comply, and whether input could be given regarding the text for the audit process. It was suggested that it might be possible to review audits in the future through the discussions on the data access rules.
28. The USA stated that the audit process was critical for ROP, and fully supported the process, noting that the USA provided funding to the Secretariat to undertake some audits. The USA looked forward to increased funding being provided from WCPFC7. The USA expressed its view that the ROP was probably the most important WCPFC program for scientific, MCS and management purposes; it inquired whether the Secretariat had a recommended option with regard to the audit outcomes.
29. The Observer Programme Coordinator stated that 'notification only', as is done with interim authorized programs, was the least burdensome administratively, and that full audit reports contained much working material that was likely of little interest to all Members. He indicated that the report functions were well explained in the report for IWG 2, and that for information of Members Attachment ROP 3 to WCPFC-TCC6-2010/08 included the procedures the Secretariat uses in performing the audits. He stressed that the purpose was to help programs meet the standards, and to rectify problems, and not be punitive. He noted that the Secretariat welcomed input and suggestions from CCMs regarding the specifics of the audit process.
30. The Executive Director observed that CCMs must invite the Secretariat to perform an audit, but that all interim authorized programs must be audited and fully meet the Commission standards by June 2012. He indicated a tentative audit schedule would be circulated during TCC6 and asked CCMs to inform the Secretariat whether CCMs could meet the dates proposed. He reinforced the point that the purpose was to help countries comply, not highlight deficiencies.
31. **TCC6 recommended to WCPFC7 the adoption of Option 3 of 2010-08, para 32, which would mean that the Final ROP Audit Report be provided to the CCM involved,**

with notification only relayed to the TCC and Commission when a programme fully complied with the Commission standards. TCC6 noted that consistent with CMM 2007-01, national and sub-regional observer programs are to be audited before June 30, 2012, and encouraged observer providers to work with the Secretariat.

Approval for release of ROP data to Secretariat.

32. The Observer Programme Coordinator noted that problems had been experienced with release of ROP data in the past, but indicated that the process should be much smoother in the future. He stressed that the WCPFC received ROP data only, not country data.
33. In the ensuing discussion, CCMs agreed on the importance of submitting data to WCPFC. There was support for the preparation, for TCC7, of a list of parties who have not provided ROP data to Secretariat. It was noted that the requirement for release of ROP data carried the same weight and force as other CMMs, for which such lists had been prepared in the past. The issue of access by flag States to ROP data to enable vessel activities to be monitored was also raised.
34. Cook Islands noted, on behalf of FFA members, that access to ROP data should be in accordance with either of the two sets of Commission's rules for protection of, access to and dissemination of WCPFC data (adopted in 2007 and 2009). These rules specify the procedures and conditions whereby CCMs can apply for access to WCPFC-held data, including ROP data.
35. **TCC6 noted the that FFA/SPC CCMs are working with SPC to approve the release of ROP minimum data standard fields collected by national and sub-regional observers on ROP duties to the Secretariat for analysis. TCC6 recommended that all CCMs ensure timely provision of ROP observer data to the Commission Secretariat.**

2.1b) 2009 FAD Closure report

36. The Observer Programme Coordinator presented WCPFC-TCC6-2010/09, prepared in response to the requests made by TCC5 and WCPFC6 that a FAD closure report be made regarding observers' comments contained in the ROP report to TCC5. Many of those comments were made verbally by observers visiting the Commission, or were passed on by ROP coordinators or by observers direct from the vessel to the Secretariat. The comments were to be verified when the data from the observers was sent to the Secretariat. Data indicate there was essentially 100% observer coverage during the 2009 FAD closure period (all boats had observers within a few days of the FAD closure commencement). However, when the FAD closure report was prepared, only four countries had given permission for the Secretariat to use their observer data for the report, and some of those reports had yet be received and entered by the Commission's Data Provider (SPC). The GEN3 (Vessel Trip Monitoring Reports) included 76 trips during the 2009 FAD closure period, and these were used in compiling TCC6-2010/09.
37. One CCM indicated that during the closure its vessels could not get observers to arrive in port on time, and that its vessels waited for several days for observers, which resulted in a great economic loss for its industry. They proposed that precautionary measures be established to prevent a recurrence, whereby one of two standby observer candidates (the first from another island, and the second from the vessel's flag State) could replace the requested observer should they be unable to arrive on time. They also indicated that

observers prevented vessels from undertaking planned activities because of requests to return to port for reasons such as being homesick, and proposed that restraints and monitoring of observer activities be undertaken.

38. A CCM noted some from some of its vessels reported inappropriate behaviour by observers during missions, involving alcohol, intimidation of crew members, etc. They indicated that although there are guidelines for observer responsibility, flag States are hesitant to take action, due to the possibility of retaliation. It suggested the need to have discussion regarding improvement of observer standards to address the problem.
39. The Observer Programme Coordinator noted that problems with the timeliness of getting observers to vessels arose primarily because countries made late requests for observers. When a vessel is in port, if no observer is available, they should contact the Secretariat or country observer provider, as CMM 2008-01, paragraph 14 allows them to ask the Observer Programme Coordinator to source an observer from another programme. He stressed the need for time, noting that some fleets came in to port, to Pohnpei in particular, asking for observers at the last minute, which will cause delays. He noted that there were now sufficient observers that such problems should be avoided during the 2010 FAD closure. Regarding observer requests to return to port, he agreed that a few probably do not meet the required standards at sea, as was likely true of crew members, and that demands can be made on a vessel by an observer only under emergency conditions, and if the observer provider agrees. The debriefing of observers would allow for reporting of problems with observers. He noted that some problems were inevitable, given that the ROP has 550 observers.
40. The Executive Director noted the concerns expressed, and stated there were problems on both sides of the issue, involving observers as well as crew. He said the Secretariat would ensure the observers were properly debriefed, and would report more fully on the issue to TCC7, addressing problems with observers and vessels.
41. FSM indicated that some problems were inevitable in getting the ROP operational. As an observer program provider, it noted the possible need to establish limits on observer trips, as some observers had received multiple requests to extend their trips, resulting in being at sea for seven months. This could possibly impact data quality, and could impact observers' families as observers are not paid until they return from a trip.
42. **TCC6 recommended to WCPFC7 that it task the Secretariat to prepare a report for TCC7, with the goal of improving efficiency of the ROP from both the observer and vessel perspective.**
43. John Hampton (SPC) presented WCPFC-TCC6-2010/09a Rev 1. He indicated that SPC had presented some preliminary data to SC6, based on the information available at that time. The main outcome was that FAD setting and sets on floating objects were reduced considerably, and most boats participating could alter their operations. For 2009 the overall the number of sets on FADs and floating objects was the highest since 2005. During the closure the overall catch declined slightly, but immediately after (in Oct 2009), there was an extremely high skipjack (SKJ) catch, in fact the highest ever monthly catch, contributing to an annual record catch for the purse-seine fishery in 2009. The tentative conclusion was that the FAD closure did not have a significant detrimental effect on the fishery. SC6 encouraged more analysis as data became available, especially from the ROP.

44. The analysis presented to TCC6 included a modest data coverage level for the fleet (about 16% of the sets). There is some evidence of FAD involvement and the use of lights to aggregate fish to the vessel during the 2009 FAD closure, along with a greater proportion of unassociated sets beginning in the 0400–0600 hrs time period. There is also evidence of a higher than normal percentage of bigeye (over 3%, compared with less than 1%) in unassociated sets during the FAD closure, perhaps as a result of the use of lights, drifting overnight with FADs and subsequent early morning sets; there may also be a correlation with the El Nino or the area being fished. SPC will more fully analyze the data as it becomes available, for both 2009 and also for the 2010 closure. He indicated that some FAD sets were considered “legitimate” during the FADs closure such as Japan who had opted for the high seas alternative to FAD closure, and were thus able to conduct such FAD sets. There was also activity on FADs in archipelagic waters, such activity being outside the FADs closure requirement. Dr. Hampton also clarified that although data covering 16% of the total number of sets estimated to have taken place had been processed, these data were not representative of the fleet, and caution should be exercised in extrapolating the findings.
45. Palau made a statement on behalf of FFA members, noting that TCC6-2010/09a Rev 1 illustrates the utility of observer data as a tool to assess compliance with CMMs, and in particular the value of 100% observer coverage to ensure the effectiveness of the FAD closure. It noted the experience in 2009 highlighted the need for clear rules and guidelines, as were adopted by WCPFC6 (in CMM 2009-020), that should assist flag States and the industry to ensure the effectiveness of the measure. Noting that the Commission tasked TCC6 with reviewing CMM 2009-02, FFA members proposed that TCC6 recommend that CMM 2009-02 continue.
46. A CCM noted that the yellowfin tuna (YFT) catch was reduced during the FAD closure period compared to previous years, but not the big eye tuna (BET) catch, which was a principle objective, and asked whether it was possible to say that the FAD closure not effective at conserving BET.
47. John Hampton noted that in 2009 there were differing interpretations of what did and did not constitute a FAD closure, and that some of those problems should now have been addressed. He also indicated that in 2009 climatic conditions resulted in fishing activity shifting to the east, where purse-seine vessels tend to catch more BET. He suggested the data should not be over-interpreted, and said that more analysis of the 2009 data and examination of the 2010 data would be helpful.
48. The Marshall Islands delivered a statement (WCPFC-TCC6-2010-DP/19) on behalf of the Parties to the Nauru Agreement (PNA), indicating that the PNA remains committed to the FAD closure, has taken steps to ensure it is a robust measure, and welcomed passage of CMM 2009-02. It noted the need for flag States to ensure their vessels know and comply with these rules. At their 27th Annual Meeting in 2008, the PNA agreed in principle on the proposal to apply bans on FAD fishing in PNA EEZs for an additional three months for purse seine fleets from flag States that operate longline vessels that catch in excess of 4,000MT of bigeye annually. The PNA continues to work on this initiative.
49. Korea spoke of the relative merits of the FAD closure in 2008-01 to reduce the catch of FAD-associated juvenile BET. They noted the possible non-compliance and the use of underwater lights, which constitute a violation of CMM 2008-01, and suggested that if there

was clear evidence of the violation, TCC 6 should review it and consider measures to prevent such practices. In light of this, they voiced support for a total ban on pre-dawn sets between midnight and sunrise during the FAD closure, both to strengthen the effectiveness of the measure and to make it easy for fishermen to implement it by defining the FAD fishing simply and clearly as any pre-dawn sets, instead of the existing definition.

50. The EU noted the need for more data and analysis to understand the impact of the FAD closure on conservation of stocks, and suggested TCC should consider other closure options, such as full closure, once such data were available.
51. FFA members noted that TCC6-2010/09a Rev 1 indicated an increase in the number of pre-dawn sets, which are typically FAD sets. They recalled that Korea tabled a proposal at WCPFC6 to ban such sets, and stated that it was a measure they would consider in support of the FAD closure. They observed that a number of vessels were not fishing during the 2009 closure period, and suggested that it would be useful in future reports to have an idea of whether this is normal. They also welcomed clarification from CCMs with vessels in the closure area that did not fish as to what they did (e.g. cease fishing or move out of the Convention Area).
52. John Hampton clarified that 70%–80% of the total number of vessels participating tend to fish in any particular month; the percentage of vessels fishing during the 2009 FAD closure was within the normal range.
53. The USA inquired what experience CCMs had had with the implementation and monitoring of CCM 2008-01.
54. Korea asked for a better definition of FADs, and of the impact the starting time of fishing activities on the closure. Korea also asked that consideration be given to removing sets on natural logs during daylight hours as FAD sets.

2.2 Ad hoc Task Group (AHTG) on Data

55. The Marshall Islands spoke on behalf of FFA Members, and sought to clarify the statement made by FFA members at WCPFC6 regarding a gap in the Commission rules on access to non-public domain data by chartering CCMs. The two sets of rules governing access to data are clear about the rights of flag States and coastal States to access Commission data, but do not consider the rights of chartering States to access Commission data, which is a gap that needs to be addressed. In addition, the rules require the consent of the source of data for certain data releases. For some datasets, it may not be clear whether the data involved has been provided by the flag State or the chartering State. FFA members want to ensure that rights of the chartering State in respect of data that it has provided for chartered vessels are properly taken into account in the ‘consent process’ for data release.
56. **TCC noted that WCPFC6 agreed that the AHTG[data] should continue its work on an ad hoc basis with a focus for TCC6 on the issue of data related to chartered vessels. TCC6 recommended that the AHTG [data] should consider:**
 - a) the right of chartering States to access data**
 - b) that the process for data release takes into account the right of the chartering state with respect of data it has provided for chartered vessels.**

2.3 Attribution of catches under charter arrangements (CMM 2008-01, para 2; CMM 2009-03, para 6; CMM 2009-08)

57. The Executive Director indicated that WCPFC6 tasked TCC6 with considering catch attribution in charter arrangements, and the USA agreed to take a lead role in coordinating a study on the issue. The Secretariat agreed to assist in facilitating the tender process. Following a funding-related delay, Gillett, Preston and Associates was contracted to undertake the study, which will be completed in February 2011. Robert Gillett participated at TCC6 to gather information for the consultancy.
58. FFA members noted the importance of issues related to charters to the domestic fisheries development of many of their members, and stated appreciation for the USA support for the consultancy. They noted that important issues were covered by the TORs, including the definition of chartered vessels and the position of territories with respect to charters. However, they sought to clarify that the principles for reporting of charter vessel catch and effort data and the attribution of charter vessel catch and effort are already set out in various Commission Rules and CMMs, and they expected the consultancy would not seek to re-open those issues, expressing their position that the consultancy should focus on issues associated with the application of those principles, rather than reopening already agreed provisions. Specifically, they indicated that the Commission's Rules for the Provision of Scientific Data provide that catch and effort data should be provided by flag States "except for vessels operating under joint-venture or charter arrangements when the host State of the vessel is responsible for data provision." Similarly, various CMMs provide for the catch and effort of chartered vessels to be attributed to the chartering State. They indicated the consultancy should provide advice on the application of these principles, rather than questioning them.
59. **TCC6 recommended that the catch attribution study should address outstanding issues rather than opening already agreed provisions.**

2.4 VMS

2.4a) Annual Report on the Commission VMS

60. Albert Carlot, VMS Manager, presented an annual report to TCC6 on the Commission VMS (WCPFC-TCC6-2010/11) pursuant to Para 7.3.9 of the Commission VMS Standards, Specifications and Procedures (SSPs). The report included current enhancements and operational issues and challenges such as the SSPs review; the VMS Policy; VMS Redundancy Plan; and the electronic vessel registration for VMS information. A Service Level Agreement (SLA) has been signed with FFA to provide VMS service, and quarterly meetings are held with the FFA Secretariat and its service provider, Absolute Software. An annual audit is also undertaken (addressed under Agenda Item 2.4b). The Secretariat is facilitating Members access to the Commission VMS for the Commission VMS data in their EEZs which at present remains quarantined from all parties without an agreement under Article 24(8) of the WCPFC Convention.
61. The Secretariat sought direction from Members with respect to the actions the Secretariat should take when, in the exercising of its responsibility to monitor high seas activities, it encounters a "vessel of interest", noting the current interim procedures being taken by the Secretariat. At present the Secretariat has been notifying the flag State of the vessel in

question of the event with copies of the VMS information to assist the flag State in the control of its vessels in accordance the UNFSA, WCPFC Convention and CMM 2009-01. There have been 15 such instances in 2010 with 14 responses, of which eight are still under investigation and six resolved. The Secretariat also proposed that a new section be added to the SSPs to enable the Secretariat to verify the receipt of all data authorized for the Commission monitoring as well as verification of financial invoices.

i) General comments:

62. Palau spoke on behalf of FFA members, noting that it would be helpful if the information on the Interim Non-CCM Register of Carriers and Bunkers included the number of vessels and information on their VMS reports, including manual reports in future reports, and if this could be provided separately from information on vessels in the WCPFC Record of Fishing Vessels.
63. A CCM noted the need for the Secretariat to know which vessels are in operation, and ensure they have their VMS ALC/MTU on. The system handles over 6000 vessels, which cannot be monitored individually. A reporting system is needed to allow port entries and departures to be reported and checked; vessels not actually fishing (e.g., vessels in port for repair) should then be allowed to turn off their VMS ALC/MTU.
64. The VMS Manager noted that it was currently not possible to monitor any activities in EEZs, and it was assumed that the VMS unit was on prior to entry into the high seas, as required. The reason the Secretariat cannot see such data is due to the system design whereby as a result of a decision of the Commission, such that data is quarantined, and the Secretariat does not have access to this data in the VMS. It was noted that CMM 2007-02 paras 1-4 and para 6 require that all vessels on the Record of Authorized Fishing Vessels report to the Commission VMS, while the Commission allows the Secretariat to monitor only the high seas areas of the Convention Area.
65. A CCM sought clarification of the application of the Commission VMS to EEZs, which can be requested by Commission members. The WCPFC Legal Advisor clarified that the Secretariat received a request to implement Article 24 (8) of the Convention, which allows any Member to request application of the Commission VMS to waters under its jurisdiction. When discussed at WCPFC6 it was agreed that this was a bilateral issue between the Member and the Secretariat; Members could then see vessels flying their flag, or all those licensed to fish in their waters or on the Commission VMS that pass through their waters. CCMs indicated their understanding that those member countries with the said bilateral Agreements are in fact seeing all vessels in their EEZs, and this was confirmed by the Secretariat. A CCM noted that if this was the case, it was their view this was not a bilateral issue; under CMM 2007-02, Members can request that vessels be tracked, but Commission approval would be needed. The CCM noted that WCPFC6-2009-IP-15 raised issues that should be addressed.
66. FFA members requested that the WCPFC Secretariat improve on the format of the tables; provide additional information on the number of vessels on the RFV where the VTAF has been received and the MTU has been activated, sorted by CCM, and vessel type; and provide additional information on the vessels' VMS reporting status so that it can be determined how a particular vessel or group of vessels are performing with regards VMS reporting.

67. TCC6 noted that CCMs may raise issues about coverage of EEZs by the Commission VMS to WCPFC7. TCC6 accepted the second annual report of the VMS.

ii) Bracketed text in the SSPs:

68. Kiribati made a statement on behalf of FFA members, noting the log of manual reports maintained by the Secretariat, and requested that further information be provided in future Annual Reports on the experience with the manual reporting. This process could help the TCC in addressing the bracketed text in the SSPs related to manual reporting. It also requested that the Secretariat provide a tabulated breakdown by fleet, gear type, period and regularity of reporting on vessels that are required to report manually.

69. The USA asked that a report be provided on the percentage of time in which vessels that should be reporting, are not reporting, thus addressing how big an issue manual reports are. It also inquired as to what was being done with the issues the VMS reports raise.

iii) Proposed modifications of the SSPs:

70. The Secretariat proposed that a new section (7.3.11) be added to the SSPs, as follows: “The WCPFC Secretariat shall have administrative rights/privileges to all Commission VMS hardware, software and data in order to effectively manage the system.”

71. Tonga made a statement on behalf of FFA members, noting that the rationale for the proposed addition of 7.3.11 to SSPs was unclear. It requested clarification from the Secretariat about the exact nature of the problems and the forms of access that are required. FFA members noted that the proposed amendment was not the appropriate way to address these problems, and encouraged the WCPFC Secretariat to work with the FFA Secretariat to find workable solutions that are consistent with the SSPs.

72. TCC6 recommended that the Secretariat be tasked to develop further work on SSPs relating to the Commission VMS in light of comments from CCMs, and in the context of the VMS security audit discussed below.

73. The EU noted that the issue of the overlap between WCPFC and IATTC areas is broader than what is reflected in para. 28 of WCPFC-TCC6-2010/11 and inquired what standards should apply in the overlap area.

74. Dr. Tsamenyi (WCPFC Legal Adviser) explained that the eastern boundary of the WCPFC Convention Area overlaps with that of the IATTC, and the two Commissions share responsibility in that overlap area. The issue of which CMM applies in that zone is complex and requires urgent resolution by the two Commissions to avoid uncertainty for vessels whose flag States belong to both or only one of the Commissions. Dr. Tsamenyi noted four scenarios which should be taken into account in developing a harmonised approach: (i) vessels whose flag States are members of both Commissions; (ii) vessels whose flag States are members of the WCPFC only; (iii) vessels whose flag States are members of the IATTC only; and (iv) vessels whose flag States are not members of either Commission.

75. TCC6 recommended to WCPFC7 that the Executive Director be tasked to work with the Director of IATTC to develop options for consideration by both Commissions of the issues listed in paragraphs 73 and 74 above.

iv) Actions by the Secretariat with respect to paras. 26 and 28 of WCPFC-TCC6-2010/11:

76. FFA members noted that WCPFC data rules allow for CCMs undertaking MCS operations to request from the Secretariat high seas vessel position data up to 100 nautical miles adjacent to, and outside its EEZ. Five CCMs have requested and received VMS vessel position data for a total of 17 different MCS operations. With respect to Para 27 of TCC6-2010/11 FFA Members noted that the paper refers to CCMs being able to access high seas VMS data for MCS “operations”, but clarified that the MCS data rules and procedures refer to monitoring, control and surveillance “activities”; they asked that future references to these rules reflect this accurately.
77. With regard to the process for monitoring high seas activities, FFA members acknowledged the merit of a small group meeting to further discuss this point, but suggested a key principle was that the Secretariat should inform the flag State, as was the current practice by the Secretariat. They suggested coastal States also be informed when an infringement may be relevant to them.
78. The Chair noted this could be examined in light of the future discussion on CCM infringements and what the Commission can do.
79. Several CCMs indicated the information on outer limits of coastal States’ EEZs is crucial to both MCS activities and the operation of fishermen. As this information may not be available on the UN website, Chinese Taipei proposed that CCMs should provide outer limits information to the Secretariat and the Secretariat should circulate this reference information on High Seas and EEZs in the Convention Area to all CCMs. Several CCMs noted the need for the Commission to clearly define an accepted boundary between the high seas and member EEZs to enable fishermen to determine if they were in the high seas or an EEZ. It was observed by Japan that their fishing industry has 9 or 10 bilateral access arrangements with PICTs, with defined boundaries from these arrangements. However, there are occasions where the national boundary data is not the same as the Commission data or SOPAC data being used for VMS. Notifications based on the latter have indicated vessels were in the high seas areas, but fishermen claimed they were in a national EEZ according to a coastal State. Interpretation of boundaries is a legal issue, but the practical outcome can be a violation.
80. FFA members observed that there is ongoing work by FFA members to finalise their maritime boundaries. FFA, SOPAC and SPC are collaborating to determine the best way to coordinate regional efforts to support Pacific Island countries to declare their baselines and boundaries data. This will ensure that all involved work from one common data set. Where there are concerns about the accuracy of a particular boundary, FFA members proposed that CCMs consult bilaterally with the relevant coastal State or territory to get advice on the correct boundary. It was suggested CCMs consider providing advice to fishing fleets that they stay a certain distance (5–10 miles) away from boundaries if there are any ambiguities.
81. Dr. Tsamenyi noted that maritime boundaries are determined by countries through bilateral negotiation. He noted that some members of the WCPFC have not agreed on the outer limits of their maritime boundaries. In the absence of agreed limits the WCPFC has no mandate to determine boundaries. If reliance is placed on a hypothetical indicative boundary, vessels

can still be prosecuted if national legislation places the boundary elsewhere. An option open to WCPFC is to urge its members to deposit their charts or lists of geographical coordinates with the Secretary General of the United Nations in accordance with the United Nations Convention on the Law of the Sea.

82. TCC6 noted that:

- (i) the boundary deliberations and the establishment of boundary coordinates was an issue beyond the mandate of the Commission to resolve; and**
- (ii) once boundaries are delimited and finalized, the information relating to the final coordinates will be published on the UN website.**

2.4b) VMS Security and Operations Audit

83. The Executive Director indicated that at TCC5 a request was raised for the Secretariat to undertake annual audits of the VMS and how it was operating. He stated that the current audit was incomplete, and that the Secretariat would work with FFA for a complete audit as quickly as possible.

2.5 WCPFC Record of Fishing Vessels (RFV)

84. The Compliance Manager presented WCPFC-TCC6-2010/13 as an update of the current RFV and Interim Registry of Non-Member Fish Carrier and Bunker Vessels, noting that there are now 6118 vessels on the RFV and 80 in the Interim Register. He indicated that the mandatory data to be supplied to the Secretariat according to para 6 of CMM 2009-01 were often incomplete. He further noted that if the WCPFC moves to a global unique vessel identifier (UVI) as recommended by FAO, all details of para. 6 would be required as well as additional data. He noted that WCPFC6 agreed that a nominal fee (\$2500) would be charged for vessels on the Interim Register, but did not specify if this should be a 'one-time' or 'annual' fee. Some \$230,000 has been collected to date from vessels on the Interim Register. As the RFV system evolves, there is a move toward establishing an electronic vessel registry. The Commission now has an information management system that is initially linked to CCM reporting requirements regarding CMMs, and could facilitate reporting with respect to the RFV. The Secretariat will seek funds to further advance in 2011 the web-based system for CCMs to submit RFV data.

85. The USA emphasized the need to strengthen the completeness, accuracy and timeliness of the RFV, particularly in light of the WCPFC6 amendment of 2009-01 obligating CCMs to ensure that vessels are on the RFV before they are authorized to fish. The USA produced a first draft of standards, specifications and procedures (WCPFC-2010-DP11) that could be used in the maintenance of the RFV, especially in terms of accuracy and timeliness. The proposal includes a standardized structure and format to ensure data comparability among CCMs; established procedures for submitting and incorporating data into the RFV; and provides for two means of data submission: i) the web-based manual data entry system currently under development, and ii) an electronic batch data submission/uploading. They welcomed any comments on the proposed SSPs.

86. FFA members noted that although there are certain anomalies in data provided by almost all members, in particular fishing vessel information requirements under Annex IV of the

Convention, most FFA members are working closely with the Compliance Manager in rectifying data and information they have provided. A related issue provided under TCC6-2010/13 Attachment 2 is anomalies in the type and quality of information provided by CCMs for their respective vessels. FFA members are concerned about the high level of detail required under the CMM and also about the difference in interpretation of information relating to the data sets provided under Annex IV of the Convention. They also noted the need for a level of consistency across all the data fields on information provided by CCMs to the Secretariat. They noted that some Members have identified anomalies in TCC6-2010/13, compared with the information provided by CCMs on their vessels fishing in the Convention Area beyond areas of national jurisdiction, and observed i) there should be a clear understanding by CCMs of the information required by the Commission under the RFV measure and Authorization to Fish CMM; and ii) the level of detail in the data fields required by the Commission on vessel information in CMM 2009-01 can be burdensome for Members. They supported the continuing work on development of the RFV website and enhancement to the web-based system, which began in 2008. They also supported the development of the IMS to support the work of the Commission, noting it had completed a year of trial operations, and may have the capacity to address the data needs of future CCMs, or any changes to existing CMMs.

87. The Compliance Manager noted that data requirements currently set by the Commission, especially under CMM 2009-01 (7), do appear onerous to some members, and indicated this could be revisited. If the Commission establishes a UVI, this would require even more data.
88. CCMs noted the issue of data requirements had been discussed almost every year, and suggested it would be helpful if the proposed IMS could include flexibility in the data fields, which could lead to a higher level of compliance. The USA observed that the Convention text, Article 3(5) provided flexibility regarding the problematic items in Annex IV, and suggested the functions of the RFV be clearly identified (e.g. for authorisation to fish and data collection). It was stated that some points listed in para. 6 of the CMM should be clarified, and vessels that do not provide all details should not be included on the RFV. The USA indicated that establishment of a useable RFV should precede work on a UVI. CCMs expressed agreement regarding the advantages of a web-based system manual data entry system, but the need for a mechanism that allows the Secretariat to incorporate an existing database so that additional errors could be avoided was emphasized by the USA; the need for more time to examine the USA proposal to establish SSPs for the RFV was also stressed. It was suggested that a small group should look at core data requirements that would form the basis of the RFV.
89. **The United States agreed it would serve as a focal point to continue development of WCPFC-TCC6-2010/DP11, the SSPs for the RFV, with a view to presenting a proposal for TCC7. CCMs should send comments on WCPFC-TCC6-2010/DP11 to the United States, through the Executive Director, by mid-November, and the United States agreed to aim to have a revised draft of the SSPs available during WCPFC7 (but not necessarily for consideration by WCPFC7).**
90. FFA members recommended that the registration fees for non-CCM carrier and bunker vessels should be annual, noting that an annual fee is consistent with establishing a short-

term record for non-CCM carriers and bunkers, to encourage the reflagging of carriers and bunkers to CCMs or to encourage these non-CCMs to apply for CNM status.

91. There was some disagreement on whether the funds from the registration fees for non-CCM carrier and bunker vessels would be income for the general fund or applied to priority activities that were unfunded, but for which voluntary contributions would be sought; however, it was generally agreed this was a matter for the FAC.
92. **TCC6 recommended to WCPFC7 that the registration fee for non-CCM carriers and bunkers vessels should be annual, and that the use of the funds from the registration fees for non-CCM carrier and bunker vessels should be referred to the FAC.**

2.6 Cost Recovery for Commission Operations

93. Peter Flewwelling, WCPFC Compliance Manager, presented WCPFC-TCC6-2010/07 regarding operational costs and cost-recovery options. In 2009 WCPFC6 adopted the report of the Third Regular Session of the Finance and Administration Committee (FAC3), which included a recommendation that a study be undertaken to identify opportunities for cost recovery and alternate sources of funding, as well as the task to review the possibility of CNMs and observers making financial contributions. The envisioned study has not yet been undertaken, as developing a robust cost-recovery scheme for the Commission would require agreed parameters and adequate financing, involving decision making by the Commission. TCC6-2010/07 contains some cost-recovery options based on the discussions recorded in the summary reports of WCPFC6 and FAC3, and also considers the RFV as a potential cost-recovery opportunity. He noted the following points:
 - i. The Commission VMS is supported through the Commission's annual budget (about 13.8% was allocated for the VMS in 2010). About 2,900 fishing vessels are currently monitored in the high seas portion of the Convention Area by the VMS. The RFV currently contains records for approximately of 6,118 vessels, and the potential exists for monitoring of many of these to be required by the Commission VMS in the near future. The Commission can either continue to support the operation of the VMS through its annual budget or institute an equitable cost-recovery scheme based on the widely accepted principle of "user-pays". Supporting the VMS through the Commission budget would require an estimated US\$960,350 in 2012 (or 14.2% of the indicative annual budget of US\$6,781,744). A possible cost-recovery scheme would charge each vessel operator an equal share of the total annual cost of operating the VMS, which for 2011 is projected to be US\$1,283,100 (including staff costs), or US\$428 per vessel per year, based on an estimated 3,000 vessels on the VMS Register for 2011.
 - ii. The data-entry portion of the ROP is currently the highest-cost ROP-related activity. If costs are divided across an estimated 3000 vessels the cost per vessel would be US\$112 (including a current subsidy by the New Caledonia Government), and about US\$152 per vessel without the New Caledonia contribution. This excludes vessels on USA purse-seine trips authorized under the Multilateral Treaty. In 2013 these overall costs would increase due to the expiry of other funding that currently covers some data-entry positions, reaching US\$172 and US\$212 per vessel, respectively.

- iii. WCPFC6 adopted CMM 2009-11, requiring non-members eligible to become Commission members and those seeking CNM status to make an explicit commitment to make financial contributions commensurate with those assessed a Contracting Party or Member. The Commission must determine the fee levels that will apply in different cases, and the respective financial contributions that will be assessed to CNMs.
- iv. FFA members have suggested that observers be charged a registration fee to offset the additional costs incurred by the Commission as a result of their participation. The Secretariat estimated that an observer registration fee within the range of US\$500–US\$700 per delegate is reasonable, based on the current level of nominal registration fees at international meetings and conventions.
- v. Supporting the RFV’s operating costs (US\$186,000) would require an annual RFV fee of US\$30 per vessel, based on the 6,200 currently authorized vessels, or US\$65 per vessel based on a total of 3000 (active) vessels.
- vi. Cost-recovery options for VMS, RFV and ROP included:
 - a. separate charges for each service to be paid prior to fishing;
 - b. separate charges for each service to be paid by 1 January of each year based on all vessels on the RFV, or VMS registry at that time, or by a set time as determined by the Commission, e.g., within the first quarter of the year, with new vessels paying prior to commencing fishing;
 - c. combined lump sum charge by vessel for all Member vessels, payable for all vessels on the register as per (b).
- vii. Instituting a cost-recovery regime for the Secretariat necessitates inclusion of a provision for appropriate resources and systems to manage the regime. The Secretariat would require more sophisticated costing and accounting systems than it currently uses, and this should be borne in mind when considering the need for a consultancy to develop a robust cost-recovery regime, and the draft terms of reference and budget for such a consultancy.

General cost recovery

- 94. FFA members indicated they were very supportive of the principle of cost recovery, and asked for a study to be undertaken in order to identify means of gathering additional funds for the work of the Commission, including recovery for air time costs associated with the Commission VMS. They noted some matters (e.g. the observer delegation registration charge and CNM contribution) should be considered by the FAC. They suggested a small group consider cost-recovery further, particularly to develop draft TORs for the consultancy.
- 95. Although noting the importance of the cost-recovery discussion, some CCMs stressed the need for both a technical analysis and an holistic evaluation of WCPFC’s capacity and duties that identifies overlapping or inefficient areas in the budget. They proposed focusing first on activities, and then considering cost recovery. They also noted that the users of much of the data collected by the Secretariat through the ROP and other programs are CCMs, for monitoring and scientific activities, and stated costs should be covered by regular contributions to the Commission. They voiced support for cost recovery from non-CCM vessels, and registration fees of carriers and bunkers and observer delegations, but expressed concern regarding the impact of cost recovery fees on their vessels and fishermen, which

they indicated were already overburdened by fees. The EU indicated it would not oppose cost recovery in principle but that a consensus first had to be found among parties that cost recovery would be the best way to proceed.

96. FFA members stated that although the WCPFC record is probably a useful basis for the consideration of the pool of vessels for cost recovery, there is probably a need to consider that some vessels are not necessarily “using” the same amount of services from the WCPFC. They voiced continuing support for the Secretariat in its effort to implement the concept of cost recovery and offered to participate in any effort to progress the matter. They requested that the Secretariat consider the possibility of imposing an access fee levy for High Seas fishing, as is done in EEZs. They noted costs should be recovered directly, perhaps by CCMs, at the vessel level (and passed on eventually to consumers), in order to ensure that the full costs of exploiting tuna stocks are borne by the industry and consumers and not passed to governments, particularly SIDS governments, which lack the capacity to absorb such costs and would be forced to pass them to their vessels, thereby disadvantaging SIDS domestic fleets. They indicated the various alternatives and their implications (e.g. the size and budget of the Commission Secretariat to administer cost recovery) should be included in the TORs for a consultancy on the issue, as suggested previously, and noted the need for the Commission to consider costs when discussing new measures.
97. Several CCMs observed that the value of the region’s fishery is US\$4–6 billion per year, and that this very significant industry needed to be properly managed, including through a VMS, ROP, etc. They suggested the need for better and more strategic linkages between the CMMs, the management tools developed by the Secretariat for monitoring, and cost-recovery efforts.
98. The Executive Director suggested costs were likely best split in some manner between CCM governments and vessels or the fishing industry to reflect the public and private benefits these groups derive. He noted the need for a workplan for the Commission that would map out cost implications for the next 4–5 years.

VMS cost recovery

99. FFA members noted the need to determine whether the VMS cost recovery would apply only to WCPFC direct reporting vessels, or include those vessels that are in good standing on the FFA Vessel Register and are already paying to report to the FFA VMS. Approximately half of the vessels monitored by the WCPFC VMS are already in good standing on the FFA VMS and pay a registration fee; double payment is probably not appropriate for these vessels. This is particularly important to those FFA members whose domestic vessels are on the FFA VMS.
100. The USA noted the need to look at all programs to search for cost savings, and indicated the potential for significant cost savings associated with the VMS program. It said it was difficult to project how costs should be allocated if such cost savings were not first taken into account. It also suggested the overall contributions made by each CCM’s program to the Commission should be considered in evaluating cost allocations, noting the US fully funds its observer program and makes the data available.
101. FFA members stated that the reporting rate of different classes of vessels could be relevant (e.g., purse seiners generally report hourly, whereas other classes of vessels report

four-hourly). It is difficult to determine from WCPFC RFV figures the total number of fishing vessels that should be monitored by the Commission VMS, and FFA members sought clarification on how this will be clarified. They also requested a breakdown of the cost categories used by the WCPFC Secretariat.

102. A number of CCMs agreed that a more cost-effective approach to VMS operation was needed; regret was expressed that the VMS audit report had not been tabled to assist in evaluating costs. In the discussion differing views regarding the possible benefits of various VMS approaches (stand-alone, split system, etc) were raised. One CCM noted that a VMS should be supported by members through their Commission contributions, indicating that catch levels served as an indicator of their vessel/fishing activity.

ROP data costs and cost recovery

103. FFA members noted that cost-recovery could be considered for the ROP data management aspects; they indicated that para. 17 of WCPFC-TCC6-2010/07 highlights the costs of the ROP, include training of observers, which is not a primary function for the WCPFC Secretariat with respect to the ROP.
104. Several CCMs stated that vessels already bear a high financial burden for observer costs. Japan indicated its industry has access agreements with each PICT, and that in addition, for implementation of CMM 2008-01, purse-seine vessels also pay observer travel and salary costs. If the Commission requests cost recovery in addition, this amounts to a triple contribution. Japan stated that observer data was used for stock assessment and other activities of CCMs, and that allocation of all costs to vessels was inappropriate, and should be borne by the Commission as part of ROP expenses.
105. Chinese Taipei expressed appreciation for the voluntary contribution by New Caledonia for data entry and the ROP, and welcomed contributions from other CCMs, but said that ultimately the WCPFC should enhance its capacity to handle ROP data; it advocated not addressing cost recovery until this was achieved.
106. FFA members clarified that although the current FFA/SPC arrangements involve donor contributions to support sub-regional and national observer programs, FFA is moving towards full recovery of observer program costs. In the medium to long-term the intention is that all FFA observer services will be fully cost-recovered. Regarding para. 21 of WCPFC-TCC6-2010/07, they emphasized that in the long term WCPFC should fully pay for observer data entry and management costs, noting that cost recovery provides a mechanism to defray these costs fairly. At present WCPFC data management may be subsidized by SPC funds intended for provision of services to PICTs, and direct cost recovery from some fleets through national and sub-regional programs.
107. Several CCMs with their own national observer programs noted they were effectively subsidizing the ROP through these programs, which they fund. In addition, it was suggested that NGOs using data generated by the WCPFC should contribute to implementation of CMMs. It was stressed that the real costs for delivery of services should be identified, even if currently offset, in order to enable cost comparisons.

CNM financial contributions

108. FFA members stated that there should be no confusion about the level of contributions that CNMs should make, as highlighted in Paras 26 and 27 of TCC6-2010/07. They stated that Para. 2(g) in CMM 2009-11 is based on the principle that all CNMs should contribute to the work of the Commission, and their contribution should be commensurate with the benefits they receive from the fishery. The option proposed in para. 27 of TCC6-2010/07 (a flat fee applicable to all CNMs) is not what was intended in Para. 2(g), and the WCPFC contribution made by some of the smallest countries is also not an appropriate benchmark for CNM contributions. They noted WCPFC Financial Regulation 5 specifies the WCPFC Contribution Formula, which apportions the budget among members as follows: proportion of catch (70%); relative wealth (20%); and equal shares (10%). Paragraph 2(g) would seek to apply this same 70%, 20% 10% formula to each CNM, resulting in a level of voluntary financial contributions specific to each CNM's catch and national circumstances. FFA members recommended that the Secretariat be tasked with calculating CNM contributions based on the draft proposed budget to the Commission, and provide these figures to the FAC. The Commission could consider whether the CNM contributions are to be included in future budgets to reduce future member contributions, or whether the funds are supplementary to the budget derived from member contributions.
109. **The Secretariat was tasked to provide a table of possible CNM contributions in accordance with the same formula as utilized for member contributions, and report to FAC.**

Regarding the charge for observer delegations:

110. CCMs agreed that the information provided in TCC6-2010/07 regarding observer delegation registration charges be provided to the FAC, which has the expertise to provide advice to the Commission on the level of a fee and considerations relating to its application to different groups of observers. Several CCMs noted that fees for observer delegations must be balanced with the need to ensure that transparency in the work of the Commission, through the participation of observers, is not eroded.
111. **The Secretariat was tasked to provide information on the fees (if any) other RFMOs levy on observers, and forward this information, as well as the relevant information in TCC6-2010/07 to the FAC for their consideration.**

Record of fishing vessels

112. Several CCMs noted that the RFV was not identified by the Commission as a potential area for cost-recovery, and that this was not done by other RFMOs. They indicated the costs associated with the RFV should be borne by the Secretariat.
113. A small working group was established (coordinated by the USA) to develop draft terms of reference for the cost recovery consultancy. The coordinator prepared a first draft of these TORs for the consideration of TCC6 (WCPFC-TCC6-2010/35).
114. **TCC6 recommended that CCMs provide comments on the draft terms of reference (WCPFC-TCC6-2010/35) to the coordinator of the SWG by Oct 31. TCC 6 requested that the coordinator provide a revised draft of the TORs to CCMs prior to WCPFC7 so that these TORs may be considered by the FAC and then the Commission. TCC6**

further recommended that the Commission adopt TORs for the consultancy at WCPFC7, and a contract be let for a consultancy to complete the work during 2011.

2.7 IUU Vessel List and IUU Listing Procedures

2.7a) Review of Draft IUU Vessel List

115. Information on the vessels proposed for the Draft Provisional IUU Vessel List for 2011 is presented in WCPFC-TCC6-2009/14 and in other materials distributed to delegations and under paragraphs 6, 10 and 11 of CMM-2007-03.

(i) *Neptune*.

116. The *Neptune*, a Georgia-flagged vessel, was inspected twice in the port of Papeete. Log sheets show the *Neptune* was fishing in both WCPFC and IATTC Convention Areas, but was not on the WCPFC RFV. Georgia was contacted in relation to this incident (15 June 2010) but did not respond. France has requested the vessel be placed on the provisional IUU Vessel List for 2010.

117. Dr Tsamenyi (WCPFC Legal Advisor) noted that the key issue was whether Georgia, not being a member or CNM, has any duties with respect of its vessels, and whether the vessel had violated any CMMs. He noted Georgia is a party to the United Nations Convention on the Law of the Sea, but not the UN Fish Stocks Agreement. As a party to the Law of the Sea Convention, Georgia has two specific obligations: cooperate to conserve and manage highly migratory fish stocks, and take measures to regulate the fishing activities of its nationals on the high seas. Georgia issued a high seas fishing license to the *Neptune*, which states the vessel should not fish in a manner that undermines international conservation and management measures. Dr. Tsamenyi noted that Georgia was not eligible to place its vessels on the RFV, and that its absence from the RFV might not be a valid cause for IUU fishing. He indicated the basic issue was whether *Neptune* had fished in a manner that violates specific CMMs.

118. The Compliance Manager indicated the Secretariat was unaware of any specific management or control measures undertaken by Georgia.

119. Several CCMs indicated they would not support provisional IUU listing of the *Neptune* unless there was evidence of activities that served to undermine CMMs, other than absence from the RFV.

120. A CCM indicated that the IUU process included “illegal, unregulated and unreported” fishing, and suggested that if the *Neptune* was not reporting, it should be considered ‘unreported’.

121. In response to any inquiry, the Compliance Manager indicated that the Secretariat wrote to Georgia regarding IUU fishing and received a response with respect to another vessel (*Fu Lien No. 1*) but not the *Neptune*; he was unaware of any general correspondence from the Commission requesting Georgia’s cooperation with WCPFC CMMs.

122. One CCM proposed the Secretariat write to all non-member States explicitly seeking their cooperation with WCPFC, so that in future there will be a basis for saying WCPFC has sought the cooperation of all States, and in addition, it can be determined if non-members are fulfilling their duty to cooperate.

123. The EU indicated that the *Neptune* had been included on the IATTC Provisional IUU Vessel List, and observed that the Georgian flag of convenience has been used to undertake illegal activities in other areas.
124. Several CCMs indicated the activities of the *Neptune* served to undermine the WCPFC CMMs, and that IUU listing was appropriate.
125. **TCC6 agreed that the vessel *Neptune* be placed on the Provisional IUU Vessel List to WCPFC 7 noting, however that while a majority of CCMs supported listing, a minority were opposed to listing.**

(ii) *Fu Chun No 126*

126. In September 2009 New Zealand detected the *Fu Chun No 126* fishing illegally inside the New Zealand EEZ. New Zealand aircraft photographed ongoing fishing activities and fish on deck while the *Fu Chun No 126* was 75 nm inside New Zealand's EEZ. The *Fu Chun No 126* was not licensed to fish in New Zealand waters, not on New Zealand's registry, and failed to stow its fishing gear while in the New Zealand EEZ. New Zealand notified Vanuatu of the incident.
127. Vanuatu confirmed the *Fu Chun No 126* is a Vanuatu-flagged vessel, and indicated that the Fishery Act of Vanuatu requires that a full investigation be carried out. A report was recently prepared by the fishing industry, and Vanuatu is continuing its dialogue with New Zealand to resolve the issue.
128. The Legal Adviser stated that New Zealand had complied with the requirements under CMM 2007-03, and that extensive evidence had been provided to support the application.
129. **TCC6 agreed that the vessel *Fu Chun No 126* be placed on the Provisional IUU list to be presented to WCPFC7 and noted that Vanuatu and New Zealand committed to continuing to work to resolve the issue prior to WCPFC7.**

(iii) *Liao Da Gan Yu 55048*

130. Solomon Islands indicated a settlement has been reached with respect to the *Liao Da Gan Yu 55048*, and that it is no longer seeking listing of that vessel.

(iv) *Liao Da Gan Yu 55049, Tai Fu 101, Tai Fu 102, Xin Shi Ji 101, Xin Shi Ji 102, and Zhong Tai No 1.*

131. The Solomon Islands sought to consider these six vessels together, with the understanding they would be listed separately. The six vessels entered and engaged in fishing activities in Solomon Islands' waters. The Solomon Islands Government indicated that appropriate access agreements and licenses had not been obtained from the Solomon Islands Government, and that South Sea Fisheries, the Vessels' Agent, obtained a Letter of Comfort by colluding with and corrupting Solomon Islands fisheries officials. In the absence of an appropriate access agreement or license, Solomon Islands stated that the vessels were fishing illegally in its waters. Solomon Islands notified China of the incident.
132. China stated that vessels had engaged in fishing activities in Solomon Islands waters, but had done so after obtaining a provisional fishing permit and Letter of Comfort from the

Solomon Islands Government. China stated that the Solomon Islands Government should take responsibility for the actions of its own government officials, and that the issue was a domestic one that should be resolved by Solomon Islands.

133. The Legal Adviser noted two facts: i) the vessels were issued with some documents that entitled them to fish, and ii) the vessels did fish in Solomon Islands waters. Under CMM 2007-03, a vessel that fishes without a permit or in contravention of the laws and regulations of the coastal State is presumed to have carried out IUU fishing activities. TCC must consider whether the six vessels satisfied the requirement under CMM 2007-03 Para.3b.
134. Solomon Islands indicated the six vessels had not submitted to Solomon Islands jurisdiction and that they could therefore not pursue resolution of the issue under Solomon Islands law. It stated that one of the vessels—the F/V Liao Dagan Yu 55049 - had entered Solomon Islands waters several days before the Letter of Comfort was issued. This was confirmed by China.
135. Japan noted that it has a bilateral access agreement with Solomon Islands for longline operations. Its industry received, and for several days operated under a letter of comfort for its longline vessels, until their license was received. Japan inquired as to how this differed from the situation under consideration.
136. Solomon Islands indicated that the existence of a bilateral agreement with Japan meant Solomon Islands had an obligation to issue a license. There is no access agreement between Solomon Islands and China, and thus no obligation to issue any license or access to the vessels in the case.
137. CCMs recommended that that the F/V Liao Dagan Yu 55049 should be placed on the Provisional WCPFC IUU Vessel List. CCMs agreed that they were not able to determine the legality of the Letter of Comfort, which was a matter for determination by the Solomon Island courts, and consequently could not ascertain whether the other five vessels were fishing illegally.
138. **TCC6 agreed that the F/V Liao Dagan Yu 55049 be included in the Provisional WCPFC IUU Vessel List. TCC6 was unable to provide a recommendation on whether to place *Tai Fu 101*, *Tai Fu 102*, *Xin Shi Ji 101*, *Xin Shi Ji 102*, and *Zhong Tai No 1on* the Provisional WCPFC IUU List.**
139. TCC6 encouraged China and the Solomon Islands to cooperate strongly with a view to reaching resolution on these matters, noting that such cooperation could be conducted bilaterally or through the Solomon Islands courts. In the latter case, China is encouraged to fully cooperate with the legal procedures required by the Solomon Islands. TCC6 recommends that China and the Solomon Islands report on the progress of this matter at WCPFC7 detailing any cooperation that has occurred and whether the matter has been resolved.
140. **TCC6 noted that if the matter has not been resolved prior to the deadline for the nominations for the 2011 Draft WCPFC IUU Vessel List, Solomon Islands may resubmit the proposed nominations for the remaining five vessels for consideration at TCC7.**

(v) *Der Hueng Cherng*

141. The USA and Chinese Taipei indicated that the two countries had resolved the matter to their full satisfaction, and proposed the vessel be withdrawn from the Draft WCPFC IUU list.

142. TCC6 agreed not to place the vessel *Der Hueng Cherng* on the Provisional WCPFC IUU Vessel list.

(vi) Fu Lien No 1.

143. The USA indicated that at the time of the violation, the vessel was without nationality. It entered a USA port in August 2009, and subsequent inspection revealed it had fished on the high seas of the Convention Area in 2008 and 2009, when it was not properly flagged, and therefore was fishing on the high seas in the Convention Area without nationality.

144. The WCPFC Legal Adviser noted that the vessel subsequently took the flag of Georgia, but that under international law a flag State can only exercise responsibility for a vessel if the vessel is flagged to that State at the time of the offence. CMM 2007-03 provides that a vessel without nationality fishing in the Convention Area can be placed on the IUU list. If this is to be recommended he noted the need to also consider how the vessel could be removed from the list, as flag State action is required.

145. TCC6 agreed to place the vessel *Fu Lien No 1* on the Provisional WCPFC IUU Vessel List.

(vii) Tunago No 31

146. France indicated the vessel was inspected twice, first on the high seas, when the captain declined to be boarded, and in Papeete, in March 2010, when the VMS recorded a position 1000 nm away from the vessel. Vanuatu authorities were contacted, but did not respond. Recent new information has been received from Vanuatu, and France expressed confidence the case could be resolved.

147. Vanuatu confirmed the basic facts described by France. It indicated boarding had been refused by the vessel as procedures under CMM 2006-08 para. 20 had not been followed, and explained that the VMS position error resulted from an error in submission of the VMS Vessel Tracking Agreement Form (VTAF), which confused the VMS registration with that of another vessel; the latter was verified by the WCPFC Commission. That situation has now been corrected, and the VMS is registering the vessel position correctly.

148. The WCPFC Legal Adviser noted three issues for TCC consideration: i) the submission by France was two weeks short of the required 120 days, and TCC could (under para. 4) declined to consider the nomination on that basis; ii) IUU listing based on a refusal to accept high seas boarding and inspection would require that TCC was satisfied high seas boarding and inspection procedures were complied with; and iii) the issues involving the VMS report would need to be confirmed.

149. TCC6 agreed not to place the vessel *Tunago No 31* on the Provisional IUU list.

150. TCC6 adopted the Provisional IUU list and submits it to the Commission for its consideration at WCPFC7. The Provisional IUU List is in Attachment D.

2.7a(ii) Review of WCPFC IUU Vessel List

151. TCC6 considered whether, if any vessels on the list of vessels should be removed from the current WCPFC IUU Vessel list.
152. The Federated States of Micronesia indicated it is consulting with the Chinese Taipei Government, but requested the vessel *Jinn Feng Tsair No 1* remain on the list pending a satisfactory resolution.
153. Chinese Taipei indicated it had imposed a severe penalty on the vessel, including detaining the vessel from the time it returned to its home port until now (3 years). It thought that such lengthy detention was sufficient grounds for removal from the WCPFC IUU vessel list, and asked that TCC recommend to the Commission that the vessel be removed, but noted it is committed to resolving the case.
154. **TCC6 agreed to recommend to the WCPFC7 that the vessel *Jinn Feng Tsair No 1* remain on the WCPFC IUU Vessel List.**
155. **TCC6 did not receive any requests from the flag States for the removal of the *Senta* or the *Yu Fong 168* from the WCPFC IUU list.**
156. **TCC also recommended that the vessels (*Senta*, IRCS HOFG of Panama) and *Yu Fong 168*, (IRCS BJ4786 of Chinese Taipei) not be removed from the WCPFC IUU Vessel List. The WCPFC IUU Vessel List is in Attachment E.**

2.7 b) CMM 2007-03 Review of outstanding issues from WCPFC6 and operational issues

2.7b(i) Paragraph 3(j) of CMM 2007-03

157. The USA agreed at WCPFC6 to take a lead role in facilitating discussions on this issue and prepared a paper on this item for consideration by CCMs, which it circulated in May 2010 and subsequently revised as paper WCPFC-TCC6-2010 DP/05.
158. The Legal Adviser informed CCMs that WCPFC6 had tasked TCC6 not to debate the issue of deletion of para. 3(j), but rather to advise on specific procedures to implement para. 3(j). It was noted that this was the last time TCC would be asked to discuss this item and if no resolution was forthcoming, para. 3(j) would be operable in 2011 without any associated implementation procedures.
159. FFA members fully supported the efforts of the USA. They noted concerns that some CCMs had raised with regard to the application of Para 3(j), and indicated it also presented some risks to FFA members, particularly where domestic processing plants are supplied by multiple vessels under common ownership. They stressed the need to apply the measure fairly and openly, and stressed that it was vital to set criteria that distinguish unfortunate circumstances from true organizational non-compliance. They noted that the proposal that there must be at least two commonly owned vessels already on the IUU list before Para. 3(j) could be used would reduce the chances of “innocent” vessel owners being penalized; conversely, if a vessel had been on the IUU list for a long time, it could demonstrate an owner’s unwillingness to cooperate. They proposed that TCC6 recommend to the Commission these criteria be used by CCMs seeking to use Para. 3(j) in the future. They did express concern that it remained very difficult to determine common ownership, and that the

use of shelf companies, subsidiaries, trading names, etc. would likely increase with the implementation of Para. 3(j).

160. CCMs expressed appreciation for the work done by the USA, while expressing concern that in some cases use of Para. 3(j) might have the undesirable result of encouraging establishment of paper companies to split ownership and prevent the listing of fleets on the IUU list. One CCM recommended that Para. 3(j) be deleted; another suggested caution be exercised in implementing Para. 3(j).
161. Several CCMs generally concurred with the direction taken by the USA, and stated para. 3(j) should be maintained, while expressing sympathy with concerns regarding real ownership. They noted that Article 23, para 5 of the Convention stipulates that each country has a responsibility to manage vessels “owned or controlled” by its nationals, but that the USA proposal is limited to registered owners. They suggested that this should be made broader in scope through deletion of the ownership control language from the proposed procedures. Automatic application to all vessels should also be avoided. It was noted that para. 3(j) should act as a deterrent and encourage compliance, rather than be applied frequently. They noted TCC would consider each case individually before para. 3(j) was applied.
162. Individual CCMs noted that (i) a procedure to remove vessels was needed, suggesting that once a vessel that triggered Para. 3(j) was removed from IUU, the other vessels should be removed automatically; and (ii) IUU activities could stem from the actions of an individual vessel captain, and have nothing to do with ownership.
163. FFA members indicated that Para 3(j) was part of a legitimate CMM agreed upon through consensus at WCPFC 3 and 4, and that the intention of the Commission was undermined by continued deferment of a decision on Para. 3(j).
164. The EU noted its thanks to the USA and provided some clarification comments and suggestions bilaterally to the USA. New Zealand agreed with the USA comments, noting that the measure will be operable next year and suggested Members contribute to the exercise to achieve a workable process.
165. Chinese Taipei expressed its appreciation for the work done by the USA, and indicated it had provided comments and suggestions to the USA for consideration, and looked forward to the December discussions on the topic.
166. **TCC6 agreed to continue intersessional work on Para 3(j) CMM 2007-03 to resolve this issue, and noted that the USA has provided a revised text (WCPFC-TCC6-2010 DP/05) that was circulated to CCMs for their review and consideration, with comments to be sent to the USA by October 31, and recommended that WCPFC7 consider the results of this work.**

2.7b(ii) Control of nationals

167. A paper presented by New Zealand on Control of Nationals (WCPFC-TCC6-2010/DP/01) was considered.

168. FFA members noted that there was an ongoing effort to operationalize Article 23(5) of the Convention that requires Commission Members, to the greatest extent possible, to control their nationals. The control of nationals is an essential element within the MCS framework, but there are concerns that such a measure may be used by CCMs as a mechanism for preventing or impeding fisheries development opportunities within SIDS. They stated that there may be a potential role for TCC in assessing reports received pursuant to Article 23(5) and welcomed further discussion with CCMs on this and the role of the CCMM Working Group in the identification of possible sanctions for breaches of Article 23(5).
169. New Zealand indicated it has received many useful comments and noting the substantive differences on the issue, it suggested that the development of a measure appeared currently unworkable. It suggested a discussion on implementation of Article 23(5) would be useful and that TCC was the suitable venue for that.

2.7b(iii) Review of paragraph 15 of CMM 2007-03

170. Tonga presented a proposal to WCPFC6 (WCPFC6-2009-DP11) on behalf of FFA members requiring that in cases where IUU fishing was in the waters of a national Member, that Member also had to signify that the matter was resolved to its satisfaction. The matter was deferred to TCC6 for further discussion, where it was presented as WCPFC-TCC6-2010-DP04. The intent was to make a distinction between fishing violations that occur in a coastal State's waters and those that occur on the high seas, and require that fishing violations that occur in a coastal State's waters be resolved to the satisfaction of that coastal State. It indicated that ensuring the national satisfaction of a coastal State for a fishing violation within its waters is essential. The current framework in the measure prejudices the exercise of the sovereign rights of the coastal State, which is contrary to Articles 4 and 10 of the Convention. It also asserted that the proposed amendments safeguard the exercise of domestic laws in terms of their ability to impose adequate penalties on vessels that fish illegally in their EEZs. The current wording of Para. 15 gives power to determine corrective actions to flag States; the intent of the proposal being to shift that power from the flag to the coastal State.
171. Some CCMs—while noting they understood and supported the idea that any IUU acts within an EEZ should be properly dealt with—opposed the amendment as proposed. It was suggested there was no legal basis for satisfying violations to the exclusive satisfaction of the coastal State, and observed that international law requires that sanctions be imposed by the flag State. The uncertainty of some coastal State boundaries in this region was raised, and it was suggested that a distinction was already made between high seas and coastal State waters. It was stated that if a flag State sought to avoid the listing of or removal of a vessel from the IUU list, it must demonstrate the issue has been settled to the satisfaction of the concerned CCM, which would be understood to be a coastal State.
172. Tonga noted that the current text was not favourable to developing States, and was intended to address real issues that had occurred. At present a country's primary recourse is to detain illegal fishing vessels, as vessels cannot be ordered back to Tonga. In 2008 Tonga was unable to detain some IUU vessels that had been detected by New Zealand surveillance

in Tongan waters and reported to Tonga. Tonga is unable to prosecute such a vessel that flees under Tongan law, and the current text is of little help in advancing such issues.

173. There was considerable discussion and support for the intent of Tonga's proposal, and although a final resolution was not able to be reached at TCC6, progress on the issue prompted Members to suggest a continuation of discussions intersessionally on the matter.
174. **TCC6 recommended that CCMs provide written comments on the issues with para. 15 of CCM 2007-03 to Tonga by 31 October 2010, and that Tonga prepare a revised proposal to be considered at WCPFC7.**

2.7b(iv) FFA members' proposed amendments to CMM 2007-03

175. New Zealand spoke on behalf of FFA members, noting that paragraph 4 of CMM 2007-03 requires CCMs to transmit nominations for the Draft IUU Vessel List 120 days in advance of the TCC meeting. At WCPFC6, FFA members provided updates on vessels involved in incidents in their waters after this 120 day deadline, which they had reported to TCC5. WCPFC6 noted that the matter would be discussed at TCC6. FFA members among other CCMs are concerned that current listing procedures appear to allow such vessels to continue fishing on the high seas until the Commission considers whether to list them at the following WCPFC meeting—potentially for up to 18 months. Article 25(2) of the Convention requires the flag State to investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any CMM adopted by the Commission and provide a report to the requesting CCM “as soon as practicable and in any case within two months of such request”. The proposed amendments to CMM 2007-03 (presented in WCPFC-TCC6-2010-DP10) seek to resolve this disparity by balancing the ongoing need to provide due process to flag States with the requirement for the Commission to take timely action against IUU vessels consistent with Article 25(2). The amendments (i) allow a CCM to report alleged IUU activities detected 60 days before the annual Commission meeting; (ii) provide the TCC with the ability to consider those vessels if possible; (iii) provide at least 60 days for the flag State to investigate and respond to the allegation before the Commission meeting consistent with Article 25(2); and (iv) allow the Commission to make a final decision on the vessel even if the TCC did not have information from the flag State.
176. TCC discussed the FFA Proposal WCPFC-TCC6-2010-DP-10 which sought to address issues relating to alleged IUU vessels detected after the 120 day transmittal date as provided in paragraph 4 of CMM 2007-03. A small working group considered the issues raised by this proposal and developed an alternative approach as set out in WCPFC-TCC6-2010-WP37.
177. **TCC recommended that further work be done intersessionally on this proposal building on the work of the small working group [WCPFC-TCC6-2010-WP37] with a view to reconsidering the timeframes provided in CMM 2007-03 at WCPFC7.**
178. **CCMs are invited to provide comments to New Zealand through the Executive Director before 31 October 2010 so that New Zealand may present a revised paper to WCPFC 7.**

2.8 High Seas Boarding and Inspection

179. CCMs that authorize inspection vessels to operate under the WCPFC High Seas Boarding and Inspection (HSBI) Procedures are invited to submit an annual report for TCC6's consideration (WCPFC-TCC6-2010/19 (a-x)), pursuant to para. 40 of CMM 2006-08.
180. The USA reported that the United States Coast Guard conducted two HSBI in 2009 in the WCPFC High Seas area, south of Jarvis Island; no violations were reported. No HSBI of USA vessels were reported during 2009.
181. Japan reported that a HSBI was conducted by the USA on a Japanese longliner in September 2010, but the USA failed to implement Para. 24e (provision of a copy of the interim report on boarding and inspection to the vessel). That report was not provided. Japan encouraged the USA to implement all required HSBI procedures.
182. Chinese Taipei reported there were two vessels conducting HSBI in 2010, mainly in the High Seas pockets of the WCPFC. They boarded and inspected two USA flag vessels and 16 Chinese Taipei vessels pursuant to the relevant procedures and no violations were observed. Chinese Taipei noted that a CCM did not fulfil its obligation under para. 20(d) of CCM 2006-08 regarding notifying the authority of the inspected vessel, and encouraged all CCMs to follow the specified procedures.
183. Cook Islands stated it was authorised to conduct HSBI, most of which have been in the North Eastern high seas pocket. Thus far no violations of any CMMs have been detected. It noted the need for updated language cards that addressed the issues covered by the more recent CMMs (e.g., turtle mitigation measures on the vessel, or the ratio between the fins and sharks on the vessel).
184. **TCC noted the progress of the WCPFC Boarding and Inspection Programme. The WCPFC Secretariat was tasked with leading work to prepare updated language cards for use in high seas boarding and inspections, which reflects CMMs adopted since the first version of the language cards. CCMs were asked to cooperate in the completion of this task, particularly by providing assistance with translation of the cards.**

2.9 Compliance with reporting obligations.

2.9 a) Part 2 Annual Reports — Report by the Secretariat

185. The Compliance Manager noted that only 13 reports had been submitted as of 31 Aug 2010, but that 24 had been submitted as of 30 September 2010. He noted that judging by the lateness of the reports they appeared to represent a challenge for many CCMs. He invited comments on timely report submission, and welcomed suggestions on revisions to the proposed report templates.
186. It was observed that there was general agreement about maintaining the current Part 2 template for another year as a temporary stop-gap. A working group provided guidelines to the Secretariat on key elements for the revision by the Secretariat of Part 2 Annual Reports and the Information Management System insofar as it is used for data in Part 2 Annual Reports for consideration at WCPFC7 (WCPFC-TCC6-2010/36; appended as Attachment F).
187. The working group recommended to TCC6 that:

- i. it request the Secretariat to present a paper to WCPFC7 with a suggested approach for streamlining Part 2 reporting, taking into account the report of the working group, and in particular the benefits of web-based reporting;
- ii. it request the Secretariat to investigate ways of integrating compliance monitoring information into its information management system; and
- iii. the existing Part 2 report format be retained while improvements are undertaken.

188. TCC6 agreed that work on the Part 2 Report (WCPFC2010-TCC6-36) continue intersessionally by the Secretariat and recommended that the report from this intersessional work be considered by WCPFC7.

189. Further, TCC6 recommended that the Commission provide resources in the budget to enable the Secretariat to complete this work.

2.9b Data Gaps

190. During SC6 FFA members proposed that TCC receive SC6-ST-WP01 on data gaps, which summarizes compliance with reporting obligations. John Hampton presented a summary of “Data Gaps in the WCPFC Tuna Fisheries” (WCPFC-SC6-2010/WP-01).

191. FFA members recalled that the SC6 report recommends the Commission note that scientific analysis, and particularly stock assessments, is being hampered by late submission of data by CCMs. Operational-level catch and effort data (i.e. data included on catch and effort logsheets) are a key source of information for stock assessments. Most operational-level catch and effort data available to the Commission for requested scientific analyses undertaken by SPC is for the Pacific Islands region; far less of this data is available for fleets operating primarily outside the Pacific Islands region. WCPFC Rules for *Scientific Data to be Provided to the Commission* are binding, and specify that operational-level catch and effort data should be provided to the Commission by all CCMs for their flagged vessels or by chartering CCMs for their chartered vessels. In some cases PICTs have not authorized SPC to release the relevant data to the Commission; the data can be used by SPC for scientific analyses and stock assessments undertaken by SPC for the Commission, but the matter should nevertheless be addressed by the FFA/SPC members concerned. In addition, some CCMs have not provided operational-level catch and effort data to either the Commission or SPC, meaning the data is unavailable for scientific analyses and stock assessments.

192. FFA Members provided the recommendations noted below, however several CCMs noted that they could not respond without time for more consideration of the proposed recommendations with Japan noting that the potential impacts on their domestic laws would prevent them from responding before the end of TCC6.

193. The following recommendations were proposed by FFA Members, but not adopted by TCC6:

- i. “TCC6 reviewed SC6-ST-WP01 and notes SC6’s advice that timely provision of data by all CCMs in accordance with the WCPFC data rules regarding scientific data to be provided to the Commission is necessary for stock assessments. TCC6 notes with concern the information presented in the paper that shows significant gaps in data provision by CCMs, particularly provision of operational level catch and effort data.

- ii. TCC6 agreed to recommend to the Commission that CCMs who are not providing operational-level catch and effort data to the Commission in accordance with requirements in the WCPFC data rules on scientific data should provide reasons in their Annual Report Part 2. Additionally,
- Those CCMs who have domestic legal constraints that are preventing them from providing operational-level catch and effort data to the Commission in accordance with WCPFC requirements should also provide information on steps they are undertaking to overcome these constraints.
 - Other CCMs, who are also SPC members, that have not yet done so, should also provide information on the constraints and steps that they are undertaking to overcome these constraints that are preventing them from authorising SPC-OFP to provide to the Commission on their behalf operational level catch and effort data that CCMs are required to provide to the Commission.”

194. **TCC6 requests that the WCPFC Secretariat and scientific services-provider continue to provide the data gaps report to future TCC sessions, so that compliance by CCMs with agreed data reporting rules can be regularly evaluated and advice provided to the Commission on compliance by CCMs with reporting obligations.**

195. **TCC acknowledged the importance of providing complete and accurate data in a timely way and urged CCMs to improve the provision of data to the Commission. TCC requested that CCMs that have issues in providing accurate and complete data in a timely manner should identify those issues clearly to the Commission. At TCC7 CCMs should provide a draft plan of how impairments to the provision of data will be dealt with as rapidly as possible. CCMs are encouraged to assist others as they are able to do so and the Commission should continue to evaluate methods to assist in this matter.**

2.10 Committee on Compliance with Conservation and Management Measures

2.10a) Terms of Reference for the CCMM

196. Australia spoke to paper WCPFC-TCC6-2010/21, noting that at WCPFC6, the Commission approved intersessional discussions on the Compliance Monitoring Scheme (CMS) through the Compliance with Conservation and Management Measures (CCMM) Working Group, in accordance with the TORs set out in WCPFC6-2009/DP17. Australia noted that the paper provided a basis for discussion and development of the CMS, and outlined options for a structure and process for the CMS, and options relating to the issues outlined in the TORs. It also proposed options for progressing the work of the CCMM Working Group.

197. Canada introduced WCPFC-TCC6-2010/DP-07, and indicated that TCC should be presented with all relevant information regarding potential non-compliance with CMMs. They noted that in the past information was brought to TCC informally by NGOs, but that it should be discussed in an open forum.

198. CCMs thanked Australia and Canada for their contributions, and expressed general agreement with the efforts being undertaken, given the importance of compliance. The importance of ensuring consistency with Convention provisions was emphasized, in

particular regarding punitive actions, and aspects of allocation criteria. It was suggested that compliance could be better evaluated after additional information on the implementation of CMMs was available. In addition, different interpretations among CCMs on the Convention provisions and the texts of CMMs were raised as an important factor that needed to be taken into consideration.

199. FFA members thanked Australia for its efforts to address issues of non-compliance with CMMs. FFA members have previously raised concerns about CCM non-compliance to TCC and the Commission, in particular on implementation of vessel and longline catch limits under former swordfish and bigeye measures, respectively. They noted the need for a strategic programme to ensure compliance among Parties to the Convention, and welcomed the detailed guidance provided by the proposal regarding how information should be treated and the steps to be undertaken by the Commission in response to non-compliance. Any compliance review must account for the special requirements of SIDS, especially in regard to capacity limitations, and Australia has made efforts in this regard. They saw merit in the graduated rating of non-compliance and the range of responses available to the Commission, and noted that any system should encourage compliance, as well as responding to non-compliance.
200. New Zealand suggested that rather than addressing all CMMs at once, initially one or two high-priority measures could be selected. It suggested the role of the Commission Secretariat with respect to compliance issues should be clarified. It suggested that sanctions were needed for major non-compliance, but that the focus should be on assistance to CCMs to comply with the CMMs.
201. **TCC6 recommended that the Commission continue to progress work on the CMS through the Compliance with Conservation and Management Measures Working Group to develop a draft CMM, with Australia to lead the process, and recommended that the draft CMM be forwarded to WCPFC7 for consideration.**

2.11 Kobe II Recommendations

202. The Executive Director outlined that the Tuna RFMOs met on four occasions in 2010. The science, by-catch and management recommendations were presented to SC6 with general agreement on science and agreement in principle on by-catch recommendations. The management recommendations were generally agreed and passed to TCC6 for further response. The MCS recommendations had not been discussed at SC6. The Executive Director led the Members in a review of the MCS recommendations to Kobe II to complete the WCPFC response to all four workshop recommendations.
203. **TCC6 recommended that WCPFC7 approve the Kobe II Workshop recommendations, taking into consideration the comments as noted in the attachment. (Appended as Attachment G).**

2.12 Advice and recommendations in relation to the implementation of CMMs

2.12 a) Resolution 2008-01 (SIDS) (See discussions under agenda item 5)

204. **TCC6 noted that the issues addressed by Resolution 2008-01 were important for the effectiveness of WCPFC CMMs and Article 30 of the Convention, and that criteria for**

implementation and possible strengthening to a CMM were under consideration by CCMs.

2.12b) CMM 2004-03 (Fishing vessel marking and identification)

205. There were no comments on this item.

2.12c) CMM 2005-02 (South Pacific Albacore)

206. FFA Members noted the importance of South Pacific albacore and CMM 2005-02 and the lack of a specific reporting provision in CMM 2005-02, thus relying on CCMs to report in their Annual reports, which has not proven effective. FFA members proposed that TCC6 advise the Commission of difficulties with monitoring CMM 2005-02 and recommend improvements in the process for reporting on the measure. FFA Members will be considering options for improving the effectiveness of monitoring of the measure, including amending the CMM to include a reporting provision.

207. New Zealand noted they were examining the use of tools available to the Commission (e.g., the ROP and VMS) to validate and verify data that are being provided.

2.12d) CMM 2005-03 (North Pacific Albacore)

208. Addressed under Agenda Item 7.2

2.12e) CMM 2006-04 (Striped Marlin in the South Pacific)

209. There were no comments on this item.

2.12f) CMM 2006-08 (High Seas Boarding and Inspection)

210. Addressed under Agenda item 2.8.

2.12g) CMM 2007-01 (ROP)

211. CCMs noted the ROP was very important, but also ambitious, and could strain the capacity of some PICTs, especially in relation to the 100% observer coverage required during the FAD closure. They suggested looking at how the regional and national observer programmes were working to ensure the objectives behind the extra observer coverage were being met, requested data on common processes established for the existing national programs, and inquired whether there was a deadline for timely notification of vessel operators and captains, and whether these provisions could be strengthened or more clearly specified. The EU asked whether it would be possible for the captain of a vessel to receive and be able to comment on the observer report.

212. The Observer Programme Coordinator noted that current procedures required debriefing of observers first by a debriefer, and he noted that the Captain can examine an observer report by submitting a request to the Observer Provider. Debriefing capacity in the region is low at present, but it is being expanded so the Captain can make comments on the observer trip report to the Observer Provider, and these would be added to the debriefing analysis of the trip. The OPC noted that to maintain independence of the observer, no information is

shared with the Captain during a trip. He confirmed that all PIC training programs use the same standards, and they must meet Commission standards prior to 2012.

213. The USA noted the use they were making of data from the USA and FFA observer programs to monitor implementation of CMM 2008-01, which allowed them to identify 27 illegal sets by seven vessels during the FAD closure. Charges are being levied against these vessels. The USA also again requested information from other CCMs on what they had done to implement CMM 2008-01 and what steps they had taken to ensure compliance by their vessels and address any issues of non-compliance.
214. CCMs stated that a copy of the information should be supplied to the Captain of an observed vessel, which could allow cross-checking of fishing and set type with the actual amount of catch. They suggested the Commission discuss the provision of a report to the captain when the observer leaves the vessel, such report then being subject to strict data confidentiality rules.
215. The OPC indicated the structure of the programme would have to be changed to allow delivery of a report directly to the vessel.
216. A CCM noted that the SPC paper on the FAD closure (WCPFC-TCC6-2010-09a) demonstrated the importance of issues of IUU fishing, or not reporting by-catch.
217. The Marshall Islands made a statement on behalf of the PNA (WCPFC-TCC6-2010-DP/20) regarding conservation and management measures the PNA adopted with regard to setting on whale sharks by purse-seine vessels. At the 30th Special Meeting, the PNA adopted a measure to be applied through amendment to the PNA 3rd Implementing Arrangement that prohibits sets associated with whale sharks, stipulating that no purse seine vessel shall engage in fishing or related activity in order to catch tuna associated with whale sharks (*Rhincodon typus*). The measure will take effect 1 January 2011. The PNA intends to table a proposal at WCPFC7 so that the Commission can introduce compatible measures.
218. **TCC6 noted comments by CCMs regarding the value of ROP data to both conservation and management activities.**
- 2.12h) CMM 2007-02 (VMS)
219. Discussed under Agenda Item 2.4
- 2.12i) CMM 2007-04 (Seabird Mitigation Measures)
220. FFA Members supported the recommendations from SC6 for improvements in CMM 2007-04. They proposed that TCC6 recommend that the Scientific Committee provide scientific information on the issues identified by SC6, to be considered at TCC7, along with other information that might be available, particularly on appropriate specifications for deep setting line shooters.
221. The USA supported the proposal by FFA members, noting that the USA had tried for several years, without success, to develop minimum technical specifications for deep-setting line shooters. They stated that before the Commission could develop appropriate specifications for deep-setting line shooters, more work was needed from the Scientific Committee to examine line shooter efficacy, to develop a better understanding of whether and how they mitigate seabird by-catch. The USA suggested that in order to see which

mitigation methods are being relied on by CCMs, and to thereby prioritize research needs and the work of the TCC, the Secretariat should be asked to compile the reports of CCMs on their implementation of the CMM, including the mitigation methods they require be used by their fishermen.

222. New Zealand suggested that TCC7 set aside sufficient time to review specifications for seabird mitigation measures, including any additional scientific advice from SC7.

223. **TCC6 recommended that WCPFC7 request the SC to provide further advice on the use and effectiveness of measures to mitigate seabird mortality in longline fisheries, particularly with respect to deep-setting longline shooters and their particular characteristics, for consideration at TCC7.**

2.10j) CMM 2008-01 (Bigeye and Yellowfin)

224. FFA members noted that CMM 2008-01 is a key WCPFC CMM, and that based on the scientific advice received, it is clear the measure is unlikely to eliminate overfishing of bigeye, particularly if the high seas pockets closures result in effort being transferred to high seas areas to the east. FFA Members noted their understanding that CMM 2008-01 would remain in place unless the Commission adopted alternative measures. They also noted that the PNA 3rd implementing arrangement provisions had no time limitations and would remain in place until amended. FFA Members noted that the Convention requires the application of compatible measures by the Commission. FFA Members proposed that TCC note the need for the measure to be strengthened in accordance with the scientific advice.

225. Some CCMs agreed with the need to strengthen CMM 2008-01, but suggested action by the Commission would be required to ensure its provisions remained in place until a new CMM was developed.

226. While agreeing that the results of CMM 2008-01 were disappointing, and that it was unlikely to achieve the original objective of a 30% reduction in bigeye mortality, some CCMs suggested WCPFC7 should consider more fully why CMM 2008-01 was not successful. They suggested it was due to too many exemptions in the Measure, thereby placing the burden of the measure on Japan, Chinese Taipei, Korea and China. Japan noted the measures it had taken to reduce their bigeye catches, which decreased by 27% in one year, and requested more information on what other states had done to implement the measure.

227. The Marshall Islands delivered a statement (WCPFC-TCC6-2010-DP/18) on behalf of the PNA, recalling that the 3rd Implementing Arrangement under the Nauru Agreement (adopted in 2007) applied a package of measures, including a closure of two high seas pockets to purse seining. This closure was subsequently adopted by the Commission and came into force through CMM 2008-01. SC6 expressed concern at the possible effects of a transfer of purse seine effort from the two closed high seas pockets to other areas of high seas in the east, where bigeye tuna generally form a greater proportion of the catch. This would increase bigeye mortality and require other compensating measures (e.g. extending the FAD closure or limiting overall purse seine effort) that would impact fishing in PNA EEZs. As a result, the PNA have agreed to the closure of additional high seas areas (between 10°N and 20°S and 170°E and 150°W) to all purse seine vessels licensed to fish in the EEZs of the PNA, to take effect from 1 January 2011.

228. During the discussions the EU requested information about the measures implemented in EEZs in accordance with the Third Implementing Arrangement to the Nauru Agreement, and the results achieved in terms of effectiveness of those measures on the conservation of the bigeye and yellowfin stocks. An important aspect of understanding the results achieved would be to have information about the implementation of the Vessel Day Scheme.
229. The Philippines reported on legislation enacted in April 2010 closing a portion of the internal waters of the Philippines that contains juvenile yellowfin and bigeye tuna to all fishing activity.
230. The EU reported that since the adoption of the measure its purse seine fleet fishing for bigeye and yellowfin has been limited to the number of vessels licensed under bilateral agreements. It noted with concern document WCPFC-TCC6-2010/22, in particular Tables 1 and 2a of Attachment 5.
231. The Cook Islands reported that it would be presenting a draft CMM to WCPFC7, aimed at eradicating IUU-related activities in the High Sea enclosed by the EEZs of Cook Islands, Kiribati and French Polynesia. A paper on managing the Eastern High Sea Pocket (WCPFC-TCC6-DP16), was placed on the WCPFC Website, and the Cook Islands requested comments on its proposal to be received by 31 October, 2010.

Regarding paragraph 46 of CMM 2008-01:

232. The Legal Advisor opined that paragraph 46 of CMM 2008-01 should be taken to mean that until the time the Commission adopts measures that replace all or part of CMM 2008-01, the general clauses of the CMM shall continue in force, but those provisions of the CMM that have specific timeframes will effectively expire upon reaching the end of those respective timeframes.
233. Not all CCMs were prepared to agree with that interpretation. The TCC agreed that action should be taken to ensure that the conservation and management of bigeye tuna and yellowfin tuna does not weaken in the event that the Commission fails to reach agreement on a successor measure.
234. **TCC6:**
- a. recommended that the Commission make a decision during WCPFC7 – in advance of pursuing further development of a successor to CMM 2008-01 whether all those provisions of the CMM with timeframes that continue through 2011 will continue in force, as they apply in 2011, until such time as they are explicitly repealed or replaced with alternative provisions.**
 - b. noted the apparent non-compliance indicated in the tables in WCPFC-TCC6-2010/22, Attachment 5 and recommends that WCPFC7 note (i) the importance of adopting a formal process for identifying and responding to non-compliance, and (ii) the importance of CCMs taking steps to effectively implement conservation and management measures.**
 - c. requested that SPC provide to WCPFC7 (i) an analysis of whether CMM 2008-01 resulted in high seas effort moving into eastern high seas pockets, and (ii) an analysis of reported catches of yellowfin tuna by the longline fishery in the WCPFC Convention Area.**

2.12k) – 2.12n) CMM 2008-03, CMM 2008-04, CMM 2008-05, CMM 2008-06

235. There were no comments on these items.

2.12o) CMM 2009-01 (RFV and Authorization for Fishing)

236. Discussed under Agenda Item 2.5.

2.12p) CMM 2009-02 (FADs Closure and Catch Retention)

237. Some CCMs expressed concerns that the definition of FAD as contained in CMM 2009-02 was too broad and not easily applied by vessels; suggestions were made that the size of FADs should be defined, that natural logs be eliminated from the FAD definition, and that consideration be given to time-based FAD closures.

2.12q) CMM 2009-05 (Data Buoys)

238. There were no comments on this item.

2.12r) CMM 2009-06 (Transshipment)

239. **TCC6 considered New Zealand's application for exemption under para. 26 of CMM 2009-06 (WCPFC-TCC6-2010/DP-02) and recommends to WCPFC7 that the exemption be approved.**

2.12s) CMM 2009-07 (Pacific Bluefin Tuna)

240. Discussed under Agenda Item 7.2.

2.12t) CMM 2009-08 (Charter Notification)

241. There were no comments on this item.

2.12u) CMM 2009-09 (Vessels without Nationality)

242. There were no comments on this item.

2.10v) CMM 2009-10 (Monitoring of Purse Seine Port Landings)

243. TCC noted the efforts being made by various CCMs, including Japan, Chinese Taipei, Korea, PNG, the US, and the government of Thailand, to collect species and size comp data from canneries, and recognized the potential for using data from canneries in combination with observer data to derive catch estimates by species.

244. The USA noted that SPC was working with ISSF in obtaining cannery data from Thailand and that the USA looks forward to an analysis of the utility of those data. In the meantime, the USA does not plan to collect data from canneries in Thailand and will work cooperatively with the ISSF, the Government of Thailand and SPC.

AGENDA ITEM 3 — ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

3.1 Port State Measures

245. The Pew Environment Group made a statement regarding Port State Measures, which is appended as Attachment H.

246. The EU presented WCPFC-TCC6-2010/DP-03, which was a revised draft of a proposal first tabled at WCPFC6.
247. FFA Members noted their participation in consultations that led to the development of the FAO Port State Measures Agreement, and indicated many FFA members had not yet subscribed. They stated their position that the sovereignty of a port State over ports within its territory must not be undermined, and that the sovereign rights of coastal States must be protected. They further stated that any port State measure adopted by the Commission should not apply to foreign fishing vessels that are already licensed by the relevant port State CCM or vessels fishing solely in waters under the sovereignty of the relevant port State CCM. Any port State measure adopted by the Commission must be capable of being implemented effectively by all CCMs, which can be significantly impacted by capacity and resource constraints, and must clearly articulate assistance mechanisms that would support implementation. Problematic elements of the EU proposal included the requirement to inspect at least 10% of foreign fishing vessels in port, and the timeframe of 3 full working days for preparing and transmitting inspection reports.
248. Other CCMs raised similar concerns, and the need to consider consistency (i) among RFMOs; (ii) between measures adopted domestically and at the RFMO level; and (iii) between the measure, the Convention, and the FAO Port States Agreement.
249. The EU stated that this proposal was intended to set minimum standards as per the internationally agreed benchmarks, and that the rights of coastal states to adopt more stringent measures were already recognised in recital 8 of the proposal in WCPFC-TCC6-2010/DP-03. Furthermore, requirements on inspection and deadlines could be adapted. The EU indicated that should WCPFC Parties agree to work on the EU proposal as a basis for developing a CMM on Port State Measures, it would be ready to receive comments inter-sessionally in view of producing a revised draft for WCPFC7.
250. **TCC6 recommended that CCMs submit comments to the EU on port State measures, including on WCPFC-TCC6-2010/DP-03, by 31 October 2010. TCC6 recommended that the EU submit a revised draft of the port State measures CMM to WCPFC7 for its consideration.**

3.2 Catch Documentation Scheme

251. The Secretariat noted that WCPFC6 agreed on the need for a Catch Documentation Scheme as per para. 135 of the WCPFC6 Summary Report, and the FFC Chair, now PNG, agreed to take the lead on this initiative. The European Union also indicated a desire to open discussions on its revised CDS scheme presented in 2008. TCC6 considered three proposals and one working paper:
- i. The EU described its proposal (WCPFC-TCC6-2010-DP-06) as an important tool against IUU fishing, intended to help support implementation of CMMs, improve data gathering, and assist scientific research, and the impact market factors have on these resources. The EU tabled a similar proposal at WCPFC5; DP-06 was updated to reflect the latest FAO and EU requirements. The certification scheme is similar to that proposed in other RFMOs, with a simplified proposal for smaller vessels.
 - ii. The proposal from Japan (WCPFC-TCC6-2010-DP-08) was created based on discussions with tuna RFMOs. The main proposal is consistency in global standards.

Japan has made the same proposal to IATTC, and to other RFMO meetings including ICCAT and IOTC. Significant features of Japan's proposal include coverage of all tuna species and sharks, and purse-seine and fresh tuna product. Japan also proposes to address some aspects of artisanal fisheries.

- iii. The proposal from PNG (WCPFC-TCC6-2010-DP-09) is based on PNG's experience, and on the level of documentation PNG needs for its exports. The main proposal is based on both PNG and regional systems. Its proposal uses the documentation that forms part of PNG's internal system for export to the EU. PNG recommends that its proposal be considered to establish a minimum level of documentation.
- iv. The working paper comprised the "Best Practice Study Of Catch Documentation Schemes" by MRAG (WCPFC-TCC6-2010-IP-01).

Discussion

252. China indicated its support for developing a CDS given that catch documentation is a common practice and CDSs are very effective tools to combat IUU fishing. It noted difficulties regarding the species covered, as its domestic law addresses only monitoring of frozen bigeye and swordfish, while the EU proposal covers four species, and the Japanese proposal a number of other species, including sharks and the product form of fresh tuna. China indicated its support for development of such a program, but stressed it needed time to implement it internally.
253. Korea expressed support in principle for combating IUU fishing, and noted the desirability of adopting a unified application form for all RFMOs to reduce complexity and redundancy. It indicated a CDS should be applied gradually, from major to minor species, as applying immediately to all species would be difficult and not cost-effective. It suggested initial application to species such as bigeye, and indicated the need to consider the identification of species by the purse-seine fishery.
254. Chinese Taipei recognized that CDS is one of the useful tools to combat IUU fishing and supported to introduce the tool into WCPFC. They suggested implementing an expanded CDS in a transitional or phased manner in order to ensure adequate time for all Members to prepare for implementation. They also stressed that such expansion of CDS should be based on the condition of the stock, and priority should be given to the overfished and depleted fish stocks and then, where necessary, expand to other species.
255. Cook Islands spoke on behalf of FFA members and noted the importance of CDS, and the need to ensure that a CDS must consider the specific characteristics of fisheries in the Pacific Islands region, particularly existing monitoring and reporting systems. FFA members indicated that a WCPFC CDS should not simply copy schemes in other RFMOs. FFA members thanked the EU and Japan for their proposals, which they noted appeared to be generally based on the ICCAT model, and acknowledged the paper from Papua New Guinea.
256. Fiji also spoke on behalf of FFA members, and suggested focussing on key principles, noting the need for a clear understanding of objectives (e.g., catch verification and validation; provision of scientific and fisheries management information; and traceability to final market destination) in implementing a CDS. It also noted that a CDS should be considered as one component of an overall fisheries monitoring system.

257. The Philippines supported development of a CDS for the WCPFC, indicating it had some experience in complying with EU regulations connected to tracing legal and illegal fish. It agreed that a CDS should be based on clear objectives.
258. Australia supported the comments made by Fiji regarding considering objectives, and suggested decisions about which species to cover would be related to the CDS objectives. A weakness that FFA members see in the EU and Japan proposals is that catches landed by national vessels in domestic ports are not covered, creating an unfair advantage for these fleets, and leaving WCPFC with a partial CDS. Australia also noted that the burden of complying with these proposed schemes would then fall on Pacific Island members that have vessels or fisheries with foreign-flagged vessels. A CDS must be able to trace all catches through to market to assist in identifying and differentiating products caught in WCPFC waters in the market, including by fishing method, origin of catch, or particular vessel or vessel groups.
259. New Zealand spoke on behalf of FFA members and noted concern that under a centralised Commission CDS model, particularly as contained in the Japanese and EU proposals, the paper trail and timeframes would place significant loads on the WCPFC Secretariat, requiring additional staff and finances. The WCPFC manages the biggest share of global tuna fisheries, and the number of catch documents proposed for the WCPFC Secretariat to manage, even with electronic systems, would greatly exceed those of current CDSs in RFMOs. It suggested an incremental approach could be useful.
260. Niue noted on behalf of FFA members that the development of a CDS system needed to take into account the capacity of SIDS (in whose waters most fishing takes place) regardless of the type of CDS.
261. Palau spoke on behalf of FFA members, noting the need for a WCPFC CDS to be compatible with the MCS and documentation systems in place within the fishery, including seafood safety-related documentation required for export purposes, in keeping with the recommendations from the Kobe MCS workshop, which state that the specific characteristics of each RFMO should be considered when establishing a CDS within an RFMO. FFA members noted a CDS that tracks catches from national waters to market could assist coastal States verify catches.
262. Nauru noted on behalf of FFA members that the fisheries management arrangements in the WCP region are largely zone-based, meaning coastal States or chartering States were often the most appropriate entities to validate catch documents. It noted that the Japan proposal was consistent with recommendations from the Barcelona Kobe MCS Workshop that existing coastal and port State reporting and certification requirements be considered.
263. The EU indicated that a WCPFC CDS that allowed certification by a coastal or charter State would not be recognized by the EU IUU regulation, and would therefore be unacceptable to the EU.
264. Japan stressed that the IUU issue is global, and a global standard was needed that could take into account regional characteristics. It also noted the need to address sharks, which were included in their proposal because of potential listing of sharks in Appendix 2 of CITES if RFMOs do not take positive steps to conserve sharks.

265. Marshall Islands reiterated and supported the statement by Cook Islands that a focus on first principles was needed. It noted on behalf of FFA members that in development of the transshipment CMM in 2009 an evaluation was made of requirements, gaps and risks, and the scheme designed to address these. It suggested this approach could allow consideration of a wider range of innovative solutions, such as a decentralised model consisting of minimum standards for an in-zone CDS, with provision of high seas data to WCPFC, with audit and verification processes conducted by the WCPFC Secretariat. Such a model could cater for a range of different coastal State responses to market requirements and would rely on some form of summary reporting from CCMs on catches in national waters covered by a national CDS. Such a de-centralised CDS scheme would have a strong end-use reporting component to enable coastal States and the Commission to reconcile catches with market consumption. It also supported the proposed way forward in the PNG CDS proposal.
266. The USA agreed with other CCMs on the need to focus on key objectives first. Regarding the inclusion of sharks in a CDS, it noted this should not be viewed as a replacement for appropriate CMMs.
267. **TCC6 agreed that the four papers considered at TCC6 provided a good basis for the development of a CDS. A working group led by FFA members was tasked to progress this work using the four reports, including Section 6.2 of the MRAG report to guide their consideration. TCC6 recommended that the report from this working group be considered by WCPFC7.**

3.3 Role of capacity in overfishing

268. **This was addressed under Agenda Item 2.11 (KOBÉ II outcomes).**

3.4 North Pacific striped marlin

269. Japan noted that North Pacific striped marlin was discussed on the margins of the NC6 meeting. It indicated ISC plans to conduct a new stock assessment in 2011 using new data and a new stock structure that includes a western and eastern part, and suggested a new CMM could be considered after this stock assessment is completed in 2011. IATTC scientists recently conducted a stock assessment for the eastern stock of the species and established that stock levels are much higher than MSY, and much higher than in the past.
270. New Zealand spoke on behalf of FFA members, noting that 2010 was the third year since WCPFC directed that a CMM for this stock be developed, with virtually no progress to date. It indicated the previous (now outdated) stock assessment revealed trends in fishing mortality and biomass that should be addressed. It strongly supported attempts to develop a CMM to control fishing mortality on the stock, and thanked the USA for its work presented to the SC on mitigation methods.
271. Niue spoke on behalf of FFA members, and noted that the use of a CMM similar to that in place for swordfish could be effective, and could include spatial or temporal closures or modifications to fishing gear. It indicated that industry needed an incentive to act, which would be provided by a CMM.

272. **TCC6 noted that north Pacific striped marlin is not specifically a northern stock. TCC6 recommended that any CMM developed for this species should be developed jointly with all other members of the Commission, for consideration by WCPFC7.**

3.5 NGO Information for Compliance (WCPFC6-2009/DP33)

273. WCPFC6 was unable to consider Canada's proposal on the use of NGO information for Compliance as per para 358 of the WCPFC6 Summary Report. TCC6 was invited to consider WCPFC-TCC6-2010/DP-07.

274. Canada agreed to work with Australia to progress any further work on its paper intersessionally.

3.6 Port Monitoring of Purse Seine Catches

275. Discussed under Agenda Item 3.6

AGENDA ITEM 4 — APPLICATIONS FOR COOPERATING NON-MEMBER STATUS

4.1 CNM application assessments

276. CCMs discussed the process by which CNM applications were considered, agreeing on the need to ensure the process is transparent and fair. The proposal put forward by Kiribati and Tuvalu (WCPFC-TCC6-2010/DP-15) setting out a process for consideration of CNM applications was discussed by CCMs. CCMs agreed to incorporate the template into the Secretariat's existing evaluation process.

277. The WCPFC Legal Adviser explained the process by which CCMs evaluate CNM applications, noting that CMM2009-11 (para. 2) specifies the information required to be provided by all applicants.

278. TCC6 assessed the applications for CNM status against the requirements of CMM 2009-11.

Belize

279. **TCC6 reviewed the CNM application submitted by Belize against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:**

a) **TCC6 advises the Commission that the application from Belize dated 1 July 2010 was received by the WCPFC Secretariat, which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises the Commission that the application did meet the requirement of being submitted in English.**

b) **TCC6 advises the Commission that Belize has i) provided a commitment to cooperate fully, ii) provided an explicit commitment to accept high seas boardings and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide**

as part of documentation provided for FAC4, an estimate of Belize's financial contribution for 2011 based on the draft budget for 2011.

c) TCC6 advises the Commission that based on the best information available that Belize did comply with the participatory rights specified by the Commission at WCPFC6 and that there is no information of non-compliance in WCPFC or other RFMOs.

280. TCC identified the following data gaps in Belize's application and requested supplementary information to be provided by Belize to the Commission:

- a) Provide aggregate catch and effort data by species (5 degree square, month resolution) for 2001-2003
- b) Provide aggregate catch and effort data by species for 2006 and prior years in the standard format, with effort expressed in number of hooks and catch expressed in numbers of fish.
- c) Provide aggregate catch and effort data by species for 2007 and prior years with a breakdown by hooks-between-floats, as has been done for 2008 and 2009 data.
- d) Provide all available operational level (logsheet) data for all years. If operational level data for any years represent 100% coverage of fishing activities in the WCPFC Convention Area, then aggregate catch and effort data need not be provided.
- e) Provide any size data (either lengths or weights or individual fish), by species, stratified by the smallest area/time strata possible.

281. TCC6 recommends Belize for consideration by the Commission for CNM status in 2011 subject to the additional information identified by TCC6 being provided to, and accepted by, the Commission.

Democratic Peoples Republic of Korea(DPRK)

282. CCMs discussed the gaps in data relating to swordfish, and the need for full submission of the required data. They noted the need for clarification regarding whether DPRK was fishing in the Convention Area, and whether they were seeking to access new fishing grounds, or expand their fishing activities in existing grounds.

283. Korea stated that the DPRK should ensure that it will not engage in any IUU fishing and abuse its right of the CNM status directly or indirectly if the DPRK becomes a CNM, explaining that there was an IUU fishing case related to DPRK on the CCAMLR waters in 2006.

284. TCC6 has reviewed the CNM application provided by Democratic Peoples' Republic of Korea (DPRK) against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:

- a) TCC6 advises the Commission that the application dated 2 July 2010 from DPRK was received by the WCPFC Secretariat, which is within the deadline set out in

paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.

b) TCC6 advises the Commission that DPRK has provided a commitment to cooperate fully and has provided an explicit commitment to accept high seas boardings. However the application does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of DPRK's financial contribution for 2011 based on the draft budget for 2011.

c) TCC6 advises the Commission that based on the best information available there is no record of non-compliance of DPRK of WCPFC conservation and management measures and other current listing of RFMOs IUU lists.

285. TCC identified the following data gaps in DPRK's application and requested supplementary information to be provided by DPRK to the Commission:

- a) Provide total catch by species of highly migratory species, by year, in the WCPFC Convention Area.
- b) Provide aggregate catch and effort data by species, according to the specifications laid down in "Scientific Data to be Provided to the Commission" (<http://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-wcpfc6>).
- c) Provide operational level catch and effort (logsheet) data for all fishing operations in the WCPFC Convention Area catching highly migratory species.
- d) Provide any size data (either lengths or weights or individual fish), stratified by the smallest area/time strata possible.

286. TCC6 recommends DPRK for consideration by the Commission for CNM status in 2011 subject to the provision of information identified by TCC6 being provided to, and accepted by, the Commission.

Ecuador

287. Ecuador indicated it had requested, but not yet received, the data sought by the Commission from IATTC; once received the data will be analyzed and sent to the WCPFC Secretariat.

288. CCMs discussed Ecuador's compliance with VMS requirements, and the Secretariat stated it had successfully tracked Ecuador's vessels fishing in the IATTC/WCPFC overlap area.

289. Ecuador noted it currently complies with all WCPFC and IATTC CMMs. It indicated its willingness to make a financial contribution to the Commission, pending determination of the required amount by WCPFC7.

290. TCC6 reviewed the CNM application provided by Ecuador against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:
- a) TCC6 advises the Commission that the application dated 20 July 2010 from Ecuador was received by the WCPFC Secretariat which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.
 - b) TCC6 advises the Commission that Ecuador has provided a commitment to cooperate fully and provided an explicit commitment to accept high seas boardings. Ecuador has indicated a willingness, to the extent of their possibilities, to make a voluntary financial contribution. This willingness is not an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of Ecuador's financial contribution for 2011 based on the draft budget for 2011.
 - c) TCC6 advises the Commission that based on the best information available that Ecuador did comply with the participatory rights specified by the Commission at WCPFC6 and there is no information of non-compliance in WCPFC or other RFMOs.
291. TCC identified the following data gaps in Ecuador's application and requested supplementary information to be provided by Ecuador to the Commission:
- a) Provide confirmation that 2000 was the first year in which Ecuador vessels fished in the WCPFC Convention Area. If not, extend all data provision back to the date of first activity.
 - b) Provide aggregate catch and effort data by species, according to the specifications laid down in "Scientific Data to be Provided to the Commission"
[\(<http://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-wcpfc6>\)](http://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-wcpfc6).
 - c) Provide all available operational level (logsheet) data for all years. If operational level data for any years represent 100% coverage of fishing activities in the WCPFC Convention Area, then aggregate catch and effort data need not be provided.
 - d) Provide catch size composition data, by species, stratified by the smallest area/time strata possible.
292. TCC6 recommends Ecuador for consideration by the Commission for CNM status in 2011 subject to the additional information identified by TCC being provided to, and accepted by, the Commission.

El Salvador

293. **TCC6 reviewed the CNM application and supplementary data provided by El Salvador against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:**

a) TCC6 advises the Commission that the application dated 27 July 2010 from El Salvador was received by the WCPFC Secretariat which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.

b) TCC6 advises the Commission that El Salvador has provided a commitment to cooperate fully and has provided an explicit commitment to accept high seas boardings and inspections. However the application does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of El Salvador's financial contribution for 2011 based on the draft budget for 2011.

c) TCC6 advises the Commission that based on the best information available that El Salvador did comply with the participatory rights specified by the Commission at WCPFC6 and there is no information of non-compliance in WCPFC or other RFMOs.

294. **TCC identified the following data gaps in El Salvador's application and requested supplementary information to be provided by El Salvador to the Commission:**

a) Provide catch size composition data, by species, stratified by the smallest area/time strata possible.

295. **TCC6 recommends El Salvador for consideration by the Commission for CNM status in 2011 subject to the additional information identified by TCC being provided to, and accepted by, the Commission.**

Indonesia

296. The Secretariat noted Indonesia's involvement in the West Pacific East Asia Oceanic Fisheries Management Project that sought to build its capacity to address gaps in data provision. CCMs noted Indonesia had one vessel on the IOTC IUU vessel list in 2010.

297. **TCC6 reviewed the CNM application provided by Indonesia against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:**

a) TCC6 advises the Commission that the application from Indonesia was received by the WCPFC Secretariat on 29 July 2010 which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.

b) TCC6 advises the Commission that Indonesia has provided a commitment to cooperate fully and has provided an explicit commitment to accept high seas

boardings. However the application does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of Indonesia's financial contribution for 2011 based on the draft budget for 2011.

c) TCC6 advises the Commission that based on the best information available that Indonesia comply with the participatory rights specified by the Commission at WCPFC6.

- 298. TCC6 acknowledges that Indonesia has been cooperating with WCPFC and SPC in the development of a range of fishery monitoring and data collection systems designed to meet WCPFC data requirements, and in the reconstruction of historical data. Indonesia is encouraged to continue with this joint work and to provide the resulting data to WCPFC as it becomes available.**
- 299. TCC6 noted that recently provided annual catch estimates for 2000-2009 excluded catches in Indonesian archipelagic waters. TCC6 draws Indonesia's attention to the guidelines for provision of data to WCPFC laid down in "Scientific Data to be Provided to the Commission" (<http://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-wcpfc6>), which specify that data are to be provided for the WCPFC Statistical Area, which includes Indonesian archipelagic waters in the Pacific Ocean, in order for stock assessments to consider total stock removals. Indonesia is therefore requested to provide data for their area under national jurisdiction, including archipelagic waters, in the WCPFC Statistic Area.**
- 300. TCC6 notes that the two vessels of Indonesia on the WCPFC IUU list were removed from the list through intersessional decision of the Commission in 2010. TCC further notes that a number of Indonesian flagged vessels are currently on the IUU lists of other RFMOs.**
- 301. TCC6 requested Indonesia to provide supplementary information ahead of the WCPFC7 relating to actions it has taken to respond to its vessels on the IUU Vessel Lists of other RFMOs in accordance with paragraph 3(c) of CMM 2009-112**
- 302. TCC6 recommends Indonesia for consideration by the Commission for CNM status in 2011 subject to the information identified by TCC6 being provided to, and accepted by, the Commission.**

Mexico

- 303. CCMs indicated that in 2009 the Commission had encouraged Mexico to work with the NC, and cooperate on the management of North Pacific bluefin tuna, indicating Mexico did not attend any NC meetings; they noted the need would for more information on Mexico's commitment to CMMs, especially those for North Pacific bluefin tuna. They noted that a request should be made to Mexico explicitly accept High Seas boardings and inspections.**

304. TCC6 reviewed the CNM application provided by Mexico against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:
- a) TCC6 advises the Commission that the application dated 29 July 2010 from Mexico was received by the WCPFC Secretariat which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.
 - b) TCC6 advises the Commission that Mexico has provided a commitment to cooperate fully. Mexico has reiterated that regarding high seas boarding and inspection schemes it will cooperate with these arrangements “consistent with international law and other arrangements”. This reiteration may not be considered an explicit commitment to accept high seas boarding and inspections in accordance with the Commission’s procedures on high seas boarding and inspection, which is required by paragraph 2(c) of CMM 2009-11. The application does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of Mexico’s financial contribution for 2011 based on the draft budget for 2011.
 - c) TCC6 advises the Commission that based on the best information available that Mexico did comply with the participatory rights specified by the Commission at WCPFC6 and there is no information of non-compliance in WCPFC or other RFMOs.
305. TCC identified the following data gaps in Mexico’s application and requested supplementary information to be provided by Mexico to the Commission:
- a) Provide aggregate catch and effort data by species (1 degree square month resolution) for the pole-and-line fleet fishing in the WCPFC Convention Area in 1978-2005 and for the purse seine fleet fishing in the WCPFC Convention Area in 1983-1984.
 - b) Confirm whether or not Mexican purse seine vessels fished in the WCPFC Convention Area in 2008, and if so provide estimates of the catch by species, and aggregate catch and effort data as specified in a) above.
 - c) Provide all available operational level (logsheet) data for all years. If operational level data for any years represent 100% coverage of fishing activities in the WCPFC Convention Area, then aggregate catch and effort data need not be provided.
 - d) Provide catch size composition data, by species, stratified by the smallest area/time strata possible for the pole-and-line and purse seine fleets.
 - e) Provide commitment for cooperation with NC work on Pacific bluefin tuna
306. TCC6 recommends Mexico for consideration by the Commission for CNM status in 2011 subject to the additional information identified by TCC being provided to, and accepted by, the Commission.

Panama

307. The US indicated its concern that in addition to the application being late, and in Spanish, no data were received from Panama, and Panama had a vessel on the IUU vessel list in 2009.
308. **TCC6 advises the Commission that the application dated and received on 5 September 2010 from Panama was received by the WCPFC Secretariat after the deadline set out in paragraph 1 of CMM 2009-11 (60 days in advance of the TCC meeting). TCC6 also advises that the application did not meet the requirement of being submitted in English, which is required in paragraph 1 of CMM 2009-11.**
309. **TCC6 was unable to assess Panama's application for CNM status and make a recommendation to the Commission. TCC recommended that the Executive Director, in accordance with paragraph 4, forward a copy of the TCC6 recommendations and advice to Panama (that TCC6 was unable to assess the CNM application as it was not in English as required by the CMM).**

Senegal

310. CCMs discussed the need, raised during WCPFC6, to examine very high catch levels of skipjack tuna in 2006, and swordfish/shark catch ratio, and inquired whether this had been done. CCMs expressed interest in obtaining an explicit commitment from Senegal to accepting High Seas boardings.
311. **TCC6 reviewed the CNM application and provided by Senegal against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:**
- a) **TCC6 advises the Commission that the application dated 27 July 2010 from Senegal was received by the WCPFC Secretariat which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.**
- b) **TCC6 advises the Commission that Senegal has provided a commitment to cooperate fully. The application does not include: i) an explicit commitment to accept high seas boarding and inspections in accordance with the Commissions procedures on high seas boarding and inspection, which is required by paragraph 2(c) of CMM 2009-11; and ii) an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of Senegal's financial contribution for 2011 based on the draft budget for 2011.**
- c) **TCC6 advises the Commission that based on the best information available that Senegal did comply with the participatory rights specified by the Commission at WCPFC6 and there is no information of non-compliance in WCPFC or other RFMOs.**
312. **TCC identified the following data gaps in Senegal's application and requested supplementary information to be provided by Senegal to the Commission:**

- a) Provide aggregate catch and effort data by species, for 2005 according to the specifications laid down in “Scientific Data to be Provided to the Commission” (<http://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-wcpfc6>).
 - b) Provide all available operational level (logsheet) data for 2005, as have been provided for 2006 and 2007. If operational level data for 2005 represent 100% coverage of fishing activities in the WCPFC Convention Area, then aggregate catch and effort data referred to in a) above need not be provided.
 - c) Provide any size data (either lengths or weights or individual fish), by species, stratified by the smallest area/time strata possible.
 - d) From the Summary record of WCPFC6 it was noted that one CCM had raised a continuing concern regarding species composition issues, including queries about skipjack catch and unusual ratios of swordfish and sharks, in the catch data provided by Senegal as part of its renewal application. The CCM expressed an interest in having these issues satisfactorily resolved by Senegal in the future.
313. TCC6 recommends Senegal for consideration by the Commission for CNM status in 2011 subject to the additional information identified by TCC being provided to, and accepted by, the Commission.

Vietnam

314. The Secretariat noted Vietnam’s involvement in the West Pacific East Asia Oceanic Fisheries Management Project that sought to build its capacity to address gaps in data provision, and indicated that although Vietnam does not fish in Convention Area, scientific data indicated that stocks managed by the Commission are shared with those targeted by Vietnam outside the Convention Area.
315. Vietnam indicated it did not intend to fish in the Convention Area, and hoped to provide additional data in the near future.
316. **In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:**
- a) TCC6 advises the Commission that the application dated 28 July 2010 from Vietnam was received by the WCPFC Secretariat within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.
 - b) TCC6 advises the Commission that Vietnam has provided a commitment to cooperate fully and has provided an explicit commitment to accept high seas boardings. Vietnam has stated that it is “only required to make a financial contribution when Vietnamese fishing vessels catch tuna regulated by the Commission in waters that are indisputably part of the Convention Area”. This may not be an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for

FAC4, an estimate of Vietnam's financial contribution for 2011 based on the draft budget for 2011.

c) TCC6 advises the Commission that based on the best information available that Vietnam did comply with the participatory rights specified by the Commission at WCPFC6 and there is no information of non-compliance in WCPFC or other RFMOs.

317. TCC6 acknowledges that Vietnam has been cooperating with WCPFC and SPC in the development of a range of fishery monitoring and data collection systems designed to meet WCPFC data requirements, and in the reconstruction of historical data. Vietnam is encouraged to continue with this joint work and to provide the resulting data to WCPFC as it becomes available.

318. TCC6 recommends Vietnam for consideration by the Commission for CNM status in 2011.

Thailand

319. CCMs noted that Thailand is a major tuna processor, and is seeking to contribute to data exchange with the Commission, but does not intend to fish in the Convention Area.

320. TCC6 reviewed the CNM application provided by Thailand against the requirements of CMM 2009-11. In accordance with paragraph 3 of CMM 2009-11, TCC6 recommendations and technical advice to the Commission are as follows:

a) TCC6 advises that the application of the requirements of CMM 2009-11 to Thailand needs to be seen in the context of the unique nature of Thailand's application.

b) TCC6 advises the Commission that the application dated 30 July 2010 from Thailand was received by the WCPFC Secretariat which is within the deadline set out in paragraph 1 of CMM 2009-11. TCC6 also advises that the application did meet the requirement of being submitted in English.

c) TCC6 advises the Commission that the applicant has provided a commitment to cooperate fully. The application does not include: i) an explicit commitment to accept high seas boarding and inspections in accordance with the Commissions procedures on high seas boarding and inspection, which is required by paragraph 2(c) of CMM 2009-11; and ii) an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention, which is required by paragraph 2(g) of CMM 2009-11. The WCPFC Secretariat will provide as part of documentation provided for FAC4, an estimate of Thailand's financial contribution for 2011 based on the draft budget for 2011.

d) TCC6 advises the Commission that based on the best information available there no information of non-compliance in WCPFC or other RFMOs.

321. TCC6 understands that the Government of Thailand has undertaken to provide data from canneries located in Thailand to certain Flag States of vessels catching fish processed by these canneries. TCC6 requests that such data for all species specified

separately, for all fleets and classified by individual fishing vessel unloading, be provided to WCPFC.

322. TCC6 recommends Thailand for consideration by the Commission for CNM status in 2011.

AGENDA ITEM 5 — SPECIAL REQUIREMENTS OF SMALL ISLAND DEVELOPING STATES

5.1 Special Requirements of Small Island Developing States

323. Cook Islands spoke on behalf of FFA members and noted that discussion during SC6 had indicated the balance of the Special Requirements Fund was just over US\$163,000; it expressed appreciation to FSM, USA and Australia for their contributions to the Fund and Japan for contributions in the form of the Japan Trust Fund. It also acknowledged the contributions made by many other developed countries or international organisations that provide assistance to SIDS in the region. It also asked if Japan could provide information on a possible extension of the Japan Trust Fund. It noted that the special requirements agenda item was included to ensure the Commission recognized the special requirements of SIDS and territories, and asked that consideration be given to scheduling the special requirements discussion early in the agenda.
324. Japan indicated that the Japan Trust Fund (JTF) has been providing capacity building assistance for SIDs since 2007, and this special fund will be terminated in 2012. Japan is now considering the establishment of a new special fund to assist SIDs in introducing and implementing MCS-related measures.
325. Palau spoke on behalf of FFA members, noting that PICT administrations had undertaken significant burdens, including:
- i. Not allowing Non-CCMs to fish in their EEZs, thereby limiting their options of development partners;
 - ii. Training and providing over 500 ROP observers that enable flag States to meet their WCPFC observer coverage obligations;
 - iii. Collecting, as a condition of license to fish, logsheet catch and effort data and other information, for use in scientific analyses; and
 - iv. Adopting of CMMs that include exemptions deferring applications of some WCPFC MCS tools in the northern portion of the Convention Area, despite their current application elsewhere.
326. Palau noted the Convention contained specific language (in Article 30 para. 2[c]) ensuring CMMs do not place a disproportionate burden on SIDS. It noted this language was given inadequate consideration in the development of some CMMs, and encouraged more careful consideration of these issues when developing new CMMs.
327. FSM spoke on behalf of FFA members and reiterated the proposal by Cook Islands asking that discussion of Special Requirements be scheduled earlier in the agenda. It supported inclusion of the sub-agenda item in the TCC6 agenda, and supported its inclusion in all meetings of the Commission and subsidiary bodies. It encouraged developed CCMs to

report on implementation of Article 30 of the Convention, and on implementation of Resolution 2008-01.

328. New Zealand voiced its full support for comments made by FFA members on the issue, and noted that in the past year they had provided assistance at multiple levels and in a number of areas, including through significant support to SPC and FFA. It indicated it would continue to assist SIDS attain their fisheries development objectives. New Zealand supported including Special Requirements reporting as a regular feature of TCC meetings.
329. The Pacific Islands Tuna Industry Association made a statement (appended as Attachment I).

5.2 Report on Article 30 of the Convention

330. The USA described the assistance it provided relative to Article 30 of the Convention and Resolution 2008-01, which included some 25 projects in the region, and submitted a written report to the Secretariat detailing the assistance (WCPFC-TCC6-2010-DP17).
331. The Marshall Islands spoke on behalf of FFA members and noted their request, at the TCC6 Heads of Delegation meeting, that developed CCMs report both on implementation of Article 30 and Resolution 2008-01, in support of TCC's review of the implementation of Commission decisions, per Article 14. Key features of Resolution 2008-01 on which FFA members sought reports from developed CCMs included:
- i. The commitments made by CCMs to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop domestic fisheries for highly migratory fish stocks, including in the high seas of the Convention Area.
 - ii. Efforts made and innovative options derived by developed CCMs to reduce and restructure their fleets to accommodate aspirations of SIDS and Territories in the Convention Area.
 - iii. Efforts made by CCMs to achieve the goal of ensuring that by 2018, the domestic fishing and related industries of developing States account for an increased share of the benefits of the total catch and value of highly migratory fish stocks harvested in the Convention Area.
 - iv. How CCMs ensure SIDS and Territories do not face a disproportionate burden of enactment of new CMMs.
 - v. How developed CCMs create opportunities to enhance the ability of SIDS and other developing States to develop their own fisheries for highly migratory fish stocks when developing new CMMs.
 - vi. Whether developed CCMs can provide an explicit commitment they are not using the implementation of CMMs to a) constrain coastal processing and transshipment facilities and associated vessels of SIDS and Territories; and b) undermine legitimate investment that has occurred legally in FFA member countries.
332. FFA members noted that full implementation of Resolution 2008-01 by all CCMs would result in fuller implementation of Paras. 1 and 2 of Article 30.
333. Kiribati expressed gratitude to developed fishing States for their efforts to assist island nations on these issues, noting they had several joint venture agreements in place. It requested the cooperation of all CCMs to help them realize their development aspirations.

334. The EU strongly supported the special requirements reporting process. It described assistance provided through the European Development Fund (EDF), which is in its 10th cycle. The EDF 10 allocation for the Pacific region is about US\$112 million, with 40% allocated to fisheries projects with a dual focus on sustainable fisheries management and maximizing economic benefits. Most EDF projects in the Pacific are implemented through FFA and SPC. The EU noted its awareness of the needs of SIDS, and indicated that a review of the EU strategy for the Pacific was ongoing, with a probable strengthening of support for sustainable fisheries management and adaptation to climate change. It noted the support given to efforts to further the conservation and management of highly migratory fish stocks, including for stock assessment and scientific research. It noted funding is also provided through the national budgets of EU members, and indicated the EU strongly supports the special requirements reporting process.
335. Chinese Taipei indicated it provided assistance for small island developing member countries relating to MCS and fisheries development. It conducted an observer training program in 2010 for six countries in this region, provided funding for projects proposed by PICTs, and made voluntary contributions for the establishment of the PNA Secretariat office. It noted private sector investment projects, such as processing plants, and indicated it would continue to seek to carry out its responsibilities in this area in accordance with the Convention, the CMMs and relevant resolutions.
336. Korea noted it is supportive of the aspirations of SIDS for achieving economic development through development of a high-value tuna fishing industry. It is seeking to provide assistance through improvement of fishing infrastructure and joint venture arrangements, and is working to expand crew training and capacity building for SIDS.
337. Australia noted that Palau had raised some important issues and welcomed the opportunity to report on Assistance to SIDS. Australia noted that its total fisheries related aid in the Pacific in 2009–2010 was AU\$7.35 million. This is part of the ‘Food security through rural development’ program announced in 2009, which will provide up to AU\$23 million over four years to lift fisheries productivity and promote the contribution of fisheries to food security in the Pacific. Australia noted that their assistance was delivered mainly through FFA and SPC, and bilateral support. Australia also recently provided AU\$400,000 to support the implementation of the FFA’s Regional MCS Strategy, and AU\$50,000 for the WCPFC special requirements fund.
338. PNG thanked the various developed CCMs for their contributions, and affirmed the need and obligation for reporting on a much broader range of issues than funding alone, noting the importance of transfer of vessels, investment in shore-based processing facilities, and transfer of technology. It looked forward to bilateral discussions on these issues at WCPFC7.
339. The Cook Islands thanked the EU for its report on EDF funding, and stated that it welcomed the commencement of the Dev Fish 2 project and related benefits, and looked forward to resolving the problems that delayed the project.
340. The Chair noted the importance of the agenda item, and acknowledged the reports by developed CCMs on their work.

341. CCMs discussed the issues related to reporting on Article 30 of the Convention and Resolution 2008-01. There was general agreement that a standard reporting template should be devised to facilitate reporting, and that it was desirable for developed CCMs to report to TCC and SC as well as WCPFC.
342. **TCC6 recommended to the Commission that the Special Requirements of Small Island Developing States remain a standing agenda item for each session of the Commission and its subsidiary bodies in accordance with the Commission's rules of procedures. FFA members will develop a template for developed CCMs to table written reports to enable discussions at the Commission meeting on their implementation of article 30 and Resolution 2008-01.**

AGENDA ITEM 6 — FUTURE WORK PROGRAM

6.1 Report by the Secretariat on implementation of the 2010 approved programme of work

343. The Compliance Manager outlined the budget, as contained in WCPFC-TCC-2010/30.
344. CCMs discussed that some costs were being absorbed elsewhere, and that these should be included in the budget figures so as to reflect the true costs of the Secretariat's work. Questions were raised regarding new items that were included, and a new format that had been used, and concerns were expressed that the proposed 2011 budget reflected a significant increase over the indicative 2011 budget. A suggestion was made that future TCC meetings should review budget requirements during discussions of each workplan component. CCMs will work with the Secretariat to clarify proposed 2010 budget items and their costs while referring to breakdowns, for consideration at the FAC meeting.
345. The EU noted that the indicative budgets must be accurate as they constitute the basis for CCMs to budget their contributions to the WCPFC in accordance with their national legislation. A proposed budget that exceeds the indicative budget may need to be cut down by the FAC, and this may not always result in the most appropriate choices being made.
346. The Compliance Manager noted that the ROP budget had been reduced significantly during WCPFC6, while tasks increased significantly. He noted that necessary actions taken to improve the IMS and IT systems were resulting in higher costs, and that the increase in the proposed budget for 2011 above the indicative budget reflected unanticipated increases in ROP and VMS costs, noting the VMS covered significantly more vessels than anticipated when the indicative budget was prepared. He indicated that the Secretariat would provide figures to the FAC that reflected the total cost of programs undertaken by TCC, and encouraged CCMs to prioritize various components of the workplan to assist the Secretariat in making proper allocations. He also indicated that the Secretariat was working closely with the FFA Secretariat to contain costs, and welcomed suggestions on how to use new technologies to reduce expenses.
347. **TCC6 recommended the budget and work program to the Commission, noting comments from CCMs at the TCC6 meeting, and noting that the budget will be discussed in detail at the FAC.**

AGENDA ITEM 7 — SUPPLEMENTARY ITEMS

7.1 Issues arising from SC6

348. **The Science Manager (Dr Sungkwon Soh) briefed TCC6 on the issues arising from SC6 (WCPFC-TCC-2010/31).**
349. The EU raised issues regarding the structure of the SC which TCC agreed were more appropriately addressed by the WCPFC7.
350. The US made reference to a recommendation made by SC6 in the context of the Kobe II Workshop outcomes (WCPFC-TCC-2010/31, p. 7 item 12), where it was recognized that appropriate representation on the suggested joint Tuna-RFMO technical working group would need to be considered by the Commission. The US suggested that it would be appropriate to include a representative from the Secretariat or TCC. It noted there could be a need to allocate resources if travel was required.
351. **TCC6 noted the report on SC6, taking into account the comments made.**

7.2 Issues Arising from NC6

352. Japan gave a report on issues discussed during NC6, and referred CCMs to the summary report posted on the WCPFC website. Japan noted general agreement had been reached regarding a new CMM for Pacific bluefin tuna, and a recommendation was made regarding application of ROP provisions for vessels used for fresh fish in for the northern area. Japan indicated NC7 would begin discussion on application of VMS in the northwestern quadrant.
353. The USA noted that a workshop was held prior to NC6 on reference points for North Pacific Albacore, and suggested the Commission should be encouraged to pursue the issue. The USA indicated that WCPFC6 did not accept an NC5 recommendation on albacore because it applied from 0° N; the NC could recommend measures that start at 20°N, and will recommend that the Commission adopt similar measures from 0°–20°. NC6 agreed that its members will provide more detailed reports describing their implementation of the existing CMM on North Pacific Albacore.
354. Several CCMs indicated that CMM 2007-02 defers application of ROP requirements for certain vessels in the northern area, and indicated such deferments were never intended to be blanket exemptions; they looked forward to their removal as soon as possible.
355. FFA members requested the NC members to implement in full the provisions of 2007-02 on the understanding that the exemption granted was only for an interim period.
356. **TCC6 noted the report from CCMs on the work of the Northern Committee, and in particular that work was underway by the NC to bring forward a draft CMM on Pacific Bluefin tuna for consideration by WCPFC7.**

7.3 Independent Performance Review of the Commission

357. The Secretariat indicated that budget reductions for 2010 forced a postponement of the performance review of the Commission.

358. All CCMs noted their previous agreement that such a review was needed, and indicated it should be a priority for funding and action in 2011.

359. **TCC6 recommended to WCPFC7 that funds for an independent performance review of the Commission be included in the budget for consideration by the FAC, with the review to be undertaken in 2011.**

7.4 Cooperation with Other Organizations

360. **TCC6 noted the cross-endorsement agreement for vessel observers would be subject to future work from the EU WG. An agreement between the NPAFC and WCPFC has been signed by the NPAF C will be transmitted to the WCPFC and may be signed.**

7.5 Next meeting.

361. **TCC6 recommends to WCPFC7 that TCC7 take place at Pohnpei, FSM, from 28 September–4 October 2011.**

AGENDA ITEM 8 — ADOPTION OF THE REPORT OF THE SIXTH REGULAR SESSION OF THE TECHNICAL AND COMPLIANCE COMMITTEE

362. The advice and recommendations of the Summary Report were adopted by TCC6. The Chair agreed to circulate the complete Summary Report for CCMs' comments. Once comments are considered and incorporated as appropriate, the Summary Report will be forwarded to WCPFC7 for its consideration.

AGENDA ITEM 9 — CLOSE OF MEETING

363. The Sixth Annual Meeting of the WCPFC Technical and Compliance Committee closed at 1500 hours, 6 October 2010.

ATTACHMENTS

Attachment A	Opening Address by Deputy Secretary of Foreign Affairs
Attachment B	List of Participants
Attachment C	Provisional Agenda
Attachment D	Provisional IUU List
Attachment E	WCPFC IUU List
Attachment F	Streamline Annual Reports — Part 2
Attachment G	Kobe II Recommendations
Attachment H	PEW Statement
Attachment I	PITIA Statement

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

**Technical and Compliance Committee
Sixth Regular Session**

**30 September–5 October 2010
Pohnpei, Federated States of Micronesia**

**Opening remarks by Hon. Lorin Robert
Secretary, Department of Foreign Affairs
Federated States of Micronesia**

(Delivered by the Deputy Foreign Secretary on behalf of the Secretary)

Chairman Satya Nandan, Executive Director Glenn Hurry, delegates and representatives of CCM's, observers, ladies and gentlemen,

It is indeed a privilege and pleasure for me to extend to you our warmest welcome to Pohnpei, the seat of our nation's capital, the Federated States of Micronesia. As the Secretary of Foreign Affairs, I wish to also take this opportunity to extend our warmest welcome to our new Executive Director of the Tuna Commission, Mr. Glenn Hurry. Mr. Hurry is no stranger to all of us, having served as the first chairman of the WCPFC since it was first established right here some five years ago. I would like to convey my government's full support to you, Mr. Hurry, as you assume this very important responsibility, and to assure you of my government's full support and cooperation as you take up your new post.

Mr. Chairman, this TCC marks a difficult meeting for us here in the FSM, because it was just a few months ago that we lost one of our great leaders in fisheries, the late Bernard Thoulag. Bernard was a strong believer in the work of the Tuna Commission. He truly believed that the future of our tuna resources rests in the collective wisdom and determination of all those around this table to ensure that the tuna resources are well managed and cared for. This would ensure that there is a place for future generations to enjoy these fish resources as we enjoy them today. Although he is gone, his legacy will live in us every day. May I take this privilege to honor Mr. Thoulag by recognizing the presence of his wife Jean Thoulag, who is here with their family today. I want to also thank you all for your support and kind words since his passing. They have been a source of strength during our mourning period.

It was also just over a week ago that we lost another colleague and friend, Mr. Pius Chotailug, FSM Chief of Police. Mr. Chotailug was an icon in national and regional monitoring, control and surveillance activities. His guidance and leadership in regional maritime surveillance activities will also carry on in all of us who were able to benefit from working alongside him. Again, I thank all of you for your kind words and support since his passing.

Mr. Chairman, this meeting marks the Sixth Session of the TCC, and our work in the coming week is important to ensure compliance with measures we have adopted for better management of the resources. The issues before us are of great importance, such as the Commission's vessel monitoring system as well as ongoing development of the Regional Observer Program. Costs associated with these measures are equally important if we are to have a robust MCS program for the WCPO. All of us here face challenges in today's global economy, but we are all here to work together for the benefit of our future generations. We must never lose sight of this. The measures we adopt to conserve and manage the tuna fishery are useless without strong and effective MCS measures behind them. At the same time, we are all equally obligated to play our part in protecting our resources from IUU activity. Let us not work in vain; let us continue to cooperate with each other to enhance our respective MCS capabilities, always keeping in mind our common objective of sustainable development of our marine resources for generations to come.

I would like to note the good progress that has been made in developing tools for combating IUU fishing and for monitoring and surveillance on the high seas. Here at the Commission Headquarters in Pohnpei is a state of the art Vessel Monitoring System that allows the Commission and countries to keep a watchful eye on the activities of vessels in the high seas, this complements the FFA VMS that has been watching the activities of vessels in Pacific Island countries since the early nineties. This is supported by the presence of Pacific Island observers who are also the eyes of the Commission, gathering data for science and checking vessels to ensure compliance with Commission measures.

Of particular achievement is that the Commission has established high seas boarding and inspection rules, a world first, that means our Pacific Patrol Boats are able to inspect vessels in the high seas for purposes of compliance with Commission measures and to check that catches are legal. The IUU list also remains an important tool to ensure that coastal countries have an avenue for pursuing IUU vessels and bringing them to account for their IUU activities.

You have a full agenda before you so I will not take up any more of your valuable time. But in closing, allow me to thank you once again for traveling to Pohnpei for this meeting and while you are here, and if time permits, I encourage you to explore and enjoy the beauty of Pohnpei. . Please let us know if there is anything we can do to make your short visit here more enjoyable and successful.

Thank you and I wish you a very productive and successful meeting. I now declare the Sixth Annual Session of the TCC open.

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

**Technical and Compliance Committee
Sixth Regular Session**

**30 September–5 October 2010
Pohnpei, Federated States of Micronesia**

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

**Technical and Compliance Committee
Sixth Regular Session**

**30 September–5 October 2010
Pohnpei, Federated States of Micronesia**

AGENDA FOR THE SIXTH REGULAR SESSION OF THE TCC

WCPFC-TCC6-2010/03 Rev. 5

29 September 2010

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AGENDA ITEM 2 PRIORITY MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION	
2.1 Regional Observer Programme a) Annual Report by Secretariat ROP b) 2009 FAD Closure report	WCPFC-TCC6-2010/08 Annual Report - Regional Observer Programme WCPFC-TCC6-2010-09 2009 FAD Closure Report WCPFC-TCC6-2010-09a Supplemental Information on 2009 FADs Closure WCPFC-TCC6-2010-OP- 01/02 Greenpeace FADs
2.2 AHTG [Data] a) Data provision by chartered vessels b) Review of data rules and procedures	
2.3 Attribution of catches under charter arrangements	
2.4 VMS a) Annual Report on the Commission VMS b) VMS Security and Operations Audit	WCPFC-TCC6-2010/11 Annual Report VMS

		WCPFC-TCC6-2010/12 Note of Explanation
2.5	WCPFC Record of Fishing Vessels (RFV) a) Current status of the RFV	WCPFC-TCC6-2010/13 Annual Report for the Commission RFV
2.6	Cost Recovery for Commission Operations	Cost Recovery
2.7	IUU Vessel List and IUU Listing Procedures. a) Draft Provisional IUU Vessel List for 2010. i) Intersessional Decision ii) Outstanding IUU Applications from WCPFC6 after the 120 notice limitation b) CMM 2007-03 – Review of outstanding issues. i) Review of progress on paragraph 3(j) of CMM 2007-03 ii) Control of nationals iii) Para 15 – National satisfaction re measures of IUU vessel	WCPFC-TCC6-2010/14 Draft WCPFC IUU Vessel List and Current WCPFC IUU Vessel List WCPFC-TCC6-2010/DP-05 Proposal to apply CMM 2007-03 Para 3(j) WCPFC-TCC6-2010/DP-01 Control of Nationals WCPFC-TCC6-2010/DP-04 Proposed Amendments to CMM 2007-03 WCPFC-TCC6-2010-DP-10 FFA Members' Proposed Amendments to CMM 2007-03
2.8	High Seas Boarding and Inspection. a) Annual Reports by CCMs	
2.9	Compliance with reporting obligations. a) Report by the Secretariat and Part 2 Report Template	WCPFC-TCC6-2010-20 Summary of CCMs' Annual Reports (Part 2) and Revised Template for Annual Report (Part 2)
2.10	Committee on Compliance with Conservation and Management Measures a) Terms of Reference for the CCMM	WCPFC-TCC6-2010/21 Committee on Compliance with Conservation and Management Measures
2.11	KOBE II Recommendations	WCPFC-TCC6-2010/34 KOBE II Recommendations
2.12	Advice and recommendations in relation to the implementation of CMMs. a) Resolution 2008-01 [SIDS] b) CMM 2004-03 [Fishing vessel marking and identification] c) CMM 2005-02 [South Pacific Albacore] d) CMM 2005-03 [North Pacific Albacore] e) CMM 2006-04 [Striped Marlin in the South Pacific] f) CMM 2006-08 [High Seas Boarding and	WCPFC-TCC6-2010/22 Review of CCMs Implementation and Compliance with CMMs

<ul style="list-style-type: none"> g) Inspection] h) CMM 2007-01 [ROP] i) CMM 2007-02 [VMS] j) CMM 2007-04 [Seabird Mitigation Measures] k) CMM 2008-01 [Bigeye and Yellowfin] review in 2011 l) CMM 2008-03 [Sea Turtles] m) CMM 2008-04 [Driftnets] n) CMM 2008-05 [Swordfish] o) CMM 2008-06 [Sharks] p) CMM 2009-01 [RFV and Authorization for Fishing] q) CMM 2009-02 [FADs Closure and Catch Retention] r) CMM 2009-05 [Data Buoys] s) CMM 2009-06 [Transshipment] t) CMM 2009-07 [Pacific Bluefin Tuna] u) CMM 2009-08 [Charter Notification] v) CMM 2009-09 [Vessels without Nationality] w) CMM 2009-10 [Monitoring of Purse seine Port Landings] 	
<p style="text-align: center;">AGENDA ITEM 3 ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION</p> <ul style="list-style-type: none"> 3.1 Port State Measures 3.2 Catch Documentation Scheme 3.3 Role of capacity in overfishing 3.4 Proposed CMM for North Pacific Striped Marlin 	<p>WCPFC-TCC6-2010/DP-03 Proposed CMM on Port State Measures (EU) WCPFC-TCC6-2010-OP-03 PEW PSA Study and Documents</p> <p>WCPFC-TCC6-2010/DP-09 PNG Catch Documentation Scheme WCPFC-TCC6-2010/25 Catch Documentation Scheme – EU WCPFC-TCC6-2010/DP-08 Japan CDS Proposal WCPFC-TCC6-2010/IP-01 Best Practice Study of Fish Catch Documentation (MRAG)</p>

3.5	NGO Information for Compliance	WCPFC-TCC6-2010/DP-07 Canadian Proposal Compliance Information
3.6	Port Monitoring of Purse Seine Catches	WCPFC-TCC6-2010-IP-02 Thailand Cooperation on Data Collection from Canneries
AGENDA ITEM 4	APPLICATIONS FOR COOPERATING NON-MEMBER STATUS	WCPFC-TCC6-2010/28 Review of CNM Applications
4.1	CNM assessments	
AGENDA ITEM 5	special requirements of small island developing states	
5.1	Special Requirements of Small Island Developing States	
5.2	CCMs Reports on Article 30 of the Convention and Resolution 2008-01	
AGENDA ITEM 6	FUTURE WORK PROGRAM	WCPFC-TCC6-2010/30 Future Work Programme
6.1	Report by the Secretariat on implementation of the 2010 approved programme of work.	
AGENDA ITEM 7	SUPPLEMENTARY ITEMS	
7.1	Issues arising from SC6.	WCPFC-TCC6-2010/31 SC6 Outcomes Relating to the TCC
7.2	Issues Arising from NC6.	
7.3	Independent Performance Review of the Commission.	
7.4	Cooperation with Other Organizations.	WCPFC-TCC6-2010/33 Cooperation with Other Organizations
7.5	Next meeting.	
AGENDA ITEM 8	ADOPTION OF the REPORT OF THE SIXTH REGULAR SESSION OF the TECHNICAL AND COMPLIANCE COMMITTEE	
8.1	Adoption of the Summary Report of the Sixth Regular Session of the Technical and Compliance Committee, and any recommendations to the Commission.	
AGENDA ITEM 9	CLOSE OF MEETING	

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

**Technical and Compliance Committee
Sixth Regular Session**

**30 September–5 October 2010
Pohnpei, Federated States of Micronesia**

PROVISIONAL WCPFC IUU VESSEL LIST — 5 OCTOBER 2010

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on draft WCPFC IUU Vessel List	Flag State Registration Number/ IMO Number	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM/Contact Details	Alleged IUU activities
Neptune	Georgia	2 July 2010	C-00545	4LOG	Space Energy Enterprises Co. Ltd.	France for French Polynesia	Fishing on the high seas of the WCPFC Convention Area without being on the WCPFC Record of Fishing Vessels (CMM 2007-03-para 3a)
Fu Chun No 126	Vanuatu	2 July 2010	1376	YJSG6	Fu Chun Fishery Co. Ltd, Hung Jung Hong, P.O. Box 1640, Port Vila, Vanuatu	New Zealand	Fishing in the Exclusive Economic Zone of New Zealand without permission and in contravention of New Zealand's laws and regulations. (CMM 2007-03, para 3b)

Liao Da Gan Yu 55049	China	2 July 2010	011175	BZYK9	Dalian Changhai Ocean Fishery Co. Ltd., No 52 Huale Street, Zhongshan District, Dalian, China	Solomon Islands	Fishing in the Exclusive Economic Zone of Solomon Islands without permission and in contravention of the Solomon Islands' laws and regulations. (CMM 2007-03, para 3b)
Fu Lien No 1	Georgia	2 July 2010	IMO No 7355662	4LIN2	Fu Lien Fishery Co., Georgia	USA	Is without nationality and harvested species covered by the WCPFC Convention in the Convention Area (CMM 2007-03, para 3h)

Note: Information provided in this list is in accordance with CMM 2007-03, para 19.

**The Commission for the Conservation and Management of
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**Technical and Compliance Committee
Sixth Regular Session**

**30 September–5 October 2010
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WCPFC IUU VESSEL LIST — 11 DECEMBER 2009

(Updated 1 September 2010 following intersessional decision to remove two vessels)

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on draft WCPFC IUU Vessel List	Flag State Registration Number or IMO Number	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM/Contact Details	Alleged IUU activities
Jinn Feng Tsair No.1	Chinese Taipei	7 Dec. 2007	CT4-2444	BJ4444	Hung Ching Chin, Pingtung, Chinese Taipei	Federated States of Micronesia E-mail: norma@mail.fm	Fishing in the Exclusive Economic Zone of the Federated States of Micronesia without permission and in contravention of Federated States of Micronesia's laws and regulations. (CMM 2007-03, para 3b)
Senta	Panama	4 Jun. 2008	IMO	HOFG	Chin Fu Fishery,	France (French	Transshipping on the high seas of the WCPFC

(Shin Takara Maru)	(Japan)		No.8221947		Taiwan (Nisshin Kisen Co.Ltd, Japan)	Polynesia) E-mail: affmar@mail.pf	Convention Area without being on the WCPFC Record of Fishing Vessels (CMM 2007-03-para 3a)
Yu Fong 168	Chinese Taipei	1 Jul. 2009		BJ4786	Chang Lin Pao- Chun, 161 Sanmin Rd., Liouciuo Township, Pingtung County 929, Taiwan	Marshall Islands E-mail: mimra@ntamar. net	Fishing in the Exclusive Economic Zone of the Republic of the Marshall Islands without permission and in contravention of Republic of the Marshall Islands's laws and regulations. (CMM 2007-03, para 3b)

Note: Information provided in this list is in accordance with CMM 2007-03, para 19.

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STREAMLINING PART 2 REPORTING

WCPFC-TCC6-2010/36

4 October 2010

PAPER PREPARED BY THE SMALL WORKING GROUP

STREAMLINING PART 2 REPORTING

A small working group met to consider ways of streamlining Part 2 reports to ensure the reports are more user-friendly for CCMs, and provide information that better enables an assessment of CCMs' implementation of and compliance with CMMs.

The small working group noted there could be opportunities for the Secretariat to extend its current work on developing its information management to include information from Part 2 reports. The working group noted the potential opportunities provided by web-based electronic provision of Part 2 information.

The working group noted there were opportunities for streamlining information reporting in some areas, noting that the reporting requirements can be particularly burdensome for small administrations including SIDS. For example, some information fields can probably just be reported once (and updated only as necessary), rather than the same information being reported every year. In addition, some CMMs are not relevant to all CCMs. Although noting that some flexibility was therefore required, some members noted that overall, consistency between reports was also of importance. The working group also discussed situations in which other types of information might be useful to assess compliance but may not be provided for under the current fields of the Part 2 report, as well as situations in which more description of how measures are implemented could be required.

Another item the small working group discussed was the link between part 2 reports and the discussions held on compliance monitoring. In particular, reporting could cover how CCMs have implemented CMMs, but also areas in which they are undertaking further work or are

encountering difficulties in implementation. Updates on progress could then be incorporated into subsequent reports, potentially including relevant guidance from the Commission or its subsidiary bodies.

Based on these discussions, the small working group provided the following general criteria for the Secretariat to consider when streamlining Part 2 reporting, better incorporating it into its information management system, and making the information available to CCMs:

- Cost effectiveness for CCMs and the Commission
- A clear role for the Secretariat
- Basing the reporting on fisheries management needs and priorities
- A reporting format that is flexible and relevant to individual CCMs, while retaining consistency
- Efficiency – avoiding duplication and repetition
- Transparency (noting relevant data confidentiality rules)
- Allows for effective monitoring of compliance with measures

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KOBE II MCS RECOMMENDATIONS

WCPFC-TCC6-2010/34

29 September 2010

Paper prepared by Secretariat

Introduction

1. The Joint Tuna RFMOs met on four workshops in 2010, twice in Barcelona, Spain, in late May and early June to discuss science and MCS issues, and again for two meetings in Brisbane, Australia, in late June to discuss bycatch and tuna management issues.
2. The recommendations from science, bycatch and tuna management workshops were reviewed by the SC6 with general agreement on science and agreement in principle on by-catch recommendations.
3. The management recommendations were generally agreed and passed to TCC6 for further response prior to the Commission's review.
4. The MCS recommendations have not yet been discussed and are tabulated to this paper.

TCC6 was invited to review and respond to the MCS recommendations attached hereto.

Note: The completed matrix attached hereto contains the final recommendations of SC6 and TCC6 for consideration by WCPFC7.

1. INTRODUCTION

In accordance with the decision of the second joint tuna RFMOs in San Sebastian, the following four workshops were convened in 2010:

- a) Meeting of experts to share best practices on the provision of scientific advice (Barcelona, Spain, May 31 to June 2, 2010);
- b) International workshop on improvement, harmonization and compatibility of monitoring, control and surveillance measures, including monitoring catches from catching vessels to markets (Barcelona Spain - June 3 to 5, 2010);
- c) International workshop on tuna RFMO management of issues relating to bycatch and to call on RFMOs to avoid duplication of work on this issue (Brisbane, Australia, June 23-25, 2010); and
- d) International workshop on RFMO management of tuna fisheries (Brisbane, Australia – 29 June to 1 July, 2010).

All workshop reports can be found at <http://www.tuna-org.org/meetings2010.htm> by following the relevant links. Recommendations produced from workshops a), c) and d) above, are tabled below, with proposed actions for consideration by the Scientific Committee. SC6 (including each theme session) may provide its responses to the recommendations in each cell in the second column below. The populated tables from SC6 were delivered to TCC6, and all compiled information will be provided to the Commission for its consideration.

a) Workshop on the provision of scientific advice

Recommendations	Response	Comments
<i>Routine data collected by year: Catch, effort and size data</i>		
1. All members of Tuna-RFMOs are called upon to give a top priority to the provision of data of good quality in a timely manner, according to the existing mandatory data requirements of tuna RFMOs, in order to facilitate the work of tuna RFMOs scientific bodies in the provision of scientific advice based on the most recent information.	Agreed	Implement the rules and procedures for data provision by CCMs and investigate methods to enforce these provisions.
2. Lags in the submission of fishery data should be reduced making a full use of communication technologies (e.g. web based) and efforts should be undertaken that basic data formats are harmonized.	Agreed	
3. Efforts should be undertaken so that basic		The release of non-public

data used in stock assessment (catch, effort and sizes by flag and time/area strata) provided by members should be made available via the websites of tuna RFMOs or by other means.	Agreed	domain data must be in accordance with WCPFC Rules Posting of data must adhere to rules of the WCPFC
4. Fine scale operational data should be made available in a timely manner to support stock assessment work, and confidentiality concerns should be addressed through RFMOs rules and procedures for access protection and security of data.	Agreed	We support the provision of operational data from all fleets
5. Tuna RFMOs should ensure adequate sampling for catch, effort and size composition across all fleets and especially distant water longliners for which this information is becoming limited.	Agreed	
6. Tuna RFMOs should cooperate to improve the quality of data, in particular for methods to estimate: (1) species and size composition of tunas caught by purse seiners and by artisanal fisheries and (2) catch and size of farmed tunas.	Agreed	
7. Tuna RFMOs should use alternative sources of data, notably observer and cannery data, to both validate the information routinely reported by Parties and estimate catches from non-reporting fleets.	Agreed	
<i>Biological data</i>		
8. Regular large scale tagging programs should be developed, along with appropriate reporting systems, to estimate natural mortality growth and movement patterns by sex, and other fundamental parameters for stock assessments.	Agreed	The CPFC has recently made progress to achieving this, PTPP is a large scale programme recently completed and supported by the Members In lieu of large scale programmes, there is considerable utility in supporting small scale tag release programmes that are integrated with the analyses of other programmes.
9. Archival tagging should be an ongoing	Agreed	WCPFC supports the utilization

activity of tagging programs as it provides additional insights into tuna behavior and vulnerability.		of all electronic tagging technologies
10. Spatial aspects of assessment should be encouraged within all tuna RFMOs in order to substantiate spatial management measures.	Agreed	
11. The use of high-resolution spatial ecosystem modeling frameworks should be encouraged in all tuna RFMOs since they offer the opportunity to better integrate biological features of tuna stocks and their environment.	Agreed	
<i>Stock assessment</i>		
12. Tuna RFMOs should promote peer reviews of their stock assessment works.	Agreed	
13. Tuna RFMOs should use more than one stock assessment model and avoid the use of assumption-rich models in data-poor situations.	Agreed	WCPFC have utilized more than one model in some instances Where time and resources are available
14. Chairs of Scientific Committees should jointly develop checklists and minimum standards for stock assessments.		Request SC Chair to seek clarification of the text.
<i>Communication by tuna RFMOs</i>		
15. Standardized executive summaries should be developed for consideration by all tuna RFMOs to summarize stock status and management recommendations. These summaries should be discussed and proposed by the chairs of the Scientific Committees at Kobe III.	Agreed	Develop a draft template for discussion at KOBE III
16. The application of the Kobe II strategy matrix should be expanded and applied primarily to stocks for which sufficient information is available.	Agreed	See Attachment A for Kobe II strategy matrix Some progress already, the methodology by SPC in Mi-WP-01 is consistent with the Kobe II Matrix Approach
17. Tuna RFMOs should develop mechanisms to deliver timely and adequate information on their scientific outcomes to the public.	Agreed	All Commission scientific work (papers) is posted on the Commission's website.

<p>18. All documents, data and assumptions related to past assessments undertaken by tuna RFMOs should be made available in order to allow evaluation by any interested stakeholder.</p>	<p>Agreed</p>	<p>Currently practiced with papers posted on the Commission website.</p> <p>Release of Non-Public domain data is released in accordance with WCPF Rules and Procedures for access to, protection of and dissemination of WCPFC data.</p>
<p><i>Enhanced cooperation between tuna RFMOs</i></p>		
<p>19. Chairs of Scientific Committees should establish an annotated list of common issues that could be addressed jointly by tuna RFMOs and prioritize them for discussion at the Kobe III meeting.</p>	<p>Agreed</p>	<p>“SC6 recommended that the Kobe Science Working Group conduct a review of the treatment of steepness (a key parameter in the relationship between equilibrium recruitment and equilibrium spawning biomass) in tuna stock assessments globally, and recommend a common approach, on a species-by-species basis as necessary.”</p> <p>(Correspondence to be directed to the Chair of SC2)</p>
<p>20. Tuna RFMOs should actively cooperate with programs integrating ecosystem and socio-economic approaches such as CLIOTOP to support the conservation of multi-species resources.</p>	<p>Agreed</p>	
<p><i>Capacity-building</i></p>		
<p>21. Where determined by a Tuna RFMO, a review of the effectiveness of capacity-building assistance already provided should be undertaken. Reviews of tuna scientific management capacity in developing countries, within the framework of the respective RFMO may also be conducted at their request.</p>		<p>Not required for WCPFC Members as it is already being addressed through WPEA for Philippines and Indonesia and Vietnam and for FFA Members it is a lower priority</p>
<p>22. Developed countries should strengthen in a sustained manner their financial and technical support for capacity-building in developing countries, notably small island developing States, on the basis of</p>	<p>Agreed</p>	

adequate institutional arrangements in those countries and making full use of local, sub-regional and regional synergies.		
23. Tuna RFMOs should have assistance funds that cover various forms of capacity-building (e.g. training of technicians and scientists, scholarships and fellowships, attendance to meetings, institutional building, development of fisheries).	Agreed	
24. Tuna RFMOs, if necessary, should ensure regular training of technicians for collecting and processing of data for developing states, notably those where tuna is landed.	Agreed	Carried out for SPC member countries, Indonesia, Philippines and Vietnam by SPC-OFP with funding assistance from JTF and WCPFC-SRF i.e. Tuna Data Workshops, TUFMAN software development, training, and tech support.
25. The structural weaknesses in the receiving mechanism for capacity building within a country should be improved by working closely with Tuna RFMOs.	Agreed	

b) Workshop on Bycatch

Participants in the Kobe II Bycatch Workshop support bringing the following recommendations forward to the respective RFMOs as regards bycatch across five taxa (seabirds, sea turtles, finfish, marine mammals, and sharks):

Recommendations	Response	Comments
<i>I. Improving assessment of bycatch within T-RFMOs</i>		
1. RFMOs should assess the impact of fisheries for tuna, tuna like and other species covered by the conventions on bycatch by taxon using the best available data.	Agree in principle	
2. RFMOs should consider adopting standards for bycatch data collection which, at a minimum, allows the data to contribute to the assessment of bycatch species population status and evaluation of the effectiveness of bycatch measures. The data should allow the RFMOs to assess the level of interaction of the fisheries with bycatch species.	Agree in principle	The rules of data to be provided by CCMs to be expanded to include by-catch data reporting.

3. Encourage the participation of appropriate scientists in relevant T-RFMO working groups to conduct and evaluate bycatch assessments and proposed mitigation strategies; and	Agree in principle	
4. Implement/enhance observer and port sampling programs with sufficient coverage to quantify/estimate bycatch and require timely reporting to inform mitigation needs and support conservation and management objectives, addressing practical and financial constraints	Agree in principle	
<i>II. Improving ways to mitigate/reduce bycatch within T-RFMO</i>		
5. RFMO measures should reflect adopted international agreements, tools and guidelines to reduce bycatch, including the relevant provisions of the FAO Code of Conduct, the IPOAs for Seabirds and Sharks, the FAO guidelines on sea turtles, the best practice guidelines for IPOAS for seabirds, and the precautionary approach and ecosystem approaches.	Agree in principle	
6. For populations of concern including those evaluated as depleted, RFMOs should develop and adopt immediate, effective management measures, for example, prohibition as appropriate on retention of such species where alternative effective sustainability measures are not in place.	Agree in principle	
7. Evaluate the effectiveness of current bycatch mitigation measures, and their impact on target species catch and management, and identify priorities for action and gaps in implementation, including enforcement of current measures and capacity building needs in developing states	Agree in principle	
8. Seek binding measures or strengthen existing mitigation measures, including the development of mandatory reporting requirements for bycatch of all five taxa across all gear types and fishing methods where bycatch is a concern;	Agree in principle	

and		
9. Identify research priorities, including potential pilot projects to further develop and evaluate the effectiveness of current or proposed bycatch mitigation measures, working with fishers, fishing industry, IGOs and NGOs, universities and others as appropriate, and facilitate a full compendium of information regarding mitigation techniques or tools currently in use, e.g. building on the WCPFC Bycatch Mitigation Information System.	Agree in principle	
10. Due to the conservation status of certain populations and in accordance with priorities in the RFMO areas, expedite action on reducing bycatch of threatened and endangered species.	Agree in principle	
11. Adopt the following principles as the basis for developing best practice on bycatch avoidance and mitigation measures and on bycatch conservation and management measure. <ul style="list-style-type: none"> • binding, • clear and direct, • measureable, • science-based, • ecosystem-based, • ecologically efficient (reduces the mortality of bycatch), • practical and safe, • economically efficient, • holistic, • collaboratively developed with industry and stakeholders, and • fully implemented. 	Agree in principle	
<i>III. Improving cooperation and coordination across RFMOs</i>		
12. As a matter of priority, establish a joint T-RFMO technical working group to promote greater cooperation and coordination among RFMOs with the attached Terms of Reference. The RFMOs are encouraged to expedite the formation of the joint working group.	Agree in principle	WCPFC Secretariat to take a lead role in coordination of the working group between RFMOs. (Discussion on make up of the group has yet to be held)
13. Actively develop collaborations between relevant fishing industry, IGOs	Agree in principle	

and NGOs, universities and others as appropriate, and RFMOs to assess the impact of bycatch on the five taxa, study the effectiveness of bycatch mitigation measures, and further the understanding of population dynamics of species of conservation concern; and		
14. Develop the long-term capacity of T-RFMOs to coordinate and cooperate for data collection, assessment of bycatch, outreach, education, and observer training, including establishing a process to share information on current bycatch initiatives and potential capacity building activities.	Agree in principle	
15. RFMOs are encouraged to report progress to Kobe III on the formation and on progress against the recommendations in part I and II of this workshop report.	Secretariat to prepare report for Kobe III	
<i>IV. Capacity building for developing countries</i>		
16. Acknowledging the additional or new requirements of bycatch mitigation and the need to build further capacity for implementation, in carrying out the recommendations in I, II, and III above, consider capacity building programs for developing countries to assist in their implementation. Establish a list of existing capacity building programs related to bycatch issues (see attached Appendix 2 for example) to avoid duplication where possible and facilitate coordination of new capacity building programs.	Agree in principle	

c) Workshop on RFMO Management of tuna fisheries

Key themes

- a. The long-term profitability of all tuna fisheries is linked to their sustainability and proper management, and all RFMOs should ensure that all stocks of tunas are maintained at sustainable and optimal levels through science-based measures.
- b. Overcapacity is a symptom of broader management problems, and in developing solutions we need to ensure that we deal with both the problem of overcapacity and the longer-term management issues.

- c. In some areas a high proportion of the world's tuna resources are harvested from the waters of developing coastal states. For some of these countries and many small island developing states they are their only tradable resource, and developing coastal States seek a better return for access to tuna resources. Providing developing coastal States with the assistance to better manage, utilise and trade and market these resources will increase the economic return. In this context, developed fishing countries should work with developing coastal States to build industries that provide a better return, including as appropriate reducing and restructuring fleets.
- d. Rights in RFMOs and under international law come with associated obligations, and these must be honoured by all member and cooperating non-member countries.
- e. Tuna sashimi markets are now world-wide, not just in Japan; e.g. USA, EU, China, Chinese Taipei, and Korea.
- f. Fish-aggregating devices (FADs) increase the catches in purse-seine fisheries for skipjack tuna, but FAD fishing for skipjack also captures juvenile bigeye and yellowfin tunas, lowering the longterm catch rates of those species.
- g. Rights already exist in most tuna fisheries, e.g. participatory rights in RFMOs, allocations in some RFMOs, and states' rights under international law.
- h. Some participants stated that now is not the time to build further purse seiners, unless industry can secure long-term access rights in partnership with developing coastal States.
- i. The issues relating to overcapacity and overfishing in tuna RFMOs do not change; hopefully the players now understand that they must act.

Recommendations Regarding the Management Workshop

Recommendations	Response	Comments
<i>RFMOs should, as a matter of urgency:</i>		
1. Develop publicly available authorised and active vessel ² lists for all gears. These lists will include small-scale fishing vessels that are capable of catching significant amounts of fish under the competency of tuna RFMOs.	Agree in principle	
2. Encourage secretariats to continue their work on the global list of tuna vessels, including the assignment of a unique vessel identifier.	Agree in principle	
3. As appropriate, RFMOs include only vessels on their active vessel ¹ register in any scheme for reducing capacity by eliminating vessels.	Agree in principle	
4. Review existing capacity against the best available scientific advice on sustainable	Agreed	Capacity should be reviewed and attempts

² The definition of 'active vessel' is to be determined by individual RFMOs

levels of catch and implement measures to address any overcapacity identified.		made to address overcapacity issues
5. Each tuna RFMO consider implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis. Such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States.	Agreed	Capacity should be reviewed and attempts made to address overcapacity issues
6. All RFMOs establish strong requirements for the provision of accurate data and information to secretariats so that the status of tuna stocks can be accurately assessed. All RFMO members and cooperating non-members should make a firm commitment to provide these data on a timely basis, and it should be cross-checked with market, landings and processing establishment data under the competency of tuna RFMOs.	Agreed	SC (SPC) may provide comments on CCM's data provision. The SC may consider a plan for the cross-checking of available data.
7. Develop a consistent enforceable regime for sanctions and penalties, to be applied to RFMO members and non-members and their vessels that breach the rules and regulations developed and implemented by RFMOs.	Agreed	Refer to TTC for consideration as appropriate when data agreements have been breached
8. Ensure that the effectiveness of all conservation and management measures is not undermined by exemption or exclusion clauses.	Agree in principle	
9. Ensure that all conservation and management measures are implemented in a consistent and transparent manner and are achieving their management goals.	Agree in principle	
10. Review and strengthen their MCS framework to improve the integrity of their management regime and measures.	Agree in principle	
<i>RFMOs should, in the medium term:</i>		
11. Develop measures of capacity and, in the absence of an agreed capacity definition, adopt the FAO definition "The amount of fish (or fishing effort) that can be produced over a period of time (e.g. a year or a fishing season) by a vessel or a fleet if fully utilised and for a given resource condition."	Agreed	The FAO definition will be used in the interim until the Commission develops its own definition for "capacity".
12. Ensure that all stocks maintained at	Agree in principle	

sustainable and optimal levels through science-based measures.		
13. Review and develop management regimes, based <i>inter alia</i> on the concept of fishing rights for fisheries under the RFMOs' competence.	Agree in principle	
14. Consider using right-based management approaches and other approaches as part of a 'tool box' to address the aspirations of developing states, overfishing, overcapacity and allocation.	Agree in principle	
15. The tuna RFMOs should ensure a constant exchange of information with regard to the capacity of fleets operating within their zones as well as the mechanisms to manage this capacity. Kobe III will provide an opportunity for the tuna RFMOs to provide an update on progress with these issues.	Agree in principle	Secretariat to report on progress at regular intervals

RECOMMENDATIONS FROM THE KOBE II WORKSHOP ON MCS

The participants in the Kobe II Workshop on MCS held in Barcelona, Spain from June 3-5, 2010 recommended the following to tuna RFMOs, and requested that such RFMOs report on their actions towards these recommendations at the Kobe III Meeting scheduled for 2011:

Recommendations	Response	Comments
VMS		
1. Where they do not already exist, establish standards for the format (see attached ICCAT format as an example), content, structure and frequency of VMS messages; and	Agreed	
2. Ensure there are no gaps in geographic coverage in regional VMS programs, and all relevant vessel types and sizes participate in VMS programs while on the high seas.	Agreed	NW quadrant coverage
Transshipment		
1. Cooperate with other tuna RFMOs to standardize transshipment Declaration forms so that they use, to the maximum extent possible, the same format and include the same required data fields, as well as	Agreed	

develop minimum standards for the timeframes by which such Declaration are submitted to RFMO Secretariats, flag States, coastal States and port States.		
2. Establish that advance notifications much be provided to the relevant tuna RFMO Secretariat for those high seas transshipment activities that are permitted by that RFMO's measures (for example, 36 hours in advance of the transshipment operation taking place)	Agreed	
Observers		
RFMOs are encouraged to support the establishment of regional observer programs which could be built on existing national programs. It is the responsibility of each RFMO to clearly establish the purpose and scope of the information collected by its regional observer program, such as whether it will be used to support scientific or monitoring functions, or both, and then define the specific observer tasks and duties appropriate for that particular purpose and scope.	Agreed	
There are specific aspects of observer programs that could benefit from the development of minimum standards or procedures that if utilized by tuna RFMOs could promote comparable observer-generated data.	Agreed	
1. Where appropriate and practical, subject all gear types in high seas fishing operations to observer coverage while adopting a minimum of 5% coverage as an initial level. Observer coverage rates should be evaluated and may be adjusted depending on the scope and objectives of each observer program or particular conservation and management measures.	Agreed	
2. Where appropriate, develop agreements such that RFMO-authorized high seas observers can operate effectively in the	Agreed	Ensure our standards are regarded as the Minimum to be utilized.

various ocean basins covered by other RFMOs with a view to avoiding duplication of observers. Such observer programs will provide required data to the RFMO in whose area the fishing operations take place.		
<p>3. Exchange information and examples of the standards developed in each program. These should include:</p> <ul style="list-style-type: none"> a. Training material and procedures; b. On-board reference materials; c. Health and safety issues; d. Rights, and responsibilities of vessel operators, masters, crew and observers; e. Data collection, storage and dissemination including where appropriate between RFMOs; f. Debriefing protocols and procedures; g. Reporting formats – especially for target and by-catch species; h. Basic qualifications and experience of observers. 	Agreed	
Catch Documentation Schemes (CDS)		
1. Establish or expand the use of CDS to fisheries for tuna and tuna-like species and sharks not currently covered by an existing CDS and to which current conservation and management measures apply, taking into account the specific characteristics and circumstances of each RFMO.	Agreed	
2. Ensure compatibility between new or expanded CDS and existing certification schemes already implemented by coastal, port and importing States	Agreed	
3. Develop a common/harmonized form for use across RFMOs and the use of electronic systems and tags to enhance the efficiency, effectiveness and utility of a CDS.	Agree in principle subject to further discussion	
4. Take into account fish caught by purse seine fisheries and delivered to processing plants when implementing an expanded CDS.	Agreed	

5. Consider a tagging system for fresh and chilled products to improve the implementation of new or expanded CDS.	Agree in principle subject to further discussion	
6. Develop a simplified CDS form to cover catches by artisanal fisheries that are exported (see Appendix 3, EU form that could serve as an example).	Agreed	
7. Provide technical assistance and capacity building support to assist developing countries in implementing existing CDSs and any expanded CDS, including ensuring that capacity building funds that currently exist in RFMOs can be used for this purpose.	Agreed	
Port State Measures		
1. Encourage RFMO Members to consider signing and ratifying the FAO Port State Measures Agreement at their earliest opportunity.	Agreed	
2. Where they do not already exist, where appropriate, adopt port State control measures that are consistent with the FAO Port State Measures Agreement, and that take into account the specific characteristics and circumstances of each RFMO.	Agreed	
Data		
When useful to support scientific and MCS purposes, cooperate with other tuna RFMOs to develop protocols for exchange data, including provisions for data confidentiality	Agreed	

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

**Technical and Compliance Committee
Sixth Regular Session**

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STATEMENT BY THE PEW ENVIRONMENT GROUP

The Pew Environment group would like to thank the Chair for providing us with the opportunity to participate in this discussion. We are very pleased to be here at this TCC 6 Meeting.

We share the view with a number of members of WCPFC that the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing, adopted by the FAO in November 2009, provides a set of highly effective tools to be used by port States to combat IUU fishing, and we encourage members to consider early implementation of compatible measures and ratification of this Agreement as an opportunity to increase their cooperation and improve monitoring, control and compliance outcomes. The Pew Environment Group strongly supports the earliest possible entry into force of the Agreement and would like to congratulate the CCMs which have already signed it – showing their commitment to ratification. We encourage all WCPFC Members to sign and ratify the Agreement as soon as possible, and are looking forward to working constructively with States in this direction.

In this regard, we would like to draw your attention to three research initiatives of the Pew Environment group, (1) a research on Port State Performance globally in the last 6 years, (2) a gap analysis which identified which aspects need to be further developed by WCPFC in order to align their port State measures with the PSMA, and a Capacity Needs Assessment Methodology as part of an Implementation Toolkit providing practical tools to support States to implement the PSMA.

In addition, Pew welcomes the EU proposal for a WCPFC CMM on port State measures. If adopted, this proposal would bring WCPFC Port State measures in line with the Port State Agreement, which constitutes the new international minimum standard on this matter. Ensuring implementation of consistent measures across different regions of the world is the only way to effectively combat IUU fishing through port State measures, and thus the wide implementation of this new international minimum standard should be a high priority for States and all RFMOs.

We are aware that fully implementing the provisions of the Agreement will be a process that will require port States to increase their capacity, especially in developing countries. In this sense, we note that both the Agreement and the EU proposal include special provisions to provide

assistance to developing countries. Through the development of appropriate tools the Pew Environment Group is seeking to support this important initiative.

We would like to thank the Secretariat for distributing our material to the CCMs and invite you to pick up hard copies of this material from the registration desk at the back of this room.

We hope that WCPFC members can act upon the recommendations we provided in a timely fashion.

Thank you Mr Chair.

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STATEMENT BY THE PACIFIC ISLANDS TUNA INDUSTRY ASSOCIATION



Pacific Islands Tuna Industry Association
Adding value to Pacific domestic tuna industry

The Pacific Islands Tuna Industry Association (PITIA) who represents the Domestic tuna interest of 14 FFA members, lends its full support to our national governments and their efforts to make the SIDS resolution the mechanism it was intended to be.

An over-arching aspiration of the PITIA membership is to add value to our domestic tuna industries but more than that - addition that would immediately result in increasing the contribution of tuna industries to national economies. In the interest of being clear – I am referring to a transfer at all levels from catching, onshore post harvest, technologies, market access and compliance, crewing, research and development etc

The implementation of the resolution may be best done so through the regional, sub-regional and links to national framework that already exists within the FFA chamber which would compliment conservation and management of tuna resources in the convention area.

PITIA urges TCC to make a firm recommendation to the Commission on the improvement of the SIDs Development Aspiration Resolution to ensure FFA members maximize benefits from the resources in our waters.