



**COMMISSION
EIGHTH REGULAR SESSION**
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5-9 December 2011

**SUMMARY REPORT SEVENTH REGULAR MEETING OF THE TECHNICAL
COMPLIANCE COMMITTEE**
(Adopted before Professional Editing)

WCPFC8- 2011/17 Rev 1
29 October 2011

ISSUE:

1. TCC7 adopted the attached summary report for WCPFC8 consideration.

DECISIONS:

2. WCPFC8 is invited to consider and approve the TCC7 Summary Report.



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

**Technical and Compliance Committee
Seventh Regular Session**

**29 September–4 October 2011
Pohnpei, Federated States of Micronesia**

Draft SUMMARY REPORT Rev 1.

**(Adopted and before Professional Editing
29 October 2011)**

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SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1. The meeting was opened by the Chair of TCC, Mr. Noan Pakop (Papua New Guinea) at 8:30 on 29 September 2011. The Vice President of the Federated States of Micronesia, the Honourable Alik L. Alik, delivered a welcoming address (Attachment A).
2. The following CCMs and participating Territories attended TCC7: Australia, China, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Kiribati, the Republic of Korea, Republic of the Marshall Islands, Nauru, New Caledonia, New Zealand, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America and Vanuatu.
3. Cooperating non-members: Ecuador, El Salvador, Indonesia, Vietnam and Panama.
4. Observers also attended representing the Pacific Islands Forum Fisheries Agency (FFA), the Secretariat of the Pacific Community (SPC), Greenpeace, International Seafood Sustainability Foundation (ISSF), Parties to the Nauru Agreement (PNA), World Wildlife Fund (WWF), The Pew Charitable Trusts (PCT), Ocean Friends Against Driftnets (OFAD) and the Pacific Island Tuna Industries Association (PITIA) also participated. A list of participants is provided as Attachment B.

1.2 Meeting Arrangements

5. The WCPFC Compliance Manager, Mr Peter Flewwelling announced the meeting logistics and introduced Secretariat staff attending the meeting. These included Prof Glenn Hurry, Executive Director, Mr Aaron Nighswander, Administrative Officer; Dr SungKwon Soh, Science Manager; Mr Anthony Beeching, Assistant Science Manager; Mr Karl Staisch, Observer Programme Coordinator and others. In addition to Secretariat staff, two meeting participants provided support

services: Dr Martin Tsamenyi, WCPFC Legal Advisor and Dr Shelley Clarke, rapporteur.

1.3 Adoption of Agenda

6. The agenda adopted by TCC7 is Attachment C.

AGENDA ITEM 2 — PRIORITY ISSUES FOR TCC

2.1 Issues from WCPFC7, SC7 and NC7 for TCC7

(a) WCPFC7 issues in WCPFC-TCC7-2011-IP/02

7. The Secretariat noted that WCPFC-TCC7-2011-IP/02 provides a report on the status of action items from WCPFC7 to be addressed at TCC7.

(b) SC7 and NC7 issues for TCC7

8. Issues raised by SC7 and NC7 for discussion by TCC7 were presented by Dr. Soh and are described in WCPFC-TCC7-2011/08 Rev 1:

- i. South Pacific Swordfish – in preparation for a full stock assessment in 2012, operational catch data from CCMs are required and outstanding operational data from the EU has been identified as a priority.
- ii. CMM for Bigeye Tuna – a number of technical conclusions from SC7 Working Papers SC7-MI-WP-01 and SC7-MI-WP-05 and requests for specific model runs for projections evaluating the effectiveness of CMM 2008-01 were presented for TCC’s consideration.
- iii. Seabird Mitigation – The SC recommended that TCC be requested to consider separating the table of mitigation measures into separate tables for the area north of 23° N and the area south of 30°S in future revisions of CMM 2007-04 given the differences in the fishery operations and species composition in these two areas.
- iv. Guidelines for Release of Encircled Animals – the convenor of the SC7 Ecosystem and Bycatch Mitigation Theme will lead an electronic discussion group in the development of best practice guidelines.
- v. Data Gaps – TCC was invited to consider the results of SC7-ST-WP-01 (Scientific Data Available to the WCPFC) in developing the Compliance Monitoring Scheme. SC7 also noted the issues relating to Chinese longline catches in Kiribati waters.
- vi. Misreporting of Purse Seine Catch Composition – TCC was referred to the results of SC7-ST-WP-02 (updated since SC7) which describes biases leading to over-reporting of skipjack catches, under-reporting of bigeye and yellowfin catches, and the development of methods to adjust these data.

9. NC7 raised no particular issues for the consideration of TCC7 however, several key outputs from NC7 were noted including:

- i. A process to develop a precautionary management framework for North Pacific albacore;

- ii. A recommendation on the implementation of the Regional Observer Programme (ROP) for fresh fish vessels in waters north of 20° N;
 - iii. A request for the Commission to address ROP implementation schedule for “small” vessels and troll/pole and line vessels targeting skipjack or albacore;
 - iv. A decision to continue NC discussion next year on VMS implementation north of 20°N.
10. The Executive Director clarified that operational data for the EU swordfish-targeting fleet in the South Pacific were discussed in the margins of the Kobe 3 meeting, received subsequently and are currently being processed by SPC. In answer to a follow-up question regarding the inclusion of bycatch species in these EU data, the Executive Director advised TCC7 that he will consult SPC on this matter.
 11. The Cook Islands, on behalf of FFA members, reaffirmed the importance of the issues raised in the paper and noted that over half of these related to reporting failures which have a direct effect on scientific advice for management. In particular, the importance of the under-reporting and mis-reporting of bigeye was highlighted. It was noted that further consideration of these issues will be taken up under other TCC7 agenda items.
 12. Some CCMs stated that under- or mis-reporting of catch composition in purse seine fisheries is not intentional but rather results from practical difficulties in obtaining accurate, species-specific data.
 13. CCMs also noted that data gaps not only arise from lack of reporting by flag States (i.e. logbooks) but also from delays in reporting by observers.
 14. FFA members reinforced the importance of considering revisions to CMM 2008-01 but noted several points of confusion among CCMs regarding the data measuring changes in the fishery since the implementation of CMM 2008-01. FFA members requested that WCPFC-TCC7-2011/08 be re-issued with corrected references to para. 364 in the SC7 report and that the Secretariat attach to the TCC7 report a simple set of tables of relevant catch and effort data (Provided as Attachment D). The Secretariat and the Scientific Services Provider were encouraged to simplify the presentation and interpretation of data to TCC7 and to reference the sources of data used in the SC7 report.
 15. Regarding the issue of data gaps arising from China-flagged vessels in Kiribati waters, China stated that it was cautious about possible double counting of catches under bilateral arrangements. However, if Kiribati is unable to provide the Commission with the data then China stated that it can easily provide it. China explained that these data include the logsheet data required under the license as well as trade/export certification data. China considers that the arrangement with Kiribati concerning these vessels is a bilateral arrangement similar to that entered into by China-flagged vessels in the South Pacific albacore fishery.

16. In response, Kiribati noted the data had not been received from China and therefore it was not possible to provide it to the Commission. Kiribati also stated that they did not consider that the vessels in question were chartered to Kiribati and therefore there was no reason why China as the flag State should not report the data to the Commission.
17. The TCC Chair noted that this issue will be revisited under other TCC7 Agenda Items but encouraged China and Kiribati to work toward resolution of the issue in the margins of the meeting; at the conclusion of the meeting the matter had not been resolved.

(c) SPC-OFP Overview of the Fisheries

18. Peter Williams (SPC) presented an abbreviated version of two papers presented to SC7 containing an overview of the fisheries and annual catch estimates (SC7-GEN-01 and SC7-ST/IP-01), noting that annual catch estimates had been revised since SC7 with new information provided in several WCPFC Part 1 reports prepared for SC7. The following points were highlighted:
 - i. The total tuna catch for 2010 was 2.4 million t, the second highest on record. Purse seine catches (1.8 million t) accounted for 75% of this total; longline catches were 10%, pole and line catches were 7% and other catches were 7%.
 - ii. By species, skipjack (SKJ) dominated 2010 catches with a total quantity of 1.6 M t in 2010, the second highest on record and comprising 67% of the total. Yellowfin (YFT) comprised 23% in 2010 and was the third highest on record. Bigeye (BET) catches were at their lowest level since 1996 and comprised only 5% of the total 2010 catch and albacore (ALB) also comprised 5% of the total but was the fourth highest on record for this species.
 - iii. In the purse-seine fishery, the problem of small yellowfin and bigeye tuna being mis-reported on logsheets as skipjack has been acknowledged over a number of years, but the process to produce more reliable estimates (for the entire fishery) which attempts to account for this problem has only recently been possible due to the availability of appropriate observer data and the development of statistical methods (see SC7 ST-IP-02). Two versions of annual purse-seine catch estimates were presented in SC7 papers this year; one set of estimates is sourced from the catches provided by CCMs in their annual WCPFC data submission and Part 1 reports (as estimates have been compiled in previous years); and a second set of estimates, which provides an adjusted tuna species catch to account for this problem. A comparison of these two versions of annual catch estimates averaged over the period 2001-2010, shows that BET and YFT catches increased by 57% and 37%, respectively, whereas SKJ catches decreased by 9% (see revised version of SC7-ST-IP-01, Tables 5 and 6 for the two versions of annual catch estimates). According to the revised

estimates, the BET catches in 2010 were the lowest since 2007. It was noted that the revised estimates were used as the base case in each of the assessments undertaken this year.

- iv. In 2010, due at least in part to the FAD fishery closures under CMM 2008-01 and possibly also due to environmental conditions, the percentage of unassociated purse seine sets increased to 74% as compared to the recent average of 52% for the previous ten-year period. Log sets were at a record low of 7%.
 - v. Oceanographic conditions in 2010 differed from average conditions (for the previous ten-year period) because in the first quarter of the year the warm pool extended further than usual to the east, consistent with the prevailing El Niño conditions. This caused the fishery to expand farther to the east in the first part of 2010 compared to other years. In the fourth quarter of 2010, the cooler tongue of water emanating from the Eastern Pacific waters (consistent with the change to La Niña conditions) caused the fishery to contract rather than expand as it usually does in this quarter.
 - vi. In the past two years, longline BET catches have decreased whereas longline catches of South Pacific ALB have increased, suggesting a possible shift in targeting from one fishery to another.
 - vii. In 2010, there was a record number of purse seine vessels (280), domestic longline vessels increased by 87 vessels, distant water longline vessels increased by 26 vessels, and the number of pole and line vessels remained stable.
 - viii. The landed value of the purse seine catch in 2010 was estimated to be \$2.48 billion, the second highest on record. Longline catches were valued at \$1.49 billion, the highest on record.
19. The EU queried the uncertainty of figures and conclusions on compliance based on incomplete observer coverage, lack of reports for a large number of trips and backlog in data entry, as indicated in document WCPFC-TCC7-2011-14 Rev2. Mr Williams replied that observer coverage is increasing and becoming more representative with time and thus uncertainty is less in recent years.
 20. Several CCMs associated with the Te Vaka Moana (TVM) group expressed concern about the expansion of the South Pacific ALB fishery which is vital to the economic development of some members. These CCMs highlighted limits contained in CMM 2009-03 on the number of vessels fishing for albacore south of 20° degrees and noted that as of 2011 CCMs are required to report target and bycatch catch figures for this fishery. These CCMs considered that further strengthening of the CMM may be required. The Secretariat was requested to prepare a paper for WCPFC8 containing all available catch and transshipment data by flag and by zone for South Pacific ALB and highlighting trends since the year 2000 in this fishery.
 21. CCMs with questions about the new BET catch estimation procedures were referred to technical documents providing detail on these methods (for example,

SC7-ST-WP-02 and SC7-ST-IP-02). Mr Williams explained that the variation in annual bigeye catch estimates is expected since analyses show that the main factors that affect the level of bigeye catch are year, set type, and region.

2.2 Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna

(a) Stock Assessment Results

22. Dr John Hampton (SPC) presented a brief summary of the results of the stock assessments conducted by SPC and discussed by SC7.
23. SKJ catches, which are dominated by the purse seine fleet, have continued to increase. The spawning biomass is decreasing slowly and is now approaching 50% depletion from unexploited levels. Current catches are near their maximum sustainable yield (MSY) level and if extraction at the current rate continues the spawning biomass is predicted to move in the long term to the MSY level, about half of the current level.
24. YFT catches increased in 2008 after period of stability and it is likely that the full exploitation potential has now been reached. The stock is decreasing steadily and is currently approaching 60% depletion from unexploited levels. When the stock in western tropical Pacific is examined, this core area subset of the fishery shows a stronger trend of depletion (70%) than the stock as whole. Trends in this core area are likely to provide a useful indicator of the future stock status.
25. BET catches have levelled over the past 10 years with the longline fishery catching mainly adult fish. However with the increase in purse seine sets on FADs, and the associated catch of juvenile BET, a very high level of depletion versus unexploited levels (80%) has been approached. Stock assessment results showing the unexploited spawning biomass decreasing and then increasing may be an artefact, however, the estimates of recent depletion are thought to be realistic.
26. The South Pacific ALB fishery is mainly based on longline catches of adult fish. Catches have doubled since 1995 with a 30% increase observed in 2010 versus 2009. Spawning biomass has declined steadily since the mid-1960s even in the absence of fishing. This may signal that the decline is due, at least in part, to environmental changes which are unfavourable to ALB recruitment. Currently spawning biomass depletion due to fishing is approximately 40% and current catches are approaching MSY levels.
27. A Kobe plot summarizing the status of the four stocks showed YFT, ALB and SKJ as not being overfished nor subject to overfishing. BET is not overfished but overfishing is occurring. The extent of BET overfishing ($F/FMSY = 1.42$) is the basis of the SC7 recommendation for a reduction in fishing mortality by 32% from the 2006-2009 average level, thus achieving $F/FMSY = 1.0$.
28. CCMs who had expressed concerns about the increase in ALB catches shown in the previous presentation reiterated their concerns after hearing the results of the

updated ALB stock assessment presented to SC7. Dr Hampton noted that the catch data for 2010 was received too late to be incorporated into the SPC assessment. He noted that a full stock assessment for South Pacific ALB will be conducted in 2012 and presented to SC8.

29. One CCM requested further details on whether spatial issues such as those mentioned for the YFT purse seine fishery had been explored for other species and gear types. Dr. Hampton explained that the YFT purse seine fishery is highly concentrated in the area west of 180°. This is similar for longline fisheries catching YFT. The opposite pattern occurs for BET with higher catch rates to the east. The SKJ fishery is less spatially concentrated.
30. Some CCMs stated that they were having difficulties interpreting the recommendations of the Scientific Committee and asked for information to be presented in a more easily digestible format.

(b) SPC-OFP Projections based on 2011 Stock Assessments

31. Dr. Hampton presented information on the implementation and effectiveness of CMM 2008-01 (see WCPFC7-2010-15) and the results of stock status projections based on the 2011 stock assessment (WCPFC-TCC7-2011/31, 31a & 31b).
32. Key elements of the implementation of CMM 2008-01 were outlined as being limits on purse seine effort, FAD closures, closure of the high seas pockets (HSP), and limits on longline catch. Each element was evaluated as follows:
 - i. Purse seine effort limits – the alternative effort limits contained in CMM 2008-01 are difficult to interpret and evaluate, however, PS effort in 2010 (provisionally estimated at 52,085 days) is an increase of 18% over 2004. The strong increase in effort in 2010 has mainly occurred in the EEZs of the PNA countries; effort on the high seas has declined. On this basis it is concluded that CMM 2008-01 has not been effective in restricting total purse seine effort to 2001-2004 (average) or 2004 levels. It is impossible to evaluate the degree to which CMM 2008-01 has constrained purse seine effort relative to levels which would have occurred in the absence of the measure.
 - ii. FAD closures (purse seine set type behaviour) – an analysis comparing data from 2009-2010 indicates there is reasonable consistency between logbook and observer records for the proportion of FAD sets undertaken. The very low proportion of FAD sets for the FAD closure period was understood to be mainly due to activities in archipelagic waters which are exempt from the measure. During the months immediately preceding the FAD closures there was also a marked decline in FAD usage, particularly in 2010. The incidence of FAD-related activities during the closure was 13.5% in 2009 versus 5% in 2010. As intended, reduction in BET catch has been the main effect of the measure. An increase in average size, particularly for YFT and SKJ, was observed during the FAD closure months in comparison to months outside the closure.

- iii. High Seas Pocket Closure – this component of the measure appears to have been generally respected since its inception in January 2010. The effectiveness of this component was predicated on effort within the HSPs being removed (i.e. not transferred to other locations) during the closures. However, purse seine effort increased in 2010 over 2009 indicating that the effort was not removed. One exception to this is the Philippine domestic purse seine fishery which has historically utilized the western HSP. Philippines has reported a 30% decline in their catch in 2010, which is at least partially attributed to the HSP closure.
 - iv. Longline Catches – The provisional catch of BET for 2010 is a 30% reduction on the 2001-2004 average. However, uncertainties associated with the 2010 BET catch, including catch reporting for China-flagged vessels fishing in Kiribati waters, remain to be resolved.
33. Projections of stock status focused on assessing outcomes if 2009 versus 2010 fishing conditions continue, the differences between a FAD closure and a total purse seine closure, and the effects of exemptions:
- i. No apparent reductions in BET overfishing were projected to result from continuation of the 2009 catch and effort conditions. However under 2010 reported conditions - reductions in longline catch (17%), FAD usage (32%) and Indonesia/Philippines BET catch (33%) have been reported - the 32% reduction in fishing mortality recommended by SC7 is projected to be achieved.
 - ii. Modelling of a total closure of the purse seine fishery and a FAD closure showed little difference in the degree of reduction in BET overfishing. Therefore there is little incremental advantage (approximately 10% greater reduction in fishing mortality for a 6 month total closure compared to a 6 month FAD closure) in closing the entire purse seine fleet, and a major detriment in terms of a much larger reduction in total catch, mainly SKJ.
 - iii. In order to examine the effect of exemptions, multipliers were defined to scale various no-exemption scenarios relative to the implementation of CMM 2008-01 as written. It was noted that this process involves a considerable number of assumptions, which have been documented in WCPFC7-2010-15. The results indicated that the amount of overfishing would be reduced by approximately half if the exemptions were removed.
34. Several CCMs expressed the view that it was encouraging to see the effectiveness of some components of CMM 2008-01, noting that projections based on 2010 indicate that BET overfishing would be fully removed and that SKJ and YFT stocks would remain healthy.
35. Dr. Hampton cautioned that some of the results for 2010 may have been due to circumstances unrelated to CMM 2008-01, for example reduced FAD usage outside the closure period. Once information is available for 2011, the situation is expected to be clarified.

36. Some CCMs questioned the basis for drawing conclusions about the effectiveness of the measure given the uncertainties in the data, in particular from observers, as well as uncertainties regarding compliance with the measure.
37. Dr. Hampton acknowledged some uncertainty, but noted that the results of the assessment and projections are entirely consistent. SPC is currently developing methods to incorporate uncertainty into projections. With regard to uncertainties arising from observer coverage, Dr. Hampton noted that observer and logbook records of FAD-related activities were consistent. He also noted that observer coverage in the analysed data set was approximately 32% and is possibly on the order of 50% at this time.
38. Some CCMs had specific questions about how the various components of the measure could be combined to achieve the best effect.
39. In addition to the paper presenting the projection results (WCPFC-TCC7-2011/31), and to an additional paper prepared during TCC7 addressing this issue (WCPFC-TCC7-2011-IP/08), Dr. Hampton encouraged CCMs to use two spreadsheets which allow simulation of different combination of potential management components (WCPFC TCC7-2011/31a and b). The two spreadsheets are based on two alternative hypotheses regarding recruitment (SC6 indicated a preference for the recent average recruitment assumption). Each spreadsheet shows results for two assumptions: a) that effort shifts from associated to unassociated sets (“transfer”); and b) that effort reductions apply equally to both associated and unassociated sets (“managed”).
40. Some CCMs queried the selection of the reference years (i.e. 2006-2009).
41. Dr. Hampton explained that the objective is to select a window which characterizes current conditions while avoiding the most recent, uncertain data. SPC’s convention is to use the last four years of data but exclude the most recent, incomplete year.
42. FFA members called for updated projections to be presented to WCPFC8. While encouraged by the projections, they understood they are subject to uncertainty and therefore they saw them as fully consistent with the scientific advice that additional measures are needed.
43. FSM drew attention to the lack of benefit shown for a total purse seine fishery closure. Noting that 1) the effect of a total closure would come at the cost of large reductions in SKJ yields in SIDS waters, and; 2) that SIDS fleets would be disadvantaged because of their inability to move to other oceans during a total WCPO closure.
44. The Philippines reconfirmed that their domestic purse seine and ringnet fleets have suffered a 30% decline in catches and expressed concern about the disproportionate consequences of the measure to some CCMs. The Philippines called attention to the fact that closure of the western HSP served to divert fishing effort to national waters which it stated are nursery grounds for juvenile tunas.
45. One CCM cautioned against drawing compliance conclusions from scientific analyses, suggesting that compliance evaluations should be left to the TCC.

(c) Discussion of CMM 2008-01

46. A synopsis of discussions is presented in this report – all formal statements provided by members are included as attachments.
47. Members generally favoured using CMM 2008-01 as a continuing basis for improved conservation and management of bigeye, yellowfin and skipjack tuna. One CCM preferred not to build on the existing measure, but to develop a new measure. There was discussion regarding whether the CMM should be organized by fishery or by species, with support for a fishery based approach, noting that there was merit in organizing the measure by species if reference points or harvest control rules were going to be included. Whilst all member statements supported the development of reference points, it was concluded, given that a management objectives workshop is scheduled for early 2012 to advise WCPFC9 on the development of reference points, that it was inappropriate to include them in the proposed measures at this time.
48. FFA members wanted the measures to extend throughout the entire Convention Area (not only 20°N-20°S), with Japan and the USA indicating that they wanted special spatial arrangements for measures impacting their longline fleets, stating that they had already been heavily impacted by catch reductions, and in any case, it was the tropical stocks which were experiencing the highest levels of exploitation. Japan also indicated the need for spatial arrangements for measures for their purse seine fleet catching outside 20N-20S regions for skipjack migrating in limited summer seasons. There was discussion on the selection of baseline year(s). Some CCMs preferred retaining the use of 2001-4 or 2004 as the baseline while some CCMs preferred to use 2010. There was however a general sense of support for retaining 2001-04 for at least the longline fishery, noting that use of a single reference year could disadvantage members who happened to have a low catch in that year. FFA members noted the scope for applying 2001-04 to longliners but 2010 to purse seiners. Tokelau's suggestion to ascribe a baseline number rather than apply a baseline year or period was supported by several other CMMs. Tokelau presented a statement (Attachment H), on its intention to impose limits to Purse Seine fishing in its EEZ which will begin to be implemented on 1 January 2011.
49. CCM comments also included the issues of catch attribution, exemptions and the impacts of high seas closures. The Philippines in particular expressed concern that exclusion of their domestic fleet from the western-most high seas pocket was resulting in increased pressure in their home waters which they considered to be the fisheries' nursery and breeding grounds.
50. Discussions included compatibility of measures with regard to high seas and EEZs, and on allocation, noting that there was likely insufficient time to pursue these issues properly in this meeting.
51. Differing views were expressed by members regarding the adoption of a FAD closure versus a closure of the entire fishery. Eight members stated categorically that the FAD closure would remain in place in their waters, and encouraged the

- Commission to continue compatible measures in international waters. Compliance issues relating to FAD closures were discussed with contrasting views expressed on how effectively the closure was enforced. A fishery-wide closure was considered by some members to be inefficient and counterproductive. A contrary view was expressed that total closures were more effective, and would be in line with IATTC measures.
52. Several CCMs proposed the application of more stringent MCS measures that would allow the high seas pockets to remain open. Several other CCMs noted that the closures of high seas pockets to purse seining had reduced purse seine effort and IUU fishing. PNA countries pointed out that the high seas pockets would remain closed to purse-seiners licensed to fish in PNA waters and one country requested that serious consideration be given to the closure of the high seas pockets to longlining in addition to the existing purse seine fishery closure, since this would provide refuges from fishing and focus fishing effort in areas where it was most controllable. It was suggested that where high seas areas remain open to fishing there needed to be clear indications on how fishing should be measured, and it was proposed that the equal allocation of fishing days to members with due consideration for the aspiration of SIDS was appropriate.
 53. PNA members stated that any new measure for bigeye, yellowfin and skipjack should take account of all significant sources of tuna fishing mortality but that purse seine effort limits should be primarily aimed at the optimal utilization of skipjack and not at the conservation of bigeye. Bigeye conservation should be addressed by other measures such as the FAD closure. FFA members indicated that the measure should apply the entire convention area and should not be restricted to tropical waters. One CCM noted, since substantial catch in tropical areas was a main reason for resource depletion and range contraction as stated in the SC report, a spatial approach is realistic rather than a single measure applied to the entire area for each gear type.
 54. There was some disagreement regarding whether regulations on catch retention should apply to both purse seines and longliners, with some CCMs declaring that an extension of the provision beyond tropical tunas would be problematic. Another CCM stated, on behalf of FFA members, that they will develop an extension of current bycatch initiatives to include more species, with a view to strengthening incentives to reduce bycatch, to improve the provision of scientific data, and to promote food security.
 55. There was agreement that 100% observer coverage should be maintained on purse seines, with one CCM noting that there may be a need for special consideration for small purse seines operating in temperate waters. There was also agreement that a minimum of 5% observer coverage should be retained for longliners. One CCM added that there should be improved and more frequent reporting by observers in support of compliance and timely provision of data for stock assessments.

56. Several CCMs declared their intention to control fishing capacity. With reference to Kobe 3 recommendations, it was generally agreed that fishing capacity should be transferred from developed to developing States.
57. The WCPFC Chair noted that development of reference points was an intrinsic part of the future development of the draft measure, and these would feature in future work. CCMs additionally suggested other areas of work that could influence the measure in the future, for example comparative studies of the proportion of smaller fish taken at FADs versus free schools; and options and requirements for high seas VDS to support non-PNA members plans to develop zone based limits.
58. The WCPFC Chair thanked all members for their comments and committed to work with the WCPFC Vice-Chair and Executive Director to develop a revised draft of the measure as soon as possible.

2.3 IUU Vessel List and IUU Listing Procedures

(a) Draft IUU Provisional Vessel List for 2011

(i) New IUU Applications

59. The Executive Director advised TCC7 that no new nominations for vessels to be placed on the Draft IUU Provisional Vessel List for 2011 were received by the Secretariat.

(ii) Current WCPFC IUU List for review

60. There are currently five vessels on the WCPFC IUU Vessel List for 2011 and each was considered by TCC 7.
61. Panama, submitted a request for the removal of the **Senta** (renamed Sun Fu Fa) from the WCPFC IUU List on the grounds that a) the vessel's ownership has changed and there is no link between the current and former owner; b) the vessel has been detained in port for over 10 months; and c) the vessel has been fined by Panama.
62. Representatives from Panama provided supplemental information to TCC7, explaining that the ownership of the vessel was transferred in January 2010 to an owner who has stated it was unaware of the IUU violation. The vessel was detained in Kaohsiung, Chinese Taipei for three months. For this type of violation, fines of between \$1,000 and \$1,000,000 are authorized under Panamanian law. A fine of \$250,000 was levied in July 2011 and that the fine has been paid. Additional conditions have been imposed on the vessel, including VMS requirements.
63. Some CCMs expressed support for removing the Senta (Sun Fu Fa) from the WCPFC IUU Vessel List.
64. Other CCMs considered that the documentation provided by Panama up until this point was not sufficient as the basis for de-listing since it did not provide clear evidence of the change of ownership, the severing of any ties between current and former owners and the clean record of the current owner. The EU also requested a

- copy of the administrative proceedings including establishment of penalty, as well as evidence that the fine had been paid.
65. In response to a point of clarification, the WCPFC Legal Advisor confirmed that the requirements for suitable evidence in para. 25 in CMM 2010-06 include mandatory requirements in parts (a) and (b) and at least one of (c) (d) or (e). This interpretation has been applied in previous considerations by TCC.
 66. Panama tabled further information with regard to actions taken by Panamanian authorities in response to the IUU activities of the Senta (WCPFC-TCC7-2011-IP/05 and WCPFC-TCC7-2011-IP/09).
 67. **TCC7 recommended to WCPFC8 that Senta be removed from the WCPFC IUU Vessel List.**
 68. The **Fu Lien No. 1** was placed on the WCPFC IUU list by WCPFC7. At the time of its IUU violation, the Fu Lien No. 1 was a Stateless vessel but subsequently assumed a Georgian flag. Given that the Fu Lien No 1 was Stateless at the time of its IUU violation and noting that under CMM 2010-06 a flag State is required to request the removal of a vessel from the WCPFC IUU vessel list, WCPFC7 agreed on a process to remove the Fu Lien No. 1 from the WCPFC IUU vessel list, should the owner wish to do so. WCPFC7 decided that the Secretariat would write to the current flag State in order to seek its assistance in resolving the matter. If the current flag State decided that the matter was outside its jurisdiction, WCPFC7 agreed that the following three actions would be sufficient to consider an application for the removal of the Fu Lien No.1 from the WCPFC IUU Vessel List: 1) Payment of voluntary contributions to the Commission in an amount deemed satisfactory by the Commission; 2) Ensuring that the vessel is flagged to a responsible flag state; and 3) A written commitment by the vessel owner and flag state that it will comply with the WCPF Convention and its conservation and management measures. The Secretariat's attempts to contact the owner have been unsuccessful. In response to a request from Secretariat, the United States suggested that an appropriate sanction would be to require the owner of the vessel to pay a voluntary contribution of \$150,000, representing 10% of the value of the unlawful catch.
 69. Following extensive discussion, it was unanimously agreed that the discussion regarding the Fu Lien No. 1 was speculative since the vessel owner has not responded to the Secretariat's letter. It was agreed that further discussion of the removal of the Fu Lien No.1 from the WCPFC IUU Vessel List be postponed until contact with the owner has been established.
 70. **TCC7 recommended to WCPFC8 that Fu Lien No. 1 remains on the WCPFC IUU Vessel List for 2012.**
 71. The Secretariat reported that no additional information has been provided on the Neptune. Accordingly, **TCC7 recommended to WCPFC8 that Neptune remains on the WCPFC IUU Vessel List for 2012.**
 72. In the matter of the **Jinn Feng Tsair No. 1**, Chinese Taipei noted that it has detained the vessel in port for more than three years, and the fishing license has

- been revoked. It should be recognized that a severe penalty has been imposed. Chinese Taipei considered that the penalties imposed on the vessel justify its removal from the WCPFC IUU Vessel List and offered to discuss this matter with the FSM.
73. China noted that the penalties imposed on the Jinn Feng Tsair No. 1 are sufficiently severe to justify its removal from the WCPFC IUU Vessel List.
 74. The FSM accepted Chinese Taipei's offer to consult on this matter and expressed an intention to resolve the issue as soon as possible.
 75. **TCC7 recommended to WCPFC8 that pending a successful resolution of the matter between Chinese Taipei and FSM, the Jinn Feng Tsair No. 1 remains on the WCPFC IUU Vessel List for 2012.**
 76. With regard to the **Yu Fong 168**, the Republic of the Marshall Islands reported that no progress had been made with the flag State to resolve the matter.
 77. **TCC7 recommended to WCPFC8 that the Yu Fong 168 remains on the WCPFC IUU Vessel List for 2012.**
 78. The current provisional IUU list for 2012 will be submitted to WCPFC8 for their consideration (Attachment E)

(b) CMM 2010-06

(i) Tonga Paper regarding WCPFC IUU Listing Process

79. Tonga introduced a statement reiterating its concern raised in past meetings relating to the WCPFC IUU Listing process and the need to ensure the satisfaction of the coastal States in seeking redress for offences within their waters when considering the listing of vessels on the WCPFC IUU Vessel list. (TCC7-2010-DP/16 Rev 1). Tonga reminded the TCC that since WCPFC5, it was a priority work item for the TCC to determine how the Commission should consider and assess the adequacy of any actions taken or sanctions imposed. To assist the Chair in progressing this task, Tonga tabled guidelines adopted by TVM Participants and already used by the Cook Islands, Tokelau, Tonga and New Zealand when considering levels of sanctions in these cases.
80. FFA members supported Tonga's call for the Commission to develop compatible guidelines, including those used by TVM..
81. Other CCMs, noting the short time available to review Tonga's paper and the fact that developing compatible guidelines may have the implication that CCMs have to amend their legal and administrative systems, did not feel they were in a position to adequately discuss this issue.
82. Noting the direction from WCPFC5 and WCPFC7 that TCC should develop guidelines on the matter, Tonga and several other FFA members considered that TCC should move forward on this task using the TVM guidelines as a basis to develop compatible guidelines for WPCFC.

83. Some CCMs supported progressing toward guideline development but expressed reservations about using TVM Guidelines tabled by Tonga as the sole basis for the guidelines.
84. The EU thanked Tonga for submitting to the attention of TCC the guidelines used by several coastal states in the region as this contributes to transparency and building of trust among members.
85. The United States offered to lead an inter-session process to develop compatible draft guidelines for consideration by WCPFC8.
86. **TCC7 agreed to establish an inter-sessional process to be led by the United States to produce draft guidelines on application of paragraphs 15 (c) and 25(e) to be further discussed by the Commission.**

2.4 Optimization of Cost of Commission Operations Consultancy Report

87. The Executive Director presented WCPFC-TCC7-2011/09 Rev 1 which provides the results of a consultancy study examining efficiency and cost control issues for the Commission and fairness and equity in the attribution of Commission costs to CCMs. The tender was let on a competitive basis and awarded to New Zealand-based consultants experienced in cost recovery studies. Since the study recommendations pertain to the cost structure of the Commission, they will be considered by WCPFC8 but TCC7 was invited to provide comments in advance of WCPFC8 for early consideration by the consultants. It was noted that the study considered the impacts of changing the cost structure on individual CCMs and these results are provided in tables in the report.
88. All CCMs making interventions on this topic expressed concern about escalating Commission costs and stressed the importance of efficiency and cost control.
89. FFA members advised that the report is useful in highlighting cost concerns but should not be used as a prescriptive plan for changes in Commission operations or policies. FFA members suggested that cost efficiencies are most likely to be gained through building on regional or sub-regional programmes, particularly with regard to observers and VMS. In addition, it was suggested that the Commission could reduce costs by focusing its work on the high seas within the Convention Area.
90. FFA members also noted that the review did not consider the ALC polling costs and SLAs which is an equal cost driver for any VMS. It also did not address the question of who is best placed to input and manage observer data. FFAs view is that this is better placed with national observer providers.
91. New Zealand stated that open and competitive tendering processes for service provision contracts would assist in controlling costs. With regard to the VMS, New Zealand expressed the view that vessel-based costs should be borne by the owners or flag States of the vessels rather than shared amongst CCMs who may not benefit.

92. Some CCMs disagreed with the view expressed in the report that costs should be faced by those, such as vessel operators, who can influence them thereby providing an incentive for efficiency. These CCMs considered that fishermen can't influence any decision for VMS or observer cost structures. It was also pointed out that 70% of the contribution of the Commission is already assessed based on the fishing activities of each CCM.
93. Some CCMs were concerned that further increasing the cost burden on fishermen could drive up the price of fish for consumers.
94. The EU asked for the consultants to provide further details regarding which types of onboard electronic data entry systems for observers have been examined and how they drew their conclusions regarding the degree and timeframe of cost savings associated with such systems.
95. The Executive Director thanked CCMs for their comments and stated that he will pass them on to the consultants. Any further comments should be promptly forwarded to the Secretariat after TCC7. The Executive Director noted the report's finding that the WCPFC costs compare favourably with those of other tuna RFMOs.

2.5 Compliance with Conservation and Management Measures

(a) Part 2 Annual Reports

96. The Executive Director noted that the deadline for the 2010 Part 2 Annual Reports was 30 days prior to TCC7. Of a total of 37 expected reports, 16 were received prior to the deadline (WCPFC-TCC7-2011/18 Rev 5). Given the very constrained time available for reviewing the reports submitted by CCMs 30 days prior to TCC7, the Executive Director proposed a revised deadline of 30 April each year.
97. Some CCMs considered that the revised deadline would be acceptable.
98. Other CCMs cited difficulties in producing the required information earlier in the year and noted the trade-off between timeliness and data quality. These CCMs offered a June-July timeframe as the earliest possible date.
99. **TCC7 recommended that the deadline for submission by CCMs to the Commission for Part 2 Annual Reports be revised from "30 days prior to TCC" to 1 July each year.**

(b) Streamlined Part 2 Report Proposal

100. Compliance Manager Peter Flewwelling introduced this item by explaining that TCC6 and WCPFC7 requested the Secretariat to streamline the Part 2 Annual Reports to make them more user-friendly, less complex and more applicable to individual CCMS. A small working group convened during TCC6 advised that the streamlining process should consider cost effectiveness, the role of the Secretariat, the fishery management needs and priorities, adaptability for different CCMs, efficiency, transparency and the effectiveness of monitoring. Two

versions of a streamlined format were developed, one of which (Version 1) was designed specifically for use with an online information management system. Ms Rhea Moss-Christian developed the formats during an internship at the Commission and presented them to TCC7 (WCPFC-TCC7-2011/19). She noted that the existing template contained in version 2 had been slimmed from 8 to 3 pages by focusing on essential compliance monitoring information that was not reported to the Commission in other formats or under other processes, and by removing duplicate reporting requirements.

101. Several CCMs voiced their support for the new indicative reporting template (Version 1) and welcomed the efficiency provided by a web-based information management system. While some of these CCMs were in favour of allocating funding to support such a system, other CCMs were cautious and preferred to consider the budgetary implications separately, i.e. via the FAC.
102. One CCM suggested that, due to the amount of work involved, that it might be a good idea to phase in the implementation of the new template.
103. Some CCMs indicated they wished to suggest specific changes to the templates. CCMs were requested to send their comments on the indicative templates to the Secretariat within 30 days of TCC7.
- 104. TCC7 recommended the adoption of a streamlined Part 2 AR template. There was strong support for implementation of a streamlined template in a web-based format subject to provision of funds for its development.**

(c) Draft Compliance Monitoring Scheme Report for 2010

105. WCPFC Compliance Manager, Peter Flewwelling explained that in response to CMM 2010-03, a 268 page Draft Compliance Monitoring Report has been prepared by the Secretariat (TCC7-2011-17-CMR-00 (secure web)) based on 22 individual CCM Compliance Monitoring Reports prepared from 19 Part 2 Annual Reports submitted by the deadline and three Part 2 Annual Report received after the deadline. In addition to the sheer volume of material, which required 9.9 work weeks to compile, the deadlines for preparing the report from submitted information were tight and did not provide much time for dialogue with CCMs. The Compliance Manager noted that the Secretariat found the compilation exercise to be very informative as it identified the existing strengths and weaknesses of the Secretariat's compliance monitoring functions and datasets. He noted that not all CCMs are covered in the Draft Compliance Monitoring Report due to lack of submission of Part 2 Annual Reports, however, according to the measure TCC is required to review the report and develop a Provisional Compliance Monitoring Report containing a provisional assessment of each CCM's compliance status and recommendations for any corrective actions.
106. There was consensus among CCMs that evaluation of compliance was one of the highest priority work items for the Commission. Given the volume and complexity of material to be considered under this agenda item, there was also broad support for convening a Small Working Group (SWG), under the leadership of the Vice-Chair of TCC Ms Holly Koehler, to review and discuss the available

- compliance material, and work toward development of a Provisional Compliance Monitoring Report.
107. A Small Working Group on the Compliance Monitoring Scheme (SWG-CMS) reviewed 22 Draft Compliance Monitoring Reports prepared by the Secretariat from Part 2 Annual Report submitted by CCMs. The results of this review are provided in WCPFC-TCC7-2011-17-CMR-Provisional/01 Rev 1.
 108. **TCC7 agreed that for those CCMs for whom TCC7 has developed a Provisional Compliance Monitoring Report, CCMs may provide additional advice or information relating to the issues identified in the Provisional Compliance Monitoring Report to the Secretariat intersessionally, including any steps taken to address identified compliance issues. The Secretariat will update the relevant section of the CCM's Draft Compliance Monitoring Report to include any such additional information, in order to enable the Commission to re-evaluate the CCM's implementation of the requirements identified in the Provisional Compliance Monitoring Report and develop a final 2010 Compliance Monitoring Report at WCPFC8.**
 109. **TCC7 agreed that for those CCMs who submitted a 2010 Part 2 Report sufficiently after the deadline such that the Secretariat could not prepare a Draft Compliance Monitoring Report, TCC7 requests the Secretariat to prepare a Draft Compliance Monitoring Report for the CCM intersessionally, provide it to the CCM for comment, and make it available to all CCMs for review prior to WCPFC8.**
 110. **For those CCMs who have not submitted a 2010 Part 1 and/or Part 2 Annual Report at all, TCC7 requests:**
 - i. **These CCMs to provide all outstanding Annual Reports by 4 November 2011;**
 - ii. **After 4 November, 2011, the Secretariat prepare a Draft Compliance Monitoring Report for the CCM using the Annual Part I and/or Part 2 Reports, if provided. If an Annual Part 1 and/or Part 2 report was not provided by 4 November 2011, TCC7 requests the Secretariat to prepare a Draft Compliance Monitoring Report using all information available. In either case, the Secretariat would provide the draft Compliance Monitoring Report to the CCM for comment, and make it available to all CCMs for review prior to WCPFC8.**
 111. **TCC7 recommended that the Provisional Compliance Monitoring Report be forwarded to the Commission for consideration at WCPFC8, per paragraph 16 of CMM 2010-03.**
 112. The Chair of the SWG-CMS noted that until the Commission decides otherwise, the Provisional Compliance Monitoring Report will remain on the WCPFC secure server.
 113. WCPFC Compliance Manager Peter Flewwelling introduced WCPFC-TCC7-2011/17a which, like WCPFC-TCC7-2011/17, summarizes CCMs compliance with CMMs based on Part 2 Annual Report submissions. Mr Flewwelling stated

- the reasons for presenting compliance information in the Working Paper 17a format were two-fold: a) to maintain consistency and allow comparison with past compliance reporting formats while the new CMS continues to evolve and b) to allow reporting against CMMs which are not covered by the new CMS format. The Secretariat noted that preparing the reports highlighted a number of gaps and inconsistencies in available data, and CMMs were encouraged to bring any errors or discrepancies to the attention of the Secretariat. CCMs were invited to consider whether this compliance reporting format is useful and whether it should continue pending the outcome of the review of CMM 2010-03.
114. CCMs considered that the report was very useful in highlighting specific compliance issues (measure by measure, in high seas areas and in EEZs, and for each CCM) as well as providing a perspective on the overall level of compliance in the WCPFC. Specific issues which were drawn to the attention of TCC7 included compliance with:
- i. CMM for BET and YFT (2008-01) regarding assessment of the effectiveness of the high seas pocket closures, limits on catches of BET, and the Vessel Day Scheme;
 - ii. CMM on Transshipment (2009-06) regarding the level of transshipment activity on the high seas;
 - iii. CMM on South Pacific ALB (2010-05) regarding the number of vessels and reporting of catch and effort
115. FFA members reiterated (see para. 20 of this report) their request for the Secretariat to prepare a report on South Pacific ALB catches as management of this fishery is considered a top priority for some CCMs, particularly Te Vaka Moana Participants.
116. The EU supported in particular that the Secretariat continues to compile data in the format of Table 1 of WCPFC-TCC7-2011/17a.
117. Some CCMs noted that they wished to verify or correct some of the information in the tables and cautioned that conclusions about compliance should not be drawn until the accuracy of the information is confirmed.
118. **TCC7 acknowledged the usefulness of compliance reporting under the format presented in WCPFC-TCC7-WP/17a and recommended that preparation of reports in this format by the Secretariat continue. CMMs were encouraged to carefully review the information contained in the report and provide any corrections to the Secretariat.**
- (d) Enhanced Compliance Monitoring Scheme**
119. Australia presented WCPFC-TCC7-2011-DP/08 which contains a proposal for a phased response to non-compliance comprised of a compliance review, a compliance action plan and a compliance remedy for each of the five categories noted in the Compliance Monitoring Scheme (CMS) (i.e. catch and effort limits, catch and effort reporting; spatial and temporal closures and gear restrictions; observer and VMS requirements; and scientific data provision, reporting and

- handling). This paper was circulated in advance of TCC7 and comments received from CCMs were incorporated into a revised draft. Australia noted that one aspect of the scheme which has not yet been specified is a timetable for responses. If TCC7 wishes to recommend the Enhanced CMS for further consideration, the proposal can be further refined intersessionally and then presented to WCPFC8.
120. One CCM considered that Australia's paper on an enhanced CMS provides a good starting point for the development of the Commission's response to non-compliance, however, given that the first implementation of the CMS is currently underway and there is still the need to review, and possibly revise and extend the existing CMS, it is perhaps premature to consider the enhanced CMS at this stage.
 121. Another CCM stated that while the tiered approach outlined was useful, Tier 2 responses to shortfalls in performance which simply impose higher standards of performance (e.g. lack of annual reporting requires monthly reporting) seem impractical. Furthermore, implementation mechanisms for Tier 3 responses which involve reducing the CCM's participatory rights in the fishery will require further thought.
 122. The EU pointed out that issues of timing need to be clarified with regard to a) when a CCM shall move from one level of non-compliance to the next and b) what should be the timeframe for developing a Compliance Action Plan in consultation with the CCM involved. This reinforced Australia's point regarding the timing of the Commission's responses to non-compliance, noting that negotiations with non-compliant parties often become protracted.
 123. **TCC7 requested that any further comments on the enhanced CMS be forwarded to Australia in order to allow for inter-sessional refinement of the proposal before its consideration by WCPFC8.**

(e) Review of CMM 2010-03

124. WCPFC Compliance Manager, Peter Flewwelling reminded TCC7 that CMM 2010-03 only applies to 2011 and that TCC might wish to develop a recommendation to the Commission if there were support for extending or renewing the CMS.
125. FFA members supported the extension of the CMM 2010-03 for at least one more year.
126. One CCM supported conversion of CMM 2010-03 to a permanent measure.
127. The SWG-CMS provided the following advice based on their experience in preparing the Provisional Compliance Monitoring Report:
 - i. Paragraph 1 of CMM 2010-03 provides that the purpose of the Compliance Monitoring Scheme includes:
 - (i) identifying areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance, and

- (ii) identifying aspects of conservation and management measures which may require refinement or amendment for effective implementation.
- ii. In addition, paragraph 15 of CMM 2010-03 provides that the Provisional Compliance Monitoring Report will include recommendations or observations from TCC regarding amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by CCMs.

Recommendations regarding conservation and management measures

- iii. In reviewing the Draft Compliance Monitoring Reports and preparing the Provisional Compliance Monitoring Reports, the SWG-CMS noted that:
 - (i) there are some CMMs for which there appear to be implementation issues, or which are not currently fully implemented by many CCMs
 - (ii) there are some CMMs for which there appear to be reporting issues, or for which the reporting requirement is not specified or is unclear, and
 - (iii) there are some CMMs with which it is difficult to assess compliance.
- iv. Based on the experiences and observations of the TCC7 SWG-CMS, a non-exhaustive list of measures that fall within one or more of these categories includes:
 - (i) CMM 2007-01 Regional Observer Programme;
 - (ii) CMM 2007-04 Seabird Mitigation;
 - (iii) CMM 2008-03 Conservation and Management of Sea Turtles;
 - (iv) CMM 2008-04 Driftnets;
 - (v) CMM 2009-02 FAD Closures and Catch Retention;
 - (vi) CMM 2009-04 Sharks: in particular, the 5% fin to weight ratio;
 - (vii) VMS SSPs: in particular, the VMS MTU audits and conduct and reporting of MTU/ALC inspections;
 - (viii) Scientific data to be provided to the Commission: particularly with respect to estimates of annual catches for sharks, estimates of discards, operational level data and size composition data.
- v. The SWG-CMS also identified that there are a number of measures for which there are no relevant fields in the Part 2 Annual Report.

Capacity building issues identified

- vi. A number of CCMs, including FFA Members, noted that the CMS process is both complex and onerous and places significant demands on Small Island Developing States (SIDS) and Participating Territories with limited resources. It is noted that SIDS implementation of measures is fairly advanced and that as the CMS process evolves, consideration for the effective participation of SIDS and Participating Territories in the Commission's rigorous compliance review process must be taken into consideration. This means the process needs to take into account the constraints on the capacities of SIDS and Participating Territories to fully participate in the process and their special requirements, including their requirements for assistance and technical experts as required.

Other issues

- vii. It was noted that some CCMs' comments on their Draft Compliance Monitoring Reports provide a helpful explanation of how they have implemented various requirements, particularly where CCMs explained or attached copies of the domestic regulations that have been developed or are in the process of being developed to implement an obligation. Some CCMs noted that they found the process of reviewing the Draft Compliance Monitoring Reports helpful in identifying best practices in relation to implementing certain obligations.
- viii. The SWG-CMS also noted that many CCMs are making commendable progress in implementing relatively new scientific data reporting requirements (such as with respect to key shark species).
- ix. The SWG-CMS noted that the assessment of the Draft Compliance Monitoring Reports and development of Provisional Compliance Monitoring Reports is a process that will evolve over time. In particular:
 - (i) The 2010 Provisional Compliance Monitoring Report for each CCM only reflects the information that was available in their Draft Compliance Monitoring Report, which didn't include information from all possible sources in this first year of implementation. In future years it would be useful if additional information were available to enable some issues to be more comprehensively evaluated (for example, observer and VMS data).
 - (ii) The evaluation of certain aspects of some measures was difficult because there is a lack of clarity about exactly how or to whom particular aspects of certain measures apply or what level of reporting or verification is required (for example, some aspects of CMM 2007-01 Regional Observer Programme and CMM 2009-02 FAD Closures and catch retention).

- 128. TCC7 requested that CCMs provide comments on refining CMM 20010-03 to Australia by 5 November 2011 so that Australia can prepare a proposal for consideration by WCPFC8.**

2.6 Vessel Monitoring System

(a) Joint WCPFC/FFA VMS Review

129. R. Martinolich presented WCPFC-TCC7-2011/10 containing the results of a consultancy study conducted in response to CMM 2007-02 which calls for biannual review of the implementation of the VMS, and para. 9.6 of the Service Level Agreement between FFA and the WCPFC requiring annual review of the financial arrangements and fees.
130. R. Martinolich characterized the most important findings of the review as follows:
- i. There are no clear objectives for the existing VMS;
 - ii. The flow of necessary information to the Secretariat is overly constrained and impacts the WCPFC VMS Manager's ability to do his job and CCMs' ability to conduct MCS activities;
 - iii. There are a number of areas in which costs could be reduced almost immediately.
131. The recommendations of the study were presented by R. Martinolich as follows:
- i. FFA and WCPFC continue to work cooperatively;
 - ii. WCPFC and FFA should identify the CMMs which should, as a priority, be supported by the VMS;
 - iii. The VMS should be expanded to a fisheries information management system like that of the PNA for the VDS;
 - iv. A clear statement of work should be developed for the implementation and maintenance of a centralized database;
 - v. FFA and WCPFC should develop one central database or cloud computing system to store all original VMS data;
 - vi. The central database should receive the data directly, i.e. with no human intervention;
 - vii. If the central database is implemented the current Service Level Agreement (SLA) should be replaced by a joint legal agreement (contract);
 - viii. In the long term, WPCFC and FFA may want to consider shifting responsibilities from a commercially-contracted Service Provider to in-house staff;

- ix. Amend the data sharing rules should be amended so that WCPFC, FFA and CCMs with EEZs in the Convention Area have full access, and other CCMs and owners have limited access, to the data;
 - x. WCPFC should adopt the FFA ALC/MTU approval process and FFA list of approved ALCs/MTUs, and non-polling ALCs/MTUs should be phased out;
 - xi. The amount of information transmitted should be reduced to one packet size polling rates should be monitored, the polling rate when vessels are >200 nm outside the Convention Area should be reduced add redundant data transmissions should be eliminated;
 - xii. The SLA should be reviewed annually against deliverables, responsibilities and costs;
 - xiii. The SLA should be amended to permit WCPFC to liaise directly with the FFA's contracted service provider;
 - xiv. FFA as the service provider is delivering and WCPFC has met their deliverables but CCMs may not be reporting (or there is nothing to report).
132. Some CCMs supported particular findings of the VMS review including opportunities for reducing costs and increasing efficiency; the confirmation of the effectiveness of the joint arrangement with FFA; the concept of a centralized database utilizing cloud computing; and the need for WCPFC to interact directly with the service provider.
133. Other CCMs expressed reservations about some of the findings of the study including a sole focus on the FFA's software provider at the expense of the WCPFC's VMS mobile communications service providers (MCSPs); a sense that some of recommendations extend beyond technical to policy matters; and concerns that integration of the WCPFC and FFA VMS databases could lead to a lessening of security for EEZ VMS data.
134. One CCM stated that the report should not be referred to WCPFC8 unless there was further consideration by TCC of its recommendations.
135. Other CCMs suggested that accepting the VMS review report and developing a TCC-approved way forward for the Commission's VMS were not necessarily the same thing and that it was important for TCC7 to provide strong recommendations to the Commission on steps to improve the current VMS system without delay.
136. Some CCMs emphasized the importance of the FFA VMS as distinct from the Commission VMS while at the same time encouraging the Commission to operate its VMS in a way that is compatible with existing regional and sub-regional systems.
137. At TCC7 a small working group (SWG) met to discuss the Joint WCPFC/FFA VMS Report (WCPFC-TCC7-2011/10) and its recommendations. The SWG has developed commentary on the recommendations of the review. The outcomes of the SWG are provided in Attachment F – WCPFC-TCC7-2011/33).

138. TCC7 recommends that the table in Attachment F be forwarded to WCPFC8 to be considered alongside the Joint WCPFC/FFA VMS Report.

(b) Annual Report - VMS

139. Albert Carlot presented WCPFC-TCC7-2011/11 which addresses para. 7.3.9 of the VMS Standards, Specification and Procedures (SSPs) requirements for annual reporting to the TCC on the performance of the Commission VMS. Six issues were raised in the paper including offsite back-up development, new SLA charges proposed by FFA, the Vessel Tracking Agreement Form (VTAF), standards for ALCs/MTUs (Automatic Location Communicators/Mobile Transceiver Units), manual reporting requirements, and application of the Commission VMS to waters under national jurisdiction. These issues were discussed individually in sequence.
140. Mr Carlot introduced the Commission's new VMS data backup system housed in Guam. It was noted that the Commission was instructed by WCPFC7 to provide a safeguard for the Commission's VMS data resources.
141. Some CCMs queried the cost of the VMS data backup system.
142. The Executive Director explained that Guam provided the least expensive option. Exact cost figures were subsequently provided to the CCMs who made the query.
143. Mr Carlot introduced that new charges proposed by FFA are based on a lower fee structure. Once agreed these fees will be retroactively applied from 1 January 2011 onward.
144. In response to a CCM's question, the WCPFC Legal Advisor clarified that the proposed fee variation by FFA is consistent with the SLA because para. 9.6 of the SLA provides that the financial arrangements and fees are subject to annual review unless the parties agree otherwise.
145. The Executive Director remarked that it is quite difficult to estimate and compare setup, ongoing and satellite costs across providers under a range of scenarios. He noted that discussions with FFA may lead to an annual reduction in costs of approximately \$200,000 based on a new SLA fee rate. Costs and savings agreed on the basis of these discussions will be confirmed via a WCPFC Circular to CCMs and reported to the Commission.
146. Mr Carlot explained a Secretariat proposal, contained in WCPFC-TCC7-2011/11, to amend CMM 2009-01 to require that all vessels to be listed on the WCPFC Record of Fishing Vessels or the Interim Register of Carriers and Bunkers provide a Vessel Tracking Agreement Form (VTAF). The VTAF is a consent form from the vessel owner which allows the MCSPs to activate tracking for that vessel.
147. Noting that some vessels are required to be on the WCPFC RFV but do not need to participate in the WCPFC VMS, some CCMs pointed out that the VTAF could not be made an across the board prerequisite for placement on the RFV. One CCM suggested that in order to tighten the link between vessels on the RFV and in the VMS, the Secretariat could, upon receipt of a VTAF, first search for the

- vessel on the RFV, and if an affirmative link cannot be made, return the VTAF to the submitting CCM for correction. It was also pointed out that imposing VTAF submission as a requirement on those vessels not operating in the WCPFC VMS area would increase the costs to the Commission.
148. Other CCMs asked that the additional costs and benefits to WCPFC of the proposal should be examined.
 149. The WCPFC Compliance Manager explained that the VTAF is already a legal requirement under the VMS. The benefits of the proposal would be a consolidated vessel authorization/VTAF process and an assurance that all vessels on the WCPFC RFV can be tracked.
 150. Mr Carlot introduced some issues related to ALC/MTU units. There are minimum standards for these units given in Annex 1 of CMM 2007-02 and one commonly used model (Faria Watchdog) does not meet the requirements. The Secretariat is meant to provide a list of all non-compliant models detected in the previous twelve months but as no audit reports have been forwarded to the Secretariat from CCMs, there is no list.
 151. Several CCMs considered that the Faria Watchdog should be included on the list of compliant ALC/MTU models as it is approved by FFA and meets current technological standards. The United States offered to lead drafting of a revision of CMM 2007-02 to include this model.
 152. FFA members inquired whether the Secretariat had undertaken its own audits of installed ALCs as they are entitled to do under para. 14 of the SSPs. They suggested that the lack of an audit template contributed to the lack of audits and asked that the Secretariat lead development of an appropriate ALC audit template, based on the Secretariat's audit experience and the requirements given in the SSPs. A field should be included in the Part 2 Annual Reports reflecting these audits.
 153. The EU pointed out that in developing the Audit Template, the Secretariat can make use of the provisions on audit reports in paragraph 2.12 of VMS SSPs.
 154. Mr Carlot explained that the Secretariat had conducted some ALC audits in conjunction with FSM maritime patrols but this was longer than twelve months ago.
 155. Mr Carlot highlighted that bracketed text in paras. 5.4 and 5.5 of the SSPs regarding the requirements for manual reporting appears to be contributing to a lack of manual reporting when ALCs/MTUs fail.
 156. FFA members requested the VMS Annual Report provide tables which show the polling behaviour of the various ALC/MTUs that are in use to create a baseline of information on which ALCs comply with Annex 1 of CMM 2007-02.
 157. Tokelau requested that the Secretariat provide a tabulated breakdown of vessel names, ALC/MTU type, fleet, gear type, and period and regularity of manual reporting within the Annual Reports. This information may prove helpful to CCMS to resolve the issues of the bracketed text (see this report Section 2.8 (d)).

- 158. TCC7 directed the Secretariat to prepare an ALC/MTU audit template and to include a field for ALC/MTU audits in the Part 2 Annual Report template.**
159. At the close of the VMS discussions, reference was made to TCC7-2011/22 Rev 1, Section B.2 which refers to constraints on the WCPFC Secretariat's ability to manage the Commission's VMS arising from a lack of administrative rights for the system. This paper proposes that the VMS SSPs be amended to confer these rights on the WCPFC Secretariat.
160. Some CCMs expressed concerns or uncertainties regarding data integrity and security within the Commission's and/or the FFA VMS given the proposed amendments and questioned the legal authority of the Secretariat to have the administrative rights it is seeking.
161. The WCPFC Legal Advisor, Dr. Martin Tsamenyi, explained that these issues have arisen because the VMS is not hosted at the Secretariat premises. There are two issues underlying the proposal in TCC7-2011/22 to amend the VMS SSPs. First, the Secretariat is seeking administrative rights in order to manage the data redundancy site in Guam. Second, the Secretariat is seeking to access data on relevant vessels leaving the high seas (either because they are exiting the Convention Area or because they are entering EEZs) in order to reduce VMS polling costs. Upon further consideration, Dr. Tsamenyi stated his view that the proposed revision to the SSPs is not required as the Secretariat has implied administrative responsibilities to manage the Commission's VMS data under the SSPs. An alternative approach suggested by Dr Tsamenyi is to make explicit provision in the SSPs to give the Secretariat administrative rights to the Commission VMS.
162. Based on the WCPFC Legal Advisor's clarification, CCMs which had expressed concerns about this issue supported the need for the Secretariat to gain administrative rights to the VMS solely for the purposes to manage the data redundancy site in Guam and the data on the high seas in order to reduce costs under the previously outlined (para. 158), in that the requested administrative rights are for management of VMS as opposed to monitoring of vessels.
163. The Executive Director announced that the Secretariat will conduct a review of its data integrity and security standards and procedures and post the results of this review prior to WCPFC8.

(c) VMS Template

164. Mr Carlot introduced the development of a template agreement for sharing of VMS data between the Commission and CCMs who wish to monitor fishing activities in their own EEZs. Some CCMs are currently awaiting agreement on the format of the template so that they can enter into an agreement to share the data.

165. In response to TCC7-2011/21 the United States noted the serious breach of security and confidentiality of data that occurred when VMS data were released to eight CCMs without the consent of the Commission or the flag States.
166. WCPFC Compliance Manager, Peter Flewwelling explained that he had released the data to show some interested parties what data would be available to them if they signed the template agreement to enable them to reduce IUU fishing in their areas. He acknowledged the seriousness of the issue by tendering his resignation from the Secretariat but this resignation was not accepted. Nevertheless, several weeks later, he decided to resign his post for this and other reasons.
167. FFA members stated that they are anticipating the availability of the draft template agreement and hope it will be provided in a timely manner as it will assist in deterrence of IUU fishing activities.
- 168. TCC7 reviewed the draft VMS Template Agreement prepared by the Secretariat. Members worked throughout the meeting to reach agreement, but were unable to finalize the VMS Template Agreement. TCC7 recommends that the USA continue to work with CCMs intersessionally and requests that CCMs provide it with comments on the current draft of the Template Agreement (WCPFC-TCC7-2011-DP/18) by 5 November 2011. The USA will then prepare a revised version of the VMS Template Agreement, based on comments received, for consideration by the Commission at WCPFC8.**

2.7 Eastern High Seas Special Management Area (CMM 2010-02)

169. WCPFC Compliance Manager Peter Flewwelling introduced WCPFC-TCC7-2011/20 Rev 1 describing vessel activities in the Eastern High Seas Special Management Area in the first two months since the implementation of CMM 2010-12 on 1 July 2011. The Secretariat has liaised with the Cook Islands, Kiribati and French Polynesia to compare data on the number of vessels active in the area based on different data sources. While some of the figures from different sources are consistent, some are not. Resolution of some of these anomalies has occurred since these data were compiled, namely a clarification from Chinese Taipei that the total number of vessels in the area during the reporting period is 15 (rather than 18) and TCC7-2011/IP-06 explaining the activity of one vessel flagged to the Cook Islands. The remaining anomalies will be further investigated.
170. FFA members noted that CMM 2010-02 para. 9 requires WCPFC8 to consider the expansion of the Special Management Area to the high seas within 100 miles from the EEZ boundaries of coastal states. FFA members supported this expansion on the grounds that it would assist with deterrence of IUU fishing but acknowledged that there would be costs involved. They thus proposed a phased implementation and use of an evaluation template for new CMMs (see WCPFC7-2010-FAC4/15 rev5 Attachment 1) to ensure formal consideration of the costs and benefits of the proposed extension.

171. A number of CCMs expressed the view that the expansion of restrictions on the high seas was a matter that needed to be considered very carefully, also noting that the scheme is new with only two months of data available for evaluation. These CCMs suggested that consideration of extension of the buffer zone to other high seas areas would be premature prior to the review of effectiveness of the measure after two years as required by CMM 2010-02 para. 9.
172. The Cook Islands, supported by Kiribati and French Polynesia stated that they considered this measure an invaluable total for management of the eastern high seas pocket and thanked CCMs for their cooperation. This measure has remedied a previous lack of control on IUU fishing activities just outside their EEZs due to the refuge provided by the pocket area. Referring to Articles 8.1 and 8.4 of the Convention, the Cook Islands emphasized the need for compatible measures on the high seas and in EEZs and stated their intention to explore ways of better managing enclosed and “partially enclosed” high seas areas.
- 173. TCC7 noted there is no clear consensus on expansion of the Eastern High Seas Pocket Special Management Area to the high seas within 100 miles from the EEZ boundaries of coastal states.**

2.8 Regional Observer Programme

(a) Annual Report - ROP (CMM 2007-01, para. 3)

174. Karl Staisch, WCPFC ROP Coordinator, introduced WCPFC-TCC7-2011/14 Rev 2 and noted that the ROP appears to be the world’s largest observer programme. The following key issues were highlighted:
- i. A lack of definitions of key terms has prevented the finalization of standards.
 - ii. Audits of 14 of 23 ROP programmes have been completed and the remainder are expected to be completed by June 2012. Implementation of an appropriate level of debriefing was identified as an area of concern.
 - iii. There is a large, but diminishing, backlog of ROP data still to be entered in the SPC database, mainly due to lack of funding for data transmission and some problems with data formats.
 - iv. All FFA members have now committed to provide ROP data via SPC to the ROP.
 - v. In the area from 20°N-20°S, 100% observer coverage on purse seiners is being achieved for all ROP trips. Implementation of longline observer coverage of 5% by June 2012 is expected to be a challenge.
 - vi. Several issues with regard to observer coverage of transshipment operations have arisen and require resolution. Difficulties in knowing whether carriers in the Convention Area are planning to tranship at sea (and thus require an observer) were noted.

- vii. Procedures for authorizing vessels to transit the Convention Area without observers should be defined.
 - viii. Since signing of the MOU between WCPFC and IATTC on cross-endorsement of observers, there is a need to resolve several issues including how to handle different data collection requirements in the overlap area and training of a pool of observers capable of meeting the standards of both organizations.
 - ix. There are currently 620 ROP observers. Continuous training will be required in order to meet purse seine, longline and transshipment observer demands.
 - x. Funding allocated for “Observers for Special Situations” in 2011 will be used to support Spill/Grab Sampling Project 60 being managed by SPC.
 - xi. Trials of electronic data entry are currently underway using GEO EYE Osprey Personal Tracking Devices and the results appear promising.
 - xii. According to 156 catch retention reports received from 51 vessels over 2,200 mt of tuna have been discarded. The main reason for discards is insufficient well space.
175. Following the presentation of these issues, the WCPFC ROP Coordinator requested guidance from TCC7 on issues related to items i and vi - viii above. Reference was made to proposed guidelines contained in WCPFC-TCC7-2011/14 Rev 2.
176. Several CCMs requested clarification on the development and implementation of guidelines given that a) some of the content of the guidelines is already specified in existing CMMs; b) some of the issues are complex and require further discussion; and c) it is not clear how compliance issues related to guidelines will be assessed.
177. In response to a request from one CCM to clarify the legal status of guidelines WCPFC Legal Advisor Dr. Tsamenyi explained that:
- i. Generally, guidelines deal with technical and implementation issues and are not mandatory;
 - ii. In relation to the ROP, Article 28(7) of the WCPF Convention empowers the Commission to develop further procedures and guidelines to implement the ROP. Guidelines attached to a particular CMM can become an integral part of the CMM or elaborate on the implementation of a provision in the Convention.
 - iii. To avoid future misunderstanding, it will be useful when developing guidelines to have a common understanding on whether CCMs have policy flexibility in implementing the guidelines or whether they are mandatory.
178. The EU requested further information on the individual ROP Audit reports.

179. Mr Staisch replied that a summary of the ROP audits was included in WCPFC-TCC7-2011/14 Rev 2 and that the individual ROP audit reports are provided to the audited CCM.
180. The EU also inquired about the procedures established by observer programmes for dealing with observers who do not submit reports.
181. Noting the observer data backlog, one CCM suggested setting a deadline for observer data provision. This CCM also emphasized the importance of providing observer data to the flag State of the vessel.
182. In response to a request from one CCM, the Secretariat agreed to collect all documentation relevant to implementation of the ROP and place it on the Commission's ROP webpage.
183. Regarding the electronic data entry trials, Mr Staisch clarified that the costs of data transmission under the trials was on the order of \$50 per unit per month but that the provider estimates that costs can be reduced to about \$10 per unit per month. He also noted that SPC is conducting a trial of onboard observer data logging using laptop computers.
184. Some CCMs noted they are also trialling various electronic data recording technologies:
- i. Australia is implementing an electronic monitoring system involving onboard cameras starting in 2012. The programme will be presented to the Commission in 2012 for accreditation under the Commission ROP prior to any reduction in physical coverage below 5% on the high seas. This will not be fully implemented in time for the ROP audit scheduled for February 2012;
 - ii. New Zealand observers are currently using rugged electronic tablets and would be pleased to share their experiences with the ROP;
 - iii. The USA has trialled onboard data entry with computers/tablets and has experienced limited success with camera-based monitoring. The USA looks forward to positive results from the trials in Australia.
185. One CCM called for a cost-benefit analysis of the use of electronic monitoring and data logging technologies within the ROP.
186. With regard to observer coverage in the WCPFC-IATTC overlap area, some CCMs asked that the Secretariat provide an update on its progress in implementing the recently signed WCPFC-IATTC MOU and a more detailed update be presented to WCPFC8. The Secretariat was further requested to report on the differences in observer data collected under each RFMO Convention in the overlap area.
187. With regard to observer coverage of transshipment operations, one CCM queried how many of the 27 observers placed on 18 carriers between 1 January and 31 July 2011 were independent of the flag of the vessel.

188. Mr Staisch responded that approximately two-thirds of the observers were of the same nationality as the flag State of the vessel.
189. FFA members encouraged CCMs to comply with all the requirements of the transshipment measure (CMM 2009-06) and stated that observers should be from programs other than the flagged state.
190. One CCM expressed support for a guideline requiring that all carriers inform the Secretariat of their position when they enter or exit the Convention Area; and that all carriers that plan to tranship on the high seas inform the Secretariat of their intention and confirm that an observer is onboard.
191. With regard to potential exemptions for fishing vessels transiting the Convention Area, e.g. for the purposes of returning to port for routine maintenance, several CCMs stressed the need to accommodate such exemptions.
192. In response to a question regarding the potential for IUU fishing activities to occur during such transits, Mr Staisch stated he was not aware of any such incidents to date.
193. Regarding the procedures for authorizing an exemption, CCMs raised several options for consideration including: a) confirming the vessel is not fishing during the transit through notifications and/or port inspections at the beginning and end of the transit voyage; b) providing clear definitions of vessel activities which can help distinguish between “fishing” and “transit”; and c) identifying applicable national laws and regulations can certify that the vessel is in transit.
194. WCPFC ROP Coordinator Karl Staisch noted that FFA is developing a debriefing report to feedback to the vessel operator and flag State.
195. With regard to the ROP Audits and the identification of debriefing as key area for improvement, FFA members noted that FFA and SPC have developed an accreditation scheme for debriefers.
196. Chinese Taipei, the EU, Japan and Korea referred to WCPFC7-2010-DP/19 which presents their proposal to operationalize the provisions of CMM 2007-01, Attachment K, Annex B, 1 (c) which states that “the captain shall have the opportunity to review and comment on the observer’s report”. These CCMs also asserted the right of the flag State to receive data which are necessary to performing the flag State duty of ensuring compliance.
197. Other CCMs considered that all required ROP data were being provided to the Commission. These CCMs suggested it would be inappropriate for there to be direct communication about the data between the observer and the vessel master, but there might be opportunities for bilateral (i.e. coastal State-flag State) data sharing.
198. Some CCMs questioned the definition of Category (A) and (B) observer data (see WCPFC-TCC7-2011/22 Rev 1, p. 10) and sought to revisit these issues in a technical discussion group.
199. Other CCMs stated that some or all the issues of ROP data provision/access are policy decisions and should be taken up by the Commission.

200. WCPFC Legal Advisor, Dr. Martin Tsamenyi, explained that the issue concerns what specific data collected by observers can be passed to the flag State. He noted that standard observer data fields have been defined but that data consisting of notes are not included in these fields. Dr. Tsamenyi suggested that there are two options: a) modify the required data fields to include notes or b) accept that the ROP data consist only of the standard fields as currently defined.
201. With regard to suggestions that TCC form a Technical Advisory Group to progress some of the ROP issues discussed at TCC7, the WCPFC Legal Advisor, Dr. Martin Tsamenyi, reminded TCC7 that under the WCPF Convention Article 14(3) TCC “may establish, with the approval of the Commission, such subsidiary bodies as may be necessary for the performance of its functions”.
- 202. TCC7 recommended that WCPFC8 form a Technical Advisory Group (TAG)-ROP to consider further procedures and guidelines for operation of the ROP given the requirements already specified in relevant Commission CMMs. The proposed terms of reference are given in Attachment G.**
203. The USA stated its view that the TAG-ROP could appropriately consider issues associated with the provision of ROP data to vessel operator/master but should not consider issues associated the provision of ROP data to the flag State as called for in WCPFC7-2010-DP/19.
204. The EU stated that although the TAG-ROP might be a venue to explore solutions, the EU reserves the right to bring to the attention of the WCPFC8 the issue of provision of ROP data to the Flag State and the issue of release of observer notes on compliance to WCPFC.

(b) Dealing with Vessel and Observer Complaints to Enhance Efficiency of ROP

205. WCPFC ROP Coordinator Karl Staisch presented a paper requested by WCPFC7 on the complaints received from both ROP observers and vessel masters on their respective conduct when at sea (WCPFC-TCC7-2011/15 Rev 1). The paper highlighted that vessel master or crew problems with observers stem mainly from alcohol, observer requests to return to port, and lack of adequate funding support for observers when at sea, such as timely payment. Observer problems with vessel masters or crew stem mainly from hindrance, obstruction, restricted access, and intimidation while conducting their duties; influence to “not report” infractions; and travel and funding while at sea. Mr Staisch noted that sanctions on observer misconduct are often severe while there were few, if any, sanctions on vessel masters or crew misconduct. A series of possible solutions involving a classification of offences and graduated penalties was presented.
206. In response to a question, Mr Staisch noted that the number of incidents reported in the paper should be viewed in the context of approximately 2,200 observer trips in 2010.
207. CCMs found the information in the report useful in better understanding the nature of the problems and acknowledged that it was important to strike the right

balance between the responsibilities of vessel masters/crew and observers for a productive working relationship.

208. FFA members noted the number of complaints relating to observer conduct is low relative to the number of observer trips and that there can be many contributing factors to sub-standard observer performance. They called attention to the existence of a form that can be used by vessel operators to provide feedback on the observers. FFA members suggested that rather than incorporating a penalty scheme into the ROP, a preferred approach might be to provide guidance to observer providers to further develop and harmonize their codes of conduct.
209. Regarding Tables 6 and 7 in WCPFC-TCC7-2011/15 Rev 1 on levels of wrong doing and penalties, respectively, some CCMs noted that it may be difficult to define such levels across the ROP given the range of national regulations involved. One CCM noted that Table 6 contains a mix of wrong-doing with regard to the observer and non-compliance with CMMs. Some CCMs commented that there appear to be no mechanisms to address a) wrong-doing by observers that causes financial loss to the vessel or b) when the observer fails to report on their trip.
210. **In noting the report contained in WCPFC-TCC7-2011/15 Rev 1, TCC7 considered that vessel master and observer complaints can only be addressed at the national level. TCC7 thus encouraged CCMs to improve their national system for dealing with these complaints and to share information on the assessment and levels of penalties.**

(c) Observer Data Entry Costs

211. Executive Director Glenn Hurry presented a paper comparing ROP data entry costs between Noumea, Pohnpei and hybrid options (WCPFC-TCC7-2011/16 Rev 1). He noted that as there is no guarantee that subsidies (~\$400,000) currently provided by New Zealand and New Caledonia will continue past 2012/2013, the cost implications of various options for ROP data entry have been explored. The difference in cost between the data entry in Noumea and data entry in Pohnpei is approximately \$54,000. He noted that in addition to the discussion by TCC7, the Finance and Administration Committee (FAC) will consider cost options and make a recommendation to WCPFC8.
212. Some CCMs expressed the view that the Secretariat should oversee ROP data entry in Pohnpei for reasons of building capacity and centralized data management.
213. FFA members placed a priority on the development of national capacity for data entry and management stating that this will reduce costs in the long term. For this reason FFA members recommended that CCMs who are able to enter their own continue to do so and those who are unable to do so forward the data to SPC. FFA members also considered that setting “minimum” and “ideal” observer coverage levels could assist in mitigating costs associated with the ROP.

214. One CCM stated that CCMs which enter their own data are contributing in-kind services to the ROP which should be accounted for in assessing ROP costs under a cost recovery scheme. While supporting data entry in Pohnpei, this CCM also noted the critical need for data quality assurance through de-briefing which requires specialized skills and experience.
215. **TCC7 noted the report on data entry costs for Noumea and Pohnpei (WCPFC-TCC7-2011/16), and agreed to forward it to the FAC for its consideration.**

(d) Review of CMMs Supporting WCPFC RFV, VMS, ROP

216. WCPFC Observer Coordinator Karl Staisch presented a portion of WCPFC-TCC7-2011/22 Rev 1 dealing with the ROP. This paper calls for concurrence on standards and definitions; resolution on vessel size for carrying observers; determination of processes for access to ROP reports by flag States and vessel masters; requirement for an ROP Advisory Group; and assistance to ROP providers for timely data transmission to the Commission.
217. FFA members emphasized the need to maintain the hybrid approach when selecting observers for high seas trips, adding that there is little flexibility to deviate from this. FFA members also stressed the importance of achieving observer coverage commitments, particularly for the South Pacific ALB longline fishery. FFA members proposed that the limited circumstances where a flag state observer could be carried, should be catered for through a formal notifications process and recalled the previous decision of TCC6 to revisit the issue of definitions following completion of the ROP audits in light of any relevant funding.
218. PNA members supported the points made by the FFA members. With regard to CCM requests to access both Category (A) ROP data (minimum standard data fields) and Category (B) ROP information (e.g. written notes, debriefing reports), PNA members stated that their view is that only Category (A) ROP data will be provided.
219. Although some CCMs offered comments on standards and definitions for terms used in CMM 2007-01, several CCMs questioned the usefulness of further discussion of standards and definitions by TCC7. It was acknowledged that each fishery faces different circumstances when allocating observer coverage, and that overly lengthy observer trips would result in poor data quality and/or unrepresentative coverage of the fishery as a whole.
220. Some CCMs considered that in deciding how to meet the required observer coverage levels each CCM should develop a plan to achieve this and report this plan in its Part 2 Annual Reports.
221. **TCC7 notes that the ROP audits provide an opportunity for review of each CCM's plan to achieve the required level of observer coverage.**

222. With regard to bracketed text concerning manual reporting contained in paras. 5.4 and 5.5 in the VMS SSPs, the USA offered to lead efforts to identify a consensus-based resolution.
223. The EU requested a clarification from the legal advisor on whether any binding provisions for manual reporting currently exist for the WCPFC. The EU urged other members to close this significant loophole in VMS monitoring to strengthen the control capacities of the Secretariat.
224. After some discussion, majority and minority views could not be unified and text removing the brackets on the manual reporting requirements in the VMS SSPs could not be agreed.
225. FFA members noted that the Secretariat should provide a breakdown of vessels manually reporting by name, ALC/MTU type, fleet, gear type and period and regularity of manual reporting within future Annual Reports, this information may prove helpful to CCMs to resolve the issue of the bracketed text in paragraphs 5.4 and 5.5 of the SSPs.
- 226. Noting the importance of the issue, TCC7 encouraged CCMs to work intersessionally to bring a proposal to WCPFC8 regarding bracketed text in the SSPs.**

2.9 Catch Documentation Scheme

227. WCPFC Compliance Manager Peter Flewwelling updated TCC7 on progress with development of a CDS as given in WCPFC-TCC7-2011-DP/13 which presents draft terms of reference for a WCPFC CDS working group to progress the issue prepared by Papua New Guinea (PNG) and WCPFC-TCC7-2011-DP/05 which presents an EU proposal for a WCPFC CDS.
228. Papua New Guinea, as coordinator of the intersessional CDS working group, presented its proposal for a terms of reference for the CDS working group contained in WCPFC-TCC7-2011-DP/13 Rev 1.
229. In presenting its paper PNG highlighted several key issues underlying their approach including the need to integrate the CDS with national and WCPFC management frameworks and the need to resolve the issue of certificate validation in case of chartered vessels. PNG further noted that the WCPFC CDS would need to be more comprehensive than the scope of the EU's current proposal.
230. Comments on the TOR were received from the USA and the EU but despite efforts in the margins of TCC7, agreement could not be reached principally due to differences with the EU on the issue of chartered vessels.
231. FFA members stated their view that the TORs are intended to be neutral and non pre-determining of the working group outcome. As such they saw no reason why TCC could not recommend the TORs to WCPFC8 for endorsement.

232. The EU made a brief presentation on its proposal (WCPFC-TCC7-2011-DP/05) emphasizing the expected benefits to the WCPFC of adopting a system which is compatible with the EU's existing IUU fishing regulation and catch certification system. The EU stated that flag State validation of catch certificates is an essential component of their proposal but noted that this does not prevent coastal States from providing information to the flag State to facilitate flag State validation. Under the EU proposal, it is left to the flag State to determine the role of the coastal State in the validation procedure. The EU also drew attention to a) several points of compatibility with PNG's proposed working group terms of reference; b) the provision in the EU proposal for simplified catch certificates for small fishing vessels; and c) the availability of technical assistance funding to inform CCMs of the requirements of the EU IUU regulation.
233. Several CCMs expressed support for development of a WCPFC CDS as a priority issue, but suggested that the optimal approach would be to advance this development through the CDS working group.
234. One CCM considered that compatibility between a WCPFC CDS and existing RFMO and national schemes such as the EU IUU regulation would be a positive development.
- 235. TCC7 noted the ongoing efforts of CCMs to agree a TOR for a working group on CDS but acknowledged that further inter-sessional consultation will be required to forward an agreed TOR to WCPFC8 for endorsement.**

2.10 Port State Measures – EU and Participating CCMs

236. The EU presented WCPFC-TCC7-2011/DP-06 on a proposed CMM on PSM. Noting consideration of this issue at WCPFC6, TCC6 and WCPFC7, the EU defined the two main pillars of the proposal as a) common minimum standards on inspections in port providing for a minimum degree of harmonization among States; and b) procedures for communicating among States. Other key considerations in the proposal included the principle that the implementation of the measure should not place a disproportionate burden on small island developing states (SIDS) and that technical and financial assistance should be made available to assist SIDS in meeting the requirements. The EU considers that PSM would provide an additional powerful and cost-effective tool to complement a number of WCPFC CMMs aimed at minimizing the impact of IUU fishing. The EU clarified that according to the proposed CMM, own flagged vessels are excluded. Furthermore, a port State could decide not to apply PSM to vessels chartered by its nationals for fishing exclusively in areas under its national jurisdiction.
237. FFA members stated that while robust PSM are a high priority, harmonization with existing measures is essential. These CCMs suggested that a first step would be to analyse where there are existing gaps in WCPFC measures and whether these gaps would benefit from application of a PSM approach which focuses on enhancing existing conservation management measures. A suggestion was made that PSM should only apply to vessels which are not licensed by the port State.

- FFA members expressed concerns about potential duplication with WCPFC CMMs creating loopholes, and noted resource and technical capacity constraints which could constrain implementation. FFA members also noted the inclusion of numerous non-binding provisions and questioned the usefulness of such language.
238. One CCM identified practical difficulties with implementing some aspects of the proposal (e.g. domestic regulations may prevent a national fisheries authority from taking action against a carrier vessel which is no longer carrying fish) and called for flexibility.
 239. Another CCM cautioned that PSM might lead to negative financial implications for those ports which strictly implement them.
 240. In supporting the need for a gap analysis as suggested by FFA members, one CCM also suggested that the template proposed by one CCM be developed by the WCPFC FAC for evaluating the risks, linkages, impacts and benefits when developing new CMMs should be applied to the PSM proposal (see WCPFC-2010-FAC4-15 Rev5, Attachment 1).
 241. The Pew Environmental Group informed TCC7 that it had prepared a gap analysis for all RFMOs and would make it available to the Commission for its reference.
 242. One CCM advised that it has been working with the EU on this issue in other RFMOs and was encouraged to note that the FAO Committee on Fisheries (CoFi) has requested FAO to form an open-ended working group or similar mechanism to draft terms of reference for the *ad hoc* working group envisaged in Article 21 of the FAO PSM Agreement. This CCM agreed with the FFA that a WCPFC gap analysis would be useful.
 243. The EU noted the comments of other CCMs and agreed to work on the issues intersessionally.
 - 244. TCC7 reiterated that PSM is a priority issue for the Commission and expressed a strong desire to continue working toward development of a CMM on this topic. CCMs were encouraged to provide any further comments to the EU by 7 November 2011 with a view to further consideration of the issue at WCPFC8.**

2.11 Catch Attribution Study

245. Executive Director Glenn Hurry introduced WCPFC-TCC7-2011/23 containing a consultancy report by Gillett, Preston and Associates on catch attribution in the WCPFC. The report defines catch attribution as the process of assigning catches to nations, areas or fleets for various purposes. The report develops options for clarifying the specificity of attribution principles, attribution of catches by chartered vessels on the high seas, attribution of catches by chartered vessels in a non-host zone, concurrent charters, differentiating the fisheries of a territory from those of its associated Contracting Party, control of the attribution process, terminology and some administrative matters. The report recommends that the Commission establish positions on these issues which could then be used as the basis for catch attribution guidelines.

246. FFA members thanked the Secretariat for the report but noted that the study had not produced catch attribution guidelines as called for by its terms of reference. Nevertheless, FFA members emphasized that the attribution of catch and effort should be consistent with existing agreements embodied in WCPFC CMMs and data rules, even if attribution practices vary between and within those measures and rules. In principle, FFA members hold the view that catch and effort should be attributed to the flag State except for chartered vessels which are to be considered as vessels of the host or chartering state or territory even when fishing on the high seas. It was noted that, where necessary, attribution issues should be resolved in order to provide reliable data for fisheries management, particularly for combatting IUU fishing, but that such issues are separate from consideration of chartering arrangements. FFA members supported further discussion of issues involving concurrent charters, attribution to territories, and chartered vessel information and responsibilities in the context of revisions to the Chartering Notification CMM and other relevant measures.
247. With regard to the terms of reference, WCPFC Compliance Manager Peter Flewwelling explained that during the course of the study, the consultant had encountered such a divergence of views on catch attribution that the development of broadly supported guidelines appeared impossible. Therefore, the Secretariat had agreed that options could be recommended in lieu of guidelines.
248. The United States noted the importance of full and accurate accounting of all catches in order to properly evaluate stock status and compliance and suggested that attribution practices should apply to both catch and effort. The USA position is that attribution should be to the party responsible for the fishing operation which is usually the flag State, except in the case of chartered vessels whether fishing in EEZs or on the high seas, in which case catches should be attributed to the chartering State. In supporting the development of more robust and standardized WCPFC catch attribution practices, the US found the report to be useful and satisfactory.
- 249. TCC7 noted the catch attribution study (WCPFC-TCC7-2011/23) and recommended that it be referred to WCPFC8 for consideration.**

2.12 AHTG [Data]

(a) Data Provision by Chartered Vessels

250. At TCC6 issues were raised regarding a) the rights of chartering States to access data, and b) the process for data release taking into account the right of the chartering State with respect to data it has provided for the chartered vessels. The Commission subsequently tasked the AHTG-Data to work intersessionally on these issues. The Marshall Islands submitted a proposal with respect to this issue (WCPFC-TCC7-2011-DP/02). The EU and Chinese Taipei responded with WCPFC-TCC7-2011-DP/03 and WCPFC-TCC7-2011-DP/04 respectively.
251. FFA members stated that rules should be amended to allow chartering States access to the same information as port and/or licensing States. This would help to

eliminate double counting of catch. Landing data provided by port States will ensure that chartered vessels comply with charter conditions. In response to the EU paper, FFA members noted that the proposed actions do not apply to all vessels in the Convention Area, but only to vessels that are or may be chartered. These CCMs noted that the catch attribution study did not consider data access issues, and CMM 2009-08 requires only notification and does not address data gaps. It was suggested that the issue be left for the AHTG to revisit in 2012 after consideration of catch attribution issues and the chartering measure (CMM 2009-08) by WCPFC8.

- 252. TCC7 agreed to task the AHTG-Data with revisiting these issues in 2012 pending the outcome of discussions of the catch attribution study and the possible renewal of CMM 2009-08 by WCPFC8.**

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

3.1 Cooperation with Other Organizations

(a) IATTC Observer Cross Endorsement MOU

253. The Executive Director confirmed that there was an MOU in place on improved observer cooperation between IATTC and WCPFC (WCPFC-TCC7-2011/27).
254. The EU asked when the memorandum on cross-endorsement will be operational and whether joint work with the IATTC Secretariat is progressing.
255. The Executive Director explained that discussions have been initiated with IATTC on observer data and training requirements. Identifying which data are required by each programme is considered to be the main area of work at this time, and would report to WCPFC8 and WCPFC9.

(b) Joint Management Scheme WCPFC/IATTC Overlap Area

256. A WCPFC/IATTC meeting in the margins of Kobe 3, discussed issues relating to the overlap area and shared stocks. The report of the meeting, which includes a suggestion to form an ad hoc working group to address specific issues, is in Annex 2 of WCPFC-TCC7-2011-28.
257. CCMs agreed that there was a critical need to resolve management issues relating to the overlap area. There was some discussion regarding how best to follow up on advances made in the margins of the Kobe 3 meeting.
258. FFA members explained that they had initially raised issues relating to the overlap area out of concern that this issue would be lost or not be prioritised if it were not considered as a stand-alone concern. The creation of a working group was considered too cumbersome, and it was proposed that the Executive Director should work directly with IATTC to prepare a draft joint management scheme for consideration by WCPFC8.

259. Other CMMs thought that the process would benefit from involving the Executive Director, the Chair and Vice Chair of each Commission.
260. One CCM noted that IATTC had established catch limits prior to WCPFC. BET, for example, is a broadly distributed stock, and there should be cooperative RFMO stock assessments regardless of overlap.
261. FFA members noted that existing management in the eastern high seas pocket may be useful in developing a management scheme for the overlap area.
262. FFA members observed that since appropriate management is critical to both RFMOs, the fact that overlap area data are not available for tuna assessments is a problem of increasing concern as effort in the overlap area is growing. It was proposed that the Executive Directors of both organisations develop a draft management scheme for consideration at WCPFC8, detailing the full data requirements of each RFMO and reach agreement regarding which stock assessment(s) apply in the area. It was further suggested by one CCM that fishing vessels need to be clear on which catch limits they are following and the flag State must notify both RFMO Secretariats of this information for each vessel that fishes in the overlap area. Where management arrangements differ between the two RFMOs in the overlap area, then the most stringent rules should be applied.
263. FFA members proposed that the Executive Director should make a formal approach to the IATTC regarding this matter. It would be useful to get clarity on IATTC's willingness to engage and FFA members preferred the Executive Director to lead on this initiative rather than to pursue the issue through a larger working group.
264. In response to a query from the Executive Director, the USA stated that since IATTC had met before Kobe 3, it was unlikely that they had tasked their Executive Director with pursuing any related initiatives.
265. The WCPFC Legal Advisor provided clarification, noting that as these are two independent organisations, each with legal responsibility, they needed to agree to cooperate and hence there would need to be a recommendation to WCPFC8 to make a formal approach to IATTC to ensure a formal dialogue between the organisations.
266. The Executive Director suggested that the WCPFC Chair send a letter to IATTC proposing a meeting of the Executive Director, Chair, Vice Chair with their IATTC counterparts in the margins of WCPFC8 and the WCPFC Chair could then report to WCPFC8 on the results of that meeting.
267. One CCM questioned whether the purpose of the meeting was to develop a TOR, to begin work on the cooperation scheme itself or simply to determine the IATTC's willingness to cooperate.
- 268. TCC7 recommends that the WCPFC Chair send a letter inviting the IATTC Executive Director, Chair and Vice-Chair to meet with their WCPFC counterparts, possibly at WCPFC8, to progress this issue. The agenda of the meeting should include the drafting Terms of Reference for developing a cooperative management scheme for the WCPFC-IATTC overlap area.**

3.2 WCPFC Record of Fishing Vessels (RFV)

(a) RFV Status and Developments

269. WCPFC Compliance Manager Peter Flewwelling presented WCPFC-TCC7-2011/24 and WCPFC-TCC7-2011/22 describing progress and issues, respectively, with the WCPFC RFV. The first paper describes an assessment of compliance with the RFV requirements for the past year, the results of a “direct entry” data uploading trial, and the need to resolve possible simultaneous listing on the RFV and the WCPFU IUU Vessel List. The second paper highlights a number of other issues relating to the RFV for CCMs attention including:
- a. The addition of new data fields to be able to assignment of a unique vessel identifiers (UVI);
 - b. Harmonization and coordination of Vessel Lists in the region;
 - c. Processes for removal of vessels from the WCPFC IUU Vessel List.
270. With regard to UVIs, several CCMs, including FFA members voiced their support for moving the WCPFC RFV data requirements toward those required to obtain a UVI. FFA members noted that the FFA Vessel Registry has already been revised to be compatible with the UVI scheme.
271. Some CCMs maintained reservations about obtaining UVIs citing the large number of vessels to be processed, a lack of clarity about what data the new fields would require, and uncertainty about the benefits of a UVI scheme.
272. One CCM noted that the FAO initiative has not yet identified the information needed to assign UVIs for vessels less than 24m in length, so it would make sense for the Commission to undertake a phased approach, starting with large vessels. For example, the Commission could call for vessels that are eligible for IMO numbers, which are UVIs, to obtain IMO numbers.
273. With regard to harmonization and coordination of regional vessel lists, FFA members supported efforts to streamline vessel registration, avoid duplicate listing and reduce costs.
274. Another CCM, however, noted that if UVIs are implemented that would seem to solve the problem of not being able to affirmatively match vessels on various lists..
275. With regard to harmonization and coordination of RFMO IUU vessel lists, FFA members suggested a process whereby the Secretariat would compile information on listings procedures from other RFMOs to support further discussion at TCC8.
276. Other CCMs expressed support for this idea considering that it is important to consider whether other RFMOs listing processes are sufficiently similar to the WCPFC process and to work through practical issues such as IUU listing and the WCPFC-IATTC overlap area.

277. **TCC7 agreed to task the Secretariat with compiling IUU listing procedures from other RFMOs, and developing a matrix of similarities and differences in these procedures, as a basis for further discussions on IUU Vessel List harmonization at TCC8.**
278. With regard to procedures for removing vessels from the IUU Vessel List, CCMs indicated a willingness to consider the proposals raised in WCPFC-TCC7-2011/22. One CCM pointed out that the Secretariat proposed to TCC4 that IUU-listed vessels be automatically removed from the RFV by the Secretariat, but based on the recommendation of TCC4, the WCPFC instead adopted a provision – in paragraph 23 of CMM 2009-01 – that the flag State is obliged to revoke the fishing authorisation of an IUU-listed vessel, which in accordance with the procedures in CMM 2009-01, would lead to it being removed from the RFV after notification from the flag State of its responsibilities under paragraph 23 of CMM 2009-01, and keep the Commission informed of the status of IUU-listed vessels with respect to the RFV. Several CCMs requested information regarding whether IUU-listed vessels have been removed from the RFV. The TCC found no strong need to modify the procedures at this time. Instead, it was recommended that the Secretariat monitor the situation and if necessary raise it for TCC’s consideration in future.

(b) RFV SSPs Proposal

279. The United States introduced WCPFC-TCC7-2011-DP/09 concerning standards, specifications and procedures for the WCPFC Record of Fishing Vessels. The purpose of the RFV SSPs is to standardize how a) the record is maintained and b) how data are submitted and updated. These SSPs would not change the types of data held by the RFV but would specify a minimum subset of fields required for the vessel to be posted on the RFV. . Two methods of data submission would be available, direct manual entry via a website and a new batch entry method scheduled for trials next year. In addition to the SSPs themselves, the paper details how the proposal has been modified through two rounds of comments by five CCMs.
280. CCMs supported the proposal as written and thanked the United States for its efforts in addressing their concerns.
281. **TCC7 endorsed the RFV SSPs contained in WCPFC-TCC7-2011-DP/09 and recommended that they be forwarded for the consideration of WCPFC8.**

3.3 Kobe 3 Recommendations

282. The Executive Director presented the main recommendations from Kobe 3 as detailed in WCPFC-TCC7-2011/25.
283. FFA members thanked the USA for hosting the meeting and providing funding assistance to developing states. Nevertheless they expressed doubts regarding the usefulness of the meeting, which is reflected in the fact that merely 50% of FFA members attended the meeting. FFA members did however appreciate the

increased focus on issues such as the freeze in large-scale purse seine capacity by developed States, and where possible transfer of capacity from developed States to developing States.

284. FFA members also stated that there was a missed opportunity in Kobe 3 to strengthen compliance and enforcement, for example in high seas boarding and additional data provision to the tuna RFMOs. These CCMs are however supportive of the Kobe 3 process and they look forward to seeing the results of meetings recommended by Kobe 3.
285. The USA stated its appreciation of the level of interaction between the members of the five RFMOs that met noted that recommendations were more related to science, management and compliance, that each of these recommendations is important, and encouraged members of TCC7 to reflect on all of the recommendations that came out of Kobe 3.
286. **TCC7 noted the importance of the recommendations from Kobe 3, which will also be presented to WCPFC8 for further discussion and consideration.**

3.4 Bycatch Mitigation Workshop

287. The Executive Director introduced WCPFC-TCC7-2011/26 which details progress in the implementation of the Kobe 2 recommendation to establish a technical bycatch mitigation working group. The first meeting of the working group was held in La Jolla in June 2011. SPC is chairing an electronic working group, which has developed a 12-month work plan.
288. **TCC7 notes that the recommendations of the Kobe 3 Bycatch Mitigation Workshop will be considered at WCPFC8.**

3.5 Entry and Exit Notification Scheme

289. France introduced WCPFC7-TCC7-2011-DP/15 Rev 3 which presents a revised version of a proposal presented to WCPFC7 calling for implementation of an EEZ entry and exit notification scheme. France noted that while it appreciates the recent implementation of the CMM for the eastern high seas pocket special management area and the WCPFC VMS, these measures do not alleviate all of its concerns. In particular, under current practice the coastal State receives notification of entry and exit into/out of its EEZ only sporadically.
290. FFA members stated their support for the proposal. These CCMs suggested that France's proposal should also include the name and nationality of the observer on board in the notification and thereby become wholly compatible with FFA requirements. FFA members also noted that the proposal is compatible with the expansion of the CMM 2010-02 special management area to the high seas within 100 miles from the EEZ boundaries of coastal State which will be considered at WCPFC8.
291. As a neighbouring coastal State, the Cook Islands noted they share with France a common concern regarding monitoring the entry and exit of vessels to their EEZs.

The Cook Islands expressed an interest in exploring whether the Commission's VMS can be used to address this concern.

292. Several CCMs expressed reservations concerning the proposal. These CCMs cited a) the existing ability of the WCPFC VMS to provide the notification called for in the proposal and b) potential conflicts with the freedom of navigation enshrined in UNCLOS and/or c) the possibility of dealing with the notifications bilaterally rather than via the WCPFC.

3.6 CCMs Plan to Address Data Gaps

293. WCPFC Compliance Manager Peter Flewwelling explained that this agenda item derives from the TCC6 (Summary Report para. 195) which requested CCMs with issues in providing complete data in a timely manner to identify these issues clearly and to provide a draft plan of how these issues will be overcome. Mr Flewwelling stated that no CCMs had made submissions with regard to this item but noted that the issue was addressed in part under the CMS.
294. FFA members emphasized the importance of full, accurate and timely data for fisheries management. They expressed their disappointment that no CCMs presented data gaps reports at TCC7 and called on those CCMs which are not fully compliant in data provision to submit reports to WCPFC8. It was suggested that the reports describe the types of data not provided, the reason for this, the action required to overcome the constraint and a timeframe and milestones for this action. They noted the link between this discussion and the Compliance Monitoring Scheme and suggested that these data plans should form part of the CCMs response to their provisional compliance monitoring report, to be provided before WCPFC8.
295. The Philippines, while admitting its own data provision shortcomings, thanked the Commission for its assistance in helping the Philippines overcome some of these problems, and expressed its commitment to make continual progress toward improved data provision.
296. Japan and Chinese Taipei noted shortfalls in their data provision to the Commission but explained their limitations due to domestic regulations and highlighted their participation in collaborative stock assessment research as an alternative way to contribute to resource assessment and management.
297. Kiribati reiterated the need to resolve the issue of discrepancies in BET catch reporting for China-flagged vessels in Kiribati waters.
298. The EU stated that they had not submitted a report because they had hoped to have had all data provision issues resolved prior to TCC7. It noted its recent provision of operational longline data for swordfish in 2010 and its intention to provide operational data for that fishery in other years shortly.

3.7 Whale Sharks and Cetaceans

299. Australia presented WCPFC-TCC7-2011-DP/01 and stated the intent of FFA members to develop proposals two separate CMMs to address the potential

- impacts of purse seine fishing activities on whale sharks and cetaceans. The CMMs are intended to prohibit sets around these species and to mitigate the impact of inadvertent encirclement. It is further intended that both measures will include reporting requirements and will incorporate, as appropriate the best practise guidelines for safe release of encircled animals that are currently under development. Work is being progressed by the Convenor of the Scientific Committee's Ecosystem and Bycatch Mitigation Theme, Mr. Jone Amoe of Fiji on the best practise guidelines. Mr Amoe added that an electronic discussion group has formed and is aiming for a draft proposal to present to WCPFC8.
300. PNA members noted that they have already banned sets on whale sharks and have 100% purse seine coverage to monitor compliance. Purse seine vessels which fish in PNA waters are thus bound by the ban even when fishing on the high seas are estimated to account for 70% of the high seas purse seine catch.
 301. Several CCMs, including FFA members and the EU, stated their support for the intended proposals.
 302. Several CCMs expressed concern that whale sharks may be set upon unintentionally and that it may be difficult to determine whether such sets are deliberate.
 303. The USA suggested combining the two proposed CMMs into one and focusing on the development of best practice guidelines for dealing with whale sharks and indicated opposition to banning all sets on whale sharks given whale sharks may not appear until when into a set.
 304. China suggested that rather than banning sets on whale sharks it might be more appropriate to prohibit harvest of whale sharks in the Convention Area. It cautioned against potential duplication of WCPFC and International Whaling Commission (IWC) authority for cetaceans and noted that depredation losses in the South Pacific ALB fishery due to cetaceans are approximately 10% of the catch.
 305. Japan noted that it had prepared best practice guidelines for release of encircled whale sharks at SC7 (Attachment I of the SC7 Report) and committed to participate in the electronic discussion group.
 306. **TCC7 noted Australia's proposal on whale sharks and cetaceans and encouraged CCMs to participate in the electronic discussion group being led by Mr Jone Amoe of Fiji with a view to presenting a fully considered proposal to WCPFC8.**

AGENDA ITEM 4 —REVIEW OF CONSERVATION AND MANAGEMENT MEASURES WITH ISSUES, EXPIRING OR NEW

4.1 CMM 2007-04 Seabirds

307. WCPFC Compliance Manager Peter Flewwelling noted SC7's recommendation to consider separating the table of mitigation measures into separate tables for the area north of 23°N and the area south of 30°S in future revisions of CMM 2007-04, given the differences in the fishery operations and species composition in these two areas.

308. TCC7 made no recommendation with regard to the WCPFC annual review of seabird mitigation measures contained in CMM 2007-04.

4.2 CMM 2008-03 Sea Turtles

309. TCC7 made no recommendation with regard to the WCPFC annual review of sea turtle mitigation measures contained in CMM 2008-03.

4.3 CMM 2009-03 Swordfish

310. WCPFC Compliance Manager, Peter Flewwelling explained that under para. 10 of CMM 2009-03 TCC is tasked with monitoring and reviewing compliance with the measure and making recommendations to the Commission as necessary. The Commission will then review the measure at WCPFC8.

311. The EU stated that it has recently provided operational catch and effort data and that these data can be used to conduct a new stock assessment. The EU suggested that review of the measure be undertaken on that basis.

312. FFA members thanked the EU for providing the operational catch and effort data. These CCMs noted the outcomes at SC7 on this issue, i.e. that SPC provide an assessment as to whether the data set will be useful in expanding the spatial scope of previous assessments to include the south-central Pacific (or if possible the entire south Pacific Ocean), and that SPC prepare an analysis of fishery indicators for presentation at SC8.

313. Noting that there are no new stock assessment results for swordfish, TCC7 made no recommendation with regard to review of the conservation and management measure for swordfish CMM 2009-03.

4.4 CMM 2009-08 Charter Notification Scheme

314. WCPFC Compliance Manager Peter Flewwelling noted that the measure will expire on 31 December 2011 unless renewed by the Commission at WCPFC8.

315. FFA members stated that the measure provides a simple solution to potential issues of double-counting of catches by flag and chartering States. Nevertheless, these CCMs noted that as the catch attribution study has shown there are still many issues to be addressed. In supporting renewal of the measure, several

amendments were recommended for consideration including assurances that the data are being provided to the Commission, incorporation of the recommendations of the catch attribution study, and website posting by the Secretariat of charter notifications it receives.

316. Some CCMs agreed the measure is useful as a first step toward understanding the variety and complexity of existing chartering arrangements. This was acknowledged as essential in assuring data quality and facilitating effective fisheries management. In examining ways of extending and improving the measure, these CCMs noted the importance of accommodating, rather than constraining, existing chartering arrangements.
- 317. Noting the usefulness of the existing charter notification scheme, TCC7 recommends to WCPFC8 that the charter notification scheme (CMM 2009-08) be revised, taking into account the views of CCMs, and extended beyond 2011.**

4.5 CMM 2010-01 North Pacific Striped Marlin

318. WCPFC Compliance Manager Peter Flewwelling explained that para. 9 of the measure requires that it be amended in 2011 on the basis of a revised stock assessment.
319. FFA members registered their disappointment that the revised stock assessment was not provided by ISC as planned. These CCMs hold the view that the current catch limits are too high to have a meaningful effect on the stock, and called for a more effective measure to be developed.
320. Japan noted ISC had committed to completing the assessment in time for SC8.
- 321. TCC7 noted that no new stock assessment results are available but understands this will be completed in 2012 prior to SC8. Review of the North Pacific Striped Marlin measure (CMM 2010-01) should be undertaken once that stock assessment becomes available.**

4.6 CMM 2006-08 HSB&I

322. WCPFC Compliance Manager Peter Flewwelling noted that WCPFC's measure on HSB&I provides for CCMs to report annually to the Commission on their activities and any possible violations observed.
323. FFA members highlighted the importance of the HSB&I measure in the fight against IUU fishing, noting that six FFA members have participated in, or jointly conducted, HSB&I procedures with the USA and France in 2010. These CCMs noted that in addition to its monitoring, control and surveillance benefits, the

- measure and its associated activities function to build capacity within FFA member authorities.
324. China reported that 17 China-flagged vessels were boarded by the USA, New Zealand and France in the past year. While the inspections by the USA and New Zealand proceeded smoothly, China indicated concerns about the boarding and inspection conducted by France's patrol vessel *La Tapageuse* including involvement of six armed French officers, no presentation of identification cards, and body searches/frisking of Chinese officers and crew. China asked that France abide by WCPFC HSB&I procedures and refrain from the use of excessive force in the future.
 325. Some CCMs stated that they shared China's concerns and asked that future boardings and inspections be conducted in accordance with WCPFC procedures and avoid placing a heavy burden on the vessel being inspected.
 326. France responded that their records of the inspections showed that all were in conformance with France's regulations.
 327. Japan stated that its vessels had had a total of ten boardings and inspections in the past year by USA and New Zealand-flagged ships.
 328. Chinese Taipei reported that it had deployed three vessels for a total of 270-day patrols in 2011. These patrols conducted boarding and inspections of 44 Chinese Taipei-flagged vessels until now. Violations of domestic regulations were observed (e.g. port entry documentation, labour regulations) but no non-compliances with WCPFC regulations were found.
 329. New Zealand reported that it conducted its first WCPFC high seas boarding and inspections in July 2011, and thanked China, Fiji and Japan for their cooperation. New Zealand noted that while some minor non-compliances were identified no major issues were found. New Zealand stated the need for fishing vessel authorities to have their details on the WCPFC website and asked the Secretariat to assist in following this up.
 330. USA noted that it had conducted 21 boardings and inspections during 2010 and like New Zealand had uncovered no serious issues. Information on observed non-compliances has been forwarded to the flag States for further action.
 331. Australia reported that it had placed inspectors on patrols mounted by the USA and France in 2010, and noted that it planned to increase its surveillance activities on the high seas in the future.
 - 332. TCC7 noted the reports by CCMs on HSB&I activities carried out under CMM 2006-08.**
- 4.6 CMM 2009-06 Transshipment**
- 333. TCC7 made no recommendation with regard the transshipment conservation and management measure (CMM 2009-06).**

AGENDA ITEM 5 — SPECIAL REQUIREMENTS OF SMALL ISLAND DEVELOPING STATES

5.1 Special Requirements of Small Island Developing States

334. The Cook Islands on behalf of FFA members highlighted that fisheries resources are the main prospect for economic development in many SIDS, and that maximizing the return from these resources is fundamental to their economic well-being. It recalled that a paper presented to WCPFC7 (WCPFC7-2010-DP-10) outlined three areas against which CCMs were invited to report in order to demonstrate their commitments under Article 30 of the Convention and Resolution 2008-01:
- i. Increased commercialization of tuna fisheries and related industries;
 - ii. Enhanced capacity for conservation and management of fisheries; and
 - iii. Broader consideration of rights-based management.
335. FFA members thanked CCMs for valuable technical and financial assistance provided over the past year, in particular the announcement of the continuation of the Japan Trust Fund. FFA members also noted that the recommendations from the Kobe 3 meeting supported an increased focus on rights-based management.

5.2 CCMs Report on Article 30 of the Convention and Resolution 2008-01

336. The EU described itself as the second largest donor to the region in terms of global assistance and noted that it has allocated 42 million USD for fisheries work in the Pacific under the European Development Fund for 2008-2012. This work consists of four main pillars (domestic industrial development; improving conservation and management; stock assessment and research; and monitoring, control and surveillance) and has included funding of the SciFish, SciCoFish, and DevFish 1 and 2 projects. The SciFish project funded the implementation of the Pacific Tuna Tagging Project with 275,000 tuna conventionally tagged to date, making it the most extensive tuna tagging dataset available. The successor SciCoFish provides for scientific data collection, modelling and advice for new tuna management initiatives to Pacific governments, FFA and WCPFC.
337. The USA referred to a report provided to TCC6 (WCPFC-2010-TCC6-DP-17) detailing its support to the WCPFC and various SIDS but noted that this report does not include its support for Guam, the Commonwealth of the Mariana Islands, American Samoa and the States under the Compact of Free Association. The USA noted that cooperation had focused on multi-lateral support for bycatch minimization and sea turtle conservation, as well as other initiatives relating to the first and second points raised by FFA members. The USA is supporting further discussion of rights-based management through the Kobe 3 process and in cooperation with ISSF.

338. Japan reconfirmed its intention to continue to support the Japan Trust Fund despite ongoing budget re-prioritization in response to domestic disaster recovery needs.
339. Chinese Taipei noted that it provides assistance in the areas of monitoring, control and surveillance as well as fisheries development. In terms of the former, regional observer training has been conducted and will continue. In terms of the latter, it has permitted five fishing vessels to be built for FFA member States, with two vessels in 2010 and 3 vessels in 2011 respectively, and will encourage its private investment initiatives to foster mutually beneficial fisheries development.
340. New Zealand reported that its contributions focused primarily on the FFA's requests for conservation and management assistance and rights-based fisheries management. It noted its participation in Te Vaka Moana activities; its support for sub-regional and national observer programmes and building MCS capacity; its development of zone-based and rights-based management frameworks; and its revitalization of fisheries extension officer training. Many activities are supported through FFA and SPC.
341. Australia stated that a fishery is a focal point for its large and integrated aid programme in the region. It supports capacity-building within SIDS through support for FFA (ROP, commercialization of fisheries, support for national laws and planning) and SPC (tuna fishery monitoring, data management and scientific advice). Specific fisheries development programmes in Kiribati and Nauru were cited, as were "train the trainer" programmes and MCS activities.
- 342. TCC7 noted the reports provided by the Cook Islands on behalf of FFA, the EU, the USA, Japan, Chinese Taipei, New Zealand and Australia.**

AGENDA ITEM 6 — COOPERATING NON-MEMBER (CNM) APPLICATIONS

6.1 CNM Assessments Report from Small Working Group Meeting

343. The Chair of the SWG on CNM applications introduced WCPFC-TCC7-2011-CN M Report Rev 1 detailing the deliberations of the SWG on eleven applications.

Belize

344. TCC7 reviewed the CNM application submitted by Belize against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application from Belize dated 28 July 2011 was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises the Commission that the application met the requirement of being submitted in English.
 - ii. TCC7 advises the Commission that Belize has a) provided a commitment to cooperate fully; b) provided an explicit commitment to accept high seas boardings; and c) 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. Per the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, the Executive Director informed CNMs of the level of their recommended contributions based on the approved budget for 2011. Belize provided a contribution of \$16,278 in 2011.

- iii. TCC7 advises the Commission that based on the best information available, that Belize complied with the participatory rights specified by the Commission at WCPFC7 and that there is no information of non-compliance with WCPFC CMMs or within other RFMOs. There were also no reported incidents of non-compliance by Belize of the national laws and regulations of any coastal State member of the WCPFC.
- iv. TCC7 identified the following data gaps in Belize's application, and requested supplementary information to be provided by Belize to the Commission:
 - (i) 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.
 - (ii) Provide the number/type and names of the fishing vessels that would be operating in the WCPFC Convention Area if CNM status is renewed.

345. **TCC7 recommends that the Commission consider Belize's application for CNM status in 2012, subject to the additional information identified by TCC7 being provided to, and accepted by, the Commission.**

Democratic Peoples Republic of Korea (DPRK)

346. TCC7 reviewed the CNM application provided by the Democratic Peoples' Republic of Korea (DPRK) against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application dated 3 August 2011 from DPRK was not received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 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 para. 2(g) of CMM 2009-11. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC5, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of the DPRK's financial contribution for 2012 based on the draft budget for 2012.

- iii. TCC7 advises the Commission that based on the best information available; there is no record of non-compliance of DPRK of WCPFC CMMs. There were also no reported incidents of non-compliance by the DPRK of the national laws and regulations of any coastal State member of the WCPFC. TCC7 further advises the Commission that with respect to the three vessels flagged to the DPRK that are on the CCAMLR IUU Vessel List (F/Vs THE BIRD, XIONG NU BARU 33, AND SIMA QIAN BARU 2), the DPRK provided documentation that it has de-registered two of these vessels and that the registry of the third vessel had expired and it would not be renewed. TCC7 requests the DPRK to provide supplementary information, before WCPFC8, relating to any other actions it has taken to respond to its vessels on the CCAMLR IUU Vessel list, in accordance with para. 3(c) of CMM 2009-11.
- iv. TCC7 identified the following data gaps in DPRK's application and requested supplementary information to be provided by DPRK to the Commission:
 - (i) Provide total catch by species of highly migratory species, by year, in the WCPFC Convention Area.
 - (ii) 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>).
 - (iii) Provide operational level catch and effort (logsheet) data for all fishing operations in the WCPFC Convention Area catching highly migratory species.
 - (iv) Provide any size data (either lengths or weights or individual fish), stratified by the smallest area/time strata possible.
 - (v) Provide a breakdown of vessels catching highly migratory species by gear type in units of gross registered tonnes (GRT).

347. TCC7 recommends that the Commission consider the DPRK application for CNM status in 2012, subject to the additional information identified by TCC7 being provided to, and accepted by, the Commission.

Ecuador

348. TCC7 reviewed the CNM application provided by Ecuador against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application dated 23 July 2011 from Ecuador was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC6 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 advises the Commission that Ecuador has provided a commitment to cooperate fully, and provided an explicit commitment to accept high seas boardings. Ecuador has also expressed a commitment to provide 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 para. 2(g) of CMM 2009-11. Ecuador provided a contribution of US\$60,000 in 2011, which is more than 50% what it would be assessed should it become a member of the Commission. TCC7 notes that Ecuador has requested that the excess for this year be carried over for next year's contribution should their CNM status be renewed.
 - iii. TCC7 advises the Commission that based on the best information available Ecuador has not complied with the participatory rights specified by the Commission (paragraph 41 of the WCPFC7 Report). The participatory rights prescribed by the Commission for Ecuador at WCPFC7 state that purse-seine vessels of Ecuador shall not fish on the high seas in the WCPFC Convention Area. TCC7 advises that nine purse-seine vessels flagged to Ecuador fished in the high seas of the WCPFC Convention Area (in the WCPFC/IATTC overlap area) for 311 days in 2010 and 203 days (as of July) in 2011. TCC7 also noted that some Ecuador-flagged vessels do not report to the Commission VMS when in the WCPFC/IATTC overlap area.
 - iv. TCC7 requests that Ecuador clarify that, should its CNM status be renewed by the Commission for 2012, that it will ensure that all of its purse-seine vessels operating in the WCPFC Convention Area: (i) comply fully with the participatory rights granted by the Commission and (ii) be equipped with the Commission's vessel monitoring system (VMS), which shall be operational at all times while the vessels are in the WCPFC Convention Area.
 - v. TCC7 further advises the Commission there is no information of non-compliance by Ecuador in other RFMOs. There were also no reported incidents of non-compliance by Ecuador of the national laws and regulations of any coastal State member of the WCPFC.

- vi. TCC7 identified the following data gaps in Ecuador's application and requested supplementary information to be provided by Ecuador to the Commission:
 - (i) Provide operational catch and effort data 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>) for years prior to 2010.
 - (ii) Provide its Annual Part I and Part II Reports for 2009 and 2010.

349. TCC7 recommends that the Commission consider Ecuador's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.

El Salvador

- 350.** TCC7 reviewed the CNM application and supplementary data provided by El Salvador against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application dated 27 July 2011 from El Salvador was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 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 in a 22 September 2011 letter to the Commission. El Salvador expressed a commitment to provide a financial contribution commensurate with what it would be assessed should it become a 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 para. 2(g) of CMM 2009-11. El Salvador provided a contribution of \$27,498 in 2011.
 - iii. TCC7 advises the Commission that based on the best information available El Salvador may not have complied with the participatory rights specified by the Commission at WCPFC7 (paragraph 45 of the WCPFC7 Report). The participatory rights prescribed by the Commission for El Salvador at WCPFC7 were the same as those prescribed by the Commission in 2009: that the total level of effort by purse-seine vessels of El Salvador on the high seas of the WCPFC Convention Area shall not exceed 29 days. TCC7 advises that purse-seine vessels flagged to El Salvador appear to have fished a total of 64 days on the high seas in 2010.
 - iv. TCC7 requests that El Salvador clarify the number of days fished by its purse-seine vessels on the high seas of the WCPFC Convention Area in 2010 and 2011, including in the WCPFC/IATTC overlap area. TCC7

further requests that El Salvador clarify that, should its CNM status be renewed by the Commission for 2012, it will ensure that all of its purse-seine vessels operating in the WCPFC Convention Area comply fully with the participatory rights granted by the Commission.

- v. TCC7 further advises the Commission there is no information of non-compliance by El Salvador in other RFMOs. There were also no reported incidents of non-compliance by El Salvador of the national laws and regulations of any coastal State member of the WCPFC.

351. **TCC7 recommends that the Commission consider El Salvador's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.**

Indonesia

352. TCC7 reviewed the CNM application provided by Indonesia against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:

- i. TCC7 advises the Commission that the application from Indonesia was received by the WCPFC Secretariat on 26 July 2011, which is within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
- ii. TCC7 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 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 para 2(g) of CMM 2009-11. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC5, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Indonesia's financial contribution for 2012 based on the draft budget for 2012.
- iii. TCC7 advises the Commission that based on the best information available Indonesia has complied with the participatory rights specified by the Commission at WCPFC7. However TCC7 advises that Indonesia has not provided data on the number of days Indonesian purse-seine vessels fished on the high seas. The participatory rights for purse-seine effort on the high seas prescribed by the Commission for Indonesia at WCPFC7 were the same as those prescribed by the Commission in 2009: that the total level of effort by purse-seine vessels of Indonesia on the high seas of the WCPFC Convention Area is limited to 500 days. TCC7 requests Indonesia, before WCPFC8, clarify the number of purse seine days fished

in 2010 and 2011 to verify their compliance with those participatory rights prescribed by WCPFC7 (500 days). TCC7 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.

- iv. TCC7 notes that there are 7 Indonesian-flagged longline vessels on the IATTC IUU Vessel list and that the Indonesian-flagged F/V Rezaki Abadi, which was not on the WCPFC RFV, stopped reporting to the Commission VMS in October 2010. TCC7 requests Indonesia to provide supplementary information, before WCPFC8, relating to actions it has taken to respond to its vessels on the IATTC IUU Vessel list, in accordance with para. 3(c) of CMM 2009-11. TCC7 further requests Indonesia to provide, before WCPFC8, information regarding the status of the F/V Rezaki Abadi and any actions Indonesia has taken with respect to this vessel.
- v. TCC7 noted that Indonesia has 406 vessels registered on WCPFC RFV but only 8 of these vessels have provided VTAFs to the FFA and only three are reporting to the Commission VMS.
- vi. TCC7 further requests that Indonesia clarify that, should its CNM status be renewed by the Commission for 2012, that it will ensure that all of its vessels that fish in the Convention Area comply with VMS/VTAF requirements.
- vii. TCC7 advises that there were also no reported incidents of non-compliance by Indonesia of the national laws and regulations of any coastal State member of the WCPFC.
- viii. TCC7 identified the following data gaps in Indonesia's application and requested supplementary information to be provided by Indonesia to the Commission:
 - (i) Annual catch estimates for 2010 that include catches in Indonesian archipelagic waters. (TCC7 draws Indonesia's attention to the guidelines for the 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 Statistical Area.)
 - (ii) Estimates of shark catch by species.

- (iii) Aggregated catch/effort data.
- (iv) Operational catch/effort data

353. TCC7 recommends that the Commission consider Indonesia's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.

Mexico

354. TCC7 reviewed the CNM application provided by Mexico against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:

- i. TCC7 advises the Commission that the application dated 30 July 2011 from Mexico was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
- ii. TCC7 advises the Commission that Mexico has provided a commitment to cooperate fully, but did not provide an explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures, which is required by para. 2(c) of CMM 2009-11. The application also does not include an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a 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 para. 2(g) of CMM 2009-11. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC5, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of the Mexico's financial contribution for 2012 based on the draft budget for 2012.
- iii. TCC7 advises the Commission that based on the best information available, that Mexico complied with the participatory rights specified by the Commission at WCPFC7 and there is no information of non-compliance in WCPFC or other RFMOs. TCC7 further advises that there were also no reported incidents of non-compliance by Mexico of the national laws and regulations of any coastal State member of the WCPFC. However, TCC7 notes that Mexico did not participate in the Northern Committee meeting in 2011, as encouraged by WCPFC7 (see paragraph 52 of the WCPFC7 Report).
- iv. TCC7 identified the following data gaps in Mexico's application and requested supplementary information to be provided by Mexico to the Commission:

- (i) Provide aggregate catch and effort data by species (1-degree square month resolution) for the purse-seine fleet fishing in the WCPFC Convention Area from 1983–1984.
- (ii) 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.
- (iii) Provide catch size composition data, by species, stratified by the smallest area/time strata possible for the pole-and-line and purse-seine fleets.
- (iv) Provide its Annual Part II Report for 2010.

355. TCC7 recommends that the Commission consider Mexico’s application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.

Panama

356. TCC7 reviewed the CNM application and supplementary data provided by Panama against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7’s recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application dated 30 July 2011 from Panama was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 advises the Commission that Panama has provided a commitment to cooperate fully and provided an explicit commitment to accept high seas boardings and inspections during the TCC7 meeting. Panama expressed a commitment to provide a financial contribution commensurate with what it would be assessed should it become a 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 para. 2(g) of CMM 2009-11. Panama advised TCC7 that it expects to provide its contribution of \$17,955 by 1 November 2011.
 - iii. TCC7 further advises that Panama has provided transshipment declarations to the WCPFC Secretariat in 2010 and 2011 and has accepted 100% observer coverage on its vessels, in accordance with CMM 2009-06.
 - iv. TCC7 notes that there are a number of vessels flagged to Panama on the IUU Vessel Lists of CCAMLR, NAFO, SEAFO and NEAFC. TCC7 requests Panama to provide supplementary information, before WCPFC8, relating to actions it has taken to respond to its vessels on the these IUU Vessel Lists, in accordance with para. 3(c) of CMM 2009-11.

- v. TCC7 further advises that there were also no reported incidents of non-compliance by Panama of the national laws and regulations of any coastal State member of the WCPFC.
- vi. TCC7 requests Panama to provide its Part I and Part II Reports for 2011 to the Commission.

357. TCC7 recommends that the Commission consider Panama's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.

Saint Kitts and Nevis

358. TCC7 reviewed the CNM application and supplementary data provided by St. Kitts and Nevis against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application dated 30 July 2011 from St. Kitts and Nevis was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 advises the Commission that St. Kitts and Nevis has provided a commitment to cooperate fully and provided an explicit commitment to accept high seas boardings and inspections in accordance with Commission procedures. St. Kitts and Nevis also expressed a commitment to provide a financial contribution commensurate with what it would be assessed should it become a 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 para. 2(g) of CMM 2009-11. St. Kitts and Nevis advised that it is awaiting Ministerial approval to provide its contribution.
 - iii. TCC7 advises the Commission that there is no information of non-compliance in WCPFC or other RFMOs, and that there were also no reported incidents of non-compliance by St. Kitts and Nevis of the national laws and regulations of any coastal State member of the WCPFC.
 - iv. TCC7 notes that St. Kitts and Nevis would like to operate carrier and bunker vessels in the WCPFC Convention Area. TCC7 requests that St. Kitts and Nevis clarify that, should it be accorded CNM status by the Commission for 2012, that it will ensure that all of its carrier and bunker vessels operating in the WCPFC Convention Area: (i) comply fully with the provisions of CMM 2009-06 (Transshipment), including carrying Commission observers and (ii) be equipped with the Commission's vessel monitoring system (VMS), which shall be operational at all times while the vessels are in the WCPFC Convention Area.

359. TCC7 recommends that the Commission consider St. Kitts and Nevis' application for CNM status in 2012, subject to the additional information

and clarifications identified by TCC7 being provided to, and accepted by, the Commission.

Senegal

360. TCC7 reviewed the CNM application and provided by Senegal against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:
- i. TCC7 advises the Commission that the application dated 30 July 2011 from Senegal was received by the WCPFC Secretariat, which is within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 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 Commission's procedures on high seas boarding and inspection, which is required by para. 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 para. 2(g) of CMM 2009-11. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC5, and in accordance with the decision of WCPFC7 that all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was to become a member of the Commission, an estimate of Senegal's financial contribution for 2012 based on the draft budget for 2012.
 - iii. TCC7 noted that no vessels flagged to Senegal have fished in the WCPFC Convention Area since 2008 and thus advises the Commission that based on the best information available Senegal complied with the participatory rights specified by the Commission at WCPFC7. TCC7 further advises that there is no information of non-compliance by Senegal with WCPFC CMMs or in other RFMOs, and that there were also no reported incidents of non-compliance by Senegal of the national laws and regulations of any coastal State member of the WCPFC.
361. **TCC7 recommends that the Commission consider Senegal's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.**

Thailand

362. TCC7 reviewed the CNM application provided by Thailand against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC7's recommendations and technical advice to the Commission are as follows:

- i. TCC7 advises that the application requirements of CMM 2009-11 to Thailand needs to be seen in the context of the unique nature of Thailand's application.
- ii. TCC7 advises the Commission that the application dated 28 July 2011 from Thailand was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC6 also advises that the application met the requirement of being submitted in English.
- iii. TCC7 advises the Commission that the applicant has provided a commitment to cooperate fully. The application does not include 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 para. 2(c) of CMM 2009-11. TCC7 further advises that Thailand did provide an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a 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 para. 2(g) of CMM 2009-11. Thailand had advised the WCPFC Secretariat that it will provide a financial contribution; however, at the time of TCC7 the contribution had not yet been received.
- iv. TCC7 advises the Commission that, based on the best information available, there is no information of non-compliance with WCPFC CMMs or in other RFMOs, and that there were also no reported incidents of non-compliance by Thailand of the national laws and regulations of any coastal State member of the WCPFC. TCC7 further advises the Commission that all Thailand-flagged vessels are reporting to the FFA VMS and those data are being provided to the Commission.
- v. TCC7 understands that Thailand has undertaken to provide data from canneries located in Thailand to certain flag States of vessels catching fish processed by these canneries. TCC7 requests that such data for all species specified separately, for all fleets and classified by individual fishing vessel unloading, be provided to WCPFC. TCC7 notes that Thailand indicated in its application that it needs capacity building assistance to provide the required WCPFC data.
- vi. TCC7 requests that Thailand provide its Annual Part I and Part II Reports for 2009 and 2010.

363. TCC7 recommends that the Commission consider Thailand's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.

Vietnam

364. In accordance with para. 3 of CMM 2009-11, TCC6's recommendations and technical advice to the Commission are as follows:

- i. TCC7 advises the Commission that the application dated 25 July 2011 from Vietnam was received by the WCPFC Secretariat within the deadline set out in para. 1 of CMM 2009-11. TCC7 also advises that the application met the requirement of being submitted in English.
 - ii. TCC7 advises the Commission that Vietnam has provided a commitment to cooperate fully, and has provided an explicit commitment to accept high seas boardings in accordance with the Commission procedures.
 - iii. TCC7 advises the Commission that based on the best information available, that Vietnam complied with the participatory rights specified by the Commission at WCPFC7 and there is no information of non-compliance with WCPFC CMMs or in other RFMOs, and that there were also no reported incidents of non-compliance by Vietnam of the national laws and regulations of any coastal State member of the WCPFC. TCC7 further advises that Vietnam did provide an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a 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 para. 2(g) of CMM 2009-11. Vietnam advised TCC7 it recently received approval from their Prime Minister to provide its financial contribution, and it is expected to be received by the Commission very soon.
 - iv. TCC7 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, and that port sampling and logbook collection stated in 2010. Vietnam is encouraged to continue with this joint work and to provide the resulting data to WCPFC as it becomes available.
 - v. TCC7 requests that Vietnam provide its Annual Part I and Part II Reports for 2009 and 2010.
- 365. TCC7 recommends that the Commission consider Vietnam's application for CNM status in 2012, subject to the additional information and clarifications identified by TCC7 being provided to, and accepted by, the Commission.**
366. Ecuador provided a statement for the record describing its concerns with the conditions specified for its fishing activities in the WCPFC-IATTC overlap area (Attachment L).
367. Some CCMs stated that they would not be able to support Mexico's CNM application unless documentation was provided to, and accepted by, the Commission regarding Mexico's explicit commitment to make financial contributions to the Commission for 2011 commensurate with what it would be assessed should it become a CCM.
368. Papua New Guinea stated that it would not support Vietnam's application for CNM status unless it ceased building new fishing vessels.

- 369. TCC7 requested that Ecuador and El Salvador encourage the IATTC Secretariat to cooperate with the WCPFC Secretariat in the development of a joint management scheme for the overlap area that will serve both Commissions.**

AGENDA ITEM 7 — FUTURE WORK PROGRAMME

7.1 Adoption of TCC Work Plan 2012-2014

370. Compliance Manager Peter Flewwelling introduced the TCC Work Plan for 2012-2014 (WCPFC-TCC7-2011/29 Rev 2).
371. FFA members stated that the format of the work plan was modelled on Table 1 of the Draft Strategic Plan (WCPFC7-2010-FAC4/15 Rev. 5) and functions of the Commission rather than the functions of TCC. A preferred model would be based on Table 2 of the Draft Strategic Plan. The revised structure would better detail budget and tasks over a three year period with indicated priorities. These revisions could be best addressed by the secretariat. In response to a question from another CMM, FFA clarified that the changes were primarily related to formatting.
372. Other CCMs identified areas that they thought should be deleted or changed in the work plan.
373. A CCM queried the adoption process for the work plan, noting that the budget may be referred to the FAC, but it was unclear when TCC7 would adopt the work plan, or if it would be referred to the commission for adoption.
374. One CMM reminded TCC7 of concerns raised last year regarding the dramatic increase of wealth based contributions without a corresponding financial benefit. It was proposed that a cap be placed on the wealth based contribution for islands with populations of less than 100,000, and asked the Secretariat to prepare a paper on the subject for WCPFC8.
375. The Executive Director stated that the Secretariat had reviewed the formula used to calculate wealth based contributions and would present the results in a paper to WCPFC8.
376. In response to a question from a CCM for legal clarification on the status of the draft work plan if TCC7 is not able to make any recommendations to WCPFC8, the WCPFC Legal Advisor, Dr Martin Tsamenyi explained that ideally, TCC7 would make a consensus recommendation to the Commission on the matter. However, if this is not possible, the summary report will need to indicate majority views and minority views and forward the matter to the Commission. Alternatively, the matter may be resolved through Intersessional discussion prior to WCPFC8.
377. Some CCMs proposed that time should be given to members to properly consider the Work Plan and provide comments intersessionally before WCPFC8. It was noted that many of items listed in the Work Plan were laudable, but not practicable or feasible at this time.

378. TCC7 agreed to work intersessionally to finalize the TCC Work Plan for 2012-2014 for consideration by the Commission at WCPFC8.

7.2 Report by the Secretariat of Implementation of the 2011 Programme of Work

379. TCC7 noted the Secretariat's Report on implementation of the 2011 Programme of Work.

AGENDA ITEM 8 — SUPPLEMENTARY ITEMS

8.1 New Zealand Transshipment Exemption

380. New Zealand had applied for a transshipment exemption under CMM 2009-06. In the past they had applied for a 1 year exemption, but at WCPFC7 it was suggested that the administrative burden could be reduced if an application were made for a 5 year exemption. The application was submitted late on 2 September 2011.

381. Some CCMs noted that under para. 26 of CMM 2009-06 the application should have been submitted to the Executive Director by 1 July 2011, and so was substantially late.

382. In response to a request by one CCM for legal clarification on the implications of the fact that New Zealand's application was submitted late, the WCPFC Legal Advisor explained that TCC's mandate in relation to New Zealand's application relates to technical and compliance matters identified in para. 26 of CMM 2009-06. The final decision on the application, including its late submission, falls within the mandate of the Commission. TCC can, however, draw the Commission's attention to it if TCC deems it relevant to the consideration of the application. The WCPFC Legal Advisor drew TCCs attention to paras. 27 and 28 of CMM 2009-06 when making recommendations to the Commission.

383. In relation to the duration of a transshipment exemption the WCPFC Legal Advisor explained that CMM 2009-06 does not specify the duration of a transshipment exemption. The WCPFC Legal Advisor, Dr Tsamenyi drew attention to suggestions made at WCPFC7 that New Zealand should consider a multi-year application for an exemption.

384. Most CCMs supported the New Zealand application, as it complies with CMM2009-06 provisions for purse seine transshipment within domestic waters. Given that no exemption for longline transshipment on the high seas had been received, this activity should not be permitted in 2012. The Secretariat was asked to prepare a list of longliners that tranship on the high seas.

385. One CCM noted an inconsistency. Given that transshipment involved boats fishing for skipjack, it seemed inappropriate that there should be an application for a 5 year exemption to be applied under a 3 year management measure.
386. New Zealand, whilst committing to apply any new measures, suggested that it might be more appropriate for the TCC to recommend acceptance of a one year exemption at this time; noting that the exempted activity occurs in New Zealand waters under a domestic fisheries management regime.
- 387. TCC7 recommends to WCPFC8 that New Zealand be granted a one-year exemption from prohibition of at-sea transshipment under para. 26 of CMM 2009-06.**

8.2 Election of Officers and Next Meeting

388. The Executive Director asked for nominations a new Chair of the TCC.
389. The Marshall Islands nominated and the USA seconded Ms. Rhea Moss-Christian of FSM.
- 390. TCC7 recommended to WCPFC8 the nomination of Ms Rhea Moss-Christian of FSM as the new chair of the TCC for TCC8 and TCC9.**
391. Mr. Noan Pakop was warmly thanked for his service as TCC Chair over the past 2 years.
392. One CMM asked if TCC8 could be brought forward a week earlier next year, i.e. 24th to 28th September 2012.
393. Japan noted that Northern Committee preceded TCC by two weeks, and was in turn preceded by the Science Committee Meeting, and thought that rescheduling was problematic.
394. Another CCM noted that if TCC was brought forward by one week that would conflict with meetings at the North Atlantic Fisheries Organisation (NAFO).
395. Korea made a formal statement that they wished to host SC8 in 2012.
396. Japan suggested that the minutes reflect their position for the record and the decision regarding rescheduling should be taken by the Commission at WCPFC8.
- 397. TCC7 proposed that TCC8 will be held in Pohnpei, FSM in 2012. The exact timing of the meeting will be agreed at WCPFC8.**

AGENDA ITEM 9 — ADOPTION OF THE REPORT OF THE SEVENTH REGULAR SESSION OF THE TECHNICAL AND COMPLIANCE COMMITTEE

- ### **9.1 Adoption of the Summary Report of the Seventh Regular Session of the Technical and Compliance Committee, and any Recommendations to the Commission**

1. The Executive Director explained that the report would be distributed to Heads of Delegation for review, and that comments should be submitted to the Commission by 19 October 2011.
2. **The TCC Recommendations were adopted with the remainder of the record to be adopted intersessionally.**

AGENDA ITEM 10 — CLOSE OF MEETING

3. TCC7 adjourned at 17:30 hrs. on 4 October 2011.



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

**Technical and Compliance Committee
Seventh Regular Session**

**29 September - 4 October 2011
Pohnpei, Federated States of Micronesia**

ATTACHMENTS

- Attachment A. Opening Address by the Honourable Mr Alik Alik
Attachment B. List of Participants
Attachment C. Annotated Agenda for the 7th Regular Meeting of the Technical and Compliance Committee
Attachment D. Table of Catch and Effort Data relating to CMM 2008-01
Attachment E. Provisional WCPFC IUU Vessel list for 2012 from TCC7
Attachment F. TCC7 SWG Commentary on the Recommendations of the Joint WCPFC/FFA VMS Report (WCPFC-TCC7-2011/10)
Attachment G. Draft TORs for Regional Observer Programme Technical Advisory Group
Attachment H. Tokelau Statement to WCPFC
Attachment I. Cook Islands Statement – Eastern High Seas Pocket (E-HSP) measure (CMM 2010-02)
Attachment J. PNA Statement on Draft CMM 2011-01 3rd October 2011
Attachment K. U.S. Comments on 2011-01 discussions
Attachment L. Statement Made by Ecuador on TCC7 Meeting (Rev 1)
Attachment M. Position Paper of the Philippines on the Conservation and Management Measures of Bigeye in the Western and Central Pacific Fisheries Ocean
Attachment N. Statement from Australia on the revision of CMM2008-01
Attachment O. Japan’s Comment on revision of CMM 2008/01

Honorable Mr. Alik Alik
Vice President
Opening Address on the Occasion of the
Seventh Regular Session of the Technical and Compliance Committee
29 September 2011
Pohnpei, FSM

Executive Director of the Tuna Commission Mr. Glenn Hurry, Chairman of the Commission Dr Charles Karnella, Chairman of the TCC Mr. Noan Pakop, staff of the Tuna Commission Secretariat, Honorable Delegates and Observers, Ladies and Gentlemen,

It gives me great pleasure to be here this morning to open the 7th Regular Session of the Technical and Compliance Committee. I wish to convey a very warm welcome from my government to you returning and first time visitors. I hope that you are experiencing the warmth and hospitality of Micronesia and that you will have time to explore our beautiful surroundings while you are here.

We in the FSM are proud to be hosts of the annual TCC and continue to be honored to be the home of our Tuna Commission Headquarters. I know it has been said in many meetings and by many speakers who have addressed you in years before me, but I wish to reiterate, nonetheless, how important it is for a small island country like the FSM to have a prestigious international body such as the WCPFC right here in our front yard. We are deeply appreciative of the Commission's support of the FSM as we continue to do our best to accommodate our Tuna Commission and reciprocate the level of support that has been given to us.

Like many countries represented in this meeting, the FSM also has a high reliance on the marine resources of this region, both as a source of food and as a source of income. There are very few other natural resources that offer this dual benefit and not only are we obligated to conserve this resource, not doing so would throw the future of our islands into question.

The basis of our partnerships that all of us in this room share with at least one other member, is rooted in the common objective that our tuna resources are worth it. They are worth the time and energy we spend in these meetings. They are worth the countless hours we spend negotiating, drafting and implementing decisions. They are worth the risks we take in challenging the long-standing historical relationships that many of us have with one another. They are worth it because our livelihoods depend on it. And that includes the livelihoods of our fishermen as much as it does the livelihoods of our island economies and peoples. This is why the partnership must be nurtured, cultivated and cared for in the best possible way.

I come from the island of Kosrae, an island I hope many of you will be lucky enough to visit one day. Our history and traditions are deeply rooted in fishing and life is intrinsically linked to the sea. Likewise, we are closely linked to the histories and experiences of the many visitors who have come to our shores. Those who have come have always been welcomed, as you are and have been welcomed to Pohnpei today. I know that when you find yourself here in our islands, 72

as the early explorers did in Kosrae, you can't help but notice the seamless transition of nature into our daily lives, from the mountains that deliver us water to the oceans that feed us. Without these natural bounties that surround and nourish us, our lives on these islands are at risk. We are all responsible to ensure that the quest for development and growth does not compromise our very existence, our need for a life balanced by respect for nature and traditions with a life of growth and prosperity.

Your time, your energy, your choices—it's all worth it. It's worth the future of our islands, of all of our peoples, including those who came before us. Let us honor the traditions of our past and stay true to the importance of our cultures in the present. I wish you all a very productive meeting and an enjoyable stay in Pohnpei. Thank you.

**Technical and Compliance Committee
Seventh Regular Session (TCC7)
Pohnpei, Federated States of Micronesia
28 September – 4 October 2011**

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Seventh Regular Session

28 September-4 October 2011

Pohnpei, Federated States of Micronesia

PROVISIONAL ANNOTATED AGENDA

WCPFC-TCC7-2011/04 Rev 14
28 September 2011

AGENDA ITEM	REFERENCES
AGENDA ITEM 1: OPENING OF THE MEETING	
1.1 Welcome	
1.2 Meeting arrangements	WCPFC-TCC7-2011/00
1.3 Adoption of the agenda	WCPFC-TCC7-2011/03 Rev 14 WCPFC-TCC7-2011/04 Rev 14
AGENDA ITEM 2: PRIORITY ISSUES FOR TCC	
2.1 Issues from WCPFC7, SC7 and NC7 for TCC7	
a) WCPFC7 issues in WCPFC-TCC7-2011-IP/02	WCPFC-TCC7-2011-IP/02
b) SC7 and NC7 issues for TCC7	WCPFC-TCC7-2011/08 Rev 1
c) SPC OFC Overview of Fisheries	
d) Stock Assessment Results	
2.2 Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna.	WCPFC-TCC7-2011/01 WCPFC-TCC7-2011-DP/07 WCPFC-TCC7-2011-IP/04 WCPFC-TCC7-2011-DP/11 WCPFC-TCC7-2011-DP/17 WCPFC-TCC7-2011/31; 31a/b <i>WCPFC7-2010-DP/01; DP/02; DP/03; DP/06; DP/20 (rev 1); DP24 and DP/26.</i>
a) SPC OFC Projections based on 2011 Stock Assessments	

<p>2.3 IUU Vessel List and IUU Listing Procedures.</p> <ul style="list-style-type: none"> a) Draft IUU Provisional List for 2011 <ul style="list-style-type: none"> i. New IUU Applications (no new applications paper WCPFC-TCC7-2011/12 cancelled) ii. Current WCPFC List for review b) CMM 2010-06 <ul style="list-style-type: none"> i. Tonga Paper regarding WCPFC IUU Listing Process 	<p>(No new Applications – paper WCPFC-TCC7-2011/12 cancelled) WCPFC-TCC7-2011/13 Rev 1 WCPFC-TCC7-2011-IP/05 (secure web) WCPFC-TCC7-2011-DP-16</p>
<p>2.4 Optimization of Cost of Commission Operations Consultancy Report</p>	<p>WCPFC-TCC7-2011/09 Rev 1</p>
<p>2.5 Compliance with Conservation and Management Measures</p> <ul style="list-style-type: none"> a) Part 2 Annual Reports b) Streamlined Part 2 Report Proposal c) Draft Compliance Monitoring Scheme Report for 2010 Note: Paper 17a includes old format to discuss HSB&I and other compliance issues not included in CMS d) Enhanced Compliance Monitoring Scheme (CMS) e) Review CMM 2011-03 	<p>WCPFC-TCC7-2011/18 Rev 5 WCPFC-TCC7-2011/19 WCPFC-TCC7-2011/17-CMR-00 Rev 1 (Secure Web) WCPFC-TCC7-2011/17a Rev 3 WCPFC-TCC7-2011-DP/08 SC7-ST-WP/01 CMM 2010-03</p>
<p>2.6 Vessel Monitoring System</p> <ul style="list-style-type: none"> a) Joint WCPFC/FFA VMS Review b) Annual Report – VMS c) CMM 2007-02 review d) VMS Template 	<p>WCPFC-TCC7-2011/10 WCPFC7-2010-DP/29 WCPFC-TCC7-2011/11 WCPFC-TCC7-2011-DP/12 WCPFC-TCC7-2011-DP/14</p>
<p>2.7 Eastern High Seas Special Management Area Expansion into 100nm Buffer Zones (CMM 2010-02)</p>	<p>WCPFC-TCC7-2011/20 Rev 1 WCPFC-TCC7-2011-IP/06</p>
<p>2.8 Regional Observer Programme</p> <ul style="list-style-type: none"> a) Annual Report –ROP (CMM 2007-01, para. 3) Note: Includes issues on Transshipment and Catch Retention b) Dealing with Vessel and Observer Complaints to Enhance Efficiency of ROP c) Observer Data Entry Costs d) Review of CMMs Supporting WCPFC RFV, VMS, ROP 	<p>WCPFC-TCC7-2011/14 Rev 2 WCPFC7-2010-DP/19 WCPFC-TCC7-2011/15 Rev 1 WCPFC-TCC7-2011/16 WCPFC-TCC7-2011/22 Rev 1</p>
<p>2.9 Catch Document Scheme</p>	<p>WCPFC-TCC7-2011-DP/05 WCPFC-TCC7-2011-DP/13 WCPFC7-2010-DP/22 Rev 1</p>
<p>2.10 Port State Measures CMM</p>	<p>WCPFC-TCC7-2011-DP/06</p>
<p>2.11 Catch Attribution Study</p>	<p>WCPFC-TCC7-2011/23</p>
<p>2.12 AHTG [Data]</p> <ul style="list-style-type: none"> a) Data provision by chartered vessels b) Dissemination of data c) Review of data rules and procedure d) Secretariat Report on Requests for Non-Public Domain Data 	<p>WCPFC-TCC7-2011-DP/02 WCPFC-TCC7-2011-DP/03 WCPFC-TCC7-2011-DP/04 WCPFC-TCC7-2011/21</p>

AGENDA ITEM 3: ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION		
3.1 Cooperation with Other Organisations a) IATTC Observer Cross Endorsement MOC b) Joint Management Scheme WCPFC/IATTC Overlap Area		WCPFC-TCC7-2011/27 (WCPFC-TCC7-2011/28 Combined with WCPFC-TCC7-2011/27)
3.2 WCPFC Record of Fishing Vessels (RFV) a) RFV Status and Developments b) RFV SSPs Proposal		WCPFC-TCC7-2011/24 WCPFC-TCC7-2011-DP/09
3.3 KOBE III Recommendations		WCPFC-TCC7-2011/25
3.4 Bycatch Mitigation Workshop		WCPFC-TCC7-2011/26
3.5 Entry and Exit Notification Workshop		WCPFC-TCC7-2011-DP/15 (formerly WCPFC7-2010-DP/15 Rev 3)
3.6 CCMs Plan to Address Data Gaps (TCC6 para. 195)		SC7-ST-WP-01
3.7 Whale Sharks and Cetaceans		WCPFC-TCC7-2011-DP/01 WCPFC7-2010-DP/09 WCPFC7-2010-DP/17 Rev 2
AGENDA ITEM 4: REVIEW OF CONSERVATION MANAGEMENT MEASURES WITH ISSUES, EXPIRING OR NEW		
Conservation Management Measure	Review/Expire	SC7 recommends separating Table1: N of 23N and S of 30S. SC7 notes Paper SC7-IP-04 CCMs asked that Language Cards be updated, no requests forwarded to the Secretariat.
CMM 2007-04 Seabirds	Annual review of mitigation measures	
CMM 2008-03 Sea Turtles	Regular review of mitigation measures	
CMM 2009-03 Swordfish	Para 11 Review in 2011	
CMM 2009-08 Charter Notification Scheme	Expires 2011	
CMM 2010-01 North Pacific Striped Marlin	Amendment in 2011 based on revised stock assessment	
CMM 2006-08 HSB&I	Regular review	
CMM 2009-06 Transshipment		
New CMMs		
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: COOPERATING NON-MEMBER APPLICATIONS		

6.1 CNM Assessments Report from HOD Meeting with Participating Rights	WCPFC-TCC7-2011/CNM secure
AGENDA ITEM 7: FUTURE WORK PROGRAM	
7.1 Adoption of TCC Work Plan for 2012-2014 7.2 Report by the Secretariat on implementation of the 2011 programme of work.	WCPFC-TCC7-2011/29 Rev 1 WCPFC-TCC7-2011/30
AGENDA ITEM 8: SUPPLEMENTARY ITEMS	
8.1 New Zealand Transshipment Exemption 8.2 Election of Officers and Next Meeting	WCPFC-TCC7-2011-DP/10
AGENDA ITEM 9: ADOPTION OF THE REPORT OF THE SEVENTH REGULAR SESSION OF THE TECHNICAL AND COMPLIANCE COMMITTEE	
9.1 Adoption of the Summary Report of the Seventh Regular Session of the Technical and Compliance Committee and any recommendation to the Commission	
AGENDA ITEM 10: CLOSE OF MEETING	

Revised tables for CMM 2008-01 – as at 3rd October 2011
Tables of the latest catch/effort estimates relevant to CMM 2008-01

Table 1. Purse seine days fished in waters under national jurisdiction and in International waters in the WCPFC-CA between 20°N and 20°S.

EEZ	2001	2002	2003	2004	Av. 2001- CMM 2008-		2005	2006	2007	2008	2009	2010
					2004	01						
COOK ISLANDS	46	231	8	6	73	73	2	8	3	30	45	24
FIJI	12	5	10	28	14	28	36	6	6	23	12	26
FRANCE (FRENCH POLYNESIA)	0	2	0	0	1	1	0	0	0	0	0	3
FRANCE (WALLIS AND FUTUNA)	5	3	4	0	3	3	4	0	0	6	6	1
INDONESIA	4,276	4,327	5,001	6,514	5,030	6,514	6,543	6,706	6,453	6,885	6,546	6,856
NIUE	0	0	1	0	0	0	0	0	0	0	0	0
PHILIPPINES	3,623	3,870	5,389	5,596	4,620	5,596	5,226	5,215	5,749	6,934	5,038	3,337
SAMOA	7	12	3	4	7	7	3	1	3	7	9	2
TOKELAU	99	400	27	68	149	149	128	34	49	138	218	146
TONGA	2	0	0	1	1	1	1	0	0	0	0	0
USA	350	486	238	299	343	343	140	202	110	65	139	66
VANUATU	2	2	0	23	7	23	1	0	0	14	1	0
PNA EEZs - excl. AWs	24,902	27,170	29,297	30,644	28,003	30,644	32,112	31,677	30,691	32,396	32,055	43,580
PNA EEZs - AW only	2,416	2,217	3,563	3,127	2,831		4,612	3,909	5,494	5,707	6,427	6,091
PNA EEZs - TOTAL	27,318	29,387	32,860	33,771	30,834		36,724	35,586	36,185	38,103	38,499	49,679
TOTAL EEZs - excl. AWs	33,324	36,508	39,978	43,183	38,248	43,183	44,196	43,849	43,064	46,498	44,069	54,041
TOTAL EEZs - excl. AWs and ID/PH	25,425	28,311	29,588	31,073	28,599	31,073	32,427	31,928	30,862	32,679	32,485	43,848
TOTAL EEZs (incl. Aws)	35,740	38,725	43,541	46,310	41,079	46,310	48,808	47,758	48,558	52,205	50,513	60,140
TOTAL INT. WATERS	7,276	8,083	8,112	10,104			8,700	6,666	7,740	9,013	10,788	2,059
TOTAL (EEZs + IW)	43,016	46,808	51,653	56,414			57,508	54,424	56,298	61,218	61,301	62,199
TOTAL minus ID/PH	34,617	38,111	40,763	43,804			45,239	42,003	43,596	46,899	49,217	51,506

TABLE 1 -- Notes:

1. Source: Raised logsheet data.

2. The column labeled "CMM-2008-01" does not take into account paragraphs 6 and 7, and footnote 2 of CMM 2008-01
3. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 2 of CMM 2008-01 using the best information available to SPC-OFP. However, in several cases, catches have not yet been attributed to the CCM responsible for the "charter or similar arrangements" since the flag state CCM has yet to advise that it has excluded these catches from their data (and thereby avoid double-counting).
4. Purse-seine days for Indonesia and the Philippines have been estimated according to Appendix A in the SC4 Statistics SWG Working paper WP-4 (Data relating to purse-seine effort on the high seas and in the zones of non-PNA member CCMs).
5. The definition of days effort in this table may differ from the definition of days used in the PNA Vessel Day Scheme (VDS)
6. The Total International waters effort does not include estimates of effort for the Philippines domestic fleet at this stage (refer to note on the Philippines in Table 2(b)).

Table 2(a). Purse seine days fished in international waters in the WCPFC-CA between 20°N and 20°S, by flag, based on available operational data.

PURSE SEINE DAYS FISHED INTERNATIONAL WATERS 20°N-20°S												
Flag	2001	2002	2003	2004	Av.		2005	2006	2007	2008	2009	2010
					2001-2004	CMM 2008-01						
CHINA	95	126	151	428	200	428	506	231	335	259	1,094	21
CHINESE TAIPEI	1,969	1,865	1,487	1,913	1,809	1,913	1,262	1,244	1,504	1,340	1,364	96
ECUADOR	0	0	0	0	0	0	0	0	50	151	39	0
EL SALVADOR	20	39	3	0	16	16	0	0	103	120	85	64
EUROPEAN UNION	38	63	86	103	73	103	30	315	172	274	204	165
FSM	240	240	176	383	260	383	222	86	167	124	334	6
INDONESIA	500	500	500	500	500	500	500	500	500	500	500	500
JAPAN	1,374	1,274	1,756	1,859	1,566	1,859	1,844	1,552	1,260	1,785	2,160	130
KIRIBATI	40	51	40	35	42	42	46	53	22	19	191	169
MARSHALL ISLANDS	173	208	434	398	303	398	400	154	154	284	168	81
NEW ZEALAND	23	332	346	210	228	346	98	289	207	196	211	46
PAPUA NEW GUINEA	382	576	582	1,123	666	1,123	1,241	404	670	592	798	73
PHILIPPINES	13	55	436	452	239	452	311	150	26	73	20	2
REPUBLIC OF KOREA	1,311	1,285	1,159	1,245	1,250	1,250	1,076	742	1,398	1,515	1,722	209
SOLOMON ISLANDS	31	37	0	0	17	17	17	15	5	0	0	0
TUVALU	0	0	0	0	0	0	0	0	0	0	29	4
USA	970	1,332	861	987	1,038	1,038	769	532	795	1,566	1,769	455
VANUATU	66	164	184	572	247	572	377	399	372	215	101	37
TOTAL	7,245	8,147	8,201	10,208	8,450	10,439	8,699	6,666	7,740	9,013	10,789	2,058

TABLE 2(a) -- Notes:

1. Source: Raised logsheet data. 2010 data are provisional.
2. The column labeled "CMM-2008-01" does not take into account paragraphs 6 and 7, and footnote 2 of CMM 2008-01
3. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 2 of CMM 2008-01 using the best information available to SPC-OFP. However, in several cases, catches have not yet been attributed to the CCM responsible for the "charter or similar arrangements" since the flag state CCM has yet to advise that it has excluded these catches from their data (and thereby avoid double-counting).
4. Purse-seine days for Indonesia have been arbitrarily assigned 500 days for high seas according to Appendix A in the SC4 Statistics SWG Working paper WP-4 (Data relating to purse-seine effort on the high seas and in the zones of non-PNA member CCMs)
5. VMS-based estimates for the European Union (EU) were provided by email subsequent to SC4, and 1 degree square aggregate fishing data were provided in December 2008. The aggregate catch and effort data were used as the basis for EU estimates in this table to provide consistency with the other flag estimates also based on operational or 1 degree square aggregate fishing data.
6. The New Zealand purse seine fleet are covered by the reference in footnote 2 in paragraph 10 of CMM2008-01, and the days in Table 2 of CMM 2008-01. Using this footnote, New Zealand can use the days from 2003.
7. The International waters effort for the Philippines domestic fleet is not included since effort for years other than 2004 are not available (refer to note on the Philippines in Table 2(b)).

Table 2(b). Limit estimates for the high seas and the zones of non-PNA CCMs (and non-WCPFC members) established by CMM-2008-01 between 20°N and 20°S average vessel days 2001-2004 or 2004)

Entity	Vessel days						SEE NOTE
	National Waters		High Seas (Pockets 1 & 2)		High Seas (remainder)		
	2004	2001-2004	2004	2001-2004	2004	2001-2004	
AMERICAN SAMOA	-	-	-	-	-	-	
AUSTRALIA	-	-	-	-	-	-	
CANADA	-	-	-	-	-	-	
CHINA	-	-	393	190	34	10	
CHINESE TAIPEI	-	-	1,836	1,459	77	349	
CNMI	-	-	-	-	-	-	
COOK ISLANDS	6	73	-	-	-	-	
ECUADOR	-	-	-	-	12	4	(1)
EL SALVADOR	-	-	-	-	-	16	
EC-SPAIN	-	-	-	-	103	73	(2)
FIJI	29	14	-	-	-	-	
FRENCH POLYNESIA	-	2	-	-	-	-	
FSM	-	-	343	213	40	47	
GUAM	-	-	-	-	-	-	
INDONESIA	6,363	-	500	-	-	-	(3)
JAPAN	-	-	1,715	1,396	144	171	(4)
KIRIBATI	-	-	32	40	3	2	
KOREA	-	-	1,531	1,343	10	228	(5)
MARSHALL ISLANDS	-	-	140	125	258	178	
NAURU	-	-	-	-	-	-	
NEW CALEDONIA	-	-	-	-	-	-	
NEW ZEALAND	-	-	137	247	73	96	(6)
NIUE	-	-	-	-	-	-	
PALAU	-	-	-	-	-	-	
PHILIPPINES	5,477	-	4,659	237	-	2	(7)
PNG	-	-	1,029	576	93	87	(8)
SAMOA	4	6	-	-	-	-	
SOLOMON ISLANDS	-	-	-	10	-	7	
TOKELAU	67	149	-	-	-	-	
TONGA	1	1	-	-	-	-	
TUVALU	-	-	-	-	-	-	
USA	342	396	507	448	480	618	(9)
VANUATU	23	7	316	129	256	116	
WALLIS AND FUTUNA	-	3	-	-	-	-	
<i>z Non-WCPFC CCM</i>	-	-	-	-	33	33	(10)
LIMIT ESTIMATE [CMM 2008-01]		12,523		13,266		2,326	

Table 2(b) - NOTES

Where not stated, the estimates of high seas effort have been determined using raised operational logsheet data held by the SPC, subject to interpretation of paragraph 6 and 7 of CMM 2008-01. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 2 of CMM 2008-01 using the best information available to SPC-OFP.

1.	<p>ECUADOR</p> <p>Values presented here are from Operational data provided to SPC under the IATTC-SPC data exchange agreement.</p>
2.	<p>EU-SPAIN</p> <p>[15 Oct 2008] Annual high seas effort by the EU fleet for period 2001-2007 provided (Sourced from VMS data). Source of EEZ coordinates used to determined high seas days unknown. Definition of "DAY" thought to be days at sea since the data are sourced from VMS.</p> <p>[13 Aug 2009] The estimates of purse seine effort based on VMS data for 2004 and the average of 2001-2004 were 90 and 58 days, respectively. The estimates of purse seine effort based on aggregate catch/effort data for 2004 and the average of 2001-2004 were 103 and 73 days respectively. The estimates based on the aggregate catch/effort data appear in Table 2 of CMM 2008-01 and provide consistency with the other flag estimates - these estimates will be used until operational data are made available to provide a better estimate.</p>
3.	<p>INDONESIA</p> <p>WCPFC (SPC-OFP) does not have any operational catch/effort data for the Indonesia domestic purse seine fleet to determine the extent of activities by area, so the following methods have been used in the absence of the data.</p> <p>1. National waters</p> <p>For 2004, the average CPUE (SKJ+YFT+BET)/days = 24 MT/day in the tropical waters of the WCPFC Convention Area. Applying this to the total purse seine catch estimates for domestic Indonesia purse seine fishery in 2004 (164,721 mt) gives 6,363 days (after subtracting an arbitrary estimate of 500 days for activities on the high seas – see below).</p> <p>For 2003-2006, the average CPUE (SKJ+YFT+BET)/days = 26.5 MT/day in the tropical waters of the WCPFC Convention Area. Applying this to the annual average purse seine catch estimate for domestic Indonesia purse seine fishery for 2003-2006 (170,243 mt) gives 5,924 days (after subtracting an arbitrary estimate of 500 days for activities on the high seas – see below).</p> <p>2. High seas</p> <p>WCPFC (SPC-OFP) doesn't have any effort data for the Indonesia domestic purse seine fleet but presumably they fish in the high seas enclave between FSM, PNG, Palau and Indonesia. If this effort is assumed to be similar to the effort of the Philippines fleet based in PNG, a value of 500 days could possibly be attributed to fishing in the high seas by the Indonesian fleet.</p>
4.	<p>JAPAN</p> <p>Complete operational logsheet data provided to the Commission on 16th April 2009 in relation to CMM 2008-01. These data represent 100% coverage and therefore a better source of data to estimate high seas effort, so the estimates have been revised compared to information presented to WCPFC5.</p>

5.	<p>KOREA</p> <p>[12 Sep 2008] Advice from Korea Indicates that average fishing days from 2001 to 2004 are 1,571 days and fishing days in 2004 are 1,531 days. Yet to be reconciled since the source of EEZ coordinates used to estimate high seas days is unknown. Also we are not sure of their definition of "DAY". SPC estimates 1,234 days for 2004 and 1,230 as the average for 2001-2004.</p>
6.	<p>NEW ZEALAND</p> <p>The New Zealand purse seine fleet are covered by the reference in footnote 2 in paragraph 10 of CMM2008-01, and the days in Table 2 of CMM 2008-01. Using this footnote, New Zealand can use the days from 2003, which is 343 days – 247 days in high seas pockets 1&2 and 96 days in the remaining high seas areas.</p>
7.	<p>PHILIPPINES</p> <p>According to logsheet data provided to the WCPFC by the Philippines, the total high seas effort by the Philippines domestic and PNG-based fleets (as at August 2010) amounts to 5,647 days. The effort in national waters for 2004 according to the logsheet data are 1,075 days. However, the logsheet data have not been verified and do not represent 100% coverage and information to raise these data is currently not available.</p> <p>The estimate of high seas effort by the domestic Philippines purse seine fleet for 2004 provided by the Philippines is 4,659 days. The estimate for effort in national waters provided by the Philippines is 5,477 days. These estimates have been retained in Table 2(b) until such time when the recently-processed logsheet data can be completely verified and information on the logsheet coverage and how to raise the logsheet data is provided.</p>
8.	<p>PNG</p> <p>[20 Aug 2009] PNG provided revised purse-seine catch estimates for 2004–2007 in their 2008 provision of data to the WCPFC, which resulted in a change in the estimated purse seine effort.</p>
9.	<p>USA</p> <p>[13 Sep 2008] USA has provided a value of 1,066 days as the average for 2001-2004, but only 1,038 days have been determined using the data available to the WCPFC (SPC-OFP). The WCPFC (SPC-OFP) are currently working with US-NMFS to review the respective EEZ coordinates used in the process of determining high seas days.</p> <p>Effort limits cannot be applied to vessels operating under the US Multilateral purse-seine Treaty when in the national waters of Pacific Island countries, which is referenced in paragraphs 6 and 7 of CMM 2008-01.</p>
10.	<p>Other Non-WCPFC CCM</p> <p>This entity relates to fleets based in the Eastern Pacific Ocean or IATTC-member country fleets providing data to IATTC, but excluding fleets for which the WCPFC already hold operational data (e.g. Vanuatu, El Salvador, Ecuador, Spain and the USA) .</p> <p>Other fleets that may support purse seine effort on WCPO tuna stocks may include Malaysia and Vietnam but data are not available to include consideration of this possible effort here.</p> <ol style="list-style-type: none"> 1. Days in national waters within the WCPFC Convention Area.

For 2001-2004, none of these fleets were licensed to fish in national waters according to information currently available, so no fishing activity by non-WCPFC CCM fleets has been attributed to national waters. (0 days)

For 2003-2006, none of these fleets were licensed to fish in national waters according to information currently available, so no fishing activity by non-WCPFC CCM fleets has been attributed to national waters. (0 days)

2. High Seas

From IATTC data, after removing El Salvador, Ecuador, Spain and Vanuatu fleet effort (which are already counted), the effort in 2004 for these fleets fishing in the WCPFC Convention Area was the same as the average effort for 2001-2004. For 2001-2004, the number of days effort in the WCPFC Convention Area was 33 days, according to aggregate data provided by IATTC data. (33 days).

For 2003-2006, the number of days effort in the WCPFC Convention Area was 21 days, according to best available operational and aggregate data provided by IATTC data.

Table 3. Reported longline catches (metric tonnes) of bigeye tuna in the WCPFC-CA, by flag. Numbers in red indicate estimates carried forward from the previous year.

CCM	2001	2002	2003	2004	Av. 2001- 2004	CMM 2008- 01 Attach. F (Curr.)	CMM 2008-01	2005	2006	2007	2008	2009	2010	2010 (excl. SIDs)	CMM 2008- 01 2010 limits	See Notes
AMERICAN SAMOA	75	196	242	227	185	185	2,000	134	181	218	132	249	491			(4)
AUSTRALIA	1,307	1,002	1,024	892	1,056	1,056	2,000	791	499	1,008	1,027	726	458	458	2,000	(10)
BELIZE	1,322	812	782	297	803	803	803	425	254	158	89	43	89	89	803	(12)
CHINA	2,227	2,312	8,965	9,314	5,705	9,314	9,314	6,399	9,790	7,821	8,761	11,565	10,654	10,654	9,314	(6),(9),(15),(16)
CHINESE TAIPEI	12,435	16,645	14,429	20,992	16,125	15,854	16,125	15,498	14,295	14,760	15,229	13,319	11,552	11,552	12,900	(16)
COOK ISLANDS	1	56	204	394	164	164		220	166	238	292	217	192			(4)
EUROPEAN UNION	0	0	0	42	11	11	2,000	17	62	62	77	46	8	8	2,000	(10)
FSM	651	759	656	542	652	652		182	172	1,395	970	1,395	899			(4)
FIJI	662	853	889	1,254	915	915		423	771	556	671	689	532			(4)
FRANCE (FRENCH POLYNESIA)	745	649	439	502	584	584		606	498	478	490	587	436			(4)
FRANCE (NEW CALEDONIA)	128	189	142	90	137	137		76	35	53	63	51	44			(4)
INDONESIA	942	1,470	2,168	2,192	1,693	8,413	2,192	2,202	3,011	1,993	6,704	4,000	1,221	1,221	2,000	(6),(11)
JAPAN	27,466	29,574	26,110	29,248	28,100	28,100	28,100	23,021	25,685	26,076	19,534	16,650	14,565	14,565	22,480	
KIRIBATI	0	0	1	0	0	0		0	0	0	44	0	3			(4)
MARSHALL ISLANDS	0	0	0	1	0	0		0	0	3	375	381	257			(4)
NAURU	6	3	10	0	5	5		0	0	0	0	0	0			(4)
NEW ZEALAND	481	201	204	177	266	266	2,000	175	177	213	133	253	131	131	2,000	(10)
NIUE	0	0	0	0	0	0		10	22	18	1	10	4			(4)
PALAU	21	1	1	7	8	8		0	0	0	0	0	0			(4)
PAPUA NEW GUINEA	240	318	390	399	337	335		237	216	111	201	128	39			(4)
PHILIPPINES	59	59	59	59	59	343	2,000	59	59	59	59	59	59	59	2,000	(8),(10)
REPUBLIC OF KOREA	22,172	28,533	17,151	17,941	21,449	21,499	21,449	15,622	12,489	10,054	17,001	15,231	13,862	13,862	17,159	(16)
SAMOA	185	137	110	104	134	134		64	128	101	106	117	108			(4)
SENEGAL	0	0	0	0	0	0		0	3	2	0	0	0	0		(13)
SOLOMON ISLANDS	187	401	385	294	317	476		3	0	0	0	0	412			(4),(16)
TONGA	191	215	94	40	135	135		125	117	129	81	38	24			(4)
USA	2,418	4,396	3,618	4,181	3,653	4,181	4,181	4,462	4,381	5,381	4,649	3,741	3,576	3,576	3,763	(6),(17)
VANUATU	17	396	841	1,862	779	779		1,558	1,651	2,122	860	1,300	2,060			(4)
VIETNAM	...	...	...	...	...	...		...	...	...	...	...	2,441			(14)
Total	73,938	89,177	78,914	91,051	83,270	94,349	90,164	72,309	74,662	73,009	77,549	70,795	64,117	56,175	76,419	

TABLE 3 -- Notes:

1. Source: WCFPC Annual catch estimates as at 1st August 2011 (2010 data are provisional).
2. Catch estimates in **red** have been carried over from previous years.
3. Indonesia and Philippines have recently revised their estimates in recent years. (see the respective Annual Catch Estimate Workshop reports at (<http://www.wcpfc.int/west-pacific-east-asia-oceanic-fisheries-management-project>))
4. The limits in the column labeled "CMM 2008-01 - 2010 limits" do not apply to small island developing State members and participating Territories according to paragraph 34 of CMM 2008-01.
5. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 2 of CMM 2008-01 using the best information available to SPC-OFP. However, in several cases, catches have not yet been attributed to the CCM responsible for the "charter or similar arrangements" since the flag state CCM has yet to advise that it has excluded these catches from their data (and thereby avoid double-counting).
6. The year 2004 shall apply to China, the United States and Indonesia. (CMM 2008-01 Footnote 3).
7. Attachment F in the CMM 2008-01 (BASELINE LONGLINE BIGEYE TUNA CATCHES, BY FLAG) represents the bigeye catch estimates available at the time of establishing CMM 2008-01.
8. Estimates include archipelagic water catches which for some countries cannot be separated at this stage (e.g. Philippines).
9. The catch limit for China for 2009 and 2010 will remain at 2004 levels (CMM 2008-01 Para. 36).
10. The catch limits established at 2,000t prior to 2010, remain at the level of 2,000t. (according to CMM 2008-01 Para. 32)
11. The catch limits reduced by 20% for 2010 that fall below 2,000t. are to be set at 2,000t. (Para. 38)
12. The catch limit set for Belize prior to 2009 is retained for 2009, according to WCFPC6 Report (Para. 27)
13. Senegal committed to limiting its fishing activities in the WCPF Convention Area to one longline vessel - WCFPC5 Report (Para. 44)
14. Catches for the Vietnamese fleet prior to 2010 are yet to be provided. The Vietnam longline fleet are understood to fish outside the WCFPC Convention Area (South China Sea).
15. Catches by the Chinese longline fleet in the WCFPC-IATTC overlap area may not be included in the estimates for years 2004-2008 ~~and 2010~~. Catches by the Chinese longline fleet in the Kiribati EEZ may not be included in the estimates for years 2009-2010.
16. Catches by chartered Chinese, Korean and Chinese-Taipei longline vessels licensed to fish in Solomon Islands waters have been attributed to the Solomon Islands for 2010.
17. Para 35 applies to the US so the limit for 2010 will be a 10% reduction of the 2004 baseline catch in Attachment F.
18. For China, Para 36 overrides the reduction in catches listed in Para 33 in regards to 2009 and 2010 limits.

Table 4. Estimates of total annual catches (metric tonnes) of bigeye tuna in the WCPFC Statistical Area for fisheries other than longline and tropical purse seine.

GEAR	FLAG	BIGEYE												
		2001	2002	2003	2004	Av. 2001-2004	CMM 2008-01	2005	2006	2007	2008	2009	2010	
Gillnet	Japan	3	12	11	5	8	2,000	6	11	3	13	7	7	
Handline	Indonesia	49	76	113	114	88	2,000	133	132	109	106	83	125	
	Philippines (large-fish)	349	336	472	263	355	355	670	555	521	637	330	284	
	Philippines (small-fish)	3,659	3,876	3,894	3,870	3,825	3,870	2,100	2,100	2,100	2,100	2,100	2,929	1,400
	USA	0	0	176	232	102	2,000	210	247	324	148	136	337	
	Total	4,057	4,288	4,655	4,479	4,370	8,225	3,113	3,034	3,054	2,991	3,478	2,146	
Pole-and-line	Fiji	0	0	0	0	0		0	0	0	0	0	0	
	French Polynesia	0	0	0	0	0		0	0	0	0	0	0	
	Indonesia	2,897	2,485	2,012	2,197	2,398	2,398	2,684	2,859	2,180	3,038	1,812	1,812	
	Japan	1,377	1,757	857	3,393	1,846	3,393	1,334	3,820	1,977	1,604	1,570	2,242	
	Solomon Islands	0	0	0	0	0		0	0	37	0	0	0	
	USA	0	0	0	0	0	2,000	0	0	0	0	0	0	
	Total	4,274	4,242	2,869	5,590	4,244	7,791	4,018	6,679	4,194	4,642	3,382	4,054	
Ring-net	Philippines	285	37	385	311	255	2,000	336	823	713	322	291	218	
Purse seine	Japan	805	967	1,348	1,114	1,059	2,000	542	1,141	1,971	400	339	354	
Troll	Japan	182	126	105	83	124	2,000	135	101	124	138	115	115	
	Nauru	0	0	0	0	0	2,000	0	0	0	0	0	0	
	Tuvalu	0	0	0	0	0	2,000	0	0	0	0	0	0	
	USA	226	586	37	149	250	2,000	85	56	63	74	59	129	
	Total	408	712	142	232	374	8,000	220	157	187	212	174	244	
Unclassified	Australia	0	0	12	23	9	2,000	3	8	21	0	0	0	
	French Polynesia	1	2	2	2	2		0	0	0	0	0	0	
	Indonesia	2,622	2,828	2,484	1,334	2,317	2,317	1,249	1,281	1,270	122	152	152	
	Japan	26	23	26	21	24	2,000	100	39	65	80	98	98	
	New Zealand	0	1	1	8	3	2,000	1	1	0	1	0	0	
	Philippines	117	140	190	174	155	2,000	167	184	213	15	15	365	
	Total	2,766	2,994	2,715	1,562	2,509	10,317	1,520	1,513	1,569	218	265	615	
Total "other fisheries"		12,598	13,252	12,125	13,293	12,817	40,333	9,755	13,358	11,691	8,798	7,936	7,638	
Percentage of total WCPFC-CA		11	10	10	10			8	10	10	6	6	7	
WCPFC Bigeye Catch		116,683	130,348	118,184	135,620			121,774	129,193	121,159	136,584	125,030	111,958	

TABLE 4 -- Notes:

1. Source: WCFPC Annual catch estimates as at 1st August 2011 (2010 data are provisional).
2. Catch estimates in **red** have been carried over from previous years.
3. French Polynesia 'pole-and-line' catches include the *bonitier* and *poti marara* fleets; both use various gear types (pole-and-line, troll, handline, harpoon, gill net).
4. Japan purse seine is north of 20°N.
5. Reference to the level of "*less than 2,000 tonnes*" mentioned in CMM-2008-01 paragraph 39 has been assumed to mean that fisheries taking less than 2,000 t. of bigeye should not exceed 2,000 t. of bigeye.
6. Indonesia and Philippines have recently revised their estimates (see the respective Annual Catch Estimate Workshop reports held during 2010 at (<http://www.wcpfc.int/west-pacific-east-asia-oceanic-fisheries-management-project>))
7. A certain component of the Philippines and Indonesian catches listed in this table occur in Archipelagic Waters , but can not be separated from total Conventional Area Annual Catch Estimates at this stage.
8. The limits in the column labeled "CMM 2008-01" do not apply to small island developing State members and participating Territories according to paragraph 34 of CMM 2008-01.
9. The provision of estimates of fishing effort for 2009 and 2010, according of Para. 39 of CMM 2008-01, is only available for Japan purse-seine fishery at this stage.

Table 5. Estimates of total annual catches (metric tonnes) of yellowfin tuna in the WCPFC Statistical Area for fisheries other than longline and tropical purse seine.

GEAR	FLAG	YELLOWFIN												
		2001	2002	2003	2004	Av. 2001-2004	CMM 2008-01	2005	2006	2007	2008	2009	2010	
Gillnet	Japan	20	32	21	10	21	2,000	13	13	16	23	12	12	
Handline	Indonesia	2,434	3,799	5,603	5,666	4,376	5,666	6,613	6,571	5,445	5,273	8,206	7,839	
	Philippines (large-fish)	8,914	9,943	12,540	13,099	11,124	13,099	12,990	14,498	16,853	15,712	7,768	11,314	
	Philippines (small-fish)	38,904	41,173	41,375	41,137	40,647	41,137	35,000	35,000	35,000	35,000	35,000	43,172	43,400
	USA	0	0	362	379	185	2,000	321	209	254	227	317	237	
	Total		50,252	54,915	59,880	60,281	56,332	61,902	54,924	56,278	57,552	56,212	59,463	62,790
Pole-and-	Fiji	44	44	44	44	44		44	44	44	44	0	0	
	French Polynesia	84	99	77	142	101		104	126	152	83	88	53	
	Indonesia	10,923	9,372	7,587	8,287	9,042	9,042	11,000	8,828	9,298	7,516	6,042	6,042	
	Japan	3,136	3,375	2,868	3,040	3,105	3,105	3,647	4,340	3,501	3,566	5,054	4,167	
	Solomon Islands	153	405	669	257	371		538	734	321	189	0	0	
	USA	2	2	33	17	14	2,000	68	3	23	23	17	0	
	Total		14,342	13,297	11,278	11,787	12,676	14,147	15,401	14,075	13,339	11,421	11,201	10,262
Ring-net	Philippines	2,727	1,995	3,866	4,560	3,287	4,560	5,979	6,175	6,652	8,421	7,347	5,363	
Purse seine	Japan	2,564	2,300	3,619	2,706	2,797	2,797	3,128	3,235	1,766	4,696	2,577	1,473	
Troll	Japan	2,840	2,524	2,683	2,294	2,585	2,585	2,094	2,262	2,297	2,436	2,534	2,534	
	Nauru	0	0	0	0			0	0	0	2	4	4	
	Tuvalu	0	0	0	0			11	3	9	10	12	12	
	USA	832	600	373	367	543	2,000	358	295	501	444	470	413	
	Total		3,672	3,124	3,056	2,661	3,128	4,585	2,463	2,560	2,807	2,892	3,020	2,963
Unclassified	Australia	2	1	5	11	5	2,000	1	3	2	0	0	0	
	French Polynesia	264	307	211	412	299		288	419	370	409	418	445	
	Indonesia	23,598	25,453	22,357	12,007	20,854	20,854	11,239	11,527	11,428	1,793	5,470	5,470	
	Japan	277	285	360	290	303	2,000	325	281	348	519	421	421	
	New Zealand	8	1	1	22	8	2,000	3	0	0	2	0	0	
	Philippines	1,236	1,420	1,798	1,849	1,576	2,000	1,775	1,956	2,257	1,327	1,327	1,500	
Total		25,385	27,467	24,732	14,591	23,044	28,854	13,631	14,186	14,405	4,050	7,636	7,836	
Total "other fisheries"		98,942	103,098	106,431	96,586	101,264	116,845	95,526	96,509	96,521	87,692	91,244	90,687	
Percentage of total WCPFC-CA		24	27	25	25			20	23	21	16	22	19	
WCPFC Yellowfin Catch		410,903	387,557	420,076	385,916			467,674	422,846	450,107	540,049	417,265	475,308	

TABLE 5 --Notes:

1. Source: WCFPC Annual catch estimates as at 1st August 2011 (2010 data are provisional).
2. Catch estimates in **red** have been carried over from previous years.
3. Indonesia and Philippines have recently revised their estimates (see the respective Annual Catch Estimate Workshop reports at (<http://www.wcpfc.int/west-pacific-east-asia-oceanic-fisheries-management-project>))
4. The limits in the column labeled "CMM 2008-01" do not apply to small island developing State members and participating Territories according to paragraph 34 of CMM 2008-01.
5. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 5 of CMM 2008-01 using the best information available to SPC-OFP. However, in several cases, catches have not yet been attributed to the CCM responsible for the "charter or similar arrangements" since the flag state CCM has yet to advise that it has excluded these catches from their data (and thereby avoid double-counting).
6. Reference to the level of "*less than 2,000 tonnes*" mentioned in CMM-2008-01 paragraph 32 has been assumed to mean that fisheries taking less than 2,000 t. of yellowfin should not exceed 2,000 t. of yellowfin.
7. Unclassified Indonesian catches of yellowfin in 2004 are considerably reduced because these catches were attributed to other gear types, mainly purse seine. This may suggest that unclassified catches prior to 2004 also contain large components by purse seine.
8. French Polynesia 'pole-and-line' catches include the *bonitier* and *poti marara* fleets; both use various gear types (pole-and-line, troll, handline, harpoon, gill net).
9. Japan purse seine is north of 20°N.
10. A certain component of the Philippines and Indonesian catches listed in this table occur in Archipelagic Waters , but can not be separated from total Conventional Area Annual Catch Estimates at this stage.
11. The provision of estimates of fishing effort for 2009 and 2010, according of Para. 39 of CMM 2008-01, is only available for Japan purse-seine fishery at this stage.

Table 6. Reported longline catches (metric tonnes) of yellowfin tuna in the WCPFC-CA, by flag. Numbers in red indicate estimates carried forward from the previous year.

CCM	2001	2002	2003	2004	Av. 2001- 2004	2005	2006	2007	2008	2009	2010	2010 (excl. SIDs)	CMM 2008- 01 2010 limits	See Notes
AMERICAN SAMOA	188	485	497	888	515	526	513	640	333	398	469			(4)
AUSTRALIA	2,819	3,531	3,681	2,356	3,097	1,499	1,830	1,390	1,650	1,387	1,359	1,359	3,097	
BELIZE	957	720	943	208	707	298	106	273	129	121	28	28	707	(7)
CHINA	1,919	1,844	3,358	4,048	2,792	2,367	3,997	1,580	4,562	6,800	1,713	1,713	2,792	(10), (11)
CHINESE TAIPEI	22,326	21,993	22,149	22,975	22,361	19,571	18,654	16,668	16,411	17,893	19,974	19,974	22,361	(11)
COOK ISLANDS	1	42	178	506	182	413	262	290	247	197	319			(4)
EUROPEAN UNION	0	0	0	23	6	1	127	127	10	7	2	2	6	
FSM	338	164	276	185	241	99	270	548	328	583	406			(4)
FIJI	2,082	2,027	2,482	4,164	2,689	1,989	2,231	1,721	2,763	2,564	2,144			(4)
FRANCE (FRENCH POLYNESIA)	967	507	621	1,066	790	793	690	527	447	716	418			(4)
FRANCE (NEW CALEDONIA)	570	572	754	631	632	448	414	393	424	487	505			(4)
INDONESIA	4,001	6,243	9,209	9,313	7,192	10,762	9,482	10,371	9,564	18,221	14,041	14,041	7,192	
JAPAN	18,096	15,810	16,803	15,209	16,480	14,792	13,462	13,725	11,776	13,604	16,386	16,386	16,480	
KIRIBATI	2	0	2	0	1	0	0	0	7	0	4			(4)
MARSHALL ISLANDS	0	0	0	3	1	0	0	2	91	120	117			(4)
NAURU	5	2	6	1	4	0	0	0	0	0	0			(4)
NEW ZEALAND	131	27	39	36	58	36	3	25	11	3	6	6	58	
NIUE	0	0	0	0	0	34	42	30	8	20	8			(4)
PALAU	41	3	19	28	23	0	0	0	0	0	0			(4)
PAPUA NEW GUINEA	1,812	1,738	1,747	2,318	1,904	1,222	2,139	1,539	2,259	2,714	2,147			(4)
PHILIPPINES	484	484	484	484	484	484	484	484	484	484	484	484	484	(6)
REPUBLIC OF KOREA	13,768	15,497	12,134	10,058	12,864	13,329	9,529	8,817	7,846	10,032	7,562	7,562	12,864	(11)
SAMOA	470	369	293	444	394	199	264	305	317	412	386			(4)
SENEGAL	0	0	0	0	0	6	3	4	0	0	0	0	0	(8)
SOLOMON ISLANDS	159	401	258	440	315	6	0	0	0	0	3,197			(4), (11)
TONGA	259	263	263	163	237	219	227	341	291	109	47			(4)
USA	1,016	572	809	694	773	698	937	833	836	429	462	462	773	
VANUATU	49	778	1,315	1,322	866	936	799	967	539	514	788			(4)
VIETNAM	...	...	...	...	...	...	...	...	...	...	9,513			(9)
Total	72,460	74,072	78,320	77,563	75,604	70,727	66,465	61,600	61,333	77,815	82,485	62,017	66,813	

TABLE 6 -- Notes:

1. Source: WCFPC Annual catch estimates as at 1st August 2011 (2010 data are provisional).
2. Catch estimates in **red** have been carried over from previous years.
3. Indonesia and Philippines have recently revised their estimates (see the respective Annual Catch Estimate Workshop reports at (<http://www.wcpfc.int/west-pacific-east-asia-oceanic-fisheries-management-project>))
4. The limits in the column labeled "CMM 2008-01 - 2010 limits" do not apply to small island developing State members and participating Territories according to paragraph 6 of CMM 2008-01.
5. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 2 of CMM 2008-01 using the best information available to SPC-OFP. However, in several cases, catches have not yet been attributed to the CCM responsible for the "charter or similar arrangements" since the flag state CCM has yet to advise that it has excluded these catches from their data (and thereby avoid double-counting).
6. Estimates include archipelagic water catches which for some countries cannot be separated at this stage (e.g. Philippines).
7. The catch limit set for Belize prior to 2009 is retained for 2009, according to WCFPC6 Report (Para. 27)
8. Senegal committed to limiting its fishing activities in the WCPF Convention Area to one longline vessel - WCFPC5 Report (Para. 44)
9. Catches for the Vietnamese fleet prior to 2010 are yet to be provided. The Vietnam longline fleet are understood to fish outside the WCFPC Convention Area (South China Sea).
10. Catches by the Chinese longline fleet in the WCPFC-IATTC overlap area may not be included in the estimates for years 2004-2008 and 2010. Catches by the Chinese longline fleet in the Kiribati EEZ may not be included in the estimates for years 2009-2010.
11. Catches by chartered Chinese, Korean and Chinese-Taipei longline vessels licensed to fish in Solomon Islands waters have been attributed to the Solomon Islands for 2010.

Table 1. Purse seine catch estimates for the WCPFC Convention Area, 20°N - 20°S and west of 150°W, excl Philippines and Indonesia domestic fleets

Aggregate catch/effort data used as input into the 2011 assessments¹

YEAR	SKIPJACK	YELLOWFIN	BIGEYE
2001	613,820	231,300	48,431
2002	708,092	275,664	53,603
2003	661,826	292,335	32,051
2004	796,143	202,900	59,735
2005	791,772	332,925	56,579
2006	881,834	270,619	53,341
2007	1,000,942	278,324	40,945
2008	920,230	400,140	46,079
2009	1,166,876	286,867	60,523
2010	1,123,535	312,288	46,366

Table 2. Purse seine catch estimates, WCPFC Convention Area, All Fleets

Sourced from CCM Annual Report Part 1 and CCM Scientific data provisions (annual catch estimates)¹

Also presented as Table 6 in the revised version of SC7 ST-IP-01

YEAR	SKIPJACK	YELLOWFIN	BIGEYE
2001	816,221	289,990	57,115
2002	923,536	329,719	59,249
2003	911,285	357,030	40,771
2004	1,062,606	280,304	70,228
2005	1,080,289	430,757	70,530
2006	1,204,498	363,609	69,152
2007	1,343,320	381,514	51,482
2008	1,283,841	499,133	55,917
2009	1,464,575	366,457	69,082
2010	1,381,070	382,521	54,356

NOTES

1	Skipjack, Yellowfin and Bigeye tuna species composition estimated using observer data adjusted for selectivity bias applied at the level of MFCL Region/quarter/set type (incorporates SPILL sampling data) (see Lawson, 2010 SC6 ST WP-02)
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**PROVISIONAL WCPFC IUU VESSEL LIST FOR 2012 FROM TCC7
4 October 2011**

Note: Information provided in this list is in accordance with CMM 2010-06 para 19

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	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 Lien No 1	Georgia	2 July 2010	IMO No 7355662	4LIN2	Fu Lien Fishery Co., Georgia	US	Is without nationality and harvested species covered by the WCPFC Convention in the Convention Area (CMM 2007-03, para 3h)
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)
Yu Fong 168	Chinese Taipei	1 Jul. 2009		BJ4786	Chang Lin Pao-Chun, 161 Sanmin Rd., Liouciuo Township, Pingtung County 929, Chinese Taipei	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)



TECHNICAL AND COMPLIANCE COMMITTEE
Seventh Regular Session
28 September - 4 October 2011
Pohnpei, Federated States of Micronesia

**Working paper from TCC7 Small Working Group - commentary on
recommendations made in Joint WCPFC/FFA VMS Report**

WCPFC TCC7 /2011/33
4 October 2011

Prepared by the Secretariat

At TCC7 a small working group met to discuss the Joint WCPFC/FFA VMS Report (WCPFC-TCC7-2011/10) and its recommendations. The small working group has developed commentary on the recommendations of the review. The outcomes of the working group are attached for the consideration of TCC7.

The small working group recommends that TCC7 forward the attached table to WCPFC8 to be considered alongside the Joint WCPFC/FFA VMS Report.

Table of commentary from TCC7 on the recommendations of the Joint WCPFC/FFA VMS Report (WCPFC-TCC7-2011/10)

Ref	Recommendations	Commentary	Priority
	Moving the Pacific VMS forward		
111	Given that the information needs and the fishing fleets are so similar, the Review recommends that the FFA and WCPFC continue to work cooperatively and collaboratively and continue to improve this relationship to sustainably manage the highly migratory fishery resources in the western and central Pacific	The TCC supports this recommendation and encourages the WCPFC and the FFA to continue to cooperate in good faith	Already happening
112	WCPFC and FFA must identify what they want their systems to do from a usability perspective, defining what they want their systems to do and linking it to management measures themselves e.g. 2008 01 etc. They could potentially prioritise the use of the system around priority measures – which also may have the benefit of reducing costs. Review team suggested objective: to support fisheries management, including combatting IUU activity.	TCC agrees with this recommendation as a critical first step for further development of the Commission VMS. Currently there are no clear objectives for the WCPFC VMS. This should be given priority ahead of anything else.	High priority
113	The current vessel monitoring systems be expanded into a fisheries information management systems similar to what PNG has developed for their VMS/vessel day scheme	TCC notes the importance of the previous recommendation as a critical first step. Once the Commission has identified what it wants its systems to do from a usability perspective an assessment can be made as to the benefits of expanding the VMS into a broader fisheries information system. TCC notes the potential benefits of continuing to leverage off and	Medium priority

		learn from existing “state of the art” systems.	
114	A clear statement of work needs to be developed and approved by FFA and WCPFC for the implementation and maintenance of the centralized data base or “Cloud computing “ system, and a public tender process be conducted based on the statement of work	<p>With respect to recommendations 114 – 117 the TCC identifies the following high level issues that the Commission should address in sequence before moving forward on consideration of these recommendations:</p> <ol style="list-style-type: none"> 1. Confirm whether or not the Commission is committed to continuing with a joint system (ie. one that integrates the FFA and WCPFC VMS) 2. Consider whether the system should be based on use of a centralised data base including on the use of “cloud computing” <p>TCC recommends that the answers to these questions be based on an assessment that includes consideration of costs, access, security, utility and consistency with the Convention, as well as a desire to build on the developments already made to date by the WCPFC VMS.</p> <p>TCC also notes that many roadblocks to improvement of WCPFC VMS may be addressed through the review of the WCPFC</p>	Addressing these issues will be the next priority for the Commission following identification of system use requirements. (as per rec 112)

		VMS SSPs and the ongoing review of the SLA between the WCPFC and the FFA.	
115	FFA and WCPFC should develop one central data base or “Cloud computing “ system to store all original VMS data received with a goal of eliminating redundant, separate satellite transmissions (and associated costs) to multiple entities. This centralized data base system would then provide a true copy of the data which would be directly accessible automatically, securely and near-real-time by both agencies, and as appropriate, discrete portions of the data would be directly accessible automatically, securely and near-real-time by member countries and authorized vessel owners.	(See above)	
116	In order to protect the integrity of the data, ideally this centralized data base or system would receive the data directly from the Land Earth Stations/Gateways receiving the data from the satellites. However, in some cases, it may be more practical for the data to be retrieved from the Land Earth Station/Gateway by the member countries’ VMS with the data replicated securely, near-real-time, automatically, “machine-to-machine” (with no human intervention) to the WCPFC/FFA database	(See above)	

117	If the centralized data base system or (“Cloud computing”) is implemented, then the current SLA should be replaced with joint legal agreement (contract) that is signed by all parties accessing the data, this legal agreement would clearly identify each parties respective roles, responsibilities, the information they will receive and a means of holding each signatory responsible.	(See above)	
118	Aspirationally (i.e., longer term), WCPFC & FFA may want to seek opportunities to move more ongoing/routine responsibility for VMS management from the commercially-contracted service provider to competent, trained WCPFC technical staff, and seek to move from essentially a “rented” software platform to an “owned” software platform, using examples and lessons learned from mature systems like Chinese Taipei’s VMS and newer innovations like PNG’s VMS.	There were a range of views expressed on whether or not out sourcing or in house provision of services was the most appropriate. Again, the answer to this question will depend on how the system develops. It was agreed that mature systems will provide useful example and lessons for the Commission to consider.	Lower
	Data Sharing		
119	Amend the current data sharing rules to permit VMS Managers, VMS operators and technicians of FFA, WCPFC and Members with EEZs in the Convention Area to have full access to all the data under very strict confidentiality guidelines. Violations of the strict confidentiality guidelines should be dealt with harshly and swiftly.	TCC notes that any access and treatment of VMS data must be in accordance with the Commission’s existing rules and procedures for access to non-public domain data and information (ref) and the Commission’s information security policy (ref). The TCC also notes that aspects of this issue	Addressing VMS data management issues for WCPFC Secretariat staff is a high priority for improving quality of service to members and for reducing

		(ie. the ability of the WCPFC Secretariat to manage WCPFC VMS data for specific purposes) are already under consideration by TCC and the Commission.	costs.
	ALC/MTU		
121	It is recommend that the non-polling ALCs/MTUs be deliberately phased out perhaps in conjunction with the adoption of the FFA ALC/MTU approval process and the FFA list of approved ALCs/MTUs.	<p>While no agreement was reached on the proposal for a “deliberate” phase out of the non-polling ALCs/MTUs, largely due to the cost implications for vessel operators and the Commission, it was noted that this is likely to occur in any case through a combination of attrition of older units, the fact that most suppliers are phasing out non-polling units, and the FFA has moved to do this for the FFA VMS system.</p> <p>TCC recommends that the Commission consider an ALC/MTU type approval process based on the most up to date technology.</p>	Medium priority
	Cost Reduction		
122	To reduce costs - the amount of information transmitted should be reduced to one packet size	TCC supports this recommendation but notes that it will require technicians to make changes to ALC units which will have implications in respect of both cost to vessel operators and timing. These factors will need to be taken into account in progressing this recommendation.	Medium priority
123	- polling rates should be monitored, to ensure	TCC agrees that polling rates should be	High priority

	vessels are polling at the correct rate	monitored and notes that this is already occurring to a large extent.	
124	Reducing the polling rate to a less frequent polling interval when a vessel is more than 200NM out the Convention Area.	TCC agrees with this recommendation and notes the discussion is already occurring within TCC to provide the WCPFC Secretariat with the ability to manage this directly.	High priority
125	Review and eliminate situations where the same data is being sent to Land Earth Stations/Gateways more than once (see Recommendation at para. 119-121& Appendix I).	TCC supports this recommendation in principle but notes that there are links to the Convention requirements for the WCPFC VMS and other broader issues that would need to be resolved in order to progress.	High Priority as this will result in major cost savings
	Service Level Agreement		
126	If the SLA is to be continued, the SLA should be reviewed for deliverables, responsibilities and cost on an annual basis by representatives of WCPFC and FFA.	TCC supports this recommendation and notes that annual discussions between WCPFC and FFA are a requirement of the SLA.	High priority, this review will take place in Dec 2011
127	The current SLA should be amended to permit WCPFC to liaise directly with the FFA contracted service provider taking into account the potential impact for an increase in cost and the overlap between the infrastructure supporting both the FFA and WCPFC VMS systems.	TCC supports this recommendation and encourages the WCPFC and FFA secretariats to cooperate to facilitate access by the WCPFC to the service provider.	High priority



TECHNICAL AND COMPLIANCE COMMITTEE

Seventh Regular Session

28 September - 4 October 2011

Pohnpei, Federated States of Micronesia

DRAFT TERMS OF REFERENCE FOR ROP TECHNICAL ADVISORY GROUP.

WCPFC TCC7 /2011/32/Rev 2

Prepared by the Secretariat

Draft Terms of Reference for the Technical Advisory Group

1. The purpose of establishing a ROP Technical Advisory Group, established as the subsidiary body of the TCC, is to address, in a manner consistent with the Convention and CMMs, operational and technical issues of the Regional Observer Programme (ROP):
2. The ROP Technical Advisory Group will consist of all nominated sub regional and national ROP Coordinators from programmes authorised to be part of the ROP; a representative from the WCPFC Secretariat and a representative of the Science Provider (SPC) and as needed qualified individuals nominated by CCMs.
3. The ROP Technical Advisory Group shall report to the TCC and Commission only on technical and operational issues of the WCPFC ROP.
4. The ROP Technical Advisory Group will conduct its business electronically unless otherwise requested by the Commission.
5. The ROP Technical Advisory Group will consider, from a technical and operational basis, and provide recommendations to TCC on:
 - a. the development of minimum technical and operational standards for practical implementation and operational advice of the ROP consistent with Article 28 of the Convention and the CMMs of the WCPFC Commission; and
 - b. any technical and operational matters regarding the ROP referred to it by the Commission, the TCC, the SC or the NC.
6. The ROP Technical Advisory Group will advise the TCC and the Secretariat on the development of a method of work and communications that will enable ROP technical and operational issues to be identified and resolved.

7. In developing its recommendations, the ROP Technical Advisory Group shall take into account the need for cost-effectiveness and, where applicable, identify the costs associated with the various mechanisms and processes identified.
8. The ROP Technical Advisory Group will not provide recommendations on matters related to policy or review existing agreements or CMMs. When a question as to whether a matter is viewed by participants as being related to policy or review existing agreement or CMMs, it will be referred to the WCPFC Legal Advisor for a final determination.
9. The Technical Advisory Group will perform its work from immediately after Commission approval until September 2012 unless a decision is taken to extend the TAG.

**TOKELAU STATEMENT TO WCPFC-TCC7
7th Regular Session of the Technical and Compliance Committee
28 September – 4 October 2011
Pohnpei, Federated States of Micronesia
Conservation and Management of Fisheries in Tokelau EEZ**

As a small island, developing territory that is overwhelmingly dependent on fisheries for our food security, nutritional health, and revenue generation, Tokelau is committed to ensuring the conservation and sustainable use of the fisheries in which it has a real interest. In partnership with New Zealand, Tokelau intends to put in place an effective management regime for our EEZ fisheries.

In adopting management measures for our EEZ, Tokelau is aware of our obligations under the WCPFC to ensure long-term conservation and sustainable use of tuna fisheries, and to work collaboratively with other parties to the Convention.

Specifically we recognise the objective of CMM 2008-01 to protect and restore bigeye and yellowfin tuna stocks through the implementation of compatible measures for the high seas and EEZs Tokelau also recognise the need to work constructively with other members to establish a new CMM 2011-01 to cover bigeye, yellowfin and skipjack tuna stocks.

Tokelau is also keenly aware of the need to manage the emerging pressures on the resources of our EEZ. Fishing pressure in our waters is increasing due to overcapacity of the fishing fleet and as a consequence of effort being displaced from Convention areas with limits to areas without limits. Tokelau supports the establishment of catch and effort limits and effective EEZ management by Members—in particular the Parties to the Naru Agreement (PNA)—and notes the need for corresponding measures to be taken in our EEZ.

Tokelau has decided to impose a catch limit of 30,000 tonnes or an effort limit of 1000 vessel days on the purse seine fishery in our EEZ. This limit will begin to be implemented as of 1 January 2012.

Placing catch limits on the purse seine fisheries is the first step for Tokelau to establish an effective and responsible management regime for our EEZ. Over the next 12 months we will do further work on appropriate limits for other fisheries in our EEZ—in particular longline fisheries that target southern albacore, bigeye, and yellowfin—and advise the Commission of our intended management measures.

**COOK ISLANDS STATEMENT – EASTERN HIGH SEAS POCKET (E-HSP)
MEASURE (CMM2010-02)**

AGENDA Item 2.7

Chair, the Cook Islands is very appreciative of the support from all members around the table here for the E-HSP measure. Its success up to this point is a credit to all members who have assisted in both the implementation and support of it.

While this measure has had some minor teething problems, it has nevertheless been an invaluable tool for the management of this area, and highlighted issues for further consideration by the Commission.

In particular Chair, the measure has indicated a very high level of fishing activity taking place in the E-HSP to date.

Further Chair, information from the 100nm high seas buffer zone for the adjacent high seas, again clearly shows intensive fishing activity close to the northern EEZ boundary of the Cook Islands, and also to those neighbouring Pacific Island coastal states.

The Cook Islands has a fisheries management plan in place, which includes legislated catch and effort limits, including a specific limit on vessel numbers, in order to try and manage those fisheries which exist in our waters.

The unrestrained and uncontrolled fishing activities taking place in these areas of high seas around us are directly undermining our efforts to effectively manage these fisheries which are so crucial to our economic development.

We would point out that these fishing activities also contravene the provisions of Article 8.1 and 8.4 of the Convention, which call for compatibility between in-zone and high seas management measures, including specifically for high seas enclaves.

Chair whilst we do not have a specific proposal to table at this session of TCC, we wish to register this concern here, and to advise that we will be working with others to explore ways in which we can better manage these adjacent high seas, which include the fully enclosed area, and what we are terming ‘partially enclosed’ areas of high seas.

PNA Statement on Draft CMM2011-01- 3rd October 2011

PNA has listened to the positions of other CCMs in the earlier sessions of this meeting. We would like to add some details to our opening statement on Thursday, and we want to make sure that key PNA positions are clearly understood. In addition to the FFA positions, PNA positions include the following:

Purse Seine Effort Limits must be primarily aimed at the optimal utilization of skipjack and not at the conservation of bigeye. Bigeye conservation must be addressed by other measures such as the FAD closure.

Purse seine effort limits must apply to all Commission members and not just to PNA.

Purse Seine effort limits must apply throughout the WCPO and not just in tropical waters from 20N-20S.

PNA prefer 2010 levels as the base for purse seine

Effort limits must apply to all other significant fisheries for skipjack

PNA have decided to extend the FAD closure for non-domestic vessels by three months flexibly, beginning with one extra month in 2012. Compatible measures should be adopted in other waters

The high seas closure must be extended to the eastern high seas areas where bycatches of bigeye are high.

PNA will not accept any additional measures in our waters to conserve bigeye because of the burden of the efforts we are already making largely for the benefit of others.

PNA cannot continue to accept the transfer of a disproportionate burden of conservation action on bigeye to PNA. Current measures for bigeye conservation are unfair and are not consistent with Article 30 of the Convention.

The Commission must establish arrangements to compensate developing countries, especially Pacific SIDS, who suffer a disproportionate burden from conservation measures in contravention of the Convention. We propose an annual conservation levy of \$250 per tonne of the longline bigeye catch limits for the larger fleets to fund this compensation.

Other CCMs must take more conservation and management measures, especially those who benefit most from the resources. WCPFC7 called on CCMs to adopt additional measures voluntarily. PNA has done that. We have not heard of a single new measure being adopted since WCPFC7 by any other CCM.

Longline countries cannot continue to shelter behind the stories of the uneconomic vessels they have scrapped. Longline fleets are growing. The scientific analysis shows that there must be additional reductions in longlining.

PNA will be introducing a longline vessel day scheme.

Countries that benefit most from bigeye consumption must not wait for the Commission to solve the problem of bigeye conservation. They benefit the most, and they should act.

The Commission must call on processors and other major buyers to take business measures to mitigate by-catches and report back on those measures.

PNA efforts to create an incentive for sustainability through the MSC are being obstructed. Commission Members must support MSC certification of WCPO tuna fisheries.

The CMM must recognize the special requirements of Small Island developing states and the importance of tuna fisheries for the sustainable development of small island developing states. The current draft fails to do this.

Thank you Chairman

Attachment K

U.S. Comments on 2011-01 (Discussion Oct. 1)

- The structure of the CMM will be important to ensure clarity and uniform interpretation. The organization of the document by species and then by fishery sector is OK for the purpose of this document, but ultimately the organization will need to be modified to fit the measures. In general, input controls should be structured by gear/sector and output controls should be structured by species.
- The Introductory and Impact sections, as well as the numerous other introductory and explanatory paragraphs, can be left out of the CMM.
- The U.S. supports using CMM 2008-01 as the starting point for developing a successor CMM. The following is a list of key principles that the U.S. believes should guide the development of the successor measure to CMM 2008-01. These include:
 1. the sustainable management of stocks based on the best available scientific advice and addressing uncertainty through the application of the precautionary approach;
 2. fair and equitable treatment of all CCMs and fishing sectors;
 3. ability to ensure that the applicable measures are being complied with and where they are not, that appropriate action is being taken against those that are not complying;
 4. ability to assess whether the adopted measure is having the intended effect on the fishing mortality rates of bigeye tuna, yellowfin tuna, and now skipjack tuna, so that appropriate modifications can be made in the future.
- CCMs must implement the decisions of the WCPFC with much greater transparency and accountability.
- Although we are optimistic that agreement can be reached on a successor measure, if the Commission fails to adopt a new measure at WCPFC8, we strongly support extension of CMM 2008-01 as it is in effect in 2011, so that a measure for bigeye tuna and yellowfin tuna is in place in 2012. To go without any CMM would not be an acceptable outcome.
- With regard to the architecture of the successor to CMM 2008-01, the U.S. believes it would be best to continue to work with the current structure for now, with each of the major gear types being managed in different ways. Although there are drawbacks, particularly in terms of ensuring fairness across sectors and sources of mortality. The U.S. envisions the successor CMM, like CMM 2008-01, to have discrete sections devoted to: (1) tropical purse seine fisheries, (2) longline fisheries, and (3) “other” commercial fisheries.
- The U.S. would like the WCPFC to pay particular attention this year to the “other” commercial fisheries, and hope the CCMs that participate in them will offer some

concrete proposals to constrain fishing mortality in such fisheries. In this vein, the U.S. looks to those CCMs who have significant fisheries in this category to come to the table with viable, enforceable, and verifiable options to control fishing mortality on the relevant species.

- The U.S. would like to see the monitoring, control, and surveillance (MCS) aspects of CMM 2008-01, particularly the provisions regarding observers, moved into the observer or other MCS-related CMMs, as appropriate. The U.S. believes observer coverage and the rules governing the Regional Observer Programme are similar to the VMS and vessel record and should not be open to periodic piecemeal review.
- The CMM (or a separate CMM devoted to charter vessels) needs to include provisions on how to treat the catches and fishing effort of vessels under charter, lease or similar arrangements. The paragraph on charters in CMM 2008-01 is a reasonable starting point, but more rigorous criteria for determining whether a charter is integral to a member's domestic fishery are critical, especially if any limits called for in the CMM could be turned into loopholes via loosely defined charter arrangements.

U.S. Comments on 2011-01 (Discussion Oct. 3)

- We have stated our preference to discuss a total purse seine closure as a means of conserving all of the tropical tunas, collectively. The FAD closures implemented in CMM 2008-01 have presented problems with compliance. Without debating these problems, a total closure would not present the same compliance problems while we have seen that it has a similar impact on bigeye conservation. The total purse seine closure periods could also serve to have a conservation benefit on skipjack, if that benefit is sought in this measure. Finally, this management framework provides consistency with the IATTC framework.
- We feel that the requirement for catch retention of all tuna and non-tuna species for both purse seine and longline vessels is not supported. If fact, such a requirement could be inconsistent with long-standing US policies on bycatch based on reducing ecosystem impact of fisheries. We feel that any requirement for catch retention beyond what exists in the current measure; that is, retention of tropical tunas by purse seine, would be problematic.
- The United States would like other CCMs to consider the movement of MCS measures, like observer requirements, to the appropriate CMM dealing with those issues. These components are important but we feel the implementation of these requirements can be best monitored along with like requirements in the appropriate CMM.

The United States appreciates the views of the other coastal States as we have many fishing interests in the Convention Area, both as a coastal State and a distant water fishing State. In addition to the US purse seine fishery operating under the South Pacific Tuna Treaty, there is the troll fishery that extends across much of the north Pacific in some years but in large part operates in the US west coast EEZ and in the high seas of the IATTC area. The US coastal fisheries include longline, troll, handline, recreational charter, and other vessels operating exclusively out of ports in Hawaii, American Samoa, Guam and the Commonwealth of the Northern Mariana Islands and fishing mostly within the U.S. EEZ and the closely adjacent high seas areas. These

U.S. Pacific Island communities share common traditions and values with the people of other Pacific Islands states and territories, including dependence on the ocean resources for food, employment, and other social and economic benefits. They have similar development aspirations as other coastal States. I make this intervention as a way of reminding the group of our need to consider a wide-range of interests and to note that the U.S. looks forward to working with all members to ensure that all interests are treated equitably in the next conservation and management measure.

Attachment L

STATEMENT MADE BY ECUADOR ON TCC7 MEETING (Rev 1)

Mr Chairman:

The small Working Group that met on Thursday evening to review compliance of requirements established in CMM-2009-11 IATTC, analyzed -among others- Ecuador's CNM Application for 2012. According to that analysis:

- Ecuador presented the application within the deadline and submitted it in English.
- Ecuador has provided an explicit commitment to cooperate fully and accept high seas boarding.
- Ecuador not only has expressed a commitment to provide a financial contribution for 2012, but already did make the contribution for an amount that exceeds 2011 and 2012 fees.
- Regarding the case that some vessels might have problems with their VMS when they enter the overlap area between WCPFC and IATTC, Ecuadorian Vice Minister personally expressed in that meeting his commitment to fix this inconvenience to assure all authorized Ecuadorian flagged vessels to operate in the WCPFC Convention Area are equipped with the VMS and shall be operational at all times while they are in the WCPFC Convention Area. Also to send Part 1 and Part 2 2010 and 2011 annual reports
- There is no information of non-compliance by Ecuador in any RFMO, and also no reported incidents of non-compliance by Ecuador of the national laws and regulations of any coastal State member of the WCPFC.

So far, it didn't seem to be major problems for the renewal of Ecuador CNM status in WCPFC. However, some questions were raised as weather Ecuadorian vessels fishing in high seas in the overlapped area with IATTC would constitute an issue of no compliance. The WCPFC Legal Advisor said yes, but also recognized along with other participants that this issue represents up to now, a grey area of interpretation, and constitute an issue that's being discussed but not yet agreed between WCPFC and IATTC.

It is the duty of both Commissions to urgently find a final and fair solution for the management of the so called overlapped area. The draft report that is in front us, in short demands Ecuador to stop fishing in high seas in the overlapped area, where for more than 50 years Ecuadorian vessels have been fishing. This new requirement intends a permanent prohibition not only for those vessels licensed by some WCPFC member countries, but the whole Ecuadorian fleet.

Long away before anybody would think about creating a new RFMO in the Western and Central Pacific Ocean, Ecuador, as a Member of IATTC, has been fishing in the Eastern and Central Pacific Ocean including what now is a co-shared zone overlapped by WCPFC when the 2000 Convention was signed. By the way, Ecuador and other Eastern Pacific Coastal states did not even have a chance to participate in those discussions.

We feel this requirement grasps historical fishing rights in part of IATTC fishing grounds. If this requirement remains, unfortunately Ecuador would not have any possibility of accepting it.

Finally we would like to express that from our point of view RFMOs should invite fishing countries to become Members or Cooperative Non Members facilitating the process, not setting excessive requirements that would end impeding their participation. This should be an issue of technical, cooperative and political interest, rather than excessive requirements too difficult or even impossible to meet.

Contrarily of what the drafts states, Ecuador asks to specifically state that WCPFC participatory rights for Ecuador and other IATTC coastal member countries do not apply in the overlapped area with IATTC, at least until both Commissions have reached a written agreement.

Mr. Chairman, please insert this statement in the minutes of this meeting.

Pohnpei, October 3th 2011



Western and Central Pacific Fisheries Commission (WCPFC)
Technical and Compliance Committee, Seventh Regular Session (TCC7)
Pohnpei, Federated States of Micronesia, September 28 to October 4, 2011

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Position Paper of the Philippines on the Conservation and Management Measures of Bigeye in the Western and Central Pacific Fisheries Ocean
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The Philippines supports the long term management and conservation of the tuna species, specifically bigeye, in the Western and Central Pacific Ocean (WCPO). It is for this reason that the Philippines ratified the Convention on the Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The Philippines shares the same principle with other parties to the Convention that conservation and management measures based on best scientific studies available will ensure the long-term sustainability of the bigeye in the WCPO.

This paper outlines the issues arising from the conservation and management measures (CMM) adopted by the Western and Central Pacific Fisheries Commission for bigeye tuna. It explains the main thrusts that should be considered by the Commission in adopting a more responsive species-specific approach to the conservation and management of the species.

1. Philippine tuna fishers mainly target skipjack and not big-eye.

Tuna in the Philippines are mainly caught purse seine, ringnet and handline (hook & line). Historical data show that for the past 15 years up to 2009, skipjack comprises the bulk of the catch (61%), followed by yellowfin (35%) and big-eye (3.7%), as shown in Figure 1.

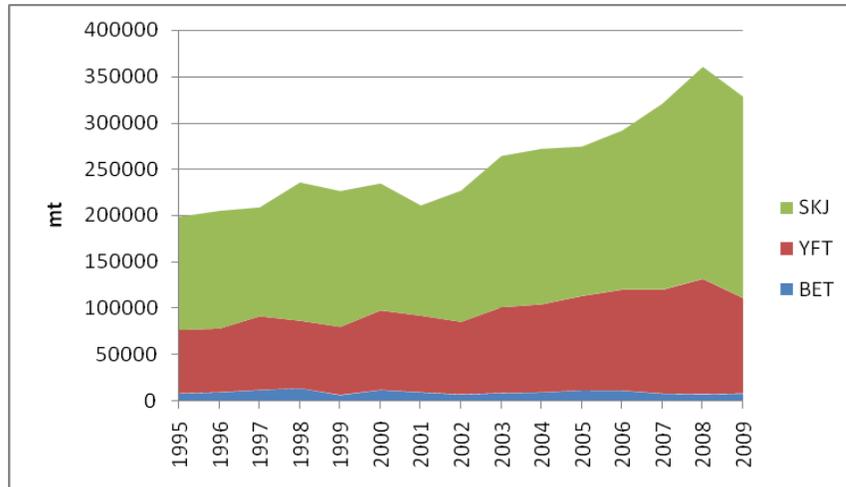


Figure 1. Philippine tuna catch by species 1995-2009
(Source: WCPFC Tuna Yearbook 2009)

In 2008-2010, skipjack tuna represents the biggest portion of the catch for purse seine and ringnet ranging from 53% - 78%, while bigeye tuna represents the smallest portion of the catch ranging from 0 – 2%¹. In addition, observer data from major tuna fishing grounds within Philippine EEZ indicate the catch composition of small-medium purse seine and ringnet vessels as follows: 42% skipjack, 23% mackerel scad, 17% yellowfin and 2% bigeye².

2. Review of CCM-2008-01

In reviewing CMM-2008-01, it was noted in the 7th Scientific Committee Meeting that the FAD closure has been effective in reducing FAD use in the purse seine fishery. However, contrary to the objectives of the high seas closure, the limits placed on purse-seine operations have not adequately constrained total purse seine effort, with total effort in 2009 and 2010 estimated to be 25% and 32%, respectively higher than the 2001-2004 level and the total purse-seine catch of bigeye during 2010 the third highest on record. It was also recommended that closing areas to purse seine fishing without consideration of the fate of displaced fishing effort will not be effective for bigeye conservation,

The above was in contrast with the Philippines tuna production in 2010, which decreased by more than 30% mainly due to HSP1 closure.

The Philippines all along expressed its concern on the adverse impact of the high seas closure on the country's economy (WCPFC 2010-DP-01 and WCPFC 2010-DP-24) and on our efforts to better manage our fisheries. The closure displaced small-medium

¹ Philippine Annual Report to the Commission Part 1: Information on Fisheries, Research and Statistics. WCPFC-SC7-AR/CMM-19. Pohnpei, FSM, 9-17 August 2011.

² Ramiscal, R.V. et.al. Fisheries Observer Preliminary Assessment of Purse Seine/Ring Net Fishing in Philippine Major Fishing Grounds During the FAD Closure Period CY 2010. WCPFC-SC7-2011/ST-IP-07, Pohnpei, FSM, 9-17 August 2011.

purse seine and ringnet (wet) boats that mainly catch skipjack tuna. A number was forced to stop operations and many shifted to traditional fishing grounds that further undermined our effort to limit fishing in traditional grounds within the Philippine EEZ that are considered as important tuna nursery grounds.

3. Proposed CMM-2011-01

In consideration of the above, Philippines supports the discussion leading to the adoption of a CMM to replace CMM 2008-01. The Philippines particularly proposes to establish the HSP1 as a Special Management Area (SMA) effective January 1, 2012 with appropriate control measures such as mandatory entry & exit reporting, VMS, Observer, vessel list/registry, catch logsheet and monitoring of port landings.

4. Bigeye Tuna Conservation Efforts in the Philippines³

In undertaking its obligations in the conservation and management of bigeye tuna, the Philippines commits to continue the implementation of the following measures in its domestic waters:

1. Strict implementation of Fisheries Administrative Order No. 236, series of 2010 (as compatible measure to CMM 2008-01),
2. Constant and strict law enforcement activities against destructive fishing methods,
3. Immediate passage of the Tuna and FADs Management Plan by the end of 2011 and implementation in 2012,
4. Conduct inventory of all commercial fishing vessels by the end of 2011,
5. Renewal of bilateral agreement with Indonesia to conduct stock assessment studies in the Celebes Sea and Sulu-Sulawesi Sea,
6. Implement the National Observer Program,
7. Sustain port sampling and improve catch logsheet reporting system

³ Presented during the meeting with Glenn Hurry on 19 June 2011 at Quezon City, Philippines.

Statement from Australia on the revision of CMM2008-01

Australia thanks the Executive Director, the Commission chair and the Commission vice chair, as well as those that have supported them, for their hard work putting this document together - to open, and to help guide, our discussion on this issue. Some preliminary points about Australia's tuna fisheries management, and more specifically about aspects of the discussion paper, that will be guiding our comments on this measure, follow.

Australia's tuna and billfish fishery in the Convention area is a small multi-species fishery, which covers bigeye and yellowfin. This fishery is managed under a strict catch quota system, with strong arrangements in place to monitor and control catches. There is a harvest strategy in place for this fishery, which sets out the basis for determining the catch limits for each of the species in the fishery, applying precautionary target and limit reference points and using a range of available information.

Australia's ideal outcome for the management of these 3 species over the long term would be a similar management strategy for the three species throughout the Convention area, that brings mortality down to, or maintains it below, agreed, precautionary reference limits. For this measure, there are a range of alternative measures that we can adopt to achieve the necessary outcomes. In relation to the options put forward, we think some more work could be done to ensure that small fleets such as ours are catered for.

With respect to skipjack - Australia has a skipjack development plan in place that has been approved by the Commission under paragraph 30 of the current CMM 2008-01, allowing for a small number of purse seine permits under strict management controls. We would like to work together to ensure the new measure allows for this development to continue.

With respect to bigeye, Australia, like other FFA members, would like to see an extended FAD closure form part of the new measure, given the scientific advice that the current closures are a highly effective tool for bigeye conservation.

With respect to yellowfin, Australia has a small fishery on the periphery of the distribution of yellowfin which, as a result, has highly variable catches. Choosing one particular year as a reference point causes problems for countries such as us because of this catch variability.

While we recognise that the predominant method of managing the tuna fisheries in the region is currently effort limits, we require any new measure to be flexible enough to

allow for Australia (and other CCMs with similar systems) to apply catch limits to its boats to control bigeye and yellowfin mortality.

We look forward to hearing from others on their views on the paper, and working together in this meeting to be one step closer to developing a measure that we can all adopt at the Commission meeting in December.

Japan's Comment on revision of CMM 2008/01

We would first point out that the Commission needs to evaluate the performance of CMM 2008/01 before we discuss the replacement measure. Also, the impact of many exemptions contained in CMM 2008/01 on the conservation effort shall be investigated. Only after such reviews, the replacement measure can be discussed constructively on a fair and equitable basis.

The objective of CMM 2008/01 was to reduce the fishing mortality of bigeye by 30% from the annual average during the period of 2001-04 or 2004. In reality, total purse seine effort between 20N-20S has increased by 6% just from 2008 to 2010. This demonstrates that the tools in CMM 2008/01 to manage purse seine activity were insufficient to achieve its objective.

On the other hand, the total annual catch by longliners in 2010 was 62,226t, which is 34% reduction from the reference point of 94,349t. Although Japan fulfilled its obligation, there are some countries which have increased its catch in the same period and other countries are exempted from the effort to reduce the catch.

Japan reduced its catch of bigeye by longline as well as purse seine by more than 30% from the 2001-04 level through cooperative efforts by the industry and government, including governmental financial provision to decommission of its vessels. We are concerned with the change of the reference year from 2001-04 or 04 in CMM 2008/01 to 2010 in CMM 2011/01. This is tantamount to ignore the efforts by the fishermen and members to comply with CMM 2008/01 while rewarding those who expanded its fishing activity in spite of CMM 2008/01.

We strongly support the exemption for SIDs' legitimate fishery development but would like to know how much conservation trade-off is needed for such exemption as well as how to incorporate the trade-off in the new CMM to ensure the overall conservation benefit required for achieving the objective.

Also, we need to take into account the regional characteristics of fishery in the replacement measure. Japan supports to manage all the related fisheries throughout the WCPFC Convention Area but spatial differential treatment should be given for those fisheries in temperate waters which target for skipjack only in limited migration season in summer.

Japan committed to have a measure that actually achieves the objective and we are looking forward to discussing the issue further with other CCMs.