



**TECHNICAL AND COMPLIANCE COMMITTEE  
NINTH REGULAR SESSION**

26 September – 1 October 2013  
Pohnpei, Federated States of Micronesia

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**EXECUTIVE DIRECTORS REPORT ON OPERATIONAL TECHNICAL AND COMPLIANCE  
ISSUES TO THE TCC**

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**WCPFC-TCC9-2013-08  
9<sup>th</sup> September 2013**

1. This report consolidates the main findings and recommendations from the technical and operational papers prepared for you as required under the Convention and the related CMMs. When looking at our reporting arrangements to members post the 2012 TCC it occurred to us that we had at times reported more on process than on issues or outcomes and that the greatest value in our reporting should be on the analysis of the information related to these operational functions. While not in a position to fully report that way this year we have started done that track with some financial assistance from the EU, USA and from Australia and will try to report more on trends and issues as we move forward.

**Staffing**

2. The WCPFC was successful in the recruitment of the Assistant Compliance Manager *'Ana Taholo*, from Tonga to the Commission in late June. We received a strong field of applicants and interviewed seven individuals. There was very little to separate the first 4-5 applicants so it was a very close but, congratulations Ana. All of the other Compliance staff remains in place.

**Vessel Monitoring Scheme (VMS)**

3. (WCPFC/TCC 2013/RP01)The Commission continued its association with the FFA in the Pacific VMS which is based on a system supported by Polestar (ex-Absolute) and hosted in the Macquarie data Centre in Sydney. This system operates as two separate and distinct entities to protect the integrity of the Commission VMS data. The cost to the Commission of this system has remained stable at around \$400,000 per annum.

4. Through 2013, we have worked with the FFA on VMS matters, including aligning of VMS databases and the WCPFC RFV, as well as on implementation of the "Flick the Switch" decision.

5. Early in the year the Compliance Manager and VMS Manager participated in the FFA VMS tender review, which considered the current VMS vendor and two alternative vendors for VMS services. At the time of writing no final decision has been made on the tendering process except that FFA will continue with the current VMS arrangements and seek additional cost information from the selected tenderers for a simplified solution to the one originally tendered. It seems that there remains some scope for further cost-efficiencies for VMS services, and we continue to work with FFA Secretariat colleagues on this aspect.

6. In-house developments:

- Implementation of “flick the switch”, with FSM, Australia, United States, France, Palau, Tuvalu, and more recently Samoa provided a letter of notification for the WCPFC VMS during 2013. Following lengthy discussions with Polestar and the FFA we now have a solution that provides the required data under the “Flick the Switch” arrangements. The data has become available from the 6<sup>th</sup> of September and any members who were entitled to receive information prior to that date will be advised shortly as to how this past data may be accessed. Improved Vessel Tracking Agreement Format (VTAF) record management, through the development of an IMS-hosted database module. While this is currently a work in progress (80% of complete), it contains all the records of VTAFs that have been received from CCMs to date, and each CCM was recently provided a list of VTAFs received.
- To coincide with the VMS SSPs trial manual reporting provisions during 2013, the conversion of spreadsheet records to a VMS manual position reports database which is linked to the WCPFC Record of Fishing Vessels. This has been developed with a view to being able to provide a regular update that eventually is able to be uploaded into the WCPFC VMS system. The historical VMS manual reports dataset are currently being tidied for migration into the database. Although the facility for uploading manual VMS position reports isn't yet available as part of the WCPFC VMS services, we are hopeful it isn't too far away.

### **Regional observer program**

7. (WCPFC-TCC9-2013-RP02)The regional observer program in the WCPFC has continued to develop and improve over the last year. The main issues to emerge from the program that require TCC consideration are as follows:

- i. It is important that the SPC be made aware of how many Observer trip it should expect data on each year. This information should be provided monthly to SPC via the Secretariat. This will then enable SPC to follow up cases of non-entry.
- ii. For longliners, how do we increase the longline coverage from the estimated 2% currently to the required 5%. The Observer CMM 2009/06 does not provide a mechanism to check against performance and the only monitoring comes from self-assessment or from the SPC reporting on log sheet entries.

- iii. Some ROP trips are undertaken and the data not sent to SPC. This occurs as members do not believe the information collected by the observers is complete and therefore worthy of entry. These data trips data should still be submitted, as this ensures all observer trip data are available, and that the problems encountered can be reviewed and referred to in future training, debriefing and data quality control procedures.
- iv. The Secretariat's role outlined in CMM 2007-01 Para 12 (iii) "*receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;*" indicates that there is a requirement for the Secretariat to report on coverage levels achieved. It is extremely difficult to ensure that there is 100% observer coverage as there is no requirement for the members to advise of the number of trips undertaken. This process would be improved through the members providing information of observers on board on a regular basis. The coverage information sent by providers or flag States will also assist in monitoring the 5% observer long line coverage. If accurate information is received regularly we can confirm all trips made for the monitoring of coverage.
- v. Coverage of Transshipment vessels is proving problematic as the Secretariat cannot be sure that it has the names and registration of all vessel transshipping on the high seas and is also unsure that all of these vessels have observer coverage.
- vi. The Secretariat has an obligation to regularly review the member's observer programs. In the Observer report there is a table of future review dates that should be considered and if suitable approved.
- vii. The Secretariat has instructed produced a paper on the potential benefits of port monitors in the Pacific and while the IATTC model does not sit perfectly with the WCPO situation it may be worth consideration as it would take some pressure of national agencies in the main transshipping ports.

8. Therefore for the Secretariat makes the following recommendations for consideration on the Observer Program.

- 1 Members provide the Secretariat on a monthly basis with the number of purse seine and longline trip covered with an observer. These reports are to be lodged by the 15<sup>th</sup> of each month. This report should include the name of the observer and the name/flag and call sign of the vessel.**
- 2 Data from all trips whether complete or not be forwarded to the SPC for data entry within 90 days of the end of the trip.**
- 3 TCC considers a mechanism to provide some certainty as to the 5% longline observer coverage.**
- 4 Review and approve the list of proposed Observer program review dates provided by the Observer coordinator.**

## Letters of Indemnity

9. A few observers continue to report problems because they refuse to sign a letter of indemnity when boarding a Carrier. It is reminded that the rights and responsibilities of the Captain Crew and Observer are contained in CMM 2007-01 for the Regional Observer Programme and this includes observers on Carriers.

**10. Suggested action - Flag states of vessels are asked to ensure that carriers are aware that an observer will not sign a letter of indemnity when they are placed on board a carrier and that the rights and responsibilities contained in the annexes to CMM 2007-01 apply where relevant.**

## Transshipment

11. (WCPFC-2013-TCC9-RP05) The limitations of the WCPFC VMS to the high seas make it impossible for the Commission to track carriers throughout the Convention Area. Therefore transshipping maybe occurring at sea inside national waters with no reports being received, or if received by the individual member countries no regional analysis of this data is presently available. For the period there have been 18 different carriers identified in reports to the Secretariat under CMM 2009-06 of being involved in transshipping at sea in the Convention area, and these have been covered by 40 different observers for the period Jan 1<sup>st</sup> 2012 – Dec 31<sup>st</sup> 2012. The Carriers on the list have carried out more than one trip in the Convention area hence the use of different observers on these vessels.

12. As reported previously there continues to be a problem in knowing what carriers coming into the Convention area are intending to do, it is not known if all carrier vessels transshipping at sea are carrying an observer, as it is impossible for the Commission Secretariat to know how many carriers intend to transship at sea. VMS checks on carriers show that many do not have observers when they are viewed on the high seas however it is not known if these carriers are transiting to ports to transship therefore not requiring an observer, or whether they intend to transship at sea either in a EEZ or on the high seas.

**13. Suggested actions- To better assist the reporting of transshipment by carriers and to ensure observer coverage where required, the following should occur;**

- a) Carriers entering the Convention area must indicate to the Secretariat their intentions;
- b) Carriers departing ports within the Convention Area must indicate to the Secretariat their intentions;
- c) On Departure Carriers are to report to the Secretariat the name and provider of the observer (if any) on board;
- d) Data and information collected by observers on Carriers must be sent to the Secretariat in a timely manner on completion of the trip;
- e) To assist to understand Carrier movements each observer provider should report to the Secretariat; name, Call-sign and flag of Carriers in their port carrying out transshipments on a monthly basis;

## **Reporting on HSP activities.**

### ***Activities in the HSP-1***

14. CMM 2008-01 paragraph 22 closed the HSP-1, which is the area of high seas bounded by the Exclusive Economic Zones of Federated States of Micronesia (FSM) to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south, effective from 1 January 2010. CMM 2011-01 paragraph 1 rescinds CMM 2008-01 paragraph 22 and provides in paragraph 3 for Philippines flagged vessels to fish in HSP1 but shall restrict their purse seine fishing in the HSP1 as provided for in Attachment 2. This is mirrored in CMM 2012-01 paragraph 15 and the measures Philippines will take are provided for in Attachment D.

15. The activities of the Philippines flag vessels in the HSP1 from 1 January 2012 – 31 July 2013 has been reported as required, collated by the Secretariat and is on the website. A summary of the information is as follows:

16. Philippines advised that it has limited its flagged vessels to fish in the HSP-1 SMA to thirty six (36) traditional fresh/ice chilled fishing vessels (described as catcher fishing vessels) operating as a group (see Annex 1). Out of this 36 catcher fishing vessels, Philippines advised that only 11 vessels operate from October 2012 with a total catch of 2,066MT, equivalent to 209 fishing sets, for the period of October to December 2012. (Philippines part 1 report)

17. For the same period, WCPFC VMS detected nine (9) “catcher fishing vessels” in the HSP1 and 15 carrier vessels and no catcher vessels provided Manual VMS position reports to WCPFC during this period (only support vessels, carrier and light boats). There were further 9 purse seine vessels that were detected on WCPFC VMS in HSP1 during 1 Sept – 31 Dec 2012 but the frequency of VMS reporting while in this area suggests transit activities rather than fishing activities. (Philippines dCMR).

18. In addition, CMM 2011-01 Attachment 2 paragraph 3 requires Philippines vessels to submit entry and exit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP1 SMA. The list of entry and exit reports received thus far is available on the website.

### ***EHSP Management***

19. (WCPFC-TCC9-2013-RP07) CCM’s self-reporting in Annual Report Part 2, indicates that CMMs to which this measure applies have implemented or are in the process of implementing the requirements under CMM 2010-02.

20. An analysis of the data provided, indicates some compliance issues with the reporting requirements including incomplete reports being submitted, reports in incorrect format and not with the prescribed format and with time and location (latitude and longitude) reported and recorded in varying units/formats.

21. The Secretariat is currently developing a new database module, as part of the IMS development, to handle the E-HSP data. This together with continuous feedback to CCMs and/or vessels, will improve quality of data, timeliness and analysis capability

22. It is unclear whether the measure has achieved its intended effect of controlling IUU fishing activities from the E-HSP. What is clear from the data presented is that the level of activities in this area has increased over the years and adherence to the reporting requirements stipulated under the measure is not as rigorous as it should be. The data also indicates some potential issues with transshipping in the EHSP and that will be subject to further scrutiny by the Secretariat.

**23. Suggested Action: The Commission is asked to note the activities underway.**

### **Record of Fishing Vessels (RFV)**

24. (WCPFC-TCC9-2013-RP04) provides a report on the activities of the RFV. Record of Fishing Vessels continues to be maintained and receives almost daily changes to records from CCMs. We anticipate positive developments in more standardized and complete information in the WCPFC RFV, should the RFV SSPs proposal be adopted later in the year. 30 CCMs (including seven CNMs) had submitted 5,889 records of their respective fishing vessels to the Secretariat. These cover small, medium and large-scale tuna fishing vessels, vessels targeting tuna and other species, support vessels, and research and training vessels.

### **High Seas Boarding in inspection**

25. (WCPFC-TCC9-2013-RP03) In 2012, the Secretariat received 55 reports from 3 Members conducting HSBI. Thirteen (13) vessels were detected to have committed serious violations. The Secretariat has on record, responses for 8 of these alleged violations. In 2013, the Secretariat received 54 reports from 7 Members undertaking HSBI. From these reports, 15 vessels were detected to have committed serious violations and the Secretariat has on record, responses to 13 of these.

### **Administration of data rules and procedures**

26. (WCPFC-TCC9-2013-RP06) Last year the Secretariat instituted stronger controls over approvals for access to data and information from the Commission. These protocols seem to have worked well with no known breaches occurring. The preliminary finding of the 2013 audit of the data rules and procedures in the Commission has not shown any breaches in protocol. This finding is not expected to change in the final report.

## **Purse Seine catch discarding**

27. (WCPFC-TCC9-2013-IP06) Purse seine vessels are required to retain all tuna species on board unless they are “unfit for human consumption” If the vessel wishes to discard tunas on the high seas because they are unfit for human consumption, the vessel is required to submit to the Executive Director, a report on the discards within 48 hours. A total of 260 discards from 68 vessels were reported to the Secretariat during the period Jan – Dec, 2012, with insufficient well space on a final set being the major reason given for discarding tuna species. The catch discard reports have increased in 2013, with 80 vessels submitting 1083 discard reports from Jan 1st – August 25th 2013.

## **IMS developments, electronic –reporting and e-monitoring initiatives, shift from data receipt to closer compliance reviews**

28. (WCPFC-TCC9-2013-21) Following the approval of the IMS development proposal at WCPFC9, the MCS and IT staff have developed and implemented a number of modules of the IMS. The migration of records from share files and excel spreadsheets is complete, but we are starting to see returns in the analyses undertaken for this year’s dCMR reporting and in some of the TCC papers. A report on progress with this IMS project is provided in a separate TCC paper.

29. CMM 2012-01 brought with it some additional reporting requirements on CCMs. If this level of reporting is required under 2013/01, specific IMS database modules will be considered to enable better maintenance of records and report generation. To this end we have had some discussions with the United States and Australia about possible ways they might be able to assist.

30. The IMS development will also allow our staff to undertake analysis of the data and information received and where appropriate report this to you for the 2014 TCC meeting. Additional work will be undertaken in 2014 to update the in-house MCS operating procedures to reflect the complete range of CMM requirements.

31. The 2013 IMS developments have linkages with the e-reporting and e-monitoring initiatives that are occurring. There is considerable scope for other WCPFC regular reporting on fishing activities to be received in an electronic format that is able to be uploaded directly into the databases. These might include:

- high seas transshipment notices and declarations,
- Eastern High Seas Pocket Special Monitoring area reporting,
- High Seas Pocket 1 entry and exit reporting; and
- purse seine catch discard reporting

Receiving these sorts of reports in an electronic format would provide scope for improved efficiency and quality of the records that we maintain, and allow MCS staff time to better directed at compliance reviews and cross-verification with other data sources such as VMS.

## **Electronic reporting and Monitoring study with SPC.**

32. (WCPFC-TCC9-2013-15) The Secretariat has provided to TCC a separate interim report from the consultants engaged to look at how e-reporting and e-monitoring might most appropriately be implemented in the WCPFC. The consultants will attend the TCC to present the interim report with members and to speak with those members they have not yet been able to discuss these concepts with. It is hoped that their work will be completed by WCPFC10 so that direction can be provided for the future.

## **CMRs**

33. (WCPFC-TCC-2013-7) This year we saw an improvement with CCMs annual report submission with the launch of the online system for Annual Report Part 2. These developments together meant that we could meet the 28 July deadline for the preliminary dCMR report for all 33 CCMs. This year's dCMR benefitted from close work with SPC, and a particular thanks to Peter Williams, who provided a thorough review of the scientific data provision requirements.

34. With version 1.0 of the online systems now complete, it should be possible to start analysis of the information as part of day to day monitoring and reviews of information sources available to WCPFC. This should hopefully continue to assist with making the dCMR report generation process more manageable as we move forward.

35. The current deadline of 28 July is still proving difficult for members to get their reports in by and it also gets us very close to the start of SC meetings. and there isn't much breathing space between dCMR completion and shifting gears into TCC paper preparations. Completing dCMRs is a large and intensive process, and we are also mindful that many CCMs, particularly the smaller countries have noted that they are still finding the annual reporting deadlines a bit of a struggle. We have raised these thoughts on timing with the United States who is leading the drafting of the new CMS measure, and we look forward to your thoughts on this issue.

## **MCS-related Inter-sessional activities**

36. The Secretariat was tasked to complete the following activities inter-sessionally:

- E-monitoring and e-reporting consultancy – preliminary report provided to TCC9
- Port coordinators proposal – circulated to CCMs, and provided to TCC9
- CDS-IWG – planned first meeting immediately following TCC9, under Chair Mr Alois Kinol (PNG)
- ROP-TAG – report to TCC from Chair Mr Phil Lens (PNG).
- Circulated new CMM on CMS; RFV SSPs proposal on behalf of United States, which will be proposals for TCC9



- Review of Guidelines for high seas Transshipment determinations of impracticability - circulated to CCMs, and provided to TCC9

### **Travel by WCPFC Compliance staff in 2013:**

- Philippines – two sets of in-country VMS training – VMS Manager, as well as ED, Legal Counsel
- Honiara – FFA MCS Working Group; Annual FFC Officials meeting - Compliance Manager
- Cook Islands – ROP Coordinators workshop; FFA VMS tender panel – Compliance Manager, ROP Coordinator, ROP Data Quality Officer.
- Hawaii
  - Honolulu – consultations with IATTC Executive Director on overlap area – Compliance Manager, ED. FFA VMS tender panel – Compliance Manager and VMS Manager
  - Maui – ISSF meeting on Compliance - Compliance Manager
- Brisbane – VMS MTU inspection training - VMS Manager, ROP audit (Sept) – ROP Coordinator
- Japan – VMS MTU inspection training - VMS Manager
- Chile – International Fisheries Observer and Monitoring Conference – ROP Coordinator and Compliance Manager