



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

**Technical and Compliance Committee  
Ninth Regular Session**

**Pohnpei, Federated States of Micronesia  
26 September-1 October 2013**

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## Observer Activities

## E-M Video activities

24 x 7 operation	
Automatically "woken"	
Reviewable observations	
Tamper evident	
Monitoring deck activities	Easily achieved with current technology
Monitoring transshipment activities	
Monitoring bunkering activities	
Monitoring hold contents	
Monitoring lonline catch composition	Potentially achieved with current technology
Catch weight estimation	
Monitoring species of interest	
Monitoring setting of FADs	
Monitoring of nearby vessels	
Monitoring purse seine catch composition	
Collecting length-frequency information	
Collecting biological information	
Liaison with crew	Unable to be achieved with current technology

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**SUMMARY REPORT**

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**AGENDA ITEM 1 — OPENING OF MEETING**

**1.1 Welcome**

1. The TCC Chair, Ms Rhea Moss-Christian of the Federated States of Micronesia (FSM) opened the meeting with a prayer led by a representative of FSM. The TCC Chair then reminded TCC9 of the functions of TCC according to Article 14 of the WCPF Convention which include i) providing the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures (CMMs); ii) monitoring and reviewing compliance with conservation and management measures adopted by the Commission; and iii) reviewing the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission.
2. TCC9 paused for a moment of silence to remember Mr Colin Brown of the Cook Islands, a longstanding participant in TCC meetings and a valued contributor to the work of the Commission, who passed away earlier this year.
3. The following CCMs attended TCC9: Australia, China, Cook Islands, Ecuador, El Salvador, European Union, Federated States of Micronesia, Fiji, French Polynesia, Japan, Kiribati, Republic of Korea, Republic of the Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Panama, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Thailand, Tokelau, Tonga, Tuvalu, United States, Vanuatu and Vietnam.
4. Observers representing the Parties to the Agreement on the Conservation of Albatrosses and Petrels (ACAP), the Pacific Islands Forum Fisheries Agency (FFA), the Gordon and Betty Moore Foundation, Greenpeace, the International Seafood Sustainability Foundation (ISSF), the Pacific Islands Tuna Industry Association (PITIA), the Pew Charitable Trusts, the Parties to the Nauru Agreement (PNA), the Secretariat of the Pacific Community (SPC) and the Worldwide Fund for Nature (WWF) attended TCC9. A list of participants is provided as Attachment A.

## **1.2 Adoption of Agenda**

5. Based on comments received on previously circulated versions, an agenda for TCC9 as presented in WCPFC-TCC9-2013/02 (rev 6) was adopted (Attachment B). A list of meeting documents was provided in WCPFC-TCC9-2013/05 (rev 5).

## **1.3 Meeting Arrangements**

6. The TCC Chair explained that according to procedures agreed in CMM 2012-02 for the Compliance Monitoring Scheme (CMS), discussions related to the development of the draft Compliance Monitoring Report (CMR) would be conducted in sessions limited to CCMs and inter-governmental sub-regional agencies which provide advice to these CCMs.

### **AGENDA ITEM 2 —WCPFC IUU VESSEL LIST**

7. Information on the draft IUU Vessel List for 2013 and the current WCPFC IUU Vessel List were presented by the WCPFC Compliance Manager, Dr Lara Manarangi-Trott (WCPFC-TCC9-2013/10). There are no nominations to the list for 2013.
8. TCC9 was asked to consider whether it wished to recommend to the Commission that the three vessels currently on the WCPFC IUU Vessel List (Neptune (flagged to Georgia), Fu Lien No. 1 (flagged to Georgia), and Yu Rong 168 (flagged to Chinese Taipei)) should remain on the list for another year.
9. FFA members considered that as no further information concerning these vessels has been received, the issues relating to the listing of these vessels have not been settled in a satisfactory manner and thus all three vessels should remain on the list.
- 10. TCC9 recommended to the Commission that the WCPFC IUU Vessel List remain unchanged. (Attachment C)**

### **AGENDA ITEM 3 —COOPERATING NON-MEMBER APPLICATIONS**

11. The WCPFC Compliance Manager informed TCC9 that nine applications for renewal of cooperating non-member (CNM) status were received by the Secretariat for 2014. The applications were submitted by Belize, the Democratic People's Republic of Korea (DPRK), Ecuador, El Salvador, Indonesia, Mexico, Panama, Thailand and Vietnam (WCPFC-TCC9-2013/11 (rev 3)). It was noted that no applications were received from two current CNMs: Senegal has not communicated with the Secretariat whereas Saint Kitts and Nevis stated that it did not wish to renew its CNM status and requested that its vessel be removed from the WCPFC Record of Fishing Vessels (RFVs).
12. RMI offered to lead a Small Working Group (SWG) to consider the CNM applications.

## **BELIZE**

13. TCC9 reviewed the CNM application submitted by Belize against the requirements of CMM 2009-11. In accordance with para. 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Belize dated 9 August 2013 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Belize has i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high seas boarding and inspection; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, 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 Belize's financial contribution for 2014 based on the draft budget for 2014. The WCPFC Secretariat advised TCC9 that Belize has paid a financial contribution for 2013 in the amount of \$15,959.

c) TCC9 advises the Commission that, based on the best information available, Belize complied with the participatory rights specified by the Commission at WCPFC8.

(d) TCC9 requested the Secretariat ask Belize to provide the following:

(i) Information on compliance with the provision of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area (3(b));

(ii) Information with regards to responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));

(iii) Information on compliance with conservation and management measures of other Regional Fisheries Management Organizations (3(d));

(iv) Information of what measures taken to ensure compliance by its vessels with the Commission's conservation and management measures (11(c));

(v) Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**14. TCC9 recommends that the Commission consider Belize's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

**DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK)**

15. TCC9 reviewed the CNM application submitted by the Democratic People's Republic of Korea (DPRK) against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from DPRK dated 6 September 2013 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that DPRK has i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high seas boarding and inspection; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, 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 DPRK's financial contribution for 2014 based on the draft budget for 2014. The Secretariat advised TCC9 that DPRK has not provided a financial contribution for 2013.

(c) TCC9 advises the Commission that, based on the best information available, DPRK complied with the participatory rights specified by the Commission at WCPFC8.

16. TCC9 requested the Secretariat ask DPRK to provide the following:

(i) Commitment to have nationals to comply with provision of the convention and conservation and management measure adopted by the commission (2(b))

(ii) AR Part I and II report for 2013 (2(e)), and information if there any research programmes it has conducted in the Convention Area (2(e));

(iii) How soon the financial contribution for 2013 can be paid (2(g));

(iv). Information on compliance with the provision of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area (3(b));

(v). Information with regards to responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));

(vi). Information on compliance with conservation and management measures of other Regional Fisheries Management Organizations (3(d));

(vii). Information of what measures taken to ensure compliance by its vessels with the Commission's conservation and management measures (11(c));

(viii). Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**17. TCC9 recommends that the Commission consider DPRK's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

**ECUADOR**

18. TCC9 reviewed the CNM application submitted by Ecuador against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Ecuador dated 28 June, 2013 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Ecuador has i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high seas boarding and inspection, 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 FAC7, 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 Ecuador's financial contribution for 2014 based on the draft budget for 2014. The Secretariat advised TCC9 that Ecuador provided a contribution of \$33,089 in 2013.

c) TCC9 advises the Commission that, based on the best information available, Ecuador complied with the participatory rights specified by the Commission at WCPFC8 and that there is no information of non-compliance with WCPFC CMMs or within other RFMOs. d) TCC9 requested the Secretariat ask Ecuador to provide, in advance of WCPFC9, the following:

(i). details of current fishing presence in the Convention Area (2(e));



(ii). Information on compliance with the provision of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area (3(b));

(iii). Details of the characteristics of current vessels (2(e));

(iv). Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**19. TCC9 recommends that the Commission consider Ecuador's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

**EL SALVADOR**

20. TCC9 reviewed the CNM application submitted by El Salvador against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from El Salvador dated 3 July 2013 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that El Salvador has i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high seas boarding and inspection; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, and in accordance with the decision of WCPFC8 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 El Salvador's financial contribution for 2014 based on the draft budget for 2014. The Secretariat advised TCC9 that El Salvador provided a contribution of \$ 27,102.in 2013.

c) TCC9 advises the Commission that, based on the best information available, El Salvador complied with the participatory rights specified by the Commission at WCPFC8.

d) TCC9 requested the Secretariat ask El Salvador to provide, in advance of WCPFC9, the following:

(i). Commitment to have nationals to comply with provision of the convention and conservation and management measure adopted by the commission (2(b)).

(ii). Information of any research programmes conducted in the Convention Area (2(e));

(iii). Information on responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));

(iv). Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**21. TCC9 recommends that the Commission consider El Salvador's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

## **INDONESIA**

22. TCC9 reviewed the CNM application submitted by Indonesia against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Indonesia dated 27 May 2013 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Indonesia has i) provided a commitment to cooperate fully; and ii) provided an explicit commitment to accept high seas boarding and inspection. 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 FAC7, 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 2014 based on the draft budget for 2014. The Secretariat advised TCC9 that Indonesia did not provide a financial contribution in 2013.

c) TCC9 advises the Commission that, based on the best information available, Indonesia complied with the participatory rights specified by the Commission at WCPFC8 .

d) TCC9 requested the Secretariat ask Indonesia to provide, in advance of WCPFC 10, the following:

- i. Commitment to have nationals to comply with provision of the convention and conservation and management measure adopted by the commission (2(b)).
- ii. Information of any research programmes conducted in the Convention Area (2(e));

- iii. Commitment to provide financial contribution (2(g));
- iv. Information on record of compliance with the provision of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area (3(b));
- v. Information on responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));
- vi. record of compliance with conservation and management measures of other Regional Fisheries Management Organizations (3(d));
- vii. Information of what measures taken to ensure compliance by its vessels with the Commission's conservation and management measures (11(c));
- viii. Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**23. TCC9 recommends that the Commission consider Indonesia's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

24. The Executive Director informed TCC9 that Indonesia recently notified the Secretariat that the President of Indonesia had signed the decree for the ratification of the Convention and that Secretariat staff and the WCPFC Legal Advisor are assisting Indonesia with the steps necessary to complete the ratification process. In anticipation of Indonesia's ratification of the Convention, the Secretariat, in collaboration with FAO, will be presenting a workshop to Indonesian officials on WCPFC and related issues in the third week of October 2013.

## **MEXICO**

25. TCC9 reviewed the CNM application submitted by Mexico against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Mexico dated 24 July 2013 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Mexico has provided a commitment to cooperate fully. However, Mexico has not provided an explicit commitment to accept high seas boarding and inspection in accordance with the Commission procedures, which is required by para 2(c) of CMM 2009-11. Mexico's application also 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. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, 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 Mexico's financial contribution for 2014 based on the budget for 2014. The Secretariat advised TCC9 that Mexico did not provide a financial contribution in 2013.

c) TCC9 advises the Commission that, based on the best information available, Mexico complied with the participatory rights specified by the Commission at WCPFC8.

d) TCC9 requested the Secretariat ask Mexico to provide, in advance of WCPFC9, the following:

- i. explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection (2(c));
- ii. information on names of historical fishing vessels (2(d));
- iii. commitment to provide financial contribution (2(g));
- iv.. AR Part II report (2(e)) and 11(b));
- v. Information of any research programmes conducted in the Convention Area (2(e));
- vi. Information of compliance with the provision of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area (3(b));
- vii. Information on responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));
- viii. Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**26. TCC9 recommends that the Commission consider Mexico's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

## **PANAMA**

27. TCC9 reviewed the CNM application submitted by Panama against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Panama dated 24 April 2013 was received by the WCPFC Secretariat within the deadline set out in

para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Panama has provided a commitment to cooperate fully. ii) However, does not provided an explicit commitment to accept high seas boarding and inspection; and ii) does not provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, 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 Panama's financial contribution for 2014 based on the budget for 2014. The Secretariat advised TCC9 that Panama provided a financial contribution of \$18,615 for 2013

c) TCC9 advises the Commission that, based on the best information available, Panama complied with the participatory rights specified by the Commission at WCPFC8.

d) TCC9 requested the Secretariat ask Panama to provide, in advance of WCPFC9, the following:

- i. Commitment to have fishing vessel and national to comply with provision of the convention and conservation and management measure adopted by the commission (2(b)).
- ii. Full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas (2(d));
- iii. Details of current fishing presence in the Convention Area, including the number of its vessels and their characteristics (2(e));
- iv. Information of any research programmes conducted in the Convention Area (2(e));
- v. Information of what measures taken to ensure compliance by its vessels with the Commission's conservation and management measures (11(c));

**28. TCC9 recommends that the Commission consider Panama's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

## **THAILAND**

29. TCC9 reviewed the CNM application submitted by Thailand against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Thailand dated 15 August 2013 was not received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009 and TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Thailand has i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high seas boarding and inspection (but its application notes that it automatically opts out because it does not have any vessels fishing in the WCPO); and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, 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 Thailand's financial contribution for 2014 based on the draft budget for 2014. The Secretariat advised TCC9 that Thailand did not provide a financial contribution in 2013.

c) TCC9 advises the Commission that, based on the best information available, Thailand complied with the participatory rights specified by the Commission at WCPFC8 and has provided data on canneries in Thailand for 2013.

d) TCC9 requested the Secretariat ask Thailand to provide, in advance of WCPFC10, the following:

i. Information of any research programmes conducted in the Convention Area (2(e));

ii. Information on responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));

iii. Information of what measures taken to ensure compliance by its vessels with the Commission's conservation and management measures (11(c));

iv. Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**30. TCC9 recommends that the Commission consider Thailand's application for CNM status in 2014, subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

## **VIETNAM**

31. TCC9 reviewed the CNM application submitted by Vietnam against the requirements of CMM 2009-11. In accordance with para 3 of CMM 2009-11, TCC9's recommendations and technical advice to the Commission are as follows:

a) TCC9 advises the Commission that the application from Vietnam dated 10 July 2013 was received by the WCPFC Secretariat within the deadline set out in para 1 of CMM 2009-11. TCC9 also advises the Commission that the application met the requirement of being submitted in English.

b) TCC9 advises the Commission that Vietnam has i) provided a commitment to cooperate fully; ii) provided an explicit commitment to accept high seas boarding and inspection; and iii) provided an explicit commitment to make a financial contribution commensurate with what it would be assessed should it become a Contracting Party or member of the Commission pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. The WCPFC Secretariat will provide, as part of the documentation to be provided for FAC7, 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 Vietnam's financial contribution for 2014 based on the draft budget for 2014. The Secretariat advised TCC9 that Vietnam provided a contribution of \$9,305 in 2013.

c) TCC9 advises the Commission that, based on the best information available, Vietnam complied with the participatory rights specified by the Commission at WCPFC8.

d) TCC9 requested the Secretariat ask Vietnam to provide, in advance of WCPFC9, the following:

- i. Information of any research programmes conducted in the Convention Area (2(e));
- ii. Information on record of compliance with the provision of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area (3(b));
- iii. Information on responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention (3(c));
- iv. Information of what measures taken to ensure compliance by its vessels with the Commission's conservation and management measures (11(c));
- v. Information of responses to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, in a timely manner (11 (d)).

**32. TCC9 recommends that the Commission consider Vietnam's application for CNM status in 2014 subject to the additional information identified by TCC9 being provided to, and accepted by, the Commission.**

33. TCC9 noted that out of the nine applicants for CNM status there were only 3 late applications. With regards to the explicit commitment to pay contribution pursuant to 2(g):

- i. Three applicant made explicit commitment to make financial contribute and in fact have paid for 2013;

- ii. Two applicants did not make explicit commitment to make financial contribution, however, they have paid for 2013;
  - iii. Two applicants have explicitly committed to make financial contribution but not yet paid; and
  - iv. Two applicants have not committed to make financial contribution.
34. TCC9 noted that this year Senegal has not submitted its renewal of CNM status and that Saint Kitts and Nevis are not applying to renew their Status.
- 35. TCC9 noted that CNM applications fall short of some requirements in CMM 2009-11, and recommend that it will be helpful to have a template for application setting out those requirements under the measure. It is recommended that the Secretariat look into developing such template.**

#### **AGENDA ITEM 4 —STATUS OF FISHERIES**

36. Dr Graham Pilling of SPC presented the status of tuna fisheries in the WCPO in 2013 based on data available through 2012. Total catches of tuna (2.6M t in 2012) were the highest on record and driven mainly by purse seine catches which comprised nearly 70% (1.8M t) of the total. In contrast, longline (10%) catches were relatively stable, while pole and line (9%) catches were at their lowest levels since the 1960s.
37. The purse seine fishery has grown rapidly from the early 1980s to 2012 with the majority of the catch comprised of skipjack (SKJ) and lesser quantities of yellowfin (YFT) and bigeye (BET). The number of vessels in the fishery has increased from below 200 in the mid 1990s to nearly 300 vessels currently, with approximately one-third flagged to Pacific Island countries. Effort in terms of days fished according to VMS records was similar in 2012 to that in 2011 but represented an 8% increase over 2010. The total number of sets in 2012 increased 5% over 2011, whereas the number of FAD sets decreased in comparison to 2011 but increased by 10% over the 2007-2011 average. In addition to these trends the number of sets made per day is increasing with time.
38. Longline catches from 1960-2012 show a fairly even reliance on BET, YFT and albacore (ALB) with overall catches increasing steadily over time. When catch and effort patterns are examined in latitudinal bands, there is evidence of an increase in BET catches since 2010 in the equatorial region from 5oN to -5oS, and an increase in effort and catch of ALB in the areas from -5oS to -25oS in recent years. In the tropical longline fishery as a whole, effort in terms of hooks fished decreased 7% in 2012 but remained consistent with the five-year average. Fishing effort in days fished as determined through VMS records shows an increase of 6% in 2012 over 2011 and an increase of 14% over the past three years, perhaps due to increased coverage of the Commission's VMS. In contrast, effort based on hooks fished in the southern longline fishery shows an increase of 27% in the past year and 42% over the past five years whereas effort based on VMS days increased 2% from 2011 to 2012 but 14% over the last three years. As in the purse seine fishery, the number



of sets per day in the longline fishery is increasing. It was noted that figures based on VMS data may be influenced by increasing coverage rates.

39. Catch trends were also reported by species:
- i. Overall catches of SKJ (1.7M in 2012) represented an increase of 9% from 2011. Pole and line catches in 2012 were down 24% in comparison with 2011 and the past five years. Purse seine SKJ catches increased by 16% over 2011 and by 5% over the five-year average. However, catch rates appear to be increasing while stock size is declining. Preliminary analysis suggests that late in 2011 there was a period of poor recruitment but ascertaining whether this is due to a reduced stock size or to environmental conditions will require further examination. VMS data for this period show long trips were made signifying poor catches; this will be explored further once more recent data become available.
  - ii. Overall catches of BET in 2012 (161,000 t) increased 1% over 2011 levels, and 6% over the last five years. For the longline fishery 2012 figures were down 2% from 2011 and down 5% over the last five years, whereas for the purse seine fishery 2012 showed increases of 2% on 2011 and 16% over the last five years. Increases in catches from “other” gear types are mainly attributable to new estimates for Indonesia in 2012. Currently catches are higher than the estimated MSY level. Bigeye longline nominal catch rates have declined since the mid 1990s.
  - iii. Overall catches of YFT reached a record high in 2012 (655,000 t), up 26% over 2011 and 22% over the five year average. An increase in catch of 29% in the purse seine fleet contributed to this trend, but was offset by longline catches which fell by 10%. Once again, new catch estimates for Indonesia in 2012 contributed to the rise in catches from “other” gear types and helped drive the overall trend. In terms of catch rates, there was an observed decline in the purse seine fishery. In the longline fishery, catch rates for YFT have shown a long term decline in since the 1990s (as for BET) but there has been a slight rebound in recent years.
  - iv. Overall Convention Area catches of ALB in 2012 (132,000 t) rose 5% over 2011 levels and 7% over the past five years. However, for the South Pacific ALB fishery only (89,000 t in 2012), the increases in catches were 24% above 2011 and 22% above the five year average. In terms of catch rate series, the fleets from Korea and Chinese Taipei showed declining catch rates, the fleet from Japan showed a declining catch rate followed by a recovery, and the fleet from China showed high variability in catch rates.
40. The status of BET, YFT and SKJ stocks as of 2011, and the status of the South Pacific ALB stock as of 2012 (corresponding to the latest stock assessments), were shown on Kobe plots. SKJ, YFT and ALB are in the green quadrant corresponding to not overfished and overfishing not occurring. Nevertheless, there are concerns regarding catch rates in the YFT and South Pacific ALB fisheries. Overfishing is occurring for the BET stock. All stocks are at or near their lowest levels in the time series. The status of other stocks is as follows: South Pacific swordfish is not

overfished but overfishing may be occurring; Southwest Pacific striped marlin is likely to be overfished but overfishing is not occurring; oceanic whitetip shark is overfished and overfishing is occurring; and silky shark has a high likelihood of being overfished and overfishing is occurring.

41. FFA members considered that the presentation delivered a clear message that catches are at their highest levels, stock sizes are at record lows and some stocks are depleted resulting in an undermining of sustainable fisheries management. These CCMs called for an end to overfishing of BET, a reduction of FAD fishing, improved management of the South Pacific ALB fishery and strengthening of CMMs and their implementation.
42. In response to a query, Dr Pilling indicated that approximately 30-40% of the total number of sets in the purse seine fishery are sets on FADs.
43. FFA members considered that the analysis of catch and effort by latitudinal bands confirmed that the lower catches in 2012 may be due to stock depletion rather than reduced effort under the Commission's CMMs. They requested that in addition to partitioning the catch by latitude, future SPC analysis partition the catches between EEZs and the high seas.
44. Another CCM requested that SPC provide a clearer picture of the relative amount of catch in the South Pacific ALB fishery which can be attributed to EEZ versus high seas areas.
45. In response to these two comments, Dr Pilling noted that a lack of access to operational data from all fleets represents a major constraint to SPC's ability to partition the data as requested. The best that can be achieved under the current data limitations is a rough estimate by EEZ or high seas area.
46. Japan acknowledged that it had failed to partition its aggregated catch and effort data into EEZ and high seas areas in previous data provisions and committed to remedying this oversight as soon as possible.
47. In response to a question about the Kobe plot for ALB, Dr Pilling clarified that the plot was based on results for the South Pacific ALB stock assessment, which covered the entire South Pacific region (i.e. both WCPFC and IATCC areas).

#### **AGENDA ITEM 5 —SPECIAL REQUIREMENTS OF DEVELOPING STATES**

48. The TCC Chair introduced this topic by explaining that is a standing agenda item for TCC to consider WCPFC's obligations with regard to the aspirations of small island developing States (SIDS) under the WCPF Convention. TCC9 was also invited to comment on the effectiveness of Resolution 2008-01 on the Aspirations of Small Island Developing States and Territories.
49. FFA members made a number of points on each of the two related topics and referred to WCPFC-TCC9-2013/DP-08 which provides the details of their statements. Regarding requirements under the Convention, FFA members highlighted the need for full recognition of the unique and vulnerable status of

SIDS and their high social and economic dependence on tuna resources. It is therefore considered imperative that any measure contemplated by the WCPFC include an assessment of the potential impacts on SIDS and provide for assistance mechanisms, if required. Assistance in three main areas was requested: increased commercialism of tuna fisheries and related industries; enhanced capacity for conservation and management of fisheries by SIDS; and broader cooperation to recognise the importance of rights-based management and facilitate development of appropriate management regimes. A need for assistance in eight specific areas was also noted including avoiding disproportionate burdens in tropical tuna management, management of South Pacific ALB, technical assistance for CMM implementation, funding for participation in meetings, port sampling, observer data management, development of the Information Management System (IMS), and prioritization and streamlining of agendas. Regarding the effectiveness of Resolution 2008-01, FFA members noted that they will make a proposal on this topic at TCC10 with the aim of strengthening the resolution by converting it to a binding CMM and including elements of transfer rights, avoiding disproportionate burdens and transfer payments. The overall objective remains focused on ensuring that a greater share of the benefits of the fisheries accrue to SIDS. While recognizing that over 60 vessels have been transferred since 2008, it was noted that constraints on legitimate investments in FFA member countries continue and must be overcome.

## **AGENDA ITEM 6 —DRAFT MULTI-YEAR MANAGEMENT PROGRAMME FOR TROPICAL TUNAS AND COMPLIANCE ISSUES (CMM 2012-01)**

### **6.1 Review Tokyo WG-TT Outcomes**

50. Dr Charles Karnella, the WCPFC Chair, led a discussion of progress made toward a new CMM for tropical tunas (CMM 2013-01) at and subsequent to the Working Group on Tropical Tunas meeting in Tokyo in late August. TCC9 was referred to a letter from the Chair on the outcomes of this meeting (WCPFC-TCC9-2013/12), comments received from the EU and Korea related specifically on a draft produced at the close of that meeting by the PNA, Japan and the Philippines, comments from New Zealand on the topic generally and the United States paper presented at the Tokyo meeting (WCPFC-TCC9-2013/13). In addition, information relating to the performance of the existing measure (CMM 2012-01) was provided in papers WCPFC-TCC9-2013/IP-04, IP-05 and IP-06. The WCPFC Chair suggested that TCC9's discussions could most usefully focus on the issue of how to manage fishing effort on FADs including the position of PNA members that any FAD closure beyond three months represents a disproportionate burden on SIDS and would thus require a transfer payment of \$15 million per month of closure.
51. PNA members reviewed their joint proposal with Japan and the Philippines for CMM 2013-01 noting that there were still differences between the Japanese and PNA proposals as well as a range of views among other members on some of the elements in the Draft. They explained that there are three major principles guiding

the content of the proposal. The first is that it responds to the scientific advice. The second is that it aims to remove bigeye overfishing based on the analysis by SPC of alternative strategies for removing bigeye overfishing. The third is that it addresses the need to avoid a disproportionate burden being transferred to SIDS. PNA members outlined the main features of the joint proposal as follows:

- i. The approach is to base the new measure on the advice from the Scientific Committee that additional measures are needed to reduce fishing mortality in both the longline and purse seine fisheries, and the analysis presented by SPC showing the level of reductions in longline catches and FAD effort necessary to remove bigeye overfishing.
- ii. There have to be extensions to the FAD closure or equivalent FAD set limits, to address the need for reductions in juvenile bigeye mortality from fishing on FADs. In this respect, the SPC analysis identifies that a 6.4 months FAD closure or equivalent FAD sets limit is needed to remove bigeye overfishing. The PNA proposal is for a 5 months FAD closure or equivalent FAD sets limit, but with a total closure on the use of FADs in the high seas in response to the high bigeye CPUE from FAD sets in the high seas. These together would be equivalent to the 6.4 months FAD closure or equivalent FAD sets limit.
- iii. PNA supports the continued inclusion of the alternative FAD set limit measure as a response to create incentive to reduce FAD use and as a response to the scientific advice to develop methods to control the number of FAD sets outside the FAD closure period. PNA also supports basing the alternative FAD set limit measure for non-SIDS on the proportion of total sets, as a fairer approach for non-SIDS.
- iv. PNA proposes to retain the basic approach to purse seine effort management in CMM 2012-01, but with a hard limit for the high seas. This is an essential element for the purpose of managing the skipjack fishery and contributing to bigeye conservation. It also responds directly to the Scientific Committee for clear limits to purse seine effort in all areas. In establishing a limit for the high seas that is compatible with the 2010 limit for PNA EEZs, it also meets the requirement of the Convention for compatibility with in-zone measures.
- v. On capacity management, PNA supports the need for a non-SIDS freeze and a regional capacity management plan to cover both purse seine and longline vessels.
- vi. For the longline fishery, additional catch reductions are proposed based on the SPC analysis.
- vii. PNA continues to propose, in addition, a closure of high seas fishing by distant water longliners during the FAD closure period, as a response to concern over longline effort in the high seas.
- viii. In addition, it remains a fundamental element that the proposals for reducing FAD use are part of a package. This package must include

arrangements, including financial arrangements, to ensure that the CMM does not transfer a disproportionate burden to SIDS in accordance with Article 30. The package must also include balancing longline measures.

52. FFA members expressed their general support for the concepts presented by the PNA. They noted that many FFA delegations had come to TCC prepared to discuss technical and compliance issues and did not include fisheries management and senior policy staff necessary to take positions on some elements of the draft measure. A concern was expressed that the measure as currently drafted does not require BET catch reductions for the longline fishery sufficient to meet the objectives of maintaining the BET stock at sustainable levels. FFA members also reiterated the need for explicit consideration of the disproportionate burden of BET conservation but welcomed alternative proposals that would meet the requirements of Article 30 of the WCPF Convention.
53. The EU précised its comments on the draft proposal (WCPFC-TCC9-2013/13 (rev 1)). One of its primary concerns is that the number of options for controlling FAD fishing effort will make the measure difficult to monitor as well as complicate predictions of its effectiveness in achieving F reductions (e.g. uncertainties in which CCMs will choose to exercise which options). The exemptions of domestic FAD management plans from the FAD management provisions of the measure (Footnote 1) is also a concern. Regarding the transfer payment to compensate for the disproportionate burden, the EU requested further dialogue on its rationale, distribution mechanisms and alternatives. While recognizing the need to limit effort on the high seas, the EU expressed reluctance to close high seas noting that since 95% of BET is caught within EEZs high seas closures would have little effect on conservation. Clarification on the provisions applicable to longliners which do not target tropical tunas was requested, as the EU considers that they should not be targeted by the measure. On the issue of effort and capacity limitations, the EU expressed interest in participating in further discussions on applicable reference years and capacity management. Finally, the EU suggested that the measure be reviewed and amended in 2014 rather than 2015 to take account of information which will become available in 2014.
54. New Zealand summarized their submitted comments on the draft measure, reiterating it is important to go beyond the provisions in the current measures (CMM 2012-01) and take further action to reduce F on BET while maintaining consistency with the requirements of Article 30 of the WCPF Convention and balancing the conservation burden across CCMs and fleets. Provision of transfer payments was supported in cases where analysis demonstrates a particular SIDS suffers a disproportionate burden. New Zealand supported in principle the option of a limit on FAD sets as an alternative to a FAD closure period because it offers more flexibility for the fisheries and provides for year-round effort limits, but noted the importance of compliance monitoring. Effort limits for high seas purse seine fisheries, closure of the Eastern High Seas Pocket (EHSP) and capacity management for both longline and purse seine fleets were supported, and more explicit catch limits on yellowfin tuna were suggested.

55. Korea expressed concern about the number of exemptions contained within the draft measure and called on CCMs to make sacrifices beyond those in the existing measure (CMM 2012-01) in order to achieve the objectives of a sustainable fishery. Concerns were also expressed about the ability to monitor FAD set limits and the need to agree on a precise and practical definition of what constitutes a set on a FAD.
56. The United States introduced its views on the tropical tunas CMM by noting that it is aiming for a measure which is fair, effective, implementable and enforceable. It considered that working from the baselines established in CMM 2008-01 would be a reasonable way forward. They also thanked SPC for identifying levels of reduction in the activities of the purse seine and longline fleets that would result in both sectors contributing equally toward achieving the reductions necessary to meet the objectives. However, the United States noted that more clarity is required on actual baseline catches and effort so that there is appropriate transparency in the basis for limits set in the new measure. With regard to the expiry of the measure, the United States considers that this date should be fixed, rather than allowing the measure to continue in effect until rescinded or amended. The United States introduced its proposal for a new CMM (WCPFC-TCC9-2013/DP-07), highlighting four key issues:
- i. Effort limits for purse seines on the high seas and non-PNA EEZs. The United States supports giving each CCM the option to adopt either effort limits from 2008-01 or limits based on 2010 effort on the high seas and in its EEZ. The United States does not support an Olympic (i.e. first come, first served) system for limiting effort on the high seas. It was noted that adopting a single year as a baseline would inequitably disadvantage some fleets while benefitting others.
  - ii. FAD closures. This method of reducing FAD-based fishing effort is supported because a diversity of management options is likely to prove more difficult to monitor and enforce, as well as more difficult to evaluate in terms of expected outcomes. Further work on mitigating the effects of FAD fishing on small BET and YFT, and setting of more explicit limits on YFT catches is encouraged.
  - iii. Capacity limits for purse seine and longline fisheries. The United States reiterated its support for caps on the capacity of non-SIDS fleets, as proposed at WCPFC9 and previously, and for continued, orderly development of fishing capacity in SIDS and territories. This should include a capacity management plan and a mechanism for vessel transfers based on market forces and which will not add capacity to the region. The United States expressed its willingness to participate in efforts led by RMI to further develop these ideas.
  - iv. BET catch limits for longline fisheries. The United States has proposed BET catch limits for eleven CCMs, as well as an allocation of 10,717 t for SIDS and participating territories, for a total catch limit of 75,000 t per year (WCPFC-TCC9-2013/DP-07, Attachment D). This set-aside for

SIDS does not imply that there is limit on their development aspirations, therefore if a larger allocation becomes necessary, negotiation with existing CCM longline fishery participants will be conducted to increase the set-aside. Spatial management may also help ease fishing pressure on the stock.

57. Chinese Taipei expressed support for an effort limit for high seas purse seine fisheries but stated that these effort limits should be allocated by fleet rather than implemented in an Olympic manner. Chinese Taipei does not support the closure of the EHSP on the grounds that the current special management area CMM (CMM 2010-02) is working well. A FAD closure would be supported assuming that: i) it is implemented in accordance with a strong scientific basis; ii) equivalencies between closure periods and catch limits in terms of F reduction can be demonstrated; and iii) that its implementation be coordinated with IATTC conservation and management measures. With regard to capacity management, Chinese Taipei advocates freezing fishing capacity in non-SIDS and but notes that some longline fleets have already met BET catch limits and this should be recognized. Finally, Chinese Taipei warned against the inclusion of exemptions which undermine the effectiveness of stock rebuilding efforts.
58. The Philippines expressed its appreciation to PNA members and Japan for the opportunity to jointly develop the draft proposal for CMM 2013-01. The Philippines noted that not all FADs are the same, in particular that anchored FADs appear to have less impact on small BET, and tabled a paper describing some recent work on this topic in the Philippine EEZ (WCPFC-TCC9-2013/DP-09).
59. In response to the US proposal the EU stated that it shares concerns about the difficulty of monitoring CMMs with a variety of alternative components, and advised that all components must have a strong scientific basis. The EU also appreciated the US raising the issues of alternatives to the transfer payments, catch retention plans, catch limits for YFT, regional capacity management and high seas effort limits, all of which will require further discussion.
60. In response to a request for more information on the transfer payment issue, RMI stated that it was a response to the conservation burden becoming more and more disproportionate over time and that it was rooted in the requirements of Article 30 of the Convention. Those CCMs with ideas for alternatives were invited to raise them for discussion.
61. The United States expressed its willingness to engage in further dialogue with PNA members in order to better understand the background and details of the transfer payment approach.
62. FFA members strongly supported the PNA proposal's call for a transfer payment and noted that it is based on an assessment of benefits and costs that will flow from the CMM. FFA members stated that i) the WCPF Convention requires consideration of disproportionate burdens; ii) that there is currently a lack of incentives to support measures which primarily benefit others; and iii) that the diversion of revenues away from social services programmes in SIDS needs to be addressed.

63. Tuvalu echoed these points by providing specific examples from an assessment conducted there. Tuvalu is one of the world's smallest countries and is listed by the World Bank as a fragile economy. From one-quarter to one-half of the national economy depends on fisheries and 60% of the fishing in Tuvalu is FAD-dependent. It has been estimated that a three-month FAD closure will result in nearly USD 10 million of lost revenues to Tuvalu. While the fishery could, in theory, shift to free schools during the FAD closure, the cost of free school fishing is 69% higher and this will reduce the profits in the fisheries and the revenues to Tuvalu. A further calculation suggests that FAD closures represent a subsidy paid by Tuvalu to the longline fishery of USD 11,283 per tonne of BET conserved.
  64. Tokelau stated that it also receives little benefit from BET conservation yet as result of management measures loses revenue that could be spent improving public health.
  65. Tuvalu and the United States agreed to lead a SWG in the margins of TCC9 to further discuss these issues.
  66. The EU requested a background document explaining how the amount of the transfer payment had been calculated. In response to a request from the WCPFC Chair to comment on elements of the proposal related to the high seas, the EU stated it would not support a complete closure but would support a workable system of limiting effort on the high seas and avoiding a simple transfer of that effort to EEZs.
  67. FFA members stated that a high seas FAD closure would be preferable to an EEZ-based FAD closure as it would avoid impacts to SIDS.
  68. With regard to the EHSP, the Cook Islands noted the FFA position that the EHSP should be closed derives from a statement made by the Pacific Island Forum Leaders.
  69. Some CCMs expressed doubts that closing the EHSP is the most appropriate way to solve the problems there. Instead, it was suggested that the design and enforcement of effective compliance schemes would better address the issues.
  70. The Cook Islands noted that to date EHSP compliance schemes had not been effective.
  71. The WCPFC Chair closed the discussion on CMM 2013-01 and explained that he would continue to work through remaining issues in the draft text via discussions with CCMs in the margins of TCC9 and intersessionally.
- 6.2 Reports from CCMs implementing the alternative FAD measure in CMM 2012-01 (CMM 2012-01, Attachment E, para 1 (5))**
72. Japan presented WCPFC-TCC9-2013/DP-06 on implementation of the FAD set limitation by Japanese purse seine vessels under CMM 2012-01. TCC9 was reminded that Japan selected to place a limit on FAD sets as an alternative to a FAD closure and has reported required information on the number of FAD sets and the estimated BET catch at two-week intervals. As of 31 August 2013, Japanese



purse seine vessels had made 598 FAD sets, which represents 40.5% of the annual limit. Thus far for 2013 Japanese purse seiners in total caught 1158.6 t of BET (individual subtotals for FAD sets and free sets not available). There appeared to be a correlation between the number of FAD sets and the catch of BET using monthly tallies, while divergence was observed when plotted by vessel. Japan concludes from these results that the FAD set limit is effective in reducing the catch of BET.

73. In response to a question, Japan clarified that zero catches on FADs were included in the data set.
74. Some CCMs acknowledged Japan for providing this information as required in the CMM and suggested that Japan provided a good example of how a FAD set limit can be monitored and measured. Other CCMs which have also elected to apply the FAD set limit were encouraged to provide similar reports.
75. FSM explained that it is one of the CCMs electing a FAD set limit and it has submitted weekly data as required to the Secretariat. However, obtaining the data from the purse seine vessel operators has proven difficult and resulted in delays in submission. FSM stated that only 141 FAD sets had been recorded to date, well under the limit of 606. This was attributed to a large portion of the fleet undergoing drydocking this year, resulting in a lower level of fishing effort overall.
76. Kiribati noted that it too had elected the FAD set limit but that it also had encountered problems in receiving the data from the vessel operators and has had to rely on logsheets. Thus far 29 FAD sets have been recorded with a total catch of 1075 BET. Kiribati stated that it considered the reporting requirements a burden given the small number of fishery staff available to handle this.

### **6.3 Review available information on compliance issues for CMMs on tropical tunas (2009-2013)**

77. The TCC Chair invited TCC9 to review data summaries prepared by SPC which pertain to compliance with the CMMs on tropical tunas (WCPFC-TCC9-2013/IP-04 (rev 1)).
78. FFA members highlighted three points in the data summaries:
  - i. In Table 1, the column labelled “CMM 2008-01” shows limits for the number of days fished for non-PNA SIDS which never existed. In addition, although Footnote 2 to Table 1 acknowledges that some aspects of the CMM have not been taken into account when preparing the table, the tallies for the PNA EEZs are misleading for this reason.
  - ii. According to Table 2, the EU has exceeded its limit on purse seine days fished by 3-4 times. FFA noted that of para. 7 of CMM 2008-01 states that the registration of bilateral agreements or arrangements does not provide a basis for establishing effort levels on the high seas, therefore the EU has had a hard limit of 103 fishing days in the high seas since 2009. FFA members considered that the systematic overfishing of the EU high seas fleet’s high seas limit was a serious compliance issue which had

significantly undermined the effectiveness of the CMM 2008-01 and CMM 2012-01.

- iii. Also in Table 2, FFA members stated they will raise issues related to the reported BET catches by China and Korea within the CMR process. However, the lack of operational data submitted for these fleets limits the ability to review their compliance.
79. Korea explained that although it exceeded its BET catch limit in 2012 this is mainly due to catches in the WCPFC-IATTC overlap area. Korea noted that it plans a voluntary catch reduction from the quantity allocated under the 2013 quota.

## **AGENDA ITEM 7 —COMPLIANCE MONITORING SCHEME (CMS)**

### **7.1 Review of draft Compliance Monitoring Review (CMR) Report**

80. TCC9 conducted these discussions conducted in closed session.

### **7.2 Provisional CMR Report for 2012 and Executive Summary**

- 81. TCC9 found that conducting the review of the Draft Report on an obligation-by-obligation basis proved useful and informative. TCC9 recommends that improvements to the process continue to be made taking into account the recommendations of this record.**
- 82. TCC9 recommends a greater consultation between CCMs and the Secretariat in the preparation of the dCMRs noting that this is still a work in progress.**
- 83. TCC9 recommends that the WG be given sufficient time in the Agenda to conduct its review of the Draft Report, noting that it took significant time during TCC9 to complete its review.**
- 84. TCC9 recommends that in the development of new CMMs, the Commission take into account the outcomes of the CMR process with respect to clarifying obligations.**
- 85. TCC9 recommends that all CCMs make best efforts to provide any additional information to the Secretariat identified during the WG review at least 30 days prior to WCPFC10.**
- 86. TCC9 reiterated the confidentiality of the Draft and Provisional Compliance Monitoring Report and also notes that the same level of confidentiality applies to the discussions and outcomes of the WG.**
- 87. There is a need to distinguish between the obligation to submit information and the obligation to meet an agreed deadline and/or format. TCC9**

**recommended that the CMS CMM be amended to ensure that reporting deadlines are assessed as part of the compliance review, and that this be done in addition to review of the implementation. This includes deadlines for submission of Annual Reports-Parts 1 and 2, Scientific Data, and “Fished/Did Not Fish” reports, among others.**

**88. Most CCMs reiterated that the process of the CMS and outcomes of the CMS must take into account the special requirements of SIDS and in particular Article 30 and Resolution 2008-01. This includes aspects of CMMs, conduct of assessments and the actions agreed to assist SIDS to resolve any implementation issues identified.**

**89. TCC9 adopted the Provisional Compliance Monitoring Report, and forwarded it to the Commission for consideration at WCPFC10.**

### **7.3 Target Capacity Assistance to Areas of Need Identified by CMR Process**

90. TCC9 was invited to comment on a table prepared by the Secretariat (WCPFC-TCC9-2013/07, Table 1) which lists requests for assistance from CCMs relating to the 2012 and 2013 CMR process.

91. FFA members highlighted two types of requests of particular importance. The first type was requests pertaining to observer programmes. Those which were particularly important to SIDS included observer and debriefer training on ROP data collection, quality control and management. The second type was capacity building for policy development including national plans of action, license conditions, VMS obligations and identification and implementation of mitigation measures. Appreciation was expressed for assistance provided by the Special Requirements Fund and the Japan Trust Fund, and CCMs were encouraged to continue to contribute through these mechanisms.

92. The TCC Chair suggested that CCMs with assistance needs consider raising these points for inclusion in the Executive Summary of the Compliance Monitoring Scheme (CMS).

93. The United States noted that it contributes experienced debriefers and training personnel to annual meetings of an observer coordinators group convened by SPC, as well as in-country training programmes, and will continue to do so. Although these contributions have been on an *ad hoc* basis thus far, the United States is now working with FFA to determine the focus of future collaboration.

94. RMI requested specific assistance with mitigation measures for bycatch species, both through observer training and through outreach/education to vessel captains and crew.

### **7.4 Review of CMM 2012-02 Compliance Monitoring Scheme and discuss potential refinements to the scheme (WCPFC9 para. 296)**

95. The United States introduced its proposal for continuing the Compliance Monitoring Scheme as a permanent measure rather than a single year measure as has been agreed in each of the three years of operation thus far (WCPFC-TCC9-2013/DP-

- 04). The proposal was circulated in July and comments were received from some CCMs, the TCC Chair and the Secretariat. The current proposal incorporates those comments which included reducing the categories of compliance status to “compliant” or “non-compliant and...”, with the latter allowing for the TCC to specify details, data gaps, rectification or necessary assistance. The other key amendment highlighted by the United States was the establishment of an intersessional working group to identify responses to non-compliance.
96. PNA members stated that it is reasonable for the measure to include a provision for evaluating compliance with collective obligations such as the PNA effort limit under the VDS, but iterated that the evaluation of compliance should be limited to obligations under the CMMs. The assessment of compliance should be in terms of PNA’s collective obligation to comply with the limit for PNA EEZs in the CMM, and not in relation to individual PNA member CCMs.
97. FFA members stated their support for some of the amendments to the proposal such as including submission of Annual Reports-Part 2 in the compliance evaluation, and the revision of the compliance status categories was also welcomed.. The revision of the compliance status categories was also welcomed. The concept of an intersessional working group was not supported on the basis that it could marginalize the participation of SIDS and that such work as it might take up could be handled by the Assistant Compliance Manager. Converting the annual measure to a permanent one was also not supported on the basis that there is still work to be done to ensure that all CCMs have a full understanding of their compliance responsibilities and that responses to non-compliance will take more time to develop. FFA members also supported the inclusion of the Commission’s performance against the objectives of Article 30 of the Convention and Resolution 2008-01 as items to be considered in the compliance evaluation.
98. The EU noted that it had submitted comments on the draft proposal and supports the current version of the text.
99. Japan also expressed support for the United States proposal as drafted but provided three additional comments. First, to ensure that substantive discussions take place in closed sessions, this requirement should be made specific in para. 13. Second, Japan concurs with the establishment of the working group in para. 23 but suggested that the basis for the working group be specified through explicit reference to Article 14.3 of the Convention. Finally, Japan expressed interest in knowing what kind of responses to non-compliance might be considered and suggested that TCC9 further discuss this topic after the 2013 CMR process is completed.
100. The United States offered to consult in the margins and prepare a revised draft incorporating comments arising through the CMR process. This was tabled as WCPFC-TCC9-2013/DP-04 (rev 1). Changes were highlighted in the following areas: the responsibilities for providing the information and providing the information on time were separated so that CCMs would be evaluated on these points; changes were made to clarify the evaluation of collective obligations; the role of the Secretariat in preparing the draft compliance monitoring reports, and the

format of that report, was clarified; and information provided prior to the Commission meeting was changed to be provided 30 days in advance.

101. FFA members thanked the United States for the revisions and stated that they could agree to the establishment of an intersessional working group to develop responses to non-compliance on the condition that meetings of this group be held in a way that allows FFA members to provide substantial input, e.g. in conjunction with an existing FFA meeting. However, FFA members stated that they could not support making the CMS a permanent measure for reasons stated previously.
102. One CCM while expressing its full support for the CMR process, stated that there are still aspects of it that require further work and thus making it a permanent measure would be premature.
103. The EU supported the United States' proposal but suggested a further amendment to the description of the format of the draft CMR to specify a default format that could be modified annually, if necessary, rather than needing to be agreed each year (WCPFC-TCC9-2013/DP-04(rev 1), para. 12).
104. The TCC Chair suggested that further comments may be forthcoming in the final discussion of the CMR for 2012.
105. **TCC9 agreed that the United States would continue to work intersessionally on a revised CMS proposal, and that comments should be provided by November 2<sup>nd</sup> 2013.**

#### **7.5 Review of Annual Reporting templates and deadlines and online interface further development**

106. The Compliance Manager reviewed recent progress with development of an online template for Annual Reports-Part 2 (WCPFC-TCC9-2013/07 and WCPFC-TCC9-2013/IP-01 (rev 3)). The timeliness of CCM reporting of Annual Report Part 2 improved considerably in 2013, and all CCMs that submitted an Annual Report Part 2 covering 2012 activities successfully used the online interface for reporting. For the Secretariat the strength of the online reporting system of Annual Report Part 2, was that parts of the draft CMR reports could be generated using the CCM Annual Report Part 2 responses. Some of the features which were provided as part of the Annual Report Part 2 online interface included MTU audit inspection reporting, and of the submissions for 2012 (due in July 2013) about half utilized the online template while the other half submitted the information on spreadsheets. Requests for assistance and suggestions for improvements from CCMs are shown in the paper (Box 1) and the feedback that the Secretariat received from CCMs on the Annual Report Part 2 is shown in Box 2. Feedback received by the Secretariat to date is largely positive and the Secretariat welcomes further feedback from CCMs during TCC9.
107. FFA members thanked the Secretariat for its work on the online interface and stated that they supported this work as a priority task. However, FFA members do not support review of the Annual Report template. It was noted that the submission

dates should be rationalized since it is currently the case that AR-Part 2 reports cross-reference AR-Part 1 reports but are due earlier.

108. In response to a question, the Secretariat explained that it was open to suggestions from TCC9 about prioritization of improvements. Based on the comments from CCMs as summarised in the paper and during TCC9, the Secretariat has taken there is in principle support for the Annual Report Part 2 online interface being made available for CCMs to use in 2014 (for reporting on 2013 activities). If no clear preferences are expressed, the Secretariats work will focus on practical and cost-effective improvements which would most significantly enhance the functionality of the reporting template.
109. One CCM appreciated the work of the Secretariat in providing the template stating that it assists not only with reporting but also with that CCM's internal national administrative tracking.

#### **7.6 Developing a systematic analysis, prioritization and response mechanism for non-compliance (TCC Workplan 2015)**

110. The TCC Chair invited TCC9 to consider the issue of developing responses to non-compliances identified as part of the CMR.
111. FFA stated that responses to non-compliance should be developed by the Commission rather than by the TCC. Several factors were recommended for consideration when developing these responses including whether the nature of the non-compliance is limited versus broadscale or unintentional versus wilful; defining precise requirements for compliance; moving gradually from corrective actions to penalties; and the special requirements of SIDS. The issue of non-provision of operational data was highlighted and remedies such as a plan to provide these data in future, a higher level of observer coverage for these fleets, or denial of access to WCPFC non-public domain data such as ROP and VMS data, were suggested.
112. One CCM queried whether specific comments arising from TCC9's discussion of this topic would be forwarded to the Commission.
113. The TCC Chair suggested that those CCMs with specific comments raise them when the Commission takes up this issue at WCPFC10.
114. **TCC9 agreed to refer the issue of development of responses to non-compliance to WCPFC10 for further action.**

#### **7.7 Consider recommendations from the CMS process about CMM provisions that are ambiguous or problematic**

115. The TCC Chair asked TCC9 to consider whether there are any recommendations arising from the CMS process calling for clarification of CMM provisions which are ambiguous or problematic. Identification of potential issues by the Secretariat in the areas of catch and effort limits for target species, catch and effort reporting for target species, spatial and temporal closures and restrictions on the use of FADs,

observer and VMS coverage, and scientific data provision are provided in WCPFC-TCC9-07.

116. **TCC9 recommends that the Commission clarify that for CMM 2005-03, the reporting responsibility lies with the flag State.**
117. **TCC9 recommends that the Commission clarify that CCMs identify in their 2014 Annual Report Part 2 which metric they used to calculate the percentage of longline observer coverage for 2013.**

## **AGENDA ITEM 8 —HIGHLIGHTS OF WCPFC SECRETARIAT-ADMINISTERED MCS AND COMPLIANCE PROGRAMMES**

### **8.1 Annual Report of the Executive Director**

118. The Executive Director highlighted progress on a number of key tasks of the Commission over the past year, and drew CCMs attention to the new format for reports required under the Convention and CMMs (WCPFC-TCC9-2013/RP-01 through RP-09, and WCPFC-TCC9-2013-IP/03)
119. It was noted that establishment of a new position for an Assistant Compliance Manager, taken up by Ms ‘Ana Taholo has greatly facilitated work on compliance-related issues. The Executive Director also noted that the costs of the Commission’s Vessel Monitoring System (VMS) are now stable, and that Commission staff have participated in the tendering process for the new VMS services provider to the FFA through which the Commission’s VMS operates under a Service Level Agreement (SLA). Implementation of the VMS “Flick the Switch” agreement for automatic VMS positions from WCPFC9 commenced as of 6 September 2013 and those CCMs participating in the agreement may request data for periods prior to the implementation date through the Commission.

### **8.2 Vessel Monitoring System (VMS)**

120. Mr Albert Carlot, VMS Manager, presented the annual report for the Commission VMS (WCPFC-TCC9-2013/RP-01) which provides an overview of the data received and lists the types of units that have been approved for use in the system. Work on developing appropriate communications gateways for two new Mobile Tranceiver Units (MTUs) which are not currently approved is continuing with service providers and manufacturers. With regard to manual reporting, it was noted that there is still further work to be done to standardize reporting formats and at present received data are maintained on a separate, local database rather than within the VMS itself. The VMS Manager introduced draft guidelines for VMS reporting requirements, prepared at the request of a CCM, which compile the basic VMS reporting requirements contained in a number of Commission CMMs (WCPFC-TCC9-2013/IP-09).
121. RMI described an incident in March 2013 in which an Australian marine patrol aircraft identified 19 longline fishing vessels flagged to Chinese Taipei within 100

nmi of the northwest RMI EEZ boundary. These vessels are listed on the WCPFC RFV but were not found to be reporting their positions to the Commission's VMS and were not manually reporting. An update on the investigation by the flag state was requested.

122. Chinese Taipei stated that all of the vessels had submitted VTAFs as required and no notification of non-reporting has been received from the Secretariat. It was also noted that these vessels were reporting positions to the Chinese Taipei national VMS centre. A Chinese Taipei VMS expert will visit the Secretariat in order to further investigate why the Commission's VMS was not receiving reports from these vessels.
123. FFA members queried whether the Secretariat has implemented an appropriate buffer zone around the Convention Area as agreed at TCC8.
124. The WCPFC VMS Manager explained that there is no buffer zone to the west of the Convention Area but a buffer zone has been implemented at the Convention Area boundary to the east.
125. One CCM stated that there is no need for a buffer zone to the west of the Convention Area.
126. The TCC Chair encouraged CCMs with any updates to the tables contained in the Annual Report for the Commission VMS (WCPFC-TCC9-2013/RP-01) to provide that information to the Secretariat.

**(a) Review implementation of WCPFC9 decision on VMS SSP Manual Reporting**

127. The WCPFC VMS Manager noted that issues relating to the VTAF (Vessel Tracking Agreement Form (VTAF) and manual reporting, as specified in the VMS SSPs Section 5, are discussed in WCPFC-TCC9-2013/RP-01. TCC9 was invited to discuss these issues.
128. FFA members reiterated their concern from TCC7 and TCC8 that the VTAF requirement is redundant for vessels already on the FFA Vessel Register since the FFA MTU certification complies with the Commission's MTU requirements. Therefore it was recommended that vessels in good standing on the FFA Vessel Register be excluded from the VTAF requirements, and that confirmation of vessel status with regard to the FFA Vessel Register be provided through periodic communication between FFA and the Secretariat.
129. The EU queried whether the large increase in quarantined data for vessels reporting their positions to the WCPFC VMS in 2013 was due to the Flick the Switch agreement or some other factor, and requested clarification on the definition of quarantined data.
130. The WCPFC VMS Manager explained that the increase was in part due to the Flick the Switch agreement but also due to an increase in the number of vessels reporting to the system outside the Flick the Switch areas. Quarantined data are comprised of reports from areas not covered by the Commission's VMS which are thus not



authorized for viewing. It was clarified that Flick the Switch data are not quarantined.

131. FFA members noted that when boarding patrols encounter vessels with malfunctioning MTUs there is currently no means of verifying whether these vessels are manually reporting as required. Therefore it was recommended that the Secretariat maintain a list of manually reporting vessels on the Commission's secure website. In addition, FFA members requested that the Secretariat prepare overlays of VMS and manual reporting positions for comparison and discussion at WCPFC10 and encouraged the Secretariat to continue to pursue integration of the manual reports with the VMS. Noting that the manual reporting requirements agreed at WCPFC9 expire on 1 March 2014, these CCMs expressed a desire to see these requirements extended for another year.
132. The Executive Director explained that the Secretariat plans to have procedures for automated handling of the manual reports in place shortly. It was noted that this is one aspect of the WCPFC9 Flick the Switch decision that is still to be implemented.
133. One CCM requested clarification on whether the VTAFs are managed in coordination with the WCPFC Record of Fishing Vessels (RFV), in particular whether a vessel's VTAF is deleted or quarantined if it is removed from the RFV.
134. The WCPFC VMS Manager explained that when a vessel is removed from the RFV, it is de-activated on the VMS.
135. In response to queries from CCMs, the WCPFC VMS Manager confirmed that VTAFs may be provided directly to the Commission from vessel operators, and that the VTAF itself need not be submitted as long as all the information required by the VTAF is provided.
- 136. TCC9 agreed to recommend to WCPFC10 that the requirements for manual reporting agreed at WCPFC9 be extended for another year, i.e. from 1 March 2014 to 1 March 2015.**
- 137. TCC9 agreed to recommend to WCPFC10 that vessels which can be confirmed to be in good standing on the FFA Vessel Register shall be exempted from the requirements to submit the information contained in a VTAF for the Commission's VMS.**

**(b) Review list of approved ALC/MTUs maintained by Secretariat (SSP Section 2.7)**

138. Noting the current list of CCMs' type approved ALC/MTUs shown in Annex 4 of WCPFC-TCC9-2013/RP-01, the TCC Chair invited TCC9 to provide comments on this issue.
139. Some CCMs, including FFA members, considered that there is not enough information available on the vessels, frequencies and types of ALC/MTUs reporting to the Commission through the VMS and through manual reporting to determine which units may be non-compliant. These CCMs requested the

Secretariat provide more information on this topic prior to WCPFC10 to inform further discussion of the Type Approved MTU/ALC list.

**(c) Draft Guidelines for VMS Reporting Requirements**

140. Some CCMs expressed their appreciation to the Secretariat for preparing the draft guidelines for VMS Reporting Requirements (WCPFC-TCC9-2013/IP-09) considering that it is useful as a concise summary of requirements.
141. The EU requested that further detail be provided in the guidelines regarding VMS reporting requirements outside of the Convention Area.
142. Referring to the draft guidelines, one CCM noted that the requirement for purse seine vessels to report at ½ hour intervals applies generally throughout the area of applicability of the Commission’s VMS, not only in EEZs. Because the Commission has not established a standard or minimum position reporting rate, the inclusion in the draft guidelines of the Commission’s “default” rates is very useful, as it helps VMS users interpret the VMS data. For that reason it is important that CCMs be informed any time that the default rates are changed and any time that the actual rates deviate from the default rates.
143. One CCM suggested that the definition of vessels required to report to the Commission’s VMS be more precisely specified as “fishing vessels which fish for highly migratory species on the high seas”.
144. The Secretariat explained that the guidelines have been coordinated with one distant water fishing CCM and with the FFA. Further consultation with and input from other CCMs is welcomed.

**8.2 Regional Observer Programme**

**(a) Annual Report of the ROP**

145. The Secretariat, led by Mr Karl Staisch, ROP Coordinator, presented the Annual Report of the ROP (WCPFC-TCC9-2013/RP-02) noting that this paper contains four recommendations developed by the Secretariat for TCC9’s consideration; another nineteen (19) recommendations developed by the ROP-Technical Advisory Group (ROP-TAG) are contained in WCPFC-TCC9-2013/14 (discussed below). Issues covered in the presentation included:
  - i. Continuing the ROP audits on a rolling and cost-effective basis;
  - ii. Noting that release methods involving tail hauling may be harmful to whale sharks;
  - iii. Adding information describing the mesh size used in FAD construction to Minimum Standard Data Fields to be collected by observers;
  - iv. Compiling observer coverage for purse seine, longline and transshipment vessels;

- v. Noting the need for a greater number of cross-endorsed (WCPFC-IATTC) observers; and
  - vi. Summarizing an indicative number of incidents witnessed by observers in 2012 based on GEN-3 Observer Trip Monitoring Summaries.
146. One CCM expressed its strong support for continued training of cross-endorsed observers to increase the pool of certified observers able to perform observer duties in both the WCPFC and IATTC on a single trip.
  147. TCC9 considered a proposed schedule in the ROP Annual Report for continuing the ROP audits in order to ensure WCPFC minimum standards are being maintained by ROP authorised programmes.
  148. The Secretariat noted there are no budget implications above what had already been allocated on an annual basis for auditing.
  - 149. TCC9 agreed to recommend to WCPFC10 that the ROP audits continue over the next five years in accordance with Table 1 in WCPFC-TCC9-2013/RP-02.**
  150. TCC9 considered a proposal that all ROP data be sent to the Secretariat or SPC in a timely manner, e.g. no longer than 90 days, after the trip.
  151. FFA members recognized that there have been significant improvements in ROP data management and submission rates in 2010-2011 due to better debriefing and use of scanners. While remaining committed to improving the timeliness of submissions, FFA members stated that providing data within 90 days may not be feasible given the dispersed nature of the fishery and the potential need to vet the data before submission.
  152. Some CCMs suggested that untimely submission diminishes the value of observer data and therefore it is important to provide a specific timeliness target. Nevertheless, some flexibility should be provided, for example, in the case of back-to-back trips. The requirement could thus be to provide the data within 90 days of the observer disembarking the vessel. Also, the guideline could be specified as “within X days where possible”, or “no later than X days”.
  153. One CCM indicated that its electronic system will allow it to submit observer data well within the target timeframe.
  154. FFA, speaking as a ROP observer provider, confirmed that the average time for ROP data submission is 93 days, therefore setting a timeframe that can’t be complied with is not helpful.
  155. The Secretariat clarified that timeliness in ROP data submission is an issue for many CCMs, not only SIDS.
  156. Some CCMs suggested that the timeframe be extended to 100 days.
  157. Some CCMs considered that a longer timeframe (e.g. an additional 20 days) should be specified for longline ROP data due to the more extensive debriefing and species identification work required.

158. One CCM noted that the lack of a clear definition of an observer trip could complicate interpretation of this guideline.
159. The Cook Islands informed TCC9 that it intends to establish an observer field office in Pago Pago (American Samoa) by mid-2014 and debriefing to be conducted there should serve to expedite submission of ROP data.
- 160. TCC9 agreed to recommend to WCPFC10 that ROP data should be submitted to the Secretariat or SPC where possible within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels.**
161. TCC9 then considered the issue of submission of purse seine observer placement information to the Secretariat.
162. FFA members stated that as it is a flag State responsibility to secure observer coverage, it should be the responsibility of the flag State to report observer placement information to the Secretariat. These CCMs further noted that with the development of electronic/cloud-based information management systems it is becoming increasingly easy to automatically share information between authorized users, i.e. administrators participating in the Commission's ROP.
163. Some CCMs expressed concerns that as flag States they do not receive timely responses from the observer providers and thus it may be difficult for them to shoulder the full responsibility of reporting observer placement information to the Secretariat.
164. Some CCMs advised that both the flag State and the observer providers should report placement information to the Secretariat. This type of joint approach was considered necessary to ensure the flow of information between the flag States and the observer providers as well as useful in allowing for cross-checking.
165. One CCM supported joint reporting by flag States and observer providers, but could also accept reporting by the flag State only, if necessary.
166. One CCM suggested that the reporting be encouraged on a voluntary basis.
167. Some CCMs considered that a monthly reporting frequency would be too onerous and suggested that this be extended to quarterly.
168. In response to a query, the Secretariat confirmed that reporting on a quarterly basis would be acceptable and useful.
169. One CCM requested that the requirement stated that observer placement information be provided "as soon as possible and in all cases no later than three months".
170. TCC9 could not reach agreement on requirements for reporting of observer placement information on purse seine vessels.
171. TCC9 considered issues associated with transshipment vessel movement and observer coverage notifications.

172. Some CCMs expressed support for the recommendation in para 19.4 of WCPFC-TCC9-2013/RP-02 which requires fish carriers and transshipment observer to report various information to the Secretariat when certain activities occur (see WCPFC-TCC9-2013/RP-02, paras 10.9 and 10.10).
173. One CCM questioned whether it is workable to create a requirement for carrier vessels to report on entry/exit from the Convention Area and departure from port directly to the Secretariat. It was considered that the vessel's presence in the Convention Area is notified by the switching on of the VMS, and its intention to tranship is notified by its request for a transshipment observer.
174. The Secretariat clarified that the existing VMS and observer systems function for those vessels which intend to tranship, notify the Commission of their intention to do so, and agree to be tracked/observed. However, it is difficult to monitor compliance in situations where it is not clear whether or not a vessel is transshipping and there is no VMS reporting and/or observer onboard. Notification by either the carrier itself or by the flag State of the intention of the carrier could solve this problem.
175. In response to a question, the Secretariat further clarified that the proposed notification requirements are intended to apply to both in port and at sea transshipments.
176. TCC9 could not reach consensus on the need for notification requirements for fish carrier vessels and transshipment observers.
- 177. TCC9 agreed to continue discussions on the need for notification requirements for fish carrier vessels and transshipment observers at TCC10.**

**(b) ROP-TAG**

178. Mr Ludwig Kumoru, PNG, assisted by the WCPFC ROP Coordinator, presented the report of the ROP-TAG (WCPFC-TCC9-2013/14) on behalf of the ROP-TAG Chair, Mr Philip Lens.
179. The first recommendation of the ROP-TAG is that the Commission develop and implement observer credentials, such as identification cards with the WCPFC logo and a unique regional number managed by the Secretariat.
180. FFA members expressed support for the recommendations but considered that the credentials should be developed with the hybrid nature of the ROP in mind, consider minimum information requirements, and be compatible with other existing or planned identification cards.
181. Some CCMs supported the idea of observer credentials but suggested that guidelines for such credentials be prepared as a first step.
- 182. TCC9 recommended that the WCPFC10 task the Secretariat with developing guidelines for observer credentials.**

183. Regarding the issue of mechanisms to prevent and stop misconduct of observers, FFA members welcomed the development of minimum standards and suggested a focus on best practices for management and administration of observer programmes.
- 184. TCC9 recommended that the WCPFC10 task the WCPFC Secretariat with developing and circulating prior to TCC10 a paper on a Minimum Standard in relation to mechanisms on how to prevent and stop misconduct of observers. Comments should be provided and the paper adjusted and then presented for discussion and endorsement at TCC10.**
185. ROP-TAG recommendations concerning development of notification mechanisms for fish carriers to notify the Secretariat of their transshipment intentions and streamlining of data transmissions were discussed under Agenda Items 8(2)(a).
186. Regarding the ROP-TAGs recommendations on accommodation and onboard facilitation of female observers, FFA member expressed their concerns about continuing reports of inadequate conditions provided to observers. These CCMs called for better negotiation of observer accommodation and treatment standards between flag States and observer providers, and for these standards to be reflected in license conditions.
187. One CCM suggested that some flexibility is necessary in the requirement that “female observers on a purse seine vessel with an all-male crew must be accommodated in a single person cabin”, and thus “must” should be replaced with “should”.
188. Some CCMs noted that CMM 2007-01 provides guidelines on the rights and responsibilities of observers and states that “access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel”. Therefore, ROP-TAG recommendations that exceed standards normally available to an officer on board the vessel are not supported.
189. The Executive Director noted that the standard from CMM 2007-01 is drawn directly from Annex III Article 3 and Article 28 of the WCPF Convention text and that the ROP-TAG recommendation might, depending on circumstances, result in either a higher or lower standard than that required by the Convention and CMM 2007-01.
190. The WCPFC ROP Coordinator informed TCC9 that due to the potential for mistreatment of observers this issue is of great concern to many of the ROP observer coordinators and should be given careful attention.
191. TCC9 did not reach consensus on the issue of accommodation and onboard facilitation of female observers.
192. On the issue of communication by observers prior to arriving in foreign and/or home ports, some CCMs considered this would be better left as a guideline rather than a binding element of the ROP.

193. In relation to this issue the EU queried whether there are any guidelines existing or necessary for the number of consecutive trips that can be made by an observer on the same vessel.
194. The WCPFC ROP Coordinator responded that these guidelines are set by the observer providers and usually limit consecutive trips to two, with three consecutive trips allowed only under extenuating circumstances.
195. TCC9 discussed the ROP-TAG's recommendation regarding observer providers supplying the Commission with updated lists of certified and active observers.
196. The EU considered that the authorization of the observer should be linked with the issuance of observer credentials, and asked that this issue be included in the discussion of the observer credential guidelines to be developed by the Secretariat.
197. Japan noted that it reserved the right to comment on this issue at WCPFC10.
- 198. TCC9 agreed to recommend to WCPFC10 that all observer programmes authorised to be part of the ROP will send to the Commission Secretariat as soon as practical the names of those individuals who have been trained and qualified to operate as an observer in the ROP.**
- 199. TCC9 agreed to recommend to WCPFC10 that all observer programmes authorised to be part of the ROP must inform the Commission Secretariat of the status of their active observer list at least every 3 months, e.g. February, May, August, November, February, etc.**
- 200. TCC9 agreed to recommend to WCPFC10 that observers removed from an active observer list of a national programme for serious breaches of their Code of Conduct or for other reasons, must be informed to the Commission Secretariat as soon as practical, when the observer is deactivated.**
201. In response to the ROP-TAG recommendation that a consultant be contracted to examine operational mechanisms to decrease incidents of corruption, some CCMs considered that a consultancy is unnecessary. These CCMs suggested that flag States and observer providers should be the ones to examine the issues as they have first-hand knowledge of the problems and access to the data. It was suggested this issue be tabled for discussion at TCC10.
202. One CCM asked that the issue of observer insurance cover also be examined.
203. FFA members stated that dealing with corruption issues is important to avoid negative public perceptions regarding the observer programmes and suggested that flag States and observer providers should discuss these issues.
- 204. TCC9 agreed that responses from members about how to best deal with corruption issues, such as those involving blackmail, bribery and extortion, should be tabled for discussion at TCC10.**
205. TCC9 considered the ROP-TAG's final recommendation involving development of handbooks for observers containing updated summaries of all relevant CMMs.

- 206. TCC9 recommended that WCPFC10 task the Secretariat with preparing a “Handbook of WCPFC Conservation Management Measures” (CMMs) relevant to onboard fisheries observers and updating it on an annual basis.**
- 207. TCC9 thanked the ROP-TAG Chair and participants for their work. TCC9 recommended to WCPFC10 to dissolve the ROP-TAG. TCC9 recommended that the Commission reconstitute the IWG-ROP to address issues that have arisen with respect to the implementation of the ROP.**

**(c) E-monitoring and E-reporting Applications**

208. Mr Steve Dunn, IC Independent Consulting, presented a report on the preliminary findings of a consultancy on E-monitoring and E-reporting (WCPFC-TCC9-2013/15 and Attachment D) The working definitions developed for this project focus on the open and closed nature of the two technologies. Reporting is considered an open or “white box” system with manual data collection and transmission, and includes catch logs, observer logs, transshipment logs, dockside monitoring, and event reporting – both portside and near-real time. E-Monitoring is considered a closed or “black box” system with automated data collection and transmission, and includes VMS, video, sensor, AIS and FAD tracking. Stakeholder consultation has been conducted with national authorities, regional and international agencies, industries, and technology providers. During these discussions a range of issues and concerns have been raised including the perception of a reduction in local employment opportunities (e.g. observers and data entry staff), loss of control of data and/or process, use of E-Monitoring data for unintended purposes, and privacy. The question of human capacity was a common issue, as well as questions of program cost, communication costs, program logistics, integration with existing systems, and the fact that a range of national and regional programs are already well advanced. Preliminary conclusions are that: i) proven technologies are available to support the development and implementation of both e-monitoring and e-reporting in the region; ii) proof of concept trials are not necessary but trials to develop awareness, familiarity and confidence should be encouraged; iii) need to define program, what, why, when and where; develop policy and legislation; standards and specifications; and type approvals iv) intellectual property, ownership, privacy and logistic issues need to be resolved; v) e-monitoring has the capability to help the Commission meet and exceed its observer coverage requirements; vi) there is unlikely to be a negative impact on employment opportunities for Pacific Island countries in adopting e-monitoring and e-reporting.
209. FFA members thanked the consultant and the Secretariat for the study. While remaining concerned about costs, these CCMs supported further work in the six areas identified as critical next steps in the interim report (WCPFC-TCC9-2013/15). Integration with existing systems such as the IMS, strengthening capacity and authority at the national level, and cost recovery should also be given careful consideration.
210. Solomon Islands described e-logbook trials currently underway on five vessels with good results. The new systems are being welcomed by captains, and improve the



efficiency of industry and government data management through electronic access to information.

211. The Philippines informed TCC of that it has implemented e-logbooks based on the SPC logsheet formats and is current building capacity to use the system.
212. Chinese Taipei supported further studies of electronic systems by the Commission. It described its positive experience with e-monitoring systems on its own vessels noting that these systems can substitute for observer coverage.
213. Papua New Guinea confirmed that there should be no employment displacement with the implementation of electronic systems since data entry personnel can be re-trained as data quality assurance staff. It has already implemented e-monitoring systems on its vessels and this has been well-received by industry.
214. ACAP voiced support for e-monitoring systems stating that these systems can help to meet the high observer coverage levels required for statistical power in detecting rare bycatch events such as seabirds. In addition, increased monitoring will assist in expanding implementation of agreed mitigation measures.
215. The EU offered to provide the consultant with information about its e-monitoring and e-reporting systems.
216. The Executive Director noted that the Secretariat has requested funding from AusAid to examine the effects of the implementation of electronic systems on employment patterns, and that notification of funding is expected shortly.
217. The TCC Chair invited other CCMs to discuss issues with, or provide input to, the consultant directly.

#### **(d) ROP Coverage/ROP Data Monitoring**

218. The TCC Chair invited TCC9 to consider proposals for guidelines to be used to evaluate whether the requirements of ROP observer coverage have been met. These proposal are contained in papers prepared by the Secretariat and SPC (WCPFC-TCC9-2013/09 and WCPFC-TCC9-2013/RP-02).
219. Some CCMs considered that their fisheries might be better classified differently from what is specified in Table 1 of WCPFC-TCC9-2013/09 and agreed to provide their alternative suggestions to the Secretariat.
220. Some CCMs suggested that tables of required coverage should allow for CCMs to specify units of coverage such as trips rather than days-at-sea.
221. FFA members stated that the footnotes to Table 1 may need to be revised to conform to existing and yet to be agreed definitions within the ROP. With regard to which party has responsibility for reporting of trip-level data to the Commission, FFA members reiterated their view that this responsibility lies with the flag State as it is the party responsible to ensuring observer coverage.
222. One CCM considered that observer coverage requirements would not apply to its WCPO fleet as a whole because some of these vessels are fishing solely in national

waters. Furthermore, for those vessels fishing outside national waters, there are both vessels which fish solely in the national waters of a coastal State and those which fish both in EEZ and high seas areas. This CCM noted that the effort required to calculate the required observer coverage under these various scenarios could be onerous.

223. The Executive Director suggested that the five recommendations given in para. 15 of WCPFC-TCC9-2013/09 (including amendments to Table 1) be discussed in a small working group with a view to tabling a revised proposal at WCPFC10. After further discussions it was determined that more consultation would be required on Table 1, the second recommendation was considered under Agenda Item 8.2(a), and the third, fourth and fifth recommendations are being discussed in the CMR process. TCC9 was invited to consider options for continuing work on the issues contained in Table 1.
- 224. TCC9 agreed that consultations between the Secretariat, SPC and CCMs on Table 1 and associated issues should continue intersessionally.**
- 225. TCC9 recommended that WCPFC10, if necessary based on progress between TCC9 and WCPFC10, refer issues associated with observer coverage targets for longline fleets to the IWG-ROP.**
226. ACAP requested to participate in an IWG-ROP if established.

### **8.3 High Seas Boarding and Inspection (HSBI)**

227. The TCC Chair noted that this item includes the annual report of the Executive Director (WCPFC-TCC9-2013/RP-03) and a discussion of para. 24 of CMM 2006-08 concerning provision of a “copy of the text of the relevant measures in force” when conducting HSBI activities.
228. The Executive Director presented a summary of reports received from CCMs conducting HSBI activities in 2012-2013 (WCPFC-TCC9-2013/RP-03). In 2012, 55 HSBI reports were received from 3 CCMs which identified thirteen vessels with serious violations. Responses for eight vessels (62%) have been received. Thus far in 2013, 54 HSBI reports have been received from 7 CCMs identifying 15 vessels with serious violations. Responses for thirteen vessels have been received (87%), and thus the response rate has improved for 2013.
229. The EU noted two compliance issues highlighted by the report: the lack of responses of CCM flag States to violations identified in HSBI of their vessels (WCPFC-TCC9-2013/RP-03, para. 8) and discrepancies between the number of HSBI conducted and the number of reports submitted in accordance with CMM 2006-08, para. 40 (WCPFC-TCC9-2013/RP-03, Annex 2).
230. Several CCMs stated that they had updated information on HSBI activities conducted or on their responses to identified violations to provide to the Secretariat.
231. Some CCMs which had been the subject of HSBI activities in the past year stated that improper procedures had been followed in some cases. Specific instances cited

include a failure to advise of boarding procedures and activities which damaged the quality of the catch and put the safety of the vessel at risk. These CCMs reminded TCC9 that all HSBI activities must comply with para. 23 of CMM 2006-08.

232. One CCM which had conducted one of these HSBI activities noted that procedures had been examined and improved subsequent to the incidents mentioned.
233. Another CCM which had conducted one of these HSBI activities considered that it is necessary to find the appropriate balance between the responsibility to inspect gear and catch and the obligation to take reasonable care not to impact the quality of the catch and the safety of the vessel.
234. One CCM conducting HSBI activities in 2012 stated that incidents of under-reporting of albacore and shark catches, inadequate vessel marking, and lack of required sea turtle mitigation gear were observed. It was also noted that non-target bony fish bycatch such as mahi mahi and wahoo are often consumed by the crew, either onboard or subsequent to the trip, without being recorded as catch. This observed non-reporting, in combination with generally poor recordkeeping practices such as a failure to use SPC or other standard logsheets, calls into question the accuracy of catch and effort reporting.
235. FFA members urged all CCMs to submit HSBI reports to the Secretariat in a timely manner. Those CCMs flagging vessels which have been identified as having violations were encouraged to impose appropriate penalties. FFA members also stressed the importance of ensuring accurate catch reporting.
- 236. TCC9 recommended that responses to serious violations, the number of HSBI reports submitted against the number of HSBI activities conducted, and the timeliness within which HSBI reports are submitted should be included as elements in the CMR.**
237. The EU suggested that the “Handbook of WCPFC Conservation Management Measures” agreed to be prepared by the Secretariat under Agenda Item 8.2(b) could be used to satisfy the requirements of CMM 2006-08, para. 24 for a “copy of the text of the relevant measures in force”. This CCM also suggested that the Commission agree deadlines for submission reports of HSBI activities.
238. FFA members noted that this issue was originally raised by New Zealand but it has been solved by including a digital copy (CD Rom or DVD) of the WCPFC CMMs as a standard component of their HSBI kit. While these CCMs welcomed the suggestion that the Secretariat might assist with providing this material, they did not support the other options presented in WCPFC-TCC9-2013/RP-03.

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

239. The Executive Director drew TCC9’s attention to the annual report on the WCPFC Record of Fishing Vessels (WCPFC-TCC9-2013/RP-04).
240. The United States presented WCPFC-TCC9-2013/DP-02 (rev1) containing draft Standards, Specifications and Procedures (SSPs) for the WCPFC RFV. An explanatory note details the history, objectives, outstanding issues and comments

received on a July 2013 draft. The issue of how the RFV SSPs would specify the information required for chartered vessels was explained to differ between non-CCM flagged chartered carriers and bunkers, for which the host or chartering state is responsible for maintaining on its national record, and CCM-flagged chartered fishing vessels, for which the flag State is responsible for maintaining on its national record.

241. FFA members stated that they supported the objective of making the Commission's RFV more accurate and cost-effective. In this spirit, these CCMs suggested picking up two existing RFV data fields as minimum data requirements (start and end period of validity of authorization), and dropping two fields from the list of minimum data requirements (moulded depth and when the vessel was built). These fields would remain part of the RFV but are not critical for MCS purposes and therefore need not be part of the minimum data requirements.
242. FFA members also considered that greater standardization of entries for the fields of name of the fishing vessel, registration number and international radio call sign (IRCS) should be required to support easier identification of vessels. This could include requiring the information to be entered with no punctuation, no spaces and all in upper case.
243. One CCM expressed concern regarding the requirement to provide vessel photographs no older than five years given the size of its fleet and the fact that many of its vessels return to port infrequently. This CCM suggested that older photographs, e.g. up to six years old, should be allowed.
244. The United States suggested that, as a compromise, the vessel photograph currency requirement could be set at 6 years.
245. FFA members noted that the FFA Vessel Register requires vessel photographs taken within five years and supported the Commission adopting a consistent requirement.
246. Some CCMs questioned the need to allow 48 hours for the Secretariat to place vessels whose data meet to the minimum data requirements on the RFV. It was noted that the WCPFC direct entry portal should lend itself to more prompt updating of WCPFC RFV records.
247. The Compliance Manager confirmed that the Secretariats review of the proposed minimum timeframes for publishing CCMs modifications in proposal DP-02 (rev1), had been viewed from the point of view of the most technical complex mechanism for the Secretariat to receive updates (ie the receipt of MS Excel/ MS access updates including entering of new vessels information). However, the Secretariat could consider within 24 hours of an official WCPFC working day for publishing of updates to the CCMs RFV entries if they were only updates to current CCMs national list of vessels provided to WCPFC through the current WCPFC RFV direct entry portal.
248. FFA members requested that electronic submissions for the RFV, for example via direct linkages to existing databases, be accommodated.

249. The Compliance Manager confirmed that WCPFC was currently awaiting input from the FFA Secretariat on the electronic format for receiving appropriate updates from FFA/SPC hosted databases. Once received, the WCPFC has indicated to the United States a willingness to review the electronic format specifications it has provided in DP-02 (rev1), with a view to either accommodating this as a third mechanism or a modified version of the MS Excel/MS Access mechanism for CCMs to advise of updates to their national list of authorised vessels, within the RFV SSPs proposal.
250. FFA members considered that the SSPs need not provide for listing of non-CCM flagged chartered carriers and bunkers on the WCPFC RFV since the interim register of non-CCM carriers and bunkers has already expired.
251. The WCPFC Legal Advisor explained that although the interim register of carriers and bunkers flagged to non-CCMs has expired, para. 41 of CMM 2009-01 allows non-CCM carriers and bunkers to operate in the WCPFC Convention Area as chartered vessels if they are considered an integral part of the fishery of a CCM. In such cases the chartering State takes on all responsibilities for listing the vessel on the RFV, and could be considered the “host State” for the RFV. The Commission may however wish to denote this special situation by creating another field or category in the RFV.
252. The United States agreed to revise the RFV SSP proposal to add two and subtract two minimum data requirements, standardize the three naming and number fields, revise the timeframe for uploading fully compliant vessel record submissions onto the RFV within 24 hours, and to allow for other comments arising from further consultation.
253. **TCC9 agreed that the United States would continue to consult on the RFV SSPs proposal intersessionally, in particular to resolve the outstanding issue regarding the currency requirement for vessel photographs, with a view to tabling a revised proposal at WCPFC10.**

## **8.5 High Seas Transshipment Reporting**

254. The Executive Director presented the annual report on WCPFC high seas transshipment reporting (WCPFC-TCC9-2013/RP-05) noting that some of the issues have been dealt with under other agenda items.
255. The Compliance Manager highlighted that the quantity of catch reported as being transhipped on the high seas ranges as high as 25% for bigeye tuna. It was noted that the paper would be updated subsequent to TCC9 to reflect new information from the CMR process and any subsequent updates to WCPFC records.
256. FFA members encouraged the updating of this paper for WCPFC10 to support further discussions. The Secretariat was asked to carefully consider why reported transhipments seem to cluster in the high seas areas north of the Cook Islands and Kiribati and not in the high seas pockets.
257. The Executive Director presented draft guidelines for the determination of circumstances where it is impracticable for vessels to tranship in port or in waters

under national jurisdiction as required by para. 37 of CMM 2009-06 (WCPFC-TCC9-2013/17). It was noted that the Commission's intention regarding whether high seas transshipment should be phased out or allowed to continue remains unclear, and this complicates the development of these guidelines. TCC9 was invited to consider whether allowing transshipment from vessels other than purse seines is in the best interest of the Commission; consider the draft guidelines; and consider whether to prohibit transshipment in the high seas pockets.

258. FFA members stated that all high seas transshipments should be monitored by observers on both the receiving and offloading vessel and all notification procedures specified in CMM 2009-06, para. 35 must be met. However, FFA members considered that ideally all transshipments should take place in EEZs or ports in order to facilitate development of SIDS port services and comply with Article 30 of the Convention.
259. FFA members noted that unreported high seas transshipments have the potential to obscure our understanding of the fishery, particularly in cases where the vessels involved do not carry observers and do not submit operational level catch and effort data. Transshipment reporting and monitoring is supported because it can reinforce other monitoring systems and improve fishery statistics, but it was noted that it is easiest to monitor transshipments made in port.
260. The EU expressed support for banning transshipment at sea, but agreed that if high seas transshipment is allowed it should only be conducted under strict monitoring and control, including full observer coverage on both vessels, in order to avoid facilitating IUU fishing.
261. Some CCMs considered the proposal that both receiving and offloading vessels involved in high seas transshipment carry observers to be excessive and unnecessary.
262. Some CCMs considered that the requirement to provide annual reports documenting significant economic hardship is unreasonable.
263. One CCMs stated that port surcharges for transshipment in port have become burdensome.
264. The United States drew a distinction between the guidelines for impracticability, which the ED was tasked with drafting, and the issue of whether, and under what conditions, high seas transshipments should be allowed. The United States noted that gathering economic data to support a finding of impracticality is difficult. For that reason, and because the main objective of the transshipment CMM is to deter IUU fishing, the United States had proposed that the guidelines be based not on economic considerations, but on whether the flag CCM has fully implemented the notice, reporting and observer requirements to ensure that the transshipments are adequately monitored (see page 20 of WCPFC-TCC9-2013-17)
265. The Executive Director noted that over the next year the Secretariat's oversight of transshipment activities will be enhanced via an integration of VMS, ROP and other datasets and will be capable of providing much closer scrutiny.

266. TCC9 noted that the CMS process has identified specific issues that will assist CCMs to fully implement CMM 2009-06.
267. TCC9 recommended that the Commission task the Secretariat to provide a report at TCC10 with specific details of transshipment activity in 2013/2014, including through using the VMS tool described by the Executive Director. To the extent possible, available ROP observer data will be included in this analysis.
268. TCC10 agreed to revisit the MCS implications of high seas transshipment pending that report, and the outcomes of the CMS process on this CMM at TCC10.

#### **8.6 Purse Seine Catch Discard Monitoring**

269. The Executive Director presented a summary of purse seine catch discard reporting received by WCPFC under CMM 2009-02 (WCPFC-TCC9-2013/IP-06). TCC9's attention was drawn to a significant increase in reported purse seine discards received by the Secretariat in 2013.
270. FFA members stated that the requirement to report purse seine discards in CMM 2009-02 only applies to the high seas, not to EEZs. These CCMs suggested that the increasing trend in discarding in the EEZs is a reflection of large increases in the reporting of discards by some fleets but in fact discard rates have remained constant. In order to understand the real situation with regard to discards the Secretariat was encouraged to focus on identifying a consistent time series of high seas discard data from reports received pursuant to CMM 2009-02 and to cross-check these data against observer data.
271. Some CCMs queried whether the catch retention and catch discard reporting requirements in CMM 2009-02 apply only to the high seas.
272. The EU noted that it had recently adopted a policy which prohibits discarding without exception.
273. A representative of FFA clarified that catch retention and catch discard reporting requirements for the EEZs of PNA countries have been implemented under the PNA's Third Implementing Arrangement and that CMM 2009-02 extends a compatible measure to the high seas.
274. TCC9 noted the Secretariat's paper and the clarification of the scope of CMM 2009-02.

#### **8.7 Eastern High Seas Pocket Special Management Area**

275. Ms 'Ana Taholo, the Assistant Compliance Manager presented the Secretariat's annual report on the Eastern High Seas Pocket (EHSP) Special Management Area (SMA) including a review of CMM 2010-02 establishing the SMA (WCPFC-TCC9-2013/RP-07).
276. FFA members noted that the report confirms the results of previous analyses and indicates that there are severe deficiencies in implementation of the CMM. This

failure of flag States to exercise control over activities of vessels in the EHSP leads to a disproportionate burden on coastal States under Article 30 of the Convention. This has led the Pacific Island Forum Leaders communique to call for a full closure of the EHSP and thus FFA calls for such a closure to be recommended to WCPFC10.

277. French Polynesia confirmed their support for a full closure of the EHSP on the basis of continuing non-compliance with CMM 2010-02 and the fact that more than half of the vessels inspected there were found to be in violation.
278. Some CCMs resisted the proposal for a full closure on the grounds that the area is an important fishing ground and that they have made good faith efforts to comply with CMM 2010-02 including imposing serious penalties on vessels found to be in violation. These CCMs stated that legitimate use of a high seas area should be allowed to continue. Some CCMs also argued that closing the high seas pockets did not provide any conservation benefit.
279. The Secretariat stated that the annual report (WCPFC-TCC9-2013/RP-07) would be revised to incorporate new information provided at TCC9 including points arising from the CMR.
280. Several CCMs stated strong support for closure of the EHSP.
281. Some CCMs considered that if the EHSP was not closed, steps should be taken to strengthen CMM 2010-02 and stated their intention to table a proposal with that aim at WCPFC10.

## **8.8 Administration of the Data Rules and Procedures**

282. The Executive Director presented the annual report on the administration of the WCPFC's data access rules and procedures (WCPFC-TCC9-2013/RP-06) noting that a recent audit found no breaches of data confidentiality. The only unusual data request involved the tracking of a vessel at the request of a CCM out of concern for the safety of life at sea.
283. In response to a query, the Secretariat explained that because some EEZ boundaries are disputed, there are many different baseline mapping coordinate sets available and no one set can be provided for official use by the Secretariat. CCMs were referred to the Pacific Islands Applied Geoscience Commission (SOPAC) for further information.
284. FFA members requested that because China, Chinese Taipei, Japan and Korea have failed to provide operational catch and effort data for two consecutive years, these CCMs should be prohibited from accessing WCPFC non-public domain data under para. 28 of the WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission.
285. Japan, referring to the rules of Section 3 of "Scientific Data to be provided to the Commission", stated that not providing operational catch and effort data itself does not constitute non-compliance as long as aggregated catch and effort data had been provided under this Section.



286. FFA members further noted that CCMs which only provide access to their operational level catch and effort data onsite in their own national laboratories increase the Commission's scientific services costs, limit use of the data, and do not satisfy the Commission's data provision requirements.
287. Some CCMs questioned the basis for this proposal.
288. The WCPFC Legal Advisor advised that the WCPFC Data Rules derive from the Convention and are clearly binding. The rules provide a mechanism for restricting access to non-public domain data if compliance with the rules is not achieved.
289. Japan reiterated that compliance with the rules of Section 3 of "Scientific Data to be provided to the Commission" was achieved because aggregated catch and effort data had been provided under this Section.
290. One CCM suggested that it and other CCMs which are not currently providing operational level catch and effort data could consider constructive suggestions for remedying the situation. This CCM indicated that these CCMs may present some of their ideas for consideration at WCPFC10.
291. FFA members, referring to discussions under agenda item 8.3, reiterated their call for a requirement that all CCMs complete daily logsheets.
292. Most CCMs agreed that TCC should recommend that the Commission consider adopting a requirement "for all vessels on the WCPFC Record of Fishing Vessels, operating within the WCPFC Convention Area, to complete daily logsheets" This requirement could be added to the Commission's rules on Scientific Data to be Provided to the Commission or other appropriate measure.

## **AGENDA ITEM 9 —DATA PROVISION AND DATA GAPS**

### **9.1 Impact of gaps in CCMs data submission on Commissions compliance functions (final CMR 2012)**

293. Mr Peter Williams (SPC) provided a presentation on recent data provision, outstanding data gaps and recommendations for data improvements (WCPFC-TCC9-2013/IP-07 and WCPFC-TCC9-2013/IP-12). All CCMs have now provided catch estimates for 2012. Shark species catch estimates are improving but there is still some further work to do.
294. Most 2012 catch and effort data are available in aggregated form, but some data remain provisional. While 2012 operational level data are mostly complete for the purse seine fleet they are not complete for the longline fleet. Gaps in operational level data are particularly notable for distant water fleets from China, Japan, Korea and Chinese Taipei. Some recent progress has been made in accessing these data for scientific purposes including:
  - i. Korea has offered to work collaboratively with SPC on analysis of operational level data at SPC offices, and SPC looks forward to confirming these arrangements and initiating this work shortly;

- ii. The Philippines recently authorized release of its operational level data to WCPFC;
- iii. Japan and Chinese Taipei offer access to their operational data for scientific purposes on site in their national laboratories but this approach has substantial time and cost implications and is far from satisfactory.

Catch and effort data for key shark species continues to improve; remaining gaps are being addressed through a transition to new expanded logsheets, species identification guides, new reporting procedures and education of skippers.

295. SC9 discussions highlighted a number of data-related issues and SPC provided some further information on these issues:
- i. Annual catch estimates for EEZ and high seas areas. SPC noted that due to the lack of operational level data for some of the major fleets it is not possible to accurately estimate catches by EEZ and high seas areas. Therefore CCMs were urged to separate their catch estimates by EEZ and high seas areas when submitting.
  - ii. Number of vessels represented in aggregate data. This information has not been provided by China, Japan and Korea. One potential solution raised at SC9 could be for CCMs to advise WCPFC that they do not require their aggregate data to be filtered before inclusion in the WCPFC database.
  - iii. Operational level data. As previously noted there are important gaps in the operational level data which have major implications for catch and effort estimates, double counting in catch attribution, and trend identification and modelling (due to lack of fine scale detail). While some opportunities for analysis are being offered by countries holding but not submitting the operational level data, more access is required. It was noted that no plans for how impairments to data provision can be resolved have been submitted.
296. SPC summarized the most critical data gap issues to be addressed as: provision of operational level catch and effort data by EEZ and high seas areas; provision of the number of vessels represented in aggregate data; operational data improvement plans; improved catch and discard estimates for key shark species; and increased observer coverage for fleets which do not submit operational data.
297. FFA members stressed the importance of all CCMs providing all required data, in particular operational level catch and effort data. It was noted that the lack of such data affects the verification of VMS and transshipment data, evaluation of the effectiveness of CMMs, catch attribution issues, assessment of EEZ versus high seas conservation burdens, and the quantity and quality of public domain data. FFA members considered that the failure to provide operational level data is the most serious compliance failure within the Commission and urged TCC9 to take these considerations into account during the CMR process.
298. Some CCMs stated that while they are not providing operational level data they are nevertheless in compliance with the Commission's data rules and are cooperating as much as possible to make the data available for scientific purposes.

299. Some CCMs which have not yet provided catch estimates partitioned into EEZ and high seas areas stated that these data will be provided as soon as possible.
300. Some CCMs welcomed this commitment from the CCMs which are not currently providing operational level data and urged them to provide their data improvement plans as well.
301. Some CCMs emphasized that uncertainties in the BET stock assessments arising from a lack of operational data may be driving conservation and management measures which place a disproportionate burden on SIDS. It was suggested that a failure to submit required data could trigger punitive reductions in fishing effort for individual CCMs as provided for under CMM 2008-01, para. 41.
302. One CCM supported the FFA comments and also noted that while the SPC presentation focused on the scientific purposes of the required data, there are many other reasons why these data need to be provided to the Commission. This CCM also noted that the lack of operational data submission has continued for a long period of time and should be remedied as a matter of priority.
303. Some CCMs further stressed the unacceptability of a continuing failure of some CCMs to provide operational level data. These CCMs noted that those CCMs which provide access to SPC only on-site in their national laboratories create technical, logistical and cost burdens on the Commission which are unworkable in the long term.
304. FFA members stated that the failure to provide operational level data represents a serious shortcoming in the transparency of the work of the Commission. It was suggested that the Commission should block access to non-public domain data for those CCMs which do not comply with the data provision requirements. Another option would be to increase observer coverage, for example to 20% on longline vessels in tropical waters, for those fleets which do not provide operational level data. This approach would assist in improving estimates in key shark species' catches and discards. The implications of the lack of operational data were identified as including:
  - i. high seas VMS data cannot be verified against operational data;
  - ii. transshipment reporting cannot be verified;
  - iii. the volumes of catch reported as transhipped cannot be reconciled with reported catches;
  - iv. the quality of information for measuring the effectiveness of different mitigation methods on specific non-target species is greatly reduced;
  - v. the WCPFC can't provide a complete set of catch and effort data for the public domain;
  - vi. many aspects of the effectiveness of measures cannot be assessed, especially where there are spatial elements;
  - vii. the effects of targeting shifts on catches and catch rates cannot be determined, reducing understanding of the effectiveness of measures,

creating exactly the kind of uncertainty seen when evaluating the effectiveness of the bigeye catch limits for bigeye;

- viii. some charter vessel catch attribution issues can't be resolved; and
  - ix. the inability to distinguish between impacts in EEZs and high seas risks transferring greater burdens to SIDS.
305. Most CCMs recommended that paragraph 28 of the 2007 data rules be implemented to prohibit access to all non-public domain data held by the Commission to those CCMs that have not been providing operational-level data until such time as they provide operational level data to the Commission.

## **9.2 Purse Seine Catch Composition Data Improvement (FFA Request para 18 of TCC8 report)**

306. The TCC Chair explained that this agenda item arises from a request at TCC8 that the Secretariat consider proposals for improving reporting of purse seine catch by species, including the possibility of placing two observers on vessels that systematically misreport their catches, identifying fleets which are systematically misreporting, and providing estimates of purse seine catch composition by species by fleet. This work is associated with WCPFC Project 60, which includes a plan to improve purse seine species composition catch estimates.
307. SPC noted that, as advised at SC9, it will be undertaking some work on this topic in the coming year including collaboration with Japan on comparing observer species composition data with their unloading/port sampling data; review of port sampling data collected in Papua New Guinea with observer data; and undertaking comparisons between port sampling, observer and cannery data in the Solomon Islands. There are no WCPFC budget implications for 2014 activities and a report on these activities will be provided at SC10.
308. FFA members stated that mis-reporting of species composition is a serious issue which significantly affects the understanding of stock status. However, recent improvements in some fleets are recognized. While the scientific aspects of the issue are being studied, compliance issues remain to be addressed. A stepwise approach was suggested involving i) improving vessel operators' awareness of the need for accurate reporting, and then ii) having TCC develop a plan to more formally promote better reporting practices. It was suggested that opportunities for cost recovery for any mechanisms necessary to improve data for specific fleets be investigated.
309. PNA members supported the update of the plan to improve purse seine catch composition, and the need for capacity building of vessel operators that will enable fleets to report accurately.
310. One CCM queried whether the revised plan will be provided for SC or TCC review. This CCM also requested clarification on how SPC will determine which information is correct when data sets from different sources such as observers or port samplers show different results.

311. SPC clarified that these issues are being addressed in two studies that are already underway and will be reported on at SC10 in 2014.

### **9.3 Recommendations/suggestions from SC**

312. There was no discussion under this agenda item.

## **AGENDA ITEM 10 — INTERSESSIONAL ACTIVITIES AND TASKS FROM TCC8 AND WCPFC9**

### **10.1 Report from the CDS-IWG Chair (as per WCPFC9-approved TOR)**

313. The TCC Chair noted that since the CDS-IWG will be holding its first meeting immediately after TCC9, there is not yet any progress to report to TCC9 from this IWG.

### **10.2 Port Coordinator Proposal**

314. The Executive Director presented a proposal to establish port coordinators in main transshipment and unloading ports in the Convention Area (WCPFC-TCC9-2013/16). The proposal provides a description of the port coordinator programme in the IATTC and describes how the programme could be adapted for use in the WCPFC. It was noted that there are thirteen ports where transshipments occur and six of these (Pohnpei, Majuro, Rabaul, Honiara, Tawara and Pago Pago) comprise the majority of transshipment activities. Locating port coordinators in major off-loading ports outside the Convention Area such as General Santos, Bangkok and Bitung could also provide useful information. An indicative annual cost of USD 380,000 has been estimated.
315. FFA members considered that building capacity in the existing national port sampling programmes should take priority over creating new port coordinator positions within the Secretariat. Nevertheless, FFA members encouraged the Secretariat to continue to work towards establishing port coordinators in major off-loading ports outside of the Convention Area.

### **10.3 Guidelines for handling and safe release of Whale Sharks (CMM 2012-03) (WCPFC9 para 363)**

316. The TCC Chair reminded TCC9 that there are currently no adopted guidelines for the handling and safe release of whale sharks, but that draft guidelines were progressed at SC9 and have been referred to TCC for further consideration (WCPFC-TCC9-2013/IP-11).
317. One CCM supported the recommendations of the informal working group on this topic at SC9. This CCM emphasized the importance of establishing a scientific basis for the handling and safe releases guidelines, in particular through tagging studies to determine post-release mortality in released sharks. When conducting

such studies the issue of tag attachment and retention is likely to be a key consideration.

318. PNA members noted that the required procedures when a whale shark is encountered in a purse seine net in PNA waters is for the net roll to be immediately stopped and the whale shark released. It was suggested that these measures be applied on an interim basis across the Convention Area to both minimize impacts to whale sharks and to promote consistency between EEZs and the high seas.

## **AGENDA ITEM 11 — REVIEW OF EXISTING CMMs AND RESOLUTIONS**

### **11.1 South Pacific Albacore (CMM 2010-05)**

319. The TCC Chair explained that an updated paper on the South Pacific albacore fishery was requested for TCC9's consideration by WCPFC9 (WCPFC-TCC9-2013-IP/08) and updated information reported to the Secretariat was included in WCPFC-TCC9-2013-IP03\_rev1. TCC9 was invited to consider providing advice which could be considered by those CCMs developing a proposal for this stock.
320. FFA members thanked SPC for the paper and remarked that since half of the high seas catch of this species is transhipped on the high seas it is likely that catches are being underestimated. A recent price slump was attributed to oversupply. It was explained that a draft CMM will be tabled at WCPFC10 which will contain hard catch limits for EEZs (to be set by coastal States) and the high seas, including coordination with IATTC. MCS measures will be strengthened including minimum observer coverage, transshipment monitoring, VMS, and EHSP SMA requirements, and catch and effort data provision.
321. FFA members also emphasized the need for both biological and economic maximization of the resources, including maximum economic yield reference points. While expressing a strong preference for the implementation of rights-based management FFA members indicated that it was not necessarily their intention to displace distant water fishing vessels from the fishery. These CCMs welcomed cooperative arrangements between developing coastal States and distant water fishing nations for mutually beneficial participation in the fishery.
322. French Polynesia reminded TCC9 that the steady increase of catch and growing fishing pressure on the stock threatened vital food security resources. French Polynesia is ready to take action to protect the fishery in its EEZ and advocates compatible measures for the high seas.
323. The United States stated that it shares concerns about the dramatically rising catches. It also noted that conserving and managing the South Pacific albacore stock is important for the American Samoa longline fishery and the U.S. troll fisheries which depend on it.
324. New Caledonia also considered it necessary to improve management measures to ensure the viability of their fisheries which are entirely dependent on the South Pacific albacore stock.

325. Australia stated as albacore comprises 16% of the catch of its fleet and is highly valued conservation of the stock is a priority.
326. The Cook Islands emphasized that 80% of its tuna catch is comprised of albacore therefore the 24% expansion of the fishery in 2011 is of great concern. In order to avoid overfishing it plans to limit catches in its EEZ and call for compatible catch limits to be set by the Commission for the high seas.
327. Niue stated that it plans to nominate catch limits on South Pacific albacore within its EEZ at WCPFC10.
328. One CCM queried why the catch quantities in the paper (WCPFC-TCC9-2013/RP-06) differed from those in the latest stock assessment.
329. SPC replied that the catch quantities differed because the paper only included catches from the WCPF Convention Area whereas the stock assessment covered the entire range of the stock, i.e. including parts of the IATTC Convention Area.
330. Some CCMs questioned whether it is the role of the Commission to consider economic conditions, particularly as such data are limited and prices may rise or fall based on supplies from other stocks or consumer demand.
331. Some CCM called for the stock to be managed as whole, including those portions within the IATTC and north of 20°S.
332. Some CCMs called for uncertainty in the stock assessment to be reflected in decisive and precautionary management measures.
333. One CCM asked that SPC paper be prepared every year for consideration by SC, TCC and the Commission.
- 334. TCC9 recommended that a paper on South Pacific albacore prepared by SPC be updated for WCPFC10 and provided as a standing item for consideration by SC, TCC and the Commission each year.**

## **11.2 South Pacific Swordfish (CMM 2009-03)**

335. The TCC Chair explained that the 2013 TCC Workplan includes a review of the South Pacific swordfish measure (CMM 2009-03) and invited TCC to comment on this item. Available information on Reporting by CCMs to WCPFC is provided in WCPFC-TCC9-2013-IP03\_rev1.
336. FFA members called for no further increase in fishing mortality on South Pacific swordfish on the basis of a significant increase in catch of this species north of 20°S. Given its importance to domestic fleets in the region, FFA members urged the Commission to manage the stock across its range considering both target and bycatch components of the catch. Specific information on catches was requested of the Scientific Services Provider (SPC) for consideration by SC10, but it was acknowledged that the ability to provide this information would be hampered by the lack of operational level catch and effort, and hooks between floats, data for several of the key longline fleets fishing in the area.

337. Some CCMs stated that much of the required operational and hooks between floats data have been provided, and those data which have not been provided can be estimated.
338. In response to a request to confirm these statements, SPC noted that some data were provided but that it would be useful to receive additional data to better inform the analysis.
339. Some CCMs questioned the scientific basis for a recommendation of no further increase in fishing mortality on South Pacific swordfish and whether there is a sufficient technical and compliance basis for TCC to make a recommendation in this regard.
340. Some CCMs noted that SC9 recommended that there be no increase in fishing mortality over current (2007-2010) levels (SC9 Summary Report, para. 52).
341. The TCC Chair explained that TCC9 can comment on, supplement or support SC9's recommendation.
342. SPC clarified that a number of scenarios were modelled *inter alia* incorporating uncertainty arising from various estimates of the growth curve. Mid-range scenarios showed the stock not overfished and overfishing not occurring but due to the uncertainty a precautionary approach was recommended.
- 343. TCC9 concurred with the advice of SC9 that there be no increase in fishing mortality over current (2007-2010) levels for South Pacific swordfish.**
- 344. TCC9 recommended that the Commission task the Scientific Services Provider to provide advice to SC10 on:**
- (i) the proportion of catches that are taken north of 20 degrees south, as targeted catch or bycatch;**
  - (ii) the distribution of catches between EEZs and high seas;**
  - (iii) the distribution of catches by areas of 10 degree bands between the equator and the southern boundary of the Convention Area to see whether these bycatches are in the tropical BET fishery, or the albacore fishery; and**
  - (iv) mitigation measures that will help to reduce target and bycatch catches to address and avoid overfishing.**

### **11.3 Paragraph 10 of Seabirds CMM (CMM 2012-07)**

345. The TCC Chair noted that TCC8 agreed to recommend that CCMs report to TCC9 on any practical or technical constraints facing their small vessels with respect to the use of seabird mitigation methods in the North Pacific (north of 23° N), as well as descriptions of any mitigation methods that could be used by such vessels (para 387, TCC8 Summary Report).



346. The United States pointed out that CMM 2012-07 (paragraph 10) calls for TCC9 to evaluate the constraints and opportunities for small vessels to employ seabird mitigation measures in the North Pacific, and for WCPFC10 to consider appropriate seabird mitigation requirements for vessels less than 24m in length in the North Pacific. In response to the TCC8 recommendation and in support of TCC9's evaluation, the United States presented WCPFC-TCC9-2013/DP-05 which details its reporting to the Commission on this issue. In summary, the United States requires seabird mitigation measures for its entire longline fleet north of 23 N regardless of size, including vessels as small as 14m in length, and does not face any practical or technical constraints to seabird mitigation. The United States noted that SC evaluated the implications of the small vessel exemption and found that i) there is a high overlap between the distributions of fishing vessels and some albatross species and ii) ~60% of the longline vessels in the North Pacific are smaller than 24m in length and are thus currently exempted from the requirements for seabird mitigation.
347. Some CCMs suggested that TCC consider whether the small vessel exemption should be cancelled or reformulated.
348. One CCM questioned the scientific basis for the suggestion, noting that SC9 recommended that seabird bycatch rates for vessels less than 24m and equal to or greater than 24m fishing with longline gear need to be investigated.
349. ACAP noted that the ACAP Seabird Bycatch Working Group recently reviewed all research pertinent to this CMM and found no constraints to effective implementation on small vessels. ACAP therefore recommended that the exemption be removed. It was further suggested that this precautionary approach was warranted due to the overlap of the fishery with albatross habitat and the fact that longline observer coverage was well below the level needed for statistically robust detection of seabird interaction rates.
350. Some CCMs queried whether TCC first needed to respond to the request for a review of constraints and then allow SC to undertake the further investigations which may be relevant to whether the exemption should remain in place.
351. Some CCMs maintained that TCC was free to consider both issues.
352. New Zealand stated that a combination of two mitigation measures, including tori lines, line weighting or night setting are used on large and small longliners. In our experience smaller vessels can safely and effectively use tori lines as well as line weighting and therefore there is no basis for the North Pacific small vessel exemption.
353. Australia stated that its seabird mitigation measures have been highly effective over a variety of vessel sizes and it too supported removal of the exemption.
354. Japan and Chinese Taipei, which flag the two other fleets operating in the exemption area, stated they would present their reports on any practical and technical constraints to seabird mitigation at TCC10.

#### **11.4 Sharks (CMM 2010-07)**

355. The TCC Chair noted that the TCC Work Plan for 2013 calls for review of non-target species CMMs and specifically mentions sharks.
356. FFA members acknowledged the shark CMM (CMM 2010-07) compliance standards are unenforceable due to the lack of definitions associated with the fins-to-carcass ratio of 5% and thus it has limited effectiveness. Therefore, FFA members plan to propose additional conservation and management measures for sharks at WCPFC10. The proposal will consider fishing mortality reductions for all sharks (rather than species-specific approaches), and mitigation measures involving banning shark lines, shark baits and wire trace.
357. FFA members also urged that shark issues be given a high priority at WCPFC10 with a view toward adopting measures that will reduce fishing mortality in both longline and purse seine fisheries.
358. The United States stated that it has grown increasingly concerned with the enforcement issues associated with the WCPFC shark measure as the US experience with its own shark fin regulations has grown and it has as consequence moved to a fins attached policy. Furthermore, regulating finning does not appear to have been enough to prevent severe declines in some species such as oceanic whitetip, silky and North Pacific blue shark. A consultant's report (WCPFC-TCC9-2013/IP-10), presented to and supported by SC9, advocates a broader view based on reducing fishing mortality and rather than mandating specific mitigation measures. It also provides a review of the efficacy of the existing measure.
359. EU supported strengthening of the measure and suggested incorporating a fins attached policy as the 5% fins-to-carcass ratio has not proved effective.
360. Some CCMs stated that shark conservation and management measures should be adopted species-by-species with a clear scientific basis, therefore they could not support a ban on use of wire leaders. Some CCMs also indicated that they could not support a fins attached policy because it is not operationally feasible and furthermore it does not contribute directly to the conservation of sharks. It was also noted that there needs to be recognition that the market for shark fins and shark meat is different.
- 361. TCC9 recommended that work on a revised shark CMM continue intersessionally with a view to developing a proposal for discussion at WCPFC10.**

### **AGENDA ITEM 12 — PROPOSALS FOR NEW CMMs**

#### **12.1 FADs Proposal (USA)**

362. The United States presented a proposal for a draft CMM for the collection and analyses of data on fish aggregating devices (WCPFC-TCC9-2013/DP-01) noting

that it had tabled a previous draft at WCPFC9 (WCPFC9-2012-DP15). The new proposal has been informed by discussions with IATTC and industry operators. The main purpose is to begin to collection basic information about FAD in order to better support management measures such as the tropical tunas CMM. The proposal specifies minimum data to be collected using both operators and observers. One key element is FAD identification; this is straightforward in the case of FADs which are marked with electronic buoys but will require some thought for FAD which are not. Data collection for non-entangling FADs is expected to help with research aiming at more eco-friendly FAD designs. Although most of the required data under the draft CMM is already collected by the operators, it is recognized that reporting of these data will constitute an additional burden. E-reporting may help in this regard.

363. FFA members thanked the United States for the proposal but noted four major issues:
- i. FAD Data Collection – some data is better reported by the operator than the observer, perhaps through e-reporting, and duplication with observer data collection should be avoided. Some of this data collection can be handled through amending the data rules rather than including it in a CMM.
  - ii. FAD Identification – it is important to avoid duplication with the tropical tuna CMM on issues such as marking and identification, e-monitoring, and FAD limits.
  - iii. Non-entangling FADs – the basis for the design is unclear and it should be discussed by the SC
  - iv. Processing of FAD data – observer data relevant to the implementation of the FAD closure should be prioritized for processing over FAD data.
364. PNA members also noted they are working with the Pew Charitable Trust on electronic identification and tracking of FADs which looks promising as a means to provide scientific information, monitor FAD use and possibly lead to management of FAD numbers.
365. The EU supported the proposal and considered that even if some of the data were duplicated those could serve as useful cross-checks. Inclusion of the FAD identification components of the draft measure was considered useful as a package. The design specifications for non-entangling FADs were supported as a valid starting point.
366. Japan considered that it would be most appropriate for observers to collect the data on FADs.
367. In response to a query the United States clarified that the proposal was intended to apply to all FADs regardless of whether they are man-made or natural.
- 368. TCC9 recommended that the United States continue to consult intersessionally, in order to develop a proposal for a new draft CMM on FAD data collection and analysis.**

## 12.2 Unique Vessel Identifier (UVI) Proposal (USA)

369. The United States presented a proposal on WCPFC implementation of a unique vessel identifier (WCPFC-TCC9-2013/DP-03). This issue has been periodically considered by WCPFC since 2009 and this proposal focuses on how to begin acquiring the UVIs for WCPFC vessels. Under the US Proposal, the first step would be to require that vessel which are on, or should be on, the WCPFC RFV and are at least 100 GT or 100 GRT with steel hulls obtain an IMO number, which can be obtained free of charge. The IMO numbers of vessels that have them would have to be included in national vessel records and the WCPFC RFV. Although smaller vessels currently are not eligible for IMO numbers, this may be changing. It was suggested that the Secretariat should liaise with IHS-Fairplay to determine whether it can facilitate IMO number issuance for smaller fishing vessels.
370. China explained that approximately 25 China-flagged fishing vessels have recently obtained IMO numbers through a website interface. While this is positive, China would first like to verify the usefulness of the IMO number for tracking purposes, and then gradually increase the number of its vessels with IMO numbers.
371. Japan considered that a grace period would be necessary as currently fishing vessels are exempt from the requirement to have IMO numbers and are thus unlikely to have already obtained them.
372. Korea stated that it believes a UVI is a useful tool for combatting IUU fishing.
373. FFA members supported the proposal but suggested that the priority for obtaining IMO numbers be placed on those vessels at least 100 GT in size which are either i) vessels fishing solely on the high seas; ii) vessels fishing within waters of another coastal State; and iii) vessels fishing in the waters of more than one tuna RFMO. It was also suggested that the requirement that the vessel be steel hulled be removed.
374. The EU supported the proposal but suggested strengthening the language to remove exemptions. Further comments will be provided to the United States.
- 375. TCC9 requested that the United States continue consultation on the proposal intersessionally, with consideration to limiting the scope of vessels obtaining a UVI to those which fish i) solely on the high seas, ii) within waters under the jurisdiction of another coastal State, or iii) in multiple RFMOs. Options for deferred implementation and including vessels which are not steel hulled should also be considered. If feasible, a draft proposal should be discussed at WCPFC10.**

## **AGENDA ITEM 13 — OTHER MATTERS REQUIRING TCC ADVICE**

### **13.1 Development of metrics for measuring fishing effort and capacity (TCC Workplan 2013)**

376. The TCC Chair introduced this topic by reminding TCC9 that this item is a component of the TCC Work Plan for 2013.
377. Mr Peter Williams (SPC) presented a brief review of the historical practices of reporting effort in purse seine fisheries (WCPFC-TCC9-2013/18). SPC has always used the logbook definition of purse seine effort, i.e. “ a day when a set was made, or a day when a set was not made, but any part of that day was spent searching for fish”; this is consistent with the PNA Vessel Day Scheme definition of management unit (‘day’). Preliminary analysis suggests that effort previously reported as “searching for fish” is now being reported as “transit”. This change has important ramifications for the consistency of the purse seine effort and catch per unit effort historical time series, and creates discrepancies between effort reported on logsheets and effort calculated from VMS data. Most importantly for management purposes, recent effort levels will appear to be lower than they actually are. TCC9 was invited to consider advising CCM flag States to resolve this reporting issue by adopting a clear and consistent definition of “a day in transit”.
378. The United States noted that WCPFC-TCC9-2013/DP-10 describes its proposal for effort management associated with the tropical tuna CMM discussed in Agenda Item 6.
379. FFA members stated that under-reporting of effort has serious implications for the work of the Commission and needs to be remedied immediately. These members supported the definition proposed by SPC and recommended that it be included in the document describing Scientific Data to be Provided to the Commission. These members also suggested that observer data be used in conjunction with logsheets to determine the actual level of purse seine effort.
380. FFA members reminded TCC9 that the Commission has already adopted the FAO definition of capacity which is based on the amount of catch or effort that a fleet can produce. They stated that discussions of capacity under the new Tropical Tuna CMM will require additional consideration of vessel size and fishing power.
381. PNA members, while noting that the PNA already has defined what constitutes “a fishing day”, supported the definition proposed by SPC of “a day in transit”.
382. The United States stated that it is committed to using the definitions agreed under the Palau Arrangement but emphasized the need for consistency between the SPC and PNA definitions of “a fishing day”.
383. Some CCMs agreed with the need for a precise definition of “a fishing day”.

384. One CCM suggested that SPC's definition of "a fishing day" might need to be better aligned with the definition of "fishing" in Article 1-d of the Convention.
385. The EU supported SPC's proposed definition and agreed that standardized and harmonized definitions are essential.
386. Some CCMs considered that the SPC definition of "a day in transit" should remove the reference to "fully loaded" from part ii "transiting back to port fully loaded".
- 387. TCC9 agreed to recommend to the Commission that it include the following annotations to the definition of purse seine effort to be reported on logbooks and the requirements in the "Scientific Data to be Provided to the Commission" which are consistent with the PNA VDS System and observer reporting:**
- "The current definition for a purse seine day in transit ('a day in transit') should only cover the following cases:**
- i. Transiting from port to the tropical WCPFC area (10°N-10°S);**
  - ii. Transiting back to port; and**
  - iii. Transiting with the gear stowed, that is the boom lowered and tied down, and the net covered." \*\***
- footnote \*\*Subject to any further clarification.**
388. The United States asked the Secretariat and the Scientific Services Provider to undertake a comparison of "fishing days" estimated using the definitions applied by PNA and SPC, for example using a test logsheet database producing side-by-side calculations under each definition.

## **13.2 Management Objectives**

389. A. Beeching, Assistant Science Manager, presented WCPFC-TCC9-2013/19 on the report of the expert working group on management objectives, performance indicators and reference points which was also presented to SC9. It was noted that the focus for the next workshop, which will be held in conjunction with WCPFC10 will be to examine selected candidate fisheries (the tropical longline fishery, the purse seine fishery, the southern longline fishery, the Pacific Bluefin tuna fishery, and the northern albacore fishery) and consider new stock status communication tools and strategies such as alternative Kobe plots. Further input and feedback from TCC9 was welcomed.
390. FFA members confirmed their support for the approach outlined in the paper toward the development of reference points as they believe it appropriately reflects the special requirements and aspirations of SIDS. These CCMs also supported the selection of the purse seine and southern longline fisheries as candidate fisheries and recommended more work on multi-species, maximum economic yield-based target reference points.

391. TCC9 noted the report of the expert working group on management objectives, performance indicators and reference points and agreed to provide any additional comments to the WCPFC Assistant Science Manager by 11 October 2013.

#### **AGENDA ITEM 14 — REVIEW TCC-RELATED RECOMMENDATIONS ON PERFORMANCE REVIEW OF WCPFC**

392. The Executive Director presented a summary matrix of the recommendations of the Independent Performance Review of the WCPFC which are pertinent to the TCC (WCPFC-TCC9-2013/20).
393. FFA members noted that decisions on how to handle the number and variety of recommendations arising from the performance review are complicated by the undisciplined nature of the review report but thanked the Executive Director for the matrix. These CCMs considered that nearly all of the high priority items are already on the TCC9 agenda; the only outstanding item is a process for consideration and adoption of CMMs to ensure that they are legally sound and consistent with other measures (WCPFC-TCC9-2013/20, item 3.4.7). This process should include a link to Article 30 of the Convention to ensure that issues such as special requirements and transfers of disproportionate burdens to SIDS are given proper consideration.
394. **TCC9 requested that the Executive Director prepare a paper for WCPFC10 proposing a way forward on establishing a process for ensuring that existing and new CMMs are technically sound from a legal point of view and consistent with other CMMs, and highlighting any other items from the Independent Performance Review that require further consideration by TCC.**

#### **AGENDA ITEM 15 — TCC BUDGET AND WORKPLAN**

##### **15.1 Update report on WCPFC Secretariat IMS developments 2013/14**

395. The TCC9 Chair noted that the Secretariat's report on IMS developments for 2013-2014 is available at WCPFC-TCC9-2013/21.
396. FFA members appreciated the work on the Secretariat on the IMS, noted that it has already resulted in improved efficiency and better compliance through enabling cross-verification. These CCMs recommended that continued development of the IMS be given a high priority and appropriate funding in future work plans and budgets.
397. **TCC9 noted the Secretariat's update report on progress with development of the IMS.**

## **15.2 Report on WCPFC Security Audit 2012/2013**

- 398. The Executive Director presented noted that under Agenda Item 8.8 it was reported that the annual security audit found no breaches of confidentiality.
- 399. **TCC9 noted the Secretariat's report on the WCPFC Security Audit for 2012-2013.**

## **15.3 Proposed TCC Work Plan and Budget for 2014-2017**

- 400. The TCC9 invited CCMs to comment on the proposed TCC Work Plan and Budget for 2014-2017 (WCPFC-TCC9-2013/22).
- 401. FFA members considered that the Work Plan and Budget presents a good reflection of TCC priorities which in their view include a standing paper on the South Pacific albacore fishery, national capacity development to respond to the CMR, electronic data entry for the ROP, and continued development of the IMS. A small budget (~\$10,000) was requested for improvement of purse seine catch composition data, in case a consultant was needed to undertake the analysis. The review of CMMs recommended by the Independent Performance Review (Agenda Item 14) was recommended to be added to the Work Plan.
- 402. FFA members further suggested that the Secretariat post all papers carried forward from previous meetings and not reliant on CCM annual reports by 1 June, and include specific recommendations in papers whenever possible.
- 403. **TCC9 agreed to add \$10,000 to the budget for 2014 to cover the costs of a consultancy to support improvement of purse seine catch composition data, and to apply the indicative budget for 2015 as a proposed budget for 2016. With these changes the TCC Work Plan and Budget for 2014-2016 was recommended for approval to WCPFC10.**

## **AGENDA ITEM 16 — OTHER MATTERS**

- 404. Japan presented a brief report on the Japan Trust Fund and thanked CCMs for comments of appreciation for the programme. Japan noted that the JTF is administered by the WCPFC Secretariat and is focused on monitoring, control and surveillance implementation in SIDS. The programme is intended to continue assuming funding continues to be provided by the Japan Ministry of Finance. As the JTF funding cycles are tight, SIDS were encouraged to begin conceptualization and project design well in advance of programme deadlines.



### **AGENDA ITEM 17 — ELECTION OF OFFICERS**

- 405. **TCC9 agreed to recommend to WCPFC10 that Ms Rhea Moss-Christian continue as Chair of the TCC for another term.**
- 406. Ms Moss-Christian's outstanding performance at TCC8 and TCC9 was noted by several CCMs.

### **AGENDA ITEM 18 — NEXT MEETING**

- 407. **TCC9 agreed to recommend to WCPFC10 that TCC10 be held in Pohnpei, FSM on 25-30 September 2014.**

### **AGENDA ITEM 19 — ADOPTION OF REPORT OF TCC9**

- 408. TCC9 adopted the recommendations of the TCC9 Summary Report. A complete version of the report will be circulated subsequent to the meeting and comments on discussion text were **requested from CCMs by 31 October 2013.**
- 409. The TCC9 Chair noted that the CMR process for 2012 will continue with any CCM that wishes to provide additional information, or to request further review of its compliance information, to communicate with the Secretariat prior to 30 days in advance of WCPFC10. The Secretariat will collate and provide updated information relevant to these CCMs Provisional CMR assessment scores as "additional advice or information" relating to the provisional CMR. This information is expected to be provided for all CCMs to access through the secure section of the WCPFC website, and in advance of WCPFC10. A small working group at WCPFC10 will review any updated assessments and finalize the provisional CMR for WCPFC10's consideration.

### **AGENDA ITEM 20 — CLOSE OF MEETING**

- 410. The TCC Chair thanked the Secretariat for their efforts in preparing the meeting documents, drafting the CMRs, and supporting the working groups. Appreciation was also expressed to the small working group which prepared the provisional CMR, particularly the TCC Vice Chair and the WCPFC Assistant Compliance Manager. RMI was acknowledged for their fine efforts in leading the small working group on CNM applications. The TCC Chair also thanked the rapporteur, Dr. Shelley Clarke, for documenting the proceedings, and expressed her gratitude to all of the participants for their patience and support during the meeting.
- 411. TCC9 was closed at 2:45pm on 1 October 2013.



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

**Technical and Compliance Committee  
Ninth Regular Session**

**26 September - 1 October 2013  
Pohnpei, Federated States of Micronesia**

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**ATTACHMENTS**

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- Attachment A. List of Participants
- Attachment B. Agenda for Ninth Regular Meeting of the Technical and Compliance Committee
- Attachment C. WCPFC IUU list
- Attachment D. E-reporting and E-monitoring table

## ATTACHMENT A – LIST OF PARTICIPANTS



**Western and  
Central Pacific  
Fisheries  
Commission**

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**Technical and Compliance Committee  
Ninth Regular Session (TCC9)  
Pohnpei, Federated States of Micronesia  
September 26 – October 1 2013**

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**ATTACHMENT B: PROVISIONAL AGENDA WITH SCHEDULE**





**TECHNICAL AND COMPLIANCE COMMITTEE**

**Ninth Regular Session**

26 September- 1 October 2013

Pohnpei, Federated States of Micronesia

**PROVISIONAL AGENDA WITH DOCUMENTS AND SCHEDULE**

WCPFC-TCC9-2013-02\_rev6

26 September 2013

<b>THURSDAY 26 Sept</b>	<b>PAPERS</b>
<b>AGENDA ITEM 1 OPENING OF MEETING</b>	
1.1 Welcome	
1.2 Adoption of agenda.	02_rev5 03_rev1 05_rev4
1.3 Meeting arrangements.	
<b>AGENDA ITEM 2 IUU LIST</b>	10_rev1
<b>AGENDA ITEM 3 CNM APPLICATIONS</b>	11_rev3
<b>AGENDA ITEM 4 STATUS OF FISHERIES PRESENTATION (SPC)</b>	
<b>AGENDA ITEM 5 SPECIAL REQUIREMENTS OF DEVELOPING STATES</b>	
5.1 Review effectiveness of Resolution 2008-01 on Aspirations of Small Islands Developing States	
<b>AGENDA ITEM 6 DRAFT MULTI-YEAR MANAGEMENT PROGRAMME FOR TROPICAL TUNAS AND COMPLIANCE ISSUES (CMM 2012-01)</b> <i>WCPFC9 agreed that TCC9 would focus on the draft multi-year management programme for tropical tunas and compliance issues (WCPFC9 Summary Report para 218).</i>	12 13_rev1 18 IP04_rev1 IP05_rev1 IP06 DP06-Japan DP07-USA
6.1 Review Tokyo WG-TT outcomes	
6.2 Reports from CCMs implementing the alternative FAD measure in CMM 2012-01 (CMM 2012-01 Att E, para 1(5))	
6.3 Review available information on compliance issues for CMMs on tropical tunas (2009 – 2013)	
<b>Friday 27 – Midday Sat 28 Sept: CONSIDERATION OF dCMRs IN CLOSED WORKING GROUP SESSION</b>	

<b>AGENDA ITEM 7 COMPLIANCE MONITORING SCHEME</b>		
7.1	Review of draft CMR	06 dCMR_rev1 dCMR AddInfo_ IP01_rev3 IP02 IP03_rev1 IP04_rev1 IP07/IP12
<b>Sat 28<sup>th</sup> Sept 2pm onwards RESUME TCC9 MEETING</b>		
<i>COMPLETE ITEMS NOT OTHERWISE COVERED DURING DAY 1</i>		
<b>AGENDA ITEM 7 COMPLIANCE MONITORING SCHEME</b>		
7.2	Provisional CMR report and Executive Summary	
7.3	Target capacity assistance to areas of need identified by CMR process	07
7.4	Review of CMM 2012-02 <i>Compliance Monitoring Scheme</i> and discuss potential refinements to the scheme (WCPFC9 para 296)	DP04 - USA
7.5	Review of Annual Reporting templates and deadlines, online interface further development	07 IP01_rev3
7.6	Developing a systematic analysis, prioritization and response mechanism for non-compliance (TCC workplan 2015)	
11.7	Consider recommendations from CMS process about CMMs provisions that were ambiguous or problematic	
<b>AGENDA ITEM 8 8.1 ANNUAL REPORT OF ED</b> <i>Highlights of WCPFC Secretariat administered MCS and Compliance programmes, (reports for each of the Programmes will also be available)</i>		08
i.	<b>Vessel Monitoring System (VMS)</b>	
ii.	10.6 Review of VMS SSPs	
iii.	10.6.1 Review implementation of WCPFC9 decision on VMS SSP Manual reporting (Sec 5)	
iv.	10.6.2 Review list of approved ALC/MTUs maintained by Secretariat (SSP SEC 2.7)	
v.	<b>Regional Observer Programme (ROP)</b>	
vi.	10.1 ROP-TAG	
vii.	10.4 Port Co-ordination Proposal	
viii.	10.8 Annual report of changes required for Observer training	
ix.	8.2 ROP coverage/ROP data monitoring – suggestion from SC9	
x.	<b>High Seas Boarding and Inspection (HSBI)</b>	
xi.	11.5 Para 24 HSBI Procedures	
xii.	<b>Record of Fishing Vessels (RFV)</b>	
xiii.	RFV SSP Proposal	
xiv.	<b>High Seas Transshipment Monitoring</b>	
xv.	11.4 Transshipment (CMM 2009-06)	RP01_rev1 RP02 RP03 RP04 RP05 IP06 RP07 RP06

xvi.	11.4 .1 Review Draft Guidelines on Transshipment (CMM 2009-06 para 37	
xvii.	11.4.2 Review Applications for exemption	
<b>xviii.</b>	<b>Purse Seine Catch Discard Monitoring</b>	
<b>xix.</b>	<b>Eastern High Seas Pocket SMA</b>	
xx.	11.3 Eastern High Seas Pocket SMA	
<b>xxi.</b>	<b>Administration of the Data Rules and Procedures</b>	
<b>AGENDA ITEM 9 DATA PROVISION AND DATA GAPS</b>		
9.1	Impact of gaps in CCM data submission on Commissions compliance functions (final CMR 2012)	<b>IP07 IP12</b>
9.2	Purse Seine Catch Composition Data Improvement (FFA request para 18 of TCC8 report)	
9.3	Recommendations/ suggestions from SC	
<b>AGENDA ITEM 10 INTERSESSIONAL ACTIVITIES AND TASKS FROM TCC8 and WCPFC9</b>		
10.2	Report from CDS-IWG Chair (as per WCPFC9 approved TOR)	
10.3	E-monitoring and E-reporting applications	<b>15</b>
10.7	Guidelines for handling and safe release of Whale Sharks (CMM 2012-03) (WCPFC9 para 363)	<b>IP11</b>
<b>AGENDA ITEM 11 REVIEW OF EXISTING CMMs AND RESOLUTIONS</b>		<b>IP03_rev1</b>
11.1	South Pacific Albacore (CMM 2010-05)	<b>IP08</b>
11.2	South Pacific Swordfish (CMM 2009-03)	
11.6	Paragraph 10 of Seabirds CMM	<b>DP05- USA</b>
11.8	Sharks (CMM 2010-07)	<b>IP10</b>
<b>AGENDA ITEM 12 PROPOSALS FOR NEW CMMs</b>		
12.1	FADs proposal – United States	<b>DP01-USA</b>
12.2	UVI Proposal – United States	<b>DP03-USA</b>
<b>AGENDA ITEM 13 OTHER MATTERS REQUIRING TCC ADVICE</b>		
13.1	Development of metrics for measuring fishing effort and capacity (TCC Workplan 2013)	<b>18 DP07 - USA</b>
13.2	Management Objectives	<b>19</b>
<b>AGENDA 14 REVIEW TCC-RELATED RECOMMENDATIONS ON PERFORMANCE REVIEW OF WCPFC</b>		<b>20</b>

<b>AGENDA ITEM 15</b>	<b>TCC BUDGET AND WORKPLAN</b>	
15.1	Update report on WCPFC Secretariat IMS developments 2013/14	<b>21</b>
15.2	Report on WCPFC Security Audit 2012/13	<b>RP09</b>
15.3	Proposed TCC Work Plan and budget for 2014-2017	<b>22</b>
<b>AGENDA ITEM 16</b>	<b>OTHER MATTERS</b>	
16.1	Report on JTF	
<b>AGENDA ITEM 17</b>	<b>ELECTION OF OFFICERS</b>	
<b>AGENDA ITEM 18</b>	<b>NEXT MEETING</b>	
<b>AGENDA ITEM 19</b>	<b>ADOPTION OF REPORT OF TCC9</b>	
<b>AGENDA ITEM 20</b>	<b>CLOSE OF MEETING</b>	

**ATTACHMENT C - WCPFC IUU VESSEL LIST FOR 2013  
(Effective from 6 February 2013, 60 days after WCPFC9)**

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

<b>Current name of vessel (previous names)</b>	<b>Current flag (previous flags)</b>	<b>Date first included on WCPFC IUU Vessel List</b>	<b>Flag State Registration Number/ IMO Number</b>	<b>Call Sign (previous call signs)</b>	<b>Owner/beneficial owners (previous owners)</b>	<b>Notifying CCM</b>	<b>IUU activities</b>
Neptune	Georgia	10 Dec. 2010	C-00545	4LOG	Space Energy Enterprises Co. Ltd.	France	Fishing on the high seas of the WCPF Convention Area without being on the WCPFC Record of Fishing Vessels (CMM 2007-03-para 3a)
Fu Lien No 1	Georgia	10 Dec. 2010	IMO No 7355662	4LIN2	Fu Lien Fishery Co., Georgia	United States	Is without nationality and harvested species covered by the WCPF Convention in the Convention Area (CMM 2007-03, para 3h)
Yu Fong 168	Chinese Taipei	11 Dec. 2009		BJ4786	Chang Lin Pao-Chun, 161 Sanmin Rd., Liouciuo Township, Pingtung County 929, Chinese Taipei	Marshall Islands	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)

**ATTACHMENT D – E-MONITORING AND E-REPORTING TRAFFIC LIGHT  
TABLE**

<b>Observer Activities</b>	<b>E-M Video activities</b>
24 x 7 operation	<b>Easily achieved with current technology</b>
Automatically "woken"	
Reviewable observations	
Tamper evident	
Monitoring deck activities	<b>Potentially achieved with current technology</b>
Monitoring transshipment activities	
Monitoring bunkering activities	
Monitoring hold contents	
Monitoring lonline catch composition	
Catch weight estimation	
Monitoring species of interest	
Monitoring setting of FADs	
Monitoring of nearby vessels	
Monitoring purse seine catch composition	
Collecting length-frequency information	<b>Unable to be achieved with current technology</b>
Collecting biological information	
Liaison with crew	