



TECHNICAL AND COMPLIANCE COMMITTEE SIXTH REGULAR SESSION

30 September-5 October 2010
Pohnpei, Federated States of Micronesia

PROVISIONAL ANNOTATED AGENDA

**WCPFC-TCC6-2010/04 Rev 5
29 September 2010**

AGENDA ITEM 1 OPENING OF MEETING

The meeting will open at 08:30 on Thursday 30 September 2010.

The Chair (Mr. Noan Pakop, PNG) will open the Sixth Regular Session of the Technical and Compliance Committee (TCC6) of the Western and Central Pacific Fisheries Commission (WCPFC) and welcome delegations of the WCPFC Members, Cooperating Non-Members, Participating Territories (CCMs) and Observers.

1.1 Welcome

The Chair will introduce dignitaries who will make the welcoming address.

1.2 Adoption of agenda

The Chair will introduce the Provisional Agenda for TCC6 (WCPFC-TCC6-2010/03)¹ that was distributed in accordance with Rule 1 of the Commission's Rules of Procedure. The Rules of Procedure adopted at WCPFC1 in December 2004 will apply *mutatis mutandis* until such time as the TCC adopts its own Rules of Procedure (Rule 31). The Rules of Procedure provide that Members may propose supplementary agenda items up until 30 days before the meeting (Rule 3). The Agenda, as modified, will need to be adopted by the meeting (Rule 5).

1.3 Meeting arrangements

The Chair will invite TCC6 to review the Indicative Schedule (WCPFC-TCC6-2010/05), noting logistical arrangements in place to support the meeting, proposed meeting times and any social events.

¹ **All document numbers are provisional and subject to change.**

AGENDA ITEM 2 PRIORITY MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

2.1 Regional Observer Programme

a) Annual Report on ROP

The Secretariat will provide to TCC6 an annual report with regard to the ROP pursuant to para.3 of CMM 2007-01 (WCPFC-TCC6-2010/08). The report will provide information on current operational issues, including ROP data management and processing arrangements, collection and dissemination of data to the data provider and the Commission, security of data during transmission, financial aspects of a transitional plan for transferring the ROP data responsibility to Pohnpei, status of the cross-endorsement of IATTC observers, and other development initiatives. TCC6 is invited to make recommendations to the Commission for its consideration.

b) 2009 FAD Closure report

According to paragraph 112 of the WCPFC6 Report, TCC6 will discuss the FAD Closure Report prepared by the Secretariat (WCPFC-TCC6-2010/09).

2.2 AHTG [Data]

a) Data Provision by chartered vessels

The AHTG [Data] was urged to address the attribution and data provision by chartered vessels as a priority for TCC6. TCC6 is invited to discuss this issue.

b) Review of data rules and procedures

WCPFC6 recommended that an ongoing task of the AHTG [Data] is the review and updating of data rules and procedures. TCC6 is invited to present proposals to refine, as appropriate, the current data rules and procedures.

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

1. During the Sixth Session of the WCPFC in December 2010, Members, Participating Territories, and Cooperating Non-Members (collectively, CCMs), discussed the importance of catch attribution (i.e., the assignment of fish caught to a particular nation, region, or territory) in charter arrangements, and decided to consider the matter at the Sixth Regular Session of the WCPFC's Technical and Compliance Committee (TCC6) that will be held from September 30 to October 5, 2010, in Pohnpei, Federated States of Micronesia. The United States of America agreed to take a lead role in coordinating a study on catch attribution (paragraph 335). The Secretariat agreed to assist in facilitating the tender process and after a delay due to access to funding, the successful consultant company for this study was Gillett, Preston and Associates. The funding delay will postpone the completion of this contract until February 2011.

2. Mr. Robert Gillett will be participating at TCC6 to gather information for this consultancy.

2.4 VMS

a) Annual Report on the Commission VMS

The Secretariat will present an annual report to TCC6 on the Commission VMS pursuant to para. 7.3.9 of the Commission VMS Standards, Specifications and Procedures (SSPs) WCPFC-TCC6-2010/11. The report will include current enhancements and operational issues and challenges such as the SSPs review; the VMS Policy; VMS Redundancy and the electronic vessel registration for VMS information. Further, the report shall seek direction from Members with respect to what the Secretariat is to do when, in the exercising of its mandate to monitor the high seas activities, it encounters a “vessel of interest”, noting the current interim procedures being taken by the Secretariat pending direction from the Commission. TCC6 is invited to make recommendations to the Commission pursuant to paragraph 7.3.10 of the SSPs.

b) VMS Security and Operations Audit

The Secretariat invites TCC6 comments on the recent VMS Security and Operations Audit, WCPFC-TCC6-2010/12.

2.5 WCPFC Record of Fishing Vessels (RFV)

a) Current status of the RFV.

The Secretariat will present WCPFC-TCC6-2010/13 as an update of the current RFV and Interim Registry, noting several issues related to the RFV including: clarification of para 6 of CMM 2009-01 for mandatory data to be supplied to the Secretariat; establishment of a time limit for the Secretariat to post the vessel on the RFV when all the mandatory data has been received; open validation dates for the register; review of photographs for vessels (top side and stern views); consideration for inclusion of the VTAF as one of the mandatory data for para 6 to facilitate Members' fleets in a ‘one-stop shop’ for authorization and VMS for fishing; direction for the Secretariat on receipt of incomplete information; direction for the Secretariat on receipt of false information, e.g., digitally altered photographs; pilot testing for the unique vessel identifier system proposed by the FAO consultant; and EVR and data security/quality verification.

TCC6 is invited to review and provide direction on the above paper to the Secretariat and recommendations to the Commission.

2.6 Cost Recovery for Commission Operations

The Secretariat was requested to prepare a review on operational costs and cost recovery options for the vessel monitoring system (VMS), regional observer programme (ROP) and several other issues including the Record of Fishing Vessels (RFV), fees for Cooperating Non-Parties (CNMs) attendance at meetings and other contributions to the Commission in accordance with CMM 2009-11 para 2(g); fees for Observers at the Commission and its subsidiary meetings; and a

review of the nominal registration fee for non-member carriers and bunkers of US\$2500 to determine if this should be a “once only”, or annual fee. The Secretariat will present a status report on the study (WCPFC-TCC6-2010/07).

2.7 IUU Vessel List and IUU Listing Procedures

a) Review of Draft IUU Vessel List

TCC6 will be invited to consider the Draft IUU Vessel List (WCPFC-TCC6-2010/14) that was circulated two weeks in advance of the TCC6 and the suitably documented information circulated under paragraphs 6, 10 and 11 of CMM-2007-03. TCC6 will adopt a Provisional IUU Vessel List.

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

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

The USA agreed to take a lead role and prepare a paper on the above item. TCC6 are invited to review the USA paper WCPFC- TCC6-2010/15.

ii) Control of nationals

New Zealand had agreed to present a paper on control of nationals. TCC6 are invited to review the New Zealand paper WCPFC-TCC6-2010/16.

iii) Review of paragraph 15 (National satisfaction)

Tonga on behalf of FFA members presented a proposal (WCPFC6-2009-DP11) requiring that in cases where IUU fishing was in the waters of a national Member, that member also had to signify that the matter was resolved to its satisfaction. As per paragraph 216 of the WCPFC Summary, this matter was deferred to TCC6 for further discussion.

Although a separate, but related matter, the idea of national satisfaction may also impact on paragraph 25 of this CMM with respect to requirements for removal from the IUU list if the alleged infraction was in a coastal state’s waters, vis à vis the State that submitted the vessel for listing if they are not the same.

TCC6 will revisit this issue (WCPFC6-2009-DP11 renumbered to WCPFC-TCC6-2010/18).

2.8 High Seas Boarding and Inspection

CCMs that authorize inspection vessels to operate under the WCPFC High Seas Boarding and Inspection Procedures are invited to submit an annual report for TCC6’s consideration (WCPFC-TCC6-2010/19 (a-x)), pursuant to para. 40 of CMM 2006-08. TCC6 is invited to make recommendations based on these annual reports for the Commission’s consideration.

2.9 Compliance with reporting obligations.

a) Part 2 Annual Reports - Report by the Secretariat

Consistent with Article 14(1) of the Convention, that describes the functions of the TCC, the Secretariat will provide a summary report to TCC6 on information received from CCMs, including information received under Article 24(5) of the Convention, relating to the implementation of the Convention and the decisions of the Commission. CCMs are invited to clarify the report on their sections if needed. TCC6 is invited to comment on the report and the revised draft Annual Report Part 2 template for 2010 (WCPFC-TCC6-2010/20).

2.10 Committee on Compliance with Conservation and Management Measures

a) Terms of Reference for the CCMM

TCC6 is invited to review Australia's proposal on the formation of a CCMM Working Group in accordance with the terms of reference in WCPFC6-2009/DP17 (WCPFC-TCC6-2010/21) and the list of Members who have indicated their willingness to be part of this Working Group.

2.11 KOBE II Recommendations

TCC6 is invited to review the KOBE II recommendations from the four workshops in 2010.

2.12 Advice and recommendations in relation to the implementation of CMMs

The Secretariat will present a review of CCMs implementation and compliance with CMMs (WCPFC-TCC6-2010/22)

a) Resolution 2008-01 [Development Aspirations]

CCMs are to develop, interpret and apply conservation and management measures in the context to and in a manner consistent with the 1982 Convention and the Agreement, make concerted efforts to reduce their fleets, cooperate in investments with SIDS.

b) CMM 2004-03 [Fishing Vessel marking and identification]

Para. 4.1 of CMM 2004-03 provides scope for review, and amendment as appropriate, of the "Specifications for the Marking and Identification of Fishing Vessels". Noting the recent work by FAO on Unique Vessel Identifiers, TCC6 is invited to provide advice and recommendations to the Commission on this matter.

c) CMM 2005-02 [South Pacific Albacore]

Paragraph 1 of CMM 2005-02 states that CCMs shall not increase the number of their fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S above current (2005) levels or recent historical (2000-2004) levels. There have been difficulties in monitoring CMM 2005-02 with the data provided to the Secretariat at this point. Information specifically listing the control on the number of vessels fishing for South Pacific albacore south of 20°S per year has been provided by Australia, Belize, and New Zealand, with comments made regarding compliance on Annual Reports Part 2 from

Canada, Federated States of Micronesia (FSM), Korea, New Caledonia (data in Part 1 Report), New Zealand, Chinese Taipei, and USA.

d) CMM 2005-03 [North Pacific Albacore]

WCPFC6, para 210 of the Summary Report, deferred until 2010 the recommendation from the NC that the North Pacific Albacore area to be addressed by this CMM be extended south to the equator. TCC6 is invited to resume discussions on this recommendation.

e) CMM 2006-04 [Striped Pacific Marlin in the South Pacific]

According to paragraph 6, TCC6 are invited to review compiled information from CCMs on Para 4 and discuss compliance with this measure and make recommendations to the Commission.

f) CMM 2006-08 [High Seas Boarding and Inspection]

TCC6 is invited to review this CMM and its implementation (para 47).

g) CMM 2007-01 [ROP]

TCC6 is invited to review this CMM with respect to the operational issues noted in Agenda Item 2.2.

h) CMM 2007-02 [VMS]

TCC6 is invited to review this CMM in light of the elements of enhancement and operational issues noted in Item 2.5 including the revent VMS audit.

i) CMM 2007-04 [Seabirds Mitigation Measures]

According to Para 6, TCC6 will review any new information on new or existing mitigation measures. The Secretariat will note the status of the by-catch mitigation website.

j) CMM 2008-01 [Bigeye and Yellowfin]

TCC6 will i) provide advice and recommendations for the development of high seas vessels day scheme (para. 21), ii) explore and evaluate mitigation measures for juvenile bigeye and yellowfin taken around FADs for presentation to the Commission (para 26), iii) consider the level of observer coverage and a cross-endorsement arrangement with IATTC as noted in para 29, iv) review CCM's reports on port monitoring that were conducted at landing and transshipping ports to assess the amount of catch by species (para 43), and vi) noting the expiry of CMM 2008-01 in 2011, make recommendations as to further action regarding this CMM.

k) CMM 2008-03 [Sea Turtles]

TCC6 will review information reported by CCMs pursuant to this measure, and provide advice for the Commission to consider additional or new mitigation measures for other longline and purse seine fisheries (paragraphs 9 and 12)

l) CMM 2008-04 [Driftnets]

TCC6 will assess whether additional measures should be adopted and implemented (para 6).

m) CMM 2008-05/CMM 2009-03 [Swordfish]

TCC6 will consider information on the total number of vessels that fished for swordfish and the total catch of swordfish reported by CCMs, and monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.

n) CMM 2008-06/CMM 2009-04 [Sharks]

TCC6 will prepare advice for the CCMs to review the implementation and effectiveness of this measure and any alternative measures applied, and to consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.

o) CCM 2009-01 [RFV and Authorization to Fish]

TCC6 is invited to review the procedures of this measure and its implementation, and provide recommendations to the Commission for amendment as appropriate (para 44).

p) CMM 2009-02 [FADs Closure and Catch Retention]

TCC6 is invited to review and clarify the requirements for catch discard reports.

q) CMM 2009-05 [Data buoys]

TCC6 is invited to review the first year implementation of this CMM, including the dissemination of information on data buoys to fishers.

r) CMM 2009-06 [Transshipment]

Some CCMs have requested clarification of this measure with respect to the implementation dates and catch declarations. While reviewing this measure in response to other measures and decisions taken by the Commission and taking into account the implementation of this and other measures (paragraph 19), TCC6 will review the requests and make recommendations to the Commission regarding the exemptions from prohibition of transshipment at sea by purse seine vessels (paragraphs 25-27).

s) CMM 2009-07 [Pacific Bluefin Tuna]

TCC6 will review the status of the first year implementation of this measure.

t) CMM 2009-08 [Charter Notification]

TCC6 will review a summary of all notified chartered vessels received from CCMs in accordance with paras 2 and 3, and provide advice to the Commission for its review and revision, if necessary (para 6).

u) CMM 2009-09 [Vessels without Nationality]

TCC6 are invited to review reports on any vessels without nationality sighted in the Convention Area

v) CMM 2009-10 [Monitoring of PS port landings]

TCC6 is invited to review the progress on the Secretariat and CCMs in establishing an arrangement with a non-CCM to collect data from canneries (para 1).

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

3.1 Port State Measures

This initiative has been recognized as a priority for the Commission at WCPFC6 (para 352 WCPFC Summary) and the European Union (para 353 WCPFC Summary) agreed to take the lead to move this initiative forward. The EU is invited to present its proposed CMM (WCPFC-TCC6-2010/23) and TCC6 are invited to comment and approve this initiative.

3.2 Catch Documentation Scheme

WCPFC6 agreed of the need for a Catch Documentation Scheme as per para 135 of the WCPFC6 Summary Report, and the FFC Chair, now PNG, agreed to take the lead on this initiative. The European Union has also indicated its desire to open discussions on its revised CDS scheme presented in 2008. TCC6 is invited to consider WCPFC-TCC6-2010/24 from PNG and WCPFC-TCC6-2010/25.

3.3 Role of capacity in overfishing

TCC5 noted (para 357 of the TCC5 Summary Report) that the role of capacity in overfishing required further attention by the Commission. TCC6 is invited to consider this issue and provide comments to WCPFC7.

3.4 Proposed CMM for North Pacific Striped Marlin

WCPFC6 did not reach agreement on the proposed CMM for North Pacific Striped Marlin (WCPFC-TCC6-2010/26) and TCC6 is invited to further progress this initiative for consideration at WCPFC7.

3.5 NGO Information for Compliance WCPFC6-2009/DP33

WCPFC6 was unable to consider Canada's proposal on the use of NGO information for Compliance as per para 358 of the WCPFC6 Summary Report. TCC6 is invited to consider this paper (WCPFC-TCC6-2010/27).

3.6 Port Monitoring of Purse Seine Catches

A technical Meeting to support the development of purse seine related port monitoring programmes in the WCPO was held in Japan on 23-24 March 2010. The results of the meeting are on the WCPFC Web on the secure side of the pages under the CCM section. TCC6 is invited to consider the results of the meeting to provide comments and recommendations.

AGENDA ITEM 4 APPLICATIONS FOR COOPERATING NON-MEMBER STATUS

4.1 CNM Assessments

TCC6 is invited to review the Secretariat paper WCPFC-TCC6-2010/28 and assess the CNM applications received by the Secretariat.

AGENDA ITEM 5 SPECIAL REQUIREMENTS OF SMALL ISLAND DEVELOPING STATES

5.1 Special Requirements of Small Island Developing States

TCC6 will review the special requirements of developing States in relation to building their capacity to participate in the activities and work program of the TCC.

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

The WCPFC6 Chair noted the suggestion by FFA Members for a special agenda item for developed CCMs to report annually on initiatives to implement Article 30 of the Convention. Developed CCMs are invited to provide reports on their implementation of Article 30, specifically in relation to the activities and work program of the TCC (WCPFC-TCC6-2010/29(a-x)).

AGENDA ITEM 6 FUTURE WORK PROGRAM

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

TCC6 will review the progress report on the implementation of the 2010 TCC work programme prepared by the Secretariat WCPFC-TCC6-2010/30 including its work programme and budget 2011-2013.

AGENDA ITEM 7 SUPPLEMENTARY ITEMS

7.1 Issues arising from SC6

The European Union has indicated its desire to discuss the reform of the Science Committee. TCC6 will consider issues arising from SC6 that relate to the work of TCC (WCPFC-TCC6-2010/31).

7.2 Issues Arising from NC6

TCC6 will consider issues arising from NC6 that relate to the work of TCC (WCPFC-TCC6-2010/32).

7.3 Independent Performance Review of the Commission

Budget reductions for 2010 forced a postponement of this performance review. TCC6 is invited to re-consider this item.

7.4 Cooperation with Other Organizations

TCC6 will consider the progress of cooperation with other organizations (WCPFC-TCC6-2010/33) in 2010 and provide advice and recommendations to the Commission on these initiatives.

7.5 Next meeting.

The date and venue for the seventh regular session of the TCC will be agreed.

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

8.1 Adoption of the Summary Report of the Sixth Regular Session of the Technical and Compliance Committee, and any recommendations to the Commission.

AGENDA ITEM 9 CLOSE OF MEETING