



TECHNICAL AND COMPLIANCE COMMITTEE
Twelfth Regular Session
21 – 27 September 2016
Pohnpei, Federated States of Micronesia

**SUMMARY AND UPDATES ON DECISIONS AND ISSUES FROM TCC11,
WCPFC12 AND SC12 RLEVANT TO TCC12 PROCEEDINGS**

WCPFC-TCC12-2016-IP03
31 August 2016

Introduction

1. This paper lists in Table 1, the key decisions and issues arising out of TCC11, WCPFC12 and SC12 that are relevant to the issues to be considered by TCC12. It also provides brief updates on those decisions and issues, and cross-references to the relevant TCC12 agenda items and TCC12 papers, where appropriate.
2. Table 2 provides information on WCPFC12 decisions regarding cooperating Non-Members and their Participatory Rights. It further provides cross-references to the relevant paragraphs from the WCPFC12 Summary report, relevant to WCPFC/IATTC Overlap Area and CNM general processes.

Table 1: Notes on Issues arising from TCC11, WCPFC12 and SC12 as at 31 August 2016

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2. ED Annual Report		Priority core business task (standing agenda item) “1 e) Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director’s report on these matters and other issues as appropriate.		WCPFC-TCC12-2016-07
3. IUU List	463. The Commission agreed on the importance of strengthening cooperation among all CCMs to actively work together to locate the vessels that are on the WCPFC IUU vessel list, so as to stop their illegal activities. Such cooperation should include, as appropriate and as applicable to each CCM: a. prompt advice to the Commission Secretariat from any Flag State or other CCM who has information on any vessel on the WCPFC IUU list, including its whereabouts and any known change in name or other circumstance. In addition,	Priority core business task (standing agenda item) “1 b) Assessment of IUU vessel nominations and review of vessels currently on the IUU list”	On 27 July 2016 the draft IUU list and supporting information was circulated to all CCMs and other relevant flag CCMs (WCPFC Circular 2016/41).	WCPFC-TCC12-2016-08 <i>Documentations relating to the draft IUU list and WCPFC IUU list can be accessed by CCMs on the WCPFC secure CCM side of the website</i>

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	<p>Port States are requested to take any appropriate action, including, if possible, denial of port entry and services to those vessels.</p> <p>b. greater scrutiny of the individuals and companies that have been involved in IUU fishing, and the sharing of this information between CCMs and RFMOs.</p> <p>466. The Commission agreed that English language is to be used in all communications between relevant CCMs regarding alleged IUU activities.</p> <p>635. The Commission adopted the 2016 WCPFC IUU Vessel List (Attachment X).</p>		<p>Letters to relevant flag CCMs and other tuna RFMOs regarding the WCPFC IUU list and in response to the WCPFC12 decisions were sent in March 2016.</p>	
<p>3 Cooperating Non-Member requests</p>	<p>See Table 2 of this paper</p>	<p>Priority core business task (standing agenda item) “1c) Review of cooperating non-member applications</p>		<p>WCPFC-TCC12-2016-09_rev1</p>
<p>5. Compliance Monitoring Scheme</p> <p>5.1 Review of draft CMR</p>	<p>ii. WCPFC11 noted there were difficulties experienced at TCC in the interpretation of some CMMs, WCPFC11 agreed that all new CMMs should be drafted with clear criteria as to the nature of the obligation and how compliance with that obligation will be assessed (para 57).</p> <p>iii. WCPFC11 agreed that CCMs</p>	<p>Priority core business task (standing agenda item) “1a) Monitor and review compliance with conservation and management measures adopted by the Commission (Compliance Monitoring Scheme).”</p>		<p>WCPFC-TCC12-2016-10</p>

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	<p>will confirm if they have nothing to report on obligations when completing Annual Reports to make it clear to the Secretariat that this obligation has been considered (para 59).</p> <p>vii. WCPFC11 agreed to prioritize the obligations that will be assessed (para 63).</p>			
5.1a Response to capacity assistance	<p>469. The Commission agreed to the list of obligations to be assessed by CMS in 2016-2018 and the agreed frequency for assessment of CMMs in forward years (Attachment O).</p> <p>471. The Secretariat was tasked with producing an accompanying paper that provides the detail of CMM paragraphs which will be used by the Secretariat to implement the agreed list of obligations to be assessed in dCMR (Attachment O).</p> <p>695. The Commission adopted CMM 2015-07 Conservation and Management Measure for the Compliance Monitoring Scheme (Attachment aa)</p>	Priority project specific task “2d) Respond to	Refer CMM 2015-07 paragraphs 5 – 7, 12 - 14	

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needs identified through the CMS process		capacity assistance needs identified through the CMS process, including through annual consideration of implementation plans.		
5.2 Provisional CMR report and Executive Summary		Priority project specific task “2c) Provide advice on CMMs that need revision to improve compliance and monitoring, including those for which interpretation issues have been identified through the CMS process	Refer CMM 2015-07 paragraphs 28 - 31	
5.3 Develop a multi-year program of obligations to be assessed under the CMS		Priority project specific task “2b) develop a multi-year program of obligations to be assessed under the CMS, which ensures that all obligations are assessed over time.	Refer WCPFC12 Summary Report Attachment O (for list for 2016 – 2018)	See WCPFC-TCC12-2016-10
5.5 Consider and provide recommendations on terms of an independent audit or review of the CMS	TCC11 161. TCC11 noted the paper provided by the Executive Director on the “Concept of an independent audit or independent review of the WCPFC Compliance Monitoring Scheme” and continues to support the concept, but agreed that now was not the right time for such a review. TCC11 noted that such a review might be appropriate after the revised CMS CMM has been in	Priority project specific task “2 f) Independent audit or review of the Compliance Monitoring Scheme		WCPFC-TCC12-2016-11

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	<p>place for at least a couple of years.</p> <p>WCPFC12 696. Subject to the recommendations from TCC12 (CMM 2015-07, para 40) a review of the CMS will be conducted by an independent panel selected by the Executive Director in consultation with Members at the end of 2017.</p>			
7. Special Requirements of Developing States		<p>Priority core business task (standing agenda item) “1d) Monitor obligations relating to Small Island Developing States and territories.”</p> <p>Priority project specific task “2e) Support building the capacity of SIDS, which may include:</p> <ul style="list-style-type: none"> i. implement observer programs, including training and data management ii. develop and implement the MCS Information Management System at a national level iii. improve bycatch reporting, in particular sharks iv. Assist SIDS with setting up a system 		<p>WCPFC-TCC12-2016-10 WCPFC-TCC12-2016-12 WCPFC-TCC12-2016-ARPt2</p>

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		or process for reports on transshipment activities and MTU inspections		
7.2 Report on implementation of trial WCPFC Port Coordinators Programme 2015-2016	<p>542. WCPFC11 agreed:</p> <p>a. To establish a trial WCPFC port coordinators programme based on the proposed terms of reference (Attachment P). The programme will be implemented on a trial basis for two (2) years in 5 ports in the WCPO. The positions would be funded from the WCPFC Annual Budget during 2015 and 2016 (based on local salary rates), but the positions would operate as an integral part of the National Fisheries Agency/Department with reporting through the appropriate line manager in the National Fisheries Agency/Department.</p> <p>b. That the five ports which would be eligible to receive funding would be Pohnpei, (FSM), Majuro (RMI); Tarawa or Christmas Island (Kiribati); Rabual (PNG) and Honiara in the Solomon Islands (SI). Each WCPFC Member would be able to submit an invoice to WCPFC Secretariat for payment towards their Port Coordinator, which is up to USD15,000 per year over a two year period plus \$5,000 one off equipment and establishment cost.</p>	Priority project specific task 2 h. Further develop port-based initiatives as part of the suite of MCS tools, including a summary of port state measures adopted by other RFMOs [Secretariat task] and a summary of port state measures undertaken by members. [TCC task]	<p>Updates SC12 paper (GN-IP04) and includes proposal prepared in response to SC12 recommendation</p> <p>SC12 recommended that the Secretariat consider the requests of several CCMs to expand the support of the Port Coordinators initiative and report a proposal at TCC12. (SC12 Draft summary report para 142)</p>	WCPFC-TCC12-2016-13

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	<p>c. Relevant Members, SPC-OFP and WCPFC Secretariat will jointly report to SC and TCC (in 2015 and 2016), on the implementation of the trial WCPFC port coordinators programme.</p> <p>d. If after two years the evaluation proves that the program has been successful the Commission can then take an informed decision to extend the program to other ports in the WCPO, where appropriate.</p>			
8.1 Vessel Monitoring System (VMS)	<p>488. The Commission agreed that by June 30 2016 the Secretariat should publish and maintain through secure CCM WCPFC online systems, that are accessible by authorised CCM users, a list of all RFV vessels WCPFC VMS reporting status. The list will be updated a least once a week, and will be based on the details of vessels as contained in the RFV. The list will confirm those vessels which VTAF details are held by WCPFC and where applicable the date of receipt, date of last update of the list, and date of first VMS report to WCPFC (VTAF activation date), the current VMS reporting channel to the WCPFC VMS (for example WCPFC direct; through FFA; manual reporting or not reporting) (Attachment P).</p>	<p>Priority project specific task: 1 e. Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director’s report on these matters and other issues as appropriate</p>	<p>Work by the Secretariat to complete the online list related to VMS reporting has been delayed by the VMS transition work. This is still in progress.</p>	<p>WCPFC-TCC12-2016-RP01</p>

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	<p>212. TCC11 recommends that WCPFC Secretariat is tasked to work with the FFA Secretariat in developing a technical solution to ensure that the WCPFC Secretariat has access to the up to date and accurate information on the VMS reporting status of RFV vessels.</p> <p>213. TCC11 recommends that flag CCMs that report directly to WCPFC VMS are encouraged to regularly review their respective lists and work with the WCPFC Secretariat to resolve any discrepancies in the list.</p> <p>678. The Commission agreed to the amendments to the VMS SSPs related to ALC-type approval procedures (Attachment Z)</p>			
8.1a Report on the VMS transition	759. The Commission noted WCPFC12-2015-29 on the WCPFC VMS, noting budgetary implications would be considered by FAC9.			WCPFC-TCC12-2016-14
8.2 Regional Observer Programme	214. The Commission adopted two new minimum standards for "Observer safety at sea" and "Emergency Action Plan" for inclusion in the WCPFC Minimum Standards of	Priority project specific task: 1 e. Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance	ROP-specific CMM booklet was printed and distributed to national observer programme early this year. A booklet containing a complete set of current CMMs is available on the website at	WCPFC-TCC12-2016-RP02

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	<p>the Regional Observer Programme, with an implementation date of no later than 1 January 2017 (Attachment F).</p> <p>218. The Commission agreed to support the strengthening of the reporting mechanisms within the Commission and among CCMs regarding instances of interference, intimidation, threats, assault, or disappearance of observers.</p> <p>222. The Commission tasked the Secretariat to intensify its support to national observer programmes to strengthen and enhance their capability in the areas of observer safety and security, including in support to safety at sea operations.</p> <p>492. The Commission adopted the changes to the Regional Observer Programme (ROP) Minimum Data Standards and Fields (Attachment Q).</p> <p>579. The Commission adopted the IWG-ROP report including its recommendations, except where otherwise noted herein.</p>	<p>issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director’s report on these matters and other issues as appropriate</p>	<p>http://www.wcpfc.int/conservation-and-management-measures</p> <p>Website was updated in early 2016 with the latest version of the ROP Minimum Data Standards and Fields</p>	
	<p>569. The Commission adopted the pre-notification</p>		<p>In the first quarter of 2016, the Secretariat advised CCMs of the online Compliance</p>	

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	<p>process from observer providers to flag CCMs of possible alleged infringements by their vessels and put forward by the IWG-ROP, as amended to include data being provided to the coastal state when an alleged infringement takes place in a coastal state's waters (Attachment U).</p> <p>570. The Commission agreed that all ROP authorized observer programmes provide to the Commission Secretariat in a timely manner the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 (Attachment 7 to IWG-ROP4 Summary Report), as a means of supporting a pre-notification process from observer providers to flag of possible alleged infringements by their vessels. To facilitate the pre-notification process it was recommended that only those data elements answered in the affirmative by observers would be provided to the Commission Secretariat for transmittal to the flag CCM and as appropriate the relevant coastal State for alleged infringements in their waters.</p> <p>571. The Commission agreed that to support the pre-</p>		<p>Case File system which includes among others ROP observer noted alleged infringements based on the full ROP data set (Circular 2016/14 on 20 Apr 2016, and update in Circular 2016/42 29 Jul 2016).</p> <p>The Secretariat continues to work with SPC-OFP, in their capacity as data services provider, to complete the technical work needed to support GEN-3 pre-notification process. Further updates may be provided to TCC12</p>	

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	<p>notification process, that there are two additional fields that should be provided by observer providers to the Commission Secretariat to support a flag CCMs investigations of any possible alleged infringements. These are:</p> <ol style="list-style-type: none"> 1. “start date of trip and end date of trip” 2. “status of the debriefing process” i.e, “debriefed”, “pre debriefed” or “not debriefed” <p>572. The Commission noted that the requirement of providing the pre-notification data elements to the Commission Secretariat may not be required where there are domestic requirements enabling access by vessel operators to observer data.</p> <p>573. The Commission agreed that the implementation of the pre-notification process would be delayed for six months following WCPFC12.</p>			
ROP longline coverage			SC12 recommended that the paper SC12-ST-IP-02 is forwarded to TCC12, highlighting the gaps in ROP Longline coverage. (SC12 draft summary report para 93)	
8.2a CMM on flag State responsibilities in the event of alleged observer safety concern –	230. The Commission agreed that a CMM should be drafted for TCC12’s consideration and finalisation and WCPFC13’s deliberation on flag state		A draft proposal was circulated in Circular 2016/39 for CCM comments (21 July 2016)	WCPFC-TCC12-2016-DP02 (USA)

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USA	responsibilities in the event of alleged observer safety. The USA kindly offered to lead this work.			
8.3 High Seas Transshipment Monitoring		Priority project specific task: 1 e. Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director's report on these matters and other issues as appropriate.		WCPFC-TCC12-2016-RP03
8.3 a Draft guidelines on the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction	718. Noting paragraph 37 of CMM 2009-06, the Commission tasked the Executive Director to prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction. TCC12 is tasked to consider these guidelines, and amend as necessary, and recommend them to the Commission for adoption in 2016. The Commission agreed that paragraph 13 should be considered as part of this tasking.			WCPFC-TCC12-2016-15
8.3 b Proposal to amend CMM 2009-06	215. The Commission agreed to consider ways of strengthening the two proposals recommended by the IWG-ROP4 related to pre-			WCPFC-TCC12-2016-16

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	<p>notification process from observer providers (WCPFC12-2015-21b) and additional reporting requirements for carrier vessels operating in the Convention Area (WCPFC12-2015-21a) to complement and enhance efforts to provide better support to observer safety and security.</p> <p><i>Guideline timeframes to submit ROP data for high seas transshipment monitoring:</i></p> <p>487. WCPFC11 agreed that ROP providers which place observers on fish carrier vessels that transship on the high seas are strongly encouraged to send the completed data forms, workbooks, reports and journals of the observer to the Commission Secretariat where possible within 120 days of the disembarkation of the observer from the carrier (para 156).</p> <p>556. The Commission noted the IWG-ROP's recommendations on carrier notification of intent to tranship including amendments to CMM 2009-06, and tasked TCC12 to further consider the proposed amendments to CMM 2009-06 (WCPFC12-2015-21a).</p>			
8.4 High Seas Boarding and	495. The Commission tasked the Secretariat to develop an online	Priority project specific task: 1 e. Review Annual	Work by the Secretariat to complete the online list related to VMS reporting has	WCPFC-TCC12-2016-RP04

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Inspection (HSBI)	<p>technical solution to make available to authorized CCM MCS personnel, through secure login, a list of vessels that have been previously inspected under the HSBI scheme specifically, the VID, Vessel Name, IRCS, date of boarding and Name of inspecting member.</p> <p>TCC11 320. TCC11 encouraged CCMs to check and ensure that their HSBI-relevant contact details are up-to-date, and to use the online capability through their individual CCM portals to update their details as needed.</p> <p>TCC11 321. TCC11 requested that CCMs assist in supporting HSBI activities by providing the Secretariat with translated versions of the updated multi-language questionnaire.</p>	<p>report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director's report on these matters and other issues as appropriate.</p>	<p>been delayed by the VMS transition work. Update will be provided to TCC12.</p> <p>New Zealand advised that they would like to provide a report on their recent HSBI activities.</p>	
8.5 Record of Fishing Vessels (RFV)	<p>503. The Commission agreed that all vessels on the RFV shall complete the minimum required fields by 30 June 2016, and instructed the Secretariat to remove any vessels without the minimum required data fields after that date.</p>	<p>Priority project specific task: 1 e. Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director's report on these matters and other</p>	<p>Completed in July 2016</p>	<p>WCPFC-TCC12-2016-RP05</p>

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8.6 Eastern High Seas Pocket SMA		<p>issues as appropriate.</p> <p>Priority project specific task: 1 e. Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, and transshipment and note the Executive Director's report on these matters and other issues as appropriate.</p>		WCPFC-TCC12-2016
Agenda 9.1 Review of tiered scoring system for evaluating compliance with provision of scientific data to the Commission	<p>478. WCPFC11 adopted the tier scoring system for evaluating compliance with the provision of scientific data to the Commission, on the understanding that TCC will keep looking at the process of refining the CMR. The tiered scoring system would be sent to the SC for its consideration. (Attachment J)</p> <p>507. The Commission agreed that the tier scoring system adopted at WCPFC11 shall be used to assist in assessing compliance of CCMs for the provision of scientific data in 2016 and following years.</p> <p>508. The Commission tasked SPC with further refining the tier scoring system to provide, among</p>	<p>Priority project specific task 2 i) Review information about scientific data provision. [TCC task, Secretariat task to prepare papers]</p>		<p>WCPFC-TCC12-2016-IP04 (scientific data)</p> <p>WCPFC-TCC12-2016-RP07 (non-scientific data holdings)</p>

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	<p>other things, an indicator of compliance of CCMs as a whole with provision of scientific data.</p> <p>509. The Commission agreed to explore the usefulness of using the tier scoring system to assist in the evaluation of compliance with other CMMs, including the possible development of an indicator of overall compliance of each CCM in relation to the totality of agreed WCPFC obligations.</p> <p>TCC11 376. TCC11 recommends WCPFC Secretariat develop a paper that summarises non-scientific data holdings of WCPFC for information to all CCMs, and to present the paper to TCC12.</p>			
9.2 Review information about scientific data provision (TCC Workplan 2016-2018)		Priority project specific task 2 i) Review information about scientific data provision. [TCC task, Secretariat task to prepare papers]		
10.1 Report from ERandEM-IWG	<p>539. The Commission accepted TCC11s recommendation and adopted the ERandEM-IWG report and work plan (WCPFC-TCC11-2015-19d).</p> <p>540. The Commission noted</p>	Priority project specific task: 1 f: Review the ongoing work of the Intercessional Working Groups (IWG) noted in Section 3.	<p>The ERandEMWG2 met 1 – 2 August, Bali, Indonesia. The report is tabled as a TCC12 paper.</p> <p>Draft SC12 Summary Report</p> <p>130. SC12 supported outcomes and recommendations from the second meeting of the WCPFC E-Reporting and E-</p>	WCPFC-TCC12-2016-17

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	<p>that further testing and refinement of the five draft electronic data standards developed in 2015 (WCPFC-TCC11-2015-20, Attachment 5) is required by the ERandEM-IWG.</p> <p>541. The Commission agreed that a master list of electronic data standards shall be maintained by the Secretariat with input from the Scientific Services Provider and any updates shall be notified to CCMs on an annual basis.</p> <p>542. The Commission noted advice from the ERandEM-IWG supported by TCC that a decision to report electronically in future be captured by an amendment to the relevant CMM which also makes reference to the master list.</p> <p>543. The Commission encouraged the development of Electronic Monitoring by CCMs in areas where data gaps exist such as longline observer coverage and high seas transshipment.</p> <p>544. The Commission noted that the ERandEM-IWG should meet prior to SC12 in 2016.</p>		<p>monitoring Working Group (ERandEM WG-2, August 2016) and that they are taken forward to TCC12.</p> <p>131. SC12 noted that CCMs agreed to provide comments on the draft WCPFC E-Reporting standard data fields for logsheet and observer data prior to 10th September 2016, so that the WCPFC Secretariat and Science Services Provider can compile comments for presentation to TCC12.</p> <p>Copies of CCM comments received on Attachment 4 in ERandEMWG2 Summary Report will be posted on the secure CCM side of website: https://www.wcpfc.int/ERandEM-IWG</p>	
10.2 Report from	532. The Commission	Priority project specific	CDS-IWG03 meeting is scheduled for 16 –	<i>Late paper for</i>

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CDS-IWG Chair	accepted TCC11's recommendations with the Secretariat's proposed modifications to the 2016 Mass Balance Reconciliation tasking and adopted the report of the CDS-IWG (WCPFC12-2015-19c) and the 2016 CDS-IWG work plan (Attachment T).	task: 1 f: Review the ongoing work of the Intercessional Working Groups (IWG) noted in Section 3.	17 September in Pohnpei See https://www.wcpfc.int/meetings/cds-iwg-2016	<i>TCC12</i>
10.3 Report from FAD-IWG	<p>593. The Commission adopted the report of the first meeting of the FADMgmtOptions-IWG, held 27-28 November 2015 (WCPFC12-2015-22_rev2), and the work plan (Attachment V).</p> <p>594. The Commission agreed that a consultancy should be undertaken early in 2016 to produce a report on options and considerations for Marking and Identification of FADs to be deployed, for consideration at SC12 and TCC12. The consultancy should be based on the draft prospectus (Attachment V) and among other things take into consideration electronic signature and physical marking aspects from the 2016 PNA trial tracking programme and that used in other tuna RFMOs. The consultancy should also provide advice on the feasibility of options of physical marking of the buoy, physical marking of the buoy and the FAD attachment,</p>	Priority project specific task: 1 f: Review the ongoing work of the Intercessional Working Groups (IWG) noted in Section 3.	FAD-MgmtOptions-IWG meeting is scheduled for 28 – 30 Sept 2016 in Pohnpei. See https://www.wcpfc.int/meetings/fad-management-options-intercessional-working-group-2016	

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	<p>and electronic identification, along with the costs and benefits of each option. The consultancy should also take into account Attachment E to the report of the first meeting of the FADMgmtOptions-IWG Report (WCPFC12-2015-22_rev2).</p> <p>595. The Commission tasked the Secretariat and Scientific Services Provider to work with the FADMgmtOptions-IWG Chair and Vice-Chair to further develop the draft outline of a research plan in 2016, based on Attachment D of the report of the first meeting of the FADMgmtOptions-IWG (WCPFC12-2015-22_rev2). The draft research plan should be for consideration and input by SC12 and TCC12 before submission to WCPFC13. The draft plan should incorporate some consideration of costs and benefits of various research and data collection activities to assist with prioritizing the work. Consideration should also be given within the plan to addressing both target and non-target species.</p> <p>596. The Commission agreed that vessel operators should provide data on FADs covering the following two major areas:</p> <p>a. FAD design and</p>			

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	<p>construction of FAD to be deployed or encountered (materials, electronics, size etc)</p> <p>b. FAD activity (deploying, retrieving, setting, visiting, loss etc).</p> <p>597. The Commission noted that the FADMgmtOptions-IWG recommendations that:</p> <p>(i) the FAD data fields to be reported by vessel operators should be based on the WCPFC ROP Minimum Standard Data Fields and the data fields collected by other RFMOs;</p> <p>(ii) data collected by observers on FADs can be used for verification of FAD activities of vessels;</p> <p>(iii) the FAD data should be provided to the Commission via flag State electronically using appropriate systems such as FAD e-logbooks or information systems such as PNA iFIMS etc.</p> <p>598. The Commission agreed that a consultancy be undertaken in early 2016, tasked with producing proposed draft data fields to be reported by vessel operators for consideration at SC12 and TCC12.</p> <p>599. The Commission agreed that the FADMgmtOptions-IWG</p>			

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
<p>10.4 Consideration of SC and NC outcomes related to TCC's work</p> <p>(a) SC12 proposal to modify the definition of WCPFC public domain data</p> <p>(b) Outcomes of SC12s review of elements of European Union proposal for an amendment of the "Scientific data to be provided to the Commission (WCPFC12 Summary Report Attachment bb)</p>	<p>should continue in 2016.</p> <p>TCC11 Summary Report Recommendations to revise CMMs prioritised by CMS process which were ambiguous or problematic</p> <p>Scientific data to be Provided to the Commission</p> <p>486. TCC11 recommends that Section 01 of the Scientific Data requirements (Estimates of discards should also be provided) be modified to read "shall" instead of "should."</p> <p>487. TCC11 notes that the language in Section 04 of the Scientific Data Requirements, paragraph 4, is a "may" and is thus not a mandatory requirement (final sentence of paragraph 4). Therefore, TCC11 recommends that WCPFC12 agree that it should not be included as part of the assessment next year, however CCMs are encouraged to provide this data where possible because of their scientific value for the stock assessment for some species (eg south pacific albacore and swordfish).</p> <p>488. TCC11 agreed that the Section 07 of the Scientific Data Requirements is not a mandatory obligation and recommends that WCPFC12 agree that it should not be included as part of the</p>		<p><u>SC12 draft summary report</u></p> <p>150. SC12 noted the work of the SC12 informal small working group on data (ISG-4) and that the recommendations in the report of ISG-4 (available as SC12-ST-WP-09_rev2) are taken forward.</p> <p>a) With respect to "the proposal to modify the definition of the WCPFC public domain data to align to the IATTC definition", the changes proposed by ISG-4 are to be forwarded to TCC12 for consideration.</p> <p>b) With respect to the review of the elements proposed in SC12-ST-WP-05: EU European Union proposal for an amendment of the "Scientific data to be provided to the Commission", the revised document by ISG-4 are to be forwarded to TCC12 for further work.</p> <p>The SC12 Informal Small Group 4 report and SC12 outcomes will be posted as a paper for TCC12</p>	<p>WCPFC-TCC12-2016-18</p>

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
	<p>assessment next year, but recognizes and appreciates that some CCMs nonetheless provide this data to support the scientific work of the Commission. TCC11 further encouraged that other CCMs also provide this data where possible.</p> <p><u>WCPFC12 Summary Report</u> 722. The Commission noted TCC recommendations paragraphs 486–488 which are recommendations from the CMS process to revise the Scientific Data to be Provided to the Commission decision, and the corresponding proposal by the European Union (WCPFC12-2015-DP17) (Attachment v). 723. The Commission agreed that SC12 should review the elements in Attachment bb and provide advice and recommendations.</p>			
<p>10.4 Consideration of SC and NC outcomes related to TCC’s work (c) SC12 requests with respect to “key shark species”</p>			<p>SC12 draft summary report 766. SC12 recommended that the process for the designation of key sharks species should be clarified by the WCPFC secretariat and TCC. 767. SC12 recommended that TCC12 clarifies that the designation of a shark species as WCPFC "key shark species for assessment": 1. is not involving any change in the reporting requirements and logsheets of CCMs ;</p>	

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
			<p>2. meets the requirements of para 4 of CMM 2010-07;</p> <p>3. results in its listing under the Sharks Research Plan.</p> <p>768. SC12 recommended that purse seine observer training programmes add emphasis to Mobula spp. identification as part of their curricula.</p> <p>769. SC12 recommends that WCPFC13 takes note of SC12-EB-WP-08 and SC12-EB-IP-09 and considers adopting guidelines for safe release of Manta and Mobula rays caught incidentally in WCPFC fisheries.</p>	
<p>11.1 Bigeye, Yellowfin and Skipjack (CMM 2015-01 and CMM 2009-02)</p> <p>(a) provide technical and compliance related advice to address BET overfishing (TCC workplan 2016-2018)</p>		<p>Priority project specific task 2 g) Technical and compliance-related advice to address BET overfishing. [TCC task]</p> <p>Priority project specific task: 1 g: Review information about technical and compliance matters arising under existing CMMs.</p>		
<p>(b) Footnote 5 of CMM 2015-01</p>	<p>.</p>		<p>Draft SC12 Summary Report</p> <p>638. SC12 discussed the request from WCPFC12 to provide comments and/or recommendations to the Commission on proposals from CCMs that wish to claim exemption from the 2017 high seas FAD closure on the basis of footnote 5 of CMM 2015-01. SC12 was informed that the EU would be requesting such an exemption on the basis of the 2015 bigeye catch in the purse-seine fishery according to SC12-MI-IP-06. However SC12 has not been able to</p>	

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
			review this proposal due to the lack of guidance on how this review should be done. SC12 also noted that the present CMM is unclear as to how this exemption is to be applied as it does not specify a time period over which the drop in bigeye bycatch to no more than the 55% level of 2010-12 average needs to be sustained. SC12 recommends that TCC12 and WCPFC13 clarify how this assessment should be done	
11.2 South Pacific Albacore (CMM 2015-02)	350. The Commission adopted CMM 2015-02 which will revise and replace CMM 2010-05 (Attachment I, CMM 2015-02).	Priority project specific task: 1 g: Review information about technical and compliance matters arising under existing CMMs.	Addendum to Annual Report Part 1 was amended to include reference to the updated reporting requirement in paragraph 4.	
11.3 a) consider alternatives to current fins to carcass ratio (TCC Workplan 2016-2018)	462. TCC11 taking note of: a. Table 5 and 6 of WCPFC-TCC11-2015-RP02 Annual Report on the Regional Observer Programme indicating that finning still occurs in the WCPFC CA in both LL and PS fisheries; b. SC11 recommendation that the Commission notes that according to the most recent information provided by SPC finning still occurs in the WCPFC CA; c. SC11 was unable to confirm the validity of using a 5% fin to carcass ratio in CMM 2010-07 and that subsequently an evaluation of the 5% ratio is not currently possible due to	Priority project specific task 2 l) Consider alternatives to current fins to carcass ratio to ensure effective monitoring of CMM 2010-07 [TCC task]	SC12 Draft Summary Report 681. With regard to CMM 2010-07 (CMM for Sharks), especially related with Paragraphs 4, 8, and 13 with reference to data provision, fin to carcass ratios, and the need for a revised or new CMM, SC12 recommended that TCC12 and WCPFC13 note that SC12 was able to review the ratio of fin weight to shark carcass weight from one study (SC12-EB-IP-10). This study demonstrated that shark fin weight data have some serious limitations, potential biases and errors. SC12 was unable to confirm the validity of using a 5% fin to carcass ratio in CMM 2010-07 and forwards these concerns to TCC, noting that an evaluation of the 5% ratio is not currently possible due to insufficient information for all but one of the major fleets implementing these ratios. SC12 took note of SC12-EB-	WCPFC-TCC12-2016-20

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	<p>insufficient information for all but one of the major fleets implementing these ratios.</p> <p>d. Reports from a CCM that, in the course of high seas boardings and inspections, it has been very difficult to verify whether the 5% ratio obligation has been satisfied.</p> <p>TCC11 recommends that:</p> <p>a. WCPFC12 recognises that it is not possible for TCC to assess compliance with the application of the fins to carcass weight ratio,</p> <p>b. WCPFC12 considers means to strengthen CMM 2010-07 with respect to ensuring compliance with the obligation in paragraph 6.</p>		<p>IP-02 that confirms that the information which can be used to evaluate the effectiveness of the WCPFC ban on shark finning (CMM 2010-07) is currently very limited.</p>	
<p>11.3 c) Develop guidelines for the elaboration of management plans for sharks caught in the WCPF Convention Area (TCC Workplan 2016-2018)</p>	<p>388. The Commission tasks the Secretariat to develop a paper that provides guidance on the development and evaluation of management plans for longline fisheries targeting sharks in association with WCPFC fisheries (CMM 2014-05) and which takes into account the elements and timeframes contained in Attachment J).</p> <p>463. TCC11 noted SC11 difficulties in assessing the sharks management plans submitted by two CCMs in accordance with CMM 2014-05, due to the lack of</p>	<p>Priority project specific task 2 j) Develop guidelines for the elaboration of management plans for sharks caught in the WCPFC Convention area. [TCC task with assistance from SPC/Secretariat]</p>	<p>SC12 draft summary report</p> <p>704. SC12 considered that it is problematic to agree and apply a definition of longline fisheries “targeting” sharks, noting that fisheries need not be targeting sharks to be having a significant impact on vulnerable shark stocks. The Commission may wish to refer to the potential definitions in SC12-EB-WP-05 as a starting point for further consideration, if required.</p> <p>705. SC12 recommended that the Commission adopt the contents list at Attachment G for the development of any new shark management plans.</p> <p>706. SC12 recommended that the Commission review newly submitted shark management plans for completeness and</p>	<p>WCPFC-TCC12-2016-19</p>

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
	<p>guidance on what should be incorporated into the shark management plans, what is considered a target fishery, and how the review should be performed.</p> <p>464. TCC11 endorses SC11 recommendation to consider the development of a list of minimum requirements that such plans should include, guidelines to evaluate such plans, and the definition of a target shark fishery for future review by SC, TCC and the Commission.</p> <p>465. TCC11 notes that the FAO International Plan of Action for Conservation and Management of Sharks may be an interesting source of guidance, among others, on what should be incorporated into shark management plans developed in order to refine CMM 2014-05.</p>		<p>quality, with a view toward encouraging continuous improvement and documenting the scientific basis for all national management measures referenced in the shark management plans.</p> <p>SC12 Summary Report Attachment G:= Contents list for the development of any new shark management plans</p>	
11.5 Seabirds (CMM 2012-07/CMM 2015-03)	<p>405. The Commission adopted CMM 2015-03 which will revise and replace CMM 2012-07 (Attachment L, CMM 2015-03).</p> <p>787. Regarding the results of research on seabird distributions, SC12 recommended that the Commission:</p>	Priority project specific task: 1 g: Review information about technical and compliance matters arising under existing CMMs.		

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
	<p>1. Note that the northern limit of the spatial distribution of seabird density data presented extends to areas north of 30°S.</p> <p>2. Within the southern hemisphere part of the WCPO the main area of distribution for New Zealand’s vulnerable seabirds, especially the Antipodean albatross and the black petrel, is south of 25°S.</p> <p>3. Note that use of effective bycatch mitigation measures across the full range of at-risk seabirds should enhance conservation of those seabirds.</p> <p>4. Note the above information from SC12 and other relevant information when discussing seabird mitigation measures and request that the TCC consider reviewing the 30°S boundary of the seabird CMM further north.</p>			
<p>13. Other matters requiring TCC advice</p> <p>13.1 Consider summary of port state measures adopted by other RFMOs and members</p>		<p>Priority project specific task: 2 h) Further develop port-based initiatives as part of the suite of MCS tools, including a summary of port state measures adopted by other RFMOs [Secretariat task] and a summary of port state measures undertaken by members. [TCC task]</p>		<p>WCPFC-TCC12-2016-22</p>
<p>13.2 Cooperation</p>	<p>WCPFC12 Summary Report</p>		<p>WCPFC Circular 2016-12 provided the</p>	<p>WCPFC-TCC12-</p>

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
with CCSBT	<p>31. Japan enquired about the status of the arrangements between CCSBT and WCPFC mentioned at para. 47 of the Executive Director report.</p> <p>32. The Executive Director apologised for the inadvertent omission of ISC and their scientific services to the NC and that it will be included in future reports. In response to the second query, the Executive Director explained that he was hoping to have an arrangement with CCSBT by the time of the meeting but this was not the case as CCSBT membership is yet to endorse the arrangement formally.</p>		updated MoC on Exchange of data with CCSBT	2016-23
14.1 TCC Workplan for 2016-2018	521. The Commission adopted the TCC Workplan 2016-2018 (Attachment S).			WCPFC-TCC12-2016-IP10
14.3 Report on Secretariat IMS and website development and online reporting systems	524. The Commission agreed to maintain commitments that will ensure the continued development and enhancement of the Commission Secretariat IMS over the next 2-3 years.			WCPFC-TCC12-2016-07
14.4 Election of Officers	<p>WCPFC11 Summary Report 708. The Commission nominated and elected the following officer bearers of the WCPFC:</p> <p>...</p> <ul style="list-style-type: none"> • TCC Chair – Alexa Cole (USA) • TCC Vice-Chair – Joanna Anderson (NZ) • EmandEr Working 		<p>Rule 8 of the WCPFC Rules of Procedure state that the Chair and a Vice-Chair shall assume office at the end of the session at which they are elected, shall hold office for a period of two years and shall be eligible for re-election.</p> <p>TCC12 is invited to make recommendations on office bearers for TCC and associated working groups.</p>	

TCC12 AGENDA ITEM	TCC11 and WCPFC12 RECOMMENDATIONS AND REPORT REFERENCES	TCC Workplan 2016-2018	SECRETARIAT COMMENTS AND NOTES ON SC12 OUTCOMES	TCC12 PAPER
	<p style="text-align: center;">Group Chair – Kerry Smith (Australia) WCPFC9 established the Catch Documentation Scheme Intersessional Working Group (CDS-IWG), and appointed Mr Alois Kinol (PNG) as Chair.</p>			

Table 2: Cooperating Non-Member and Participatory Rights decision from WCPFC12 (paragraph numbers refer to WCPFC12 Summary Report)

117. The Commission noted with appreciation the attendance and participation of Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam in the CNM-SWG discussions.

General decision on participatory rights

120. The Commission agreed that:

- a) In accordance with the WCPF Convention and its conservation and management measures and resolutions, the following participatory rights apply to Cooperating Non- Members (CNMs) for fisheries in the high seas within the WCPFC Convention Area.
- b) In addition, unless otherwise specified below, CNMs may fish in waters under their national jurisdiction or other CCMs’ national jurisdiction, in accordance with appropriate bilateral arrangements.
- c) CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and the WCPFC conservation and management measures. In addition, CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV).
- d) CCMs shall ensure that CNM fishing activities that are conducted in waters under their national jurisdiction in accordance with bilateral arrangements are consistent with all relevant conservation and management measures and provisions of the WCPF Convention.
- e) Renewal of CNM status by the Commission will take into account -compliance with the national laws and regulations of any licensing CCM, and all conservation and management measures and provisions of the WCPF Convention. CCMs shall identify any violations by vessels flagged to a CNM and report on any investigations of such violations to the TCC.

CNM	WCPFC Decision regarding granting of CNM status	WCPFC12 Decision regarding Participatory Rights
Ecuador	68. WCPFC12 agreed to approve the application for CNM status in 2016 for Ecuador.	<p>121. The Commission noted Ecuador’s non-compliant status in CMR covering 2014 activities and encouraged Ecuador to aim for full compliance in 2016.</p> <p>122. The Commission agreed that Ecuador’s participatory rights for fishing in the WCPO are limited to purse seine fishing, with no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area. Any introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2014-01 or its replacement measure.</p>
El Salvador	70. WCPFC12 agreed to approve the application for CNM status in 2016 for El Salvador.	<p>123. The Commission noted El Salvador’s non-compliant status in CMR covering 2014 activities and encouraged El Salvador to aim for full compliance in 2016.</p> <p>124. The Commission agreed that the participatory rights of El Salvador for fishing in the WCPO are limited to purse seine fishing only. The total level of</p>

CNM	WCPFC Decision regarding granting of CNM status	WCPFC12 Decision regarding Participatory Rights
		<p>effort by purse seine vessels of El Salvador on the high seas shall not exceed 29 days in the Convention Area. Any introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2014-01 or its replacement measure.</p>
Liberia	<p>88. WCPFC12 agreed to approve the application for CNM status in 2016 for Liberia.</p>	<p>125. The Commission noted that Liberia was not subject to compliance evaluation in CMR covering 2014 activities.</p> <p>126. The Commission agreed that the participatory rights of Liberia are limited to reefer vessels to engage in transshipment activities, and bunker and supply vessels to support fishing vessels in the Convention area.</p>
Mexico	<p>115. The Commission agreed to approve the application for CNM status in 2016 for Mexico.</p>	<p>127. The Commission noted that CMR covering 2014 activities assessed Mexico to be in full compliance with all applicable CMMs.</p> <p>128. The Commission noted that Mexico had participated in the work of the Northern Committee (NC) at NC 8, 9, 10 and 11 and, noting the need for cooperation with the work of the NC particularly in regard to Pacific bluefin tuna, encouraged Mexico to continue to participate in the NC. Mexico does not intend to have a vessel presence in 2016. The Commission agreed that any future introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2009-11 and CMM 2014-01 or its replacement measure.</p>
Panama	<p>80. WCPFC12 agreed to approve the application for CNM status in 2016 for Panama.</p>	<p>129. The Commission noted Panama's non-compliant status in CMR covering 2014 activities and encouraged Panama to aim for full compliance in 2016.</p> <p>130. The Commission agreed that the participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels. At the request of Panama, and after consulting the Legal Advisor, the SWG noted that Panama's participatory rights also apply to vessels that supply food, water and spare parts to carrier vessels that engage in transshipment activities, provided that these vessels do not engage in activities supporting fishing vessels, including providing and/or servicing FADs. The Commission noted that this does not result in any additional participatory rights in 2016 to the participatory rights granted to Panama in 2015.</p>
Thailand	<p>84. WCPFC12 agreed to approve the application for CNM</p>	<p>131. The Commission noted Thailand's non-compliant status in CMR covering 2014 activities and encouraged Thailand to aim for full compliance in</p>

CNM	WCPFC Decision regarding granting of CNM status	WCPFC12 Decision regarding Participatory Rights
	<p>status in 2016 for Thailand.</p>	<p>2016.</p> <p>132. The Commission noted the need for cooperation between Thailand and the Commission and the commitment from Thailand to provide data from canneries located in Thailand to assist in the work of the Commission, considering that the CNM status was granted to Thailand for 2016 on the understanding that Thailand will cooperate fully with the Commission in the acquisition and exchange of fishery information and data. The Commission noted the provision of data from Thai canneries and encourages Thailand to continue to cooperate with the Commission to improve the acquisition and exchange of fishery information and data. The Commission agreed that the participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.</p>
Vietnam	<p>86. WCPFC12 agreed to approve the application for CNM status in 2016 for Vietnam.</p>	<p>133. The Commission noted that in the CMR covering 2014 activities assessed Vietnam to be in full compliance with all applicable CMMs. Vietnam also informed the Commission that it had provided its assessed financial contribution.</p> <p>134. The Commission noted the need for continued cooperation between Vietnam and the Commission to achieve compatibility of fisheries management and conservation, as well as on the acquisition and exchange of fishery information and data, for which Vietnam would require assistance. The Commission noted its appreciation that the significant improvements in the collection and provision of data from Vietnam fisheries through the GEF WPEA project, administered by the WCPFC and encourages Vietnam to continue to cooperate with the Commission to improve the acquisition and exchange of fishery information and data. The Commission agreed that the participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.</p>

WCPFC/IATTC Overlap Area

135. The Commission agreed that:

- a. In accordance with the decision of WCPFC9 regarding the management of the overlap area of 4°S and between 130°W and 150°W, vessels flagged to Ecuador, El Salvador and Mexico will be governed by the IATTC when fishing in the overlap area.

b. In accordance with the Data Exchange MOU agreed by both Commissions, fishing vessels flying the flag of a member of either the IATTC or WCPFC shall cooperate with the RFMO to which they are not a member by voluntarily providing operational catch and effort data for its fishing activities for highly migratory species in the overlap area.

c. For the purpose of investigation of possible IUU fishing activities and consistent with international and domestic laws, vessels flying the flag of a CNM that is a Contracting Party to the IATTC will cooperate with those coastal State members of the WCPFC whose EEZs occur in the overlap area by voluntarily providing VMS reports (date, time and position) to those coastal States when operating in the overlap area.

Other matters

761. Ecuador asked for guidance on the process of applying to become a full member of the Commission, noting that this was the second year in a row that some CNMs have expressed an interest in becoming members.

762. The WCPFC Legal Advisor noted that the SWG had discussed the process. On future applications for CNM status, CNMs can indicate their interest in becoming full members by ticking a box on the application. This will provide the opportunity for TCC to consider the CNM application and make a recommendation that would then be considered by the Commission. The Legal Advisor noted that there are no formal rules on how the Commission is to consider membership of the Commission, and Article 35 of the Convention only refers to membership of the Commission being agreed to by consensus.