



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

**OUTCOMES DOCUMENT AGREED**

**TCC12-2016-26\_final**  
**As at 27 September 2016\_5pm**

**Agenda Item 1.2 – Agenda**

1. The agenda TCC12-2016-03\_rev1 was adopted (**Attachment c**).

**Agenda Item 2 – Report of the Executive Director**

2. The Commission noted the 2016 Annual Report of the Executive Director (WCPFC-TCC12-2016-07).

**Agenda Item 3 – IUU List**

**Provisional IUU list**

3. TCC12 agreed to include the fishing vessel **ESSIEN 108** on the Provisional WCPFC IUU Vessel List, and noted that negotiations between the Cook Islands and Vanuatu to resolve this case are still ongoing.
4. With respect to the Provisional WCPFC IUU Vessel List, all vessels contained in WCPFC-TCC12-2016- 08 were reviewed. A Provisional WCPFC IUU Vessel List is attached as **Attachment d**.

**WCPFC IUU list**

5. TCC12 agreed to recommend to WCPFC13 that the **NEPTUNE** should remain on the WCPFC IUU vessel list.
6. TCC12 agreed to recommend to WCPFC13 that the **FU LIEN No.1** should remain on the WCPFC IUU vessel list.
7. TCC12 agreed to recommend to WCPFC13 that the **YU FONG 168** should remain on the WCPFC IUU vessel list.

## General recommendations – WCPFC IUU list

8. TCC recommended that Chinese Taipei keep the Commission abreast of any information that it finds out about YU FONG 168.
9. TCC recommended that CCMs provide prompt advice to the Commission if a vessel on the WCPFC IUU vessel list is located, or if there are any known changes to name, flag or registered owner, including any action that port States have taken such as denial of port entry and services to those vessels or any information from processing States of any landings made by these vessels.
10. TCC recommended that the Secretariat be tasked to write a letter to other RFMOs and the flag State of the WCPFC IUU vessel list vessels, conveying this same message for cooperation to locate these vessels.
11. TCC recommended that the Secretariat include the names of the vessel masters, if available, into the WCPFC IUU Vessel List.

## Agenda item 4 – CNM Requests

12. TCC12 provided the following decisions and recommendations to WCPFC13:
  - a. **TCC12 has reviewed the following CNM applications and is forwarding them to WCPFC13 for consideration: Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam.**
  - b. TCC12 thanked the Secretariat for the development of the CNM application template which assisted the process greatly and thanks CNM applicants for using the template in submitting their applications
  - c. TCC12 noted with appreciation the attendance and participation of Ecuador, El Salvador, Liberia, and Vietnam at this year's meeting and encourages other CNM applicants to attend TCC meetings in the future.
  - d. TCC12 noted the CNM working group process occurred in parallel with the compliance monitoring scheme process and **recommended** that following TCC12, in consultation with SPC, the Secretariat write a particularised letter to CNMs outlining any identified deficiencies in data provision and request that CNM applicants provide any information outlined in these letters, as requested during the CMS process, 30 days in advance of WCPFC13, and that these letters and any responses be assessed by WCPFC13.
  - e. TCC12 **recommended** that WCPFC13 take into consideration the Compliance Status of all CNM applicants in making its decision on the CNM applications and participatory rights.
  - f. TCC12 noted that all CNM applicants other than Mexico and Vietnam made a financial contribution and notes Vietnam's statement that payment was made over

the course of TCC12.

g. TCC12 **recommended** that Mexico consider the prospect of a voluntary payment in advance of WCPFC13.

h. TCC12 notes that during the SWG three CNM applicants (Ecuador, El Salvador and Vietnam) have reiterated interest in becoming full Commission members and that WCPFC13 consider whether to invite them to become members. El Salvador has made its request in a formal letter to the WCPFC Secretariat.

i. TCC12 **recommended** that the template for CNM applications be amended to include a field to indicate whether the CNM wishes to become a full Commission member.

j. TCC12 noted the following gaps or issues in the applications for individual applicants and encourages applicants to rectify them if possible by WCPFC13:

- Ecuador - TCC12 noted that Ecuador provided its Annual Report Part 1 during TCC12 and that Annual Reports form a fundamental part of the Commission process. TCC12 recognised the domestic circumstances in Ecuador which contributed to this late provision. TCC12 encouraged Ecuador to provide its Annual Report Part 1 on time in the future.

- Liberia - TCC12 noted that Liberia did not provide its Annual Report Part 1 and that Annual Reports form a fundamental part of the Commission process. TCC12 **recommends** that Liberia provide its Annual Report Part 1 a minimum of 30 days in advance of WCPFC13. TCC12 notes that Liberia's application was submitted late.

- Mexico – TCC12 noted that it is not clear whether Mexico has provided a commitment to make a financial contribution. TCC12 further noted that Mexico has not made an explicit commitment to accept High Seas Boardings and Inspections and that Mexico considers this requirement as not applicable.

- Panama – TCC12 noted that Panama did not provide its Annual Report Part 1 and that Annual Reports form a fundamental part of the Commission process. TCC12 **recommended** that Panama provide its Annual Report Part 1 a minimum of 30 days in advance of WCPFC13.

- Thailand – Thailand has indicated that it has not provided full historical data on fisheries activities in the Convention area pursuant to CMM 2009-11 (2)(d). Applicants for CNM status are required to include in their requests 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, pursuant to CMM 2009-11(2)(d). TCC12 **recommended** that Thailand provide this information a minimum of 30 days in advance of WCPFC13

- Vietnam – TCC12 noted that Vietnam's financial contribution had not yet been received during TCC12 but that Vietnam made a statement that payment was pending.

## **Agenda Item 5– Compliance Monitoring Scheme**

13. TCC12 recommended to WCPFC13 the provisional CMR for its consideration and final assessment.
14. TCC12 recommended that WCPFC13 considered an earlier submission date for Annual Report Part 1 and Part 2.

### **Agenda 5.1a Respond to capacity assistance needs identified through the CMS process including through annual consideration of implementation plan (TCC Workplan 2016-2018)**

15. TCC12 noted the paper WCPFC-TCC12-2016-10C and Table 1 therein.

### **5.3 Develop a multi-year program of obligations to be assessed under the CMS (TCC Workplan 2016-2018)**

16. TCC12 agreed that CCMs wishing to provide any information or comments on the Secretariat’s suggested list of obligations to be assessed, as outlined in Annex I and summarized in Table 2 of WCPFC-TCC12-2016-10B, or to suggest additional obligations to the existing list of obligations to be assessed, as outlined in WCPFC12 Summary Report Attachment O, will provide them to the USA by 21 October 2016. The USA will revise WCPFC-TCC12-2016-10B for distribution by 5 November 2016 for consideration by WCPFC13.

### **5.4 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 (TCC Workplan 2016-2018)**

17. TCC12 noted the paper WCPFC-TCC12-2016-10B and the Tables and Annex therein.

### **5.5 Consider and provide recommendations on terms of an independent audit or review of the CMS (WCPFC12 para 696; CMM 2015-07 para 40)**

18. TCC12 agreed that interested CCMs should provide the Secretariat with any additional comments on the draft terms of reference (WCPFC-TCC12-2016-11) by 21 October 2016, and the Secretariat will prepare a revised terms of reference for consideration at WCPFC13.

## **AGENDA ITEM 7 SPECIAL REQUIREMENTS OF DEVELOPING STATES**

### **7.2 Report on, and review, implementation of trial WCPFC Port Coordinators Programme 2015-2016**

19. TCC12 noted the utility of the trial port coordinators programme and recommends to WCPFC13 the extension of the programme and the expansion to other ports in the WCPO where appropriate.
20. TCC12 encouraged participating CCMs in the port coordinators programme to include in their annual reports the impact of the programme.
21. TCC12 recommended that WCPFC13 identify an appropriate funding source for the continuation of this programme.

## **AGENDA ITEM 8 CORE MCS ACTIVITIES - discussion of technical issues or requirements**

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

22. TCC12 noted the Secretariat advice and recommendation provided in accordance with VMS SSPs 2.7 requirement, that three Argos units (ARGOS – FVT ; ARGOS – MAR-GE and ARGOS – MAR-GEV2) do not meet the agreed VMS requirements in Annex 1 (paragraph 4) of CMM 2014-02, and the DMR unit is presently not able to report to the Commission VMS, and these MTUs should be removed from the list of CCMs' approved MTUs.
23. TCC12 noted that WCPFC11 extended the VMS manual position reporting requirements (the WCPFC9 agreed amendments to the VMS SSPs Section 5) for two years and will expire on 1 March 2017. TCC12 recommended extending this requirement for a further two years while work continues on the development of mechanisms of electronic submissions of manual reports.

#### **(a) Report on the VMS transition**

24. TCC12 noted the report of the successful transition of WCPFC VMS services (WCPFC-TCC12-2016-14).

### **8.2 Regional Observer Programme**

25. TCC12 noted the annual report on the Regional Observer Programme (WCPFC-TCC12-2016-RP02\_rev2).

**(a) CMM on flag State responsibilities in the event of alleged observer safety concern – US – DP02**

26. TCC12 agreed that CCMs provide additional comments on WCPFC-TCC12-2016-DP02\_rev1 to the USA by 21 October 2016. The USA may revise the proposal for consideration at WCPFC13.

**8.3 High Seas Transshipment Monitoring**

27. TCC12 noted the High Seas Transshipment Monitoring Annual Report with an emphasis on high seas activities (WCPFC-TCC12-2016-RP03\_rev1).

**(a) Draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction (WCPFC12 para 718; CMM 2009-06 para 37)**

28. TCC12 noted the proposed draft guidelines for the determination of impracticability under paragraph 37 of CMM 2009-06 prepared by the Secretariat (WCPFC-TCC12-2016-15\_rev2).

29. TCC12 recommended that WCPFC13 task the Secretariat to work closely with ROP observer programmes to better support the activities, including training and safety, of high seas transshipment observers, including through the use of electronic tools.

30. TCC12 recommended that the TCC workplan include the further development of protocols, observer data forms including electronic forms and the database, as needed, to better monitor transshipments at sea, particularly in the high seas.

**8.4 High Seas Boarding and Inspection (HSBI)**

31. TCC12 noted the High Seas Boarding and Inspection Annual Report (WCPFC-TCC12-2016-RP04).

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

32. TCC12 noted the Record of Fishing Vessels Annual Report (WCPFC-TCC12-2016-

RP05\_rev1).

## **8.6 Eastern High Seas Pocket Special Management Area (EHSP-SMA)**

33. TCC12 noted the Eastern High Seas Pocket Special Management Area Annual Report (WCPFC-TCC12-2016-RP06).

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

### **9.1 Review of tiered scoring system for evaluating compliance with provision of scientific data to the Commission (WCPFC 12 para 507-509)**

34. TCC12 recommended to WCPFC13 that the Commission continues to use the tiered scoring system for evaluating compliance with provision of scientific data to the Commission.

## **AGENDA ITEM 10 — INTERSESSIONAL ACTIVITIES**

### **10.1 Report from the ERandEM-IWG**

35. TCC12 noted and endorsed the recommendations from the ERandEM Working Group 2 meeting in August 2016 and noted the SC12 discussions in regard to the work of the ERandEM WG.
36. TCC12 agreed that CCMs provide any outstanding comments to SPC and WCPFC Secretariat on the draft WCPFC E-Reporting standard data fields prior to 21 October 2016 so that a revised version can be presented to WCPFC13 for adoption.
37. Taking into account any comments provided by CCMs, TCC12 recommended that WCPFC13 consider adopting the proposed E-reporting standards for operational catch and effort data and observer data, and that the standards be maintained and updated by the Secretariat as a result of decisions by the Commission and the revised version published on the WCPFC website.
38. TCC12 recommended that the ERandEM WG continue its work under the same terms of reference for another two years.

### **10.2 Report from CDS-IWG**

39. TCC12 noted the draft summary report of CDS-IWG03 from the CDS-IWG Chair.

#### **10.4 Consideration of SC and NC outcomes related to TCC's work**

##### **(b) Outcomes of SC12's 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)**

40. TCC12 recommended that WCPFC13 consider the attached proposal to amend the 'Scientific Data to be Provided to the Commission'. (**Attachment e**)

##### **(c) SC12 requests with respect to "key shark species"**

41. TCC12, taking note of WCPFC-TCC12-2016-25 "Clarification of Process for Designating WCPFC Key Shark Species for Data Provision and Assessment" recommended that WCPFC13 and SC13 note that, TCC12 agreed that:

- a. the WCPFC "Process for Designating Key Shark Species for Data Provision and Assessment" provides a process for species to be designated for assessment only;
- b. the designation of a shark species as WCPFC "key shark species for assessment":
  1. does not involve any change in the reporting requirements and logsheets of CCMs;
  2. results in its listing under the Shark Research Plan, noting that data gaps may preclude a traditional stock assessment approach.

#### **AGENDA ITEM 11 — REVIEW OF EXISTING CMMs INCLUDING ANY PROPOSED AMENDMENTS**

##### **11.1 Bigeye, Yellowfin and Skipjack (CMM 2015-01, CMM 2009-02)**

##### **(b) Provide advice related to footnote 5 of CMM 2015-01 (SC12 draft summary report para 638)**

42. TCC12 taking note of WCPFC-SC12-2016/MI-IP-06 rev\_2 "Bigeye tuna catch by gear and flag, 2010-2015" confirmed that the EU PS fleet has reached and exceeded in 2015 the 55% reduction target from 2010-2012 levels of BET catch. TCC12 recommended that the provisions of footnote 5 of CMM 2015-01 para 18 applies for the EU PS fleet in 2017.

43. TCC12 recommended that the provisions of footnote 5 of CMM 2015-01 para 18 also applies for the purse seine fleets of Ecuador, El Salvador, Marshall Islands, New Zealand, Solomon Islands, Tuvalu and Vanuatu in 2017.

44. TCC12 strongly encouraged that any fleet fishing under the provisions of this footnote will ensure that the catch of BET in 2017 will not exceed the level of 55% reduction from 2010-2012 levels.



**11.3 Sharks (CMM 2010-07, CMM 2011-04, CMM 2012-04, CMM 2013-08 & CMM 2014-05)**

**(a) Consider alternatives to current fins to carcass ratio (TCC Workplan 2016-2018)**

**(b) Review implementation by CCMs of paragraph 6 of CMM 2010-07**

45. TCC12 recommended that:

- a. WCPFC13 recognise that it is not possible for TCC to assess compliance related to the application of the 5% ratio prescribed in para. 7 of CMM 2010-07,
- b. WCPFC13 consider means to strengthen CMM 2010-07 with respect to ensuring compliance with the obligation in paragraph 6, and
- c. WCPFC13 agree that CCMs provide detailed information relating to their implementation of the full utilization requirement in para 6 of CMM 2010-07 in their AR-Part 2 and if applicable, provide detailed information on why it would be impracticable to implement fins naturally attached as a demonstration of full utilization of sharks.

**(c) Develop guidelines for the elaboration of management plans for sharks caught in the WCPFC Convention Area (TCC Workplan 2016-2018)**

46. TCC12 taking note of SC12 recommendation (draft summary report 737 and 738) and TCC12-2016-19 “Elaboration of technical details regarding shark targeting and shark management plans for CMM 2014-05” recommended that:

- a. WCPFC13 adopt the template developed in Annex E of TCC12-2016-19 for the development of future shark management plans under CMM 2014-05;
- b. WCPFC13 agree to continue working towards a common definition of a longline fishery targeting sharks; and
- c. WCPFC13 task SC to continue working toward the evaluation of the impacts of shark management plans on the conservation status of WCPFC shark stocks.

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

**13.2 Cooperation with CCSBT**

47. TCC12 recommended to WCPFC13 that it consider the proposed MoC with the CCSBT on data exchange, as amended, and the proposed MoC with the CCSBT on transshipment. (Attachment f)

## **AGENDA 14 — ADMINISTRATIVE MATTERS**

### **14.1 TCC Work Plan 2016 - 2018**

48. TCC12 recommended to WCPFC13 that the TCC workplan for 2016-2018 be modified to add the “development, improvement and implementation of the Commission’s measures for observer safety and related issues” to the priority project specific tasks.
49. Note recommendation 30 (above) also relates to the TCC Workplan 2016-2018.

### **14.2 Administration of the Data Rules and Procedures, including Report on WCPFC Security Audit 2015/16**

50. TCC12 noted the Annual Report on the Administration of the WCPFC data access rules (WCPFC-TCC12-2016-RP07) and Review of the integrity of the Secretariat’s VMS data and Secretariat’s review of integrity of IMS and RFV (WCPFC-TCC12-2016-RP08).

### **14.4 Election of Officers**

51. TCC12 agreed to recommend that Ms Alexa Cole be reappointed as TCC Chair for another two year term.
52. TCC12 agreed to recommend that Mr Monte Depaune is appointed as TCC Vice-Chair for a two year term.

### **14.5 Next meeting**

53. TCC12 agreed to recommend that TCC13 be held in Pohnpei, from Wed 27 Sept – Tues 3 October 2017.

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#### **DRAFT LIST OF ATTACHMENTS FOR TCC12 DRAFT SUMMARY REPORT (note order and numbering of attachments will change)**

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<b>Attachment a</b>	WCPFC12 List of Participants
<b>Attachment b</b>	Opening Statement to TCC12 by WCPFC Executive Director, Mr Feleti P. Teo OBE
<b>Attachment c</b>	TCC12 Agenda – as adopted (TCC12-2016-03_rev1)
<b>Attachment d</b>	Provisional IUU vessel list
<b>Attachment e</b>	Proposal to amend the ‘Scientific Data to be Provided to the Commission’ from data thingy SWG
<b>Attachment f</b>	Proposed MoC with the CCSBT on data exchange, as amended, and the proposed MoC with the CCSBT on transshipment