



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

**Twelfth Regular Session of the Technical and Compliance Committee
Pohnpei, Federated States of Micronesia
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SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1. The Technical and Compliance Committee (TCC) Chair, Alexa Cole (USA) welcomed delegates to Pohnpei, Federated States of Micronesia (FSM), commenting that working with CCMs, observers and the Secretariat on key issues facing the region made TCC a special meeting.

2. Justino Helgen (FSM) led an opening prayer.

3. FSM offered some remarks welcoming delegates to Pohnpei for the twelfth Regular Session of the Technical and Compliance Committee (TCC12), noting the importance of fisheries to the region – a priority ratified by Pacific Leaders during the PIF held in Pohnpei in September 2017. FSM’s full remarks are at **Attachment A**.

4. The WCPFC Chair, Rhea Moss-Christian, welcomed delegates to Pohnpei for TCC12 to discuss key technical and compliance issues facing the Commission. She noted that at the annual meeting in Bali last year the Commission had worked hard to try to achieve good outcomes on some critical issues. While there were some gains, the required progress was not achieved, especially on tropical tunas, and bigeye tuna in particular. With two stocks in a critical condition the stakes were even higher, and the time available to make these decisions was getting shorter. The WCPFC Chair commented that the Commission needed to be efficient, and consult and plan well. The Executive Director and the WCPFC Chair had undertaken an evaluation of Commission processes to find ways for the Commission to be able to make these important decisions and were preparing for the annual session early. Important current work included the implementation of harvest strategies, and the bridging tropical tuna measure to replace the current measure which expires at the end of 2017. The bridging measure would be discussed at TCC12. The WCPFC Chair flagged that she would seek comments from members during the meeting – not to seek a technical review but to use the opportunity with all CCMs together to help prepare for discussions on the measure at the Commission meeting. She noted the ongoing importance of observer safety and thanked USA for taking the lead in drafting the observer safety measure for TCC12 to consider with a view to adopting a measure in December. The WCPFC Chair noted that another key issue to progress was mitigation of bycatch in WCPO fisheries, with improvement of available data for sharks now pressing. It was noted that although WCPFC is not a shark Commission, it has an obligation to manage species that are part of the Commission and, with some WCPO shark species in a critical condition, the Commission needed to spend some time addressing it. The WCPFC Chair emphasised that the decisions, recommendations and guidance taken in the Commission’s sub-committees inform key management decisions, and hoped that TCC would provide good recommendations on these key issues.

5. The WCPFC Executive Director, Feleti Teo OBE, extended his warm welcome to delegates to TCC12 and Pohnpei, the home of the Secretariat. The Executive Director reported that at the Strategic Planning Consultation Meeting held immediately prior to TCC12, CCMs and other stakeholders had a rich exchange of views on the strategic priorities and directions for the Commission. The draft 10 year Strategic Plan and three year Corporate Plan for the Commission will be further developed and circulated before submission to the Commission in December. The Executive Director noted the formidable agenda of TCC this year. The Compliance Monitoring Scheme (CMS) work would dominate the committee’s deliberations — for the first time under a multi-year CMS measure — and two new statuses were now included: a Capacity Assistance Needed status, and Flag State Investigation status. The Executive Director noted that the body of work undertaken by the Secretariat to support the scheme was very large,

with the preparation of the draft compliance monitoring report (draft CMR) and the attendant careful scrutiny, analysis and coordination it requires. The Executive Director also acknowledged the CCM officials who work hard to provide the data for the Annual Reports, which feed into the CMS. He acknowledged valuable work progressed through the intersessional working groups and noted that the ERandEMWG met in Bali prior to SC12, the CDS-IWG met in Pohnpei just before TCC12, and the FADMgmtOptions-IWG will meet in Pohnpei immediately after TCC12. These groups' work is critical to TCC and the Commission's compliance programme. The Executive Director thanked the chairs of these working groups — Kerry Smith (Australia), Alois Kinol (PNG), and Brian Kumasi (PNG) — for their leadership and stewardship.

6. The following members, cooperating non-members and participating territories (CCMs) attended TCC12: Australia, China, Cook Islands, Ecuador, El Salvador, European Union (EU), Federated States of Micronesia (FSM), Fiji, Indonesia, Japan, Kiribati, Korea, Liberia, Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Palau, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America (USA), Vanuatu and Vietnam.

7. Intergovernmental organisations the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA), and the Secretariat of the Pacific Community (SPC) attended TCC12.

8. Observers representing the International Seafood Sustainability Foundation (ISSF), the Pew Charitable Trusts, and WWF also attended TCC12.

9. A full list of participants is provided in **Attachment B**.

1.2 Adoption of agenda

10. The agenda TCC12-2016-03_rev1 was adopted (Attachment C).
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1.3 Meeting arrangements

11. The TCC Chair noted that organising TCC required a huge effort by the Secretariat, which begins well before TCC gathers to do its work in late September.

12. The WCPFC Compliance Manager, Dr Lara Manarangi-Trott, outlined the logistical arrangements in place to support the meeting, including Secretariat and Scientific Services Provider (SPC-OFSP) staff, document and IT management, access to breakout rooms and details of the two TCC12 functions – one jointly hosted by NORMA Executive Director, Eugene Pangelinan, and the WCPFC Chair on Friday 23 September, another hosted by the Japanese Ambassador to FSM on Saturday 24 September.

13. A number of small working groups were established to progress work at TCC12: CNM applications led by Shannon Tau (New Zealand), a proposed CMM on observer safety (WCPFC-TCC12-2016-DP02) led by Tom Graham (USA), and a proposal regarding scientific data led by Andrew Wright (New Zealand).

1.4 Introduction of Proposals: new CMMs or draft revisions to current CMMs

14. Proponents of new CMMs were invited to briefly introduce their proposals, for participants to ask clarifying questions and determine points of contact before work on the proposals began in the margins.

15. Kelly. Buchanan (Australia) introduced WCPFC-TCC12-2016-DP01, a proposal to adopt interim acceptable levels of risk for breaching the limit reference points (LRPs) for four key WCPO tuna species. Australia noted that work on harvest strategies has been underway in the Commission for a number of years. LRPs have been adopted for a number of tuna stocks and in 2014, the Commission adopted CMM 2014-06 on establishing harvest strategies for key fisheries and stocks managed by the Commission, describing key principles and outlining the elements of harvest strategies. Further progress included the adoption of a skipjack target reference point (TRP) and agreement on a Workplan in 2015 to guide its harvest strategies development work. One critical element identified in both the CMM and Workplan is the identification of acceptable levels of risk of breaching LRPs. Australia noted that Article 6(1a) of the Convention specifies that the risk of LRPs shall be ‘very low’. In the proposal, Australia has identified possible interim acceptable levels of risk that, in its view, meet this requirement while also taking into account other relevant factors including biological, social and economic consequences of depletion, as well as uncertainties in stock projections. Australia submitted this proposal to SC12 and TCC12 as opportunities to further consult with members and develop the proposal in advance of its consideration by the Commission in December. No small working group was established to progress the work on acceptable levels of risk, but it was noted that Australia could establish an informal session if required.

16. Tom Graham (USA) introduced WCPFC-TCC12-2016-DP02, a proposed CMM for the protection of ROP observers. It was noted that the Commission had identified a need for a CMM to provide for the safety of observers on fishing vessels and USA had spent the last nine months progressing this. An initial draft was shared in July, and comments were received which had strengthened the proposal. Subsequently a small number of comments had been received which had identified issues that required further discussions. The proposal attempted to prevent instances where the safety of observers was at risk and respond quickly to events once they have occurred. It focused on observer providers and flag CCMs.

17. Regarding the work being undertaken on Scientific Data Provided to the Commission, Stamatis Varsamos (EU) noted that the issue originated in difficulties TCC has faced for some time assessing compliance with data provision. The proposal aimed to clarify mandatory nature of these provisions. SC12 had discussed the issue in August and considered that most, if not all, the requirements listed in the document are useful for the scientific work of the Commission. EU would be seeking TCC12’s views on the proposal, and would finalise the document with a view to adoption by the Commission.

AGENDA ITEM 2 — ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

18. The WCPFC Executive Director introduced his annual report WCPFC-TCC12-2016-07, an overview of the Commission’s compliance programme, including key strategic issues. It also outlined areas where guidance from TCC was required. The Executive Director noted key tools: the WCPFC IUU Vessel List, which allows the Commission to identify non-compliant vessels and prohibit them, while listed, from operating in the Convention Area; the Cooperating Non-Member (CNM) request process, so these countries can participate in WCPO fisheries; and the Compliance Monitoring Scheme, which since its establishment in 2010 has become the centrepiece of the MCS program, allowing the Commission to assess the performance of each CCM against their responsibilities under the Convention and the suite of CMMs. It was noted that prior to this year, the CMS CMM has needed to be re-agreed annually: the current measure has a two-year life span. The Executive Director noted that the CMS generates a huge amount of work for the Secretariat to deliver the draft CMR within agreed timelines, and the Executive Director hoped the Commission could consider an earlier submission date for the Annual Reports Part 1 and 2. The content and analysis of the CMS continued to improve in 2016, aided by significant advancements in the Information Management System (IMS), online technical assistance and the timely submission of annual reports. In April this year, the new online case file system was launched, supporting

notifications to CCMs of alleged violations by their vessels and tracking progress of alleged violations. The Executive Director also acknowledged the cooperative efforts of the WCPFC, SPC-OPF and FFA Secretariats in assisting FFA CCMs to compile their reports; it was noted that this assistance is also available to non-FFA developing states. The CMS rests on a suite of MCS tools, which separate working papers go into in greater detail: the RFV, VMS, ROP, HSBI, transshipment monitoring scheme, ESHP-SMA. The Executive Director noted that adoption of SSPs for the RFV improved the completeness and quality of the records, the Commission VMS (administered by FFA) successfully transitioned in 2016 to another provider, a second phase of audits was underway to ensure high ROP standards, and cross-endorsement training for experienced observers by IATTC and WCPFC staff took place in Vanuatu in August, certifying 20 observers.

19. The TCC Chair and a number of CCMs noted the high volume and standard of work done by the Secretariat over the last year to support the implementation of the Commission's activities. Japan expressed its appreciation to the Secretariat, noting that it frequently required its assistance, which was always highly responsive and helpful.

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

21. The TCC Chair noted the Executive Director's request that TCC consider an earlier submission date for the Annual Reports Part 1 and 2, with sometime in May or June the current suggestion. Discussions around possible revised dates for submission had also taken place at TCC11 and WCPFC12.

22. The Compliance Manager advised that currently the Annual Report Part 2 is due on 1 July each year and Part 1 is due 30 days before SC meeting; this is usually in the first or second week of July. As noted in WCPFC-TCC12-2016-IP01, the Annual Report Part 2 online template was made available on 29 February this year, almost a month earlier than in 2015. A number of CCMs submitted their reports early, which was appreciated by the Secretariat. It was understood that some CCMs may have strong views, and the Secretariat did not want to set a deadline that CCMs cannot meet. Any movement CCMs could give would be welcomed, even a matter of a couple of weeks.

23. Japan sought to be flexible and would discuss the timing with its scientists. This CCM noted that provision of some data may be late for one year if the deadline is moved by a long way as those data, including on bycatch, takes time to analyse at the national level.

24. New Zealand also asked for the opportunity to consult with its national scientists, but agreed that moving the dates would support the Secretariat. This CCM noted the incongruity of the Annual Report Part 1 being due later than the Part 2 report, and wanted to ensure that however the dates are changed, the due date for Part 1 is earlier than for Part 2.

25. FSM concurred, reiterating its position from TCC11 that the due dates for the Annual Reports Parts 1 and 2 should be aligned.

26. The TCC Chair asked CCMs to continue to think about these issues and come back to plenary for further discussions. In plenary on 27 September, China noted that it would be difficult to bring the date two months forward, but one month could work. PNG noted that some FFA members rely on SPC to have data collated, which takes time.

27. TCC12 recommended that WCPFC13 consider an earlier submission date for Annual Report Part 1 and Part 2.

AGENDA ITEM 3 — IUU LIST

28. TCC12 reviewed the current WCPFC IUU Vessel List and the draft IUU Vessel List. The Compliance Manager briefly introduced WCPFC-TCC12-2016-08, which gave details of Samoa's nomination of a USA-flagged vessel HOLLY and Cook Islands' nomination of a Vanuatu-flagged vessel ESSIEN No 108, and related correspondence from the nominating CCMs and the flag states in both cases. In relation to the current WCPFC IUU Vessel List, it was noted that the Secretariat had contacted all tuna RFMOs, FAO and the responsible flag CCMs of each of the three vessels but had not received substantive replies to help locate the vessels.

29. The TCC Chair noted that where an effort was underway between the nominating party and the flag state to find a resolution, a decision on listing could be made later in the meeting. She noted that TCC had been very successful in past years in being able to collaboratively resolve most situations without having to resort to a vessel listing.

30. Regarding HOLLY, Samoa noted that it was in bilateral talks with the flag state of the vessel, USA, seeking a satisfactory outcome. USA noted that it was taking the matter very seriously. Both parties committed to reporting back to TCC12 later in the meeting.

31. Regarding ESSEN No 108, Cook Islands reported that it was engaging with the Vanuatu authorities, hoping to settle on an amicable solution before WCPFC13. If they could do so, the Cook Islands would be willing to withdraw the nominated listing. Vanuatu confirmed that it was working to resolve the matter with Cook Islands during TCC12.

32. The TCC Chair noted that the Executive Director was available to help facilitate discussions between the parties to progress resolutions. TCC12 then turned to consideration of the vessels already on the WCPFC IUU Vessel List, which had been on it for several years. TCC12 heard no new information about those vessels, and there had not been any submissions to remove the vessels from the list.

33. TCC12 agreed to recommend to WCPFC13 that the **NEPTUNE** should remain on the WCPFC IUU Vessel List.

34. TCC12 agreed to recommend to WCPFC13 that the **FU LIEN No.1** should remain on the WCPFC IUU Vessel List.

35. TCC12 agreed to recommend to WCPFC13 that the **YU FONG 168** should remain on the WCPFC IUU Vessel List.

36. FFA members thanked the Executive Director for his efforts to contact other RFMOs and the flag states concerned to try and locate the three vessels. It was noted that the YU FONG 168 was listed on the IOTC IUU list in May but there was no new information on the whereabouts of the vessel. The assistance of all CCMs was sought, to advise the Commission if the vessel was located. FFA members noted that Georgia had deregistered both NEPTUNE and FU LIEN No 1, and wondered what further actions the Commission could take.

37. Australia asked that Chinese Taipei keep the Commission abreast of any new information it has on the YU FONG 168; Chinese Taipei committed to continuing to report back to TCC on the vessel.

38. FFA members stated that TCC needed to think of more innovative ways to deal with the issue of vessels being on the list long term, to ensure rolling the list over each year did not become routine. These CCMs suggested greater scrutiny and profiling of individuals and companies involved in IUU fishing, and

information sharing between CCMs, RFMOs and organisations such as Interpol. These CCMs noted that the Commission tackled IUU fishing in a vessel-focussed manner, but made the point that vessels do not conduct IUU fishing, the person directing the vessel does. FFA has work underway on this issue and welcomed advice from any CCMs undertaking similar work. FFA members requested that the WCPFC Secretariat include names of vessel masters, where available, on the WCPFC IUU Vessel List.

39. China noted that Georgia (FU LIEN No 1's flag state when listed in 2010) was not a member of any tuna RFMOs, so TCC should encourage CCMs to use multilateral and bilateral approaches or channels to contact the flag state.

40. TCC12 recommended that Chinese Taipei keep the Commission abreast of any information that it finds out about **YU FONG 168**.

41. TCC12 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.

42. TCC12 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.

43. TCC12 recommended that the Secretariat include the names of the vessel masters, if available, into the WCPFC IUU Vessel List.

44. On 27 September, the nominated vessels were discussed again in plenary. Regarding the HOLLY, Samoa reported that it had met with USA. Samoa acknowledged the U.S. government for conducting the investigation on the alleged violation and for making that investigation available to Samoa. The two parties agreed a way forward to the satisfaction of both the flag and nominating state. Consequently, HOLLY could be removed from the draft IUU list.

45. USA noted that it had commenced an investigation immediately upon detecting potential unlicensed fishing in Samoa's EEZ and assessed the largest penalty allowed, within 2 months of the violation occurring. This robust response was consistent with the Convention and Samoa's interests as a coastal state. USA thanked Samoa for working with the USA and withdrawing the vessel from the list after productive consultations in the margins.

46. New Zealand commended USA on the good work identifying and investigating the violation, but noted generally the burden of investigation often placed on small states by developed states.

47. The Cook Islands requested more time to consider recent communication from Vanuatu, and noted that Vanuatu had taken some initial steps to address the matter with the company involved, and issue penalties. Cook Islands thanked Vanuatu for its cooperation and emphasized that the matter remained ongoing, with open dialog between Vanuatu and the Cook Islands. Cook Islands hoped to have it resolved in time for the listing to be removed at WCPFC13.

48. Vanuatu thanked Cook Islands and hoped to cooperatively resolve the case before WCPFC13.

49. 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.

50. 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**.

51. As it did last year, FSM raised the issue of illegal Vietnamese boats poaching beche de mer in FSM's territorial waters. FSM was trying to find ways to deal with the situation and noted that Vietnam was represented at TCC12 and asked it to note FSM's grave concern. FSM sought continued support in patrolling the waters in and around its EEZ, as well as data and information sharing.

AGENDA ITEM 4 — CNM REQUESTS

52. TCC12 established a small working group led by New Zealand to develop draft recommendations and technical advice for the applications for CNM status for 2017 (WCPFC-TCC12-2016-09_rev1) and bring recommendations back to the plenary during TCC12. The Compliance Manager advised that requests for the granting of CNM status in 2017 had been received from the seven current CNMs (Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, and Vietnam). All the applications were submitted using the electronic PDF form, and the documentation had been made available to members through the secure section of the website. Financial contributions by the applicants were also detailed. As it had for other full members of the Commission, the Secretariat had prepared draft CMRs for the CNMs, and these would be reviewed at TCC12. It was noted that Ecuador, Vietnam, El Salvador and Liberia were present at TCC12.

53. The TCC Chair noted that TCC's role was not to make final determinations on CNM status — that was a matter for the Commission — but to review the applications. The TCC Chair also clarified that the working group's scope was not to consider applications which had been made for full membership: in past years TCC had noted requests for full membership but had not evaluated them.

54. On 27 September, the small working group came back to plenary. Shannon Tau (New Zealand) thanked the group for its work assessing the CNM applications for 2017, and the CNM applicants that were at TCC12 and had assisted the process. The TCC Chair noted the efforts of the group and thanked them for their work.

55. 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

5.1 Review of draft Compliance Monitoring Report

Discussion regarding closed session

56. The TCC Chair noted that this was the sixth year of the CMS’s operation. As WCPFC12 had adopted CMM 2015-07 for the Compliance Monitoring Scheme, TCC would operate under a revised measure this year. The TCC Chair addressed the question of whether to conduct the CMR process in closed or open session. The matter had been discussed at the HOD meeting just prior to TCC12, and it was clear that some CCMs were did not agree to have non-public domain data presented in an open session. As a result of that discussion, the draft CMR work would again be conducted in a closed session. The TCC Chair invited CCMs and observers to make comments for the record on this decision.

57. EU and USA expressed their preference that the deliberations be held in an open session. EU stated that other RFMOs did not discuss compliance issues in closed sessions, and observers were part of a healthy, transparent process. They could also assist in providing assistance to address issues of non-compliance (e.g. capacity building). EU strongly encouraged members with reservations to lift those reservations for the next meeting. This CCM noted that the Secretariat was preparing a document on transparency and the role of observers in the Commission, which would provide some assistance. This CCM believed it was possible to find solutions to the concerns about non-public domain data. USA concurred, opining that TCC and the Commission should work towards openness and transparency. Possible ways forward could be to change what is defined as public domain data or develop a confidentiality agreement that would allow observers to be present.

58. ISSF made a statement on behalf of the Pew Charitable Trusts, WWF and ISSF. These observers recalled their long-standing concerns about the draft CMR session being closed to observers, and referred TCC12 to their past letters and statements. These observers called on the WCPFC membership to provide clarity and agree a way forward to resolve the issue.

59. Australia was encouraged by the work of the Secretariat and looked forward to the paper on observers. This CCM supported open and transparent Commission processes, but noted the importance of following the Commission’s Rules of Procedure for the Protection, Access to, and Dissemination of Data Compiled by the Commission. This CCM suggested it would be useful for the Secretariat paper to consider such aspects, especially relating to Section 4.6, and whether those mechanisms were relevant in this context. This analysis may help provide some options to progress on this issue.

60. Fiji and Kiribati expressed their reservations on the matter. Kiribati stressed its interest in retaining the status quo for TCC12 but that the discussion should continue at WCPFC13. The TCC Chair agreed that the matter should be resolved well in advance of TCC meetings.

61. EU requested a recommendation be developed asking for guidance from the Commission. This CCM agreed to work on some recommendation language during TCC12. On 27 September, EU brought some language back to plenary for discussion, but it was not agreed.

62. Australia noted the combination of issues — transparency, process and rules of procedure around the handling of non-public domain data — and reiterated that the Secretariat paper should specifically comment on rules that exist, to provide options for the Commission. If any recommendation was to be forwarded, Australia wanted clear language that guides the Commission. TCC should provide advice on this issue but the advice needs to be clear.

63. Some CCMs took the view that Secretariat paper would be a useful contribution, and hoped it would help to find a solution which would enable participation of WCPFC observers to the CMR review process while guaranteeing respect of data confidentiality for non-public domain data.

CMS matters for TCC12

64. The Compliance Manager noted that the CMS matters paper prepared last year had proved cumbersome owing to its length, so this year the Secretariat presents the CMS matters in four parts (WCPFC-TCC12-2016-10A to 10D, i.e. overview of CMS matters for TCC12; the list of obligations to be assessed; a summary of capacity assistance and development plans; and a summary of investigation status). Immediately prior to the draft CMR review, the four papers were briefly discussed, along with WCPFC-TCC12-2016-IP04 (scientific data gaps and the tier scoring system) and WCPFC-TCC12-2016-IP05 (Table 4 on ROP longline coverage).

65. WCPFC-TCC12-2016-10A provides an overview of the draft CMR online systems and some observations from the Secretariat on this year's draft CMR and annual reporting. The Compliance Manager noted the online Compliance Case File system was a new initiative this year, developed partly because the previous approach of using excel spreadsheets to notify alleged infringements had become unwieldy, with version control problems. The Secretariat worked collaboratively with SPC after TCC11 and in April 2016 launched the online system to assist tracking of individual alleged violations, from their initial notification to the end of the investigation. Four compliance case file lists have been published to date: a. Article 25(2) Compliance Cases, b. FAD Sets Alleged Infringements, c. Observer Obstruction Alleged Infringements, and d. Shark Catch Alleged Infringements. Through the system, flag CCMs are given earlier advice of alleged infringements – giving them basic details, such as the name of vessel and dates of the trip, relevant CMM obligation reference, with the expectation that flag CCMs would start an investigation. Where applicable, the name of the observer provider is also confirmed, and it was expected that the flag CCM would contact the observer provider for further information including supporting details of the alleged infringement. Work with SPC was ongoing for the IMS to receive regular updates of ROP data, and to include in the Compliance Case File System the complete implementation of the WCPFC12-tasks observer pre-notification process which is based on the observer trip monitoring summary information. It was noted that the Observer Obstruction list was likely to expand. The Compliance Manager expressed appreciation for many CCMs' efforts in submitting both Annual Reports prior to the agreed deadlines, as it meant the Secretariat had information available for draft CMRs.

List of obligations to be assessed

66. The Compliance Manager introduced WCPFC-TCC12-2016-10B, which proposes updates and modifications to the list of obligations to be assessed through the 2016–2018 CMS process. It was noted that the process undertaken at WCPFC12 to agree which obligations would be assessed meant that the online CMR template could be prepared earlier than usual. The Compliance Manager noted that Table 1 listed CMM paragraphs on which TCC might provide further direction. Some of these matters were for clarification, and some were matters of interpretation and might be dealt with during the CMR process. The Compliance Manager noted that Table 2 was a summary of proposed modifications to WCPFC12 Summary Report Attachment O. In response to a request for clarification from the EU about whether it was expected that these issues would be agreed during the CMR process, the Compliance Manager

suggested that the discussions could be had during the draft CMR process or could be reviewed later in the agenda.

67. New Zealand commended the Secretariat for the work it undertakes, which facilitates the sometimes complex and difficult CMS process. Referring to Agenda 5.5 this CCM suggested that the Secretariat was an important stakeholder in the CMS review process and looked forward to their comments in assessing the proposed terms of the review.

Summary of Capacity Assistance needs

68. WCPFC-TCC12-2016-10C provided a summary of capacity assistance needs identified by CCMs in this year's Annual Report Part 2 reporting or in responses to the draft CMR, as at 7 September 2016. The Compliance Manager advised that Table 1 provides a list of CMM paragraphs against which at least one CCM had identified a capacity assistance need, noting that this was distinct from the formal CMR capacity plan process. The Secretariat advised that it had developed an excel spreadsheet which provided information on all the capacity assistance plans, though there were varying degrees of detail in the plans.

69. The TCC Chair noted that while the Secretariat had highlighted areas where capacity assistance was needed, TCC needed to address it. It was further noted that in respect of Capacity Assistance Plans, the review of these through the CMR process should be guided by the express language in the measure.

Status of investigations of alleged violations

70. Table 1 of WCPFC-TCC12-2016-10D summarized the status of investigations by responsible flag CCMs of alleged violations relevant to the 2016 draft CMR, as contained in the Compliance Case File online system as at 7 September. It indicated instances where CCMs had submitted that investigations were ongoing — i.e. Investigation Status Report (CMM 2015-07, paras. 8–11) — in their draft CMR responses. The Compliance Manager noted that, while not complete, there were a large number of responses. Individual cases were at varying stages of finalisation. In some cases, comprehensive reviews by flag CCMs, including through consultation with the relevant observer provider, had resulted in determinations that no violation occurred. The Compliance Manager signalled that she had been talking with SPC-OFP, some flag CCMs and some observer providers reflecting on experience to date, and perhaps there might be ways to better refine the queries of ROP data that are used by the Secretariat to generate the potential compliance issues in the compliance case file system – she expressed a hope that over time processes would be refined to ensure that false positives and false negatives are minimized. Finally, the Compliance Manager advised the TCC participants of an update to the Compliance Case File system as at 21 September: in addition to the relevant flag CCM being able to view individual cases, the Secretariat had been able to complete the necessary work to enable the notifying CCM (eg the ROP observer provider) and the relevant coastal CCM to see the notifications and flag State responses. Access to a case is set individually, consistent with the data rules and previous discussions within the Commission. Investigation Status Reports that were provided as part of draft CMR, are also cross-referenced to individual cases.

71. The TCC Chair noted the significant progress which had been made on the CMS since its establishment. While continuing to evolve, the starting point of compliance monitoring in the Commission had been self-reporting by CCMs, with no mechanism to verify information. Now the Commission has an accessible and very sophisticated online system.

72. In response to a question from Japan about Table 1 and whether information in the “Flag CCM Investigation Completed” column was based on the view of the flag state, the Compliance Manager

clarified that it was – if the flag CCM notified that it considers the case closed, that status is assigned by the Secretariat; presently the Secretariat does not analyse it or decide otherwise.

73. Concerning the number of alleged violations, Japan also asked about CMM 2010-07 para. 9 in Table 1 (“Take measures to prohibit their vessels from retaining, transshipping, landing or trading in any fins harvested in contravention of this CMM”), and whether that paragraph also covers the requirement to fully utilize captured sharks stipulated in CMM 2010-07 para. 6. The Compliance Manager explained that where an observer code referencing an instance of trunk discarding is identified — i.e. if fins are retained — it may indicate that finning is occurring, as the underlying assumption is that either a vessel fully retains shark carcasses or uses the 5% ratio. If trunks are discarded, it is likely the vessel is doing neither and this was the basis of raising a potential issue.

Tiered scoring system

74. Peter Williams (SPC) briefly introduced WCPFC-TCC12-2016-IP04, a review of the tiered scoring system. This was an update of the annual Scientific Data Gaps paper prepared by SPC for SC12. As recommended by WCPFC11, the 2014 and 2015 review of data gaps included assigning a tier-scoring evaluation level. The TCC Chair noted that this process had been used in developing the 2015 CMS assessments.

75. Japan found the tier scoring system very useful and noted that the table assisted CCMs to understand the data gaps; this in turn helped the WCPFC scientific process. This CCM did however make the point that some data is not required under the data provision rules.

76. EU noted that Spain and Portugal were listed in the tables along with EU, and pointed out that EU is one CCM and the EU flag denotes one fleet – Spain and Portugal should not be considered separate fleets or different CCMs to EU. This CCM commented that it may be useful to distinguish between them for scientific purposes but they should not be separated for compliance purposes. The Secretariat and SPC-OFP were asked to take this into account in future WCPFC reports.

77. Indonesia noted that despite work with SPC under the WPEA project, it still had difficulties providing a breakdown of annual catch estimates by gear type. Indonesia noted it had no large scale longliners on the RFV in 2015; all catch from longline and other gear types are harvested by small scale longliners. Indonesia had two categories of longliners: for vessels 10–30GT, a provincial fishing licence must be obtained; for vessels 10GT and below, a fishing permit is not mandatory. The number of vessels in this category was very large, with the vessels landing at scattered sites. They were mainly harvesting in territorial waters. For these reasons it was difficult for Indonesia to comply with the Scientific Data Provided to the Commission requirements, including those relating to observer coverage as there was not sufficient space on these vessels to have an observer onboard.

Observer data management

78. Peter Williams (SPC) briefly introduced WCPFC-TCC12-2016-IP05 on the status of observer data management. The ‘Longline Observer Coverage by CCM’ table showed both observer coverage as reported by the flag state and observer coverage as per the data submission. For a number of CCMs the values in these columns varied. It was noted that the metric selected for measuring coverage is selected by each CCM. The notes section provided more information, in particular in the case of some fleets which undertake mostly non-ROP defined trips.

79. EU advised that its data was submitted late. This CCM advised that its longline observer coverage is above 5% but because the late data was unable to be included in the paper Table 4 showed 0%.

80. China has yet to advise which of the four metrics they choose to measure their ROP longline observer coverage. This CCM advised TCC12 that it uses ‘number of vessels’ as its metric, and pointed out that Table 4 uses ‘number of trips’. It commented that ‘fishing days’ could be used, but a clear definition of what a fishing day is would be needed. SPC responded that ‘number of vessels’ was not one of the four available metrics. China and SPC agreed to discuss the issue in the margins of the meeting.

81. China also asked the Secretariat for clarification on the requirements regarding fish size data, pointing out that in IOTC the requirement is one fish measured for size per ton of reported catch. SPC responded that WCPFC had no specific requirement. In the case of the Chinese fleet — for other gear, purse-seine and longline — SPC advised that no size data has been provided despite that information being collected by the observer programs. China asked how SPC calculated that China had only provided 15%, and asked the Commission to assist China to provide sufficient data by way of a specific request.

82. USA concurred that there was a need for further discussions on this matter, which was not unique to China. It noted problems with the way the information provided by USA had been reported in the Table. SPC agreed that the Table should reflect what is contained in the Annual Report Part 1.

2016 draft CMR review

83. Over three days, TCC12 reviewed the draft CMR prepared by the Secretariat in the form agreed by WCPFC11, based on the list of obligations agreed by WCPFC12 (Attachment O, WCPFC12 Summary Report). CCMs’ Compliance Status was assessed using the criteria and considerations for assessing compliance status set out in Annex I of CMM 2015-07. A Provisional CMR report and Executive Summary was developed (see: agenda item 5.2). In plenary after the closed draft CMR review, the TCC Chair noted that a number of discussions during the assessment process related to difficulty implementing measures and possible changes to measures. If CCMs wanted to make further progress on those issues, the TCC Chair encouraged CCMs to raise these issues during the relevant agenda items at TCC12. By being captured in the meeting report, those discussions would allow the WCPFC Chair to address them more effectively in the Commission meeting.

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

84. The Compliance Manager introduced WCPFC-TCC12-2016-10C early in agenda item 5 and initial discussions took place under that agenda item.

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

5.2 Provisional CMR report and Executive Summary

86. The Provisional CMR was finalised in closed session.

87. TCC12 recommended to WCPFC13 the Provisional CMR for its consideration and final assessment.
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5.3 Develop a multi-year programme of obligations to be assessed under the CMS (TCC Workplan 2016-2018)

88. The TCC Chair noted that WCPFC12 had agreed the list of obligations to be assessed through the CMS process for 2016–2018; it set out a schedule where some obligations would be assessed each year, some every second, and some every third. TCC12 revisited the suggested updates and revisions outlined in WCPFC-TCC12-2016-10B, presented prior to the draft CMR review in agenda 5. Regarding future assessments, the Compliance Manager brought delegates' attention to Table 2: CMM paragraphs on which the Secretariat sought clarification on issues, for example which paragraphs of the data buoys measure should be assessed, and what the compliance review process should be for HSBI activity. The Secretariat suggested that for whale sharks and cetaceans the committee could undertake similar analysis as for the silky shark measure assessment undertaken at TCC12, and use the Compliance Case File system going forward. The Secretariat also sought advice on paragraphs within the tropical tuna measure, Pacific bluefin tuna measure and the charter notification scheme, and in those cases where CCMs are required to report on issues which had been raised in previous year's reviews.

89. The TCC Chair asked for views on the suggested updates and modifications in the paper and any additional modifications as result of having completed the draft CMR review.

90. EU agreed with the suggestions for updating, but for those with suggestions to remove them from the list or clarify them, these should be looked at individually.

91. The TCC Chair suggested that discussing them paragraph by paragraph was one option; another was to progress the work intersessionally between TCC12 and WCPFC13 by taking the proposed modifications from the Secretariat as a starting point plus comments at TCC12, to enable the development of a revision for consideration at the Commission meeting.

92. EU noted that a number of the paragraphs suggested for clarification were about capacity management and scientific data, which were important issues for the Commission to address and also, in some cases, contentious. Clarifying them might not be possible at TCC12 or at the Commission meeting. This CCM did not want to remove them from the list, and acknowledged that assessing them without further clarification might not be useful. EU asked whether a paper could be developed for TCC13.

93. New Zealand observed that if a new measure were adopted or amended, for example regarding seabird mitigation, it would be two years before TCC assessed compliance with it, and suggested that the Commission consider modifying the table whereby an amended measure is automatically put on the list to be assessed.

94. Japan proposed adding CMM 2010-07 on sharks, para. 6, relating to the requirement to fully utilise and retained catches of sharks. EU supported this.

95. USA noted that the paragraphs designated 'include' and 'update' were very important, and observed that some were omitted from the review. USA expressed support for the Secretariat's suggested changes in the paper but suggested CCMs would benefit from some time to look at the 'remove' and 'clarify' paragraphs. USA suggested the work continue intersessionally with the aim of preparing a revised paper for the Commission meeting. USA suggested adding the requirements to submit annual reports as a stand-alone assessment, with Annual Reports Part 1 and 2 as separate items, as they have different purposes. USA volunteered to take on the project, to consult, take comments and provide a revised proposal for WCPFC13 so the Secretariat is clear about the obligations to be assessed each year.

96. EU observed that this was quite optimistic as the Commission meeting was short and busy.

97. The TCC Chair noted that no items would be removed until a decision was taken by the Commission to do so. In the absence of clarification, the Secretariat would continue to do its work as best as it could. For obligations on which CCMs couldn't quickly agree, a longer term approach was needed.

98. Japan asked for a slightly later deadline of 31 October, but the TCC Chair noted that the USA would need time to work on the proposal to submit it by 5 November. USA would take late comments from Japan if necessary.

99. 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)

100. The TCC Chair noted advice in WCPFC-TCC12-2016-10B Table 1 provided by the Secretariat and asked if CCMs wished to propose any CMMs for revision.

101. USA nominated the south Pacific albacore measure (CMM 2015-02), noting that it had been revised last year to strengthen the reporting requirements. USA asked whether the Secretariat had received the new reporting as required; if not, a reporting deadline could be inserted into the measure. The Annual Report Part 1 could be an appropriate vehicle for the reporting as it comes with its own deadline.

102. The Secretariat had received one or two submissions but had not received comprehensive reporting from all CCMs. The Compliance Manager confirmed that CMM 2015-02 para. 4 was on the list of CMM paragraphs needing clarification for CMS and noted that the Secretariat had received queries from CCMs and SPC in the lead up to SC12, which indicated that it was unclear whether it should be included in the Annual Report Part 1 or Part 2 or submitted separately. It was noted that para. 4 did not have a specific deadline.

103. Japan supported the addition of CMM 2015-02 para. 4 to the list and agreeing a specific due date for reporting, but observed that the amount of data from each of its almost 300 longline vessels — catch by vessel reported in six species groups — would add 100-200 pages to the Annual Report Part 1, making it not an appropriate place for provision of the information, from Japan's perspective.

104. USA, Japan and Chinese Taipei agreed to meet in the margins of TCC12 to try to determine some specific edits to the measure for discussion under agenda item 11.2.

105. In response to a request for clarification from New Zealand about the status of the paper, the TCC Chair noted that it was for information, flagging paragraphs which could warrant some consideration by TCC. CCMs were free to recommend other obligations. Any CCM could submit a proposal to the Commission to revise a measure; this was done every year. In addition, TCC can agree to put a recommendation forward to revise a measure.

106. Australia noted that CMM 2008-03 para. 7c on sea turtles was on the list and requested that para. 7 in its entirety be added.

107. Japan and Chinese Taipei asked that the ROP CMM 2007-01, Attachment K, Annex C para. 4 obligation regarding the provision of observer data, and clarification about whether it was the responsibility of the flag state or the observer provider. Those members requested to add that paragraph to the list.

108. EU noted that the listed obligations were all difficult as they are not clear in the CMM and suggested these would be difficult to work on without spending time collecting views. This CCM asked whether this exercise could be coupled with the task USA had volunteered to lead of identifying obligations to assess next year. The TCC Chair clarified that the current discussion related to changing the obligations in existing measures. It was noted that some of these were very complicated.

109. USA observed that unless TCC develops concrete language, the Commission will not be able to progress matters very far. But in circumstances where the committee cannot achieve consensus, TCC can remind the Commission that there are shortcomings with some measures, and the list the Secretariat developed would assist this. USA requested para. 7 of the shark measure be added to the list, to enable a review of the finning and fins to carcass ratio issues and remind the Commission that there are compliance issues with these paragraphs. USA flagged that it would raise shortcomings in the tropical tuna measure later in the agenda.

110. The Compliance Manager thanked TCC for its consideration of the tables in WCPFC-TCC12-2016-10b, noting that the paper had been written from the perspective of preparing the draft CMR and observing the struggles the Secretariat has with the paragraphs included on the list. The Secretariat thanked USA for taking forward the Annex in the paper for intersessional consideration.

111. Australia noted that the list was useful and reflected issues Australia had also encountered. This CCM sought clarification on how TCC could give effect to the difficulties with assessing the obligations.

112. The TCC Chair noted that she did not feel inclined to take a decision on the obligations, and took the point that a larger, in-depth decision paper would be useful; however, it would not get done unless a CCM volunteered to take it on. The TCC Chair observed that TCC had the information from the Secretariat and, as individual measures were discussed later in the agenda, text changes could be considered to give the Commission guidance to how to progress or resolve the issues.

113. 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 (WCPFC 12 para 696; CMM 2015-07 para 40)

114. The Executive Director noted that CMM 2015-07 para. 40 on the CMS provided that the measure shall be reviewed in 2017, with the terms of reference for the review to be determined by TCC12. WCPFC12 had provided guidance about how the review would be undertaken — by an independent panel chosen by Executive Director in consultation with members — but offered no guidance on the scope of the review. WCPFC-TCC12-2016-11 was prepared to assist TCC12 in developing the terms of reference. The Executive Director noted that a review of the scheme should consider whether the scheme has achieved its purpose; it might also include efficiency and effectiveness. The paper contained, in Annex 1, a possible template for the terms of reference, and included some questions to assist facilitate discussions among CCMs. The paper also suggested a possible process for appointing a panel, and possible costs, which would depend on how many members were on the panel and the scope of their work. The Executive Director noted that TCC needed to finalise terms of reference at TCC12, and invited a general discussion and work in the margins to develop it.

115. The TCC Chair observed that the first questions for the group related to when the review should take place and what its scope should be.

116. EU argued that the review should not relate to the measure, which is rather transient, but the CMS scheme and opined that the question should be whether it meets the purposes of compliance and enforcement as per Article 25 of the Convention. It could look at the CMM, but the CMM is only in place to put the Convention into effect. It should also look at its impact: whether compliance has improved. This CCM opined that this was not captured well in the draft terms of reference.

117. FFA members recommended that the audit consider the implementation and operation of CMM 2015-07 and CMS measures since 2010, the most appropriate duration for any new CMS measure, the efficacy of the current CMS, taking into account high IUU risk areas including high seas monitoring and control, and the effectiveness of responses to implementation capacity constraints in developing country CCMs.

118. USA supported the EU and FFA position to focus on the CMS and how it served the objectives of the Convention, and strongly saw value in looking across the six years. The TCC Chair agreed that it would be appropriate to look further back than the current measure.

119. China was hesitant to support an independent panel at this stage. If TCC recommended an independent panel, China sought clarification on what the relationship between the work of the panel and TCC would be, including for the Secretariat. This CCM sought clarification about the cost of establishing the independent panel and observed that TCC reviews obligations CCM by CCM, during which there are opportunities for learning and improvement, an opportunity an independent panel would lack.

120. The Executive Director observed that the Commission had already decided that the review should be undertaken by an independent panel, and confirmed that there would be cost implications. These would be better understood once the terms of reference were defined. The task would need to be approved by FAC and the Commission. The terms of reference would define the role of the TCC in the review including whether the review would be considered by TCC before being presented to the Commission.

121. FFA members supported the paper's suggestion that the panel be determined by nomination and ranking by CCMs, followed by a final selection by the Executive Director. In choosing the panel, FFA members urged CCMs and the Secretariat to ensure the panel members have a detailed understanding of SIDS, particularly with respect to issues with compliance.

122. New Zealand expressed a preference to retain a sense of the CMM's specific purpose in the general question, observing that the purpose in Section I of the measure in recent years captures it well.

123. Australia suggested there was a question of broad scope to be considered – whether it was a review of compliance with the Commission's various measures or, more narrowly, the mechanism of the scheme itself. If it was going to conduct a broader review of compliance, it should look at the effectiveness of the CMM as distinct from individual members' compliance.

124. FSM agreed with Australia's view, observing that there is another process regarding CMMs the Commission has issues with. Consideration of those issues could go in tandem with the audit.

125. The TCC Chair turned to the specific questions suggested in the draft terms of reference that the panel might be asked to explore, observing that the Secretariat would take comments and provide a revised terms of reference to the Commission.

126. Regarding b) (“How effective are the CMS procedures, and in particular how user-friendly are the CMS online reporting systems?”) and e) (“What refinements should be made to the CMS to improve its efficiency and effectiveness?”) in the draft terms of reference, Korea considered it would be useful to include some best practices and improvements of other RFMOs, noting it would be beneficial if the independent experts had experience with compliance regimes in other RFMOs.

127. EU thought the specific questions listed captured the main elements of what good MCS should look like. However, there were no details about the selection process of the experts to carry out the review, nor was there a methodology in the terms of reference. This CCM asked whether the intention was to go out for tender or pick three people without a formal selection process. Questions around how long it would take, how much it would cost, whether they would come to Pohnpei, interview CCMs, travel to meetings or CCMs, whether the experts would all be based in the same place, and cost per day were not included in the document but were essential to estimate the cost and duration of the review. The terms of reference needed to include this methodology so applicants would know what they would be expected to do. TCC should decide whether it wanted the ‘Full Monty’ or to focus on the practical process. With that decision made, the questions would be easier to determine.

128. The TCC Chair acknowledged it would be difficult to nail down the scope during discussions in plenary. She noted the input, which the Secretariat would use to craft a way forward, and observed that changes may be made to the questions as they would follow the scope, once determined. The TCC Chair asked for comments about the timing of the review, noting it made sense to look at the history of the CMS process, so the specific timing of the review may not be as critical as if the review looked at one particular measure.

129. FFA members stated a preference for the selection of the panel in early 2017, with the review commencing shortly afterwards, so it could consider the full implementation period of CMM 2015-07 and observe the 2017 CMS process, with the final report delivered around March 2018. This would give CCMs much of 2018 to review it. These CCMs noted that the review would be valuable when considering a new CMS measure. This schedule would also allow the panel to determine the scheme’s current effectiveness in identifying CCMs’ capacity needs. FFA members recommended that the panel observe the TCC process, including engaging with the Secretariat prior to the TCC meeting, and suggested that it conduct at least one SIDS in-country consultation, to observe the CMS process from a SIDS perspective. FSM volunteered for that.

130. USA was flexible around timing but agreed it was important that the panel be able to review a full year of implementation. It was noted that the task would require FAC review when the Commission meets in December and the size of the request would depend on the scope. This CCM noted that proposals that include an indicative budget assisted FAC. Depending when the review is done, USA noted it might be considering a future CMM as a new one will be needed once the current measure expires. A report in 2018 would have value but it may focus on a process that is obsolete or at least changed.

131. China asked about the basis for appointing an independent panel for the review, noting that the Secretariat was independent. This CCM stated that if the Commission had decided it had to be an independent panel, it could go along with that decision, but the language in the report was not specific.

132. The Compliance Manager clarified that the basis for considering an independent panel was para. 696 of the WCPFC12 Summary Report: “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.”

133. China expressed the view that para. 696 of the WCPFC12 Summary Report was not a Commission decision. This CCM opined that the Commission adopted CMM 2014-07 but para. 696 was an intention rather than a decision, and China reserved the right to come back to WCPFC13 on this issue.

134. The Executive Director recalled the Commission decision to have an independent panel appointed to review the scheme, noting that the text of the decision allows TCC to recommend how the panel is constituted. In the absence of a direction from TCC, the independent panel would be appointed by the Executive Director in consultation with members. The Executive Director noted the discussions.

135. Australia was interested in the panel looking at whether the CMR mechanism was the most effective way to measure compliance.

136. Several CCMs offered some guidance on activities in other RFMOs: SPRFMO had not yet conducted a review as it was a new RFMO, though its compliance process was similar to WCPFC's and had been modelled off WCPFC; no review has been conducted in IATTC beyond performance reviews; the IATTC compliance process was not as complex and thorough as that undertaken by WCPFC; CCSBT conducts quality assurance reviews around the compliance systems in member countries; IOTC has a less rigorous process. It was noted that: schemes are fit for different purposes; CCSBT and WCPFC were different fisheries; and the IOTC and IATTC compliance process is open to observers.

137. The TCC Chair noted the valuable feedback on the scope and the terms of reference, which gave a good sense of CCMs' preferences, and welcomed further comments to the Secretariat.

138. Japan asked for a later deadline, due to October being busy with international meetings. The TCC Chair set a deadline of 21 October, on the understanding that if Japan gets its comments in a little late the Secretariat will still try to consider them.

139. 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 6 — STATUS OF FISHERIES PRESENTATION (SPC-OFP)

140. Graham Pilling (SPC-OFP) introduced the Scientific Services Provider's paper WCPFC-TCC12-2016-IP09, on the status of WCPFC fisheries and the main tuna stocks, noting that the Executive Summary of the SC12 report provides the best available summary of the current status of the fishery and stocks, and more detailed information are available in respective papers prepared and presented for recent SC meetings. The total **WCP-CA tuna catch for 2015** was estimated at **2,687,840 mt**, the third highest on record and nearly 200,000 mt below the previous record catch in 2014 (2,882,511 mt); this catch represented 80% of the total Pacific Ocean catch of 3,379,789 mt, and 56% of the global tuna catch (the provisional estimate for 2015 is 4,799,697 mt, and when finalised is expected to be the second highest on record). The **2015 WCP-CA catch of skipjack (1,827,750 mt** – 68% of the total catch) was the third highest recorded, nearly 180,000 mt less than the record in 2014 (2,005,647 mt). The **WCP-CA yellowfin catch for 2015 (605,963 mt** – 23%) was the second highest recorded (less than 1,000 mt lower than the record catch of 2008 – 606,868 mt); the increase in yellowfin tuna catch from 2014 levels was mainly due to increased catches in the Indonesia and Philippines domestic fisheries. The **WCP-CA bigeye catch for 2015 (134,084 mt** – 5%) was the lowest since 1996 due to relatively low catches in the longline and purse seine fisheries. The **2015 WCP-CA albacore catch (120,043 mt** - 4%) was the lowest since 2011 and nearly 28,000 mt lower than the record catch in 2002 at 147,793 mt. The WCP-CA

albacore catch includes catches of north and south Pacific albacore in the WCP–CA, which comprised 81% of the total Pacific Ocean albacore catch of 149,289 mt in 2015. The south Pacific albacore catch in 2015 (68,594 mt) was about 12,000 mt lower than in 2014 and nearly 20,000 mt lower than the record catch in 2010 of 87,292 mt.

141. In response to a question from Japan about the stock assessment schedule and data coverage time period, SPC confirmed that the proposed schedule of stock assessments to be agreed at WCPFC13 is for bigeye and yellowfin tuna to be assessed in 2017. These will include data up to the end of 2015, which will provide a stock status for 2014.

142. Japan asked Korea why, despite the total catch of skipjack decreasing, Korea's CPUE was high compared with other fleets. Korea noted two possible reasons: the fleet had a limited number of vessel days and they were expensive, so the fishing companies were forced to be very efficient, and it had some luck by finding relatively new fishing grounds where they fished almost exclusively.

143. Some CCMs expressed concern about the high level of uncertainty in the Majuro plot for yellowfin and bigeye tuna stock status and asked whether, for bigeye tuna, the uncertainty will be addressed in the next stock assessment for the species.

144. SPC explained that when operating the models, some runs include alternative assumptions about biological and input parameters. When SC conducts its analysis, it looks at the range of uncertainty and selects a subset to present as advice to the Commission. The lines on the Majuro plot represented the extremes of the runs and should be interpreted with some care — for yellowfin tuna a large quantity of them sat in the green part of the graph, but some were in the orange. SPC further explained that part of the reason SC recommended that yellowfin tuna catch should not increase was because of the uncertainty. In terms of bigeye tuna, SPC explained that some uncertainty comes from the level of fishing mortality relative to MSY. Uncertainty in the stock recruitment relationship is also a factor, and it remains to be seen if that improves in the next assessment's model runs.

145. USA noted the bigeye tuna CPUE in the purse-seine fishery, and commented that the longline CPUE in Hawaii for bigeye tuna has been high, with fish sizes especially large. This CCM asked whether this trend was seen in other fisheries in the region, and if they related to ocean conditions or abundance of the stock.

146. SPC noted that the 2017 stock assessment will develop different indices for the model, some of which will be oceanographic. SPC will know more early next year to try and answer USA's question.

147. EU urged CCMs to also look collectively at Pacific bluefin tuna, the biomass of which was 2.6% of its unfished levels. This CCM asked that Pacific bluefin tuna be included on the 'key stocks' Majuro plot presentation in future years. EU commented that WCPFC is responsible for the management of the Pacific bluefin tuna and hoped that more extensive discussions about the stock could take place at TCC, despite ISC conducting the scientific work for the species.

148. SPC noted that the overall advice from the Pacific bluefin tuna stock assessment this year was that the stock is overfished and subject to overfishing.

149. China recalled that SC12 had some concerns regarding the economic aspects of the south Pacific albacore fishery and noted the 2015 catch was almost 10,000 mt lower than in 2014. As this would typically make prices go up, this CCM asked why it was a concern to SC.

150. SPC noted that the stock will decline, and explained that the overall projected trend was based on fishing levels – there would be year on year fluctuations short term, but long term the stock was projected to reduce to about 32% of unfished levels and CPUE would reduce by about 17%. 19% of model runs fell below the LRP, so the stock was likely to be overfished in the long term.

151. PNA members stated that ensuring a reliable flow of high seas longline data was a priority for TCC. These CCMs noted the drop in purse-seine catch in 2015, and considered the trends tied to oceanographic and economic factors. They saw in the data a failure to control high seas fishing, noting an apparent doubling in high seas purse-seine effort in 2015, despite agreement to cut longline bigeye catches by 30%. These CCMs opined that the reliability of longline fishery data, especially from high seas operations, was the biggest challenge facing the Commission as it undermines the scientific advice, reduces the effectiveness of CMMs and makes compliance impossible.

152. Palau asked SPC if there was an explanation for the large drop in effort reported by some longline fleets. Noting WCPFC-TCC12-2016-IP08_rev1, PNA members commented that Japan's tropical longline effort appeared to have dropped by 60% in 2015, and Korea's by more than 40% since 2014. PNA members asked whether this was due to incomplete data for 2015.

153. SPC explained that the information the scientists receive for the longline fishery is more uncertain than for the purse-seine fishery and it takes longer to be received. SPC commented that the figures may change as more information becomes available.

154. Referring to the tables in WCPFC-TCC12-2016-IP08_rev1, EU noted the dramatic increase in purse-seine vessels fishing days in the high seas; this increase was due exclusively to fleets flagged to SIDs (which are exempted from any limit) while long distance fishing nations respected their fishing days limit.

155. FSM explained that high numbers can reflect CCMs providing complete data; lower numbers may be true numbers or a lack of data provision. This CCM shared Palau's view that the figures were a reflection of poor data coverage on the high seas.

156. EU noted that purse-seine effort in the high seas by days is measured by VMS, not operational data, and are 100% observed, so data are accurate

157. In response to questions from PNG about the impact of misreporting of bigeye catches on the bigeye stock assessment and how it is taken into account, SPC noted that in the purse-seine fishery small bigeye tuna can be mis-identified as skipjack tuna, although sampling can correct for that. In the longline fishery for larger fish, identification is not the main issue but WCPFC does not have the observer coverage to address under-reporting. Regarding the impact on assessments, SPC noted they do not know how it has behaved over time, which will affect the assessment in different ways. If it was found to have a substantial impact on the catch data, SPC would consider alternative model runs to determine the impact on advice to the Commission – e.g. the width and height of the bars on the Majuro plot would be larger.

158. PNA members expressed concern at possible inconsistencies in the reporting of purse-seine effort indicated in the paper and opined that effort is systematically misreported by some fleets in their logsheets. These CCMs suggested for next year's draft CMR that for fleets with anomalies SPC work with the WCPFC Secretariat to compare logsheet reports of effort with the observer reports. It was noted that PNA members manage non-fishing days in the PNA VDS this way.

AGENDA ITEM 7 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

7.1 Monitor obligations relating to SIDS and territories (TCC Workplan 2016-2018)

159. In accordance with Rule 2 (h) of the WCPFC Rules of Procedure, the TCC Chair noted that consideration of the special requirements of developing states pursuant to Part VIII of the WCPFC Convention is a standing agenda item. The approved TCC Workplan 2016-2018 identified the TCC priority specific task to “respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation plans” and indicated a list of possible support activities. It was noted that two CMMs were approved at WCPFC10: CMM 2013-06 on the criteria for the consideration of conservation and management proposals and CMM 2013-07 on the special requirements of SIDS and participating territories. WCPFC11 noted the checklist provided in WCPFC11-2014-DP20_rev2 which set out an evaluation of SIDS’ special requirements and the respective status of assistance, and agreed to take the checklist into consideration as a guide to assist developed CCMs to assess the status of assistance to SIDS. Subsequently, FFA members submitted a delegation paper to WCPFC12 as an updated list (WCPFC12-2015-DP01).

160. The Compliance Manager noted that two working papers were relevant to this agenda item: WCPFC-TCC12-2016-10C, introduced early in agenda item 5, where initial discussions took place on the list of areas in the draft CMR where capacity needs had been noted. These were reviewed through the draft CMR process at TCC12 but no items had been added, so that paper’s table still represented the list of capacity assistance needs; WCPFC-TCC12-2016-12 contained reporting which CCMs had provided against CMM 2013-07 para. 19, through the secure side of the Commission website.

161. FFA members observed positive progress towards implementing Article 30, and thanked CCMs that had reported as required under CMM 2013-07. Some responses were comprehensive, articulating the assistance provided. FFA members noted that under the measure all CCMs need to provide an annual report to elucidate their assistance and cooperation. It was noted that five CCMs responded affirmatively but did not provide details, and one CCM responded ‘No’. FFA members noted the intent of the reports is to ensure that systematic and targeted assistance is provided to SIDS and hoped to see all CCMs providing details. The criteria in CMM 2013-06 are to be used to assess the impact on SIDS of new proposals. These CCMs strongly encouraged consultation with SIDS when preparing proposals, to identify issues and solutions which will expedite the Commission’s consideration of the proposal. FFA members noted SIDS’ active use of the Special Requirements Fund in the past year, especially for capacity building, and thanked contributors. As the fund was exhausted, FFA members encouraged developed CCMs to consider contributing. These CCMs noted the discussions on the Strategic Plan at TCC12, which recognised it was a strategic priority to build SIDS’ capacity.

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

162. TCC12 reviewed the WCPFC Port Coordinators Programme, established by WCPFC11. The programme’s implementation report (WCPFC-TCC12-2016-13) included a proposal to extend the programme, and provided information about how the funds the Commission has provided through the trial had been used. The Compliance Manager noted that last year’s report to TCC was a partial report – CCMs had just received the funds. This year there were 12-18 months of activities to report, including port monitoring and sampling activities. It was noted that the information collected and activities supported were of value to the scientific work of the Commission and the monitoring of fishing activities in the region. FSM, Kiribati and PNG were the three recipients of funding. The report included statements by two of the recipient CCMs and at the request of SC12 included an updated terms of reference as well

as a recommendation to expand the programme so all SIDS could access funds. It was proposed that an annual process for expressions of interest would go to the FAC each year.

163. FSM thanked the Commission for the assistance, without which it could not have undertaken the work. This CCM noted that FSM was able to have an additional port activity at the end of 2015, and the funding had increased the capacity of the port staff doing the work. Through the funding the port sampler in the FSM office was able to expand his duties to compliance work, including monitoring and inspections.

164. PNG noted that it had five ports and a number of activities were captured under the program. This CCM committed to providing a progress report in future.

165. Japan generally supported the port coordinators program from a scientific and compliance perspective. This CCM asked SPC how the programme of port coordinators contributed to the science of the Commission, including to sampling data and stock assessments. In order to facilitate discussions at the Commission level, Japan suggested the Secretariat summarise the two-year trial so participants can easily understand what has been done over the two years, provide data collected by the coordinators and include a report from PNG.

166. Peter Williams (SPC) noted that the port coordinators oversee the collection of samples that are offloaded in the ports. This was important information, given the low observer coverage level on longline vessels. They provided a means to collect lengths and weights of longline-caught fish.

167. The Compliance Manager advised that the paper included details of funding and reports from FSM and Kiribati that address the type of data collected. It was noted that the report was up to date and was not likely to be revised between TCC and the Commission meeting.

168. EU recalled its support for the trial; however it demanded better reporting and evaluation in order to assess its usefulness.. This CCM asked that PNG submit a written report on what it had done with the US\$35,000 in funding and asked for more robust reporting. It was noted that the information provided orally by SPC during discussions under this agenda item was not in the report, and it was difficult to measure progress without knowing what the departing benchmark was.

169. Beyond the usefulness of the funding to recipient countries, USA sought an assessment of the value of the programme for the work of the Commission, noting SPC's positive verbal assessment. This CCM did not see a need to include in the progress report the data collected. This CCM supported the proposed changes to the terms of reference and the proposed process for submitting to the FAC.

170. Chinese Taipei looked forward to more information on the progress of implementation for the CCMs involved. Data sharing was very important for this CCM, and Chinese Taipei would seek opportunities in the future to establish a mechanism allowing the data collected through the programme to be shared with the flag state to improve CCMs' reporting.

171. Solomon Islands noted that it was one of the five CCMs prioritised for the port coordinators programme but commented that its financial system did not allow the fisheries department to receive separate funding from central finance. It had found alternative sources of financing to run its programmes. If WCPFC extended the programme and the timing was propitious, Solomon Islands would join it.

172. FFA members noted that any future programme might further improve port monitoring activities, in particular longline unloadings and transshipment activities. These CCMs were encouraged that some of

the original five priority countries had been able to self-resource the port coordinator positions, and noted that other port states had indicated interest in being included in a future programme; FFA members appreciated the flexibility in the revised terms of reference regarding eligible CCMs. FFA members suggested a number of changes to the terms of reference and supported the suggested timeframe for an extension of the programme to 2020. FFA members stressed the role such a programme played in building capacity for work which contributed to monitoring and compliance for the Commission.

173. The Compliance Manager noted that the Secretariat had been tasked by SC to expand the terms of reference, and had worked with SPC to do so. It was noted that the programme had only been running for 12–18 months, and it was capacity assistance of a type that both the CMR process and the Commission more broadly seeks to support. The Compliance Manager noted that the terms of reference sets out a timeframe that allows FAC to forward plan based on a recommendation from TCC, and make the necessary budgetary allocations; usually the Special Requirements Fund could be a source for such funds but there presently isn't sufficient funds for this purpose. The proposal is that the current line item in the budget would become an ongoing part of the budget, separate from the Special Requirements Fund.

174. EU opined that funding aspects should not be included in the terms of reference as they are an issue for the Commission. This CCM urged CCMs to think about creating a dedicated budget line in the FAC; if the programme was to continue, funding would need to be found.

175. Respecting the intention of the CCM that participates in the programme, Japan said the expected duties should be determined in consideration of opinion from the Commission because it is the Commission's program.

176. PNG asked whether the position of port coordinator could be as an observer coordinator, port sampling coordinator or CDS coordinator, noting PNG had a complex programme and a lot of coordinators.

177. The Compliance Manager noted that the current proposal is based on the present trial, and that the recipient country would decide how to utilise the funding and which coordinators to provide the supplementary funding to.

178. The TCC Chair noted that the terms of reference was essentially a template used for each agreement set up to disburse the funds, so going into detail on the text was unnecessary. The discussion had been useful and the Secretariat would take further comments in writing before WCPFC13.

179. 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.

180. TCC12 encouraged participating CCMs in the port coordinators programme to include in their annual reports the impact of the programme.

181. TCC12 recommended that WCPFC13 identify an appropriate funding source for the continuation of this programme.

AGENDA ITEM 8 — CORE MCS ACTIVITIES

182. TCC12 discussed a range of technical issues and requirements relating to the core MCS activities of the Commission.

8.1 Vessel Monitoring System (VMS)

183. The WCPFC VMS Manager Albert Carlot introduced the VMS Annual Report (WCPFC-TCC12-2016-RP01). In response to the agreed amendments to 2.7 of the VMS SSPs at WCPFC12, the Secretariat has identified non-compliant Automatic Location Communicators (ALCs) on the list of approved ALC types (WCPFC-TCC12-2016-RP01, page 7). It was noted that one MTU does not meet the requirements regarding the timely delivery of reports and Figure 4 showed that the three Argos units only report within the required period 40% of the time. In accordance with section 2.7 VMS SSPs, these four MTU units have been identified by the Secretariat as not meeting the requirements of Annex I of CMM 2014-02.

184. The EU asked after the Secretariat's tasking to develop tools to implement the manual reporting rules agreed by WCPFC9, noting that the tools were not in place despite the 30 June 2016 date for implementation. It was noted that the VMS annual report shed no new light on the question. EU also reiterated their request that WCPFC continue to ensure that EU is listed as the CCM, rather than Spain, in Tables 4 and 6.

185. In response to a query from Japan, the Compliance Manager reported that the Secretariat had difficulties progressing the VMS reporting publishing task from WCPFC12 as resources (staff and contractor time) were diverted to the VMS transition over the last 12 months. The Compliance Manager confirmed that the delivery of the proposed publication on the secure side of the Commission website of the VMS reporting status of vessels and Vessel Tracking Activation Form information (VMS reporting channel, manual reporting, or not reporting) has been delayed. In response to the EU concern, the Compliance Manager noted that in accordance with the VMS SSPs, when the Secretariat identifies a vessel that is not reporting it can only flag this as a potential issue – it remains for the flag CCM to decide whether to implement manual position reporting for that vessel. However, once delivered, the VMS publishing list was expected to provide greater information for CCMs to review, about the vessels that the Secretariat is receiving manual position reports from.

186. FFA members supported the WCPFC Secretariat continuing to work towards the identified priority areas with the FFA Secretariat, and noted the prioritisation of publishing the VMS and VTAF information through the Commission's online systems. These CCMs understood that the Secretariat would maintain and make available a list of vessels subject to manual reporting requirements including the duration of that reporting, and looked forward to a report on this work's progress. FFA members noted that it was the responsibility of flag CCMs to regularly review their vessel lists and encouraged flag CCMs to advise the Secretariat of changes to the VMS reporting status of their vessels.

187. Japan reported that the number of incidents that the position of fishing vessel was not detected under the Commission VMS although detected under its flag CCM's VMS had decreased dramatically this year and appreciated the Secretariat its work of submission VTAF of the vessel to the related communication satellite provider. This CCM asked about the ALCs which were slated for removal from the list of approved ALC types and why they were included as type-approved initially.

188. The WCPFC VMS Manager noted that the units were first included in the list to allow for alternative communications with vessels, should that be required. It was noted that there had always been an issue with their reporting. CMM 2014-02 Annex 1 para. 4 requires VMS data reports to be received by

the Commission within 90 minutes of being generated by the ALC/MTU under normal conditions. Previously, there was no mechanism for the Secretariat to recommend removal of these ALCs from the list until the SSPs changes were agreed at WCPFC12, specifically section 2.7.

189. In response to a further question from Japan about how to solve the problem of the failure of 41 vessels from two CCMs using certain MTUs to report to the Commission VMS noted at TCC11 with concern (TCC11 summary report para. 233), the WCPFC VMS Manager advised that 40 of them were removed from the RFV, with only one Indonesian vessel left on the system.

190. Japan did not support the Secretariat's recommendation. This CCM pointed out that the three Argos units recommended for removal from the list in their view do comply with para. 3 of Annex 1 of CMM 2014-02, the Draft Minimum Standards for ALCs used in the Commission Vessel Monitoring System: ALCs fitted to fishing vessels must be capable of transmitting data hourly. Japan sought further investigation in order to detect the reason of failure to fulfil para. 4 of the minimum standard (the data shall be received by the Commission within 90 minutes of being generated by the ALC under normal operation), wondering whether those incidents might be caused by the Commission's VMS receiving capacity; it would be happy to participate in such work. Finally Japan announced that Argos planned to launch two new satellites soon.

191. China and Chinese Taipei supported Japan's statement.

192. USA noted that units must be capable of hourly reporting. The 90 minute requirement was an independent criterion for type approval.

193. Noting that Figure 4 showed many ALC units implicated in overdue reporting, Chinese Taipei asked about the standard for deciding to remove only Argos ALCs.

194. The WCPFC VMS Manager referenced para. 4 of the CMM Annex 1, noting that the decision was based on whether 90% of the reports are received within 90 minutes – the units in question operated at far less than the required 90%.

195. Indonesia noted that PT.SOG Indonesia and Argos were permitted by the government of Indonesia for Indonesian-flagged vessels. Without a VMS specialist on the delegation, the Indonesian delegation was not able to fully understand the problem and would communicate with the company in Indonesia to ensure Indonesia could meet the standard.

196. The TCC Chair noted the lack of consensus on the recommendation to remove the four ALC units, but appreciated that the Secretariat had undertaken the work which had been asked of it.

197. FFA members noted that WCPFC11 had extended the VMS manual position reporting requirements for two years, which expires on 1 March 2017. These CCMs supported extension for a further two years, given the need for more timely provision of the manual reports. These CCMs preferred that provision be via online facilities with flag CCMs directly uploading information. FFA members supported the Secretariat's recommendation to remove the four ALC/MTU models from the list of approved types: the three ARGOS units and PT.SOG Indonesia DMR-800 D/D2. These CCMs advised that the FFA Governing Council took a similar step in May, approving the phase out of three older MTU models: TT-3026D, TT-3026S and TT-3022D, effective 1 January 2017.

198. The ERandEMWG Chair, Kerry Smith (Australia), noted that the group was currently considering standards for electronic reporting of manual reports – there was a draft standard but some testing was still required. Progress should be made over the two-year time span proposed by FFA

members. On the same point, the Compliance Manager noted that the Secretariat did not have the ability to implement such a facility, and sought more information. She noted that what was being proposed in the ERandEMWG through the draft standards — where electronic reports could be uploaded by the Secretariat — was different to the online mechanism FFA had mentioned.

199. The TCC Chair noted that work continued on developing the particular mechanism of the manual reports electronic submission.

200. 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.

201. 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 (WCPFC 12 para 756)

202. The WCPFC VMS Manager and FFA Director of Fisheries Operations, Noan Pakop, jointly reported on the Commission VMS transition (outlined in WCPFC-TCC12-2016-14_rev1). The WCPFC VMS Manager noted that the Commission was notified last year of FFA's decision to move to TrackWell. The two Secretariats met in the margins of WCPFC12 and with TrackWell in Pohnpei and agreed on a way forward. The report included costings and projections which will be discussed apropos of the budget. The FFA Director of Fisheries Operations noted that the two Secretariats agreed to review the FFA/WCPFC VMS SLA to take into account the change to VMS service provision, including a review of payments and charges. Training sessions for WCPFC and FFA VMS administrators were held at the FFA Secretariat in Honiara 20-22 February 2016. The switch over to the new provider occurred on 1 April, effective for WCPFC on 1 July 2016. VMS training was then held for FFA members MCS and VMS officers in April, which WCPFC Secretariat staff also attended. In addition, the WCPFC Secretariat carried out training in-country for other CCMs. It was hoped that the two Secretariats would finalise the financial issues in the margins of TCC12. It was noted that the SLA cost would be about 50% lower than under the previous provider. The Compliance Manager, VMS and IT managers were thanked for their efforts in working with FFA and TrackWell. The FFA Director of Fisheries Operations also expressed appreciation to Pole Star during the transition period, noting that this aspect was an identified risk but it went well.

203. The Compliance Manager noted that it was a pleasure working with the FFA Secretariat and on behalf of the WCPFC Secretariat expressed appreciation for the support they continued to provide.

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

8.2 Regional Observer Programme

205. WCPFC Regional Observer Programme Coordinator, Karl Staisch introduced the 8th ROP Annual Report (WCPFC-TCC12-2016-RP02_rev2). The ROP Coordinator noted that following interim authorisation, the Indonesian observer programme had been audited and granted full authorisation to operate as a ROP programme. EU had nominated the Portuguese Observer Programme to be part of the ROP and were granted interim authorisation; requiring an audit to gain full authorization. Table 1 shows 128 interactions reported with whale sharks from 932 trips, noting that the metric relating to the average number of trips that an interaction occurs was 7.28 trips in 2015. Table 2 showed purse-seine interactions plus weight ranges and fate of whale sharks interactions witnessed by observers, broken up by EEZ and size of whale sharks. Table 3 showed seabird landing data recorded by observers for 2015; there was an increase from previous years, with 52 birds caught by longliners from 301 trips, with interactions higher than past years due to the inclusion of New Zealand national data to the ROP database. All the birds caught in the longline sector were deceased when landed; there were sightings but no landings by the purse-seine sector. Table 4 showed 183 sea turtle landings, 160 by purse-seiners. Table 5 and 6 showed silky sharks and oceanic whitetip sharks. It was noted that there is still discarding of trunks with fins retained, especially of silky shark. Table 7 shows cetacean interactions with 725 interactions recorded. It was noted that whether one or 100 animals are sighted one interaction is counted. Table 8 showed observer coverage. It was noted that members are required to submit observer coverage data every three months. Observer coverage for the longline sector in 2015 was very low, noting that all observations are currently based on physical observers, but e-monitoring could be used as a measurement. Table 9 showed observer trip monitoring summary. There were 46 reports of intimidation, harassment or interference of observers; mostly where observers were prevented from looking at vessel instrumentation. There was one assault by a cook and one case of possible sexual harassment of an observer. It was noted that safety at sea issues were highlighted at WCPFC12 and all programmes will need to ensure they have the Commission's new minimum standards in place by January 2017. The ROP Coordinator noted that WCPFC has been commended for taking this step, and other RFMOs are likely to follow.

206. EU noted the high number of interactions with sharks and trunks discarded but fins retained, notably for silky sharks. It was noted that finning is forbidden for all sharks but silky sharks are more protected. With 314 'discarded body, fins retained' incidents for the purse-seine fishery, which is 100% observed, this CCM could only wonder about the longline fishery as the observer levels are so low. EU noted that the silky shark measure had been operating for a couple of years so the figures were worrying. The high level of finning occurring demonstrates that the current measure is not working and action is needed; the only way forward is to introduce a fins naturally attached policy. EU asked the ROP Coordinator if there could be a table of 'discarded body, fins retained' incidents for other species of shark.

207. The ROP Coordinator noted that other species are not included as they are not subject to a specific CMM. The tables are compiled using the SPC database, so the request could be fulfilled next year.

208. EU asked for a revision of the paper in time for the Commission meeting as well as an update of WCPFC-TCC12-2016-IP05_rev2, as some of the data for the EU fleet are incorrect. In response, SPC and the ROP Coordinator confirmed that this was possible.

209. Japan shared the concerns about the full utilisation requirement (CMM 2010-07 para. 6) still not being fully implemented as shown by Tables 5 and 6. Japan noted that it was proposing that TCC13 look at how to implement that requirement. Japan requested the Secretariat to provide more detailed information on Tables 5 and 6, regarding how states are implementing the requirement, and that these be broken down into number of vessels by flag states, chartered or not chartered. Currently the number of discarded trunks is broken down by purse-seine and longline sector; Japan asked that they are broken

down by CCM. Japan did not need vessel names or masters. This would assist discussions about how to address this compliance issue. In addition, Japan asked for a progress report on the pre-notification process.

210. In response, the ROP Coordinator noted that shark finning was covered in the CMR reports, and most incidences recorded were discussed during the closed session. The Compliance Manager noted that the Secretariat had partially implemented the Gen-3 notification system through the Compliance Case File system which is now in place. Currently, alleged observer obstruction incidents are drawn from the Gen-3 form; the other compliance case file lists including alleged FAD sets during the FAD closure and shark-catch alleged infringements are drawn from certain fields in the ROP observer data. The Secretariat would progress work with SPC over the next couple months to fully link the Gen-3 reporting to the ROP dataset and notify members when the system is launched with the Gen-3 notification.

211. USA focused on the very low levels of observer coverage in the longline fisheries, detailed in WCPFC-TCC12-2016-IP05. This CCM noted with frustration the requirement had been in place for many years but there appeared to still be a long way to go for a lot of CCMs to reach the 5% longline fishery coverage. Secondly, for sea turtles and seabirds, USA noted the surprisingly low levels of interactions (with zero in the northern hemisphere) and wondered if there were data issues. USA noted that e-monitoring has the potential to help CCMs get to the required coverage levels, but a lot of work remained to be done. This CCM would need to be assured that the e-monitoring can do the same functions as humans. USA looked forward to improvements in the system relating to observer trip summaries, with USA as flag CCM having trouble working out how to get to the full data set. USA expressed its appreciation to the Secretariat for cross-endorsed observer trainings, including one held in August. The US had many cross endorsed observer requests over the past 12 months, and noted that the availability of such observers was crucial to the US fleet's operations. Regarding the Memorandum of Cooperation between WCPFC and IATTC, this CCM observed that there remains confusion about the observer requirements, especially for east to west trips, or when operating in the overlap area. USA has to carry two observers on east to west trips, as other CCMs do. The US has requested IATTC provide AIDCP training for EPO-based cross-endorsed observers, but has not received a response. This CCM asked if the Secretariat or other CCMs had similar experiences or any suggestions.

212. The ROP Coordinator commented that WCPFC observers trained for cross-endorsement can be used in IATTC waters, but there is no MOC for the reverse situation, and noted that IATTC has asked the Secretariat if it can train some of their personnel. Most of the IATTC area is high seas, but in the WCPFC there are national rules, for example, it was noted that if a vessel fishes in PNA waters, a PNA observer must be on board. So it is not as simple as training IATTC observers to come across. Most of the purse-seiners operate in internal, national waters of WCPFC, so they have to have two observers – one to cover IATTC waters and a WCPFC-ROP observer to cover national waters.

213. FFA members noted Portugal's application to become an authorised observer programme under the ROP and expressed concern with the EU's use of Portuguese national program observers to meet ROP coverage levels on the EU-Portuguese longline fleet, undermining the ROP principle of 'independent and impartial' observers (CMM 2007-01, para 14(i)), threatening established programmes and setting a bad precedent. FFA members looked forward to seeing observers from another programme authorised under the ROP on EU-Portugal vessels to achieve the required coverage.

214. Indonesia expressed appreciation to the Secretariat and the ROP Coordinator regarding the granting on 16 May 2015 of full authorisation for Indonesia to operate the ROP program. Indonesia noted the challenge it faced to be involved in the program, and advised TCC that it would follow up with training for the trainers, planned for early March 2017, with the support and assistance of the Secretariat. The ROP Coordinator noted that the Indonesian program was far advanced, and it had not been difficult

to fully authorise its observer program. New Zealand congratulated Indonesia for reaching the high bar of the ROP.

215. New Zealand supported USA's comment about the lack of 5% coverage, noting the very low coverage level hinders WCPFC's efforts in collecting valuable scientific data. This CCM also wondered about the lack of recorded seabird interactions in the northern hemisphere and requested more information about possible reasons for this.

216. The ROP Coordinator noted there was very little if any data, with the available data being for south of the equator. SPC (Peter Williams) indicating that it was a timing issue relating to when the data comes through, is loaded into the system, then made available to the Commission. An update to the paper will resolve the issue of missing data to some extent. However, for the Convention area in general there are still significant gaps in the spatial areas in both the north Pacific and the south Pacific.

217. FFA members emphasised the importance of observer e-reporting for the provision of timely and accurate data and recommended adoption of the current draft e-reporting standards for observer data, which have been available for testing for over a year. These CCMs opined that adoption of the standards will facilitate CCM national implementation of e-reporting. FFA members stated that national observer programmes must be sufficiently resourced and supported to ensure efficient and compliant data management, and effective training.

218. Australia noted that it introduced e-monitoring on 1 July 2015 in the eastern tuna and billfish fishery. Australia stated that e-monitoring has led to a dramatic increase in Australia's logbook data and although Australia was still working through issues of collection, it has used port sampling to supplement e-monitoring. Australia strongly encouraged CCMs with longline fleets to progress work on e-monitoring, with Australia happy to share its experience.

219. FFA members urged flag states to provide observer placement records to the Commission for all observer trips to ensure verification of coverage levels. These CCMs opined that the report was incorrect in reminding CCMs that they are required to submit placement information every 3 months; these CCMs understand that WCPFC12 adopted a requirement for observer programmes to provide lists of active observers every 3 months. FFA members supported the ongoing development and implementation of e-monitoring systems to improve observer coverage on longline and carrier vessels.

220. The ROP Coordinator noted that the three month reporting requirement is for active observers, which goes way back to the IWG-ROP process, which stated three-monthly reporting, and the IWG-ROP report was accepted by the Commission. The ROP Coordinator undertook to check, but noted that three-monthly reporting by flag states has been discussed in previous meetings.

221. Japan noted that it informed the Secretariat of the status of their active observer list every 3 months in accordance with adoption of recommendation of TCC9 (TCC9 Summary report para. 199).

222. 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 – USA

223. WCPFC12 agreed that a CMM should be drafted regarding flag state responsibilities around observer safety. USA introduced a draft CMM to TCC12 (WCPFC-TCC12-2016-DP02) early in the meeting and led a small working group in the margins to progress the proposal. Tom Graham (USA) reported on 26 September that the group had received a lot of input and written comments. USA was working to revise the proposal and it would soon be ripe for discussion. On the evening of 26 September, USA gave an update to TCC12 on the status of the proposal. USA noted that the working group had discussed the initial draft but had not been able to fully consider revised text. USA briefly presented this revised text, noting areas where input from CCMs were, and were not, included in the revision.

224. The TCC Chair noted based on the USA intervention that the proposal was not going to be agreed at this meeting, and it would be prudent to allow for further comments to be provided to the USA before the Commission meeting.

225. Japan thanked USA for its leadership and wanted to keep moving forward with USA on the issue. Japan noted that CCMs' fisheries authorities generally have jurisdiction over laws and regulations related to fishery. If observer safety cannot be ensured under its legal jurisdiction, domestic negotiation with other sectors will be needed; those internal discussions can take time. Japan commented that members should do their best to agree to this proposal at the next Commission meeting, but noted some may face technical constraints regarding their domestic laws.

226. FFA members thanked the USA for its work on the draft measure, noting it provides a good starting point from which members can build on to ensure the safety of observers. FFA members also noted that specific comments were provided to the USA, and subsequently reflected in a FFA Delegation Paper. FFA Members also highlighted their key points to be included in the development of this measure: that it would be useful to clarify the objective, scope and area of application; that the FFA Harmonised Minimum Terms and Conditions for Vessel Access into FFA member' zones sets out immediate steps to be taken in the event of emergency situations for observers, which these CCM wished to see in the measure; and to ensure that the measure is without prejudice to the right of coastal states to take action for violations that have occurred in their waters. FFA members noted careful consideration was needed regarding the obligations placed on observer providers, and commented on the need for a link to the Commission's minimum ROP requirements to have a two-way device, life-saving beacon and the Emergency Action Plan; in addition, insurance coverage should be included. FFA members proposed that the work be included as a specific priority task in the TCC Workplan and strongly encouraged an assessment under CMM 2013-06 be submitted.

227. China asked if the draft measure could be attached to the TCC report for ease of consultation for CCMs.

228. The TCC Chair suggested instead a decision that CCMs provide additional comment and, based on those comments, the USA can revise it intersessionally.

229. Japan noted FFA comments on the proposed observer safety measure (WCPFC-TCC12-2016-DP05) had been posted and asked whether the USA proposal (WCPFC-TCC12-2016-DP02_rev1) had taken account of them in its revised version.

230. USA confirmed that WCPFC-TCC12-2016-DP02_rev1 had taken on board some of FFA's comments but not all of them. USA planned to take another look at FFA's comments on the proposal, but did not commit to incorporating any or all of the comments into the revised draft.

231. PNG noted that in the opening line of the USA draft, relating to ‘area defined’, some PNG observers follow carriers to processing centres outside of the Convention area. This CCM expected the measure would not cease to apply once they have left the Convention area, so that consideration needed to be taken into account. USA noted this comment.

232. EU thanked USA and supported adopting a meaningful measure for safety of observers at sea.

233. Australia noted it was a very important piece of work, and would be providing further comments intersessionally. This CCM noted that it has search and rescue responsibilities in the Pacific and it would need to do some consultations internally. Australia encouraged CCMs to give more thought to preventative measures.

234. WWF considered the revised draft a very good start; it took a comprehensive approach to observer safety. It looked forward to working with any CCM that wished to work with them on this issue to get a good decision at the Commission meeting. WWF noted that WCPFC was leading on this issue internationally and it wanted to see the momentum continue.

235. 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

236. The Compliance Manager introduced the High Seas Transshipment Monitoring Annual Report (WCPFC-TCC12-2016-RP03_rev1), detailing transshipment activities from 1 January 2015 – 30 June 2016. The report summarised what the Secretariat had received in the Annual Report Part 1 summaries covering both EEZ and high seas transshipment, and this was more complete this year. The coverage of high seas transshipment reporting information in the annual report was similar to last year’s. The Compliance Manager thanked flag CCMs for working with the Secretariat over the last couple of months to ensure the completeness of the records. It was noted that the completeness of notifications and declarations had improved compared to the last couple of years. The report provided information on RFV updates for CCMs that have confirmed their vessels are authorised to tranship in the high seas (page 3); there were fewer instances of transshipment taking place without the authorising field for that vessel being completed in the RFV. The geographical distribution of transshipment activities as reported was mostly the same in 2015, though there were a few more instances of transshipment occurring in the southern part of the Convention Area. The consistent trend is that transshipment is occurring more to the west, on the edges of EEZs, and in the pocket areas to the north-east. The paper outlined the Commission’s progress regarding its capability to verify transshipment activities and monitor reporting. While the Secretariat had not made as much progress in the last 12 months as it hoped, partly due to redirecting resources to the VMS transition and prioritising work on the Compliance Case File system, it did still plan to advance this work. It was noted at para. 16 that the ERandEMWG group had tasked the Secretariat with developing an e-reporting standard. This would be scheduled during IMS planning over coming months.

237. EU welcomed the improvement in reporting and underlined the importance of improving the rules on transshipment. This CCM noted with concern that the report demonstrated that almost half of the vessels were authorised to tranship, confirming that the exception has become the norm. The paper would assist discussions on the guidelines proposed by the Secretariat.

238. Japan asked whether the Commission VMS has ever detected two fishing vessels moving side by side for a while. Japan considered that such an operational pattern is unusual, and indicated a high possibility of illegal transshipment activity.

239. The Compliance Manager commented that the IMS software works well, noting that this capability is as a result of the generous technical assistance from NOAA-OLE in Honolulu, and the computer script they developed allows the Secretariat to use VMS data to identify vessels in a specified proximity for a certain period of time. The Secretariat intends to match the list of such identified vessels in the high seas with reporting received, or if there is not such a match to ask the relevant flag CCMs for clarification. Work had to be undertaken following the VMS transition, to redirect the VMS feeds to where the software is housed — but once it is up and running the Secretariat would hope to see the use of this VMS-analysis IT tool as part of their day to day duties, including follow up with CCMs.

240. Japan asked that for next year's compliance review process the Secretariat could provide some information on these unusual patterns of fishing detected under the Commission VMS. This CCM also requested to flag states of those fishing vessels to provide additional information with receipt of notification from the Secretariat.

241. In response, the Compliance Manager observed that it would depend on how quickly the Secretariat can get it implemented, noting that most of 2016 has already passed. It would take time to review the earlier months 2016 outputs so that it is ready in time to incorporate it into the CMR review, but noted that the Secretariat did intend in any case to report on their progress of implementation to next year's meeting.

242. Australia shared the concerns of other CCMs that transshipment is commonplace rather than an exception. This CCM noted the reporting improvements advised by the Secretariat and their ability to analyse possible transshipment events. Australia considered that there remained work to do to improve the transparency of these activities, and noted the ERandEMWG tasking to look at electronic standards for transshipment notifications.

243. FFA members expressed concern about the risk of IUU fishing on the high seas, noting that about 50% of vessels on the RFV are authorised to transship on the high seas. FFA members were concerned about their level of non-compliance, particularly in light of issues in interpretation of the 'impracticability' provisions in CMM 2009-06. These CCMs noted that the Future of Fisheries Roadmap endorsed by Pacific Island Forum Leaders provides a direction for FFA members to address IUU activities in the high seas through restriction of fishing on the high seas by foreign fleets and progressive prohibition of transshipment in the high seas pockets and other high seas areas. These CCMs flagged that they will be seeking compatible measures to be applied by the Commission.

244. 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 transship in port or in waters under national jurisdiction (WCPFC 12 para 718; para 37 of CMM 2009-06)

245. The TCC Chair noted that WCPFC12 (Summary Report, para. 717) noted para. 37 of CMM 2009-06 on regulation of transshipment, and tasked the Executive Director with preparing draft guidelines for determining circumstances in which it is impracticable to transship in port or in waters under national jurisdiction. The WCPFC Legal Advisor (Dr Penny Ridings) introduced the draft guidelines (WCPFC-

TCC12-2016-15_rev2), explaining the background to the guidelines including the relevant parts of the Convention and CMMs which relate to this aspect of transshipment, the earlier draft guidelines presented at TCC9, the interim guidelines set out in para. 37 of CMM 2009-06, and the difficulty that had been experienced in implementing the interim guidelines in practice. The Legal Advisor explained that the paper did not address the policy question of whether or not to ban transshipment on the high seas. The proposed draft guidelines were based on the framework of Article 29(1) of the Convention and the express terms of para. 34 of CMM 2009-06 that transshipment on the high seas was only to be permitted if “impracticable” to operate otherwise, and “impracticability” was a high threshold. It sought to look objectively at the specific types of fishing operations which undertook transshipment in the high seas in light of the nature of those operations and any justification for permitting transshipment on the high seas, the purpose of controls on high seas transshipment, particularly monitoring compliance with CMMs, collection of data, the IATTC overlap area, and the high seas pockets. The Legal Advisor talked through the specific paragraphs of the draft guidelines. TCC12 was invited to consider and amend the proposed draft guidelines. In addition to the draft guidelines, the paper included a recommendation which sought to address concerns over the monitoring of transshipment in the high seas through the Secretariat providing assistance to the Regional Observer Programmes to enhance monitoring of high seas transshipments.

246. Chinese Taipei, China and Japan shared the view that high seas transshipment was a common global practice and takes place in all tuna RFMOs.

247. China noted the tremendous work done preparing the paper. China asked a number of detailed questions: the first was about the categories of longline fisheries conducting high seas transshipment, including ice chilled longline vessels. This CCM understood that the ice chilled longline vessels normally operate in waters under national jurisdiction and must go to port to transport to market, so the draft guidelines did not need to provide for them; the guidelines needed to consider longline fishing for albacore tuna; regarding the overlap area, China sought clarity on whether WCPFC rules regarding ROP observers would apply there. This CCM requested more time to consider this aspect of the guidelines; para. 2 provides for no high seas transshipment of shark fin, but this CCM asked if this was the case, how would these products enter the market?; the guidelines (para. 3) seemed to call for 200% observer coverage, one observer for the fishing vessel and one for the carrier vessel, which was difficult for China. China noted that para. 4 suggested reporting obligations, which China could agree to through the annual report, for monitoring and verification. This CCM noted that its national authorities encouraged Chinese vessels to conduct transshipment in port. Lastly, this CCM commented that the paper seemed like an FFA proposal.

248. The WCPFC Legal Advisor emphasised that the Secretariat was trying to balance a number of different interests in the guidelines and had adopted an approach which looked objectively at the nature of fishing operations and the nature of the measure, plus the Convention which encouraged transshipment to take place in port. Regarding China’s question about ice chilled vessels, the understanding of the Secretariat is that pole and line and other types of vessels use flake ice and refrigerated sea water because of the need to ensure the fish remained fresh; these vessels may tranship in port or travel to port to supply the market, but it would still be useful to clarify that this was an exception for those which find it impracticable to travel long distances to port. Albacore tuna caught and frozen would be excluded, on the basis that impracticability should be a high threshold and based on whether there is something in the nature of the fishing that requires the fish to be as fresh as possible to supply a market, whereas frozen fish can be kept on the vessels until the vessel gets to port. Regarding the IATTC overlap area, the WCPFC Legal Advisor noted that different measures applying in both RFMOs on transshipment and observer coverage and it was desirable to have consistency, provided that the flag state chose to apply IATTC measures in the overlap area. In the case of sharks, the issue is the conservation and management of sharks and the desirability of monitoring. In relation to bycatch species, there may need to be a

determination by the flag state, with a proviso that the vessel concerned may not be able to transship sharks or shark fins.

249. China noted that the albacore fisheries were very important. In the past China had encouraged their fishers to conduct their transshipping activities in port. Looking at the increase in the price of transshipment in port, China noted that if it agreed albacore tuna must be transhipped in port, its industry may collapse. This CCM also noted that all waters in the Convention area were surrounded by the EEZs of member states.

250. EU noted its preference for a ban on transshipment for longliners at sea, but understood there was a need to be practical given the differing views. This CCM commented that transshipment had become the norm. EU fully supported having a high threshold for a vessel to be allowed to transship and supported the guidelines. EU shared its experience, noting that while the EU fleet was smaller than China's it was a similar fishery; it did not fish for albacore but EU did have sharks on board its vessels. The EU vessels did not consider it impracticable to tranship at port. EU opined that because of the lack of observer coverage, transshipment should be strictly monitored and transshipment should be allowed only by exception. EU acknowledged there could be arguments about ULT vessels, though this was more economic, but could not understand China's argument on shark fins. This CCM considered it important to ban transshipment of shark fins. EU asked if the Secretariat could provide an estimate on the impact of the guidelines, including how many vessels it would affect, and asked what consequences would apply if a vessel did not comply with the guidelines, would its authority to tranship at sea be withdrawn. This CCM considered that an element of consequences should be added to further strengthen the guidelines.

251. Korea had difficulty understanding why the transshipment of sharks was included in the guidelines (para. 2); if it was for the conservation of sharks Korea saw it as inappropriate to mix the two difficult issues. Korea noted the WCPFC Legal Advisor's stated criteria for ULT was temperatures between -50 and -60 degrees and asked who is supposed to measure the temperature, and when. This CCM commented that para. 4 of the guidelines repeats obligations in CMM 2009-06.

252. In response, the WCPFC Legal Advisor noted that para. 2 (sharks) was included in the guidelines because transshipment on the high seas can be a mechanism through which IUU fishing, particularly unreported fishing, can take place. It was noted that controls on transshipment on the high seas are designed to meet a number of objectives: a lot of sharks are being taken in the WCPFC area and it was included as a possible mechanism to enhance monitoring and compliance with CMMs. Regarding ULT temperatures, the guidelines did not include a specific temperature, but noted that ULT vessels supply the high grade sashimi market. Regarding EU's question about how many vessels the proposed guidelines would impact, the WCPFC Legal Advisor noted that Annual Report Part 1 did not contain sufficient detail to be able to assess that at this point.

253. New Zealand noted the comment that the proposed guidelines looked like an FFA proposal, and assured China that if it were an FFA proposal, it would be much more stringent than drafted.

254. FFA members noted CMM 2009-06 provides "there shall be no transshipment on the high seas" with an exception where it is deemed to be impractical for certain vessels to operate without being able to transship on the high seas. Some CCMs applied a fleet-wide exemption rather than a vessel-specific determination as contemplated by para. 34. FFA members generally supported the inclusion of additional monitoring and reporting provisions in the guidelines and further restriction on the transshipment of sharks and shark fins, but felt the scope needed revision to support the objective of para. 34. They asked for further information about operations currently transshipping on the high seas, and more time to find a solution.

255. Japan commented that it should be recognized transshipment at sea is a common global practice, and this was reflected in the preamble to the current measure. At the same time, Japan was willing to provide maximum flexibility in order to address IUU activities and there was room for further discussions on para. 3 of the guidelines. Regarding para. 1 of the guideline, with recognition of other Members' concerns, Japan sought fair treatment of fisheries.

256. Chinese Taipei stressed that most of the ice chilled fresh vessels are very small and to allow them to tranship on the high seas might consequently encourage them to operate on the high seas. This CCM supported Korea and China's view regarding criteria for ULT and that those fishing for albacore needed to tranship on the high seas or the fishery would collapse. Regarding para. 5, Chinese Taipei supported a review, but noted that imposing a pre-condition was not appropriate.

257. USA appreciated the difficult undertaking of producing the draft guidelines, and supported the approach taken. USA sought to find a way forward and made a couple of points: firstly, USA saw the 'bright lines' in the guidelines as an attractive aspect of them, and felt they could be used as rules rather than guidelines. The USA saw good reasons to allow transshipment on the high seas by troll and pole and line vessels; this was consistent with IATTC. More detail was needed on some aspects including dealing with ULTs, and where the temperature cut-offs were. Regarding the overlap area, USA noted the joint decision about how to handle CMMs in that area.

258. PNA members strongly supported the proposals effectively banning high seas transshipment of sharks and shark fins and requiring ROP coverage of the fishing vessel and receiving vessel. However, like FFA members, these CCMs stressed the importance of improving monitoring for the high seas ULT freezer fleet, especially in the overlap area. These CCMs saw unreliability of data from the longline fishery, especially from high seas longline operations, as the biggest challenge for the Commission, which undermines the reliability of the scientific advice on bigeye tuna, reduces the effectiveness of CMMs, especially for bigeye tuna, and makes it impossible to ensure effective compliance. PNA members could not agree with the proposed guidelines that it is generally impracticable to prohibit ULT longliners from transshipping on the high seas and transshipment in the overlap area.

259. FSM noted that whatever decisions WCPFC takes on these issues will inform discussions taking place through the BBNJ process.

260. PNA members noted the maps in the transshipment reporting paper showing where high seas transshipment is taking place – right on the EEZ boundaries. These CCMs opined that this was not because it is impracticable to transship 50 miles away to a port but because the vessels want to evade the scrutiny they would be subject to if they transshipped inside the EEZ or in port. This results in under-reporting of bigeye catches which undermines the information available for stocks assessments and effectiveness of bigeye conservation measures. These CCMs did not consider the proposed guidelines adequately took into account the damaging effects of this transshipment in the high seas and reiterated that they could not support removing the requirement for CCMs to determine that it is impractical for ULT freezer longliners to operate without being able to transship on the high seas.

261. The Pew Charitable Trusts made a lengthy intervention on behalf of Pew, Birdlife and WWF. These observers recognized advances made in Commission VMS, ROP and transshipment, but highlighted governance and data gaps which hinder fisheries management. Regarding VMS, MTU/ALCs that do not meet Commission standards are allowed to continue to operate despite delayed reporting timeframes. Manual reporting for up to 45 days per vessel is still permitted, amounting to some hundreds of days of vessel time that cannot be verified. Regarding the Commission ROP, longline observer coverage is still below 5% coverage for the majority of CCMs. If a vessel's MTU/ALC fails, 95% of the time there is no failsafe to cross-reference a vessel's location, catches or activities. These observers

emphasised that 5% is insufficient to meet scientific needs, including bycatch events, and was never intended to be the final target; important when considering e-monitoring to meet part of the observer coverage level. Regarding transshipments, no processes are in place to ensure transshipments at sea are observed. High seas transshipping continues to be the norm rather than the exception through blanket authorizations and the view that transshipment at sea is a common global practice is not an adequate justification for continuing to allow it to happen without effective oversight. These observers opined that transshipment remains a challenge in tuna RFMOs and oversight must be improved. These MCS gaps mean that many fishing vessels operate unchecked and unverified, both when fishing and during transshipment, creating conditions for IUU fishing, including targeted shark fishing. These observers strongly urged TCC12 to note these gaps and advise the Commission to take concrete steps towards strengthening these measures.

262. Japan noted that transshipment in ports should increase when the situation on port call improved, including solving implementation difficulties related to laws and legislation of those Port States. China noted that the capability to receive large quantities of albacore tuna was required, and some ports have insufficient frozen containers. At \$300 per mt for transshipment in port, this creates an incentive for Chinese vessels to transship on the high seas.

263. The TCC Chair noted that there was no agreement on the proposed draft guidelines, and suggested CCMs considered what the right next step forward might be. It was noted that the Secretariat had made two attempts at dealing with the issue, and would be grateful for a CCM to pick up the issue in order to progress the matter.

264. In reference to the recommendations in TCC12-2016-15_rev1 the TCC Chair also observed that TCC12 has i) considered the proposed draft guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction pursuant to paragraph 37 of CMM 2009-06; and ii) has considered whether to prohibit transshipment in areas of high seas in the Convention Area entirely surrounded by the EEZ of members of the Commission and Participating Territories in accordance with paragraph 38 of CMM 2009-06. There were no objections to the Secretariat tasking noted in the third recommendation.

265. USA noted that the role of an observer during a transshipment is very different to that during harvesting activities, commenting that the Commission had not yet adopted any forms, standards or a database to collect transshipment observations; this might be able to be included in the TCC Workplan.

266. Japan agreed with the general idea of more effectively monitoring transshipment activities.

267. New Zealand supported USA's recommendation, noting there would be cost implications which FAC would need to discuss.

268. China noted an observer data form already exists and the Secretariat can receive observer reports.

269. A short discussion took place about better monitoring tools. PNG preferred language relating to the high seas (rather than 'at sea'). USA noted that the ROP extends beyond the high seas proper, and transshipment that falls within the scope of ROP fishing trips should be captured in any recommendation relating to better monitoring. USA did not want to limit activities to the 'high seas'. PNG noted that, for some of the ROP data, systems existed to deal with transshipment in PNA members waters including the CDS.

270. The ROP Manager clarified that there are existing data forms but they are not Commission-agreed, they are guidelines. Some national observer programs use them.

271. Japan and USA briefly discussed improvements in protocols and other information collection tools for observers carried on transshipping vessels.

272. The Compliance Manager confirmed that the Secretariat was able to prepare a paper for TCC in 2017 on this matter.

273. 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).

274. 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.

275. 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.

(b) Proposal to amend CMM 2009-06 (WCPFC12 Summary Report para. 556)

276. It was noted that in 2015 the IWG-ROP supported, in principle, the Commission's consideration of adopting proposed amendments to CMM 2009-06 on regulation of transshipment, establishing additional reporting requirements for receiving vessels operating in the Convention Area, and a proposed concept of establishing a requirement for carrier vessels to declare their intention to undertake high seas transshipment activities. WCPFC12 agreed to consider this proposal alongside the pre-notification process, with a view to complementing and enhancing efforts to better support ROP observer safety and security and TCC12 was tasked to further consider the proposed amendments. The Compliance Manager introduced the proposed amendments to CMM 2009-06 (WCPFC-TCC12-2016-16) and explained that the recommendations were for the Secretariat to better monitor transshipment activities and placement of observers on carrier vessels, with a view to generating regular reporting regarding ROP placements on carrier vessels, to increase awareness of where observer are, and which carrier vessels in the region are intending to tranship, to put them under a little more scrutiny. IWG-ROP Chair reviewed the draft amendments; between TCC11 and WCPFC12 noting that during the IWG-ROP CCMs had indicated there might be some editing of the proposed draft text. Carriers, when entering the Convention area, would notify WCPFC of their intentions regarding high seas transshipments, so WCPFC could keep an eye on the observer onboard and their location.

277. The TCC Chair asked if TCC was ready to take action on the amendments to CMM 2009-06.

278. China generally had no difficulties but asked some clarifying questions. Noting that para. 8 requires reporting 24 hours prior to entering the Convention area, China noted that the western part of the Convention area is not clearly defined and wondered if China's carriers would need to notify. Secondly, since carriers need to have an observer on board, before the carrier conducts the transshipment China wondered if it would need to have a second round of reporting. If so, with so many notifications to the Secretariat, the Secretariat might need to increase staff, which would have financial implications.

279. The ROP Coordinator noted that currently the Secretariat does not receive notification from carriers regarding placements of observers. Usually, the national program puts on an observer but the Secretariat will typically not know that an observer is onboard until they receive a transshipment report. There is no pre-notification process.

280. FFA members supported clear and detailed notification requirements on carrier vessels intending to tranship in the high seas, and noted the Pacific fisheries IUU quantification study released earlier this year which emphasised the critical need for stronger monitoring of high seas transshipment activities and called for high seas transshipment measures that mirrored the strong MCS arrangements in FFA members' EEZs. FFA members supported the intention behind the proposed amendments, but suggested some modifications to ensure additional notification requirements are focused on what they consider to be the primary risk area – the high seas. These CCMs noted that transshipment in FFA members' waters and ports is subject to national laws, where carrier vessel reporting requirements exist, and commented that new notification requirements must not impinge on FFA members' sovereign areas including ports. These CCMs noted that the proposed amendments have not been assessed under CMM 2013-06 and commented on the importance of determining the impact of the new proposal on SIDS, including under the CMS.

281. PNA members supported the FFA proposal to limit the new reporting requirement to carrier vessels transshipping on the high seas. As the proposal is worded, the reporting would mainly be by carrier vessels receiving catch from purse-seine vessels, however transshipment from these vessels almost always takes place in ports, which does not involve the WCPFC Secretariat. These CCMs opined that consequently there is little or no value in having the carriers report as proposed. Reporting from those carriers transshipping on the high seas would be more effective.

282. After a clarification that the proposal came through the IWG-ROP, not the Secretariat, TCC12 worked on some recommendation language across the floor on carrier vessel notifications. China was keen not to change the balance of the IWG-ROP report regarding the area of application — the whole Convention area or high seas — and EU expressed a strong view that it should not be limited to the high seas. Unable to agree on recommendations on notifications, TCC12 did not move onto Annex 4 amendments. TCC12 reviewed and considered the recommendations, but could not agree on notifications.

8.4 High Seas Boarding and Inspection (HSBI)

283. The Assistant Compliance Manager 'Ana Taholo introduced the HSBI Annual Report (WCPFC-TCC12-2016-RP04), a summary of HSBI activities under CMM 2006-08 for 1 January 2015 to 25 August 2016. There were 70 reports in 2015 and 83 so far in 2016, with five members conducting activities. Figure 1 showed the number of boardings and inspections, which CCM conducted the boardings, and which flag vessels were boarded. Table 1 provides a list of requests for subsequent flag state investigations. These infringements are now tracked through the Commission's Compliance Case File system, which both flag states and inspecting members can access online. Since TCC11, the number of members that have notified the Commission of their intention to participate in HSBI remain unchanged at 13 members are able to conduct HSBI (Table 2). Annex 1 contains a summary of information in reports received through members' Annual Reports Part 2. The number of HSBI activities has increased; most take place around the fringes of EEZs. The Secretariat is working on an online solution to make available the list of vessels boarded under the scheme; however the focus has been on the VMS transition which has affected other IMS work. The Assistant Compliance Manager noted that some CCMs have not notified the Secretariat of flag contacts to facilitate the HSBI process. CCMs were requested to update their details on the website. Inspecting CCMs were also requested to review their procedures and where possible more clearly identify when a serious violation is understood to have taken place.

284. USA thanked the Secretariat for the continued work to develop a HSBI database to better inform MCS activities and New Zealand for their Delegation paper on MCS activities. This CCM noted the increase in HSBI activities over past years and thanked their enforcement colleagues for dedicating resources to ensuring compliance throughout the Convention Area. The Commission's at-sea inspection scheme was a fundamental piece of the broader MCS program and was critical to ensuring overall compliance on Commission measures. WCPFC is leading the charge on at-sea compliance. The 70

boardings that took place in 2015, representing a 2.5% contact rate of the 2,700 active vessels, should be seen as a starting point not an end goal. The responsibility of ensuring at-sea compliance cannot be placed solely on 4 or 5 inspection parties; it takes the WCPFC community. In 2015, US inspectors completed a total of 23 high seas boarding and inspections, consisting of 19 longline, three purse-seine and one transshipment vessel resulting in two confirmed violations of WCPFC CMMs. Among the successes, USA acknowledged the challenges: as detailed in para. 13 of the HSBI report, there are still a number of members who have not provided specific contact information for their Authorities of Fishing Vessels, only 12 members are listed, making it extremely difficult to ensure the right representatives are notified in a timely matter; enforcement personnel continue to struggle to accurately assess compliance with the 5% shark fins to carcass ratio under CMM 2010-07. Consequently, USA strongly supported a move away from the 5% ratio to a measure that includes fins naturally attached.

New Zealand MCS activities

285. New Zealand introduced a delegation paper on recent MCS activities carried out by New Zealand in the southern longline fishery during May–August 2016 (WCPFC-TCC12-2016-DP03_rev1). New Zealand carried out 37 boarding and inspections during the period and detected up to 20 possible breaches. While some were technical in nature, others were more serious: two vessels were allegedly unlicensed at the time of the inspection and two were alleged to have had over 100 tonnes of southern bluefin tuna mis-reported as bigeye tuna. The paper reported on allegations of unregulated transshipment, non-use of seabird mitigation measures, concealed shark catch and non-polling to the WCPFC. It was noted that the information paper was broader than HSBI; HSBI cannot be undertaken in isolation and relies on the use of other MCS tools such as AIS monitoring, aerial surveillance, and port state measures to direct activities. New Zealand noted that there were indications that transshipments had taken place without the required transshipment notifications, but they could not be positive as the AIS patterns could indicate bunkering or provisioning, which did not require notification. The paper contained a number of recommendations that New Zealand planned to take forward to the Commission, including possible amendments to CMM 2006-08, including updating para. 37 (serious violations) to reflect new measures adopted. Potential changes to the transshipment measure are also being considered. New Zealand agreed with USA: some members are yet to notify their point of contact on the HSBI page on the WCPFC website. New Zealand thanked international partners France, Australia and the US, which also patrolled in the region and expressed appreciation to the Secretariat for providing support for the activities.

286. FFA members saw the online Compliance Case File system as a useful tool for tracking high seas boarding and inspection alleged infringements and investigations. Noting that the Secretariat is still working on technical solutions to facilitate the system's use for HSBI cases, FFA members supported efforts to rollout the HSBI component as soon as possible and encouraged CCMs to use it when finalised.

287. China thanked the inspecting parties for turning over evidence of illegal activities, which assisted China to be able to punish the vessel. This CCM noted that some fishing vessels had reported that inspecting CCM officials did not always use agreed procedures; the aerial enforcement personnel should make sure the vessel master can understand the discussion. This CCM suggested that a review of procedural issues to be observed by inspecting officials could be undertaken under US coordination.

288. Chinese Taipei thanked members that cooperate to conduct HSBI and advised that its notification is on the HSBI website; officials should use Chinese Taipei's designated contacts to send reports. Chinese Taipei shared China's concerns regarding communication with those conducting aerial inspections.

289. FFA members agreed that inspecting members are responsible for identifying "serious violations" in accordance with para. 37 of CMM 2006-08 but noted the difficulties in interpreting and applying the

term “serious violation”. While supporting the Secretariat’s request for inspecting authorities to more explicitly identify alleged infringements that are considered ‘serious violations’, these CCMs encouraged further consideration in order to assist inspecting authorities make timely and accurate assessments of activities that would constitute a “serious violation.” Noting that most high seas boarding and inspection activity occurs near the borders of CCMs’ EEZs, FFA members reminded CCMs, including flag states, to be vigilant monitoring their VMS, to avoid the risk of incursions into unauthorised areas.

290. Australia thanked New Zealand for the valuable paper and reiterated the point made by USA for flag CCMs to provide official contact details. In addition to HSBI activities, Australia works with regional partners, including acting as “shipriders”, a practice which helps align HSBI practices; the invaluable cooperation helps ensure a common understanding of how to undertake HSBI.

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

8.5 Record of Fishing Vessels (RFV)

292. The Assistant Compliance Manager introduced the RFV Annual Report (WCPFC-TCC12-2016-RP05_rev1), a summary of information contained in the RFV and its operational status. Two issues the Secretariat had raised at TCC11 were raised again – the use of the fields regarding authorisation to transship on the high seas. There are vessels on the RFV which have ‘yes’ against these, but these are purse-seine vessels, which are not able to transship on the high seas. The Assistant Compliance Manager noted that this might be a lack of understanding of the relevant field descriptions. CCMs were asked to rectify it. It was noted that are instances where charter information was provided by the relevant flag CCM in the RFV for vessels which are not formally notified by the chartering CCM to WCPFC to be considered as charter vessels. And there are instances where charter-related fields in the RFV for vessel notified as chartered are yet to be updated by the relevant flag CCM. It was noted that WCPFC12 agreed that all vessels must have minimum fields by 30 June 2016 and the Secretariat was directed to remove vessels which did not meet this requirements on after 30 June 2016. The Secretariat worked closely with CCMs following TCC11 and WCPFC12, and after the deadline the Secretariat deleted 1188 vessels flagged to 6 CCMs. Annex 1 of the report contained information on the number of vessels reported to fish in the past three years, derived from CCMs’ fish/did not fish reports. There also was a request from TCC11 to publish the date that the vessel was last updated; the Secretariat has done this.

293. EU noted para. 5 of the report, observing that despite transshipment at sea being prohibited for purse-seine vessels, three answered “Yes” to “Purse seine vessel authorized to transship at sea”. This CCM noted that this was also an issue last year. EU asked who the vessels were flagged to.

294. The Compliance Manager advised that the CCMs were Japan and the Philippines and that this information was available on the Commission website.

295. FFA members expressed support for the RFV SSPs, which have improved the completeness and quality of the records in the RFV. These CCMs encouraged the Secretariat to continue monitoring the RFV for completeness and delete records where minimum data requirements are missing, after consultations with the relevant flag CCMs. FFA members requested that the Secretariat apply data validation mechanisms to ensure integrity and completeness of vessel information according to the SSPs.

296. The Secretariat undertook to recheck that the necessary quality assurance mechanisms were in place. The Secretariat further clarified that the main reason necessitating the WCPFC12 decision to remove records lacking minimum required fields, was because vessels had been included on the RFV

prior to the RFV SSPs being implemented (prior to 2014). The Secretariat confirmed that it thought that the necessary checks to ensure the minimum required fields were already duly included as part of day to day procedures of the RFV, for both pathways that CCMs use for submitting updates to RFV as per the RFV SSPs: MS-Excel submission quality checks and the minimum requirements for the online direct entry form. However, if CCMs have concerns about these procedures the Secretariat is happy to receive feedback and so that the Secretariat can investigate and be able to address the concerns. They would work closely with any interested CCMs going forward.

297. In response to EU's concern on para. 5 of the report, Japan acknowledged its misunderstanding of the terms regarding authorising transshipment. Japan advised that it had begun to revise the information in cooperation with the Secretariat, and commented that in accordance with domestic law, purse-seine transshipment at sea was prohibited. This CCM noted its concern about the charter information in the report, commenting that if vessels are chartered and operated without notification, the chartering CCM would be in violation of CMM 2015-05. Even if the Secretariat had been notified the charter there are deviation between the chartering period on the RFV and the charter notification in some cases. Japan fully recognised the value of the charter scheme especially for SIDS, but noted the management of the scheme is important for the management of tropical tunas. Japan flagged it would be submitting a proposal for revision of the current CMM to WCPFC13 to improve management of the scheme.

298. New Zealand recalled that the Secretariat had been requested to develop a query tool so members could analyse historical information from the RFV. This CCM considered the RFV to be not only an MCS tool but a fisheries management tool, for example when looking at fishing capacity. As the data warehouse is now set up, instead of a query tool perhaps there could be an automatic feed between the Commission IMS and member IMSs.

299. The Compliance Manager noted this work had not been done but the Secretariat was looking at it and considering how it might provide greater access to the Secretariat's data warehouse capability.

300. FFA members noted that an RFV vessel listing depends on completing the minimum required data fields including 'Auth Period From' and 'Auth Period To'. A review of the RFV list as of 25 August revealed 86 vessels (Ecuador (2), French Polynesia (78) and PNG (6)) listed with blank authorisation period dates and 386 vessels with expired authorisation dates, providing inaccurate information, especially for monitoring purposes. FFA members expressed their view that according to the RFV SSPs French Polynesian and PNG vessels are domestic vessels operating solely within national jurisdictions, whereas the two vessels from Ecuador should be considered 'un-authorised'. These vessels should have their details updated by the flag CCM or be deleted. FFA members noted the importance for MCS purposes of vessel information that meets the RFV SSPs and is complete, up-to-date, accurate, unambiguous and comparable across other vessel listings.

301. The Compliance Manager clarified that in accordance with the Convention and the RFV SSPs the Secretariat does not have powers to take vessels off (delist vessels from) the RFV. The RFV represents information flag CCMs have given, based on their national records related to the authorisation to fish. The Secretariat does not amend or revise the information flag CCMs provide as RFV submissions, except when specifically tasked by a clear direction from the Commission, such as was the case through the WCPFC12 decision. As Ecuador was attending TCC12, its delegation would no doubt take up those comments and consider making the necessary changes to the RFV.

302. PNA members expressed concern about apparent misreporting of the numbers of active vessels by some CCMs and requested the Secretariat to work with SPC to compare the list of active vessels reported with the vessels that have submitted logsheet data.

303. The Compliance Manager noted that it needed to talk more with SPC about this issue. It was probably able to be done but the Secretariat would need clarity about how CCMs wanted the information presented – in the CMR or the fished/did not fish reports.

304. EU noted the comments on the RFV and the usefulness of some of the fields and flagged that it would be submitting a proposal to amend some of the RFV fields, for example the name of the master (which changes a lot and is of questionable relevance), master's nationality, and normal crew complement (noting problems with defining 'normal?') which make the RFV difficult to complete.

305. 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)

306. The Assistant Compliance Manager tabled WCPFC-TCC12-2016-RP06, an annual report on the activities occurring in the EHSP Special Management Area pursuant to CMM 2010-02.

307. EU noted that Annex 4 contains a list of vessels that have complied with the measure by submitting reports required by CMM 2010-02 para. 2 for 2015. This CCM asked to see a list of vessels which failed to submit reports and asked that the paper be updated to reflect this.

308. 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)

309. The TCC Chair noted that WCPFC-TCC12-2016-IP04_rev1 had been introduced under agenda item 5. Initial discussions had taken place under that agenda item.

310. FFA members supported the continued use of the tiered scoring system, considering it a valuable tool to identify scientific data gaps in the Commission's data holdings and measure compliance with data provision requirements. While appreciating SPC's efforts to develop an overall score (Table 8), these CCMs considered the actual status of the provision of operational data is not properly reflected, with the wide range of scores needed to be taken into account. FFA members suggested that SPC either develop another method to calculate an overall score that reflects the operational data gaps and coverage levels or not include an overall evaluation table, noting the detailed information in Tables 1–7. These CCMs encouraged those CCMs that have Tier I or Tier II rankings to address identified scientific data gaps.

311. EU reiterated its request that WCPFC-TCC12-2016-IP04 be updated before WCPFC13. SPC accepted this task.

312. FFA members noted that Chinese Taipei and Indonesia are the only two CCMs yet to provide scientific operational level data to the Commission, commending the progress made by others to overcome their impediments and ensuring that the best available data is provided to the Commission. These CCMs strongly urge these remaining two CCMs to resolve these most important data gaps. These CCMs requested an update on the status of the arrangements made by certain CCMs to provide SPC with

operational level data for stock assessment and scientific work. FFA members noted that it is unclear what the current status of this arrangement is, and whether it will be pursued in the future. FFA members flagged that they would be seeking an update at WCPFC13 from those CCMs on any national constraints.

313. China noted that in the current CMM 2015-01, footnotes 12 and 13 stipulate a grace period of three years from 2015 for CCMs with practical difficulties providing operational data to gradually improve the situation; footnote 13 gives Indonesia up to 2025.

314. Chinese Taipei indicated its intention to provide data as requested in the measure by the deadline. Regarding the MOU, Chinese Taipei indicated that it will continue to do this to ensure SPC has this data for their work.

315. FFA members noted that the major outstanding data gap is historical data, commenting that the Commission repeatedly hears there is a need to monitor catch and effort trends and changes in fishery characteristics over time. These CCMs highlighted the importance of historical time series data for the development of CPUE indices which form the basis of stock assessments. FFA members strongly urged those CCMs who have yet to provide historical data to do so as a matter of priority.

316. WWF commented that the timeframe for providing operational level data has gone on for 12 years, noting that some countries complain about domestic legal constraints. WWF opined that there should be a burden on that country to prove the domestic legal constraint exists, and why it creates a constraint on providing data. WWF stated that its peer-reviewed paper showed that at least two CCMs claim a domestic legal constraint that does not exist. This observer stated that their continuing to claim a domestic legal constraint makes a mockery of the process and needs to end.

317. 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.

9.2 Review information about scientific data provision (TCC Workplan 2016-2018)

318. This agenda item was briefly discussed under agenda item 9.1.

AGENDA ITEM 10 — INTERSESSIONAL ACTIVITIES

319. As per their terms of reference, the ERandEMWG and CDS-IWG report to TCC.

10.1 Report from the ERandEMWG

320. The Electronic Reporting and Electronic Monitoring Intersessional Working Group (ERandEMWG) met on 1-2 August 2016. The ERandEMWG Chair, Kerry Smith (Australia) provided a progress report (WCPFC-TCC12-2016-17), the summary report of the second meeting of the group and gave a brief report on the progress of the group's work, particularly noting the work on draft standards for the electronic submission of operational catch and effort data and observer data. The ERandEMWG Chair acknowledged the good work done by SPC and the Secretariat in this regard, with the support of CCMs. The extent of trials and implementation of e-technologies by CCMs was noted, which increased the urgency for standards and specifications at the Commission level. The ERandEMWG Chair reported that CCMs had worked with SPC in testing and analysing the draft standards, specifications and procedures

for operational and catch and effort data. Some CCMs had indicated they had further comments to provide, and committed to getting these to SPC to enable a revised version to be provided for WCPFC13's consideration. In accordance with the working group's terms of reference, the ERandEMWG reviewed progress against the Workplan, and noted that good progress had been made in relation to e-reporting but further work was required on e-monitoring.

321. A discussion took place about the extent to which a revised set of draft electronic reporting standards might be finalised for adoption at WCPFC13.

322. FFA members strongly supported and recommended the adoption of proposed e-reporting standards for operational catch and effort and observer data and were encouraged by the fact that no substantive issues were raised by CCMs. These CCMs considered that the Commission should consider CCM comments on the draft standards and aim for their adoption by WCPFC13. FFA members noted that adoption of standards does not make e-reporting mandatory in the Commission but it will ensure that CCM's e-reporting developments are standardised, in a format compatible with the Commission's databases. The proposed e-reporting standards are not final, and allow for periodic amendments as required.

323. Japan noted that the data standards need to be consistent with the description of the data fields currently used, referencing Attachment K, Annex C of the Scientific Data to be Provided to the Commission for operational data and WCPFC ROP Minimum Standard Data Fields for observer data to prevent possible confusion when moving to e-reporting. This CCM asked the ERandEMWG Chair that this consideration be taken into account.

324. The ERandEMWG Chair noted that the e-reporting standards give effect to Commission measures. It was noted that Japan has been working closely with SPC in that regard.

325. During discussions relating to the draft recommendations in WCPFC-TCC12-2016-17, USA noted that it was premature to recommend to the Commission that the standards be adopted, as the work was not finalised and was subject to change.

326. The ERandEMWG Chair noted that at the working group's August meeting there was a strong desire that the standards be adopted, but countries still had testing to do. On a dedicated part of the secure side of the WCPFC website (<https://www.wcpfc.int/ERandEM-IWG>), version one of the standards was available as well as all comments received. SPC (P. Williams) agreed to review comment received and anticipated circulating a new version by the end of October.

327. TCC12 noted and endorsed the recommendations from the ERandEM Working Group second meeting in August 2016 and noted the SC12 discussions in regard to the work of the ERandEM WG.

328. 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.

329. 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.

330. 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

331. The Catch Documentation Scheme Intersessional Working Group (CDS-IWG) met on 16 September 2016. The CDS-IWG Chair, Alois Kinol (PNG) provided a progress report (WCPFC-TCC12-2016-24). The CDS-IWG has agreed on the objectives; most of the scope (– there is one square bracket related to Pacific Bluefin) and the list of entities that should have roles and responsibilities in a WCPFC CDS. The working group’s key recommendations related to progressing the CDS draft data standards. At the recent meeting the group’s focus was on the development of CDS data standards and review of the mass balance reconciliation trial, both of which were part of the working group’s Workplan for this year. A lot of work still needs to be done on the data standards and this work is ongoing. The report of the group reflects the discussions from the 16 September meeting and provides a good way forward. The CDS-IWG Chair thanked FFA for providing the main document under discussion, where the group worked through each draft data standard, with a lot of discussion. The CDS-IWG Chair encouraged CCMs to provide additional written comments to build into the standards to Pamela Maru, FFA Secretariat by 31 October. An update to the Commission will be provided. In respect of the mass balance reconciliation trial, the Secretariat was tasked to provide a summary of the reporting by CCMs. The response had been good but as there was not enough data provided by CCMs for analysis, so the working group decided to suspend the exercise for the time being within the CDS-IWG process until the CDS guidelines are clear and a CMM is on foot. At that stage, it was felt resuming a mass balance exercise would be more appropriate as a basis for reconciling the CDS-related data.

332. The TCC Chair noted the good day’s work done by the CDS-IWG and thanked the CDS-IWG Chair for continuing the work. There was no further discussion on this agenda item.

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

10.3 Report from FAD Management Options Working Group

334. The FAD Management Options Working Group (FADMgmtOptions-IWG), which reports to the Commission, will meet immediately after TCC12 from 28-30 September 2016. The FADMgmtOptions-IWG Chair, Brian Kumasi (PNG) provided a brief report on the working group’s progress (WCPFC-2016-FADMgmtOptionsIWG02-02). It was noted that the Secretariat had prepared a paper overviewing progress made against the Workplan which was adopted at WCPFC12. The working group made best efforts through the intersessional period to meet the schedule. SPC and the Secretariat assisted the Chair in developing a draft FAD research plan at SC12, on which the FADMgmtOptions-IWG Chair had asked for further comments. No comments had been received apart from comments endorsing what was already included in the plan. A consultant’s report on FAD marking and monitoring options would be presented at the meeting (WCPFC-2016-FADMgmtOptionsIWG02-04) which is intended to initiate discussions. It was noted that parallel discussions on FAD management were taking place in other Commission processes through the Chairs bridging measure. The FADMgmtOptions-IWG Chair sought input on the research plan to inform FAD management options for the WCPFC (WCPFC-2016-FADMgmtOptionsIWG02-05 – not posted yet) and the consultant’s report on FAD marking and monitoring options for consideration of new revision by the Commission.

335. There was no discussion on this agenda item.

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

(a) SC12 proposal to modify the definition of WCPFC public domain data

336. SC12 referred to TCC, for further work and consideration, a proposal to modify the definition of WCPFC public domain data to align to the IATTC definition. Peter Williams (SPC) introduced the proposal (WCPFC-TCC12-2016-18) which had been discussed in detail by a small working group at SC12.

337. USA flagged that the change may not have been an IATTC decision, it may have been an internal IATTC action; USA was checking the status. USA supported the intent of the change but needed to maintain the concept that private information would not be revealed. USA explained that the three-vessel rule effectively prevents indirect releases of sensitive information, noting that if there are only two vessels in a given time area or strata, the activities of one could be revealed by the other. USA stressed that maintaining the three-vessel rule was critical to the USA.

338. The TCC Chair noted that there was no agreement on proposed revisions to para. 9 and 10 of the excerpt from the Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission (2007), Section 3 (Dissemination of Public Domain Data).

(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)

339. It was noted that SC12 had discussed the proposal to amend the "Scientific Data to be Provided to the Commission" at length. It was referred to TCC because the revisions, which were operational in nature, required technical input. The document revised by ISG-4 at SC12 was forwarded to TCC12 and Andrew Wright (New Zealand) led a small working group to progress it. The work of this group was posted as WCPFC-TCC12-2016-18a. It was noted that the proposed changes would be sent to the Commission for its consideration after discussion at TCC12.

340. EU noted that the proposal would be revised on the basis of comments from TCC12 then forwarded to the Commission.

341. Vietnam noted the special recognition in the CMM of the practical difficulties in compiling operational data for fleets comprised of small vessels. Noting that its fisheries were comprised of very small scale vessels, Vietnam asked how to collect data to be compliant with the requirements.

342. Mr. Wright noted that small scale fisheries were discussed. The small working group had agreed that other CCMs with small scale fisheries they want highlighted should speak to the EU prior to the Commission meeting.

343. In responding to Vietnams question, the Compliance Manager clarified that for compliance purposes Vietnam is understood to provide data on a voluntary basis to the Commission to assist with scientific analysis and as the data collection is being supported through the WPEA project fund. Vietnams fisheries are understood to only take place in its national waters, which are areas that are not specifically within the Convention Area.

344. Indonesia advised that most of its fishing vessels are small scale, and operate mostly in Indonesia's territorial and archipelagic waters. Indonesia has no fishing activities on the high seas. Indonesia's small scale vessels have no discards – their fishers fully utilise all the fish they catch, for their

livelihoods. Indonesia sought clarification regarding the requirement for discard data to be provided for small scale fishing vessels in territorial and archipelagic waters.

345. EU noted that TCC12 was not being asked to take any decisions on text, noting that the small working group discussion was quite informal and focused on what might be acceptable in the proposal. EU suggested that concerns be expressed to the proponents.

346. Mr. Wright confirmed that the small working group was only seeking to provide informal advice to TCC. It was noted that the group had agreed that discards ‘shall’ (not ‘should’) be included but these issues could also be discussed at the Commission meeting. USA clarified that TCC was not recommending specific changes — WCPFC-TCC12-2016-18a was just the outcome of a small working group — and the TCC Chair emphasised that TCC was not supporting the proposal in its current shape.

347. TCC12 recommended that WCPFC13 consider the attached proposal to amend the ‘Scientific Data to be Provided to the Commission’. (Attachment E).
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(c) SC12 requests with respect to “key shark species”

348. Dr Shelley Clarke spoke to WCPFC-TCC12-2016-25, noting that SC12 considered a proposal by SPC to designate mantas, mobulas and pelagic sting ray as key shark species. Several questions were raised at SC12 about the “Process for Designating Key Shark Species for Data Provision and Assessment” which were forwarded to the Secretariat and TCC12 for clarification. Three specific questions were asked regarding: i) the reporting requirements for key shark species designated for assessment; ii) the relationship to para. 4 of CMM 2010-07; and iii) whether designation for assessment requires the species to be listed in the Shark Research Plan. Dr. Clarke explained that the process does allow for designation of a key shark species for assessment only, with no accompanying requirements for additional data provision by CCMs. In addition, designation for assessment implies the species will be included in the Shark Research Plan, though not necessarily a traditional, data-intensive stock assessment approach.

349. The WCPFC Legal Advisor noted that the main issue was the implication of designation of key shark species for assessment only, particularly any implications for the provision of data such as logsheets. The Process allows for designation for assessment only. Para. 4 of CMM 2010-07 on reporting on key shark species refers to reporting being in accordance with agreed reporting procedures, which are amended when there is a designation for data provision. It would be feasible to have a designation for assessment only, in which case there would be no implications for data provision. Such a designation for assessment only would be consistent with para. 4 of CMM 2010-07.

350. EU expressed its support for the paper, and noted it had drafted some recommendation language.

351. A lengthy discussion took place about the scope of the advice that TCC12 was asked to develop. This included whether or not there was sufficient data to conduct assessments

352. Japan asked for the rationale for the WCPFC Legal Advisor and Secretariat’s conclusion that the WCPFC “Process for Designating Key Shark Species for Data Provision and Assessment” provides a process for a species to be designated for assessment only. Japan noted that clear understanding would promote compliance.

353. Dr. Clarke referred to WCPFC-TCC12-2016-25’s covering note which explains the rationale in detail. Simply put, the process currently allows for a species to be designated for data provision only,

assessment only, or for data provision and assessment. A species can be designated for assessment only without any new reporting requirements. Dr. Clarke noted that the process was clear. It was further noted that this is the first time the Commission would be designating a species for assessment only.

354. To assist to clarify the narrow scope of the issue before TCC, EU explained that at SC12 some fleets were concerned about whether it was possible to designate a species just for the purposes of assessment. EU confirmed that the only outstanding question at SC12 was whether it was legally possible: the Secretariat's paper confirmed that it was possible. EU noted that designating a species for assessment only did not imply a requirement for extra data provision.

355. China had no problem with this, but asked for clarification about requirements for more data, noting that the basis for any assessment is data; if there was no data, how would SC be able to assess the shark stocks.

356. Dr. Clarke confirmed that there are sufficient observer data to assess these species.

357. 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 a 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)

358. As discussed at HOD, outcomes from the CMR review relating to agenda item 5.4 were considered under this agenda item. The TCC Chair noted that the Secretariat's information paper TCC12-2016-IP07 and the SPC information paper TCC12-2016-IP08_rev1 provided reporting and data related to tropical tuna.

(a) Provide technical and compliance-related advice to address BET overfishing (TCC Workplan 2016-2018)

359. There was no discussion under this agenda item.

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

360. The TCC Chair noted that footnote 5 of CMM 2015-01 includes the following provision: "The high seas FAD closure in paragraph 18 does not apply in 2017 to a CCM that has achieved a verifiable

reduction in bigeye catches by its purse seine vessels to 55% from current levels (2010-2012), to be reviewed on the basis of the advice of the Scientific Committee.” SC12 recommended TCC12 provide advice on how SC should assess CCM requests to apply footnote 5. TCC12 discussed this aspect of CMM 2015-01.

361. EU noted WCPFC-SC12-2016-MI-IP06_rev2 on bigeye tuna catch by gear and flag 2010-15, and noted that EU caught 1,812 mt of bigeye tuna (Table 2). This CCM stated that a reduction of 55% of the average of 2012 level of catches would have left 2,857 mt, but the EU caught only 1,812 mt – a reduction of well over 55%. EU noted it had complied with the requirements of footnote 5 and the exception should apply for its purse-seine fleet in 2017.

362. FFA members considered that the exemption in footnote 5 be applied only where a CCM has reported the requisite bigeye tuna catch reduction for at least 2 consecutive years (2014 and 2015). A one-off reduction in bigeye tuna catch will not contribute meaningfully to the reduction of bigeye tuna fishing mortality. In addition, a CCM that seeks to apply the exemption has explicit limits imposed on bigeye tuna catch and effort equal to the average of its 2014 and 2015 reported catch. This will ensure that any CCM seeking to apply the exemption in 2017 will have its catch and effort regulated consistent with its reduced bigeye tuna catch. These CCMs proposed that these conditions be applied so the objective of the high seas FAD closure is not abused.

363. PNA members supported this FFA position, noting the exemption was agreed to in good faith as part of a package of measures to reduce bigeye overfishing. However, these CCMs noted that the exemption was designed as an incentive, not a loophole, and should only be available to CCMs that have made a genuine effort to reduce their bigeye catches. PNA members considered that those qualifying for the exemption have generally only reduced their catch because of reductions in overall effort, not because of any specific efforts to reduce their bigeye bycatch or FAD use. These CCMs took the view that the exemption should only apply where there has been a sustained drop in bigeye bycatch to the 55% level and should not be applied in such a way that a fleet can demonstrate a reduction to 55% of the 2010–2012 average for one month or one year. PNA members supported the FFA position that the exemption should apply in 2017 to those purse-seine fleets with an average bigeye catch for 2014 and 2015 that is reduced to 55% of their average for 2010 to 2012 and, if the high seas FAD closure is extended beyond 2017, any exemption beyond 2017 would require a sustained reduction to the 55% level.

364. China and EU argued that TCC could not retroactively impose a condition on the measure and argued that TCC could instead encourage fleets to not exceed the level. USA supported this reading of the footnote, noting that although the standard is slightly subject to interpretation, it would not be appropriate to apply conditions to the footnote. This CCM stated that the catch reduction is what matters.

365. SPC advised that the fleets which would be subject to the footnote were Ecuador, El Salvador, EU, RMI, New Zealand, Solomon Islands, Tuvalu and Vanuatu according to the data submitted.

366. RMI took the view that the recommendation should include those other fleets.

367. Kiribati thought it would also be subject to the exemption but had not submitted 2015 catch data. The Compliance Manager advised that SPC’s response had specifically related to footnote 5, not the whole of para. 18.

368. Australia and New Zealand acknowledged EU’s reduction. These CCMs expected that fleets taking advantage of the footnote would not exceed 55% of their 2010-2012 catch. Australia stated that, as for EU, the expectation was that 2017 catches would not exceed the qualifying level of 55% of 2010-2012 catch for each fleet subject to the exemption. Nauru and Tokelau supported this position.

369. 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 purse-seine fleet has reached and exceeded in 2015 the 55% reduction target from 2010-2012 levels of bigeye tuna catch. TCC12 recommended that the provisions of footnote 5 of CMM 2015-01 para 18 applies for the EU purse-seine fleet in 2017.

370. 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.

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

11.2 South Pacific Albacore (CMM 2015-02)

(a) Annual review of CMM on the basis of advice from SC (CMM 2015-02 para. 5)

372. The TCC Chair noted that CMM 2015-02 for south Pacific albacore para. 5 provides that the measure be reviewed annually on the basis of advice from SC. The information paper on South Pacific albacore prepared by SPC (WCPFC-TCC12-2016-TCC12-2016-IP11) is updated each year and was discussed at TCC12 for this purpose.

373. In response to queries about reporting under the new measure, the Compliance Manager noted that the Secretariat had flagged previously that it would like guidance on the reporting requirement as there is not a deadline. The Compliance Manager advised that it had received information from at least one CCM. The Secretariat hoped to understand what was expected of it as it will generate a lot of detailed reporting, as it is on a per-vessel basis.

374. China noted that it had reported, but it was very rushed. The information was submitted by 1 May but, after checking the data, China resubmitted the reporting one month before the annual meeting.

375. FFA members doubted whether the Commission has enough data to assess whether or not the number of vessels actively fishing for albacore south of 20°S has increased over the baseline number set 10 to 15 years ago, and considered that the TCC12 report should reflect this. These CCMs stated that the Commission needs to strengthen measures to implement the advice from its subcommittees. FFA members did not consider TCC to be the best venue for stock management discussions, but found it useful to bring those discussions to TCC’s attention, and noted WCPFC-TCC12-2016-DP01 on agreeing the maximum level of risk for breaching the stock LRP. FFA members fully supported the 5% level for a stock which is of such economic importance to them. These CCMs will seek to secure general agreement that the interim TRP for south Pacific albacore, agreed by the participants to the Tokelau Arrangement, be adopted by the Commission – 45% of the spawning biomass in the absence of fishing, based on the reference case from the 2015 stock assessment, either under the Harvest Strategy CMM, a standalone CMM or under the Chair’s bridging CMM proposal. FFA members will bring a proposal to WCPFC13 on this. These CCMs considered south Pacific albacore should be included in the Chair’s bridging CMM, since all four species are important to FFA members and treating them under a common framework until stock-specific harvest control rules are agreed. Depending how these CCMs’ thinking on the Chair’s bridging CMM develops, they may propose specific improvements to the current south Pacific albacore measure, including the possibility of a hard limit on catch for the entire stock in the south of the WCPFC area, compartmentalised into a high seas limit and a collective zone limit. FFA members are progressing zone-based management arrangements; Ministers have committed to sub-regional catch management scheme for south Pacific albacore before the end of 2016. FFA members noted that TCC was not going to

be able to properly assess whether CCMs are meeting their obligations, in particular with the commitment not to increase the number of vessels actively fishing for south Pacific albacore because of the difficulty in identifying vessels that are “actively fishing for albacore”. For TCC13, FFA members requested that the Secretariat provide a report on the completeness of data provided under the requirements of para. 4 of CMM 2015-02, in particular the data provided by CCMs on “the annual catch levels taken by each of their fishing vessels that has taken south Pacific albacore” south of 20°S and requested that SPC analyse the catch composition and provide a scientific opinion on whether each vessel is “actively fishing for south Pacific albacore” or not: annual aggregated catch by species group for each vessel south of 20°S – the total number of vessels actively fishing for albacore, by flag. FFA members noted that there is no new information to help assess the performance of the albacore CMM at TCC12 and noted that what would be useful is if key south Pacific albacore fishing CCMs advised TCC what their domestic procedures are – that CCMs consider how, as flag states, they are reassured that they are complying with the measure.

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

376. The TCC Chair noted that WCPFC-TCC12-2016-19 contained technical details regarding shark targeting and shark management plans for CMM 2014-05 and WCPFC-TCC12-2016-20_rev1 contained data available to the Commission to address the implementation and effectiveness of CMM 2010-07 regarding shark finning. Both were provided to support TCC12’s discussion of the shark CMMs. WCPFC-TCC12-2016-RP02 provided summary information from observer data on whale shark and cetacean encounters with purse-seine vessels, and silky shark and oceanic white tip sharks interactions.

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

377. TCC12 discussed the operation of the fins to carcass ratio (CMM 2010-07 para. 7), with reference to WCPFC-TCC12-2016-20 on data available to the Commission to address the implementation of the measure and SC12 recommendations (see: SC12 Draft Summary Report para. 681). EU thanked Dr. Clarke for this and other papers prepared to support the discussion.

378. EU noted discussions during TCC12’s compliance assessment about the worrying number of shark finning incidences still occurring in the Convention area, despite ROP observers being on board and inspections. This CCM stated that discussions concerning the fins to carcass ratio at SC10, SC11 and SC12, and the paper WCPFC-TCC12-2016-20 demonstrate that the ratio does not work to eliminate finning and that TCC cannot assess compliance with CMM 2010-07. The only way to ensure that, would be to dispose of the fins/carcass ratio and introduce a fins naturally attached policy.

379. Japan showed the reason of request to add the sub agenda 11.3 (b) (Review of implementation by CCMs of paragraph 6 of CMM2010-07). Firstly Japan explained that in accordance with its national laws, Japanese fishers are required to retain all shark parts except the head, guts and skin to the point of first landing or transshipment. Fishery Agency of Japan monitors this for compliance, including inspection of landings. Japan recognised the difficulties of the 5% ratio as a tool to monitor the full utilisation of retained sharks but reiterated its opposition to fins naturally attached on the view of operational difficulties of longline vessels, especially frozen type. It was surprised at the number of incidences of shark finning still occurring in the Convention area according to observer reports, including for species prohibited to be retained such as silky sharks and oceanic whitetip sharks. Japan stated that it frequently hears that fins naturally attached would be the best way to ensure full utilisation of sharks, and assumes that a number of CCMs have introduced the policy, but opined that any management would be meaningless if it is not implemented properly. Japan proposed again that TCC13 should review with all available information including observer reports how each CCM implements para. 6 of CMM 2010-07 as a first step to ensuring compliance with the full utilization.

380. Dr. Clarke highlighted recent revisions to WCPFC-TCC12-2016-20 which addresses continuing questions about how CCMs are prohibiting finning and ensuring full utilization of sharks. Although there is a tendency to look to the Commission's existing data collection systems to provide this information, having made an inventory Dr. Clarke concluded that these questions cannot be answered by data available to the Secretariat. Furthermore, in both ROP and non-ROP observer data sets, any fin and carcass weights recorded would be estimates as observers do not generally have scales. In addition, there are currently only a handful of such records. Dr. Clarke suggested that only the CCMs themselves can provide the information in a representative and comprehensive manner.

381. Australia supported a recommendation that CCMs provide information about how they are complying with the provision.

382. EU noted that this information was asked for previously and not received, and noted that without data the Commission cannot take a decision. EU expressed its frustration, noting that even when an observer is present fins are removed from sharks at sea, so even in the ideal conditions it is not possible to assess the 5% ratio. This CCM recalled that scientific papers also indicate 5% is just an average. EU stated that the only way to assess or implement the measure is to use a fins naturally attached policy; EU has introduced this policy domestically, demonstrating its feasibility. EU did not agree that a lack of data should prevent progress, and stated that collecting and providing more data is a collective duty of CCMs. In the hope of seeking a way forward, this CCM asked other delegations to contact EU to help clarify if other CCMs beyond China and Japan were unable to implement a fins naturally attached policy.

383. A lengthy discussion took place around draft decision language which EU proposed on the fins to carcass ratio. Japan suggested some recommendation language which sought to clarify how other CCMs were implementing the requirement to fully utilise sharks as a step towards consideration of strengthening the CMM for sharks. EU and USA recognised that more information is always useful.

384. USA noted its strong support for the fins naturally attached method of ensuring compliance with the paragraph and considered it the best direction for the Commission. USA noted several UN-level discussions strongly encouraging more effective, enforceable measures. This CCM argued for language that put the onus on fleets which cannot implement fins naturally attached to demonstrate why they cannot, noting that this information may prove useful in advancing the debate.

385. Dr. Clarke commented that the Annual Report Part 2 submissions for 2015 showed that six CCMs state that they use the fins naturally attached method, one implements the ratio through a randomised port inspection scheme, 14 implement neither the ratio nor fins naturally attached but did not provide further details, and seven CCMs did not provide any information.

386. China noted that implementation of a fins naturally attached policy was not a WCPFC requirement, so there was no obligation to report why it is not used. China could live with such language in a recommendation if, in the event it could not provide the information about why it is impracticable to implement it, China was not deemed non-compliant during the compliance review.

387. The TCC Chair confirmed that it is an information requirement not a compliance requirement.

388. EU also drafted some preamble language for TCC12 to take into account in its discussions referring to SC10, SC11 and SC12's inability to review and validate the specification of the ratio of fins weight to shark carcass weight as described in para 8 of CMM 2010-07 because of a. the lack of reliable data and appropriate species- and fleet-specific methodology; b. SC12's inability to confirm the validity of using a 5% fin to carcass ratio in CMM 2010-07, noting that an evaluation of the 5% ratio was not possible due to insufficient information for all but one of the major fleets implementing these ratios; c.

Table 5 and 6 of the ROP Annual Report indicating that finning still occurs in the Convention area in both the longline and purse-seine fisheries; d. Table 1 in WCPFC-TCC12-2016-10D, in relation to CMM 2010-07 para. 09; e. WCPFC-TCC12-2016-20_rev1, illustrating the lack of data available for the evaluation of the effectiveness of the shark finning ban.

389. At the conclusion of discussions under this agenda item, FFA members noted that despite a lot of work all attempts to conduct shark stock assessments to date have been unsuccessful; in each case the lack of data and uncertain accuracy of the data has led to questions about the reliability of the assessment, as with the south Pacific blue shark assessment this year. At SC12, Australia suggested that before further assessments are attempted, a comprehensive assessment of issues such as the availability and reliability of data and identification of key gaps be undertaken to inform what type of analysis could usefully be conducted, and what underlying assumptions would need to be made. FFA members strongly supported that suggestion, appreciating that this would be a body of work. Such evaluations should drive improvements to data holdings so that stock assessments can be routinely carried out in the future.

390. EU shared the view that data is poor but following FFA's approach would mean never doing a stock assessment. This CCM called for caution, opining that a lack of data should not prevent the Commission attempting an assessment.

391. 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.

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

392. Discussions on this agenda item took place under 11.3(a).

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

393. ABNJ Tuna Project Technical Coordinator – Sharks and Bycatch, Dr Clarke, noted that CMM 2014-05 para. 2 stipulates that CCMs targeting sharks in their longline fisheries must develop a management plan. Two CCMs submitted them, but there remains uncertainty about who should submit such plans. WCPFC12 tasked the Secretariat to develop guidance on the development and evaluation of these management plans, taking into account elements and timeframes contained in Attachment J of WCPFC12 Summary Report (WCPFC-TCC12-2016-19). The Commission may wish to refer to the potential definitions in SC12-EB-WP-05 as a starting point for further consideration, if required. However, Dr. Clarke noted that in doing this work she struggled to define 'targeting' of a certain type of fish. None of the potential definitions were very satisfactory and she did not recommend any of them. 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. SC12 recommended that the Commission adopt the contents list at Attachment G for the development of any new shark management plans and recommended that the Commission review newly submitted shark management plans for completeness and quality, with a view toward encouraging continuous improvement and documenting the scientific basis for all national management measures referenced in the shark management plans.

394. The TCC Chair noted SC12's recommendations to the Commission, on which TCC12 did not have to take any action but they were there as a starting point for discussions under this agenda item.

395. EU noted the difficulties in agreeing a common position and acknowledged the Commission may never agree what 'targeting' means. For that reason, EU favoured the second option in WCPFC-TCC12-2016-19 whereby all longline fleets which catch sharks submit a shark management plan. This was in line with the SC12 recommendation and the message in the paper that a large number of fleets catching small quantities of overfished sharks may be as much in need of management plans as a small number of fleets catching large quantities of overfished sharks. EU opined that the shark management plans include the main commercial species not just overfished sharks and supported the template. EU did not support CCMs unilaterally developing their own catch limits for sharks; that would undermine the purpose of the measure and the Commission's objectives – it was the role of the Commission to define any catch limits. EU noted that it had developed some language for a recommendation.

396. FFA members encouraged the Commission to find a pragmatic way to determine who should submit a shark management plan and when. The plans were an alternative to using the mitigation measures specified for tuna fisheries, so a CCM allowing its vessels to use wire or shark lines (necessary for targeting sharks) could do so, subject to them demonstrating they have robust management measures in place for that targeted fishery. FFA members sought a simple solution that contributes to shark conservation and management without imposing burdens on all CCMs or distracting the Commission from other high priority work. FFA members supported the guidelines agreed at SC12.

397. Japan noted that it had submitted a shark management plan under para. 2 of CMM 2014-05. Although the plan complies with the paragraph, Japan noted it has been criticised, while members that have not provided a shark management plan but whose longline vessels catch sharks have not. This CCM requested such other members to submit plans next year in accordance with new guidelines.

398. TCC12 worked on some recommendation language, based on EU's text.

399. China could not agree to language that include "all" longline fleets catching sharks. Japan shared China's concerns and also took the view that effort limits and area and time closures were management tools as well as catch limits. This CCM asked if "catching" included bycatch.

400. EU explained that since the current measure refers to targeted fisheries and the Commission could not agree what targeting is, they wanted to move beyond it. EU intended to include any fleets that catch sharks – bycatch included – and wanted work to continue in WCPFC on collective, not unilateral, establishment of catch limits for sharks. EU noted that the template in WCPFC-TCC12-2016-19 had been supported by SC.

401. China noted it could not go along with catch limits for shark species at this stage. It acknowledged that establishing catch limits may be in the Commission's future but for the time being there was no need to establish a catch limit. A reference point would have to be established first.

402. Australia noted that it could submit a shark management plan, and thought the Commission could look at an approach and timeline for setting catch limits.

403. Dr. Clarke noted that the measure lacked clarity as written, but it was scheduled for a review in July 2017. Dr. Clarke suggested that the discussion could continue at WCPFC14 and the Commission might be in a better position to draft a clearer measure next time.

404. Without reaching agreement, EU's recommendations were withdrawn. New language was proposed on 27 September, which was taken up by TCC12.

405. 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; (**Attachment F**)
- 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.

11.4 Sea turtles (CMM 2008-03)

(a) Annual review of information reported by CCMs pursuant to this measure

406. CMM 2008-03 para. 9 provides that SC and TCC will annually review the information reported by CCMs on sea turtles. The Compliance Manager noted that no specific paper was provided for this agenda item; however discussions earlier in the agenda did touch on sea turtle mitigation.

407. Australia noted that the language in para. 7 seems to describe two tests for whether the provisions would apply – that the CCM is 'fishing for swordfish' and that it is doing so in a 'shallow-set manner'. This CCM understood there continues to be questions around the definition of 'shallow-set' and noted that the interpretation of 'fishing for swordfish' is not consistent among members. Australia suggested that it is the method of fishing — by shallow set — for any purpose that contributes to bycatch of sea turtles and is therefore the relevant consideration, and should guide the interpretation of this paragraph. That is, that all CCMs fishing by, using, or in some way employing the shallow-set method should be required to meet the provisions of paragraph 7.

11.5 Seabirds (CMM 2012-07/CMM 2013-03)

(a) Annual review of any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes.

408. SC and TCC annually review any new information on measures relating to seabirds and information on interactions from monitoring programmes. The TCC Chair noted that no substantive paper was provided for this agenda item; however WCPFC-TCC12-2016-IP03 provided WCPFC12 and SC12 decisions on seabirds.

409. New Caledonia expressed its position on the possible extension of the seabird CMM north to 30°S. The southern point of the New Caledonia EEZ is 26.2°S. Less than 7% of the New Caledonia EEZ is south of 25°S. Fishing effort in this area is currently very low and no seabird catches have been

reported for several years, giving New Caledonia a good picture of the impact of the fishery on seabirds. 21 fishing licences are allowed, to ensure the economical sustainability of fishing companies. Shark retention is prohibited, protected species bycatch should be reduced as much as possible, released alive when albacore tuna is below 15kg and yellowfin tuna is below 12kg and moving off juveniles schools. The sustainable practices of the New Caledonian fishing companies demonstrate compatibility between economic activity and ecosystem protection. In addition, New Caledonia created in 2014 a natural park of sea coral that includes the whole EEZ. New Caledonia stressed the technical difficulties it would encounter if the seabird CMM is extended north of 26.2°S. Its vessels will be impacted in terms of costs and time for a small part of fishing effort of the fleet, operating in less than 10% of the fishing area while having no reported interaction with seabirds. New Caledonia will continue to consider the global impact of its fishery on the ecosystem, including seabirds. If more interactions with seabirds, or other species, were reported mitigation measures will be considered.

410. FFA members noted the difficulty TCC faces every year reviewing measures to mitigate interactions between seabirds and tuna fisheries, mainly because it is difficult to obtain reliable, quantifiable information on low-frequency interactions. Seabird interactions are mainly a problem of longline fisheries, and many longline fisheries have a very low level of observer coverage, particularly on the high seas. These CCMs reiterated a request for all CCMs to ensure observer coverage on at least 5% of their fleet's sea-time, and preferably the recommended 20% to obtain the best available scientific information. It was noted that e-monitoring may mitigate this requirement in future. It was noted that better observer data on seabird interactions will reduce the scientific uncertainty, a consequence of which is that management measures are precautionary. FFA members flagged that they plan to propose amendments to CMM 2012-07 at WCPFC13, related to shifting north the line below which additional mitigation measures are required in the south Pacific and size of vessels required to implement mitigation measures in the north of the WCPFC region.

411. New Zealand noted the SC12 request that TCC consider reviewing the 30°S boundary of the seabird CMM. This CCM reported that it has been working in the margins at TCC12 with a view to understanding compliance-related concerns. New Zealand recognised there are gaps and inconsistencies in reporting on species-specific seabird bycatch that may be a consequence of CCM capacity to identify the species caught; it was recognised that some CCMs are working to improve this and work by BirdLife is currently underway with SPC to update the ROP seabird ID resource.

AGENDA ITEM 12 — PROPOSALS FOR NEW CMMS

12.1 Bridging CMM to replace CMM 2015-01 post 2017

412. The WCPFC Chair led a high level discussion around the Chair's consultative draft proposed draft bridging CMM to replace CMM 2015-01 on tropical tuna when it expires at the end of 2017 (WCPFC-TCC12-2016-21). The WCPFC Chair noted that TCC12 was the first opportunity for the Commission to be together and have a general and broad discussion about what the Commission faces over the next 12-18 months in terms of tropical tuna management. The draft, distributed by Commission Circular in mid-July, is a joint effort by the Executive Director and the WCPFC Chair, with input from SPC and the WCPFC Legal Advisor. It was noted that a measure was in place which continues until the end of 2017. The bridging CMM and the discussions around it were designed to take a fresh look at tropical tuna management, to go beyond the existing measure while giving the Commission as much time as possible to debate the issues so members are best able to adopt a successor measure. The WCPFC Chair noted her intention to align the measure with the current harvest strategies framework, which takes a species by species approach, while recognising that some issues may be better dealt with through a fishery-based approach. The WCPFC Chair observed that the draft would look back to the basic

principles adopted in the Convention, the preamble was largely carried over from CMM 2015-01, and the draft contained some paragraphs which reflect changes in the fishery in recent years. It reflects some of the existing measure, adopted reference points where relevant and other considerations, depending on the stock, to align with the harvest strategies if possible. The bridging measure would be a transitional arrangement, to get management measures in place while continuing to develop the harvest strategies framework. The WCPFC Chair hoped for some initial reactions from TCC participants on the content and structure, general impressions about the approach and how the draft was shaping up. The WCPFC Chair noted that she and the Executive Director would take away the comments received at TCC12 and WCPFC13 and progress the bridging measure in 2017.

413. USA expressed appreciation to the WCPFC Chair for getting the Commission thinking about the tropical tuna measure as far in advance as possible. This CCM noted that it was also preparing a proposal to the Commission meeting this year for the tropical tuna stocks. While not sufficiently advanced to provide a lot of detail, USA was able to give TCC12 an indication about some of its broad strokes. The USA proposal would also not include the MCS elements in the current measure; these would be moved into their respective CMMs to make the tropical tuna measure as straightforward as possible with as few exceptions as possible. The USA draft would also align with the various harvest strategies for tropical tuna; these would serve as the objectives. The USA did not anticipate including south Pacific albacore in the tropical tuna, as both issues are each difficult to grapple with. The proposal would be structured around fisheries, not stocks. In terms of fisheries controls, the USA viewed the Chair's draft as fairly open, as a menu of sorts, which the USA's proposal did not contradict. For the tropical purse-seine fishery, the proposal would include limits on fishing effort, flag-based limits on members of allowable FAD sets (in lieu of seasonal closures), and limits on purse-seine vessel numbers, allowing reasonable fleet increases for SIDS and participating territories. It would include spatial aspects where management controls would focus on areas of high exploitation.

414. Japan thanked the WCPFC Chair for her productive, precautionary work on tropical tuna management issues, and noted the emphasis it had long placed on the importance of capacity management for tropical tuna. This CCM recalled that WCPFC10 made a decision to develop a scheme to jointly reduce the capacity of purse seine vessels flying their flag larger than 24m with freezing capacity between 20N and 20S to the level of 31 December 2012 among CCMs other than SIDS. Japan advised that it is preparing a proposal on joint capacity reductions for consideration at WCPFC13, to progress the implementation of the Commission's decision. Japan expressed appreciation for the Chair's leadership and direction regarding capacity issues.

415. FFA members supported the Chair's approach and noted that the harvest strategy Workplan remained amongst FFA members' highest priorities. These CCMs noted their concerns about the disproportionate burden that FAD closures place on many SIDS but despite efforts have not made progress on this fundamental issue; as a result, the fifth month FAD closure has never been implemented. FFA members asked that the issue is clearly in mind as CCMs begin talks about the design of the measure so it avoids disproportionate burden, rather than relying on arrangements to compensate. FFA members highlighted two critical design aspects that will assist in avoiding disproportionate burden: high seas reform and removing flag-based arrangements, such as the existing longline limits, FAD set limits and capacity limits. These CCMs opined that recognising the rights of coastal states, particularly SIDS, in the fishery is critical to their ability to leverage benefits and development opportunities, and noted that zone-based arrangements also reduce the need for SIDS' exemptions.

416. EU expressed appreciation for the Chair's work to adopt a meaningful measure by starting far in advance and consulting with members. This CCM generally supported the approach taken by the WCPFC Chair and Executive Director and planned to provide more detailed comments at a later stage. This CCM supported linking tropical tuna management to the harvest strategies and noted the Commission's

intention to advance the ambitious harvest strategies Workplan. EU pointed out that increasingly the Commission is using reference points and biomass, which is inconsistent with the language of the Convention which refers to MSY. EU noted Japan's proposal and noted its own concern about capacity issues and commented that it is active on these issues in other RFMOs as well.

417. The WCPFC Chair noted the point on MSY, which will be discussed in greater detail in December.

418. PNA members supported the Chair's approach to streamline the measure to reduce the need for exemptions and so some of the monitoring and compliance provisions can be shifted to other CMMs. They supported the inclusion of elements of the harvest strategy framework and were ready to agree to the sets of management objectives put forward by the Chair as a basis for further development of this CMM. PNA members saw as priorities reform of the management of longline fisheries, including the implementation of the longline VDS and improved control of high seas longlining, hard limits on purse-seine high seas effort, removing the disproportionate burden on SIDS from the FAD closure, and implementing measures that do not transfer additional burden onto SIDS.

419. The WCPFC Chair noted that draft management objectives and the harvest strategies came out of the Management Options Workshops and WCPFC11.

420. FFA members considered it useful to consider what has worked and what has not worked. WCPFC-TCC12-2016-DP04 showed that effort in VDS EEZs is very stable, and these CCMs looked forward to having catch or effort limits more clearly specified. FFA members not part of PNA expressed keenness in seeing their stake in the fishery more clearly articulated. These CCMs were less confident about longline catch limits because of their high starting points and the data seems to show that the majority of catch reduction is achieved without any specific effort reduction – raising concerns that the catch has not actually reduced or, even if it has, fishing mortality has not. Mis- and under-reporting is an IUU risk that also compromises the effectiveness of the CMM and accuracy of stock assessments. The 2016 FFA IUU quantification study estimated that misreported and under-reported catch in the tropical longline fishery could be as high as 29,327 tonnes per year with a value of US\$134 million. Any future catch limits will need to be accompanied by a monitoring framework that allows CCMs that hold limits, complemented by e-reporting. FFA members wanted to see fewer exemptions, special provisions and alternatives; closely tied to disproportionate burden, high seas reform and zone-based management arrangements. The suite of measures since CMM 2005-01 have had exemptions, special provisions or alternatives that have benefited each CCM and FFA members will be seeking to minimise that in the future measure.

421. The WCPFC Chair agreed that looking at what has worked and what has not worked was a useful approach.

422. FFA members thanked the Chair for including the specific reference to the 20% spawning biomass limit reference the Commission agreed for the four key stocks. These CCMs supported the spawning biomass objectives included for each species in paras. 2 b–e, in particular the proposed interim objective of improving the current biomass of albacore and yellowfin while specific TRPs are developed. For bigeye, these CCMs saw a first objective to build the stock to the 20% LRP, at which point a more ambitious rebuilding target could be pursued. FFA members preferred alternatives to referencing MSY-related objectives. The Commission decision to establish the 20% biomass LRPs was part of a package that included greater focus on SB-based reference points. Discussions in the SC have not progressed far on setting the level of those reference points, but the technical, conceptual and practical difficulties that surround MSY remain unchanged. While supporting the spawning biomass objectives, these CCMs noted

the need to ensure these are drafted in a way that they contribute to, and do not undermine, the harvest strategy Workplan by diverting emphasis from formally agreeing TRPs.

423. Australia sought to ensure there isn't a weakening of measures for the fishery. Australia was open to moving some provisions to existing measures, but note that this means a number of measures will need to be amended concurrently. Australia's final position on leaving elements out of this measure will be contingent on gaining agreement to inclusion in these other measures. This CCM noted that in the lead up to the last negotiation a workshop was held and the Commission could consider whether to hold a similar session in 2017 to assist with negotiation and drafting of this measure.

424. The WCPFC Chair took Australia's point regarding moving the MCS, data and chartering provisions away from the tropical tuna measure. The reason for wanting to do so was to simplify the new measure. As a start we thought it might be a welcomed approach. It needs to be user friendly. Take the point that when we move we don't reopen or lose anything.

425. FFA members thanked the Chair for including south Pacific albacore in the draft, which is a fishery they are very concerned about. FFA members seek a measure that recognises the zone-based management arrangements that are in place and under development, and which provides the basis for compatible management and equitable participation on the high seas, recognising the Tokelau Arrangement's specific catch management scheme, and national management measures in FFA member countries. As with the longline fishery generally, these CCMs will be seeking improvements in catch and effort reporting, both at the vessel level as well as at the CCM level.

426. The WCPFC Chair asked what members thought about the intention to not include south Pacific albacore in the draft bridging measure, and whether the Commission should start thinking about removing south Pacific albacore from the tropical tuna discussions.

427. China shared USA's view, preferring to keep the issue out of the group of tropical tuna stocks focused on in the measure to give it a better chance of success.

428. Kiribati supported PNA and FFA members in thanking the Chair for her efforts. Kiribati would like to see the bridging measure recognize the non-contiguous zone issues in accordance with Article 10.3(i) of the convention text. Kiribati would continue to study the bridging measure and provide further details at WCPFC13.

429. EU appreciated the Chair and Executive Director's efforts in devising a measure for the fishery, filling in loopholes, and getting all members actively involved, but noted that a similar process should take place for Pacific bluefin tuna, which is so depleted that it is down to 2.6% of its unfished biomass. This CCM considered that Pacific bluefin tuna should be approached in the same way; there should be a more inclusive process, and the Pacific bluefin tuna measure should link to harvest strategies.

430. The WCPFC Chair noted the good feedback from TCC12, commented that there was a lot of time to provide input, and she and the Executive Director would continue to consult as they worked on revisions. They were not looking for negotiations on language yet, but more specific views would be welcomed. A draft would be circulated 30 days in advance of the Commission meeting.

12.2 Proposal for adopting interim acceptable levels of risk for breaching limit reference points of four key tuna species in the WCPO – Australia

431. After introducing a proposal for adopting interim acceptable levels of risk for breaching LRPs of four key tuna species in the WCPO (WCPFC-TCC12-2016-DP01) early in the meeting, Australia led

informal discussions on the proposal in the margins of TCC12. In plenary on 27 September, Australia thanked those delegations that had provided comments on the paper, and flagged that it would seek further comments in advance of the Commission meeting to finalise the draft.

432. FFA members supported using WCPFC-TCC12-2016-DP01 as the basis for the Commission to agree on risk levels associated with breaching LRPs for the four key stocks this year. FFA members agreed with the proposed levels of risk – 5% for skipjack and albacore and 10% for bigeye and yellowfin tuna. They achieve a good balance when assessed against biological, legislative and economic criteria.

433. Japan thanked Australia for its leadership and noted Japan’s submission of technical comments on the proposal. Japan’s priority for the harvest strategies work is the recovery plan for bigeye tuna, which stocks are below the LRP. Japan would communicate with Australia prior to WCPFC13.

AGENDA ITEM 13 — OTHER MATTERS REQUIRING TCC ADVICE

13.1 Consider summary of port state measures adopted by other RFMOs and members (TCC Workplan 2016-2018)

434. The WCPFC Legal Advisor presented WCPFC-TCC12-2016-22, a summary of port state measures adopted by eight RFMOs. In general, RFMOs can be divided into two groups: those RFMOs which have port State measures based closely on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and those RFMOs which establish a set of minimum standards for inspections of landings and transshipments in port – these are ICCAT and CCSBT. The work responds to a request in the TCC Workplan.

435. A number of CCMs thanked the Secretariat for the timely paper.

436. FFA members informed TCC12 that a gap analysis of port state measures for some FFA members will soon commence. The outcome will assist in building capacities of member countries and inform FFA’s approach to WCPFC port state measures.

437. EU noted that EU and FFA considered port state measures to be essential to the fight against IUU fishing. This CCM hoped a proposal can move forward this year, noting that EU has proposed comprehensive port state measures in the past without achieving adoption. EU sought to clarify if FFA planned to propose port state measures at WCPFC13.

438. USA noted the entry into force in June of the FAO Agreement on Port State Measures, to which USA was a party and had begun to implement the measures and engage in capacity building efforts. USA noted it advocates strongly for complementary regional approaches, and thanked FFA and EU for their own advocacy in the past for port state measures in the WCPFC area. USA stated that WCPFC should adopt its own port state inspection measure.

439. TCC12 noted the summary in WCPFC-TCC12-2016-22 of port state measures adopted by RFMOs.

13.2 Cooperation with CCSBT

440. The Compliance Manager presented two proposed Memoranda of Cooperation (MoC) with the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) (WCPFC-TCC12-2016-23_rev1,

which took into accounts previous comments from Australia) to progress further consideration and discussion about arrangements discussed in 2015 and 2016 at the Secretariat level to facilitate further cooperation on exchange and release of certain non-public domain data between the WCPFC and the CCSBT, and endorsement of WCPFC ROP observers for observing transshipments of southern bluefin tuna on the high seas of the WCPFC Convention Area. The Compliance Manager noted that CCSBT does not have observer programme of its own and the MoC proposed that ROP observers observing WCPFC transshipments on the high seas under CMM 2009-06 could be given endorsement by CCSBT Secretariat to collect relevant data and provide authority for high seas transshipments of southern bluefin tuna to occur. The initial approach came from CCSBT, which had tasked its Secretariat to make contact with the WCPFC Secretariat to develop a draft MoC to be tabled at the governing body of CCSBT. TCC12 was requested to comment on the MoC, including about whether they should be further progressed or how they should be revised. It was noted that the MoCs were the outcome of the two Secretariats' work, but the agreements would be at the Commission level, through a decision taken by the Commission, and would be signed by the WCPFC Chair for WCPFC. The Compliance Manager advised that the CCSBT compliance committee meets in October and was expected to also consider the draft proposals.

441. Japan noted the proposed data exchange needed to be done in accordance with the data access rules established by each organisation, and requested that some proposed text be included in the draft MoC to reflect this point. The proposed amendment was included into the draft data exchange MoC.

442. FFA members generally supported increased cooperation between WCPFC and other RFMOs, relationships that are particularly useful in the management and monitoring of overlap areas. These CCMs FFA members hoped for more time to consider the implications, including any obligations, of the MoCs and requested the Secretariat provide CCMs with more detailed information.

443. The Compliance Manager indicated that the Secretariat would provide updated information to WCPFC13 on the considerations arising from CCSBTs consideration of the MoCs. On the question of whether the MoCs would create obligations, it was noted that the data exchange MOU would formalise the types of data that could be exchanged on a reciprocal basis. Regarding the MoC related to observers, seeking endorsement of CCSBT transshipment on the high seas was up to individual ROP programs, as is the case with the IATTC cross endorsement. It would not be mandatory on any individual ROP program. The Compliance Manager indicated that if CCMs felt it was needed these points could be made clearer in the draft MoCs.

444. 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 G)
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AGENDA 14 — ADMINISTRATIVE MATTERS

14.1 TCC Workplan 2016–2018

445. TCC12 discussed the TCC Workplan 2016–2018 as adopted by WCPFC12 (WCPFC-TCC12-2016-IP10).

446. FFA members support the TCC Workplan 2016–2018, noting that it is a three-year provisional plan and can be reviewed based on TCC priorities. These CCMs proposed that the Workplan consider the development of the new CMM on observer safety, and the review of existing CMMs to address observer safety categorised under priority specific tasks to reflect developments in national and sub-regional programmes under the ROP. FFA members noted that additional work may include a review of current

minimum standards for observer programmes, development of Emergency Action Plans and incorporating observer safety into observer training programmes.

447. Noting the decision made under agenda item 8.3a for a further recommended new TCC Workplan task regarding transshipment at sea, a brief discussion took place about whether FFA was proposing a modification of the TCC Workplan under this agenda item.

448. 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.

449. It was confirmed that TCC12 had also previously agreed to a recommendation that includes another priority project specific task into the TCC Workplan: 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.” (see paragraph 275)

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

450. The Assistant Compliance Manager briefly updated TCC12 on the report on the administration of the data rules and procedures (WCPFC-TCC12-2016-RP07). There were no known breaches of the data rules. Annex 1 summarised the non-scientific data holdings.

451. The TCC Chair noted that the Report of the Secretariats review of integrity of IMS and RFV had also been tabled (WCPFC-TCC12-2016-RP08). There was no discussion under this agenda item.

452. 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).

14.3 Report on Secretariat IMS and website development and online reporting systems (2016 – 2018)

453. Referring to page 15 of the Executive Director’s Annual Report (WCPFC-TCC12-2016-07), the Compliance Manager reported on the current status of the Commission Secretariat IMS, noting that key decisions had been made by the Commission on multi-year commitments to IMS development first at WCPFC8 and then more recently at WCPFC12. The Secretariat IMS continues to be the backbone of the Secretariat’s day to day work, and is the tool that the Secretariat uses for recording CMM-related correspondence and official reporting, and integrating various information sources used in compliance monitoring. Many of the reports that were prepared by the Secretariat, including the Compliance Monitoring Scheme reporting, were all based on the previous year investments made by the Commission and the enhancements and IT tool developments to date. The online systems that are used by CCMs for annual reporting and compliance reporting, and more recently the compliance case file management system, are also fully integrated as part of the IMS. This year, support to ensure the success of the VMS provider transition had diverted resources of staff and contractors away from planned IMS developments, and as was noted in the various Secretariat papers there are some information publishing tasks from WCPFC12 which are late in being delivered by the Secretariat, e.g., GEN-3 pre-notification process for providing early advice of potential alleged infringements; HSBI list of vessels that have been previously inspected and the VMS reporting status list. The Compliance Manager referenced paragraph 83 in the paper and drew attention to the list of five priorities for IMS development and further integration of MCS

data, and confirmed that these continue to be priority areas for the Secretariat, and which are ongoing. As an observation, the Compliance Manager noted that work on all five priority areas was being made but the Secretariat also realised this year, coming into TCC12 noting that there were items that hadn't been delivered as tasked, that the current workplan approach doesn't leave much room for unforeseen issues and perhaps more prioritisation is needed because it is clear that with present resources perhaps the Secretariat is not able to deliver on all these priorities at one time. For example, the work of the ERandEMWG will mean work within the Secretariat to develop data loading capabilities to ensure streamlined outcomes from e-reporting; the Commission IMS system will be the centrepiece of the CDS when that solution matures. Throughout the six days of TCC, the Compliance Manager took care to not be given too many more taskings, so the Secretariat could finish the tasks it had committed to this year. The Executive Director and the Compliance Manager have talked internally about providing some information to FAC about the situation and suggestions about what to prioritise. The Compliance Manager expressed confidence that the Secretariat will be able to report good progress to WCPFC13.

454. FFA members expressed support for the efforts made towards priority work areas for future IMS development within the Secretariat and noted the Executive Director's mention of e-reporting initiatives as facilitating improvements in the quality and timeliness of data provisions in a standardized electronic format alternative to the PDF, Excel, and emails currently used. These CCMs noted discussions prior to TCC on the strategic plan that the IMS, website and online systems work will provide the Secretariat the necessary tools to efficiently manage various information and improve the effectiveness of the Commission's work programmes for EHSP-SMA high seas management, transshipment monitoring, VMS manual reporting and HSP1-SMA record keeping.

455. Australia supported the development of the Commission IMS, noting that the e-reporting standards and related work depends on it. This CCM noted the emphasis on web portals and the like, and suggested that the Commission ensure systems can talk to each other and handle data as it comes in. This CCM would work with the Secretariat as we go forward.

456. New Zealand noted the Compliance Manager's comments about the suite of information requirements and also now a paper summarising all that work. This CCM asked if there was anything concrete members can focus on in advance of the Commission meeting, and whether members' avenues to support the process were limited to the strategic planning process and the FAC.

457. The Compliance Manager appreciated New Zealand's question, noting this was an area of work requiring some resourcing and time to implement, to ensure the Commission's online systems are available as and when members need them, while meeting the security standards expected. The Compliance Manager indicated a need for the Commission to consider staffing associated with these electronic initiatives.

458. The Executive Director noted the recent report completed by Deloitte which covers some of these areas. The Secretariat was still developing its response internally to issues raised in the report.

459. New Zealand looked forward to more information as and when the Secretariat can provide it.

14.4 Election of Officers

460. TCC12 discussed the election of officers. Office holders may hold those positions for two years and are eligible for re-election. The TCC Chair, Alexa Cole (USA) commenced as TCC Chair in December 2014, and TCC Vice-Chair Joanna Anderson (New Zealand) resigned from her position early this year. Consequently TCC12 needed to nominate a Chair and a Vice Chair. The Executive Director sought nominations for the position of the TCC Chair.

461. FSM noted that TCC was a highly technically detailed meeting, and the current Chair, Alexa Cole, always maintains her composure and patience. FSM re-nominated Alexa Cole (USA) for Chair. China seconded the nomination, with EU, Japan, Australia, PNG and Chinese Taipei aligning behind the re-nomination.

462. The TCC Chair sought nominations for the position of TCC Vice Chair.

463. RMI nominated Monte Depaune (Nauru). Cook Islands seconded the nomination. Australia, New Zealand and USA aligned themselves with this nomination.

464. TCC12 agreed to recommend that Ms Alexa Cole be reappointed as TCC Chair for another two year term.

465. TCC12 agreed to recommend that Mr Monte Depaune is appointed as TCC Vice Chair for a two year term.

14.5 Next meeting

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

AGENDA 15 — CLEARANCE OF TCC12 RECOMMENDATIONS

467. The meeting decision points and recommendations were cleared at TCC12, to be circulated within seven working days following the close of TCC12 (WCPFC-TCC12-2016-26). As per usual practice, the TCC12 Summary Report will be cleared by CCMs intersessionally.

AGENDA 16 — CLOSE OF MEETING

468. The Executive Director congratulated the committee for the hard work over six solid days. Some participants were in Pohnpei for some days before that, and some will continue for another two-three days of meetings with the FADMgmtOptions-IWG beginning on 28 September. The Executive Director noted that after these meetings, the Secretariat would take a step back and look at the outcomes and assess the implications of the recommendations which will go to WCPFC13, including the resourcing impacts for the Secretariat. As CCMs experienced throughout the CMR discussions, a lot of work is undertaken to facilitate the smooth operation of the scheme and that work will continue. The Executive Director noted that the Secretariat would not want to take on tasks it cannot deliver. The Executive Director acknowledged the contributions of those presiding over TCC, and thanked the TCC Chair and Secretariat staff, ably led by Dr Lara Manarangi-Trott and the compliance team, for leading TCC through the meeting including the long CMS process. The Executive Director wished delegates safe travels.

469. The TCC Chair gave her profound thanks to the Secretariat staff, without whom TCC12 would not have been possible. She was as impressed as ever by how hard they work and awed by how much they know. The TCC Chair also thanked the WCPFC Chair, Dr Graham Pilling and Peter Williams of SPC for their support of the Commission, Dr Jane Broweleit, the rapporteur and Penny Ridings, the legal advisor. It was a great pleasure to come to Pohnpei each year for TCC.

470. TCC12 closed at 5pm on 27 September 2016.

ATTACHMENTS

Attachment A. Opening Remarks from the Federated States of Micronesia, delivered by Suzanne Gallen – Chief of Compliance, NORMA

Attachment B. List of Participants

Attachment C. Agenda for Twelfth Regular Session of the Technical and Compliance Committee

Attachment D. Provisional IUU Vessel list

Attachment E. Proposal to Amend “Scientific Data to be Provided to the Commission” Decision

Attachment F. Proposed template for the development of future shark management plans under CMM 2014-05

Attachment G. Two proposed Memorandum of Cooperation with CCSBT

Attachment A: Opening Remarks from the Federated States of Micronesia, delivered by Suzanne Gallen – Chief of Compliance, NORMA.

On behalf of the FSM, and through you, Chair, I am honored to rise on this point of privilege to welcome everyone to Pohnpei for TCC12. It has been a busy past few weeks in Pohnpei, having recently hosted the 47th Pacific Island Forum earlier this month, which some of you here also attended. For those of you who did not attend or who are not part of that process, it may please you to note that our Pacific leaders have taken up fisheries as a priority on their agenda.

Last year there was a call for greater economic returns on fisheries and strengthening of maritime surveillance and enforcement; and this year, leaders commended the progress made in these and other priority areas for the region. Specifically, it was noted during the PIF that the combination of Monitoring, Control and Surveillance tools, programs, assets and activities at both the national and regional level represent a world class MCS Framework that has achieved positive results in the region. As TCC knows all too well, these MCS tools are critical in assessing the effectiveness of measures, as well as in providing scientific data to assess the status of stocks. In this regard, we look forward to the ensuing discussions related to proposed enhancements of those tools, particularly observer safety, to be presented by the US Delegation.

Also worth mentioning is that Pacific leaders called for action on ending Illegal, Unregulated and Unreported fishing and associated activities. Outcomes included the urging of flag states to exercise more diligent efforts in carrying out flag state responsibilities and control of nationals. This TCC meeting is well poised to respond to the call for action, including acting on some of the issues identified in the recent IUU Quantification Report, which may also serve as principles on which we discuss the core compliance challenges now facing the region. You may have seen some examples of these challenges sitting in our harbor on your way in to town from the airport. Capacity constraints are yet another challenge that has consistently been raised, including over the past two days during the Strategic Consultation, a process for which, I might add, the Commission and Chairwoman must be commended in moving our collective work forward with clearer objectives and prioritized goals.

Chair, Pacific leaders as well as leaders from around the world have reaffirmed the importance of the ocean. So much so that there is a place for life under the sea as a stand-alone Sustainable Development Goal. We in the Pacific who own the vast majority of the resources that come from the ocean have much at stake. As has often been said, it is our most important natural resource. But it is more than that. It feeds us. It sustains us. It defines us. It is our livelihood.

Many of the issues that will be discussed here over the course of the next few days may or may not speak directly to these issues. But I would like to invite everyone as we go through the agenda to keep these thoughts at the back of their mind, but also, at the front of their hearts. Because it is this very gathering that will dictate the status and future of our tuna resources, through reviewing adherence to Commission decisions and monitoring implementation of measures. The recommendations we take forward to the full Commission will help us encourage, enforce and ultimately improve compliance.

Having said all this, and in welcoming you, particularly for those of you who have not visited our newly inscribed World Heritage Site, Nan Madol, please do so. And for those who had a long flight here, perhaps after the next few days of meetings, you will be needing some nice local sakau to relax and unwind. If there is anything we can do to make your stay more enjoyable, please feel free to let us know, noting that we unfortunately cannot control the electricity and the rain. Kaselehlie maingko oh Kalahngan lap.

Thank you, Chair, for the opportunity to offer these welcoming remarks.

Attachment B. List of Participants



**12th Regular Session of the Technical and Compliance Committee
Pohnpei, Federated States of Micronesia
September 21-27, 2016
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Attachment C. Agenda for Twelfth Regular Session of the Technical and Compliance Committee

TECHNICAL AND COMPLIANCE COMMITTEE

Twelfth Regular Session

21 - 27 September 2016

Pohnpei, Federated States of Micronesia

AGENDA

AGENDA ITEM 1 OPENING OF MEETING

- 1.1 Welcome
- 1.2 Adoption of agenda
- 1.3 Meeting arrangements
- 1.4 Introduction of Proposals: new CMMs or draft revisions to current CMMs

AGENDA ITEM 2 ANNUAL REPORT OF THE EXECUTIVE DIRECTOR *Overview of the compliance programme and highlight some of the key strategic issues that will be discussed and require guidance to the WCPFC13.*

AGENDA ITEM 3 IUU LIST

AGENDA ITEM 4 CNM REQUESTS

AGENDA ITEM 5 COMPLIANCE MONITORING SCHEME

- 5.1 Review of draft CMR
 - 5.1(a) Respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation plan (TCC Workplan 2016-2018)
- 5.2 Provisional CMR report and Executive Summary
- 5.3 Develop a multi-year program of obligations to be assessed under the CMS (TCC Workplan 2016-2018)
- 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)
- 5.5 Consider and provide recommendations on terms of an independent audit or review of the CMS (WCPFC 12 para 696; CMM 2015-07 para 40)

AGENDA ITEM 6 STATUS OF FISHERIES PRESENTATION (SPC-OFP)

AGENDA ITEM 7 SPECIAL REQUIREMENTS OF DEVELOPING STATES

- 7.1 Monitor obligations relating to SIDS and territories – (TCC Workplan 2016-2018)
- 7.2 Report on, and review, implementation of trial WCPFC Port Coordinators Programme 2015-2016

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

- 8.1 Vessel Monitoring System (VMS)
 - (a) Report on the VMS transition (WCPFC 12 para 756)

8.2 Regional Observer Programme

- (a) CMM on flag State responsibilities in the event of alleged observer safety - USA

8.3 High Seas Transshipment Monitoring

- (a) Draft guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction (WCPFC 12 para 718; para 37 of CMM 2009-06)
- (b) Proposal to amend CMM 2009-06 (WCPFC 12 para 556)

8.4 High Seas Boarding and Inspection (HSBI)

8.5 Record of Fishing Vessels (RFV)

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

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)
- 9.2 Review information about scientific data provision (TCC Workplan 2016-2018)

AGENDA ITEM 10 INTERSESSIONAL ACTIVITIES

- 10.1 Report from the ERandEM-IWG
- 10.2 Report from CDS-IWG
- 10.3 Report from FAD-IWG
- 10.4 Consideration of SC and NC outcomes related to TCCs work
 - (a) SC12 proposal to modify the definition of WCPFC public domain data
 - (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)
 - (c) SC12 requests with respect to "key shark species"

AGENDA ITEM 11 REVIEW OF EXISTING CMMs INCLUDING ANY PROPOSED AMENDMENTS

- 11.1 Bigeye, Yellowfin and Skipjack (CMM 2015-01, CMM 2009-02)
 - (a) Provide technical and compliance-related advice to address BET overfishing (TCC Workplan 2016-2018)
 - (b) Provide advice related to footnote 5 of CMM 2015-01 (SC12 draft summary report para 638)
- 11.2 South Pacific Albacore (CMM 2015-02)
 - (a) Annual review of CMM on the basis of advice from SC (para 5 of CMM 2015-02)
- 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

(c) Develop guidelines for the elaboration of management plans for sharks caught in the WCPFC Convention Area (TCC Workplan 2016-208)

11.4 Sea turtles (CMM 2008-03)

(a) Annual review of information reported by CCMs pursuant to this measure

11.5 Seabirds (CMM 2012-07/CMM 2015-03)

(a) Annual review of any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes.

AGENDA ITEM 12 PROPOSALS FOR NEW CMMs

12.1 Bridging CMM to replace CMM 2015-01 post 2017 – WCPFC Chair

12.2 Proposal for adopting interim acceptable levels of risk for breaching limit reference points of four key tuna species in the WCPO - Australia

AGENDA ITEM 13 OTHER MATTERS REQUIRING TCC ADVICE

13.1 Consider summary of port state measures adopted by other RFMOs and members (TCC Workplan 2016-2018)

13.2 Cooperation with CCSBT

AGENDA 14 ADMINISTRATIVE MATTERS

14.1 TCC Work Plan 2016 - 2018

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

14.3 Report on Secretariat IMS and website development and online reporting systems (2016 – 2018)

14.4 Election of Officers

14.5 Next meeting

AGENDA 15 CLEARANCE OF TCC12 RECOMMENDATIONS

(As per usual practice full TCC12 report will be cleared intersessionally)

AGENDA 16 CLOSE OF MEETING

Attachment D. Provisional IUU Vessel list

Provisional IUU VESSEL LIST FOR 2017
As adopted by TCC12 in accordance with CMM 2010-06

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

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on WCPFC IUU Vessel List	Flag State Registration Number/ IMO Number (RFV VID)	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM/Contact Details	IUU activities
ESSIEN No 108	VANUATU	<i>(received by WCPFC 16 July 2016)</i>	2355 / 9004451 (1301)	YJTZ3	BELEGAER FISHERY CO LTD, 5F, NO.139, HOUAN ROAD, CHIEN CHEN DISTRICT, KAOHSIUNG	COOK ISLANDS Secretary Ministry of Marine Resources, PO Box 85 Avarua Rarotonga	Unlicensed fishing vessel alleged to have conducted fishing activity in Cook Islands waters on 8, 9 and 10 December 2015.

Attachment E. Proposal to Amend “Scientific Data to be Provided to the Commission” Decision



SCIENTIFIC DATA TO BE PROVIDED TO THE COMMISSION¹

1. *Estimates of annual catches*

The following estimates of catches during each calendar year shall be provided to the Commission for each gear type:

- catches of bigeye tuna (*Thunnus obesus*), skipjack tuna (*Katsuwonus pelamis*), yellowfin tuna (*Thunnus albacares*), blue marlin (*Makaira mazara*) and black marlin (*Makaira indica*) in: 1) the WCPFC Statistical Area (see paragraph #8), and 2) the portion of the WCPFC Statistical Area east of the 150° meridian of west longitude;
- catches of albacore (*Thunnus alalunga*), striped marlin (*Tetrapturus audax*), swordfish (*Xiphias gladius*) and Pacific bluefin tuna (*Thunnus orientalis*) in: 1) the Pacific Ocean south of the Equator, 2) the Pacific Ocean north of the Equator, 3) the WCPFC Statistical Area north of the Equator, 4) the WCPFC Statistical Area south of the Equator, and 5) the portion of the WCPFC Statistical Area east of the 150° meridian of west longitude; and
- blue shark, silky shark, oceanic whitetip shark, mako sharks, thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), and whale shark.

For trollers targeting albacore in the Pacific Ocean south of the Equator, the following catch estimates during the fishing season (July to June) ~~should~~shall also be provided:

- catches of albacore in the Pacific Ocean south of the Equator

Estimates of discards/releases shall also be provided for each species listed above.²

Catch estimates shall also be provided for other species as determined by the Commission.

~~Estimates of discards should also be provided.~~

¹ As refined and adopted at the Ninth Regular Session of the Commission, Manila, Philippines, 2-6 December 2012.

² It is also recognized that certain members and cooperating non-members of the Commission may have practical difficulties in compiling discards/releases data for fleets comprised of small vessels, such as certain sectors of the fisheries of Indonesia, the Philippines and small island developing states.

Longline catch estimates shall be for whole weight, rather than processed weight. All catch estimates shall be reported in metric tonnes.

The statistical methods used to estimate the annual and seasonal catches shall be reported to the Commission, with reference to the coverage rates for each type of data (e.g. operational catch and effort data, records of unloadings, species composition sampling data) that is used to estimate the catches and to the conversion factors that are used to convert the processed weight of longline-caught fish to whole weight.

The statistical and sampling methods that are used to derive the size composition data shall be reported to the Commission, including reference to whether sampling was at the level of fishing operation or during unloading, details of the protocol used, and the methods and reasons for any adjustments to the size data. Where feasible, this shall also be applied to all historical data.

2. *Number of vessels active*

The number of vessels active³ in the WCPFC Statistical Area during each calendar year shall be provided to the Commission for each gear type.

For longliners, pole-and-line vessels, and purse seiners, the number of vessels active shall be provided by gross registered tonnage (GRT) class. The GRT classes are defined as follows:

- Longline: 0–50, 51–200, 201–500, 500+
- Pole-and-line: 0–50, 51–150, 150+
- Purse seine: 0–500, 501–1000, 1001–1500, 1500+

For trollers targeting albacore, the number of vessels active during each calendar year shall be provided for 1) the WCPFC Statistical Area south of the Equator and 2) the WCPFC Statistical Area north of the Equator. For trollers targeting albacore in the Pacific Ocean south of the Equator, the number of vessels active during the fishing season (July to June) shall be provided for 1) the WCPFC Statistical Area south of the Equator and 2) the Pacific Ocean south of the Equator.

3. *Operational level catch and effort data*

Operational level catch and effort data (e.g. individual sets by longliners and purse seiners, and individual days fished by pole-and-line vessels and trollers) shall be provided to the Commission, in accordance with the standards adopted by Commission at its Second Regular Session. These are listed in Annex 1.

It is recognized that certain members and cooperating non-members of the Commission may be subject to domestic legal constraints, such that they may not be able to provide operational data to the Commission until such constraints are overcome. Until such constraints are overcome, aggregated catch and effort data and size composition data, as described in (4) and (5) below, shall be provided.

³ A vessel is considered to be “active” if it fished (targeting highly migratory fish stocks) at least one day during the year.

It is also recognized that certain members and cooperating non-members of the Commission may have practical difficulties in compiling operational data for fleets comprised of small vessels, such as certain sectors of the fisheries of Indonesia, the Philippines and small island developing states.

Information on operational changes in the fishery that are not an attribute in the data provided is to be listed and reported with the data provision.

4. *Catch and effort data aggregated by time period and geographic area*

If the coverage rate of the operational catch and effort data that are provided to the Commission is less than 100%, then catch and effort data aggregated by time period and geographic area that have been raised to represent the total catch and effort shall be provided. Longline catch and effort data shall be aggregated by periods of month and areas of 5° longitude and 5° latitude. Purse-seine and ringnet catch and effort data shall be aggregated by periods of month, areas of 1° longitude and 1° latitude, and type of school association. Catch and effort data for other surface fisheries targeting tuna shall be aggregated by periods of month and areas of 1° longitude and 1° latitude.

If the coverage rate of the operational catch and effort data that are provided to the Commission is less than 100%, then unraised longline catch and effort data stratified by the number of hooks between floats and the finest possible resolution of time period and geographic area shall also be provided.

If the coverage rate of the operational catch and effort data that are provided to the Commission is less than 100%, then catch and effort data that have been raised to represent the total catch and effort shall also be aggregated by periods of year and areas of national jurisdiction and high seas within the WCPFC Statistical Area.

Catch and effort data aggregated by periods of month and areas of 5° longitude and 5° latitude that have been raised to represent the total catch and effort, and unraised longline catch and effort data stratified by the number of hooks between floats and the finest possible resolution of time period and geographic area, covering distant-water longliners may also be provided for the Pacific Ocean east of the eastern boundary of the WCPFC Statistical Area.

The statistical methods that are used to derive the aggregated catch and effort data shall be reported to the Commission, with reference to the coverage rates of the operational catch and effort data, and the types of data and method used to raise the catch and effort data.

CCMs are to provide, to the extent possible, the number of individual vessels per stratum and area covered by their operational data with the aggregated catch and effort data they submit to the Commission

Information on operational changes in the fishery that are not an attribute in the data provided is to be listed and reported with the data provision.

5. *Size composition data*

Length and/or weight composition data that are representative of catches by the fisheries shall be provided to the Commission at the finest possible resolution of time period and geographic area and at least as fine as periods of quarter and areas of 20° longitude and 10° latitude.

The length size class intervals are defined as follows:

- Skipjack tuna – 1cm
- Albacore tuna – 1cm
- Yellowfin tuna – ideally 1cm, but not more than 2 cm
- Bigeye tuna – ideally 1cm, but not more than 2 cm
- Billfish – ideally 1cm, but not more than 5 cm

The weight size class intervals are defined as follows:

- Tuna and Billfish species - 1kg

CCMs shall indicate whether lengths and/or weights are rounded up or rounded down to the unit specified.

The statistical and sampling methods that are used to derive the size composition data shall be reported to the Commission, including reference to whether sampling was at the level of fishing operation or during unloading, details of the protocol used, and the methods and reasons for any adjustments to the size data. Where feasible, this shall also be applied to all historical data.

Information on operational changes in the fishery that are not an attribute in the data provided is to be listed and reported with the data provision.

6. *The roles of flag states and coastal states*

Flag ~~states~~ CCMs ~~or entities~~ shall be responsible for providing to the Commission scientific data covering vessels they have flagged, except for vessels operating under joint-venture or charter arrangements with another state such that the vessels operate, for all intents and purposes, as local vessels of the other state, in which case the other state shall be responsible for the provision of data to the Commission.

It is recognized that the ability of flag ~~states~~ CCMs ~~or entities~~ to provide scientific data to the Commission may be constrained by the terms of bilateral or regional arrangements, such as the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America.

Scientific data compiled by coastal states shall also be provided to the Commission.

7. *Time periods covered and schedule for the provision of data*

Estimates of annual or seasonal catches should be provided to the Commission from 1950 onwards or, if the fleet began operating after 1950, from the year in which the fleet began operating.

Operational catch and effort data, and size composition data, should be provided for all years, starting with the first year for which the data are available.

For all gear types, except trollers targeting albacore in the Pacific Ocean south of the Equator, estimates of annual catches, the number of vessels active, catch and effort data, and size composition data, covering

a calendar year ~~should~~shall be provided by April 30 of the year following the calendar year (e.g. data covering calendar year “x” ~~should~~shall be provided by 30 April of year “x+1”).

For trollers targeting albacore in the Pacific Ocean south of the Equator, estimates of annual catches, the number of vessels active, catch and effort data, and size composition data, covering a fishing season (July to June) ~~should~~shall be provided by April 30 of the year following the year in which the season ends (e.g. data covering the season from July of year “x” to June of year “x+1” ~~should~~shall be provided by 30 April of year “x+2”).

Estimates of annual catches, the number of vessels active, catch and effort data, and size composition data should be revised, and the revisions provided to the Commission, as additional data become available.

8. *Definition of the WCPFC Statistical Area*

The WCPFC Statistical Area is defined as follows: from the south coast of Australia due south along the 141° meridian of east longitude to its intersection with the 55° parallel of south latitude; thence, due east along the 55° parallel of south latitude to its intersection with the 150° meridian of east longitude; thence, due south along the 150° meridian of east longitude to its intersection with the 60° parallel of south latitude; thence, due east along the 60° parallel of south latitude to its intersection with the 130° meridian of west longitude; thence, due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence, due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence, due north along the 150° meridian of west longitude; and from the north coast of Australia due north along the 129° meridian of east longitude to its intersection with the 8° parallel of south latitude, thence due west along the 8° parallel of south latitude to the Indonesian archipelago; and from the Indonesian peninsula due east along the 2°30' parallel of north latitude to the Malaysian peninsula.

9. *Periodic reviews of the requirements for scientific data*

The Commission, through its Scientific Committee, shall periodically review the requirements for scientific data and shall provide the Commission with revised versions of this recommendation, as appropriate.

Attachment K, Annex 1. Standards for the Provision of Operational Level Catch and Effort Data

1. Data items that shall be reported to the Commission

1.1 Vessel identifiers, for all gear types

Name of the vessel, country of registration, registration number, and international radio call sign: The registration number is the number assigned to the vessel by the state that has flagged the vessel. A code may be used as a vessel identifier instead of the name of the vessel, registration number and call sign for vessels that have fished and that intend to fish only in the waters of national jurisdiction of the State that has flagged the vessel.

1.2 Trip information, for all gear types

The start of a trip is defined to occur when a vessel (a) leaves port after unloading part or all of the catch to transit to a fishing area or (b) recommences fishing operations or transits to a fishing area after transshipping part or all of the catch at sea (when this occurs in accordance with the terms and conditions of article 4 of Annex III of the Convention, subject to specific exemptions as per article 29 of the Convention).

Port or place of departure, date of departure, port or place of unloading, date of arrival in port of unloading: If the start of a trip coincides with recommencing fishing operations or transiting to a fishing area after transshipping part or all of the catch at sea, then “Transshipment at sea” shall be reported in lieu of the port of departure, and if the end of a trip coincides with transshipping part or all of the catch at sea, then “Transshipment at sea” shall be reported in lieu of the port of unloading.

1.3 Information on operations by longliners

Activity: This item ~~should~~ **shall** be reported for each set and for days on which no sets were made, from the start of the trip to the end of the trip. Activities should include “a set”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date of start of set and time of start of set: The date and start of set time should be GMT/UTC. If no sets are made, the date and main activity should be reported. CCMs shall provide information on how their vessels report time zone/format

Position of start of set: The position of start of set should be reported in units of at least minutes of latitude and longitude. If no sets are made for the day, the noon position should be reported.

Number of hooks per set

Number of branch lines between floats. The number of branch lines between floats ~~should~~ **shall** be reported for each set.

Number of fish caught per set, for the following species: albacore (*Thunnus alalunga*), bigeye (*Thunnus obesus*), skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*), striped marlin (*Tetrapturus audax*), blue marlin (*Makaira mazara*), black marlin (*Makaira indica*) and swordfish (*Xiphias gladius*), blue shark, silky shark, oceanic whitetip shark, mako sharks, thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), whale shark, and other species as determined by the Commission.

If the total weight or average weight of fish caught per set has been recorded, then the total weight or average weight of fish caught per set, by species, ~~should~~shall also be reported. If the total weight or average weight of fish caught per set has not been recorded, then the total weight or average weight of fish caught per set, by species, should be estimated and the estimates reported. The total weight or average weight shall refer to whole weights, rather than processed weights.

1.4 Information on operations by pole-and-line vessels and related gear types

Activity: This item shall be reported for each day, from the start of the trip to the end of the trip. Activities should include “a day fishing or searching with bait onboard”; “no fishing — collecting bait”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date: The date should be GMT/UTC.

Noon position: The noon position should shall be reported in units of at least minutes of latitude and longitude.

Weight of fish caught per day, for the following species: albacore, bigeye, skipjack, yellowfin, blue shark, silky shark, oceanic whitetip shark, mako sharks, thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), whale shark, and other species as determined by the Commission.

1.5 Information on operations by purse seiners and related gear types

Activity: This item shall be reported for each set and for days on which no sets were made, from the start of the trip to the end of the trip. Activities should include “a set”; “a day searched, but no sets made”; “no fishing — in transit⁴”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date of start of set, time of start of set and time of end of set: The date and time of the start of set and the time of end of set should be GMT/UTC. If no sets are made, the date and main activity should be reported.

⁴ The current definition for a purse seine day in transit (‘a day in transit’) should only cover the following cases:

- Transiting from port to the tropical WCPFC area (10°N - 10°S); or
- Transiting back to port; or
- Transiting from one fishing zone to another in the Convention Area.

Where vessels are transiting as described above, the conditions of transit are that the gear is stowed, with the boom lowered and tied down, and the net covered.”**

Footnote: **Subject to any further clarification.

Position of set or noon position: If a set is made, then the position of the set shall be reported. If searching occurs, but no sets are made, then the noon position shall be reported. The position should be reported in units of at least minutes of latitude and longitude.

School association: All common types of school association ~~should~~shall be reported, while uncommon types of associations ~~should~~shall be reported as “other”. Common types of school association are “free-swimming” or “unassociated”; “feeding on baitfish”; “drifting log, debris or dead animal”; “drifting raft, FAD or payao”; “anchored raft, FAD or payao”; “live whale”; and “live whale shark”.

Weight of fish caught per set, for the following species: albacore, bigeye, skipjack, yellowfin, blue shark, silky shark, oceanic whitetip shark, mako sharks, thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), whale shark, and other species as determined by the Commission.

1.6 Information on operations by trollers and related gear types

Activity: This item shall be reported for each day, from the start of the trip to the end of the trip. Activities should include “a day fished”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date: The date should be GMT/UTC.

Noon position: The noon position should be reported in units of at least minutes of latitude and longitude.

Number of fish caught per day, for the following species: albacore, bigeye, skipjack, yellowfin, blue shark, silky shark, oceanic whitetip shark, mako sharks, thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate), hammerhead sharks (winghead, scalloped, great, and smooth), whale shark, and other species as determined by the Commission.

If the total weight or average weight of fish caught per day has been recorded, then the total weight or average weight of fish caught per day, by species, ~~should~~shall also be reported. If the total weight or average weight of fish caught per day has not been recorded, then the total weight or average weight of fish caught per day, by species, should be estimated and the estimates reported. The total weight or average weight shall refer to whole weights, rather than processed weights.

2. *Geographic area to be covered by operational catch and effort data to be provided to the Commission*

The geographic area to be covered by operational catch and effort data to be provided to the Commission shall be the WCPFC Statistical Area, except for fisheries targeting albacore in the Pacific Ocean south of the Equator, for which the geographic area should be the Pacific Ocean south of the Equator.

3. *Target coverage rate for operational catch and effort data to be provided to the Commission*

The target coverage rate for operational catch and effort data to be provided to the Commission is 100%.

4. *Procedures for the verification of operational catch and effort data*

Operational catch and effort data should be verified as follows:

- a) The amount of the retained catch should be verified with records of unloading obtained from a source other than the crew or owner or operator of the fishing vessel, such as an agent of the company responsible for unloading or onward shipping or purchasing of the catch.
- b) Positions of latitude and longitude should be verified with information obtained from vessel monitoring systems.
- c) The species composition of the catch should be verified with sampling conducted by observers during fishing operations or by port samplers during unloading.

Attachment F. Proposed template for the development of future shark management plans under CMM 2014-05 (source: TCC12-2016-19 Annex E)

WCPFC Shark Management Plan for Longline Fisheries		CCM:	Tier:
Species Covered			
Blue shark: Y/N	Stock:	Catch limit (t):	
Mako sharks: Y/N	Stock:	Catch limit (t):	
Thresher sharks: Y/N	Stock:	Catch limit (t):	
Porbeagle shark: Y/N	Stock:	Catch limit (t):	
Hammerhead sharks: Y/N	Stock:	Catch limit (t):	
Other sharks (list): Y/N	Stock:	Catch limit (t):	
Fleet Information			
Number of longline vessels covered by this plan:			
How many of the longline vessels covered by the plan are/are not on the WCPFC Record of Fishing Vessels: Are _____ Are Not: _____			
Location of fishing grounds (attach map):			
Annual raised effort of the fleet (in hooks):			
Describe the licensing arrangements applicable to the fleet and note whether effort is controlled (if so, in what way)			
Catches			
Shark	Retained Catch (Past 5 yrs, t)	Discarded Catch (Past 5 yrs, t)	Total (Past 5 yrs, t)
Blue			
Makos			
Silky			
Oceanic Whitetip			
Threshers			
Porbeagle			
Hammerhead			
Other			
Describe the mechanism for limiting the catch of sharks, by species if applicable (e.g. regulation, license, no-retention, etc), and the arrangements for monitoring, verification and enforcement:			
Describe the catch limits set above for each species and provide the rationale for the limit with reference to the latest available stock assessments and reference points:			
If there are any shark species allowed to be retained but not subject to catch limits, please identify them and provide a rationale:			

Mitigation	
	Describe the implementation arrangements for no-retention and safe release of oceanic whitetip (CMM 2011-04) and silky (CMM 2013-08) sharks, including safe release guidelines:
	This fleet uses: Shark Lines: Y/N Wire Leaders: Y/N (fleet or vessel choice?)
	Describe implementation arrangements for the WCPFC full utilization policy (CMM 2010-07). Specifically, if fins are allowed to be removed from carcasses at sea, describe what arrangements are in place to demonstrate that finning is not occurring
	List any other shark mitigation measures, e.g. size limits, closed areas or seasons, gear restrictions
Management	
	List the dates over which the plan applies:
	Describe how and when the plan is reviewed and reported against, including any linkages with monitoring, control and surveillance (MCS) systems:
	Describe how and when the plan is revised/renewed:

**MEMORANDUM OF COOPERATION (MOC) ON THE EXCHANGE AND
RELEASE OF DATA**

between

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL
PACIFIC OCEAN**

and

THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

as at **xxxxxxx** 2016

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) and the Commission for the Conservation of Southern Bluefin Tuna (hereafter CCSBT):

FURTHER RECOGNIZING that the Memorandum of Understanding of August 2009 between the WCPFC and the CCSBT agreed to exchange of data and scientific information on an annual basis; and

NOW THEREFORE the WCPFC and CCSBT confirm the following conditions for the exchange and release of data from fisheries which capture highly migratory fish species:

1. CONDITIONS FOR THE EXCHANGE OF DATA

- (a) Both Commissions exchange equivalent data, specified at Clause 2, on a reciprocal basis, and maintain the data in a manner consistent with the security standards established by each Commission.
- (b) Data may be provided to the Members, Cooperating Non-Members (CNMs) and Service Providers of each Commission in accordance with the data access rules of each Commission, but shall not be released or distributed further and shall be kept confidential by the Commissions and their Members, CNMs and Service Providers.
- (c) This MOC applies only to the data specified at clause 2 and does not permit the exchange between Commissions of any other data.
- (d) The data exchanged under this MOC shall be used only for the purposes of the Conventions of the WCPFC and the CCSBT.
- (e) The area of mutual interest under this cooperation is the WCPFC Convention Area, south of 20°S.
- (f) Data are to be exchanged on [at least] an annual basis from the date of signature of this MOC.

- (g) Outputs developed (such as scientific meeting papers) using the data exchanged under this MOC are to be exchanged on [at least] an annual basis from the date of signature of this MOC.

2. AGGREGATED DATA TO BE EXCHANGED

The following aggregated catch and effort data is to be exchanged on a reciprocal basis between Commissions:

- (a) Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month with no minimum number of vessels; and
- (b) Data for surface gear (including purse seine) aggregated by flag State by 5° latitude and by 5° degree longitude by month with no minimum number of vessels.

3. OTHERS

- (a) This cooperation on the exchange and release of data may be modified at any time by mutual consent, acknowledging the need to obtain endorsement from respective RFMO member countries.
- (b) Either Commission may end this cooperation on the exchange of data by giving six months' notice of intention to terminate to the other Commission.

Signed on behalf of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Commission for the Conservation of Southern Bluefin Tuna:

.....
Chair, WCPFC

Date:

.....
Chair, CCSBT

Date:

**MEMORANDUM OF COOPERATION (MoC) ON THE ENDORSEMENT OF WCPFC
REGIONAL OBSERVER PROGRAMME OBSERVERS FOR OBSERVING
TRANSSHIPMENTS OF SOUTHERN BLUEFIN TUNA ON THE HIGH SEAS OF THE WCPFC
CONVENTION AREA**

between

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

and

THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT):

UNDERSTANDING that the CCSBT and the WCPFC have overlapping jurisdictions for transshipment monitoring in the western and central Pacific Ocean;

CONSIDERING the Memorandum of Understanding between the WCPFC and the CCSBT signed in 2009;

NOTING that the CCSBT has adopted a Resolution⁵ for tuna longline fishing vessels with freezing capacity (LSTLVs) that applies globally to all transshipments involving Southern Bluefin Tuna (SBT);

ALSO NOTING that the WCPFC has adopted a Conservation and Management Measure on the regulation of transshipment (CMM 2009-06) that applies to all transshipments in the WCPFC Convention Area of all highly migratory fish stocks covered by the Convention, and a Conservation and Management Measure for the Regional Observer Programme (CMM 2007-01) that establishes the Regional Observer Programme (ROP);

RECALLING paragraph 86 (a) of the Final Report of the Preparatory Conference for the Establishment of the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean of 7 December 2004, which recognises the need to establish an understanding between the WCPFC and the CCSBT clarifying that, because the CCSBT has competence with respect to Southern Bluefin Tuna throughout its migratory range, the WCPFC recognises that the CCSBT is the appropriate body to develop and implement Southern Bluefin Tuna conservation and management measures;

⁵ Resolution on establishing a program for transshipment by large-scale fishing vessels (hereafter referred to as the “CCSBT Transshipment Resolution”)

CONFIRM the following conditions for the endorsement of WCPFC ROP observers to operate on authorised vessels that are involved in High Seas transshipments of Southern Bluefin Tuna (*Thunnus maccoyii*) in the WCPFC Convention Area:

1. The CCSBT and the WCPFC recognise the importance of facilitating mutual cooperative participation between the Members of both Commissions.
2. Fishing vessels may fish for, retain, transship or land Southern Bluefin Tuna in the WCPFC Convention Area only if they are included on the WCPFC Record of Fishing Vessels and the CCSBT Record of Authorised Fishing Vessels on the date that these activities occur. Carrier Vessels may only receive and transport Southern Bluefin Tuna transshipments in the WCPFC Convention Area if they are included on the WCPFC Record of Fishing Vessels and the CCSBT Record of Authorised Carrier Vessels on the date that these activities occur.
3. CCSBT endorsement of a WCPFC ROP observer to monitor transshipments of Southern Bluefin Tuna in the High Seas of the WCPFC Convention Area will occur only when the CCSBT Secretariat agrees that the WCPFC ROP observer has met the necessary requirements for observing transshipments of Southern Bluefin Tuna as specified in the CCSBT's Transshipment Resolution. The CCSBT Secretariat will provide the WCPFC Secretariat with a list of ROP observers that have been endorsed by the CCSBT for observing transshipments in accordance with this MoC. The list of CCSBT-endorsed ROP observers will be updated by the CCSBT Secretariat whenever changes (*e.g.* additions/deletions) occur.
4. Each Secretariat will identify the transshipment data and information requirements for its Commission and will ensure that ROP observers will be able to meet all such requirements with respect to vessels to which this MoC applies.
5. If a transshipment involving Southern Bluefin Tuna occurs in the High Seas of the WCPFC Convention Area, the relevant transshipment observer data and information requirements of each Commission will be met by the WCPFC ROP observers that have been endorsed by the CCSBT. The data and information collected will be provided to both the CCSBT and the WCPFC Secretariats, in accordance with procedures of each respective Commission, and will be considered to be held by each respective Commission.
6. Data and information collected by a WCPFC ROP observer endorsed by the CCSBT may be used for compliance purposes and in legal proceedings.
7. The Secretariats of each Commission may assist in facilitating the training of observers to meet requirements for endorsement by the CCSBT, with a view towards developing a core group of ROP observers who may be assigned to carrier vessels operating on the High Seas in the WCPFC Convention Area to meet the requirements of both the CCSBT and WCPFC with respect to observing at-sea transshipments.

8. Endorsement of a WCPFC ROP observer by the CCSBT Secretariat does not affect the application of domestic legislation and procedures of coastal CCMs⁶ of the WCPFC or Members/Cooperating Non-Members of the CCSBT.

9. A WCPFC ROP observer endorsed by the CCSBT remains under the control of the respective national or subregional observer programme and will be made available to fulfil duties in the WCPFC Convention Area subject to approval of such programmes.

10. This MoC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

11. This MoC will commence from the date of signature⁷.

Signed on behalf of the WCPFC and the CCSBT:

Chair of the WCPFC
Date:

Chair of the CCSBT
Date:

⁶ CCMs means Members, Cooperating Non-Members and Participating Territories

⁷ If the signature dates differ, this MoC will commence from the more recent date of signature.

