



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

**Fourteenth Regular Session of the Technical and Compliance Committee  
Majuro, Republic of Marshall Islands  
September 26 – October 2, 2018**

**SUMMARY REPORT**

**Issued: 30 November 2018**

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**SUMMARY REPORT**

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**AGENDA ITEM 1 — OPENING OF MEETING**

**1.1 Welcome**

1. The Director of the Marshall Islands Marine Resources Authority (MIMRA), Glen Joseph, welcomed delegates and participants to Majuro, Republic of the Marshall Islands (RMI) and to the 14th meeting of the Western and Central Pacific Fisheries Commission (WCPFC) Technical and Compliance Committee (TCC14).

2. The Rev. Russell Edwards offered the opening prayer.

3. The WCPFC Chair, Madam Rhea Moss-Christian, acknowledged the RMI Minister of Natural Resources and Commerce, the Honourable Dennis Momotaro; WCPFC Executive Director, Feleti Teo OBE; and TCC delegates and meeting participants. She observed that it is people who make the Commission work — WCPFC members, delegates and observers who demonstrate a capacity to work together for the greater good. She noted that the mindset of cooperation is critical to achieving outcomes for the stakeholders that TCC delegates represent. She reminded delegates that the Marshall Islands holds an important place in the Commission's history, having hosted the 2<sup>nd</sup> Multilateral High-Level Conference in 1997 that resulted in the Majuro Declaration and launched 3 years of negotiations, which ended with adoption of the Convention in 2000. She noted the hard work done by RMI to prepare for TCC14, and offered gratitude for their warm hospitality and excellent preparations. She also drew attention to the extensive intersessional work being done in preparation for the 15th Regular Session of the WCPFC (WCPFC15), including six intersessional working groups and work undertaken by the 14th meeting of the WCPFC Scientific Committee (SC14) on Harvest Strategies. She thanked delegates in advance for their efforts in the coming days, and recognized the work undertaken by the TCC Chair and the Secretariat staff in preparing for TCC14. She noted that TCC's outcomes are central to ensuring that the Commission's management framework serves the objective of the Convention, and stated she looked forward to receiving TCC14's recommendations. The WCPFC Chair's full remarks are provided in **Attachment A**.

4. The Honourable Dennis Momotaro, Minister of Natural Resources and Commerce provided opening remarks and opened the meeting. He acknowledged the WCPFC Chair, WCPFC Executive Director, TCC delegations, and meeting participants, and on behalf of Her Excellency Madam President Dr. Hilda C. Heine, and the government and people of RMI, welcomed everyone to TCC14. He observed that RMI was familiar with the WCPFC process, having hosted SC10 in 2014. He noted that work on TCC14's agenda related to the Compliance Monitoring Scheme (CMS) would help shape the future of the Commission. He observed that RMI could not exist without fisheries, and that his government was striving to sustain the region's fisheries to ensure sustainable benefits into the future, remarking that the issues being discussed at TCC14 were consequently also on RMI's national agenda. The Minister said that the challenge was to engage proactively, productively, and innovatively, while ensuring fisheries are protected into the future. He stressed the importance of addressing illegal, unreported and unregulated (IUU) fishing, and challenged attendees to set a target to end IUU fishing in the Pacific. On behalf of the President, government



and people of RMI, he wished participants success with their deliberations, encouraged them to enjoy RMI, and declared the meeting open. The Minister's full remarks are provided in **Attachment A**.

5. The Rev. Russel Edwards closed the opening ceremony with a prayer.

6. The MIMRA Director noted that an opening function, hosted by the Minister for Natural Resources and Commerce would be held on Saturday, 29 September; and a closing function, hosted by the President of RMI, would be held on 2 October.

7. TCC Chair Alexa Cole welcomed all participants to the 14th meeting of the TCC. She noted, as she does every year, that part of what makes TCC special is that all countries participate voluntarily and choose to come together to work collectively towards the goals of the Commission. She noted that she was proud that TCC had eliminated plastic water bottles, which was a team effort, and paid for through contributions, including donations and assistance from over 50 people.

8. The following members, cooperating non-members and participating territories (CCMs) attended TCC14: American Samoa, Australia, Canada, China, Cook Islands, El Salvador, European Union (EU), Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, Liberia, Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Palau, Panama, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Thailand, Tokelau, Tonga, Tuvalu, United States (USA), Vanuatu and Vietnam.

9. Representatives from the following intergovernmental organisations attended TCC14: the Inter-American Tropical Tuna Commission (IATTC), the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA), the Pacific Community (SPC) and the United Nations Food and Agriculture Organization (FAO).

10. Observers representing BirdLife International, International Environmental Law Project, International Seafood Sustainability Foundation (ISSF), Pew Charitable Trusts (Pew), The Nature Conservancy, World Wide Fund for Nature, and the World Tuna Purse Seine Organisation (WTPO) also attended TCC14.

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

## **1.2 Adoption of Agenda**

12. The agenda was adopted ( <b>Attachment C</b> ).
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## **1.3 Meeting Arrangements**

13. The WCPFC Compliance Manager, Dr Lara Manarangi-Trott, outlined the logistical arrangements in place to support the meeting, including the internet and wireless arrangements, access to the small meeting room, and document management.

14. The following small working groups (SWGs) were established: (i) Cooperating Non-Member (CNM) applications, led by Ace Capelle (Nauru); (ii) the TCC Workplan, led by TCC Vice-Chair Laurence Edwards (RMI); (iii) Seabird Interactions, led by Jonathan Muliaga (New Zealand); (iv) Observers, led by Tom Graham (United States); and (v) Sharks, led by Wataru Tanoue (Japan).

#### 1.4 Introduction of Proposals: New CMMs or Draft Revisions to Current CMMs

15. Proponents of new Conservation and Management Measures (CMMs) were invited to briefly introduce their proposals.

16. Tom Graham (United States) introduced **WCPFC-TCC14-2018-14**, *Provision of Observer Reports to CCMs and Observer Conduct*. He noted that TCC14 formed an intersessional working group (IWG) in 2017 to address the need for CCMs to obtain copies of observer reports for their vessels in a timely manner so that they may fulfil their responsibility to undertake investigations of possible violations by their fishing vessels and nationals. At WCPFC14, the Commission agreed to expand the scope of work to include the issue of observer conduct. He indicated that the IWG had developed specific recommendations for TCC14, which were further considered under Agenda Item 8.2b (Report from TCC Working Group on flow of observer reports and observer conduct).

17. On behalf of the chair of the intersessional working group on sharks, Shingo Ota, Wataru Tanoue (Japan) introduced **WCPFC-TCC14-2018-22** *5th Draft Consolidated Text for the CMM for Sharks (for review by TCC14)*, noting that according to the Terms of Reference for the IWG to Progress the Development of a Draft Comprehensive Shark and Ray CMM (IWG-Sharks), elements that could be considered for the new CMM included: a) policies on full utilization/prohibition on finning; b) no-retention policies; c) safe release and handling practices; d) gear mitigation, size limits or closures; e) management plans and catch limits; f) key species and their assessment schedules; g) species-specific limit reference points; and h) any data reporting requirements beyond those contained in “Scientific Data to be Provided to the Commission.” The fourth draft text from IWG-Sharks was submitted to SC14 for review and comments; SC14’s comments were incorporated where possible into the 5th draft text for review and comment by TCC14. TCC14 was expected to review the draft text from a technical and compliance perspective. A 6th draft, incorporating comments from TCC14, would be submitted to the Secretariat as a working paper for discussion at WCPFC15. The proposed CMM for sharks was further considered under Agenda Item 11.3b (Intersessional activity report on IWG-Sharks).

18. Alex Kahl (United States) introduced **WCPFC-TCC14-2018-DP02**, *Concept Note to Potentially Modify CMM 2017-05 to Expand the Requirement for IMO Numbers*. The International Maritime Organization (IMO), on 6 December 2017, approved amendments to the IMO Ship Identification Number Scheme (IMO Resolution A.1117(30)) expanding fishing vessels’ eligibility for IMO numbers to all motorized inboard fishing vessels of less than 100 gross tons down to a size limit of 12 meters in length overall authorized to operate outside waters under the national jurisdiction of the flag State. Expanding IMO numbers to smaller vessels on the WCPFC Record of Fishing Vessels (RFV) would — as noted in the CMM for WCPFC Implementation of a Unique Vessel Identifier (UVI) (CMM 2013-04) — improve the Commission’s monitoring, control, and surveillance (MCS) programs. The proposal suggested making this change by amending footnote 4 of CMM 2017-05. The proposal was further considered under Agenda 8.5 (Record of Fishing Vessels).

19. Emily Crigler (United States) introduced **WCPFC-TCC14-2018-DP03**, *Potential Revisions to CMM 2008-03 Conservation and Management of Sea Turtles*. WCPFC14 tasked SC14 and TCC14 with evaluating the expected effects of several potential sea turtle management scenarios, as detailed in the WCPFC14 Summary report, para. 362, calling on TCC14 to consider implementation and compliance implications, as well as implementation considerations relevant to small island developing states (SIDS) and Participating Territories. The United States indicated its proposed modifications to CMM 2008-03 would both eliminate ambiguity in applicability of the current measure, reduce interaction rates, and provide for better enforcement. The proposal was further considered under Agenda 11.4 (Sea Turtles).

20. Emily Crigler (United States) introduced **WCPFC-TCC14-2018-DP04\_rev1**, *Potential Revisions to WCPFC Regional Observer Programme Minimum Standard Data Fields*. In 2016, WCPFC convened two workshops, funded by the ABNJ (Common Oceans) Tuna project, to analyze the effectiveness of sea turtle mitigation in Pacific longline fisheries with respect to rates of interaction and mortality; the second workshop included recommendations on data collection by fishery observers. The workshop final report recommended specific updates to the WCPFC Regional Observer Programme (ROP) Minimum Standard Data Fields (MSDFs). SC14 considered but did not agree on specific recommendations, although made progress towards modifying the MSDFs. The United States suggested TCC14 review the potential modifications developed by SC14, as contained in TCC14-2018-DP04\_rev1, and provide recommendations to WCPFC15. The proposal was further considered under Agenda Item 11.4 (Sea Turtles (CMM 2008-03)).

21. Glen Joseph (RMI) introduced **WCPFC-TCC14-2018-DP05**, *The Impracticability Exemption to the WCPFC's Prohibition on Transshipment on the High Seas*, noting that it addresses existing WCPFC transshipment rules and practice, approaches to defining “impracticability” and high seas transshipment, and practical aspects of transshipment. The paper proposed several changes to current transshipment practice, and was further considered under Agenda Item 8.3 (Transshipment).

22. Megan Linwood (New Zealand) introduced **WCPFC-TCC14-2018-DP06**, Proposed change to CMM 2017-06 in regards the optional use of hook-shielding devices and the southern boundary of seabird mitigation requirements. WCPFC14 tasked SC14 to review the available research on hook shielding devices and advise WCPFC15 if they are effective options for seabird bycatch mitigation in WCPFC fisheries and whether to incorporate them in the seabird CMM as an additional mitigation option. SC14 recommended that TCC14 and WCPFC15 note that evidence is available to support the inclusion of hook-shielding devices, specifically Hookpods, on the list of seabird bycatch mitigation options, in addition to already existing mitigation options, and that TCC14 and WCPFC15 consider a revision to the southern area of application of CMM2017-06, including implementation considerations of SIDS and participating territories. The proposal was further considered under Agenda Item 11.5 – Seabirds.

## AGENDA ITEM 2 — ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

23. The WCPFC Executive Director voiced the Secretariat’s appreciation for the meeting arrangements and the support provided to the Secretariat Staff. He introduced **WCPFC-TCC14-2018-05**, *Executive Director’s Report on Operational Issues with the WCPFC MCS Programmes*, which provides highlights of the WCPFC Secretariat’s administration of MCS and synthesis of key operational issues pertaining to the MCS programme in the context of the priorities within the TCC Workplan for 2016–2018. The report lists specific tasks that WCPFC14 tasked TCC14 to consider and report back on to WCPFC15.

24. The Executive Director stated that consideration of the CMS accounts for half of TCC14’s deliberations. The CMS scheme provides the mechanism for the Commission to assess CCM’s compliance with CMMs, and assesses CCM’s capacity needs. He noted that the CMS was reviewed in 2017 by an independent panel. The review report of the independent panel is being considered by an intersessional working group which was also tasked to develop a new CMM for the CMS taking into account the findings in the review report.

25. The Executive Director stated that CMS preparation for TCC14, covering activities in 2017, demonstrated that the content, depth and analysis continued to improve, through enhancements to the Information Management System (IMS), improved timeliness of member reports, the use of online systems that allow timely comments, and arrangement by which the Commission provided lists of obligations to be assessed. He acknowledged contributions made to the CMS, including by the Pacific Community (SPC)

and the Pacific Islands Forum Fisheries Agency (FFA), in terms of assisting members in compiling their Part 2 Annual Reports, which are a valuable source of information for the Compliance Monitoring Report (CMR). The Executive Director made reference to items on the TCC agenda — the draft IUU vessel list, and requests for CNM status — which would be reviewed under separate agenda items.

26. The Executive Director stressed the importance of identifying capacity assistance needs, especially for SIDS and participating territories, and to assist CCMs with compliance. He noted the Commission's limited budgetary provisions for targeted capacity building workshops, as well as other funds administered by the Commission (the Special Requirements Fund, Japan Trust Fund, and Chinese Taipei Trust Fund); and the West Pacific-East Asia (WEPA) project, funded by the Global Environment Facility and New Zealand.

27. He stated that the compliance tools and management arrangements available to the WCPFC were becoming increasingly comprehensive, and that a summary would be provided to TCC14. The Executive Director indicated there were no major difficulties with the programs during the reporting period, and that areas needing improvement would be highlighted during TCC14. He observed that most tools were supported by online systems, with ongoing work to improve their effectiveness, and expressed his gratitude for the Commission's support in this area. He noted the technical inputs provided by the Secretariat to IWGs, including for ROP, FAD management options, the Catch Documentation Scheme (CDS), and electronic reporting and electronic monitoring (ERandEM).

28. The Executive Director stressed the importance of developing a new CMM on the CMS, and ensuring MCS tools and programmes function effectively; he also observed that ER and EM hold great promise for the future work of the Commission, and that the current TCC workplan needed to be reviewed and updated.

29. Australia stated that the Executive Director's report was a valuable document that enables TCC to consider the issues facing it holistically. They observed that one of the most significant themes running through the report was WCPFC's reliance upon data. Australia thanked the Secretariat (and SPC, as the Science Services Provider) for their work as both data repositories and data managers, which as most CCMs would know is not an easy task. They noted that as uptake of the ER standards, specifications and procedures (SSPs) to support timely and reliable data submission increased, there was a need for the Secretariat to adapt, and to ensure data are readily available to inform Commission decisions. Australia encouraged the Secretariat to examine current data management and IT frameworks to ensure they remain suitable, and to work with members as they continue to build the IMS to respond to these changes. In particular, Australia noted it was seeking the ability to extract data from the IMS and the data holdings of the Commission that Australia has submitted in the formats outlined in the ER SSPs. Australia noted it saw that as part of the RFV, and would be seeking to extend their ability to extract other data submitted by Australia. They welcomed future work regarding the WCPFC IMS as outlined in para. 35 (a-e) of the Executive Director's report, and reiterated their offer (made in previous years) to provide user testing in support of the Secretariat's IMS developments. Australia noted they looked forward to hearing more details about future IMS developments under agenda Item 14.3.

30. In response to a query from the European Union (EU), the Secretariat noted that TCC13 tasked it with preparing a brief summary on the ROP, and an update on the VMS requirements/guidelines, which were both done in March 2018, posted on the website, and noted in the Executive Director's report.

31. Indonesia thanked the Executive Director for his attendance at the Third Bali Tuna Conference, noted the importance of direct communication from the Secretariat, and the value of assistance provided by WCPFC to support tuna stakeholders in Indonesia. They looked forward to future efforts to help Indonesian

stakeholders understand the role of the WCPFC, and stated that Indonesia would continue to work toward improved compliance.

32. RMI thanked the Executive Director for his report, and noted the importance of prioritising the CMS.

33. FSM noted that the report was very important from the perspective of SIDS, and was valuable because it provided a general update, and summarizes issues TCC must focus on.

34. TCC14 noted the Annual Report of the Executive Director on operational issues with the MCS programmes and an overview of the Secretariat's support to TCC workplan priorities (TCC14-2018-05).
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### AGENDA ITEM 3 — IUU VESSEL LIST

35. TCC14 reviewed the draft IUU Vessel List and current WCPFC IUU Vessel List, as outlined in **WCPFC-TCC14-2018-06\_rev1**. The draft IUU Vessel List contained in Annex 1 of WCPFC-TCC14-2018-06\_rev1 provides details on the nominations for inclusion on the draft IUU Vessel List; specifically the USA-flagged vessels the *Yazmond*, *Svetlana M*, *Seven Daughters*, *Shirley B*, *Connie S*, and *Charlotte M*.

36. The Chair recused herself from the chair's role for the discussion of the draft IUU Vessel List because of her involvement on behalf of the United States on this issue intersessionally as part of her job as Deputy Chief of the Enforcement Section of National Oceanic and Atmospheric Administration's (NOAA) Office of General Counsel. The TCC Vice-Chair, Laurence Edwards, stepped in to lead this discussion. The TCC Vice-Chair noted there had been some progress in reference to the vessels nominated by New Zealand to the draft IUU Vessel List.

37. New Zealand stated that on 23 January 2017 — during a routine monitoring, control and surveillance patrol — the Royal New Zealand Air Force identified 14 fishing vessels undertaking fishing activities on the high seas to the east of the New Zealand Exclusive Economic Zone. The patrol identified six USA-flagged vessels (the *Yazmond*, *Svetlana M*, *Seven Daughters*, *Shirley B*, *Connie S* and *Charlotte M*) trolling for highly migratory species within the WCPO, which when checked against the WCPFC Record of Fishing Vessels, were not currently recorded as authorised to fish. Fishing without a valid licence, authorization or permit issued by the flag State is considered to be a serious violation (United Nations Fish Stock Agreement, Article 21, and WCPFC CMM 2006-08). In accordance with paragraph 3(a) of CMM 2010-06, vessels fishing for species covered by the WCPFC Convention are presumed to have carried out IUU fishing activities in the Convention Area when a CCM presents evidence that such vessels harvested species covered by the WCPFC Convention in the Convention Area and are not on the WCPFC record of authorised vessels. New Zealand immediately notified the flag state (the United States) to undertake an investigation, and offered assistance if required. New Zealand stated they continued engaging with the United States during their investigation of these alleged IUU activities, and thanked the United States for their continued cooperation and timely engagement on this matter. They asked the United States to outline to CCMs the actions taken in response to New Zealand's notification to the United States of the vessels' activities.

38. The United States thanked the TCC Vice-Chair for the opportunity to provide additional information on the actions taken by the United States in response to the activities of the six USA-flagged

vessels on the draft IUU Vessel List. They also thanked New Zealand for its introductory statement, and for engaging with the United States on the unauthorized fishing activities detected, as well as its important contributions to MCS activities in the region. The United States noted that its letter related to the inclusion of these vessels on the draft IUU Vessel List includes details about the activities of the individual vessels, the circumstances that led to fishing without being on the WCPFC RFV, and the United States' actions taken in response. The United States provided the following highlights:

- The United States identified the fishing vessels operating in the WCPFC Convention Area and launched investigations shortly before being contacted by New Zealand about alleged fishing activities by the vessels.
- United States authorities concluded that in one case (the *Svetlana M*), the vessel had the required fishing authorizations and was not included on the RFV because of a technical error by NOAA. In the five remaining cases, the vessels had failed to renew their permits in a timely manner. NOAA's Office of Law Enforcement forwarded the completed investigations to NOAA's Office of General Counsel, Enforcement Section, for review and charging, consistent with the United States' published penalty policy. In all five cases, the owners and operators accepted responsibility, admitted the violations, and paid the final assessed penalties in full.
- Beyond the actions taken to penalize the individual vessels, the United States reviewed its internal processes and sought ways to minimize the likelihood of related future incidents, including by improving communication across different NOAA regions and offices responsible for permitting and monitoring vessels across the Pacific. The United States stated it was also in the process of considering changes to the duration of the permits so regulators as well as vessels have more frequent and regular engagement with the authorization process.
- In addition, NOAA conducted outreach and education with industry representatives in an effort to prevent future infringements of this nature by USA-flagged vessels. Since the time of these violations, there have been no additional WCPFC violations of this type by any USA-flagged vessels.
- As noted in its letter, the United States communicated with New Zealand over the past 1.5 years to ensure it was informed about developments in these cases. The United States stated it welcomed the opportunity to update all members on the cases in the interest of full transparency.

39. In closing the United States stated its appreciation of New Zealand's recognition of the United States' actions taken in response to the alleged incidents, and New Zealand's decision to not seek the inclusion of these vessels on the provisional IUU list. As a result, the United States requested that the six vessels in question not be added to the provisional IUU list.

40. New Zealand stated that it had been provided evidence that all the penalties imposed have been paid to the United States, and that in addition to the penalties issued to the vessel owners and operators, actions have been taken by the United States to improve its internal government processing. New Zealand also recognised the outreach and education undertaken by the United States with industry representatives that will also serve to prevent future non-compliance with WCPFC measures. New Zealand stated that it was currently reviewing its internal processes regarding decisions to nominate vessels for IUU vessel lists. It acknowledged the concerns raised by the United States regarding the interpretation of the IUU Vessel List measure, particularly with regard to the nomination of the *Svetlana M*, and noted that upon further reflection New Zealand considered this vessel should not have been nominated for the draft IUU Vessel List. New Zealand stated that it considers that the United States has taken effective action in response to

the high seas IUU fishing activities in question. Given this effective action, New Zealand stated that it does not believe these vessels should be progressed to the provisional IUU Vessel List.

41. The TCC Vice-Chair thanked the United States and New Zealand for the positive steps taken to resolve the issue, and noted the statement by New Zealand that the *Svetlana M* should not have nominated for the Provisional IUU Vessel List.

42. The EU inquired regarding the size of the fines imposed, noting the value appeared to be small in relation to the benefit to the vessel operators. The EU inquired whether the level of fines served as a disincentive for this kind of activity, and whether remedial measures matched the severity of the case.

43. The TCC Vice-Chair noted that the United States had its own measures, and conducted their actions in accordance with laws of the United States.

44. The United States stated that NOAA uses a range of possible enforcement actions under United States domestic laws, which form a continuum of activities. NOAA adopts a graduated approach to enforcement actions, with the goal of deterring future violations and encouraging compliance by all parties. The United States noted it has a published policy that explains how civil penalties are assessed, and that this policy is adhered to in an effort to ensure consistency and transparency in enforcement, with the goal of natural resource protection. With respect to the six vessels reported by New Zealand, separate penalties were calculated for each vessel. The permits in question are open access permits, which are open to all US vessels, with a \$30 administrative fee. Once obtained, the permits are good for 5 years. When calculating penalties NOAA also examined the vessel's history of violations, and additional facts (e.g., the amount of time fishing with an expired permit, and actions taken by the vessels following notification). The vessel with the lowest penalty was unaware their permit had expired, ceased fishing immediately upon notification, and obtained a new permit in 2 hours.

45. Kiribati on behalf of FFA members, thanked New Zealand for its continued surveillance and enforcement efforts and assistance, which they stated had helped tremendously over the years to locate IUU fishers, and highly commended the United States and Chinese Taipei for demonstrating their effective flag State action in these cases by cooperating with New Zealand, investigating promptly, and settling the respective matters expeditiously.

46. China made reference to a similar case 10 years before involving 6 Chinese vessels that were reported in violation because of incorrect registration. It expressed its hope that New Zealand could consider not listing the vessels on the provisional IUU Vessel List. In reply, New Zealand stated that it sought to ensure the process was consistent and effective, and that in its opinion effective action had been taken in this instance.

47. The EU thanked the United States for its explanation, and inquired whether New Zealand had analysed the benefits that vessels received while fishing illegally and compared these with the sanctions, which it indicated was the normal approach taken by the EU. New Zealand stated that it did seek to assess the benefits related to the illegal activities, had engaged with the United States on these issues, and recognized the United States' clear penalty policy. New Zealand stated that in its opinion effective action had been taken by the flag state, and thus did not seek to have the six vessels in question added to the Provisional IUU Vessel List.

48. FSM thanked New Zealand and the United States, noting that as a flag state, FSM sought to draw on the experience of other flag states in dealing with vessels involved in high seas fishing violations. It observed that resolving such cases was more difficult when there was limited communication between national authorities and industry, and noted its support for the approach taken by the United States.

49. In response to requests for clarification regarding the process of adding vessels to the provisional IUU Vessel List, the WCPFC Legal Adviser, Dr. Penelope Ridings, noted that CMM 2010-06, paragraph 15 states that TCC should not include a vessel on the Provisional List if a vessel's flag state has demonstrated that the vessel fished in a manner consistent with WCPFC Conservation and Management Measures or applicable national laws, or that effective action has been taken in response to the IUU fishing activities in question, or that the case has been settled to the satisfaction of the CCM that raised the issue and the flag state involved. She noted that it appeared from the discussion that New Zealand considered the case settled to its satisfaction.

50. Canada thanked the Legal Adviser for her clarification, stating its view that appropriate enforcement efforts had been taken by New Zealand, with effective actions in response by the United States.

51. New Zealand reiterated its position that effective action had been taken, and its desire that this be reflected in the recommendation to the Commission, with the vessels not placed on the provisional IUU Vessel List.

52. The EU noted that no member had sought that the vessel in question be added to the provisional IUU Vessel List. It also commented that TCC14 was establishing a precedent, and in that context it would have been useful to have more information on the precise actions taken by the United States (the amount of the fines, and the actual possible fines). It observed that if a listing CCM was satisfied, other CCMs had no voice in placing vessels on the provisional IUU Vessel List, and questioned whether that approach was appropriate, while reiterating it was not recommending the vessels in question be added to the provisional IUU Vessel List.

<p>53. TCC14 agreed that the <i>Yazmond</i>, <i>Svetlana M</i>, <i>Seven Daughters</i>, <i>Shirley B</i>, <i>Connie S</i> and <i>Charlotte M</i>. would not be added to the Provisional IUU Vessel List.</p>
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54. With regard to the existing IUU Vessel List, the TCC Chair stated that of the three vessels on the existing list, two (the *Neptune*, and the *Fu Lien No. 1*) had been on the list since 2010, with the third (the *Yu Fong 168*) on the list since 2009. No new information was received by the Secretariat since TCC13.

55. Cook Islands, on behalf of FFA members, recommended that no vessels be removed from the current WCPFC IUU Vessel List. They observed that the vessels have been on the IUU vessel list for 8–9 years, which continues to be a serious concern to FFA members, especially as these vessels have been included on other Regional Fisheries Management Organisations' (RFMO) IUU vessel lists. Cook Islands—noting that the Secretariat indicated in December 2015 that Georgia had deregistered both the *Neptune* and *Fu Lien No 1*, and in December 2017 that Chinese Taipei had deregistered the *Yu Fong 168*—inquired what further actions the Commission could take. They also recalled that WCPFC13 tasked TCC with investigating options to address the circumstances of vessels remaining on the WCPFC IUU List for several years, and noted that FFA members had stated previously the need to collectively think of innovative ways to deal with the issue, so that it does not become routine to simply renew the IUU Vessel List each year. Cook Islands stated that FFA members had actively considered and suggested the following options:

- Cooperation of CCMs, per the WCPFC14 decision to seek the cooperation of Georgia and Chinese Taipei, to actively gather information about these vessels and inform the Commission, with CCMs providing prompt advice of any new information about the vessels. No information has been forthcoming.
- Letters from the Executive Director to other RFMOs conveying this same message for cooperation to locate these vessels. No information has been forthcoming.



- Inclusion of master's name and nationality in the WCPFC IUU Vessel List, to enable tracking the rogue individuals involved in these cases. However, as advised by the WCPFC Secretariat in 2017, this information is not available. Cook Islands recalled the WCPFC13 decision that if these are not known, the flag State is responsible for providing these.

56. They noted that FFA members were broadening their approach to combating IUU fishing, from a heavily vessel-focused approach to include greater scrutiny and profiling of individuals and companies involved in IUU fishing, stating that approach has been fully endorsed by fisheries ministers of FFA members, and is underway.

57. RMI, on behalf of FFA members, reiterated the statement by Cook Islands that unless something was resolved, TCC would make the same statements every year. They called on the cooperation of all CCMs to end these illegal activities and proposed that WCPFC:

- seek the former flag States' cooperation to provide any information on these vessels, including their respective masters' names and nationalities;
- write to all CCMs to provide information to the Commission if they are 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 cannery States of any landings made by these vessels;
- write a letter to other RFMOs conveying this same message for cooperation to locate these vessels; and
- propose that any information received by the Executive Director be reported promptly to CCMs.

58. RMI called on the cooperation of all CCMs to actively work to locate the vessels so their illegal activities could be stopped.

59. TCC14 recommended to WCPFC15 that the three vessels currently on the WCPFC IUU Vessel List in 2018 remain on that list.

60. TCC14 recommended that WCPFC15 task the Executive Director to:

- seek the former flag CCM's or non-CCM's cooperation to provide any information on these vessels, including their respective master's names and nationalities;
- write to all CCMs to provide information to the Commission if the vessels on the WCPFC IUU Vessel List are 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 cannery State of any landings made by these vessels; and
- write a letter to other RFMOs and other relevant bodies conveying this same message for cooperation to locate these vessels.

61. TCC14 recommended to WCPFC15 that any information received by the Executive Director be reported promptly to CCMs.

#### AGENDA ITEM 4 — CNM REQUESTS

62. In accordance with CMM 2009-11, TCC14 considered the applications for Cooperating Non-Member status for 2018, as summarised in **WCPFC-TCC14-2018-07**, and established the CNM SWG to develop draft recommendations and technical advice for the consideration of the Commission. The WCPFC Compliance Manager stated that the Secretariat had received 8 requests for CNM Status in 2019, from Ecuador, El Salvador, Liberia, Mexico, Nicaragua, Panama, Thailand and Vietnam. Table 1 of TCC14-2018-07 details the dates and formats of the requests; the Compliance Manager noted that use of the correct format by CNMs was helpful to the Secretariat when processing the requests. Table 2 of TCC14-2018-07 summarizes financial contributions by CNMs as of 8 August.

63. On 27 September 2018 the CNM Small Working Group (SWG) led by Nauru (Mr. Ace Capelle) reviewed CNM applications and reported back to TCC14 providing relevant recommendations.

64. TCC14 has reviewed the following CNM applications and is forwarding them to WCPFC15 for consideration: **Ecuador, El Salvador, Liberia, Mexico, Panama, Nicaragua, Thailand and Vietnam.**

65. TCC14 noted with appreciation the attendance and participation of El Salvador, Liberia, Thailand and Vietnam at this year's meeting and encouraged other CNM applicants to attend TCC meetings in the future.

66. TCC14 noted the CNM working group process had occurred in parallel with the compliance monitoring scheme process and recommended that following TCC14, 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 WCPFC15, and that these letters and any responses be assessed by WCPFC15.

67. TCC14 recommended that WCPFC15 take into consideration the compliance status of all CNM applicants in making its decision on the CNM applications and participatory rights.

68. TCC14 noted that all current CNMs seeking to renew CNM status other than Mexico and Vietnam have made financial contributions for 2018 and noted Vietnam's statement that payment is in progress. The WCPFC has received Ecuador's financial contribution although it is not stated in Table 2 of WCPFC-TCC14-2018-07.

69. TCC14 noted that Ecuador, Mexico, Thailand, Panama, Vietnam, and El Salvador have reiterated interest in becoming full Commission members.

70. TCC14 noted the following gaps or issues in the applications for individual applicants and encourages applicants to rectify them if possible by WCPFC15:

71. **Ecuador** – Although Ecuador has paid its 2018 financial contribution it wasn't represented at TCC14.

72. **El Salvador** – TCC14 noted that El Salvador submitted both its Part 1 and Part 2 Report after the deadline, but that El Salvador complied with the submission of 2017 scientific data to the Commission.
73. **Liberia** – TCC14 noted that Liberia failed to meet the deadline in submitting its Part 2 Report in time.
74. **Mexico** – TCC14 noted that Mexico has still not made an explicit commitment to accept High Seas Boardings and Inspections and that Mexico considers this requirement as not applicable since it does not have any vessels in the Convention Area. TCC14 noted that Mexico had not paid its 2018 financial contribution.
75. **Nicaragua** – TCC14 was not in a position to discuss compliance issues with Nicaragua’s application, as it has not previously been granted CNM status, and deferred consideration of the application to the Commission.
76. **Panama** – TCC14 noted, based on updates from the Secretariat, that Panama submitted its Part 1 and Part 2 Reports on time but that there were reporting gaps that could require clarification. Some CCMs also noted that Panama is consistently non-compliant in the South Pacific Regional Fisheries Management Organisation for serious violations of obligations and is on warning in that forum.
77. **Thailand** – TCC14 noted that Thailand may not have provided full historical data on fisheries activities in the Convention Area pursuant to CMM 2009-11 (2)(d). An applicant for CNM status is required to include in its 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). Thailand expressed doubt its flagged vessels have fished in the Convention Area.
78. **Vietnam** – TCC14 noted that Vietnam’s CNM application was submitted late, but that Vietnam’s Part 1 and Part 2 Reports have been received by the WCPFC and Vietnam complied with the submission of 2017 scientific data to the Commission.

## AGENDA ITEM 5 — COMPLIANCE MONITORING SCHEME (CMS)

### 5.1 CMS Process

79. The TCC Chair introduced the TCC14 CMR review process (**WCPFC-TCC14-2018-09**). She observed that there were some additional alleged violations related to actions in 2015 and 2016 that had not been addressed previously because the information was not available until recently. Those alleged violations would be considered during this year’s CMS review. The TCC Chair noted that some of the alleged 2015 and 2016 violations related to CMM 2011-03 and CMM 2012-04 (whale shark and cetacean measures), and she recommended that they be considered despite that these obligations were not included in the agreed list of obligations to be assessed CMR covering 2017 calendar year.

80. As per past practice, TCC14 agreed that items from the ROP pre-notification list were not considered. Consistent with the decision by WCPFC14, the Chair noted that verbal statements would be

limited to clarifications, with all new information required to be in written form. CCMs could not block their own compliance assessment if other CCMs had reached consensus. For data or information with reporting deadlines, separate assessments would be made regarding the provision of information, and compliance with the reporting deadline.

81. The Chair noted that requests had been received to conduct the CMS review in closed session, in accordance with past practice. The United States noted the need to improve the transparency of the CMS process and ensure observers could participate, suggesting this should be a high priority for further work, and included as a further step in evolution of the CMS. Canada supported the comments by the United States calling for increased transparency and noted that TCC could benefit from the participation of observers in the CMS process, while acknowledging there were instances where closed sessions could be needed. The EU also spoke in favour of increased transparency, and stated it would welcome the involvement of observers.

82. Pew, speaking also on behalf of Birdlife International, ISSF and WWF, emphasized the importance of ensuring access by observers to discussions on the draft CMRs, noting that the access is provided by Article 21 of the WCPFC Convention and the Rules of Procedure. They highlighted the conclusions of the independent review panel that excluding observers constitutes a “major exception” to the implementation of Article 21, and the report of the WCPFC Legal Adviser to WCPFC13 that “it would be consistent with the WCPF Convention to permit greater transparency in the work of the TCC.” Pew thanked those members that supported and advocated for greater transparency in the CMR process, and stated their hope that progress could be made on the issue in the new CMS proposal. They noted that observers engage with the Commission and its members collaboratively, and view their participation in the compliance discussions as an extension of that collaboration.

83. The representative of the International Environmental Law Project at Lewis and Clark Law School supported the comments made by Pew, noting that international meetings on complex issues that include various compliance mechanisms and involve what many view as the decision-making processes of individual nations have included observers, with no reports of resultant security problems.

84. The WCPFC Compliance Manager introduced **TCC14-2018-08A**, *Overview of Compliance Monitoring Scheme matters for TCC14*, which provides an overview of the CMS, and documents dates when system updates were filed, and records agreed deadlines. She reviewed two new features: the flag state investigation online list, with individual year scores, which are tracked over time, and trial summary tables, which summarize flag CCMs’ responses to cases. She also highlighted inclusion of graphs (Spider Charts) that look at outcomes and how these vary over time; similar charts are used by IOTC to demonstrate outcomes from its compliance scheme. She noted that additional information had also been included regarding VMS reporting status over the last 8-9 months, but that CCMs might wish to receive additional information and analysis.

85. The WCPFC Compliance Manager introduced **TCC14-2018-08B**, *List of Capacity Assistance Requests and Capacity Development Plan*, which details requests that have come through Annual Report Part 2 responses. She also referenced a number of papers relevant to the CMS—specifically **WCPFC-TCC14-2018-dCMR02**, *Trial Summary Tables of Flag CCM responses to alleged infringements notified in the WCPFC online compliance case file system - revision 1* and **WCPFC-TCC14-2018-IP01**, *Update on submission of Annual Report Part 1 and Part 2*. In addition, the following papers include information used in developing the draft CMR: **WCPFC-TCC14-2018-IP03**, *Scientific Data Available to the Western and Central Pacific Fisheries Commission*; **WCPFC-TCC14-2018-IP04**, *Status of Observer Data Management, Including Tables on ROP Longline Coverage*; **WCPFC-TCC14-2018-IP07**, *Summary of the reports received under tropical tuna CMMs from 2017 to 2018*; **WCPFC-TCC14-2018-IP08**, *Catch and Effort tables on tropical tuna CMMs – prepared by Secretariat and SPC-OFP* (updated paper from SC14-

2018-MI-IP-04); **WCPFC-TCC14-2018-IP09**, *Trends in South Pacific Albacore Longline and Troll Fisheries (SC14-2018-SA-IP-08)*; **WCPFC-TCC14-2018-IP10**, *Summary of reporting received by WCPFC under CMM 2010-05 and CMM 2015-02: South Pacific Albacore*; **WCPFC-TCC14-2018-IP11**, *Updated Information on North Pacific Albacore Fishing Effort (NC14-2018-WP01)*; and **WCPFC-TCC14-2018-IP12-Rev.01**, *Compiled information on Pacific bluefin tuna - fishing effort and catch (26Aug2017) (NC14-2018-WP02)*).

86. Tuvalu, on behalf of FFA members, noted that the ability of SIDS to identify and articulate a particular capacity need in the CMS process provides a positive and effective mechanism by which the Commission can facilitate and provide assistance where it is most needed to help SIDS implement their obligations under the Convention. Tuvalu stated that when the concept of the “capacity assistance needed” status was first introduced by FFA members, it was met with some resistance, as some incorrectly perceived it to be a mechanism for SIDS to exempt themselves from meeting particular obligations. They stated this was definitely not the case, and highlighted that in the last 2 years, SIDS had effectively used the capacity needed status and capacity development plans to receive targeted assistance, and ensure they are equipped and capable of meeting an obligation, as intended, illustrating that the process works. They stated that as CCMs will have noted, FFA members are maintaining the “capacity assistance needed” status and “capacity development plans” process in the draft CMS proposal. They noted the important work being undertaken by the SRF-IWG, and the development of a strategic investment plan, and looked forward to seeing how that would define and deliver assistance in response to capacity needs identified in the CMS process.

87. TCC14 agreed on the proposed CMS process as outlined in <b>TCC14-2018-09</b> .
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## 5.2 Review of the Compliance Monitoring Scheme

### a. Intersessional Activity Report from CMS IWG (WCPFC14, paragraph 461)

88. At WCPFC14, the Commission established an IWG on the Review of the Compliance Monitoring Scheme (CMS-IWG) led by Mr. Glen Joseph (RMI). Its tasks were to facilitate consideration of the report from the Independent Review of the Compliance Monitoring Scheme (which was due in March 2018) and develop a revised CMM for the CMS for consideration at WCPFC15 (WCPFC14 paragraph 461).

89. The CMS-IWG Chair noted that an all-day meeting of the CMS-IWG was held on 25 September, and thanked New Zealand for providing funding for that meeting. He noted progress in developing draft text for a revised CMS CMM (**WCPFC-TCC14-2018-10A\_rev1**).

90. The United States noted its appreciation for the work undertaken by the CMS-IWG, and the initiative by FFA members to put forth a proposal for a revised scheme. It stated that it was pleased to see a clear commitment by FFA members and other CCMs to maintaining a very strong CMS. The United States stated its understanding that items under consideration included changes stemming from the independent review, and the views of some members that there was a need to make the system as streamlined and efficient as possible. It noted that it shared those objectives and welcomed such improvements. It noted that it sought to ensure the CMS CMM continued to serve its core function of ensuring CCMs were adequately motivated to live up to their commitments under the Convention, and encouraged CCMs not to overly simplify the CMS, which could remove motivation for CCMs to perform.

91. The CMS-IWG Chair acknowledged the Secretariat in helping progress the work to date, and encouraged all CCMs to assist in making further progress on the issues facing the CMS-IWG.

92. TCC14 noted the progress made in the Compliance Monitoring Scheme IWG (**TCC14-2018-10A\_rev1**). TCC14 encouraged further progress to be made in the intersessional period prior to WCPFC15 as a matter of priority, including the tasking list tabled during the CMS-IWG face to face meetings held on 25 September and 1 October 2018 in Majuro, RMI (**CMSIWG-2018-Homework**).

#### **b. Final Report from Independent Panel to the Review the CMS**

93. The final report from the Independent Panel was circulated for consideration by Members on 7 March 2018 (Circular 2018/15). On 19 March 2018 the final report was reissued, with the only change being the inclusion of an Executive Summary that was inadvertently omitted from the original submission. A paper that compiles the CMS-IWG participants' comments on the report from the Independent Review of the Compliance Monitoring Scheme is provided as (**WCPFC-TCC14-2018-10B**).

94. Australia, on behalf of FFA members, thanked the Independent Panel for their hard work and the valuable report, which incorporated FFA members' views. FFA members worked through the recommendations and have recognised several of these in developing FFA's draft CMS measure proposal, which was further developed during CMS-IWG. They stated that while the priority task for FFA members was the development of the CMM, outside of this work, it would be useful to progress some of the recommendations that would serve to support the CMS and the work of the Commission more broadly, namely:

- continuing improvements to presentation of CMS summaries and trends analyses of capacity development information;
- development of handbooks listing the various requirements and obligations for fisheries managed by the Commission;
- continuing to expand the training resources and learning aids for the IMS;
- consideration of options to mitigate the impacts of an unscheduled disruption to Secretariat services to the CMS; and
- exploration of IMS data submission and extraction tools.

They stated that FFA members see these tasks as important future tasks to support the implementation of the CMS and improve the effectiveness of the Commission.

#### **5.3 Provisional CMR report and Executive Summary**

95. The CMS working group reviewed the draft CMR, made its assessments, and prepared the Provisional CMR in closed session.

96. TCC14 submitted the Provisional CMR, containing its provisional compliance assessment, and recommends the report to WCPFC15 for its consideration and final assessment.

97. TCC14 noted for WCPFC15 that there were several recommendations in the Provisional CMR relating to revision of existing Conservation and Management Measures.

98. TCC14 recommended that WCPFC15 review and revise, as appropriate, the following obligations, noting that more information related to these recommendations is contained in the Provisional CMR:

- a. CMM 2005-03, paragraph 2
- b. CMM 2014-02, paragraph 4
- c. the equivalent of paragraphs 14, 16, 18 and 22 of CMM 2016-01 in CMM 2017-01
- d. CMM 2016-01, and subsequent versions, in relation to charters
- e. CMM 2016-04, paragraph 3 (2)

#### **5.4 Provide advice on the expiry of CMM 2017-07 at the end of 2018 (CMM 2017-07, para. 41)**

99. Addressed under Agenda Item 5.2a (Intersessional Activity Report from CMS IWG (WCPFC14, paragraph 461)).

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

100. Dr. Graham Pilling (SPC-OFP) presented a summary of the stock status and main fishery trends for the WCPO. The provisional total tuna catch for 2017, of 2,539,950 mt, was the lowest total catch in the last 6 years. While purse seine and troll catches were comparable to 2016, longline, pole and line and Indonesian/Philippines artisanal catches were lower. Provisional tropical longline catches of both bigeye and yellowfin, along with total effort (millions of hooks) had declined from 2016, while catch rates (number of fish per hundred hooks) of these stocks were slightly lower, noting that the provisional catch rates for bigeye were the lowest seen since 1990. In the southern longline fishery (south of 10° south), effort and catch showed notable increases from 2016, following 3 years of declines, while catch rates increased slightly over this period. For the purse seine fishery, the number of sets increased slowly from 1990 to 2009, after which the number of unassociated sets had increased markedly. The overall number of sets increased from 2016 to 2017. Available data from logsheets and trip length indicated that catch rates had increased from mid-2017 to April 2018.

101. The catch trends and current assessed status of each of the ‘key’ tuna species was summarised. All four stocks are currently considered — on average — not to be overfished, nor subject to overfishing. Following SC14 decisions to adopt the ‘updated new growth’ estimates and associated maturity schedules as the best available information for bigeye tuna (‘old growth’ models were dropped from the uncertainty grid), 36 models were used to provide management advice in 2018. Bigeye was assessed to not be overfished nor subject to overfishing, although there was a 6% probability (2 out of 36 models) that the recent fishing mortality was above  $F_{MSY}$  (zero probability that the stock was below the adopted limit reference point). Projecting the stock assuming 2016 fishing conditions and the recent positive recruitments, there was zero probability that the stock would decline below the LRP by 2019. For yellowfin tuna using 48 model runs agreed in 2017, SC advice noted that the stock was on average not overfished and overfishing was not occurring, although there was an 8% and 4% probability of each (4 and 2 out of 48 models, respectively). Projected stock status to 2019 under 2016 fishing and recruitment conditions suggested a 6% probability that the stock would fall below the LRP by 2019. For skipjack tuna the last assessment (performed in 2016) indicated that the stock was not overfished and overfishing was not occurring, and the

stock was around the interim target reference point. The projection indicated a short-term decline, with a stock recovery back to the target reference point of  $SB/SB_{F=0} = 0.5$  in the longer term, and no model runs fell below the limit reference point. For South Pacific albacore tuna, the assessment performed in 2018 indicated the stock was not overfished and overfishing was not occurring. Projection analyses for this stock will be performed for WCPFC15. The stock status of non-SPC assessed tuna stocks was also summarised, including north Pacific albacore and Pacific bluefin tuna; billfish and shark assessment results were also summarised.

102. Finally, SPC noted that it was undertaking work supporting harvest strategy development for WCPO stocks, and was performing analyses to inform WCPFC15 on options for the South Pacific albacore TRP, based upon the 2018 stock assessment, and the potential performance of tropical tuna CMM 2017-01.

103. Nauru, on behalf of PNA members noted the excellent summary, and drew attention to **WCPFC-TCC14-DP01**, submitted by the PNA office.

104. Japan noted that the presentation was very helpful for the purpose of informing discussions in TCC. In reply to a query from Japan, SPC stated that the CMM evaluation showing the effect of various bigeye tuna recruitment scenarios would be presented at WCPFC15.

105. Indonesia recognized the significant progress made in developing assessments for various species. It inquired regarding the likelihood that yellowfin or bigeye tuna stocks would be overfished, and asked whether shifts in the bigeye tuna assessment were driven by the use of the new growth model, or a result of the implementation of management measures. SPC stated that projections of yellowfin tuna status indicate a 6% probability (given recent recruitment and fishing levels) that yellowfin could be overfished. Dr. Pilling noted the figure was consistent with results of work done by SPC for SC14, and that **WCPFC-SC14-2018-SA-WP-02** (*A compendium of fisheries indicators for tuna stocks*) gave those results for all stocks. Regarding bigeye, shifts in the assessment resulted mostly from the new growth analyses; if those are removed, the status of the stock is more positive, but declines over time. The extent of the impact of management measures is not known, while the impact of recruitment is significant—the evaluation of CMM 2017-01 that will be presented to WCPFC15 indicates that if recruitment improves the CMM will achieve its objectives, if not the stock will decline.

106. The EU noted that it would be useful to have additional information on the different fisheries that harvest Pacific bluefin tuna and the trends in these fisheries. It stated that the fact all key tropical tuna stocks were in a stable condition was a very significant achievement. It inquired about the source of the seemingly significant increase in purse seine fishing effort. SPC stated that the increase in purse seine effort in 2017 was addressed in some papers, including **WCPFC-TCC14-2018-IP08**, which contains a breakdown by fleet. The EU noted it reviewed the papers, and that it appeared the high seas component of the fishery was primarily responsible, although it had noted no breaching of high seas limits. In reply SPC indicated that Table 2 of IP08 (purse seine days fished in international waters in the WCPFC-CA) suggests that overall high seas effort in 2017 was lower. In reply to the request for additional information on Pacific bluefin tuna, the WCPFC Science Manager confirmed additional information could be provided.

107. The PNA thanked the EU for raising the issue. They noted Nauru's mention of **WCPFC-TCC14-2018-DP01**, and drew attention to Figures 2 and 5, which show effort trends in different parts of the fishery; Figure 5 contains both high seas and EEZ data.

108. TCC14 noted the presentation by SPC-OFP of the Status of Fisheries Presentation.
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## AGENDA ITEM 7 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

### 7.1 Monitoring Obligations Relating to SIDS and Territories (TCC Workplan 2016–2018)

109. 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 was a standing agenda item for TCC. 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 — TCC Workplan paras. 2(d) & (e). Two CMMs were approved at WCPFC10: CMM 2013-06 *Conservation and Management Measure on the Criteria for the Consideration of Conservation and Management Proposals* and CMM 2013-07 *Conservation and Management Measure on the Special Requirements of SIDS and Participating Territories*. WCPFC11 noted the checklist in WCPFC11-2014-DP20\_rev2 provided by FFA members, setting out an evaluation of SIDS special requirements and the respective status of assistance, and agreed to take into consideration the checklist as a guide to assist developed CCMs assess the status of assistance to SIDS (WCPFC11 Summary report, paragraph 197, Attachment D). A checklist of SIDS special requirements and the respective status of assistance and comments on the Special Requirements Fund have been submitted by FFA members in recent years (including **WCPFC14-2017-DP07**).

110. Two related documents submitted to TCC14 were highlighted: **WCPFC-TCC14-2018-11**, *Summary from Part 2 CMM 2013-07 paragraph 19 Annual Reports*, and **WCPFC-TCC14-2018-8b**, *List of Capacity Assistance Requests and Capacity Development Plan*.

111. RMI, on behalf of FFA members, stated that the Convention specifically recognises that the Commission has a duty to give full recognition to the special requirements of SIDS in relation to conservation and management of fish stocks and the development of fisheries for such stocks. Hence, the Convention also recognises the uniqueness of SIDS, in terms of their vulnerability and high economic and social dependence on their fisheries resources, as SIDS are the most seriously affected among Commission members by any of the decisions and obligations arising from the WCPFC. They stated that FFA members appreciated this recognition by CCMs in the implementation the CMM 2013-06 and CMM 2013-07, and strongly encouraged CCMs to comply with the requirements and process under those two CMMs.

112. Japan announced that following TCC14, it would invite applications to the Japan Trust Fund capacity building program, and encouraged CCMs to take note.

113. The EU stated that a recently approved EU program (totalling about €45 million) was also expected to address special requirements.

114. New Zealand stated that it supported the successful and ongoing implementation of CMM 2013-07 on the special requirements of SIDS, and made significant development investments through regional organisations and bilateral work. New Zealand stated it supported special recognition of developing states through the structuring of management measures, and providing for effective participation in the Commission’s work. It stated it was pleased to be part of the SRF-IWG working and the IWG efforts on the development of the strategic investment plan to match capacity and capability requirements of developing States and Territories with appropriate investment strategies so they can be progressed in an initial three year trial period

115. The TCC Chair noted Tables 1 and 2 in **WCPFC-TCC14-2018-8b**, which list CMM paragraphs where CCMs identified a capacity development need.

## 7.2 Intercessional Activity Report from Special Requirements Fund IWG of the FAC

116. Australia, on behalf of Liz Brierley, Chair of the Special Requirements Fund (SRF) IWG of the Finance and Administration Subcommittee (FAC), introduced **WCPFC-TCC14-2018-12**, *Intersessional Activity Report from Special Requirements Fund IWG of the FAC*. WCPFC14 agreed that the SRF IWG would continue developing a strategic investment plan for consideration by WCPFC15. The plan is intended to match the capacity and capability requirements of developing states and territories with appropriate investment strategies so they can be progressed in an initial 3-year trial period. WCPFC-TCC14-2018-12 presents the results of background research undertaken to identify

- capacity needs of developing states/territories recorded through WCPFC processes (in Attachment A); and
- a range of funding options (within and outside of WCPFC) currently available to fill these capacity needs, and their accessibility criteria.

117. The TCC Chair noted that TCC14 was invited to consider the analysis of capacity needs and funding provided in WCPFC-TCC14-2018-12 and provide feedback to the SRF IWG Chair (through Australia) on any gaps or experience that would impact the overall assessment; and consider what capacity needs need to be added for priority support as a result of TCC14 deliberations, and advise the SRF IWG Chair accordingly. The Chair noted IWG outputs would be considered by the FAC prior to the WCPFC15 meeting.

118. Canada noted that element 17 (Disproportionate burden & economic development) was identified in the paper as the No. 1 priority. While appreciating the intent behind that consideration, it noted the paper lacked specificity regarding potential options open to TCC, and stated it needed more detail on how to proceed, asking whether this could be refined before WCPFC15 to identify actual steps that can be taken take over 1, 3 or 5 years to progress the issue.

119. The United States thanked Australia and the IWG Chair for their work, recognized the importance of the issues to members and the Commission, and noted the work done by FFA, CCMs, the Secretariat, and the IWG to identify capacity needs and gaps. It stated the United States would take this into account when scheduling resources. It noted it had tried to prioritize voluntary contributions to the fund to ensure funding was available, and looked forward to engaging with the IWG to further develop the investment plan.

120. The EU thanked the IWG Chair and Australia, and acknowledged the important capacity needs and requests. It stated that funding support was available, and stated its belief that the majority of the needs could be addressed. It highlighted the need for effective coordination to optimize the use of funding and achieve results. It stated the EU would submit written comments on the paper.

121. Tokelau, on behalf of FFA members, thanked the IWG Chair for her dedicated leadership. They stated that facilitating the analyses to identify capacity needs and available resources was useful and informative, providing a concise picture of activities that offer assistance to developing States. They looked forward to seeing how this would shape the development of the strategic investment plan. They noted the work has highlighted a significant gap, one that FFA members have been calling on the Commission to address: to improve the effective participation of developing States in the work of the Commission. They called on CCMs to note that the use of the SRF has largely been used by developing States to attend training, workshops and meetings related to the work of the Commission, clearly indicating it is an ongoing need. They stated that the trend in the use of funds by developing States is also evident internationally (e.g., in the UNCLOS Part VII fund, which was also used to support greater participation by developing States in different forums), and as such, it is imperative that this participation be facilitated particularly for TCC.

The depth of technical issues discussed in TCC is significant, and in order for proper consideration and therefore decision-making by all CCMs, the Commission must support additional participation by SIDS to Commission meetings. On behalf of FFA members, they urged that TCC recommend that the Commission provide for the additional participation of SIDS to TCC meetings, to ensure their effective contribution and participation in the technical and compliance work of the Commission.

122. Indonesia stated its appreciation for the work done by the IWG, noting the effort should be in line with Article 30 of the Convention text. It stated that when working with the West Pacific East Asia project, there were several areas where technical assistance and expert consultancy assistance were needed rather than direct funding assistance. It noted that capacity development should thus include both funding and technical assistance (including expert supervision) to ensure capacity development is properly delivered. Indonesia indicated it would like to see this included in WCPFC-TCC14-2018-12.

123. Samoa, on behalf of FFA members, stated that one aspect that the report did not cover is people. They noted that in order for capacity to be built and for good work to be done there is a need for people to undertake and implement work and obligations on the ground. They acknowledged the report might not be the right place to consider the issue, but emphasized its importance, and the need for it to be recognised as the work progresses.

124. Kiribati stated it supported recommendation made by Tokelau. It observed that for SIDS, meeting all observer requirements may require some assistance. It noted difficulties in meeting criteria for funding assistance to comply with CMMs, and suggested the issue of assistance to SIDS to enable compliance with obligations arising from adopted CMMs should be considered.

125. Australia indicated this was an issue being considered by the SRF-IWG, noting that Tokelau's comment was made in response to the SRF-IWG's report, and suggested this was an issue that should be further addressed. The United States noted appreciation for the comments by Tokelau regarding participation, noting that the issue was not new. It noted the need to identify funding for increased participation and stated that the job of the SRF-IWG was to recognize and balance how to support SIDS' needs. RMI suggested it was time to move beyond principles and actually help SIDS meet their obligations.

126. The EU stated the matter required further discussion, possibly in the FAC, suggesting supporting a second representative from SIDS to TCC was a development issue, and that other sources of development funding outside WCPFC should be approached. It stated that the EU had development funds that could possibly provide support, but few fisheries funding sources that could address this need.

127. Palau, New Caledonia and Cook Islands supported the statement by RMI. Palau noted that in 2018 it self-funded an additional representative to SC and TCC, and was struggling to find funds to pay the second half of its WCPFC contribution. New Caledonia stated that it frequently had a delegation of only one, and if funding assistance was not available, they might be unable to attend. Cook Islands noted its budget limitations, and difficulties in building staff capacity.

128. Canada inquired whether increasing participation was the priority from the standpoint of capacity building, while noting support for the SRF. The Chair noted that members' comments highlighted that for some CCMs increased participation at TCC was their top priority from the needs identified in the SRF-IWG report.

129. Kiribati noted that SIDS face special circumstances, in terms of dependence on fisheries, and has a particular need to be effective participants in WCPFC meetings so that they could understand and meet their obligations to best manage the fisheries resources.

130. The TCC Chair noted the recommendation was specific to WCPFC-TCC14-2018-12, para. 6 and included issues of building technical capacity. She suggested CCMs provide feedback to the SRF-IWG Chair to ensure the Commission was aware of these needs.

131. Tokelau noted that meetings held prior to the formation of the Commission identified costs borne by SIDS and participating territories to meet obligations emerging from CMMs. It noted that the information provided by CCMs to the Commission was needed to enable SIDS to make the correct decisions, and that the request for assistance to increase participation in the meetings and discussions was made in good faith. The PNA noted that during discussions on the CMR process only a single CCM could address all the issues raised with just one person, illustrating why depth of participation was essential to support WCPFC's TCC process.

132. A majority of CCMs, including all SIDS and participating territories present at TCC14, noted that greater participation by SIDS and participating territories in the technical and compliance work of the Commission is a priority capacity building need. In this context, TCC14 recommends that the FAC12 consider how to facilitate additional participation by SIDS and participating territories to TCC meetings, taking into account all possible funding sources.

133. TCC14 noted the ongoing work of the SRF-IWG and encouraged CCMs to provide feedback on the analysis and prioritisation outlined in **TCC14-2018-12** to the Chair of the IWG by 30 October 2018 to inform consideration of this work by FAC12.

## AGENDA ITEM 8 — CORE MCS ACTIVITIES

### 8.1 Vessel Monitoring System (VMS)

134. The WCPFC VMS Manager Albert Carlot referenced the VMS Annual Report (**WCPFC-TCC14-2018-RP01**). The VMS Annual Report addresses the service-level agreement with FFA; contracts with mobile communication service providers; the Commission VMS database; the list of approved MTUs/ALCs; the VMS Audit Report; manual position reporting; provision of high seas data for MCS activities; an update on tasks from WCPFC14; and the security and integrity of the Commission VMS.

135. New Zealand, on behalf of FFA members, noted that WCPFC had provided access to the VMS reporting of the flag CCM reporting vessels on the RFV under each member's CMR reporting. It also thanked the Secretariat for the full VMS report, and inclusion of the full export functionality. It noted the reporting status was a very useful tool to manage any VMS non-reporting, and looked forward to using the additional functionalities from the VMS report. Regarding the data in the report, it noted some discrepancies, and stated it would work with the Secretariat to address these.

136. Vanuatu, on behalf of FFA members, noted that the WCPFC14 decision to remove four ALC/MTU models from the list of WCPFC approved ALC/MTU types - FVT, MAR-GE, MAR-GEV2 and MAR-GEV3. They requested that those CCMs that have vessels using the MTU units that are subject to phase out until 1-Jan-2023 meet their reporting obligations as per WCPFC14's decision (i.e., provide a list of vessels that are using the units to the Secretariat, and update this list annually). They noted that Vanuatu was one of the CCMs listed in the VMS Annual Report required to report a list of its vessels still using the units, and confirmed that Vanuatu has now provided this list to the Secretariat.

137. Solomon Islands stated that Table 7 in TCC14-2018-RP01 (which provides the number of vessels by flag that provided manual position reports during July 2017 to May 2018) indicates China and the Philippines have vessels manually reporting every month. On behalf of FFA members, they sought feedback from China and the Philippines as to why their fleets are experiencing regular VMS reporting failures.

138. China noted its vessels often need to manually report because of issues with their equipment; the numbers were large because of the large size of the Chinese fleet.

139. Philippines stated that its vessels experiencing this problem were all light boats, not catchers or carriers, and that it was pursuing a technical fix.

140. Cook Islands, on behalf of FFA members, noted that WCPFC13 extended the VMS manual position reporting requirements (WCPFC9 agreed amendments to VMS SSPs Section 5) for two years (these will now expire on 1 March 2019). FFA members supported extension of this requirement for a further two years, taking into consideration the need for more timely provision of the manual reports through automated online facilities or via electronic reporting where flag CCMs directly upload the required information.

141. The United States supported the recommendation from Cook Islands. Australia noted the comprehensive information the Secretariat has available, and inquired if it was possible for the Secretariat to use an automatic alert function to let CCMs know when new information was posted online. The WCPFC Compliance Manager stated that the list was updated automatically, and the Secretariat was looking to do the same with the VMS supporting file, as tasked by TCC13. She stated that once accessible online the need for alerts will decrease; the Secretariat tries to use circulars rather than emails for alerts related to new supporting information being posted. In response to a further inquiry, she noted the Secretariat did not currently have the capability to deliver automatic update alerts, and would have to be tasked to develop that capability. In the short term this could only be completed manually.

142. Several CCMs suggested that intersessional discussions between CCMs and the Secretariat regarding VMS analytical capacity and structures could be useful.

143. TCC14 noted the Annual Report on Commission VMS (**WCPFC-TCC14-2018-RP01**).

*Secretariat information on VMS reporting status*

144. TCC14 noted the ongoing work by the Secretariat to provide information to CCMs on VMS status. TCC14 further noted that some CCMs would seek to work with the WCPFC Secretariat during the intersessional period in order to enhance how the CCMs and the Secretariat's practices integrate to facilitate ongoing monitoring and compliance with the current CMM.

*Manual reporting in the event of ALC malfunction*

145. TCC14 noted that the WCPFC13 decision to replace section 5 paragraph 4 and 5 of the WCPFC VMS SSPs applies until 1 March 2019.

146. TCC14 recommends the extension of the "Manual reporting in the event of ALC malfunction" requirement (Attachment 1 to the VMS SSPs) for a further two years (until 1 March 2021), taking into consideration the need for more timely provision of manual reports

through automated online facilities or via electronic reporting where flag CCMs directly upload the required information.

**a. Consider proposals for inclusion of additional ALCs on the WCPFC approved ALC/MTU list (VMS SSPs Section 2.7)**

147. The WCPFC VMS Manager introduced (i) **WCPFC-TCC14-2018-13A**, *Proposals for Inclusion of Additional Automatic Location Communicators (ALCs) on the WCPFC Approved ALC/ Mobile Transceiver Units (MTUs) list*, which detailed a request from the Philippines for inclusion of two ALCs to the approved list; and (ii) **WCPFC-TCC14-2018-13A\_suppl\_rev1**, *Requests for new inclusions of ALCs to the WCPFC approved ALC/MTU list – Revision 1*, which detailed a request from Canada for inclusion of an additional four ALCs on the approved list. The Secretariat’s assessment found that all the units met the minimum standards for the Commission VMS and were capable of successfully reporting to the Commission VMS.

148. Samoa, on behalf of FFA members, noted that it is critical that MTUs meet the minimum WCPFC standards and have the ability to successfully report to the Commission VMS. FFA members support the Secretariat’s recommendation to add the SkyWave IDP-690 and ORBCOMM ST 6100 MTUs to the WCPFC approved MTU/ALC list. With regards to the four new units submitted in WCPFC-TCC14-2018-13A\_suppl\_rev1, FFA members supported the Secretariat’s recommendation that the four units (iTrac101B, BB3, BB5 and RomTrax Wifi) meet minimum standards for the Commission VMS. However, they requested further information regarding:

- How the position data will be provided by the three Mobile Communications Service Providers (MCSPs) namely: MetOcean Telematics, SASCO and Rom Communications.? How the support services for these units will be provided and whether there are or will be authorised distributors and/or authorised MTU installers within the WCPFC area?

Samoa noted they wanted to ensure the MTU service providers can provide the VMS position data to multiple monitoring agencies and the manufacturers have some authorised regional distributors and/or authorised MTU installers for support services.

149. The VMS Manager addressed the delivery of position data, stating the units used the Iridium network.

150. New Zealand inquired if the approval process could be simplified, such that if a new unit met the minimum standards it could be accepted based on the Secretariat’s assessment, without the need for review by TCC.

151. With respect to the ALC units listed in WCPFC-TCC14-2018-13A\_suppl\_rev1, Cook Islands inquired how data would be provided by the data providers, how support services would be provided, and whether distribution and support services were available throughout the region. Canada indicated that the units are currently in use in Canada. It stated that it had successfully acquired the data, and in some cases the Secretariat had also been able to receive the data. It indicated that servicing of units used by Canadian vessels would occur in Canada, as its vessels conduct transects from Canada into the Commission Area, and return the fish to Canada. The Cook Islands indicated that local servicing was very important to them, and requested an assurance that units could be serviced in the WCPFC area.

152. The United States stated that this was a valid issue, in that approval of these units was not specific to Canada — they would be approved for use by other flag States if those States elected to deploy those units on their vessels — but noted it was likely other approved ALCs were not necessarily supported throughout the entire Convention Area. It stated that given the Secretariat’s assurance that the evaluation was successfully completed, and Canada’s indication that it was satisfied with service availability for its vessels, the United States was comfortable with approval of the 4 units. RMI and the EU supported the position taken by the United States.

153. New Zealand explained that its intention in suggesting automation of the process of assessing the units was that if a clear process was identified, it would not be necessary for TCC to conduct an assessment of every proposed unit. In support of this approach, the EU stated that it had made its assessment of the proposed new equipment based on the assessment conducted by the Secretariat.

154. TCC14 noted the Secretariat’s assessment that the Skywave IDP-690 and ORBCOMM ST 6100, 6100, iTrac101B, BB3, BB5 and RomTrax Wifi ALC units each meet the minimum standards for the Commission VMS and are capable to successfully report to the Commission VMS.

155. TCC14 recommended to the Commission the addition to the WCPFC approved ALC/MTU list of the following ALC units:

<b>Model / Approved MTU Type</b>	<b>Manufacturer</b>	<b>Comm System</b>	<b>Service Provider</b>
<b>Skywave IDP-690</b>	ORBCOMM/Skywave	INMARSAT ISATDATA PRO	Skywave
<b>ORBCOMM ST6100</b>	ORBCOMM/Skywave	INMARSAT ISATDATA PRO	Skywave
<b>iTrac101B (iTrac II)</b>	MetOcean Telematics	Iridium SBD	MetOcean Telematics
<b>BB3</b>	SASCO	Iridium (mini LEO)	SASCO
<b>BB5</b>	SASCO	Iridium (mini LEO)	SASCO
<b>RomTrax Wifi</b>	Rom Communications	Iridium SBD	Rom Communications

156. TCC14 recommended to WCPFC15 that the Commission consider amending the WCPFC VMS SSPs, paragraph 7, that ALC/MTU units shall be included on the approved ALC/MTU list based on the Secretariat’s Assessment that any newly nominated ALC/MTU meets the minimum standards and that the inclusion of such units is circulated to all CCMs. A suggested replacement paragraph is provided below:

*7. The Secretariat will assess proposals for inclusion of additional ALC/MTU makes and models on this list from both CCMs and equipment manufacturers. The Secretariat shall include the ALC/MTU make or model being proposed on this list, if no CCM objects in writing within 30 days of the Secretariat circulating notice of its intent to all CCMs, and, if in the Secretariat’s assessment, the ALC/MTU make or model meets the minimum standards for the Commission VMS as set out in Annex 1 of CMM 2014-02 (or its successor measure), the*

*WCPFC SSPs, as relevant, by determining that the ALC/MTU make and model has the ability to successfully report to the Commission VMS, and by using the methodology established by the FFA with expenses for type approval processing to be borne by the proposing entity. Where the Secretariat concludes in its assessment that a proposed ALC/MTU make or model does not meet these requirements, or if a CCM objects in writing to the Secretariat's proposal to approve a new ALC/MTU make or model, the Secretariat within the annual report shall make recommendations regarding the proposed ALC/MTU make or model for the TCC's consideration and the Commission's approval. The Secretariat will recommend, as needed, to TCC the removal of units currently on the list of approved ALC/MTU makes and models that it has determined no longer meet the minimum standards set out in Annex 1 of CMM2014-02 (or successor measure), or do not have the ability to successfully report to the Commission VMS. If an ALC/MTU make and model is removed from the list of approved ALC/MTU types, flag States will ensure that their fishing vessels replace non-type approved ALC/MTUs with approved ALC/MTUs by the next replacement of the ALC/MTU, but no later than three years after the Commission's decision.*

**b. Update of Standard Operating Procedures (VMS SSPs Section 6.9)**

157. The WCPFC VMS Manager Albert Carlot introduced **TCC14-2018-13B**, *Proposed Revisions to the Commission VMS Standard Operating Procedures*.

158. Australia supported the work and progress. It noted that the ERandEMWG considered electronic standards for manual reports, and on behalf of FFA members recommended that the Secretariat consider some additional updates to the proposed VMS SOPs. In reply, the Compliance Manager indicated that the Secretariat would be happy to work with FFA to revise VMS Client User Access details as needed, but that the proposed changes to vessel tracking data to be submitted by CCMs (4.2 in TCC14-2018-13B) might require changes in the VMS SSPs as the proposed language is based on the VMS SSPs.

159. In response to a query by Korea regarding manual reporting (**section 4.4 of WCPFC-TCC14-2018-13B**), the Compliance Manager clarified that the SOPs intended that the data would be entered by the Secretariat.

160. Australia noted that the ERandEMWG had considered (but not yet developed) draft SSPs for manual reporting, and that some testing was to take place. It suggested the issue could be progressed through the ERandEMWG, where it was being addressed by a technical sub-group. It stated the desired outcome was that the Secretariat have a mandate to use manual reports to better inform the VMS picture.

161. The Compliance Manager indicated the Secretariat would need further time to re-examine the draft standards for manual reporting and reflect on its current work to develop E-reporting capabilities to ensure they took full advantage of investments to date. FSM observed that a more technical standard was needed that defined how data could be uploaded to the VMS database, noting that automating the process would increase timeliness and reduce data re-entry errors.

162. TCC14 considered the revisions proposed by the Secretariat to update the Commission VMS Standard Operating Procedures (**TCC14-2018-13B\_rev1**).



163. TCC14 recommended to WCPFC15 that the Commission approve the updated Standard Operating Procedures for the WCPFC VMS (**Attachment D**)

## 8.2 Regional Observer Programme

164. The ROP Coordinator Karl Staisch introduced the *ROP Annual Report (WCPFC-TCC14-2018-RP02)*. He stated the Secretariat continues to audit programmes, and was in the second phase of the audits. Four programmes were audited prior to TCC14 (New Zealand, Japan, the PNA Observer Agency, and the EU-Portugal Promarinha Observer Programme), with the latter fully authorized as part of the ROP in June 2018. Palau and Tuvalu still required review for 2018. He stated that observer audits for 2019 were intended to include Australia and New Caledonia, which would complete the second phase. A third round of auditing will commence in 2019, addressing programmes last audited in 2014; additional audits for 2019 are intended to include United States, Philippines, FFA, Solomon Islands and Vanuatu.

165. He noted that an “Observer Trip Monitoring Summary” is part of the minimum data standards of the Commission, and that ‘YES’ is an indicator only and does not indicate that there has been any infringement by a vessel. The Secretariat was tasked at WCPFC12 to work with SPC in developing an online solution for providing advance notification to flag States of alleged infringements reported in observer trip monitoring summaries. As advised to TCC13, this continues to be delivered through the Observer Obstruction Alleged Infringement list and the Pre-Notification list, both of which are maintained in the WCPFC online compliance case file system. Annex A, Table III of RP02 provides a summary of the outcomes of investigations by flag CCMs of alleged Observer Obstruction Incidents reported by ROP observers and notified in ROP observer data for 1 January 2015 – 15 July 2018. He noted that as of TCC14 two incidents had been reported to the Secretariat in reference to CMM 2016-03 and related to 2017 calendar year; for one of the two incidents the Secretariat was still awaiting the final report on the outcome of the investigation. No incidents had been reported during 2018, as of the preparation of the ROP Annual Report.

166. He stated that the CMM booklet was a popular tool for observers and managers as it covered most of the WCPFC CMMs, and that the continued implementation of the WCPFC online compliance case file system, with support from SPC for ROP data access, was providing a mechanism for the Secretariat to draw on all available information related to implementation by CCMs of CMMs in preparing draft CMRs for consideration by TCC. He noted that overall the 23 observer programmes included in the Commission ROP routinely operated within the standards required by the Commission, although some had problems implementing a few of the Commission’s standards.

167. The United States thanked the Secretariat for including the new section on observer safety incidents, and stated it was happy to see the progress in protecting observers. It highlighted that observer coverage levels in longline fisheries had still not reached the required 5% ROP coverage rate levels; although improving, more work was needed to reach the minimum threshold. It noted the data on bycatch, and particularly turtle interactions, where the number of interactions and mortalities were remarkably high. It noted that the report reflected a high percentage of mortalities, and although data were not broken down by fishery, suggested many interactions were likely occurring in the deep-set fishery where turtles will drown when hooked. It noted the United States’ concept proposal to address the issue, and stated it hoped progress could be made in reducing mortality, especially in the deep-set fishery. The United States stated there were some problems in terms of the timing of getting data into the Commission database, observing that at the time of the report 50% of data had either not been received or was not yet inputted into the database. It noted the requirements for data submission, and inquired whether the situation was improving, and where problems were occurring. In reply, SPC noted an improvement in timeliness in 2015–2016,

which then worsened in 2017. SPC was aware of some issues and had offered assistance. In terms of 2018 submissions there was a clear improvement at this point compared to 2017. Australia commented that the ERandEMWG did consider the uptake of electronic reporting technology, and would expect an improvement in timeliness to be evident in the 2018 data when that was analyzed; it indicated they would follow up with SPC on the issue.

168. Nauru, on behalf of FFA, noted the report regarding cross-endorsed observers for IATTC and WCPFC. They stated that WCPFC currently pays for this entirely, with no costs borne by IATTC or the relevant fleets involved. FFA members noted that the cross-endorsement training was benefitting the United States fleet, and therefore recommend that the funding mechanisms for the training be reviewed so that the beneficiaries are required to pay, rather than all CCMs.

169. The EU acknowledged the report, stating that it would generally be useful if the report was presented in greater detail. Regarding the tables that describe how different cases identified through the ROP had been investigated and concluded, it noted that the proportion of concluded cases seemed low, noting for the attention of the Commission that cases from 2015 were still pending. Regarding the table on shark measures, it highlighted progress in terms of reducing the number of specimens retained, but noted it appeared some species were still targeted, which it stated should be brought to the attention of the Commission. Regarding Table 10 (Purse Seine Observer Coverage), the EU stated the table suggested the EU had no observers. It noted it had raised the issue during the CMR discussion, and requested assistance in providing information in the correct way to ensure this did happen again in 2019.

170. The ROP Coordinator stated that flag states are supposed to provide information on all observers. ROP observer programmes often submit data on their observer placements, but it is a responsibility of the flag state to inform the Secretariat if it has an observer onboard; otherwise the Secretariat will have no data.

171. New Caledonia noted that it would have welcomed an audit in 2018, as it had 10% coverage; it hoped it would still be fully operational in 2019, given that its observer coordinator would soon be leaving.

172. New Zealand stated that there was a high bycatch rate in the area not covered by the bycatch measure. It hoped data could be improved through refined seabird identification materials that would help observers confirm the identification of captured seabirds. The ROP Coordinator observed that efforts had been made for several years to train observers on seabird identification.

173. In response to queries from China and RMI, the ROP Coordinator stated that cross endorsement training was conducted for purse seine vessels, with a budget of \$25,000 per training session, and the fleets that utilized cross-endorsed observers were primarily the United States, through the United States multilateral treaty, and on occasion EU-Spain vessels. RMI noted that the training funds were provided through the core WCPFC budget, and, as indicated by Nauru, all members were essentially paying for this through their annual contributions. It suggested the training should instead be funded in a cost-recovery basis by the beneficiaries.

174. The United States stated it appreciated the issues raised, and that based on the discussion it appeared it might be the primary beneficiary of the cross-endorsement training. It noted that para. 39 of RP02 indicated “many countries” had asked for cross endorsement courses, and inquired whether these requests were from coastal states. It stated it would be open to further discussing the funding for cross-endorsement training. The ROP Coordinator indicated most requests (in meetings or via emails) were from observer providers that are FFA members, and that the IATTC paid its own costs at the meetings, with WCPFC covering its airfare. The opinion of IATTC was that this constituted a WCPFC cross-endorsement of WCPFC observers going into the IATTC Convention Area. The WCPFC Executive Director indicated

the Secretariat would prepare a paper suggesting different funding options for the cross-endorsement workshops.

175. RMI inquired regarding the Commission's priorities with respect to observer placement, observing there was a need to increase longline observer coverage. PNA supported the comment by RMI and noted that cross training needed to be evaluated next to other priorities. They noted that it was ironic that cross-endorsement training was funded under the WCPFC budget, while other observer training was not. The EU observed there was an assumption there was no direct benefit from the cross-endorsement training program for many members, and asked if anyone had assessed whether there was an indirect benefit, given that cooperation with IATTC is generally viewed as important.

176. WWF spoke on behalf of WWF, ISSF, Birdlife, and Pew, noting the United States' previous comments. They highlighted the importance of observers and the information they collect, stating that CCMs have an obligation to use the best available scientific information, but that this could not be based on poor quality data. They noted the discussion at SC14 regarding the inadequacy of existing data (related to both target and bycatch species), which was often attributable to low observer coverage, and which reaffirmed the need to improve longline observer coverage. They noted SPC's success in developing remarkably good analyses using fragmented and unrefined data, but stated it was imperative that the need for independent observer data be addressed through improvements in observer coverage on longline and transshipment vessels. WWF further noted that peer-reviewed research (constituting the best available scientific information on the issue) indicated a minimum of 20% observer coverage was necessary to secure an appropriate level of statistical significance for stock assessment purposes, and that observer coverage requirements for other purposes were likely to be higher — up to 100%, depending on the objective. They stated that observer coverage based on number of hooks set constituted the best metric, and that after more than 10 years many CCMs still had not achieved the required 5%, which was an arbitrary benchmark. They noted concerns of some CCMs regarding the equivalency of data collected by EM versus human observers, and that it could complicate even further how coverage levels are assessed, but stated that current scientific assessment suggested EM could produce many of the important ROP longline data fields, and others might be added over time. They suggested that where information collected by E-Monitoring was potentially equivalent, it should be considered in the ROP coverage metrics, with analyses conducted to help standardise the approach. They closed by noting the need to:

- ensure that we use the best available science consistent with Convention obligations;
- improve human observer coverage to 20% or higher, which should be supplemented up to 100% by E-Monitoring coverage; and
- standardise the metric for assessing longline coverage by number of hooks, which supports the best available science.

177. TCC14 noted the Annual Report on Regional Observer Programme (**TCC14-2018-RP02**).

178. TCC14 recommended to WCPFC15 that the funding mechanisms for IATTC/WCPFC cross-endorsement training be reviewed by WCPFC15, including:

- the costs and benefits of the training to the Commission and to CCMs;
- the Commission's overall approach to the provision of funding for observer training; and
- the Commission's priorities for the ROP.

**a. Development, improvement and implementation of the Commission’s measures for observer safety and related issues (TCC Workplan 2016–2018)**

179. FSM, on behalf of FFA members, noted that observer and crew safety were priority issues, and there was a risk that some Commission decisions or amendments to current processes would allow for the unfair or unsafe treatment of observers (e.g., discussions regarding observer conduct and data provision). They stated that CCMs needed to closely consider the impact of any decision, and continue to ensure that observer safety was maintained as a priority issue. They stated that CMM 2007-03 (Observer Safety) was only a starting point, and FFA members continued to strive to protect their observers.

**b. Report from TCC Intercessional Working Group on flow of observer reports and observer conduct**

180. Tom Graham, Chair of the TCC Observer IWG on flow of observer reports and observer conduct, presented **WCPFC-TCC14-2018-14, Provision of Observer Reports to CCMs and Observer Conduct**. Regarding observer reports, needed for CCM investigations, he noted that some CCMs were uncomfortable with recommendations on observer reports as presented in TCC14-2018-14. He noted **WCPFC-TCC14-2018-DP07, Provision of Observer Reports; Submission from Parties to the Nauru Agreement and PNA Office**, which was proposed by PNA members. Regarding observer conduct, the Observer IWG Chair stated that the IWG explored three options: (i) maintain the status quo —each ROP provider is required to have a code of conduct, without any specific requirements as to what the codes much include; (ii) develop and adopt a uniform code for all ROP providers (a specific code with much detail); and (iii) further develop the existing minimum standard on code of conduct such that specified elements must be included in each provider’s code. The working group made specific recommendations on (iii).

181. Kiribati, on behalf of FFA members, thanked the Observer IWG chair for facilitating this work, and noted their comments were offered generally about the work of the IWG, as more detailed discussions on text had been conducted in the IWG. They stated that FFA members supported the provision of observer reports for the purposes of investigations and ensuring that flag States carry out their responsibilities. However, they noted that it is critical that the Commission’s data and process standards are aligned, particularly regarding the ROP minimum data fields. They noted that FFA members would not support any amendments to the ROP Minimum Standards that:

- Dilute the authority of observer providers;
- Impinge upon the rightful ownership of data/information; or
- Discriminate or allow for unfair treatment of observers.

They looked forward to progressing the discussions.

182. RMI, on behalf of PNA members, stated that their specific concerns had been discussed in the IWG, and that they did not support a one-size-fits-all approach, but that each provider should develop their own methods. They noted that **WCPFC-TCC14-2018-DP07, Provision of Observer Reports; Submission from Parties to the Nauru Agreement and PNA Office**, contained useful feedback.

183. TCC14 recommended to WCPFC15 the observer conduct related amendments to CMM 2007-01 and ROP minimum standards to be adopted by the Commission (**Attachment E and Attachment F**).

184. With respect to the flow of observer reports, taking into account the recommendations of the TCC working group on observer issues (**WCPFC-TCC14-2018-14**), TCC14

recommended to WCPFC15 that it revise CMM 2007-01 as indicated in **Attachment E** to highlight the importance of observer reports for CCM investigations and the need for CCMs to cooperate in the exchange of observer information, and to ensure that the appropriate points of contact are identified and kept up to date (new paragraph 10bis).

*10bis. CCMs should take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.*

185. TCC14 recommended to WCPFC15 that TCC:

a. Conduct further work, with input from the Secretariat and drawing from experiences using the Compliance Case File System and CCMs' investigations, to determine what additional data fields, if any, should be added to the ROP minimum required data fields to support CCM investigations and more general compliance-related needs, such as flagging possible violations of Commission decisions to trigger CCM investigations or as part of the Compliance Monitoring Scheme (also see recommendation (f)).

b. More fully consider gaps in the capacity of ROP Providers to respond promptly and fully to requests for observer reports, such as in terms of human resources, training, and equipment, and explore ways to fill those gaps, including the possibility of a process through which ROP Providers may seek and receive financial or other support from the Commission to improve their capacity.

c. Explore ways to support ROP Providers' efforts to improve their debriefing processes such that observer reports can be more fully vetted and provided more quickly, including the possibility of giving higher priority to trips that are flagged through the Pre-Notification Process (also see recommendation (g)).

d. Explore the potential utility of using the Compliance Case File System to facilitate and track CCM requests for observer reports.

e. Explore whether pre-notifications can be sent by ROP Providers directly to the Secretariat without first having to be entered in the data service provider's ROP database along with all the minimum required data fields.

f. In concert with recommendation (a), reconsider the summary data fields to better align with the Commission's priorities in terms of compliance.

g. In concert with recommendation (c), explore the role debriefing can have in reviewing and filtering Trip Monitoring Summaries to make pre-notifications as efficient and useful as possible.

h. Explore, as part of the Pre-Notification Process, the possibility of supplementing the WCPFC Observer Trip Monitoring Summary form with more detailed information from the observer (e.g., using "comments" pages) regarding any affirmative indications on the

Summary form, such as more detailed information about the activities in question, which could support a CCM's investigations of those activities, and/or references to particular sections/pages of the full observer report that could help narrow a CCM's request for more information from the ROP Provider.

i. Continue to develop mechanisms related to the provision of observer reports, taking into account the outcomes of the tasks listed above and the possible approaches described in **WCPFC-TCC14-2018-14** and **WCPFC-TCC14-2018-DP07**.

### 8.3 High Seas Transshipment Monitoring

186. Assistant Compliance Manager, 'Ana Taholo, introduced **WCPFC-TCC14-2018-RP03**, *High Seas Transshipment Monitoring Annual Report*, noting that as of 30 August 2018, 2,193 out of 3,997 (55%) of vessels on the RFV flagged to 10 CCMs had a positive determination of authorisation to tranship in the high seas: in accordance with CMM 2014-03 the remaining vessels were understood to be notified as not authorized to tranship on the high seas.

187. She drew TCC14's attention to the following issues:

- reported high seas transshipment events were reported to have occurred more often in the tropical eastern Pacific, particularly within and around the overlap area with IATTC;
- some high seas transshipment activities were reported to have occurred within most of the high seas pockets, but especially in HSP1 and HSP2 during 2017–2018;
- some high seas transshipment activities were reported to have occurred in the southern part of the Convention Area;
- reasonable proportions of the total estimated longline catch of bigeye tuna and swordfish were reported to have been transhipped in the high seas during 2017 and this is comparable to 2016; the reported quantities of albacore tuna were comparable to 2016 levels, but the proportion compared to overall levels appears to have declined (Table 4 of TCC14-2018-RP03);
- a greater proportion of albacore tuna reported by quantity was transhipped in the western high seas of the WCPO during 2017–2018;
- a greater proportion bigeye and yellowfin tuna was reported in the quantities transhipped in the eastern central high seas of the WCPO during 2017/18;
- the first seven months of 2018 are comparable in distribution and reported quantities to the 2017 levels of high seas transshipment events in the high seas;
- the list of vessels that CCMs have advised WCPFC of having positive determinations of impracticability in accordance with paragraph 34 of CMM 2009-06 (through the Record of Fishing Vessels) now reflects the majority of vessels reported to be involved in high seas transshipments; and
- reporting by CCMs of high seas transshipment events continued to improve. Possible reasons for this include the fact that this obligation is assessed under the Compliance Monitoring Scheme; the work that the Secretariat does in terms of informing CCMs of any reporting gaps early in the year; and/or increased familiarity among vessels and/or CCMs with the reporting requirement. However, gaps remain in WCPFC holdings of reported transshipment events.

188. She stated that the Secretariat routinely provides detailed supporting documentation to CCMs involved in high seas transshipment activities regarding gaps in and problems with the timeliness of

submissions (this occurred in the first quarter of 2018, and updates were also provided when the draft Compliance Monitoring Reports were disseminated in late July). In 2018, the Secretariat undertook a preliminary analysis of potential high seas incidents (i.e., when WCPFC VMS positions related to two fishing vessels are estimated to be within a distance of 250 metres for at least 4 hours) detected by the WCPFC Transshipment Analysis Tool based on a query of WCPFC VMS data from 1 January 2017 – 21 July 2018. There were a total of 3,266 incidents where the Transshipment Analysis Tool identified two fishing vessels coming within 250 meters of each other in the high seas for at least 4 hours

189. The Assistant Compliance Manager stated that the majority of reported high seas transshipment reports (notifications and declarations) received by the Secretariat during 2017/18 involved a carrier vessel as the receiving vessel and a longliner as the offloading vessel. Some instances of reported transshipment events involved two longline vessels due to serious mechanical breakdown, which are provided for in CMM 2009-06 paras. 23 and 24. The preliminary 2018 analysis matched potential high seas incidents detected by the Transshipment Analysis Tool involving a carrier and a longline vessel (475 potential high seas incidents), with reported transshipment events over the same period; 92% of potential high seas incidents were matched to transshipment events reported to the Secretariat during 2017/18. Over 1600 transshipment events were reported to the Secretariat during the analysis period, but only 23% were detected by the WCPFC Transshipment Analysis Tool. She stated that explanations for the low number of events detected on VMS (e.g., the detection tool script may need to be refined, or the vessel was not reporting to VMS) would be explored by the Secretariat. She noted that work to incorporate IT solutions that verify high seas transshipment reporting through VMS analysis was ongoing, indicating that although development of the mechanism is a priority, progress has been constrained by competing priorities.

190. The EU noted that transshipment enables illegal activity, and that while high seas transshipment should be an exception, a significant proportion of catch is currently transhipped (42.2% of bigeye tuna catch). Thus, what should be an exception is becoming a standard practice. It noted in-port transshipment can benefit needed port development, and looked to CCMs to reduce at-sea transshipment activity.

191. NZ noted that TCC13 discussed having the information reported by vessel, as opposed to by flag State. The Secretariat indicated that a summary of available information on determinations of impracticability is provided in paragraph 7 of the paper.

192. RMI inquired whether Annex 3 represented a new reporting requirement. The Secretariat noted that Annex 3 simply places the information required under Annex II of the measure, which is to be reported in Annual Report Part 1, in a table format. RMI then noted that it was unlikely that using a different format would increase reporting.

193. RMI introduced **WCPFC-TCC14-2018-DP05**, *The Impracticability Exemption to the WCPFC's Prohibition on Transshipment on the High Seas*, noting that the time had come for members to fulfil their duty to limit high seas transshipment. It stated that since 2009, reporting obligations had not been met, and the exception was regularly abused. It suggested the need to examine what had been done to date globally; although transshipment is common, the international community has moved to restrict it, while it is increasing in the Convention area, where 55% of longline and other non-purse seine vessels are licensed to tranship (purse seine vessels are currently prohibited from high seas transshipment). It noted that para. 34 of CMM 2009-06 allows transshipment when a flag state determines operating without being able to tranship would be impracticable, but transshipment has become the rule; para. 35 provides that when transshipping CCMs must submit a plan detailing what steps are being taken to tranship in port. RMI expressed its appreciation to the Secretariat for its efforts to address transshipment, but stated that there was an obligation on the part of the flag states to address the issue. It noted that the current situation could not continue, and options, as outlined in TCC14-2018-DP05, were available.

194. China thanked the Secretariat and RMI for their presentations, noting that unregulated high seas transshipment presented a huge opportunity for IUU activities. It also noted that high seas transshipment was very important for China's fishing fleet. It stated the importance of fishing companies working with local communities, observed that China was making serious investments in port development, and encouraged other CCMs to do the same. It stated China could not agree with a prohibition on properly regulated high seas transshipment.

195. New Zealand stated that the RMI report made a very good argument, and noted the lack of discussion regarding transshipment trends. It observed there had been a clear increase in transshipment activity adjacent to New Zealand, where suitable ports are available, and stated that there was no historic evidence (based on past practice) of the need to continue transshipment. It noted the guidelines for determining when to allow high seas transshipment (as stated in CMM2009-06) state that alternatives must involve significant financial hardship and require significant changes to a vessel's historic mode of operation, and inquired whether vessels built after 2010 should be allowed to tranship, given that they have no historical basis in transshipment.

196. Korea expressed agreement with the statement by China, and noted that it was not feasible to require longline vessels to meet the same observer obligations as purse seine vessels. It noted that Korea has well-trained observers on its carrier vessels, and very strong MCS tools, with very good monitoring and tracking. It stated they could not support the proposals in the paper.

197. Japan stated it supports the efforts to eliminate IUU transshipment activities, which may be taking place in the region. However, Japan could not support a prohibition on high seas transshipment under the proper monitoring and control by WCPFC, noting that its transshipment was well monitored by VMS and 100% on-board observers, and requested information regarding illegal transshipment activities, including human trafficking in the region.

198. FSM stated the need to make it practical and economically positive for vessels to tranship in port, where transshipment could be monitored, resulting in a higher value for the catch.

199. Chinese Taipei stated that high seas transshipment is a globally common practice, and supported its regulation, but not a ban, while noting that any illegal activities should be addressed. Besides, some coastal States' ports may be unfit or may not allow vessels to conduct transshipment activities in ports due to their laws and policies. Chinese Taipei stated that it works with some coastal states to seek or enhance cooperation in facilitating in-port transshipment activities.

200. China noted its recent efforts to increase transshipment in Kosrae (FSM) by Chinese longliners, but stated that landing fees had increased significantly in recent years. It observed that the shark-related policies of many SIDS differ from those of the WCPFC, meaning sharks may potentially not be landed if a longline vessel goes into port, even though the shark was caught in accordance with WCPFC CMMs. It noted that if high seas transshipment was banned, and CCMs subsequently changed their policies to disallow in-port transshipment, China's operations would necessarily cease. It reiterated its opposition to a ban on high seas transshipment.

201. Indonesia raised the principle of freedom of the high seas, while observing that transshipment is banned in all Indonesian waters, and that IUU fishing is related to high seas transshipment. It also noted the benefits to developing States of in-port transshipment, and advocated that all aspects of in-port and high seas transshipment be evaluated, including economic and human aspects.

202. Nauru stated that the FFA Pacific Islands Port State Measures Project supported the view that CCMs in the region have well established port infrastructure, and that any inadequacies could be addressed



through carrier vessels. It stated that three CCMs accounted for the vast majority of transhipments in 2015, 2016 and 2017, and that costs related to transhipment in port are insignificant compared to the costs of operating a tuna fishing vessel.

203. PNG stated that it was important for members to recall their obligations under the Convention with respect to sustainable management of fisheries. It noted the need for a better approach, one which need not exclude all transhipment. It stated that PNG does not allow its vessels to tranship on the high seas, and that the lack of observer coverage and limited resources made it very difficult to police the high seas pockets. It advocated that vessels tranship in port, where activities are governed by clear measures.

204. The EU stated they did not consider at-sea transhipment illegal, but that it was an open door for illegal activities. In this context, the EU also highlighted that the risk of illegal activities is similar in high seas and any transhipment out of the port and therefore the RMI concerns expressed in TCC14-2018-DP05 should apply to all at-sea transhipments and not only to transhipments in high seas. It related the experience that in several cases inspections at sea detected nothing, while subsequent in-port inspections discovered infringements, because conditions for inspection at sea and port differ. The EU noted that they invest in ports in the region, notably by using ports, as well as providing other broader development support.

205. Australia noted earlier comments regarding the difficulty of monitoring transhipment activities, and the direct, strong link between illegal activities and inadequate monitoring. It stated that despite having multiple sources of information, obtaining independent information regarding what is happening with regard to transhipment was difficult. It acknowledged the work of the Secretariat on transhipment SSPs.

206. Vanuatu supported PNG's statement, noting that the proposal in TCC14-2018-DP05 did not seek to end but to reduce transhipment, and stated Vanuatu was taking steps to reduce transhipment and meet the requirements of relevant CMMs on the issue.

207. RMI thanked CCMs for their comments, and stressed the need to examine how CMM 2009-06 could be improved, observing that banning high seas transhipment was only one option. It invited TCC14 to note the paper and to consider improving the transhipment measure for 2019, observing that the conversation at TCC14 could serve as a basis for that.

208. Pew Charitable Trusts introduced **WCPFC-TCC14-2018-OP03**, *A Review of Management and Reporting Trends Related to Transhipment*, stating that Pew recommends that at-sea transhipment be banned unless best practices are in place to ensure it is verifiable and legal. The paper focuses on how to improve data collection to support the verifiability of transhipment activities, and reviews publicly available information submitted to WCPFC and IATTC related to transhipments in the WCPFC Convention Area. The paper identifies gaps in the collection of data related to high seas transhipments and presents recommendations to fix those gaps.

209. Pew noted that more than 2,000 high seas transhipment events occurred in 2016 and 2017, while only 1 report from a carrier observer was submitted to the Secretariat covering 2016 activities; they noted it was not clear whether any were submitted covering 2017 activities. It stated the reports are crucial to ensure activities are independently verified. It noted WCPFC lacks comprehensive data sharing agreements with neighbouring RFMOs, and the carrier observer service providers for those RFMOs, opening the opportunity for transhipment of WCPFC products to go unobserved and unreported. Carriers operating with IATTC observers made a significant number of transhipments in 2017 in the WCPFC Convention Area. But about 10% of the time an IATTC observer was physically onboard a carrier for a transhipment in the WCPFC, the transhipment was not actually observed. In the IATTC program, observation of transhipments takes place at the discretion of the captain of the carrier vessel. In addition, there are inconsistent in transhipment activity reports, such as the number of transhipments reported directly by CCMs not matching

the total number reported by vessels to the Secretariat. Pew also found differences in the number of carriers reported to have 'Fished' in the convention area and the number that reported transshipment events. To close those gaps, Pew advocated that TCC recommend the Commission take four steps:

- modify the Regional Observer Programme Standards and Guidelines document to ensure that carrier observer reports from high seas transshipment events are required to be sent directly to the Secretariat;
- establish formal transshipping data-sharing procedures with the North Pacific Fisheries Commission and expand the current data-sharing agreement with IATTC (so that information is received on transshipment taking place in the WCPFC Convention Area involving a carrier vessel with an IATTC observer onboard);
- while Pew supports the Secretariat's proposal to improve data provision in Part 1 reports through the use of the template presented in Annex 3 of this year's Annual Report on Transshipment, an additional data field should be included in the Annex to collect data on the number of offloading and receiving vessels, broken down according to number that were involved in transshipment in the high seas, EEZs and in port; and
- consider the use of AIS data as another source of information to verify transshipment reports.

Pew stated that these steps would help the Commission to better understand, validate and cross-verify transshipment activities and improve oversight.

210. TCC14 noted the Annual Report on Transshipment (**WCPFC-TCC14-2018-RP03**).

211. TCC14 noted that transshipments on the high seas, including monitoring of transshipments on the high seas, is an issue of great interest and divergent opinions amongst CCMs. TCC14 also notes there seems to be some agreement that improvement could be made to current processes. TCC14 recommended to WCPFC15 that review of the existing transshipment measure (CMM 2009-06) should be a priority item in 2019.

212. TCC14 recommended that the template provided in TCC14-2018 RP03 Annex 3 be used by all applicable CCMs for their future reporting in Annual Report Part 1, as per CMM 2009-06 paragraph 11 (**Attachment G**).

- a. **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 (TCC Workplan 2016-2018)**
- b. **Consider what information could usefully be gathered around bycatch mitigation equipment and application, during transshipment processes (TCC13 paragraph 337)**

213. The WCPFC Compliance Manager presented paper **WCPFC-TCC14-2018-15A**, *Information that could be Usefully Gathered Around Bycatch Mitigation Equipment and Their Application, during High Seas Transshipment Processes*. She noted that at WCPFC14, the Commission endorsed the TCC13 Summary Report and approved the TCC13's recommendation that the Secretariat be tasked to consider what information could usefully be gathered around bycatch mitigation equipment and application during transshipment processes, and to forward these to TCC14 for consideration to be incorporated into the transshipment process (TCC13 Summary Report paragraph 337). However, the Commission has not defined a set of minimum ROP required data fields for observers to collect when monitoring high seas transshipment

activities, which constrains consideration of whether additional data and photos about bycatch mitigation equipment could be collected by ROP observers while they are deployed to monitor high seas transshipments. However, recent developments (as noted in the paper) may provide opportunities for further consideration of these matters.

214. Shelley Clarke introduced paper **WCPFC-TCC14-2018-OP01**, *Transshipment Observers - a Tool for Understanding Seabird Bycatch Mitigation Measures use on High Seas Tuna Longline Vessels* on behalf of Birdlife International and the Common Oceans (ABNJ) Tuna Project. The paper addresses opportunities for collecting data on seabird mitigation implementation during transshipment processes, focusing on a recent trial analysis of photographs submitted to the IOTC Secretariat by transshipment observers. However, the methodology requires a number of assumptions, and requires more work. It was also noted that the data used in Birdlife International IOTC analysis is currently not required to be collected in WCPFC, and if collected, would not necessarily flow to the Secretariat. Therefore, while not advocating such an analysis for WCPFC at this time, the presentation noted that there are several efforts underway that are related to further development of the WCPFC's transshipment observer programme, and this development is a necessary precursor to specification of the data on seabird mitigation implementation to be collected. In particular, the comprehensive data review to be undertaken as Project 93 and reported to SC15 was highlighted as a useful vehicle for discussion of how to collect data necessary to verify the use and effectiveness of seabird mitigation measures across all applicable WCPFC longline fleets, noting that longline observer coverage is in most cases low and/or unrepresentative.

215. FSM, on behalf of FFA members, thanked the Secretariat and Birdlife International for providing the paper on using observers as a tool to understand seabird bycatch mitigation measures. FFA members recognised the importance of collecting additional information on bycatch mitigation equipment and their applications during transshipment processes as it will strengthen CMM 2017-06. The collection of bycatch mitigation information can be done through several sources, i.e. through observer reporting, vessel master reporting, or CCM reporting. Noting the Secretariat has initiated work to rationalise the work of observers, and the absence of ROP minimum standards for carrier vessels and safety of observers, FFA members expressed concern about ongoing consideration to require that ROP observers collect additional information. They noted that this should not be the Commission's focus until work to improve transshipment regulation, and to develop standards for observer transshipment monitoring, is complete.

216. Japan noted that transshipment activities usually do not occur south of 30° S, where seabird mitigation measures are in place, and stated it was therefore not useful to mandate that these observers collect data on seabird interactions.

217. The EU noted the proposal from Birdlife International, stating that tasking observers with observing transshipment would reinforce implementation of CMMs. It stated it would like to see language from TCC to require observer reports on transshipment activities.

218. Japan stated that to date few observer reports on transshipment activities had been reported to the Secretariat, and suggested a need to create ROP minimum standard data fields for transshipment and to make observer report submission obligatory.

219. China reflected that CCMs were indicating transshipment encourages IUU activities, while also calling for increased observer coverage. They suggested TCC work to develop minimum data standards.

220. Solomon Islands, on behalf of FFA members, informed TCC14 of their current collaborative work with SPC and the FFA Secretariat to develop Pacific Island Regional Fisheries Observer (PIRFO) data standards for observers on carrier vessels, and to develop sampling protocols and procedures for transshipment monitoring. FFA members also supported work by the Secretariat in developing ER standards

for high seas transshipment, and further noted the work by the ERandEMWG on the potential for application of E-Monitoring on carriers, taking into consideration technical and practical issues.

221. PNA noted that as a proponent of Project 93, the scope of the project is to review the Commission's data needs against the programs and tools available to the Commission. The PNA cautioned that the proposal of including the development of additional ROP minimum standard data fields would greatly expand the scope and focus of this work, as there were not presently training standards in place for transshipment observers.

222. To follow through on the TCC work plan task of further developing protocols, observer data forms including electronic forms and the database, as needed, to better monitor transshipments at sea, particularly on the high seas, TCC14 recommended to WCPFC15 that the Commission develop ROP minimum standard data fields for observers monitoring transshipment activities.

223. TCC14 recommended to WCPFC15 that where data standards are developed for observers monitoring transshipment activities, consideration be given to collecting photographs of the offloading fishing vessel.

### **c. Update on E-reporting implementation at the Secretariat**

224. The WCPFC Compliance Manager presented **WCPFC-TCC14-2018-16**, Current Status of the E-reporting of High Seas Transshipment Declarations and Transshipment Notices Project, under Agenda Item 10.1 (Report from the ERandEMWG3). She acknowledged the provision of supplemental funds by New Zealand in February, and stated the current initiative was closely linked to draft E-reporting standards for high seas transshipment notices and declarations that the ERandEM-IWG had endorsed and had forwarded to the Commission for its considered adoption. She stated that Phase 1 of the high seas transshipment E-reporting system that would accept JSON format, project was 75% implemented, and Phase 2 would be scheduled in 2019 (to accept XML and FLUX format), if there is sufficient budgetary allocation, and staff workload allowed this to be completed alongside other Commission priorities. She highlighted the Executive Director's statement that the Secretariat through the E-reporting system was focussing on high seas transshipment notices and declarations, but stated that the design of the high seas transshipment E-reporting system will provide WCPFC with a base infrastructure that could easily be modified to collect other types of data. Through work on a relatively small and straightforward data set such as high seas transshipment notifications and declarations has provided the Secretariat with a better understanding of current infrastructure capabilities, and importantly how the infrastructure could be modified to enable more E-reporting related activities in the future.

225. Solomon Islands, on behalf of FFA members, thanked the Secretariat for its work in developing this operational tool. They noted the work was undertaken as a proof of concept to provide a useful option for CCMs who want to e-report transshipment reports. FFA members acknowledged the tool was specific to high seas transshipment reporting, making it appropriate that the WCPFC Secretariat help facilitate this type of reporting. They encouraged the Secretariat and CCMs to consider the Commission's IMS priorities, with particular focus on tools and systems that could facilitate members' effective and timely access to information.

226. TCC14 noted the update provided by the Secretariat on the current status of the E-reporting of high seas transshipment declarations and transshipment notices project Phase 1 (**WCPFC-TCC14-2018-16**).

**d. Standards for E-reporting of high seas transshipment notices and declarations**

227. This item was considered under Agenda Item 10.1 (*Report from the ERandEMWG3*).

**e. Operationalising 2017 WCPFC-CCSBT Memorandum of Cooperation on Monitoring high seas transshipments of southern Bluefin tuna (WCPFC13, paragraph 665)**

228. The WCPFC Compliance Manager presented **WCPFC-TCC14-2018-15B**, *Update on Transshipment Memorandum of Cooperation with CCSBT*. The memorandum of cooperation (MOC) provides for High Seas transshipments involving southern bluefin tuna to be carried out within the high seas of the WCPFC Convention Area, only if observed by a Commission for the Conservation of Southern Bluefin Tuna (CCSBT)-endorsed WCPFC ROP observer. The Compliance Manager noted that the MOC was approved and signed by both Commissions, and that the Secretariat was seeking to support the implementation arrangements and provide opportunities for cooperation to enable countries to access similar opportunities in the WCPFC Convention area as were available elsewhere.

229. TCC14 noted the update on arrangements for operationalizing the Transshipment Memorandum of Cooperation (MoC) with CCSBT (**WCPFC-TCC14-2018-15B**).

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

230. The Assistant Compliance Manager noted **WCPFC-TCC14-2018-RP04** (*HSBI Annual Report*), containing a summary of HSBI activities for 1 January 2017 to 31 July 2018.

231. Canada inquired if data were available regarding the 19 vessels identified in 2017 with VMS reporting issues, noting that 17 of these had no infraction; in 2018 to date there were 12. It inquired regarding the specifics of the reporting issues that were deemed to involve a finding of no infraction.

232. New Zealand, on behalf of FFA members, noted they wished to thank CCMs that undertook HSBI under the scheme during the reporting period. FFA members commended the Secretariat for continuing to make available the list of vessels that have been previously boarded and inspected under the HSBI scheme in any given period of time, and would appreciate if the vessels' IMO numbers could be included in the report, to align with the IMO number conversations underway. They stated FFA members remained concerned that VMS non-reporting issues had increased during 2014 to 2017, and were pleased to note that the Secretariat had made available the VMS reporting status of all vessels on the RFV. They noted the information is useful and would enable CCMs that undertake HSBI to be better informed, prior to boarding vessels, of any known VMS reporting issues.

233. The United States noted the challenges with VMS reporting, which it stated was a concern. It thanked the Secretariat for the detailed report, and acknowledged the reminder to ensure all CCMs update their authorities of fishing vessels into the secure page of the website because of the continuing challenges of determining appropriate vessel contacts during HSBI. It thanked CCMs who had helped support HSBI MCS capabilities through HSBI and subsequent flag state investigations that help address IUU fishing, and ensure compliance with WCPFC CMMs. It noted the significant cost of those activities with

appreciation. It noted Canada's recent deployment of two fisheries officers on a Guam-based patrol vessel conducting a WCPFC patrol.

234. Australia stated it had participated in a number of HSBIs over the past few years and thanked its joint MCS partners, flag States, the Secretariat and the fishing vessels' masters and crew for their cooperation in these activities. Australia requested that other CCMs ensure that contact information for the authorities of their flagged vessels remain up to date in order to facilitate timely and effective sharing of information during HSBIs.

235. Fiji thanked the HSBIs boarding parties for their conduct, noting that its fishing masters on longline vessels had confirmed the professional nature of their work. Fiji stated this was very beneficial to Fiji as a flag state, and complemented its in-port efforts. It noted that when vessels are boarded on the high seas masters fully realize the importance of complying with WCPFC CMMs.

236. New Zealand noted that there were instances where alleged infractions (involving non-reporting) were identified, but when the case files were closed there was a recording of no infraction.

237. TCC14 noted the Annual Report on High Seas Boarding and Inspection Activities (WCPFC-TCC-2018-RP04).
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## 8.5 Record of Fishing Vessels (RFV)

238. The Assistant Compliance Manager introduced **WCPFC-TCC14-2018-RP05** the *Record of Fishing Vessels (RFV) Annual Report*.

239. Fiji, on behalf of FFA members, thanked the WCPFC Secretariat for making available the RFV historical vessel information, which can be downloaded as a spreadsheet for further analysis. While data regarding "fished/did not fish" are reported, FFA members requested that the Secretariat also display this data graphically in future RFV annual reports. In reply, the Secretariat requested clarification regarding the type of graphical information CCMs would like (thus by flag, year or other attribute).

240. Japan voiced concern over data gaps related to charter arrangements.

### a. Review utility of the global consolidated list of authorized fishing vessels and provide advice to the Commission (WCPFC14, paragraph 411)

241. The TCC Chair made reference to paragraph 15 and Annex 2 of the *Record of Fishing Vessels (RFV) Annual Report (TCC14-2018-RP05)*, and noted the Commission's request that TCC review the utility of the Consolidated List of Authorised Vessels (CLAV) and provide advice to WCPFC15.

242. Tonga, on behalf of FFA members, stated that because the CLAV was still being developed, with funding uncertainties beyond 2019, it could be better to support the United Nations Food and Agriculture Organization (FAO)-led development on the Global Record, which will be a consolidated list of all fishing vessels. They noted that the use of the IMO number as one of the key unique vessel identifiers in the Global Record was essential, as the coverage for vessels 100 GT and over is improving and there is ongoing discussion to apply this to the smaller vessels less than 100 GT. They noted the Global Record does not have financial implications for members for ongoing support. FFA members supported the FAO-led development of the Global Record, which will be a consolidated list of all fishing vessels, and the Information System is already available.

243. Japan indicated it was not confident in the utility of the CLAV, which it stated should be assessed prior to providing any further funding. Japan also stated that the Secretariat should gather information how other tuna-RFMOs are dealing with this issue.

244. New Zealand noted that although CCMs are requested to keep information in the RFV updated, a large proportion of data on vessel masters was not current, and stated that this information was critical if WCPFC begins examining compliance on a vessel basis.

**b. Review recent IMO decision providing the opportunity for IMO numbers to be issued to vessels smaller than 100GT**

245. The Chair referred the meeting to paragraph 16 of the Record of Fishing Vessels (RFV) Annual Report (**WCPFC-TCC14-2018-RP05**).

246. The United States introduced **WCPFC-TCC14-2018-DP02**, *Concept Note to Potentially Amend CMM 2017-05 To Expand the Requirement for IMO Numbers*, suggesting that TCC14 consider recommending that the Commission amend the CMM for WCPFC Record of Fishing Vessels and Authorization to Fish (CMM 2017-05) to align with IMO Resolution A.1117(30) by requiring motorized inboard fishing vessels of less than 100 gross tonnage down to a size of 12 meters in length overall (LOA) to have an IMO number.

247. Fiji, on behalf of FFA members, stated that the IMO number is a unique identifier for a fishing vessel, and that all vessels regardless of size should obtain one where possible. They noted all flagged CCMs should ensure that their vessels 100 GT and above have already obtained an IMO number and include it on the RFV as currently required under the RFV SSPs. The IMO number will assist in historical tracking of vessels and operators, as this number remains with the vessel from the time of its construction to being decommissioned or scrapped, and is provided free of any charges. FFA members supported the proposal to extend the IMO numbers to fishing vessels less than 100 GRT or GT, and supported the United States' concept note as provided in WCPFC-TCC14-2018-DP02 to amend CMM 2017-05 to expand requirement for IMO numbers to vessels less than 100 GRT or GT.

248. Korea thanked the United States for its proposal, stating that all Korean distant water fishing vessels in high seas areas have IMO numbers, but that registration is on a voluntary basis. It expressed doubts whether this should be mandatory in WCPFC, as it would be hard to enforce domestically in Korea, and thus hard to implement in the Convention Area

249. Japan stated it was very supportive of expanding the IMO number, noting that IUU fishing vessels change flag and nation very frequently. It stated that NPFC and IATTC had already adopted such a measure.

250. Pew, speaking also on behalf of ISSF, TNC and WWF, strongly supported the United States' proposal to recommend that the Commission amend CMM 2017-05 to expand the requirement for IMO numbers, which would bring WCPFC's measure in line with the eligibility criteria of the IMO Ship Identification Number Scheme, as well as IATTC's IMO number requirement, as revised in August 2018. They noted accurate vessel identification is the basis of strong monitoring, control and surveillance, and the key to fighting IUU fishing. They stated that obtaining IMO numbers for eligible vessels was becoming increasingly easy, as the managers of the IMO number work closely with flag States to help them fill data gaps and obtain numbers for their fleet, in bulk. Pew offered assistance to any delegates that sought further information on obtaining IMO numbers, or getting in direct contact with the managers of the IMO number service.

251. In response to Korea's comment the United States noted that the existing IMO resolution was also implemented on a voluntary basis, and that currently all vessels over 100GT were complying with the voluntary IMO resolution.

252. The Philippines stated it had concerns with the proposal, but were willing to try. New Zealand suggested the proposed amendment should apply to vessels operating outside of national waters. China supported New Zealand's intervention, and asked that Korea's intervention be given due regard. New Caledonia inquired whether this would be applicable to all vessels in operation, or only to new vessels, noting the complex process involved in obtaining an IMO. The United States indicated the issue was being addressed in other RFMOs, that it was not as burdensome and onerous as many have thought, and there is no fee associated with the process.

253. The Compliance Manager noted that the work done through the CLAV initiative helped in more readily checking IMO numbers that flag CCMs had entered into the RFV, and helped in ensuring numbers were current and accurate. She stated the CLAV staff supporting this actively worked with the Secretariat to assist flag CCMs in maintaining the quality of their vessel records entered in the RFV.

254. TCC14 noted the Annual Report on the Record of Fishing Vessels (**WCPFC-TCC14-2018-RP05**), and the information provided by the Secretariat therein related to the global consolidated list of authorized fishing vessels (CLAV).

255. TCC14 recommended to WCPFC15 that the Commission consider an amendment to the Conservation and Management Measure for WCPFC Record of Fishing Vessels and Authorization to Fish (CMM 2017-05) that would extend the requirement to have an IMO number to include motorized inboard fishing vessels of less than 100 gross tonnage down to a size of 12 meters in length overall, authorized to be used for fishing in the Convention Area beyond the flag CCM's area of national jurisdiction. This would align with the recent change to the IMO Ship Identification Number Scheme (Resolution A.1117(30)).

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

256. The Assistant Compliance Manager tabled **WCPFC-TCC14-2018-RP06\_rev 1**, *Annual Report on Eastern High Seas Pocket (EHSP) Special Management Area Reporting*. The report provided a summary on the activities occurring in the EHSP Special Management Area (EHSP-SMA) based on data held by the Secretariat. The management and reporting arrangements for the EHSP were originally established through CMM 2010-02; CMM 2016-02 brought into effect updated management arrangements from 7 February 2017. Annex 1 provides a summary of CCMs response in Annual Report Part 2 related to CMM 2010-02 paragraphs 2 and 6.

257. Cook Islands, on behalf of FFA members, noted that the entry and exit alert in the EHSP-SMA and the live list of vessels present in the EHSP-SMA is generated mainly through the Commission VMS. Relevant CCMs must ensure vessels they are responsible for comply with the Commission VMS reporting requirements.

258. TCC14 noted the Eastern High Seas Pocket Special Management Area Annual Report (**WCPFC-TCC14-2018-RP06**).



## 8.7 Port State Minimum Standards

259. The WCPFC Assistant Compliance Manager introduced **WCPFC-TCC14-2018-RP07**, *Port State Minimum Standards Annual Report*, acknowledging a few countries had made additional notifications prior to or during TCC14.

260. The United States thanked the Secretariat for the new annual report, noted that the United States was trying to satisfy its new responsibilities in terms of port state inspections, and doing capacity building around the region, which it hoped helped in implementing these measures.

261. Tonga, on behalf of FFA members, thanked the Secretariat for the annual report and its support for CCMs' continued engagement with the measure. They looked forward to discussing how the Commission will satisfy its obligations under paragraph 25 (regarding commencing development of a mechanism to provide funding support to SIDS and participating territories that undertake inspections in accordance with the measure). They recommended that the development of the funding mechanism be incorporated into the Strategic Investment Plan, so that it could be streamlined as part of wider capacity assistance for SIDS and participating territories. They stated that, as noted in CMM 2017-02, the nature and effectiveness of the funding mechanism would be critical as SIDS and participating territories made decisions about whether to designate their ports under the CMM.

262. Fiji, on behalf of FFA members, noted the FFA Pacific Islands Port State Measures Project, which seeks to combat IUU fishing by strengthening port state measures. They noted that FFA members are collaborating with various CCMs, NGOs and FAO to coordinate efforts to integrate MCS systems, and ensure that meaningful legal, technical and operational support is delivered. They stated that the project will ensure assistance is provided in a manner consistent with the FFA members' fisheries management and MCS programs, while ensuring that national-level measures meet their business needs. They stated that the project would support FFA members to implement CMM 2017-02, and port state measures more broadly, and link with the CDS. They noted some CCMs have active port state measures training and education programs, and stated FFA would engage with them to investigate how to collaborate and incorporate some of those resources into the Port State Measures project.

263. The EU stated it had long advocated for more ambitious standards for port state measures, and noted that it had ongoing concerns based on the information in the report.

264. Australia noted that port-based initiatives are one of a suite of monitoring, control and surveillance tools available to members in monitoring compliance with CMMs adopted by the Commission. It stated that Australia is continuing to work to develop and deliver relevant capacity building activities across the region, and thanked CCMs who have cooperated with Australia in these activities. Critical to this body of work is ensuring that supporting information is accessible in the Information Management Systems for utilisation by CCMs. Australia encouraged the Secretariat to continue its work to consider how WCPFC data — including data relating to port based initiatives under CMM 2017-02 — is effectively stored, managed and shared in accordance with agreed rules and procedures.

265. PNG noted that its priority was to understand the intent of the measure, and how it could collaborate and cooperate with other nations and regionally. It acknowledged FFA for its support, and assistance in facilitating workshops on the issue.

266. The EU indicated that while it was supportive of SIDS and participating territories, proposed funding support could impact its annual contribution, and advocated that the issue be addressed in the FAC.

267. TCC14 noted the Annual Report on Port Inspections and Implementation of Minimum Standards for Port State Measures (**WCPFC-TCC14-2018-RP07**).

268. TCC14 recommended to WCPFC15 that the development of the funding mechanism to support SIDS and participating territories, pursuant to paragraph 25 of CMM 2017-02, be discussed by FAC12 with the view to considering its possible incorporation into the Strategic Investment Plan that is currently under development, including exploring alternative funding mechanisms to address this requirement. This would ensure that this important and necessary work is streamlined as part of wider capacity assistance for SIDS and participating territories.

## AGENDA ITEM 9 — DATA PROVISION AND DATA GAPS

### 9.1 Review information about scientific data provision (TCC Workplan 2016–2018)

269. The TCC Chair noted two papers: **WCPFC-TCC14-2018-IP03**, *Scientific Data available to the WCPFC* (constituting an updated version of the report submitted to SC14 (WCPFC-SC14-2018/ST-WP1), and **WCPFC-TCC14-2018-IP04**, *Status of ROP Data Management* (updated from WCPFC-SC14-2018/ST-IP2).

270. Fiji, on behalf of FFA members, stated that IP03 and IP04 demonstrated that CCMs were making great strides in addressing gaps in the Commission’s data holdings, which would improve the scientific and compliance work of the Commission, but noted that operational gaps remained with regard to historic data. They stated they would appreciate hearing from China, Indonesia, Japan, Korea and Chinese Taipei on how they planned to address this vital gap. They stated they supported the SC14 Project 93 recommendation calling for a review of the Commission’s data needs, which should provide a holistic view of the data the Commission needs and how it is collected, to better inform how to shape the Commission’s monitoring and compliance programs, and highlight opportunities for cost reduction and efficiency gains. They also noted the inclusion of E-Monitoring data coverage in IP04 Tables 3 and 4; while useful to inform TCC about work undertaken by CCMs in E-Monitoring trials and implementation, they recommended this be included as separate tables in the future.

271. TCC14 recommended to WCPFC15 that the provision of E-monitoring data coverage in the Observer data management papers (e.g., **WCPFC-TCC14-2018-IP04**) be continued; however the E-monitoring coverage information should be presented separately from the ROP coverage tables.

### 9.2 Review the Commission’s reporting requirements and consider advice on how to minimise duplicate reporting by CCMs (WCPFC14, paragraph 479)

272. The WCPFC Compliance Manager presented **WCPFC-TCC14-2018-17**, *Update on Consideration of Minimizing Duplicative Reporting and Enhancing Accessibility of Scientific Data by the Secretariat*, which responds to a task the Secretariat was given by WCPFC14. She noted that the Secretariat has had informal discussions with SPC to make progress in this area, and that the Secretariat regularly receives or accesses a range of scientific-data products, including (i) advance copies of routine scientific data-based reports prepared by SPC-OFP related to scientific data holdings (which are provided during July for use in preparation of draft CMRs); (ii) access to the OFP-DORADO reporting tool, which generates a

range of annual catch estimates based on the WCPFC catch and effort database, and the ROP observer database; and (iii) a periodic backup file containing the latest ROP data, which is used by the Secretariat to generate and issue new alleged infringements in the WCPFC online compliance case file system and notify these to relevant CCMs. The Compliance Manager noted that at SC14 the Secretariat had been asked to work with FFA Secretariat, PNA Office and SPC to review the Commissions data needs (Project 93), and expected that this activity might also provide an opportunity to address how to further streamline reporting.

273. Palau, on behalf of the PNA, stated that streamlining and reducing reporting obligations had been a key PNA position for several years, and was being addressed in several ways: through the current agenda item; the IWG-Shark discussions about shifting specific reporting to the scientific data provision rules; and a FFA CMS proposal that Part 1 reports no longer be used in the CMS because the relevant data could be provided elsewhere. They stated that PNA's overarching principles for the process were that as far as possible, data provision should be contained in a single source/reference document, using the scientific data provision rules; if there was a need for specific additional information under new CMMs, this should be added to the data rules rather than built into the CMM; and where a specific report could be derived from data already submitted by CCMs, an automated report should be developed rather than requiring CCMs to submit the derived report. They noted the process was not seeking to reduce the quantity or quality of data available to the Commission, but to streamline how it was provided. They noted the need to work with SPC and the Secretariat throughout the process to ensure that the Commission does not lose functionality. They observed the issue was related to one of the outcomes of the ERandEMWG (regarding the need for a more comprehensive review of the Commission's data needs and collection means), while observing that WCPFC should focus on generating data summaries that could be made publicly available, rather than relying on specific reports such as Part 1 Annual Reports.

274. PNG, on behalf of FFA members, stated they had hoped that TCC14-2018-17 would have provided greater substance to investigate ways in which duplicate reporting could be reduced or eliminated. However, they noted the Secretariat's efforts to assist with repopulating some not applicable answers for SIDS and non-flag CCMs in this year's Annual Part 2 report, and thanked the Secretariat for that initiative, stating it illustrated what needed to be done to streamline existing reporting requirements. They noted efforts were underway that would contribute to this work, and encouraged the Secretariat to continue to identify ways in which efficiency gains could be made.

275. TCC14 noted the update from the Secretariat in response to the task in WCPFC14 Summary Report paragraph 479 (WCPFC-TCC14-2018-17).
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### **9.3 Report on the performance of the Electronic Reporting Standards and their application (E-reporting SSPs, paragraph 7 (c))**

276. The Compliance Manager presented **WCPFC-TCC14-2018-RP10**, *Annual Report on the Performance of the E-Reporting Standards*, noting it was an update of the paper presented to the ERandEMWG.

277. Solomon Islands supported CCMs' ongoing use of the adopted E-reporting standards, stated that FFA members would continue to lead in the uptake of E-Reporting, and thanked SPC for facilitating and monitoring the progress.

278. PNG, on behalf of PNA members, noted that PNA E-reporting via Fisheries Information Management Systems was providing Commission data that meets agreed standards. They thanked SPC for ongoing work with PNA to improve the procedures behind data transfer. They noted a minor error in TCC14-2018-RP10, paragraph 10(a), stating that not all logsheet data collected by PNA and other SPC

members is imported to the WCPFC operational catch and effort database. The logsheet data provided on PNA-flagged vessels were handled in this way, consistent with the Commission's data provision rules, but logsheet data collected from foreign vessels was owned by PNA and was not WCPFC data. The Secretariat indicated they would issue a revision of the paper that more correctly reflected that point.

279. The United States noted the importance of technical assistance on e-reporting standards, and stated that it had submitted a voluntary contribution to support the work.

280. TCC14 noted the Annual Report on the Performance of the E-reporting standards (**WCPFC-TCC14-2018-RP10\_rev1**).

## AGENDA ITEM 10 — INTERSESSIONAL ACTIVITIES

### 10.1 Report from the ERandEM-IWG Chair, including on outcomes of ERandEMWG3

281. Kerry Smith, ERandEM-IWG Chair, introduced **WCPFC-TCC14-2018-18**, *Summary Report of ERandEMWG3*, held in August, in Busan Korea, drawing attention to some key outcomes.

- (i) A paper from SPC and the Secretariat reported on the uptake of E-Reporting SSPs for observer and catch and effort data, and recognised that some systems adhered to the standards. The IWG Chair reminded TCC14 that the E-Reporting SSPs are intended to support the timely and accurate entry of data into Commission databases, and further noted that the adoption of the SSPs supported CCMs that were considering adoption of E-Reporting technologies, noting that paper-based forms would still be accepted by the Secretariat while CCMs make this transition.
- (ii) The E-Reporting SSPs are an administrative tool that give effect to decisions of the Commission, and the Secretariat outlined a process to maintain adopted E-Reporting SSPs, including by making minor amendments that reflect decisions of the Commission and circulating changes to all CCMs. For major changes or new proposals, the IWG recommended that current processes continue to apply, including seeking technical advice from the ERandEM-IWG sub group, and endorsement by SC and TCC before being adopted by the Commission.
- (iii) The Secretariat's consultant reported to the ERandEMWG3 on the work relating to E-Reporting standards for high seas transshipment declarations and notifications. The IWG recommended that the Commission adopt the E-Reporting SSPs for transshipment declarations and transshipment notices and include a footnote to CMM2009-06 Annex I and Annex III.

282. Some ERandEM-IWG members presented on their trials and implementation of E-Reporting and E-Monitoring technologies. In addition to outlining challenges and solutions, those CCMs outlined the role of E-Monitoring in supporting the following national level objectives: improving the timeliness, quality and reliability of data available for fisheries management decisions; informing current data and monitoring gaps within the Commission; assisting CCMs with monitoring inside their EEZs; supplementing data collected by observers; improving observer safety; harmonising MCS tools against IUU fishing; and verifying catch reporting and discard reporting by vessel operators.

283. The ERandEM-IWG Chair introduced the concept paper on E-Monitoring principles and procedures, which was a tasking from the last ERandEM-IWG meeting. In summary, the paper describes a process for accrediting national or sub-regional E-monitoring programmes against agreed standards. The proposed standards included programme management, technical, logistical and data analysis requirements and an implementation plan. There was constructive discussion and general support for the proposed approach and the necessary standards and the working group agreed that it provided a good starting point

for further discussions. CCMs also discussed the need for clear objectives and scope for a regional E-Monitoring programme, and further clarity on how E-Monitoring fitted into the suite of data collection and verification tools available to CCMs to collect the data required by the Commission. This discussion flowed through to SC14 and culminated in Project 93, which seeks to compare the Commission’s data needs against the programs and tools available to the Commission. The IWG Chair sought advice from TCC14 on areas where E-Monitoring should be prioritised, noting that there are some areas where independent data collection and verification is low.

284. FSM, on behalf of FFA members, thanked the ERandEM-IWG Chair for her leadership and work, and recommended that TCC14 endorse the ERandEMWG3 report and its outcomes. They looked forward to seeing the outcomes of the SC-agreed data review (Project 93), noting it would be presented to TCC, and would inform E-Monitoring developments and other Commission data collection processes and requirements. They were particularly pleased to see that one of the ERandEMWG3 outcomes highlighted the importance of the independence and impartiality principles enshrined in the ROP when considering how E-Monitoring is to be developed and implemented. They stated that while FFA members maintained that E-monitoring cannot replace observers it was a valuable supplementary monitoring tool. They noted that FFA members continue to trial and develop E-Monitoring systems and processes, and are committed to further development and progress, and stated that the Commission must focus its use of E-Monitoring on areas where independent data collection and verification is currently low.

285. Tokelau, on behalf of PNA, also thanked the ERandEM-IWG Chair and participants, and supported the working group outcomes. They stated that the 13th Annual PNA Ministers’ meeting directed that a PNA electronic monitoring program be developed. They stated it was important to collectively ensure compatibility between the PNA program and any WCPFC efforts over the coming years, and that the “comprehensive data review” in the SC draft work plan as project 93 — which would seek to ensure that each of the Commission’s data needs is matched to the most appropriate data collection and data verification tools and programs — should help in this regard. They noted would be helpful to define the objectives and specific data collection needs for any WCPFC E-Monitoring program.

286. TCC14 recommended to WCPFC15 that the Commission endorse the outcomes of the ERandEMWG3 report (**WCPFC-TCC14-2018-18**).

287. TCC14 recommended to WCPFC15 that the Commission prioritise the use of electronic monitoring in areas where independent data collection and verification is low and where there are currently data gaps.

288. The WCPFC Compliance Manager presented **WCPFC-TCC14-2018-16**, Current Status of the E-reporting of High Seas Transshipment Declarations and Transshipment Notices Project. This is found under Agenda Item 8.3(c) (*Update on E-reporting implementation at the Secretariat*).

## **10.2 Intersessional activity report from CDS-IWG Chair**

289. The CDS-IWG Chair was not present at the meeting and did not provide a report to TCC14.

290. The FFA Secretariat noted they have a new staff member dedicated to continuing this work and were undertaking an update of the CDS-IWG proposal, which would be disseminated through the Chair of the CDS-IWG.

291. Japan reported the discussion at the 1<sup>st</sup> Pacific Bluefin tuna CDS technical meeting, stating that because such a system could cover both WCPFC and IATTC waters, IATTC members should be involved in its development. It noted development and maintenance costs could be high, and the need to consider the treatment of artisanal fisheries, while ensuring consistency with FAO guidelines. It noted that it was expected that a draft CMM will be proposed prior to a second Pacific bluefin tuna CDS technical meeting, which is to be held in 2019. The CDS technical meeting report is available as an annex to the NC14 Summary Report.

292. Australia, on behalf of FFA members, stated that CDS remains an important work area for FFA members, and the FFA membership is undertaking work in various areas relating to CDS and traceability. They stated that FFA members remain committed to progressing the work of the CDS-IWG, and that several CCMs were progressing CDS developments.

293. China supported the work of the CDS-IWG, including on Pacific Bluefin, while stating that there was a need to consider actual costs of continuous monitoring.

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

### **11.1 Bigeye, Yellowfin and Skipjack (CMM 2017-01, CMM 2009-02)**

#### **a. Annual review of information reported by CCMs pursuant to these measures**

294. Tokelau, on behalf of FFA members, urged flag CCMs to provide the necessary information to the Secretariat to resolve catch and effort attribution issues, as highlighted in WCPFC-TCC14-2018-IP08, noting the paper highlighted the need for better reporting and appropriate management measures to address increasing levels of fishing on juvenile bigeye tuna and yellowfin tuna by “other” fisheries, and recommend that WCPFC15 consider measures to improve reporting from these fisheries.

#### **b. Intersessional activity report on FAD Management Options IWG**

295. Naiten Bradley Philip Jr., Chair of the FAD Management Options IWG, introduced **WCPFC-TCC14-2018-20, *Draft Guidelines for Biodegradable and Non-entangling FADs***, explaining that the FAD-IWG was tasked with the development of guidelines for biodegradable and non-entangling FADs. Draft guidelines from SC14 were presented to the FAD-IWG members, as well as information from SPC. A FAD-IWG meeting was scheduled for 3 October 2018, following the conclusion of TCC14, with a report and any recommendations emerging from that meeting to be provided to WCPFC15.

#### **c. Advice on implementation and compliance considerations related to measures for non-entangling design and/or use of biodegradable material in construction of FADs.**

296. Korea stated that moving to non-entangling and/or biodegradable FADs was necessary, but stated that the definition of FADs in CMM2009-02 was obsolete and should be updated, because it caused unnecessary conflict between vessels and observers. It also indicated the need to review the management and retrieval of FADs, and referenced recommendations from SC14. It noted that other tuna RFMOs use a different FAD definition, suggested the definition be reviewed by the FAD-IWG, and that TCC14 make a recommendation on this issue.

297. Nauru, on behalf of the PNA, stated that the definition of a FAD as used by WCPFC is the PNA definition, and was intentionally very strict and inclusive, so that there could be no arguments between observers and vessel operators as to whether an object is or is not a FAD. They stated they had sought to accommodate concerns of others in the past through various proposals, such as a night time setting ban, and had received no support in return to find ways to prevent flexibility from becoming a loophole. As such, they stated the definition would not be changed.

298. The EU observed there was a lack of interest by WCPFC in the Kobe process (addressing harmonizing management activities among tuna RFMOs), and stated that such discussions, including regarding FADs, could be helpful.

299. The United States observed there was value in discussions with other RFMOs. It noted the issue of FAD definitions was beyond the scope of the discussion at TCC14, while stating it would be worthwhile to address FAD management in the context of managing bigeye tuna mortality and outcomes with regard to CMM 2017-01. It noted this was a large and complex issue, and that the discussions should continue at WCPFC15.

300. Japan supported the intervention by the EU, and stated that the definition of FADs in CMM 2009-02 should be reviewed, as it has argued for last couple of years. However, it had a similar view to that expressed by the United States, regarding the timing of the discussion. Taking into account the strong objections from the PNA, it stated there was insufficient time to reach a consensus on the issue at TCC14, but that it was very supportive of the proposal from Korea. It suggested the issue could be discussed in detail in the future.

301. TCC14 noted the intersessional activity report from the Chair of the FAD Management Options IWG (WCPFC-TCC14-2018-20).
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## 11.2 South Pacific Albacore (CMM 2015-02)

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

302. The TCC Chair noted that CMM 2015-02 paragraph 5 requires that the measure be reviewed annually based on advice from SC. She referred participants to **WCPFC-TCC14-2018-IP09**, *Trends in the South Pacific Albacore Longline and Troll Fisheries*, prepared by SPC-OFP; **WCPFC-TCC14-2018-IP10**, *Summary of Reporting received by WCPFC under CMM 2010-05 and CMM 2015-02: South Pacific Albacore*, prepared by the Secretariat and SPC-OFP; and **WCPFC-TCC14-2018-IP14**, *An assessment of the number of vessels fishing for south Pacific albacore south of 20°S*.

303. Fiji, on behalf of FFA members, stated that the provision of operational level data as required under CMM 2015-02 has provided CCMs with a better understanding of past and current fishing practices for South Pacific albacore, and serves to highlight the weaknesses and limitations of the current measure. CCMs are well aware that (i) the CMM has a limited geographic scope (it only restricts effort south of 20° south); (ii) vessel-based limits are not well specified because of the lack of clarity regarding “vessels actively fishing for” South Pacific albacore; (iii) flag-based limits do not recognise the zone-based rights of SIDS in respect of the South Pacific albacore stock in EEZ waters; and (iv) the reference period was observed to have little relation to the fishing activity that is taking place. FFA members advocated that a fundamental rethinking of the approach to management of South Pacific albacore is required. They advocated not seeking to revise the existing measure, but instead focusing on setting a clear objective for the fishery and working toward achieving that. In that regard, they welcomed the advice from SC14 in

relation to the technical aspects of a potential harvest strategy for South Pacific albacore, in particular the relationship between fleet CPUE and economic management objectives, and stated that a CPUE-based TRP would be the logical approach in this context. They noted that SC14 also recommended that longline fishing mortality and longline catch be reduced to avoid decline in the vulnerable biomass, to enable economically viable catch rates to be achieved and maintained, and that SC14 also recommended that this advice be considered when establishing the TRP for albacore tuna.

304. Fiji further noted that while there has been modest recovery in recent catches and CPUE for most fleets, there has also been a resulting increase in the catch and effort in the fishery in 2017. FFA members have been subject to this up-down (or boom-bust) trend in the fishery for many years, and stated that for this reason development and adoption of an albacore target reference point is a critical issue for FFA members at WCPFC15. They noted it is a key first step in the development of a harvest strategy for South Pacific albacore, but has been deferred twice, and FFA members were not prepared to see this happen again at WCPFC15. They stated FFA members would seek agreement to the target proposed at WCPFC14, as follows: (i) Interim Target: By 2028, the south Pacific albacore vulnerable biomass (a proxy for average albacore catch rate in the longline fishery) will be 10% higher than the fishery average in 2013; and (ii) Target: By 2038, the south Pacific albacore vulnerable biomass will be 17% higher than the fishery average in 2013.

305. American Samoa noted that, similar to many SIDS and participating territories, its economy is highly dependent on tuna fisheries, and expressed its interest in working on the roadmap for management of South Pacific albacore such that viable catch rates can be maintained.

306. Australia supported the comments from Fiji on behalf of FFA members in advocating for adoption of a target reference point for South Pacific albacore, stating that Australia views the implementation of harvest strategy-based management as the best long-term mechanism for ensuring that the fishery is viable and sustainable. Australia thanked the FFA for its leadership in developing the TRP proposal and noted the revised, CPUE-based proposal put forward last year. Australia strongly encouraged engagement from all CCMs to secure adoption of the TRP at WCPFC15. Australia noted that discussions on the Compliance Monitoring Report and information presented by SPC in IP14 highlighted well known and critical monitoring gaps in the southern longline fishery. It stated that Australia remains concerned about the low levels of observer coverage on some fleets, and the resultant inability of the Commission to effectively monitor implementation of obligations, and noted the critical need for the Commission to address these deficiencies.

307. New Zealand thanked American Samoa for its interest, and supported the comments made by Fiji, noting the need to focus on what needs to do be done to establish effective management of the South Pacific albacore fishery.

#### **b. Intersessional activity report on south Pacific Albacore Roadmap virtual IWG**

308. New Zealand introduced **WCPFC-TCC14-2018-21A**, *Intersessional Activity Report from the South Pacific Albacore Roadmap Virtual IWG*, on behalf of the IWG Chair (Sarah Williams). It noted the Commission agreed to a review of the current measure, and noted the need to reach agreement on the TRPs at WCPFC15. The roadmap contains four main components: (i) a review of the current measure; (ii) SC14 advice to WCPFC15 on technical aspects of the South Pacific albacore harvest strategy; (iii) TCC14 advice to WCPFC15 on monitoring and reporting gaps in the South Pacific albacore fishery, as well as implementation considerations for SIDS and participating territories; and (iv) limits: taking into account the 2018 stock assessment, a recommendation for an overall limit for the fishery, how it could be distributed (taking into account the interests of SIDS and participating territories), and the actions required to achieve biological and economic stability in the fishery. It noted the IWG had no deliverables for WCPFC15, but



work was ongoing, with further progress anticipated following the development of SC14 and TCC14 advice. New Zealand stated it would bring a draft schedule and allocation principles to the IWG meeting at WCPFC15.

309. China thanked Fiji and FFA members for their position on a TRP for South Pacific albacore. It suggested better communication between Commission meetings would be helpful, and inquired as to the basis for adoption of the skipjack TRP.

310. French Polynesia noted its concern regarding the long-term sustainability of South Pacific albacore stocks, which it stated is a very important stock for French Polynesia. It looked forward to making progress on the TRP and harvest strategy at WCPFC15.

311. Japan thanked New Zealand for its leadership, and acknowledged the statements by FFA, French Polynesia and China. It noted difficulties in participating in telephone conference IWG meetings.

312. Tonga, on behalf of FFA members, noted that they welcomed the forward-looking focus of the South Pacific Albacore roadmap work and, in particular, the strong progress towards setting a TRP for South Pacific albacore at WCPFC15. FFA members stated they did not see utility in revising the existing measure, but were focused on putting in place an effective management structure for the South Pacific albacore fishery. They reiterated that agreement on a TRP at WCPFC15 was the obvious first step in this process and welcomed support for this. They encouraged WCPFC members with differing views regarding the importance of adopting a TRP at WCPFC15 or what the basis of that TRP should be to discuss the issues with FFA members as a matter of priority so that CCMs could seek to resolve any differences in advance of WCPFC15.

313. New Caledonia reiterated its concerns regarding the sustainability of the South Pacific albacore fishery, and supported the comments from French Polynesia and New Zealand.

314. Chinese Taipei noted the time needed to consult with its fishing industry and stated it would be helpful if relevant new proposals could be provided earlier. It also supported Japan's comments regarding the difficulties experienced with the IWG telephone conference.

**c. Evaluate monitoring and reporting gaps in the South Pacific albacore fishery, as well as SIDS and Participating Territories implementation considerations (WCPFC14 paragraph 265(b))**

315. New Zealand introduced **WCPFC-TCC14-2018-21B**, *Reference Document For Evaluation Of Monitoring and Reporting Gaps In The South Pacific Albacore Fishery*, prepared by the Chair of the South Pacific Albacore Roadmap virtual IWG. New Zealand noted that the report addressed South Pacific albacore in the WCPO, described several issues with respect to reporting and monitoring gaps, especially timeliness, low coverage, and reporting of species composition and non-target catch.

316. Cook Islands, on behalf of FFA members, acknowledged the IWG for the paper, which highlights known deficiencies. They stated that some gaps in understanding of fishing activity could usefully be filled to provide a better baseline for discussion of appropriate catch and effort limits, and to show trends in compliance with limits in South Pacific albacore measures over time. FFA members proposed that TCC14 recommend to the Commission that **WCPFC-TCC14-2018-IP14** be updated and made available on an annual basis, and include the following:

- (i) the level of longline observer coverage in the Convention area south of 20°S;

- (ii) catch and effort information for both the area south of 20°S and the entire Convention area south of the equator from 2000 onwards (the reference years used in South Pacific albacore measures to date); and
- (iii) the total number of longline vessels fishing in the Convention Area south of the equator, since 2000.

317. The United States stated that the proposal was primarily to identify data gaps to help inform the future management scheme, and supported that effort. It emphasized WCPFC had been working toward this for some years, that it would take time, and that it was thus very important to maintain the existing measure. Australia mentioned the value of WCPFC-TCC14-2018-IP14 (*An Assessment of the Number of Vessels Fishing for South Pacific Albacore South of 20°S*) in that context. It recalled that in 2015 the Commission revised the measure to help determine how many vessels were fishing for albacore. IP14 was produced in response to that measure, and it suggested TCC should make use of that data in future years. It called for a recommendation requiring that reports such as IP14 be produced annually.

318. China stated it faced difficulties in providing historical data on Chinese vessels fishing for South Pacific albacore, if the data was for a period prior to the Convention entering into force. Cook Islands stated that CCMs should provide historical data.

319. TCC14 recommends to WCPFC15 that INFO paper **WCPFC-TCC14-2018-IP14** be updated and made available on an annual basis and that it includes the following information to the extent possible based on available data:

- i. the level of longline observer coverage in the Convention area south of 20°S;
- ii. catch and effort information for both the area south of 20°S and the entire Convention area south of the equator from the year 2000 onwards (as the reference years used in south Pacific albacore measures to date); and
- iii. the total number of longline vessels fishing in the Convention area south of the equator, since 2000.

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

320. The TCC Chair noted that **WCPFC-TCC14-2018-RP02**, *10th. Annual Report of the WCPFC Regional Observer Programme* (specifically tables 1,2,5,6,7,8, Annex A-tables I and II) provided summary information from observer data on whale shark and cetacean encounters with purse seine vessels, and silky shark and oceanic white tip shark interactions.

#### **a. Annual review of information reported by CCMs pursuant to these measures**

321. The EU took note of the information presented in ROP annual report in relation to the three shark measures, noting that despite the improvement in terms of identified cases, a number of species covered by non-retention measures were still being retained, and some finned. It advocated that a recommendation addressing this be adopted.

322. Fiji, on behalf of FFA members, stated they:

- supported the process for developing a consolidated shark CMM, and recognised the value in refining and streamlining existing shark measures;
- did not support any changes that would weaken existing shark measures by reducing existing CMMs; and
- supported the development of best-practice guidelines for safe handling of sharks, and supported TCC recommending these guidelines for adoption at WCPFC15.

323. TCC14 recommended that WCPFC15 note that

- a. Despite the improvements noted since 2015, specimens of prohibited shark species are still retained and, in some cases, finned in WCPFC fisheries.
- b. The percentage of conclusion of investigations related to sharks CMMs related infringements in the online compliance case file system remains relatively low (**8%-53%**).

**b. Intersessional activity report on IWG-Sharks**

324. Wataru Tanoue (Japan) introduced **WCPFC-TCC14-2018-22, 5th Draft Consolidated Text for the Conservation and Management Measures for Sharks** under Agenda Item 1.4 on behalf of the IWG-Sharks Chair. He noted that the IWG-Sharks Chair had submitted the 5th Draft based on three rounds of on-line discussion and comments from SC14, and presented an additional recommendation made by SC14 that was inadvertently omitted from the 5th Draft (SC14 para. 561, sub para 2).

325. On 2 October the Shark SWG provided a report back on its discussions of the 5<sup>th</sup> Consolidated Shark CMM text. The following were agreed points from the SWG discussions held during TCC14:

- TCC14 considered that a fins naturally attached (FNA) policy would be the most practical and implementable option in terms of evaluating and assessing compliance. However, some CCMs noted concerns about its implementation from the perspective of fishermen, such as crew safety from frozen fins, separation of product at port for different markets which is difficult if fins are not removed at sea, and lower prices if quantities of meat are left attached to fins. It was recommended to study a document by Gulak et al. (2017)<sup>1</sup> illustrating how FNA is practiced in the United States.
- TCC14 indicated that since 2010 it has not been able to assess compliance with the 5% fins to carcass ratio currently included in CMM 2010-07 (see TCC13 para. 312, TCC12 para. 391, TCC11 para. 462). Enforcement at sea was also noted as being problematic. Port inspections of fin to carcass ratios is in effect by some CCMs for domestic fleets. Concerns were noted about the appropriateness of the 5% fins to carcass ratio per se.

326. TCC14 did not raise any technical and compliance issues with Attachment G of the SC14 Summary Report concerning safe release guidelines for sharks.

327. TCC14 recommended to WCPFC15 that it adopt the best practice guidelines for the safe handling of sharks (Attachment G of the SC14 Summary Report).

<sup>1</sup> Gulak, S.J. et al. 2017. A guide to landing shark species with fins naturally attached. NOAA Technical Memorandum NMFS-SEFSC-712. In: IOTC - 13th Working Party on Ecosystems and Bycatch. [IOTC-2017-WPEB13-INF02](#), San Sebastián, Spain .

328. TCC14 suggested to the Shark IWG Chair that he note the discussion in TCC14 as reported above (paragraph 325) and consider the appropriate inclusions and references to paragraph 561 and Attachment G of the SC14 summary report when developing the 6<sup>th</sup> draft of the comprehensive shark CMM.

#### 11.4 Sea turtles (CMM 2008-03)

##### a. Annual review of information reported by CCMs pursuant to this measure

329. No specific paper was presented for this agenda item, The TCC Chair referred to information presented in reference to **WCPFC-TCC14-2018-RP02** (table 4).

##### b. Evaluate the expected effects of several potential sea turtle management scenarios, with a focus on implementation and compliance implications as well as SIDS implementation considerations. Provide any appropriate advice or recommendations to WCPFC15 on improvements to CMM 2008-03 (WCPFC14 paragraph 362)

330. The TCC Chair noted that **WCPFC-TCC14-2018-DP03**, *Potential Revisions to CMM 2008-03 CMM on Sea Turtles*, and **WCPFC-TCC14-2018-DP04\_rev1**, *Potential Revisions to WCPFC Regional Observer Programme Minimum Standard Data Fields* were introduced under Agenda Item 1.4.

331. In response to a query from China, the United States stated the proposal to revise CMM 2008-03 was based on compliance aspects relating to the current measure, and not on advice from SC14. TCC14 was tasked by WCPFC14 to examine expansion of mitigation measures.

332. Chinese Taipei noted that it is challenging for all shallow-set longliners to implement this proposed measure. It also noted that sea turtles occur mostly in tropical areas; therefore, the effect for fishing vessels in temperate areas to implement the measure could be limited.

333. The EU stated that sea turtle bycatch results from the setting technique, and not the species being targeted, and that although there were perhaps fewer interactions with deep-set fisheries, some interactions do occur. It indicated it supported the measure.

334. China suggested the need to identify areas with high sea turtle mortality. Japan noted it was difficult to make detailed comments in the absence of specific advice from SC regarding mitigation measures for deep-set longliners. It noted that the United States took a different approach in IATTC, with mitigation measures that applied only to shallow-set fisheries, and indicated it did not support the proposal by the United States. Korea supported the position adopted by Japan.

335. WWF stated it supported the review and revisions suggest by the United States, and called on CCMs to take note of their obligations under Article 6 of the Convention (regarding application of the precautionary approach).

336. Japan noted that, in reference to the proposed revisions to the ROP Minimum Standard Data Fields, it could not agree to increases in observers' overall workloads.

337. Tuvalu, on behalf of PNA members, thanked United States for its work following submission of a previous version of the proposal to SC14. They noted some concerns about the usefulness of having observers collect information on such rare events, given the ongoing low levels of coverage, and stated they

would prefer having this included in vessel operator data, which would be addressed through the comprehensive data review (SC project 93). PNA reluctantly agreed to the main purpose of the proposal assuming it was restricted to turtles, and did not address species of special interest more broadly.

338. TCC14 noted that it was tasked by the Commission to evaluate the expected effects of several potential sea turtle management scenarios, including ones in which vessels in all longline fisheries in the Convention Area are subject to mitigation requirements (WCPFC14 Summary Report, para. 362).

339. With respect to shallow-set longline fisheries, TCC14 recognized that due to ambiguities in the scope of application, the existing sea turtle mitigation measures are currently being applied to only about 1% of longline fisheries in the Convention Area, even though approximately 20% of the longline effort consists of shallow-sets. With respect to the practicality of expanding sea turtle bycatch mitigation requirements to deep-set longline fisheries, members were unable to reach agreement.

340. TCC14 recommended to WCPFC15 that it adopt revisions to paragraph 7 of CMM 2008-03 that remove ambiguities in the scope of application of the measure.

341. TCC14 noted that with respect to the practicality of expanding sea turtle bycatch mitigation requirements to deep-set longline fisheries, members were unable to reach agreement.

342. TCC14 recommended to WCPFC15 that the Commission continue to consider the necessity and practicality of sea turtle bycatch mitigation measures in deep set fisheries.

343. Recognizing the need for improved data collection on sea turtle interactions, TCC14 recommended to WCPFC15 that the Commission consider revisions to ROP Minimum Standard Data Fields, taking into consideration those presented in **WCPFC-TCC14-2018-DP04\_rev1**.

## 11.5 Seabirds (CMM 2017-06)

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

344. The TCC Chair referred TCC14 to **WCPFC-TCC14-2018-RP02** (Table 3), and **WCPFC-TCC14-2018-OP01**.

### b. Review available research on hook shielding devices and provide advice to WCPFC15 if there are effective options for seabird bycatch mitigation in WCPFC fisheries and whether to incorporate them in the seabird CMM as additional mitigation options (WCPFC14, paragraph 347)

345. New Zealand introduced **WCPFC-TCC14-2018-DP06**, *Proposed Changes to CMM 2017-06 in Regards the Optional Use of Hook Shielding Devices and the Southern Boundary of Seabird Mitigation Requirements* under Agenda Item 1.4; a revised version (DP06\_rev1) was issued on 2 October for TCC's information. Two small working group meetings were held to discuss the proposals, as forwarded by SC14, to (i) provide for the optional use of hook-shielding devices as an alternative, stand-alone, measure to mitigate seabird bycatch; and (ii) change the southern boundary of required use of mitigation from 30°S to 25°S, to enhance the conservation of seabirds.

346. In response to a query from Indonesia, New Zealand clarified the hook shielding devices were proposed as an alternatives existing options (i.e., would expand the range of options).

347. Japan noted the importance of ensuring fairness and effectiveness in implementing seabird mitigation measures throughout EEZs and high seas, while Cook Islands indicated some FFA members were not comfortable with including EEZs in the proposed boundary change.

348. TCC14 recommended WCPFC15 agrees to revise CMM 2017-06 to add the use of the hook-shielding devices recommended by SC14, as an optional stand-alone seabird bycatch mitigation measure in order to provide more choices and greater flexibility to mitigate seabird bycatch, noting the SC14 recommendation to consider effectiveness, efficiency and practicality of emerging technologies.

349. TCC14, in recognition of the scientific advice that the spatial distribution of vulnerable seabirds extends northward to 25°S, and the substantial fishing effort in waters of the WCPFC area between 30°S and 25°S, recommended that WCPFC15 consider revising the southern boundary of CMM 2017-06 northward, and appropriate mitigation measures in that particular area.

350. TCC14 recommended that, when considering revising the boundary, WCPFC15 take into account the low fishing effort in EEZs, and the implementation impact of extending the boundary on SIDS and Participating Territories, while noting the importance of ensuring fairness and effectiveness in implementing seabird mitigation measures.

## 11.6 Purse Seine Interactions with Cetaceans (CMM 2011-03)

### a. Annual review of information reported by CCMs pursuant to this measure

351. The TCC Chair referred TCC to relevant information contained in **WCPFC-TCC14-2018-RP02 (table 9, Annex A table 1)**.

352. New Zealand, on behalf of FFA members, stated that it was very positive to see improving trends of interactions with cetaceans, demonstrating the awareness of crews about the handling and safe release of cetaceans. They asked whether it was possible to depict interactions geographically, and whether the data could be presented for each gear type separately, rather than grouping all interactions (as in Table 9 of the Annual Report). The Compliance Manager noted that differentiating by fishery (e.g., purse seine vs longline) was relatively straightforward, but that providing a geographic breakdown could require use of detailed data that was not necessarily accessible to the Commission.

## 11.7 Others

353. The Science Manager, Dr. Sungkwon Soh referenced **WCPFC-TCC14-2018-IP12, *Compiled Information on Pacific Bluefin Tuna (Fishing Effort and Catch)***, which was raised at the request of the EU.

354. The EU observed that the effort and catch data reported under IP12 for Japan used differing reporting periods, making it difficult to assess compliance with limits. It stated it was unsure of the best way to present the data to enable compliance assessment. The United States also noted it would be difficult to assess compliance with the information available and different definitions of management years. The

United States stated it is necessary to have a common understanding of what the measure requires in terms of implementation and reporting, and would appreciate more explanation regarding how Japan's national methods reconciled with the standards used by the Commission's annual limits.

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

355. New Zealand stated it was considering preparing a draft resolution on crewing standards, having noted the support for this approach from FFA members' fisheries managers, and would circulate draft text to CCMs intersessionally, with a view to submitting a proposal for consideration by the Commission.

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

#### **13.1 Consideration of other SC14 and NC14 outcomes related to TCCs work**

356. Addressed under other agenda items.

### **AGENDA ITEM 14 — ADMINISTRATIVE MATTERS**

#### **14.1 TCC Workplan 2016–2018**

357. The TCC Vice-Chair, in his capacity as Chair of the TCC Workplan SWG, noted **WCPFC-TCC14-2018-IP13**, *TCC Workplan For 2016 – 2018*, and acknowledged assistance from FFA members, Australia, the United States, EU and Canada in providing some comments in respect of updating the TCC workplan. He stated that additional time was needed to reach agreement on all aspects of the new TCC workplan, which would be forwarded to WCPFC15.

<p>358. TCC14 noted that additional time is needed to complete the draft TCC workplan. CCMs are encouraged to provide additional comments on the draft TCC workplan (<b>Attachment H</b>) to the TCC Vice-Chair by 15 October and the TCC Vice-Chair will collate those comments and submit the draft TCC workplan for the consideration of WCPFC15.</p>
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#### **14.2 Administration of the Data Rules and Procedures, including Report on WCPFC Security Audit 2017/2018**

359. The Secretariat introduced **WCPFC-TCC14-2018-RP08**, *Annual Report on the Administration of the WCPFC Data Access Rules and Procedures*, which provides an updated summary of WCPFC non-scientific data holdings, and a report (for 1 January 2017 – 31 July 2018) on the administration of rules and procedures for the protection, access to, and dissemination of (i) data compiled by the Commission; and (ii), and high seas non-public domain data and information compiled by the Commission for the purpose of MCS activities, and the access to and dissemination of high seas VMS data for scientific purposes. The Secretariat also noted **WCPFC-TCC14-2018-RP09**, *Review of Integrity of the Secretariat's VMS Data and Secretariat's Review of Integrity of IMS and RFV*. They stated that the audit was provisional, and that the Secretariat was seeking clarifications regarding two issues, one regarding a software issue, and the other the review of logs, with an update to be provided to the FAC at WCPFC15. Four other issues raised in the audit were being addressed through an update to the WCPFC security policy, with the remaining six issues covered in RP09.

360. TCC14 noted the report Administration of the Data Rules and Procedures (**WCPFC-TCC14-2018-RP08**), including the Review of Integrity of the Secretariat’s VMS Data and Secretariat’s Review of Integrity of IMS and RFV (**WCPFC-TCC14-2018-RP09**).

#### **14.3 Secretariat IMS, Website Development and Online Reporting Systems (2016–2018)**

361. The Compliance Manager noted updates on this agenda item were provided in the Executive Director’s Annual Report (**WCPFC-TCC14-2018-05**, pages 7– 8), and discussed under Agenda item 5.1 and Agenda 8.3(c).

362. Australia, on behalf of FFA members, thanked the Secretariat for the update and expressed support for the efforts being made toward the priority work areas for ongoing IMS, website and online reporting developments within the Secretariat. FFA members supported the ongoing E-reporting initiatives undertaken to improve the quality and timeliness of information of various data provision requirements by presenting a standardized electronic format as an alternative to the multiple methods currently in use such as PDF, Excel, and in-text emails. They noted that the WCPFC IMS hosts various integrated databases for centralized records of CMM reporting and encouraged the Secretariat to continue to develop appropriate MCS analytical and reporting tools so that members can effectively access this information on a timely basis.

#### **14.4 Election of Officers**

363. TCC14 recommended to WCPFC15 that Mr Laurence Edwards (Republic of Marshall Islands) be appointed as TCC Chair for a two-year term.

364. TCC14 recommended to WCPFC15 that Dr Robert Day (Canada) be appointed as TCC Vice Chair for a two-year term.

#### **14.5 Next meeting**

365. TCC14 recommended that TCC15 be held on Wednesday 25<sup>th</sup> September – Tuesday 1<sup>st</sup> October 2019, and that the venue be Pohnpei, Federated States of Micronesia.

### **AGENDA ITEM 15 — CLEARANCE OF TCC14 RECOMMENDATIONS**

366. The TCC14 recommendations were cleared on 2<sup>nd</sup> October 2018 (**TCC14-2018-outcomes**).



## **AGENDA ITEM 16 — CLOSE OF MEETING**

367. The TCC Chair thanked RMI for its excellent support and hospitality; thanked the Commission Chair, Secretariat staff and consultants, and SPC staff for their hard work; and expressed her appreciation to all meeting participants for their contributions to TCC14.

368. The Cook Islands, on behalf of FFA members and other participants, expressed their gratitude to the TCC Chair for her excellent guidance over the previous 4 years, and for her commitment on behalf of TCC. The EU also thanked the TCC Chair for her work, stating they would “never have believed this meeting could be fun.” FSM, as host of TCC15, thanked the TCC Chair, noting she had elicited very good participation, and through her leadership and character, helped participants to make progress. They looked forward to seeing everyone in Pohnpei in 2019.

369. RMI, as the host of TCC14, acknowledged all their staff that worked behind the scenes, and noted the success of TCC14. They thanked the TCC Chair, saying they had learned much from her, which they would put to use as they took on the challenge of chairing the meeting beginning with TCC15.

370. The WCPFC Executive Director congratulated TCC14 participants for a successful meeting. He thanked the TCC Chair for her leadership and guidance, delivered with a spirit of fun, and looked forward to her future contributions to the work of TCC and the Commission. He thanked the MIMRA Director, his staff and the RMI government for their assistance during the meeting; the Secretariat’s staff for their hard work; and the chairs of the IWGs for progressing the key priorities that the Commission has mandated. He stated he looked forward to seeing everyone at WCPFC15 in Honolulu.

371. TCC14 closed at 2:45 pm on 2 October 2018.



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## Attachment A. Opening Remarks

**Fourteenth Regular Session of the Technical and Compliance Committee**  
September 26 – October 2, 2018  
**Opening Statement by the Chair of the WCPFC to TCC14**  
**Majuro, Wed 26 Sept 2018**

To the Honourable Minister, our TCC Chair, Delegates and Observers...Yokwe and a very warm welcome to Majuro.

Every year before I attend the Commission's AGM and Committee meetings, I review our Convention. It's a document I've read many times but I always benefit from picking it up again

As we know, the WCPFC Convention is a very comprehensive framework for the wide variety of issues we are charged with overseeing – from catch limits, compliance and database management, through to prevention of illegal fishing.

But whenever I re-read sections of the Convention, I am reminded that for all the breadth and depth of the document, it is people who make our Commission work.

Multilateral cooperation is about words – what we have legally agreed to – but more than that, it's about the members, delegates and observers who demonstrate a capacity to work together for the greater good.

This mindset of cooperation is critical to achieving outcomes for the stakeholders on whose behalf we are here.

The Marshall Islands holds an important place in the Commission's history, having hosted the 2<sup>nd</sup> Multilateral High-Level Conference in 1997 that resulted in the Majuro Declaration and launched 3 years of negotiations until the Convention was adopted in 2000.

It's good to be here again, this time for the 14th Regular Session of the TCC.

Our hosts have been working hard this year to prepare for this meeting and, on behalf of the Commission, I offer our gratitude for the excellent arrangements and warm hospitality. The Yokwe spirit is alive and well.

And I commend delegates for all the work currently being undertaken to advance Commission objectives.

There are five Intersessional Working Groups in 2018, considering:

- a comprehensive shark and ray measure
- management of FADs
- consideration of the compliance monitoring scheme
- strengthening the regional observer program
- furthering development of the Commission's electronic monitoring and reporting systems, and
- advancing discussions on south Pacific albacore.

It's a lot of work that will culminate in a busy Annual meeting and I thank you for your excellent efforts.

In addition, the Scientific Committee has devoted extra time to harvest strategy work, a key priority for the Commission this year.

The next few days will be especially busy for you and I acknowledge you in advance for your commitment.

In particular, I would like to recognize the work of the TCC Chair, Alexa Cole, and the fine efforts of the Secretariat ... under the direction of Executive Director, Feleti Teo and the Compliance Team, led by Lara Manarangi-Trott ... for their preparation of meeting documentation.

On your behalf, I also express appreciation to IT Manager, Sam Taufao and Finance/Admin Manager, Aaron Nighswander and their teams, who continue to provide excellent support to the Commission's meetings.

TCC's outcomes are core to ensuring the Commission's management framework serves the objective of the Convention and I look forward to receiving your recommendations in December.

In the meantime, as we set about our work this week, let us be ever conscious that this Commission is at its best when we make cooperation our focal point.

Thank you.

**Hon. Dennis P. Momotaro**  
**Minister of Natural Resources and Commerce/Chairman of MIMRA Board**  
**Keynote Address to the 14<sup>th</sup> Technical and Compliance Committee**  
**September 26, 2018**

Kommol tata, MC Glen Joseph for the kind introduction and acknowledgement.

Chairperson of the WCPFC Madam Chair Rhea Moss-Christian, WCPFC Executive Director Mr. Feleti Teo, TCC Madam Chair Alexa Cole, WCPFC Secretariat staff, PNA CEO Ludwig Kumoru and staff of the PNA Office, incoming Director General of the Fisheries Agency, Dr. Manu Tupou-Roosen, and staff of the FFA, SPC, Distinguished Members of the Commission or CCMs, Cooperating Non-Members, Participating Territories, Observers, NGOs and IGOs, Fishing Industries from around the region, Ladies and Gentlemen, Iakwe to you all!

On behalf of Her Excellency, President Hilda C. Heine, Government and People of the Republic of the Marshall Islands, I welcome you to the 14<sup>th</sup> Technical and Compliance Committee (TCC14). I hope you all have enjoyed your comfortable stay in Majuro and partaken in sight seeing around the island with your cameras and of course trying out our local cuisines in town or in other villages have to offer.

I am cognizant of the fact that the agenda items in this meeting are quite extensive and so I will be brief, with some issues, perhaps to welcome you all. The RMI is no stranger to the WCPFC process, as you may all know. In 2014, we hosted the Scientific Committee, and this year, the 14<sup>th</sup> regular session of the Technical & Compliance Committee. It is indeed our pleasure, and with sincere gratitude for you all to take time out of your busy schedule to travel to Majuro for this important meeting. It is important because for the most part, the agenda for your deliberations through-out the week, will shape the future of our Western and Central Pacific Fisheries Commission. I say that with all the facets of the commission, as members - from your national positions and capacities, through to your regional and international obligations.

Is our fisheries protected now and well into the future? I ask that question because for the RMI, we cannot live without our fisheries, simply put. We strive to sustain our fisheries because we aspire to develop further benefits in the future, simply put. And so, your discussions on data requirements, observer safety and standards, compliance with obligations, combatting illegal, unregulated, and unreported fishing, is very much on our national agenda as well. Can we do it? My answer is, as a block, yes, we can, simply put. So my challenge for your time in this meeting, whilst discussing the various agenda times, is to engage proactively and productively, while being innovative as well, in deliver the outcome that ensures that our fisheries is protected, now and well into the future.

Our future generations depend on how we shape our management measures, including how we deliver on our wcpfc obligations. We cannot sit by idle and allow IUU fishing to continue its course. If we are serious about it, we should set a target to end IUU in the Pacific. Imagine - a IUU FREE Pacific?

I'll end my note here with that challenge. Again, on behalf of the President, her excellency Dr. Hilda C. Heine, the government and people of the Marshall Islands, kammolol and thank you everyone, and while we wish you all the best in your discussions and deliberations, we also encourage each and everyone, to take the time to enjoy the serenity of the islands. The many wonders and handicrafts, awaits you, beyond this venue doors.

On that note, I now declare this 14<sup>th</sup> regular session of the Technical and compliance committee meeting, open.



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**Fourteenth Regular Session of the Technical and Compliance Committee  
Majuro, Republic of Marshall Islands  
September 26 – October 2, 2018  
LIST OF PARTICIPANTS**

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## Meeting Attendees

### Chair of Meeting

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**Attachment C. Agenda for the Fourteenth Regular Session of the TCC**

**TECHNICAL AND COMPLIANCE COMMITTEE**

**Fourteenth Regular Session**

26 September – 2 October 2018  
Majuro, Republic of Marshall Islands

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**ADOPTED AGENDA**

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**28 August 2018**

**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 any key strategic issues that will be discussed and require guidance to the WCPFC15.*

**AGENDA ITEM 3 IUU LIST**

**AGENDA ITEM 4 CNM REQUESTS**

**AGENDA ITEM 5 COMPLIANCE MONITORING SCHEME**

- 5.1 CMS Process
  - (a) Review Capacity Assistance Needed statuses assessed in prior years
  - (b) Review Flag State Investigation statuses assessed in prior years
  - (c) Review of draft CMR
  - (d) Review any capacity assistance requests (other than Capacity Assistance Needed statuses) identified in prior years (TCC Workplan 2016-2018)
  - (e) Identify and 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)
- 5.2 Review of the Compliance Monitoring Scheme (CMS)
  - (a) Intersessional Activity Report from CMS IWG (WCPFC14, paragraph 461)
  - (b) Final Report from Independent Panel to the Review the CMS
- 5.3 Provisional CMR report and Executive Summary
- 5.4 Provide advice on the expiry of CMM 2017-07 at the end of 2018 (CMM 2017-07, paragraph 41)

**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 Intersessional Activity Report from Special Requirements Fund IWG of the FAC
  - (a) Discuss development of Strategic Investment Plan (SIP)

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

- 8.1 Vessel Monitoring System (VMS)
  - (a) Consider proposals for inclusion of additional ALCs on the WCPFC approved ALC/MTU list (VMS SSPs Section 2.7)
  - (b) Update of Standard Operating Procedures (VMS SSPs Section 6.9)
- 8.2 Regional Observer Programme
  - (a) Development, improvement and implementation of the Commission's measures for observer safety and related issues (TCC Workplan 2016-2018)
  - (b) Report from TCC Working Group on flow of observer reports and observer conduct
- 8.3 High Seas Transshipment Monitoring
  - (a) 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 (TCC Workplan 2016-2018)
  - (b) Consider what information could usefully be gathered around bycatch mitigation equipment and application, during transshipment processes (TCC13 paragraph 337)
  - (c) Update on E-reporting implementation at the Secretariat
  - (d) Standards for E-reporting of high seas transshipment notices and declarations
  - (e) Operationalising 2017 WCPFC-CCSBT Memorandum of Cooperation on Monitoring high seas transshipments of southern Bluefin tuna (WCPFC13, paragraph 665)
- 8.4 High Seas Boarding and Inspection (HSBI)
- 8.5 Record of Fishing Vessels (RFV)
  - (a) Review utility of the global consolidated list of authorized fishing vessels and provide advice to the Commission (WCPFC14, paragraph 411)
  - (b) Review recent IMO decision providing the opportunity for IMO numbers to be issued to vessels smaller than 100GT
- 8.6 Eastern High Seas Pocket Special Management Area (EHSP-SMA)
- 8.7 Port State Minimum Standards

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

- 9.1 Review information about scientific data provision (TCC Workplan 2016-2018)
- 9.2 Review the Commission's reporting requirements and consider advice on how to minimise duplicate reporting by CCMs (WCPFC14, paragraph 479)
- 9.3 Report on the performance of the Electronic Reporting Standards and their application (E-reporting SSPs, paragraph 7 (c))

**AGENDA ITEM 10 INTERSESSIONAL ACTIVITIES**

- 10.1 Report from the ERandEM-IWG Chair, including on outcomes of ERandEMWG3
- 10.2 Report from CDS-IWG

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

- 11.1 Bigeye, Yellowfin and Skipjack (CMM 2017-01, CMM 2009-02)
  - (a) Annual review of information reported by CCMs pursuant to these measures
  - (b) Intersessional activity report on FAD Management Options IWG
  - (c) Advice on implementation and compliance considerations related to measures for non-entangling design and/or use of biodegradable material in construction of FADs
- 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)
  - (b) Intersessional activity report on south Pacific Albacore Roadmap virtual IWG
  - (c) Evaluate monitoring and reporting gaps in the South Pacific albacore fishery, as well as SIDS and Participating Territories implementation considerations (WCPFC14 paragraph 265(b))
- 11.3 Sharks (CMM 2010-07, CMM 2011-04, CMM 2012-04, CMM 2013-08 & CMM 2014-05)
  - (a) Annual review of information reported by CCMs pursuant to these measures
  - (b) Intersessional activity report on IWG-Sharks
- 11.4 Sea turtles (CMM 2008-03)
  - (a) Annual review of information reported by CCMs pursuant to this measure
  - (b) Evaluate the expected effects of several potential sea turtle management scenarios, with a focus on implementation and compliance implications as well as SIDS implementation considerations. Provide any appropriate advice or recommendations to WCPFC15 on improvements to CMM 2008-03 (WCPFC14 paragraph 362)

- 11.5 Seabirds (CMM 2017-06)
  - (a) Annual review of any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes
  - (b) Review available research on hook shielding devices and provide advice to WCPFC15 if there are effective options for seabird bycatch mitigation in WCPFC fisheries and whether to incorporate them in the seabird CMM as additional mitigation options (WCPFC14, paragraph 347)
  
- 11.6 Purse seine interactions with Cetaceans (CMM 2011-03)
  - (a) Annual review of information reported by CCMs pursuant to this measure
  
- 11.7 Others

**AGENDA ITEM 12 PROPOSALS FOR NEW CMMs**

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

- 13.1 Consideration of other SC and NC outcomes related to TCCs work

**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 2017/18
  
- 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 TCC14 RECOMMENDATIONS**

*(As per usual practice full TCC14 report will be cleared intersessionally)*

**AGENDA 16 CLOSE OF MEETING**

**Attachment D. Proposed VMS SOPs (TCC14-2018-13B\_rev1)**




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## Commission VMS Standard Operating Procedures (SOPs)

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### Version notes

Version	WCPFC decision reference	Description of updates	Effective date
1.0	<i>WCPFC6</i>	<i>Approved by the Commission of the SOP, as per requirement of VMS SSPs section 6.9</i>	<i>Feb 19 2010</i>
2.0	<i>[WCPFC15]</i>	<i>Updates made to include versioning and to streamline and improve the focus of the SOPs and better reflect current Secretariat practices including reference to the present VMS service provider/s</i>	xxx

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## 2. Overview

The WCPFC operates a Vessel Monitoring System (Commission VMS) to assist in the management and conservation of highly migratory fish stocks in the Western and Central Pacific Ocean.

In December 2008, a Service Level Agreement (SLA) with FFA for the provision of the WCPFC VMS services was formalised. The contracted system that provides VMS information to the FFA VMS and the WCPFC VMS systems is referred to as the “Pacific VMS”. The WCPFC VMS came into operation on April 1, 2009.

The approved structure of the WCPFC VMS system allows vessels to report to the WCPFC through two ways: i) directly to the WCPFC VMS, or ii) to the WCPFC through the FFA VMS. In respect of the latter, it is recognized that there may be additional requirements for VMS reporting which arise from FFA requirements and national VMS requirements that are relevant.

The WCPFC has more than 3,000 WCPFC-registered vessels that report to the WCPFC VMS through the Pacific VMS. In addition the WCPFC VMS receives, through the SLA with FFA, high seas VMS information relating to FFA-registered vessels.

The Commission VMS requires the use of Mobile Transceiver Units (MTUs)/Automatic Location Communicators (ALCs) that are on the approved list of MTU/ALC as approved by the Commission. Approval of ALCs will be based on the Secretariat's assessments of ALCs against minimum standards for the Commission VMS as set out in Annex 1 of CMM 2014-02 (or its successor measure), WCPFC SSPs, as relevant, by determining that the ALC make and model has the ability to successfully report to the Commission VMS,

## **2.1 Purpose of these Standard Operating Procedures**

These standard operating procedures (SOPs) have been developed to provide uniform guidance for Commission personnel in the management and operation of the Commission VMS.

## **2.2 Specific Commission Decisions and Guidelines governing the Commission VMS and access to VMS data**

- a) Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission (2007 data RaP) – December 2007;
- b) Service Level Agreement (SLA) with FFA for the provision of the WCPFC VMS services – December 2008 (WCPFC VMS came into operation on April 1, 2009)
- c) Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes. (2009 MCS data RaP) – December 2009.
- d) WCPFC Standards Specifications and procedures (SSPs) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC) – December 2016 (or its update)
- e) WCPFC Agreed Statement describing Purpose and Principles of the WCPFC VMS – December 2011
- f) WCPFC9 decision regarding application of Commission VMS to national waters of Members (WCPFC9 Summary Report paragraph 238) – December 2012
- g) Conservation and Management Measure for the Commission VMS – CMM 2014-02 (or its replacement CMM) – December 2014
- h) WCPFC VMS Reporting Requirement Guidelines – May 2018 (or its update)

## **2.3 General Information Security Policy and Administrative Procedures for the Secretariat**

The Secretariat's WCPFC Information Security Policies and Guidelines, as well as Administrative Procedures apply to the administration and access to the Commission VMS.



## 3. VMS Software Applications

### 3.1 Trackwell

The Trackwell VMS user interface is implemented as a suite of web modules contained within a common frame application. These modules are selectable from the main menu. More than one module can be open at the same time, in separate browser tabs on separate screens. The VMS Web application is AJAX driven, giving the user similar usage experience and behavior as a classic windows application. It is designed in a modular way, allowing different modules to be active / visible for different users.

The main modules of the are:

- Monitoring - operators main view
- Vessel – vessel registry database
- Events and Actions – users can define events to be monitored
- Reports – provide list of pre-programmed reports
- Live Map – geographical map displaying vessel’s position in near real-time

### 3.2 Manual Reporting

Vessels typically report their positions automatically. The Commission VMS does not presently have a capability to upload manual positions (eg in the case of MTU/ALC failure) into the Trackwell VMS user interface.

### 3.3 Monitoring View

The Monitoring View is the operators main view. All important events and alerts handled by the system are listed as issues from which an operator can select an “Issue” to work on or log down every actions related to the selected issue until its closed. Issues can also be configured to trigger an alert.

## 4. Operational Procedures

### 4.1 VMS Client User Access

The VMS Manager can provide user access to the Commission VMS to an individual user on request from an authorised CCM official, such access will be granted after consultation with the Compliance Manager

The Commission VMS is configured so that each user has a unique login ID and password which can be changed at the discretion of the user. The system forces a change of password at intervals not exceeding 40 days. A password must consist of at least eight alpha-numeric characters and must be different from previous passwords and ID. Each user is responsible for their respective ID and password. Users can also use ‘Forgotten Password’ feature to change/reset passwords as required. If a user believes access has been gained through illegal use of his/her password or the user has forgotten his/her password, the VMS Manager must be notified immediately.

### 4.2 Vessel Tracking Data to be submitted by CCMs (VTAF)

The flag CCM is to submit all necessary data to complete its data file in the Commission’s VMS database, in respect of all vessels authorized to operate in the WCPFC Convention area. This data will include the name of the vessel, unique vessel identification number (UVI) [\* if and when adopted by the Commission],

radio call sign, length, gross registered tonnage, power of engine expressed in kilowatts/horsepower, types of fishing gear(s) used as well as the make, model, unique network identifier (user ID) and equipment identifier (manufacturer's serial number) of the ALC that vessel will be using to fulfil its Commission VMS reporting requirements.

To facilitate the submission of necessary vessel tracking data for each fishing vessel required to report to the WCPFC VMS, the Secretariat has provided a guideline Vessel Tracking Agreement Form (VTAF) to enable activation and automatic tracking of the vessel through WCPFC VMS. VTAFs of vessels already reporting to FFA VMS will not be activated and may not need to be provided, but if submitted can be filed in case the vessel needs to have the ALC activated to report to WCPFC VMS system (should the vessel no longer report to the FFA VMS system).

A copy of the guideline VTAF form is appended at **Annex A**.

The following procedures are to be followed by the Secretariat when updated or new VTAF data is received from a CCM (as per the flow chart below).

1. Secretariat to acknowledge receipt of the VTAF by e-mail to the CCM official who sent it.
2. Secretariat to check that the VTAF data is completed correctly. An incomplete VTAF data should be referred back to the CCM official who sent it.
3. Secretariat to check that the MTU/ALC described in the VTAF is type approved by the CCM. If not, advise the CCM official accordingly.
4. If the MTU is type approved by the CCM then check against the FFA Vessel Register to determine if the vessel is listed. If it is listed then no further action required. The vessel will be monitored when it enters waters of the WCPFC Convention Area covered by the WCPFC VMS.
5. If the vessel is not listed on the FFA Vessel Register then its MTU/ALC must be activated to report directly to the Commission VMS (see Section 4.3 below).

#### **4.3 MTU/ALC Activation procedure for WCPFC VMS**

Vessels not registered on the FFA Register of Fishing vessels will be activated to report directly to WCPFC VMS once a VTAF or information required under Paragraph 2.9 of the Commission VMS SSPs is provided in full.

WCPFC VMS has gateways for the following services:

- Argos
- Faria
- Halios – CLS MTUs using the Iridium service
- Inmarsat C
- SkyMate

The following procedures are to be followed by the Secretariat when complete VTAF data is received and for vessels not registered on the FFA Register of Fishing vessels ( as per the flow chart below).

1. Secretariat to enter VTAF data as a new record in MTU Update request.

MTU Update Request - New Item



EDIT PAGE

Save Cancel Paste Copy Attach File Spelling

Commit Clipboard Actions Spelling

Save Cancel

Submitted By \*

Received Date \*

Vessel \*

**MTU Details**

Approved MTU Type \*

Equipment ID \*   
Manufacturer's serial number for this MTU

Network ID   
Unique ID Number by which MTU is tracked on the satellite network

Save Cancel

2. Secretariat to follow activation procedure that is specific to the gateway for the MTU/ALC (see below). The following details must be provided for all activation requests
  1. Vessel Name
  2. Reg No
  3. IRCS
  4. Vessel Type
  5. Flag
  6. Approved MTU Type
  7. Equipment ID
  8. Network ID
3. If activation was successful, Secretariat to advise CCM that the vessel has been activated to report. The Secretariat to complete internal procedure so that MTU update request form is completed to show “MTU Update Request Completed OK”, this provides advice to Trackwell VMS system that the vessel MTU details have been confirmed and are activated to report to WCPFC VMS.
4. If activation was not successful, request the CCM official to check the vessel’s MTU/ALC, rectify any anomalies with the MTU/ALC and inform the WCPFC Secretariat of when the vessel is ready for activation.
5. On receipt of the advice by the CCM that the MTU/ALC is ready for a second attempt of activation, activate the vessel on the system again.
6. If the MTU/ALC activation fails on the second attempt, notify the CCM and draw to the flag CCMs attention that vessel position reports shall be provided by the vessel on a manual basis, as required

by the WCPFC Standards Specifications and procedures (SSPs) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC) – December 2016 (or its update).

#### Vessel activation procedure for Argos and Halios MTUs

List of vessel MTU/ALCs to be activated must be sent to “Fisheries Support” ([fisheries.support@cls.fr](mailto:fisheries.support@cls.fr)).

Fisheries Support will then advise the Secretariat if activation is successful or not. The outcome should be advised to the CCM contact.

#### Vessel activation procedure for Faria and Skymate

For Faria MTUs, the vessel’s details as above is send to SpeedCast ([support.mss.apac@speedcast.com](mailto:support.mss.apac@speedcast.com)) and request upon activation to provide Faria 4 digit unique MTU Id.

For skymate MTUs, the vessel’s details as above is send Skymate ([williamricaurte@navcast.com](mailto:williamricaurte@navcast.com))

The contact for each gateway will advise the Secretariat if activation is successful or not. The outcome should be advised to the CCM contact.

#### Vessel activation procedure for Inmarsat C MTUs

For Inmarsat C MTUs activation is done at the Secretariat using a web application developed by SpeedCast

Western & Central Pacific Fisheries Commission

Please select DNID Options

Command Type  
[Dropdown]

Ocean Region [Dropdown] Data Network ID [Dropdown]

IMN Number [Text] Member Number [Text]

UTC Time (24hr) [Dropdown] [Dropdown] Reports per 24 hours [Text]

Sub Address [Dropdown] Acknowledgement [Dropdown]

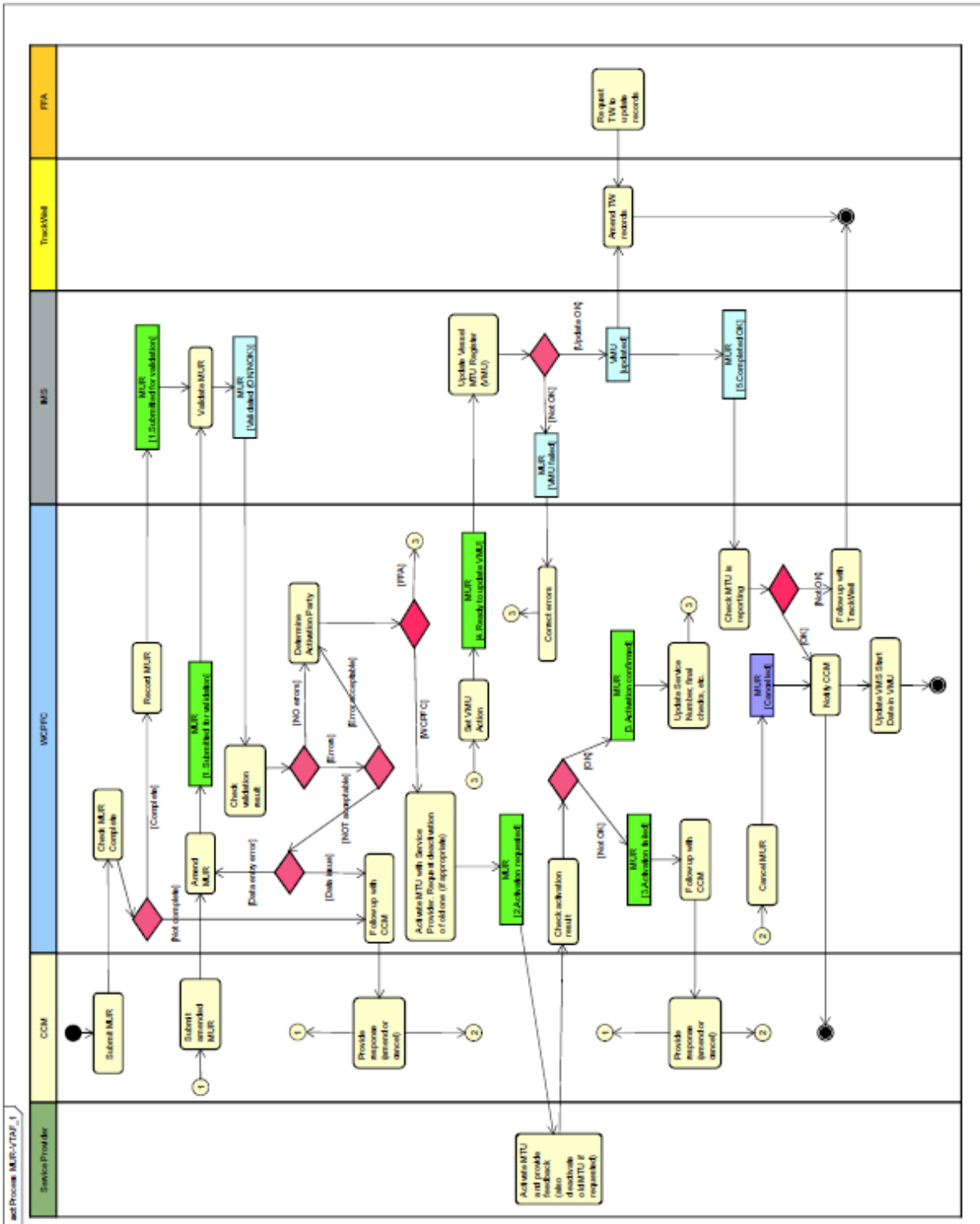
Telnet

TELNET:

SpeedCast  
Wherever You Are  
© Speedcast Australia 2016

If activation was not successful then advise CCM Official of why the activation was unsuccessful, this may include:

- Unknown mobile number
- Mobile logged out
- Mobile is not in the Ocean Region
- DNID sent to vessel, but vessel did not send acknowledgement to Commission VMS;
- Program sent to vessel but vessel did not send acknowledgement to Commission VMS; or
- Start Command sent to vessel but vessel did but send acknowledgement to Commission VMS.



2016/11/04 14:01:11

## 4.4 Manual Reporting







Since 1 March 2013, the Commission has agreed to regular extensions of amendments to the SSPs related to the reporting timeframes for manual reporting in the event of ALC malfunction. A standard reporting format for these manual reports has been previously agreed as is required by the WCPFC Standards Specifications and procedures (SSPs) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC) – December 2016 (or its update).

Manual should be sent to email: [VMSManualReports@wcpfc.int](mailto:VMSManualReports@wcpfc.int)

The first manual report received from a vessel will be recorded in the WCPFC Intranet – VMS Manual Report. This record will remain open until to vessel resumes normal VMS reporting.


VMS Manual Reporting - New Item ×


EDIT


 Save	 Cancel	 Paste	 Cut	 Attach File	 Spelling
Commit	Clipboard	Actions	Spelling		

Vessel \*  ▼  
Vessel reporting positions manually, or having its VMS switched off

VMS Status \*  
 Malfunction  
 Not Fitted  
 Switched Off

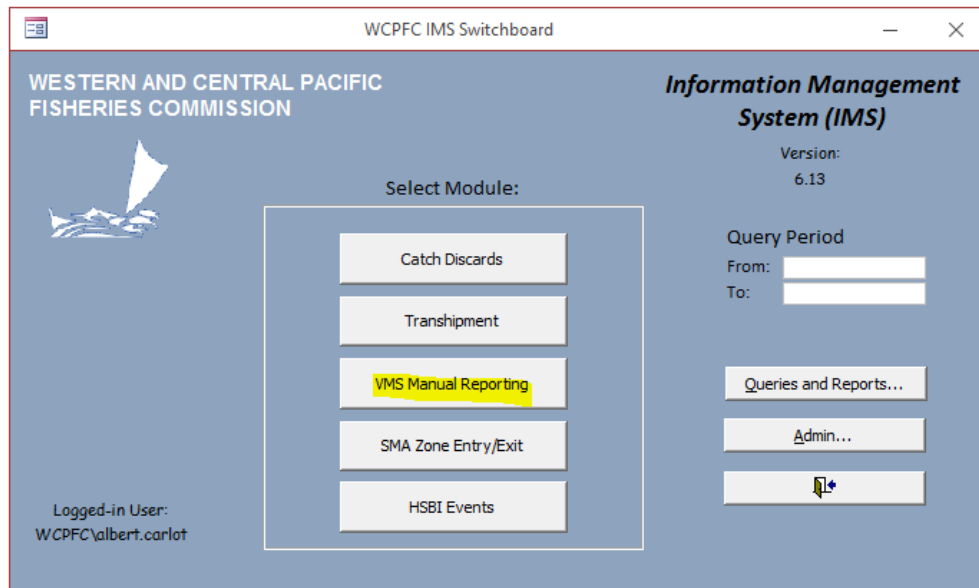
Reporting Start Date \*    
The date when manual reporting must commence, or the date when VMS was switched off

VMS Resume Deadline Date \*    
The deadline by which VMS reporting must be resumed

VMS Resume Actual Date    
The actual date when VMS reporting resumed

Notes   
Any notes regarding this Vessel's manual reporting

All manual position reports should then be entered in the VMS Manual Reporting database.



The vessel may recommence fishing on the high seas only when the MTU/ALC has been confirmed as operational by the WCPFC Secretariat following the flag State CCM informing the Secretariat that the vessel's automatic reporting complies with the regulations established in the Commission VMS Standards, Specifications and Procedures (SSPs).

#### **4.5 Routine Reports from the Secretariat on VMS reporting anomalies and WCPFC VMS**

Secretariat will regularly publish to secure CCM portals, accessible by authorized CCM users, supporting information that documents the Commission VMS reporting anomalies for their flagged vessels, on approximately at least a 4 – 6 week basis.

The following reports are provided to TCC annually:

- Annual Report on the Commission VMS;
- Review of integrity of the Secretariats VMS data
- Annual Report on the administration of the data rules and procedures.

Ad hoc reports may be generated on request, and following necessary approvals in accordance with the data rules and administrative procedures.

#### **4.6 Proposals for Inclusion of Additional ALC makes and models on the Approved MLC/ALC List**

WCPFC Standards Specifications and procedures (SSPs) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC) – December 2016 (or its update), requires that the Secretariat will assess proposals for inclusion of additional ALC makes and models on this list from both CCMs and equipment manufacturers and make recommendations for the TCC's consideration and the Commission's approval. Approval of ALCs such requests will be based on assessments by the Secretariat of ALCs against minimum standards for the Commission VMS as set out in Annex 1 of CMM 2014-02(or successor measure).

The VMS Manager will request the CCM of such MTU/ALC type and request the CCM to provide supporting documentation that the new MTU/ALC meets the minimum standards for the Commission VMS as set out in Annex 1 of CMM 2014-02 (or successor measure)

The VMS Manager will assess proposals for inclusion of additional MTU/ALC makes and models on this list from both CCMs and equipment manufacturers and make recommendations for the TCC's consideration and the Commission's approval.


The last update of the list of approved MTU/ALCs, which includes submissions by CCMs, can be accessed from the website: <https://www.wcpfc.int/vessel-monitoring-system>

#### **4.7 Commission VMS Helpdesk Support**

General queries on the Commission VMS can be sent to [VMS.helpdesk@wcpfc.int](mailto:VMS.helpdesk@wcpfc.int)

If the VMS team is not able to resolve an issue locally it is then escalated to TrackWell VMS Support ( [vmssupport@trackwell.com](mailto:vmssupport@trackwell.com) ) to resolve.



<p><i>On completion.</i>  Please return this Agreement form to email:  VMShelpdesk@wcpfc.int</p>			
<b>Vessel Tracking Agreement Form<sup>1</sup></b>			
<b>VESSEL DETAILS</b> <i>(as contained in WCPFC Record of Fishing Vessels (RFV))</i>			
Vessel Name:	WCPFC VID:		
Vessel Type:	International Radio Callsign (IRCS):		
	Country Registration Number:		
Country of Registration:	Home Port:		
<b>VESSEL CONTACT DETAILS</b>			
Name of Contact person:			
Contact Address:	Phone number:		
	Cell Phone/Sat-phone #:		
	Email address:		
<b>MOBILE TRANSCIVER UNIT (MTU)/AUTOMATIC LOCATION COMMUNICATOR (ALC) DETAILS</b>			
Manufacturer:	Model:		
Software version N <sup>o</sup> :	Equipment ID <i>(Manufacturer's serial number for this MTU)</i>		
Network ID:  <i>Unique ID Number (user ID) by which MTU is tracked on the satellite network</i>	Name of Mobile Communication Service Provider: <i>(select one)</i>  <div style="display: flex; justify-content: space-around;"> <span>ARGOS</span> <span>HALIOS</span> </div> <div style="display: flex; justify-content: space-around;"> <span>INMARSAT STDC</span> <span>FARIA WATCHDOG</span> </div> OTHER (specify): _____		
<b>INSTRUCTIONS TO SECRETARIAT</b> <i>(select one)</i>			
1. New vessel/MTU to be activated: <input type="checkbox"/> 2. Replacement MTU: <input type="checkbox"/> 3. Spare MTU: <input type="checkbox"/> 4. Other <input type="checkbox"/> <i>(please specify):</i>			
<b>MTU / ALC TRACKING AUTHORISATION</b>			
I _____, the owner of the MTU/ALC described above hereby <i>(Print Name)</i> authorise the WCPFC Secretariat to electronically monitor the unit, and disseminate data from it, in accordance with WCPFC policy.  Signature: _____ Date: _____			

<sup>1</sup> Version issued WCPFC Secretariat 7 March 2017. This form is intended to facilitate the submission by flag CCMs of data as per the requirements of VMS SSPs requirement Section 2.8

**Attachment E. Amendments to CMM 2007-01 – based on outcomes from TCC14-2018-14**



**Fourth Regular Session  
Tumon, Guam, USA  
2-7 December 2007**

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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
REGIONAL OBSERVER PROGRAMME**

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**Conservation and Management Measure 2007-01**

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

*Recalling* Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further recalling* Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

*Cognizant* of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

**Establishment of the Commission ROP**

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

## **Objectives of the Commission ROP**

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

## **Scope of the Commission ROP**

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

## **Functions of observers**

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

## **Obligations of CCMs of the Commission**

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

10bis. CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.

## **Role of the Commission and its subsidiary bodies**

11. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

## **Role of the Secretariat**

12. Consistent with Article 15(4), the role of the Secretariat will be to:

a) coordinate ROP activities, including, *inter alia*:

- i) maintaining the ROP Manual and the ROP Observer Workbook;
- ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
- iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
- iv) coordinating ROP activities with other RFMOs as directed and appropriate;
- v) facilitating the use of authorized observers in the ROP;
- vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
- vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
- viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
- ix) managing and administering observers for special situations as directed by the Commission; ~~and~~
- x) support staff necessary to effectively administer the ROP; and
- \*xi) maintain on the Commission website an up-to-date list of the National Observer Coordinators and their contact information, and copies of, or links to, each ROP provider's code of conduct for its observers.

b) authorize observer providers to the ROP.

## **Role of coastal States**

13. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.

## Guiding principles for operation of the Commission ROP

14. The Commission ROP shall operate in accordance with the following principles:
- i) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
  - ii) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;<sup>11</sup>
  - iii) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
  - iv) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub- regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.
  - v) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
  - vi) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in Annex A — Guidelines for the Rights and Responsibilities of Observers.
  - vii) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.
  - viii) The Commission ROP shall ensure the security and confidentiality of non- aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

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<sup>1</sup> See TCC2 Summary Report, para 54ii: “the need to integrate existing national and regional observer programmes into the Commission programme and “to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas.”

**Guidelines on the Rights and Responsibilities of Observers**

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

**1. The rights of observers shall include:**

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

**2. The responsibilities of observers shall include:**

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the [ROP-applicable](#) Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.



**Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew**

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

**Rights and responsibilities of vessel operators and captains**

- 1. The rights of vessel operators and captains shall include:**
  - a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
  - b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
  - c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
  - d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
  - e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.
- 2. The responsibilities of vessel operators and captains shall include:**
  - a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
  - b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
  - c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
  - d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
  - e) Allow and assist the ROP observer to carry out all duties safely.
  - f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
  - g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
  - h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties. ensuring the ROP observer is not coerced or convinced to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.

### **Rights and responsibilities of vessel crew**

#### **3. The rights of vessel crew shall include:**

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

#### **4. The responsibilities of the vessel crew shall include:**

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties. not coercing or convincing the ROP observer to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

**Implementation programme for the Regional Observer Programme**

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
  - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
  - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
  - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

### **Special circumstances**

9. Fishing vessels used exclusively to fish for fresh fish<sup>2</sup> in the area north of 20 degrees north shall be accorded the following considerations:
  - i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
  - ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
  - iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.
  
10. The implementation schedule for the following vessels shall be deferred:
  - i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
  - ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

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<sup>2</sup>For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.

**Attachment F. Amendments to ROP minimum standards to be adopted by the  
Commission (for observer conduct)**



## **Agreed Minimum Standards and Guidelines of the Regional Observer Programme**

The majority of the agreed minimum standards for the ROP were generated and discussed during the IWGROP(1) (2) (3) workshops 2007-2009 since then IWGROP4 2015 has added additional standards, and other standards have been individually discussed at various subsidiary meetings and are also included. The meetings where the standards were discussed recommended and agreed have been included at the end of each standard. Also included at the end of this document are suggested guidelines for ROP's to use as guides; these were agreed to be guidelines rather than agreed minimum standards.

A number of standards were agreed as per the IWG/SC/TCC meetings recommendations with no changes at the annual Commission meetings; Some IWG/SC/TCC recommendations were discussed further and changed at the Commission annual meeting. Therefore the Subsidiary body meeting recommendations may vary slightly in wording from the original recommendation from the Annual Commission meetings. All the agreed standards are required to be maintained by the Commission ROP's. The ROP expectations in these tables are guides unless indicated otherwise on how the minimum standard may be achieved.

The agreed minimum standards are part of the Commission Audit process of Regional Observer Programmes; questions related to the standards are asked during the audit process to determine if a programme is fulfilling the required standard, or whether the programme may need assistance to help achieve the required standards.

<b>Item</b>	<b>Standard Required</b>
<p><b><u>Authorization Process</u></b></p> <p>Authorisation process is the standards required to obtain interim and full authorisation to be part of the ROP.</p> <p>The process of gaining full authorisation is to be carried out following an audit of the programme to ensure that standards are in place or are being developed</p>	<p>The Secretariat will authorize national observer programmes, rather than individual observers; this is consistent with the Convention text. CMM-2007-01 Para 12(b) also states that the Secretariat will authorize observer providers. <i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP expectation on the authorisation process.</b></p> <p>Before auditing takes place the programme will have been interim authorised by the Secretariat according to the rules and standards as adopted by the Commission.</p> <p>This will necessitate all programmes to:</p> <ul style="list-style-type: none"> <li>• Supply manuals and guides to the Secretariat</li> <li>• Nominate a National ROP Observer Coordinator</li> <li>• Supply lists of all current observers.</li> <li>• Supply an official letter requesting ROP inclusion.</li> </ul> <p>Refer <i>IWGROP2/TCC4/WCPFC5</i></p>

Item	Standard Required
<p><b><u>Briefing and Debriefing</u></b></p> <p><u>Briefing</u> of observers is a specially arranged session with the observer and provider endorsed briefing personnel; Briefing is to ensure that the observer understand clearly the roles and duties the observers are expected to carry out on a vessel before a trip.</p> <p><u>Debriefing</u> of observers, is a specially arranged session with the observer and the provider endorsed debriefer to ensure that the data and information collected by an observer is checked for discrepancies and can be corrected before the Information is entered into a data base or used for analysis.</p> <p>It is also a period when the observer can report critical incidents for further attention.</p>	<p>The standard for “Briefing and De-briefing of observers” is that there is a system for briefing and de-briefing of observers in place and documentation describing briefing and de-briefing available to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP Expectation on the “Briefing and Debriefing” of Observers</b></p> <p>Different stages of briefing may be carried out before an observer departs on their trip</p> <ol style="list-style-type: none"> <li>1. Observers to be briefed by the provider</li> <li>2. Observer and vessel briefed together by authorised briefers or officer.</li> </ol> <p>* This may be done separately or combined in the one briefing if time does not permit two briefings.</p> <p><u>Briefing</u></p> <ul style="list-style-type: none"> <li>• Observer providers authorised by the Commission ROP are to ensure briefing of their observers is carried out</li> <li>• Briefings must be facilitated by an experienced facilitator and should be conducted at the beginning of an observer trip.</li> <li>• Briefings procedures should follow a consistent format.</li> <li>• Briefing should provide opportunities to ensure that both the captain and observer fully understand the role of the observer on board the vessel, and reinforce the responsibility of the vessel to accommodate and feed the observer to officer standard.</li> <li>• The utmost effort is made to ensure that a new observer should not be placed unless a proper briefing meeting can be arranged.</li> <li>• Providers may wish to have a briefing form that can be read out and agreed by the captain and observer by signing the form that they understand the conditions, roles, etc. when the observer is on board the vessel; a copy should be given to the captain.</li> </ul> <p><u>Debriefings</u></p> <p>Debriefing should be carried out at the end of each observer trip by an authorised provider debriefer.</p> <ul style="list-style-type: none"> <li>• Observer providers authorised by the Commission ROP should ensure rigorous debriefing of returning observers data, reports, health and wellbeing is carried out.</li> <li>• Debriefings should be facilitated by an experienced facilitator and should be conducted at the end of an observer trip after the observer leaves the vessel.</li> <li>• Debriefings procedures should follow a consistent format.</li> <li>• Debriefing of critical incidents should be reported immediately to the relevant authority’s as indicated in the provider procedures</li> </ul>

Item	Standard Required
<p><b><u>Briefing and Debriefing Training</u></b></p> <p>“Briefing Training” should be training carried out by qualified personnel.</p> <p>“Debriefing Training” will be specialised training by qualified personnel of a group of participants selected by a rigorous selection criteria to become fully authorised observer debriefers of all gear types.</p>	<p>The standard for qualification of observer debriefers is that debriefers will be experienced in observer matters and that CCMs will use existing national and sub-regional programme standards for debriefers. CCMs will prepare qualifications for a debriefer, available for review by the Secretariat.</p> <p><i>IWGROP3/TCC5/WCPFC6</i></p> <p><b>ROP expectation on the briefing and debriefing training of briefers and debriefers.</b></p> <p><u>Briefing Training</u></p> <p>Briefers should have undergone training programmes designed to educate them in the techniques of interviewing and they require the knowledge of the roles of an observer and understand the conditions that an observer may experience while at sea on a vessel.</p> <p><u>Debriefing Training</u></p> <p>Debriefing trainers should have undergone training programmes designed to educate them in the techniques of interviewing observers, and to debrief observer collected information and material.</p> <p>Debriefing training instructors should have:</p> <ul style="list-style-type: none"> <li>• an intimate knowledge of observer work, data collections and reporting;</li> <li>• experienced conditions at sea, preferably as an observer,</li> <li>• a good understanding of the fishery and the management of that fishery;</li> <li>• good communication skills that can give clear and understandable messages in a straight forward manner;</li> <li>• good knowledge of the Commission CMM’s relevant to Observers;</li> </ul> <p>Note</p> <p>Where practical NOP/SOP Programme Coordinators/ Managers should also take part in the training, in order to develop closer relationships with their potential debriefers and observers.</p>



<p><b>Item _____</b>  <u><b>Coordinating Observer Placements and the Deployment of Observers</b></u></p> <p>The provider of the observers will be responsible for the deployment of the observer and will ensure the selected observer is provided with all possible assistance to board a vessel.</p>	<p><b>Standard Required</b></p>
	<p>The standard for “Coordinating Placement” is the WCPFC National Observer Programme Coordinator should be in place, there should be a system for observer placement administration and documentation describing observer placement should be provided to the Secretariat. <i>IWGROP2/TCC4/WCPFC5</i></p> <p>The standard for deploying ROP observers is that CCMs shall use existing deployment procedures in place for their national and sub-regional programmes. CCMs will develop these procedures, and make them available for review by the Secretariat. <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p><b>ROP expectation on Coordinating Observer Placements and the Deployment of Observers:</b></p>
<p>It is the responsibility of the observer provider to administer observer placements, including costs, which may be recovered by various means. Providers should organise the final payment of the ROP observers salary and sea allowances provided all commitments are completed as soon as practical after the observers return to port;</p> <p>The provider is expected to carry out the following functions;</p> <ol style="list-style-type: none"> <li>1) Communicate to flag State about intending deployments and arrange date and time of boarding’s.</li> <li>2) Communicate to the ROP observer on the agreed boarding date and time</li> <li>3) Assist with the procurement of observer visas, entry permits, waivers and any travel documents required to transport the observer to the departure or arrival port of the vessel.</li> <li>4) Organize all travel arrangements including air, bus or ferry schedules;</li> <li>5) Brief ROP observer on any prioritized scientific, biological, management and operational data that is required to be collected for each trip;</li> <li>6) Coordinate a briefing of the ROP observer and the vessel captain or master before departure to advise on the CMM and other obligations regarding the observer and vessel.</li> <li>7) Check the safety standards of the vessel before the observer departs;</li> <li>8) Ensure all relevant equipment to the ROP observer for carrying out their duties, including the collection of data and biological sampling is supplied.</li> <li>9) Supply forms and workbooks in whatever format is used in the national programme, but ensuring that it contain the ROP minimum data standards;</li> <li>10) Ensure the vessel understands that the observer has to have proper accommodation and bedding;</li> <li>11) Arrange another vessel for boarding preferably from the same flag State fleet if due to unforeseen circumstances the target vessel becomes unavailable due to mechanical or other problems such as safety, and is not favourable to the placement of an ROP observer;</li> <li>12) Arrange communication schedules with observers for the time they are on board the vessel;</li> <li>13) Debrief the ROP observer, using ROP authorised debriefers as soon as possible on their return to port;</li> <li>14) Collect from the observer all data, images, and reports after their trip;</li> <li>15) Ensure all data obligations made at WCPFC meetings on ROP data is followed.</li> <li>16) maintain regular contact with the observer after their return to provide technical support, personal support, and information on new developments, and to assure the ROP observer is in good health after the trip, and to inform the observer of any future boarding’s or relevant issues arising from the trip just completed;</li> </ol>	

<p><b>Item</b></p> <p><b><u>Communications</u></b></p> <p>Communication means that the observer must be aware of the use of communications devices and equipment on board a vessel for their use when required.</p> <p><i>Note that from Jan 1<sup>st</sup> 2017 a two way texting device or a satellite phone will be communications independent of the vessel communications systems.</i></p>	<p><b>Standard Required</b></p>
	<p>The standard for “Communications” is that observers have access to appropriate communication facilities, including emergency communication facilities while on board a vessel. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP Expectation on Communications for Observers</b></p>
	<ul style="list-style-type: none"> <li>• Providers should have established regular communication procedure with their observers during a trip;</li> <li>• Providers should ensure that observers understand Safety Communication Codes and protocols before boarding a vessel;</li> <li>• Providers should inform the vessel that they must allow the observer to have access to Communications and should assist when required;</li> <li>• Work related communications may be paid for by the provider unless other arrangements are in place.</li> <li>• Private communications should be available but paid for by the observer.</li> </ul>

<p><b>Item</b></p> <p><b><u>Conservation and Management Measures - CMM's</u></b></p> <p>Providers should display the procedures and mechanism in which they keep observers informed on CMM requirements and should have the ability to carry out additional training on a regular basis of the monitoring requirements.</p>	<p><b>Commission Requirements</b></p>
	<p>The providers are to ensure that all observers fully understand the *content of the CMM's especially in relation to their roles and tasks in monitoring the CMM,s (<i>Multiple meeting &amp; CMM references</i>)</p>
	<p><b>ROP expectation on CMM's for observers</b></p>
	<p>The observer programme will have in place the following:</p> <ul style="list-style-type: none"> <li>• A system to ensure all the programme and observers are continually updated on the requirements of the CMM's.</li> <li>• Ability to ensure observers can be trained in the monitoring of new tasks and roles brought about by the monitoring provisions of the CMM/s.</li> </ul> <p><i>Note* that the WCPFC Secretariat publishes a “Hand book of CMMs for WCPFC ROP observers” these hand books are available in electronic format on the WCPFC Website; or a hard printed copy is sent to all observer providers for distribution to observers. The hand book is updated annually and all providers are to ensure the correct dated copy is given to observers before they depart on a trip.</i></p>

Item	Standard Required
<p><b><u>Code of Conduct</u></b></p> <p>Code of Conduct should provide a set of guiding principles relating to accepted behaviour and standards of conduct, while working as an ROP Observer.</p>	<p>The agreed standard for “Code of Conduct” is that each <del>CCM-observer provider should</del> <del>shall</del> <del>hasve</del> a Code of Conduct in place <u>that is; readily available to each observer and to the operators of fishing vessels on which observers are deployed; available for review and if not in place, to be developed, as well as to the Commission through the Secretariat, along with a process for reporting and resolving breaches of the code. <a href="#">IWGROP2/TCCA/WCPFC5</a>[insert ref to relevant WCPFC decision document]</u></p> <p><b>ROP expectation on Code of Conduct</b></p> <ol style="list-style-type: none"> <li>1. <u>The observer provider shall hasve a code of conduct for its observers that includes, at a minimum, provisions that address all the following:</u> <ul style="list-style-type: none"> <li>• <u>Protection of confidential information, and avoidance of personal use of confidential information.</u></li> <li>• <u>Respect for property, workspaces, and personal spaces, as well as for sanitary practices used on the vessel and practices related to the use of substances such as alcohol, tobacco, and betel nut.</u></li> <li>• <u>Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.</u></li> <li>• <u>Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.</u></li> <li>• <u>Communicating regularly with the vessel captain on relevant observer issues and duties.</u></li> <li>• <u>Professionalism, such as with respect to maintaining independence and impartiality, and arriving in a timely manner to board the vessel.</u></li> <li>• <u>Avoiding conflicts of interest, including with respect to the receipt of money, gifts, and other inducements.</u></li> <li>• <u>Avoiding, and/or the responsible use of, alcohol and other intoxicants.</u></li> <li>• <u>The period of applicability of each provision, such as in terms of prior to boarding, upon boarding, while on board, upon disembarkation, and while traveling to and from the points of embarkation and disembarkation.</u></li> </ul> </li> <li>2. <u>The observer provider shall hasve processes and procedures through which:</u> <ul style="list-style-type: none"> <li>• <u>Observers are made aware of the importance of adhering to the code.</u></li> <li>• <u>The performance of observers with respect to the code is monitored.</u></li> <li>• <u>Possible breaches of the code can be reported by vessel operators or others.</u></li> <li>• <u>Possible breaches of the code are investigated and resolved.</u></li> <li>• <u>The outcomes of possible breaches reported by vessel operators, excepting reported possible breaches that are determined to be <i>de minimus</i>, are reported to the flag State of the fishing vessel and to the Secretariat.</u></li> </ul> </li> </ol>

- ~~There is a time limit, no greater than that set out in any consistent with applicable national laws, within which observers may be sanctioned for breaches of the code.~~
- ~~Code of Conduct will be monitored by the observer provider that supplies the observer for ROP duties.~~
- ~~Alleged breaches reported by a vessel captain, or master, of the Code of Conduct by an ROP observer will be investigated by the observer provider.~~
- ~~The observer provider will investigate any allegations of the breach of conduct, and may pass the alleged incidents onto others for further investigation, and according to the results of the investigation, the provider will make recommendations on any action to be taken.~~
- ~~The recommended action by the observer provider should be reported to the vessel flag State and to the Secretariat of the Commission who may include the findings in their annual report to the TCC and Commission.~~

~~After considering the investigation carried out by the Observer Provider, the provider, if they deactivate the observer, must inform the Commission Secretariat~~

Item _____	Standard Required
<p><b><u>Dispute Settlement</u></b></p> <p>Dispute occurs when two or more parties disagree over matters involving the roles and tasks of the observer, operations of the vessel, or any other issue involving the observer and a second party.</p> <p>The programme will have procedures to prevent the escalation of conflict, through mediation, facilitation, conciliation, and training.</p> <p>Disputes resolution may require the appointment of an appropriately-composed expert or technical panel.</p>	<p>The standard for “Dispute Settlement” is a dispute resolution mechanism in place, and if not in place, to be developed, and a description of the dispute resolution mechanism provided to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p> <p><b>ROP expectation on Dispute Settlements</b></p> <p>The programme will have in place the following:</p> <ul style="list-style-type: none"> <li>• procedures to report disputes for both the observer and the vessel;</li> <li>• consultations process allowing all parties to make statements;</li> <li>• process to determine a resolution of the problem through mediation, facilitation and conciliation;</li> <li>• process to appoint an appropriately-composed expert or technical panels if required to resolve the dispute;</li> </ul>

Item <b>Data Fields</b>	Standard Required
<p>Data Fields and Minimum Data Standards are defined as Minimum Data Fields approved by the WCPFC for collection by ROP observers.</p>	<p>The agreed standard for “Data Fields, Management, Distribution and Use” will be that CCMs will use existing data field formats collected by their national or sub regional observer programmes (<i>SC3/IWGROP2</i>) /<i>TCC4/WCPFC5 – IWGROP3/TCC5/WCPFC6</i> and that also they will ensure that the Commission minimum data standard fields for the ROP are included in their data collection formats.</p> <p>Flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission. <i>IWGROP4/WCPFC12</i></p> <p>ROP data should be submitted to the Secretariat or SPC where possible within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels. <i>TCC9/WCPFC10</i></p> <p>ROP providers which place observers on fish carrier vessels that transship on the high seas should send the completed data forms, workbooks, reports and journals of the observer to the Commission Secretariat where possible within 120 days of the disembarkation of the observer from the carrier. <i>TCC10/WCPFC11</i></p>
	<p><b>ROP expectation on the collection of ROP Minimum Standard Data fields</b></p> <p>ROP data includes data collected by an observer when they are on the high seas or in zones other than the flag of the vessel they are aboard.</p> <p>Programmes may continue to use their own formats; however programmes will need to review the data collected by their observers to include the minimum data fields required by the Commission.</p> <p>Data collected by national (NOP) or sub regional observer programmes (SOP) on ROP trips, (original hard copy or unaltered scanned copy) will be sent to the Commission designated data provider ( SPC) or to the Commission Secretariat as soon as practical after the return of an observer from their trip. (Within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels and carrier vessels transshipping on the high seas.)</p> <p>All ROP observer data is confidential and may not be distributed or given to any unauthorized organisation or person without going through the Commission data access procedures and approval of the Executive Director of the WCPFC.</p>

Item	Standard Required
<p><b><u>Equipment and Materials</u></b></p> <p>Equipment and materials is equipment and materials that an observer will require to safely carry out their roles and tasks on board a vessel.</p>	<p>The standard for “Equipment and Materials” is that observers are provided with appropriate equipment, including safety equipment to carry out their roles and tasks on board a vessel. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP expectation on the equipment and Materials of Observers</b></p>
	<ul style="list-style-type: none"> <li>• Equipment and Materials should be dependent of gear type.</li> <li>• Equipment should be dependent on climate area the vessel is fishing.</li> <li>• Safety equipment includes items, lifejackets, hard hats, proper deck working boots or shoes, gloves and protective sun glasses.</li> <li>• Observers should not board vessels until they have been fully kitted out</li> <li>• Equipment for work must be in a good working order and safety gear should have regular checks.</li> </ul>

Item	Standard Required
<p><b><u>Insurance and Liability</u></b></p> <p>Providers are to ensure that their observers have health, safety and liability insurance available to them before embarking on an observer trip.</p>	<p>The standard for Insurance of Observers for ROP duties is that CCMs will use existing national standards for health and safety insurance. CCM providers of observers will make sure an observer placed on any vessel for ROP duties, has health and safety insurance. <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p><b>ROP expectation on Insurance and Liability for observers</b></p>
	<p>The observer programme will have in place the following:</p> <ul style="list-style-type: none"> <li>➤ A national health and safety standard and insurance available for all observers.</li> <li>➤ A checking system ensuring that Observers are insured at all times during their employment should be in place. Includes insurance onboard a vessel, travel to and from the vessel, and other areas of observer employment i.e “waiting time” etc.</li> <li>➤ Observers should have regular health checks to ensure they are fit to carry out work on a vessel that could be at sea for long periods.</li> </ul>

Item	Standard Required
<p><b><u>Manuals &amp; Work Books</u></b></p> <p><b>Manual</b> is defined as a publications that serves to direct or indicate to an authorised observer by hard copy or electronic copy with information to assist with the roles and duties they are expected to carry out as an observer,</p> <p><b>Workbook</b> is defined as a book pad or electronic tablet that contains data collection forms, instruction or formats that an observer will be required to complete while carrying out their duties.</p> <p>Manuals and Workbooks may be a series of guides or may be produced as one publication.</p>	<p>The standard agreed by the Commission for ROP “Observer Manual/ Guidelines/Work books will be:</p> <p>CCMs have and use their respective Observer Manual/Guidelines and submit copies of these to the Secretariat.</p> <p>Each CCM National Observer Programme and Sub-Regional Observer Programmes will provide copies of their respective Observer Workbooks to the Secretariat. <i>IWGROP2/TCC4/WCPFC5 &amp; IWGROP3/TCC5/WCPFC6</i></p> <p><b>ROP expectation on the content of Manuals &amp; Work books</b></p> <p>Observer Manuals and Work books may include a number of publications or formats that an observer will use for guidance when carrying out duties on an observer trip. Manuals will be relevant to, and will contain current requirements and information for the use by the observers of the national programme.</p> <p>Manuals may be inclusive or may be produced individually and should include, but is not limited to; observer operations guides, species ID guides, gear type &amp; electronic guides, guides on reporting and handling species of special interest. Guidelines on collecting, security and handling of data collected by the observer including, photo, videos, digital images and any other form of data collection. General operational guides and data collection guide lines</p> <p>At least one manual/workbooks issued to an observer commencing a Regional Observer Programme (ROP) trip should contain annexes or sections on the requirements of the *Conservation Measures of the Commission (CMMs) and the details of the ROP.</p> <p>Copies of all national Manuals/Work books must be provided to the Secretariat of the WCPFC.</p> <p><i>*Note Handbook of CMMs for WCPFC ROP’s is available to all observers.</i></p>



Item	Standard Required
<p><b><u>Measuring Performance of Observers</u></b></p> <p>Measuring Performance of an observer” is a means to report on the performance of the observers with the programme.</p>	<p>The standard for “Measuring Performance” is a means to report on the performance of the observer programme and a means to report on the performance of individual observers as part of the annual reporting requirements established by the Commission. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP expectation on performance of observers</b></p>
	<p>Observers shall be:</p> <ul style="list-style-type: none"> <li>• trained and certified /authorised by their programmes;</li> <li>• trained to acceptable Commission standards;</li> <li>• expected, to collect quality data;</li> <li>• expected to make comprehensive and detailed written reports;</li> <li>• expected to show well-mannered behaviour on trips or when travelling to or from vessels;</li> <li>• clear of any criminal record;</li> <li>• able to travel through or to any country;</li> </ul>

Item	Standard Required
<p><b><u>Observer Coverage</u></b></p> <p>Observer coverage for each gear type is determined by the Commission.</p>	<p>Purse-seine vessels fishing within the area bounded by 20<sup>0</sup> N and 20<sup>0</sup> S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry effective1 January 2010, an observer from the Commission’s Regional Observer Programme <i>WCPFC5 (CMM 2008-01)</i></p> <p>Observer coverage is 5% annually for long liners determined by Commission to be in place by June 2012. <i>WCPFC4(CMM 2007-01)</i></p> <p>For transshipments on the high seas 100% observer coverage with the observer deployed on the receiving vessel <i>WCPFC6 (*CMM 2009-06)</i></p>
	<p><b>ROP expectation on observer coverage</b></p>
	<p>Observer placements information by Commission authorised Regional Observer Programme ROP’s are to be conveyed to the Secretariat.</p> <p>Metrics for coverage for long liners includes, coverage; by trip; hook numbers; number of observer sea days; observed fishing days; observed sets. IWG4</p> <p><i>*CMM 2009-06 paragraph 13 (a) and (b) have indications on the coverage for different types of vessels, however carrier vessels over 33 metres and transshipping from long liners at sea; 100 % coverage is required on the receiving vessel,</i></p>



<p><b>Item ____</b></p> <p><b><u>Observer Trainers</u></b></p> <p>“Observer Trainers” are person who have been authorized by the NOP to train observers on their behalf. Trainers may be internal to the programme or may be specialists brought in from other programmes or organisations.</p>	<p><b>Standard Required</b></p>
	<p>The ROP standard agreed by the Commission for “Observer for observer Trainers will be:</p> <p>“CCMs will use existing national and sub-regional training standards. CCMs will develop trainer qualifications, available for review by the Secretariat.” <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p style="background-color: #cccccc;"><b>ROP expectation on the use of trainers</b></p> <p>The best training instructors are those who have</p> <ul style="list-style-type: none"> <li>• an intimate knowledge of observer work, data collections and reporting</li> <li>• experienced conditions at sea as an observer,</li> <li>• a good understanding of the fishery and the management of that fishery,</li> <li>• to be able to communicate training messages in clear and straight forward manner.</li> </ul> <p>Observer Trainers should have undergone a series of training programmes designed to educate persons in the training of observers. NOP/SOP Programme Coordinators should also take part in the training, in order to develop closer relationships with their potential observers.</p>

Item	Standard Required
<p><b><u>Observer Training</u></b></p> <p>ROP Training should include but not be limited to</p> <ol style="list-style-type: none"> <li>1. Fisheries management;</li> <li>2. Understanding MCS;</li> <li>3. WCPFC Convention and related CMMs;</li> <li>4. Importance of observer programmes , understanding authority and responsibilities of observers,</li> <li>5. Safety at sea – emergencies at sea, survival at sea</li> <li>6. First Aid</li> <li>7. Species identification, including target, non-target, protected species, etc.</li> <li>8. Fishing vessel &amp; Gear types</li> <li>9. Vessel identification &amp; Markings</li> <li>10. Techniques of verification of catch logbooks</li> <li>11. Techniques of estimating catch and species composition</li> <li>12. Fish sampling, Measuring and Weighing techniques.</li> <li>13. Preservation of samples for analysis;</li> <li>14. Data collection codes and data collection formats</li> <li>15. Use of digital recorders, electronic notebooks.</li> <li>16. Knowledge of navigation including latitude/longitude; compasses; bearings;; chart work; plotting a position;</li> <li>17. Electronic equipment &amp; understanding their operation</li> <li>18. The use of radios &amp; communications devices</li> <li>19. Verbal debriefing &amp; Report Writing</li> <li>20. Health at Sea issues</li> </ol>	<p>Standard for “Observer Training” is that training programmes should be linked to the Commission’s decisions in place, available for review and training programme materials provided to the Secretariat</p> <p><i>IWGROP2/TCC4/WCPFC5</i></p>
	<p><b>ROP expectation on the Training of Observers:</b></p>
	<p>Without specially designed training, an observer programme will suffer from unprofessional behavior, poor data outputs, and lack of respect from the industry and other sections of the fisheries management authorities. Training must therefore be considered as a key element in the development of an observer programme.</p> <p>The qualifications and background of current or potential observers must be analyzed in relation to the objectives of the programme and any proposed programme structure.</p> <p><b><u>Instructors</u></b></p> <p>The best training instructors are those who have an intimate knowledge of observer work, have experienced conditions at sea, have a good understanding of the fishery, and can communicate training messages in clear and straight forward manner. NOP/SOP Programme coordinators should also take part in the training, in order to develop closer relationships with their potential observers.</p> <p><b><u>Venues</u></b></p> <p>Training should be conducted in suitable training facilities with appropriate equipment. Marine colleges are favorable venues for observer training but are not essential.</p> <p><b><u>Education/ Entrance</u></b></p> <p>Qualifications for entry to observer training may vary from programme to programme. Some may require a degree level applicant, others a high school level and others may be required to participate in an entrance exam before being accepted into an observer course. Regardless of the entrance criteria the output of the training is the important result.</p> <p><b><u>Certification</u></b></p> <p>Observers will be authorised by these training programmes and must reach a high level of competency. Observer will be required to be categorized as fully trained in one or all of the gear types below</p> <p>a) Purse seine b) Longline c) Pole and Lined) Other gear types Troll, Trawl, hand line etc</p>

Item	Standard Required
<p><b><u>Prenotification Process</u></b></p> <p>The pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels include data being provided to the coastal state when an alleged infringement takes place in a coastal state's waters.</p>	<p>That all ROP authorized observer programmes provide to the Commission Secretariat in a timely manner the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 as a means of supporting a pre- notification process from observer providers to flag of possible alleged infringements by their vessels. <i>IWG4/TCC11/WCPFC12</i></p>
	<p><b>ROP Expectation on Prenotification</b></p> <ol style="list-style-type: none"> <li>1. To facilitate the pre-notification process it was recommended that only those data elements answered in the affirmative by observers would be provided to the Commission Secretariat for transmittal to the flag CCM and as appropriate the relevant coastal State for alleged infringements in their waters.</li> <li>2. To support the pre-notification process, there are two additional fields that should be provided by observer providers to the Commission Secretariat to support a flag CCMs investigations of any possible alleged infringements. These are: <ol style="list-style-type: none"> <li>a. “start date of trip and end date of trip”</li> <li>b. “status of the debriefing process” i.e, “debriefed”, “pre-debriefed” or “not debriefed”</li> </ol> </li> <li>3. The requirement of providing the pre-notification data elements to the Commission Secretariat may not be required where there are domestic requirements enabling access by vessel operators to observer data. <i>IWG4/TCC11/WCPFC12</i></li> </ol>
<p><b>(Attachment 7 to IWGROP4 Summary Report),</b></p> <p><b>The following procedure is provided as a guide for a proposed pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels:</b></p> <ol style="list-style-type: none"> <li>a) Observer, as part of their usual duties will complete the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 (see example below), for each trip;</li> <li>b) Observer keeps this report/form (and all other data) confidential and returns to home port or disembarkation point;</li> <li>c) Observer fully disembarks the vessel;*</li> <li>d) Observer transmits their data and reports per their standard procedures to an authorized observer provider/person for their national or sub-regional observer programme;</li> <li>e) Observer arriving back from the vessel in observer’s home port, or if required, has to travel back to home country &amp; awaits debriefing;</li> <li>f) Observer is debriefed as soon as is practicable after finishing the trip/trips*;</li> </ol> <p><b><u>Pre-Notification Process</u></b></p> <ol style="list-style-type: none"> <li>g) In the event that there is a “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 the observer provider is expected where practicable, to promptly submit the relevant data to the Commission Secretariat (the data may be provided through the Commission data service provider (SPC-OFP) or provided directly to the Secretariat).</li> <li>h) In considering the timeliness of the submission of the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3, the observer provider must ensure the observer is safely disembarked from the vessel and has returned to their home port, and where possible the observer has been fully debriefed.</li> </ol>	

- i) The observer provider may decide that further investigation of a “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or equivalent) is needed before the relevant data is submitted to the Commission Secretariat.
- j) If there is only “NO” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or debriefing determines there to be only “NO” noted) the ROP data, including WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form3 would be submitted through usual processes to the Commission Secretariat.
- k) The Commission Secretariat will facilitate the provision of certain data fields in the relevant WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 and the additional supporting fields specified in IWG-ROP4 report para 28\*\*\* to the responsible flag CCM. In accordance with the data rules, the information that is provided to flag CCMs will exclude the name of the observer, their nationality and the observer trip ID, but will instead identify the observer provider programme that placed the observer.
- l) The authorised Flag state official contacts can request from the observer provider\*\* further supporting details for their investigations. Vessel captain/owners/point of contact will communicate with flag State official contacts regarding any alleged infringements.
- m) The Commission Secretariat will facilitate the collation of communications related to the outcome of investigations of any “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3, including from the flag CCMs.

\*If an observers carries out one or more trips consecutively on the same vessel. That vessel cannot request through their official contacts a copy of the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 compiled by that observer until the observer has completely finished all his trips on the vessel and has fully disembarked the vessel.

\*\* Request could be sent via the Commission Secretariat or other sub regional organizations who would verify the persons making the request are genuine official contacts and could act as intermediators between the flag State and the provider if they so wish.

\*\*\* as per the ROP Expectations para 2 above;

<b>Item _</b>	<b>Standard Required</b>
<p><b><u>Sea Safety</u></b></p> <p>Sea Safety involves the training of sea safety procedure observer receive before they are permitted to carry out duties on board a vessel at sea.</p>	<p>The standard for “Sea - Safety” is that all ROP observers must undergo training in sea safety and emergency procedures to an international standard and that such training procedures be made available to the Secretariat. <i>IWGR0P2/TCC4/WCPFC5</i></p> <p><b>ROP expectation on Sea Safety</b></p> <p>All observers are trained to an international standard on Safety at Sea by a certified person, school, college or maritime authority.</p> <p>Sea safety training should include instructions in the use of life rafts, life vests, first aid, fire extinguishers, rescue protocols and communications and other essential elements of safety.</p> <p>Observers should be made aware that they have the right to refuse to board a particular vessel if they consider it to be un-safe.</p> <p>A vessel safety certificate or form should be filled out by the provider/observer or by the person placing the observer to ensure all equipment is in survey, and there is adequate safety equipment to cater for the extra observer on board.</p>

<u>Item</u>	Commission Requirements
<p><b><u>Observer Safety at Sea and Emergency Action Plan (EAP)</u></b></p> <p>As part of responsibility of running and maintaining a ROP authorised national and sub regional observers programme; employers/providers must support observers in their ability to carry out their duties unimpeded and in a safe working environment.</p>	<p><b>To assist observers with Safety at Sea the following has been made mandatory from Jan 1<sup>st</sup> 2017.</b></p> <p>1. Each ROP authorised observer programme shall ensure that observers from their programme will be provided before any boarding for a trip,</p> <ul style="list-style-type: none"> <li>• <b>An approved independent two way communication satellite device*</b>; and</li> <li>• <b>a waterproof personal lifesaving beacon.</b></li> </ul> <p><i>*Noting that this may consist of a single device such as “Satellite Emergency Notification Device” or it may be a combination of an independent satellite-based system such as a Sat phone plus a portable lifesaving beacon (PLB).”</i></p> <p>2. Each CCM with an ROP authorised observer programme will ensure that they have an “<b>Emergency Action Plan</b>” (EAP) in place to accommodate any reported observer emergency including interference, harassment, intimidation and other personal safety issues. <b>TCC11/WCPFC12</b></p>
<p><b>To ensure that independent communications is available to an Observer; a “Two Way Communication Device” must be issued to all ROP observers on all trips.</b></p> <p>Observer safety is an issue of the highest and utmost importance and there must be a process in place (Emergency Action Plan (EAP) to handle reports that an observer may make on issue of safety including instances of harassment, intimidation, or assault.</p> <p><b>Note that the full implementation of this standard is required by Jan 1<sup>st</sup> 2017</b></p>	<p><b>ROP expectation for Observer Providers</b></p> <p>The Commission relies heavily on the scientific and monitoring data collected by observers in order to meet its objectives and observers must be able to do their jobs unimpeded and in a safe working environment, free from interference, harassment, intimidation, and assault. Each ROP authorised observer programme shall ensure that observers from their programme will be provided before a boarding for all trips, an independent two way communication satellite device and an approved personal lifesaving beacon; noting that both requirements may be combined in one instrument.</p> <p>There shall also be established in each programme a 24 hr emergency contact for the observer. The 24hr service need not be in the “Fisheries Departments” and other services like police, patrol boat bases maybe utilised. A set of procedures for an Emergency Action Plan (EAP) must be explained and fully understood before an observer departs on their trip. The EAP must include communications protocol and appropriate contact information in an emergency and as a minimum will include.</p> <ul style="list-style-type: none"> <li>• <b>When to report:</b> (Generally, observers should be required to report any instance of interference, harassment, intimidation, or assault as outlined in ROP training.)</li> <li>• <b>Who to report to:</b> (Observer programmes must have a “Designated Officer/s” who are responsible for maintaining a device capable of receiving a signal from the approved independent two-way satellite communication device.)</li> <li>• <b>Follow up responses:</b> (Observer programme must have an established procedure to initiate contact with the observer, the vessel, and, if necessary, the appropriate enforcement authority of Flag CCM’s and relevant Coastal CCM’s; this procedure must also include clear procedures that must be taken in the event of various emergencies.)</li> <li>• <b>Remedial action:</b> (Observer programme must establish appropriate measures for addressing violations made against observers.)</li> <li>• <b>Completing the EAP protocols</b> for observer related incident involving observer reporting of Interference Harassment, Intimidation must be resolved through a legal or nationally recognized procedure.</li> </ul> <p><b>TCC11/WCPFC12</b></p>

Item	Standard Required
<p><b><u>Vessel Safety Check list</u></b></p> <p><b>(VSC) format</b></p> <p>VSC format should be designed to evaluate the Safety of the vessel before an observer makes a boarding.</p> <p>The Commission has a guideline format on the ROP section of the WCPFC Website and national formats should be similar or the same.</p>	<p>The minimum standard for a Vessel Safety Checklist (VSC) will be that a CCM should have a VSC in place, and to be used prior to an observer boarding a vessel; and if not in place, CCMs may use, as a *guideline, the VSC developed by the Commission. CCM's should submit copies of their VSC to the WCPFC Secretariat. <i>IWGROP3/TCC5/WCPFC6</i></p> <p><b>ROP expectation on Vessel Safety</b></p> <p>All programmes will have a vessel safety format that can be used to determine if a vessel is safe for an observer to board.</p> <p>If not using the Commission VSC format, observer programmes should submit copies of their VSC to the Secretariat.</p> <p>A VSC will apply before each boarding of an observer on a vessel.</p> <p>Observer has the right to refuse the boarding if the VSC highlights that the vessel does not comply with expected standards</p> <p><i>* Copy of the guidelines is attached to the end of this document</i></p>

## **Agreed Guidelines of the Regional Observer Programme**

The agreed “Guidelines” for the ROP were mainly generated and discussed during different workshops; Guidelines for some ROP areas were decided, so as programmes still developing in these areas have a guide on the suggested way forward.

These are guidelines and are not binding and are only suggested guidelines for CCM’s or ROP’s to use as a guide to help when developing their programmes or dealing with issues in their programmes.

### **Observer Identification Cards Guidelines**

The current agreed guidelines for the ROP of the Commission are below, it is agreed that all observers should have proper observer identification; as some programmes already have ID for their observers, and they are not exactly the same; no fixed standard was determined. However it was agreed that the following guidelines should be considered when producing Observer Identification for ROP observer.

Noting that the Secretariat should provide assistance to those national observer programmes authorised to be part of the ROP, which need assistance in developing and obtaining observer ID cards for their observers.

<b>Item _____</b>	<b>Standard Requirement</b>
<p><b><u>Observer Identification Cards</u></b></p> <p>The currently agreed WCPFC Guidelines for Observer Identification Cards should continue as guidelines in the ROP <i>IWGROP4/WCPFC12</i></p>	<p>Observer ID card should be required for participant programmes in the Regional Observer Programme;</p>
	<b>WCPFC Guidelines For Observer Identification Cards</b>
	<p>Suggested minimum required information on the front of each card:</p> <ol style="list-style-type: none"> <li>1) Name of the observer</li> <li>2) Name of the observer provider</li> <li>3) Nationality of the observer</li> <li>4) Unique identifying number for the observer</li> <li>5) Passport style photo of the observer</li> </ol> <p>Information that could be placed on either the front or back of the card:</p> <ol style="list-style-type: none"> <li>6) Issue date and Expiry date</li> <li>7) WCPFC logo to indicate observer is ROP observer</li> <li>8) Logo of Programme and or Country Flag</li> </ol> <p>Optional information that could be included on the back of the card:</p> <ol style="list-style-type: none"> <li>9) Signature of Observer;</li> <li>10) Status of observer Qualifications.</li> </ol>





**WESTERN CENTRAL PACIFIC FISHERIES COMMISSION  
REGIONAL OBSERVER PROGRAMME  
VESSEL SAFETY CHECK**

**VESSEL INFORMATION**

<b>TYPE OF VESSEL</b>	<b>PS</b> <input type="checkbox"/>	<b>LL</b> <input type="checkbox"/>	<b>P&amp;L</b> <input type="checkbox"/>	<b>OTHER</b>
NAME OF VESSEL				<b>Vessel Size (Length)</b>
FLAG STATE				< 16 metres <input type="checkbox"/>
VESSEL WCPFC WIN NUMBER				16-25 metres <input type="checkbox"/>
REGISTRATION NUMBER				26 -39 metres <input type="checkbox"/>
CALL SIGN				40-65 metres <input type="checkbox"/>
OWNER/OPERATOR				> 65 metres <input type="checkbox"/>
MASTER /CAPTAIN				

**VESSEL SAFETY CHECK (VSC)**

ITEMS TO BE CHECKED	YES	NO	N/A	COMMENTS
1. VESSEL MARKINGS TO WCPFC STANDARDS CMM 2004-03				
2. REGISTRATION DOCUMENTATION IN ORDER				
3. *VESSEL SURVEY DOCUMENTATION CURRENT				
4. *MARINE RADIO HF SSB OR SUBSTITUTE COMMUNICATIONS				
5. *MOUNTED FIRE EXTINGUISHERS (CURRENT CHECKED)				
6. *FIRE FIGHTING EQUIPMENT (IN GOOD ORDER)				
7. *NAVIGATION LIGHTS / VESSEL LIGHTS (WORKING ORDER)				
8. *SOUND PRODUCING DEVICES OR BELL				
9. *DISTRESS SIGNALS AND FLARES				
10. *CORRECT SIZE PERSONAL FLOATATION DEVICES AVAILABLE				
11. * APPROVED LIFE RAFT OR LIFE BOATS UNDER CURRENT SURVEY AND ADEQUATE FOR NUMBER OF CREW & OBSERVER				
12. OTHER WORK RELATED VESSELS ON BOARD THAT COULD BE UTILISED IN CASE OF EMERGENCY				
13. *EPIRBs (CURRENT SURVEY)				
14 * NAUTICAL CHARTS AND NAVIGATION AIDS (GPS/RADAR)				
15 *FIRST AID EQUIPMENT				
16 *SANITATION				
17. PHONE				
18. EMAIL/FAX				
19. * INSURANCE FOR OBSERVER WHILST ON BOARD				

VESSEL AT THE TIME OF CHECKING IS CONSIDERED TO BE UNSAFE FOR AN OBSERVER BOARDING

VESSEL AT THE TIME OF CHECKING MEETS THE REQUIREMENTS OF SAFETY FOR AN OBSERVER BOARDING

NAME OF CHECKER \_\_\_\_\_ POSITION \_\_\_\_\_

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

**NOTE** The Vessel Safety check (VSC) carried out by the “Checker” does not constitute or should be construed as a warranty or guarantee of the seaworthiness of the vessel, or the serviceability or adequacy of equipment on board. There is no assumption of liability of any kind for advice given and opinions expressed in connection to this VSC examination.



## EXPLANATION ON VSC REQUIREMENTS

1. VESSEL MARKINGS TO WCPFC CMM 2004-STANDARDS WCPFC markings are the same as FAO standards except that the WCPFC CMM 2004-03 will allow all letters of the alphabet to be used in the callsign.
2. REGISTRATION DOCUMENTATION IN ORDER Flag State Registration documentation papers must be on board and available to be viewed and must show registration number, boats name, country and port of registration.
3. VESSEL SURVEY DOCUMENTATION CURRENT Fishing Vessels and support vessels operating in the WCPFC must comply with their Flag State regulations and Code of Practice for Safety. Ship surveys including condition, safety and security aspects of hull, machinery and on board safety equipment must be available to be viewed.
4. MARINE RADIO HF SSB(WORKING ORDER) Marine SSB (Single Side Band) is a means of communications for many fishing vessels. The radio must be capable of transmitting and receiving frequencies used for emergency marine communications as agreed by the International Telecommunication Union (ITU) or by the Flag State of the vessel.
5. MOUNTED FIRE EXTINGUISHER, Fire extinguishers must be readily available and be of the correct type. Portable extinguishers require periodic maintenance therefore the last inspection date when last tested or refilled should be available. All must be currently serviceable and if possible should be checked to ensure extinguishes have not been fully or partially discharged.
6. FIRE FIGHTING EQUIPMENT Fire fighting must be readily available and be currently serviceable, a minimum standard of fire fighting equipment as designated by the flag state must be on all on all fishing vessels.
7. NAVIGATION LIGHTS AND VESSEL LIGHTS Vessels must be able to display international standard navigation lights between sunset and sunrise and in conditions of reduced visibility. Internal and external vessel lighting must be fully operational. In the case of power failure, battery operated safety lights must be appropriately placed to ensure a safe exit from the vessel.
8. SOUND PRODUCING SIGNALS OR BELLS Vessels must carry a sound producing device (whistle, horn, siren. or bell) capable of a prolonged blast or ringing for distress signaling purposes
9. DISTRESS SIGNAL AND FLARES. Vessels should have on board appropriate pyrotechnics devices that will suitably operate in both day and night emergency situations.
10. CORRECT SIZE PERSONAL FLOATATION DEVICE AVAILABLE Life Jackets must be approved types and in good serviceable condition, Life Jackets of suitable sizes must be readily accessible for the observer and all crew. Life jackets will not be stored away or locked in cupboards or rooms.
11. SOLAS APPROVED LIFE RAFT In addition to meeting the requirements of the (IMO) International Convention for the Safety of Life at Sea (Solas) life rafts must be currently in survey and be adequate to carry the amount of crew including the observer on board the vessel.
12. OTHER WORK RELATED VESSELS Many vessels have auxiliary vessels that can be used in emergency situations. Note these.
13. EPIRBs International Standard 406 MHz EPIRB. The signal frequency (406 MHz) has been designated internationally for use only for distress. Check to see the frequency number and position of these EPIRBs, a few vessels may have the older relatively common type of 121.5/243 MHz emergency beacons, these will be obsolete in late 2008.
14. NAUTICAL CHARTS AND NAVIGATION AIDS Vessel must have a set of appropriate, up to date nautical charts. Check to ensure that the Radar, GPS and any other navigational equipment is in good order and functioning.
15. FIRST AID EQUIPMENT The vessel must have adequate first aid facilities with current “use by dates” on all apparatus, drugs, dressings and other first aid paraphernalia.
16. SANITATION The vessel must have adequate clean, well maintained sanitation and bathing facilities.
17. PHONE EMAIL/FAX If the vessel has a Phone Fax or Email system note the numbers for future reference or emergencies.
18. INSURANCE All vessels must have insurance for the Observer when the observer is on board, often the observer is covered by adding him/her to the crew list, ask to see what insurance the vessel has and ensure adding the observer to the policy is permitted

The explanations in the Vessel Safety check are by no means exhaustive. Checkers should ensure that other aspects of the vessel are considered before an observer is placed aboard, e.g. Accommodation, Fishing strategy, Vessel Size, etc. If vessels are unable to supply some items listed e.g. Fax Phone, etc, it does not mean an observer cannot be placed. The ultimate boarding is in the hands of the observer, however items marked with an asterisk on the form must be adequate

## Guidelines on suggested mechanisms to prevent Alcohol related misconduct of observers:

Following a small number of complaints by vessels operators, observer providers and others; the following guidelines were compiled from different regional observer programme responses on the misconduct of observers due to alcohol consumption. The compilation of suggested mechanisms with possible results and possible solutions were presented at the IWGROP4 and then were agreed at WCPFC12 to be used as a guide for programmes, there are a number of scenarios that were proposed in the tables and ROP's are encouraged to consider some of the mechanisms that suite their programme.

<b>Item Preventing And Detering Misconduct Of Observers</b>	<b>Standard Required</b>
Guidelines on Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers –	Agreed that it would be a helpful procedure to ensure that an individual vessels policy on alcohol consumption during a trip was clarified at the time of observer placement.
	<a href="#"><u>Vessel operators that make alcohol directly or indirectly available to observers have a duty to avoid acts or omissions that reasonably may be foreseen as likely to cause harm to the observer or another person on the vessel.</u></a>
	Recognise there may be merit in observer programmes considering a form that provides a mechanism for vessels to report back to the observer programme on the behaviour of an observer following the end of a trip <i>IWGROP4/WCPFC12( para 579 &amp; attachment 4)</i>
<b>ROP Expectation - Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers –</b>	

19.

Suggested Mechanism		Possible result	Suggested Standards of the Commission to be applied
<b>Training</b>			
1	Continually and forcefully emphasize observer Professionalism and pride early and often during training, clearly indicating that an observer is “on the clock” for the entirety of their observer contract and assignment.	This sets the frame for future observer behavior and could help self-select for observers less likely to engage in misconduct.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other code infringements.
2	Clearly and explicitly explain the rules, regulations, and Code of Conduct for observers related to misconduct, especially the consequences for violations, at several stages in training.	This should help improve the awareness of potential consequences and help deter some observers from engaging in misconduct.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other infringements.

3	<p>Clearly and explicitly explain the rules and procedures for documenting potential misconduct violations. There should be a requirement of proof of misconduct which should place the burden on the vessel or vessel agent to provide an affidavit documenting the specifics of the observer misconduct, an opportunity for the observer to provide a response, and a written report summarizing the findings as well as an opportunity for both parties to comment in writing on the report.</p>	<p>This would ensure that the observer understands their rights and what steps they would take should they be accused of misconduct. Providing this information offers an additional incentive to behave while also informing the observer of their right to an unbiased investigation of the accusation.</p>	<p>Observer Training must contain a section on the rights and role of an observer in relations to any accusations made against him or her.</p> <p>Collecting of written affidavits plus substantiated evidence is required before any further undertaking can be made against the accused observer, hearsay and verbal complaints are not sufficient for remedial action or dismissal.</p>
4	<p>Clearly and explicitly explain the penalties schedule for violations, e.g. Arrest for alcohol related assault results in termination. The penalties schedule should include all scenarios, such as, if an observer is found guilty of misconduct that does not rise to the level of termination, the observer provider should provide a progressive performance evaluation that allows an observer to improve, with clear expectations in writing, including, where available, options for counseling and alcohol treatment and recovery programs.</p>	<p>This gives observers a clear understanding of what is at stake if they engage in misconduct and provides an additional deterrent effect, while also indicating to the observer their options for seeking treatment for <u>alcohol problems</u>.</p>	<p>An observer charged with a Code of Conduct infringement must be given every opportunity to defend him/herself against the claims that they have alleged to have committed.</p> <p>Drunkenness can be a problem for some who are normally good workers, all avenues of assistance should be made available to the observer.</p>
5	<p>“3 strikes and you’re out rule” - Clearly and explicitly explain the penalties schedule for violations. If an observer is found guilty of misconduct that does not rise to the level of termination, then the observer should be informed and warned that they are on a “3 strike and you are out rule”. This allows an observer to improve, knowing that if they fail to do so; they will face termination from their observer role.</p>	<p>This gives observers a clear understanding of what is at stake if they engage in continual misconduct and provides an additional deterrent effect.</p>	<p>Observers who have problems with Misconduct /drunkenness that is not considered a major event should be given a chance to redeem themselves.</p> <p>A standard for action for persons that continually offend should be put in place. The “3 strikes and you are out rule” could be applied for minor offences of drunkenness and other infringements.</p>

<b>Assignment</b>			
6	Intervention at the point of assignment where the observer must read aloud the Code of Conduct before the observer provider and initial or otherwise acknowledge provisions specific to alcohol related misconduct.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given relevant sections to read and note on the Code of Conduct. This is a reminder what lays ahead of them if they infringe with misconduct and or drunkenness.
7	Intervention at the point of disembarking where someone explains the rules and consequences on what will happen if an observer drinks too much.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given copy of the Code of Conduct and solid verbal explanations' on the relevant sections on the Code of Conduct. With emphasis on the local penalties and consequences if the observer breaches the Code of Conduct.
8	Prohibition on the consumption of alcohol by observers during the term of their trip and return to home country.	Observer will not be permitted to drink any alcohol during their trip and return home subject to sanction. Dismissal as the penalty, regardless of how much is consumed will most likely deter some observers. <u>This is a rigid standard but prone to equitable enforcement.</u>	All Observers are usually considered to be on contract from the start of their trip from their home base until they return to their home base; therefore they should not be permitted to indulge in the consumption of alcohol for the period of their contract.
9	Requirement to remain on board the assigned vessel when in port and only disembark that vessel when the first flight out of the country to the observers homeport after completion of first trip comes available	Cost implications as there would be no second trips, unless observers were not permitted trip and could only leave when departure for home country is organised.to leave the vessel after the first	Observers must stay on board vessels until the point of departure from the port to their home country occurs; also observers must stay on board in the port if they are asked to carry out a second trip on the vessel they are on board.
10	All accommodation etc is organised with meals No alcohol permitted) and paid for by provider if observer lands in foreign port	Observer's accommodation and food (no alcohol permitted) is paid by provider to a set limit, - Small allowance to cover costs if observer has to travel or is going back for 2 <sup>nd</sup> trip.	Observer's accommodation and food is pre-organised and paid by provider. When an observer lands in a foreign port. This includes banning the sale of alcohol to the observer as part of the costs.

**Attachment G. TCC14-2018 RP03 Annex 3 – template for CMM 2009-06 paragraph 11 reporting**

**Transshipment information to be provided annually by CCMs as required by CMM 2009-06 paragraph 11 in accordance with the guidelines in Annex II of the measure.**

Each CCM shall include in Part 1 of its Annual Report to the Commission:

(1) the **total quantities, by weight**, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:

<b>a) offloaded and received;</b>	<b>b) transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction</b>	<b>c) transhipped inside the Convention Area and transhipped outside the Convention Area;</b>	<b>d) caught inside the Convention Area and caught outside the Convention Area;</b>	<b>e) Species</b>	<b>f) Product Form</b>	<b>g) Fishing gear</b>
<b>offloaded</b>						
<b>received</b>						

(2) the **number of transhipments** involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:

<b>a) offloaded and received</b>	<b>b) transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction</b>	<b>c) transhipped inside the Convention Area and transhipped outside the Convention Area</b>	<b>d) caught inside the Convention Area and caught outside the Convention Area</b>	<b>e) fishing gear</b>
<b>offloaded</b>				
<b>received</b>				

**Attachment H. Draft TCC Workplan (circulated on 2nd Oct )**



**TECHNICAL AND COMPLIANCE COMMITTEE**  
**Fourteenth Regular Session**  
26 September – 2 October 2018  
Majuro, Republic of Marshall Islands

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**Att S\_updated TCC workplan 2016-2018\_DRAFT**

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**WCPFC-TCC14-2018-TCCWP02**  
**2 Oct 2018**  
**0825**

**Submitted by**  
**Chair of SWG on TCC Work Plan**



**COMMISSION  
THIRTEENTH REGULAR SESSION**  
Denarau Island, Fiji  
5–9 December, 2016

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**UPDATED TCC WORK PLAN 2016 - 2018<sup>†</sup>**

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**TCC Priorities**

**1) Priority core business tasks (standing Agenda Items)**

- a. Monitor and review compliance with conservation and management measures adopted by the Commission (~~Compliance Monitoring Scheme~~).
- b. Assessment of IUU vessel nominations and review of vessels currently on the IUU list
- c. Review of cooperating non-member applications.
- d. Monitor obligations relating to Small Island Developing States and territories.
- e. Review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary. Review Annual report(s) of the WCPFC Secretariat, which should address relevant technical and compliance issues, which may include HSBI, ROP, VMS, RFV, Data Rules, port State inspections and transshipment [, port inspections and implementation of minimum standards for port state measures] and note the Executive Director's report on these matters and other issues as appropriate.
- ~~f. Technical and compliance-related advice to support the development of harvest strategies, including consideration of the implications of harvest control rules. [TCC task]~~
- ~~f.~~
- g. Review the ongoing work of the Intercessional Working Groups (IWG) noted in Section 3.
- h. Review information about technical and compliance matters arising under existing CMMs.

Comment [LE1]: Added language by EU.

Comment [LE2]: Added language by EU.

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<sup>†</sup>—As presented in WCPFC13-2016-25—the language of the TCC12 recommendations (paras 275 and 448) as two new priority project specific tasks (new subparagraph m and n) into the version of the TCC Workplan that was agreed by the Commission at WCPFC13 (WCPFC13 Summary Report Attachment S).—A suggestion has been made on assignment of the tasks, but no other changes or updates have been made to the TCC Workplan.



- i. Make technical comments on proposed CMMs.

2) Priority project specific tasks

a. Review Commission reporting requirements and provide advice to the Commission on removing duplicative reporting while ensuring the Commission’s data needs are met.

Comment [D3]: CMS draft para 37.i

i. Consider and provide advice to the Commission on the outcomes of the review of the Commission’s data needs and collection programmes (Project 93).

b. Develop audit points to clarify the assessment of existing Commission obligations, and develop a new proposal checklist to ensure that new proposals adopted by the Commission include clear audit points for assessment.

Comment [D4]: CMS draft para 37.ii

a-c. Develop responses to non-compliance. / develop corrective actions to encourage and incentivize CCM’s compliance with the Commission’s obligations, where non-compliance is identified. / Never finalized. [TCC task]

Comment [D5]: CMS draft para 37.iv

b-d. Develop a multi-year program of obligations to be assessed under the CMS, which ensures that all obligations are assessed over time. / Develop a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission. [TCC task]

Comment [LE6]: Comment from EU?

Comment [D7]: CMS draft para 37.iii

e-c. 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 task]

d-f. Respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation plans. [TCC task] [\$]

Comment [D8]: Link to SRF-IWG and SI

e-g. Support building the capacity of SIDS, which may include:

i. implement observer programs, including training and data management

ii. develop and implement the MCS Information Management System at a national level

iii. improve bycatch reporting, in particular sharks

Comment [LE9]: Added language by EU.

iv. port state minimum standards

~~iii. Assist SIDS with setting up a system or process for reports on transshipment activities and MTU inspections.~~

~~– [WCPFC Secretariat, FFA/SPC, Other, TCC task] [\$]~~

~~f. Independent audit or review of the Compliance Monitoring Scheme. [Secretariat] [\$]~~

~~g. Technical and compliance-related advice to address BET overfishing. [TCC task]~~

h. Further develop port-based initiatives as part of the suite of MCS tools, including a summary of port state measures adopted by other RFMOs [Secretariat task] and a

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- summary of port state measures undertaken by members. [TCC task]
- i. Review information about scientific data provision. [TCC task, Secretariat task to prepare papers]
  - ~~j. Develop guidelines for the elaboration of management plans for sharks caught in the WCPFC Convention area. [TCC task with assistance from SPC/Secretariat] [\$]~~
  - ~~k.i. Technical and compliance-related advice to support the development of harvest strategies, including consideration of the implications of harvest control rules. [TCC task]~~
  - ~~l.k. Consider alternatives to current fins to carcass ratio to ensure effective monitoring of CMM 2010-07~~ Provide technical and compliance advice for the [development]/[implementation] of the consolidated shark measure developed by the Sharks IWG [TCC task]
  - ~~m.l. Development, improvement and implementation of the Commission’s measures for observer safety and related issues [TCC task]~~
  - m. 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] [TCC task, Secretariat task] [\$]
  - n. Enhance how CCM’s and Secretariat’s practices integrate to facilitate ongoing monitoring and compliance with CMM 2014-02 (VMS) [TCC task with assistance from Secretariat] \$
  - o. Analyze framework for the management and control of chartered vessels to promote compliance with CMMs, clarify flag and chartering CCM’s control of chartered vessels, and clarify attribution of catch and effort. [TCC task]
  - p. Develop information and advice to promote compliance with the south Pacific albacore CMM (2015-2 and successor measures) and improve its effectiveness, including providing technical and compliance advice for the development and implementation of the south Pacific albacore roadmap. [TCC task, with support from SPC]
  - q. Develop improved mechanisms for the flow of observer information from ROP Providers to CCMs needing such information for their investigations. [TCC task]
  - r. Develop a mechanism to facilitate observer participation in the compliance review process. [TCC task]
  - s. Continued development of the Commission’s IMS to support implementation of the Compliance Monitoring Scheme and support MCS activities, including exploration of IMS data submission and extraction tools. [TCC task, Secretariat task] \$
  - t. Continued development of training resources and learning aids for the IMS [Secretariat task] \$?
  - ~~u. Consider options to mitigate the impacts of an unscheduled disruption to Secretariat~~

**Comment [D10]:** Suggest reframing... grateful advice. EU noted this a priority task.

**Comment [D11]:** Link to work on consolidated shark measure

**Comment [D12]:** Again, link to shark process.

**Comment [D13]:** Observer issues

**Comment [LE14]:** Deletion suggested by EU.

**Comment [D15]:** Broader ER and transshipment tasks?

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services on the Compliance Monitoring Scheme [TCC task, Secretariat task]

**3) Intersessional working groups** *Budgets and timeframes to be assessed separately*

ROP IWG: Review ROP.

FAD IWG: Review and develop FAD measures.

CDS IWG: Develop and implement a Catch Documentation Scheme for WCPFC species.

EM and ER IWG: Continue the development of standards, specifications and procedures for e-technologies.

**Comment [D16]:** Meetings 2019-21??

**Comment [D17]:** Meetings 2019-21??

**Comment [D18]:** Possible meeting 2019??

**Comment [D19]:** Next meeting 2020.

**4) Priority Issues forwarded from the Commission (pending Commission meeting).**

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20196	202017	202118
<b>Article 14(1)(a) Priority tasks with respect to the provision of information, technical advice and recommendations/TCC [Scoreboard]</b>		
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.	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.	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.
<a href="#">Technical and compliance-related advice to support the development of harvest strategies, including consideration of the implications of harvest control rules</a>	<a href="#">Technical and compliance-related advice to support the development of harvest strategies, including consideration of the implications of harvest control rules</a>	<a href="#">Technical and compliance-related advice to support the development of harvest strategies, including consideration of the implications of harvest control rules</a>
Advice related to the <a href="#">[Consider alternatives to current fins to carcass ratio to ensure effective monitoring of finning ban in the WCPFC Convention area development]/[implementation] of a consolidated sharks measure.</a>		<del>Technical and compliance-related advice to support the development of harvest strategies, including consideration of the implications of harvest control rules.</del>
<a href="#">Review Commission reporting requirements and provide advice to the Commission on removing duplicative reporting while ensuring the Commission's data needs are met, including:</a> <ul style="list-style-type: none"> <li>• <a href="#">Consideration of the outcomes of the review of the Commission's data needs and collection programmes (Project 93).</a></li> </ul>		

Comment [LE20]: Suggestion by EU.

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<b>20196</b>	<b>202017</b>	<b>202148</b>
<a href="#">[Provide advice related to technical and compliance aspects of strengthened management of south Pacific albacore under the Roadmap process.]</a> <del><a href="#">Develop guidelines for the elaboration of management plans for sharks caught in the WCPFC Convention area [Secretariat/Shelley Clarke to assist] [\$]</a></del>	<a href="#">[Provide advice related to technical and compliance aspects of strengthened management of south Pacific albacore under the Roadmap process.]</a>	
	<a href="#">[Provide advice related to control of and attribution of catch/effort related to chartered vessels]</a>	
<del>Technical and compliance related advice to address BET overfishing.</del>	<del>Technical and compliance related advice to address BET overfishing.</del>	<del>Technical and compliance related advice to address BET overfishing.</del>
<b>Article 14(1)(b) Priority tasks with respect to the monitoring and review of compliance</b>		
<del><a href="#">[Develop audit points for Commission obligations and develop a new proposal checklist to ensure identification of audit points for new proposals.]</a></del> <del><a href="#">Develop a multi-year program of obligations to be assessed under the CMS, which ensures that all obligations are assessed over time.</a></del>	<a href="#">[Develop audit points for Commission obligations.]</a>	
<a href="#">[Develop a risk-based framework for prioritizing obligations for assessment.]</a>	<a href="#">[Develop a risk-based framework for prioritizing obligations for assessment.]</a>	
<del>Develop responses to non-compliance</del>	<del><a href="#">[Develop responses to non-compliance]</a></del> / <del><a href="#">[Develop corrective actions to encourage and incentivize CCM's compliance with the Commission's obligations.]</a></del>	<del><a href="#">[Develop responses to non-compliance]</a></del> / <del><a href="#">[Develop corrective actions to encourage and incentivize CCM's compliance with the Commission's obligations.]</a></del>
Respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation	Respond to capacity assistance needs identified through the CMS process,	Respond to capacity assistance needs identified through the CMS process,

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<b>20196</b>	<b>202017</b>	<b>202148</b>
plans. [\$]	including through annual consideration of implementation plans. [\$]	including through annual consideration of implementation plans. [\$]
		<del>Independent audit or review of the Compliance Monitoring Scheme [Secretariat] [\$]</del>
Review information about scientific data provision	Review information about scientific data provision	Review information about scientific data provision
	<u>[Develop a mechanism to facilitate observer participation in the compliance review process.]</u>	
<u>[Consider options to mitigate the impacts of an unscheduled disruption to Secretariat services on the CMS.]</u>		
<b>Article 14(1)(c) Priority tasks with respects to implementation of cooperative MCS &amp; E</b>		
Implement observer programs, including training and data management [\$]		Implement observer programs, including training and data management [\$]
<u>Support efforts by CCMs and the Secretariat to continue technical work intersessionally to optimize TCC's efficiency evaluating CCM's VMS compliance.</u>	Develop and implement the MCS Information Management System at a national level [\$]	Develop and implement the MCS Information Management System at a national level [\$]
<del>Assist SIDS with setting up a system or process for reports on transshipment activities and MTU inspections [\$]</del>	<del>Assist SIDS with setting up a system or process for reports on transshipment activities and MTU inspections [\$]</del>	
<u>Develop improved mechanisms for the flow of observer information</u>		

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20196	202017	202148
from ROP providers to CCMs needing such information for their investigations.		
[IMS development] Consider summary of port state measures adopted by other RFMOs [Secretariat] §	[IMS development] §	[IMS development] §
Consider summary of port state measures undertaken by members		

**Abbreviations**

ABNJ	–	Areas Beyond National Jurisdiction Program (Common Oceans)
ACAP	–	Agreement for the Conservation of Albatrosses and Petrels
ALB	–	albacore ( <i>Thunnus alalunga</i> )
ALC	–	Automatic Location Communicator
BET	–	bigeye tuna ( <i>Thunnus obesus</i> )
BMIS		Bycatch Mitigation Information System
$B_{MSY}$	–	biomass that will support the maximum sustainable yield
CCM	–	Members, Cooperating Non-members and participating Territories
CCSBT	–	Commission for the Conservation of Southern Bluefin Tuna
CDS	–	catch documentation scheme
CLAV	–	Consolidated List of Authorised Vessels
CMM	–	Conservation and Management Measure
CMR	–	Compliance Monitoring Report
CMS	–	Compliance Monitoring Scheme
CNM	–	Cooperating Non-Member
the Convention	–	The Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean
CPUE	–	catch per unit effort
CSIRO	–	Commonwealth Scientific and Industrial Research Organization (Australia)
<b>DFLL</b>	–	deep frozen tuna longline
EEZ	–	exclusive economic zone
ERandEM	–	electronic monitoring and electronic reporting
ENSO	–	El Niño-Southern Oscillation
EPO	–	eastern Pacific Ocean
E-Monitoring		electronic monitoring
E-Reporting	–	electronic reporting
ERA	–	ecological risk assessment
EHSP-SMA	–	Eastern High Seas Pocket-Special Management Area
EU	–	European Union
F	–	fishing mortality rate
FAD	–	fish aggregating/aggregation device
FAO	–	Food and Agriculture Organization of the United Nations
$F_{current}$	–	average fishing mortality rate over the period xxxx–xxxx
FFA	–	Pacific Islands Forum Fisheries Agency
FL	–	fork length
$F_{MSY}$	–	fishing mortality that will support the maximum sustainable yield
FNA	–	fins naturally attached



FRP	–	fishing mortality-based reference point
FSI	–	Flag State Investigation
FSM	–	Federated States of Micronesia
GT	–	gross registered tonnage
HBF	–	hooks between floats
HCR	–	harvest control rule
HSBI	–	High Seas Boarding and Inspection
IATTC	–	Inter-American Tropical Tuna Commission
ICCAT	–	International Commission for the Conservation of Atlantic Tunas
IMS	–	Information Management System
IOTC	–	Indian Ocean Tuna Commission
ISC	–	International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean
ISG	–	Informal Small Group
ISSF	–	International Seafood Sustainability Foundation
IT	–	information technology
IUU	–	illegal, unreported and unregulated
IWG	–	intersessional working group
JPY	–	Japanese yen
JTF	–	Japan Trust Fund
kg	–	kilogram
L	–	length
LL	–	longline
LRP	–	limit reference point
m	–	meter
M	–	mortality
$M_{FMT}$	–	maximum fishing mortality threshold
MCS	–	Monitoring Control and Surveillance
MOC	–	memorandum of cooperation
MOU	–	memorandum of understanding
MSE	–	management strategy evaluation
MSY	–	maximum sustainable yield
mt	–	metric tonnes
MTU	–	Mobile Transceiver Unit
NC	–	Northern Committee
PEW	–	The Pew Charitable Trusts
RFV	–	Record of Fishing Vessels
PNA	–	Parties to the Nauru Agreement
PNG	–	Papua New Guinea
ROP	–	Regional Observer Programme
RFMO	–	regional fisheries management organization

RMI	–	Republic of the Marshall Islands
SB	–	spawning biomass
SC	–	Scientific Committee of the WCPFC
SIDS	–	small island developing states
SKJ	–	skipjack tuna ( <i>Katsuwonus pelamis</i> )
SPC-OFP	–	The Pacific Community Oceanic Fisheries Programme
SPR	–	spawning potential ratio
SRR	–	stock-recruitment relationship
SSB	–	spawning stock biomass
SSI	–	species of special interest
SSP	–	standards, specifications and procedures
TCC	–	Technical and Compliance Committee
TOR	–	terms of reference
TRP	–	target reference point
TUFMAN	–	Tuna Fisheries Database Management System
USA	–	United States of America
USD	–	US dollars
VDS	–	vessel day scheme
VID	–	vessel identification (number)
VMS	–	vessel monitoring system
WCPFC	–	Western and Central Pacific Fisheries Commission or Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean
WCPFC Convention Area	–	Area of competence of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, as defined in Article 3 of the Convention
WCPFC Statistical Area	–	The WCPFC Statistical Area is defined in para. 8 of the document “Scientific data to be provided to the Commission”
WCPO	–	western and central Pacific Ocean
WG	–	working group
WTPO	–	World Tuna Purse Seine Organisation
WWF	–	World Wide Fund for Nature