



## TECHNICAL AND COMPLIANCE COMMITTEE

### Seventeenth Regular Session

Electronic Meeting 22 – 28 September 2021

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## PROVISIONAL OUTCOMES DOCUMENT

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WCPFC-TCC17-2021-outcomes

6 October 2021

### Agenda Item 1.2 Adoption of Agenda

1. The agenda was adopted. (TCC17-2021-02) (Attachment C).

### Agenda Item 2 Annual Report of the Executive Director

2. TCC17 noted the Annual Report of the Executive Director, an overview report of the MCS and Compliance Programmes (TCC17-2021-05).

### Agenda Item 3 IUU Vessel List

3. TCC17 recommended to WCPFC17 that the three fishing vessels **NEPTUNE**, **FU LIEN No.1** and **YU FONG 168** on the WCPFC IUU Vessel List in 2021 remain on that list for 2022.

### Agenda Item 4 CNM Requests

4. TCC17 has reviewed the following applications for renewal of CNM status and is forwarding them to WCPFC18 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam.
5. TCC17 noted with appreciation the attendance and participation of Ecuador, El Salvador, Panama, Thailand and Vietnam at this year's meeting.

6. TCC17 reminded CNM applicants of the obligations included in CMM 2019-01, particularly paragraph 11(a), which states that CNMs shall “*comply with all conservation and management measures adopted by the Commission.*” TCC17 expressed concern over repeated instances of non-compliance by some CNMs and recommended that relevant CNM applicants prioritise addressing these issues for future years.
7. TCC17 further reminded CNM applicants of the considerations specified in paragraph 3(a) of CMM 2019-01, which include “the attendance by an applicant for CNM status at the TCC meeting where its application is considered, subject to the applicant being able to attend the meeting as an observer.”
8. For the eight applications for CNM renewal status, from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam, TCC17 noted the following gaps or issues for individual applicants:
  - a. **Curacao:** TCC17 noted that Curacao had not yet made a financial contribution for 2021 at the time of TCC17, and encouraged Curacao to submit any outstanding contributions in advance of WCPFC18. TCC17 also noted that Curacao was not in attendance at TCC17, and reiterated the importance of the attendance of CNM applicants at meetings where its application is being considered, as outlined in CMM 2019-01.
  - b. **Ecuador:** TCC17 noted potential compliance issues for Ecuador and encouraged Ecuador to fulfill any pending obligations in advance of WCPFC18.
  - c. **El Salvador:** TCC17 noted one potential compliance issue for El Salvador.
  - d. **Liberia:** TCC17 noted that Liberia had not yet submitted its full financial contribution for 2021, and encouraged Liberia to submit any outstanding contributions in advance of WCPFC18. TCC17 also noted past compliance issues for Liberia, and requested additional information on how Liberia has sought to address the compliance issues identified in the 2020 CMR in advance of WCPFC18. TCC17 further noted that Liberia was not in attendance at TCC17, and reiterated the importance of the attendance of CNM applicants at meetings where its application is being considered, as outlined in CMM 2019-01.
  - e. **Nicaragua:** TCC17 also noted past compliance issues for Nicaragua, and requested additional information on how Nicaragua has sought to address the compliance issues identified in the 2020 CMR in advance of WCPFC18. TCC17 further noted that Nicaragua was not in attendance at TCC17, and reiterated the importance of the attendance of CNM applicants at meetings where its application is being considered, as outlined in CMM 2019-01.
  - f. **Panama:** TCC17 noted past compliance issues for Panama and highlighted that Panama has been encouraged to continue to make improvements to the management of its vessels, both in the WCPFC and in other RFMOs.

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

9. TCC17 agreed on the proposed CMS process which was amended from that outlined in **TCC17-2021-09** as follows:
- a. for TCC17, information in the CCFS on cetaceans and whale shark (CWS) interactions was excluded from consideration of the aggregated tables; and
  - b. the process set out in Circular 2021/68 for consideration of the Aggregated Tables applied with respect to the effect on a CCM's compliance score for 2020.

### **Agenda Item 5.1 Provisional CMR report and Executive Summary**

10. TCC17 submitted the Provisional CMR, containing its provisional compliance assessment, and recommends the report to WCPFC18 for its consideration and final assessment.

### **Agenda Item 5.2 Advice on CMMs that need revision**

11. TCC17 noted for WCPFC18 that there were recommendations in the Provisional CMR relating to the revision of existing Conservation and Management Measures. TCC17 recommended that WCPFC18 consider approaches to address challenges identified for the following obligation, noting that more information related to this recommendation is contained in the Provisional CMR:
- a. CMM 2018-01 paragraph 51.

### **Agenda Item 5.3 (a) Streamlining of Annual Reporting, specifically the trial of Annual Catch and Effort (ACE Tables)**

12. TCC17 noted the positive effect of improvements made to streamline annual reporting requirements set out in **TCC17-2021-10** that were implemented in 2021 and supported their continuation.
13. TCC17 requested the Secretariat to consider suggestions raised by CCMs at TCC17 and to report back to TCC18.

### **Agenda Item 5.3 (b) Improving the online Compliance Case File System**

14. TCC17 noted the CCFS enhancements implemented in 2020 and 2021 and the delay in the delivery of further enhancements requested by CCMs which are not feasible using the existing Secretariat IT platforms.
15. TCC17 noted the workplan of activities to support and implement a redevelopment of the CCFS and provided further guidance on additional enhancements based on their experience with the current system.
16. TCC17 requested the Secretariat to consider suggestions raised by CCMs at TCC17, and tasked the Secretariat to provide an update to TCC18 on progress on the implementation of the proposed CCFS enhancements.

### **Agenda Item 5.3 (c) CMS Future Work Tasks**

17. TCC17 recommended that WCPFC18 tasks the TCC Chair to lead further intersessional work on a revised process to implement para26(ii) of CMM 2019-06 for the consideration of aggregated summaries of information drawn from the online Compliance Case File System ahead of TCC18.
18. TCC noted that the TCC Chair would work intersessionally with CCMs to provide advice to the Commission on key elements of this work, including the views expressed at TCC17. CCMs were encouraged to provide views and recommendations to the TCC Chair as soon as practicable and no later than 1 November 2021.
19. TCC17 noted the need for a clear pathway to progress the work of the CMS-IWG and tasked the CMS-IWG Chair (the TCC Vice Chair) to work with the leads of the work streams to provide advice to WCPFC18 on a workplan for the IWG for 2022.
20. TCC17 recommended that in future presentations of the aggregated tables, CCFS cases are reported by zone as well as by flag if applicable, as well as information of observer provider.
21. TCC17 recommended that WCPFC18 agree to consider the effects of COVID-19 in developing the list of obligations for assessment, and in assessing CCM compliance with obligations through the CMR in 2022. In making this recommendation, TCC17 noted that this does not represent a suspension of any obligation; rather this is a recognition of the genuine impact that the COVID-19 pandemic will have on the ability of the TCC to assess this obligation. TCC17 further noted that the decision not to assess this obligation does not remove CCMs' obligation to comply with this provision.
22. TCC recommended that the CMS-IWG, with assistance from the Secretariat, develop intersessionally a working paper aiming at: i) clarifying the nature of the information and data that populate the excel file supporting the dCMR, based on the WCPFC Rules for protection, access and dissemination of data held by the Commission, ii) identifying instances (categories in this excel file that supports the dCMR) that are likely to include data

that could be in breach of such rules and iii) formulating suggestions for addressing the risk of unintended release of non-public domain data during the dCMR process.

23. TCC17 noted the updated discussion paper prepared by the Lead of the Risk-Based Assessment Framework (**TCC17-2021-13B\_rev2**), and the proposal for a small Working Group to meet in early November to test the use of the Risk-Based Assessment Framework in developing the priority list of obligations for assessment in 2022, which will be considered by WCPFC18.

### **Agenda Item 5.3 (d) Expiry of CMM 2019-06**

24. TCC17 acknowledged the delay in completing the work to enhance the CMS, but reaffirmed its commitment to do so, and urged the WCPFC18 to take action as needed to allow the TCC to fulfill its function of monitoring and reviewing compliance with conservation and management measures.

### **Agenda Item 6: Technical and Compliance Matters arising from COVID-19 related Intersessional Decisions**

25. TCC17 recommended that WCPFC18 continue the suspensions of the three intersessional decisions after 15 December until 15 March 2022.
26. TCC17 recommended the Commission review through an expedited inter-sessional decision-making process, the possible phasing in of the removal of the suspensions, which would need to be implemented flexibly and be subject to a periodic review in light of changed circumstances.

### **Agenda Item 7.1 VMS SWG**

27. TCC17 noted the report on progress from the VMS-SWG (**TCC17-2021-15A**).

28. TCC17 recommended as follows:

#### **Issue 1** Disparity between CCM-held and Secretariat-held VMS data

- a. TCC17 recommended that WCPFC18 task TCC18 to further consider future work to enable direct/simultaneous VMS reporting by vessels/ALCs reporting to the WCPFC VMS.
- b. TCC17 encouraged any CCMs capable of utilising a direct/simultaneous reporting framework to consider doing so on a voluntary basis. Any such CCMs are requested to

report their experiences to TCC in the future, particularly any information regarding changes in the number of discrepancies between CCM-held and Secretariat-held VMS data.

## **Issue 2** Data gaps from VMS failure

c. TCC17 noted the Secretariat's progress, and recommended that WCPFC18 support the WCPFC Secretariat's continued work, including with interested CCMs on a trial basis\*\*, to facilitate automatic integration of VMS manual reports into the Commission VMS within their existing budget. TCC17 recommended that WCPFC18 task the Secretariat to report on their further progress to TCC18.

\*\* footnote: Ensuring that any VMS manual reports automatically integrated into the Commission VMS are clearly identifiable as manually generated reports, and can be distinguished from non-manually generated VMS positions.

d. TCC17 recommended that potential incentives for non-binding measures, including 'VMS best practices' that CCMs may adopt to minimise data gaps from VMS failures be considered by TCC18.

e. TCC17 recommended that WCPFC18 approve extension of the WCPFC9 adopted amendments to the VMS Standards, Specifications and Procedures (SSPs) that were previously extended (via attachment 1 of the SSPs) at WCPFC11, WCPFC13 & WCPFC15, through 1 March 2024, and that this remains in force thereafter unless the Commission directs otherwise. TCC17 also recommended that WCPFC18 task the Secretariat to update online references accordingly.

## **Issue 3** CCM's use of the VMS Reporting Status Tool (VRST)

f. TCC17 recommended that WCPFC18 adopt the draft SOPs (**TCC17-2021-15B\_rev2**) in order to accurately reflect recent changes in technology and technical processes. TCC17 also noted that the new SOPs are also expected to greatly benefit (and reflect) other VMS technical work undertaken by the Secretariat and VMS SWG to address VMS data gaps. (**Attachment D**)

## **Issue 4** ALC/MTU approval

g. TCC17 noted the successful steps taken by the Secretariat and CCMs to facilitate the reporting of ORBCOMM ST6100 and/or SKYWAVE IDP-690 MTU units to the Commission VMS. TCC17 encouraged any other CCMs using either of these units to follow similar steps to ensure successful VMS reporting to the Commission.

h. TCC17 noted that the Secretariat, in close coordination with the VMS SWG co-chairs, has developed and provided new draft VMS SOPs for consideration and adoption by WCPFC18 (**TCC17-2021-15B\_rev2**). This document includes details on the standard processes used to assess the ability of an MTU/ALC and its communication / satellite service provider / gateway to successfully report to the Commission VMS.

- i. TCC17 noted that the draft VMS SOPs outline in detail how the VMS Manager will work with relevant vendors and CCMs to assess proposals for inclusion of additional MTU/ALC units and their communication / satellite service provider / gateway, against the new MTU/ALC type approval checklist. The VMS SOPs outline how the Secretariat shall provide this information to CCMs, along with any other documentation provided by the flag CCM or vendor, to better inform their consideration of any units proposed for listing or delisting.

**Issue 5** Assessing compliance with CMM 2014-02 para 9(a) VMS SSP 2.8

- j. TCC17 recommended WCPFC18 task the Secretariat to provide a report to TCC18 with suggested options and, if practical, an estimated timeline and costs to facilitate electronic (online) submission and processing of new and updated VTAFs. Any process shall track progress transparently with the relevant flag CCM that provides the VTAF.
- k. TCC17 recommended that WCPFC18 approve the streamlined VMS reporting template below as Annex 2 of CMM 2014-02 for use in CCM's Annual Part 2 Report submissions beginning with TCC18 until such time as the Commission's work developing Audit Points (including for VMS) may be completed.

**Issue 6** Review of Commission VMS

- l. TCC17 recommended that WCPFC18 task the Secretariat to provide further information in the VMS Annual Report to TCC18 on the status of implementing VMS SWG recommendations.

**Agenda Item 7.2 Application of CMM 2018-01 (Indonesia and Philippines)**

29. TCC17 reviewed information provided by Indonesia and the Philippines to inform a Commission discussion on the application of paragraph 51 of CMM 2020-01, and noted the paper **TCC17-2021-16** (SC17-2021-ST-WP02).
30. TCC17 supported the SC17 recommendations related to the application of paragraph 51 CMM 2020-01 noting:
- a. that in TCCs view paragraph 51 does not currently affect the following fisheries which are restricted to territorial seas and archipelagic waters:
    - i. Small-scale hook-and-line fisheries
    - ii. Small-scale troll fisheries
    - iii. Small-scale gillnet fisheries
    - iv. Small-scale pole and line(funai –Indonesia)
    - v. Pajeko (Indonesia mini-purse seine)
    - vi. Bagnet, beachseine, artisanal longline and other artisanal gears with very minor tuna catch; and

b. that in TCCs view paragraph 51 of CMM 2020-01 currently affects the following fisheries:

- i. Indonesia Pole and Line Fishery fishing outside archipelagic waters and territorial seas for vessels >30 GT, and
- ii. The “large-fish” Handline fishery in Indonesia and the Philippines fishing outside archipelagic waters and territorial seas for vessels >30 GT.

31. TCC17 noted that sufficient data exist to determine a baseline and annual catches for the Indonesia pole-and-line fishery and the Philippines large-fish handline fishery

32. TCC17 requested Indonesia and the Scientific Services Provider to provide and present to the Commission, the annual catch estimates for the “large-fish” Handline fishery in Indonesia fishing outside archipelagic waters and territorial sea for vessels >30GT, for this period and the options for the baseline, that is, the average 2013-2016 or the maximum years, due to the absence of data for 2001-2004, for WCPFC18 consideration. This could help advise an appropriate revision of paragraph 51.

## **Agenda Item 8      Special Requirements of Developing States**

33. TCC17 noted the importance of continuing to consider the capacity assistance needs of SIDS and Participating Territories, including as set out in paragraph 38(ii) of CMM 2019-06 and the Strategic Investment Plan.

## **Agenda Item 9.1      Anticipated Forecast of Secretariat TCC Work Commitments**

34. TCC17 noted the paper (**TCC17-2021-17**) and expressed appreciation to the efforts of the Secretariat in mapping out the resource implications of future work commitments for the Secretariat’s MCS and Compliance programme.

35. TCC17 supported, in principle and subject to resource availability, the Secretariat’s intention to submit to FAC15 a proposed plan that identifies the necessary upgrades to IMS and securing supplementary dedicated analytical capacity for the Secretariat in 2022 and 2023.

36. TCC17 noted the workload forecasted for the Secretariat to undertake in 2022 in support of the TCC workplan and recommended that the Commission agrees to require CCMs in 2022 to submit their Annual Report Part 2, at least 100 days prior to TCC18 (which is a date in mid-June instead of 1 July).



### **Agenda Item 9.2      Update of TCC Work Plan 2019 - 2021**

37. TCC17 recommended the updated TCC workplan 2022 – 2024 for adoption by WCPFC18 (TCC17-2021-18\_rev4). (Attachment E)

### **Agenda Item 9.3      Update on WCPFC IT/VMS Security Audit**

38. TCC17 noted the 2021 Security Audit is in progress with work proceeding around the constraints of COVID-19 and requested the Secretariat circulate the audit report when available to interested CCMs for feedback intersessionally.

### **Agenda Item 9.4      Next meeting**

39. TCC17 recommended that TCC18 be held in Pohnpei, Federated States of Micronesia on Wednesday 21 September to Tuesday 27 September 2022.

### **Agenda Item 10      Other Matters for TCC Advice Arising from the TCC17 Online Discussion Forum**

**TCC17 ODF Topic K1.** ROP Minimum Standard Data Fields for Transshipment at Sea (TCC17-2021-DP01)

40. TCC17 recommended that the TS-IWG be asked to consider the following recommendations from TCC17-2021-DP01:

- a. that TCC17 should recommend WCPFC18 adopt specific data fields from the Forms FC1, FC2, and FC3 as ROP minimum standard data fields to be collected by ROP observers during transshipments at sea.
- b. that TCC17 should remind its members and WCPFC18 of the ROP Minimum Standard specifying that that ROP data should be submitted to the Secretariat where possible within 120 days of the observer disembarking the receiving vessel.

**TCC17 ODF Topic K5.** DRAFT - Guidelines for the Voluntary Submission of Purse Seine processor data by CCMs to the Commission (SC17) (TCC17-2021-22\_rev1)

41. TCC17 endorsed the draft guidelines for voluntary submissions of processor (cannery) data to the Commission as amended in TCC17-2021-22\_rev1.

42. TCC17 in endorsing the draft guidelines also noted the requirement to add “Processor data” as non-public domain (HIGH risk classification) data to Table 1 of the *2007 Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission*.

43. TCC17 recommended WCPFC18 endorse the draft guidelines (**Attachment F**) and task the Commission to direct the Secretariat to update the WCPFC data rules accordingly.

**TCC17 ODF Topic K3. Proposal for Amending CMM 2019-07 WCPFC IUU Vessel List (TCC17-2021-DP03)**

44. TCC17 noted the updated proposal and the intention of the European Union to prepare a proposal for WCPFC18.

**TCC17 ODF Topic K6. DRAFT - Best Practices for the Safe Handling and Release of Cetaceans (SC17) (TCC17-2021-23)**

45. TCC17 endorsed the Best Practices for the Safe Handling and Release of Cetaceans (**TCC17-2021-23**) pending revisions noted by a CCM at TCC17, and noted that a revised version of the Best Practices would be submitted to WCPFC18 for its review and endorsement.

**TCC17 ODF Topic K4. DRAFT - Guidelines for Non-entangling and Biodegradable FAD Materials (from FAD Management Options IWG) (TCC17-2021-19)**

46. TCC17 reviewed the DRAFT Guidelines for non-entangling and biodegradable FADs prepared by the FAD Management Options IWG, and noted that the Draft Guidelines will be updated by the FAD Management Options IWG prior to WCPFC18.

**TCC17 ODF Topic K7. Update on Intersessional work on improving crew labour standards – Update (TCC17-2021-DP05\_rev1)**

47. TCC17 recommended that intersessional work continue on improving crew labour standards and that an update be provided to WCPFC18.

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**DRAFT LIST OF ATTACHMENTS FOR TCC17 DRAFT SUMMARY REPORT**  
**(note order and numbering of attachments will change)**

<b>Attachment A</b>	List of Attendees
<b>Attachment B</b>	Opening Statements
<b>Attachment C</b>	TCC17 Agenda – as adopted ( <b>TCC17-2021-02</b> )
<b>Attachment D</b>	TCC17 recommended revisions to VMS Standard Operating Procedures (SOPs) ( <b>TCC17-2021-15B_rev2</b> )
<b>Attachment E</b>	TCC17 recommended TCC workplan 2022 - 2024 ( <b>TCC17-2021-18_rev4</b> )
<b>Attachment F</b>	TCC17 endorsed draft guidelines for voluntary submissions of processor (cannery) data to the Commission ( <b>TCC17-2021-22_rev1</b> )