



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

**Technical and Compliance Committee  
Second Regular Session**

**28 September–3 October 2006  
Brisbane, Australia**

**SUMMARY REPORT**

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**SUMMARY REPORT**

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**AGENDA ITEM 1 — OPENING OF MEETING**

**Welcome**

1. The Second Regular Session of the Technical and Compliance Committee (TCC2) of the Western and Central Pacific Fisheries Commission (the Commission) took place from 28 September to 3 October 2006 at Brisbane, Australia. The meeting was opened by the TCC Chair, Mr Apolosi Turaganivalu from Fiji.
2. The Chair invited Members, and Cooperating Non-Members and Participating Territories (CCMs) to contribute meaningfully to the meeting, acknowledging the considerable amount of work that had been devoted to meeting preparations. He noted some delays by CCMs in providing Part 2 reports, the format for which had been adopted at the Second Regular Session of the Western and Central Pacific Fisheries Commission (Comm2) in 2005. He encouraged CCMs to provide this outstanding information as soon as possible and to meet the submission deadline in the future.
3. The Chair of TCC2 invited the Chair of the Commission, Mr Glenn Hurry from Australia, to provide opening comments. Mr Hurry thanked the Secretariat for its considerable work over the past 12 months, noting the recruitment and staffing problems it had experienced in 2006. He noted past messages from Pacific leaders regarding the importance of the western and central Pacific fishery, and expressed his disappointment in the results of a report from the August 2006 meeting of the Scientific Committee that the 2005 western and central Pacific Ocean (WCPO) tuna catch was a record 2.15 million

tonnes. He encouraged CCMs to commit to sustainable management of the WCPO tuna resource and urged the tuna fishing industry to work collaboratively with the Commission in achieving this goal.

4. The following CCMs attended TCC2: Australia, Canada, People's Republic of China, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America, and Vanuatu.

5. Observers representing the Pacific Islands Forum Fisheries Agency (FFA), Secretariat of the Pacific Community (SPC), The University of the South Pacific (USP), World Wide Fund for Nature (WWF), and Greenpeace also participated. A list of participants is appended to this report as Attachment A.

6. Nauru, on behalf of the Forum Fisheries Committee (FFA members), presented an opening statement (Attachment B), noting that all 17 FFA members were committed to achieving significant outcomes at TCC2.

#### **Adoption of agenda**

7. TCC2 adopted the agenda contained in WCPFC-TCC2-2006/02, as revised (Attachment C).

#### **Meeting arrangements**

8. TCC2 noted that there may be a need to form small working groups to advance particular issues outside of plenary and that this would be determined on an "as needed" basis.

### **AGENDA ITEM 2 — MONITORING, CONTROL AND SURVEILLANCE PRIORITIES**

9. The Secretariat introduced discussion on this issue by noting that its purpose was to define priorities for this meeting and to assist in guiding the TCC's future work. It was noted that eight priority components of the Commission's monitoring, control and surveillance (MCS) framework had been agreed upon at the First Regular Session of the Technical and Compliance Committee (TCC1) and that WCPFC-TCC2-2006/23 had been formulated on the basis of those priorities, with a draft implementation plan presented for further consideration and refinement by TCC2.

10. TCC2 agreed that the three key issues to progress at TCC2 were:

- i) Commission vessel monitoring system (VMS);
- ii) Regional Observer Programme; and
- iii) High Seas Boarding and Inspection Procedures.

11. TCC2 identified the following elements as also requiring considerable work:

- i) bycatch mitigation;

- ii) review of Decisions of the Commission relating to the functions of the TCC;
- iii) mechanisms to monitor compliance, and sanctions;
- iv) transshipment;
- v) IUU vessel lists;
- vi) port State measures; and
- vii) catch and/or statistical documentation scheme

### **AGENDA ITEM 3 — REVIEW OF STATUS OF MEASURES**

#### **Report by the Secretariat**

12. The Secretariat presented WCPFC-TCC2-2006/07(Rev.2), providing a review of the information received from CCMs in accordance with Article 24(5). The presentation summarized information received to date with respect to the WCPFC Record of Fishing Vessels and Authorizations to Fish (Conservation and Management Measure-2004-01), and information relating to other provisions of the Convention and Decisions of the Commission. The Secretariat noted that the report's development was hampered by the limited number of reports received within the time-frame agreed on by the Commission and the varied quality of the information received, particularly in relation to the WCPFC Record of Fishing Vessels (Record). The Secretariat recommended standardisation of the format for the submission of the information contained in Annex IV of the Convention as information had been received in a variety of formats.

13. TCC2 noted that there were a large number of vessels on the Record that had been authorised to fish on the high seas, but that many of these vessels operated in other oceans and did not engage in fishing activities in the WCPO. Without knowledge of vessels that are active in the Convention Area, it is difficult to use the Record as a benchmark of capacity in WCPO. TCC2 recommended the consideration of issues such as the design and development of the Regional Observer Programme (ROP) and the Commission Vessel Monitoring System (VMS). Some Members noted there was a critical link between the Record and the VMS, and that it was essential to have a complete and effective Record to optimise use of the VMS. TCC2 noted that CCMs are obliged to provide the Secretariat with information relating to any change in the information contained in their national records of fishing vessels authorised to fish on the high seas in the Convention Area within 15 days of any change in that information. Full compliance with that requirement would provide more accurate information about vessels active in the Convention Area. Some CCMs noted that once the Commission VMS is operational, the Commission will have more accurate information about vessels active in the Convention Area.

14. The USA noted that it had recently commissioned a study to examine the capacity of the WCPO longline and pole-and-line fleets, which have been actively fishing in the Convention Area over the past few years, to establish a basis for discussions on capacity.

15. TCC2 was informed that some CCMs authorise vessels to fish for 12-month periods, while others issue authorisation for periods ranging up to 6 years. Some CCMs considered that an annual authorisation was appropriate, while others made reference to the fact that the period of authorisation was based on their domestic legislation and was not important as long as information in the Record, with respect to authorisations, was kept current.

16. In response to advice from the Secretariat that many CCMs were not providing a WCPFC Identification Number (WIN) with the information submitted for the WCPFC Record of Fishing Vessels, and the difficulties this created in terms of vessels subsequently lacking a unique identifier, TCC2 urged CCM flag States to ensure a WIN was allocated to vessels that they authorise and that this information be relayed to the Secretariat at the earliest opportunity.

17. Japan noted that the Commission Vessel Record was critical to the MCS regime and that the Commission was experiencing difficulties with maintaining accurate information in the Record because of the lack of a statistical document programme, and that this linked directly with the Record in terms of authorisations to trade in tuna from the Convention Area.

18. TCC2 discussed the requirement to provide details of current bilateral and regional arrangements (as required in Conservation and Management Measure-2005-01), noting that the template prepared by the Secretariat provides a useful guide for the submission of this information before the third meeting of the Commission (Comm3) in December 2006.

19. The Secretariat introduced CCMs to a prototype of the Record database developed in MS Access. CCMs generally welcomed this development, observing that the possibility of using a national version of this database at the national level would assist in standardising the format for information managed in association with the Record, particularly in relation to Record updates. Some CCMs expressed concern that the introduction of the Secretariat's system would require refinement of existing national processes, but those CCMs stated that they would undertake efforts to integrate current national systems with the new database.

20. TCC2 agreed that as the reporting requirements continue to increase, it is important to try to and streamline the process as much as possible so that current reporting is not duplicated or missed. TCC2 noted that a list of reporting requirements and submission dates should be posted on the Commission website.

21. TCC2 discussed the format of Part 2 of the annual report. A small informal working group met to further discuss the issues that had been raised. The report of this group is appended as Attachment D.

### ***Recommendations and technical advice from the TCC to the Commission***

22. As a result of these deliberations, TCC2 recommended that:

- i) the revised draft template for Part 2 of the annual report (Attachment E) be adopted for future reports;

- ii) Part 2 of the annual report be completed on a calendar year basis and submitted to the Secretariat by 31 July each year;
- iii) the Commission invite the Scientific Committee to review Part 1 of the annual report in light of its relationship with Part 2, including its consistencies (such as reporting periods and submission times); and
- iv) the Secretariat be tasked with preparing guidelines, including minimum standards, for the completion of Part 2 of the annual report. These guidelines should be focused to ensure that a minimum level of consistency is achieved without being overly prescriptive.

23. TCC2 noted suggestions for refining the agenda for the Third Regular Session of the Technical and Compliance Committee (TCC3) in 2007 so that TCC might be given an opportunity to structure its discussions to address the priority MCS issues before the Commission, and provide advice and recommendations in response to requests from the Commission. It was agreed that the Secretariat would contact all CCMs in advance of the release of the TCC3 provisional agenda inviting CCMs to propose the structure and agenda items for the 2007 session of TCC.

### **Reports from CCMs**

24. Fifteen CCMs submitted Part 2 reports, and these were made available to TCC2. As the majority of these reports were received immediately prior to TCC2, it was not possible for the Secretariat to prepare an overview of them, or for TCC2 to discuss them in detail. The TCC encouraged those CCMs who had not yet submitted their 2006 Part 2 reports to do so before the end of October 2006.

## **AGENDA ITEM 4 — MEMBERS' COMPLIANCE REVIEW**

### **Development of compliance mechanisms and sanctions**

25. The Secretariat presented WCPFC-TCC2-2006/09, which outlines a process for monitoring, reviewing and reporting on compliance with the Convention, and the Decisions of the Commission. The paper included a proposed process for determining appropriate action in the event of non-compliance. The presentation reviewed the process in other regional fisheries management organisations (RFMOs) for monitoring compliance, noting that many RFMOs were currently reviewing and refining their procedures for monitoring compliance. While other RFMOs have well developed institutional structures for monitoring compliance, their respective processes and procedures for deterring non-compliance were still evolving.

26. Some CCMs questioned the ability of TCC2 to address this complex issue prior to the development of mechanisms to collect required data through elements of the MCS regime (e.g. the Commission VMS). They suggested that developing the elements of the MCS regime and encouraging all CCMs to meet all reporting requirements would make it easier to determine and verify whether non-compliance had occurred. It was noted that non-compliance could involve CCMs or vessels.

27. Several CCMs suggested non-compliance could only be assessed on a case-by-case basis. They further suggested that action in the event of non-compliance with conservation and management measures adopted by the Commission should be included in each measure at the time of its adoption by the Commission. Other CCMs encouraged TCC2 to give high priority to this important issue in order that the application of processes to address non-compliance can be applied equally and fairly to all CCMs and non-Members. Some CCMs further noted that a case-by-case approach to assessing infractions was a relatively easy and reactive approach.

28. TCC2 recognised that flag State responsibility prevails under international law and that flag States should be given the first opportunity to address non-compliance incidents.

29. It was noted that clearly defining infractions was important, particularly the severity of and appropriate responses to infractions. It was also noted that the Convention and the UN Fish Stocks Agreement provide a strong foundation for addressing issues such as the definition of serious violations. In addition it was noted that the proportionality of action taken (in relation to violations that had been committed) was important.

30. TCC2 agreed that Figure 1 in WCPFC-TCC2-2006/09 provided an appropriate starting point for developing the Commission's procedures for reviewing the activities of CCM and non-CMM fishing vessels in relation to their conformity with the provisions of the Convention, conservation and management measures adopted by the Commission, and other relevant decisions of the Commission. It was noted that until the Commission's MCS measures were more fully developed and implemented, the procedures would be operating with imperfect data and that it was critical to establish the mechanisms to gather the required data to monitor compliance. It was noted however, that a process is needed to evaluate the current data held by the Commission, and that as elements of the MCS measures are developed and implemented, procedures for monitoring compliance can be gradually refined and strengthened if necessary.

31. A small working group met to review Figure 1 in WCPFC-TCC2-2006/09.

### ***Recommendations and technical advice from the TCC to the Commission***

32. As a result of these deliberations, TCC2 recommended that the revised Figure 1 (Attachment F) be adopted as the Commission's procedures for monitoring and assessing compliance by CCM fishing vessels with Commission Conservation and Management measures.

## **AGENDA ITEM 5 — IMPLEMENTATION OF COOPERATIVE MEASURES FOR MONITORING, CONTROL, SURVEILLANCE AND ENFORCEMENT**

### **Authorisation to fish**

33. The Secretariat introduced WCPFC-TCC-2006/08, which relates to the implementation of Conservation and Management Measure-2004-01. The presentation noted that this measure meant that carrier and bunker vessels that are flagged to non-

CCMs cannot be licensed by CCMs. The immediate application of this measure had the potential to significantly disrupt the WCPO purse-seine fishery in particular, as a large number of carrier vessels providing transshipment services to WCPO purse seiners are flagged to non-CCMs.

34. The Secretariat recalled that the Commission Chair had written to CCMs in June 2006 (Circular 2006-03), proposing a temporary waiver of this requirement until the Commission had a chance to consider the advice of TCC2 on this matter at its third regular session in December 2006. To assist TCC2 provide the advice required, CCMs had been requested to provide a list of non-CCM flag vessels supporting the fishing operations of their fleets in the Convention Area. The Secretariat reported that two CCMs had responded to this request.

35. TCC2 noted the difficulty in making a recommendation without having detailed information on the numbers and flags of vessels involved in providing support services to legitimate CCM fleets in the Convention Area.

36. Because some CCMs, including all FFA members, agreed that the Commission is likely to avoid any increase in fishing capacity in the Convention Area, TCC2 recommended that non-CCM flag States, with vessels active in the Convention Area, be invited to become Cooperating non-Members (CNMs), but that restrictions should be placed on this CNM status, by only allowing those vessels that are currently operating as bunker or carrier vessels, be authorised on the Record.

#### ***Recommendations and technical advice from the TCC to the Commission***

37. As a result of these deliberations, TCC2:

- i) confirmed that only vessels flagged to CCMs may be licensed to operate in the WCPO;
- ii) agreed there should be no amendments to Conservation and Management Measure-2004-01;
- iii) agreed that the information requested on non-CCM flag bunker and carrier vessels be provided to the Secretariat by 1 November 2006 so that this information could be summarised and made available to Comm3;
- iv) only vessels on the lists submitted to Comm3 would be considered for any waiver that might be adopted by the Commission at Comm3;
- v) recommended a one-year phase-out period for those identified bunker and carrier vessels flagged to non-CCMs currently operating in the WCPO;
- vi) recommended that strict regulations be placed on these vessels during that one-year period; and
- vii) the Secretariat write to the flag States of these non-CCM vessels to inform them of the Commission's decision.

#### **Commission VMS**

38. The Secretariat introduced WCPFC-TCC2-2006/10, which discussed the progress on the implementation of the Commission VMS. Progress on the following three

elements of the VMS work programme was presented: 1) technical and cost feasibility assessment of the short-listed options for the Commission VMS as agreed at Comm2; 2) draft certification requirements for automatic location communicators (ALC); and 3) draft Commission rules and procedures for the release and use of VMS data.

39. The technical and cost assessment for two options for the implementation of the Commission VMS was undertaken through a consultancy awarded to the Marine Resources Assessment Group (MRAG), United Kingdom. The resulting report presented to TCC2 considered three options:

- i) two VMS with the FFA VMS forwarding relevant high-seas data to the Commission VMS (Option A);
- ii) two separate VMS (Commission VMS for the high seas in the Convention Area and the FFA VMS for FFA member EEZs) (Option B); and
- iii) a combined scenario that combines Options A and B, such that vessels operating on the high seas would have the option to transmit VMS data either through the FFA VMS to the Commission, or directly to the Commission.

40. There was extensive discussion regarding which of these three options CCMs preferred to recommend to the Commission for further detailed technical design specification. Several CCMs preferred Option B because of the flag State principle and the benefits of the Commission running its own VMS; furthermore, this option had the lowest estimated cost over a four-year period. Several other CCMs, including all FFA members, preferred the combined option (Option C) because of its added flexibility, giving vessels on the high seas the choice to report VMS data to the Commission either directly or via the FFA.

41. FFA members:

- i) indicated support for the combined option, in which vessels that report to the FFA VMS can choose to send their high seas data to the Commission directly or via the FFA VMS;
- ii) believed the Commission should engage a consultant to examine the technical requirements and complete a detailed system design for the combined option;
- iii) expressed concern about the assumptions of fishing effort levels used to derive estimates of VMS data load and suggests that the Secretariat make arrangements to ascertain accurate numbers of vessel operating in the Convention Area so as to assist in the development of an accurate cost recovery model; and
- iv) supported further work on information standards and security provisions consistent with the Ad Hoc Task Group-Data.

42. The Secretariat recalled the discussion under Agenda Item 3 (relating to the Record), which currently includes details of many vessels that may not be active in the WCPO. As a result, it added a detailed understanding of data loads for the Commission VMS that could only be broadly based on experience with existing systems such as that operated by FFA.

43. After further consideration, TCC2 agreed that a detailed technical specification and system design for the following Option C should be prepared. Under Option C, the

Commission would develop a stand-alone VMS as envisaged under Option B with the added capability that the system can accept VMS data forwarded from the FFA VMS. Vessels operating on the high seas in the Convention Area that are required to report VMS data to the Commission, may report those data via the FFA VMS if they want to. VMS data for vessels on the high seas are subject to the confidentiality rules of the Commission. High-seas data reported to the FFA VMS shall be forwarded automatically to the Commission VMS in as close to real-time as possible.

44. TCC2 was assured that Option C allowed the Commission to establish a VMS with the capability to automatically cease transmitting to the FFA VMS and begin transmitting to the Commission VMS when a vessel transits from an EEZ within which it must report to the FFA VMS to the high seas without changing any settings of ALCs onboard that vessel.

45. Japan made a statement for the record, as follows:

“In the early stages of the implementation of the Commission VMS, it is important to learn and utilise the experience of long established systems. However, we must remember the principle that high-seas data should only be forwarded to the Commission. Therefore, any data being routed through the FFA VMS should only be done so as an interim measure until the Commission VMS is well established, at which point all high-seas data should be sent directly to the Commission.”

46. Following the recommendation from TCC1 that Members provide comments on the draft specification for the use of ALCs, the Secretariat noted that due to the diversity of views received from several CCMs, a revised draft specification could not be developed. For this reason, the original draft (Annex E of the TCC1 Summary Record) was presented for discussion by TCC2.

47. TCC2, in noting the technical complexity of the draft ALC specifications, acknowledged the need for a "basic" framework document with relatively little technical detail. TCC2 established a small working group to draft a list of basic standards for ALCs used in the Commission VMS.

48. The small working group revised the original draft ALC specifications submitted to TCC1 to become the minimum standards for ALCs used in the Commission VMS. It was noted that the minimum standards document is not a type-approval specification and that all detailed specifications of ALCs are to be handled by CCMs and regional bodies, which will be accepted by the Commission providing they meet the agreed minimum standards.

49. TCC2 agreed to recommend the draft minimum ALC standards to the Commission.

50. TCC2 noted it was important that an overall framework be agreed on regarding development of the components of the VMS. TCC2 discussed the proposed framework presented by New Zealand in conjunction with a proposal by Japan, Korea, the Philippines, Chinese Taipei and China regarding a number of key elements they wanted included in the VMS. As a result of these discussions, TCC2 developed for the Secretariat a draft outline of components (Attachment G) as a basis for preparing a draft

Conservation and Management Measure. This would be circulated to CCMs by 17 November 2006 for subsequent consideration at Comm3.

### ***Recommendations and technical advice from the TCC to the Commission***

51. As a result of these deliberations, TCC2 provided the following advice and recommendations in relation to VMS:

- i) the Commission should develop a stand-alone VMS with the added capability of accepting VMS data forwarded from the FFA VMS. Vessels operating on the high seas in the Convention Area that are required to report VMS data to the Commission, will have the option to report those data via the FFA VMS; and
- ii) the Commission should adopt the draft minimum ALC standards appended as Attachment H.

### **Regional Observer Programme**

52. The Secretariat introduced paper WCPFC-TCC2-2006/11, which outlines the progress on the implementation of the Regional Observer Programme (ROP). The Secretariat reported on its efforts to recruit an Observer Programme Coordinator (OPC), noting that this post had been re-graded and would be re-advertised following TCC2, with the intention of making an appointment to the post before the end of 2006. In the absence of a Coordinator, the Secretariat had advertised internationally for expressions of interest from qualified individuals or firms to prepare a draft Programme Document for the ROP. MRAG was awarded the contract to undertake this assignment, which included presentation of the draft Programme Document to TCC2.

53. MRAG's presentation described the key elements of the programme, including objectives, coverage, institutional arrangements, science, technical and compliance related elements of the programme, and a draft implementation plan. It was noted that recommendations of the Second Regular Session of the Scientific Committee (SC2), which considered scientific elements of the ROP, had been incorporated in the draft Programme Document.

54. Key points discussed in subsequent discussion included:

- i) the development of the ROP should be guided by the principles outlined in Article 28 of the Convention;
- ii) 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;
- iii) the requirement for uniform standards for national and regional programmes contributing to the ROP. An assessment of standards in existing programmes will need to be undertaken in order to achieve this.
- iv) the need to ensure that observers are independent and impartial, in accordance with Article 28, noting that this requirement did not exclude national observers from operating on vessels of their flag State;
- v) the need to reduce costs of the ROP, given the existence of several observer programmes in the region;

- vi) the need to ensure cooperation and collaboration between the SC and the TCC to accommodate the two aspects of compliance and scientific data collection of the observers' role;
- vii) the need to consider issues associated with development and implementation of the ROP, such as size of vessels in relation to crew requirements, the type of fishery, and the logistics and costs involved in moving observers around the WCPO, particularly foreign observers, noting that these costs will be borne primarily by the industry; and
- viii) the need for an incremental approach to implementation, whereby target coverage rates and data quality standards for different components of the fishery are refined over an agreed time-frame. The time periods suggested were on the order of three to five years.

55. TCC2 agreed that the ROP should be based on existing national and sub-regional observer programmes, rather than establishing a full programme to be managed by the Secretariat. An exception to this could be the use of a small cadre of observers employed by the Commission Secretariat to address specific issues that arise, such as IUU fishing, training and certification. This cadre could also comprise experienced individuals from existing programmes, coordinated by Secretariat.

56. Some Members stated that a study should be conducted of all existing national and sub-regional observer programmes implemented by CCMs to identify the strengths and weaknesses of each programme. Programme strengths could then be used to develop the standards and benchmarks for the ROP.

57. TCC2 agreed that the standards and procedures for the ROP, such as access to observers, certification requirements for observers, achievement of Commission mandated observer coverage levels, and data collection requirements should be agreed on by the Commission. It was noted that certification of national and sub-regional observer programmes operating in the Convention Area was a key point in the successful implementation and maintenance of these standards, and would mitigate concerns regarding the use of national observers.

58. TCC2 discussed the need to ensure that all fisheries were, in principle, treated equally in terms the requirements to have observers onboard. TCC2 noted that observer coverage would not be the same across all fleets and all fisheries at all times, as observer coverage would be driven by data needs and required levels of precision.

59. In noting SC2's recommendations in relation to interim coverage levels, TCC2 noted that these coverage levels could be applied in the early stage of the ROP, within the framework of existing national and sub-regional programmes until more data become available with which to determine revised coverage and sampling requirements.

60. TCC2 noted the possibility of using alternative methods for gathering the types of data collected by observers. Japan advised TCC2 of trials it is undertaking of a mechanical observer system involving the placement of digital cameras onboard smaller vessels. Japan offered to provide TCC2 with periodic reports of this trial.

61. TCC2 also noted the importance of closer coordination between the TCC and the SC in the establishment of the objectives of the ROP.

62. TCC2 recommended the establishment of an inter-sessional working group (IWG-ROP) to expedite further development of the ROP, in conjunction with the employment of an Observer Programme Coordinator (OPC) by the Secretariat.

63. TCC2 recommended that the IWG-ROP be coordinated by the Commission's Observer Programme Coordinator through the WCFPC Executive Director.

64. Participation in the IWG-ROP should be open to all CCMs. To facilitate its work, the WCFPC Executive Director, in consultation with the TCC and SC Chairs, should establish points of contact among CCMs that wish to participate in the IWG-ROP. Should it be necessary to convene an inter-sessional meeting of the IWG-ROP, consideration should be given to minimizing costs by arranging it in association with another meeting that involves appropriate representation from CCMs. The 2007 budget for the Commission's approval would include US\$ 55,000 to support such a meeting, should it be required.

65. TCC2 agreed that while the work of the IWG-ROP was continuing, it was important for CCMs to maintain momentum on the issue by continuing their participation in national or regional observer programmes, and by encouraging those programmes to improve their standards and procedures in anticipation of the full implementation of the ROP within its time frames.

66. TCC2 noted a request from the Philippines for assistance with establishing a national observer programme in terms of guidance and advice that would facilitate its certification under the ROP.

67. Following discussions throughout the meeting, FFA members presented a detailed statement regarding their understanding of how the ROP will work at a higher level. This statement is appended as Attachment I. FFA members invited considered comments from CCMs in the inter-sessional period prior to Comm3.

68. FFA members and a number of other CCMs recommended that the Commission consider the future development of a Conservation and Management Measure as a basis for the establishment of the ROP.

### ***Recommendations and technical advice from the TCC to the Commission***

69. As a result of these deliberations, TCC2 recommended that:

- i) an inter-sessional working group (IWG-ROP) be established to expedite further development of the ROP, in conjunction with the employment of an Observer Programme Coordinator (OPC) by the Secretariat. Draft terms of reference for the IWG-ROP are appended as Attachment J; and
- ii) the Commission task TCC3 with developing a Conservation and Management Measure for the establishment of the ROP.

### **High seas boarding and inspection procedures**

70. The Secretariat introduced WCPFC-TCC2-2006/12, which reviews the work to date on the Commission's high seas boarding and inspection procedures. The paper noted that several iterations of these procedures had been developed under the guidance of Mr Bill Gibbons-Fly (USA), who had chaired an inter-sessional working group to progress

the procedures. TCC2 noted that progress on this issue was critical given the Comm2 decision not to apply the boarding and inspection provisions of the Agreement until the issue was resolved at Comm3. The Chairman invited Mr Gibbons-Fly to facilitate further discussion of the outstanding matters by TCC2.

71. Meeting in three separate sessions during the course of TCC2, the working group achieved considerable progress in advancing the draft boarding and inspection procedures. At the conclusion of its work, the working group presented to TCC2 a draft text in which there was broad agreement, with the exception of three specific issues. In this regard, the working group noted that further consideration would be required to reach a consensus on paragraph 27, relating to the use of force; paragraph 36, in particular subparagraphs (k) and (l), relating to serious violations; and paragraphs 45 to 47, relating to the participation of fishing entities. With respect to this latter issue, the use of the term “Member” throughout the text should be considered provisional, pending final resolution of this matter. It was noted that other paragraphs were also open at the Commission level although substantive discussion had ended.

72. TCC2 thanked the working group for its efforts and agreed to forward the draft to Comm3, noting that the remaining outstanding issues would require further consideration at the Commission level.

#### ***Recommendations and technical advice from the TCC to the Commission***

73. As a result of these deliberations, TCC2 recommended that the Commission consider the draft boarding and inspection procedures appended as Attachment K, with a view to resolving the outstanding issues so that the procedures may be adopted by the Commission.

#### **Port State measures**

74. The Secretariat introduced WCPFC-TCC2-2006/13, which relates to port State measures, and reported on progress with implementation of the TCC1 recommendation on this issue.

75. TCC2 noted that port State measures are a critical component of an MCS regime and one of the most effective methods of monitoring fish catches and movements. Some CCMs also noted that the FAO Model Scheme<sup>1</sup> should be the basis of the required elements of a Commission scheme. FFA members also noted the need to avoid any undue burden or disproportionate costs being imposed on developing countries from the implementation of the Commission’s harmonised port State standards. Some CCMs, including FFA members, stated that harmonised port State standards agreed on by the Commission would be minimum standards for CCMs to apply in their ports and that any CCM could implement stricter requirements if they wanted to.

76. TCC2 noted that the Secretariat had been unable to progress the recommendation of TCC1 to undertake a comparison of the existing port State schemes in CCMs against the FAO Model Scheme as only five CCMs had provided the information necessary for the analysis.

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<sup>1</sup> 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.

77. TCC2 requested that all CCMs provide outstanding information on existing port State and/or port inspection schemes to the Secretariat by 1 February 2007 to allow the Secretariat to develop draft harmonised port State standards to be discussed at TCC3.

### **Transshipment monitoring**

78. The Secretariat presented WCPFC-TCC2-2006/14, which recalled the Comm2 decision to include the development of a procedure for verifying transshipment, including for distant water longline and other vessels, in the 2007 work programme for the TCC. Australia, Japan and the Philippines had subsequently prepared separate proposals on draft measures governing transshipment, and these proposals were made available to TCC2.

79. Some CCMs, including FFA members, noted that regulation of transshipment in port is governed by the national law of the coastal State concerned, and that the role of the Commission is related to verification of transshipment data. TCC2 reiterated its understanding that measures governing transshipment should be consistent with the definition of transshipment in Article 1 of the Convention. FFA members also informed TCC2 that since 1993, FFA members have prohibited transshipment at sea by foreign fishing vessels except group seiners. It also considered that a high degree of importance should be assigned to finalising measures governing transshipment as soon as possible because without it the conservation and management measures and decisions of the Commission will be undermined through illegal, unreported and unregulated (IUU) fishing.

80. TCC2 was advised that the practice by other RFMOs provided exemptions from the prohibition on transshipment at sea for troll, pole-and-line, and fresh fish vessels, and that some CCMs would support similar exemptions in the Convention Area. The issue of transshipment of fish taken in the Convention Area — but transhipped outside the Convention Area — and the proposal to remove an authorisation to fish on the basis of an observer's report of an apparent transshipment violation, were also matters requiring clarification in the final procedures for transshipment verification adopted by the Commission.

81. TCC2 noted that there had been insufficient time for detailed consideration of the three transshipment proposals and requested the Secretariat to produce a harmonised version for consideration by TCC3. TCC2 noted that this decision was made in light of the high priority it had assigned to development of the VMS and the ROP.

82. TCC2 also noted that Comm2 had granted a 12-month exemption to the Philippines and FFA members regarding existing at-sea transshipment activities, until transshipment guidelines could be adopted at Comm4. In light of TCC2's decision to progress the transshipment guidelines inter-sessionally, TCC2 agreed to recommend to the Commission that the exemption be extended for a further 12 months.

### ***Recommendations and technical advice from the TCC to the Commission***

83. As a result of these deliberations, TCC2 recommended that the exemption granted to the Philippines and FFA members be extended for a further 12 months, until the Commission considers the adoption of transshipment guidelines at its Fourth Annual Session.

## **Charter arrangements scheme**

84. The Secretariat presented WCPFC-TCC2-2006/15, which identifies several issues requiring consideration in developing a charter arrangements scheme. The issues discussed were the need to satisfy the economic requirements of some CCMs who rely on charters, concerns that unregulated use of charters may result in an increase or transfer of effort, and the need to ensure that charters do not create a loophole for IUU fishing and excessive fishing capacity in the Convention Area.

85. Japan introduced its proposed charter arrangements scheme, noting it was based on the International Commission for the Conservation of Atlantic Tunas (ICCAT)-adopted charter arrangements scheme and that it was in some areas, similar to the Secretariat's proposal. Japan noted the following key elements of its proposal:

- i) the scheme does not apply to bare-boat charters;
- ii) only vessels flagged to CCMs are available for charter and only Members can charter vessels to operate in the Convention Area;
- iii) charter vessels are not permitted to fish on the high seas;
- iv) both chartering and flag CCMs shall ensure compliance with relevant Commission conservation and management measures and international law;
- v) all catch from a charter vessel should be attributed to the quota or catch of the chartering CCM rather than the flag CCM and should be separately recorded by both flag and chartering CCM;
- vi) charter vessels should be recorded on the WCPFC Record of Fishing Vessels;
- vii) charter vessels should not be entitled to any rights granted by the Commission of the flag CCM;
- viii) landing of catch from charter vessels should be exclusively in ports of the chartering CCM or be under direct supervision of that CCM to ensure compliance;
- ix) the data to be provided to the Commission by chartering Members and the flag CCM are specified; and
- x) finished charters should be reported to the Commission via the TCC, and the Commission should review the activities of the charter.

86. FFA members noted several key points for charter arrangements in general, as follows:

- i) charter schemes are important in the context of domestic fisheries for FFA members, noting that in some circumstances, FFA members were in long term chartering partnerships with other CCMs. As such, the charter arrangements scheme should be developed in a way consistent with Article 30;
- ii) charter arrangements should not be used to promote IUU fishing or undermine the conservation and management measure of the Commission;

- iii) there should be no ambiguity regarding responsibility for compliance of the charter vessel; and
- iv) support for the Secretariat draft proposal, noting it facilitated processing of catch within the Convention Area.

87. TCC2 agreed that the issue of charter arrangements was complicated. Some Members noted that the scheme should be kept as simple as possible. TCC2 noted there were several key issues associated with charter arrangements schemes, particularly with regards to which CCM has responsibility for ensuring compliance by charter vessels; the area in which charter vessels can operate and whether this should be restricted to the charter CCM's exclusive economic zone; where any catch by charter vessels would be attributed; the need to consider the aspirations of small island developing States; and the need to control IUU fishing.

88. TCC2 noted a key issue related to the responsibility for compliance by charter vessels. Japan noted that monitoring fishing activity on the high seas is exclusively the responsibility of the flag State according to the FAO Compliance Agreement, and the idea of a charter CCM monitoring a charter vessel on the high seas required a thorough legal review.

89. TCC2 also noted that another key issue was Japan's proposal to limit charter vessels to operating only in the exclusive economic zones of the chartering CCM to then require and facilitate effective management by charter CCMs. Several CCMs, including FFA members, disagreed with this proposal, believing the implementation of this element was in contravention of Article 30 of the Convention and thereby prejudicing the rights of small island States to develop their domestic fisheries.

90. TCC2 queried where the catch of charter vessels would be attributed and the impact of this attribution on Commission membership fees, noting that developing CCMs qualified for a discount for the catch of vessels flying their flag taken within waters under national jurisdiction in relation to the assessment of annual contributions to the Commission's budget.

91. Japan invited comments on its proposal over the next month so that a revised draft could be provided for Comm3's consideration in December.

92. TCC2 noted that although agreement on this issue had not been achieved, there had been extensive discussions and the item would be discussed further when other elements of the MCS regime had been implemented, such as the VMS and the ROP.

### **Options for catch and trade documentation, with a focus on bigeye tuna**

93. The Secretariat introduced discussion on this item by outlining previous discussions held by the Commission on the issue. The presentation noted that Comm2 had not reached agreement on any aspect of a catch documentation scheme and had requested interested Members to progress the issue inter-sessionally.

94. Japan introduced a delegation paper (WCPFC-TCC2-2006/DP04) that proposed a statistical documentation scheme accompanied by an explanatory note. This note

explained that the immediate need for a statistical documentation scheme, rather than a catch documentation scheme was due to the lack of a catch limit and corresponding allocation system in the WCPO, and the use of a statistical document in targeting IUU fishing activities. Japan expressed its view that the WCPO will be abused by IUU fishing without this scheme. Japan also indicated that, at this stage, a catch documentation scheme would be too onerous for CCMs, particularly small island developing States, due to the amount of transaction costs and information required without any concrete basis.

95. Several CCMs supported the introduction of the scheme in terms of its consistency and coverage. Some other CCMs noted that it should be more comprehensive and should cover all catch entering domestic as well as international markets in order to identify all aspects of the market chain, and not just the end product. FFA members suggested that the statistical document scheme proposal did not address all aspects of Comm2's decision.

96. FFA noted that it was preparing a proposal for a catch documentation scheme and would be submitting that proposal for consideration at Comm3. FFA indicated that it intended to consult with other CCMs, including Japan, as it finalised its proposal. FFA members also looked forward to the opportunity to exchange views on this matter at the joint RFMO meeting scheduled for Kobe, Japan in January 2007.

97. Japan advised that it was willing to receive any comments and suggestions on its proposal, but noted that since Comm2 in 2005, it had not received any comments.

#### **IUU vessel lists**

98. The European Union presented WCPFC-TCC2-2006/DP02, which outlines a proposal for a conservation and management measure to establish a list of vessels presumed to have carried out illegal, unreported and unregulated (IUU) fishing activities in the WCPO. The list would also permit port States to ban catch landings from those vessels. The proposal is similar to the proposal which was discussed by IATTC at its meeting in June 2006.

99. There was strong support for the proposal, but some CCMs noted that the definition outlined in the proposal deviated from the International Plan of Action on IUU Fishing. TCC2 also noted that there were some concerns relating to the timing of meetings and decision-making processes that needed to be refined.

100. In supporting the proposal from the European Union, some delegations highlighted the importance of detailed procedures and criteria for establishing such negative lists so as to ensure due process prior to taking any action that would prohibit entry into their markets of fish caught by such vessels included on such a list.

101. TCC2 agreed that the European Union should work with other interested CCMs to refine the proposal over the next month and the proposal should be presented to Comm3 for its consideration.

## **AGENDA ITEM 6 — ADVICE ON MEASURES REQUESTED BY THE COMMISSION**

102. The Secretariat presented WCPFC-TCC2-2006/16, which addresses specific issues identified by each meeting of the Commission and its subsidiary bodies held to date for the following issues: catch mitigation measures for juvenile bigeye and yellowfin tuna (JBYT) taken around FADs; mitigation measures for incidental catch of seabirds; and the use of circle hook gear technology in longline fisheries as part of turtle bycatch mitigation measures.

### **Exploration and evaluation of catch mitigation measures for juvenile bigeye and yellowfin taken around FADs**

103. TCC2 discussed the further exploration and evaluation of technical issues associated with the implementation of mitigation measures for JBYT around FADs, including advice for cooperation with other RFMOs.

104. With respect to specific advice on catch mitigation measures for JBYT taken around FADs, the Secretariat also outlined research being undertaken elsewhere on the behaviour of JBYT in association with FADs.

105. FFA members noted the need to consider the function of the TCC, which was to provide technical information to assist the Commission in considering conservation and management measures. FFA members also considered that the TCC should consider the distinction between resolutions, and conservation and management measures, noting that the latter are binding, and that perhaps the TCC should focus its efforts on binding measures.

106. TCC2 noted that more information regarding behavioural characteristics of JBYT was required in assessing bycatch mitigation measures and the difficulty in enforcing any mitigation measures associated with bycatch on FADs without high observer coverage in place.

107. TCC2 agreed that maintaining dialogue with other RFMOs regarding JBYT bycatch mitigation measures was very important for ensuring a global perspective in terms of management measures, noting the global nature of the tuna fleet. TCC2 also considered that the need to involve stakeholders was essential, particularly in the absence of any compliance measures.

108. TCC2 supported considering the inclusion of shipboard/observer/port sampling to assist with better characterisation of JBYT catch for each element of the fishery (Indonesia, Philippines, FADs, school, high seas, coastal States) in developing future observer programmes. Some Members suggested that it may be useful to also encourage existing operators to develop sampling protocols to collect similar information.

109. TCC2 agreed that the Secretariat and CCMs should enter into dialogue with other RFMOs on JBYT bycatch mitigation measures and report back annually to the TCC to enable TCC to further consider advice on these measures to the Commission.

### ***Recommendations and technical advice from the TCC to the Commission***

110. As a result of these deliberations, TCC2 recommended that:

- i) the issue of shipboard/observer/port sampling to assist with better characterisation of JBYT catch for each element of the fishery (Indonesia, Philippines, FADs, school, high seas, coastal States) be considered in developing future observer programmes and that observers collect information on other characteristics of the bigeye and yellowfin fisheries and operations that are associated with higher catches of JBYT; and
- ii) the Commission note TCC2's discussion of the important role of the VMS and ROP in managing bycatch mitigation.

**Exploration and evaluation of mitigation measures for incidental catch of seabirds, including those applied and tested by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)**

111. The Secretariat presented the SC2 recommendations relating to mitigation measures for seabird bycatch, noting there is no single measure to mitigate seabird bycatch across all fisheries and that several methods are required.

112. TCC2 discussed the technical issues associated with measures for the mitigation of the incidental catch of seabirds, noting the advice from SC2 on this issue.

113. FFA members noted that consideration should be given to upgrading the non-binding resolution (Resolution-2005-01) agreed on by Comm2 to a binding conservation and management measure.

114. In recognition of the need for the TCC to work further in light of its mandate on this matter, a small working group was called to consider the technical specifications of the mitigation measures recommended by the SC, noting the offers of Australia, New Zealand, other FFA members, and the USA to provide the technical specifications for mitigation measures implemented in their domestic fisheries. The group will be coordinated by Australia, which recommended that interested CCMs could provide information on what mitigation measures they currently use and any relevant technical specifications. Based on this information, the group will work inter-sessionally to provide information to the Commission, as a paper by the Members.

**Exploration and evaluation of the use of circle hook gear technology in longline fisheries as part of turtle bycatch mitigation measures**

115. TCC2 discussed research, trials and measures relating to the implementation of circle hooks to mitigate the bycatch of sea turtles in longline fisheries, and considered strategies to support research and promote efforts to implement measures that mitigate the impact of fishing for highly migratory fish species on sea turtles for further consideration by Comm3.

116. TCC2 noted that only four CCMs — Australia, Japan, Korea and the USA — provided a report to the TCC regarding their efforts to implement the sea turtle bycatch resolution.

117. TCC2 noted the need for further research on the effectiveness of circle hooks in mitigating sea turtle bycatch, noting some preliminary research had reported a significant decrease in bycatch and in the catch of target species, while other studies reported

reductions in bycatch while maintaining target species catch rates. TCC2 endorsed the SC2 recommendation to establish a research programme and encouraged CCMs to continue their own research on the issue.

## **AGENDA ITEM 7 — FUTURE WORK PROGRAMME**

### **2007 work programme**

118. The Secretariat presented WCPFC-TCC2-2006/23, which details a draft work programme and budget for the TCC for 2007–2011.

119. FFA members noted that the discussion at the start of the meeting regarding MCS priorities for TCC2 had been very useful in clarifying where the immediate and future priorities are in terms of the work programme and budget. FFA members suggested that the work programme be restructured to outline the three functions of the TCC identified in the Convention, and that priorities and activities be allocated across the functions as appropriate. FFA members also suggested that timeframes for completion of each priority should be included

120. Some CCMs questioned some elements of the budget, noting the allocation of funds to certain priorities was dependent on the decisions of the Commission. These CCMs requested that an explanatory note accompany the budget and work programme to provide a basis for projected financial needs. The Secretariat responded that this would be done for the Commission meeting in Apia.

121. Other CCMs noted that it was very important for TCC2 to ensure it allocated sufficient funds to enable identified priorities to be progressed. These CCMs also noted that if a surplus exists in the budget at the end of next year, this would be taken into account in the formulation of the following year's budget.

### ***Recommendations and technical advice from the TCC to the Commission***

122. As a result of these deliberations, TCC2 recommended the draft 2007 work programme and its indicative budget (Attachment L) to the Commission, requesting the Secretariat develop an explanatory note to accompany the programme for consideration and approval by the Commission.

## **AGENDA ITEM 8 — OTHER MATTERS**

### **Cooperation with other organisations**

123. The Secretariat presented WCPFC-TCC2-2006/17, which outlines a summary of the status of relations with other organisations. The Secretariat invited written comments on any of the draft memoranda of understanding to be provided to the Secretariat for inclusion with the submission to the Commission in December.

124. The Secretariat noted the draft MOU between the WCPFC and the IATTC had already been agreed on at the IATTC annual session in June 2006, and that discussions had already begun with the IATTC Secretariat on how to operationalise the MOU in terms of harmonising the conservation and management measures of the two organisations, developing processes for data and information exchange and promoting

collaborative research programmes. French Polynesia noted that the relationship between the IATTC and the WCPFC was of particular interest to it because French Polynesia's EEZ lies within the Convention Area of both organisations. The Commission was scheduled to consider the MOU at Comm3.

125. The Secretariat requested suggestions be forwarded to it regarding issues that CCMs would like the Secretariat to take up on behalf of the WCPFC at the joint tuna RFMO meeting in Japan in January.

### **Consideration of the report of the Ad Hoc Task Group-Data**

126. The Chair of the Ad Hoc Task Group-Data (AHTG-Data), Mr Kim Duckworth (New Zealand), presented an overview of the Summary Report of the meeting of the Group at Manila, Philippines in August 2006. TCC2 recalled that the AHTG-Data had been established by the Commission to review the types of data to be managed by the Commission and to develop draft rules and procedures for the security and dissemination of that data. The AHTG-Data was scheduled to report to Comm3 and that, prior to finalisation of the report for the Commission, the AHTG-Data had recommended that both the SC and the TCC be offered an opportunity to review its work.

127. TCC2 noted the valuable work of the AHTG-Data, recognising that this group reports directly to the Commission for its review and final decision. Because of this procedural point, TCC2 did not conduct further consideration on the paper in detail. It was agreed that if CCMs had any particular comments on the report that they should communicate them to the Secretariat through their TCC representative by 27 October 2006.

### **Requirements of developing States**

128. Niue, on behalf of FFA members, noted that Comm2 was informed that FFA would prepare a strategy to guide the capacity building work of the Commission to be supported by the Special Requirements Fund. Niue advised that the strategy was currently being prepared a consultant contracted by the FFA Secretariat and would be discussed at the FFA Management Options Workshop this month, prior to submission to the Commission for consideration and adoption at Comm3.

129. The USA advised that it had made a donation of US\$ 55,000 to the Special Requirements Fund over the past week.

130. Japan noted that following announcement of its donation of US\$ 2.2 million last year, it welcomed the FFA capacity building strategy, and encouraged small island developing States (SIDS) to work with the Commission and Japan to implement projects to improve the ability of SIDS to participate in the activities of the Commission.

131. TCC2 thanked the USA for its new contribution and reaffirmed its gratitude to Japan for its donation.

### **Election of Chair**

132. In accordance with Rule 8 of the Commission Rules of Procedure, the current Chair of the TCC, Mr Apolosi Turaganivalu, announced his intention to step down at the end of his term at Comm3.

133. TCC2 thanked the Chair for his contribution to the work of the TCC over its first two years of operation, noting his guidance has been instrumental in the progress of TCC2.

134. TCC2 recommended that the issue of a new Chair be held over for consideration at Comm3.

135. TCC2 noted that the term of the Vice-Chair had also expired and that in the absence of the current Vice-Chair, Mr Wendell Sandford of Canada, the recommendation to re-elect or appoint a new Vice-Chair should be deferred until Comm3.

### **Rules of Procedure**

136. The Secretariat presented draft rules of procedures for subsidiary bodies of the Commission in WCPFC-TCC2-2006/19, in accordance with Rule 31 of the Rules of Procedure of the Commission.

137. TCC2 agreed that consideration of the Rules of Procedure should be deferred until TCC3, due to time constraints experienced at TCC2.

### **Other business**

#### ***Process for considering applications for membership or cooperating non-Member status***

138. In accordance with Rule 3 of the Commission Rules of Procedure, TCC2 discussed other matters that had been submitted 30 days prior to the meeting. This included reviewing the process by which applications for the status of cooperating non-Member or Member are considered.

139. The Secretariat presented WCPFC-TCC2-2006/22, which outlines the two applications for renewal for cooperating non-Member status, and the application for membership received from Senegal, and requested TCC2 to identify whether it had a role in considering the application for cooperating non-Members and membership.

140. TCC2 considered the nature and extent of its role in reviewing applications for cooperating non-Member status or membership.

#### ***Meeting arrangements***

141. TCC2 noted a number of issues raised by Japan:

- i) the submission of proposals to the meeting should be at least one week, preferably one month, before the meeting. Meeting documents should be 20 pages or less. If papers exceed 20 pages, then they should be submitted one month in advance of the meeting;
- ii) one copy of all meeting documents produced during a meeting should be placed in each CCMs' pigeon hole;
- iii) seating can be problematic in terms of visibility; and
- iv) future meetings should consider the election of a rapporteur.

**Next meeting**

142. TCC2 recommended that its Third Regular Session be convened from 27 September–2 October 2007 at Pohnpei, Federated States of Micronesia.

**AGENDA ITEM 9 — REPORT TO THE COMMISSION**

143. The Report of TCC2 was adopted by consensus for forwarding to Comm3.

**AGENDA ITEM 10 — CLOSE OF MEETING**

144. The Chair closed the meeting by thanking all delegations, observers and the Secretariat for their hard work and contribution to a productive Second Session of the Technical and Compliance Committee.



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

**Technical and Compliance Committee  
Second Regular Session**

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Brisbane, Australia**

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**ATTACHMENTS**

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