



**COMMISSION**  
**ELEVENTH REGULAR SESSION**  
Faleata Sports Complex, Apia, SAMOA  
1 - 5 December 2014

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**AD HOC TASK GROUP DATA – OUTSTANDING MATTERS**

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**WCPFC11-2014-IP09**  
**5 November 2014**

**Paper by Secretariat**

**Background**

1. At WCPFC4 the Commission adopted the Rules and Procedures for Protection, Access to, and Dissemination of data compiled by the Commission (Data RaP). These rules and procedures were based on the original outcomes from the work of the AHTG[data] which met in July 2006.
2. The terms of reference for the AHTG[data] was tabled at WCPFC5 by the AHTG[data] Chair in WCPFC5-2008/17. A copy of these terms of reference are included on the next page.
3. The Ad-hoc task group on Data (AHTG-Data) last met in the margins of WCPFC9, and focused on data access issues associated with chartering arrangements (WCPFC9-2012-36). The agreed outcome from WCPFC9 was **“WCPFC9 tasked the AHTG-Data to continue to work intersessionally on procedures to facilitate chartering CCMs access to WCPFC data.”**
4. CCMs were reminded in Circular No. 2013/07 to submit comments to the then AHTG[Data] Chair by 31 May 2013, as per agreed at WCPFC9. Circular No. 2013/46 advised CCMs of a response received from Japan and the need to appoint a new chair for this task. Japan’s response was posted on the CCM side of the WCPFC website, AHTG-Data page on 31 May 2013, and is attached.
5. At WCPFC10 the Chair called for nominations for a Chair of the AHTG-Data but none were forthcoming.

**Next steps**

6. The Commission is invited to nominate a Chair of the AHTG-Data, and then confirm its future programme of work.

## **Ad Hoc Task Group [Data]**

### **Terms of Reference**

1. The Ad Hoc Task Group [Data] (AHTG [Data]) will principally work electronically.
2. The AHTG [Data] may meet physically, from time to time, at a time and place to be agreed by the Commission. Such decisions may be made inter-sessionally in accordance with the Rules of Procedure of the Commission.
3. Physical meetings of the AHTG [Data] will normally be associated with sessions of the Commission, its subsidiary bodies or meetings of other bodies established by the Commission.
4. The tasks of the AHTG [Data] include, *inter alia*:
  - a. To provide the Commission with advice and recommendations in relation to, *inter alia*, the implementation of the Commission's *Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission*;
  - b. To liaise on data-related matters with other data-related initiatives of the Commission such as the Scientific Committee's Statistics Specialist Working Group, the VMS Technical Working Group (VMS TWG) and the Inter-sessional Working Group for the Regional Observer Programme (IWG-ROP);
- c. As priority tasks for 2008:
  - i. draft rules and procedures for access to and dissemination of non-public domain data associated with compliance and enforcement activities on the high seas, for consideration and adoption by the Commission (as proposed at paragraph 23 of the *Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission*); and
  - ii. in consultation with the VMS TWG, ensure the rules and procedures developed in respect of paragraph 23 of the *Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission* include rules for making VMS data available for scientific purposes.
5. The Commission may revise the tasks listed above at paragraph 4 from time to time.
6. The AHTG [Data] will report on its work to the Commission and its subsidiary bodies.



**COMMISSION  
NINTH REGULAR SESSION**  
Manila, Philippines  
2-6 December 2012

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**Report of the AHTG**

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**WCPFC9-2012-36**  
**6 December 2012**  
1430hrs

**Report of the AHTG-[Data]  
Informal meeting in the margin of WCPFC 9**

- The AHTG-Data met in the margins of WCPFC 9 with the task to work on developing rules for access by chartering States to data. RMI's proposal set out in Working paper WCPFC9-2012-31 was the basis for the discussion.
- There were two proposed amendments to the 2007 Rules and Procedures (2007 RoP) namely an insertion of new paragraphs 5 (c bis) and 19 (c bis), and one proposed amendment to the 2009 Rules and Procedures 2009 RoP), which is a corresponding amendment to paragraph 13.
- The language in Attachment 1 reflects the majority views thus far. Some CCMs stated that they need further consultation and would like the opportunity to take this back home and provide comments back inter-sessionally.
- A proposed workplan is as follows:
  - CCMs respond back to the propose changes in the rules (contained in Attachment 1) by May 31, 2013.
  - Chair collates views and circulates revise draft by July 31, 2013.
  - Chair present the draft to TCC with a view to putting together a agreed proposal.
  - Chair reports to WCPFC 10 about the outcomes of the work of the AHTG.

**The AHTG-Data recommends to WCPFC 9 that it continues its work inter-sessionally on the right of chartering States to access data.**

## Attachment 1

### **Possible amendments to 2007 Data Access Rules and Procedures to create a new general rule related to access by chartering members and territories:**

5. CCMs shall have access to data to serve the purposes of the Convention, including data:

(c bis) covering vessels which operate under charter, lease or other similar mechanisms for the purpose of conducting fishing operations in the Convention Area which are notified under the Conservation and Management Measure for the Charter Notification Scheme or its replacement measure.

19. CCMs shall have access to Non-Public Domain data to serve the purposes of the Convention, including data:

(c bis) covering vessels which operate under charter, lease or other similar mechanisms for the purpose of conducting fishing operations in the Convention Area which are notified under the Conservation and Management Measure for the Charter Notification Scheme or its replacement measure.

### **Possible amendments to 2009 High Seas Data Access Rules and Procedures to include a general rule related to chartering members and territories:**

13. Authorized MCS Entities and Personnel may request and shall receive data covered by these Rules and Procedures for (i) vessels that fish in waters under their jurisdiction, ~~and~~ (ii) vessels applying to fish in their national waters, unload in their ports or tranship within waters under their jurisdiction, or (iii) vessels which do operate, under charter, lease or other similar mechanisms for the purpose of conducting fishing operations in the Convention Area which are notified under the Conservation and Management Measure for the Charter Notification Scheme or its replacement measure, except where paragraph 24 is applicable.

Japan suggestion for AHTG-data (Circular 2013/07)

5. CCMs shall have access to data to serve the purposes of the Convention, including data: (c bis) covering vessels which operate under charter, lease or other similar mechanisms for the purpose of conducting fishing operations in the Convention Area which are notified under the Conservation and Management Measure for the Charter Notification Scheme or its replacement measure for the period of the charter, lease or other similar mechanisms.

19. CCMs shall have access to Non-Public Domain data to serve the purposes of the Convention, including data:

(c bis) covering vessels which operate under charter, lease or other similar mechanisms for the purpose of conducting fishing operations in the Convention Area which are notified under the Conservation and Management Measure for the Charter Notification Scheme or its replacement measure for the period of the charter, lease or other similar mechanisms.

**Possible amendments to 2009 High Seas Data Access Rules and Procedures to include a general rule related to chartering members and territories:**

13. Authorized MCS Entities and Personnel may request and shall receive data covered by these Rules and Procedures for (i) vessels that fish in waters under their jurisdiction, and (ii) vessels applying to fish in their national waters, unload in their ports or tranship within waters under their jurisdiction, or (iii) vessels which do operate, under charter, lease or other similar mechanisms for the purpose of conducting fishing operations in the Convention Area which are notified under the Conservation and Management Measure for the Charter Notification Scheme or its replacement measure for the period of the charter, lease or other similar mechanisms, except where paragraph 24 is applicable