



**TECHNICAL AND COMPLIANCE COMMITTEE  
Fifteenth Regular Session  
25 September – 1 October 2019  
Pohnpei, Federated States of Micronesia**

**OUTCOMES DOCUMENT - AGREED**

**TCC15-2019-outcomes  
1 October 2019 –3.20pm**

**Agenda Item 1.2 Agenda**

1. The agenda was adopted. (**Attachment x**).

**Agenda Item 2 Report of the Executive Director**

2. TCC15 noted the Annual Report of the Executive Director that provided an overview report of the MCS and Compliance programmes (**TCC15-2019-05**).

**Agenda Item 3 IUU Vessel List**

3. TCC15 recommended to WCPFC16 that the three fishing vessels **NEPTUNE, FU LIEN No.1** and **YU FONG 168** currently on the WCPFC IUU Vessel List in 2019 to remain on that list for 2020.
4. TCC15 recommended that the Commission tasks the Executive Director to:
- seek the former flag States' cooperation to provide any information on these vessels, including their respective masters' names and nationalities;
  - write to all CCMs to provide information to the Commission if they are located, or if there are any known changes to name, flag or registered owner, including any action that port States have taken such as denial of port entry and services to those vessels or any information from cannery States of any landings made by these vessels;
  - write a letter to other RFMOs conveying this same message for cooperation to locate these vessels;
  - ensure that any information received from the ED is promptly reported to all CCMs; and
  - Inform all CCMs of the outcomes of the above prior to TCC16.

5. TCC15 tasked the Executive Director to ensure that details on name and nationality of master and beneficial owners are captured for any future listings on the WCPFC IUU Vessel List.
6. TCC15 recommended that WCPFC16 considers amending the current CMM (CMM 2010-06) in order to adopt a measure that would allow for cross listing vessels on the IUU Vessel Lists of other RFMOs into the WCPFC IUU Vessels List in order to strengthen the fight against IUU fishing.

#### **Agenda Item 4      CNM Requests**

7. TCC15 noted that there were a total of 8 applications received, majority of which are requesting for renewal of CNM status for 2020, thus assessing these applications against CMM 2009-11 is crucial for the SWG to determine whether CNM applicants have satisfied the requirements set out therein, in particular paragraphs 2, 3 and 11.
8. TCC15 reviewed the following CNM applications and will be forwarding them to WCPFC16 for consideration: **Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, Vietnam and Curacao**. All applications were for renewal status, except for Curacao who submitted an application for the first time this year.
9. TCC15 noted with appreciation the participation and cooperation of the representatives present at TCC15 CNM SWG: Ecuador, El Salvador, Panama, Vietnam and Thailand. These CNMs were able to provide additional information to clarify and respond to questions raised in the SWG concerning their applications. Ecuador, Vietnam and El Salvador reiterated their interest in becoming full members of the Commission.
10. TCC15 noted and acknowledged Ecuador, El Salvador, Liberia, Thailand, Nicaragua, Panama and Vietnam for their financial contributions for 2019.
11. TCC15 noted from the Secretariat's update that Panama's financial contribution for 2019 was paid, and further noted payment was received well after the payment deadline which was during TCC15.
12. TCC15 noted the issue of late payment of financial contributions and recommended that WCPFC16 continue to apply the same expectations regarding payment deadlines and outstanding payments which are applied to full Members of the Commission.
13. TCC15 noted with concern a number of data gaps in CNM applications and requested the Secretariat to follow up with CNMs to provide some clarity and guidance on the matter.
14. TCC15 noted with concern the non-attendance of Liberia and Nicaragua. TCC15 further noted the difficulty in clarifying specific questions related to the content of their CNM applications if applicants are not in attendance and recommended that WCPFC16 encourages CNMs applicants to participate in future meetings.

15. TCC15 further noted that a number of CNMs had compliance issues in 2018, including Panama, Liberia, and Ecuador. TCC15 recommended that WCPFC16, when making its decision on CNM applications, assess CNMs' compliance status with all CMMs, including but not limited to laws and regulations applicable to fishing and fishing related activities of CCMs.
16. TCC15 noted the issues of non-attendance, late financial contributions, compliance and data gaps and recommends WCPFC16 remind CNMs of its expectation that CNMs participate more actively in the future to respond to queries and rectify issues in a timely manner.
17. TCC15 further noted that it would assist TCC's assessment of applications if CNM applicants participated in its meetings and be available to clarify the content of their application and therefore recommended that WCPFC16 encourages CNMs to be present at TCC meetings in the future.
18. SWG considered whether the applicants had satisfied the requirements set out in paragraph 2 of CMM 2009-11 and advised that Ecuador, El Salvador, Nicaragua, Panama, Thailand and Vietnam, have met all of the necessary requirements therein.
19. TCC15 tasked the Secretariat to write to Curacao to request information on its compliance records in other RFMOs.
20. TCC15 noted that Thailand provided information to rectify the data gaps on historical data on their fisheries activities in the Convention Area as required under CMM 2009-11 (2)(d) under the CNM application confirming their vessels are not operating in the Convention area.
21. TCC15 noted that Ecuador, Liberia, and Panama were noted as non-compliant or priority non-compliant on a number of CMMs during the CMS process in 2019. Where a compliance issue is priority non-compliant, TCC15 recommended that those CNMs provide an explanation to WCPFC16 as to how these repeated instances of non-compliances will be addressed and not repeated each year so that this can be critically assessed by the Commission in determining whether or not to grant CNM status to each applicant.

## 5.1 CMS Process

22. TCC15 agreed on the proposed CMS process as outlined in **TCC15-2019-09**.

## 5.2 Provisional CMR report and Executive Summary

23. TCC15 submits the Provisional CMR, containing its provisional compliance assessment, and recommends the report to WCPFC16 for its consideration and final assessment.
24. TCC15 draws to the attention of WCPFC16 that there were several recommendations in the Provisional CMR relating to revision of existing Conservation and Management Measures. TCC15 recommended that WCPFC16 review and revise, as appropriate, the

following obligations, noting that more information related to these recommendations is contained in the Provisional CMR:

- a. CMM 2017-01 51: for fisheries where there are limited catch and effort data; and
- b. CMM 2017-01 25: for relevant CCMs who are yet to notify their catch or effort limits.

### **5.3 Enhancing the CMS (b) comprehensive review of all the Commission reporting requirements, with recommendations to remove duplicative reporting as well as ensure the Commission's data and information needs are met**

25. TCC15 supported, as a guide, the use of the list of principles set out in paragraph 73 of **TCC15-2019-10** (page 28) in furthering the work to streamline the Commission's reporting requirements with the objective to make annual reporting more manageable and less burdensome.

*Progressing suggestions related from the review of reporting requirements related to quantitative limits in CMMs*

26. TCC15 referred Table 2 of **TCC15-2019-10** (Summary of reporting requirements that are related to each CCM-level or collective quantitative limit and notes on the present availability of data for verifying the CCMs report on implementation against the limit) to the Commission for their consideration (**Attachment y**).
27. TCC15 noted that there are presently nine quantitative limits where there are limited or no additional data presently available to WCPFC to verify the CCM's report on their implementation against the limit. [CMM 2005-03 02 (NP albacore), CMM 2006-04 01 (SW Striped Marlin), CMM 2009-03 01, 02 (Swordfish), CMM 2010-01 05 (NP striped marlin), CMM 2017-01 45, 47, 48 (Tropical tuna vessel limits), CMM 2017-01 51, CMM 2017-08 (Pacific Bluefin)]. TCC15 recommended that the Commission consider whether additional reporting or revised formulations of quantitative limits should be considered so that WCPFC has more ready access to data that can be used to verify a CCM's implementation of a quantitative limit.
28. TCC15 requested that the Northern Committee meeting at WCPFC16 recommend that CMM 2005-03 (North Pacific Albacore) be amended to remove paragraph 3, because it is duplicative with the paragraph 4 report requirement.
29. TCC15 recommended that CCMs consider if paragraph 8 of CMM 2009-03 (Swordfish) should be amended to require submission in Annual Report Part 2.

*Progressing suggestions to streamline Annual Report Part 2 reporting during 2020*

30. TCC15 supported the streamlining suggestions for reporting on implementation-type reporting requirements set out in Paragraph 38 and Table 3 of **TCC15-2019-10** (pg 13-14)

and recommended that WCPFC16 approves the proposed approach to streamline Annual Report Part 2 be implemented in 2020, subject to available budget. TCC tasked the Secretariat to provide to FAC and WCPFC16 the full cost and resource implications of this recommendation and to use Annex II (streamlined Annual Report Part 2 for 2020, covering 2019 activities) and Annex III (“Report on implementation for obligations in RY 2019 that also applied in prior years”) as guidance for this task.

*Progressing suggestions to streamline Annual Report Part 1 reporting during 2020*

31. Most CCMs supported the streamlining suggestions for reporting related to scientific data set out in Table 4 and Paragraph 46-47 of **TCC15-2019-10** (pg 17-18), while other CCMs preferred that the proposed approach is further reviewed by the Scientific Committee.
32. TCC15 recommended that WCPFC16 tasks the Secretariat and Scientific Services Provider (SPC-OFP) to trial in 2020 publishing on the WCPFC website, of Annual Catch and Effort (ACE) tables (Essential Annual Fisheries Information Tables I – IV and Tabular Annual Fisheries Information Tables 1-5 and Figures 1-3 from Annual Report Part 1) that are based on April 30 scientific data submissions (Table 4 and Paragraph 46-47 of **TCC15-2019-10** (pg 17-18)). TCC15 further recommended that WCPFC16 tasks the Secretariat to prepare a paper in conjunction with SPC-OFP on the experiences and outcomes of the trial and its cost and resources implications for SC16 and TCC16 consideration and advice to WCPFC17.
33. TCC15 requested that the Secretariat and SPC-OFP consult with ISC/NC to explore approaches that could streamline scientific data submissions by relevant CCMs, that are presently reported by relevant CCMs to both ISC and WCPFC.

**5.3 Enhancing the CMS (c) the development of audit points to clarify the Commission’s obligations assessed under the CMS, as well as the development of a checklist to be used by the proponents of any proposal to include a list of potential audit points for the consideration of the Commission**

*Proposed 2020 Process*

34. TCC15 acknowledged that the development of audit points for reviewing compliance with obligations is the responsibility of CCMs. Several years of CMS implementation experience by the Commission has revealed the importance of transparent audit points developed by CCMs for robust compliance review.
35. TCC15 recommended that the Commission adopt a “CMM Audit Point Checklist” to be used by proponents of new measures for consideration alongside proposed new obligations, beginning in 2020. TCC15 agreed to use the draft Audit Point Checklist, in addition to the spreadsheet circulated by the CMS Audit Point IWG Chair, as a basis for the development of audit points on the initial list of 83 obligations. CCMs and Observers will coordinate with the Chair CMS Audit Point IWG to determine which obligations they will review.

36. TCC15 recommended that WCPFC16 convene a small working group to finalize any recommended audit points and to discuss the broad suite of CMS future work outlined in Section IX of CMM 2018-07 with a view to develop a clear approach to completing the various work areas in a complementary manner, in accordance with the CMMs established timeframes.
37. TCC15 noted that a Technical Working Group may be needed for 2020, comprised of a group of CCM officials, to review audit points for any remaining Commission obligations that are not adopted by WCPFC16. Representatives of Observer organizations as well as representatives from the WCPFC Secretariat (including SPC-OFP as the Scientific Services Provider), the FFA Secretariat, and the PNA Office, may also participate. Consideration should be given to the TWG holding at least one face-to-face meeting in 2020 to review any remaining Commission obligations and report its outcomes to TCC16 for consideration. A finalized set of audit points for all the Commission's obligations will be presented to WCPFC17 for adoption.
38. TCC15 noted that an adequate budget to support at least one face-to-face meeting of the Audit Points TWG may be needed. Consideration should be given to this meeting being held in conjunction with another regional meeting, such as TCC16 or WCPFC17, where many of the same officials will be in attendance.

### **5.3 Enhancing the CMS (d) the development of a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission**

39. TCC15 noted that New Zealand proposes to circulate draft terms of reference related to the development of a risk-based assessment framework for the CMS for consideration by WCPFC16.

### **5.3 Enhancing the CMS (e) explore investment in technology solutions to facilitate improvements to the compliance case file system**

40. TCC15 recommended that WCPFC16 tasks CCMs to provide the Secretariat with any suggested improvements to the online compliance case file system, so that the Secretariat can provide a paper for TCC16 that outlines the feasibility and costs, as well as any implications from potential resolution of paragraph 27 of CMM 2018-07.

### **5.3 Enhancing the CMS (f) the development of the guidelines for participation of observers in closed meetings of the Commission and its subsidiary bodies which consider the Compliance Monitoring Report**

41. TCC15 noted the United States offer to recirculate and refine an earlier paper (WCPFC Circular 2017/40) on the guidelines for participation of observers in the Compliance Monitoring Scheme.

### **5.4 Supporting the CMS (a) Consider options to mitigate the impacts of an unscheduled disruption to Secretariat services on the CMS**

42. TCC15 tasked that the Secretariat to develop a contingency plan to mitigate impacts of unscheduled disruption to Secretariat services on the CMS among other core functions on the Secretariat in support of the work of TCC.

### **5.5 Provide advice on the expiry of CMM 2018-07 at the end of 2019 (CMM 2018-07, paragraph 48)**

43. TCC15 recommended that WCPFC16 extends CMM 2018-07 for another year.

## **6 Status of Fisheries Presentation**

44. TCC15 noted the status of the fisheries presentation by SPC-OFP.

### **8.1 Vessel Monitoring System (VMS)**

45. TCC15 recommended that WCPFC16 establishes an intersessional group to develop specific recommendations on the VMS to address the VMS data gap and improve the number of vessels reporting to the Commission VMS for consideration by TCC16.

#### **8.1 (d) A proposed research project to compare WCPFC VMS data and AIS data in the WCPFC high seas**

46. TCC15 noted Japans paper **TCC15-2019-DP03**. There was general support from most members for the proposal.

## **8.2 Regional Observer Programme**

47. TCC15 recommended that WCPFC16 tasks the Secretariat to work with interested parties during the intersessional period with the view to producing additional tables in the ROP annual report showing at least five-year trends on non-fish bycatch as reported by observers.

### **8.2 (b) Report from TCC Working Group on flow of observer reports and observer conduct (WCPFC15 Summary Report para 364)**

48. TCC15 agreed that the group's work continue, and that as part of the tasks identified by the Commission in paragraph 364 of the report of WCPFC15, the group consider in particular: (a) improvements to the tracking of observer report requests and responses in order to better identify impediments to the flow of observer reports; and (b) methods to filter out "false-positive" and de minimus violations to reduce the number of observer report requests and the associated workloads for ROP Providers and CCMs.

### **8.3 High Seas Transshipment Monitoring (b) Report from the IWG to review CMM 2009-06 (WCPFC15, para 380)**

49. TCC15 noted the intersessional activity report from IWG to review the CMM 2009-06, and that the IWG participants have finalized and adopted a terms of reference for its work.

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

50. TCC15 commended the Members conducting HSBI and encouraged them to send delegates to attend TCC meetings.

### **8.7 (a) Proposal to Amend CMM 2017-02: Conservation and Management Measure on Minimum Standards for Port State Measures**

51. TCC15 noted DP04\_rev1 and requested CCMs with any comments to provide them to Canada, so that Canada can consider them and prepare a revised CMM proposal as appropriate.

## **9.2 Consideration of the outcomes of the review of the Commission's data needs and collection programmes (Project 93) (TCC Workplan 2019-2021)**

52. TCC15 requested that CCMs with established or emerging national or subregional EM standards or specifications communicate them to the Chair of the ER&EM WG as soon as possible;
53. TCC15 supported the conclusions from Project 93 to inform the Commission of the current status of WCPFC data collection programmes and associated data gaps and needs;
54. TCC15 recommended that WCPFC16 considers the conclusions from the Project 93 analysis in respect of CMM2018-05;
55. TCC15 recommended that the conclusions from Project 93 be considered by the next meeting of the ER & EM Working Group in the establishment of priorities and objectives for the development of regional EM standards;
56. TCC15 recommended that the conclusions from Project 93 be considered by the IWG to review CMM 2009-06.

## **10.1 Intersessional activity report from the ERandEM-IWG Chair**

57. TCC15 noted that the EM and ER IWG Chair will provide a revised EM concept paper to WCPFC16 taking into consideration Project 93 discussions and any input from members.
58. TCC15 recommended that WCPFC16 notes the progress against the ER and EM IWG workplan and agrees to a physical meeting for the IWG in 2020 prior to TCC16.

## **11.1 Bigeye, Yellowfin and Skipjack (CMM 2018-01, CMM 2009-02)**

59. TCC15 acknowledged ongoing difficulties in evaluating compliance with limits related to the other commercial fisheries for bigeye, yellowfin and skipjack tuna (paragraph 51 of CMM 2017-01, subsequently replaced by CMM 2018-01). TCC15 noted that the fisheries are complex and available data for these fisheries are limited which has led to uncertainties and difficulties in determining appropriate limits, including in determining which fisheries should be included. TCC15 recognised that significant work is underway under the continuation of the West Pacific East Asia (WPEA) project and acknowledges the generous support of New Zealand to facilitate this work through WPEA-ITM.
60. TCC15 tasked the Scientific Services Provider to develop a working paper in conjunction with Indonesia and the Philippines to assist WCPFC16 to interpret (and if necessary clarify) paragraph 50 and 51 of the tropical tuna measure (CMM 2018-01) in a way that makes it possible to evaluate compliance with the purpose of paragraph 51, which is: to ensure that in other commercial fisheries, the total catch of a CCM's bigeye, skipjack and yellowfin

catch does not exceed either the average level for the period of 2001-2004 or the level of 2004.

**11.2 (c) Develop information and advice to promote compliance with the south Pacific Albacore CMM (2015-02 and successor measures) and improve its effectiveness, including providing technical and compliance advice for the development and implementation of south Pacific albacore roadmap (TCC workplan 2019-2021)**

61. TCC15 requested that the Science Provider prepare an update of TCC15-2019-IP15 each year to support the Secretariat's and TCC's roles in compliance monitoring. TCC15 also requested that the Secretariat use the information in those updated reports in its preparation of the dCMR each year, as well as to advise TCC of any improvements that should be made to the information in those updated reports. TCC agreed to use, in future years, the information in those updated reports, in addition to other relevant information, in its compliance reviews of obligations under the SP albacore measure.

**11.3 (b) Consider outputs of the shark IWG, and provide advice related to the development/implementation of a consolidated Sharks measure (TCC workplan 2019-2021, WCPFC15 Summary Report para 341)**

62. TCC commended the work done by the Shark IWG and gave general support for the current text to be considered at WCPFC16 with necessary amendments.

63. TCC recommended that WCPFC16 notes that the obligation under CMM 2010 07 para 7 has not been assessed under the CMS process during the last two years.

64. TCC15 encouraged any CCM with information on alternative options to submit any relevant supporting information to WCPFC16 for its consideration.

65. TCC15 encouraged CCMs to provide any comments on the proposed options to the Shark IWG Chair ahead of WCPFC16.

**14.1 TCC Work Plan 2019 - 2021**

66. TCC15 noted that additional time is needed to complete the draft TCC workplan. CCMs are encouraged to provide additional comments on the draft TCC workplan (Attachment z) to the TCC Vice Chair by 31 October 2019 and the TCC Vice-Chair will collate those comments and submit the draft TCC workplan for the consideration of WCPFC16.

## 14.5 Next meeting

67. TCC15 recommends that TCC16 be held on Wednesday 23<sup>rd</sup> – Tuesday 29<sup>th</sup> September 2020, and that the venue is Pohnpei, Federated States of Micronesia.

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**DRAFT LIST OF ATTACHMENTS FOR TCC15 DRAFT SUMMARY REPORT**  
 (note order and numbering of attachments will change)

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<b>Attachment a</b>	List of Participants
<b>Attachment b</b>	Opening Statements - WCPFC Chair, ED and TCC Chair
<b>Attachment x</b>	TCC15Agenda – as adopted (TCC15-2019-01_rev2
<b>Attachment y</b>	Table 2 of TCC15-2019-10 (Summary of reporting requirements that are related to each CCM-level or collective quantitative limit and notes on the present availability of data for verifying the CCMs report on implementation against the limit) – amended to reflect that CMM 2017-01 51 has limited data
<b>Attachment z</b>	draft TCC workplan circulated to TCC15 participants by TCC Vice-Chair