



TECHNICAL AND COMPLIANCE COMMITTEE

Twelfth Regular Session

21 - 27 September 2016

Pohnpei, Federated States of Micronesia

PROVISIONAL ANNOTATED AGENDA

WCPFC-TCC12-2016-03_rev1¹

31 August 2016

AGENDA ITEM 1 OPENING OF MEETING

The meeting will open at 08:30 on Wednesday 21 September 2016.

1.1 Welcome

The Chair (Ms Alexa Cole) will open the Twelfth Regular Session of the Technical and Compliance Committee (TCC12) of the Western and Central Pacific Fisheries Commission (WCPFC) and welcome delegations of the WCPFC Members, Cooperating Non-Members, Participating Territories (CCMs) and Observers.

1.2 Adoption of agenda

The Chair will introduce the Provisional Agenda for TCC12 (WCPFC-TCC12-2016-02) that was distributed in accordance with Rule 1 of the Commission's Rules of Procedure. The Rules of Procedure adopted at WCPFC1 in December 2004 will apply to TCC12 as the TCC has not adopted its own Rules of Procedure (Rule 31). The Rules of Procedure provide that Members may propose supplementary agenda items up until 30 days before the meeting (Rule 3). The Agenda, as modified, will need to be adopted by the meeting (Rule 5).

1.3 Meeting arrangements

The Chair will invite TCC12 to review the Indicative Schedule, noting logistical arrangements in place to support the meeting, proposed meeting times and any social events.

1.4 Introduction of Proposals: new CMMs or draft revisions to current CMMs

Proponents of new CMM proposals will be invited to briefly introduce their proposals.

AGENDA ITEM 2 ANNUAL REPORT OF EXECUTIVE DIRECTOR

The report will provide an overview of the compliance programme and highlight some of the key strategic issues that will be discussed and require guidance to the WCPFC13.

AGENDA ITEM 3 IUU LIST

In accordance with CMM 2010-06, TCC12 will review the current WCPFC IUU list and the draft IUU list, and any suitably documented information.

¹ Revision 1 includes minor edits and some new sub agenda items under Agenda 10.4 (SC12 matters), Agenda 11.1 (tropical tuna CMM), Agenda 11.3 (Sharks), Agenda 12 (Proposals for new CMMs) and Agenda 13 (Other matters). The notes have been expanded for Agenda 14.4 (Election of Officers), Agenda 11.3 (Sharks) and Agenda 8.4 (HSBI)

AGENDA ITEM 4 CNM REQUESTS

In accordance with CMM 2009-11, TCC12 will consider the applications for CNM status for 2017, and make recommendations and technical advice to the Commission. It is expected that a working group will develop a first draft of draft recommendations and technical advice for TCC12.

AGENDA ITEM 5 COMPLIANCE MONITORING SCHEME

This is the sixth year of implementation for the WCPFC Compliance Monitoring Scheme. WCPFC12 adopted CMM 2015-07 *Conservation and Management Measure for Compliance Monitoring Scheme* which applies in 2016.

5.1 Review of draft CMR

In accordance with CMM 2015-07, TCC12 is to review the Draft Report (dCMR) prepared by the Secretariat in the form agreed by WCPFC11 and based on the list of obligations agreed by WCPFC12 and contained in Attachment O of the WCPFC12 Summary Report. Potential compliance issues will be identified for each CCM, based on information contained in the dCMRs as well as any information provided by CCMs in accordance with paragraph 24 of CMM 2015-07.

The preparation, distribution and discussion of compliance information pursuant to the CMS shall be in accordance with all relevant rules and procedures relating to the protection and dissemination of, and access to, public and non-public domain data and information compiled by the Commission (CMM 2015-07 paragraph 17)

5.1 (a) Respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation plan (TCC Workplan 2016-2018)

TCC12 is invited to discuss this priority project specific task which was included in the approved TCC workplan 2016-2018, noting linkages to recommendations that may be made by TCC in the Provisional CMR Executive Summary and the discussion on reviewing Capacity Development Plan during the review of draft CMR.

5.2 Provisional CMR report and Executive Summary

In accordance with Section IV of CMM 2015-07, TCC12 shall take into account any Capacity Development Plans or Status Reports developed pursuant to paragraphs 5-7 and 6-11, and any additional information provided by CCMs, and where appropriate non-governmental organizations and other organizations, and develop a Provisional CMR. The CMR will include a provisional assessment of each CCM's Compliance Status and recommendations for any corrective action needed, based on potential compliance issues it has identified in respect of that CCM and using the criteria and considerations for assessing Compliance Status set out in Annex I of CMM 2015-07.

The Provisional CMR will also include an executive summary including recommendations and observations from TCC regarding:

- (i) Identification of any CMMs that should be reviewed to address implementation or compliance difficulties experienced by CCMs, including any specific amendments or improvements that have been identified (**TCC12 Agenda 5.4**);
- (ii) capacity building requirements or other obstacles to implementation identified by CCMs, in particular small island developing State Members and Participating Territories, (**TCC12 Agenda 5.1(a)**); and
- (iii) additional priority obligations that should be reviewed under the CMS pursuant to paragraph 15 of this measure (**TCC12 Agenda 5.3**).

5.3 Develop a multi-year program of obligations to be assessed under the CMS (TCC Workplan 2016-2018)

WCPFC12 agreed to the list of obligations to be assessed by CMS in 2016-2018 (WCPFC12 paragraph 469 and Attachment O). TCC12 is invited to note this list.

5.4 Provide advice on CMMs that need revision to improve compliance and monitoring, including those for which interpretation issues have been identified through the CMS process (TCC Workplan 2016-2018)

TCC12 is invited to discuss this priority project specific task which was included in the approved TCC workplan 2016-2018, noting linkages to recommendations that may be made by TCC in the Provisional CMR Executive Summary.

5.5 Consider and provide recommendations on terms of an independent audit or review of the CMS (WCPFC12 para 696; CMM 2015-07 para 40)

WCPFC12 Summary report paragraph 696 stated that subject to recommendations from TCC12 (CMM 2015-07, para 40) a review of the CMS will be conducted by an independent panel selected by the Executive Director in consultation with Members at the end of 2017. CMM 2015-07 paragraph 40 states that this measure shall be reviewed in 2017, and the terms of that review will be determined by TCC12 in 2016. TCC12 is invited to consider and discuss this matter.

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

AGENDA ITEM 7 SPECIAL REQUIREMENTS OF DEVELOPING STATES

In accordance with Rule 2(h) of the WCPFC Rules of Procedure, *Consideration of the Special Requirements of Developing States pursuant to Part VIII of the Convention* is a standing agenda item on the provisional agenda. In the past, developed CCMs provided reports on initiatives to implement Article 30, specifically in relation to the activities and work program of the TCC.

TCC12 is invited to discuss the special requirements of developing States as it relates to the work of TCC, noting that:

- i) the approved TCC workplan 2016-2018 identified that a TCC priority project specific task is to “respond to capacity assistance needs identified through the CMS process, including through annual consideration of implementation plans” and indicated a list of possible support activities (TCC Workplan para 2(d) & (e));
- ii) At WCPFC10 two CMMs were approved CMM 2013-06 *Conservation and Management Measure on the criteria for the consideration of conservation and management proposals* and CMM 2013-07 *Conservation and Management Measure on the special requirements of SIDS and participating territories*; and
- iii) WCPFC11 noted the checklist in WCPFC11-2014-DP20_rev2 provided by FFA members, setting out an evaluation of SIDS special requirements and the respective status of assistance, and agreed to take into consideration the checklist as a guide to assist developed CCMs to assess the status of assistance to SIDS (WCPFC11 Summary report, paragraph 197, Attachment D). FFA members submitted WCPFC12-2015-DP01 to WCPFC12 as an updated list.

7.1 Monitor obligations relating to SIDS and territories (TCC Workplan 2016-2018)

TCC12 is invited to discuss this priority core business task which was included in the approved TCC workplan 2016-2018. A list of possible areas of support to build capacity of SIDS was included as subitem (e.) in the priority project specific tasks within the TCC Workplan 2016-2018.

7.2 Report on, and review, implementation of trial WCPFC Port Coordinators Programme 2015-2016

WCPFC11 agreed to establish a trial WCPFC port coordinators programme (WCPFC11 Summary Report paragraph 542 and Attachment P). Relevant Members, SPC-OFP and WCPFC Secretariat will jointly report to SC and TCC (in 2015 and 2016), on the implementation of the trial WCPFC port coordinators programme.

The TOR for this Port Coordinators programme (WCPFC11 Summary Report, Attachment P), says “If after two years the evaluation proves that the program has been successful, the Commission can then take an informed decision to extend the program to other ports in the WCPO, where appropriate”. The programme is now in its second year. TCC12 is invited to review the report on the implementation of this programme and provide comments and/or recommendations to the Commission.

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

8.1 Vessel Monitoring System (VMS)

The WCPFC Secretariat will be invited to introduce the VMS Annual Report (RP01). TCC12 is invited to discuss and as appropriate make recommendations on this matter.

(a) Report on the VMS transition

The WCPFC Secretariat (and FFA Secretariat) will be invited to jointly report on the VMS transition. TCC12 is invited to discuss and note the report.

8.2 Regional Observer Programme

The WCPFC Secretariat will be invited to introduce the ROP Annual Report (RP02). TCC12 is invited to discuss and as appropriate make recommendations on this matter.

(a) CMM on flag State responsibilities in the event of alleged observer safety concern – USA (WCPFC12 para 230)

WCPFC12 agreed that a CMM should be drafted for TCC12’s consideration and finalization and WCPFC13’s deliberation on flag state responsibilities in the event of alleged observer safety concern. The USA kindly offered to lead this work (WCPFC 12 para 230). US will be invited to introduce this draft CMM and TCC12 is invited to discuss and as appropriate make recommendations on this matter.

8.3 High Seas Transshipment Monitoring

The WCPFC Secretariat will be invited to introduce the High Seas Transshipment Monitoring Annual Report (RP03). TCC12 is invited to discuss and as appropriate make recommendations on this matter.

(a) Draft guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction (WCPFC12 para 718; CMM 2009-06 para 37)

Noting paragraph 37 of CMM 2009-06, WCPFC12 tasked the Executive Director to prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction. TCC12 is tasked to consider these guidelines, and amend as necessary, and recommend them to the Commission for adoption in 2016. WCPFC12 agreed that paragraph 13 should be considered as part of this tasking.

(b) Proposal to amend CMM 2009-06 (WCPFC12 para 556)

WCPFC12 noted the IWG-ROP’s recommendations on carrier notification of intent to transship including amendments to CMM 2009-06 and tasked TCC12 to further consider the proposed amendments to CMM 2009-06 (which is in WCPFC12-2015-21a).

8.4 High Seas Boarding and Inspection (HSBI)

The WCPFC Secretariat will be invited to introduce the High Seas Boarding and Inspection (HSBI) Annual Report (RP04). Interested Members may also provide brief reports on their HSBI activities. TCC12 is invited to discuss and as appropriate make recommendations on this matter.

8.5 Record of Fishing Vessels (RFV)

The WCPFC Secretariat will be invited to introduce the Record of Fishing Vessels (RFV) Annual Report (RP05). TCC12 is invited to discuss and as appropriate make recommendations on this matter.

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

The WCPFC Secretariat will be invited to introduce the EHSP-SMA Annual Report (RP06). TCC12 is invited to discuss and as appropriate make recommendations on this matter.

AGENDA ITEM 9 DATA PROVISION AND DATA GAPS

9.1 Review of tiered scoring system for evaluating compliance with provision of scientific data to the Commission (WCPFC 12 para 507-509)

WCPFC12 agreed:

- that the tier scoring system adopted at WCPFC11 shall be used to assist in assessing compliance of CCMs for the provision of scientific data in 2016 and following years.
- to task SPC with further refining the tier scoring system to provide, among other things, an indicator of compliance of CCMs as a whole with provision of scientific data
- to explore the usefulness of using the tier scoring system to assist in the evaluation of compliance with other CMMs, including the possible development of an indicator of overall compliance of each CCM in relation to the totality of agreed WCPFC obligations.

TCC12 is invited to discuss and as appropriate make recommendations on this or related matters.

9.2 Review information about scientific data provision (TCC Workplan 2016-2018)

TCC12 is invited to discuss this priority project specific task which was included in the approved TCC workplan 2016-2018.

AGENDA ITEM 10 INTERSESSIONAL ACTIVITIES

10.1 Report from the ERandEM-IWG

The Electronic Reporting and Electronic Monitoring Intersessional Working Group (ERandEMWG) is scheduled to meet on 1 – 2 August 2016. The ERandEMWG Chair will provide a brief report of progress to TCC12.

10.2 Report from CDS-IWG Chair

The Catch Documentation Scheme Intersessional Working Group (CDS-IWG) is scheduled to meet on 16th and 17th September 2016. The CDS-IWG Chair will provide a brief report of progress to TCC12.

10.3 Report from FAD-IWG

The FAD Working Group (FAD-IWG) is scheduled to meet on 28 - 30th September 2016. The FAD-IWG Chair will provide a brief report of progress to TCC12.

10.4 Consideration of SC and NC outcomes related to TCC's work

TCC12 is invited to discuss the relevant outcomes of SC12 and NC12 and as appropriate make recommendations.

- (a) **SC12 proposal to modify the definition of WCPFC public domain data**
- (b) **Outcomes of SC12s review of elements of European Union proposal for an amendment of the "Scientific data to be provided to the Commission (WCPFC12 Summary Report Attachment bb)**
- (c) **SC12 requests with respect to "key shark species"**

AGENDA ITEM 11 REVIEW OF EXISTING CMMs INCLUDING ANY PROPOSED AMENDMENTS

This agenda item will be updated based on proposals from Members.

11.1 Bigeye, Yellowfin and Skipjack (CMM 2015-01, CMM 2009-02)

- (a) **Provide technical and compliance related advice to address BET overfishing (TCC Workplan 2016-2018)**

TCC12 is invited to discuss this priority project specific task which was included in the approved TCC workplan 2016-2018.

- (b) **Provide advice related to footnote 5 of CMM 2015-01**

Footnote 5 of CMM 2015-01 includes the following "The high seas FAD closure in paragraph 18 does not apply in 2017 to a CCM that has achieved a verifiable reduction in bigeye catches by its purse seine vessels to 55% from current levels (2010-2012), to be reviewed on the basis of the advice of the Scientific Committee. ..."

SC12 recommended that TCC12 should provide advice on how the SC should assess the CCMs requests to apply footnote 5 of CMM 2015-01. (SC12 draft Summary Report paragraph 638). TCC12 is invited to discuss this matter and as appropriate make recommendations.

11.2 South Pacific Albacore (CMM 2015-02)

CMM 2015-02 paragraph 5 state that this measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore. TCC12 is invited to discuss this matter.

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

- (a) **Consider alternatives to current fins to carcass ration (TCC Workplan 2016-2018)**

CMM 2010-07 para 7 state that "CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass".

SC12 provided some recommendations on this matter (see SC12 Draft Summary Report paragraphs 681)

TCC12 is invited to discuss this priority project specific tasks which was included in the approved TCC Workplan 2016-2018.

(b) Review implementation by CCMs of paragraph 6 of CMM 2010-07

Paragraph 6 of CMM 2010-07 says “CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel or all parts of the shark excepting heads, guts and skins, to the point of first landing or transshipment.”

Japan has indicated their interest in reviewing all available information including observer reported information, related to how CCMs are implementing paragraph 6 of CMM 2010-07. Japan will be invited to introduce this agenda item. TCC12 is invited to discuss and as appropriate make recommendation on this matter.

(c) Develop guidelines for the elaboration of management plans for sharks caught in the WCPFC Convention Area (TCC Workplan 2016-2018)

CMM 2014-05 para 2 stipulates that CCMs must develop a management plan for longline fisheries targeting sharks, including specific authorisations to fish and a TAC or other measure to limit the catch of shark to acceptable levels.

WCPFC12 tasked the Secretariat to develop a paper that provides guidance on the development and evaluation of management plans for longline fisheries targeting sharks in association with WCPFC fisheries and which takes into account the elements and timeframes contained in Attachment J of WCPFC12 (WCPFC 12 para 388).

SC12 provided some recommendations on this matter (see SC12 Draft Summary Report paragraphs 704 – 706 and Attachment G).

TCC12 is invited to discuss this priority specific tasks which was included in the approved TCC Workplan 2016-2018 relating to elaboration of technical details associated with the application of CMM 2014-05 by reviewing the draft *Guidance for the development and evaluation of management plans for longline fisheries targeting sharks in association with WCPFC fisheries* prepared by the Secretariat.

11.4 Sea turtles (CMM 2008-03)

CMM 2008-03 para 9 says that SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary, updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.

11.5 Seabirds (CMM 2012-07/CMM 2013-03)

Paragraph 6 of these measures says the SC and TCC will annually review any information on new or existing measures or on seabird interactions from observer or other monitoring programmes. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.

AGENDA ITEM 12 PROPOSALS FOR NEW CMMs

This agenda item will be updated based on proposals for new CMMs received from Members.

12.1 Bridging CMM to replace CMM 2015-01 post 2017

WCPFC Chair will be invited to introduce this draft CMM and TCC12 is invited to discuss and as appropriate make recommendations on this matter.

12.2 Proposal for adopting interim acceptable levels of risk for breaching limit reference points of four key tuna species in the WCPO – Australia

Australia will be invited to introduce this proposal. TCC12 is invited to discuss and as appropriate make recommendations on this matter.

AGENDA ITEM 13 OTHER MATTERS REQUIRING TCC ADVICE

This agenda item may also include other requests from any Member, in accordance with Rule 3 of the Rules of Procedure.

13.1 Consider summary of port state measures adopted by other RFMOs and members (TCC Workplan 2016-2018)

TCC Workplan 2016-2018 included a priority project specific task which is to “further develop port-based initiatives as part of the suite of MCS tools, including a summary of port state measures adopted by other RFMOs [Secretariat task] and a summary of port state measures undertaken by members [TCC task]. The WCPFC Secretariat will be invited to introduce the paper on summary of port state measures adopted by other RFMOs. TCC12 is invited to discuss this matter.

13.2 Cooperation with CCSBT

The Secretariat will be invited to present two proposed Memorandum of Cooperation (MOC) with the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) on exchange and release of data; and endorsement of WCPFC ROP Observers for Observing Transshipments of Southern Bluefin Tuna on the High Seas of the WCPFC Convention Area. TCC12 is invited to discuss these matters and as appropriate make recommendations.

AGENDA 14 ADMINISTRATIVE MATTERS

14.1 TCC Work Plan for 2016 – 2018

WCPFC12 adopted TCC Workplan 2016-2018 (WCPFC12 para 521 & Attachment S). TCC12 is invited to discuss and note progress of the workplan.

14.2 Administration of the Data Rules and Procedures, including Report on WCPFC Security Audit 2015/16

The Secretariat will update TCC12 on the 2016 review of the integrity of WCPFC VMS data, which is required under paragraph 6.10 of the WCPFC VMS SSPs to be conducted by the Secretariat annually. As was the case in previous years, this will include a review of the Secretariats Information Security. The Secretariat will also introduce the paper on the administration of the data rules and procedures.

14.3 Report on Secretariat IMS and website development and online reporting systems (2016 – 2018)

WCPFC8 approved the Secretariat proposal on IMS enhancement (WCPFC8-2012-FAC-16). WCPFC12 agreed to maintain commitments that will ensure the continued development and enhancement of the Commission Secretariat IMS over the next 2-3 years. The Secretariat will provide a report on these developments. TCC is invited to discuss and as appropriate make recommendations.

14.4 Election of Officers

Rule 8 of the WCPFC Rules and Procedure state that the Chair and a Vice-Chair shall assume office at the end of the session at which they are elected, shall hold office for a period of two years and shall be eligible for re-election. Ms Alexa Cole (USA) commenced as TCC Chair in December 2014 (WCPFC11) and TCC Vice-Chair resigned from her position early this year.

In respect of Officers for IWGs, Ms Kerry Smith (Australia) commenced as ERandEM Working Group Chair in December 2014, and Mr Alois Kinol (Papua New Guinea) commenced as CDS-IWG Chair in December 2012.

TCC12 is invited to provide recommendation to the Commission on the election of officers.

14.5 Next meeting

TCC12 is invited to recommend the proposed dates in late September/early October 2017 and that the venue is in Pohnpei, Federated States of Micronesia.

AGENDA 15 CLEARANCE OF TCC12 RECOMMENDATIONS

(As per usual practice TCC12 report will be cleared intersessionally)

AGENDA 16 CLOSE OF MEETING