



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

**Thirteenth Regular Session of the Technical and Compliance Committee
Pohnpei, Federated States of Micronesia
27 September – 3 October 2017**

SUMMARY REPORT

**WCPFC14-2017-TCC13
Issued: 14 November 2017**

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SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1 The Technical and Compliance Committee (TCC) Chair, Alexa Cole (USA) welcomed delegates to Pohnpei, Federated States of Micronesia (FSM), and thanked the FSM for again hosting the meeting. The TCC Chair noted that the TCC's work would be greatly assisted by the collegial and professional manner in which CCMs, observers and the Secretariat approached their task. She also drew attention to the presence of two members of the Independent Review Panel, Don Mackay and Dr Christopher Rogers, who would be observing the meeting.

2 Justino Helgen (FSM) welcomed delegates to Pohnpei and led an opening prayer.

3 The WCPFC Executive Director, Feleti Teo OBE, extended his warm welcome to delegates to TCC13 and Pohnpei, the home of the WCPFC Secretariat, acknowledged the WCPFC Chair, Madam Rhea Moss-Christian and welcomed the members of the Independent Review Panel. The Executive Director noted the many outcomes from the recent SC13 and the good progress made at the recent Northern Committee meeting on efforts to rebuild a sustainable Pacific bluefin tuna stock. He observed that the Commission Chair has circulated a Rev5 of the draft tropical tuna measure following the positive and encouraging momentum of cooperation and goodwill exhibited at the recent intersessional meeting to progress the negotiation of the Draft Bridging CMM on Tropical Tunas. The Executive Director expressed the hope that that spirit of cooperation would continue throughout the deliberations at TCC13 and onto the annual meeting at the end of the year. The Executive Director's full remarks are at **Attachment A**.

4 The following members, cooperating non-members and participating territories (CCMs) attended TCC13: Australia, Canada, China, Cook Islands, Ecuador, European Union (EU), Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, Liberia, Republic of the Marshall Islands(RMI), Nauru, New Caledonia, New Zealand, Palau, Panama, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States (USA), Vanuatu and Vietnam.

5 Intergovernmental organisations the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA) and the Secretariat of the Pacific Community (SPC), attended TCC13.

6 Observers representing BirdLife International, Pew Charitable Trusts (Pew) and the World Tuna Purse Seine Organisation (WTPO) also attended TCC13.

7 A full list of participants is provided in **Attachment B**.

1.2 Adoption of Agenda

8	The agenda was adopted, noting that the Republic of Marshall Islands' proposal on Marine Pollution would be considered under Agenda 12 (Attachment C).
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1.3 Meeting Arrangements

9 The WCPFC Compliance Manager, Dr Lara Manarangi-Trott, outlined the logistical arrangements in place to support the meeting, including Secretariat and Scientific Services Provider (SPC-OFP) staff, document and IT management, access to breakout rooms and details of the TCC13 function jointly hosted by NORMA Executive Director, Eugene Pangelinan, and the WCPFC Chair on Friday 29 September.

10 Two small working groups were established to progress work at TCC13: CNM applications led by TCC Vice-Chair (Nauru) Monte Depaune, and a proposal for a CMM on Sharks and Rays, led by Kerry Smith (Australia).

1.4 Introduction of Proposals: New CMMs or Draft Revisions to Current CMMs

11 Proponents of new Conservation and Management Measures (CMMs) were invited to briefly introduce their proposals.

12 Megan Linwood (New Zealand) introduced **WCPFC-TCC13-2017-DP01_rev1**, *Proposed Changes to CMM 2015-03 in regards the Seabird Mitigation Requirements*, which proposed clarification of existing reporting requirements in paragraph 9 of CMM 2015-03 as well as some changes to the mitigation measures used to address seabird bycatch. Proposed amendments comprised inclusion of a hook-shielding device specification as a possible alternative measure for mitigating bird bycatch, changes to the specification for tori lines for vessels under 35 m, some minor changes to the specification of line weighting to ensure this aligns with the most recent advice from ACAP, and some clarifications to the existing reporting requirements in paragraph 9 of CMM 2015-03. The proposal was further considered under Agenda 11.5 – Seabirds.

13 Seung Lyong Kim (Republic of Korea) introduced **WCPFC-TCC13-2017-DP04**, *Proposed Conservation and Management Measure on The Standards of Conduct for ROP Observers*, which aimed to ensure that ROP observers discharged their duties to ROP (Regional Observer Programme) requirements and did not engage in any activity that was likely to bring the ROP into disrepute. It was felt that this would contribute to achieving the ROP objectives and better ensure the safety of those on board the vessel on which ROP observers are deployed. The proposal built on paragraph 2 of Attachment K, Annex A of CMM 2007-01 (CMM on ROP), which broadly outlined the responsibilities of observers, and ROP observer responsibilities recommended by the IWG-Observer. The paper also proposed enabling the masters of vessels to check and report the conduct of observers on board their vessels. The proposal was referred to Agenda 8.2 – ROP.

14 Kengo Tanaka (Japan) introduced WCPFC-TCC13-2017-DP05, *Proposed Amendment to CMM 2016-03*. Japan noted that it had taken the measures necessary to implement all the provisions of CMM 2016-03 as from 1 August 2017, including the amendment of domestic regulations, and proposed that footnote 1 of Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme observers (CMM 2016-03) could now be deleted. The proposal was further considered under Agenda 8.2 – ROP.

15 New Zealand acknowledged the efforts made by Japan and looked forward to the adoption of the changes in due course.

16 Samuel K. Lanwi Jr (Republic of Marshall Islands) introduced **WCPFC-TCC13-2017-DP06**, *Draft CMM on Marine Pollution*, which proposed actions to reduce marine pollution in the WCPFC Convention area in response to increasing concern that marine pollution is a significant global problem, with detrimental impacts on ocean and coastal environments, wildlife, economies and ecosystems. The Republic of Marshall Islands noted that it had been working on this proposal for at least two years and hoped to make significant progress towards adoption of the measure at WCPFC14 in Manila. In this regard, the Republic of Marshall Islands was seeking additional comments from other CCMs, noting with appreciation that Australia had already provided comments. This proposal was further considered under Agenda 12.

17 Australia expressed its thanks to the Republic of Marshall Islands for their work on the proposal and looked forward to working with all CCMs to finalise a measure.

18 Dr Shelley Clarke, Common Oceans (ABNJ) Tuna Project Technical Coordinator – Sharks & Bycatch, outlined progress made in relation to the WCPFC13 decision on the development of a comprehensive shark and ray Conservation and Management Measure. To assist TCC13's consideration of advice to the Commission, the Secretariat had prepared two papers. **WCPFC-TCC13-2017-17A** provided a summary of the outcomes of SC13 discussions, including a table of issues prepared by an informal small group at SC13, which could be reviewed from a TCC perspective. **WCPFC-TCC13-2017-17B** provided a summary of TCC findings relevant to sharks drawn from TCC reports since 2008 and public and non-public CMS documents. The paper used this summary as a starting point for proposing language that would request clarification from the Commission of critical issues from a technical or compliance point of view. These included:

- standards for what constitutes full utilisation;
- verification of shark no-retention policy implementation;
- standard of evidence and timeframe required to adopt guidelines for safe release;
- choice of gear type to be banned as a shark mitigation measure (under CMM 2014-05) (at the vessel or fleet level), and on the mechanism for communicating that choice;
- clarity on terms used when defining which fisheries would be required to submit shark-management plans (to avoid ambiguous terms such as 'targetting'), and a list of the required contents, the required frequency of update, and a set of criteria to be used in evaluating the shark-management plans; and
- consideration of modification of the reporting requirements of the shark no-retention measures to consolidate data reporting.

19 As noted above, a small working group was established to continue these discussions, led by Kerry Smith (Australia). In response to a question from Japan concerning the focus of the small working group, the TCC Chair clarified that the role of both the working group and TCC was to provide advice to the Commission on technical or compliance issues pertaining to the development of a shark and ray CMM, and the working group could thus consider either or both approaches from that perspective. She noted that the proposal would be further considered under Agenda 11.3 (b) – Sharks.

AGENDA ITEM 2 — ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

20 The WCPFC Executive Director introduced his annual report (**WCPFC-TCC13-2017-07**), an overview and consolidation of the key findings and recommendations from the various components of the Commission's integrated Monitoring Compliance and Surveillance (MCS) Programme requiring consideration at TCC13. He also referenced Information Paper **WCPFC-TCC13-2017-IP03**, which provided a summary of updates on decisions and issues from TCC12, WCPFC13 and SC13.

21 The Executive Director drew the attention of the meeting to the two priority issues forwarded from the Commission for TCC13's consideration: the comprehensive approach to shark and ray conservation and management, presented in **WCPFC-TCC13-2017-17A and 17B**; and further consideration of the recommendation to extend the Port Coordinators Programme, presented in **WCPFC-TCC13-2017-18**.

22 It was noted that the Compliance Monitoring Scheme (CMS) was now at the core of the TCC work. It provided the platform for the TCC to undertake its key task of assessing the level of compliance of CCMs to their obligations under the WCPFC Convention and CMMs, and to identify capacity needs so that all members had sufficient capacity to appropriately comply with their obligations. He stressed that it was a platform that rested on top of a network of MCS tools that furnish it with the relevant data and information to inform TCC's assessment. The Executive Director noted that CMM 2015-07 lapsed at end 2017 and TCC13 would need to provide advice to the Commission on a replacement or extension to ensure continuity in application of the CMS.

23 The Executive Director highlighted the significant improvements in the timeliness of the CMR submissions from CCMs, the quality of analysis by the Secretariat and the promptness of responses from Members. He noted that the continued improvements to the Secretariat Information Management System (IMS) was essential to the servicing of the CMS as more of its support programmes became IMS-hosted databases, and he particularly referenced work undertaken to develop the WCPFC online-reporting systems and the online WCPFC Compliance Case File System. He acknowledged the significant assistance provided by SPC-Oceanic Fisheries Programme (SPC-OFP), which included advice on the completeness of scientific data provided by CCMs, ROP data submission, and available information on purse-seine and longline observer coverage. He also acknowledged FFA efforts in assisting their members to compile their Part 2 Reports.

24 He observed that the Independent Review of the Compliance Monitoring Scheme had been initiated, and conveyed that the Secretariat stood ready to support the review with the expectation that the review outcomes would suggest improvements to enhance the efficiency and effectiveness of the CMS. He introduced the two panel members present at TCC13, Don Mackay (Chair) from New Zealand and Dr Christopher Rogers from USA. He noted that in addition to observing the work of TCC13, they were keen to meet with CCMs in the margins. The third member of the panel, Andrew Wright (from Australia and a former WCPFC Executive Director), was unable to attend TCC13.

25 The Executive Director also referenced other key tools for compliance: the IUU Vessel List, which allowed the Commission to identify non-compliant vessels and prohibit those vessels, while listed, from operating in the Convention Area; and the Cooperating Non-Member (CNM) request process, enabling those countries to participate in WCPO fisheries. He also noted that an important element of TCC's work was to identify Capacity Assistance needs and to provide advice to the Commission relating to Small Island Developing States (SIDS) and Territories' capacity to comply. He reminded delegates about the budgetary allocation for targeted capacity workshops as well as special funds available for capacity assistance: the Special Requirements Fund; the Japan Trust Fund; the Chinese Taipei Trust Fund; and the WPEA project, which provided dedicated assistance to the Philippines, Indonesia and Vietnam.

26 It was observed that the Report provided a snapshot overview of the various annual reports required by the CMMs and rules that regulate the operations of the various MCS tools. These included: the Vessel Monitoring System (VMS) and the report of the security audit of the Secretariat's VMS data; the Regional Observer Programme (ROP) Transshipment Reporting; the High Seas Boarding and Inspection Scheme (HSBI); the Record of Fishing Vessels (RFV); the Eastern High Seas Pocket Special Management Area (ESHP-SMA); and administration of the WCPFC data access rules and procedures. The Executive Director noted the delivery in 2017 of a number of new online tools for CCMs drawing from information in the Commission IMS, and reported that the Secretariat had encountered no significant challenges in delivering these tools for CCMs.

27 The Executive Director noted that there were no intersessional meetings held in 2017 for the four (4) Intersessional Working Groups identified in the TCC Workplan 2016–2018; ROP IWG, FADMgmtOptions IWG; the CDS IWG; and ERandEM IWG. However, some of the work recommended in their reports was advanced in 2017, such as the development of standards for electronic reporting of observer data and transshipment notices and declarations.

28 The TCC Chair thanked the Executive Director for his comprehensive overview report, which established a good overview of the tasks ahead for TCC13.

29 On behalf of PNA Members, Palau thanked the Executive Director for his comprehensive report, and highlighted its appreciation of the work done on the IMS which was helping to streamline reporting obligations and requirements, which in turn would help small administrations such as Palau.

30 TCC13 noted the Annual Report of the Executive Director on operational issues with the MCS programmes and that overviewed the Secretariat's support to TCC workplan priorities (WCPFC-TCC13-2017-07).

AGENDA ITEM 3 — IUU VESSEL LIST

31 TCC13 reviewed the current WCPFC IUU Vessel List and the draft IUU Vessel List, outlined in **WCPFC-TCC13-2017-08**. The Compliance Manager noted that the WCPFC IUU Vessel List maintained those vessels from the previous year's list, and had been updated to include the names and nationalities of Vessel Masters, where available, as requested by WCPFC13.

32 Annex 1 of WCPFC-TCC13-2017-08 provided details of nominations for inclusion on the draft IUU Vessel List. These included the Cook Islands' nomination of Chinese-flagged vessel *Sui Yuan Yu 30*, New Zealand and Australia's nomination of Chinese-flagged vessels, *Da Yang 15* and *Da Yang 16*, and Australia's nomination of Chinese-flagged vessel *Yuanda 19*.

33 The Cook Islands confirmed that the matter regarding *Sui Yuan Yu 30* had been settled and that Cook Islands wished to withdraw the vessel from the draft IUU Vessel List. China expressed their appreciation of the close cooperation with Cook Islands, which had enabled the issue to be settled.

34 With regard to *Da Yang 15* and *Da Yang 16*, New Zealand requested that the matter be deferred until later in the meeting, noting that current positive and constructive discussions with China were underway. China expressed their support for this approach, and observed that it wished to consider the three Chinese-flagged vessels as a package as they were all owned by the same company.

35 Japan questioned whether the CMM permitted a joint notification. The TCC Chair confirmed that the Secretariat had received separate notifications from both Australia and New Zealand, and Australia reported that it had observed both vessels and had notified the Secretariat accordingly. The TCC Chair noted that the CMM was silent on the issue of joint notifications.

36 Regarding *Yuanda 19*, Australia noted that an inspection of the vessel in September 2016 had exposed some violations relating to the vessel's fishing license and failure to accurately record catches. They were in constructive discussions with China and hoped to come to resolution shortly.

37 The TCC Chair noted that there were no further vessels proposed for inclusion on the draft IUU Vessel List, and deferred the discussion until later in the meeting.

38 On 3 October, New Zealand reported back to TCC on its discussions with China related to the *Da Yang 15* and *Da Yang 16*. New Zealand noted that it considered the offences to be very serious but were satisfied with the information provided by China in regard to actions taken. These included:

- the company owning the vessels had been permanently disqualified from the relevant register;
- the owner of the company was no longer permitted to work in any business related to distant water fishing activity;
- the fishing licences for all ten (10) vessels owned by the company had been suspended or relevant registration cancelled;
- the captain's certificate for all captains had been permanently revoked;
- the maximum penalty of \$300,000 had been imposed on both vessels.

39 New Zealand noted that China had confirmed that the penalties had been paid and the vessels were in port or at anchorage, and that it was satisfied with these actions. New Zealand thanked China for its cooperation on this matter.

40 Australia reported back on its discussions with China related to *Yuanda 19*. China had advised Australia that it applied the same actions on *Da Yang 15*, *Da Yang 16* and *Yuanda 19*. Australia commended China for its cooperation and for the comprehensive and strong action taken, and considered these actions sufficient to deter further violations. Australia sought additional clarification from China on the identification of the offences under Chinese law and whether the penalties had been paid.

41 China noted its appreciation of the cooperative discussions with New Zealand and Australia, and stressed that such cooperation was essential to deter illegal fishing activity. It reported that the vessels had been charged with operating without a license to fish in the WCPFC area or with taking species they were not authorised to fish. China confirmed that all vessels belonging to the company were currently in a Chinese port, that all penalties have been received by the Chinese National Bank, that all vessels belonging to the company had been delisted from WCPFC RFV, that the owner had been blacklisted, that the name of the owner had been provided to New Zealand, that all three captains had had their captain's certification revoked and their names had been provided to New Zealand, and that the company had been permanently disqualified from holding any distant water fishery licence. China noted that it had a zero tolerance of IUU fishing activities and it considered the penalties applied were sufficient for the crime.

42 The TCC Chair confirmed that New Zealand and Australia were prepared to withdraw their nominations and thanked those involved for finding resolution.

43 The Federated States of Micronesia also thanked the three CCMs involved, and China for the actions that they had taken.

44 TCC13 agreed that <i>Sui Yuan Yu 30</i> , <i>Da Yang 15</i> , <i>Da Yang 16</i> and <i>Yuanda 19</i> would not be added to the Provisional IUU Vessel List.
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45 With regard to the current WCPFC IUU Vessel List, the Republic of Marshall Islands, on behalf of FFA Members, recommend that no vessels be removed from the List. It noted that these vessels had been on the IUU List for seven–eight (7–8) years and that this continued to be a serious concern to FFA Members, especially as these vessels had also been listed in other RFMO Lists. *Neptune* was listed on the Inter-American Tropical Tuna Commission (IATTC) IUU List in July 2011 and *Yu Fong 168* was listed on the Indian Ocean Tuna Commission (IOTC) IUU List in May 2015. FFA members noted that Georgia had deregistered both *Neptune* and *Fu Lien No 1*, and that Chinese Taipei had reported that there was no information on the whereabouts of *Yu Fong 168* and requested the assistance of CCMs to advise them on the vessel’s location. FFA members sought confirmation from Chinese Taipei that it continued to be the flag State for this vessel, and called on the continued cooperation of all CCMs to actively work together to locate these vessels so their illegal activities could be stopped.

46 FFA members proposed that TCC13 recommend that the Commission seek the flag CCM Chinese Taipei’s cooperation to actively find any information about *Yu Fong 168* and inform the Commission, and further that all CCMs provide prompt advice to the Commission of any information relating to the location of these vessels, and to task the Executive Director to write a letter to other RFMOs and relevant bodies conveying this same message for cooperation to locate these vessels.

47 Chinese Taipei advised that no additional information on the location of *Yu Fong 168*, and noted that the vessel was no longer registered to Chinese Taipei since recently. The TCC Chair requested that formal confirmation of this be provided to the Secretariat.

48 The Federated States of Micronesia and Papua New Guinea both noted that deregistration of a vessel did not free the flag-CCM of its responsibilities under the IUU Vessel List. On behalf of FFA members, the Federated States of Micronesia stressed that CCMs needed to collectively consider innovative ways to deal with this issue, so that it did not become routine to simply roll over the IUU List each year. They noted that WCPFC13 had tasked TCC to investigate options to address the circumstances of vessels remaining on the WCPFC IUU List for many years. FFA members were broadening their approach to combatting IUU fishing beyond a focus on vessels to encompass greater scrutiny and profiling of persons, both individuals and companies, that were involved in IUU fishing, noting that the person who directed the vessel (the operator, who could be the owner, master or, where applicable, charterer) was the actual perpetrator. This work had been fully endorsed by FFA member Fisheries Ministers and was underway. To that end, FFA members had sought WCPFC13’s agreement that the names and nationalities of the vessel masters be included into the IUU List, and thanked the Secretariat for updating the information required for the Draft IUU List accordingly. The Republic of Marshall Islands asked why these details had not yet been included in the current IUU List, noting that if those details were not available, the decision by WCPFC13 required that this should be sought from the flag State. FFA members proposed that the Executive Director be asked to write to the recent flag State Georgia and to the flag CCM Chinese Taipei for these details.

49 Indonesia observed that it was difficult to determine how to progress given the challenges in obtaining this information for each of these vessels.

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| 50 | TCC13 recommended to WCPFC14 that the three vessels currently on the WCPFC IUU Vessel List in 2017 remain on that list. |
| 51 | TCC13 recommended to WCPFC14 that the Commission seeks the cooperation of those CCMs or flag States to whom the vessel was flagged at the time the vessel was placed on the WCPFC IUU Vessel List and other CCMs' cooperation to actively find out any information about these vessels and inform the Commission. |
| 52 | TCC13 recommended to WCPFC14 that the Commission requires prompt advice to the Commission by all CCMs if the vessels have been located or, if there are any known changes to name, flag or registered owner, including any action that the port States have taken such as denial of port entry and services to those vessels or any information from the cannery States of any landings made by these vessels. |
| 53 | TCC13 recommended to WCPFC14 that the Commission tasks the Executive Director to write a letter to other RFMOs and relevant bodies conveying this same message for cooperation to locate these vessels. |

AGENDA ITEM 4 — CNM REQUESTS

54 In accordance with CMM 2009-11, TCC13 considered the applications for Cooperating Non-Member status for 2018, as summarised in **WCPFC-TCC13-2017-09_rev1**, and established a small working group (CNM SWG) led by TCC Vice-Chair Monte Depaune (Nauru) to develop draft recommendations and technical advice for the consideration of the Commission. The Compliance Manager advised that requests for the granting of CNM status in 2018 had been received from the seven current CNMs (Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam). It was noted that Ecuador, Liberia, Panama and Vietnam were present at TCC13.

55 As tasked by WCPFC13, the Secretariat had updated the CNM request template to include a section 4 – indicate interest in WCPFC membership. Some CNM requests were submitted using the 2017 version of the electronic pdf form while some were submitted as scanned versions that were then reproduced by the Secretariat in the correct e-format to enable their inclusion in the combined csv format. The documentation from each applicant was made available to members through the secure section of the website and a summary of financial contributions as of 19 September 2017 was included in the paper. As it had for other CCMs of the Commission, the Secretariat had prepared draft Compliance Monitoring Reports (dCMRs) covering the 2016 activities for the seven applicants, and these were reviewed alongside the dCMRs of CCMs.

56 The TCC Chair reminded delegates that TCC13's task in accordance with CMM 2009-11 was to consider the applications for CNM status for 2018, and make recommendations and provide technical advice to the Commission. The TCC Chair asked that the small working group also consider any technical advice relating to the procedures and processes that would assist in the consideration of CNMs wishing to apply for full Commission membership.

57 On 2 October the TCC Vice-Chair reported back on the work of the CNM SWG with draft recommendations and technical advice relating to the CNM applications from Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam. He noted with appreciation the attendance and

participation of Ecuador, Liberia, Panama and Vietnam at this year's meeting and encouraged other CNM applicants to attend TCC meetings in the future.

58 The TCC Chair thanked the group for its work assessing the CNM applications for 2017, and the CNM applicants that were at TCC13 and had assisted the process.

59 TCC13 provided the following decisions and recommendations to WCPFC14.

60	TCC13 has reviewed the following CNM applications and is forwarding them to WCPFC14 for consideration: Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand and Vietnam.
61	TCC13 thanked the Secretariat for the development of the CNM application template, which assisted the process greatly and thanked CNM applicants for using the template in submitting their applications.
62	TCC13 noted with appreciation the attendance and participation of Ecuador, Liberia, Panama and Vietnam at this year's meeting and encouraged other CNM applicants to attend TCC meetings in the future.
63	TCC13 noted the CNM working group process had occurred in parallel with the compliance monitoring scheme process and recommended that following TCC13, in consultation with SPC, the Secretariat write a particularised letter to CNMs outlining any identified deficiencies in data provision and request that CNM applicants provide any information outlined in these letters, as requested during the CMS process, 30 days in advance of WCPFC14, and that these letters and any responses be assessed by WCPFC14.
64	TCC13 recommended that WCPFC14 take into consideration the compliance statuses of all CNM applicants in making its decision on the CNM applications and participatory rights.
65	TCC13 noted that all CNM applicants other than Mexico and Vietnam have made financial contribution and noted Vietnam's statement that payment is in progress and that Mexico had paid its 2016 contributions and agreed to pay its 2017 contribution in the second semester of 2017.
66	TCC13 noted that in three CNM applications, Ecuador, El Salvador and Mexico, have reiterated interest in becoming full Commission members.
67	TCC13 considered the broader issue of membership was beyond the mandate of the group. However, TCC13 recommends that compliance records be considered among any criteria that could be developed for the process of considering applications for full membership. CCMs are encouraged to consult on broader issues related to the membership process prior to WCPFC14.

68 TCC13 noted the following gaps or issues in the applications for individual applicants and encourages applicants to rectify them if possible by WCPFC14:

Ecuador – TCC13 noted from the Secretariat that Ecuador provided its Annual Report Part 2, which forms a fundamental part of the TCC13 process, late. TCC13 recognised the domestic circumstances in Ecuador that contributed to this late provision and encourages Ecuador to provide its Annual Report Part 2 on time in the future.

Mexico – TCC13 noted that Mexico has not made an explicit commitment to accept High Seas Boardings and Inspections and that Mexico considers this requirement as not applicable. TCC13 noted that Mexico’s financial contribution had been received for 2016 and at WCPFC13 they made a commitment that they will pay their contribution fee for 2017 before 31 December 2017.

Panama – TCC13 noted from the Secretariat that Panama provided its Annual Report Part 2, which forms a fundamental part of the TCC13 process, late. TCC13 recognised the domestic circumstances with Panama that contributed to this late provision and encourages Panama to provide its Annual Report Part 2 on time in the future.

Thailand – TCC13 noted that Thailand may not have provided full historical data on fisheries activities in the Convention area pursuant to CMM 2009-11 (2)(d). An applicant for CNM status is required to include in its requests full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas, pursuant to CMM 2009-11(2)(d).

Vietnam – TCC13 noted that Vietnam’s financial contribution had not yet been received during TCC13 but that Vietnam made a statement that payment was in progress.

AGENDA ITEM 5 — COMPLIANCE MONITORING SCHEME (CMS)

69 The TCC Chair noted that this was the seventh year of the CMS’s operation, and that the review would be conducted under the conditions established in CMM 2015-07 *Conservation and Management Measure for the Compliance Monitoring Scheme*. She drew attention to the need for TCC13 to consider advice to the Commission on a replacement or extension of CMM 2015-07 to ensure continuity in application of the CMS.

5.1 Independent audit or review of the CMS

70 The Executive Director recalled that WCPFC13 had approved the Terms of Reference for the Independent Review of the Compliance Monitoring Scheme, the objective of which is to assist CCMs to improve compliance with the Convention and CMMs, and introduced **WPCFC-TCC-2017-10**, an update on the progress of the review, including the establishment of the independent panel, their work undertaken since, and the timeline for completion of the Report. Two members of the panel – Don Mackay (Chair) and

Dr Christopher Rogers, were present at TCC13. (The third member of the panel, Andrew Wright, was unable to attend). A report was expected by March 2018.

71 Don Mackay and Chris Rogers thanked the Executive Director for his comprehensive introduction and TCC for the invitation to attend the meeting. They stressed that the views of the CCMs were pivotal to an effective and useful process and welcomed the opportunity to talk with colleagues in the margins of the meeting, including those to whom they had already spoken. They also welcomed any additional responses to the questionnaire.

72 On behalf of FFA members, Fiji thanked the Independent Review Panel for commencing the review of the Compliance Monitoring Scheme. As had been previously noted, FFA members were of the strong view that the review must facilitate the Commission to more fully assess the effectiveness, efficiency and fairness of the Scheme, and also provide clear recommendations on how best to implement the Scheme. FFA members expressed willingness to meet with the panellists present at TCC13 in Pohnpei, and looked forward to receiving the Reviewers' progress report at WCPFC14.

73 New Zealand observed that the CMS had improved in recent years through incremental improvements in the system, and cited increased awareness and understanding of the many obligations that members faced, increased responses from CCMs in addressing compliance issues in advance, and improved remedial action after compliance issues had been identified. These positive changes were to the credit of CCMs involved and in this meeting and also the result of substantial and important work by the Secretariat, including significant developments in the relevant information-management systems. New Zealand considered that information management was fundamental to an efficient and well-functioning compliance system and commended the ongoing work in this regard. New Zealand noted, however, that further enhancements could be made to the CMS, including further rationalisation of the process and ongoing incorporation of SIDS interests and capacity needs. Overall, New Zealand considered a compliance scheme to be fundamentally important for the Commission and for the sustainability of our fisheries, encouraged all CCMs to engage in the review work of the panel, and anticipated the Panel's findings in due course.

74 The TCC Chair thanked the panel members and looked forward to receiving their report.

75	TCC13 noted the update of progress on the Independent Review of the CMS (WCPFC-TCC13-2017-10).
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5.2 CMS Process

76 The Compliance Manager introduced four Secretariat papers, which collectively provided an overview of issues in related to the preparation of the draft CMR.

77 **WCPFC-TCC-2017-11a** provided a precis of Compliance Monitoring Scheme matters, covering key dates for CCM annual reporting, draft CMRs and the associated WCPFC online systems in 2017, a summary table of the key statistics related to each year's draft CMR report, the list of the CMM paragraphs and Convention provisions included in the full draft CMR grouped by section and by CMM, and a report on the WCPFC Online Reporting Systems used to support the Compliance Monitoring Scheme. There were no substantive matters raised by the Secretariat.

78 **WCPFC-TCC13-2017-11b** provided a summary of capacity assistance needs identified by CCMs in the year's Annual Report Part 2 reporting or in responses to the draft CMR, as of 11 September 2017. The Compliance Manager advised that Table 1 provided a list of CMM paragraphs against which at least

one CCM had identified a capacity assistance need within the dCMR, or within their Annual Report Part 2 reporting. Summary details relevant to the WCPFC13 adopted Final Compliance Monitoring Report assessment for Capacity Assistance Needed were also included.

79 **WCPFC-TCC13-2017-11c** included an overview of the status of investigations by responsible flag CCMs of alleged violations relevant to the 2017 draft CMR, as contained in the Compliance Case File online system as at 6 September 2017.

80 **WCPFC-TCC13-2017-11d** listed some obligations under various CMMs where TCC advice and direction in relation to their implementation by CCMs might be useful to improve interpretation or clarity. The TCC Chair requested TCC13 participants to keep these obligations in mind as part of identifying measures that may need some improvement.

81 The TCC Chair proposed some guidance to the meeting on the CMR Review Process, including the new issues to be considered (**WCPFC-TCC13-2017-12**).

82 With respect to the *Report back on obligations that were assessed as Flag State Investigation last year* (Reference: **WCPFC-TCC13-2017-dCMR01-ISR**), the TCC Chair reminded the meeting that CCMs were required to include in their annual report data on the progress of the investigation for each obligation that was assessed as Flag State Investigation (FSI) in 2016. The CMS working group was thus required to consider each of the FSI assessments and determine whether the assessment should remain FSI or whether the assessment should be changed to reflect progress or lack of progress made over the past year. The results of these assessments would then be included in the Provisional CMR that would be sent to the Commission.

83 With respect to *Report back on obligations that were assessed as Capacity Assistance Needed last year* (Reference: **WCPFC13-2017-dCMR01-CDP**), the TCC Chair noted CCMs were required to include in their annual report on the progress of the Capacity Development Plan for each obligation that was assessed Capacity Assistance Needed in 2016. The CMS working group was thus required to consider each of these Capacity Assistance Needed assessments and determine whether it should remain Capacity Assistance Needed or whether the assessment should be changed to reflect progress or lack of progress made over the past year. The results of these assessments would then be included in the Provisional CMR that would be sent to the Commission.

84 For *Alleged violations from 2015 that were not included in last year's CMR* (Reference: **TCC13-2017-11c**), the TCC Chair noted that there were a number of alleged violations from 2015 that had not been included in last year's CMS because the compliance cases were notified after the CMS had been completed. To ensure consistency with the 2016 assessments, the Chair proposed that the CMS working group conduct the assessment of the outstanding 2015 alleged violations in conjunction with the 2016 assessments, but that the outcomes of these assessments should be recorded separately.

85 With regard to *ROP Pre-Notification Issues* (Reference: **WCPFC-TCC13-2017-11c**), the Chair observed that the ROP Pre-Notification Issues list had generated 544 cases and fewer than 100 of these cases had a completed investigation/review by a CCM. However, based on the experiences of those reviews, most cases either did not involve violations or involved only *de minimis* violations. Significant violations were also being captured through other compliance case file system lists. Given the low likelihood of significant cases being identified through this list, the TCC Chair recommended that the CMS working group only assess those cases from the ROP Pre-Notification Issues list related to observer obstruction.

86 The results of all of these assessments would be included in the Provisional CMR that would be sent to the Commission.

- 87 The TCC Chair reminded TCC13 of existing process for other assessments:
- The review will be on obligation-by-obligation basis, not by country.
 - CCMs could not block their own compliance assessment if other CCMs had reached consensus.
 - Where additional information was provided verbally during the CMS working group, this information would be accepted for the assessment, unless the Secretariat needed additional time to review and confirm the information received.
 - In cases where CCMs were late with a reporting deadline, TCC13 would accept the assessment of the Secretariat unless there was additional relevant information provided by the CCM.

88 TCC13 agreed on the proposed CMS process as outlined in **WCPFC-TCC13-2017-12**.

5.3 Provisional Compliance Monitoring Report (CMR) and Executive Summary

89 The CMS working group reviewed the draft Compliance Monitoring Report, made its assessments and prepared the Provisional CMR in closed session.

90 TCC13 recommended to WCPFC14 the Provisional CMR for the Commission's consideration and final assessment in **WCPFC-TCC13-2017-pCMR**.

5.4 Provide Advice on Expiry of CMM 2015-07 at the End of 2017 (CMM2015-07, paragraph 41)

91 The TCC Chair referred to the expiry of CMM 2015-07 at the end of 2017. Noting that the independent review report was not due before March 2018, she sought any advice and recommendations TCC13 wished to provide to the Commission on this issue.

92 Australia, United States, New Zealand, European Union, New Caledonia, Chinese Taipei and Canada supported the extension of CMM 2015-07 into 2018 to provide an opportunity for the advice and recommendations of the Independent Review Panel to be incorporated into a revised CMM.

93 Solomon Islands, on behalf of FFA members, noted that given the independent review currently underway the outcomes of which would not be available until 2018, an extension of CMM 2015-07 for one year was logical. However, FFA members considered that some of the unfairness in the assessments could be addressed in 2017. FFA members had provided and continued to provide significant amounts of high-resolution data to the Commission in their Scientific Data submissions as well as regular submissions during the year. They noted that the assessment of deadlines, in particular that of the Part 1 report, diminished the significance of the actual operational data provided to the Secretariat in other formats. FFA members proposed that CCMs should not be assessed against the Part 1 report deadline if they have met all the obligations under sections 1–3 of the Scientific Data provision requirements, which aligns with the 'essential information' component of the Part 1 report template, and have provided the data required in the Part I Addendum.

94 On behalf of PNA members, the Republic of Marshall Islands agreed with FFA members on the increasing burden of Commission-related actions, particularly for small administrations, and supported

their proposal to streamline some of the WCPFC reporting functions. PNA members proposed that the Part 1 reports could be replaced with other more effective reporting processes, and sought improved accessibility of information from the Commission. Much of the information required for the Part 1 reports was already provided to the Commission in accordance with the Scientific Data Rules, and a further large component was available to SPC directly via the information management systems. PNA members appreciated the public access value of the Part 1 reports, but suggested that much of that information could be made available through the Commission website, which would also remove the need to work through multiple national reports. As a first step, PNA members supported the FFA proposal that CCM submission of the essential elements of the Annual Report Part 1 and the Addendum be accepted by TCC13 as meeting the obligations for provision of information in this Report, and for the CMS CMM to be revised accordingly.

95 China expressed hesitancy in simply rolling over the CMM, stressing that it was important that the WCPFC took real action to make the system more efficient and effective. They suggested that WCPFC needed to develop mechanisms to review the impact of categorisation of non-compliance and that it could learn from the experiences of other tuna RFMOs who appeared to be more efficient.

96 Papua New Guinea supported the proposal presented by Solomon Islands for a review of all reporting requirements to reduce duplication and to streamline the work of CCMs, the Secretariat and TCC, and to make the CMS a fairer, and more efficient and effective process. They noted that the value of scientific data provision far outweighed the deadline of a report that required the same information, and alignment would reduce the additional work that small administrations already struggle with.

97 Japan expressed a similar view to China about a simple rollover of the CMM, and supported consideration of the ICCAT process, improvements to the efficiency of the CMR assessment process through, for example, prioritisation of requirements, and the need for outcome responses.

98 The European Union, New Caledonia and Canada expressed the view that CCM proposals for amendment of the CMM would be best considered as part of detailed discussions based on the results of the assessment of the Independent Panel's review.

99 New Zealand supported China's proposal for responses for non-compliance and clarified that FFA members were supportive of a one-year extension of the current measure, and that the additional issues raised by Solomon Islands could be considered as part of members' obligations in 2017 or as part of the CMR review process.

100 Canada noted the differences between ICCAT and WCPFC would make it difficult to simply adopt their process.

101 On behalf of PNA members, Nauru indicated support for the one-year rollover of the measure.

102	TCC13 noted that a majority of CCMs supported recommending to WCPFC14 that the Commission extend CMM 2015-07 for one additional year while the Independent Review completes its work. A minority of CCMs did not support this recommendation.
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AGENDA ITEM 6 — STATUS OF FISHERIES PRESENTATION (SPC-OFP)

103 Dr Stephen Brouwer (SPC-OFP) presented **WCPFC-TCC13-2017-IP09**, which provided a summary of the stock status and main fishery trends for the WCPO. The catch of bigeye and yellowfin tuna

in the tropical longline fishery had fluctuated without trend around 60,000 metric tonnes since 1990. Longline effort decreased in the early 1990s, after which it was variable and increasing through to 2016. These trends have caused the CPUE to fluctuate and, while yellowfin tuna CPUE was reasonably consistent, bigeye tuna CPUE had decreased through the 2000s. Both catch and effort in the southern longline fishery increased from 1990 to around 2012, with subsequent declines, while CPUE was variable but with a decreasing trend. For the purse seine fishery, the number of sets increased slowly from 1990 to 2009, after which the number of unassociated sets had increased markedly.

104 The changes to the new bigeye tuna assessment model were outlined, including new growth and maturity schedules developed through WCPFC Project 35 and a new regional structure. Using the new data in the MFCL assessment, a grid of 72 models was used to provide management advice, with the new growth included in the grid with three times the weighting of the old growth models. This weighted median provided a depletion estimate of $SB_{2012-2015}/SB_{F=0}$ 0.32, indicating that the stock was on average not overfished and overfishing was not occurring. Using these model runs the stock status was projected forward to 2045. This projection showed that in the short term the stock was expected to increase in the first few years, stabilising at around the long-term average thereafter. Projecting using 2015 conditions, which implied relatively low purse seine effort and longline catch, as well as assuming positive recent recruitments, may imply the results of these projections were relatively optimistic. The probability of the stock being below the LRP in the terminal year of the projection was 10 percent. Similarly, for yellowfin using 48 model runs, the median provided a depletion estimate of $SB_{2012-2015}/SB_{F=0}$ 0.3, indicating that the stock was on average not overfished and overfishing was not occurring. Using these model runs the stock status was projected forward to 2045 and $SB_{latest}/SB_{F=0}$ was estimated to increase on average to 0.39. The probability of the stock being below the LRP in the terminal year of the projection was 16 percent. For skipjack tuna the $SB_{2012-2015}/SB_{F=0}$ was estimated at 0.58, indicating that the stock was not overfished and overfishing was not occurring. The projection indicated a short-term decline followed by an increase and the biomass was estimated to stabilise above the target reference point of $SB/SB_{F=0} = 0.5$ and no model runs fell below the limit reference point. For south Pacific albacore tuna, the $SB_{latest}/SB_{F=0}$ was assessed using a grid of model runs and the median of that grid was at 0.44, indicating that the stock was not overfished and overfishing was not occurring. The projection indicated a short-term decline after which the biomass was estimated to stabilise below the current level, with $SB_{2033}/SB_{F=0}$ equal to 0.35. The probability of the stock being below the LRP in the terminal year of the projection was 7 percent. The stock status of non-SPC assessed tuna stocks was also summarised including north Pacific albacore, and Pacific bluefin tuna were included.

105 The stock status of swordfish, striped marlin, and blue marlin (assessed by the ISC) were presented as were silky, oceanic whitetip and blue shark in the north Pacific (assessed by the ISC). Furthermore, Maximum Impact Sustainable Threshold (MIST) risk assessments conducted through the ABNJ Tuna Project were presented. These indicated that for bigeye thresher shark under current fishing operations (with 30 – 70% post-capture mortality) some of the annual median F estimates exceeded two of the three indicative reference points and there was more than 50 percent probability in most years (2000–2014) that $F > MIST$ based on 0.5r. For the southern hemisphere porbeagle shark stock status was unknown but fishing mortality (based on 100% capture mortality) was very low (F in all cases was less than 18 per cent of the MIST thresholds).

106 Finally, SPC noted that it was undertaking deterministic stock projections for bigeye, yellowfin and skipjack tuna under different levels of future purse seine associated effort and longline catch levels, to develop a large grid of the stock consequences of future fishing combinations, as scalars from the 2013–2015 levels. The outputs would indicate the ‘average’ conditions that should result under those fishing levels, where future recruitments were defined by the stock recruitment relationship. In addition, the SPC would also be working through the options that were defined at the tropical tuna conservation and

management measure meeting to identify the purse seine effort and longline catch levels they imply through the estimation of their average outcomes using that grid of projection runs.

107 The Republic of the Marshall Islands, on behalf of PNA members, thanked the SPC for their presentation and the overview paper. They were heartened by positive features in the overview, including positive indications of the status of the tropical stocks as an indicator that the current strategies and measures for the tropical tuna fisheries were working effectively. Because of some good scientific analysis, it now appeared that the bigeye stock was larger and healthier than previously understood. RMI noted that this was particularly welcome news for PNA members as it provided potentially new opportunities to add value to both the longline and purse seine fisheries in PNA waters. They noted, however, the need for a cautious approach and further work to confirm SC's conclusions, and looked forward to results of further analyses by SPC as agreed in Honolulu.

108 TCC13 noted the presentation by SPC-OFP of the Status of Fisheries Presentation.
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AGENDA ITEM 7 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

7.1 Monitoring Obligations Relating to SIDS and Territories (TCC Workplan 2016–2018)

109 In accordance with Rule 2 (h) of the WCPFC Rules of Procedure, the TCC Chair noted that consideration of the special requirements of developing states pursuant to Part VIII of the WCPFC Convention was a standing agenda item for TCC. The approved TCC Workplan 2016–2018 identified the TCC priority-specific task 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)). Two CMMs were approved at WCPFC10: 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*. 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 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.

110 On behalf of FFA members, the Cook Islands stressed that while there was a dedicated agenda item for SIDS, SIDS issues flowed throughout the agenda of TCC13, and FFA members would raise issues as relevant throughout the meeting. FFA members strongly encouraged the proponents of any new proposals to consider the criteria set out in CMM 2013-06 and the impact on SIDS, and to discuss these early with SIDS. The consideration of these criteria was mandatory for any new proposals, and therefore prior consideration would facilitate and expedite discussions on such proposals. In addition, FFA members expressed their concern with the way some developed CCMs approached the preparation of the reports required under para.19 of CMM 2013-07. They strongly urged that these reports be taken seriously; this helped SIDS to more fully gauge the assistance needed for them to meet their Commission obligations.

111 The Cook Islands thanked those that have contributed to the Special Requirements Fund, noting that SIDS were drawing down on this Fund. It expressed its appreciation of the work of intersessional working group to progress consideration of the sustainability of the Fund, and looked forward to discussing the outcomes of the IWG's work at FAC13 and WCPFC14.

112 On behalf of FFA members, Republic of Marshall Islands made a supporting statement, noting the need for a clear strategy to provide assistance to SIDS. As advised at WCPFC13, FFA members continued to discuss the potential utility of the SIDS checklist as a reference for identifying key areas of assistance for individual and collective SIDS, beyond those identified in the CMR process. The current priority areas for targeted assistance to individual SIDS were highlighted in the Final Compliance Monitoring Report.

113 The Republic of Marshall Islands noted, however, that these were not the only areas where targeted assistance was required to SIDS. As noted by Cook Islands, SIDS needs appear throughout the agenda of this meeting. FFA members proposed the following areas for targeted assistance:

1. the ongoing discussions on the tropical tuna bridging measure to ensure that there was no disproportionate burden transferred to SIDS;
2. the need that has been identified for an additional participant to be included in key meetings of the Commission in the discussions of the Special Requirements Fund;
3. the needs identified in the CMS process to assist SIDS to meet Commission obligations;
4. the need to ease the burden of reporting obligations on small SIDS administrations to include removing duplicative reporting obligations and instead improve access to data already made available to the Commission;
5. the para 19 reports under CMM 2013-07 that were designed to assist with tracking assistance to SIDS under that measure;
6. the SIDS impact assessments required under CMM 2013-06 that were required to plan what assistance is needed for SIDS (hence, our call for early discussions on any new proposals); and
7. specific areas for assistance to SIDS identified in the TCC Workplan.

114 FFA members expressed their sincere appreciation for the various sources of assistance to SIDS, including individual efforts from members, the Special Requirements Fund, Japan Trust Fund, Chinese Taipei Trust Fund, and the specific budget line of \$50,000 for capacity needs identified in the CMR process. However, while several needs had been clearly articulated by SIDS and several sources of assistance made available, there remained a need to connect the dots and link the chains between which sources of assistance can best meet which needs, and for that assistance to be systematically tracked to ensure delivery of assistance to SIDS. In response to this view, FFA members proposed that TCC13 recommend that WCPFC14 consider an approach to addressing this specific challenge of making the links between which sources of assistance can best meet SIDS needs, and how that assistance can be systematically tracked to ensure its delivery.

115 Japan sought clarification on how assistance could be systematically tracked. RMI provided an example around the development of capacity regarding the delivery of reports and FSM stated that provision of a systematic and clear monitoring tracking assistance would ensure that the assistance provided did indeed address the identified needs – the desired end state. Japan also noted that Japan Trust Fund was open to receive submissions.

116 TCC13 recommended to WCPFC14 that the Commission considers an approach to addressing the specific challenge of making links between which sources of assistance can best meet SIDS and Territories' needs, and how that assistance can be systematically tracked to ensure its delivery.

AGENDA ITEM 8 — CORE MCS ACTIVITIES

117 TCC13 discussed a range of technical issues and requirements relating to the core MCS activities of the Commission.

8.1 Vessel Monitoring System (VMS)

118 The WCPFC VMS Manager Albert Carlot introduced the VMS Annual Report (**WCPFC-TCC13-2017-RP01_rev1**). He noted that the Service Level Agreement (SLA) with FFA had been revised to reflect the changes in the cost structure with the new VMS service provider TrackWell. Two (2) new Mobile Transceiver Units (MTUs) were proposed for inclusion on the WCPFC approved list (Triton Advance from CLS, and SkyMate I500 VMS from SkyMate Inc). Four (4) Argos units on the list of approved Automatic Location Communicators/Mobile Transceiver Units (ALC/MTUs) do not meet the minimum requirements of CMM 2014-02 (FVT, MAR GE, MAR GE V2, MAR GE V3) and the Secretariat recommends that these MTU/ALCs be removed from the WCPFC-approved ALC/MTU list. The MTU/ALCs of some vessels have not been reporting consistently to the Commission VMS, and the Secretariat requested support from CCMs to resolve these anomalies and, where necessary, for CCMs to prioritise these vessels for MTU/ALC audit/inspection. A list of all current RFV vessels' Commission VMS reporting status was now available and accessible by authorized CCM users from the CCM Portal on secure section of the WCPFC website (<https://www.wcpfc.int/ccm/wcpfc-vms-report>). The VMS Manager reported that Deloitte Touche Tohmatsu Limited was contracted to carry out the independent audit of the integrity of the Secretariat's VMS data, as required by VMS SSP 6.10. The outcome of the Deloitte report was posted as **WCPFC-TCC13-2017-RP08**. The VMS Manager also noted that the Secretariat intended to prepare a draft revision of the Standard Operating Procedures during 2017/18 for presentation to TCC14.

119 The TCC Chair noted that the Secretariat had reiterated its advice from TCC12 that three Argos units (ARGOS – FVT; ARGOS – MAR-GE and ARGOS – MAR-GEV2) did not meet the agreed Commission VMS requirements and that the DMR unit was presently not able to report to the Commission VMS, and asked for the views of TCC13 on recommending that these units be removed from the WCPFC list of CCMs' approved MTUs. It was also noted that MAR-GEV3 does not meet the agreed Commission VMS requirements and is recommended to be removed from the WCPFC list of CCMs' approved MTUs.

120 Japan recalled that the TCC12 discussion on this issue had requested an update from the Secretariat on the reason for the failure to fulfil paragraph 4 of the minimum standard (the data shall be received by the Commission within 90 minutes of being generated by the ALC under normal operation), and particularly whether those incidents were caused by the Commission's VMS-receiving capacity.

121 The VMS Manager reported that the delay in reporting was generated by the unit itself: Argos units generated positions when the satellite passed, the copy was held by the unit and then sent when the satellite passed a second time.

122 Indonesia stressed that it required additional time to determine the time necessary to complete the phase-out, particularly given the budgetary implication of replacement, and asked for a written explanation of the impact of continued use of Argos units on the VMS process.

123 The VMS Manager responded that the delay impacted surveillance-control data. For example, the aerial survey system generated questions when it sighted a craft that was not showing the assumed correct VMS position.

124 China and Philippines expressed some sympathy for the Indonesian position and asked if it was possible to tolerate the delays. The VMS Manager reported that sometimes the delays were up to fourteen (14) hours.

125 Japan asked that every possible cause of the problem be assessed before recommending removal because fishermen bought ARGOS units listed in the positive list and it was very costly to replace the VMS systems. For example, was it possible to improve the reporting from the satellite?

126 The Compliance Manager noted that the Secretariat's task as per the VMS SSPs is to provide a recommendation to TCC of the ALC units that do not meet the agreed Commission VMS minimum standards. The VMS Annual Report provides the recommendation and presents its basis.

127 New Caledonia reported that the Argos units worked very well in their own waters but it needed additional time to improve the reporting process.

128 Vanuatu, on behalf of FFA members, noted the justifications reiterated from the Secretariat for removal of the four ALC/MTU models from the list of approved types. It noted that the Secretariat had re-analysed the Argos position data from July 2016 to June 2017 and, as shown in Figure 4 in the report, 35 per cent of these reports were overdue and are therefore non-compliant. FFA members strongly supported the Secretariat's recommendation.

129 United States appreciated the difficulties faced by the flag CCMs affected by the non-compliant units. It stressed that the fault was not with the Secretariat or the flag CCMs. While the units did not meet the required standard and were unlikely to meet the standard, USA suggested that the phase-out time should be sufficient to allow flag CCMs to deal with the logistical issues.

130 Australia noted that VMS was a key tool for supporting MCS operations and noted the advice from the VMS Manager that the Argos units listed in **WCPFC-TCC13-2017-RP01_rev1** continued to fail the minimum standard required with respect to timeliness of reporting. Australia noted that it did not support any new purchases of non-compliant units and supported removal of these four units from the WCPFC list of approved units. It recognised that a delayed implementation may be necessary for some CCMs. New Zealand supported this view.

131 French Polynesia supported Japan and Indonesia with respect to the need for additional time to assess the impact of the removal of these units.

132 Canada echoed the views of Australia and USA, and proposed that the non-compliant units should be removed, that no new units should be bought while those already in use should be grandfathered during a transition phase.

133 Some CCMs expressed the need for a specific period of the transition phase.

134	TCC13 noted the Secretariat's assessment that the following units meet the minimum standards for the Commission VMS and are capable to successfully report to the Commission VMS: i) Model: Triton Advance MTU , Manufacturer: CLS OROLIA, Service Provider: CLS ii) Model: SkyMate I1500 VMS , Manufacturer: SkyMate Inc., Service Provider: SkyMate Inc
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- 135 TCC13 agreed to recommend to the Commission the addition of the **Triton Advance MTU** and **Skymate I1500 VMS** to the WCPFC approved ALC/MTU list.
- 136 TCC13 noted that the Secretariat has reiterated its advice from TCC12 that three Argos units (**ARGOS – FVT**; **ARGOS – MAR-GE** and **ARGOS – MAR-GEV2**) do not meet the agreed Commission VMS requirements and the **DMR unit** was presently not able to report to the Commission VMS. TCC13 also noted that the Secretariat had advised that **ARGOS-MAR-GE V3** ALC did not meet the reporting requirement in Annex 1 of CMM 2014-02.
- 137 TCC13 recommended to WCPFC14 that the Commission agree that CCMs should ensure that vessels flying their flag do not purchase, install or transfer the following VMS units: **FVT**, **MAR GE**, **MAR GE V2**, and **MAR GE V3** (all Argos units) and that they be removed from the WCPFC approved ALC/MTU list. TCC13 further recommended to WCPFC14 that the Commission agrees that existing units on vessels will be allowed to continue to operate for a period to be determined by the Commission. TCC13 recommended that CCMs whose vessels use these models be prepared at WCPFC14 to provide a date certain by which these units can be fully phased out.

138 On behalf of FFA members, New Zealand thanked the Secretariat for preparing the report and expressed support for the commitment towards working on the priority areas and in partnership with the FFA Secretariat within the scope of the WCPFC VMS SLA. They expressed appreciation for the publication and provision of access to the authorised CCM MCS contacts through the secured online CCM portal, the WCPFC VMS reporting status of those vessels listed in the RFV together with information on VTAF, VMS reporting channel (WCPFC direct, via FFA VMS, manual reporting or not reporting). FFA members noted that some CCMs had had the opportunity to use this tool and had provided positive feedback to the Secretariat. To improve the effectiveness of the tool, they requested the Secretariat develop an export functionality to this listing of the WCPFC VMS reporting status so that authorised CCM users were able to export the list to a CSV or MS Excel file for further analysis. The export functionality should be a standard feature for any such lists made available for authorised CCMs users. FFA members noted that through MCS activities a number of fishing vessels continued to be identified as not reporting to WCPFC VMS. A benefit of having the export functionality was improved cross referencing with CCM VMS systems, enabling CCMs to ensure their vessels were reporting via the WCPFC VMS.

139 The European Union sought additional information around the procedure for manual reporting, as requested by TCC12, but in the interests of time indicated they would pursue this question directly with the Secretariat. The EU referred to the fished report, noting that the VMS reporting indicated a huge discrepancy of vessels that were not reported in VMS system, perhaps related to different understandings of CCM obligations, and requested that this issue be further discussed at TCC14.

140 The European Union requested that the Secretariat could be tasked to review the information sheet that provides guidelines on WCPFC VMS requirements, and provide updates for TCC14.

141 The United States concurred with New Zealand's concerns and supported a recommendation to WCPFC14.

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| 142 | TCC13 recommended to WCPFC14 that the Commission tasks the Secretariat to coordinate, as necessary, with the VMS service provider to provide additional functionality in its 'Commission VMS-reporting status tool' in a web-based, exportable matrix. The new tool should separately, in addition to the data listed in the current tool, provide authorized flag CCM MCS entities each of their vessel's daily VMS-reporting status (how many position reports are transmitted by each vessel on each date), and determine and display a generic vessel status ('in port' or 'at sea', for example). |
| 143 | TCC13 requested the Secretariat update as needed the 1–2-page information sheet that provides a guideline on WCPFC VMS requirements and that is published on the WCPFC website. The Secretariat was requested to also include notation related to relevant reporting requirements and their reference, as needed. |
| 144 | TCC13 noted the VMS Annual Report (WCPFC-TCC13-2017-RP01_rev1). |

8.2 Regional Observer Programme

145 The WCPFC Regional Observer Programme Coordinator, Karl Staisch, introduced the ninth ROP Annual Report (**WCPFC-TCC13-2017-RP02**), noting that at the time of completing this paper, 2017 audits had been completed for the China, Korea and PNG observer programmes, and plans were in place to complete the audits for the programmes of Cook Islands and Chinese Taipei before the end of the year. The EU-Portugal Observer Programme had been authorised to be part of the ROP on an interim basis and the program needs to be audited for full authorization; a schedule for this is under discussion but likely to be in 2018. The second phase of ROP auditing of programmes for Australia, New Zealand, PNA Office, Tuvalu, Palau, New Caledonia and Japan are planned for 2018.

146 He confirmed that the data in Tables 1 – 8 would be introduced under Agenda items 11.3 – 11.6. Table 9 reported on observer coverage. He noted that some members had not submitted observer coverage data and therefore 100 percent coverage as required could not be verified. Observer coverage for the longline sector in 2015 was still low but was improving in some programmes. There were approximately 70 observers with IATTC/WCPFC cross-endorsement certification. Training was held in Vanuatu in 2016 and Federated States of Micronesia in 2017, and further training was expected to be required in 2018. The 2017 version of the *CMM Booklet for Observers* was printed and distributed to all programmes. The booklet was also sought by vessel captains and several non-English-speaking countries had supplied translated versions of the observer CMM booklet for their captains. The cost involved in printing and freight were within the budget allocation. Table 10 provided a summary of observer trip monitoring data for 2016/17 period. There were 20 reports of intimidation, harassment or interference of observers, mostly relating to observers being prevented from looking at vessel instrumentation. These and other pre-notification responses of 'YES', which are noted in ROP data, were notified by the Secretariat in the WCPFC online compliance case file system for flag CCM investigation. A ROP Pre-Notification Issues List in the WCPFC online compliance case file system had been included, in response to WCPFC12's direction to develop an online solution for providing advance notification to flag States of alleged infringements reported on observer trip monitoring summary.

147 The European Union expressed concern about the reports of finning of sharks, particularly given the protected status of these species and the 5 percent observer coverage for the longline fishery. They recalled their intervention in 2012, noting the high number of interactions with sharks and trunks discarded but fins retained, notably for silky sharks. It was noted that finning was forbidden for all sharks but silky

sharks were more protected. Given the significant number of ‘discarded body, fins retained’ incidents reported for the purse seine fishery, which was 100 percent observed, EU was concerned about the real figures for the longline fishery given that observer levels were so low. While EU acknowledged the decline in the reports, in their view the current measure was not working and further action was still required, through the introduction of a ‘fins naturally attached’ policy. The EU also asked if more detailed data on the rate of seabird interactions were available.

148 In response to a query from the EU on why their two observers were not included in the purse seine observer coverage report, the Regional Observer Programme Coordinator clarified that the table was prepared in August before the submission of EU’s information.

149 The Federated States of Micronesia noted that FFA members viewed the adoption of Conservation and Management Measure 2016-03 for the protection of Regional Observer Programme observers as a key achievement for the Commission. However, it was only a starting point, and the recent cases of missing observers underlined that further work was critical to improve the safety of observers. A key area of work was to ensure that there was full insurance coverage for observers. The lack of clarity on the scope and application of insurance policies for observers remained an outstanding issue, and continued to put observers and their families in an insecure situation. FSM reported that FFA members had commenced work in this continued effort to ensure the safety and wellbeing of their observers, and hoped to provide a report of outcomes with other Commission members once completed, with a view to improving this situation for all observers operating under the Regional Observer Programme.

150 United States agreed with FFA members that this remained a high-priority issue requiring further work, and was particularly concerned with the collective failure to reach even a 5 percent observer coverage for the longline fishery.

151 In response to a query from the USA regarding information collection, the Regional Observer Programme Coordinator noted it was an obligation for the Secretariat to monitor coverage provided by the flag CCMs and observer providers, that the timeliness of submission of observer data to the Secretariat was improving, and that some observers provided all ROP required data, while others only provided a subset of ROP required data.

152 Japan recognised the need to improve our coverage level, but noted that it was challenging to reach the 5 percent longline observer coverage level on high seas primarily because of a lack of observers, and operating practice that longline boats do not determine to operate in EEZ or high seas before leaving ports, strongly supported first achieving the 5 percent level and review how observer data is used for scientific and monitoring purposes, prior to consideration of any change. They noted that while no-retention shark compliance had improved, it should be kept under review. Japan expressed concern that it currently was not possible to identify the country or specific vessels that were failing to meet compliance requirements, and supported the USA view that access to full observer reports would assist flag States in investigations of possible violations.

153 The Cook Islands, on behalf of FFA members, urged flag States to provide observer placement records to the Commission for all observer trips to ensure that observer coverage levels are effectively verified. FFA members suggested that this requirement should be strengthened as currently CCMs were not obligated to provide updated placement records, yet without complete placement records the Commission was unable to verify all observer placements. FFA members supported the ongoing development of electronic monitoring to supplement and improve the current observer coverage levels on carrier and longline vessels, with ongoing analysis to assess data needs and how these needs could be met.

154 Australia, noting the several references to the possible role of electronic monitoring in supplementing observer coverage, suggested that the ERandEM IWG meet in 2018 to enable SC14 to consider how observer data obtained through electronic monitoring could be dealt with in the WCPFC context.

155 The Republic of Marshall Islands, on behalf of FFA members, noted that the cross endorsement in the IATTC overlap area was an operational convenience that allows some fleets to operate across both RFMOs and the cost was borne by the WCPFC Commission, and more particularly the national programmes of SIDS. FFA members proposed that TCC13 recommend that the Commission investigate alternative funding mechanisms to deliver this training.

156 European Union suggested that the Secretariat prepare a practical one-page information sheet providing clear instructions on what was expected to be reported by CCMs to WCPFC in respect of observer placements and observer data, and include this on the website.

157 Chinese Taipei noted the challenges of achieving 5 percent coverage for many CCMs, and encouraged the increased usage of electronic monitoring to complement the observer coverage for longline vessels, particularly small vessels.

158 New Caledonia reported that it had implemented a pilot electronic monitoring system, and was currently reviewing several technical issues particularly with camera visibility. One trip also included an observer to allow for comparison with the electronic monitoring report. New Caledonia noted that it supported electronic monitoring but considered that the technology needed to be improved before it could be relied up as part of the ROP observer monitoring.

159 On behalf of BirdLife International, Pew and WWF International, BirdLife International expressed concern that paragraph 30 of the report implied that the target coverage for longline fishery was 5 percent and that electronic monitoring could be used as a way of meeting that target level. BirdLife International recognised the issues some members had in meeting the 5 percent target but reminded members that 5 percent was only an interim arrangement while CCMs built capacity. In no way does it meet scientific requirements; 5 percent is neither statistically significant nor useful for MCS purposes. Ultimately longline coverage should be on a par with purse seine coverage. BirdLife International encouraged a review of what level of coverage could be covered through electronic monitoring to achieve statistically significant coverage, and supported Australia's recommendation to consider this as part of the development of electronic monitoring standards.

160 TCC13 noted the annual report on the WCPFC Regional Observer Programme (**WCPFC-TCC13-2017-RP02**).

161 TCC13 agreed to form an intersessional working group, which would work electronically and in the margins of meetings if convenient, and report back to TCC14. The group will address the need for CCMs to obtain copies of observer reports for their vessels in a timely manner so that they may fulfil their responsibility to undertake investigations of possible violations. The group will explore ways to facilitate access to observer reports from both ROP Providers and the Secretariat, and will recommend possible improvements to the CMM for the Regional Observer Programme, the Agreed Minimum Standards and Guidelines of the Regional Observer Programme, and/or other Commission decisions. CCMs are requested to send the names and contact information

	for one or more participants in the working group to the Secretariat no later than 1 November 2017 . The United States offered to lead this working group.
162	TCC13 recommended to WCPFC14 that the Commission investigate alternative funding mechanisms to deliver cross endorsement training.
163	Noting that levels of observer coverage could be improved under the ROP and that electronic monitoring could potentially supplement or complement observer monitoring, TCC13 recommended to WCPFC14 that the Commission task the ERandEM IWG to meet early in 2018 to enable SC14 to consider how observer data obtained through electronic monitoring is to be dealt within the WCPFC context.
164	TCC13 requested the Secretariat prepare a one–two-page information sheet on the ROP observer programme and publish this on the WCPFC website, and requested that this clearly confirm for the information of CCMs the required reporting requirements and their reference.

a. Development, improvement and implementation of the Commission’s measures for observer safety and related issues (TCC Workplan 2016–2018)

165 The TCC Chair noted that WCPFC13 had adopted CMM 2016-03 for the 'Protection of WCPFC Regional Observer Programme Observers' and had indicated the requirements that observer providers, flag CCMs and vessels were to follow if an observer dies, was missing or presumed fallen overboard, suffered from a serious illness or injury that threatened his or her health or safety, or if an observer had been assaulted, intimidated, threatened, or harassed such that their health or safety was endangered. WCPFC13 had also adopted new minimum standards for ROP observer programmes to support safety of observers.

166 The WCPFC Regional Observer Programme Coordinator, Karl Staisch, reported that the Secretariat had utilised audits and other opportune national visits to check that safety measures for observers were in place. He noted that these new WCPFC standards were being recognized across the globe as a minimum standard that should be used for observer safety in all programmes.

167 The Secretariat confirmed the report of a tragic loss at sea of an observer in June 2017. The Secretariat was actively involved in the communications related to the establishment and conduct of the search and rescue operations. From the observations of the Secretariat, the vessel, observer provider and flag CCM concerned appeared to have met the requirements set out in CMM 2016-03, and support was provided by relevant rescue authorities. Reports of the incident and associated investigations following the incident were provided to the Secretariat and the relevant parties involved, and the Secretariat duly filed relevant correspondence in the WCPFC online compliance case file system. Unfortunately, the observer was not found. More recently there was another report of an observer lost but luckily was found by another vessel searching for them.

168 The Regional Observer Programme Coordinator noted that WCPFC12 had agreed that by January 2017 all observer providers would provide observers an independent two-way communication mechanism, such as satellite phone, two-way texting device and a waterproof Portable Lifesaving Beacon (PLB) device. Several programmes were still working to implement this requirement.

169 The Federated States of Micronesia noted that the additional work was required on the observer insurance issue to progress clarity, scope and how it would be invoked.

170 The European Union considered achievement of maximum observer coverage was a priority for WCPFC. It also requested further information on why some observers had yet to receive safety equipment from service providers according to minimum standards.

171 Japan had previously introduced **WCPFC-TCC13-2017-DP05**, *Proposed Amendment to CMM 2016-03*, under Agenda 1.4. Japan reported that it had taken all measures necessary to implement all the provisions of CMM 2016-03 as of 1 August 2017, including the amendment of domestic regulations. It requested that TCC13 recommend to WCPFC14 the deletion of footnote 1 of Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme Observers (CMM2016-03) as attached, and renumber subsequent footnotes accordingly.

172 TCC13 recommended to WCPFC14 that the Commission amend CMM 2016-03 by deleting footnote 1 and renumbering the remaining footnotes accordingly.

b. Draft E-reporting standards for observer data

173 The TCC Chair noted that WCPFC13 adopted standards, specifications and procedures for electronic reporting, which presently included E-reporting standards for operational catch and effort data (WCPFC13 Summary Report paragraph 584 and Attachment T). It was intended that additional E-reporting standards would be incorporated as new attachments within the E-reporting standard, specifications and procedures, with appropriate amendments to the cover document for the E-reporting SSPs in WCPFC13 Summary Report Attachment T. At WCPFC13, the Commission had also agreed that the draft E-reporting standards for observer data should continue to be revised based on comments provided by CCMs in 2017.

174 Peter Williams, SPC-OFP Data Manager, presented WCPFC-TCC-2017-14 *Draft E-reporting standards for Observer Data*. The presentation did not cover the details of the data fields given the expectation that CCMs would have reviewed the paper prior to TCC13. A brief summary of the process in reviewing these draft standards over the past year was provided. The standards were reviewed on several occasions by CCMs during 2016 and were forwarded to WCPFC13 from SC12 and TCC12 for adoption. For the final review, in the lead-up to WCPFC13, only two CCMs indicated the observer data standards required minor modification and these modifications were discussed and clarified in the fringes of WCPFC13. Unfortunately, there was insufficient time during WCPFC13 to complete the required modifications and review in plenary, so adoption was deferred for Commission consideration during its 2017 work programme. In August 2017, SC13 reviewed and recommended that the latest draft version of the WCPFC E-reporting observer data standards be forwarded to WCPFC14 for adoption. With this presentation, TCC13 was invited to consider the draft E-Reporting Standards for Observer Data and recommend as appropriate to WCPFC14.

175 In response to a query from the European Union regarding the compatibility of the WCPFC standards with UN standards, SPC responded that the report required consideration of UN-CEFACT standards, that every new set of standards adopted would become a new attachment to the report adopted by Commission, and that a regular review of standards would be undertaken by the Commission.

176 Japan and Chinese Taipei acknowledged their general support and indicated their intention to continue discussions with SPC on outstanding points prior to WCPFC14.

177 TCC13 recommended to WCPFC14 that the Commission consider the E-reporting standards for observer data. CCMs with additional comments were encouraged to provide them to SPC-OFP by **21 October 2017**. SPC-OFP would revise the version in advance of WCPFC14, as needed.

c. CMM on standard of conduct for ROP observers – Republic of Korea

178 Republic of Korea had introduced WCPFC-TCC13-2017-DP04, *Proposed Conservation and Management Measure on the Standards of Conduct for ROP Observers*, under Agenda 1.4.

179 The Republic of Korea noted that the *Code of Conduct and the Guidelines on the Rights and Responsibilities of Observers* (Attachment K, Annex A of CMM 2007-01) provided a set of guiding principles relating to accepted behaviour and standards of conduct to be applied to ROP observers. However, there had been a growing number of incidents that involved misconduct by ROP observers that often threatened the safety of the crew on board and interfered with the proper functioning of the vessel for lawful fishing operations. While allegations on mistreatments of observers by crew members were sufficiently dealt with in the framework of the CMS, misconduct by observers were hardly brought to the collective attention of TCC or the Commission. Substandard performance of ROP observers (violent behaviours, being under the influence of a drug or alcohol, soliciting bribes, unjustified demand for disembarkation, etc.) not only affected the safety of crew on board the vessel and unduly hindered normal fishing operations but also undermined the integrity of ROP itself. Republic of Korea proposes that this concern could be addressed if the Commission made it mandatory through the CMM for ROP observer providers to ensure that their observers perform their duties in accordance with the standards of conduct and hold them accountable when these standards were not met. Also, a review of the proposed CMM through the CMS would help the Commission identify room for improvement in ensuring the quality of ROP observers' performance, thereby contributing to strengthening the programme.

180 Japan thanked Republic of Korea for its proposal, noted that CMM 2016-03 was only adopted last year, and the code of conduct would supplement this measure. Japan showed general support but requested additional time to review all the elements of the Korean proposal and indicated its willingness to then become a co-sponsor of the proposal.

181 On behalf of FFA members, Fiji thanked Republic of Korea for the proposal, and indicated that they required additional time for consideration. They queried the need for standards in a binding measure, given that national programmes included their own codes of conduct and the existing regional form for captains to report on the observer's conduct on board.

182 Chinese Taipei indicated that it is supportive of the proposal in principle and requested more time to review the proposal. China also requested more time to review the proposal.

183 Cook Islands observed that the proposal posed some issues, given the existence of strong national and FFA Codes of Conduct. It drew attention to the problem of a culture of heavy alcohol drinking on the vessels where observers were often plied with alcohol by the crew.

184 In noting the proposed 10 November deadline for additional comments, the TCC Chair reminded delegates that a revised paper would not meet the 30 day deadline for submission of papers to WCPFC14.

185 TCC13 noted Republic of Korea's proposal **WCPFC-TCC13-2017-DP04**. CCMs indicated that they need additional time to consider the proposal, and undertook to provide comments to Republic of Korea by **3 November 2017**.

8.3 High Seas Transshipment Monitoring

186 The Assistant Compliance Manager, 'Ana Taholo, introduced the High Seas Transshipment Monitoring Annual Report (**WCPFC-TCC13-2017-RP03**), which covered transshipment activities from 1 January 2016 to 30 June 2017. The report provided information on vessels that CCMs had authorized to transship on the high seas and summarised information related to high seas transshipment reports received by the Secretariat for transshipment activities of vessels other than purse seiners transshipping in the high seas. It also provided summary information on transshipment reports received by the Secretariat from CCMs Annual Reports Part 1, an update on the transshipment Memorandum of Cooperation with CCSBT and reports on relevant initiatives undertaken by the Secretariat.

187 In terms of number of vessels authorized to transship in the high seas, at the time of writing the paper, 52 percent of the vessels on the RFV had a positive determination of authorization to transship in the high seas. The majority of these vessels were longliners and tuna longliners. A summary of the vessels authorized to transship in the high seas by CCM and by vessel type is provided in Figure 1 of the paper. In 2016, there were fewer instances compared to 2015 of transshipment taking place without the authorizing field for that vessel being completed in the RFV. Throughout the year, the Secretariat continued to receive transshipment notifications and declarations from vessels involved in transshipment activities in the high seas. The spread of transshipments since the CMM 2009-06 came into force was shown in Table 1 of the paper. Summaries of reported transshipment activities for the last few years was also provided in Tables 2–5 of the paper and reported quantities of species being transshipped and geographical distribution of where these high seas transshipment activities occurred was presented in Figure 2 to Figure 5.

188 The Secretariat highlighted the following points:

- Reported high seas transshipments were sparse in the north western and south eastern part of the WCPF Convention Area, and were denser in the tropical eastern Pacific, particularly within and around the overlap area with IATTC.
- Some high seas transshipment activities were reported to have occurred within most of the high seas pockets during 2016/17.
- Some high seas transshipment activities were reported to have occurred in the southern part of the Convention Area; reasonable proportions of the total estimated longline catch of bigeye tuna, albacore and swordfish were reported to have been transshipped in the high seas during 2016.
- Compared to 2015, there were comparable reported quantities of bigeye tuna and swordfish transshipped in the high seas during 2016, and an increase in the reported quantities of albacore transshipped in the high seas during 2016.
- High seas transshipment reporting continued to improve.

189 The Secretariat continued to work with CCMs to identify early, any gaps in high seas transshipment reporting and thanked CCMs for their collaboration in completing those reporting gaps. The Secretariat also continued to work towards a capability in verifying transshipment activities using VMS data. This was still a work in progress. In terms of reports submitted by CCMs on transshipment activities

that occur in port, in the EEZs and in the high seas through their Annual Reports Part 1, this information had been summarized in the annexes of the paper in response to a request during TCC10. However, there were differing levels of reporting in the Annual Report Part 1 reports, which made it difficult to easily summarize the information into a single document. What was able to be summarized was presented in Annexes 2A–2D of the paper and the Secretariat sought the views of CCMs on the utility of the information.

190 New Zealand, on behalf of FFA members, thanked the Secretariat for the report, and noted that similar to previous years, FFA members remained concerned with the risk posed by IUU fishing on the high seas and the lack of effective monitoring of high seas transshipment activity. The need for thorough transshipment monitoring on the high seas was more critical now than ever, as 52 percent of vessels on the RFV were authorised to tranship on the high seas. Authorisation to tranship on the high seas was clearly no longer being treated as an exception, but rather as an unchecked norm. Further, the level of reporting non-compliances from these vessels was highly concerning to FFA members. Because some CCMs' determinations of impracticability under CMM 2009-06 were being made without evidence of substantive analysis, FFA members requested that TCC13 recommend CCMs to comply with the existing data and reporting requirements under the measure. In particular, where CCMs had made a determination of impracticability, those CCMs responsible for reporting against both the offloading and receiving vessels should 'submit to the Commission a plan detailing what steps it is taking to encourage transshipment to occur in port in the future'. This requirement was specified under paragraph 35(a)(v) of the transshipment measure, and FFA members requested TCC to focus on this requirement for relevant CCMs.

191 Japan noted that it did not understand the logic behind the frequently made argument that high seas transshipment with observers on board should be prohibited to combat IUU fishing activity. Legitimate high seas transshipment was 100 percent observed, but it must be true that illegal high seas transshipment happened somewhere. Japan stated that it was fully committed to combatting all IUU activities in cooperation with other CMMs and can discuss strengthening its monitoring, but noted that it would happen even if legitimate high seas transshipment was banned.

192 The European Union commended Japan and others for their continued efforts to combat IUU fishing activity and to ensure that high seas transshipment activities were fully observed, but reminded the meeting that the measures applying to transshipment at sea had been established as a transitional arrangement until other measures could be resolved. CMM 2009-06 required CCMs to provide the Commission with a plan on how they intended to phase out these activities. The EU requested clarification on how many of these plans had been submitted.

193 In response to the EU query, the Compliance Manager noted that the Secretariat had tabled a paper at TCC12 on draft guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction pursuant to paragraph 37 of CMM 2009-06 (refer WCPFC-TCC12-2016-15_rev2) and the development of that paper had summarised and considered available plans submitted by CCMs. The Secretariat was unaware of any further reports submitted since that report.

194 Tonga, on behalf of FFA members, thanked the Secretariat for providing the information paper on the Status of Observer Data Management, noting that it provided a good overview of ROP data management and also shed light on potential data gaps relating to observer coverage. Observer coverage of transshipment events was of particular concern, and FFA members requested that TCC task the Secretariat to include observer data for carrier vessels in the summary tables of observer data, broken down in line with the vessel specification of paragraph 13 of CMM 2009-06. This would provide CCMs with a better understanding of observer coverage on carrier vessels in accordance with the transshipment measure.

195 The Secretariat sought clarification on what data was being requested by FFA members. Following discussion, TCC13 agreed that the concern could be met through the reporting of observer coverage achieved for carrier vessels conducting transshipment at sea, in line with the vessel specifications outlined in paragraph 13 of CMM 2009-06, in their Annual Report Part 2.

196 New Zealand observed that Figure 3 showed limited transshipment in the north whereas Figure 4 showed significant transshipment in the southern part of the Convention area.

197 Samoa, on behalf of FFA members, expressed appreciation of the Secretariat's work to provide a summary of transshipment activities that CCMs report annually through their Part 1 Reports. Samoa noted that the information was very useful despite current gaps and reporting inconsistencies, and requested that the Secretariat continue to provide these summary tables. FFA members noted that all CCMs were required to report the Annex II transshipment information consistently in order for their summary representation to be of most use for any analysis of transshipment activities, and requested that the Secretariat outline potential interpretation issues that it is aware of regarding Annex II transshipment information. This would enable TCC to consider any potential interpretation issues and agree on a consistent approach. In particular, additional clarification was sought on whether the inconsistency in reporting and reporting gaps were issues solely related to interpretation or were specific non-compliance issues with reporting obligations under the measure.

- 198 TCC13 noted the High Seas Transshipment Monitoring Annual Report with an emphasis on high seas activities (**WCPFC-TCC13-2017-RP03**).
- 199 TCC13 recommended CCMs comply with the existing data and reporting requirements under the measure. In particular, where CCMs have made a determination of impracticability, those CCMs responsible for reporting against both the offloading and receiving vessels shall 'submit to the Commission a plan detailing what steps it is taking to encourage transshipment to occur in port in the future', as specified under paragraph 35(a)(v) of the transshipment measure.
- 200 TCC13 recommended to WCPFC14 that the Commission requires CCMs to report observer coverage achieved for their carrier vessels conducting transshipment at sea, in line with the vessel specifications outlined in paragraph 13 of CMM 2009-06, in their Annual Report Part 2.

a. Further development of protocols, observer data forms including electronic forms and the database, as needed, to better monitor transshipments at sea, particularly in the high seas (TCC Workplan 2016–2018)

201 The TCC Chair noted that there was no specific paper on this matter.

202 United States asked if there were specifically tailored transshipment data fields included in the forms available for observers observing transshipment at sea, and, if not, was it possible to add some transshipment data fields. USA also asked if transshipment-specific data could be accommodated in the ROP database.

203 The Regional Observer Programme Coordinator noted that forms posted on the website were for guidance only and were not mandatory. He further noted that the Secretariat did not receive much data from observer providers relating to observation of transshipments at sea, that there was no mandatory

requirement to do this and that only one observer report had been received in 2016. SPC doesn't handle data for transshipment, it is handled by the Commission under paragraph 14 of CMM 2009-06, which also constrained obligations.

b. Operationalising 2017 WCPFC-CCSBT Memorandum of Cooperation on Monitoring Transshipments of SBT

204 The Assistant Compliance Manager, 'Ana Taholo noted that the Transshipment Memorandum of Cooperation (MoC) with CCSBT was signed by the WCPFC Chair on 18 April 2017 and by the CCSBT Chair on 5 June 2017, and that the two Secretariats had now commenced work towards developing the systems and processes necessary to operationalise the Transshipment MoC.

205 Australia, on behalf of FFA members, thanked the Secretariat for progressing work with the CCSBT Secretariat to operationalise the transshipment MoC, and requested further information on summary information and operational analysis currently being considered by the two Secretariats. Australia further noted that, in the view of FFA members, CCSBT should be responsible for the cost of observer training and other related costs as it was the beneficiary of this MoC, and requested that the Secretariat communicate this position to CCSBT.

206 The Secretariat responded that the current focus of the collaboration was on confirming the data fields that CCSBT would like to see collected through the MoC. The Secretariat confirmed that a progress report would be presented at TCC14.

c. Draft E-reporting standards for high seas transshipment notices and declarations

207 Kim Duckworth (WCPFC Consultant) presented **WCPFC-TCC13-2017-15**, *Draft standards for the E-reporting of transshipment declarations and transshipment notices*. CMM 2009-06 defined the requirements for CCMs to supply high seas transshipment declarations and notices to the Executive Director, and documented the information to be included in them. For the past eight years, the Commission had been receiving this transshipment information, mostly in the form of scanned documents submitted via email. Recently the Commission had been investigating options to allow for the electronic reporting of high seas transshipment declarations and notices. Transshipment E-reporting had potential benefits including cost savings for WCPFC Secretariat, cost savings for the fishing industry and higher quality transshipment data being available sooner. Standards for the E-reporting of high seas transshipment declarations and transshipment notices were noted as a key component of any transshipment E-reporting system. The standards defined how computer systems on fishing vessels would communicate with the computer system at the WCPFC. The standards presented in WCPFC-TCC13-2017-15 proposed some amendments aimed at making the E-reporting of transshipments more effective, and to clarify what information vessels would supply in transshipment declarations and notices. It was not proposed to make electronic reporting of transshipment declarations and notices mandatory, nor change i) who was required to submit a high seas transshipment declaration or notice, ii) the required time frames for the submission of transshipment declarations and notices, or iii) the spatial or temporal resolution at which transshipments were reported.

208 Fiji, on behalf of FFA members, thanked the Secretariat for facilitating the development of the draft E-reporting standards for transshipment data, and supported their development as an important first step in addressing existing reporting gaps and inconsistencies in high seas transshipment reporting. The proposed standards included a good set of data dictionaries with clearly specified formats for submitting the transshipment data. However, while the draft E-reporting standards were indeed a good step forward, they highlighted the need for a whole-scale analysis of WCPFC data structure in the development of the Commission IMS, including E-reporting and general catch traceability. FFA members acknowledged that

the Secretariat intended to complete necessary work prior to March 2018 to determine the mechanisms for transshipment reporting but stressed the importance of considering E-reporting in the broader context of the Secretariat's and CCMs' IMS. FFA members requested the establishment of user-friendly and scalable data design schemas that could facilitate integration with existing databases, and including a holistic assessment of the Secretariat IMS to ensure that, as the Commission developed new tools and processes, the systems were not overly complex.

209 Japan supported the draft standards and particularly the effort to remove duplication. However, it expressed some hesitancy around the proposed move from WIN number to VID number, and a preference for reporting by tonnage, as in the current measures, rather than in kilograms.

210 The Consultant noted that it would be relatively simple to program the computer to identify VID numbers from the WIN number and similarly to convert between tonnage and kilograms.

211 Australia expressed a preference that all data received was exportable so that all CCMs could review it.

212 Concerned that attempts to improve data provision did not disincentivise ships at sea, European Union also sought clarification on whether the draft standards extended to both port and at sea transshipments and who was seen as the primary beneficiary of this approach.

213 The consultant responded that WCPFC should receive better data sooner, and that less data entry should result in cost savings for both the WCPFC Secretariat and the fishing industry. He further noted that the most substantive new requirement was provision of a contact email address, and a number of obligations under CMM 2009-06 would be removed. The Compliance Manager added that the draft standards were intended to replace the high seas notifications and declarations manual data entry at Secretariat offices and would be fully integrated into existing IMS systems and processes. An update on the expected future and ongoing costs would be provided to Finance and Administration Committee at WCPFC14. She further noted that New Zealand had offered to provide some resources.

214 Federated States of Micronesia supported the proposed move from WIN to VID numbers, noting that this would allow flag States to use all of their data sets.

215 In response to a query from FSM on whether the system would be integrated with existing databases, the Compliance Manager noted that that was the intention.

216 Chinese Taipei supported the efforts to avoid duplication, and noted it required more time to review the proposed data fields, and sought reassurance around the Secretariat's capacity to deal with two sets of data.

217 China supported Japan's views. It expressed some concern regarding Australia's suggestion that all vessel-by-vessel data be accessible to all CCMs, noting that some of that data would include confidential commercial value.

218 USA expressed appreciation of the purpose behind the intended streamlining and its willingness to work through issues, noting that some changes would be challenging given domestic requirements, such as the change from WIN to VID.

219 TCC13 noted the Secretariat's paper (**WCPFC-TCC13-2017-15**) presenting draft E-reporting standards for high seas transshipment declarations and notifications. CCMs with additional comments were encouraged to provide them to the Secretariat by **1 November 2017**. The Secretariat will revise the version in advance of WCPFC14, as needed.

8.4 High Seas Boarding and Inspection (HSBI) Scheme

220 The Assistant Compliance Manager introduced the HSBI Annual Report (**WCPFC-TCC13-2017-RP04**), which provided a summary of HSBI activities under CMM 2006-08 for 1 January 2016 to 31 July 2017. The number of HSBI activities had increased and was at its highest in 2016. There were 70 reports in 2015 and 83 so far in 2016, with six members conducting HSBI activities. Most activities occurred around or just outside the borders of EEZs of coastal States and in high seas pockets. Figure 1 showed the number of boardings and inspections, which CCM conducted the boardings, and which flag vessels were boarded. Table 1 provided a list of requests for subsequent flag State investigations. These infringements were now being tracked through the Article 25(2) list of the online Compliance Case File system, which both flag States and inspecting members could access online. Since TCC11, the number of members notifying the Commission of their intention to participate in the HSBI remained unchanged at thirteen (13) members (Table 2). Annex 1 contained a summary of information in reports received through members' Annual Report Part 2. Most took place around the fringes of EEZs. The Assistant Compliance Manager recalled that WCPFC12 had tasked the Secretariat to develop an online technical solution to make available to authorised CCM MCS personnel, through secure login, a list of vessels that have been previously inspected under the HSBI scheme, specifically the VID, vessel name, IRCS, date of boarding and name of inspecting member (WCPFC 12 Summary Record para 495). This tool was delivered in April 2017, and could be accessed by authorized CCM users on secure section of the website at <https://www.wcpfc.int/ccm/hsbi-report>. She noted that some CCMs had not notified the Secretariat of contact details for their authorities of fishing vessels, required to facilitate the HSBI process, and requested all CCMs to review and update their details on the website. Inspecting CCMs were also requested to review their procedures and where possible more clearly identify when a serious violation is understood to have taken place.

221 TCC13 noted **WCPFC-TCC-2017-RP04** and the activities undertaken under the HSBI scheme.

222 New Zealand introduced **WCPFC-TCC13-2017-DP07**, on its recent MCS Activities. New Zealand reported that one (1) carrier and fifteen (15) longline vessels were inspected pursuant to CMM 2006-08 between 26 June 2017 and 4 August 2017. The majority (12) of these activities occurred adjacent to the New Zealand Exclusive Economic Zone (EEZ). A further four (4) boardings and inspections occurred in the high seas pocket between the EEZs of Vanuatu and Fiji.

223 One vessel was alleged to have misreported approximately 5 tonnes of bigeye (BET) tuna. The master initially stated that no BET was retained at the direction of his company. This was due to the relevant flag State having an allowance on the amount that can be imported. The master also stated that he wasn't recording his catch and release of BET, so no BET was recorded on the SPC/FFA log sheets. Inspection of holds located approximately five (5) tonnes of BET, including around 90 fish in a hold under bait boxes. A running record of the BET catches was located in a separate notebook on the bridge. The master later stated that he was keeping the BET separate for his own use. New Zealand considered this to be a serious violation

of the CMMs. A number of vessels inspected were consciously deciding to discard all shark species caught (dead or alive). Many of the vessels were not recording any catches of shark at all on the SPC/FFA log sheets. One further vessel inspection located five shark fins in one of the holds, without any corresponding trunks, which the master had stated had been transhipped. This was of significant concern to New Zealand as it indicated underestimation in the number of sharks being caught. A significant number of vessels reporting via Automatic Identification System (AIS) were not reporting via the WCPFC Vessel Monitoring System (VMS). New Zealand relied on timely and accurate VMS data to enable operational planning and coordination of its HSBI activities. On inspection of vessels suspected of not reporting to VMS, the VMS units appeared to be on and functioning. Flag States responded by providing VMS track data for the vessels concerned. New Zealand recommended that a review was undertaken to ascertain the cause of this issue. Language difficulties remained despite the use of multi-language questionnaires. Further thought was required to consider how to assist the inspector when translation services were not available. New Zealand also reported one vessel discarding rubbish, including a bait box and plastic wrapping, during setting operations, and a number of loose plastic items were observed near a scupper.

224 New Zealand reported that to undertake its aerial surveillance on the high seas adjacent to the New Zealand EEZ and within the Western and Central Pacific Ocean (WCPO), it relied heavily on WCPFC VMS data to assist with the operational planning. Due to the unreliability of Automatic Identification System (AIS) information, patrol time was consumed by confirming the identification of vessels only reporting via AIS. A number of non-reporting vessels were detected, with flag States confirming that the vessels were reporting via VMS. During a routine aerial surveillance patrol of the high seas in January 2017, fourteen (14) fishing vessels were detected in the vicinity of the Louisville Ridge to the east of the New Zealand EEZ in the Pacific Ocean. Six (6) of the vessels were not able to be correlated with the online WCPFC Record of Fishing Vessels (RFV) at the time of the patrol. Investigations continued to determine if the vessels had authorisation to fish in the WCPO.

225 In summary, New Zealand noted that full implementation of the CMMs adopted by WCPFC to support effective fisheries management and protect the underlying marine ecosystem from the impacts of fishing required the enactment of domestic legislation to control national vessels through provisioned authorisations and monitoring of those vessel's fishing activities. New Zealand was concerned to identify ongoing non-compliance, especially when the non-compliance was deliberate non-reporting of fish, which will impact on future stock assessments. It advocated further introduction and development of CMMs based on what was observed at sea, or from the air, to further sustain the fish stocks from becoming overfished.

226 Australia reported that it undertook both aerial surveillance and patrol inspections, thanked inspected CCMs for their cooperation during inspections and asked that CCMs keep their contact information updated, and particularly their VMS.

227 Japan appreciated the efforts of all CCMs who undertook HSBI as a valuable contribution to WCPFC compliance. It noted that both the inspection and the fishing vessel had a responsibility to tackle language challenges. With respect to the mislabelling of marlin species reported by New Zealand, Japan and Chinese Taipei both noted that blue marlin was black marlin in their languages, and black marlin was white marlin in their languages.

228 The United States thanked the Secretariat for the Annual Report and its excellent work conducted through the reporting period, and New Zealand for its detailed report. USA noted that it had undertaken a record number of HSBI activities in 2016, double that in any previous year. It appreciated the efforts of Commission in working to ensure compliance with CMMs through the HSBI scheme, and also those who have undertaken follow up work on investigations. USA supported a register of vessels subjected to previous HSBI. It also expressed increased frustration that only ten CCMs had posted the required

identification of the relevant authorities to be notified of an HSBI activity as required under CMM 2006-08.

229 Chinese Taipei noted that some boarding teams had not fully complied with regulations required under the HSBI scheme, for example not notifying the authorities of fishing vessel when conducting an inspection, not providing multi-language questionnaires and not providing the inspection report to the captain for signature, and requested that all HSBI's were conducted in accordance with those regulations.

230 On behalf of FFA members, New Zealand thanked the Secretariat for the development of the online technical solution that provided a list of vessels that have been boarded and inspected under the HSBI scheme in any given period of time, and by which CCM. FFA members supported the recommendation in the paper to add the export functionality to the online tool to aid proper planning and prioritisation of boarding and inspection by CCMs. New Zealand indicated that FFA members would support further development of the information provided within the tool to include any alleged breaches of the Conservation and Management Measures, along with any investigation status if applicable and where possible any final outcomes of the inspection.

231 China supported the intervention by Chinese Taipei, stating that it was important that all members followed agreed regulations.

232 The European Union acknowledged the efforts and contributions of all CCMs that had undertaken HSBI's, including Cook Islands and France, noting that such activities were a costly but essential element of any MCS system. It sought clarification on the rationale for a list of vessels previously inspected under HSBI scheme, and suggested that additional information on compliance status would make the list more useful.

233 The Assistant Compliance Manager recalled that TCC11 was unable to agree to the inclusion of a list of infringements on the proposed list.

234 China and Japan noted that they did support making the list of vessels previously inspected under the HSBI scheme published, but they did not support the inclusion of a summary record of infringements.

235	TCC13 recommended to WCPFC14 that the Commission task the Secretariat to make the list of vessels previously inspected under the HSBI scheme, published online at https://www.wcpfc.int/ccm/hsbi-report , exportable in MS Excel and CSV format to authorised CCM users.
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8.5 Record of Fishing Vessels (RFV)

236 As at 12 August 2017, 28 flag CCMs (including five CNMs) had submitted their fish/did-not- fish report for the 2016 calendar year and only one flag CCM report was outstanding. Timeliness of submission of this report continued to improve this year with all (except one) reports received within the deadline. Annex 1 provided a summary of reporting by CCMs in their fished/did-not-fish report for the past three years. As required by paragraph 13 of CMM 2014-03, this information was integrated with the RFV and available for use in compliance reviews and MCS analyses by the Secretariat for completing the draft CMR.

237 TCC12 requested the Secretariat to investigate the development of mechanisms so members could access and analyse historical information from the RFV. The Assistant Compliance Manager stated that the

paper **WCPFC-TCC13-2017-RP05_rev1 suppl** provided an update on this request including an Excel file containing two worksheets, posted on the secure page of the meeting server. The file provides historical information contained in the RFV including information on vessels that fished/did not fish, provided by CCMs in their annual fished/did not fished reports.

238 TCC12 had further requested the Secretariat to work with SPC to compare the list of active vessels reported by CCMs (paragraph 2 of Scientific Data to be Provided) with the vessels that have submitted log sheet data. This matter was also raised at SC13 in reference to Figure 6 of WCPFC-SC13-2017/GN-WP-01 for the number of purse seine vessels operating in the WCP-CA according to log data submission (for the purse seine fishery). Of relevance to this matter, CCMs were referred to Annex 1 of the report for the list of vessels reported by CCMs to have 'fished' beyond their flag State jurisdiction in 2016.

239 The Assistant Compliance Manager made the following additional observations:

- The implementation of the RFV SSPs, since its coming into force in June 2014, together with the reviews of RFV data completeness through the Compliance Monitoring Report had greatly streamlined and improved the operation of the RFV including the completeness of the information within the RFV.
- The understanding of and use of VID (WCPFC vessel identification number) number, continued to improve, thus enabling the RFV history of the vessel to be tracked, regardless of any change in any of the vessel information including relisting/delisting from the RFV and when vessels change flag.
- The RFV was a central data source in the WCPFC Integrated MCS databases. An important part of the day-to-day administration by the Secretariat of the WCPFC RFV involved the management of the vessel history in the RFV. The Secretariat made best efforts to check for and avoid the creation of duplicate records in the RFV, and regularly liaised with CCMs to this end. CCMs should note that when a vessel is 'deleted' from the RFV, in practice the record was no longer viewable on the public views of the RFV, the vessel record was archived, and the vessel status changed from 'active' to 'deleted'. CCMs were requested to use the outlined procedures to re-instate/re-list a deleted vessel if required to avoid creating duplicate records in the RFV.
- As reported to previous TCCs, the Secretariat continued to receive queries relating to expired or blank authorisation period for a vessel on the RFV, mostly from high seas boarding and inspection (HSBI) party and markets. The Secretariat continued to maintain the advice that if a vessel flagged to a Commission member or Cooperating Non-member is listed on the RFV, this implies, through reference to CMM 2013-10, that the flag State considers that the vessel is 'entitled to fly its flag and is authorized to fish in the Convention Area' and that that the expiry of authorization date is an administrative matter between the flag State and the vessel (TCC9 Summary Report, para 324).

240 The Assistant Compliance Manager also referred to the supplementary note (**WCPFC-TCC13-2017-RP05_rev1 suppl**), which provided an update on requests made to the Secretariat to have access to historical information from the RFV (TCC12 Summary Report paragraph 298) and information on vessels' fish/did-not-fish status each year (TCC11 Summary Report paragraph 333). She noted that the Secretariat sought guidance from TCC13 on:

- whether the file, in full or in part should be considered in accordance with the WCPFC data access rules and procedures to be 'public domain information', noting that in addition to the requests from WCPFC members, the Secretariat had recently received a request from a non-government stakeholder to access the information contained in this file;

- whether the file, in full or in part, should be periodically updated and made available for download from the WCPFC website or only made available upon request from the Secretariat; and
- whether CCMs would prefer to be afforded a period of time to consider and review the file before it can be made available by the Secretariat either through requests or through download from either WCPFC members or other interested stakeholders.

241 Kiribati, on behalf of FFA members, thanked the WCPFC Secretariat for preparing the report and expressed support for the Record of Fishing Vessel SSPs, which had continued to improve the completeness and quality of the vessel records in the RFV since coming into effect. FFA members requested the Secretariat to provide an update on the progress made regarding the work with SPC to compare the list of active vessels reported by CCMs with the vessels that have submitted log sheet data. Kiribati noted concern that as of 4 September 2017, there were 509 vessels still listed in the RFV with expired flag State authorisation periods. This was in breach of CMM 2013-10, which specifically required in paragraph 7 that any change in the information to a vessel on the Record be notified to the Executive Director, including details set out in paragraph 6 such as 'the form and number of the authorisation granted by the flag State including...time periods for which it is valid'. FFA members stressed that the Record of Fishing Vessels was a primary source of information on vessels, for both compliance and scientific purposes in the region, and to serve that purpose it was crucial that the Commission provide clarity on what was to happen where a flag State did not update this information. It was particularly important for small administrations to be reminded when vessels were approaching their expiry date. FFA members proposed a detailed recommendation for the Secretariat to provide automated alert notifications in advance to flag States of vessels whose authorisations would expire within 60 days.

242 With regard to completeness of fields, the European Union noted earlier discussions around the challenge that many members had in fulfilling these obligations.

243 The Compliance Manager noted that the Secretariat's task as per Article 24 of the Convention was to publish data as is provided by flag CCMs based on their national register of authorised fishing vessels. If a vessel flagged to a Commission member or Cooperating Non-member is listed on the RFV, this implies, through reference to CMM 2013-10, that the flag State considers that the vessel is 'entitled to fly its flag and is authorized to fish in the Convention Area' and that that the expiry of authorization date is an administrative matter between the flag State and the vessel.

244 New Zealand clarified that the purpose of the FFA member proposal was to provide CCMs with a reminder of their upcoming obligation to remove or amend their information, and they were not proposing that the Secretariat remove or amend CCM vessel lists.

245 Following discussion, TCC13 agreed that this was a real issue but noted the concern of the Secretariat regarding the feasibility of undertaking such a task.

246 The TCC Chair asked for comments on the Secretariat's request for views relating to public domain information, noting that the Secretariat had provided three options. Australia commented that they viewed the information in the file as 'public domain information' and it should be able to be downloaded from the WCPFC website. There were no other comments and no further action was taken.

247 TCC13 noted the concerns raised by CCMs regarding the technical lack of updates to the authorisation period on the Record of Fishing Vessels and recommended that WCPFC14 discuss this issue further. TCC13 requested that the Secretariat consider the

feasibility of technical solutions to this issue in advance of WCPFC14 and provide a report.

248 TCC13 noted the Annual Report on the RFV (**WCPFC-TCC13-2017-RP05_rev1**) and noted the supplementary note from the Secretariat (**WCPFC-TCC13-2017-RP05_rev1 suppl.**)

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

249 The Assistant Compliance Manager tabled WCPFC-TCC13-2017-RP06, *Annual Report on Eastern High Seas Pocket (EHSP) Special Management Area Reporting*. The report provided a summary on the activities occurring in the EHSP Special Management Area (EHSP-SMA), from 1 January 2016 to 31 July 2017 based on data held by the Secretariat. The management and reporting arrangements for the EHSP were originally established through CMM 2010-02; the CMM 2016-02 brought into effect updated management arrangements from 7 February 2017. Annex 1 provided a summary of CCMs response in Annual Report Part 2 related to CMM 2010-02 paragraphs 2 and 6. The Secretariat confirmed receipt of correspondence related to one alleged incident reported through the High Seas Boarding and Inspection scheme where a flag CCM was requested by another member to investigate and clarify reporting related to entry and exit to the EHSP-SMA. The flag CCM responded by confirming that the EHSP entry report was duly submitted by the vessel. The Secretariat continued to maintain a ‘live list’ of all fishing vessels present in the EHSP in the secure page on the WCPFC website, as required by the measure.

250 Cook Islands, on behalf of FFA members, thanked the Secretariat for the annual report on the Eastern High Seas Pocket Special Management Area, and sought clarification from the Secretariat on the discrepancy between the number of VMS detections in the EHSP and the number of entry/exit reports received.

251 Cook Islands encouraged CCMs whose vessels were not complying with the EHSP-SMA to ensure they were reporting to the Commission VMS in accordance with the requirements of the CMM 2014-02. Annex 2 of the report highlighted potential non-compliance issues relating to discrepancies in entry and exit reporting and VMS detection by almost all flag States. Cook Islands maintained that it had addressed the discrepancy in its reporting through the CMR process just concluded, but requested that the other CCMs clarify the nature of these reporting discrepancies regarding their vessels so all CCMs can better understand the issue.

252 On behalf of FFA members, the Cook Islands requested that CCMs employ more effective measures for engaging with their vessels to improve vessel reporting in the Eastern High Seas Pocket – Special Management Area.

253 The TCC Chair noted that this was discussed in the closed session.

254 TCC13 noted the Eastern High Seas Pocket Special Management Area Annual Report (**WCPFC-TCC13-2017-RP06**).

AGENDA ITEM 9 — DATA PROVISION AND DATA GAPS

9.1 Review information about scientific data provision (TCC Workplan 2016–2018)

255 The TCC Chair noted that data provision and data gaps was a priority project-specific task included in the approved TCC workplan 2016–2018.

256 Peter Williams provided an update on the gaps in submissions of WCPFC scientific data, drawing from **WCPFC-TCC13-2017-IP04** *Scientific Data available to the WCPFC*, originally introduced at SC13 (WCPFC-SC13-2017/ST-WP01), and **WCPFC-TCC13-2017-IP05_rev2**, *Status of ROP Data Management*.

257 All CCMs with fleets active in the WCPFC Convention Area had provided 2016 annual catch estimates by deadline of 30 April 2017, which was a significant achievement. The issues previously reported in annual catch estimates had further reduced and the lack of any estimates for key shark species remained the main gap for certain CCMs.

258 The timeliness of the provision of aggregate catch/effort data also continued to improve and for the first time, all CCMs provided their 2016 aggregate catch/effort data by the deadline of 30 April 2017. The quality of aggregate data provided had continued to improve, with a reduction in the number of data-gap notes assigned to the aggregate data in recent years. Remaining issues included the reporting of key shark species catches for some CCMs and the reporting of longline 'catch in number' for one CCM.

259 The main developments in the resolution of operational data gaps over the past year were the provision of 2016 operational data for the Indonesian tuna fleets (longline, pole-and-line and purse seine) for the first time, and the provision of operational data for the Chinese Taipei longline fleet, with advice that their domestic legal constraints that prevented them from submitting in the past have been resolved.

260 The continued provision of operational data for the Japanese, Chinese and Korean tuna fleets was also noteworthy.

261 The submissions of 2016 WCPFC Regional Observer Programme (ROP) data for the purse seine fishery was more timely than in previous years and had provided an enhanced contribution to this year's Commission's work compared to previous years. CCMs had been requested to review the gaps in 2016 ROP longline data for their fleets (presented in Table 4 of **WCPFC-TCC13-2017-IP05.rev1**) to submit any missing data as soon as possible. There had been a rapid increase in longline observer data generated by E-monitoring systems and the question as to how E-monitoring data could be dealt with in the WCPFC context would be one of the topics for review by the WCPFC ERandEM IWG during 2018.

262 The UNDP-funded Sustainable Management of Highly Migratory Fish Stocks in the West Pacific and East Asian Seas (WPEA–SM) project would terminate this year, with a new WPEA project supported by New Zealand scheduled to commence later this year. These projects contributed WCPFC technical assistance to the Philippines, Indonesia and Vietnam to, *inter alia*, improve monitoring and data management of their domestic fisheries. There had been good progress in the collection and provision of data from each of these countries in recent years, although there remain gaps yet to resolve.

263 Indonesia acknowledged SPC for its many years of excellent assistance in this area and looked forward to a continuing constructive improvement in data provision.

264 Samoa, on behalf of FFA members, commended Chinese Taipei, which had overcome their domestic legal constraints to enable its provision of operational data to the Commission, and looked forward

to the fruition of those efforts and the full submission of operational data. FFA members also commended Indonesia for providing its available data, and encouraged further improvements in its monitoring programmes. It was noted that the main remaining gap was the provision of historical operational data, and FFA members strongly urged those CCMs who have yet to provide historical data to do so as soon as possible.

265	TCC13 noted the presentation by SPC-OFP of the Information Papers WCPFC-TCC13-2017-IP04 and WCPFC-TCC13-2017-IP05 .
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AGENDA ITEM 10 — INTERSESSIONAL ACTIVITIES

266 The TCC Chair noted that the TCC Workplan 2016–2018 required TCC13 to review the ongoing work of four Intersessional Working Groups: IWG-ROP (the focus of which is to review the implementation of the ROP); FADMgmtOptions-IWG (the focus of which is to review and develop FAD measures); CDS IWG (the focus of which is to develop and implement a catch documentation scheme for WCPFC species); and ERandEM IWG (the focus of which is to continue the development of standards, specifications and procedures for e-technologies). She invited TCC13 to consider advice to the Commission on the relative priority that should be placed on the ongoing work of the four IWGs in 2018, including whether any 2018 meetings of the IWGs were necessary.

267 The TCC Chair noted that IWG-ROP had not met during 2017, and that WCPFC13 had agreed that the IWG-ROP not be activated unless there were any urgent matters raised by members during a SC or TCC. TCC13 raised no matters.

10.1 Consideration of 2016 FADMgmtOptions-IWG02 Outcomes (WCPFC13, paragraph 601)

270 The TCC Chair reminded the meeting that WCPFC13 had adopted the report of the second meeting of the FADMgmtOptions-IWG and had tasked TCC13 to further consider the outcomes of that meeting, (WCPFC13-2016-FADMgmtOptions-IWG02_rev2), including recommendations listed in **WCPFC-TCC13-16c, *Monitoring of FADs Deployed and Encountered in the WCPO***. This consultancy report provided options and considerations of implementing a marking and identification system for FADs in the WCPO, and was originally presented to the second meeting of the FAD Management Options Intersessional Working Group (FADMgmtOptionsIWG-02 -04).

a. Marking and monitoring of FADs

271 The TCC Chair noted that SC13 had recommended as a first step that the Commission consider the introduction of a buoy ID scheme that would require the registration of all buoys attached to FADs deployed. The SC13 also reviewed preliminary data analyses from the PNA's FAD-tracking programme and recommended that WCPFC14 note these preliminary analyses and identify mechanisms to help facilitate further analyses, if the Commission required improved information for decision making on this subject. (SC13 draft summary report, section 5.2.1 FAD tracking). **WCPFC-TCC13-2017-16a, *Reference Paper for FADMgmtOptions-IWG02 Recommendations and SC13 outcomes***, provided a quick reference guide to support TCC13's consideration of the FADMgmtOptions-IWG02 recommendations, including recommendations on options and considerations of implementing a marking and identification system for FADs. A copy of the full FADMgmtOptions-IWG2 Report was also provided as **WCPFC-TCC13-2017-16B**.

272 On behalf of FFA members, Solomon Islands suggested that the lessons and experiences gained from implementing FAD management within EEZs (particularly in PNA EEZs), were consolidated and used to strengthen FAD management across the WCPO, including in high seas areas. The preliminary analyses of the PNA FAD-tracking data from 2016 and 2017 provided some useful information, and any further additional analyses should be used to help ensure that the Commission developed effective mechanisms to register and be able to monitor all FADs deployed. FFA members supported the approach proposed in the MRAG report, which suggested a combination of physical marking and satellite-based buoy ID systems and registration of all FADs, then phasing all deployed FADs into the satellite-tracking system. Furthermore, FFA members supported the recommendation from SC13 (SC13 draft Summary Report, para 118) that the Commission review the introduction of a buoy ID scheme as a first step, and that field tests be undertaken to determine the optimal configuration of future developments of a full marking system. FFA members preferred a phased approach for implementing FAD markings and monitoring.

273 French Polynesia expressed a concern about the increasing number of FADs drifting into its EEZ, observing that although French Polynesia did not have a purse seine fishery or use FADs, these devices were polluting the local environment and changing fish migration patterns. French Polynesia expressed strong support for the recommendations.

274 The European Union reiterated its support for the recommendations contained in WCPFC-TCC13-2017-16a. It further suggested that WCPFC work with IATTC to ensure consistent application of minimum standards across the Pacific Ocean, particularly as some fleets worked across both sides of the Pacific. European Union supported a transition period of overlapping reporting, where observers continued to report on FAD design and construction, to ensure that no valuable data was lost, and proposed the inclusion of a field for tangling and non-tangling FADs.

275 TCC13 supported the recommendation from SC13 (SC13 draft Summary Report, paragraph 118) that recommends as a first step the Commission considers introducing a buoy ID scheme, and that field tests be undertaken to determine the optimal configuration of future developments of a full marking system.
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b. Collection of additional data on FADs

276 On behalf of PNA members, Federated States of Micronesia presented **WCPFC-TCC13-2017-DP03**, submitted in response to the recommendation of the FADMgmtOptions-IWG encouraging CCMs to provide delegation papers on the issue of data to be provided by observers. FSM noted the IWG recommendation that the major responsibility for provision of data on FADs be transferred to vessel operators. **WCPFC-TCC13-2017-DP03** reviewed the changes needed in the ROP minimum data fields relating to FADs against the data fields that would now be provided by vessel operators under the IWG recommendation, and noted that the function of observers in providing data on FADs would shift to verification. PNA members suggested that observers provide an inventory of FAD buoys on board at the start and end of each trip and include FAD identifiers on all reports involving FADs such as the catches from FAD sets. They proposed that TCC13 recommend the proposed revisions to the ROP Minimum Standard Data Fields and note the need for FAD data to be provided by ROP observers for all vessels involved in FAD activities, including support vessels.

277 USA welcomed the PNA member proposal but strongly urged that any proposed changes to observer data be adopted after the new requirements for vessel operators come into effect to avoid gaps in data collection. The FSM confirmed that this was the intent of the proposal.

278 On behalf of FFA members. Tuvalu supported the adoption of the new vessel-reporting requirements for additional FAD data fields, which provided valuable information on FAD devices by a source most familiar with FAD usage. FFA members supported the PNA proposed revisions to the ROP Minimum Data Fields on FAD information, and the need to ensure that FAD data was collected by ROP observers for all vessels involved in FAD activities, including support vessels.

279 TCC13 recommended to WCPFC14 that the Commission notes the need for FAD data to be provided by ROP observers for all vessels involved in FAD activities, including support vessels.

c. Collection of additional data on FADs and their use in WCPO fisheries

280 The TCC13 Chair noted that **WCPFC-TCC13-2017-16a** contained three FADMgmtOptions-IWG recommendations relevant to this issue:

- An in-principle endorsement of the fields to be provided by vessel operators and a recommendation that the fields be referred to the SC and TCC for further consideration (FADMgmtOptions-IWG02, paragraph 62, Attachment C).
- A recommendation that the issue of data to be provided by observers be referred to SC13 and TCC13, and CCMs encouraged to provide delegation papers on this aspect (FADMgmtOptions-IWG02, paragraph 63).
- A recommendation that the elaboration of the data fields to be provided by vessel operators take into account the data fields for provision of FAD data by vessel operators by the IATTC (FADMgmtOptions-IWG02, paragraph 64).

281 There were no further comments from TCC13.

d. FAD research plan

282 The TCC Chair noted that **WCPFC-TCC13-2017-16a** reported on discussions related to the draft FAD research plan proposal (FADMgmtOptions-IWG02, paragraph 72 and Attachment D), and that **WCPFC-TCC13-2017-16c** also contained elements relevant to this item.

283 There were no comments.

10.2 Intersessional Activity Report from the ERandEM-IWG

284 The ERandEM-IWG Chair, Kerry Smith, provided a verbal update on ERandEM-IWG activities, noting that there had been no meeting of the IWG in 2017. She reported on progress in relation to the draft observer data standards since they were presented in 2016, and the new progress that has been made on draft high seas transshipment declaration and notification data standards in 2017, noting that the adoption of data standards provided a starting point for WCPFC data to be submitted electronically and further supported the Secretariat's efforts to integrate the IMS. She drew attention to the outcomes of SC13 and discussions at TCC13 that indicated a strong desire by CCMs to progress work on standards for electronic monitoring. She encouraged CCMs with outstanding comments to work with the Science Services Provider and WCPFC Secretariat prior to WCPFC14, to facilitate the Commission's consideration of the draft standards.

285 The ERandEM-IWG Chair noted that discussions on electronic monitoring coverage and the interplay between that and observer coverage in validating information might best be progressed through a meeting of the ERandEM-IWG. She further noted that a meeting would also assist in developing the EM concept note and identifying the further steps needed to support the use of EM in the WCPFC, which was an outstanding piece of work from the last IWG meeting. She acknowledged that both TCC (see paragraph 167 of the TCC13 draft summary report) and the SC had recommended a meeting of the ERandEM-IWG in 2018 prior to SC14 and welcomed advice on possible timings for that meeting.

286 Australia joined with the TCC Chair to thank the ERandEM-IWG Chair for her report on the development of E-reporting standards, and potential considerations for E-monitoring systems. On behalf of FFA members, Australia observed that enhanced independent monitoring and access to real-time data were extremely important in the fight against IUU fishing. The implementation of these technologies would also facilitate catch traceability and market programs such as CDS and certification.

287 FFA members noted the clear need for higher-level independent monitoring in the longline fishery, particularly as the low 5 percent requirement of observer coverage was not even fully met by all CCMs, and suggested that the implementation of E-monitoring could play an important role in addressing this shortcoming. This could be achieved through its use as an additional tool to complement existing observer coverage, and improve accountability and compliance capabilities. FFA members noted that there continued to be important and ongoing work needed for the development of standards for both E-reporting and E-monitoring, and proposed that the ERandEM-IWG meet in 2018 to continue the development of these standards.

288 USA noted that it was appropriate for the IWG to meet earlier in 2018 to allow for advice to be provided to SC14, but suggested that some consideration be given to holding the IWG in conjunction with the SC14 meeting, to save travel time and costs.

10.3 Intersessional Activity Report from CDS-IWG Chair

289 The FFA Secretariat provided a report on progress on the development of CDS standards, and advised that progress had been delayed on the development of a revised version of the draft CDS standards. The next iteration was currently under development and expected to be submitted for CCM consideration by WCPFC14.

290 Japan noted that the Northern Committee had recently adopted a concept paper on CDS standards and Japan was strongly supportive of the adoption of this approach by the Commission at WCPFC14.

10.4 Consideration of SC and NC Outcomes Related to TCC's work

a. Mantas and mobulids (WCPFC13, paragraph 550)

291 The TCC13 Chair noted that WCPFC13 had agreed that, where possible, CCMs should record through observer programs the number of discards and releases of manta and mobula rays with an indication of species (to the best extent possible), length, sex, status (dead or alive) and location caught, and that manta and mobula rays should be considered WCPFC key shark species for assessment and thus listed under the Shark Research Plan, noting that data gaps may preclude a traditional stock assessment approach. WCPFC13 directed the SC13 to review, as appropriate, a revision of the ROP minimum standards data fields and develop safe release guidelines for manta and mobula rays, with a view to their adoption by WCPFC14. (WCPFC13, Summary Report para 550).

292 SC13 adopted the report of SC13-ISG-5 on the safe release guidelines for manta and mobulid rays (Attachment H), based on SC13-EB-IP-08 *Developing best handling practice guidelines for the safe release of mantas and mobulids captured in commercial fisheries* (Draft SC13 Summary Report para 598) and recommended the following:

- that the Commission adopt a formal definition of SSIs, e.g. 'species of special interest are those species for which the Commission has requested additional data collection under the ROP, either because they are protected under one or more WCPFC conservation and management measures, or for other reasons articulated by the Commission' (Draft SC13 Summary Report para 126);
- that the Scientific Services Provider, CCMs and the WCPFC Secretariat through the ROP provide guidance to improve observer training related to visual estimation of bycatch numbers and weight, and that the Scientific Services Provider and CCM observer programmes improve the observer debriefing process related to bycatch including the Scientific Services Provider incorporating appropriate data quality flags within the ROP master database to facilitate use in analyses. This recommendation applied to both purse seine and longline fisheries (Draft SC13 Summary Report para 133); and
- that TCC13 and WCPFC14 note that SC has not yet adopted guidelines for safe release for silky and oceanic whitetip sharks (Draft SC13 Summary Report para 599).

293 The TCC Chair noted that the TCC13 was thus tasked to consider provision of advice to these SC13 recommendations, with a view to their adoption by WCPFC14.

294 Tonga, on behalf of FFA members, supported the development of guidelines for the safe handling of manta rays and mobulids and proposed that TCC13 recommend the SC13 guidelines for adoption at WCPFC14. Tonga noted that it was important that all reasonable steps were taken to safely release these species and suggested that these guidelines offered best practice and practical advice in a concise manner for use by industry.

295 The European Union supported the position of FFA members.

296 TCC13 recommended to WCPFC14 that the Commission adopt the safe release guidelines for manta and mobulids (as referenced in SC13 draft Summary Report, Attachment H).

AGENDA ITEM 11 — REVIEW OF EXISTING CMMS INCLUDING ANY PROPOSED AMENDMENTS

11.1 Bigeye, Yellowfin and Skipjack (CMM 2016-01, CMM 2009-02)

297 The TCC Chair noted that the Secretariat's information paper **WCPFCTCC13-2017-IP07** and the SPC information paper **WCPFC-TCC13-2017-IP08** provided reporting and data related to tropical tuna CMM.

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

298 On behalf of FFA members, Federated States of Micronesia raised an issue relating to the application of chartering as outlined in paragraph 5 in the tropical tuna CMM. FFA members interpreted this paragraph as meaning that all the catch and effort of vessels for the duration of the charter would be attributed to the chartering member or participating territory. However, FFA members noted that in some cases it appeared that only part of the catch for the duration of the charter had been attributed to the chartering CCM. For example, it seems that sometimes the bigeye catch had been attributed to the chartering CCM but the yellowfin catch had not. FFA members asked the Commission, Secretariat and the Scientific Services Provider to ensure in future that all catches of chartered vessels were attributed to the chartering CCM in accordance with paragraph 5 of the Tropical Tuna CCM.

11.2 South Pacific Albacore (CMM 2015-02)

a. Annual review of CMM based on advice from SC (CMM 2015-02 para. 5)

299 The TCC Chair noted that CMM 2015-02 paragraph 5 required that the measure be reviewed annually based on advice from SC. She referred participants to **WCPFC-TCC13-2017-IP11**, *Trends in the South Pacific Albacore Longline and Troll Fisheries*, prepared by SPC-OFP, and **WCPFC-TCC13-2017-IP131**, *Summary of Reporting received by WCPFC under CMM 2010-05 and CMM 2015-02: South Pacific Albacore*, prepared by the Secretariat.

300 There were no comments.

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

301 The TCC Chair noted that **WCPFC-TCC13-2017-RP02** provided summary information from observer data on whale shark and cetacean encounters with purse seine vessels, and silky shark and oceanic white tip sharks interactions.

a. Annual review of information reported by CCMs pursuant to these measures

302 The WCPFC Regional Observer Programme Coordinator referred the meeting to Tables 5, 6, 7 and 7a of **WCPFC-TCC13-2017-RP02**. 34,110 silky sharks and 631 oceanic white tipped sharks were observed caught in 2016. It was noted that there was still discarding of trunks with fins retained, especially of silky sharks, although the numbers had decreased each year from 2014 (994) to 2016 (97). Reported totals since CMM 2011-04 (Ocean White Tipped Sharks) became active on 1 January 2013 and CMM 2013-08 (Silky Sharks) became active on 1 July 2014, indicated that adherence to the CMMs had improved, but reporting by observers suggests that a few vessels were still not adhering to the CMM no-retention requirement. ROP observer data and the associated reports were a source of information for alleged infringements that were presently notified by the Secretariat in the WCPFC online compliance case file system (**WCPFC-TCC13-2017-11c**).

303 The United States noted that it continued to encounter challenges during high seas boarding and inspections relating to compliance with the 5 per cent fins-to-carcass ratio under CMM 2010-07. Frequently, it found detached fins on deck, but many times the corresponding carcasses were not available for our inspectors to verify compliance. The USA stated that if a CCM chose to implement compliance with full utilisation through the 5 percent ratio versus a naturally attached requirement, then that CCM should

also ensure its vessels were able to produce both the fins and corresponding carcasses leading up to the first point of landing, and not just at the first point of landing. USA proposed that the burden of proof to show compliance at sea should be on the vessel, and the inability for a vessel to meet this requirement should constitute a violation of CMM 2010-07. The USA proposed a recommendation to strengthen the existing CMM to require that those CCMs choosing to implement compliance with CMM 2010-07 paragraph 6 through the use of the 5 percent fins-to-carcass ratio, should be required to ensure their fishing vessels were prepared to produce all fins and corresponding carcasses up to and including at the first point of landing, to include at sea during high seas boarding and inspections, and that any fishing vessel failing to produce for inspection both the fins and corresponding carcasses up to and including at the first point of landing, should be deemed non-compliant with the 5 percent fins-to-carcass ratio, and be documented as such by the inspector.

304 The European Union shared similar concerns as those expressed by the USA and supported the adoption of a recommendation.

305 China noted that it was impractical for this to apply at sea during high seas boarding and inspections.

306 EU noted that the TCC was frequently told that it was impractical or not possible to fulfil at-sea high seas boarding and inspections obligations, and requested some suggestions on what might be required to ensure that the inspectors could do their job.

307 China noted that at-sea high seas boarding and inspections was outside of the scope of the CMM and provided the example of shark fins being stored in the bottom of the hold and thus not readily available for inspection. Japan and Chinese Taipei agreed with the views expressed by China.

308 The USA withdrew its proposal, stating that removal of at-sea high seas board and inspections from the recommendation did not progress the issue.

309 The European Union proposed that the issue should at least be flagged at the Commission for its consideration. It also proposed that TCC should draw the Commission's attention to the number of silky and oceanic white tip sharks still retained onboard and finned in WCPFC fisheries, and consider additional measures to ensure compliance with the relevant CMMs. It also expressed its concern that it was difficult to review the ratio of fins-to-carcass weight without additional information.

310 TCC13 notes for WCPFC14 the concerns raised by those Members conducting high seas boarding and inspections regarding the difficulty in determining compliance with CMM 2010-07 paragraph 6 and encourages further discussion to address this issue.

311 TCC13 recommended to WCPFC14 that the Commission note that despite a notable decrease in numbers since 2014, silky and oceanic white tip sharks were still retained onboard and finned in WCPFC fisheries. TCC13 also recommended to WCPFC14 that the Commission consider additional measures to ensure compliance with the relevant CMMs.

312 TCC13, taking note of SC13 advice that no new information was submitted for its consideration in view of reviewing the ratio of fins to carcass weight, recommended that WCPFC14 take note that TCC is still not able to fulfil its task in CMM 2010-07 paragraph 7.

b. Development of a comprehensive approach to shark and ray conservation and management (WCPFC13, paragraph 507)

313 The TCC Chair noted that TCC13 had been tasked by WCPFC13 to consider technical and compliance issues associated with WCPFC shark and ray CMMs, that WCPFC-TCC13-2017-17a and WCPFC-TCC13-2017-17b had been introduced under Agenda 1.4 and that a small working group, led by Kerry Smith (Australia) had been established to consider technical advice on a shark and ray CMM.

314 The Chair of the small working group noted that the group had had a robust and constructive discussion, had considered all technical and compliance element of each component of the papers, and had identified many issues that would benefit from further elaboration by the Commission. The group also identified that these issues would need to be considered by SC.

315 In response to tasking by WCPFC13, TCC13 discussed technical and compliance issues associated with WCPFC shark and ray CMMs, and identified a number of issues that would benefit from further elaboration by the Commission.

316 TCC13 recommended to WCPFC14 that the following points be considered, potentially as terms of reference for an intersessional drafting group, when working toward a comprehensive shark and ray conservation and management measure for adoption at WCPFC15 (in line with previous WCPFC guidance, the term 'shark' below refers to all shark and ray taxa):

- Explicit and easily understood standards for implementing full utilization, either in the form of prescribing certain handling practices, or requiring additional specific and potentially higher standards of inspection readiness and compliance reporting for those CCMs whose handling practices are more difficult to verify.
- Mechanisms that would improve the coverage and availability of data and data fields that support analysis of effectiveness and verification of shark no-retention policies (e.g. improvements in monitoring programmes, such as data fields, electronic systems and coverage rates, as well as species identification tools and training for both observers and industry).
- A requirement to adopt guidelines for safe release for all types of protected and/or unwanted sharks within an appropriate timeframe, based on the best available science and safe release experience of CCMs' national programmes, as well as crew safety concerns, noting that the guidelines will necessarily evolve over time.
- Specification of whether the choice to ban either wire leaders or shark lines (under CMM 2014-05) should be at the vessel or fleet level, and the mechanism for communicating that choice to the Commission, to allow for accurate analysis of mitigation effectiveness.
- Consideration of whether additional gear or operational mitigation measures should be required or encouraged to reduce catch rates for protected or unwanted sharks taking into account operational concerns and impacts on other taxa.

- Clarification of which fisheries need to submit shark management plans, a list of the required contents, the required frequency of update, and a set of criteria to be used in evaluating the plans.
- Consolidate reporting requirements of the current shark CMMs, if possible, by for example removing references to reporting in Annual Report Parts 1 and 2 and aligning shark data reporting with other existing data reporting requirements without reducing information content.
- Take into account shark conservation and management schemes already implemented by CCMs for fisheries under their national jurisdiction.

317 TCC13 requested that the Secretariat prepare a draft terms of reference for development of a comprehensive shark and ray CMM based on the outcomes of discussions at SC13 and TCC13 for further consideration by the Commission at WCPFC14.

318 On behalf of FFA members, Solomon Islands supported the need for a simple first step to reduce the complexity of the existing shark measures. This first step should be a simple exercise to compile existing shark measures into a new CMM for adoption in 2018. Any review of shark management should recognise the existing measures and achievements of members. It should also take into consideration the ability of CCMs to implement and comply with CMMs, and ensure that industry is able to easily interpret these obligations.

11.4 Sea Turtles (CMM 2008-03)

a. Annual review of information reported by CCMs pursuant to this measure

319 The TCC Chair noted that that no substantive paper was provided for this agenda item; however, **WCPFC-TCC13-2017-IP03** provided WCPFC13 and SC13 decisions on seabirds, and **WCPFC-TCC13-2017-RP02** contained some updated information.

320 The WCPFC Regional Observer Programme Coordinator referred the meeting to Table 4 of **WCPFC-TCC13-2017-RP02**. 165 sea turtle landings, 97 on longliners and 68 on purse seiners, were reported. For 32 longline landings the turtle was deceased, and only one death occurred on a purse seine vessel. Many crews on purse seine vessels were reported to assist turtles to escape unharmed from the nets.

321 The United States introduced **WCPFC-TCC13-2017-DP08**, *Discussion Paper on Improving Sea Turtle Mitigation in the WCPO*. It noted that as members would recall, CCM compliance with obligations under CMM 2008-03 was assessed at TCC12. During that assessment there were extensive discussions on the specific requirements of paragraph 7, particularly the meanings of the terms 'fish for' and 'shallow-set manner', and it was noted that consideration should be given as to whether the measure should be updated (2016 Final CMR Executive Summary, paragraph 17). Additionally, in 2016, the WCPFC convened two workshops that were funded by the ABNJ (Common Oceans) Tuna project to analyse the effectiveness of sea turtle mitigation in Pacific longline fisheries with respect to rates of interaction and mortality. Based on issues noted at TCC12 and taking the recommendations of the ABNJ working group into consideration, the USA proposed several potential revisions to CMM 2008-03. These covered longline mitigation measures, the development of specifications for non-entangling FADs, and several modifications to the ROP

Minimum Data Standards and Fields. The USA recognised that there was little remaining time for discussion at TCC13, but sought member views on the proposals, particularly with respect to their practicality and implications regarding compliance, and expressed its willingness to continue to work with members intersessionally.

322 On behalf of FFA members, Tonga expressed support for the recommendations from the two ABNJ workshops, noting that the lack of available baseline data made it extremely difficult for TCC to make targeted recommendations relating to CMM 2008-03. FFA members supported the focus on standardising data collection protocols and ensuring, where necessary, the integration of such efforts with any ongoing development of observer E-reporting tools. However, prior to amending CMM 2008-03, FFA members considered that further work was needed to determine the direct economic implications on fishing operations and catch rates of targeted species.

323 Japan and China suggested that the more scientific and technical related issues should first be discussed at SC and any recommendations forwarded to TCC for consideration from the perspective of compliance.

324 European Union and United States noted that that SC13 had reviewed the outcomes of the workshop and conducted an extensive analysis, and sought clarification on what additional level of discussion Japan and China required

325 Pew Charitable Trusts, on behalf of BirdLife International, Greenpeace, WWF and Pew, supported the review and revision of CMM 2008-03 for sea turtles. They welcomed the final workshop report '*ABNJ Joint Analysis of Sea Turtle Mitigation Effectiveness*' presented to SC13, noting that the mitigation measures quantified and discussed in this analysis could provide a substantive baseline for working toward a more effective CMM. Pew acknowledged that an optimal strategy for reducing bycatch impacts on sea turtles may vary depending on the individual fishery, its location and characteristics, but noted that the Joint Analysis suggested that less than 1 percent of WCPO longline effort was currently subject to mitigation and expressed concern that current observer coverage fell well below the recommended level for effectively determining optimal mitigation approaches for sea turtles. Additionally, Pew noted that the majority of CCMs had not fully reported on compliance with CMM 2008-03, and that only a small fraction of member countries had conducted dedicated research on sea turtle mitigation techniques. In alignment with the USA proposal, Pew strongly recommended revision or replacement of CMM 2008-03, based on the best available scientific information contained in the ABNJ Joint Analysis, to achieve three objectives:

1. Ensure requirements for the determination of optimal bycatch mitigation packages are undertaken for individual fisheries.
2. Improve the definition of the desired outcomes of the CMM and reduce ambiguity in language.
3. Ensure that the WCPFC and member states will suitably monitor the CMM for effectiveness and revise accordingly.

326 TCC13 noted TCC13-2017-DP08 and requested CCMs with any comments to provide them to the United States by 21 October 2017 so that the United States can consider and prepare a revised CMM proposal as appropriate.
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11.5 Seabirds (CMM 2012-07/CMM 2013-03)

a. Annual review of any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes

327 The TCC Chair noted that SC and TCC annually reviewed any new information on measures relating to seabirds and information on interactions from monitoring programmes. She noted that no substantive paper was provided for this agenda item; however, **WCPFC-TCC13-2017-IP03** provided WCPFC13 and SC13 decisions on seabirds, and **WCPFC-TCC13-2017-RP02** contained some updated information.

328 The WCPFC Regional Observer Programme Coordinator referred the meeting to Table 3 of **WCPFC-TCC13-2017-RP02**. This table showed seabird landing data recorded by observers for 2016: 190 birds caught by longlines from 252 longline and 801 purse seine trips. Most observed were recorded by one programme that has 100 per cent observer coverage. Most of the birds caught in the longline sector were deceased when landed; there were a small number of sightings but no landings by the purse seine sector.

329 In response to a query from European Union regarding interaction rates for these species and other species, SPC-OFP noted that the SC13 had received information on interaction rates which was now available on the WCPFC website (see WCPFC-SC13-EB-IP-15, and <https://www.wcpfc.int/tuna-fishery-data>).

330 BirdLife International sought clarification of what percentage of observer data collected in the ROP programme information was contained in Table 3 (Observer Reported Bird catches), noting that New Zealand's observer programme data did not appear to be included. Further she noted ongoing issues with seabird identification in the ROP and looked forward to the review of the ROP observer ID guidelines that BirdLife contributed to in 2016, and incorporation of these in the observer training programmes. BirdLife International expressed willingness to further assistance on improvements on this issue for the ROP or for any CCMs who would like it.

331 In response, the Regional Observer Programme Coordinator noted that 232 longline vessels were monitored, and while there was more data to be introduced, most reported small bird interactions. SPC-OFP added that additional data had recently been received, and some was still outstanding, from, for example Republic of Korea, regarding interaction rates; SC13 received information on interaction rates and is now available on the website.

332 BirdLife International introduced **WCPFC-TCC13-2017-OP02**, *Opportunities in Ports to Improve Data Collection to Monitor the Effectiveness of Seabird Conservation and Management Measures*. This paper outlined key decisions and issues including from SC13, and Table 1 identified those issues arising including under 11.5 Seabirds. Paragraph 615 highlighted concern around high bycatch rates, especially south of 30°S. As well as recommending TCC and the Commission review observer coverage rates they also recommended reviewing the application of mitigation by fleets. While observer coverage was very low and full implementation of electronic monitoring was still some way off, there was an opportunity to use existing processes occurring and being trialled in ports and in transshipments at sea, to check for compliance with mitigation equipment presence and use. Both **WCPFC-TCC13-2017- OP02** and **WCPFC-TCC13-2017-OP01** discussed these proposals. BirdLife International noted that port inspectors could verify evidence that the vessel has been using the required seabird bycatch mitigation measures if fishing has been taking place south of 30° S. Data collection would include verification of the presence of tori lines, and night setting via logbooks and weights, if used. The development of apps such as one being developed by FFA for the Port Coordinators programme, called BOJACK, could make

collection of this data much simpler. This idea could also be extended to other non-target taxa and allow inspection of line cutter, de-hookers and dip-nets.

333 The second BirdLife International paper, *Piloting Data Collection through Transshipment Monitoring as an Opportunity for Monitoring the Implementation of The WCPFC Seabird CMM (WCPFC-TCC13-2017-OP01)* also suggested a similar approach when transshipments occur. Since 2010 over 3760 transshipment events had occurred. Recognising that it may not always be safe for observers to move to transshipping vessels, some data could still be gathered e.g. stern photos of vessels verifying the presence of tori poles for example. There was an increasing need to verify the use of mitigation to protect ETP species including seabirds. IOTC had already developed a secondary inspection report form for port inspectors and is proposing to trial transshipment data gathering. In WCPFC there was already a proposal to extend the trial of the Port Coordinators programme in WCPFC where this could be trialled. BirdLife International recommended that:

1. TCC13 recommends that WCPFC13 task the Secretariat to incorporate data capture relevant to bycatch mitigation (as outlined in OP2) to be added to port inspectors reporting forms as part of a trial; and
2. TCC recommends that WCPFC13 task the Secretariat to consider what information could usefully be gathered around mitigation equipment and application, during transshipment processes and forward these to TCC14 for consideration to be incorporated in to the transshipment process.

334 Chinese Taipei noted that the proposal related to port inspector reporting forms would be difficult to implement due to the lack of an agreed Port State Measures or standards and reporting format for port inspection.

335 The United States noted that the concepts were worth serious consideration, and proposed that the Commission could consider incorporating data relevant to bycatch mitigation as part of any Port State Measures CMM.

336 Republic of Marshall Islands indicated that they did not consider that it was the role of the Commission to encourage national port coordinator programmes to incorporate relevant bycatch mitigation data (CMM 2015-03) into their port inspection procedures, so were not able to support the second BirdLife International proposal.

337 TCC13 recommends to WCPFC14 that the Commission tasks the Secretariat to consider what information could usefully be gathered around bycatch mitigation equipment and application, during transshipment processes and forward these to TCC14 for consideration to be incorporated into the transshipment process.

338 TCC13 recommends to WCPFC14 that the Commission considers incorporating data relevant to bycatch mitigation as part of any Port State Measures CMM that is adopted by the Commission.

b. Proposal to amend seabirds CMM (CMM 2015-03)

339 The TCC Chair noted that New Zealand had introduced **WCPFC-TCC13-2017-DP01_rev1**, *Proposed Changes to CMM 2015-03 in regards the Seabird Mitigation Requirements*, under Agenda 1.4. This paper proposed clarification of existing reporting requirements in paragraph 9 of CMM 2015-03 as well as some changes to the mitigation measures used to address seabird bycatch.

340 New Zealand drew attention to the updated paper, WCPFC-TCC13-2017-DP01_rev2, thanked CCMs for their comments thus far, and indicated its intention to present a further revision to WCPFC14. New Zealand noted that it had taken on board feedback from industry on the feasibility and safety of implementing tori lines for small vessels and aligning with new best-practice guidelines from the agreement on the conservation of albatrosses and petrels (ACAP). It requested members' views on the technical and compliance implications of the proposed changes around: inclusion of a new specification for tori lines for small vessels; update of the specifications for line weighting to align with ACAP best practice; and inclusion of a hook-shielding device specification as an alternative stand-alone seabird bycatch mitigation device. These changes provided industry with greater flexibility to meet its obligations in relation to mitigating the risk of seabird interaction. The tori line specification was developed in consultation with the New Zealand fishing industry and designed to address safety concerns, minimise tangling, and permit deployment at night and in poor weather conditions. With respect to the proposed line weighting change, this aligned the line weighting specification in the CMM with the best practice advice for line weighting included in the Agreement on the Conservation of Albatrosses and Petrels, introduced to SC12. New Zealand also included the option for fishers to use hook-shielding devices that meet the specification provided in the measure. These devices shield the bait on the hook until the hook has reached a specified depth, avoiding unwanted seabird interactions. Field testing results show that the hook devices were highly effective at reducing seabird bycatch and do not have a negative impact on target catch rates. The hook device could be used on its own, without other seabird bycatch mitigation (i.e. no line weighting or tori lines, and can be used during the day or night). The hook-shielding device specifications proposed were the same as those included in the Agreement on the Conservation of Albatrosses and Petrels. The hook shielding device was proposed as a stand-alone option for both the southern and northern hemispheres. New Zealand also proposed a revision to the text in paragraph 9. The proposal does not change the requirements of the existing CMM but makes clearer the existing Part 1 reporting requirements on CCMs. This is to report on observed interactions with seabirds, *including* reporting the observed mitigation used. Following discussions with CCMs at this meeting New Zealand had revised the existing reporting template in Annex 2 of the CMM to enable reporting of the observed effort with specific mitigation measures used, and was considering feedback regarding the need to allow sufficient time for CCMs to amend their domestic laws to support implementation of these proposed changes. It thanked CCMs for comments received so far, and welcomed any feedback from CCMs at TCC13 or in the interim period before WCPFC14 on the technical and compliance implications of the proposed changes.

341 Japan noted that any modification to gear specification for seabird mitigation should first be considered at SC, which should also consider the implication of such changes on tuna fishery. Concrete recommendations were required to provide justification for change of gear to fishing industry. They also noted that the hook shielding device were not practical for Japan's tuna longline operations, and potentially dangerous to fishermen.

342 China and Chinese Taipei agreed with Japan's view.

343 New Zealand noted that the SC had discussed these proposals, and clarified that it was not proposing that the hook shielding measure be mandatory.

344 TCC13 noted WCPFC-TCC13-2017-DP01_rev2 and requested CCMs with any comments to provide them to New Zealand by 21 October 2017 so that New Zealand can consider and prepare a revised CMM proposal as appropriate.
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11.6 Purse Seine Interactions with Whale Sharks and Cetaceans (CMM 2011-03/CMM 2012-04)

a. Annual review of information reported by CCMs pursuant to this measure

345 The TCC Chair referred the TCC to **WCPFC-TCC13-2017-11c** and relevant information contained in **WCPFC-TCC13-2017-RP02**.

346 The WCPFC Regional Observer Programme Coordinator referred the meeting to Table 8 of **WCPFC-TCC13-2017-RP02**. 550 cetacean interactions were recorded. It was noted that there were 81 deceased animals, mainly rough tooth dolphins (36) and false killer whales (38). It was also noted that some whales had come into the purse seine net deliberately to feed, and when the net was closed they pushed the corks down with their head to escape.

347 Vanuatu, on behalf of FFA members, expressed concern about the highest reported non-compliance statistics in Table 10 of the ROP Annual Report, and particularly the non-compliance report on incidents regarding whale sharks. It strongly urged CCMs to expedite educational awareness for their vessel crews in exercising voluntary compliance. In addition, FFA members requested the Secretariat to provide non-compliance reports against flag State CCMs and encourage CCMs to apply tougher penalties for vessels that were repeatedly in breach of CMMs on species of special interest and cetaceans.

AGENDA ITEM 12 — PROPOSALS FOR NEW CMMS

12.1 Bridging CMM to Replace CMM 2016-01

348 The TCC Chair invited WCPFC Chair Rhea Moss-Christian to provide an update on discussions on the Draft Bridging CMM on Tropical Tunas Rev5 (Consultative Draft) (WCPFC-TCC13-2017-19, previously circulated to CCMs as WCPFC Circular 2017/65).

349 The WCPFC Chair reported that Rev5 of the Consultative Draft reflected discussions that took place at the recent Intersessional Meeting in Honolulu, and contained proposals and views of CCMs expressed at that Intersessional Meeting, as modified during the Intersessional Meeting and subsequently by the proponents. She noted that she was particularly interested to hear from members on the draft MCS provisions in Rev5, as well as any other technical issues that members may wish to flag during TCC13. The discussion at TCC13 would be useful for the Chair in planning for the discussions in December and ensuring that sufficient time could be dedicated to resolving any key MCS and/or technical issues in the draft.

350 Australia stated that it was keen to see existing MCS provisions retained where they were applicable and appropriate, with the intention of capturing these more appropriately in the future. In addition, Australia would like further discussion on how responses to non-compliance might be dealt with, including whether it would be worth considering how responses to non-compliance could be addressed in the measure itself.

351 European Union supported the embedding of existing MCS provisions in the new measure, and was also in favour of incorporating responses to non-compliance into the final measure, for example, the development of a ‘no data – no fish’ rule in addition to a pay-back rule if established quotas are exceeded.

352 United States noted that it generally supported the placement of MCS provisions in the relevant separate MCS measures, but acknowledged that this was not necessarily straightforward or relevant for all MCS provisions. It supported further discussion on the inclusion of stronger provisions on responses to non-compliance in the measure itself.

353 The WCPFC Chair noted that there had been agreement at the Honolulu meeting to retain MCS provisions and that those are now reflected in Rev5. The Chair reiterated her interest in any issues that CCMs wanted to flag with respect to technical advice for the Commission, noting that the Commission would benefit from TCC's advice. She further requested TCC members to provide any views on the implementation of existing measures, noting the need for clarity on interpretation of measures for purposes of evaluation and assessment by TCC.

354 EU stressed that, going forward, it was important to be specific about the exact responsibilities of stakeholders and to ensure a high level of transparency in the process.

355 China agreed, noting that just in the recent week, the TCC has found the need for additional clarity on various elements of the tuna measure, citing treatment of charter vessels, definition of high seas fishing days and reporting times during FAD closures as examples where additional clarity would be useful. It noted that WCPFC should draw from the experiences of other RFMOs in considering responses to non-compliance and indicated its willingness to discuss how responses to non-compliance could be built into the new measure. China also expressed its interest in ensuring the timely receipt of ROP reports by flag States for assisting in investigations.

356 United States agreed that there were areas of some measures where clarification would be useful, especially relating to who was responsible for each activity. The United States noted that it did not think the increased VMS reporting requirements during FAD closure periods added useful information. China also supported this latter point.

357 In response to USA and China regarding the utility of 30-minute VMS reporting during FAD closure periods, the FFA Secretariat noted that the increased frequency of VMS polling had been extremely useful during the development and refinement of algorithms that would determine if fishing was occurring or not.

358 Republic of Marshall Islands, on behalf of PNA, noted that the key element for PNA members on MCS was to see stronger controls on limits, especially the longline bigeye catch limits. This means robust monitoring and independent verification, and a systematic approach to improved monitoring of catch limits. This should include increasing longline observer coverage supplemented by E-monitoring, E-reporting and catch documentation.

359 Japan expressed its interest in minimising the exemption clauses as much as possible, its desire for clear obligations for everyone, including CCMs and ROP observers, and the inclusion of a definition of FADs to improve compliance status.

360 New Zealand suggested that the charter provision could benefit from a review and further delineation of responsibilities.

361 The European Union reiterated its support for clarity in the language of the measure to assist assessment of obligations.

362 The WCPFC Chair summarised the key themes raised by TCC13 as the need for: clarity around responsibilities for delivery of actions, clear and precise drafting and language, and measures that are

adopted to be enforceable for compliance purposes. She assured members that these issues would be further discussed in Manila and stressed that these points would be useful for everyone to keep in mind when discussing management options in December.

363 New Caledonia noted that paragraph 55 of Draft Bridging CMM on Tropical Tunas Rev5 introduced the possibility of catch limits on yellowfin tuna. This would impact negatively on the profitability of New Caledonia's longline fishery, which was already affected by the reduction of catch rates for South Pacific albacore. It reminded delegates that its domestic tuna fishery was conducted using locally certified sustainable practices, and asked that the Commission took into consideration the economic and social needs for New Caledonia to develop and maintain its fishery, according to Article 30, paragraph 2 of the Convention.

364 French Polynesia agreed with New Caledonia's statement and stressed that Article 30 must be taken into account.

12.2 Treatment of MCS Provisions in CMM 2016-01 in Bridging CMM

365 This item was addressed during discussion under Agenda 12.1

12.3 Bridging CMM for South Pacific Albacore

366 The TCC Chair invited New Zealand to provide an update on the progress of the draft CMM, *Draft Bridging CMM on South Pacific Albacore (consultative draft)* (WCPFC-TCC13-2017-20, previously circulated to CCMs and Observers as WCPFC Circular 2017/68.

367 New Zealand outlined the agenda for the one (1) day workshop on 4 October, scheduled in response to the tasking by WCPFC13. It hoped that the meeting would progress the draft, particularly with respect to the scope of the measure, the mix of elements contained therein and the fisheries objectives.

368 Australia thanked New Zealand for leading the discussions, and proffered the implementation of harvest strategy-based management as the best long-term mechanism for addressing the declining South Pacific albacore stock and ensuring that the fishery was viable and sustainable. It supported the development of a new albacore management measure that: provided a more robust management framework, including an overall fishery catch limit; included all fishing for albacore, including in-zone and high seas; and accommodated the development of a harvest strategy for South Pacific albacore. Australia stressed that the status quo could not be maintained, that improvements were required to the current measure, and hoped for a constructive workshop that would move forward on these thoughts.

369 French Polynesia supported Australia's intervention, noting the importance of progressing harvest strategy-based management for South Pacific albacore.

370 TCC13 noted WCPFC-TCC13-2017-20 and efforts being made to progress the proposal.

12.4 Draft CMM on Marine Pollution – Republic of Marshall Islands

371 The TCC Chair noted that Republic of Marshall Islands had introduced WCPFC-TCC13-2017-DP06 under Agenda 1.4.

372 Republic of Marshall Islands reported that it had had some constructive discussions in the margins, and welcomed further comments in time for the preparation of a revision to present to WCPFC14.

373 The European Union thanked RMI for this proposal, noted that it was a very important issue for EU and would be discussed at the forthcoming Global Oceans conference in Malta.

374 Japan also thanked RMI for its proposal, noting that it was supportive and would endeavour to provide comments within the agreed time limit.

375 BirdLife International made an intervention on behalf of Pew, WWF and themselves. One of the greatest pollution threats to the marine environment are plastics. Marine organisms ingest or are entangled by plastic, sometimes with fatal consequences. Research suggest plastic pollution may impact biodiversity, ecosystem services, food security, and human health. An estimated 4.4–12.7 million metric tons of plastic are added to the oceans annually. By 2040 emissions of plastics into the marine environment are predicted to increase by an order of magnitude. It was also estimated that 20 per cent of this will come from vessels. In the WCPFO, 50 per cent of observer-reported dumping at sea were plastics or abandoned or lost fishing gear. BirdLife, WWF and Pew welcomed the proposed CMM introduced by RMI and urged CCMs to support the development of a marine pollution CMM.

376 Federated States of Micronesia expressed its deep concern about the increasing incidence of plastics in the ocean, and warmly thanked RMI for the proposal.

377 The TCC Chair referred to the WCPFC Executive Director’s commitment to reducing his plastic bottle use, and suggested that TCC could also consider going plastic free.

378 TCC13 noted **WCPFC-TCC13-2017-DP06** from the Republic of Marshall Islands and requested that CCMs provide comments on the proposal to Republic of Marshall Islands by **3 November 2017** so that Republic of Marshall Islands can consider and prepare a revised CMM proposal for WCPFC14, as appropriate.

379 TCC13 recommended to WCPFC14 that TCC14 be 'plastic bottle' free.

AGENDA ITEM 13 — OTHER MATTERS REQUIRING TCC ADVICE

13.1 Consider Summary of Port State Measures Adopted by Other RFMOs and Members (TCC Workplan 2016–2018)

a. Further consider TCC12 recommendation to extend WCPFC Port Coordinators Programme (WCPFC13, paragraph 197)

380 WCPFC13 did not proceed with the recommendation from TCC12 (paragraphs 179–181) concerning the continuation of the Port Coordinators Programme and identification of a funding source (WCPFC13-2016-26 *Report on the Implementation of the Trial WCPFC Port Coordinators Programme and Proposed Extension*, and Attachment 1 to **WCPFC-TCC13-2017-18**).

381 The European Union indicated its expectation of some feedback from the Secretariat concerning information on the outcomes and impacts of the programme, noting that without such information it was not possible for the EU to support an extension of the programme.

382 The TCC Chair noted that, as there was no agreement at WCPFC12 to extend the programme, there was no additional reporting for TCC13.

383 The Federated States of Micronesia, on behalf of FFA members, stressed that in its view, the port coordinators program was an effective delivery means to useful and tangible outputs. It supported capacity building in an area of the fishery where the most substantial monitoring programmes were implemented, and data were collected for both scientific and MCS purposes. As such, FFA members fully supported the proposal to continue this programme. FSM noted that the proposed Terms of Reference (TOR) addressed some of the administrative issues experienced in past trials, allowed for greater participation from interested port state CCMs, and provided a good balance of investment, accountability and outputs to support the Commission's responsibility of delivering effective assistance to developing states. These benefits were intended to supplement the needs of national monitoring programmes, and it was therefore imperative that specific tasking's remain with the head of the national fisheries administration.

384 The United States supported continuation of the programme and suggested that CCMs provided a report on the effectiveness of past work.

385 Chinese Taipei suggested that the Secretariat be tasked with preparing a reporting template and standards to assist participating CCMs to report on outcomes.

386 FSM reported that it was a beneficiary of the programme, and that it had contributed significantly to its capacity to discharge its CCM obligations, particularly with respect to monitoring transshipments in ports and training of observers. FSM had provided a report to WCPFC12. Kiribati also noted the benefits it had received from participating in the programme.

387 New Zealand concurred with the FSM statement and encouraged liaison between those seeking further information with participating CCMs to ensure that the latter were clear on the information sought.

388 The European Union clarified that it was supportive of the programme but required some indication that it had been fully implemented and was delivering the intended outcomes.

389 The FFA Secretariat noted that participating members had prepared reports and the SPC had undertaken an assessment, and sought additional clarification on specifics of the additional information sought.

390 Australia noted that port activities were a key MCS tool to ensure compliance, and thanked FSM and other CCMs for their work in monitoring activities in their ports.

391 The European Union requested a report back on outcomes, benefits and operation of the expected duties of the programme as listed in the report.

392 TCC13 noted for WCPFC14 that a majority of CCMs support extension of the Port Coordinators Programme. TCC13 noted that some CCMs requested that those CCMs that had

participated in the programme in the past provide additional reports to WCPFC14 on the outcomes, benefits and operation and implementation of the expected duties of the programme.

AGENDA ITEM 14 — ADMINISTRATIVE MATTERS

14.1 TCC Workplan 2016–2018

393 TCC13 noted the TCC Workplan 2016–2018, as adopted by WCPFC13 (WCPFC-TCC13-2017-IP02). There were no comments.

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

394 The Compliance Manager provided a report on the administration of the WCPFC data access rules and procedures (**WCPFC-TCC13-2017-RP07_rev1**) and reported no known breaches of the data rules. She noted that the Secretariat had maintained the required controls on the administration of the two sets of rules currently in place, namely the Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission (2007 data RaP), and the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes (2009 MCS data RaP). Annex 1 provided a summary of WCPFC non-scientific data holdings. Annex 2 listed a register of access to WCPFC data by persons duly authorised by the Executive Director, within the WCPFC Secretariat and Service Providers, as well as Officers of the Commission (as at 26 August 2017). Annex 3 contained a list of WCPFC client CCM logins for the WCPFC VMS system. Annex 4 provided a list of CCMs requests received and actioned 2016/2017. The Compliance Manager asked CCMs to check their official contact details for Authorized MCS Entities and Personnel and ensure that these were accurate and up-to-date for each CCMs (held on the secure page of the website at <https://www.wcpfc.int/official-circulars-and-contacts>).

395 Finance and Administrative Manager, Aaron Nighswander, introduced **WCPFC-TCC13-2017-RP08**. *The Review of integrity of Secretariat's VMS data and Secretariats review of integrity of IMS and RFV*. The annual audit was conducted in June 2017 by Deloitte Touché. Of the fourteen findings reported, many were repeat findings from 2016. Funding was provided at WCPFC13 for the hiring of an independent consultant to assist the Secretariat to address these issues, and particularly the revision of the information security policy and development of a disaster recovery policy. Work was currently underway and was expected to be completed before the 2018 audit. Three additional issues were identified around the need to develop a physical typology for the entire network, the encryption of hard drives and development of authorised software, and the report noted how these issues were being addressed.

396 Fiji, on behalf of FFA members, thanked the Secretariat for the Annual Report and its dedicated administration of the Commission's data rules and procedures. Fiji noted that while there were no known breaches of access to WCPFC non-public domain data, FFA members were concerned whether the current arrangements and data rules regarding access by interns or official visitors required strengthening. This concern related to whether the Commission and Secretariat had sufficient responses or sanctions in the event interns or visitors breached the established data rules. This was important as such individuals had high-level access to non-public domain data greater than they would have as national representatives to WCPFC. FFA members suggested that a simple way to address this concern would be to amend the existing

confidentiality agreement signed by interns and official visitors to include specific penalties. These penalties could include, for interns, cessation of internship, and for official visitors, prohibition of future non-public domain data access.

397 The Finance and Administrative Manager reported that interns were accepted based on recommendations of CCMs and did not have access to all data.

398 In response to a query from Kiribati, the Compliance Manager noted that an agreement on which data and authorisation was part of the development of acceptance of internship between the Secretariat and the nominating CCM, and written confirmation of the agreed procedures was provided to that CCM.

399 TCC13 noted the report on the administration of the WCPFC data access rules and procedures (**WCPFC-TCC13-2017-RP07**) including Report on Integrity of Secretariat's VMS, VMS and IMS 2016/17 (**WCPFC-TCC13-2017-RP08**).

14.3 Report on Secretariat IMS, Website Development and Online Reporting Systems (2016–2018)

400 The Chair noted that WCPFC12 agreed to maintain commitments that ensure the continued development and enhancement of the Commission Secretariat IMS over the next two–three (2–3) years, and that an update of related developments was included in the Executive Director's report (**WCPFC-TCC13-2017-07**).

401 Australia, on behalf of FFA members, noted that automated extraction and provision tools for CCMs to access WCPFC data were very useful and assisted CCMs in the conduct of their MCS activities. FFA members requested that the Secretariat undertake to develop automated extraction and provision tools for CCMs to access WCPFC data, further to those already existing. This work should be incorporated into broader Secretariat IMS developments and enhancements, and sufficient resourcing should be provided to facilitate this work.

402 The Federated States of Micronesia, referring to its earlier intervention on the IMS system development, clarified that it did not believe there were any problems with the system, but felt that the system should be developed in a holistic manner. It expressed its appreciation for the Secretariat's focus on ensuring such an approach.

403 In response to a query from Fiji regarding the physical location of the IMS system, the Compliance Manager reported that all databases were hosted locally and backup was in the United States, the website provider was in Australia and hosted in USA, and Trackwell operated out of Iceland and used the Amazon iCloud for backup. All systems were integrated with the Secretariat office in Pohnpei.

14.4 Next Meeting

404 TCC13 recommended to WCPFC14 that TCC14 be held from Wednesday 26th September to Tuesday 2nd October 2018, and that the venue be Pohnpei, Federated States of Micronesia.

AGENDA ITEM 15 — CLEARANCE OF TCC13 RECOMMENDATIONS

405 The TCC13 recommendations were cleared (**TCC13-2017-outcomes-final**).

AGENDA ITEM 16 — CLOSE OF MEETING

406 The TCC Chair extended her profound thanks to the Secretariat staff for their hard work both in preparation and during the meeting. She thanked the meeting participants, and the Federated States of Micronesia for their generous hosting of the meeting.

407 The European Union thanked the Chair for her excellent chairing, and FSM for their generous hosting.

408 FSM thanked: all participants for their hard work in ensuring a successful meeting; the Secretariat for the preparations and assistance during the meeting, noting it was so much easier with the Executive Director and his team doing all the hard work; and the TCC Chair, for her guidance and wisdom through some difficult issues.

409 TCC13 closed at 5pm on 3 October 2017.

ATTACHMENTS

Attachment A. Executive Director's Opening Remarks

Attachment B. List of Participants

Attachment C. Agenda for Thirteenth Regular Session of the Technical and Compliance Committee

Attachment A. Executive Director's Opening Remarks

13th Regular Session of Technical Compliance Committee
27 September – 3 October, 2017

Opening Remarks by ED Feleti P Teo

Madam Chair, I thank you for allowing me to make some remarks in this opening session of TCC13.

I will be brief mindful of the heavy schedule the Committee has over the next six days of deliberations.

But let me join you Madam Chair in welcoming delegates to Pohnpei, FSM and to the home of your Commission head office.

I acknowledge the Commission Chair Madam Rhea Moss-Christian, Distinguished Heads of Delegations and their delegations; representatives of regional organizations and observers in attendance.

We have certainly arrived at the busy end of the Commission's cycle of meeting commitments. Last month was a very busy month for the Commission with the meeting of its Scientific Committee and the intersessional meeting to progress the negotiation of the Draft Bridging CMM on Tropical Tunas. And so as the meeting of the Northern Committee. Those meetings were held back to back and I know some of you that are here were also at those meetings. So it has been heavy going for some of the officials and secretariat staff.

I was not at the Northern Committee but from what I heard there was very good progress made in our overall efforts to rebuild the Pacific Bluefin Tuna stock and I understand very positive vibes and commitment to sustainability were exhibited during the meeting.

And I think I can safely say the same for the tropical tuna meeting in Honolulu last month. There was a positive and encouraging momentum of cooperation and willingness to set aside differences for the sake of forging ahead and finding common grounds. And as a result of that spirit our Commission Chair was able to circulate a Rev5 of the Draft tropical tuna measures that include demonstrable progress from where we started in Honolulu. And I don't want to get ahead of myself because I know there are still huge distances between positions on key issues on the tropical tuna measure but as your Executive Director I am heartened to witness the resolve of members to find common grounds that will allow us to move ahead, even if it by small steps.

Madam Chair and colleagues, I reflected on that kind of spirit of cooperation that was evident in those meetings and progress achieved as a very positive development and one that I hope will permeate throughout your deliberations in the next 6 days, and hopefully onto the annual meeting in the end of the year.

You have a heavy schedule with the work on the Compliance Monitoring Scheme at the core of your meeting agenda. The CMS has no doubt generated a heavy work load not only for the countries but also for our compliance team at the Secretariat.

As you know the CMM that operates the CMS is due to lapse at the end of this year. And we also know that the CMS is undergoing an independent review with the review report expected to be provided in March 2018.

This conundrum poses some challenges to all of us more so to the Secretariat. The Secretariat needs some certainty leading up to the annual session as to what form the CMS will take into 2018, so it can prepare and resource itself adequately to be able to implement its responsibilities in relation to the CMS in 2018. So I am hoping and asking that TCC13 to be clear in its advice to the WCPFC14 on the form that the CMS will take into 2018.

There are other specific tasks from the Commission to TCC13. They include one on the comprehensive approach to shark and ray conservation and management. The same task was directed to SC13 and we know the advice of SC13 on that tasking and the limited work done by SC13 as a result of that advice. With respect to that SC advice, the Secretariat feels that TCC has the opportunity to undertake some substantive preliminary work consistent with the Commission tasking to progress the work anticipated by the Commission, mindful that we have a timeline of the end of 2018 to adopt a CMM that reflect and capture the comprehensive approach to shark and ray conservation and management envisaged by the Commission. So the Secretariat has provided a paper that provide context that hopefully facilitate that kind of discussion from a compliance perspective.

Madam Chair, I have a couple other issue to raise but in keeping with my undertaking to be brief I think I will stop there. I will raise those issues at the appropriate points in the agenda.

As usual your Secretariat remain ready to support your meeting. I wish you and TCC successful deliberations.

Thank you.



**Thirteenth Regular Session of the Technical and Compliance Committee
College of Micronesia, FSM-China Friendship Sports Center
Pohnpei, Federated States of Micronesia
September 27 - October 3, 2017
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Attachment C. Agenda for Thirteenth Regular Session of the Technical and Compliance Committee

TECHNICAL AND COMPLIANCE COMMITTEE

Thirteenth Regular Session

27 September – 3 October 2017

Pohnpei, Federated States of Micronesia

ADOPTED AGENDA

AGENDA ITEM 1 OPENING OF MEETING

- 1.1 Welcome
- 1.2 Adoption of agenda
- 1.3 Meeting arrangements
- 1.4 Introduction of Proposals: new CMMs or draft revisions to current CMMs

AGENDA ITEM 2 ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

Overview of the compliance programme and highlight any key strategic issues that will be discussed and require guidance to the WCPFC14.

AGENDA ITEM 3 IUU LIST

AGENDA ITEM 4 CNM REQUESTS

AGENDA ITEM 5 COMPLIANCE MONITORING SCHEME

- 5.1 Independent audit or review of the CMS (WCPFC13 para 142, Attachment H)
- 5.2 CMS Process
 - 5.2 (b) Review Capacity Assistance Needed statuses assessed in prior years
 - 5.2 (c) Review Flag State Investigation statuses assessed in prior years
 - 5.2 (a) Review of draft CMR
 - 5.2 (d) Review any capacity assistance requests (other than Capacity Assistance Needed statuses) identified in prior years (TCC Workplan 2016-2018)
 - 5.2 (e) Identify and 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)
- 5.3 Provisional CMR report and Executive Summary
- 5.4 Provide advice on the expiry of CMM 2015-07 at the end of 2017 (CMM 2015-07, paragraph 41)

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

AGENDA ITEM 7 SPECIAL REQUIREMENTS OF DEVELOPING STATES

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

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

8.1 Vessel Monitoring System (VMS)

(a) Update of Standard Operating Procedures (VMS SSPs Section 6.9)

8.2 Regional Observer Programme

(a) Development, improvement and implementation of the Commission's measures for observer safety and related issues (TCC Workplan 2016-2018)

(b) Draft E-reporting standards for observer data

(c) CMM on Standard of Conduct for ROP Observers – Republic of Korea

(d) Proposal to amend CMM on Observer Safety - Japan

8.3 High Seas Transshipment Monitoring

(a) Further development of protocols, observer data forms including electronic forms and the database, as needed, to better monitor transshipments at sea, particularly in the high seas (TCC Workplan 2016-2018)

(b) Operationalising 2017 WCPFC-CCSBT Memorandum of Cooperation on Monitoring high seas transshipments of southern Bluefin tuna (WCPFC13, paragraph 665)

(c) Draft E-reporting standards for high seas transshipment notices and declarations

8.4 High Seas Boarding and Inspection (HSBI)

8.5 Record of Fishing Vessels (RFV)

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

AGENDA ITEM 9 DATA PROVISION AND DATA GAPS

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

AGENDA ITEM 10 INTERSESSIONAL ACTIVITIES

10.1 WCPFC13 tasked TCC13 to further consider 2016 FAD-IWG02 outcomes (WCPFC13, paragraph 601)

(a) Marking and Monitoring of FADs

(b) Collection of additional data on FADs and their use in WCPO fisheries

(c) FAD research plan

10.2 Intersessional activity report from the ERandEM-IWG Chair

10.3 Intersessional activity report from CDS-IWG Chair

10.4 Consideration of SC and NC outcomes related to TCCs work

(a) Mantas and Mobulids (WCPFC13, para. 550)

AGENDA ITEM 11 REVIEW OF EXISTING CMMs INCLUDING ANY PROPOSED AMENDMENTS

11.1 Bigeye, Yellowfin and Skipjack (CMM 2016-01, CMM 2009-02)

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

11.2 South Pacific Albacore (CMM 2015-02)

(a) Annual review of CMM on the basis of advice from SC (para 5 of CMM 2015-02)

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

(a) Annual review of information reported by CCMs pursuant to these measures

(b) Development of a comprehensive approach to shark and ray conservation and management (WCPFC13, paragraph 507)

11.4 Sea turtles (CMM 2008-03)

(a) Annual review of information reported by CCMs pursuant to this measure

11.5 Seabirds (CMM 2012-07/CMM 2015-03)

(a) Annual review of any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes.

(b) Proposal to amend seabirds CMM (CMM 2015-03) – New Zealand

11.6 Purse seine interactions with Whale Sharks and Cetaceans (CMM 2011-03/CMM 2012-04)

(a) Annual review of information reported by CCMs pursuant to this measure

AGENDA ITEM 12 PROPOSALS FOR NEW CMMs

12.1 Bridging CMM to replace CMM 2016-01

12.2 Treatment of MCS provisions in CMM 2016-01 in Bridging CMM

12.3 Bridging CMM for South Pacific Albacore

12.4 Draft CMM on Marine Pollution – Republic of Marshall Islands

AGENDA ITEM 13 OTHER MATTERS REQUIRING TCC ADVICE

13.1 Further develop port-based initiatives as part of a suite of MCS tools (TCC Workplan 2016-2018)

(a) Further consider TCC12 recommendation to extend WCPFC Port Coordinators Programme (WCPFC13, paragraph 197)

AGENDA 14 ADMINISTRATIVE MATTERS

14.1 TCC Work Plan 2016 - 2018

14.2 Administration of the Data Rules and Procedures, including Report on WCPFC Security Audit 2016/17

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

14.4 Next meeting

AGENDA 15 CLEARANCE OF TCC13 RECOMMENDATIONS

(As per usual practice full TCC13 report will be cleared intersessionally)

AGENDA 16 CLOSE OF MEETING
