



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

**Technical and Compliance Committee
Third Regular Session**

**Pohnpei, Federated States of Micronesia
27 September–2 October 2007**

SUMMARY REPORT

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SUMMARY REPORT

This Summary Report is prepared by the Chair and reflects the scope of discussion under each item considered by the Third Regular Session of the Technical and Compliance Committee. **Only the text printed in bold** reflects the advice and recommendations agreed on and adopted for forwarding to the Commission

AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1. The Third Regular Meeting of the Technical and Compliance Committee (TCC3), of the Western and Central Pacific Fisheries Commission (the Commission), was opened by the Chair, Wendell Sanford of Canada. The Chair expressed his appreciation for assistance with meeting arrangements to Bernard Thoulag and his staff at the National Oceanic Resource Management Authority (NORMA) of the Federated States of Micronesia (FSM) and to the College of Micronesia for providing the venue. The preparatory work of the Secretariat was also gratefully acknowledged as was the generous contribution of China towards the new Commission headquarters, to be officially opened in a ceremony on 30 September.
2. The Vice President of FSM, the Hon. Alik L. Alik, provided an opening address (Attachment A). On behalf of participants, Japan thanked the Vice President for his remarks and expressed a desire for the group to work together in a spirit of cooperation.
3. The following Members, Cooperating Non-members and participating Territories (CCMs) attended TCC3: Australia, Canada, China, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America and Vanuatu.
4. Observers representing the Pacific Islands Forum Fisheries Agency (FFA), the Secretariat of the Pacific Community (SPC) and Greenpeace also participated. A list of participants is provided as Attachment B.

1.2 Adoption of agenda

5. The TCC3's adopted agenda is provided as Attachment C.

1.3 Selection of Chair

6. At the 2006 Commission meeting (WCPFC3), Feleti Teo (Tuvalu) was elected as TCC Chair and Wendell Sanford (Canada) as TCC Vice-Chair. Due to other commitments, however, Feleti Teo was unable to continue as TCC Chair after May 2007. Thus in accordance with Rule 9(3) of the Rules of Procedure, Wendell Sanford assumed the role of acting TCC Chair and acted as the chair for this meeting.

1.4 Meeting arrangements

7. The WCPFC Executive Director, Andrew Wright, introduced Secretariat staff attending the meeting, including Andrew Richards, Compliance Manager; SungKwon Soh, Science Manager; Karl Staisch, Observer Programme Coordinator; and Glenn Jano, Administrative Assistant Data Entry. In addition to Secretariat staff, three meeting participants provided support services: Martin Tsamenyi, legal advisor; Iain Hayes, VMS advisor; and Shelley Clarke, rapporteur.

AGENDA ITEM 2 — PRIORITY MONITORING, CONTROL AND SURVEILLANCE ISSUES BEFORE THE COMMISSION

2.1 Regional Observer Programme

8. The Secretariat presented WCPFC-TCC3-2007/07 (Rev.2), noting that Conservation and Management Measure (CMM)-2006-07 established an Intersessional Working Group for the Regional Observer Programme (IWG-ROP), and tasked TCC3 with developing an additional CMM to establish an ROP, which will be brought to WCPFC4 for approval. IWG-ROP discussions were conducted electronically and in a two-day meeting immediately prior to TCC3. This meeting produced a draft CMM for establishing the ROP but several issues remained to be resolved (see Attachment D, Annex 3).

9. The IWG-ROP Chair, Charles Karnella (USA), highlighted two different perspectives on implementation: one being that all documentation and rules must be complete before implementation, and the other that implementation should start immediately and take existing documentation as a basis for refinement over time. TCC3 was asked to consider the draft CMM prepared by the IWG-ROP, particularly with regards to unresolved issues concerning implementation and cost, with a view to agreeing on a CMM draft for WCPFC4's approval.

10. Most CCMs endorsed the view that existing, national and sub-regional observer programmes can be endorsed by the Commission as an initial programme and thus implemented in early 2008 as a forerunner of a fully implemented ROP that ideally would be in place by 2010. A proposed implementation plan (WCPFC-TCC3-2007/DP-09) presented by New Zealand calls for implementation of the ROP on 1 January 2008 using existing sub-regional and national programmes, with phased implementation of a fully functional programme, with an interim 5% observer coverage in 2010. This proposal notes that CCMs will also be expected to meet additional observer obligations that may be included in CMMs to be adopted by WCPFC, and includes provision for exemptions from immediate implementation under special circumstances, subject to submission of a timeline for implementation and reporting of progress to the Commission.

11. Japan, China, Korea and Chinese Taipei were of the view that the ROP should be provisionally implemented in 2010, with a target observer coverage of 5% achieved by 2014. They stated that clear data management rules should be in place before the ROP is implemented and that small vessels should be exempt from the programme. They were willing to review the

proposed implementation plan but were concerned about whether (or how) existing observer programmes would be expanded or changed if they began operating as part of the ROP.

12. On the issue of cost, Australia referred to Convention Articles 28, paragraph 2 and 28, paragraph 6, part b for guidance. Australia also referred to Article 30, paragraph 4, part c concerning assistance to developing States for the purpose of developing and funding national and regional observer programmes.

13. The USA noted that the IWG-ROP had agreed on the coordinating role of the Secretariat for the ROP and that an augmentation to the Commission budget in 2008 to support this coordination would be required.

14. Citing the benefits and responsibilities of the ROP for all CCMs, China, Korea and Chinese Taipei associated themselves with Japan's statement that the Convention is not explicit on the issue of cost, and that competing priorities for the limited funds available to the Commission must be considered.

15. On the issue of procedures for sourcing observers, a majority of CCMs agreed that, in the first instance, observers should be sourced from the existing observer programmes operating in the region. However, should observer requirements exceed the capacity of regional programmes, other sources could be employed.

16. During discussions on the obligations of observers, a majority of CCMs agreed that the requirement for observers to explain Commission CMMs to the vessel master was neither appropriate nor necessary, this being the responsibility of the flag State.

17. Japan noted that a code of conduct for observers, being developed jointly by Japan and others, will be a supplemental reference for this CMM.

18. **TCC3 agreed to:**

- i. **continue the work of the IWG-ROP;**
- ii. **hold a meeting in the margins of WCPFC4 to further discuss the issue;**
- iii. **hold a further meeting of the IWG-ROP in 2008; and**
- iv. **forward the draft CMM on implementation of the ROP, as amended by TCC3 (appended at Attachment D), to WCPFC4 for consideration.**

19. Japan and Chinese Taipei entered a general reservation with respect to the draft CMM.

20. New Zealand tabled a supplementary paper on ROP implementation (WCPFC-TCC3-2007/DP-09).

21. New Zealand clarified that its proposal on implementation was designed to provide a starting point under which existing programmes, some of which have been operating for 20 years, could be utilized to start the Commission's ROP. This proposal provides for initial implementation in early 2008, an interim observer coverage target of 5% based on the Scientific Committee's recommendations and provisions for exemptions should the schedule pose difficulties for particular fisheries.

22. The USA supported New Zealand's presentation of delegation paper DP-09, noting that it represents the majority, although not the consensus, view of the IWG-ROP, that a 5% observer coverage should be considered a minimum initial level, and that higher coverage may be required for some scientific, as well as compliance purposes. This view was supported by Australia, which suggested that a higher goal of perhaps 20% was an appropriate level.

23. Several FFA members voiced strong support for initiation of the ROP in 2008. They noted that the ROP is required to avoid further delays in implementing other important CMMs, including transhipment, catch retention plans, fish aggregation device (FAD) management, and enhanced data collection.
24. Japan distributed WCPFC-TCC3-2007/DP-15, reflecting its views as expressed in the IWG-ROP. Japan proposed that the ROP would begin in 2010 and would be progressively expanded (at an undetermined rate) to 5% coverage by December 2014. Implementation is proposed for 2010 because Japan considered that the preparation of procedures and specifications to support the implementation of the ROP would require at least two years. Japan proposed a review of the ROP to consider further improvements be scheduled for 2015.
25. Chinese Taipei and Korea stressed the complexity of the current draft ROP. In particular, these CCMs considered that definition of the scope and target fisheries of the ROP, as well as the relationship between the ROP and other WCPFC CMMs, are inseparable from discussions of its implementation. These CCMs supported the implementation timeline proposed by Japan.
26. China cited difficulties in committing to an ultimate observer coverage rate of 20%. It suggested that observer monitoring of large-scale transhipment operations by other regional fisheries management organizations (RFMOs) may serve as a useful model for the Commission's ROP.
27. The Philippines requested clarification on the procedures for invoking the special circumstances provided for in paragraphs 5 and 6 of DP-09, noting that, because it is in the process of actively developing its own observer programme it would be difficult to achieve compliance now with the specific provisions of the ROP as drafted.
28. Japan agreed with provisions for allowing exemptions for special circumstances on a case-by-case basis, but expressed reservations with the language in DP-09 requiring the Commission to approve exemptions.
29. New Zealand clarified that the intent of paragraph 5 was not to imply that the Commission would have the authority to approve exemptions.
30. The Chair noted the need for the development of text within the draft CMM under the headings of cost, liability, data standards, and data management policy.
31. New Zealand offered to initiate any informal consultative process in which interested CCMs would work constructively to progress the draft CMM with a view to submitting it to WCPFC4.
32. The Federated States of Micronesia, Australia, Japan and the USA expressed interest in working together with New Zealand in this effort.
33. Australia and Papua New Guinea reiterated that a fully-functional observer programme is already operating in the area and should provide the foundation for the WCPFC ROP.
34. Australia stated its concerns at the delays in the implementation of the ROP. Australia noted that small island developing countries were able to immediately implement the ROP, and expressed disappointment that some developed countries were not able to meet the same time-frames.
35. **TCC3 accepted New Zealand's offer to initiate a process of informal consultation on the draft CMM for the ROP, with the goal of establishing an ROP at the 2007 Commission meeting. It was noted that special needs of CCMs related to the diversity or unique characteristics of their fisheries should be clearly articulated in order to facilitate an agreement on proposed measures.**

2.2 Vessel monitoring system

36. The Secretariat presented WCPFC-TCC3-2007/12 containing a draft Request for Tender for Commission VMS Implementation and WCPFC-TCC3-2007/12 Suppl. outlining the need for further work in developing standards, specifications and procedures to support the operation of the Commission VMS.

37. Further information on this issue was provided to TCC3 by a consultant (Iain Hayes) hired by the Secretariat to develop a Business Plan for the Commission VMS, and by the FFA Secretariat.

38. Some CCMs expressed concerns regarding the estimated cost of the system.

39. The USA noted that the Commission's VMS has been designed to accommodate a broad spectrum of users, rather than being driven by the lowest cost option.

40. Japan stated that it does not support proposals for a system whose requirements exceed those agreed on in CMM-2006-06 and proposed several amendments to a draft Request for Tender for the Commission VMS.

41. New Zealand supported the proposals in their current form but noted that the key objective of compatibility with national systems will be undermined if specifications do not keep pace with technological developments in the field. This may require the formation of policies and frameworks for VMS compatibility benchmarks, separate from the detailed technical specifications.

42. Some CCMs expressed strong support for the idea of hosting the Commission VMS at a location with modern communication infrastructure and redundancy in case of failures.

43. On the issue of VMS data access procedures, some CCMs stated that these issues would best be handled by the Ad Hoc Task Group (AHTG)—Data, while others considered that they should be handled by the VMS Working Group.

44. Palau suggested that Attachment F to the TCC1 Summary Report, “Draft Commission Rules and Procedures for Release and Use of VMS Data” be revisited by the AHTG—Data.

45. The USA suggested that enforcement/compliance officers experienced in VMS technical and operational aspects be invited to participate in discussions on data access.

46. TCC3 discussed several points on the draft Request for Tender raised by Japan.

47. TCC3 recommended the calling of a tender for the WCPFC VMS, as amended, under the direction of the Executive Director and on a cost-effective basis.

48. Japan stated that the final approval for the selection of the VMS site should be authorized by the Commission.

49. In response to an inquiry by the Chair as to whether any progress had been made with regards to the implementation of the Commission VMS in the area north of 20°N and west of 175°E, Japan replied that it could not make any commitment to Commission VMS implementation in these waters at present given the current uncertainty with regards to the WCPFC VMS.

50. The USA noted that a lack of the Commission VMS in the area north of 20°N and west of 175°E could create a loophole for vessels wishing to evade VMS requirements.

51. The majority of TCC3 meeting participants supported a requirement stating that when a vessel fishing in the Convention Area south of 20°N and east of 175°E and required to carry an

operational VMS, enters the area north of 20°N and west of 175°E, it must continue to maintain VMS contact. This was opposed by Japan.

52. TCC3 agreed that a proposed budget for the Commission VMS will be reviewed by the Commission based on scenarios prepared by the Secretariat and circulated to CCMs well in advance of WCPFC4.

53. TCC3 discussed a proposal to establish a VMS technical working group that would use Attachment A to WCPFC-TCC3-2007/12 Suppl. as its terms of reference.

54. TCC3 noted that this group might need to be established as an intersessional working group.

55. In supporting this proposal, the USA requested that qualified enforcement/compliance personnel be invited to participate.

56. TCC3 recommended the formation of a VMS Working Group (VMS WG) to establish the standards, specifications and procedures as called for in the Convention Article 24, para. 8.

57. The results of the TCC3 VMS WG were brought to the Plenary in the form of WCPFC-TCC3-2007/34(Rev. 1), included in this report as Attachment E.

58. TCC3 tasked the VMS WG, chaired by David Marx (New Zealand) and comprising members of the TCC, to continue its work intersessionally, using electronic means, with a view to physically meeting in the margins of WCPFC4.

59. TCC3 noted that given time constraints, there was insufficient opportunity to discuss other items contained in the Terms of Reference (WCPFC-TCC3-2007/34 (Rev. 1), Annex 1, but that these points will need to be considered in the future.

60. TCC3 tasked the Secretariat with developing papers as set out in WCPFC-TCC3-2007/34 (Rev. 1), and additional papers as required by the VMS WG over time, subject to funding availability.

61. TCC3 acknowledged that the VMS WG received advice from the Secretariat that such work may cost up to USD10,000 should a technical specialist be needed.

62. TCC3 noted that instead of background documents, actual draft standards, specifications and procedures should be prepared for the consideration of the VMS WG.

2.3 Conservation and management measure for transhipment monitoring

63. As directed by WCPFC3, a draft CMM for Transhipment Monitoring was prepared through collaboration between interested CCMs and the Secretariat (WCPFC-TCC3-2007/08). TCC3 recalled WCPFC3 had endorsed TCC2's recommendation to extend the exemption for the Philippines and FFA members regarding existing at-sea transhipment activities for a further 12 months, until a scheme to verify transhipment is adopted at WCPFC4. Comments on this draft, which was circulated prior to TCC3, were received from Australia, Japan, Korea, New Zealand, and the USA.

64. China, Japan and Korea stressed the need for consistency with the procedures of other RFMOs. FSM, Marshall Islands and Papua New Guinea highlighted the special conditions of the WCPFC and the provisions of the Convention discouraging transhipment at sea, noting the regulation of transhipment in areas under national jurisdiction will be in accordance with national laws and regulations. Other CCMs called for flexibility, noting one of the objectives of the CMM on transhipment will be to combat illegal, unreported and unregulated (IUU) activities facilitated

by transhipment practices but still acknowledged that legitimate transhipment activities are an integral part of current fishing operations for some fleets.

65. TCC3 further considered definitions and objectives for the draft CMM relating to transhipment verification, which required further clarification. The items considered included the area of application, vessel types and vessel sizes to be covered, species to be covered, timeline for implementation, identification of existing operations, exemptions, the relationship to transhipment schemes in other RFMOs, tools for implementation and the consequences for non-compliance. Some CCMs noted the interrelationship between the CMM for transhipment and the development of the ROP.

66. Potential distinctions between “transhipment” and “landings for onward shipment” and “delivery to/unloading at an end market” were discussed. Some CCMs stated that references to “landings” should be deleted because some States do not have legal mechanisms to control landings of foreign fishing vessels because landings are related to trade or because such control should be the responsibility of port States. Japan noted that definitions will need to be carefully crafted in order to account for complexities and changing technologies in the fishery (e.g. hyper-containers in which fish can be shipped in frozen form on regular container vessels).

67. The Chair reminded TCC3 that under the Convention, transhipment verification applies “in port and at sea in the Convention Area”. As a result, procedures within the Convention Area should be the primary focus. The Chair also clarified that an authorization to fish includes an authorization to engage in transhipment activities.

68. Several CCMs expressed concern that the wording of para. 5 of the draft CMM appears to require that all carrier vessels be flagged to a CCM, and that many current carrier vessels are flagged by non-CCMs. A suggestion was made to consider creating another category of WCPFC membership, or other measures, to deal with this special case. A related issue involves vessels fishing only within national jurisdictions, which would not be on the Commission registry and would, thus, be prohibited from high seas transhipment activities.

69. With regard to para. 7 and the specification of exemptions for existing operations, several CCMs questioned the necessity of this specification within the CMM. However, the need for guidance on conditions under which such exemptions can be granted was considered desirable. Several CCMs acknowledged that due to the potential for IUU activities to utilize transhipment as a subterfuge, if transhipment is allowed under the Convention, special provisions may be necessary, which may constrain legal activities but are necessary to exclude illegal activities. Australia suggested that text be added to cover the consequences of non-compliance, transhipment reporting requirements in the annual reports, and the date of implementation.

70. New Zealand raised the possibility of using an approach to transhipment similar to that of the ROP. Specifically, the Secretariat would first assemble the measures currently implemented by CCMs in the Convention Area and endorse these as an interim measure. A gap analysis could then be conducted to identify what additional measures would be necessary to achieve the objectives of the Commission’s Rules of Procedure.

71. After discussion in informal small groups, TCC3 participants returned with further comments on the scope of necessary transhipment measures. FFA members considered issues of where transhipment may occur (in port, in national waters, on the high seas and beyond the Convention Area) and what vessels may be covered (purse seiners, longliners — both fresh and frozen catch — other fishing vessels, such as pole and line, and carrier vessels). It was noted that FFA members have a policy that defines when longline transhipment should and should not be allowed.

72. Japan stated that purse seine transhipment issues should be considered by the CMM. A proposal on this issue prepared by Japan last year will be resubmitted to TCC3 for further consideration.

73. The USA highlighted the importance of addressing the issue of designating certain ports as approved for transhipment and how this might be implemented. It was further noted that the issue of whether support vessels (e.g. bunkers) need to be flagged to a CCM should also be addressed.

74. **Given the need to progress this issue prior to the Commission meeting, Australia and Japan announced they would work together to draft text. Other CCMs expressed interest in assisting with this effort.**

75. **TCC3 agreed that these issues are important points to be considered in a measure concerning transhipment, including, *inter alia*:**

- i. encouraging transhipment in port under Article 29 of the Convention;
- ii. allowance for transhipment outside the Convention Area and on the high seas under conditions that allow for appropriate monitoring of these activities;
- iii. allowance for carrier vessels to be flagged to non-CCMs;
- iv. allowance continued operation of all legitimate transhipment activities;
- v. consideration of the necessary linkage with observer programmes;
- vi. development of registers and reporting requirements for carrier vessels;
- vii. specification of the types and scale of vessels that will fall under the scheme;
- viii. consideration of consistency with the provisions of other RMFOs.

76. **Australia agreed to commence a drafting process in which Japan and others agreed to participate. The opinions of all CCMs are invited in this process. WCPFC Chair Glenn Hurry stressed the importance of developing jointly agreed upon text prior to WCPFC4.**

2.4 Draft CMM on harmonized port State standards

77. The Secretariat presented WCPFC-TCC3-2007/09 (Rev.1), which introduces the issue of port State standards, presents a gaps analysis produced by the Secretariat, and provides a draft CMM on this issue. TCC3 was invited to note the gaps analysis and consider the draft port State measures in Attachment B to WCPFC-TCC3-2007/09 (Rev. 1).

78. Several CCMs noted that since the United Nations Food and Agriculture Organization (FAO) is currently conducting an expert consultation on port State standards, it is appropriate to maintain a watching brief on the FAO's progress.

79. FSM, Fiji and Papua New Guinea expressed concerns that the measures would entail burdensome reporting requirements, both on small island States and on the Commission. They stated that the scope of port State measures should only apply to those vessels that are not normally resident in port State waters.

80. Chinese Taipei recognized that implementation of port State measures may be complex, involving customs, quarantine, police and coast guard authorities.

81. Japan stated that caution is warranted in the application of port State standards due to potential conflicts with free trade obligations under the World Trade Organization (WTO).

82. **TCC3 noted the gaps analysis prepared by the Secretariat. Reference was made to FAO, which is in the process of developing an international instrument. The problem of applying port standards to locally based foreign flagged vessels was identified. CCMs are invited to comment in writing with regard to the Secretariat's draft Port State Standards. TCC3 recommended that this matter be referred to TCC4 for further consideration.**

2.5 CMM for a regional vessel chartering scheme

83. The Secretariat presented WCPFC-TCC3-2007/23, noting that WCPFC3 had referred the issue of vessel chartering schemes to TCC3 for possible provision of advice to WCPFC4. Relevant papers for discussion included delegation papers by Japan (WCPFC3-2006/DP32) and FFA members (WCPFC3-2006/DP06 [Rev.1]).

84. Two divergent views were strongly expressed on this issue. Some FFA members emphasized the importance of charter schemes as an integral part of fisheries development for some small coastal States and a mechanism for partnership between these States and more developed fishing entities. Their view is that these arrangements should be free to be either short-term tools or long-term partnerships as necessary, and must not be obstructed by the Commission. While notification to the Commission of information such as vessel registries and clients may be acceptable, these CCMs reject any requirements to obtain flag State consent. These FFA members stated they had not yet reviewed draft text on chartering arrangements provided by Japan prior to TCC3, and proposed that this matter be deferred to TCC4.

85. Japan recalled that CMM-2005-01 requires a vessel chartering scheme to be developed by 2006. The original draft of CMM-2005-01 in 2006 was based on a similar agreement by the International Commission for the Conservation of Atlantic Tunas (ICCAT), but Japan subsequently modified this draft with respect to a proposal prepared in 2006 by FFA members. Japan stated its wish to continue discussions with FFA members on this issue in order to develop a framework of rules.

86. Korea and China expressed similar views to that of Japan, adding that flag State approval is necessary to prevent overcapacity and to comply with the International Plan of Action — Illegal, Unreported and Unregulated Fishing.

87. **TCC3 recommended that this matter be deferred to TCC4 for further consideration.**

2.6 Trade documentation schemes

88. The WCPFC Executive Director introduced this item, noting there was no paper tabled by the Secretariat for this item. (Japan tabled delegation paper WCPFC-TCC3-2007/DP-06) The Executive Director informed TCC3 of a catch documentation workshop held in Raleigh, North Carolina (USA) in July 2007, pursuant to the Kobe meeting of RFMOs. TCC3 was invited to consider this issue and provide guidance to the Secretariat.

89. Some CCMs, on behalf of FFA, stated that although they were supportive of a variety of measures supporting a comprehensive and effective monitoring, control and surveillance (MCS) programme, some statistical documentation schemes appear to have major flaws. It was suggested that a working group be formed to address these issues.

90. Japan noted that it had considerable experience with statistical document programmes and offered to share this experience with TCC3.

91. **TCC3 noted the importance of trade documentation schemes and their complexity. TCC3 endorsed the outcomes of the RFMO technical working group in Raleigh, North**

Carolina, USA,¹ noting the importance of harmonization among RFMOs, and the importance of trade and catch documentation schemes. TCC3 noted that forming a working group on this issue would be helpful.

AGENDA ITEM 3 — ADVICE AND RECOMMENDATIONS IN RESPONSE TO REQUESTS FROM THE COMMISSION

3.1 Catch retention plans pursuant to CMM-2006-01

92. The WCPFC Executive Director presented WCPFC-TCC3-2007/24 concerning catch retention plans (CRPs). In August 2007, guidance was provided by the Secretariat to CCMs on the contents of CRPs; subsequently, Australia, New Zealand and Vanuatu submitted CRPs to the Secretariat. TCC3 was invited to review these plans, provide advice on guidelines, and to consider outstanding CRPs.

93. Nauru, on behalf of FFA members, supported adoption of a CRP in principle, but stated a need to better understand technical and compliance aspects. Other FFA members expressed concerns regarding compliance obligations and suggested that 100% observer coverage may be required to support CRPs.

94. The USA, noting the need for high observer coverage to ensure the effectiveness of CRPs, questioned whether this issue warranted a high priority at this time.

95. Japan, Chinese Taipei and Korea also considered that monitoring requirements for CRPs required careful consideration, particularly with regard to the practicality of observer coverage over the range of potential operations which may require a CRP.

96. **TCC3 thanked CCMs who had submitted CRPs and encouraged other CCMs to do so.**

97. **TCC3 noted the usefulness of examining IATTC's experience with CRPs, and directed the Secretariat to liaise with the IATTC in order to develop a report for future consideration.**

98. **TCC3 noted the need to have an ROP in place in order to have an effective CRP programme.**

3.2 Mitigation measures for seabirds pursuant to CMM-2006-02

99. The Secretariat presented WCPFC-TCC3-2007/22, advising that mitigation measures for seabird bycatch are contained in CMM-2006-02, which mandates an annual review of the issue by the WCPFC's Scientific Committee and TCC. The Third Regular Session of the Scientific Committee (SC3) produced technical specifications for mitigation measures to be considered by WCPFC4, although consensus was not achieved on many points. TCC3 was asked to consider whether further progress could be made on these issues prior to WCPFC4. Relevant papers on this issue include delegation papers contributed by the USA (WCPFC-TCC3-2007/DP-01 and WCPFC-TCC3-2007/DP-02) and Japan (WCPFC-TCC3-2007/DP-03).

100. Some CCMs stated that their concerns with the specifications relate to a lack of exemptions for small-sized vessels and adverse weather conditions, on and under which implementation may be dangerous.

¹Joint RFMO Technical Working Group on Trade and Catch Documentation Schemes, Raleigh, USA, 22–23 July 2007.

101. Japan briefly presented the results of research indicating that “light type (polypropylene band) tori pole streamers”, which are easy to deploy in a variety of operational situations, have a mitigation effect equivalent to that of the standard streamers required in the Convention Area. It stated that these “light type” streamers have been used in the southern bluefin tuna grounds since 1996.

102. Some CCMs expressed the view that under the principles of the Convention, if operations cannot be conducted without unacceptable impacts on seabirds, fishing must be halted. These CCMs supported forwarding to WCPFC4 the agreed on portions of the technical specifications produced by SC3. They stated that while innovative mitigation measures are welcome, they must be proven effective before they can be endorsed. These CCMs suggested that the SC be invited to establish a rigorous procedure for certifying the effectiveness of new seabird bycatch mitigation measures and technical specifications for such measures.

103. A small working group consisting of Australia, Canada (Robert Martinolich, Chair), Japan, New Zealand and the USA discussed further amendments to SC3’s Outcomes on Seabird Bycatch Mitigation (WCPFC-TCC3-2007/22) and brought their recommendations to the Plenary. TCC3 expressed its appreciation for the efforts of this small working group.

104. **TCC3 reviewed the output of the small working group on seabirds, as reported in WCPFC-TCC3-2007/37, and included it in this report at Attachment F. The deliberations and outcomes of the working group were based on its review of WCPFC-TCC3-2007/22, which contains SC3’s outcomes on seabird bycatch mitigation, and focuses on the technical and compliance aspects of the minimum technical specifications for the mitigation measures in Table 1 of CMM-2006-02.**

105. **With respect to the specifications in WCPFC-TCC3-2007/22 that are *not* bracketed, TCC3 agreed with the working group’s recommendation that the Commission should adopt them as minimum technical specifications, and further recommended that it do so at its annual session in 2007, as called for in paragraph 3 of CMM-2006-02.**

106. **With respect to the specifications in WCPFC-TCC3-2007/22 that are bracketed, TCC3 found the outcomes of the working group to be informative and useful, and recommended that the Commission take those outcomes (Attachment F) into consideration in adopting minimum technical specifications at its annual session in 2007, as called for in paragraph 3 of CMM-2006-02.**

3.3 Technical specifications for sea turtle bycatch mitigation measures compiled by SC3

107. The Secretariat presented WCPFC-TCC3-2007/27 that summarized progress on sea turtle bycatch mitigation measures as discussed by SC2, SC3 and previous TCCs. SC3 produced mitigation measures in table form with column “A” detailing methods for safe release of sea turtles applicable to all longline fisheries and column “B” detailing possible methods to reduce sea turtle bycatch that have been shown to have no statistical impact on target species catch rates (Table 1 of WCPFC-TCC3-2007/27). CCMs were tasked by WCPFC3 to provide information on technical specifications or methods for sea turtle mitigation currently applied by their vessels. WCPFC4 will consider information from SC3, TCC3 and the submissions by CCMs, with a view to providing further specification and implementation of sea turtle bycatch mitigation measures within the Convention Area.

108. The USA confirmed that it has provided technical specifications used in its fisheries to SC3. It continues to support research on new and existing measures, and endorses carrying dip nets, line cutters and dehookers onboard as an effective toolkit for live releases.

109. Some CCMs expressed their support for the measures in Table 1, which they described as effective and flexible measures that should be adopted.

110. Japan explained that consultations with fishermen have indicated that Table 1 mitigation measures can be implemented but that it would like time to further consider the details.

111. TCC3 agreed that when additional sea turtle bycatch mitigation measures are endorsed they should apply to the entire Convention Area.

112. A small working group, convened in conjunction with the small working group on seabirds and chaired by Robert Martinolich (Canada), reviewed paper WCPFC-TCC3-2007/27 and tried to make progress with regard to the development of a CMM.

113. TCC3 provided the table in paragraph 117 (below) for the Commission's consideration in developing a conservation and management measure at WCPFC4 for the reduction of the incidental capture and mortality of sea turtles in longline fisheries in the Convention Area. The material provided in this table is derived from, and is consistent with, the advice provided by SC3. SC3 stated that these methods have been shown to reduce the incidental take of sea turtles and not have an adverse effect on the catch of target species.

114. TCC3 did not have sufficient information on geographical distribution, so decided to support SC3's recommendation to apply proposed measures across the Convention Area.

115. TCC3 also recommended that the elements in column "A" be required in all longline fisheries, and that the Commission adopt guidelines at WCPFC4 for the implementation of the elements of column "A", based on input from CCMs. Any CCMs with such guidelines or proposed specifications are requested to submit them to the Secretariat at least 30 days in advance of WCPFC4. TCC3 also recommended that the Secretariat seek relevant information or guidelines from other fisheries bodies, such as SPC and FFA.

116. Further, TCC3 recommended that the Commission consider which elements, if any, of Column B may be appropriate in the development and adoption of a conservation and management measure at WCPFC4.

117. Table of effective strategies to reduce the capture and mortality of sea turtles in WCPFC fisheries.

A: Handling Methods	B: Bycatch Mitigation Methods	
All longline fisheries	1. Shallow-set swordfish longline fisheries	2. Other longline fisheries (if applicable)
<ul style="list-style-type: none"> • Carry and use line cutters and dehookers to handle and release sea turtles in accordance with WCPFC guidelines. • Where appropriate carry and use dipnets in accordance with WCPFC guidelines. 	<p>1.1 Use large circle hooks¹</p> <p>1.2 Use fish rather than squid as bait</p>	<p>2.1 Replace non-circle hooks with circle hooks¹ that are at least as wide (minimum width) as those replaced</p> <p>2.2 Replace non-circle hooks with hooks¹ (any style) that are at least 20% wider (minimum width) than those replaced</p> <p>2.3 Use fish rather than squid as bait</p> <p>2.4 Eliminate the shallowest-set hooks (i.e. those <100 m) in deep set fishing</p> <p>2.5 Replace the shallowest-set hooks (i.e. those <100m) with circle hooks¹ when deep set fishing</p>

¹ For all methods, hooks should not have points offset any greater than 10°. Review has shown that greater offsets can have negative effects in increasing the frequency of deep hooking as opposed to mouth hooking.

118. TCC3 advised the Commission that some elements in column “B”, if adopted as written, could cause some difficulties in implementation from an operational and compliance perspective. Specifically:

- i. Many CCMs do not have existing minimum hook sizes or records of hook sizes that are currently used against which to judge any increase in hook sizes;
- ii. Similarly, there are concerns about how the depth at which hooks are set (outlined in elements 2.4 and 2.5) could be practically enforced; and
- iii. The shallow-set swordfish fishery is not clearly defined.

119. TCC3 recommended that “shallow-set” fisheries be considered those in which the majority of hooks fish at a depth shallower than 100 meters.

120. TCC3 did not have sufficient information to develop appropriate definitions or specifications on gear referred to in the table contained in paragraph 117 that could be applied across the Convention Area. TCC3 recommended that the Commission take account of the possible need for different gear specifications in different geographic areas.

121. Hence, if any measures in column “B” are adopted by the Commission, TCC3 also recommended that CCMs initially establish their own operational definitions or specifications. These definitions or specifications should be made available to the Commission so that CCMs can work to harmonize the operational aspects of any such measures with a view to developing specifications in the future.

122. Two parties offered the following statements:

123. Japan stated that TCC should recommend a more specific sea turtle mitigation measure to the WCPFC4. In particular, the required number of measures to be implemented from column “B” should be clarified; Japan believed that the requirement should read that “at least one” of the measures be implemented.

124. The USA was similarly prepared to support a TCC recommendation that the Commission adopt a CMM with specific requirements with respect to the elements in column “B” of the table contained in paragraph 117. However, the USA recognized that certain CCMs believed it was premature for the TCC to make such a recommendation, and agreed that column “B” as developed by SC3 and modified by the working group provides a basis for further development of a conservation and management measure by the Commission.

3.4 Mitigation measures for juvenile bigeye and yellowfin tunas taken around FADs pursuant to CMM-2005-01

125. The Secretariat presented WCPFC-TCC3-2007/25 describing TCC’s obligation, as specified in CMM-2005-01, to present to the Commission the results of its evaluation of mitigation measures for reducing juvenile bigeye and yellowfin tunas around FADs. Under CMM-2006-01, the Commission has committed to adopting a measure to reduce juvenile bigeye and yellowfin mortalities on FADs, taking into account existing measures. TCC3 was invited to consider various options for reducing mortality and implementing FAD measures — including FAD management plans, catch retention plans, and use of the Regional Observer Programme (ROP) and VMS — perhaps drawing on the experience of other RFMOs. WCPFC Chair, Mr Glenn Hurry, underscored his commitment that WCPFC4 will consider a measure for FADs as agreed at WCPFC3.

126. FFA members emphasized the urgent need for mortality to be mitigated and recognized that FAD research has been identified as a priority by the SC. They called for efforts to enrich the flow of information from other RFMOs, particularly from IATTC and ICCAT, and from CCMs on this topic. It was suggested that incentive programmes encouraging vessel owners and other industry interests to collaborate in FAD-related research may be necessary. It was noted that a reduction in overall mortality to bigeye and yellowfin tuna may have collateral benefits in reducing juvenile mortality in these species.

127. Japan agreed that FAD management measures are necessary and noted that IATTC will convene a special session in October 2007 that will include consideration of this topic.

128. The US concurred with the FFA request for information exchange and noted gear technology research in Hawaii and elsewhere. Several CCMs acknowledged the important role of new technology in finding solutions for this issue.

129. Several CCMs cited the implementation of the ROP as a key element in addressing FAD management issues.

130. Research on the relationship between FADs and depth with regard to the presence of juvenile tunas was reported by the Philippines. Measures are being adopted to enable seasonal

closures in areas with high abundance of juveniles and to create spawning refuges. The Philippines offered to share this information with other CCMs.

131. **TCC3 took note of the work of the SC and endorsed its call for research on effective measures for FADs.**

132. **TCC3 requested that the Secretariat correspond with other RFMOs, notably IATTC, to gather information concerning their experience with FAD-related measures. TCC3 further requested that CCMs provide information to the Secretariat to support further consideration of these issues, particularly in relation to new technology. TCC3 noted that an observer programme is a key component with respect to this issue.**

133. **TCC3 agreed that a special inter-sessional Working Group be formed to draft a CMM for circulation 30 days in advance of WCPFC4.**

AGENDA ITEM 4 — REVIEW OF CCMs' IMPLEMENTATION OF AND COMPLIANCE WITH CONSERVATION AND MANAGEMENT MEASURES

4.1 Report by the Secretariat on CMMs

134. The Secretariat presented WCPFC-TCC3-2007/10(Rev. 3), which reviews CCMs' compliance with 15 CMMs adopted by the Commission to date. Reporting was provided in eight categories, including: record of fishing vessels; authorization to fish; bigeye and yellowfin tuna; North Pacific albacore; seabirds; southwest Pacific swordfish; southwest Pacific striped marlin; and annual reporting to the Commission. It was noted that reporting obligations associated with implementing the CMMs clearly present challenges for many CCMs.

4.2 Record of fishing vessels and authorisation to fish

135. CCMs are required to notify the Executive Director of any additions, deletions or changes to their national records of fishing vessels authorized to fish in the Convention Area beyond national waters within 15 days of any such change occurring, or at a minimum within 72 hours before commencement of fishing activities (CMM-2004-01). The Secretariat reported that national vessel record information has been submitted by 19 CCMs, but that only seven CCMs have submitted legible colour photographs as required. Issues highlighted by the Secretariat pertaining to Authorizations to Fish included the i) requirement for CCMs to provide a WCPFC Identification Number; ii) proposal for an additional field to report an “active/inactive vessel in the Convention Area”; iii) lack of evidence of full compliance with authorization requirements; and iv) existence of a temporary register of carriers and bunkers, which is currently maintained by the Secretariat but expires in December 2007. A total of 8,589 vessel records have been submitted to the Executive Director since 1 July 2005. An online version of the WCPFC Record of Fishing Vessels is now available on the WCPFC website.

136. **TCC3 recommended that CCMs respond positively to Secretariat requests to provide a full set of information for each of their flag vessels in the WCPFC Record of Fishing Vessels, according to paragraph 5 “a” to “r” of CMM-2004-01.**

137. **TCC3 recommended that pursuant to paragraph 6 of CMM-2004-01, CCMs notify the Executive Director, within 15 days, or in any case 72 hours before commencement of fishing activities in the Convention Area by the vessel concerned, of:**

- i. any vessel added to its record along with the information set forth in paragraph 5;
- ii. any change in the information referred to in paragraph 5 with respect to any vessel on its record;
- iii. any vessel deleted from its record along with the reason for such deletion in accordance with Article 24(6) of the Convention.

138. **TCC3 recommended adding an “active/inactive vessel in the Convention Area” status in respect of each fishing vessel entered in the record be required to be maintained under Article 24 (4).**

139. Information concerning the licensing of nine Latin American flagged vessels to fish in waters under Kiribati’s national jurisdiction was presented by Kiribati. At Kiribati’s request these flag States have applied for WCPFC Cooperating Non-Member status since re-flagging would negatively affect marketing of the catch in Europe. Kiribati stated it hoped that the Commission would favourably consider these applications, taking into account that these vessels target stocks shared with the eastern Pacific Ocean, and some of the vessels involved have been licensed in Kiribati since 1999. Kiribati drew attention to the fact that part of its eastern EEZ falls in the IATTC management area, which is the main fishing area for these vessels. It noted that all of the vessels have observers and VMS, but may not necessarily be FFA compatible.

140. Australia, the USA and New Zealand thanked Kiribati for presenting the information. However, these CCMs expressed concern that operations as licensed by Kiribati undermine the application of CMMs adopted by the Commission. Other CCMs noted the importance of addressing the specific issue of Kiribati in the wider context of the resolution of issues raised in the WCPFC3 Summary Report.

141. **TCC3 agreed to refer the matter of the fishing activities of non-CCM flagged vessels in the Convention Area to WCPFC4 for resolution.**

142. The issue of extending the temporary register of carrier and bunker vessels beyond December 2007, as agreed at WCPFC3, was then discussed. CCMs agreed that interruption of the activities of support vessels that are legitimate and compliant with Commission rules must be avoided, since such support vessels are integral to some fisheries. It was acknowledged, however, that when these support vessels are flagged by non-CCMs a special set of considerations, beyond those generally relevant to transhipment practices, would apply.

143. Some CCMs indicated their belief that this issue centred on the question of whether a new category of Commission membership should be created. These CCMs supported exploration of a mechanism to authorize support vessels from non-CCM flag States that provide support to fishing activities but do not engage in actual fishing.

144. Other CCMs suggested that it would be problematic to change the definition of “fishing vessel” under the Convention or to create new categories of cooperating non-member status under CMM-2004-01. One CCM suggested investigating the possibility of addressing the issue through CCM beneficial ownership of the vessels in question.

145. In response to a question from the Federated States of Micronesia concerning the scope of application of the Commission’s CMMs to areas under national jurisdiction, particularly internal waters, Dr Martin Tsamenyi (legal advisor) explained that under the UN Convention on the Law of the Sea, waters under national jurisdiction comprise the exclusive economic zone (EEZ) territorial sea, archipelagic waters and internal waters. The EEZ falls under sovereign rights, while the remaining categories fall under sovereignty. Dr Tsamenyi noted the controversy surrounding the legal interpretation of waters under national jurisdiction during the negotiation of

the UN Fish Stocks Agreement and the WCPF Convention. Dr Tsamenyi noted that a preliminary analysis of the WCPF Convention would suggest that “waters under national jurisdiction” refers to a country’s EEZ. Dr Tsamenyi noted the need to clarify this issue to provide certainty in the application of CMMs developed by the Commission.

146. Concerning issues related to CCMs’ Authorization to Fish, one CCM called on the Secretariat to provide a detailed legal analysis of the application of the Commission’s CMMs to waters under national jurisdiction, to be presented to TCC4 in 2008.

147. CCMs agreed that these issues were unlikely to be resolved prior to December 2007 and thus an extension of the temporary register would be necessary.

148. Some CCMs supported extension of the temporary register on a yearly basis until such time as a transhipment CMM, VMS, and the ROP are implemented, and the issue of some form of association for non-CCM flag State support vessels can be explored.

149. Other CCMs stated that allowing for continual renewal of the temporary register could reduce the need for a swift resolution of this and related issues, and should be avoided.

150. Some CCMs raised the need to develop a mechanism for bunker and carrier vessels to report on compliance to the Commission.

151. TCC3 recommended the continuance until 31 December 2008 of the temporary register of carrier and bunker vessels in accordance with the procedures outlined in the 2006 decision of the Commission contained at paragraph 144 of the WCPFC3 Summary Report.

152. **It is the expectation of the TCC that a further extension may not be necessary as new measures are in preparation.**

153. **TCC3 further recommended that WCPFC4 give consideration, as a matter of priority, to the establishment of a mechanism within the Commission for non-WCPFC members that have flag carrier and bunker vessels operating within the WCPO.**

4.3 CMMs for bigeye and yellowfin tuna in the WCPO

154. Regarding CMMs relevant to bigeye and yellowfin tuna (CMM-2005-01 and CMM-2006-01), the Secretariat noted that information on 12 existing regional or bilateral fisheries partnership arrangements or agreements have been submitted (WCPFC-TCC3-2007/10, Table 5). Effort levels for purse seine fisheries between 20°N and 20°S and catch limits for the longline fishery have been established (WCPFC-TCC3-2007/10, Attachment 1). The Secretariat noted that the Commission’s Data Manager (SPC’s Oceanic Fisheries Programme), has compiled information to enable CCMs to monitor compliance with CMM-2005-01 and CMM-2006-01, noting that subject to other provisions of the Measures, some effort and catch levels were reported as exceeding the limits provided for in the Measures. It was noted that no CCMs have provided development plans for developing skipjack fisheries or FAD management plans to the Secretariat. Three CCMs have provided Catch Retention Plans to the Secretariat.

155. Several CCMs requested that the Secretariat provide information on compliance by CCMs with data reporting obligations. The Executive Director responded that this was a similar recommendation from SC3 and that he anticipated this will be accomplished through the new Commission website, which will likely be implemented in 2008. The website will function as a reminder of reporting deadlines, as well as a means by which to record responses to these deadlines.

156. TCC3 recommended that in 2008 the Secretariat include in its Annual Report compliance with all data reporting obligations, and noted the information provided by the Commission Data Manager in relation to CMM-2005-01 and CMM-2006-01.

4.4 CMMs for North Pacific albacore

157. CMM-2005-03 requires that all catches of North Pacific albacore be reported to WCPFC every six months, except for small coastal fisheries, and no later than one year after the end of the period being covered. In addition, all catches of albacore north of the equator and all fishing effort north of the equator in fisheries directed at albacore shall be reported annually. Reports have been received for ten fisheries (WCPFC-TCC3-2007/10, paragraph 20).

158. TCC3 encouraged all CCMs concerned to provide information on all catch for North Pacific albacore to the Commission every six months, and to provide catch and effort data annually, as provided for in CMM-2005-03.

4.5 CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds

159. Under CMM-2006-02, CCMs are required to provide the Commission by 30 November 2007 with the specifications for the mitigation measures for seabird bycatch required to be employed by their vessels. TCC3 encouraged CCMs to supply this information to the Secretariat by the reporting deadline.

4.6 CMMs for swordfish in the southwest Pacific

160. Under CMM-2006-03, CCMs shall provide information on the number of vessels fishing for swordfish in the Convention Area south of 20°S in 2000–2005, in order to nominate the maximum number of vessels allowed to fish. The Secretariat reported that six CCMs have provided this information; the USA and Vanuatu have provided related information. Samoa, on behalf of other FFA members, noted that they have not registered their vessels fishing for swordfish because such registration is not required, due to FFA members' efforts to develop their domestic fisheries, and suggested that this be noted as a footnote in subsequent editions of the tables.

4.7 CMM for striped marlin in the southwest Pacific

161. CMM-2006-04 requires that CCMs provide information on the number of vessels fishing for striped marlin in the Convention Area south of 15°S in 2000–2004, in order to nominate the maximum number of vessels allowed to fish. The Secretariat reported that five CCMs have provided this information; the USA and Vanuatu have provided related information. Samoa, on behalf of other FFA members, noted that they have not registered their vessels fishing for striped marlin because such registration is not required, due to FFA members' efforts to develop their domestic fisheries, and suggested that this be noted as a footnote in subsequent editions of the tables.

4.8 Annual Report to the Commission

162. CCMs have agreed to provide Annual Reports to the Commission comprising fisheries research and statistics (Part 1) and management and compliance issues (Part 2) during the preceding calendar year. Part 1 reports for 2006 have been received from 24 CCMs. Six Part 1 reports are outstanding for 2005. Six Part 2 reports are also outstanding for 2005. Part 2 reports received by the Commission for 2006 are discussed in the following section.

163. The Chair noted that Resolution-2005-02 provided for CCMs whose nationals are beneficial owners of purse seine vessels that entered the WCPFC Convention Area after the Multilateral High Level Conference (MHLC) and PrepCon resolutions, and other concerned CCMs, to work together to ensure that the beneficial owners reduce by 31 December 2007 such other capacity as created by those fishing vessels through reduction of equivalent fishing capacity of other fishing vessels operating in the Convention Area. Noting the impending deadline, the Chair invited CCMs to report against this commitment. No CCMs commented on this issue.

164. Several CCMs noted the obligation on TCC to report findings and conclusions on compliance with CMMs to the Commission. They suggested that similar reporting procedures in other RFMOs be examined to facilitate this process.

165. **In noting Article 14 (2) (g) of the Convention and the figure for the process and structure for monitoring compliance adopted by WCPFC3 (Attachment L to the WCPFC3 Summary Report), TCC3 requested that the Secretariat develop a discussion paper on this issue, drawing on the experience of other RFMOs.**

4.9 Reports from CCMs

166. The Secretariat presented WCPFC-TCC3-2007/26, reviewing the contents of Annual Reports received from CCMs on management and compliance issues (Part 2 reports). At present 20 Part 2 reports have been received for 2006. Some CCMs are experiencing difficulties in meeting the reporting guidelines. TCC was invited to consider the content of the submitted reports as circulated to the heads of delegations, review the need for further guidance or formats, and encourage CCMs to submit reports on a timely basis.

167. Several CCMs requested streamlining or rationalization of reporting deadlines. The Executive Director welcomed suggestions on this from CCMs and indicated the reporting schedule would be reconciled through the web-based reporting interface to be developed by the Secretariat.

AGENDA ITEM 5 — ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE ISSUES BEFORE THE COMMISSION

5.1 High seas boarding and inspection procedures

168. Procedures for high seas boarding and inspection were adopted by WCPFC3 with the acknowledgement that it would be necessary for the Secretariat to develop several additional operational elements. These additional operational elements are outlined in WCPFC-TCC3-2007/11 (Rev. 1) (see Attachment G of this document). These items were discussed by TCC3 in sequence.

169. With regard to the high seas boarding and inspection flag it was confirmed that the flag and pennant are consistent with standard dimensions used in maritime signals and based on designs used by the Commission for the Conservation of Antarctic Marine Living Resources and the North East Atlantic Fisheries Commission. It was clarified that the intended use of the flag was for inspection vessels and the pennant for boarding launches. It was also clarified that issues of overlapping inspection responsibilities between WCPFC and IATTC in areas of overlapping jurisdiction should not arise immediately, as IATTC has no boarding and inspection measures at present. **TCC3 recommended to WCPFC4 adoption of the WCPFC flag and pennant with the addition of the inspection vessel number.** This will allow the vessel being inspected to verify this number against the WCPFC Register of Authorized Inspection Vessels and confirm the legitimacy of the approaching inspection vessel. The vessel inspection number would be

added in a contrasting colour to the lower right quadrant of the flag and upper right quadrant of the pennant.

170. The WCPFC Boarding and Inspection Procedures (para. 12) require the maintenance of a register of inspection vessels, as described in WCPFC-TCC3-2007/11 (Rev. 1) (paras 6-13) (see Attachment G of this document). **TCC3 recommended to the Commission that Attachment A to WCPFC-TCC3-2007/11 (Rev. 1) form the basis for the establishment of the register.**

171. TCC3 then discussed the Secretariat's plan to compile the required notifications regarding authorized inspection vessels and crew, and inspector training, and establish a list of Contracting Parties that have provided this information for circulation to all CCMs. A related issue, as described in WCPFC-TCC3-2007/11 (Rev. 1) (para. 32), involved the requirement for inspection vessel registers to be posted on the Commission website.

172. **With reference to the need to allow vessels being inspected to verify the legitimacy of the inspection vessel, TCC3 agreed that the information in Attachment A to WCPFC-TCC3-2007/11 (Rev. 1), including photos but excluding information regarding individual inspection officers and vessel contact details, should be posted for public access and circulated to CCMs.** This document is attached to this report as Attachment G. This exception is designed to protect confidential information about individual officers and avoid nuisance contact with vessels.

173. The WCPFC Boarding and Inspection Procedures (para. 19) require that authorized inspectors carry an approved identity card. The Secretariat suggested that the existing national identity cards of each CCM be recognized by the Commission in lieu of an additional, Commission-specific, card. In the absence of a Commission-specific card, the authorized vessel inspection registry will allow verification of the legitimacy of the inspection vessel, and the CCMs' own identity card will allow verification of the legitimacy of the inspection personnel. **TCC3 agreed that CCMs transmit a sample of their respective inspection personnel identity cards to the Secretariat for compilation and posting on the Commission website in a public access area. TCC3 noted the possibility of a future review of the efficiency and effectiveness of this procedure, and the desirability of proposing a universal format for CCM inspection identity cards.**

174. As described in para. 20 of the meeting paper, the Secretariat is required to prepare and distribute a multilingual questionnaire to facilitate communication with the master of the fishing vessel during inspections. TCC3's advice was sought on a proposed questionnaire (Attachment C to WCPFC-TCC3-2007/11 (Rev. 1), attached to this document as Attachment G) which was prepared with reference to similar existing questionnaires and interviews with vessel masters. **TCC3 agreed that CCMs would be responsible for translating the questionnaire into the language(s) used in their fisheries and providing them to the Secretariat, which will distribute them to all CCMs.** Some CCMs noted that current boarding and inspection procedures already incorporate similar questionnaires as well as other standardized materials. In some cases, the content of the questionnaire as it currently stands is not entirely consistent with the way in which some inspections are conducted, and thus excessive reliance on the questionnaire to structure the inspection may be inefficient. **TCC3 agreed that:**

- i. use of the questionnaire need not limit the scope of inspections;
- ii. inspection procedures currently in use in the region need not be modified to be consistent with the questionnaire; and
- iii. it is unnecessary to further revise the content of the questionnaire at this time, but that future refinements can be considered as necessary.

Canada offered to provide a translation into French in coordination with French Polynesia.

175. An additional issue was discussed concerning the need for a checklist or template for minimum items to be covered in an inspection. Korea considered that the availability of such a checklist would promote compliance with boarding and inspection procedures. However, most CCMs considered that the boarding and inspection procedures are already adequately specified and further elaboration is not required at this time. **TCC3 agreed that should Korea wish to develop a draft inspection checklist, the TCC could consider this matter at a subsequent meeting.**

176. The WCPFC Boarding and Inspection Procedures provide for two types of boarding and inspection reports: an interim report to be presented when the inspector leaves the vessel and a full report to be prepared later. TCC3 was asked to consider whether standardized formats for these reports are necessary and if so whether templates should be drafted by TCC3. While the usefulness of standardized formats was recognized and may be considered for future work, if this format was to be adopted, it should not limit the content of individual CCM inspection reports, which may need to provide differing levels of detail on a case-by-case basis. **TCC3 agreed that CCMs would continue to use their own reporting formats.**

177. Given that the WCPFC Boarding and Inspection Procedures require CCMs to submit annual inspection reports, TCC3 was asked to consider whether the current Annual Report template should be modified to include this information. Attachment D to WCPFC-TCC3-2007/11 (Rev. 1) presented a proposed modification of the Annual Report template incorporating the boarding and inspection reporting requirements. It was clarified that references to “high seas boardings and inspections of flagged vessels” in Section 2.2 of the template should be modified to strike “of flagged vessels”, since all boarding and inspection activities should be reported regardless of flag. **TCC3 agreed to endorse the new reporting template as Part 2 of the Annual Report as proposed in Attachment D to WCPFC-TCC3-2007/11 (Rev. 1) (attached to this report as Attachment G).**

178. Regarding the issue of establishing minimum standards and procedures for training of inspection personnel, TCC3 guidance was sought as to whether such standards should be proposed by the Commission or be left to the discretion of the CCMs to develop and report to the Commission. Several CCMs noted that well developed training programmes are already in existence within the region and these should continue to be used. It was considered useful to have the CCMs report to the Commission on their current training standards and procedures. The Secretariat can then review this information with a view to determining whether minimum standards are necessary. **TCC3 agreed that CCMs be encouraged to submit a copy of their existing training standards for inspection personnel to the Secretariat, and that the TCC will consider the possibility of developing minimum training standards at a later date.**

5.2 Authorization to fish

179. Issues under this agenda item were discussed under Agenda Item 4 — Record of Fishing Vessels and Authorization to Fish.

5.3 Draft WCPFC IUU vessel list

180. The Secretariat presented WCPFC-TCC3-2007/13, noting that pursuant to CMM-2006-09, the Executive Director prepared a draft WCPFC IUU Vessel List based on information received from CCMs. This list contained six vessels and was circulated, as Circular No. 2007/01, to all CCMs, and non-CCMs with vessels on the list, 90 days before TCC3. TCC3 was invited to adopt a provisional WCPFC IUU Vessel List to submit to WCPFC4 for approval.

181. After discussing several broad issues regarding the WCPFC IUU Vessel List and its procedures, TCC3 considered a listing decision for each vessel individually.

182. Dr Tsamenyi clarified that under CMM-2004-01, vessels must be flagged to a CCM to fish in the Convention Area. Dr Tsamenyi noted that under international law, treaties or agreements cannot bind third States without their consent. However, States that are parties to the UN Fish Stocks Agreement are obligated to ensure that the activities of their vessels in the Convention Area do not undermine the CCMs adopted by the Commission. The activities of such CCMs that undermine the CMMs adopted by the Commission may be considered contrary to the UN Fish Stocks Agreement and possibly illegal. The activities of the vessels of such CCMs can also be classified as unregulated and unreported. The Commission has a right to request such flag States to withdraw their vessels from the Convention Area. Failure to do so may justify IUU listing. In respect to flag States that are not parties to the UN Fish Stocks Agreement, Dr Tsamenyi further explained that such States have the freedom to fish on the high seas, subject to their obligation under the UN Convention on the Law of the Sea to cooperate with other States to take measures for the conservation and management of highly migratory fish stocks. Although it is not clear what enforcement actions may be taken against such States for undermining the CMMs adopted by the Commission, IUU listing may be justified as consistent with current international rules on conservation and sustainable management of highly migratory fish stocks.

183. In response to New Zealand's concern that the Commission appears to be limited to dealing with IUU vessels on the basis of the flag State of the vessel, rather than on the basis of the nationality of the owner, Dr Tsamenyi explained that CMM-2006-09 would need to be extended in order to allow remedies involving beneficial ownership of vessels.

184. The Chair noted that this is a particular challenge for the EC, as individual countries continue to flag vessels, but that these issues are beginning to be addressed through Atlantic RFMOs.

185. In relation to a potential inconsistency noted between Article 25 (10) of the Convention and CMM-2006-09, Dr Tsamenyi explained that the Convention specifies the procedures that members need to follow in addressing violations by their vessels in the Convention Area, whereas CMM-2006-09 stipulates a different procedure for IUU listing. A practical approach that seeks to harmonize Article 25 (10) and CMM-2006-09 was suggested, whereby CCMs first attempt to resolve such issues bilaterally, resorting to CMM-2006-09 if this is unsuccessful. It was noted that the timeframe within which bilateral negotiation would need to be completed before resorting to IUU listing would need to be clarified.

186. In response to a concern by several CCMs that the listing procedure not be entered into hastily, Dr Tsamenyi also cautioned that high standards of due diligence are required.

187. Japan noted the potential for conflicts with WTO rules governing free trade if the process of IUU vessel listing does not ensure transparency, accountability and predictability.

188. China stated that placing vessels on the list for an entire year was a disproportionately harsh punishment.

189. Australia noted issues associated with the presence of EC-owned and Latin American-flagged vessels in and around the waters of Kiribati that need to be brought to the attention of WCPFC4.

190. **The case of the *Athena F*, a Venezuelan purse seiner, was reported to the Commission by Cook Islands. Based on the extensive information submitted by Cook Islands, TCC3 agreed that the *Athena F* be placed on the Provisional IUU Vessel List.**

191. The second case involving the *Yin Chen No. 1*, a Chinese Taipei longliner, was withdrawn by Cook Islands on the basis of an acceptable settlement having been reached with the flag State.

192. The third case involved the *Jinn Feng Tsair No. 1*, a longliner flagged to Chinese Taipei and reported to the Commission by the Federated States of Micronesia. The Federated States of Micronesia elaborated that the vessel had been apprehended for transhipment and mis-reporting violations within the EEZ of the Federated States of Micronesia, but had fled back to Chinese Taipei. It stated that negotiations via an agent have not yet produced a resolution and lack of diplomatic relations with Chinese Taipei hampered government to government communication.

193. Chinese Taipei explained that it is treating the case very seriously. The master has confessed to Chinese Taipei officials to unauthorized transhipment; this is a violation of Chinese Taipei law, and the master has been removed. However, ownership of the vessel was transferred prior to the notification of Chinese Taipei authorities by the Secretariat. A judicial examination is now underway to determine whether a link exists between the previous and current owners; if there is a link, severe penalties will be applied. Chinese Taipei also stated that the WCPFC Convention Article 25 (10) provides a procedure for dealing with violation of the CMM, which is that the flag State shall be informed and have the opportunity to comment before the circulation is made by the Secretariat. However, the procedures exercised in this case, in Chinese Taipei's view, evidently contravene the procedures in the Convention; as a consequence, *Jinn Feng Tsair No. 1* should be removed from the provisional IUU list. Several States supported the statements made by Chinese Taipei. TCC3 encouraged the Federated States of Micronesia and Chinese Taipei to settle these issues; if this can be achieved, there may be no need to include the *Jinn Feng Tsair No. 1* on the IUU Vessel List. However, this decision is subject to events over the next few months and so should be left to WCPFC4. One CCM was of the view that this decision was not a good reflection on the Commission. **TCC3 agreed that the *Jinn Feng Tsair No. 1* be placed on the Provisional IUU Vessel List.**

194. Chinese Taipei expressed its reservation on this issue.

195. The fourth case involved the *Vieirasa Cinco*, a Senegalese longliner reported to the Commission by French Polynesia for conducting unauthorized swordfish operations in the area between French Polynesia and New Zealand. In response to a comment as to whether the operations constituted an increase in swordfish effort and thus violated a Convention regulation, the Secretariat reiterated that all Senegalese vessels had been requested to withdraw from the Convention Area, meaning that the operations were illegal. **TCC3 agreed that the *Vieirasa Cinco* be placed on the Provisional IUU Vessel List**

196. The fifth case involved the *Robaleira*, a Senegalese longliner reported to the Commission by French Polynesia for conducting unauthorized swordfish operations in the area between French Polynesia and New Zealand. The Secretariat reiterated that because all Senegalese vessels had been requested to withdraw from the Convention Area, the operations were illegal. **TCC3 agreed that the *Robaleira* be placed on the Provisional IUU Vessel List.**

197. The sixth case involved the *Daniela F*, a Venezuelan purse seiner reported to the Commission by French Polynesia for fishing inside the French Polynesia EEZ without permission. **TCC3 agreed that the *Daniela F* be placed on the Provisional IUU Vessel List.**

198. **TCC3 adopted the Provisional IUU Vessel List (Attachment H) and recommends it to the Commission for its consideration and approval.**

5.4 Review of CMM-2006-09 on illegal, unreported and unregulated fishing

199. The USA presented WCPFC-TCC3-2007/DP-17, proposing amendments to CMM-2006-09 regarding establishment of a list of vessels presumed to have carried out IUU activities in the Convention Area. The proposed amendments included, *inter alia*, provisions for removing vessels intersessionally; rationalizing terminology; adjusting terminology to apply to both contracting and non-contracting parties; and aligning the procedures with obligations pursuant to WTO rules, to achieve a transparent and robust process for listing and de-listing vessels from the WCPFC IUU Vessel List consistent with domestic law and other international obligations, including WTO obligations.

200. Chinese Taipei presented WCPFC-TCC3-2007/DP-11, focusing on aligning CMM-2006-09 with the process established in Article 25 of the WCPF Convention, with a specific provision for flag State notification two months prior to the Commission circulating information on vessels proposed for the Provisional IUU Vessel List. It also proposes allowing for a vessel to be removed from the list once the flag State has settled the issue with the requesting State.

201. CCMs agreed that there is a need to modify CMM-2006-09 to address issues that have arisen since adoption of the measure and to use the US proposal as the basis for a revised draft CMM to be brought to WCPFC4 for consideration.

202. Several CCMs expressed support for incorporating Chinese Taipei's proposed amendments into the revised draft CMM.

203. New Zealand raised several other issues for discussion when preparing a revised draft including beneficial owners, operators, procedures for listing and de-listing, and the status of listed or de-listed vessels once sold. It also asked that issues relating to the control of nationals be addressed by the TCC in the future.

204. Australia noted that Annex 3, Article 1 of the Convention provides guidance on the definition of owner. It suggested that the CMM would benefit from an improved description of the process of listing, including roles, responsibilities and decision points.

205. TCC3 agreed that the issue would be best progressed through inter-sessional consultations among interested CCMs. The USA agreed to work electronically with CCMs to discuss the issues raised in the paper submitted by Chinese Taipei and other delegations at TCC3 and, to the extent possible, make amendments to the USA's proposal. The results of this work will be brought to the WCPFC4 as a revised proposal by the USA.

AGENDA ITEM 6 — FUTURE WORK PROGRAMME

6.1 Draft work programme for 2008–2012

206. The Executive Director presented WCPFC-TCC3-2007/14, describing the proposed technical and compliance elements of the Commission's work programme and budget for 2008–2012. Due to ongoing discussions regarding the Commission VMS and ROP, budget estimates for these programme elements are subject to change, and revised estimates will be circulated to CCMs by mid-October 2007, allowing all CCMs to comment before WCPFC4. Four primary elements of the technical and compliance programme budget were identified: VMS, including funding to support the VMS Working Group; funding for regional liaison by the Observer Programme Coordinator; Boarding and Inspection implementation; and implementation of website design work on the bycatch mitigation component.

207. TCC3 noted the Executive Director's presentation of the Provisional Work Programme and Budget, and that decisions on several items had yet to be made that would

affect the budget. Delegations made general comments and indicated the need for precision in the budget that is to be circulated in mid-October 2007. Substantive comments regarding the work programme and budget will be made at the appropriate time.

AGENDA ITEM 7 — OTHER MATTERS

7.1 Consideration of Rules and Procedures for Access to, and Dissemination of, Data and Draft Framework for Access to Non-public Domain Data, Confidentiality Agreement and Data Request Form

208. A report on this topic was prepared by the Ad Hoc Task Group [Data] (AHTG [Data]) and adopted by WCPFC3 as a “living document”, noting reservations by Japan. The most important component of the report is the Rules and Procedures for Access to and Dissemination of Data Compiled by the Commission. The Commission requested that SC3 and TCC3 consider and possibly refine the report for submission to WCPFC4. This item was considered during SC3 in August and was similarly presented to TCC3 as WCPFC-TCC3-2007/17. Japan also submitted a paper on this topic (WCPFC-TCC3-2007/DP-04).

209. Japan stated that even though the document had undergone review by SC3, issues relevant to the expertise of TCC3 remained to be addressed. Papua New Guinea made a statement on behalf of FFA in support of the current text. The USA voiced support for the document but expressed a desire to understand why some changes had been incorporated into the document, as well as an openness to further improvements on issues such as data security. Korea suggested, and the USA supported, changing the title to include the term “Protection” prior to “...Access to....”.

210. Korea then voiced three specific concerns with the Rules and Procedures. The first involved whether these Rules and Procedures would represent binding commitments to CCMs. In response, Dr Tsamenyi explained that since they are considered measures, and since measures are binding, once finalized the Rules and Procedures would be binding upon CCMs. The second related to additional precautions to be applied to the release of VMS data to a third party. The third issue pertained to actions to be taken in response to a breach of confidentiality agreements. Dr Tsamenyi explained that breaches of confidentiality should be handled under the national laws of the CCM and are not the responsibility of the Commission.

211. A small, informal group met out-of-session to discuss the text of Rules and Procedures for the Access to and Dissemination of Data Compiled by the Commission, Revision 2.0 as contained in WCPFC-TCC3-2007/17.

212. TCC3 was also invited to review the Draft Framework for Access to Non-public Domain Data, a Draft Confidentiality Agreement and Draft Data Request Form to ensure that it is consistent with the Rules and Procedures [Data].

213. TCC3 considered amended Rules and Procedures (WCPFC-TCC3-2007/33) developed by the small working group on Data included in this document as Attachment I.

214. TCC3 recommended the revised Rules and Procedures as contained in WCPFC-TCC3-2007/33 to the Commission for its consideration at WCPFC4.

215. TCC3 recommended to the Commission that the AHTG—Data be resumed to develop the separate rules and procedures for the protection of, access to and dissemination of non-public domain data for the purpose of compliance and enforcement activities on the high seas, as well as to consider the other data security and exchange issues noted by the VMS Working Group (see WCPFC-TCC3-2007/34 (Rev.1), included in this document as Attachment E).

216. **TCC3 recommended to the Commission that Attachment F to TCC1 Summary Report and the proposal by the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau tabled during TCC3 (WCPFC-TCC3-2007/DP-10) be considered in the development of the Commission's rules and procedures for the release and use of VMS data.**

217. **TCC3 requested that CCMs provide written comments to the Secretariat on the draft Framework for Access to Non-Public Domain Data, the draft Data Request Form and the draft Confidentiality Agreement (Attachments A-C of WCPFC-TCC3-2007/18) by 31 October 2007. TCC3 requested that the Secretariat prepare revised drafts, based on the written comments received, for the consideration of the Commission at WCPFC4.**

7.2 Draft Information Security Policy

218. The Secretariat presented WCPFC-TCC3-2007/16 on the Commission's Information Security Policy as an information document to delegates. As agreed by SC3 the deadline for comments on this document is 15 November 2007.

219. TCC3 noted the availability of the Commission's Information Security Policy and encouraged interested CCMs to submit written comments no later than 15 November 2007.

7.3 Consideration of applications for cooperating non-member status

220. The Executive Director presented WCPFC-TCC3-2007/19, requesting that TCC3 consider its possible role in providing technical guidance regarding membership applications for cooperating non-member (CNM) status to the Commission.

221. TCC3 considered several issues relating to this possible role, including evaluating compliance issues associated with applications for CNM status, developing guidelines or criteria to improve the transparency of compliance evaluations, efficiently vetting the applications and preparing the Commission to make a decision, noting the need for a clear and impartial process.

222. Japan expressed concern that given the rising number of applicants for CNM status, the process must be clear and impartial.

223. The USA, Australia and New Zealand indicated that there is a role for the TCC in evaluating compliance issues associated with applications for CNM status, both in terms of technical competency of the TCC and in allowing Commission meetings to be conducted more efficiently.

224. Australia and New Zealand stated that part of the TCC's role should be to develop guidelines or criteria to improve the transparency and consistency of compliance evaluations. This may involve judging the quality, as well as the quantity, of compliance data.

225. The USA stated that the existing criteria are sufficient and thus the main role of the TCC would be in vetting the applications in an efficient manner and preparing the Commission to take a decision.

226. The Federated States of Micronesia raised the idea of differential status for MHLC versus non-MHLC participants when considering applications for CNM status, noting that Article 25 of the Convention provides for this distinction.

227. Papua New Guinea suggested that the TCC could convene a session to address CNM issues specifically in conjunction with the annual TCC or Commission meetings.

228. Most CCMs considered that CNM considerations should be handled in conjunction with the regular meetings of the TCC, rather than in association with the Commission meeting.

229. **TCC3 recommended to the Commission that it believes that it has a role in aiding in Commission decisions on CNM submissions by reviewing applications and providing technical advice. TCC3 recommended that this be accomplished by the Commission requiring that CNM submissions be received 30 days in advance of the annual TCC meeting, so as to permit the review to take place.**

7.4 Cooperation with other organizations

230. The Secretariat presented WCPFC-TCC3-2007/15, summarizing the status of relations between the Commission and other relevant intergovernmental organizations.

231. Comments from CCMs were requested with regard to the development of formal agreements or relationships with other organizations. The Executive Director noted that a second liaison meeting between WCPFC and IATTC will be held on 3 December 2007, on the margins of WCPFC4.

232. Japan requested that any documents prepared for this liaison meeting be circulated in advance to CCMs for comment.

233. New Zealand requested the issue of overlap areas between WCPFC and IATTC, including, in particular, administrative issues associated with reporting the catch and landing of fish caught in these areas, be explored in the forthcoming liaison meeting.

234. **TCC3 noted the scheduling of meetings between the Secretariats of RFMOs, the next of which is with the IATTC in Guam on 3 December 2007; CCMs are invited to participate.**

7.5 Requirements of developing States

235. The Chair opened the issue of special requirements of developing States for general discussion.

236. Japan acknowledged the importance and complexity of this issue, noting the necessity of continuing discussions through existing channels. No other interventions were made.

237. **TCC3 agreed that the issue of special requirements of developing States will be placed on the agenda of TCC4.**

7.6 Rules of procedure

238. The Chair opened the issue for discussion. No comments were received.

239. **TCC3 agreed to defer discussion of the Rules of Procedure to the next meeting of the TCC.**

7.7 Other business

240. The USA expressed its appreciation for a briefing provided by FFA just prior to TCC3 on the Vessel Day Scheme (VDS). It noted that if the VDS was to be an integral part of a management scheme expected to have a beneficial effect on tuna stocks, parties to the Nauru Agreement should report periodically on its implementation, and the VDS should be made available to the Commission and its SC for an evaluation of conservation benefits.

241. Chairman Hurry recommended a presentation on the VDS to the SC in order to work toward standardizing FFA's reporting process to the SC.

7.8 Next meeting

242. It was agreed that the Fourth Meeting of the Technical and Compliance Committee will be held 25-30 September 2008 in Pohnpei, Federated States of Micronesia.

7.9 Nomination of the Chair and Vice-Chair

243. Mr Wendell Sanford, Canada, tendered his resignation as Vice-Chair of the Technical and Compliance Committee. Mr Sanford was then unanimously nominated for the position of Chair of the Technical and Compliance Committee. Mr Noan Pakop, Papua New Guinea, was unanimously nominated for the position of Vice-Chair of the Technical and Compliance Committee. Both nominations will be forwarded to WCPFC4 for endorsement.

AGENDA ITEM 8 — REPORT TO THE COMMISSION

8.1 Adoption of the report of the Third Regular Session of the Technical and Compliance Committee, and any recommendations to the Commission

244. The Advice and Recommendations of the Summary Report were adopted by TCC3. The Chair was authorized by TCC3 to complete the narrative of the Summary Report as a Chair's Report. The Chair invited written comments from CCMs. **TCC3 agreed that the Summary Report be forwarded to WCPFC4 for its consideration.**

AGENDA ITEM 9 — CLOSE OF MEETING

9.1 Close of meeting

245. The Chair closed the meeting by thanking all delegations, observers and the Secretariat for their efforts during the Third Regular Meeting of the Technical and Compliance Committee.

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

**Technical and Compliance Committee
Third Regular Session**

**27 September–2 October 2007
Pohnpei, Federated States of Micronesia**

ATTACHMENTS

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|---------------|--|
| Attachment A. | Opening Remarks by the Honorable Alik L. Alik |
| Attachment B. | List of Participants |
| Attachment C. | Agenda |
| Attachment D. | Draft Conservation and Management Measure for the Regional Observer Programme (WCPFC-TCC3-2007/32) |
| Attachment E. | Outcomes from the TCC3 Vessel Monitoring System Working Group (Revised) (WCPFC-TCC3-2007/34(Rev. 1)) |
| Attachment F. | Outcomes of the Small Working Group on Seabirds (WCPFC-TCC3-2007/37) |
| Attachment G. | High Seas Boarding and Inspection Procedures (Revised) (WCPFC-TCC3-2007/11(Rev. 1)) |
| Attachment H. | Provisional WCPFC IUU Vessel List — 2 October 2007 |
| Attachment I. | Changes from the Small Working Group on Data (WCPFC-TCC3-2007/33) |

Attachment A

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

**Technical and Compliance Committee
Third Regular Session**

**27 September–2 October 2007
Pohnpei, Federated States of Micronesia**

**OPENING REMARKS
BY THE HONORABLE ALIK L. ALIK
Vice President Federated States of Micronesia, September 27, 2007**

Distinguished representatives of the 31 members of the Western and Central Pacific Fisheries Commission, visiting dignitaries, members of the WCPFC Secretariat, observers and guests, ladies and gentlemen.

It is a great pleasure to have been invited to officiate at the opening of this – the Third Regular Session of the Technical and Compliance Committee of the Western and Central Pacific Fisheries Commission (WCPFC). On behalf of President Mori and the people of the Federated States of Micronesia, I welcome you all to our national capital – for some of you this will not be your first time so, I welcome you back. For those of you who are making your first trip to our humble shores, I welcome you and hope you take advantage of the opportunity to enjoy what Pohnpei has to offer. To you all, we extend our best wishes for a very productive meeting.

For those who are observing the development of this new Commission from some distance, it is hard to believe that this is only the third meeting of this important subsidiary body of the Commission.

At times it appears that you have achieved so much in such a short period of time. But then also, I am aware of exactly how much there is to do and realize that, really, we are only just managing to scratch the surface if we are genuinely committed to sustainable tuna resource use, and conservation and management in this vast region of the western and central Pacific.

Some would argue that the Technical and Compliance Committee has responsibility for some of the more important tasks of this Commission. The successful development and implementation of procedures and mechanisms will determine whether we establish a Commission that can successfully deliver on the objectives for this organization described in the Convention – or procrastinate and delay action to addresses threats associated with unregulated and unrestrained expansion in the fishery which jeopardize not only resource sustainability of our Pacific region, but the economies and livelihoods of our countries and peoples of this region.

I know that for several years the TCC has been talking about priorities in what you all now refer to as an integrated scheme for monitoring, control and surveillance – MCS – under the Convention. I know that you have identified a satellite-based vessel monitoring system and the regional observer programme as two of the critical elements of this integrated scheme that have been assigned priority for development and implementation. These are key mechanisms without which most of the measures taken by the Commission cannot be monitored and effectively implemented.

Despite our own effort with assistance from our friends to patrol and keep illegal fishing out of our waters, IUU fishing is still rampant in this region. Such fishing cheats and robs the region out of millions of dollars, undermines the effort of those who are doing business by the rules, and all our combined efforts to manage the resources in a sustainable manner. In this regard, I also see the urgent need to finalize the proposed measure on harmonized port State standards and the development of a catch documentation scheme along with the satellite-based vessel monitoring system and the Regional Observer Programme. These will assist to eliminate IUU fishing in this region

As this session here in Palikir will now be the third formal session of the TCC, I sincerely hope that in five days time, we will be able to show that we have made significant advances in agreeing to the procedures and mechanisms for the development and implementation of these critical elements of the Commission's MCS framework. It will be very disappointing if we go away from this meeting without agreeing to at least some of these and others as I see in your heavy agenda. It will take at least another year before anything can be agreed.

In imploring you all to work in good faith to achieve this objective I am aware that these elements of the Commission's regulatory framework will require significant financial support for their effective implementation. When we all participated in the negotiation of the Convention that has established this Commission we must all have been aware of the potential financial implications associated with the application of procedures required to make this Convention work.

FSM, as a small island developing State, which is facing significant challenges to meet its basic health and education service commitments to its dispersed and often remote population, recognizes that the WCPFC cannot become an effective organisation without the significant financial support of its members.

This was known to us all when we entered the negotiations to establish this Commission more than 10 years ago. I expect that we will all honour the commitment we made, either explicitly or implicitly, when we participated in the negotiations to establish the WCPFC – and provide the financial support necessary to operationalize the Convention we all agreed to.

FSM will honour our commitment to this effort – after all, from what I understand, the Commission's budget in 2006 was just of \$3 million – or 0.1 per cent of the estimated total value of the fishery. With potential to realize significant long term returns, this appears to be a minimal investment indeed.

I will be receiving periodic reports on progress during this meeting. I sincerely hope that those reports are mostly positive and that we can all work together in a spirit of cooperation and commitment to achieving positive outcomes that are mutually beneficial.

Thank you for the opportunity to address you this morning. I now declare this Third Regular Session of the Technical and Compliance Committee open and wish you all well in your deliberations.

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

**Technical and Compliance Committee
Third Regular Session**

**27 September–2 October 2007
Pohnpei, Federated States of Micronesia**

AGENDA

AGENDA ITEM 1 — OPENING OF MEETING

- 1.1 Welcome
- 1.2 Adoption of agenda
- 1.3 Selection of Chair
- 1.4 Meeting arrangements

**AGENDA ITEM 2 — PRIORITY MONITORING, CONTROL AND SURVEILLANCE
(MCS) ISSUES BEFORE THE COMMISSION**

- 2.1 Regional Observer Programme
- 2.2 Vessel monitoring system
- 2.3 CMM for transhipment monitoring
- 2.4 Draft CMM on harmonized port State standards
- 2.5 CMM for a regional vessel chartering scheme
- 2.6 Trade documentation schemes

**AGENDA ITEM 3 — ADVICE AND RECOMMENDATIONS IN RESPONSE TO
REQUESTS FROM THE COMMISSION**

- 3.1 Catch retention plans pursuant to CMM-2006-01
- 3.2 Mitigation measures for seabirds pursuant to CMM-2006-02
- 3.3 Technical specifications for sea turtle bycatch mitigation measures compiled by SC3
- 3.4 Mitigation measures for juvenile bigeye and yellowfin tuna taken around FADs, pursuant to CMM-2005-01

**AGENDA ITEM 4 — REVIEW OF CCMS' IMPLEMENTATION OF AND
COMPLIANCE WITH CONSERVATION AND MANAGEMENT MEASURES**

- 4.1 Report by the Secretariat on CMMs
- 4.2 Record of fishing vessels and authorisation to fish

- 4.3 CMMs for bigeye and yellowfin tuna in the WCPO
- 4.4 CMMs for North Pacific albacore
- 4.5 CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds
- 4.6 CMMs for swordfish in the southwest Pacific
- 4.7 CMM for striped marlin in the southwest Pacific
- 4.8 Annual Report to the Commission
- 4.9 Reports from CCMs

AGENDA ITEM 5 — ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

- 5.1 High seas boarding and inspection procedures
- 5.2 Authorisation to fish
- 5.3 Draft WCPFC IUU vessel list
- 5.4 Review of CMM-2006-09 on illegal, unreported and unregulated fishing

AGENDA ITEM 6 — FUTURE WORK PROGRAMME

- 6.1 Draft work programme for 2008–2012

AGENDA ITEM 7 — OTHER MATTERS

- 7.1 Consideration of Rules and Procedures for Access to, and Dissemination of, Data and Draft Framework for Access to Non-public Domain Data, Confidentiality Agreement and Data Request Form
- 7.2 Draft Information Security Policy
- 7.3 Consideration of applications for Cooperating Non-Member Status
- 7.4 Cooperation with other organisations
- 7.5 Requirements of developing States
- 7.6 Rules of Procedure
- 7.7 Other business
- 7.8 Next meeting

AGENDA ITEM 8— REPORT TO THE COMMISSION

- 8.1 Adoption of the summary report of the Third Regular Session of the Technical and Compliance Committee, and any recommendations to the Commission.

AGENDA ITEM 9 — CLOSE OF MEETING

- 9.1 Close of meeting

Attachment D

**The Commission for the Conservation and Management of
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**Technical and Compliance Committee
Third Regular Session**

**27 September–2 October 2007
Pohnpei, Federated States of Micronesia**

**DRAFT CONSERVATION AND MANAGEMENT MEASURE FOR THE REGIONAL
OBSERVER PROGRAMME**

**WCPFC-TCC3-2007/32
29 September 2007**

Prepared by the TCC3 Chair

based on the

**Inter-sessional Working Group
Regional Observer Programme
24-25 September 2007
Pohnpei, Federated States of Micronesia**

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

Recalling Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

Further recalling Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

Cognizant of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

Establishment of the Commission ROP

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.

2. The ROP shall be implemented on a phased basis. The implementation schedule is attached at Annex C.

3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

Objectives of the Commission ROP

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

Scope of the Commission ROP

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:

- i) vessels fishing exclusively on the high seas in the Convention Area; and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

Functions of Observers

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

Obligations of CCMs of the Commission

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall, in the first instance, source observers for their vessels from either the national observer programmes [of other CCMs] or from sub-regional programmes.

9bis. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

Role of the Commission and its subsidiary bodies

[10. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.]

Role of the Secretariat

11. Consistent with Article 15(4), the role of the Secretariat will be to:

- a) coordinate ROP activities, including, *inter alia*;
 - i) maintaining the ROP Manual and the ROP Observer Workbook;
 - ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
 - iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
 - iv) coordinating ROP activities with other RFMOs as directed and appropriate;
 - v) facilitating the use of authorized observers in the ROP;
 - vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
 - vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs; and
 - viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
 - ix) managing and administering observers for special situations as directed by the Commission; and
 - x) to support staff necessary to effectively administer the ROP.
- b) authorize observer providers to the ROP.

Role of coastal States

12. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP.

Guiding principles for operation of the Commission ROP

13. The Commission ROP shall operate in accordance with the following principles:

- i). The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
- ii) Vessels that operate [principally] in coastal waters, but [occasionally] venture on to the [adjacent] high seas or into the waters under the jurisdiction of a neighbouring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat²
- iii). The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
- iv). To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes; and to this extent, the Commission may enter into contracts or appropriate arrangements for the provision of the regional observer programme.
- v). the Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
- vi). Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in **Annex A** – Guidelines for the rights and responsibilities of observers.
- vii). The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** - Guidelines for the rights and responsibilities of vessel operators, captains and crew.
- viii) The Commission ROP shall ensure the security and confidentiality of non-aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.
- [ix) Any data collected under the Commission ROP on a vessel bearing the flag of a CCM in addition to the Commission will be provided to that CCM in a dis-aggregated form.]

² Refer to the Summary Report of TCC2, paragraph 54 ii) [“the need to integrate existing national and regional observer programmes into the Commission programme and] “to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas.”

Attachment D, Appendix 1

Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission
- b) Acceptance and compliance with agreed confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.
- d) Compliance with the ROP protocols for observers carrying out ROP duties onboard a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behaviour that apply to all vessel personnel.

- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties [relevant to appropriate measures adopted by the Commission].
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel
- k) Adherence to the ROP Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

Attachment D, Annex 2

Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

RIGHTS AND RESPONSIBILITIES OF VESSEL OPERATORS AND CAPTAINS

1. The rights of vessel operators and captains shall include:

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behaviour, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

2. The responsibilities of vessel operators and captains shall include:

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allowing and assisting the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying,
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.
- i) Allowing and assisting the ROP observer to remove and store samples from the catch.

- j) Providing the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties.

RIGHTS AND RESPONSIBILITIES OF VESSEL CREW

3. The rights of vessel crew shall include:

- a) Expectation that the ROP observer will comply with the general rules of behaviour, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

4. The responsibilities of the vessel crew shall include:

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

Attachment D, Annex 3

Implementation schedule to be developed

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

**Technical and Compliance Committee
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**27 September–2 October 2007
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**OUTCOMES FROM THE TCC3 VESSEL MONITORING SYSTEM WORKING GROUP
(Revised)**

**WCPFC-TCC3-2007/34 (Rev.1)
1 October 2007**

Prepared by the Chair of the TCC3 VMS Working Group

At TCC3 a Working Group met to elaborate standards, specifications and procedures for the further development of the Commission's vessel monitoring system (VMS) in accordance with WCPFC CMM2006/06. This group was chaired by David Marx from New Zealand.

The terms of reference for this working group were presented to and endorsed by TCC3 and are attached as Annex 1. The group focussed discussions on: automatic locator communicator (ALC) malfunction procedures; ALC registration and de-registration; cost recovery and cost sharing; data standards, formats and data to be transmitted; data security and exchange.

A general theme from the discussions of the group was that the development and use of the system should be cost effective and to that end, there is merit in considering the use of existing standards, specifications and procedures, when developing those used for the Commission VMS.

The group:

1. Recommends that TCC3 endorse the points listed below:
2. Recommends to TCC3 that the material identified under "Data security and exchange" will be provided to the TCC3 Data Working Group to develop rules and procedures for VMS data.
3. Recommends to TCC3 that it be tasked to continue its work intersessionally, using electronic means, with the view to physically meeting in the margins of WCPFC4.
4. Notes that given time constraints there had not been an opportunity to discuss other items on the TORs in Annex 1 but that these points will need to be considered in the future.
5. Recommends that TCC3 task the Secretariat to develop papers as set out in the points below. The Group noted advice from the Secretariat that such work may cost up to 10,000 dollars should a technical specialist be needed. The group noted that instead of background documents, actual standards, specifications and procedures should be prepared for the consideration of the Group.

Specific points from the group discussions are recorded below:

ALC malfunction procedures

ALC malfunction was discussed as “Circumstances when the vessel stops sending data to the Commission VMS”

1. The group identified the following points:
2. The group noted that it would be useful to draw from existing procedures being used such as those used by national and FFA systems. CCMs and FFA were invited to provide these procedures to the WCPFC Secretariat.
3. There is a need to develop secondary reporting options in the event of a malfunction. The two options discussed were manual reporting and the carriage of secondary ALC units. And the group noted that manual reporting would be the preferred option.
4. With respect to manual reporting, it is the responsibility of the flag State to ensure that this occurs.
5. That the procedures will need to include return to port requirements for the repair of malfunctioning ALC units, and that timeframes should be established to ensure that ALCs are repaired. It was suggested that repairs should be affected next time the vessel visits a port, or in the instance the vessel does not make port for a long period, within a fixed time period. Time periods suggested ranged from one to three months. In this regard, it was noted that vessels are not always aware their ALCs are malfunctioning.
6. The group recommended that it would be useful for the Secretariat to develop a paper further exploring ALC malfunction procedures taking into account the points raised in the discussions above.

ALC registration and de-registration

The working group identified the following points in respect of ALC registration and de-registration:

1. In developing standards, specifications and procedures for ALC registration and de-registration, the group noted that it would be useful to examine what is being used within FFA and national VMS processes.
2. ALCs will need to be registered on a Commission ALC database such as the WCPFC Register of Fishing Vessels.
3. It is important that ALCs are linked to a specific vessel so that vessels can be identified via an ALC.
4. This linkage should be made using the WCPFC vessel register maintained by the Commission
5. Registrations will not need to be made on an annual basis, but moreover will be linked to any changes or additions to ALC details as reported by CCMs.
6. There is a need to set a timeframe for notification of ALC changes to the Commission.
7. The Commission Secretariat should administer the ALC registration process
8. The group recommended that it would be useful for the Secretariat to develop a paper further exploring ALC registration and de-registration procedures taking into account the points raised in the discussions above.

Cost recovery and cost sharing

The working group identified the following points in respect of cost recovery and cost sharing:

1. Aside from the capital costs and additional maintenance and repair costs associated with ALC units, capital costs will be borne by the Commission
2. There are a number of different operational costs that need to be considered. These include airtime costs for ALC, infrastructure support to data centre, security, ongoing maintenance and personnel costs
3. The group noted that the operational costs will be borne by the Commission aside from who will bear the cost of transmitting data from the ALC to the Commission, which is an issue that remains unresolved. It was noted that further consideration needs to be given to who will bear the cost of retrieving data from the Commission VMS.
4. The group noted there were possible cost savings for vessel reporting to FFA VMS to route their high seas data to the Commission VMS (no additional registration costs or airtime, relatively small costs to get data from FFA to the Commission). It was suggested that a scaled levy could be applied for vessels choosing this procedure.
5. The group noted that different systems (Argos, Inmarsat, Iridium) are likely to incur different costs
6. The group recommended that it would be useful for the Secretariat to develop a paper further exploring cost recovery and cost sharing taking into account the points raised in the discussions above.

Data standards, format and data to be transmitted

The working group identified the following points in respect of data standards and formats:

1. The group noted that WCPFC CMM 2006/06 sets out in paragraph 1 of Annex 1 data to be transmitted to the Commission VMS from ALC units.
2. The group noted that international standards exist for VMS data formats and that many national and FFA systems utilize these standards. The group noted there could be utility in considering these standards as a basis for WCPFC VMS data formats.
3. The group also noted that a format would need to be developed for manual reporting should this become an agreed alternative procedure in the event of ALC malfunction.
4. The group noted that the data being received by the Commission VMS needs to be sufficient that the VMS will be able to usefully portray a vessel's identity, location and a date and time for this location.
5. The group noted that course and speed is something that may be derived by the VMS.
6. The group agreed that establishing data standards and formats is a priority issue and that ideally these could be agreed by December 2007.
7. The group recommended that it would be useful for the Secretariat to develop a paper for consideration before December 2007 that further explores data standards and formats taking into account the points raised in the discussions above.

Data security and exchange

The working group identified the following points in respect of data security and exchange:

1. The group noted that there could be merit in taking into account existent standards, specifications and procedures when considering those for the WCPFC VMS. It was noted that both the FFA and CCAMLR have standards, specifications and procedures, as well as national VMS, and that the Commission should consider these.
2. It was also noted that there could be benefit in exploring standards, specifications and procedures used in other sectors, for example banking.
3. Further it was noted that the rules and procedures for VMS data should be developed within the Commissions process for developing rules and procedures for all Commission data, but that it would be very important that VMS and Compliance experts worked closely to ensure that sensitivities associated with VMS data were understood, and practical issues qualified/identified.
4. It was noted that VMS data will be used by the Commission and CCMs for both, including science and compliance purposes.
5. It was noted that it is very important that security procedures do not jeopardize the utility of VMS data and that a balance needs to be struck in this regard.
6. The group identified the following as being potential users, or parties engaged in processes associated with VMS data: vessels and vessel masters, CCMs, Commission, Service providers, 3rd party users, flag State, coastal State, charter States and the Secretariat.
7. The group also identified the need to consider the security of data routing in developing data security and exchange standards, specifications and procedures and found the schematic set out in the WCPFC VMS Business Plan to be useful for identifying data routes.

Attachment E, Annex 1

Terms of reference for the TCC VMS Working Group to develop standards, specifications and procedures for the WCPFC vessel monitoring system

Develop the following, including a schedule for time-frames and milestones, for the implementation of the WCPFC VMS

1. ALC malfunction procedures
2. ALC registration and de-registration
3. Cost recovery and cost sharing
4. Data standards and formats
5. Data security and exchange
6. Methods to ensure ALCs comply with standards set in Annex 1 of CMM 2006 06
7. ALC inspection protocol
8. Rules on polling
9. Vessel reporting including reporting frequencies
10. Data to be transmitted
11. Measures to prevent tampering
12. Obligations and roles of fishing vessels, CCMs, the FFA Secretariat and the Commission Secretariat.

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

**Technical and Compliance Committee
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OUTCOMES OF THE SMALL WORKING GROUP ON SEABIRDS

**WCPFC-TCC3-2007/37
1 October 2007**

Prepared by the Chair of the Small Working Group on Seabirds

The Working Group on Seabird By-catch Mitigation measures met and reviewed document WCPFC-TCC3-2007/22.

The Working Group consisted of representatives from Australia, Japan, New Zealand and the United States.

The Working Group noted that SC3 reviewed the scientific aspects of seabird mitigation measures and provided recommendations, but was unable to reach agreement on a number of issues related to minimum technical specifications. The Working Group agreed that the Commission should adopt, as minimum technical specifications, the guidelines as included in WCPFC-TCC3-2007/22. With regard to those where the SC could not reach agreement, the Working Group notes the following.

With regard to tori lines in section 1a and the recommendation from SC3 which included the bracketed statement “if weather and ocean conditions permit”, the Working Group noted that safety concerns are an important consideration, but reminds the TCC3 that CMM 2006-02 provides a choice of measures that may be applied at the discretion of the CCM. On that basis, the majority of the Working Group thought the bracketed text should not be added. However, if it is added it, should be more specific about what the threshold for weather and oceans conditions would be and what the allowable alternatives would be. Japan stated the bracketed text should be retained because of safety concerns.

The Working Group agreed that 1(a) (v) text should read “If the tori line is less than 150m in length, must have a towed object attached to the end that will create enough drag to maximize the aerial coverage over the entire length of the sinking baited hooks”. Japan agreed with the text, but did not agree with the removal of the brackets.

Regarding Section 1b Tori line (light streamers), the Working Group could not reach agreement, however, the majority of the Working Group recommends that if the Commission decides to accept this specification on a 12-month trial basis, then the Commission should require CCMs using this specification to provide to the SC and the TCC adequate information to allow for a rigorous assessment of its potential use in the future, specifically:

- A detailed description of the gear and how it functions in a variety of oceanic and weather conditions

- Its effectiveness in preventing bird interactions with baited hooks
- Detailed size and material specifications
- Operational and safety benefits to fishing operations
- Vessel specifications, including size and towing capability
- Impacts of weather and oceanic conditions on streamer performance
- Its ability to maximize aerial coverage over baited hooks
- General areas of use in the WCPO and whether this impacts performance

Japan did not agree that insufficient information on this specification was provided and insisted that detailed information on the specification, effectiveness and performance of the section 1b Tori line has already been presented in the SC3 and TCC3 (Specification, SC3-EBSWG/IP-14, Material and Methods, Attachment1 and SC3-EBSWG/WP-13, Material and Methods; Effectiveness, SC3-EBSWG/WP-13 and TCC3-2007/DP03; Performance, SC3-EBSWG/IP-14, Table 1.). These data were collected from 47 vessels and more than 700 observed sets and constitute substantial amount of information.

The majority of the Working Group believed the bracketed statement in section 4 (i) for column A and Section 1 (ii) Column B “Following specifications are encouraged”, should be deleted, because it would be inconsistent with the meaning of the term “minimum technical specifications” as used in CMM 2006-02 and further, that this statement may cause confusion with respect to the compliance with the measures within CMM 2006-02. Japan replied that the specification should have some ranges because this Convention has various types of longline vessels and insisted on keeping the bracketed statement.

In relation to the bracketed statement regarding the use of 300 gram core lead line in section 4 of Column A and Section 1 of Column B, the Working Group notes that neither the Commission nor its subsidiary bodies has discussed data regarding the use, efficiency or safety of the specification and that the SC has not reviewed its efficiency at reducing seabird captures. Therefore, the Working Group agreed that in order to assess its efficiency or practicality a more detailed specification would be needed, such as the amount of weight per unit length of branchline and what portion of the branchline would consist of lead core line. The Working Group agreed to leave it in bracketed text.

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HIGH SEAS BOARDING AND INSPECTION PROCEDURES (Revised)

**WCPFC-TCC3-2007/11 (Rev.1)
6 September 2007**

Paper prepared by the Secretariat

I Introduction

1. The Third Regular Session of the Commission (WCPFC3) adopted Conservation and Management Measure-2006-08 (CMM-2006-08) “Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures”. WCPFC3 recognized that the practical implementation of the High Seas Boarding and Inspection Procedures (Procedures) would require additional operational elements to be developed by the Secretariat.
2. Accordingly, WCPFC3 requested the Executive Director to begin developing the information necessary for the implementation of the Procedures (para. 155 of the WCPFC3 Summary Report). WCPFC3 also tasked the Executive Director, in consultation with Members, Cooperating Non-Members and Participating Territories (CCMs), to make arrangements for the design of the WCPFC Inspection Flag (paragraph 18), an approved identity card (paragraph 19), and the preparation of a multi-language questionnaire (paragraph 21).
3. TCC3 therefore provides an appropriate opportunity to consult with CCMs on the following issues:
 - i. the design of the WCPFC High Seas Boarding and Inspection Flag (para.18);
 - ii. approving an identity card identifying an authorized inspector (para.19); and
 - iii. the content of the Standardized Multi-Lingual Questionnaire (para.21).
4. In addition, the TCC is afforded the opportunity to provide advice and comments to the Secretariat on its administrative arrangements to implement the Procedures, as provided for in paragraphs 11-15, in relation to:
 - i. establishing a High Seas Boarding and Inspection Register (pursuant to para. 12); and
 - ii. establishing a list of Contracting Parties that have provided the required notifications regarding their authorized inspection vessels (para.13(a)(ii)) and crew and inspector training (para. 13(a)(iii) ; para. 13(b)(ii) and (iii)).

5. This paper also brings to the attention of TCC3 three additional issues, for its consideration:
- i. Whether to establish a standard format for inspection reports (paras.24 and 30);
 - ii. Whether to modify the current Part 2 template of the Annual Report;
 - iii. Whether to elaborate standards and procedures related to training for authorized inspection vessel crew and authorities' inspectors (para.13(a)(iii)) and para. 13(b)(iii); and
 - iv. How to post the register of authorized inspection vessels and authorities or inspectors on the Commission website (para. 17).

II WCPFC high seas boarding and inspection register

6. Paragraph 12 of the Procedures requires the Commission to "maintain a register of all authorized inspection vessels and authorities or inspectors" (the WCPFC High Seas Boarding and Inspection Register). This paragraph also stipulates that, "only vessels and authorities or inspectors listed on the Commission's Register are authorized under the Procedures to board and inspect foreign flagged fishing vessels on the high seas within the Convention Area".

7. In respect of the Register, WCPFC3 agreed that "boarding and inspection operations pursuant to the Procedures would be authorized to begin 60 days after the circulation to CCMs by the Executive Director of the register of authorized inspection vessels in accordance with paragraph 17 of the Procedures" (para.155 of the WCPFC3 Summary Report).

8. Paragraph 13 of the Procedures provides that Contracting Parties:³
- (a)with respect to each inspection vessel they assign to boarding and inspection activities under the procedures, provide details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability); and
 - (b)with respect to inspectors they assign pursuant to the procedures, provide the names of the authorities responsible for boarding and inspection.

9. This information is to be provided to the Executive Director. The Secretariat has prepared a form based on existing WCPFC Register information requirements that will serve as the basis for an electronic database maintained by the Secretariat. This form is appended at **Attachment A**.

10. In addition, paragraph 13 requires that Contracting Parties notify the Commission of the following:

- (a) that the inspection vessel is clearly marked and identifiable as being on government service;
- (b) that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission;

³ Paragraph 6 of the procedures provides that unless otherwise decided by the Commission, the procedures shall also apply in their entirety as between a Contracting Party and a Fishing Entity, subject to a notification to that effect to the Commission from the Contracting Party concerned. It follows that when a Contracting Party notifies the Commission that the High Seas Boarding and Inspection Procedures apply in their entirety as between that Contracting Party and a Fishing Entity, the operational guidelines for implementing the procedures will also apply to the Fishing Entity concerned.

(c) that the responsible authorities' inspectors are fully familiar with the fishing activities to be inspected, and the provisions of the Convention and conservation and management measures in force; and

(d) that the responsible authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

11. Paragraph 15 of the Procedures stipulate that authorized inspection vessels and inspectors of a Contracting Party may only be included on the Commission Register once the Contracting Party has met the requirements of paragraph 13 of the Procedures, including the notifications identified in paragraph 10 above.

12. Furthermore, paragraph 14 of the Procedures requires that Contracting Parties ensure that where military vessels are used as a platform for the conduct of boarding and inspection, the authorities of the inspection vessel shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures, or duly authorized for this purpose under national laws, and that such inspectors meet the requirements established in the Procedures.

13. The Secretariat intends to establish a list of Contracting Parties that have provided the notifications called for in paragraph 13 of the Procedures, for circulation to all CCMs.

For TCC consideration

14. TCC3 is invited to provide advice to the Secretariat on the form it has prepared using existing WCPFC Register information requirements, which will serve as the basis for an electronic database maintained by the Secretariat (Attachment A).

15. TCC3 is further invited to provide advice to the Secretariat regarding its plan to compile the required notifications regarding authorized inspection vessels and crew, and inspector training (para. 13(a)(ii) and (iii); para. 13(b)(ii) and (iii)), and the assurances in accordance with paragraph 14, and establish a list of Contracting Parties that have provided this information, for circulation to all CCMs.

III The WCPFC inspection flag

16. Paragraph 18 of the Procedures provides that "Authorized inspection vessels shall fly, in clearly visible fashion, the WCPFC inspection flag as designed by the Commission."

For TCC consideration

17. The Secretariat has produced a draft design⁴ of the WCPFC inspection flag, which is appended at Attachment B for consideration by TCC3.

IV Approved identity card

18. Paragraph 19 of the Procedures provides that "Authorized inspectors shall carry an approved identity card identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures."

For TCC consideration

⁴ This draft flag is adapted from that of NEAFC and CCAMLR.

19. To implement this provision, the most efficient approach would appear to be that each Contracting Party provide a detailed copy of the identity card issued by the authorities responsible for boarding and inspection to its authorized inspectors. TCC3 is invited to comment on this way of proceeding.

V Standardized multilanguage questionnaire

20. Paragraph 21 of the Procedures provides that: “In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand. If necessary to facilitate communications between the inspectors and the master of the vessel, the inspectors shall use the “relevant part of the standardized multilanguage questionnaire to be prepared by the Secretariat and circulated to all Contracting Parties with authorized inspection vessels.”

21. The Secretariat has prepared the standardized multilanguage questionnaire, which is appended at Attachment C.

For TCC consideration

22. TCC3 is invited to:

- (i) provide comments to the Secretariat on the questionnaire (Attachment C); and
- (ii) recommend to the Commission that each Contracting Party whose official language is not English, be requested to translate the questionnaire into their own language and to provide copies to the Secretariat for posting on the WCPFC website.

VI Inspection report templates

23. Paragraph 24(e) of the Procedures provides that in the conduct of a boarding and inspection, the authorized inspectors shall provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection, including any objection or statement which the master wishes to include in the report.” The content of the “interim report” is not specified under paragraph 24(e) of the Procedures.

24. Additionally, paragraph 30 of the Procedures requires that authorized inspectors prepare a full report on each boarding and inspection they carry out pursuant to the Procedures in accordance with a format that may be specified by the Commission. Paragraph 31 of the Procedures outlines that a full report shall include:

- a) the names and authority of the inspectors;
- b) clear identification of any observed activity or condition that the authorized inspectors believe to be a violation of the Convention or conservation and management measures in force; and
- c) an indication of the nature of specific factual evidence of such violation.

For TCC consideration

25. TCC3 is invited to provide advice to the Commission on:

- i. whether it is desirable to have a standard form for an Interim Report required by paragraph 24 of the Procedures; and
- ii. whether it is desirable to have a standard form for the Final Report required by paragraph 30 of the Procedures .

26. Should TCC3 determine that standard forms are required for either or both the Interim Report and the Final Report, TCC3 is invited to consider establishing a working group at the margins of TCC3 to develop draft report templates for TCC3's consideration.

VII Members' annual report to the Commission

27. Paragraph 40 of the HSB&I Procedures requires that each Contracting Party that authorizes its inspection vessels to operate under the Procedures report annually to the Commission on the boarding and inspections carried out by its authorized inspection vessels, as well as upon possible violations observed. Under paragraph 41 of the Procedures, "Members of the Commission shall include in their annual statement of compliance within their Annual Report to the Commission under Article 25(8) of the Convention, action that they have taken in response to boarding and inspections of their fishing vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied."

For TCC consideration

28. In respect of Members' annual reports to the Commission, TCC3 may wish to revise the current Part 2 Template for reporting to include inspection reports pursuant to paragraph 41 of the Procedures. To assist TCC3 in making its recommendations to the Commission, a revised Part 2 Reporting Template, reflecting the requirements under paragraph 41 of the Procedures, is appended at Attachment D for TCC3's consideration.

VIII Training requirements

29. Paragraph 13 of the Procedures stipulates that any Contracting Party that intends to carry out boarding and inspection activities pursuant to the procedures shall so notify the Commission, through the Executive Director, and shall provide the following information:

- a) with respect to each inspection vessel it assigns to boarding and inspection activities under these procedures:
 - iii. notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
 - iv. with respect to inspectors it assigns pursuant to these procedures:
 - iii. notification that such authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

For TCC consideration

30. TCC3 is invited to provide comments and advice to the Commission regarding "any standards and procedures as may be adopted by the Commission." In particular, TCC3 is invited to consider whether the elaboration by the Commission of minimum standards, or other procedures, for training in carrying out boarding and inspection activities is desirable; or, alternatively, if the Commission should require that each Contracting Party report to the Commission the details of their training requirements, which will be made available to all CCMs.

IX Web presentation of information associated with the WCPFC high seas boarding and inspection procedures

31. Paragraph 17 of the Procedures requires that the Executive Director ensure that the register of authorized inspection vessels and authorities or inspectors is at all times available to all Members of the Commission, and that changes are circulated immediately. It further provides that updated lists shall be posted on the Commission website. Publication of the Register on the WCPFC website would facilitate wide and timely distribution of this information.

For TCC consideration

32. TCC3 is invited to discuss whether the Register should be on a secure or public access section of the WCPFC website.

Attachment G, Annex 1**WCPFC HIGH SEAS BOARDING AND INSPECTION REGISTER**Submission Date: ____/____/____
(DD/MM/YY)**DETAILS OF VESSELS (AS DEPICTED IN THE ATTACHED PHOTOGRAPHS)****Vessel**

	Vessel Name	Vessel Flag	Call Sign	Registration No.	Port of Registry	Port Marked on Vessel's Hull (if different than Port of Registry)
1.						
2.						
3.						
4.						
5.						

Vessel Contact Details

	Vessel Name	Phone Number	Fax Number	Inmarsat Mobile Number	E-mail Address
1.					
2.					
3.					
4.					
5.					

Vessel Description

	Vessel Name	Vessel Length (Length Overall/Registered Length/Length Between Perpendiculars)	Length specified as metres/feet	Hull Material (Aluminium/Fibreglass/Wood/Steel/Other)
1.				
2.				
3.				

DETAILS OF AUTHORITY OR INSPECTORS

AUTHORITY

Name of Authority: _____

AUTHORITY CONTACT DETAILS

Phone Number: _____

Fax Number: _____

Email Address: _____

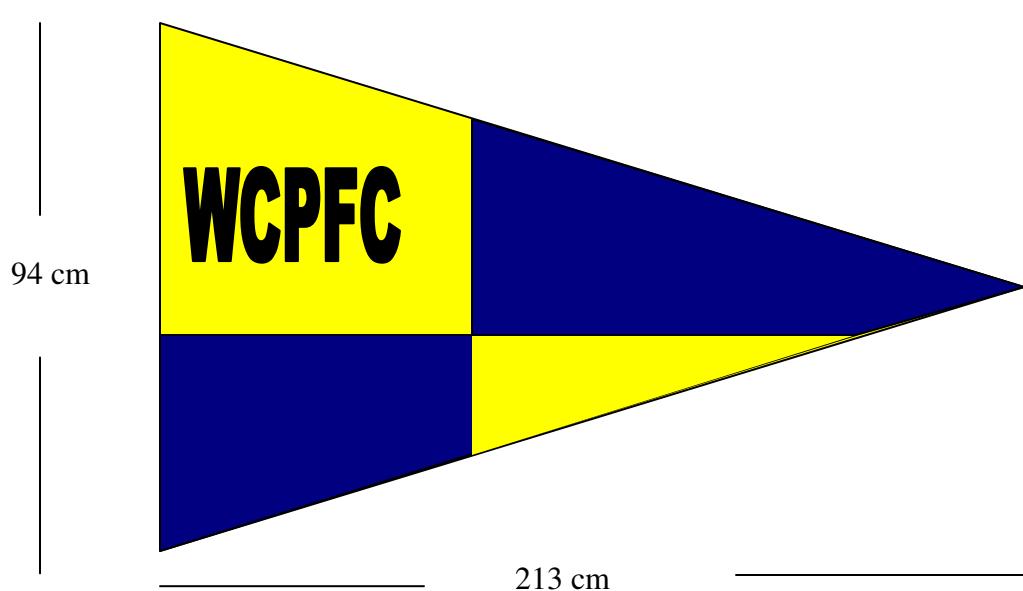
Website: _____

INSPECTORS (OPTIONAL)

Attachment G, Annex 2

DRAFT WCPFC INSPECTION FLAG

1. To be flown from inspection vessels during daylight and in conditions of normal visibility. The distance between the pennants shall not exceed 1 metre.
2. Boarding vessel shall display one inspection flag indicated below. The flag may be half-scale. The flag may be painted on the hull or on any vertical sides of the vessel. When painted, the black letters "WCPFC" can be left out.
3. Aircraft supporting any boarding and inspection procedures shall have their call sign clearly painted on the both sides of the fuselage.



Attachment G, Annex 3

STANDARDIZED MULTI-LANGUAGE QUESTIONNAIRE

BOARDING QUESTIONS

1. (a) VESSEL (b) THIS IS THE (c)
CALLING YOU ON CHANNEL 16 VHF-FM---OVER.

 - (a) FISHING, CARRIER, or BUNKER
 - (b) FISHING, CARRIER, or BUNKER VESSEL'S NAME
 - (c) PATROL VESSEL (United States Coast Guard Cutter, Her Majesty's Australian Ship, etc.)
2. REQUEST YOU SWITCH YOUR COMMUNICATIONS TO CHANNEL ____.
3. FISHING VESSEL (NAME), THIS IS PATROL VESSEL (NAME) --- WE ARE HERE ON BEHALF OF THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION AND ARE AUTHORIZED TO ENSURE YOU ARE COMPLYING WITH ALL APPLICABLE CONSERVATION AND MANAGEMENT MEASURES. WE INTEND TO BOARD AND INSPECT YOUR VESSEL. PRIOR TO OUR BOARDING OF YOUR VESSEL, WE NEED TO ASK YOU A FEW QUESTIONS.
4. IS YOUR VESSEL REGISTERED WITH THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION?
5. UNDER WHICH COUNTRY'S FLAG ARE YOU REGISTERED?
6. WHAT IS YOUR INTERNATIONAL RADIO CALL SIGN?
7. WHAT IS YOUR HOMEPORT?
8. HOW MUCH (a-c) DO YOU HAVE ONBOARD? IF FISH, WHAT TYPE?

 - a. FISH (Fishing Vessel)
 - b. FISH and/or SUPPLIES (Carrier Vessel)
 - c. FUEL (Bunker Vessel)
9. WHAT WAS YOUR LAST PORT OF CALL?
10. WHAT IS YOUR NEXT PORT OF CALL?
11. WHAT IS THE NAME AND NATIONALITY OF YOUR MASTER?
12. HOW MANY CREW DO YOU HAVE ONBOARD AND WHAT ARE THEIR NATIONALITIES?

- 13. DO YOU HAVE ANY WEAPONS ONBOARD? IF SO, WHERE ARE THEY LOCATED?**
- 14. DO YOU HAVE A FISHERY OBSERVER ONBOARD? IF SO, WHAT IS THE OBSERVER'S NAME AND NATIONALITY?**
- 15. WE WILL BE SENDING OVER A BOARDING PARTY IN (FIVE / FIFTEEN / THIRTY) MINUTES; PLEASE ASSIST THEM IN GETTING ONBOARD AND BY COMPLYING WITH ALL OF THEIR INSTURCTIONS.**
- 16. TO ASSIST OUR BOARDING PARTY IN BOARDING YOUR VESSEL, WE REQUEST YOU (a-e).**
 - a. STOP YOUR VESSEL**
 - b. SLOW YOUR VESSEL**
 - c. CONTINUE ON YOUR PRESENT COURSE AND SPEED**
 - d. TURN TO (PORT / STARBOARD)**
 - e. LOWER A LADDER ON THE (PORT / STARBOARD) SIDE**
- 17. TO CONDUCT THIS INSPECTION IN A TIMELY MANNER, PLEASE MAKE AVAILABLE TO OUR BOARDING OFFICER ALL OF YOUR VESSEL'S DOCUMENTS, INCLDUING YOUR CATCH LOGS AND REPORTS.**

INITIAL BOARDING QUESTIONS

- 1. GOOD (MORNING / AFTERNOON / EVENING), ARE YOU THE MASTER OF THE VESSEL?**
- 2. I AM HERE TO INSPECT YOUR VESSEL FOR COMPLIANCE WITH MEASURES ADOPTED BY THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION**
- 3. DO YOU UNDERSTAND?**
- 4. IS THERE ANYONE HERE WHO SPEAKS (a-f)**
 - (a) ENGLISH**
 - (b) JAPANESE**
 - (c) KOREAN**
 - (d) CHINESE**
 - (e) FRENCH**
 - (f) SPANISH**
- 5. I DO NOT HAVE ANYONE ONBOARD WHO CAN SPEAK YOUR LANGUAGE.**
- 6. I AM USING BILINGUAL LANGUAGE CARDS. PLEASE ANSWER MY QUESTIONS SIMPLY AND SLOWLY, USING YES AND NO WHENEVER POSSIBLE**
- 7. THESE PEOPLE WILL ASSIST ME IN MY INSPECTION**

- 8. PLEASE MUSTER YOUR CREW ON THE (FANTAIL / BOW / OPEN DECK)**
- 9. PLEASE INDICATE WHERE YOU KEEP YOUR WEAPONS ONBOARD**
- 10. THIS IS A COPY OF THE TEXT OF THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION WHICH PROVIDES ME THE AUTHORITY TO BOARD YOUR VESSEL AND CONDUCT THIS INSPECTION**
- 11. PLEASE REVIEW THIS DOCUMENT AND LET ME KNOW IF YOU HAVE ANY QUESTIONS**
- 12. THIS IS A COPY OF THE RELEVANT COMMISSION CONSERVATION AND MANAGEMENT MEASURES WHICH APPLY TO YOUR VESSEL**
- 13. WHEN WERE YOU INSPECTED LAST? WHO INSPECTED YOU?**
- 14. I INTEND TO INSPECT YOUR VESSEL TO ENSURE YOUR COMPLIANCE WITH THESE CONSERVATION AND MANAGEMENT MEASURES**
- 15. PLEASE SHOW ME**
 - (a) YOUR VESSEL'S DOCUMENTS**
 - (b) YOUR CURRENT PERMITS**
 - (c) YOUR CATCH LOGS**
 - (d) YOUR PLOTTING CHARTS**
- 16. YOUR DOCUMENTS AND RECORDS INDICATE YOU ARE IN COMPLETE COMPLIANCE WITH ALL COMMISSION CONSERVATION AND MANAGEMENT MEASURES**
- 17. YOUR DOCUMENTS AND RECORDS INDICATE YOU ARE NOT IN COMPLETE COMPLIANCE WITH ALL CONSERVATION AND MANAGEMENT MEASURES**
- 18. THIS IS THE SPECIFIC CONSERVATION AND MANAGEMENT MEASURE BY WHICH YOU ARE NOT IN COMPLIANCE**
- 19. THIS (IS / IS NOT) CONSIDERED BY THE COMMISSION TO BE A SERIOUS VIOLATION**
- 20. I AM SEIZING THIS ITEM FOR EVIDENCE**
- 21. I AM PHOTOGRAPHING THIS ITEM TO DOCUMENT THE VIOLATION**
- 22. I WILL USE THIS BOARDING REPORT TO DOCUMENT MY INSPECTION OF YOUR VESSEL**
- 23. THIS BOARDING REPORT INDICATES YOU (ARE / ARE NOT) IN COMPLIANCE WITH ALL COMMISSION CONSERVATION AND MANAGEMENT MEASURES**
- 24. THIS IS YOUR COPY OF THE BOARDING REPORT**

- 25. A COPY OF THIS BOARDING REPORT WILL BE PROVIDED TO THE FISHERIES ENFORCEMENT AUTHORITIES OF YOUR COUNTRY (FOR FURTHER ACTION)**
- 26. THANK YOU FOR YOUR ASSISTANCE ON THIS BOARDING**
- 27. I HAVE COMPLETED THE INSPECTION OF YOUR VESSEL**
- 28. WE ARE DEPARTING YOUR VESSEL AT THIS TIME**

Attachment G, Annex 4**REVISED PART 2 REPORTING TEMPLATE
ANNUAL REPORT TO THE COMMISSION**

Purpose: To provide relevant information to the Commission on fishing activities of CCMs and cooperating non-CCMs, including management and compliance issues. The report should include all fishing activities being undertaken within the Convention Area.

PART 2. MANAGEMENT AND COMPLIANCE

(To be submitted by July 31 each year. Part 2 to cover the period 1 January–31 December of the previous year.)

2.1 IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

CCMs are required to report on the steps they have taken to implement the conservation and management measures established for the Convention Area. In addition, CCMs are to inform the Commission of measures they have adopted to conserve and manage highly migratory fish stocks (HMFS) in the Convention Area.

Report on CCM steps to implement conservation and management measures in the Convention area (Article 23(2)c)	Implemented (yes/no) (If no, explain why not)	Measures in place
List all current CMMs		

Report on CCM measures adopted for conservation and management of HMFS in areas under national jurisdiction (Art. 23(3))	Action taken
Management methods used for HMFS	

Report on CCM measures adopted for regulating the activity of vessels which fish in the Convention Area. (Art. 23(4)) Examples provided below but further fields may be	Action taken

added	
Vessel Registration and Authorisation Procedures	
Control of fishing vessels	
Instruction/education/extension programs for industry including vessel owners, operators, crews and fish receivers/buyers.	
Port access and inspections (such as FAO Port Measures where applicable)	

2.2 MONITORING AND INSPECTION ACTIVITIES

The information is to be in a summarized form.

Activity	Frequency	Comment
VMS		
Transshipments		
Transshipment inspections		
At-sea inspections		
Port inspections		
Observer monitoring		
Monitoring of trade and domestic distribution of HMFS		
Inspections of domestic-only vessels		
High seas boardings and inspections of flag vessels		Report observation of alleged violations, including any proceedings instituted and sanctions applied.

2.3 SURVEILLANCE ACTIVITIES

The completion of this section should be in summarized form.

Activity	Frequency	Comment
Seagoing patrols		
Aerial surveillance		

2.4 INVESTIGATIONS AND PROSECUTION ACTIVITY

The completion of this section should be in summarized form to the level of detail that domestic requirements allow

Activity	Number	Reason and summary

		outcome
Investigations		
Outcomes – penalties or other action		
- No further action		

2.5 FURTHER MCS MEASURES TAKEN AND OTHER RELEVANT INFORMATION

EXAMPLES:

- Inform relevant changes to national legislation
- Trade measures (if adopted by the Commission)
- Cooperating non-CCMs annual reporting (to maintain cooperating status)
- Prompt IUU fishing activity reporting (Art 25(2,3)); estimated IUU catch within EEZ?
- NOPA reporting / IPOA actions taken through RFMO

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

**Technical and Compliance Committee
Third Regular Session**

**27 September–2 October 2007
Pohnpei, Federated States of Micronesia**

PROVISIONAL WCPFC IUU VESSEL LIST — 2 OCTOBER 2007

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on WCPFC IUU Vessels List	Flag State registration number/IMO number	Call sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM/contact details	Alleged IUU activities⁵
<i>Athena F</i> <i>(Athena F)</i> <i>(Bold Venture)</i>	Venezuela (Panama) (Federated States of Micronesia)	28 May 2007	9130781 (9130781) (VR0068)	(3EDX5) (V6ZY)	Grupo Fextun SA, Caracas, Venezuela (Agricola La Providencia CA, Curicó, Chile) (Bold Venture Inc., Pohnpei, Federated States of Micronesia)	Cook Islands Email: rar@mmr.gov.ck	Attach. 1
<i>Jinn Feng Tsair No.1</i>	Chinese Taipei	28 May 2007	CT4-2444	BJ4444	Hung Ching Chin, Pingtung, Chinese Taipei	Federated States of Micronesia Email: norma@mail.fm	Attach. 3
<i>Vieirasa Cinco</i>	Senegal	28 May 2007	DAK1093	6WFJ	Eduardo Vieira SA, Dakar, Senegal	French Polynesia Email: affmar@mail.pf	Attach. 4
<i>Robaleira</i>	Senegal	28 May 2007	DAK1129	6WHD	Eduardo Vieira SA, Dakar, Senegal	French Polynesia E-mail:	Attach. 5

⁵ The attachments referred to in this table accompanied the draft WCPFC IUU Vessel List attached to WCPFC Circular 2007/15 dated June 13, 2007.

						affmar@mail.pf	
<i>Daniela F (Cape Of Good Hope) (Cape Of Good Hope)</i>	Venezuela (Panama) (Federated States of Micronesia)	28 May 2007	APNN-8383 (9130793)	YYKE (3EDK) (V6ZW)	Agricola Palmarichal CA, Puerto Sucre, Venezuela (Tri-Marine International, San Pedro, California, USA) (Tri-Marine International, Pohnpei, Federated States of Micronesia)	French Polynesia Email: affmar@mail.pf	Attach. 6

**The Commission for the Conservation and Management of
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CHANGES FROM THE SMALL WORKING GROUP ON DATA (10/01/07)

**WCPFC-TCC3-2007/33
1 October 2007**

Paper prepared by the Chair of the Small Working Group on Data

**Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by
the Commission, Revision 2.0**

The scope of these Rules and Procedures is data and information held by the WCPFC Commission or Secretariat, and by service providers or contractors acting on their behalf.

1. Basic principles relating to the dissemination of data by the WCPFC

1. Data and information held by the WCPFC Commission or Secretariat, and by service providers or contractors acting on their behalf, shall only be released in accordance with these Rules and Procedures; which reflect the policies of confidentiality and security determined by the Commission.
2. Data may be disseminated if the CCM providing the data to the WCPFC authorizes its release.
3. Persons duly authorized by the Executive Director within the WCPFC secretariat and service providers, who have read and signed the Commission's confidentiality protocol, shall have access to the data necessary to perform their WCPFC duties.
4. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their WCPFC duties.
5. CCMs shall have access to data to serve the purposes of the Convention, including data:
 - (a) covering vessels flying their flag in the WCPFC Convention Area
 - (b) covering any vessels fishing in waters under their jurisdiction
 - (c) covering vessels applying to fish in their national waters, unloading in their ports or transhipping fish within waters under their jurisdiction

- (d) for the purpose of compliance and enforcement activities on the high seas, consistent with the Convention and the Conservation and Management Measures and other relevant decisions adopted by the Commission, subject to the rules and procedures for access and dissemination of such data that the Commission will adopt under paragraph 23.
 - (e) for the purpose of scientific and other research, if the CCM that originally provided that data authorizes the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.
6. To the greatest extent practical, the WCPFC Commission, Secretariat and their service providers, should disseminate data in a timely manner.

2. Risk classification and definition of confidentiality

7. Data covered by these Rules and Procedures will be classified in accordance with the risk classification methodology included in the Commission's Information Security Policy (ISP), which reflects *inter alia* the damage that would be done to the operations or creditability of the Commission as a consequence of the unauthorized disclosure or modification of such information. The classification is attached as Table 1.
8. Data covered by these Rules and Procedures were determined to be either public domain or non-public domain data in accordance with the definition of confidentiality established in the Commission's ISP.

3. Dissemination of public domain data

9. Data in the public domain shall not reveal the individual activities of any vessel, company or person and shall not contain private information. Catch and effort data in the public domain shall be made up of observations from a minimum of three vessels.
10. Annual catch estimates and aggregated catch and effort data that can be used to identify the activities of any vessel, company or person are not in the public domain.
11. Except for data as described in Paragraphs 9 and 10, the types of data listed in Appendix 1 have been designated to be public domain data.
12. Public domain data shall be available to any persons for (a) downloading from the Commission's website and/or (b) release by the Commission on request.
13. The website should contain a statement describing the conditions associated with the viewing or downloading of public domain data (for example, that the source of the data must be acknowledged), and should require the person requesting the data to "accept" these conditions before viewing / downloading can begin.

4. Dissemination of non-public domain data

4.1 Definition of non-public domain data

14. Subject to the decisions of the Commission, all types of data not described in paragraph 11 shall be referred to as non-public domain data.
15. A list of examples of non-public domain data can be found in Appendix 2.

4.2 General rules for dissemination of, and access to, non-public domain data

16. Access to and dissemination of non-public domain data shall be authorized in accordance with these Rules and Procedures and the policies of confidentiality and security established in the Commission's ISP.
17. The WCPFC Secretariat shall log and report to the Commission all access and dissemination of non-public domain data, including the name and affiliation of the person, the type of data accessed or disseminated, the purpose for which the data were requested, the date when the data were requested, the date when the data were released and authorisations that may have been required.

4.3 Access to non-public domain data by the staff of the Secretariat, WCPFC service providers, and officers of the Commission and its subsidiary bodies

18. Persons duly authorized by the Executive Director, within the WCPFC secretariat and service providers, including scientific experts engaged under Article 13 of the Convention, shall have access to the data necessary to perform their WCPFC duties. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their WCPFC duties. All such persons shall sign a Confidentiality Agreement with the Executive Director and maintain the data security standards of the Commission in respect of data to which they have access. The Executive Director shall maintain a register of all such persons (including the purpose for which they require access to the data) and make the register available to a CCM on written request.

4.4 Access to non-public domain data by CCMs

19. CCMs shall have access to non-public domain data to serve the purposes of the Convention, including data:
 - (a) covering vessels flying their flag in the WCPFC Convention Area
 - (b) covering any vessels fishing in waters under their jurisdiction
 - (c) covering vessels applying to fish in their national waters, unloading in their ports or transhipping fish within waters under their jurisdiction
 - (d) for the purpose of scientific and other research, if the CCM that originally provided that data authorizes the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.
20. CCMs shall notify the Secretariat of a small number of representatives (preferably only 2) authorized to receive non-public domain data. Such notification will include name, affiliation, and contact information (e.g. telephone, facsimile, email address). The WCPFC Secretariat will maintain a list of such authorized representatives. CCMs and

- the Secretariat shall ensure the list of CCM representatives is kept up to date and made available.
21. The authorized representative(s) of the CCMs are responsible for ensuring the confidentiality and security of the non-public domain data according to its risk classification and in a manner consistent with security standards established by the Commission for the WCPFC Secretariat.
 22. The non-public domain data described in paragraph 19 will be made available by the Secretariat to authorized representatives of the CCMs for release by the Commission on request and, where appropriate, downloading from the Commission's website in accordance with the Commission's ISP.
 23. For the purpose of compliance and enforcement activities on the high seas, non-public domain data will be made available subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes.
 24. VMS data will be made available for scientific purposes, subject to the separate rules and procedures referred to in paragraph 23 above.
 25. Access to non-public domain data by CCMs shall be administered by the Executive Director on the basis of these Rules and Procedures and a framework that will be established by the Commission. The framework may include, *inter alia*, guidelines for access to different data types, the possibility of standing authorizations, compliance with the Commission's policy for the provision of data and a mechanism for resolving disputes. CCMs shall provide a written request for such data to the Executive Director specifying the purpose for which the data is required.
 26. The Executive Director will implement the framework and authorize access to and dissemination of non-public domain data.
 27. Unless otherwise decided by the member or CCM responsible for its external affairs, participating territories shall have the same access rights to data as CCMs.
 28. A CCM that has not fulfilled its obligations to provide data to the Commission for two consecutive years shall not be granted access to non-public domain data until all such matters are rectified. A CCM whose representative, authorized in accordance with paragraphs 20 and 21 above, failed to observe the rules stipulated in these Rules and Procedures shall not be granted access to non-public domain data until the appropriate actions have been taken.

4.5 Exchange of data with other regional fisheries management organisations

29. If the Commission enters into agreements for the exchange of data with other regional fisheries management organisations (RFMOs), such agreements must include requirements that the other RFMO provides equivalent data on a reciprocal basis and maintains the data provided to them in a manner consistent with the security standards established by the Commission. The data which may be exchanged is specified in Appendix 3. At each annual session the Executive Director will provide copies of data exchange agreements that exist with other RFMOs and a summary of the data exchanges that occurred during the previous 12 months under such agreements. For the purposes of these Rules and Procedures, the following organisations will be treated as being equivalent to a RFMO:

- International Scientific Committee (ISC)
- South Pacific Commission (SPC)

4.6 Dissemination of non-public domain data in other circumstances

30. Non-public domain data will be made available by the Secretariat to any persons⁶ if the CCM that originally provided that data authorizes the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision. Unless otherwise requested by the provider of the data:
- Persons that request non-public domain data shall complete and sign the Data Request Form and sign the Confidentiality Agreement and provide them to the Commission in advance of obtaining access to said data.
 - The Data Request Form and Confidentiality Agreement shall then be forwarded to the CCM that originally provided the requested data and the provider shall be requested to authorize the Commission to release the data.
 - Such persons shall also agree to maintain the data requested in a manner consistent with the security standards established by the Commission for the WCPFC Secretariat.
31. CCMs that have provided non-public domain data to the Commission shall notify the Secretariat regarding their representatives with the authority to authorize the release of non-public domain data by the Commission. Decisions whether to authorize the release of such data shall be made in a timely manner.

4.7 Force majeure

32. The Executive Director may authorize the release of non-public domain data to rescue agencies in cases of *force majeure* in which the safety of life at sea is at risk.

5. Periodic review

33. The Commission or its subsidiary bodies will periodically review these Rules and Procedures, and subsidiary documents, and the rules and procedures referred to in paragraphs 23 and 24 above, and amend these if necessary.

6. Final clause

34. These Rules and Procedures do not prevent a CCM from authorising the release of any data it has provided to the WCPFC.

⁶ Including universities, researchers, NGOs, media, consultants, industry, federations, etc

Table 1. Types of information and confidentiality classification

Information type	Risk classification
Operational level catch effort data	High
Annual catch estimates stratified by gear/flag and species for the WCPFC Statistical Area.	Lowest
Annual catch estimates stratified by gear/flag, EEZ and species.	Lowest
Aggregated catch and effort data stratified by gear/year/month, 5 X 5 (LL) or 1 X 1 (surface), and flag	Low
Records of vessel unloading	Medium
Transshipment consignments by species	Medium
[Biological data (if adequate time has passed to allow the scientists that organized the for collection of such data to publish a paper analysing it)]	Lowest
Tagging data	Lowest
WCPFC Record of Fishing Vessels (Authorisation to fish/Vessel Record)	Lowest
Vessel and gear attributes from other open sources	Lowest
Any vessel record established for the purpose of the Commission's VMS	Lowest
Oceanographic and meteorological data	Lowest
Movements of fishing vessels recorded at a fine resolution / VMS Vessel position, direction and speed	High
Boarding and Inspection Reports	High
Certified observer personnel	Medium
Certified inspection personnel	High
Catch Documentation Scheme / Trade Documentation Scheme	Medium
Port State Inspection Reports	Medium
Violations and infringements, detailed	High
Annual number of active vessels, by gear type and flag	Lowest
Economic data	[unassigned]
[Social data]	[unassigned]
Fisheries intelligence-sharing information	High
Part 2 of the Annual Report to the Commission by CCMs	Low
Part 1 of the Annual Report to the Commission by CCMs	Lowest

The security controls implemented by the Commission will reflect the classifications given to each information type. Where categories within an information type cover two classifications, the higher has been used. If a data type covers more than one row then the higher risk classification would apply.

Table 2. Annotations on information types mentioned in Table 1

Information Type	Annotations
Operational level catch and effort data	Collected on fishing vessel logbooks and by observers.
Compliance-related observer data	Excludes operational catch and effort data, biological data and vessel and gear attributes.
Biological data	Biological data include size data, data on gender and maturity, genetic data, data on hard parts such as otoliths, stomach contents, and isotopic N15/C14 data collected by observers, port samplers and other sources. “Biological data” in this context does not include information identifying the fishing vessel, for example, which would otherwise alter its security classification.
Tagging data	Tagging data include species, release and recapture positions, lengths and dates. “Tagging data” in this context does not include information identifying the fishing vessel that recaptured the tagged tuna, for example, which would otherwise alter its security classification.
WCPFC Record of Fishing	Vessels (Authorisation to fish/Vessel Record) Covers vessels fishing in the WCPFC Convention area outside of waters under their national jurisdiction.
Vessel and gear attributes from other sources	Includes data collected by observers and port inspectors. Covers all vessels (i.e. includes vessels restricted to national jurisdiction – domestic fleets) Includes electronic equipment.
Oceanographic and meteorological data	“Oceanographic and meteorological data” in this context does not include information identifying the fishing vessel that collected the information, for example, which would otherwise alter its security classification.
Certified observer personnel	If identified by individual then Risk Classification would be assigned to HIGH.
Certified inspection personnel	If identified by individual then Risk Classification would be assigned to HIGH.
Violations and infringements, detailed	May cover Individual Violations and infringements pending investigation and/or prosecution. Summarized information included in Annual WCPFC TCC Report from CCMs. Includes compliance information collected by observers.
Economic data	Insufficient information currently available to determine Risk Classification.

Attachment I, Annex 1

Public domain data

The following types of data are considered to be in the public domain:

- 1) annual catch estimates stratified by gear, flag and species for the WCPFC Statistical Area;
- 2) annual catch estimates stratified by gear, flag, species, and waters under the jurisdiction of CCMs and the high seas in the WCPFC Statistical Area;
- 3) the annual numbers of vessels active in the WCPFC Statistical Area stratified by gear type and flag;
- 4) catch and effort data aggregated by gear type, flag, year/month and, for longline, 5° latitude and 5° longitude, and, for surface gear types, 1° latitude and 1° longitude – and made up of observations from a minimum of three vessels;
- 5) [biological data (if adequate time has passed to allow the scientists that organized for the collection of such data to publish a paper analysing it)];
- 6) tagging data;
- 7) the WCPFC Record of Fishing Vessels;
- 8) [information on vessel and gear attributes compiled from other sources];
- 9) any vessel record established for the purpose of the Commission's VMS;
- 10) oceanographic and meteorological data;
- 11) [social data]; and
- 12) Part 1 of the Annual Report to the Commission by CCMs.

In regard to paragraphs 1, 2, 3 and 4 above - data describing vessels based in a territory of the State in which they are flagged may be stratified (or aggregated) by the name of the territory.

Attachment I, Annex 2

Examples of non-public domain data

The following are examples of types of data considered to be non-public domain:

- 1) Operational level catch effort data
- 2) Records of vessel unloading
- 3) Transshipment consignments by species
- 4) Data describing (at a fine resolution) the movement of vessels including near-real time Commission VMS data (Vessel position, direction and speed)
- 5) Boarding and Inspection Reports
- 6) Regional Observer Programme observer reports, and lists of certified observer personnel
- 7) Certified inspection personnel
- 8) Raw data from any Catch Documentation Scheme or Trade Documentation Scheme
- 9) Port State Inspection Reports
- 10) Violations and infringements, detailed
- 11) Economic data
- 12) Fisheries intelligence-sharing information
- 13) Part 2 of the Annual Report to the Commission by CCMs
- 14) Data that reveals the individual activities of any vessel, company or person

Attachment I, Annex 3

Data that may be disseminated to other regional fisheries management organisations

Operational level data

1 Operational-level tuna fisheries data may be disseminated to other regional fisheries management organisations (RFMOs), subject to the terms of the agreement specified in paragraph 29 of these Rules and Procedures. Such data includes catch and effort (including by-catch of mammals, turtles, sharks and billfish), observer, unloading, transhipment and port inspection data.

Aggregated data

2 Aggregated catch and effort data may be disseminated to other RFMOs. Such data includes:

- Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month
- Data for surface gear (including purse seine) aggregated by flag State by 1° latitude and by 1° degree longitude by month
- Aggregated observer data (made up of observations from a minimum of three vessels).

Other data

3 Monitoring, control, surveillance, inspection and enforcement data may be disseminated to other RFMOs. Such data includes:

- The names and other markings of "Vessels Of Interest" to each organisation;
- Transshipment verification reports for vessels transhipping in the Convention Area of one RFMO but which have fished within the Convention Area of the other.