



North Pacific Fisheries Commission

NPFC-2019-TCC04-Final Report

## 4th Meeting of the Technical and Compliance Committee REPORT

11-13 July 2019

July 2019

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**North Pacific Fisheries Commission**  
**4<sup>th</sup> Meeting of the Technical and Compliance Committee**

**11-13 July 2019**  
**Tokyo, Japan**

**REPORT**

Agenda Item 1. Opening of Meeting

1. The 4<sup>th</sup> Meeting of the Technical and Compliance Committee (TCC) took place in Tokyo, Japan on 11-13 July 2019, and was attended by Members from Canada, China, Japan, the Republic of Korea, the Russian Federation, Chinese Taipei, the United States of America, and Vanuatu. The meeting was opened by Dr. Robert Day (Canada) who served as the TCC Chair.

Agenda Item 2. Appointment of Rapporteur

2. Mr. Alexander Meyer was appointed as the Rapporteur.

Agenda Item 3. Admission of Observers

3. The Chair listed approved observers present. The meeting was attended by the European Union, Panama, the North Pacific Anadromous Fish Commission (NPAFC), Global Fishing Watch, the Organization for Regional and Inter-regional Studies of Waseda University of Japan and the Pew Charitable Trusts. The observers were admitted without objection.

Agenda Item 4. Adoption of Agenda

4. The TCC agreed to discuss Agenda Item 7.2.1 in conjunction with Agenda Items 9.2 and 9.3, and Agenda Item 7.2.3.b.i) in conjunction with Agenda Item 9.1.
5. The revised provisional agenda was adopted (Annex A). The List of Documents and Participants List are attached (Annexes B, C).

Agenda Item 5. Chair's Reflections

6. The Chair summarized the progress and pending tasks of the TCC, based on its work plan. To date, the TCC has transitioned to an electronic reporting and vessel registry system, developed an Interim Vessel Register, established four Small Working Groups (SWGs) for advancing the various work streams of the TCC, and developed and implemented high seas boarding and

inspections (HSBIs). The Commission has adopted nine CMMs which all have a component of compliance. As for pending tasks, the TCC is presenting a draft CMM for a regional VMS at this meeting and needs to agree on a plan for implementing the regional vessel monitoring system (VMS), review and complete the development of a compliance monitoring system (CMS), develop an observer program and consider updating the interim transshipment scheme. As with other regional fisheries management organizations consideration could also be given to the potential need for port state measures, and further develop data management and security measures.

#### Agenda Item 6. Review of MCS-related Issues from SC

##### *6.1 Observer Program*

7. The Secretariat presented an update on the work of the Scientific Committee (SC) towards the development of a science observer program. The SC has reviewed the existing observer programs of NPFC Members and the observer programs of other RFMOs. Based on this it has considered the need for NPFC science observer programs for priority species.

##### *6.2 Other Issues from SC*

8. The Secretariat explained that the SC has identified two issues that may require the attention of the TCC:

- (a) Changes proposed by the SC to CMMs 2018-05 and 2017-06
- (b) The SC noted that the reporting of information on the number of vessels licensed to fish each priority species may also facilitate the work of the TCC.

#### Agenda Item 7. Progress Report on TCC Work Plan

##### *7.1 Brief Overview of North Pacific Fisheries*

9. The Secretariat presented a brief overview of the NPFC fisheries addressing each fishery (NPFC-2019-TCC04-IP01 (Rev 1)) as well as a brief overview of the work of the four SWGs and considerations for TCC. It was noted that all Members complied with the requirement for no increase in authorized fishing vessels. The bottom fisheries appear to remain in the current state where no high recruitment has been seen to date. Catches in the Pacific saury and chub mackerel fisheries appear to have increased from 2017. Catches increased with reduced effort for Japanese sardines. The squid fishery attracted little effort in 2018.

10. Japan emphasized the need for the NPFC to design and implement a monitoring and control system for at-sea transshipment activities, noting that approximately 85% of the fish harvested in the NPFC Convention Area is transshipped. Japan pointed out that the NPFC is behind other RFMOs in this regard and suggested that this issue be given priority in the TCC's work in the coming year.

## 7.2 SWG Lead and Co-Lead Updates from intersessional work on the TCC Work Plan 2018-2019

### 7.2.1 SWG VMS

11. Japan provided an update on the intersessional work of the SWG VMS, which was tasked with proposing a regional VMS and the hiring of a consultant (Collecte Localisation Satellites (CLS)) by the Secretariat to develop a detailed regional VMS design and implementation plan.
12. Japan presented the policy issues that needed to be considered when developing the regional VMS (NPFC-2019-TCC04-IP06). Japan proposed that the SWG VMS could address the technical issues itself, based on the TCC's recommendations on the policy issues.

#### *a. Regional VMS Design and Implementation Plan*

13. CLS presented a summary of the consultancy for the development and implementation of the NPFC Regional VMS (NPFC-2019-TCC04-IP02). In terms of the design, CLS has identified minimum technical requirements, made recommendations in relation to the various elements, and estimated indicative costs. As for implementation, CLS provided advice on the specifications that need to be determined by the TCC.
14. Japan provided an update on the work of the SWG VMS to draft text for a CMM on VMS.
15. Canada presented an overview of the draft NPFC Data-Sharing and Data-Security Protocols for VMS Messages as proposed by the SWG VMS (NPFC-2019-TCC04-WP04).

### 7.2.2 SWG Vessel Registry

#### *a. Fishing Effort Indicators*

16. The Secretariat provided an update on the work to address fishing effort indicators by the SWG on Vessel Registry (SWG VR), noting that this was an uncompleted task and hence ongoing for the intersessional period.
17. The TCC urged all Members to ensure that their data reporting is complete.
18. The TCC noted that the number of active vessels may be a better indicator of effort than the number of authorized vessels, which is the current measure in CMM 2017-07 for Chub Mackerel and CMM 2017-08 for Pacific Saury. However, it was noted by one Member that this was not really a compliance issue and should be a subject for discussion at the Commission and not TCC.

**Recommendation:** That the Commission task TCC, working with SC, to develop advice on effort indicators, including for CMMs 2017-07 and 2017-08, that would effectively control fishing effort.

*b. Member use of the online Vessel Registry*

19. The Secretariat provided a review on the use of and changes to the online Vessel Registry. All but one Member is currently using the online Vessel Registry.

*c. Vessel Marking and IMO Number – Implementation Status*

20. The Secretariat reminded Members that all vessel information requirements in the Annex of CMM2018-01, including the International Maritime Organization (IMO) number which will come into force on 1 January 2020, are mandatory, and encouraged all Members to update and complete the information for their vessels on the vessel registers.

*d. Fishing Gear Coding*

21. The Secretariat reminded the TCC that at TCC03 it was pointed out that a number of important fishing gear types used in the NPFC Convention Area are not included in the Food and Agriculture Organization's (FAO's) International Standard Statistical Classification of Fishing Gear (ISSCFG). Based on this, the Secretariat submitted a request to the FAO that such gear be included in the ISSCFG. The FAO has since added jiggers and stick-held dip nets.
22. The TCC suggested that it could update the NPFC fishing gear list, aligning it with the FAO ISSCFG as much as possible and adding any missing gear. The NPFC could then submit the updated list to the FAO for use in the FAO's next update to the ISSCFG.

**Recommendation:** That the Commission task the TCC with updating the NPFC fishing gear list and aligning it, to the extent possible, with FAO.

*e. Interim Register – Paragraph 18 of CMM 2018-01*

23. The Secretariat noted that, in accordance with Paragraph 18 of CMM 2018-01 on Information Requirements for Vessel Registration, the Interim Register for non-Member Carrier Vessels shall expire 60 days after the Annual Regular Session of the Commission in 2019 unless the Commission decides otherwise at its Commission Meeting in 2019.
24. The Secretariat presented a summary of the responses from Members with their assessments of the NPFC Interim Vessel Register (NPFC-2019-TCC04-WP01). China and Chinese Taipei responded requesting the extension of the Interim Vessel Register.

25. The TCC discussed the Interim Vessel Register and, taking into account Panama's application for CNCP status, considered three options: that the Interim Vessel Register be extended for three years, that it be extended until the end of the current fishing season, or that it be allowed to expire as defined in the current CMM. There was no consensus on this matter in TCC04.
26. The Secretariat reported that it had sent two letters to the flag States of non-Member Carrier vessels in August and again in October 2018 to note the proposed expiration of the Interim Non-Member Carrier Vessel Register to encourage them to become Cooperating non-Contracting Parties (CNCPs) as tasked by the Commission. The Secretariat reported that it has received an application from Panama for CNCP status and an inquiry from Liberia indicating its interest in applying for CNCP status.
27. The TCC considered Panama's application under Agenda Item 8.1.2.
28. Regarding Liberia's indication of interest, the Secretariat explained the process and sought advice from Members as to whether to pursue this interest by Liberia intersessionally or await their possible proposal for the next TCC meeting.
29. The Members recommended that Liberia follow the Rules of Procedure and that any application would be considered at TCC05/COM06.
30. Japan pointed out that, other than Panama and Liberia, no other non-Member carriers have responded to the letters from the Secretariat.

*f. Member and non-Member carrier vessels and chartering of fishing vessels*

31. The Secretariat explained the lack of clarity regarding who was responsible for vessels under charter arrangements, noting that this issue has not yet been addressed by the TCC.
32. The TCC noted the issue and agreed to consider it further at a future meeting.

**Recommendation:** That the Commission task the TCC with providing clear advice for TCC05/COM06 regarding responsibility for vessels under charter arrangements.

33. The United States noted that Article 94 of the United Nations Convention of the Law of the Sea, which states that a flag State has exclusive jurisdiction and control over its fishing vessels on the high seas, is relevant to determining responsibility.

*g. Transshipment Monitoring Scheme*

34. The Pew Charitable Trusts presented research on the use of AIS for analyzing fish carrier activity in 2016 in the area of overlap between the NPFC Convention Area and the Western and Central Pacific Fisheries Convention Area (NPFC-2019-TCC04-OP02).
35. Global Fishing Watch presented research on the use of AIS data and remote sensing techniques to monitor fishing activities in the NPFC Convention Area (NPFC-2019-TCC04-OP01).
36. The Secretariat presented a review of the possible approaches for monitoring “vessels of interest,” including for transshipment (NPFC-2019-TCC04-IP05).

*h. Vessel Registry process issues:*

- i) Listing of approved vessels vs. previously authorized vessels*
  - ii) Authorization periods and notification requirements (back-dating / forward-dating)*
  - iii) Vessel Nomenclature*
  - iv) Incomplete registration data vis-à-vis Annex A to CMM 2018-01*
37. The Secretariat presented a summary of the current status of the Vessel Registry (NPFC-2019-TCC04-IP03).
  38. The TCC noted the issues identified by the Secretariat and agreed they needed further consideration.

**Recommendation:** That the Commission task the TCC with addressing the outstanding issues related to the Vessel Registry identified by the Secretariat for TCC05 and COM06.

*i. Direct Entry and Refinements*

39. The Secretariat provided information related to direct entry of vessel information by Members into the vessel registry system.

**Recommendation:** That the Commission encourage Members to make full use of the direct online system for registering their fishing vessels and ensure that all data required in Annex A of CMM 2018-01 are included.

*j. Vessel Data Sharing with the Food and Agricultural Organization (FAO) Global Record*

40. The Secretariat provided information related to the possible sharing of information with the FAO.

**Recommendation:** That the Commission task TCC to consider this opportunity and provide advice at TCC05/COM06.

### 7.2.3 SWG Assessing Compliance

*a. Electronic Annual Reporting System*

41. The Secretariat provided an update on the status of the development of the Electronic Annual Reporting System and explained that the system should make Members' annual reporting work more efficient.

**Recommendation:** That the Commission endorse the continued work of the Secretariat to develop the Electronic Annual Reporting System.

*b. Compliance Monitoring Scheme*

*i) CMS Plan*

42. The United States provided an update on the work of the SWG on Assessing Compliance (SWG AC) to develop the NPFC CMS.

*c. NPFC Sustainable Use and Conservation Handbook*

43. Canada provided an update on the work to develop the NPFC Sustainable Use and Conservation Handbook and suggested that a draft could be prepared intersessionally and presented to the next TCC meeting.

**Recommendation:** That the Commission endorse the continued work of the TCC to complete a draft NPFC Sustainable Use and Conservation Handbook for consideration at TCC05/COM06.

*7.2.4 SWG Operational Enforcement*

*a. High Seas Boarding and Inspection*

*i) Implementation Plan Status*

44. The United States provided an update on HSBI implementation. Three Japanese patrol vessels, one US Coast Guard vessel, and three Chinese Taipei patrol vessels have been registered and authorized to conduct HSBI. Two Russian Coast Guard vessels have been registered and will be authorized to conduct HSBI at the end of August 2019. Members have been meeting the requirements for inspector and boarding crew training, notifications to the fishing fleets and the translated questionnaires for HSBI boarding questions. The SWG for Operation Enforcement (SWG OE) has also discussed and proposed a standardized violation case package.

*ii) Operational Updates*

45. The United States, as SWG OE co-lead, noted that Japan has conducted three HSBI in which no violations were found. The US has conducted three HSBI, in which one serious violation was found (CMM2017-09, Paragraph 38(a)).

46. During the discussion of the operational updates, the TCC also noted that four carrier vessels were removed from the NPFC Approved Vessel List upon the request of China, after notification from the Secretariat and Panama.
47. Japan reported that, in the course of conducting HSBI, its vessels sighted two Chinese-flagged vessels fishing for Pacific saury without NPFC registration. In the subsequent interviews with the captains of the vessels, it was discovered that these vessels have been doing so for several years. The two vessels have since been registered with the NPFC. Japan will consult with China and may propose their inclusion on the IUU vessel list at the next TCC meeting.
48. China gave a brief introduction of institutional reforms of the China Coast Guard (CCG). It also presented a typical CCG investigation of a high-seas illegal fishing case. China explained that it plans to register two vessels for conducting HSBI in the NPFC Convention Area and presented its proposed patrol plan for the coming year.

*iii) Standard Violation Case Package*

49. The United States, as SWG OE co-lead, provided an update on the work of the SWG OE to develop the Standard Violation Case Package (Annex D). The SWG OE has developed abbreviated case package requirements, in the case that no violation is found and additional requirements in the case that a violation is found. The SWG will continue to make amendments based on operations and lessons learned.

*iv) NPAFC Request on Bycatch*

50. The United States explained that the NPAFC has made a request to the NPFC to share salmon bycatch or retention information, based on the Memorandum of Cooperation signed between the NPFC and the NPAFC (NPFC-2019-TCC04-WP02). As the NPFC does not yet have a regional observer program, the NPAFC has suggested that the collection and reporting of such information could be conducted as part of HSBI.
51. The TCC considered the request and determined that Members may consider, on a voluntary basis, to report significant encounters of salmon during inspection to the SWG OE, noting that anadromous fish are not NPFC species. The SWG OE will discuss on a case-by-case basis and, based on consensus, determine what information may be provided to the NPAFC to support its interest in understanding the extent and significance of salmon bycatch/presence in the overlapping convention area, solely for the purpose of scientific research. No change to the boarding form is recommended.

**Recommendation:** That the Commission encourage Members, on a voluntary basis, to report significant encounters of salmon during inspection to the SWG OE, which will discuss any report on a case-by-case basis. Based on consensus, the SWG OE will determine what information may be provided to the NPAFC.

*b. Review of Operations*

52. The TCC reviewed operations and encouraged Members to participate in HSBI and to continue to work effectively together to implement the HSBI scheme.

**Recommendation:** That the Commission encourage all Members to continue to participate fully in the ongoing development and implementation of the HSBI scheme.

Agenda Item 8. Review of Current CMMs

*8.1 CMM 2018-01 – Vessel Registry*

53. The Secretariat explained that Paragraph n) of the Annex of CMM 2018-01 requires Members to provide full length side-view, color photographs of the vessel showing full length of vessel and vessel name and markings for the Vessel Registry. However, photographs received from Members are not always consistent with the above requirement. The Secretariat therefore requested the TCC to consider whether or not Paragraph n) should be modified.

54. The TCC considered the issue and agreed that, in the interest of reducing additional workload, it is not necessary to modify Paragraph n). The TCC encouraged Members to submit photographs that meet the requirements stipulated in Paragraph n) going forward.

*8.1.1 Interim Register*

55. The TCC discussed the approaching expiration of the Interim Register and there was no consensus on this issue in TCC04.

*8.1.2 CNCP Status – Panama*

56. The Secretariat explained the status of Panama's application to the NPFC for CNCP status (NPFC-2019-TCC04-OP03-4; NPFC-2019-TCC04-IP05).

57. Panama expressed its gratitude for the NPFC's consideration of its request for CNCP status. Panama explained that it has 43 vessels navigating the waters of NPFC as carrier vessels, mostly engaged in transshipment. Panama recognized the importance of cooperating with NPFC for the conservation and sustainability of marine resources in the Convention Area, and expressed its willingness to do so, including by reporting information regarding its transshipment activities.

58. The TCC considered Panama's request based on the criteria stipulated in Paragraph 10.6 of the NPFC Rules of Procedure.

**Recommendation:** That the Commission approve the application from Panama for CNCP status for a period of two years as stipulated in Rule 10.11 of the Rules of Procedure.

## 8.2 CMM 2017-02 – IUU

### 8.2.1 Recommendation for Provisional IUU Vessel List to the Commission

59. The TCC reviewed the Current IUU Vessel List (NPFC-2019-TCC04-WP07).

60. Japan explained that it has collected AIS tracking data for the IUU vessels proposed for inclusion in the IUU Vessel List for 2019 that suggested that the vessels were operating based from ports in China (NPFC-2019-TCC04-IP07). Japan stressed the need to further strengthen control over nationals undertaking illegal fishing activity.

61. The TCC reviewed and endorsed the IUU vessel list for 2019 (NPFC-2019-TCC04-WP08 (Rev 1)) as the Provisional IUU vessel list. Two of the vessels on the list were identified as using the same names as Chinese-legally-authorized vessels. During discussions on how to address the inclusion of the names of these two vessels in the list, Members emphasized the need to protect the interests of the legitimate fishing vessels as well as the need to include as much information as possible on future IUU vessel lists to facilitate the sharing of information with other RFMOs and to make such information searchable as part of databases. TCC suggested further discussion to develop a standard to address the issue of suspected IUU vessels using the same name as legally authorized fishing vessels.

**Recommendation:** That the Commission adopt the NPFC Provisional IUU Vessel List (Annex E).

**Recommendation:** The TCC requested that the Commission hold further discussion to develop a standard to address the issues of suspected IUU vessels using the same name as legally authorized fishing vessels, database searchability and information sharing.

### 8.2.2 Amendment of the CMM to include the approved decision proposed to add the 'CMM and Paragraph of the violation' to the IUU list requirements, summary activities and sightings

62. Canada proposed revisions to CMM 2017-02 to add "CMM and Paragraph of the violation" to the IUU list requirements, summary activities and sightings, as approved by the 2018 meeting of the Commission (NPFC-2019-TCC04-WP09). The TCC endorsed the revisions.

**Recommendation:** That the Commission adopt the revised CMM2017-02 as CMM 2019-02 (Annex F).

### 8.3 CMM 2016-03 – Interim Transshipment Procedures

63. The TCC discussed the CMM and noted its interim nature and the interest to consider reviewing and updating it.

**Recommendation:** That the Commission task the TCC to develop a more robust Conservation and Management Measure for Transshipment as a priority issue in the Work Plan for 2020.

### 8.4 CMM 2016-04 – Vessels with No Nationality

64. No amendments were proposed.

### 8.5 CMM 2018-05 – Bottom Fisheries and VME Protection NW Pacific Ocean

65. No amendments were proposed, other than those proposed by the SC for consideration by the Commission.

### 8.6 CMM 2017-06 – Bottom Fisheries and VME Protection NE Pacific Ocean

66. No amendments were proposed, other than those proposed by the SC for consideration by the Commission.

### 8.7 CMM 2018-07 – Chub Mackerel

67. No amendments were proposed, with the TCC noting that Japan has submitted a proposed amendment to the CMM for consideration by the Commission.

### 8.8 CMM 2018-08 – Pacific saury

68. No amendments were proposed, with the TCC noting that Japan has submitted a proposed amendment to the CMM for consideration by the Commission.

### 8.9 CMM 2017-09 – High Seas Boarding and Inspection

69. No amendments were proposed.

## Agenda Item 9. New MCS-related CMMs and Issues

### 9.1 Conservation and Management Measure on the Compliance Monitoring System

70. The TCC continued to draft the text for a CMM on CMS but was unable to reach a consensus (NPFC2019-TCC04-WP03 (Rev. 2)).

**Recommendation:** That the Commission consider an NPFC Compliance Monitoring Scheme, taking into account the progress made at TCC in NPFC-2019-TCC04-WP03 (Rev. 2) and noting the desire of some Members to conduct a feasibility study.

## *9.2 Conservation and Management Measure for the Vessel Monitoring System*

### *9.3 Data Sharing and Data-Security Protocols for the Vessel Monitoring System (VMS) Messages*

71. The TCC continued to draft the text for a CMM on VMS but was unable to reach a consensus (NPFC2019-TCC04-WP05 (Rev. 3)).

**Recommendation:** That the Commission consider adopting the proposed regional VMS framework, taking into account the progress made at TCC and with recognition that some issues will require further discussion at the Commission. Some policy issues that may require further refinement intersessionally are VMS data access and use as outlined in Paragraph 15 of NPFC2019-TCC04-WP05 (Rev. 3) and the data-sharing and data-security protocols of NPFC2019-TCC04-WP04, as well as guidance on minimum standards for mobile transmitting units (MTU) as an annex of WP05.

## Agenda Item 10. Data management and security

### *10.1 Data Collection, Compilation and Exchange Interim Guidelines*

72. Canada provided an update on work to develop the NPFC Data Collection, Compilation and Exchange Interim Guidelines that had been undertaken with the United States and noted that a draft could be prepared intersessionally and presented to the next TCC meeting.

**Recommendation:** That the Commission endorse the continued work of the TCC to complete the draft NPFC Data Collection, Compilation and Exchange Interim Guidelines for consideration at TCC05/COM06.

### *10.2 Data Management and Reporting*

#### *a. Annual Reporting Format*

73. The Annual Reporting Format was discussed under Agenda Item 7.2.3.

### *10.3 Plans for IT 2019 Fiscal Year*

74. The Secretariat presented a summary of the current status of the electronic systems that have been developed (direct entry vessel and interim vessel registers, record of meetings and documents, meeting registration, SWG collaboration sites, IUU vessel record display, and Member and public display of core data for HSBI), or are under development (e-annual report, data warehouse, e-HSBI-events module, e-IUU vessel listing module, e-CMS, VMS, mapping) as detailed in NPFC-2019-TCC04-IP04.

## Agenda Item 11. Compliance Work Plan and Priorities

### *11.1 Update Compliance Work Plan – priorities, projects, and budgets*

75. The Chair provided an update on the Work Plan and recognized that budgetary considerations would need to be considered in light of the Commission decisions on key outstanding TCC issues such as VMS and CMS.
76. The Chair also highlighted that ongoing work already tasked by the Commission will continue, as well as new Work Plan elements from this year's recommendations once the Commission has made its decision.

Agenda Item 12. Other Matters

*12.1 Selection of next Chair and Vice-Chair*

77. The TCC recognized the value in having the current Chair (Dr. Robert Day; Canada) and Vice-Chair (Ms. Hee-Yeon Lee; Korea) continue to serve in their positions for one more term of two years, noting the provision of Paragraph 4 of Article 6 of the Convention and Rule 12.2 of the Rules of Procedure. The TCC recommended that the TCC Terms of Reference reflect this change to allow three consecutive terms of two years per term for a total of six years.

**Recommendation:** That the Commission extend the terms of the current Chair and Vice-Chair.

**Recommendation:** That the Commission endorse the TCC's proposal to allow TCC Chairs and Vice-Chairs to serve for a maximum three terms of two years per term, and that the TCC Terms of Reference be updated, taking into account Paragraph 4 of Article 6 of the Convention (Annex I).

Agenda Item 13. Recommendations to the Commission.

78. The TCC recommended the following to the Commission:

(Agenda Item 7)

- a. That the Commission task the TCC, working with the SC, to develop advice on effort indicators, including for CMMs 2017-07 and 2017-08, that would effectively control fishing effort.
- b. That the Commission task the TCC with updating the NPFC fishing gear list and aligning it, to the extent possible, with FAO.
- c. That the Commission task the TCC with providing clear advice for TCC05/COM06 regarding responsibility for vessels under charter arrangements.
- d. That the Commission task the TCC with addressing the outstanding issues related to the Vessel Registry identified by the Secretariat for TCC05 and COM06.
- e. That the Commission encourage Members to make full use of the direct online system for registering their fishing vessels and ensure that all data required in Annex A of CMM 2018-01 are included.
- f. That the Commission task TCC to consider the opportunity to share information with the FAO Global Record and provide advice at TCC05/COM06.

- g. That the Commission endorse the continued work of the Secretariat to develop the Electronic Annual Reporting System.
- h. That the Commission endorse the continued work of the TCC to complete a draft NPFC Sustainable Use and Conservation Handbook for consideration at TCC05/COM06.
- i. That the Commission encourage Members, on a voluntary basis, to report significant encounters of salmon during inspection to the SWG OE, which will discuss any report on a case-by-case basis. Based on consensus, the SWG OE will determine what information may be provided to the NPAFC.
- j. That the Commission encourage all Members to continue to participate fully in the ongoing development and implementation of the HSBI scheme.

(Agenda Item 8)

- k. That the Commission approve the application from Panama for CNCP status for a period of two years as stipulated in Rule 10.11 of the Rules of Procedure.
- l. That the Commission adopt the NPFC Provisional IUU Vessel List (Annex E).
- m. The TCC requested that the Commission hold further discussion to develop a standard to address the issues of suspected IUU vessels using the same name as legally authorized fishing vessels, database searchability and information sharing.
- n. That the Commission adopt the revised CMM2017-02 as CMM 2019-02 (Annex F).
- o. That the Commission task the TCC to develop a more robust Conservation and Management Measure for Transshipment as a priority issue in the Work Plan for 2020.

(Agenda Item 9)

- p. That the Commission consider an NPFC Compliance Monitoring Scheme, taking into account the progress made at TCC in NPFC-2019-TCC04-WP03 (Rev. 2) and noting the desire of some Members to conduct a feasibility study.
- q. That the Commission consider adopting the proposed regional VMS framework, taking into account the progress made at TCC and with recognition that some issues will require further discussion at the Commission. Some policy issues that may require further refinement intersessionally are VMS data access and use as outlined in Paragraph 15 of NPFC2019-TCC04-WP05 (Rev. 3) and the data-sharing and data-security protocols of NPFC2019-TCC04-WP04, as well as guidance on minimum standards for mobile transmitting units (MTU) as an annex of WP05.

(Agenda Item 10)

- r. That the Commission endorse the continued work of the TCC to complete the draft NPFC Data Collection, Compilation and Exchange Interim Guidelines for consideration at TCC05/COM06.

(Agenda Item 12)

- s. That the Commission extend the terms of the current Chair and Vice-Chair.

- t. That the Commission endorse the TCC's proposal to allow TCC Chairs and Vice-Chairs to serve for a maximum three terms, and that the TCC Terms of reference be updated, taking into account Paragraph 4 of Article 6 of the Convention (Annex I).

(Agenda Item 14)

- u. That the Commission consider having the TCC SWG meetings occur as face-to-face meetings, and streamlining the four SWGs into two (policy/planning and operational enforcement)
- v. That TCC05 occur over three days in conjunction with COM06 (location and date TBD).

#### Agenda Item 14. Next Meeting

79. The TCC discussed the increasing compliance-related workload of the NPFC, the limitations of virtual meetings, the benefits of holding a face-to-face meeting further in advance of the annual Commission meeting, and the benefits of streamlining the SWGs into two bodies (policy/planning and operational enforcement). The TCC recognized the need for further discussion on the optimal format for advancing the work of the TCC and its subsidiary bodies, including the associated budgetary requirements.

**Recommendation:** That the Commission consider having the TCC SWG meetings occur as face-to-face meetings and streamlining the four SWGs into two (policy/planning and operational enforcement).

**Recommendation:** That TCC05 occur over three days in conjunction with COM06 (location and date TBD).

#### Agenda Item 15. Adoption of the Report

80. The report was adopted by consensus.

#### Agenda Item 16. Close of the Meeting

81. The TCC meeting closed at 18:40 on 13 July 2019.

## ANNEXES

**Annex A – Agenda**

**Annex B – List of Documents**

**Annex C – List of Participants**

**Annex D – NPFC Case Package Preparation**

**Annex E – Provisional NPFC IUU Vessel List for 2019**

**Annex F – Conservation and Management Measure to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Convention Area of the North Pacific Fisheries Commission**

**Annex G – Conservation and Management Measure on the Compliance Monitoring Scheme**

**Annex H – Conservation and Management Measure for the Vessel Monitoring System**

**Annex I – Technical and Compliance Committee Terms of Reference**

**North Pacific Fisheries Commission**  
**4<sup>th</sup> Meeting of the Technical and Compliance Committee**  
**11 – 13 July 2018**  
**Tokyo, Japan**

**Agenda**

Agenda Item 1. Opening of the Meeting

Agenda Item 2. Appointment of Rapporteur

Agenda Item 3. Admission of Observers

Agenda Item 4. Adoption of Agenda

**CURRENT STATUS**

Agenda Item 5. Chair's Reflections

Agenda Item 6. Review of MCS related issues from SC

6.1 Observer Program

6.2 Other Issues from SC

Agenda Item 7. Progress Report on TCC Work Plan

7.1 Brief Overview of North Pacific Fisheries

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## List of Documents

### MEETING INFORMATION PAPERS

Document Number	Title
NPFC-2019-COM05-MIP01	Details for the 4 <sup>th</sup> Technical and Compliance Committee, 3 <sup>rd</sup> Finance and Administration Committee and 5 <sup>th</sup> Commission Meetings
NPFC-2019-TCC04-MIP02 (Rev 1)	Provisional Agenda
NPFC-2019-TCC04-MIP03 (Rev 1)	Provisional Annotated Agenda
NPFC-2019-TCC04-MIP04 (Rev 3)	Indicative Schedule

### WORKING PAPERS

Document Number	Title
NPFC-2019-TCC04-WP01	Interim Register CMM 2018-01 Paragraph 18
NPFC-2019-TCC04-WP02	NPAFC Request for NPFC Inspectors Action with Respect to Salmon Monitoring During NPFC HSBI Operations
NPFC-2019-TCC04-WP03 (Rev 2)	Conservation and Management Measure for a Compliance Monitoring Scheme
NPFC-2019-TCC04-WP04	Data-Sharing and Data-Security Protocols for Vessel Monitoring System (VMS) Messages
NPFC-2019-TCC04-WP05 (Rev 3)	Conservation and Management Measure for a Regional Vessel Monitoring System
NPFC-2019-TCC04-WP06	Introduction CMM for VMS and NPFC Data Sharing and Data Security Protocols
NPFC-2019-TCC04-WP07	Current NPFC IUU Vessel List
NPFC-2019-TCC04-WP08 (Rev 1)	Draft NPFC IUU Vessel List for 2019
NPFC-2019-TCC04-WP09	Proposed amendment to CMM to Establish a List of IUU Vessels
NPFC-2019-TCC04-WP10	Provisional NPFC IUU Vessel List for 2019

### INFORMATION PAPERS

Document Number	Title
NPFC-2019-TCC04-IP01 (Rev 1)	Fisheries Overview

NPFC-2019-TCC04-IP02	CLS Consultancy Reports on Regional VMS Design and Implementation
NPFC-2019-TCC04-IP03	Vessel Registry
NPFC-2019-TCC04-IP04	E-Systems active and under development
NPFC-2019-TCC04-IP05	Executive Secretary Response to Panama's Request for CNCP Status
NPFC-2019-TCC04-IP06	NPFC CMM on VMS Policy Issues
NPFC-2019-TCC04-IP07	AIS Tracks of Six Vessels on Draft NPFC IUU Vessel List for 2019
NPFC-2019-TCC04-IP08	Observer program

### **OBSERVER PAPERS**

<b>Document Number</b>	<b>Title</b>
NPFC-2019-TCC04-OP01	Global Fishing Watch-ANCORS Developing a shared understanding of fishing activity in the NPFC using AIS data and remote sensing techniques
NPFC-2019-TCC04- OP02 (Rev 1)	PEW Charitable Trusts Paper on the USE of AIS to Analyse Carrier Activity in 2016
NPFC-2019-TCC04- OP03	Panama's Request for CNCP Status in NPFC
NPFC-2019-TCC04- OP04	Further Response from Panama for CNCP Status

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## NPFC Case Package Preparation

### No potential violations found:

- Submitted to flag state and Commission within 72 hours:
  - NPFC Boarding Inspection Form

### Potential violation:

- Case package submitted to flag state and Commission within 72 hours:
  - Standardized USCG/NPFC Coversheet, with one (1) picture of the vessel
  - NPFC Boarding Inspection Form
  - Lead Inspector statement
    - Optional:
      - Subordinate Inspector statements (only if they apply to or were the only observer of the potential violation)
  - GPS verification form (only if within five (5) nautical miles of an EEZ or other boundary)
  - Print of the NPFC Inspection Vessel Details from the NPFC website
  - Print (if available) of the vessel from the NPFC list of registered vessels
  - Only those photos depicting the potential violation
  - Photos of the master's passport/credentials
  - Photos of the fishing licenses/documents
  - Photo log

### All law enforcement cases should include:

- Photos of the vessel from all eight (8) angles (port, starboard, bow, stern and 4 quarters)
- Photos of the master's AND crews' passports/credentials
- Photos of the fishing licenses/documents
- Scanned copies of all paper documents incl case package/NPFC form

### Case Package Submission

- Scan entire package and submit to the flag state within seventy-two (72) hours of boarding completion.

### Provisional NPFC IUU Vessel List 2019

No.	a. Name of vessel (previous names)	b. Flag of vessel (previous flags)	c. Owner (previous owners)	d. Operator of vessel (previous operators)	e. Call sign of vessel (previous call signs)	f. Lloyds/ IMO number	h. Date first included on NPFC IUU List	i. CMM & para of violation	j. Summary of activities
1	LU RONG SHUI 158 (鲁荣水158)	Unknown	Not known	Not known	Not known	Not known		CMM 2017-02 para 3. a	A Japanese patrol vessel sighted this fishing vessel in the Convention area at 39°59.2'N, 147°39.7'E on July 7, 2018. There is no vessel registration of this vessel on the NPFC vessel register. MMSI 4126888540

#### g. Photographs



2	Unknown(*) (For Commission consideration)	Unknown – raised flag of China	Not known	Not known	Not known	Not known		CMM 2017-02 para 3. a	<p>A Japanese trawl vessel sighted this fishing vessel indicating its vessel name “ZHOU YU 808” MMSI 412671880, in the Koko seamount area of Convention area at 36°44'N, 171°27'E on August 29, 2018, allegedly conducted fishing for deep sea coral.</p> <p>There was a duly registered vessel with the same name “ZHOU YU 808” on the NPFC vessel registry, but it is confirmed that the sighted vessel is not the duly licensed one.</p>
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**g. Photographs**



**Associated Documents**

Circular 030-2018 (<https://www.npfc.int/system/files/2018-11/Circular%20030-2018%20Sighting%20Information%20of%20Fishing%20Vessels%20without%20Nationality.pdf>)

Japanese Document (<https://www.npfc.int/system/files/2018-11/Sighting%20infomation%20from%20Japan.pdf>)

(\*) This vessel indicated its name as “Zhou Yu 808 (舟漁 808)” when sighted.

3	Unknown(*)	Unknown – raised flag of China	Not known	Not known	Not known	Not known	CMM 2017-02 para 3. a	<p>A Japanese trawl vessel sighted this fishing vessel indicating its vessel name “ZHOU YU 809” MMSI 412401260, in the Koko seamount area of Convention area at 36°44'N, 171°27'E on August 29, 2018, allegedly conducted fishing for deep sea coral.</p> <p>There was a duly registered vessel with the same name “ZHOU YU 809” on the NPFC vessel registry, but it is confirmed that the sighted vessel is not the duly licensed one.</p>
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**g. Photographs**



**Associated Documents**

Circular 030-2018 (<https://www.npfc.int/system/files/2018-11/Circular%20030-2018%20Sighting%20Information%20of%20Fishing%20Vessels%20without%20Nationality.pdf>)  
 Japanese Document (<https://www.npfc.int/system/files/2018-11/Sighting%20infomation%20from%20Japan.pdf>)

(\*) This vessel indicated its name as “Zhou Yu 809 (舟漁 809)” when sighted.

4	YUANDA 6 (Assumed from MMSI number)	Unknown – raised flag of China	Not known	Not known	Not known	Not known		CMM 2017-02 para 3. a	A Japanese patrol vessel sighted this vessel conducting fishing operation in the Convention area at 25°45'9N, 147°07'06E on April 15, 2019. This nameless vessel (assumed “YUANDA6” from the vessel’s MMSI 412356488) was operating and running away when the Japanese patrol vessel approached.
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**g. Photographs**



5	YUANDA 8 (Assumed from MMSI number)	Unknown – raised flag of China	Not known	Not known	Not known	Not known		CMM 2017-02 para 3. a  A Japanese patrol vessel sighted this fishing vessel conducting fishing operation in the Convention area at 25°46'02N, 147°07'08E on April 15, 2019. This nameless vessel (assumed “YUANDA8” from the vessel’s MMSI 412365486) was operating and running away when the Japanese patrol vessel
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**g. Photographs**



6	ZHEXIANG YU 23029	Unknown – raised flag of China	Not known	Not known	Not known	Not known		CMM 2017-02 para 3. a	A Japanese patrol vessel sighted this fishing vessel in the Convention area at 25°42'03N, 147°11'02E on April 15, 2019. This vessel apparently had just finished as the gear was wet. the vessel name, which was not registered on the NPFC vessel registry, was erased deliberately. MMSI 412123526
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**g. Photographs**



**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE CONVENTION AREA OF THE NORTH PACIFIC FISHERIES COMMISSION**

**Abstract:**

This submission from Canada is to address the Commission decision in 2018 to include the CMM number and paragraph of the violation in the NPFC IUU Vessel List. The amendment to the CMM was not completed last year, hence this is to formalize the Commission decision, summarize activities and record sightings of the vessel.

**CMM 2019-02**

**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE CONVENTION AREA OF THE NORTH PACIFIC FISHERIES COMMISSION**

*The North Pacific Fisheries Commission (NPFC):*

*Recalling* that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

*Concerned* that IUU fishing activities in the Convention Area undermine the effectiveness of the conservation measures adopted by the NPFC;

*Further concerned* that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with NPFC measures;

*Determined* to address the challenge of an increase in IUU fishing activities by way of measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of Members, Cooperating Non-Contracting Parties (CNCs) and non-Contracting Parties under the relevant NPFC instruments;

*Considering* the action undertaken in other regional fisheries organizations to address this issue;

*Conscious* of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities;

*Noting* that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement; and

*Recalling* Articles 13, 14, 15 and 17 of the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (hereinafter called the “Convention”) regarding the flag State duties, port State duties, duties of fishing entities and provisions for compliance and enforcement;

*Adopts* the following conservation and management measure in accordance with Article 7 of the Convention:

### **Identification of IUU activities**

1. At each meeting, the Commission will identify those vessels which have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has undermined the effectiveness of the Convention and the NPFC measures in force, and shall establish, and, as necessary, amend in subsequently, a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out in this conservation measure.
2. This identification shall be suitably documented, *inter alia*, on reports from Members/CNCPs relating to NPFC Conservation measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from Members/CNCPs should be provided in the format approved by the Commission.
3. For the purposes of this conservation measure, vessels fishing for species covered by the Convention are presumed to have carried out IUU fishing activities, as described in the IPOA on IUU fishing, in the Convention Area when a Member/CNCP presents suitably documented information that such vessels, *inter alia*:
  - a. Harvest species covered by the Convention in the Convention Area and are not on the NPFC record of authorized vessels or
  - b. Engage in fishing for fishery resources when the Member or CNCP, under whose flag the vessel is sailing, has exhausted or has no quotas, catch limit or effort allocation, including, if applicable, those received from another Member/CNCP under relevant NPFC conservation measures, or
  - c. Do not record or report their catches made in the Convention Area consistent with NPFC measures, or make false reports, or
  - d. Take and land undersized fish in contravention of relevant NPFC conservation measures, or
  - e. Fish in a closed area or during a closed season in contravention of relevant NPFC conservation measures, or
  - f. Use prohibited fishing gear in contravention of relevant NPFC conservation measures, or
  - g. Transship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or

- h. Are without nationality and harvest species covered by the Convention in the Convention Area, or
  - i. Engage in any other fishing activities that undermine the provisions of the Convention or any other NPFC conservation measures.
4. If a Member/CNCP has not taken such measures as may be necessary so that fishing vessels entitled to fly its flag avoid conducting unauthorized fishing activities within areas under national jurisdiction of another State adjacent to the Convention Area in accordance with Article 13, the Member/CNCP, within whose areas under national jurisdiction the unauthorized fishing activities were conducted, may submit a proposal for listing the vessels on the draft IUU List if consultation with the Member/CNCP has not resolved the matter. Relevant procedures set out in paragraph 6 below shall apply for proposals under this paragraph.
5. If a Member/CNCP has information that a vessel is presumed to be carrying out IUU activities in the Convention Area during the years from the previous meeting to the current year, the Member/CNCP with such information is encouraged to provide that information as soon as possible to, and consult with, any Member/CNCP or non-Contracting Party that may have a vessel presumed to be carrying out IUU activities for clarification before providing that information to the Executive Secretary under the provisions of paragraph 6.

#### **Information on alleged IUU fishing activities**

6. At least 70 days before the meeting of the Technical and Compliance Committee (TCC), Members/CNCPs shall transmit to the Executive Secretary their list of vessels presumed to be carrying out IUU activities in the Convention Area during the years from the previous meeting to the current year, accompanied by suitably documented information, as provided in para 2, concerning the presumption of this IUU activity.
7. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Secretary, the Member/CNCP shall notify, either directly or through the Executive Secretary, the relevant Member/CNCP/Non-Contracting Party of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The Member/CNCP/Non-Contracting Party shall promptly acknowledge receipt of the notification. If no acknowledgement is received within 10 days of the date of transmittal, the Executive Secretary, Member/CNCP shall retransmit the notification through an alternative means of communication.

#### **Draft IUU Vessel List**

8. The Executive Secretary shall draw up a draft IUU Vessel List incorporating the lists of vessels and suitably documented information received pursuant to para 6, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided, to all Members/CNCPs, as well as to non-Contracting Parties with vessels on the list, at least 55 days before the TCC's meeting except otherwise decided by the TCC.

9. The Executive Secretary shall request each Member/CNCP/non-Contracting Party with vessels on the draft IUU Vessel List to notify the owner of the vessels of their inclusion in that list, and of the consequences of their inclusion being confirmed in the IUU Vessel List.
10. Upon receipt of the draft IUU Vessel List, Members/CNCPs shall closely monitor the vessels included in that list in order to follow their activities and possible changes of name, flag or registered owner.
11. As appropriate, Members/CNCPs/non-Contracting Parties with vessels on the list should transmit, at least 10 days before the TCC's meeting, their comments to the Executive Secretary, including suitably documented information, showing that the vessels have fished in a manner consistent with NPFC conservation measures or have fished exclusively for species not covered by the Convention.
12. The Executive Secretary shall re-circulate the draft IUU Vessel List, 7 days in advance of the TCC's meeting, to the Members/CNCPs/non-Contracting Parties concerned, together with all the suitably documented information provided pursuant to paras 6 and 11 above.
13. Members/CNCPs/non-Contracting Parties may at any time submit to the Executive Secretary any additional suitably documented information regarding any vessels on the draft IUU Vessel List. The Executive Secretary shall circulate this additional information to all Members/CNCPs and to the non-Contracting Parties concerned immediately upon receipt of such information.

#### **Provisional and current IUU Vessel List**

14. The NPFC's IUU Vessel List adopted at the previous meeting of the Commission, as well as any new suitably documented information regarding this list, including intersessional amendments, shall be transmitted to Members/CNCPs and the non-Contracting Parties concerned in conjunction with the draft IUU Vessel List and materials outlined in para 8.
15. Members/CNCPs/non-Contracting Parties with vessels on the current NPFC IUU Vessel List should transmit at least 30 days before the meeting of the TCC, but may submit at any time, to the Executive Secretary suitably documented information regarding any of the vessels on the current NPFC IUU Vessel List, including, where appropriate, suitably documented information as provided for in paragraph 29. The Executive Secretary shall re-circulate the current NPFC IUU Vessel List two weeks in advance of the meeting of the TCC to the Members/CNCPs and non-Contracting Parties concerned, together with all the information provided pursuant to paragraph 14 and this paragraph.
16. At its meeting, the TCC shall:
  - a. following consideration of the draft IUU Vessel List and the suitably documented information circulated under paras 8, 12 and 13, adopt a Provisional IUU Vessel List; and

- b. following consideration of the current NPFC IUU Vessel List and the suitably documented information circulated under paras 14 and 15, recommend to the Commission which, if any, vessels should be removed from the current NPFC IUU Vessel List.
17. The TCC shall not include a vessel on the Provisional IUU Vessel List if the Member/CNCP/non-Contracting Party, under whose flag the vessel is sailing, demonstrates that:
- a. The vessel fished in a manner consistent with the Convention and NPFC Conservation Measures or have fished exclusively for species not covered by the NPFC Convention, or
  - b. Effective action has been taken in response to the IUU fishing activities in question, such as, *inter alia*, prosecution or the imposition of sanctions of adequate severity.
18. The TCC shall not include a vessel on the Provisional IUU Vessel List if the notifying Member/CNCP did not follow the provisions of para 7.
19. The TCC shall recommend removal of a vessel from the current NPFC IUU Vessel List only if the Member/CNCP/Non-Contracting Party, under whose flag the vessel is sailing, submits to the Executive Secretary the information provided in para 29 of this measure.
20. Following the examination referred to in para 16, the TCC shall submit the Provisional IUU Vessel List to the Commission for its consideration, and as appropriate, recommend any proposed changes to the current NPFC IUU Vessel List.
21. The draft IUU Vessel List, Provisional IUU Vessel List, and the NPFC IUU Vessel List shall contain the following details for each vessel:
- a. name and previous names, if any;
  - b. flag and previous flags, if any;
  - c. owner and previous owners, including beneficial owners, if any;
  - d. operator and previous operators, if any;
  - e. call sign and previous call signs, if any;
  - f. Lloyds/IMO number, if any;
  - g. photographs, where available;
  - h. date first included on the IUU Vessel List;
  - i. CMM and paragraph noting violation;
  - j. summary of activities which justify inclusion of the vessel on the list, together with references to all relevant documents informing of and evidencing those activities; and
  - k. the date(s) and subsequent sightings of the vessels, if any, and any other related activities.

### **NPFC IUU Vessel List**

22. At its meeting, the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current NPFC IUU Vessel List

made pursuant to paragraph 20 above, and adopt a new NPFC IUU Vessel List. To the maximum extent possible Members/CNCPs/non-Contracting Parties concerned shall provide any new suitably documented information at least two weeks before the meeting of the Commission.

23. Upon adopting the new NPFC IUU Vessel List, the Commission shall request Members/CNCPs/non-Contracting Parties with vessels on the NPFC IUU Vessel List to:
  - a. notify the owner of the vessels of its inclusion on the NPFC IUU Vessel List and the consequences that result from being included in the list, and
  - b. take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
  
24. Members/CNCPs shall take all necessary non-discriminatory measures under their applicable legislation, international law and each Members/CNCPs' international obligations, and pursuant to paras 56 and 66 of the IPOA-IUU to:
  - a. remove or withdraw vessels on the NPFC IUU Vessel List from the NPFC Vessel Registry;
  - b. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or re-supply vessels on the NPFC IUU Vessel List;
  - c. prohibit the entry into their ports of vessels included on the NPFC IUU Vessel List, except in the case of investigation or *force majeure*;
  - d. prohibit the chartering of a vessel on the NPFC IUU Vessel List;
  - e. refuse to grant their flag to vessels on the NPFC IUU Vessel List, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the Member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing activities;
  - f. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the Convention from vessels on the IUU Vessel List;
  - g. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the Convention caught by vessels on the NPFC IUU Vessel List;
  - h. collect, and exchange with other Members/CNCPs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the Convention from vessels on the NPFC IUU Vessel List.
  
25. Members/CNCPs should cooperate with each other and other flag States to strengthen their legal, operational and institutional capacity to take action against their flagged vessels that have engaged in IUU fishing in the Area, including the imposition of adequate sanctions, as an alternative to de-flagging such vessels, thereby rendering such vessels without nationality.
  
26. The Executive Secretary shall take any measure necessary to ensure publicity of the NPFC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements,

including placing it on the NPFC website. Furthermore, the Executive Secretary shall transmit the NPFC IUU Vessel List to the FAO and to other regional fisheries organizations for the purposes of enhancing cooperation between the NPFC and these organizations aimed at preventing, deterring and eliminating IUU fishing.

27. Upon receipt of the final IUU vessel list established by another Regional Fisheries Management Organization (RFMO) and any other information regarding the list including its modification, the Executive Secretary shall circulate it to Members/CNCs and shall place it on the NPFC website.
28. Without prejudice to the rights of Members/CNCs and coastal states to take proper action, consistent with international law, including applicable WTO obligations, the Members/CNCs shall not take any unilateral trade measures or other sanctions against vessels on the draft or Provisional IUU Vessel Lists, pursuant to paras 8 or 16, or that have been removed from the NPFC IUU Vessel List, pursuant to paras 19 and 22, on the grounds that such vessels are involved in IUU fishing activities.

#### **Modification of the NPFC IUU Vessel List**

29. Member/CNCs/non-Contracting Parties with a vessel on the NPFC IUU Vessel List may request the removal of the vessel from the list at any time during the intersessional period by submitting to the Executive Secretary suitably documented information demonstrating that:
  - a. it has adopted measures that will seek to ensure that the vessel complies with all NPFC measures; and
  - b. it will be able to assume effectively its duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and
  - c. it has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the NPFC IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or
  - d. the vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing activities.
30. The Executive Secretary will transmit the removal request, with all the supporting information, to the Members/CNCs within 15 days following the receipt of the removal request. Members/CNCs shall promptly acknowledge receipt of the removal request. If no acknowledgement is received within 10 days of the date of transmittal, the Executive Secretary shall retransmit the removal request and shall use additional means available to ensure the request has been received.
31. Each Commission Member shall examine the removal request and notify the Executive Secretary in writing of its decision, and the rationale therefore, regarding the removal of the vessel within 30 days following the notification by the Executive Secretary. Decisions on the request to remove the vessel shall be made in accordance with Rule 2 of the Rules of Procedure.

32. If Commission Members agree to the removal of the vessel from the NPFC IUU Vessel List within the period stipulated in para 31, the Executive Secretary will inform Members/CNCPs, and non-Contracting Parties concerned, FAO and other regional fisheries management organizations, and will remove the vessel from the NPFC IUU Vessel List, as published on the NPFC website.
33. If Commission Members disagree with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the NPFC IUU Vessel List and the Executive Secretary will inform the Members/CNCPs/non-Contracting Parties that made the removal request.
34. A Member/CNCP with information indicating a change of name and/or an International Radio Call Sign (IRCS) of a vessel appearing on the NPFC IUU Vessel List shall, as soon as practicable, transmit such information to the Executive Secretary. The Executive Secretary shall communicate such information to all Members/CNCPs and, after verification<sup>\*</sup>, update the current NPFC IUU Vessel List on the NPFC website to reflect such information.

\* If the Secretariat, after reasonable efforts, is unable to verify the information submitted by the Member/CNCP the vessel name or identifying number will not be updated.

#### **Review**

35. This Conservation and Management Measure shall be subject to review and, as appropriate, revision by the TCC and acceptance by the Commission.

### NPFC Reporting Form for Illegal Activity

Recalling NPFC CMM 2016 - 02 on *Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Convention Area of North Pacific Fisheries Commission*, attached are details of illegal activity recorded in .....

#### Details of Vessel

- a. Name of vessel and previous names, if any;
- b. Flag of vessel and previous flags, if any;
- c. Owner and previous owner, including beneficial owners, if any;
- d. Operator of vessel and previous operators, if any;
- e. Call sign of vessel and previous call sign, if any;
- f. Lloyds/IMO number, if any;
- g. Photographs of the vessel, where available;
- h. Date vessel was first included on the IUU List;
- i. CMM and paragraph noting violation;
- j. Summary of activities which justify inclusion of the vessel on the list, together with references to all relevant documents informing of and evidencing those activities (more detail in section 2)
- k. the date(s) and subsequent sightings of the vessels, if any, and any other related activities.

#### Details of elements contravened

*(Indicate with an "X" the individual elements of CMM contravened, and provide relevant details including date, location, source of information. Additional information can be provided in an attachment, if necessary, and listed under section 3).*

Item	Definition	Indicate
a	Harvest species covered by the Convention in the Convention Area and are not on the NPFC record of authorized vessels	
b	Engage in fishing for fishery resources, when the Member or CNCP, under whose flag the vessel is sailing, has exhausted or has no quotas, catch limit or effort allocation, including, if applicable, those received from another Member/CNCP, under relevant NPFC conservation	
c	Do not record or report their catches made in the Convention Area consistent with NPFC Measures, or make false reports	

d	Take and land undersized fish in contravention of relevant NPFC conservation measures	
e	Fish in a closed area or during a closed season in contravention of relevant NPFC conservation measures	
f	Use prohibited fishing gear in contravention of relevant NPFC conservation measures	
g	Transship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU vessels list	
h	Are without nationality and harvest species covered by the Convention in the Convention Area	
i	Engage in any other fishing activities that is in contravention of relevant NPFC conservation measures	
j	Are related to paragraph 4 of this conservation and management measures	

**Associated documents**

*(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs).*

**Recommended actions**

<b>Item</b>	<b>Recommended actions</b>	<b>Indicate</b>
A	Notification to NPFC Executive Secretary only. No further action is recommended	
B	Notification of illegal activity to NPFC Executive Secretary. Recommend notification of activity to flag Member/CNCP/non-Contracting Party	
C	Recommended for inclusion on NPFC IUU Vessel List	

**Information to be included in all NPFC IUU Vessel  
Lists (Draft, Provisional and Final)**

The Draft IUU Vessel List, as well as the Provisional and Final IUU Vessel Lists shall contain the following details, where available:

- a. Name of vessel and previous names, if any;
- b. Flag of vessel and previous flags, if any;
- c. Owner and previous owners, including beneficial owners, if any;
- d. Operator of vessel and previous operators, if any;
- e. Call sign of vessel and previous call signs, if any;
- f. Lloyds/IMO number, if any;
- g. Photographs of the vessel, where available;
- h. Date vessel was first included on the IUU Vessel List;
- i. CMM and paragraph noting violation;
- j. Summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities.
- k. the date(s) and subsequent sightings of the vessels, if any, and any other related activities.

**CONSERVATION AND MANAGEMENT MEASURE FOR  
THE COMPLIANCE MONITORING SCHEME**

*The North Pacific Fisheries Commission (NPFC),*

*Acknowledging* the importance of compliance by Members and Cooperating Non-Contracting Parties to achieve the objective of the Convention as defined in Article 2;

*Recognizing* that Article 7 of the Convention calls for the Commission to establish procedures for reviewing compliance with the Convention and measures adopted pursuant to the Convention;

*Recalling* that the Commission has adopted a wide range of conservation and management measures to give effect to the objective of the Convention;

*Noting* that, in accordance with Article 17 of the Convention, Members of the Commission have undertaken to enforce the provisions of the Convention and any conservation and management measures adopted by the Commission;

*Noting* also that, in accordance with international law, Members and Cooperating Non-Contracting Parties have responsibilities to effectively exercise jurisdiction and control over their flagged vessels and with respect to their nationals;

*Acknowledging* that Article 13 of the Convention obliges Members of the Commission to take the necessary measures to ensure that fishing vessels flying their flag comply with the provisions of the Convention and the conservation and management measures adopted pursuant thereto;

*Recognizing* the responsibility of Members and Cooperating Non-Contracting Parties to fully and effectively implement the provisions of the Convention and the conservation and management measures adopted by the Commission, and the need to improve such implementation and ensure compliance with these commitments;

*Adopts* the following conservation and management measure in accordance with Article 7 of the Convention:

**I. Purpose**

1. The purpose of the NPFC Compliance Monitoring Scheme (CMS) is to ensure that Members and Cooperating Non-Contracting Parties (CNCs) implement and comply with obligations under the Convention and conservation and management measures (CMMs) adopted by the Commission. The purpose of the CMS is also to assess Members' and CNCs' actions in relation to alleged violations by their flagged vessels or nationals, not to assess compliance by individual vessels or persons.
2. The CMS is designed to:
  - a. Identify non-compliance by Members and CNCs with their obligations under the Convention and CMMs;
  - b. Identify areas in which technical assistance or capacity building may be needed to assist Members or CNCs to attain compliance;
  - c. Identify trends in compliance, including aspects of CMMs which may require amendment for effective implementation;
  - d. Determine responses to non-compliance by Members or CNCs; and,
  - e. Monitor and verify corrective actions taken by a Member or CNC to resolve outstanding instances of non-compliance.

## **II. Scope and Application**

3. The Commission, with the assistance of the Technical and Compliance Committee (TCC), shall assess Members' and CNCs' compliance with the obligations arising under the Convention and the CMMs adopted by the Commission and identify trends in and instances of non-compliance.
4. For obligations relating to fishing activities, unless otherwise specified in the relevant CMM, the compliance assessment shall apply to those activities occurring in the Convention area.
5. The CMS shall not prejudice the rights, jurisdiction and duties of any Member or CNC to enforce its national laws or to take more stringent measures in accordance with its national laws, consistent with that Member's or CNC's international obligations.
6. The compliance assessment period shall be the previous calendar year.
7. The Commission, with the assistance of TCC, shall determine responses to non-compliance in accordance with Annex I.

## **III. Draft Compliance Report**

8. Prior to TCC, the Secretariat shall compile information received from Members and CNCs including through their Annual Reports, any data collections of the Commission (e.g., reports from observers, Vessel Monitoring Systems, High Seas Boarding and Inspections, high seas transshipments), and, where appropriate, any other relevant information relating to the performance of NPFC CMMs available to the Secretariat, and shall prepare a Draft Compliance Report. The Draft Compliance Report shall:
  - a. Present all available information relating to each Member's or CNC's implementation of each obligation arising from the Convention or CMMs;

- b. Report on any compliance issues that were identified from the previous year's Final Compliance Report (i.e., Resolved Non-Compliance, Non-Compliant, or Flag State Investigation) and any corrective actions reported by the Member or CNCP; and,
  - c. Identify the potential areas of non-compliance for each Member and CNCP and, as appropriate, request any follow-up information relating to the previous year's compliance issues.
9. No later than 60 days before the TCC meeting, the Secretariat shall provide each Member and CNCP its section of the Draft Compliance Report.
  10. No later than 35 days before the TCC meeting, each Member and CNCP shall provide additional information on its section of the Draft Compliance Report to the Secretariat. This information shall, as appropriate:
    - a. Provide information, clarifications, amendments, or corrections necessary to address the potential compliance issues identified or respond to any request for additional information;
    - b. Propose future corrective actions to be taken, along with time frames, to come into compliance;
    - c. Identify any causes of the potential compliance issues or mitigating circumstances; and,
    - d. Identify any technical assistance or capacity building needed.
  11. The Secretariat shall compile a revised Draft Compliance Report containing all information provided pursuant to paragraph 10 above.
  12. No later than 15 days before TCC, the Secretariat shall circulate the revised Draft Compliance Report to Members and CNCPs and make it available on the non-public section of the Commission website. For instances of non-compliance identified in Annex II as having an associated automatic response, the Secretariat shall automatically assign the appropriate status and response. Members and CNCPs may request review of automatically assigned statuses and responses when the Draft Compliance Report is considered by TCC.

#### **IV. Provisional Compliance Report**

13. TCC shall consider the Draft Compliance Report and any additional, readily verifiable information provided by Members, CNCPs, and the Commission, and, where appropriate, by non-governmental organizations or other organizations concerned with matters relevant to the implementation of the Convention.
14. TCC shall develop a Provisional Compliance Report, which shall include a compliance assessment for each Member or CNCP obligation and identify response(s) to non-compliance, in accordance with Annex I. For an issue of non-compliance assigned an automatic response in accordance Annex II, TCC may consider additional responses as warranted, consistent with Annex I.
15. Each compliance assessment shall be decided by consensus. If consensus cannot be reached, the Provisional Compliance Report shall indicate majority and minority views.

A Member or CNCP may not block agreement on its own compliance assessment.

16. The Provisional Compliance Report shall also include an Executive Summary with recommendations regarding, as appropriate:
  - a. Proposals to address compliance trends, and amend or improve existing CMMs;
  - b. Identified obstacles to implementation, including recommendations for capacity building assistance; and,
  - c. Revisions to the obligations to be assessed identified in Annex II.
17. TCC shall forward the Provisional Compliance Report to the Commission for consideration at the annual meeting.

#### **V. Final Compliance Report**

18. The Commission shall consider the Provisional Compliance Report recommended by TCC and adopt a Final Compliance Report.
19. The Final Compliance Report shall include:
  - a. A final compliance status for each Member and CNCP against each assessed obligation;
  - b. All responses to be taken to address instances of non-compliance; and,
  - c. An Executive Summary addressing the issues listed in paragraph 16.
20. Within 30 days following the adoption of the Final Compliance Report, the Chair of the Commission shall send a Letter of Concern to each Member or CNCP assessed a status of Non-Compliant. Such letters shall describe the relevant compliance issue(s) and the required response(s) identified in the Final Compliance Report.

#### **VI. Data Protection**

21. The Draft and Provisional Compliance Reports, and all associated documentation, shall constitute non-public domain data, but the Final Compliance Report and the executive summary shall be public domain data.

#### **VII. Identification of Compliance Measures to be Assessed**

22. Annex II includes the list of obligations to be assessed as part of the CMS. Annex II will be reviewed annually and may be amended, as appropriate, taking into account factors such as:
  - a. The needs and priorities of the Commission;
  - b. Evidence of high percentages of non-compliance or repeated non-compliance with a particular obligation;
  - c. The risks posed by non-compliance to achievement of the objectives of the Convention; and,
  - d. Whether sufficient verifiable information is available to determine compliance.

#### **VIII. Review of this Conservation Measure**

23. The TCC shall review the compliance monitoring scheme one year after adoption and

modify based on the outcome of the implementation of this measure. [Thereafter, review will take place every two years].

## **ANNEXES**

- Annex I – Compliance Status Table
- Annex II – Obligations to be Assessed

**Compliance Status Table**

**Annex I**

<b>Compliance Status</b>	<b>Criteria</b>	<b>Potential Responses</b>
<b>Compliant</b>	Member or CNCP fully compliant with obligation	None
<b>Delayed Submission</b>	Member or CNCP rectified non-compliance for a missed report deadline in advance of TCC and it is not a repeated case of non-compliance	Member or CNCP to include in its Annual Report all actions taken
<b>Non-Compliant</b>	Non-compliance with obligation identified in Annex II that does not meet the criteria of Delayed Submission or Flag State Investigation	<ol style="list-style-type: none"> <li>1) Member or CNCP to rectify non-compliance and include in its Annual Report all actions taken,</li> <li>2) Application of automatic response, as applicable (Annex II), and</li> <li>3) Consideration of further responses.</li> </ol>
<b>Not Assessed</b>	Ambiguity of relevant obligation	Review and potentially amend relevant provision(s)
<b>Flag State Investigation</b>	Currently undergoing investigation	<ol style="list-style-type: none"> <li>1) Review by TCC and Commission and deadline(s) placed on Member or CNCP to provide further information to the Secretariat and/or take action(s), and</li> <li>2) Member or CNCP to report progress in its Annual Report</li> </ol>

## Obligations to be Assessed

## Annex II

<b>Obligation to be Assessed</b>	<b>Automatic response for inclusion in the Draft Compliance Report</b>
<b>CMM 2018-05 Bottom Fisheries and VMEs in the NW Pacific</b>	
CMM 2018-05 08	No automatic response has been assigned at this time.
<b>CMM 2018-08 Pacific Saury</b>	
CMM 2018-08 01	No automatic response has been assigned at this time.

**CONSERVATION AND MANAGEMENT MEASURE ON THE VESSEL MONITORING SYSTEM (VMS)**

*The North Pacific Fisheries Commission (NPFC),*

**Recalling** Article 2 of the Convention on the Conservation and Management of High Seas Fisheries resources in the North Pacific Ocean (Convention), the long-term conservation and sustainable use of the fisheries resources in the Convention Area while protecting the marine ecosystems of the North Pacific Ocean in which these resources occur

**Recognizing** Article 7, paragraph 2 (e) of the Convention regarding the development of standards, specifications and procedures for Members of the Commission to report movements and activities using real-time satellite position-fixing transmitters for vessels engaged in fishing activities in the Convention Area and, in accordance with those procedures, coordinate timely dissemination of data collected from Members' satellite vessel monitoring systems,

**Reaffirming** that Article 13, paragraph 1 of the Convention that Members of the Commission or Cooperating Non-Contracting Parties (CNCs) shall take necessary measures to ensure that fishing vessels entitled to fly their flag operating in the Convention Area comply with the provisions of the Convention and measures adopted pursuant to the Convention and such vessels do not engage in any activities that undermine the effectiveness of such measures and do not conduct unauthorized fishing activities within areas under national jurisdiction of another State adjacent to the Convention Area,

**Determined** to ensure effective monitoring, control and surveillance (MCS) and to address the challenge of illegal, unreported and unregulated (IUU) fishing in the Convention Area,

**Adopts** the following conservation and management measure (CMM) in accordance with Article 7 of the Convention:

**Definitions**

1. For the purpose of this CMM, the following definitions apply:

- (a) "Convention" means the Convention on the Conservation and Management of High Seas Fisheries resources in the North Pacific Ocean.
- (b) "Convention Area" means the area of the high seas areas of the North Pacific Ocean as specified in Article 4 of the Convention.

- (c) “Commission” means the North Pacific Fisheries Commission (NPFC) established under Article 5 of the Convention.
- (b) “Fishing activities” means the activities established under Article 1 (i) of the Convention.
- (e) “Fisheries monitoring centre (FMC)” means the authorized authority or agency of a Member or CNCP, responsible for managing VMS for its flagged fishing vessels.
- (f) “Fishing vessels” means any vessel described under Article 1 (j) of the Convention.
- (g) “Inspection Presence in the Convention Area” means the Member is authorized to conduct inspections in the Convention Area for species covered by the NPFC [, has inspectors and inspection platforms and is planning for or actively undertaking surveillance in the Convention Area or is directly engaged in supporting a Member authorized to conduct such inspections].
- (h) “Manually report” means the transmission via any alternative means of the date/time, current geographical position (latitude and longitude) course and speed when an MTU fails to transmit VMS data.
- (i) “Mobile transmitting unit (MTU)” means a satellite communication device capable of receiving and transmitting VMS data.
- (j) “VMS” means a satellite-based monitoring system that transmits VMS data from MTUs on fishing vessels to FMCs.
- (k) “VMS data” means data transmitted by an MTU including:
  - (i) MTU unique identifier;
  - (ii) the current geographical position (latitude and longitude) of the vessel (accurate to within 100m); and,
  - (iii) the date and time (expressed in Coordinated Universal Time (UTC)) of the fixing of the position of the vessel in paragraph 1(k)(ii).

### **Purpose**

2. The VMS supports the Convention’s objective to ensure the long-term conservation and sustainable use of the fisheries resources in the Convention Area. The VMS forms an important part of the Commission’s MCS regime to ensure compliance with, and enforcement of, the provisions of the Convention and CMMs. The purpose of the VMS is to continuously monitor the positions and movements of all fishing vessels in the Convention Area for compliance purposes. VMS data may also be used to support scientific processes as agreed by the Commission.

### **Application**

3. The VMS applies to all Member and CNCP fishing vessels carrying out fishing activities in the Convention Area [and to all fishing vessels included on the NPFC Interim Register of

non-Member Carrier Vessels].

4. [A Member or CNCP may request that waters under their jurisdiction be also covered by the VMS. This request shall be provided to the Commission for their consideration and approval.]

### **Mobile transmitting units (MTUs)**

5. Member, CNCP [and relevant non-Member<sup>1</sup>] flagged fishing vessels [engaged in fishing activities] [authorized for fishing activities and located] [authorized in accordance with the CMM-XX] in the Convention Area shall be equipped with an MTU that complies with the guidance on minimum standards for MTUs contained in Annex I.
6. Each Member, CNCP [and relevant non-Member] shall ensure that MTUs are installed on their flagged fishing vessels in accordance with relevant domestic legal obligations, procedures and conditions.
7. [Members, CNCPs [and relevant non-Member flagged carrier vessels] are required to provide accurate VMS data to the Secretariat via their Member's FMC, in accordance with this CMM.]

### **VMS data transmission requirements**

8. Each Member, CNCP [and relevant non-Member] shall ensure that its flagged vessels undertaking fishing activities in the Convention Area transmit VMS data every [hour] to their FMC.
9. [Without prejudice to its responsibilities as a flag Member, a CNCP or non-Member may require its fishing vessels to transmit VMS data directly to the Secretariat.]
10. [Each Member, CNCP and [relevant non-Member] shall ensure that their FMC automatically transmits VMS data to the Secretariat, which shall be received no later than 60 minutes upon receipt of the data at their FMC.]

### **Fisheries monitoring centres (FMCs)**

11. Each Member, CNCP [and relevant non-Member] shall ensure that their FMC can automatically receive VMS data [and transmit VMS data to the Secretariat]. [Each Member, CNCP [and relevant non-Member] shall ensure that their FMC can generate messages for entry to and exit from the Convention Area.]
12. [Each Member, CNCP [and relevant non-Member] shall ensure that VMS data transmitted to the Secretariat is accurate and includes the following codes as appropriate:
  - (a) "ENT", VMS data transmitted upon entering the Convention Area;
  - (b) "POS", every subsequent VMS data transmitted from within the Convention Area;

<sup>1</sup> A relevant non-Member is a State with vessels included on the NPFC Interim Register of non-Member Carrier Vessels.

(c) “EXI”, VMS data transmitted upon exiting the Convention Area.

(d) “MAN”, VMS data transmitted in the event of a defective MTU from within the Convention Area;]

13. Each Member, Cooperating non-Contracting Party [and relevant non-Member] shall provide the Secretariat with VMS contact points in their FMCs including the name, position, email address and phone number of their VMS contact points. The Secretariat will make a list of VMS contact points available to all Members and Cooperating non-Contracting Parties.

#### **Data access and use**

14. All VMS data received by the Secretariat shall be treated as confidential information in accordance with NPFC’s Data-Sharing and Data-Security Protocols for Vessel Monitoring System (VMS) Data.
15. [The Secretariat shall provide VMS data:
- (a) [Automatically] to any Member who has an inspection presence in the Convention Area;
  - or
  - (b) upon request from a Member to support search and rescue (SAR) and maritime safety activities.]
16. VMS data may be accessed and used for the purposes included in this measure or for any other purposes as agreed by the Commission. VMS data shall only be accessed and used in accordance with NPFC’s Data-Sharing and Data-Security Protocols for Vessel Monitoring System (VMS) Data.

#### **VMS data transmission failure**

17. In the event that an MTU has failed to transmit VMS data [for four hours] the flag Member or CNCP shall require the fishing vessel master to manually report to the FMC, the VMS data of the fishing vessel every [four hours], by other available means of communication.
18. Without prejudice to its responsibilities as a flag Member or CNCP, a Member, non-Contracting Party [or non-Member] may also require its fishing vessels to manually report directly to the Secretariat.
19. The flag Member or CNCP shall require an MTU that fails to transmit VMS data in accordance with this measure, be repaired or replaced as soon as possible and, in any event, within [thirty (30) days] of the VMS data transmission failure.
20. If the fishing vessel returns to port following an MTU VMS data transmission failure, the Flag Member or CNCP shall not permit the vessel to undertake fishing in the Convention Area until the MTU has been replaced in accordance with the guidance in Annex I or is repaired and is able to transmit VMS data.

21. If a flag Member or CNCP finds that an MTU has failed to transmit VMS data for twelve hours, the Flag Member or CNCP will notify the fishing vessel master, owner or authorized representative of this. If this occurs more than two times within a period of one year, the flag Member or CNCP of the fishing vessel shall investigate the matter, including having an authorized official examine the MTU on board the vessel. The outcome of this investigation shall be forwarded to the Secretariat within fifteen (15) days of its completion.

**Review**

22. The Secretariat shall report on the implementation of this measure annually to the Technical and Compliance Committee (TCC). The TCC shall review the implementation of the VMS after two years and make recommendations to the Commission as may be necessary.

## ANNEX I

### Guidance on minimum standards for mobile transmitting units (MTUs)

1. The mobile transmitting unit (MTU) shall automatically and independently of any intervention by the fishing vessel, transmit VMS data as required by NPFC.
2. The VMS data shall be obtained from a satellite-based positioning system.
3. MTUs on fishing vessels must be capable of transmitting VMS data at least every fifteen minutes.
4. MTUs on fishing vessels must be tamper-proof so as to preserve the security and integrity of VMS data.
5. Storage of VMS data and other relevant information within the MTU must be safe, secure and integrated within a single unit under normal operating conditions.
6. It must not be reasonably possible for anyone, other than the Fisheries Monitoring Centre (FMC), to alter any of the VMS data stored in an MTU, including the frequency of position VMS data transmission to the FMC.
7. Any features built into the MTU or its software to assist with servicing shall not allow unauthorised access to the MTU that could potentially compromise the operation of the VMS.
8. MTUs shall be installed on fishing vessels by an authorized installer in accordance with the manufacturer's specifications and applicable standards and in accordance with a flag State's relevant domestic legal obligations, procedures and conditions.
9. Under normal satellite navigation operating conditions, VMS data must include the geographical location of a fishing vessel within an accuracy of 100 metres.
10. The MTU and/or the VMS service provider must be able send VMS data to multiple independent destinations.
11. The MTU and its component parts shall be fully integrated and housed in the same tamper-proof physical enclosure.
12. The MTU must have:
  - (a) all components sealed by the manufacturer; or
  - (b) official seals<sup>2</sup>, individually identified with unique serial numbers, applied.
13. Relevant domestic legal obligations, procedures and conditions for MTU installation on fishing vessels should be forwarded by members, cooperating non-Contracting Parties and relevant non-Members to the Secretariat or made available upon request.
14. The MTU must have an alternate power unit, to act as a backup in case of failure of the main power, to enable the MTU to continue to meet the VMS data transmission requirements of this CMM.

<sup>2</sup> Official seals or other mechanisms must be of such a type to indicate whether the MTU has been accessed or tampered with.

**NORTH PACIFIC FISHERIES COMMISSION**  
**TECHNICAL AND COMPLIANCE COMMITTEE**  
**TERMS OF REFERENCE**  
**(Revision NPFC-2019-COM05)**

*Context*

Article 7(3b) of the Convention states that the Commission shall “adopt a plan of work and terms of reference for the Scientific Committee, for the Technical and Compliance Committee and, as necessary, for other subsidiary bodies.”

Article 11 of the Convention states that the functions of the “Technical and Compliance Committee” shall be to:

- (a) Monitor and review compliance with conservation and management measures adopted by the Commission and make recommendations to the Commission as may be necessary; and
- (b) Review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make recommendations to the Commission as may be necessary.

*Purpose*

The Technical and Compliance Committee should provide a forum for consultation and cooperation among Members of the Commission with respect to the evaluation and exchange of compliance information relating to the fisheries of the Convention Area, and to encourage and promote cooperation among the Members.

*Functions*

In accordance with Article 11(4) of the Convention, when carrying out its functions the Technical and Compliance Committee shall:

- (a) Provide a forum for exchange of information concerning the means by which Members of the Commission are implementing the conservation and management measures adopted by the Commission in the Convention Area and complementary measures in adjacent waters as appropriate;

- (b) Provide a forum for the exchange of information on enforcement, including enforcement efforts, strategies and plans;
- (c) Receive and review reports from each Member of the Commission relating to measures that the Member has taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant to this Convention;
- (d) Report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures;
- (e) Make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement;
- (f) Develop rules and procedures governing the use of data and other information for monitoring, control and surveillance purposes; and
- (g) Consider and/or investigate any other matters as may be referred to it by the Commission.

## *Structure*

### *1. Membership and Representation*

TCC shall be composed of Members of the Commission. Members are encouraged to identify a point of contact to facilitate the operations of the Committee. Chosen focal point Members must have expertise in fisheries management or compliance. Representation and official contacts should be consistent with Rule 1 in the Commission's Rules of Procedure. Invitation and participation of non-members in the meetings and other activities of the Committee are subject to relevant provisions in Rule 9 of the Rules of Procedure.

### *2. Chair and Vice-Chair*

#### *i. Selection and Term*

The Chair and Vice-Chair of the TCC will be selected by consensus in accordance with relevant provisions of the Convention and the Rules of Procedure of the Commission, unless the Commission decides otherwise.

The Chair and Vice-Chair will be selected for a period of two years and shall be eligible for reelection but shall not serve for more than three successive terms of two years in the same capacity.

*ii. Duties of the Chair*

- Coordinate the meeting schedule and agenda preparation
- Chair Committee meetings as well as prepare reports of the meetings;
- Foster constructive and active dialogue at Committee meetings;
- Coordinate the development of specific deliverables identified in the Committee's functions, as per Article 11 in the Convention;
- Liaise with the Commission Chair, SC Chair, and other relevant international organizations as appropriate to enhance the quality of activities;
- Represent or designate a competent person to represent the Committee to participate, as appropriate, in various regional and international meetings and fora; and,
- Invite, as appropriate, non-members to contribute to the Committee's meeting agendas and activities.

*3. Meetings*

Consistent with Article 11 in the Convention, the TC Committee shall meet, unless the Commission otherwise decides, at least once every two years, and prior to the regular meeting of the Commission.

*4. Sub-Committees or Working Groups*

Consistent with Article 6 in the Convention, the Committee may establish working groups and may seek external advice in accordance with any guidance provided by the Commission.

*Agendas and Meeting Conduct*

The TC Committee will endeavour to develop agendas and conduct its meetings in a manner that is consistent with Rule 5 in the Commission's Rules of Procedure.

*Recommendations*

Recommendations of TCC will be adopted in a manner that is consistent with Article 8 of the Convention and Rule 2 in the NPFC Rules of Procedure. Consistent with Article 8, as a general rule, the Committee shall strive to make its recommendations by consensus.

### *Language*

In accordance with Rule 7 in the Rules of Procedure, English shall be the working language of the Committee. Any other language may be used on condition that persons doing so will provide interpreters.

### *Records and Reports*

In accordance with Article 6(2) in the Convention, after each meeting, the Committee will provide a report on its work to the Commission that includes, where appropriate, advice and recommendations to the Commission.

As per Article 11(3) in the Convention, the Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the Members on all or any part of the report.

**These Terms of Reference are subject to approval by the Commission. They may be revised by the Committee based on consensus and subsequent approval by the Commission.**