



**North Pacific Fisheries Commission**

NPFC-2017-TCC02-Final Report

## **2nd Meeting of the Technical and Compliance Committee REPORT**

10-12 July 2017

July 2017

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**North Pacific Fisheries Commission  
2nd Meeting of the Technical and Compliance Committee**

**10-12 July 2017**

**Sapporo, Japan**

**REPORT**

Agenda Item 1. Opening of Meeting

1. The 2<sup>nd</sup> Meeting of the Technical and Compliance Committee (TCC) took place in Sapporo, Japan on 10-12 July 2017, 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 North Pacific Anadromous Fish Commission attended the meeting from July 10. The Organization for Regional and Inter-regional Studies of Waseda University attended the meeting from July 11. The observers were admitted without objection.
4. The Chair explained that contractors Collecte Localisation Satellites (CLS) and Eighty Options were attending as consultant guests of the Secretariat.

Agenda Item 4. Adoption of Agenda

5. The Chair explained that he would give an introductory presentation on the key issues for consideration in the formulation of the TCC work plan at the beginning of Agenda Item 5.
6. The revised agenda was adopted (Annex A).

Agenda Item 5. Progress Report from the Secretariat

7. The Chair gave an introductory presentation on the key issues for consideration in the formulation of the TCC work plan (NPFC-2017-TCC02-WP08 (Rev. 1)) with discussion to occur under Agenda Item 8.

## 5.1 Overview of North Pacific Fisheries

8. The Secretariat presented an overview of the North Pacific fisheries addressing each fishery (NPFC-2017-TCC02-IP01). The concern of the Scientific Committee (SC) was noted over the current state of the North Pacific Armorhead stocks, which is placing additional pressure on the splendid alfonsino stocks which might also be stressed. The SC noted that new adaptive measures and possible stronger management measures must be developed very quickly for these bottom fisheries. The Pacific saury stock appears not to be overfished nor is overfishing occurring at this time. There is concern over the rapid increase in effort on the mackerel stocks, which has resulted in a CMM to limit effort until a stock assessment can be carried out. The squid stocks appear relatively stable at current levels of fishing effort.

## 5.2 Secretariat and Chair Review of TCC Activities 2016-2017

### 5.2.1 VMS Study Tender and Status

9. The Secretariat explained that it had commissioned a study of current vessel monitoring systems (VMS) already in use by NPFC Members and whether it would be possible to merge them into a regional VMS in a cost-effective manner, and that CLS had won the tender to conduct the study.
10. CLS provided an update on the progress of the ongoing VMS study (NPFC-2017-TCC02-WP01). Most Members already collected required data and can transmit them to the North Pacific Fisheries Commission (NPFC). All Members' VMS tools can thus be linked to a future NPFC Regional VMS. Most of the costs associated with such a Regional VMS would be related to the installation and operation of the NPFC Regional Fisheries Monitoring Center (FMC).
11. Some Members emphasized that in principle flag States are responsible for managing their vessels and their VMS data. Some Members also noted that the establishment of Regional VMS is not necessarily a prerequisite to implement Article 7 of the Convention, and there could be flexibility in the way VMS data is used depending on issues identified. The TCC held preliminary discussions on the cost of establishing the NPFC Regional FMC, the merits of doing so, and the personnel required to operate it. The TCC agreed to hold further discussions under Agenda Item 8 on the level of priority to give the NPFC Regional FMC in the TCC work plan.

### 5.2.2 TCC WEBEX Preparatory Meeting

12. The Chair provided a report of the TCC WEBEX Preparatory Meeting and the work conducted in relation to revising CMM 2016-06, high seas boarding and inspection, and the TCC work plan and priorities (NPFC-2017-TCC02-WP02).

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

6.1 Data Management and Information Security

13. The Secretariat provided an update on the work of the SC and the intersessional corresponding group to formulate draft Information Security Guidelines, underscoring that the SC recognizes there is an urgent need to formulate such Information Security Guidelines in order to facilitate the sharing of data for stock assessment and other scientific information among Members (NPFC-2017-TCC01-WP05).

14. The TCC also acknowledged the necessity of further developing the Information Security Guidelines for compliance purposes. The United States informed the TCC that it had prepared draft Interim Guidance for Management of Scientific Data Used in Stock Assessments, based on CMM 15-01 and guidelines used by other regional fisheries management organizations (NPFC-2017-COM03-WP10) that will be presented at the Commission meeting.

**Recommendation:** The TCC acknowledged the immediate necessity of the Information Security Guidelines for scientific data and recommended that the Commission consider these as a priority.

**Recommendation:** The TCC acknowledged that more work is needed to establish information security guidelines for compliance data and recommended that this work continue.

6.2 Other Issues from SC

15. The Secretariat informed the TCC about other issues from the SC related to CMMs 15-02, 2016-03, 2016-05 and 2016-06, as well as an Observer Program.

16. The Secretariat provided an update on the revision of CMM 2016-05 for Bottom Fisheries and Protection of Vulnerable Marine Ecosystems (VMEs) in the Northwestern (NW) Pacific Ocean (NPFC-2017-TCC02-WP06).

**Recommendation:** The TCC reviewed the editorial changes made to CMM 2016-05 and endorsed it as edited.

17. The Secretariat provided an update on the revision of CMM 2016-06 for Bottom Fisheries and Protection of VMEs in the Northeastern (NE) Pacific Ocean (NPFC-2017-TCC02-WP04).

**Recommendation:** The TCC reviewed the editorial changes made to CMM 2016-06 and endorsed it as edited.

18. The Secretariat informed the TCC that the SC recognized the necessity of developing a North Pacific Ocean Fisheries Observer Program and had established a corresponding group for advancing work towards the development of such an Observer Program.

#### Agenda Item 7. Review of Current MCS-related CMMs

##### 7.1 CMM 2016-01 – Vessel Registry

19. The Secretariat provided an update on plans to improve the NPFC's vessel registry system. Under the new system, the register would be updated, including bulk updates, by Members as needed rather than annually. The data would be validated on entry. The existing values would be pre-populated. Members would not be able to update another Member's authorized vessel until it is deleted from the register. A unique NPFC Vessel ID would be introduced and maintained throughout the history of each vessel (NPFC-2017-TCC02-IP03).

**Recommendation:** The TCC recommended that Members test a pilot version of the new system, clarify issues such as the minimum information requirements for registering a vessel, and revise CMM 2016-01 as necessary for TCC03.

##### 7.2 CMM 2016-02 –IUU

20. The Secretariat reported on the work to compile the draft Illegal, Unreported and Unregulated (IUU) Vessel List (NPFC-2017-TCC02-WP07).
21. Japan reported on vessels sighted in the Convention Area by Japan's fisheries inspection vessels (NPFC-2017-TCC02-IP05). Japan reported 288 vessels sighted in 2016 in the Convention Area. This compared to 194 in 2015. Of the 288 vessels, 68 were suspected to be IUU vessels. Of these, Japan noted presumed instances of IUU where vessels had changed their names and cases of multiple vessels having the same name and number.
22. China expressed its concern that such information should be carefully clarified before being submitted to the Secretariat.
23. The TCC acknowledged the responses of the Members concerned to the information provided by Japan. The TCC undertook a review of the proposals and developed a refined list. All Members agreed to do their utmost to prevent and combat IUU activity.
24. The United States highlighted the interpretation of paragraph 7 of CMM 2016-02 regarding to whom the draft IUU Vessel List should be transmitted.

**Recommendation:** The TCC shared the common understanding that "all Members/CNCPs, as well as to non-Contracting Parties with vessels on the list" means all Members/CNCPs regardless of whether or not they have vessels on the list, in addition to all non-Contracting Parties that have vessels on the list.

25. The TCC revised CMM 2016-02 to include a paragraph encouraging Members/CNCPs that have information that a vessel is presumed to be carrying out IUU activities, to inform the Member/CNCP or non-Contracting Party whose vessel is presumed to be carrying out IUU activities, for clarification.

**Recommendation:** The TCC recommended that the Commission endorse the revised CMM 2016-02 (Annex D).

26. The TCC reviewed and revised the draft IUU Vessel List. The TCC noted that there are seven cases of two vessels with the same name and number. China will re-register the seven authorized vessels under new names and numbers, upon which the seven illegal vessels will automatically be included on the draft IUU Vessel List. The TCC adopted the Provisional IUU Vessel List (16 of 68 vessels) (Annex E) and recommended the automatic inclusion of the seven illegal vessels once the seven authorized vessels have been re-registered under new names and numbers.

**Recommendation:** The TCC recommended that the Commission adopt the Provisional IUU Vessel List (Annex E).

**Recommendation:** The TCC noted that there are seven cases of two vessels with the same name and number, and recommended the automatic inclusion of the seven illegal vessels once the authorized vessels have been re-registered under new names and numbers.

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

27. The Secretariat presented a proposal on the NPFC transshipment data format for discussion (NPFC-2017-TCC02-WP03).

28. Japan informed that the International Maritime Organization (IMO) is considering expanding the scope of vessels eligible to obtain an IMO number and noted that, in accordance with CMM 2016-01, all eligible Member vessels are required to obtain an IMO number. Japan explained that there could be difficulties in obtaining IMO numbers for newly eligible vessels, especially small vessels, due to problems including language. The TCC acknowledged the need for flexibility in the evolution of NPFC measures.

29. The TCC reviewed and revised the proposal (NPFC-2017-TCC02-WP03).

**Recommendation:** The TCC endorsed the revised proposal on the NPFC transshipment data format (Annex F).

30. Japan noted that currently CMM 2016-03 on transshipment only addresses bottom fisheries as an initial step (paragraph 1 of CMM 2016-03) and requested that Members initiate

discussions towards the revision of the CMM so that it applies to other fisheries, especially chub mackerel and Pacific saury.

**Recommendation:** The TCC agreed to hold further discussions, as part of the development of the TCC work plan.

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

**Recommendation:** The TCC reviewed CMM 2016-04 and agreed to maintain it without revision.

#### 7.5 CMM 2016-05 – Bottom Fisheries and VME Protection NW Pacific Ocean

31. Russia informed the TCC that the crab fishery activity would be a resumption of previous activity, in compliance with CMM 2016-05. The information on Russia's crab fishery is found in NPFC-2017-SC02-Final Report.

32. Japan expressed concern over the potential gear conflicts from the renewal of the Russian crab fishery. It was recognized that discussion is necessary among Members concerned to find a way of avoiding such conflicts. Russia noted that it expected all gear that was formerly authorized would remain so, and that any future gear issues would be addressed by Members accordingly. There was no disagreement with respect to renewal of the Russian crab fishery.

33. Japan expressed concern over the activity of Korean sea trawlers in the C-H Seamount as reported in NPFC-2017-SSC VME02-WP06. Japan recognized that this activity was prior to the Commission coming into force, but further noted that it did contravene the interim measures agreed by participants. Korea explained that it was an isolated and unintended incident in 2013, that Korea took appropriate action in relation to the incident pursuant to Korea's domestic law, and that it will ensure that similar incidents do not occur in future.

#### 7.6 CMM 2016-06 – Bottom Fisheries and VME Protection NE Pacific Ocean

34. No issues were discussed.

#### 7.7 CMM 2016-07 – Chub Mackerel

35. The TCC recognized the need to improve the precision of the assessment of compliance with CMM 2016-07.

**Recommendation:** The TCC agreed to conduct intersessional work to improve the precision of the assessment of compliance with CMM 2016-07 to allow for discussion at TCC03.

36. Japan asked the Secretariat for more information on numbers of vessels registered to fish chub mackerel and Pacific saury. The Secretariat explained that it would be difficult to

provide the requested information at this time. Japan withdrew its request and suggested that the TCC hold further discussions on compliance monitoring under Agenda Item 8.

#### 7.8 CMM 15-02 – Pacific Saury

37. The TCC recognized the need to improve the precision of the assessment of compliance with CMM 15-02.

**Recommendation:** The TCC agreed to conduct intersessional work to improve the precision of the assessment of compliance with CMM 15-02 to allow for discussion at TCC03.

#### Agenda Item 8. Compliance Work Plan and Priorities

8.1 Review of TCC Framework, Key Management Issues and Discussion on Key Management Issues from Agenda Items 6 and 7; 8.2 Recommendation on TCC Work Plan Priorities; 8.3 Procedures to Advance TCC work plan

38. It was agreed that Agenda Items 8.1-8.3 would be discussed together.

39. The TCC discussed and revised the TCC Draft Compliance Work Plan proposed by Canada (NPFC-2017-TCC02-WP11). It was recognized that the work plan will be modified and updated as work progresses and new priorities appear. Japan emphasized the importance of determining procedures for assessing compliance (as noted in agenda items 7.7 and 7.8) with tools such as a “compliance table,” which is included in the TCC work plan as Item 2.2.

**Recommendation:** The TCC endorsed the revised proposal (Annex G) recognizing that the TCC Draft Compliance Work Plan will be modified and updated as work progresses and new priorities appear.

**Recommendation:** As noted in the TCC Terms of Reference, TCC recommended that each Member nominate a focal point contact.

40. The TCC also discussed priority species. There was a suggestion that this issue is best addressed by the Commission, after which time the TCC can address compliance considerations related to priority species at the request of the Commission.

**Recommendation:** The TCC requested that the Commission identify priority species for the work plan.

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

##### 9.1 High Seas Boarding and Inspection Procedures

41. The TCC held discussions on finalizing a new CMM on High Seas Boarding and Inspection Procedures. The TCC endorsed, in principle, a new CMM on High Seas Boarding and Inspection Procedures (Annex H), noting the reservations expressed by Russia, who is awaiting final approval from their capital. The United States and Canada expressed some



concern about the limited use of force, but supported the CMM. The TCC also agreed to monitor compliance with inspection requests (i.e., should inspectors be obstructed in their work).

**Recommendation:** The TCC recommended that the Commission, recognizing the reservations of Russia, consider endorsing the CMM on High Seas Boarding and Inspection Procedures (Annex H).

**Recommendation:** The TCC agreed to hold further discussions on the establishment of a mechanism for addressing cases in which inspections are obstructed, as part of future discussions on the TCC work plan.

## 9.2 Other MCS Issues

42. No other MCS issues were discussed.

## 9.3 Annual Reporting Format (Science vs. Compliance Data)

43. The Secretariat proposed the separation of science and compliance data in Members' annual reporting format to allow for easier publication of non-confidential data.

**Recommendation:** The TCC recommended that the Commission consider endorsing the proposal to separate the science and compliance data into two parts.

## Agenda Item 10. Other Matters

### 10.1 Selection of Next Chair and Vice-Chair

**Recommendation:** The TCC recommended that Dr. Robert Day continue to serve as the TCC Chair and Mr. Chan Soo Park (Korea) to serve as the TCC Vice-Chair.

### 10.2 Cooperating Non-Contracting Parties (CNCPS)

44. The TCC discussed matters related to the paper on CNCP from the Final Report of the Commission Meeting in 2016 (NPFC-2016-SWG-Fin & Admin01-WP08).

**Recommendation:** The TCC recommended deferring consideration to the Finance and Administration Committee.

### 10.3 Observer Program

45. The Secretariat provided an update on the SC development of an Observer Program. The TCC Members agreed that it would be useful for the TCC to jointly participate with SC in considering the Observer Program.

**Recommendation:** The TCC recommended that the Commission consider TCC participating in the Observer Program jointly with SC.

## Agenda Item 11. Recommendations to the Commission.

46. The TCC recommended the following to the Commission:

(Agenda Item 6)

- a. The TCC acknowledged the immediate necessity of the Information Security Guidelines for scientific data and recommended that the Commission consider these as a priority.
- b. The TCC acknowledged that more work is needed to establish information security guidelines for compliance data and recommended that this work continue.
- c. The TCC reviewed the editorial changes made to CMM 2016-05 and endorsed it as edited.
- d. The TCC reviewed the editorial changes made to CMM 2016-06 and endorsed it as edited.

(Agenda Item 7)

- e. The TCC recommended that Members test a pilot version of the new vessel registry system, clarify issues such as the minimum information requirements for registering a vessel, and revise CMM 2016-01 as necessary for TCC03.
- f. The TCC shared the common understanding that in paragraph 7 of CMM 2016-02, “all Members/CNCPs, as well as to non-Contracting Parties with vessels on the list” means all Members/CNCPs regardless of whether or not they have vessels on the list, in addition to all non-Contracting Parties that have vessels on the list.
- g. The TCC recommended that the Commission endorse the revised CMM 2016-02 (Annex D).
- h. The TCC recommended that the Commission adopt the Provisional IUU Vessel List (Annex E).
- i. The TCC noted that there are seven cases of two vessels with the same name and number, and recommended the automatic inclusion of the seven illegal vessels once the authorized vessels have been re-registered under new names and numbers.
- j. The TCC endorsed the revised proposal on the NPFC transshipment data format (Annex F).
- k. The TCC agreed to hold further discussions on CMM 2016-03 on transshipment and its application to other fisheries, as part of the development of the TCC work plan.
- l. The TCC agreed to maintain CMM 2016-04 without revision.
- m. The TCC agreed to conduct intersessional work to improve the precision of the assessment of compliance with CMM 2016-07 to allow for discussion at TCC03.
- n. The TCC agreed to conduct intersessional work to improve the precision of the assessment of compliance with CMM 15-02 to allow for discussion at TCC03.

(Agenda Item 8)

- o. The TCC endorsed the revised TCC Work Plan (Annex G), recognizing that the TCC Work Plan will be modified and updated as work progresses and new priorities appear.
- p. The TCC recommended that each Member nominate a focal point contact.
- q. The TCC requested that the Commission identify priority species for the work plan.

(Agenda Item 9)

- r. The TCC recommended that the Commission, recognizing the reservations of Russia, consider endorsing the CMM on High Seas Boarding and Inspection Procedures (Annex H).

- s. The TCC agreed to hold further discussions on the establishment of a mechanism for addressing cases in which inspections are obstructed, as part of future discussions on the TCC work plan.
- t. The TCC recommended that the Commission consider endorsing the proposal to separate the science and compliance data into two parts.

(Agenda Item 10)

- u. The TCC recommended that Dr. Robert Day continue to serve as the TCC Chair and that Mr. Chan Soo Park serve as the TCC Vice-Chair.
- v. The TCC recommended deferring consideration to the Finance and Administration Committee regarding matters related to the paper on CNCP from the Final Report of the Commission Meeting in 2016.
- w. The TCC recommended that the Commission consider TCC participating in the Observer Program jointly with SC.

(Agenda Item 12)

- x. The TCC requested the guidance of the Commission in determining the date and location of the next TCC meeting.

#### Agenda Item 12. Next Meeting

- 47. The TCC noted the importance of ensuring adequate time for the TCC to discuss compliance matters, recognizing that there will likely be a growing need to conduct more complete and in-depth assessment of compliance going forward.

**Recommendation:** The TCC requested the guidance of the Commission in determining the date and location of the next TCC meeting.

#### Agenda Item 13. Adoption of the Report

- 48. The report was adopted by consensus.

#### Agenda Item 14. Close of the Meeting

- 49. The TCC meeting closed at 11:44 on 12 July 2017.

### **Annexes**

**Annex A** – Agenda

**Annex B** – List of Documents

**Annex C** – List of Participants

**Annex D** – Revision to CMM 2016-02

**Annex E** – Provisional IUU Vessel List

**Annex F** – Transshipment Data Format

**Annex G** – TCC Work Plan

**Annex H** – High Seas Boarding and Inspection Procedures

**North Pacific Fisheries Commission  
2nd Meeting of the Technical and Compliance Committee  
10-12 (noon) July 2017  
Sapporo, Japan**

**Agenda**

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Agenda Item 2. Appointment of Rapporteur

Agenda Item 3. Admission of Observers

Agenda Item 4. Adoption of Agenda

Agenda Item 5. Progress Report from the Secretariat

Chair's Presentation on key issues for consideration in the formulation of the TCC Work Plan

5.1 Overview of North Pacific Fisheries

5.2 Secretariat and Chair Review of TCC Activities 2016-2017

5.2.1 VMS Study Tender and Status

5.2.2 TCC WEBEX Preparatory Meeting

a. CMM 2016-06 revision

b. High Seas Boarding and Inspection

c. Compliance Work Plan and Priorities

Agenda Item 6. Review of MCS related issues from SC

6.1 Data Management and Information Security

6.2 Other Issues from SC

Agenda Item 7. Review of Current MCS-related CMMs

Japan's presentation on monitoring the compliance of all CMMs

7.1 CMM 2016-01 - Vessel Registry

7.2 CMM 2016-02 – IUU

a) Draft IUU Vessel List

7.3 CMM 2016-03 – Interim Transshipment Procedures

7.4 CMM 2016-04 – Vessels with No Nationality

7.5 CMM 2016-05 – Bottom Fisheries and VME Protection NW Pacific Ocean

a) Review of the proposal of crab fishery (NPFC-2017-SC02-WP02) in light of the paragraph 4A of CMM 2016-05

7.6 CMM 2016-06 – Bottom Fisheries and VME Protection NE Pacific Ocean

a) CMM 2016-06 SC Revision

7.7 CMM 2016-07 – Chub Mackerel

Japan's request for state of Member's compliance with this CMM

7.8 CMM 15-02 - Pacific Saury

Japan's request for state of Member's compliance with this CMM

Agenda Item 8. Compliance Work Plan and Priorities

8.1 Review of TCC Framework, key management issues and discussion on key management pressures from Agenda Items 6 and 7

8.2 Recommendation on TCC Work Plan Priorities

8.3 Procedures to advance TCC Work Plan

Agenda Item 9. Ongoing and new MCS-related CMMs and Issues

9.1 High Seas Boarding and Inspection Procedures

9.2 Other MCS Issues

9.3 Annual Reporting Format (Science vs. Compliance data)

Agenda Item 10. Other Matters

10.1 Selection of next Chair and Vice-Chair

10.2 Cooperating Non-Contracting Parties (CNCs)

10.3 Observer Program

Agenda Item 11. Recommendations to the Commission

Agenda Item 12. Next Meeting

Agenda Item 13. Adoption of the Report

Agenda Item 14. Close of the Meeting

**North Pacific Fisheries Commission  
2nd Meeting of the Technical and Compliance Committee  
10-12 July 2017 (noon)  
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**LIST OF DOCUMENTS**

**MEETING INFORMATION PAPERS**

Symbol	Title
NPFC-2017-MIP01	Meeting notice and information
NPFC-2017-TCC02-MIP02 (Rev. 2)	Provisional agenda
NPFC-2017-TCC02-MIP03	Provisional annotated agenda
NPFC-2017-TCC02-MIP04 (Rev. 6)	Indicative schedule
NPFC-2017-TCC02-MIP05 (Rev. 3)	Provisional List of Documents

**REFERENCE DOCUMENTS - NPFC Website**

Symbol	Title
	Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean
	NPFC Rules of Procedure
	Compendium of Active Conservation and Management Measures for the NPFC

**WORKING PAPERS**

Symbol	Title
NPFC-2017-TCC02-WP01	CLS VMS Study Interim Report
NPFC-2017-TCC02-WP02	WEBEX Report
NPFC-2017-TCC02-WP03 (Rev. 2)	Draft Transshipment Summary Data Format
NPFC-2017-TCC02-WP04	Revision CMM 2016-06
NPFC-2017-TCC02-WP05	Information Security Guidelines
NPFC-2017-TCC02-WP06	Revision CMM 2016-05
NPFC-2017-TCC02-WP07	Draft IUU Vessel List
NPFC-2017-TCC02-WP08 (Rev. 1)	TCC Compliance Work Plan Discussion Overview
NPFC-2017-TCC02-WP09	China's Response to Draft IUU Vessel List

NPFC-2017-TCC02-WP10	Russian Federation's Response to Draft IUU Vessel List
NPFC-2017-TCC02-WP11 (Rev. 1)	TCC Compliance Work Plan 2017
NPFC-2017-TCC02-WP12 (Rev. 1)	Provisional IUU Vessel List
NPFC-2017-TCC02-WP13 (Rev. 1)	CMM 2017-02 To a List of Vessels Presumed to Have Carried Out IUU Activities in the NPFC CA
NPFC-2017-TCC02-WP14	CMM 2017-09 High Seas Boarding and Inspection
NPFC-2017-TCC02 (Rev. 1)	Draft Report

### **INFORMATION PAPERS (IP)**

<b>Symbol</b>	<b>Title</b>
NPFC-2017-TCC02-IP01	Fisheries Overview
NPFC-2017-TCC02-IP02	Introduction to CLS
NPFC-2017-TCC02-IP03	NPFC Vessel Registry Plan
NPFC-2017-TCC02-IP04	Compliance Monitoring 2016
NPFC-2017-TCC02-IP05	Vessels sighted in the Convention Area by Japan

### **VESSEL REGISTRATIONS (VR) – NPFC Website**

<b>Symbol</b>	<b>Title</b>
NPFC-2017-TCC02-VR	CANADA
NPFC-2017-TCC02-VR	PEOPLE'S REPUBLIC OF CHINA
NPFC-2017-TCC02-VR	JAPAN
NPFC-2017-TCC02-VR	REPUBLIC OF KOREA
NPFC-2017-TCC02-VR	RUSSIAN FEDERATION
NPFC-2017-TCC02-VR	CHINESE TAIPEI
NPFC-2017-TCC02-VR	VANUATU

### **ANNUAL REPORTS (AR) - NPFC Website**

<b>Symbol</b>	<b>Title</b>
NPFC-2017-AR Canada	Annual Report of Canada to the North Pacific Fisheries Commission
NPFC-2017-AR China	China's Annual Report for 2016 to the Secretariat of the North Pacific Fisheries Commission

NPFC-2017-AR Japan (Rev. 1)	Japan's Annual Report for 2016 to the North Pacific Fisheries Commission
NPFC-2017-AR Korea	Republic of Korea Annual Report for 2016 to the North Pacific Fisheries Commission
NPFC-2017-AR Russia	Russia Annual Report for 2016 to the North Pacific Fisheries Commission
NPFC-2017-AR Chinese Taipei	Chinese Taipei's Annual Report for 2016 to the North Pacific Fisheries Commission
NPFC-2017-AR USA	2016 Annual Report of the United States of America to the North Pacific Fisheries Commission
NPFC-2017-AR Vanuatu	2016 Annual Report of the Republic of Vanuatu to the North Pacific Fisheries Commission
NPFC-2017-AR-Annual Summary Footprint - Bottom Fisheries	2016 – Annual Summary Footprint For Bottom Fisheries In The North Pacific Fisheries Commission Area Of Competence
NPFC-2017-AR-Annual Summary Table - Pacific Saury	2016 – Annual Summary Footprint For Pacific Saury In The North Pacific Fisheries Commission Area Of Competence
NPFC-2017-AR-Annual Summary Table - Squid	2016 – Annual Summary Footprint For Squids In The North Pacific Fisheries Commission Area Of Competence
NPFC-2017-AR-Annual Summary Table - Mackerels	2016 – Annual Summary Footprint For Chub Mackerel and Spotted Mackerel In The North Pacific Fisheries Commission Area Of Competence

**NGO and Others**

Symbol	Organization & Title



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**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. 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
  - j. 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/CNCPs and shall place it on the NPFC website.
28. Without prejudice to the rights of Members/CNCPs and coastal states to take proper action, consistent with international law, including applicable WTO obligations, the Members/CNCPs 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/CNCPs/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/CNCPs within 15 days following the receipt of the removal request. Members/CNCPs 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 30, 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\*, 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. 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)

### 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

Item	Recommended actions	Indicate
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. 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.

## PROVISIONAL IUU VESSEL LIST

No	1. Details of Vessel								
	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/IIMO number	g. Photographs	h. Date first included on NPFC IUU List	i. Summary of activities
1	LIAO YUAN YU 071	unknown	Not known	Not known	Not known	Not known	Appendix 1		It was seen at 42°15.4'N, 153°22.8'E on 23 Aug 2016. When the Japanese patrol vessel approached, a vessel crew tried to hide the vessel name. Communication between the Japanese patrol vessel and LIAO YUAN YU 071 indicated that they hid the vessel name because they didn't want to be caught. (Port displayed on the vessel: Shidao; Vessel type; Lighted lift net vessel; Tonnage: 800t)
2	LIAO YUAN YU 072	unknown	Not known	Not known	Not known	Not known	Appendix 2		It was seen at 42°18.7'N, 153°27.9'E on 23 Aug and at 42°9.2'N, 151°16.4'E on 11 Oct 2016. Vessel name was hidden by paint. (Port displayed on the vessel: Shidao; Vessel type; Lighted lift net vessel; Tonnage: 800t)



3	LIAO YUAN YU 9	unknown	Not known	Not known	Not known	Not known	Appendix 3	It was seen at 42°3.0'N, 153°0.8'E on 23 Aug and at 42°10.0'N, 151°16.8'E on 11 Oct 2016. Vessel name was hidden by paint. (Port displayed on the vessel: Shidao; Vessel type; Lighted lift net vessel; Tonnage: 800t)
4	ZHOU YU 651	unknown	Not known	Not known	Not known	Not known	Appendix 4	It was seen at 42°30'2N, 152°05'4E on 29 Sep 2016. (Port displayed on the vessel: Fungcheng; Vessel type; Lighted lift net vessel; Tonnage: 850t)
5	ZHOU YU 652	unknown	Not known	Not known	Not known	Not known	Appendix 5	It was seen at 42°48.9'N, 152°48.2'E on 7 Sep 2016. Port of registry was hidden by paint. (Vessel type; Lighted lift net vessel; Tonnage: 820t)
6	ZHOU YU 653	unknown	Not known	Not known	Not known	Not known	Appendix 6	It was seen with LU RONG YU YUN 56219 and ZHOU YU 656 at 42°11.9'N, 151°14.6'E on 30 Sep 2016. (Port displayed on the vessel: Fungcheng; Vessel type; Lighted lift net vessel; Tonnage: 850t)  Communication between Japanese patrol vessel and LU RONG YU YUN 56219 indicated ZHOU YU 653 were transshipping 1500t of mackereltogether with ZHOU YU 656.

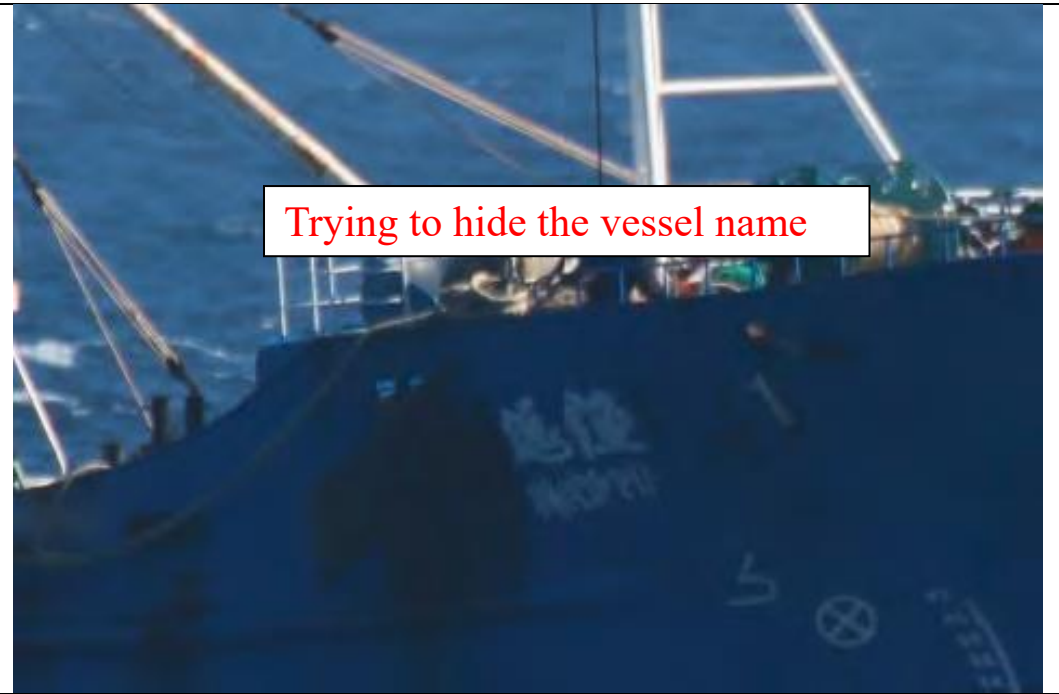
7	ZHOU YU 656	unknown	Not known	Not known	Not known	Not known	Appendix 7 (No pictures available)	<p>It was seen with LU RONG YU YUN 56219 and ZHOU YU 656 at 42°11.9'N, 151°14.6'E on 30 Sep 2016. (Port displayed on the vessel: Fungcheng; Vessel type; Lighted lift net vessel; Tonnage: 850t)</p> <p>Note that the same vessel name with the different port of registry (Zhoushan) (600t) has been seen in the similar area.</p> <p>Communication between Japanese patrol vessel and LU RONG YU YUN 56219 indicated ZHOU YU 656 were transshipping 1500t of mackerel together with ZHOU YU 656.</p>
8	ZHOU YU 657	unknown	Not known	Not known	Not known	Not known	Appendix 8	<p>It was seen at 42°35.5'N, 152°6.7'E on 12 Sep 2016. (Port displayed on the vessel: Zhoushan; Vessel type; Lighted lift net vessel; Tonnage: 600t)</p>
9	ZHOU YU 658	unknown	Not known	Not known	Not known	Not known	Appendix 9	<p>It was seen at 40°12.3'N, 148°40.5'E on 29 May 2016 and at 42°46.7'N, 152°41.2'E on 7 Sep 2016. (Port displayed on the vessel: Zhoushan; Vessel type; Lighted lift net vessel; Tonnage: 600t)</p>
10	ZHOU YU 659	unknown	Not known	Not known	Not known	Not known	Appendix 10	<p>It was seen in the NPFC area on 2, 4, 13, 17 Jun and 7 Sep 2016. On 4 Jun the vessel name on the right side was hidden by paint. (Port displayed on the vessel: Zhoushan; Vessel type: Lighted lift net vessel; Tonnage: 600t)</p>

11	ZHOU YU 660	unknown	Not known	Not known	Not known	Not known	Appendix 11	<p>It was seen in the Japanese EEZ on 10 May 2016 and in NPFC area multiple times from May to Sep 2016. On 10 May the vessel showed Korean flag but changed the Korean to Japanese flag when the Japanese patrol vessel approached.</p> <p>Vessel name changed between 15 May and 12 Sep 2016 (see the photos). The vessel is not permitted in Japan nor registered in NPFC. (Port displayed on the vessel: Basuo-not apparent; Vessel type: Lightedlift net vessel; Tonnage: 600t)</p>
12	ZHOU YU 661	unknown	Not known	Not known	Not known	Not known	Appendix 12	<p>It was seen in the Japanese EEZ on 10 and 13 May 2016 and in NPFC area on 15, 29 May and 7 Sep 2016. The vessel names on the left and right side changed frequently (see the photos). The vessel showed Japanese flag in May. But the vessel is not permitted in Japan nor registered in NPFC. (Port displayed on the vessel: Shidao; Vessel type: Lighted lift net vessel; Tonnage: 600t)</p>
13	HAI DA 705	unknown	Not known	Not known	Not known	Not known	Appendix 13	<p>Communications between Japanese Patrol vessel and HAI DA705 at 43°10.4'N, 153°38.6'E on 11 Sep 2016 indicated they caught squid with drift net in the high sea. (Port displayed on the vessel: 沈家们; Vessel type: Drift net vessel; Tonnage: 290t)</p>

14	LU RONG YU 1189	unknown	Not known	Not known	Not known	Not known	Appendix 14		It was seen at 41°24.9'N, 140°32.7'E (Japan EEZ) on 14 Jun 2016. (Port displayed on the vessel: Shidao; Vessel type: Carrier vessel; Tonnage: 100t)
15	ZHE LING YU LENG 90055	unknown	Not known	Not known	Not known	Not known	Appendix 15		It was seen at 40°25.3'N, 149°13.2'E on 29 May 2016. (Port displayed on the vessel: Wenling; Vessel type: Carrier vessel; Tonnage: 600t)
16	ZHE LING YU LENG 905	unknown	Not known	Not known	Not known	Not known	Appendix 16 (No Pictures Available)		It was seen at 42°45.6'N, 152°45.8'E on 24 Aug 2016. (Port displayed on the vessel: Wenling; Vessel type: Carrier vessel; Tonnage: 1000t)

Appendix 1

LIAO YUAN YU 071



Appendix 2

LIAO YUAN YU 072





Appendix 3

LIAO YUAN YU 9







Appendix 4

ZHOU YU 651



Appendix 5

ZHOU YU 652



**Appendix 6**

**ZHOU YU 653**



**Appendix 7**

**ZHOU YU 656 (No Pictures Available)**

Appendix 8

ZHOU YU 657



Appendix 9

ZHOU YU 658





Appendix 10

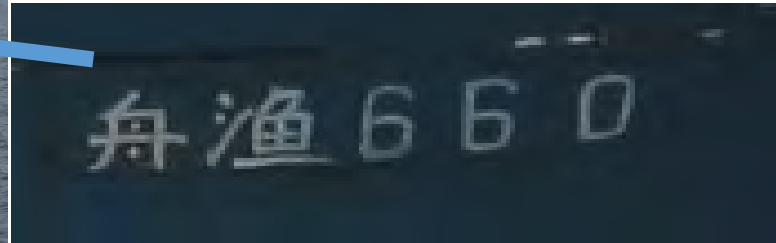
ZHOU YU 659

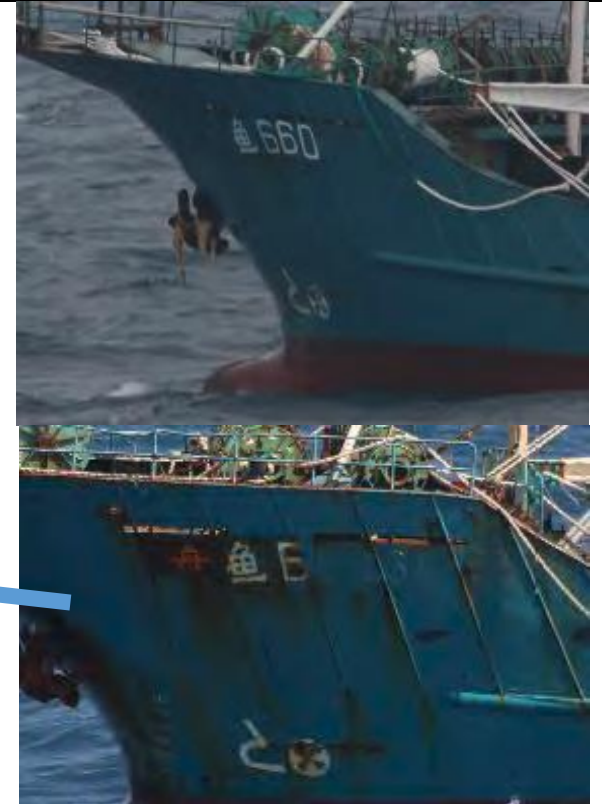




Appendix 11

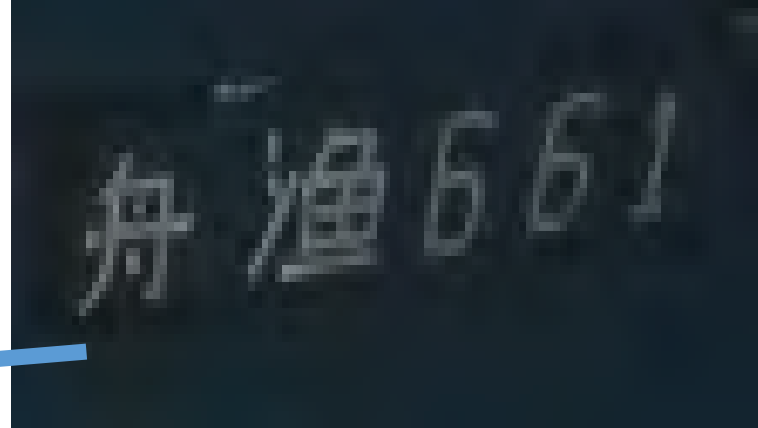
ZHOU YU 660





Appendix 12

ZHOU YU 661









Appendix 13

HAI DA 705



Drift net





Appendix 14

LU RONG YU 1189



**Appendix 15**

**ZHE LING YU LENG 90055**



**Appendix 16**

**ZHE LING YU LENG 905 (No Pictures Available)**

## NPFC TRANSSHIPMENT DATA FORMAT

### ABSTRACT:

Paragraph 4 of CMM 2016-03 on the Interim Transshipment Measures stated that the SC and TCC “will recommend the specific data fields required to be in the summary [of transshipments]. The summary will be provided as an attachment to the Annual Report.” Currently only China and the Russian Federation provide such summaries.

In an effort to standardize the format for such reports, the attached draft document has been developed by the Secretariat for discussion at TCC.

### NPFC Transshipment Information

Participant's name:

Calendar Year	Information on Catching/Unloading Vessel				Information on Carrier/Receiving Vessel					Information on transshipment				Information on Species		
	Name	IMO number (where applicable)	Flag	Authorization NO.	Name	IMO number (where applicable)	Flag	Register	Observer (Yes/No)	Date	CA	NCA	Ports	Name (FAO code)	Product Form (FAO code)	Weight (MT)

## North Pacific Fisheries Commission Technical and Compliance Committee Work Plan

### Background

*Recognizing* the overall objective of the NPFC is to ensure 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* the Convention sets forth the requirement for the Commission to implement various compliance and enforcement measures, and the work of the Technical and Compliance Committee (TCC) to date in establishing an overview and framework to guide these efforts as referenced by Annexes D and E from Circular 030-2017 TCC Preparatory WebEx meeting;

*Acknowledging* concerns shared by members to date with respect to managing and conserving priority species, identifying and reducing potential IUU activities, and the need to implement monitoring, control and surveillance measures to support the overall objectives of the Commission;

*Assessing* that these concerns pose risks within the TCC framework's three pillars<sup>1</sup>; and,

*Determining* the need to prioritize the implementation of compliance and enforcement measures, as informed by evidence brought forth by members and associated risks that can undermine Commission objectives, TCC proposes the following as TCC priorities over the period 2017-2020:

#### 1. Targeting the conservation and management of Pacific Saury and Chub Mackerel

Rationale: Under Pillar 1, there is a need to reinforce the conservation and management measures related to Pacific Saury (CMM 15-02) and Chub Mackerel (CMM 2016-07), identified as key species of interest over the time period.

Proposed Actions: Confirm priority of species with Members. Determine rules<sup>2</sup> and consequences of non-compliance.

Tools: Determine the tools that are needed to enforce these CMMs (e.g. VMS, catch reporting, effort)

#### 2. Developing a CMS

To reinforce all pillars of the framework, and overall member accountability, there is a need to develop an overall Compliance Monitoring System (CMS). At the outset, this includes clarifying the rules and respective sanctions of breaking them, and the ability to validate non-compliance. These components of the CMS are outlined below.

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<sup>1</sup> TCC Framework Pillars:

- i) CMMs for Priority Species;
- ii) CMMs for Vulnerable Marine Ecosystems (VMEs) or other ecosystem elements; and,
- iii) CMMs for Science and Monitoring, Control and Surveillance (MCS) measures.

<sup>2</sup> Note: Japan has put forth two proposals for Commission consideration at its Annual meeting regarding Pacific Saury and Chub Mackerel.

**i) Assessing Compliance**

Rationale: Without clear rules and consequences of breaking them, incentives to comply are minimized.

Proposed Actions: Determine the consequences of breaking the rules and the related procedures for determining non-compliance, updating CMMs as required with priority focus on Pacific Saury and Chub Mackerel, vessel identification and over the planning horizon. Compiling all rules and sanctions into a compendium structured under the pillars of the TCC framework is also recommended.

Tools: Compendium of rules, procedures and respective consequences of non-compliance, structured in a single, accessible document.

**ii) Developing vessel marking and identification standards**

Rationale: Under pillar 3 of the framework, there is a need for vessel marking and identification standards. Ensuring that all member vessels adhere to these standards, this will address risks associated with ambiguously marked vessel sightings in the Convention Area. This, in turn, will support answering questions related to what activities they may be engaged in vis-à-vis pillars 1 and 2.

Proposed Action: Changes to the rules could be reflected in updates to CMM 2016-01 (Vessel Registration Requirements) or in a new CMM.

Tools: Update online vessel registry to accommodate new marking and standards. Update online registry to minimize work load, data entry requirements and have authorized users who can update the data.

**iii) Developing a VMS**

Rationale: Further to being able to accurately identify vessels through a standardized marking and identification scheme, there is a need for a Vessel Monitoring System (VMS). This will enable the NPFC to track and report movements of registered vessels. This is vital to supporting all pillars of the TCC framework.

Proposed Actions: Continue to advance work initiated on the VMS. Determine what data needs to be collected and at what intervals (i.e. to support target species such as Chub Mackerel and Pacific Saury), ensuring system can grow over time. Update Information Security Guidelines in conjunction with the types of data required. Members to confirm their vessels are equipped with compatible VMS transmitters that will communicate with an eventual NPFC VMS.

Tools: To be developed in conjunction with VMS work initiated.

**iv) Finalizing a High Seas Boarding and Inspection (HSBI) Scheme**

Rationale: A HSBI scheme is critical to being able to validate and enforce compliance.

Proposed Actions: Finalize NPFC HSBI scheme before July 19, 2018.

Draft Timeline

#	Action	Description	Start Date	End Date	Resources	Budget	Lead	Notes	Time (Quarter/Calendar Year)														
									2017			2018				2019				2020			
Developing a Compliance Monitoring System (CMS)										Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>1</b>	<b>Target Species for Conservation and Management</b>								<b>August 2017 - September 2017</b>														
1.1	Confirm priority species	Confirm Pacific Saury (CMM 15-02 <sup>3</sup> ) and Chub Mackerel (CMM 2016-07) as priority species and define related conservation and management risks  Questions: Is this a TCC or Commission decision? Are bottom fisheries a priority? Are Pacific armourhead and Splendid alfonsino priorities?	08.2017	09.2017	Secretariat support		TBD, Members	Collaboration with SC required to confirm priority species	→														
<b>2</b>	<b>Assessing Compliance</b>								<b>September 2017 – March 2018</b>														
2.1	Determine rules and consequences of non-compliance	Determine specific rules and related consequences of non-compliance related to priority species and their CMMs (including a review of member compliance with priority CMMs)	09.2017	11.2017	Secretariat support		TBD, Members		→														
2.2		Determine procedures for assessing compliance	09.2017	12.2017	Secretariat support		TBD, Members		→														
2.3		Compile all rules and sanctions into a compendium <sup>4</sup> (structured according to TCC Framework, focusing initially on target species)	08.2017	12.2017	Member review		Secretariat		→														
2.4	Determine tools	Determine tools required to enforce rules determined in 2	12.2017	03.2018			TBD, Secretariat, Members		→														

<sup>3</sup> Reflecting updated CMM after July 2017

<sup>4</sup> Compendium to be updated on an ongoing basis, when and as required

#	Action	Description	Start Date	End Date	Resources	Budget	Lead	Notes	Time (Quarter/Calendar Year)															
									2017				2018				2019				2020			
									Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
<b>Developing a Compliance Monitoring System (CMS)</b>																								
<b>3</b>	<b>Develop Vessel Marking and Identification Standards</b>								<b>August 2017 – March 2018</b>															
3.1	Confirm risks	Define and confirm risks of not having a standardized identification and vessel marking scheme (including a discussion on the limitations of such a scheme)	08.2017	08.2017					→															
3.2	Review existing vessel marking schemes	Review existing schemes in other RFMOs, including international guidelines and standards	08.2017	09.2017	Potential Third-party support	TBD	TBD, Members		→															
3.3		Determine vessel marking and identification standards for NPFC Convention Area	09.2017	11.2017		TBD	TBD, Members		→															
3.4		Determine consequences of non-compliance with established vessel marking scheme	11.2017	12.2017		TBD	TBD, Members		→															
3.5		Update rules in CMM 2016-01 (Vessel Registration Requirements) as required	12.2017	01.2018		TBD	TBD, Members		→															
3.6	Update tools	Update online vessel registry to accommodate new marking and standards	12.2017	03.2018	Third-party support	TBD	Secretariat		→															
<b>4</b>	<b>Develop a VMS</b>								<b>August 2017 – January 2019</b>															
4.1	Phase II of VMS Study	Determine what data needs to be collected from members to support priority species (e.g. Pacific Saury and Chub Mackerel, bottom fisheries)	08.2017	11.2017	Third-party support	TBD	Secretariat, Members	Collaboration with SC required to determine science data needs	→															
4.2		Determine scale, scope, timeline and budget for Phase II building upon overview of VMS systems established in Phase I	02.2018	05.2018	Third-party support	TBD	Secretariat, Members	Scale and scope to be determined for priority species as well as a system to enable modular compatible add-ons to the VMS over time.	→															
4.3	Determine VMS needs and design	Phase II of VMS study (to determine recommended VMS system)	05.2018	08.2018	Third-party support	TBD	Secretariat, Members		→															
4.4	Develop and test VMS	Phase III of VMS work – Design, develop and test VMS	08.2018	12.2018	Third-party support	TBD	Secretariat, Members		→															
	Implement VMS	Implement VMS system, monitor, assess vis-à-vis priority species	01.2019	-	All Members	TBD	Secretariat and Members		→															
4.5		Update Information Security Guidelines (note: to be updated on an ongoing basis)	11.2017	12.2017	TBD (e.g. SC/TCC Corresponding Group)		Members		→															
<b>5</b>	<b>Finalize a High Seas Boarding and Inspection Scheme</b>																							
5.1	Finalize HSBI scheme	Determine HSBI scheme for the NPFC	-	07.2018					→															
5.2	Develop implementation plan	Develop an implementation plan for the HSBI scheme to come into force	11.2017	06.2018					→															
5.3	Implementation	Implement HSBI as per procedures in force	07.2018	-					→															

**CONSERVATION AND MANAGEMENT MEASURE ON  
HIGH SEAS BOARDING AND INSPECTION PROCEDURES FOR THE  
NORTH PACIFIC FISHERIES COMMISSION (NPFC)**

1. The following procedures are established by the North Pacific Fisheries Commission, in accordance with Article 7, paragraph 2-c of its Convention, to govern high seas boarding and inspection of fishing vessels in the Convention Area.

**Definitions**

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
- a. “Convention” means the Convention on the Conservation and Management of High Seas Fisheries resources in the North Pacific Ocean;
  - b. “Commission” means the North Pacific Fisheries Commission (NPFC) established under Article 5 of the Convention;
  - c. “Authorities of the Inspection Vessel” means the authorities of the Contracting Party under whose jurisdiction the inspection vessel is operating;
  - d. “Authorities of the Fishing Vessel” means the authorities of the Member of the Commission under whose jurisdiction the fishing vessel is operating;
  - e. “Authorized inspection vessel” means any vessel included in the Commission’s register of vessels as authorized to engage in boarding and inspection activities pursuant to these procedures;
  - f. “Authorized inspector” means inspectors employed by the authorities responsible for boarding and inspection included in the Commission register and authorized to conduct boarding and inspection activities pursuant to these procedures;
  - g. “Fishing activity” means the activities established under Article 1 (i) of the Convention;
  - h. “Fishing vessels” means any vessel described under Article 1 (j) of the Convention.

**PURPOSE**

3. Boarding and inspection and related activities conducted pursuant to these procedures shall be for the purpose of ensuring compliance with the provisions of the Convention and conservation and management measures adopted by the Commission and in force.



## **AREA OF APPLICATION**

4. These procedures shall apply throughout the Convention Area, which consists of the high seas areas of the North Pacific Ocean as specified in Article 4 of the Convention.

## **GENERAL RIGHTS AND OBLIGATIONS**

5. Each Contracting Party may, subject to the provisions of these procedures, carry out boarding and inspection on the high seas of fishing vessels engaged in or reported to have engaged in a fishery regulated pursuant to the Convention.

6. These procedures shall also apply in their entirety as between a Contracting Party and a Fishing Entity, subject to a notification to that effect to the Commission from the parties concerned.

7. Each Member of the Commission shall ensure that vessels flying its flag accept boarding and inspection by authorized inspectors in accordance with these procedures. Such authorized inspectors shall comply with these procedures in the conduct of any such activities.

## **GENERAL PRINCIPLES**

8. These procedures are intended to implement and give effect to, and are to be read consistently with, Article 7.2.c and Article 17.6 of the Convention.

9. These procedures shall be implemented in a transparent and non-discriminatory manner, taking into account, inter alia:

- a. such factors as the presence of observers on board a vessel and the frequency and results of past inspections; and
- b. the full range of measures to monitor compliance with the provisions of the Convention and agreed conservation and management measures, including inspection activities carried out by the authorities of Members of the Commission in respect of their own flag vessels.

10. While not limiting efforts to ensure compliance by all vessels, priority for boarding and inspection efforts pursuant to these procedures may be given to:

- a. fishing vessels that are not on the NPFC Record of Fishing Vessels and are flagged to Members of the Commission;
- b. fishing vessels reasonably believed to engage or to have been engaged in any activity in contravention of the Convention or any conservation and management measure adopted thereunder;
- c. fishing vessels that are entitled to fly the flag of a Member of the Commission that does not dispatch patrol vessels to the area of application to monitor its own fishing vessels;

- d. fishing vessels without observers on board if so required by the Convention, Article 7.2b;
- e. fishing vessels with a known history of violating conservation and management measures adopted by international agreement or any domestic laws and regulations.

11. The Commission shall keep the implementation of these procedures under review.

12. The interpretation of these procedures shall rest with the Commission.

## **PARTICIPATION**

13. The Commission shall maintain a register of all authorized inspection vessels and authorities or inspectors. Only vessels and authorities or inspectors listed on the Commission's register are authorized under these procedures to board and inspect fishing vessels of Commission Members and Cooperating Non-Contracting Parties on the high seas within the Convention Area.

14. Each Contracting Party that intends to carry out boarding and inspection activities pursuant to these procedures shall so notify the Commission, through the Executive Secretary, and shall provide the following:

a. with respect to each inspection vessel it assigns to boarding and inspection activities under these procedures:

- i) details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability);
- ii) An example of the credentials issued to the inspectors by its authorities;
- iii) notification that the inspection vessel is clearly marked and identifiable as being on government service;
- iv) notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

b. with respect to inspectors it assigns pursuant to these procedures:

- i) the names of the authorities responsible for boarding and inspection;
- ii) notification that such authorities' inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force; and

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

15. Where military vessels are used as a platform for the conduct of boarding and inspection, the authorities of the inspection vessel shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures and duly authorized for this purpose under national laws, and that boardings from such military vessels and inspectors conform to the procedures contained within these Boarding and Inspection Procedures.

16. Authorized inspection vessels and inspectors notified by Contracting Parties pursuant to paragraph 14 shall be included on the Commission register once the Executive Secretary confirms that they meet the requirements of that paragraph.

17. To enhance the effectiveness of the Commission's boarding and inspection procedures, and to maximize the use of trained inspectors, Contracting Parties may identify opportunities to place authorized inspectors on inspection vessels of another Contracting Party. Where appropriate, Contracting Parties should seek to conclude bilateral arrangements to this end or otherwise facilitate communication and coordination between them for the purpose of implementing these procedures.

18. The Executive Secretary shall ensure that the register of authorized inspection vessels and authorities or inspectors is at all times available to all Members of the Commission and shall immediately circulate any changes therein. Updated lists shall be posted on the Commission website. Each Member of the Commission shall take necessary measures to ensure that these lists are circulated in a timely manner to each of its fishing vessels operating in the Convention Area.

## **PROCEDURES**

19. The Commission shall develop an NPFC inspection flag, which shall be flown by authorized inspection vessels, in clearly visible fashion.

20. Authorized inspectors shall carry an approved identity card identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures.

21. An authorized inspection vessel that intends to board and inspect a fishing vessel on the high seas that is engaged in or reported to have engaged in a fishery regulated pursuant to the Convention shall, prior to initiating the boarding and inspection:

- a. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;

- b. provide the information to identify itself as an authorized inspection vessel - name, registration number, international radio call sign and contact frequency;
- c. communicate to the master of the vessel its intention to board and inspect the vessel under the authority of the Commission and pursuant to these procedures; and
- d. initiate notice through the authorities of the inspection vessel of the boarding and inspection to the authorities of the fishing vessel.

22. In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand. In order to facilitate communications between the inspectors and the master of the vessel, the Commission shall develop a standardized multi-language questionnaire, which shall be circulated to all Contracting Parties with authorized inspection vessels.

23. Authorized inspectors shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the conservation and management measures in force pursuant to the Convention.

24. Boarding and inspection pursuant to these procedures shall:

- a. be carried out in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of fishing vessels and crews;
- b. be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the fishing vessel;
- c. take reasonable care to avoid action that would adversely affect the quality of the catch; and
- d. not be conducted in such manner as to constitute harassment of a fishing vessel, its officers or crew.

25. In the conduct of a boarding and inspection, the authorized inspectors shall:

- a. present their identity card to the master of the vessel and a copy of the text of the relevant measures in force pursuant to the Convention in the relevant area of the high seas;
- b. not interfere with the master's ability to communicate with the authorities of the fishing vessel;
- c. complete the inspection of the vessel within 4 (four) hours unless evidence of a serious violation is found;

- d. collect and clearly document any evidence they believe indicates a violation of measures in force pursuant to the Convention;
- e. provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection including any objection or statement which the master wishes to include in the report;
- f. promptly leave the vessel following completion of the inspection if they find no evidence of a serious violation; and
- g. provide a full report on the boarding and inspection to the authorities of the fishing vessel, pursuant to paragraph 31, which shall also include any master's statement.

26. During the conduct of a boarding and inspection, the master of the fishing vessel shall:

- a. follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
- b. accept and facilitate prompt and safe boarding by the authorized inspectors;
- c. cooperate with and assist in the inspection of the vessel pursuant to these procedures;
- d. not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
- e. allow the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, any embarked observers, as well as with the authorities of the fishing vessel being inspected;
- f. provide the inspectors onboard with reasonable facilities, including, where appropriate, food and accommodation; and
- g. facilitate safe disembarkation by the inspectors.

27. If the master of a fishing vessel refuses to allow an authorized inspector to carry out a boarding and inspection in accordance with these procedures, such master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as the Commission, of the master's refusal and any explanation.

28. The authorities of the fishing vessel, unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, shall direct the master to accept the boarding and inspection. If the master does not comply with such direction, the Member shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The Member shall immediately notify the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.

## **USE OF FORCE**

29. The use of force shall be prohibited except when and to the degree necessary to ensure the safety of the inspectors during the conduct of their boarding and inspection activities. The degree of force used shall not exceed that reasonably required in the circumstances.

30. Any incident involving the use of force shall be immediately reported to the authorities of the fishing vessel, as well as to the Executive Secretary for distribution to the Commission.

## **INSPECTION REPORTS**

31. Authorized inspectors shall prepare a full report on each boarding and inspection they carry out pursuant to these procedures in accordance with a format specified by the Commission. The authorities of the inspection vessel from which the boarding and inspection was carried out shall transmit a copy of the boarding and inspection report to the authorities of the fishing vessel being inspected, as well as the Commission, within 3 (three) full working days of the completion of the boarding and inspection. Where it is not possible for the authorities of the inspection vessel to provide such report to the authorities of the fishing vessel within this timeframe, the authorities of the inspection vessel shall inform the authorities of the fishing vessel and shall specify the time period within which the report will be provided.

32. Such report shall include the names and authority of the inspectors and clearly identify any observed activity or condition that the authorized inspectors believe to be a violation of the Convention or conservation and management measures in force and indicate the nature of specific factual evidence of such violation.

## **SERIOUS VIOLATIONS**

33. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 38, the authorities of the inspection vessels shall immediately notify the authorities of the fishing vessel, directly as well as through the Commission.

34. Upon receipt of a notification under paragraph 33, the authorities of the fishing vessels shall without delay:

- a. assume their obligation to investigate and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the authorities of the inspection vessel, as well as the Commission; or

- b. authorize the authorities of the inspection vessel to complete investigation of the possible violation and so notify the Commission.

35. In the case of 34(a) above, the authorities of the inspection vessel shall provide, as soon as practicable, the specific evidence collected by the authorized inspectors to the authorities of the fishing vessel.

36. In the case of 34(b) above, the authorities of the inspection vessel shall provide the specific evidence collected by the authorized inspectors, along with the results of their investigation, to the authorities of the fishing vessel immediately upon completion of the investigation.

37. Upon receipt of a notification pursuant to paragraph 33, the authorities of the fishing vessel shall make best effort to respond without delay and in any case no later than within 3 (three) full working days.

38. For the purposes of these procedures, a serious violation means the following violations of the provisions of the Convention or conservation and management measures adopted by the Commission:

- a. fishing without a valid license, permit or authorization issued by the Member whose flag the fishing vessel is entitled to fly, in accordance with Article 13 of the Convention;
- b. significant failure to maintain records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- c. fishing in a closed area;
- d. fishing during a closed season;
- e. intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the Commission;
- f. significant violation of catch limits or quotas in force pursuant to the Convention;
- g. using prohibited fishing gear;
- h. falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
- i. concealing, tampering with or disposing of evidence relating to investigation of a violation;
- j. multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission;
- k. refusal to accept a boarding and inspection, other than as provided in paragraphs 27 and 28;

- l. assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector; and
- m. intentionally tampering with or disabling the vessel monitoring system;
- n. such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures.

## **ENFORCEMENT**

39. Any evidence obtained as a result of a boarding and inspection pursuant to these procedures with respect to violation by a fishing vessel of the Convention or conservation and management measures adopted by the Commission and in force shall be referred to the authorities of the fishing vessel for action in accordance with Article 17 of the Convention.

40. For the purposes of these procedures, the authorities of the fishing vessels shall regard interference by their fishing vessels, captains or crew with an authorized inspector or an authorized inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.

## **ANNUAL REPORTS**

41. Contracting Parties that authorize inspection vessels to operate under these procedures shall report annually to the Commission on the boarding and inspections carried out by its authorized inspection vessels, as well as upon possible violations observed.

42. Contracting Parties shall include in their annual statement of compliance within their Annual Report to the Commission under Article 16 of the Convention action that they have taken in response to boarding and inspections of their fishing vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied.

## **OTHER PROVISIONS**

43. Authorized inspection vessels, while carrying out activities to implement these procedures, shall engage in surveillance aimed at identifying fishing vessels of non-Members undertaking fishing activities on the high seas in the Convention area. Any such vessels identified shall be immediately reported to the Executive Secretary for distribution to the Commission.

44. The authorized inspection vessel shall attempt to inform any fishing vessel identified pursuant to paragraph 43 that has been sighted or identified as engaging in fishing activities that are undermining the effectiveness of Convention and that this information will be sent to the Executive



Secretary for distribution to the Members of the Commission and the non-Member whose flag the fishing vessel is entitled to fly of the vessel in question.

45. If warranted, the authorized inspectors may request permission from the fishing vessel and/or the non-Member whose flag the vessel is entitled to fly to board a vessel identified pursuant to paragraph 43. If the vessel master or the vessel's non-Member whose flag the vessel is entitled to fly consents to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to all Commission Members as well as to the non-Member whose flag the vessel is entitled to fly.

46. Contracting Parties shall be liable for damage or loss attributable to their action in implementing these procedures when such action is unlawful or exceeds that reasonably required in the light of available information.

#### **COMMISSION COORDINATION AND OVERSIGHT**

47. Authorized inspection vessels in the same operational area should seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational information relevant to carrying out their responsibilities under these procedures.

48. The Commission shall keep under continuous review the implementation and operation of these procedures, including review of annual reports relating to these procedures provided by Members. In applying these procedures, Contracting Parties may seek to promote optimum use of the authorized inspection vessels and authorized inspectors by:

- a. identifying priorities by area and/or by fishery for boarding and inspections pursuant to these procedures;
- b. ensuring that boarding and inspection on the high seas is fully integrated with the other monitoring, compliance and surveillance tools available pursuant to the Convention;
- c. ensuring non-discriminatory distribution of boarding and inspections on the high seas among fishing vessels of Members of the Commission without compromising the opportunity of Contracting Parties to investigate possible serious violations; and
- d. taking into account high seas enforcement resources assigned by Members of the Commission to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas in areas adjacent to waters under their jurisdiction.

## **SETTLEMENT OF DISAGREEMENTS**

49. In the event of a disagreement concerning the application or implementation of these procedures, the parties concerned shall consult in an attempt to resolve the disagreement.

50. If the disagreement remains unresolved following the consultations, the Executive Secretary of the Commission shall, at the request of the parties concerned, and with the consent of the Commission, refer the disagreement to the Technical and Compliance Committee (TCC). The TCC shall establish a panel of five representatives, acceptable to the parties to the disagreement, to consider the matter.

51. A report on the disagreement shall be drawn up by the panel and forwarded through the TCC Chair to the Executive Secretary for distribution to the Commission within two months of the TCC meeting at which the case is reviewed.

52. Upon receipt of such report, the Commission may provide appropriate advice with respect to any such disagreement for the consideration of the Members concerned.

53. Application of these provisions for the settlement of disagreements shall be non-binding. These provisions shall not prejudice the rights of any Member to use the dispute settlement procedures provided in the Convention.