

Information paper submitted by the Secretariat.

Performance Review Recommendations relevant to TCC

Abstract:

This paper presents the recommendations from the Report of the 2022 North Pacific Fisheries Commission Performance Review Panel that are relevant to TCC, with updates on the status of each. Recommendation numbers 5.3.1 and 5.5.1 have been highlighted by the TCC chair for TCC08 consideration.

TCC RELATED FROM PERFORMANCE REVIEW									
TABLE OF RECOMMENDATIONS	DETAILS OF THE RECOMMENDATION	PRIORITY	ROLE	TIMING	Priority	TIMEFRAME FOR ACTION	ROLE/TASKING	Update to TCC08	COM DECISION
SCIENCE									
<i>Status of living marine resources</i>									
Recommendation 3.1.8. The SC and TCC should coordinate formal efforts to collect standardised data and validate bycatch of associated and dependent species.	Para. 51 & 52 of Report: This recommendation is related to ecologically related species. While outside the scope of directed fishery “management” advice, having some indication of the levels of catch of associated and dependent species, by-catch, and activities such as shark-finning, would reflect a responsible approach to fishery management. Additionally, whether or not the current indicator taxa were sufficient for determining VME.	High	TCC	Short	High (Recommend change to LOW)	2025/2026	TCC PD	Need to establish observer program first - can coordinate with SC while developing observer program to ensure standard data collection efforts. TCC took steps to start observer program exploration at TCC07. TCC PD developed Transshipment Observer Program in 2024/2025. Chair and SC Chair worked together on needs for broader observer program; SC decided it did not need more scientific information at this time; all science needs/objectives are essentially met through other programs.	
<i>Quality and provision of scientific advice</i>									
<i>Long-term planning and research</i>									
<i>Best available science</i>									
Recommendation 3.4.3. The Commission should develop a regional observer program to contribute to addressing science demands, resolve data gaps, improve data collection on bycatch, and monitor the implementation of measures.	Para. 65 & 66 of Report: NPFC needs a) having standardized methods for collecting data; b) applying sound logic and statistical rigor for interpreting results; c) having clear documentation of methods applied (including results and conclusions); and d), supporting adequate peer review. An observer program would help facilitate this.	High	TCC	Short	High (Transshipment Observer Program completed; ROP priority = Low)	2025/2026	TCC PD	Stated goal in Transshipment CMM was to have this by 2025 COMM meeting, starting with transshipment observer program for 2024 meeting. Transshipment observer program to be established for 2024 meeting. Larger observer program to be created in the intersession between 2024 and 2025 meeting. TCC took steps to start observer program exploration at TCC07. TCC PD developed Transshipment Observer Program in 2024/2025. Chair and SC Chair worked together on needs for broader observer program; SC decided it did not need more scientific information at this time; all science needs/objectives are essentially met through other programs.	
CONSERVATION AND MANAGEMENT									
<i>Conservation and Management Measures</i>									
<i>Data collection and sharing</i>									
Recommendation 4.2.1. That the Commission increase efforts to characterise NPFC fisheries by expanding and harmonizing data collection formats for all species encounters, including bycatch, discards and species belonging to the same ecosystem or dependent upon or associated with the target stocks.	<p>Para. 131: good progress has been made in relation to the sharing of standardized data to support the work of the SC’s SCCs and TWGs and positive developments continue in the TCC. Although more remains to be done, and efforts are on-going, NPFC is to be commended for the progress achieved to date.</p> <p>Para. 133: the harmonization of data collection formats and associated gains in efficiency in data processing at the Secretariat, including through automated data quality assurance routines, could result in revisions to data submission deadlines. This would result in more complete quality data being available in a timely manner to support analysis and decisionmaking. The Commission is encouraged to take advantage of such developments. Expanding and harmonizing data collection will i) improve data administration and processing, including through opportunities to support the introduction of e-reporting, and ii) improve the timeliness and quality of data available to support analysis and decision-making for all species, including bycatch, discards and associate and dependent species</p>	High	COM	Medium		2+ years	TCC PD	COM direction needed (with TCC and SC). TCC will probably be able to facilitate data collection formatting and compliance reporting. Noted that Recommendation 4.2.2 is for the COM to task the Secretariat with hiring an expert to do a review of data collection and ID gaps --> TCC work ideally follow the expert review	

Recommendation 4.2.5. That the SC and the TCC each undertake a comprehensive assessment, updated annually, summarizing the NPFC data inventories and the status of data gaps and deficiencies in NPFC data and report the outcomes to the annual session of the Commission.	Para. 146-152, 163: The Report noted it challenging to accurately determine the status of NPFC data and identify where critical data-related issues persist. Reference to data gaps and deficiencies has been a recurring feature of discussions in the SC and its subsidiary bodies as recorded in meeting documentation and summary reports. ²²⁰ Unless intimately involved in the work of these groups it is currently difficult to i) access an inventory of data either held by the Commission or available to it, or ii) obtain details relating to data gaps and deficiencies.	High	TCC	Short/on-going	High	2+ years	TCC PD	TCC will work with the Secretariat on this. While the panel suggested "high" priority for this, the comprehensive assessment may need to be a back burner issue, while establishing other programs. Some data gaps will be addressed as TCC refines CMS/CMR, implements transshipment CMM and data security and sharing protocol, and develops a plan for a regional observer program. Some data gaps will be filled by the Implementation Questionnaire, implemented as part of the CMR at TCC07. On-going, but hoping many TCC data gaps are filled from IQ (part of CMS CMM is to continue to ID data gaps).	
Recommendation 4.2.6. That the Commission seek opportunities for collaboration with other RFMOs with shared interests in the North Pacific Ocean and appropriate technical agencies, such as Global Fishing Watch (GFW) and the IMCS Network, to assess the level and impacts of IUU fishing on NPFC fishery resources.	Para. 164: In relation to obvious data gaps, the Panel was unable to obtain data or information relating to estimates of IUU fishing in the NPFC Convention Area and the potential impact of IUU fishing on NPFC fishery resources and associated ecosystems. Given the expected impact of IUU fishing on stocks and the reliability of data used in stock assessments, the Commission is encouraged to undertake a robust assessment of IUU fishing in the NPFC Convention Area.	High	TCC	Short/on-going	High	Ongoing	TCC	This is on-going. For example, already have MOU with NPAFC, drafted for WCPFC and SPRFMO. SPRFMO and WCPFC finalized.	
<i>Capacity management</i>									
<i>Fishing allocations and opportunities</i>									
<i>Ecosystem approach to fisheries</i>									
Recommendation 4.5.1. The implementation of the CMMs relating to bottom fishing and the protection of VMEs should be strengthened by requesting the: • SC to undertake a review of the scientific aspects of the 50kg VME encounter threshold (including practices in other RFMOs) for possible revision; • SC to re-visit the recommendations of SC03 and SSC VME03 and provide a transparent assessment of the value of including sponges and hydrocorals as VME indicator taxa in conjunction with supporting an initiative to develop a quantitative method for the identification of VMEs; and • TCC to develop compliance-related reporting provisions for the Scientific Observer Program related to VME encounters, accompanied by a mechanism to deter non-compliance.	Para. 260-272: Relevant to the recommendation to TCC, the Report notes without an independent and impartial observer program, in combination with the absence of deterrents to non-compliance, ³⁷⁶ the current VME encounter reporting procedure appears ineffective and potentially undermines the objective of the Measures. There is little evidence that ecosystem considerations in NPFC fisheries are receiving strategic attention either at the national, or Commission, level. There should be efforts to focus on data collection procedures and obligations so that ecosystem-related interactions in NPFC pelagic fisheries can be characterized and assessed. Additional effort is also required to encourage Members to ensure compatible initiatives are supported and implemented in areas under national jurisdiction, with outcomes reported to the Commission. Consider an annex for the Scientific Observer Program - may provide a sound foundation for eventual extension of the observer program to all NPFC fisheries.	Medium	TCC	Medium	Medium (Recommend Low)	2025	TCC PD	To be done in conjunction with development of regional observer program. See above re: SC and ROP.	

Recommendation 4.5.3. That the Commission, at an early opportunity, develop and adopt CMMs addressing lost and discarded fishing gear, marine pollution and waste from fishing vessels, interactions with marine mammals, seabirds or sharks (particularly a prohibition on shark finning), and a prohibition on fishing with long driftnets in the NPFC Convention Area.	Para. 270: the Commission has no CMMs relating to general environmental protection ³⁸⁴ , including measures associated with i) pollution and waste, ii) lost and discarded fishing gear ³⁸⁵ , or iii) interactions with marine mammals, seabirds or sharks (particularly in relation to shark finning).	High	SC	Medium	Medium	2+ years	TCC PD	CMM on Marine Pollution and CMM on Sharks adopted in 2023. Others still TBD and Member driven.	
COMPLIANCE AND ENFORCEMENT									
<i>Monitoring, control and surveillance measures</i>									
Recommendation 5.2.1. That, as a priority, the Commission adopt a new comprehensive conservation and management measure to regulate and monitor transshipments.	Para. 294: there is as yet no comprehensive transshipment measure in place in the NPFC. This loophole is particularly worrying because most fish caught in the Convention Area are transshipped. ⁴⁰⁰ The Review Panel believes that the Commission should adopt an appropriate CMM as a matter of priority. Such a scheme should take into account the FAO Voluntary Guidelines on Transshipments and the best practices already in place in other RFMOs. This should include alignment with the minimum standards offered by the FAO Guidelines, and appropriate coverage of all NPFC species caught in the Convention Area, regardless of where the transshipment occurs.	High	SC	Medium	High	COMPLETE	TCC PD	CMM on Transshipment Adopted in 2023.	
Recommendation 5.2.2. That the Commission adopts, as a matter of priority, a Regional Observer Program that includes all fisheries and is based on a common understanding of the role and function of observers and common templates for the collection of scientific fisheries data and monitoring compliance with CMMs.	<p>Para. 283: NPFC lacks, for example, comprehensive measures to regulate transshipments, a regional Observer Program and common minimum standards for port State measures.</p> <p>Para. 299-301: There is no fully developed regional observer program in NPFC. The SC has reviewed the existing NPFC observer programs and those of other RFMOs to prompt a discussion on the matter,⁴⁰² but Members have been unable to develop a full proposal for debate. Given the central role that observers perform in gathering scientific data and supporting the implementation and compliance with RFMOs' management measures, the Review Panel urges the Commission to establish a comprehensive NPFC Observer Program for all NPFC fisheries. Paragraphs 300 and 301 provide further detail of considerations NPFC should take in establishing an observer program.</p>	High	TCC	Short	High (ROP Low)	Transshipment Observer Program COMPLETE. ROP - 2+ years	TCC PD	Stated goal in Transshipment CMM was to have this by COM09, starting with transshipment observer program for 2024 meeting. Transshipment observer program to be established for 2024 meeting. Larger observer program to be created in the intersession between 2024 and 2025 meeting. TCC07 decided to work on transshipment observer program in 2024/2025 intersession and begin preliminary work on ROP by asking SC questions. TCC PD developed Transshipment Observer Program in 2024/2025. Chair and SC Chair worked together on needs for broader observer program; SC decided it did not need more scientific information at this time; all science needs/objectives are essentially met through other programs.	
Recommendation 5.2.3. That the Commission adopt procedures to implement Article 17(4) of the Convention and clarify the circumstances in which fishing is to cease and vessels ordered to+J76+B76:E77	Para. 308: The remedial actions in this provision are challenging to reconcile with a formal TCC or Commission decision on whether the incident amounts to a serious violation. The Commission should consider how to give Article 17(4) a practical application that still serves the purpose of deterring such infringements from occurring, including by, for example, tasking the TCC with outlining the appropriate circumstances in which fishing is to cease and a vessel ordered to return to port.	Medium	TCC	Short	Medium	2025/2026	TCC OPS	Part of 2023-2024 intersessional work plan, but may need to continue into following intersession. OPS will work on in 2024-2025 intersession. OPS will work on in 2025-2026 intersession.	

Recommendation 5.2.4. That information from high seas boarding and inspections be used, subject to data management rules, to inform assessments under the Compliance Monitoring Scheme and the preparation of the Draft IUU Vessel List.		Medium	COM	Ongoing		COMPLETE		HSBI information is being used to inform the Compliance review and IUU List preparation.	
Recommendation 5.2.5. That the Commission adopts a long-term strategy to address the problem of vessels without nationality engaged in IUU fishing, with specific steps for finding and collecting information about each vessel, including on beneficiaries of their fishing activities and their operational aspects.	Para. 318: The Commission should consider ways to find out more about these vessels, their activities and the ports they frequent by using all the MCS tools available. If NPFC is genuinely determined to address this worrying issue effectively, it must deploy political will and all the means available, to develop intelligence and encourage individual actions by all Commission Members.	Medium	TCC	Long	Medium	2+ Years	TCC OPS	TCC focus on IUU will continue including assesement of range of IUU activities that undermine NPFC conservation objectives.	
Recommendation 5.2.6. That the Commission make full use of the information arising from at-sea inspections, including the possibility of vessels being included on the Draft IUU Vessel List.	Para. 319: it appears that possible violations by vessels flagged to Commission Members, as described by inspectors, do not lead to the inclusion of such vessels on the Draft IUU Vessel List	High	TCC	Ongoing	High	2025	TCC OPS	TCC focus on IUU will continue including assesement of range of IUU activities that undermine NPFC conservation objectives.	
Recommendation 5.2.7. That the Commission develop processes for the reciprocal recognition of the IUU Vessel Lists of other RFMOs.	Para. 320: The Review Panel considers that the IUU listing process would benefit from the Secretariat performing a supporting role by identifying possible vessels for the Draft List that the TCC and the Commission would later discuss.	Low	TCC	Medium	Low	Ongoing	TCC	TCC will consider crosslisting as opposed to the current publication on the NPFC website of all RFMO lists and the global aggregation sites.	
Recommendation 5.2.8. That the Commission consider adopting arrangements to prevent tampering with mobile transmitting units for accessing VMS data held by the Secretariat and to make VMS data available to support decisions of Members regarding the planning and when to conduct of high seas boarding and inspection.	Para. 325: the current CMM does not elaborate on measures to prevent tampering with units. Equally, there are no rules to access VMS data to support high seas boarding and inspections, a central element for planning these operations.	Medium	TCC	Medium	Medium	COMPLETE	TCC PD	VMS CMM amended to require MTUs to be tamper-proof in 2023. VMS data is currently made available to Membes with an inspection presence in the Convention Area	
Recommendation 5.2.9. That the Commission focus on developing, improving and implementing other, more urgent MCS tools and postpone the development of regional market-related measures at this time.	Para. 328-329: It is therefore fair to conclude that adopting trade-related measures is either not necessary yet or that these measures are not as urgent as other MCS measures. The records of discussion in the TCC and Commission reports suggest that other MCS measures have more urgency for the Commission. Referencing Art. 7(2)(g) of the Convention.	Low	TCC	Long	Low	COMPLETE	TCC PD	Intersessional work on refining CMS/CMR was tasked to TCC at COM07 for COM08. New CMS/CMR developed and implemented; allows for on-going work to improve process.	
Recommendation 5.2.10. That the Commission continue to implement and improve its CMS, including by integrating, in the best possible way, all the MCS instruments at its disposal in order to supplement self-reporting by Members and CNCPs with verifiable data and information.	Para. 285: the Commission's set of MCS measures needs more development to serve the overarching goal of detecting violations and ensuring compliance with the Convention and existing CMMs. The Review Panel finds that some of the tools established or currently in development must be further developed or improved. The Commission should also add other mechanisms to deter violations and ensure compliance. The Review Panel recommends that Members and CNCPs continue to develop a holistic system of MCS measures. See also, para. 340-348 for a comprehensive review of CMS and suggestions for how to improve.	Medium	TCC	Medium	Medium	COMPLETE	TCC PD	Intersessional work on refining CMS/CMR was tasked to TCC at COM07 for COM08. TCC07 and COM08 passed new CMS CMM, along with implementation questionnaire. Work will be on-going to review and improve CMS/CMR.	

Recommendation 5.4.1. That the Commission adopt, as a matter of priority, a conservation and management measure specifying minimum standards for port inspections, consistent with the FAO 2009 Port State Measures Agreement.	Para. 361-363: Despite the text of Article 14 of the Convention, the fact that all NPFC Contracting Parties except one are also parties to the FAO 2009 PSM Agreement, and the extensive practice of RFMOs worldwide, NPFC has yet to adopt a common scheme defining the minimum standards for PSM. the lack of common standards prevents Members from having a valuable tool to combat IUU fishing. The Commission should consider adopting a PSM scheme which establishes minimum standards for port inspections. That CMM should promote consistency with the FAO 2009 PSM Agreement and notification and inspection regimes across the Convention Area. The future NPFC PSM scheme should also consider a robust mechanism for the exchange of information on possible IUU vessels seeking access to NPFC ports so that Members can adequately deny such vessels the benefits of IUU fishing.	High	COM	Medium	High	2026	TCC PD TCC OPS	While this is a high priority, it is a large program that will need a lot of time/effort. Currently, TCC SWGs have other large programs that will take precedent (CMS, observer program), so this may have to wait. On TCC workplan.	
<i>Measures to deter nationals from engaging in IUU fishing</i>									
Recommendation 5.5.1. That the Commission consider the development of a specific scheme to implement the obligations under Article 17(7) so that Members and CNCPs take adequate measures to prevent their nationals from engaging in IUU fishing activities.	Para. 366: No standard approach to implementing the obligations under Article 17(7) appears in sight for NPFC. Neither the TCC nor the Commission has discussed any proposal in this regard.	Medium	COM	Long	Medium	2026	TCC OPS	For TCC consideration	
DECISION-MAKING AND DISPUTE SETTLEMENT									
<i>Decision-making</i>									
Recommendation 6.1.1. That the work of the TCC SWGs be facilitated by having clear work programs and timetables for completion of intersessional work, reporting against work programs in annual reports to TCC, and meetings are held where feasible in person in order to expedite progress on difficult issues in the work program.	Para. 379: The Report notes that progress in TCC SWG is slow. The Review Panel encourages the continued use of these mechanisms, together with others such as the use of facilitators to make progress in TCC SWG.	High	TCC	Ongoing	High	NOTED	TCC	TCC and SWG Chairs will action this. SWG's continue to refine their workplans and meetings, and have consistent reports on progress to both TCC and COM, but have not explored the possibility of an interession in-person meeting.	
INTERNATIONAL COOPERATION									
<i>Relationship to co-operating non-Members</i>									
<i>Relationship to non-cooperating non-Members</i>									
Recommendation 7.2.2. That the Commission revise CMM 2016-03 to require Members to prohibit vessels flying their flag from utilising the services, including transshipment services, of vessels that are flagged to non-contracting parties that are not CNCPs in the Convention Area.	Para. 393: Although the problem of IUU fishing in NPFC appears to be significant, there is a lack of serious efforts to encourage the flag States of vessels that undertake fishing or transshipment activities in the Convention Area to seek CNCP status. Given the role that transshipment plays in the NPFC Convention Area, this should be addressed by the Commission. Efforts could include tasking the Secretariat to re-new efforts to contact all non-Contracting Parties whose vessels fish or tranship in the Convention Area and those known to have an interest in fishing in the Convention Area, to request them to become a Contracting Party or attain CNCP status. If the flag States do not do so, the vessels concerned should be included on the NPFC IUU Vessel List.	High	TCC	Short	High	COMPLETE	TCC OPS	Addressed with the implementation of 2023-03 <i>On Transshipments</i> .	

