



North Pacific Fisheries Commission

NPFC-2025-TCC08-WP05

## Small Working Group on Operations Seeks Review of Serious Violation Tasking

### **Abstract:**

This paper provides a historic summary of the “serious violation” tasking to the Small Working Group, Operations and requests TCC to consider providing clarification or removal of the tasking from the TCC Workplan.

### Historical Tasking from the SWG OPS 2021-2022 Workplan:

TASK	STATUS	LEAD	NARRATIVE
Consistency on “serious violation” across all CMMs	PENDING		SWG OPS has not commenced work on this issue as of yet, but intends to do so in upcoming meetings post-TCC/COMM. Given the potential adoption of a transshipment measure this year with new serious violations listed, it was determined that SWG OPS will wait until post meeting cycles in 2022 to conduct a full and holistic overview of all current CMMs and pick out what is labelled as a serious violation and make sure that its defined correctly. It was also identified that there is a need to also determine if “serious violation” and IUU Vessel Listing criteria are synonymous.

**Note:** for the purpose of this review, obligations from conservation and management measures (CMMs) that are placed on vessels are referred to as vessel-based compliance requirements. This is to ensure clear differentiation from the Compliance Monitoring Scheme and obligations on members.

### Background:

This tasking was assigned several years ago after concerns were raised about what types or degrees of severity of non-compliance should be considered a “serious violation” and whether this term appropriately describes all incidents of vessel-based non-compliance where it is applied. Specifically, in the case of what was deemed “minor” non-compliance with vessel marking requirements, a member was concerned that vessels and members could face an IUU listing or receive a negative compliance assessment respectively, if found to have contravened the very technical requirements of the measure but where the intent or egregiousness of a violation was not considered.

After taking up this question, SWG OPS broadened the scope of the assessment to conduct a holistic review of all vessel-based compliance requirements found within conservation and management measures. The objective of this work was to determine whether all requirements or elements included in serious violation lists and non-compliance with vessel-based requirements found in other measures warranted the classification of “serious violation”.

Related to what could be included as a serious violation was the question of how serious violation findings equate to or interact with an IUU vessel listing. This question was not fully considered by the group but the SWG Operations co-leads offer some perspective on that question in the summary below.

### Progress to Date:

In 2023 the NPFC Compliance Manager compiled a reference sheet of all NPFC text where serious violations are mentioned. It was produced to help members identify duplicated requirements or vessel

obligations and assess whether any violation types should be considered “non-serious”. This review led to an analysis of all vessel-based compliance requirements found in NPFC measures and assessed whether non-compliance with these requirements should be considered a serious violation.

The SWG co-leads, in coordination with the Technical Compliance Committee Chair, conducted the exercises noted below to help clarify and focus SWG OPS efforts (appendices attached):

- 1) **Appendix A:** the list of all vessel-based compliance requirements was assessed against the Compliance Monitoring Scheme (CMS) “Priority Obligations to be Assessed” exercise (presented at TCC-07) to identify the relationship between priority obligations for members and serious violations for vessels.

**Result:** of 84 vessel-based compliance requirements taken from current CMMs, 82 were considered “serious violations” and 2 were found to be non-priority and/or not a serious violation.

**Other findings:** of the 84, 56 requirements did not show up on the “Priority Obligations to be Assessed” under the CMS. This was anticipated because the CMS work focused on member obligations which don’t always link to a vessel-based compliance requirement. However, 26 of the 84 requirements were assessed as priority obligations that would also be considered a serious violation if non-compliance was discovered on a vessel.

- 2) **Appendix B:** a second review of all vessel-based compliance requirements was completed by SWG Co-leads and provided to members for consideration. In this exercise, the vessel-based compliance requirements were identified where either:

(1) a specific obligation fell on a vessel (for example, in the CMM on the Vessel Monitoring System (VMS), paragraph 8 requires that *“All Members or CNCPs shall ensure that its flagged vessels that are authorized under NPFC and present in the Convention Area transmit VMS data every hour to their FMC”*). In this example, a vessel’s failure to transmit VMS data at hourly intervals could be considered a serious violation.

or

(2) a state of non-compliance in relation to a vessel-based requirement was described as a “serious violation” (for example, in the CMM On Information Requirements for Vessel Registration, paragraph 5 states *“ Each Commission Member and Cooperating non Contracting Party shall ensure that every fishing vessel authorized to fly its flag bear markings that are readily identified in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, and recognize that non-compliance with these standards shall be considered a serious violation according to Article 17, paragraph 5 of the NPFC Convention and Article 21 Paragraph 11(f) of the United Nations Fish Stocks Agreement.”*). This category would also include the serious violation lists found in the Convention text, HSBI, and IUU CMMs.

**Result:** This work categorized all requirements as either an 1) explicit serious violation or, 2) where a certain requirement would fall under a type of explicit serious violation or an “umbrella violation”, the umbrella serious violation was identified. Although not all vessel-based

compliance requirements fell neatly under a serious violation type or “umbrella violation” the member review did not result in the identification of any vessel-based requirements as “non-serious violations” if non-compliance was detected.

Both exercises contributed to a greater understanding of the compliance requirements placed on vessels and how non-compliance with most of those requirements could be connected to a more broad “serious violation” designation under Convention text, or the HSBI and IUU CMMs.

### **Findings and Considerations:**

The NPFC CMM inventory continues to grow and evolve as the Commission adopts new measures that come with new vessel-based compliance requirements. With this growth, inspectors are called to assess compliance against ever-expanding criteria.

When considering the original request to assess whether all elements currently described as serious violations (found in the Convention, HSBI, IUU CMM) met the threshold of a “serious violation” members found that after reviewing all vessel-based requirements, it was reasonable to continue treating non-compliance with any vessel-based requirement as a potential “serious violation”. Should such a finding be reported to a member for investigation or promoted to an IUU vessel listing, members would have the opportunity to assess the severity or egregiousness either bi-laterally or as a Commission.

It was noted that the outcome of this tasking and the identification of serious violations would have implications for the Performance Review panel’s recommendations on Article 17 of the Convention where paragraph 4 calls on members to take specific actions if a serious violation has been reported. This relationship has not been fully considered by SWG Operations but a review of current and past applications of this requirement in light of the panel’s findings would be helpful.

As intersessional discussion on this tasking concluded, it was acknowledged that we should continue assessing compliance against all vessel-based requirements as has been happening or we should seek clarification on our objectives and what outcome we are trying to achieve with this work.

### **Request to TCC:**

The NPFC compliance regime has changed since the SWG Operations members were first asked to define “serious violations”. After extensive review and discussion, current members see value in treating non-compliance with any vessel-based requirement as a potential serious violation. In other words, members do not see value in limiting the compliance and management tools found within NPFC CMMs. Therefore, SWG OPS request that this tasking be removed by TCC from the TCC worklist.

If SWG Operations is to continue with this work, we request clarification of our purpose and the intended objectives and outcomes of this tasking.

## APPENDIX A: SWG OPERATIONS ON SERIOUS VIOLATIONS

**TASKING:** The SWG Ops group has been tasked with compiling a comprehensive list of all serious violations in the NPFC. This tasking was assigned because it was recognized that the term “serious violation” is used throughout the NPFC Convention and Conservation and Management Measures (CMMs) in reference to various violation types that are noted in several measures but was not clearly or consistently defined. In addition, the NPFC CMMs contain vessel-based prohibitions that may or may not be adequately represented through the serious violation types listed in the Convention, the HSBI CMM, or the IUU CMM.

**METHODOLOGY:** The table below includes all vessel based prohibitions/obligations that are included in the Convention and all CMMs. There is duplication within the table but to ensure a transparent review process, all duplication has been retained.

Once all vessel-based obligations were identified, the SWG co-leads referred to the “Priority Obligations to be Assessed” table that was developed through the Compliance Monitoring Scheme (CMS) review process. During the CMS review process, while primarily focused on prioritizing member obligations, the sub-committee also noted where particular obligations would also be considered serious violations if a vessel was found in contravention of that specific requirement/obligation. The table below was cross referenced against the CMS Obligations table and those results have been added to the third column.

**FINDINGS:** The table below contains 84 individual vessel prohibitions or obligations (the 84 does not include the Convention’s serious violation list). This is the comprehensive list of vessel obligations from the measures where should non-compliance be detected, a serious violation is considered to have occurred. Of the 84 requirements, the following was noted:

- 26 were considered **priority** obligations for the member and **serious violations** on the vessel.
- No or zero **non-priority** obligations corresponded to a **serious violations**.
- 2 requirements were deemed to **not be a serious violation** if a vessel was to contravene the requirement (one was a priority obligation and one was a non-priority obligation).
- 56 requirements fell under the “**not assessed**” or “**not included**” in the obligation prioritization exercise but should also be considered for **serious violations** status. These include requirements from new measures or amendments that have not yet been added to the CMS Obligation table for consideration. This group also included items where assessment was deferred or was not able to be assessed by the Secretariat.
- The group of 56 violations also includes CMM requirements that were not included in the obligation table but where the requirement is called a serious violation in the Convention, the IUU, or the HSBI CMM or where it falls under an “umbrella” type of serious violation from either the Convention or the CMMs. What is meant by the term “umbrella” is where a specific prohibition would be considered a contravention of one of the defined “serious violations”. For example, in the Pacific Saury

measure paragraph 15 states *In order to protect juvenile fish, Members of the Commission shall take measures for fishing vessels flying their flags to refrain from fishing for Pacific saury in the areas east of 170°E from June to July.* If a vessel was found in contravention of this provision, the violation would fall under “fishing during closed season” or “fishing in a closed area” – both serious violations. This example was not on the Obligations to be Assessed table but would be a serious violation if a vessel contravened the requirement.

- It is this group of 56 violations that indicates this issue can be decoupled from the Member Obligations as they are distinct entities to be viewed with a vessel-based compliance lens.

**SUMMARY:** It was found that 82 of the 84 individual requirements would be serious violations if a vessel was found to be non-compliant. This list could be pared down if duplicative requirements were removed, specific reporting requirements under the Transshipment measure relied on paragraph 8 to address reporting violations, the 2 non-serious violations were removed, and/or the Commission agreed that other violations should not be considered serious violations.

It is understood that in addition to creating a complete, organized list of serious violations, a secondary benefit of this tasking would be to identify violations that are NOT serious. In my view, there is no way to classify any serious violations as “non-serious” in the NPFC. Because all Convention and CMM language uses the term “serious” in all references to violations, and all references to violations in the measures describe activities that could compromise the sustainable management of NPFC resources I think it is important to maintain the broad application of the term serious violation. To make room for a secondary tier of non-serious violations we would need to subjectively assess the severity of a serious violation. This is what members would be called to do when violations are detected and once a vessel was proposed to the draft IUU list.

For Reference:

<b>NPFC Convention Article 17.5: For the purpose of this article, a serious violation shall include any violations specified in Article 21 subparagraphs 11 (a) to (h) of the 1995 Agreement and such other violations as may be determined by the Commission</b>	
11a	Fishing without a valid licence, authorization or permit issued by the flag State in accordance with article 18, paragraph (3)
11b	Failing to maintain accurate records of catch and catch related data, as required by the relevant subregional or regional fisheries management organization or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organization or arrangement
11c	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
11d	directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited
11e	using prohibited fishing gear
11f	falsifying or concealing the markings, identity or registration of a fishing vessel

11g	Concealing, tampering with or disposing of evidence relating to an investigation
11h	Multiple violations which together constitute a serious disregard of conservation and management measures

#### COLOR LEGEND:

#### NUMBER OF REQUIREMENTS

PRIORITY OBLIGATION AND SERIOUS VIOLATION	26
NOT PRIORITY OBLIGATION BUT IS A SERIOUS VIOLATION	0
PRIORITY OBLIGATION BUT NOT SERIOUS VIOLATION	1
NOT A PRIORITY OBLIGATION AND NOT A SERIOUS VIOLATION	1
NOT ASSESSED ON OBLIGATION TABLE BUT IS A SERIOUS VIOLATION	56
NOT ASSESSED ON OBLIGATION TABLE AND NOT A SERIOUS VIOLATION	0
TOTAL SERIOUS VIOLATIONS/NOT SERIOUS VIOLATIONS	82/2

#### COLUMN A: VESSEL-BASED REQUIREMENTS FROM ALL CMMS:

**COLUMN B:** shows how vessel-based requirements interact with the CMS Obligations to be Assessed and where certain obligations would fall under other “umbrella” serious violation types

01 - CMM On Information Requirements for Vessel Registration		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE
5	Each Commission Member and Cooperating non Contracting Party shall ensure that every fishing vessel authorized to fly its flag bear markings that are readily identified in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, and recognize that non-compliance with these standards shall be considered a serious violation according to Article 17, paragraph 5 of the NPFC Convention and Article 21 Paragraph 11(f) of the United Nations Fish Stocks Agreement.	PRIORITY OBLIGATION = Y SV = Y. Failure to display proper marking could be SV depending on severity (ie total absence of marking compared to minor/partial obstruction of some characters.).

**Commented [DP1]:** The CMS Obligation table links p.7 (not on the SV Annex) to an SV if an IUU vessel of any RFMO were found to be active in the CA. This should be a CMS priority only as the vessel has already been labelled as IUU. Identification and updates should still be shared but obligation is on member to address. If the vessel no longer flies the original member flag, it would be addressed through CMM 2016-04.

10	An authorized vessel cannot conduct fishing activities in the Convention Area until the vessel has been accepted in the NPFC Vessel Registry.	Not included on the Obligation Table SV = Y, Unregistered or Unauthorized activity would be captured under 11a of Convention
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<b>02 - CMM To Establish a List of Vessels Presumed to Have Carried Out IUU Activities in the NPFC Convention Area</b>		
3a	Harvest species covered by the Convention in the Convention Area and are not on the NPFC record of authorized vessels	Priority Obligation = not included/assessed. SV = Y
3b	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	Priority Obligation = not included/assessed. SV = Y
3c	Do not record or report their catches made in the Convention Area consistent with NPFC measures, or make false reports	Priority Obligation = not included/assessed. SV=Y
3d	Take and land undersized fish in contravention of relevant NPFC conservation measures	Priority Obligation = not included/assessed. SV=Y
3e	Fish in a closed area or during a closed season in contravention of relevant NPFC conservation measures	Priority Obligation = not included/assessed. SV=Y
3f	Use prohibited fishing gear in contravention of relevant NPFC conservation measures	Priority Obligation = not included/assessed. SV = Y
3g	Transship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List	Priority Obligation = not included/assessed. SV = Y
3h	Are without nationality and harvest species covered by the Convention in the Convention Area	Priority Obligation = not



		included/assessed. SV = Y
3i	Engage in any other fishing activities that undermine the provisions of the Convention or any other NPFC conservation measures.	Priority Obligation = not included/assessed. SV = Y

03 – CMM On Transshipments		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE
4	A fishing vessel shall only engage in a transshipment, or other transfer activity in the Convention Area, if both the offloading and receiving vessel are duly authorized by its Flag State and included in the NPFC Vessel Registry	Priority Obligation = Y SV = Y
5	A fishing vessel is prohibited from operating as both an offloading vessel and a receiving vessel in the same trip.	Priority Obligation = Deferred SV = Y
6	If a fishing vessel intends to engage in a transshipment in an area under national jurisdiction, including a port, the fishing vessel shall receive an authorization from the relevant coastal or port State before engaging in the transshipment.	Priority Obligation = Y SV = Y
7	All reporting to the Secretariat related to a transshipment, or other transfer activity, shall be provided electronically (e.g. email, facsimile, etc.). This includes advance notifications, transshipment declarations, and observer transshipment reports.	Priority Obligation = N SV = N
8	All reporting shall comply with the procedures to be adopted by the Commission.	Priority Obligation = Y SV = Y
9	All reporting related to a transshipment shall include all marine species, including bycatch and unregulated species, taken in the Convention Area.	Priority Obligation = Y SV = Y
10	A fishing vessel shall maintain an electronic or physical record on board the fishing vessel of each transshipment it has engaged in during the current trip. The record shall include each transshipment declaration and daily activity records, such as those in a navigation logbook.	Priority Obligation = Y SV = Y
12	A fishing vessel, or a Commission Member or Cooperating non-Contracting Party on behalf of the vessel, shall provide an advance notification to the authorities listed in paragraph 13 as	Priority Obligation = Y SV = Y

**Commented [DP2]:** The CMS Obligation table also notes that the reporting obligations that follow p.8 could be addressed. However, given questions around p.9 I think it is worth keeping p.9 in as a distinct SV.

**Commented [DP3]:** Does this cover off all reporting requirements from p.12 to 19 and p.25 or should each requirement be individually noted here? If Commission agrees that p.8 covers all reporting obligations associated with Transshipment measure, the subsequent lines (up to p 29) can be deleted.

	soon as possible, and at least 24 hours in advance of the intended transshipment.	
14	A receiving vessel, or a Commission Member or Cooperating non-Contracting Party on behalf of the receiving vessel, shall provide an advance notification to the authorities listed in paragraph 13 as soon as possible, and at least 24 hours in advance of the intended other transfer activity.	Priority Obligation = Y SV = Y
15	If the transshipment does not start after 24 hours of the estimated start time, or within 20 nautical miles of the estimated start location, as contained in the advance notification, the fishing vessels involved in the transshipment, or Commission Members or Cooperating non-Contracting Parties on their behalf, shall modify the submitted advance notification.	Priority Obligation = Y SV = Y
16	If the other transfer activity does not start after 24 hours of the estimated start time, or within 20 nautical miles of the estimated start location, as contained in the advance notification, the receiving vessel, or Commission Member or Cooperating non-Contracting Party of the receiving vessel, shall modify the submitted advance notification.	Priority Obligation = Y SV = Y
17	For 2024 only, modification to the advance notification only needs to be submitted if the transshipment or Other Transfer Activity does not occur within 72 hours of the estimated start time or within 50 nautical miles of the estimated start location in the original advance notification.	Priority Obligation = not included/assessed. SV = Y
18	If a fishing vessel intends to engage in a transshipment in an area under national jurisdiction, including in a port, it shall not start the operation unless an authorization from the relevant flag and coastal or port State has been provided following the receipt of the transshipment advance notification.	Priority Obligation = Deferred SV = Y
19	If a transshipment is cancelled before it is undertaken, a fishing vessel intending to engage in the transshipment, or the Commission Member or Cooperating non-Contracting Party whose fishing vessel intended to engage in the transshipment, shall notify the Secretariat of the cancellation as soon as possible.	Priority Obligation = Y SV = N
23	If a fishing vessel receives catch from more than one offloading vessel, the fishing vessel shall ensure that the catch from each offloading vessel is stored separately and readily identifiable. The receiving vessel shall have a stowage plan available on board at all times.	Priority Obligation = Y SV = Y
24	In the event of mobile transmitting unit failure, the transshipment shall be suspended, and only resume once the fishing vessel complies with the relevant procedures in CMM on the Vessel Monitoring Systems (VMS).	Priority Obligation = Deferred SV = Y
25	A fishing vessel having engaged in, or a Commission Member or Cooperating non-	Priority Obligation = Y

**Commented [DP4]:** Refer to amended p.17 for this season only

	Contracting Party whose fishing vessel has engaged in, a transshipment shall provide a transshipment declaration to the authorities listed in paragraph 26 as soon as possible, and no later than 10 days after the transshipment.	SV = Y
29	An observer shall be provisioned, accommodated, including access to independent communications, and provided safe working conditions by the receiving vessel in accordance with the Commission Member's, or Cooperating non-Contracting Party's, domestic laws and regulations.	Priority Obligation = Y SV = Y
31	A fishing vessel may only engage in one transshipment at a time for each observer that is available to monitor and report on the transshipment.	Priority Obligation = Y SV = Y
32	An observer shall have: a) full, unobstructed, and safe access to each fishing vessel involved in the transshipment, including, inter alia, access to crew, gear, equipment, records, electronic means of communication, and fish holds; and b) adequate and appropriate space to undertake their responsibilities pursuant to this measure.	Priority Obligation = Y SV = Y
47	In the case of force majeure, the fishing vessel, or Commission Member or Cooperating non-Contracting Party, shall: a) notify the Secretariat prior to the completion of the transshipment, or other transfer activity, as well as the circumstances giving rise to the force majeure; and b) provide a transshipment declaration on the transshipment as soon as possible, but within 10 days of the transshipment.	Priority Obligation = Y SV = N

<b>04 – CMM On Vessels Without Nationality</b>		<b>CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE</b>
2	Any fishing activities by a fishing vessel without nationality on the high seas of the Area shall be deemed to undermine the Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 17 of the Convention. These activities are deemed to be IUU fishing and therefore its information shall be provided by the Secretariat to the TCC according to para 5 of this CMM and shall constitute an appropriate basis for placement of such vessel on the Commissions Draft IUU List in accordance with the relevant CMM for establishing NPFC IUU Vessel List.	Priority Obligation = CMM not included in Obligation Table SV = Y

<b>05 - CMM On Bottom Fisheries and Protection of Vulnerable Marine Ecosystems in</b>	<b>CMS OBLIGATION TABLE/SV</b>
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Northwestern Pacific Ocean		REFERENCE OR UMBRELLA VIOLATION TYPE
F	Prohibit its vessels from engaging in directed fishing on the following taxa: black coral (Antipatharia), gorgonians, pennatulaceans, stony corals (Scleractinia), soft corals, the classes of Hexactinellida and Demospongiae in the phylum Porifera as well as any other indicator species for VMEs as may be identified from time to time by the SC and approved by the Commission.	Fish for prohibited species=SV  Priority Obligation = not included
G	Further, considering accumulated information regarding fishing activities in the western part of the Convention Area, in areas where, in the course of fishing operations, cold water corals more than 50Kg or sponges more than 350Kg are encountered in one gear retrieval, Members of the Commission shall require vessels flying their flag to cease bottom fishing activities in that location. In such cases, the vessel shall not resume fishing activities until it has relocated a sufficient distance, which shall be no less than 1 nautical mile, so that additional encounters with VMEs are unlikely. All such encounters, including the location, gear type, date, time and name and weight of the VME indicator species, shall be reported to the Secretariat, through the Member, within one business day. The Executive Secretary shall, within one business day, notify the other Members of the Commission and at the same time implement a temporary closure in the area to prohibit fishing vessels from contacting the sea floor with their fishing gear. Members shall inform their fleets and enforcement operations within one business day of the receipt of the notification from the Executive Secretary. It is agreed that the VME indicator taxa include five groups of cold water corals, specifically black corals (Antipatharia), gorgonians, pennatulaceans, stony coral (Scleractinia), and soft corals. The VME indicator taxa also include the classes of Hexactinellida and Demospongiae in the phylum Porifera.	Fish for prohibited species = SV  Priority Obligation = D SV = Y
I	C-H seamount, the Southeastern part of Koko seamount (specifically, the area South of 34 degrees 57 minutes North, East of the 400m isobaths, East of 171 degrees 54 minutes East, North of 34 degrees 50 minutes North), are closed to prevent potential significant adverse impacts on VMEs consistent with the precautionary approach. Fishing in these areas requires exploratory fishery protocol (Annex 1).	Fish in closed area = SV  Priority Obligation = not included
J	Ensure that the distance between the footrope of the gill net and sea floor is greater than 70 cm.	Fish with prohibited gear = SV Priority Obligation = not included
K	Apply a bottom fisheries closure from November to January.	Fish during closed season = SV Priority Obligation = not included
Q	Members shall require vessels flying their flags to use trawl nets with mesh size greater than or	Fish with prohibited gear = SV

	equal to 130mm of stretched mesh with 5kg tension in the codend when conducting fishing activities for North Pacific armorhead or splendid alfonsino.	Priority Obligation = not included
S	Prohibit its bottom fishing vessels from contacting the sea floor with their fishing gear in the following two sites with VME indicator species. A Member of the Commission whose fishing vessels entered these areas shall report to the TCC as to how it ensured the compliance of this measure.(see sites noted in measure)	Fish with prohibited gear/fish in closed area=SV Priority Obligation = not included
8	Members shall ensure that all vessels authorized to bottom fish in the western part of the Convention Area shall carry an observer on board. Members shall ensure that observers are independent, impartial, and qualified to fulfill the requirements of this measure and to enhance data collection.	Priority Obligation = Y SV = Y

**Commented [DP5]:** F and I through S are not included in the Priority Obligation table but all provisions would fall under an umbrella SV type as noted in the third column. If they fall under umbrella types perhaps could remove from this table?

<b>06 - CMM On Bottom Fisheries and Protection of Vulnerable Marine Ecosystems in Northeastern Pacific Ocean</b>		<b>CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE</b>
G	Prohibit its vessels from engaging in directed fishing on the following taxa: black corals (Antipatharia), gorgonians, pennatulaceans, stony corals (Scleractinia), soft corals, the classes of Demospongiae and Hexactinellida in the phylum Porifera as well as any other indicator species for vulnerable marine ecosystems as may be identified from time to time by the SC and approved by the Commission;	Fish for prohibited species = SV  Priority Obligation = not included
J	Further, considering accumulated information regarding fishing activities in the Eastern part of the Convention Area, in areas where, in the course of fishing operations with pot gear, cold water corals that exceed 2Kg or sponges (Demospongiae and Hexactinellida) that exceed 5Kg are encountered in one gear retrieval, Members of the Commission shall require vessels flying their flag to cease bottom fishing activities in that location. In the course of fishing operations with all other gears, cold water corals that exceed 50Kg or sponges (Demospongiae and Hexactinellida) that exceed 350Kg are encountered in one gear retrieval, Members of the Commission shall require vessels flying their flag to cease bottom fishing activities in that location. In such cases, the vessel shall not resume fishing activities until it has relocated a sufficient distance, which shall be no less than 1 nautical mile, so that additional encounters with VMEs are unlikely. All such encounters, including the location, gear type, date, time and name and weight of the VME indicator species, shall be reported to the Secretariat, through the Member, within one business day. The Executive Secretary shall notify the other Members of the Commission and at the same time implement a temporary closure in the area to prohibit its bottom fishing vessels from contacting the sea floor with their trawl nets. Members shall	Fish for prohibited species/fish with prohibited gear = SV  Priority Obligation = not included

**Commented [DP6]:** G through L are not included in the Priority Obligations to Assess table but would all fall under umbrella SV types as noted in third column.

	inform their fleets and enforcement operations within one business day of the receipt of the notification from the Executive Secretary. It is agreed that the VME indicator taxa include cold water corals black corals (Antipatharia), gorgonians, pennatulaceans, stony corals (Scleractinia), and soft corals. The VME indicator taxa also include the classes of Demospongiae and Hexactinellida in the phylum Porifera.	
L	Prohibit bottom fishing vessels from fishing in the following areas in order to achieve sustainable protection of VMEs in the eastern part of the Convention Area: Northwestern Cobb Seamount, Northeastern Cobb Seamount	Fish with prohibited gear/fish in closed area =SV  Priority Obligation = not included

07 – CMM For Chub Mackerel		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE
5	Members of the Commission and CNCPs shall prohibit fishing vessels over 10,000 Gross Tonnage that are flying their flag and authorized to fish for chub mackerel, from fishing in the Convention Area.	Not yet added to obligation as this is a new 2024 requirement
6	Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag that fish for chub mackerel record their catches and report them to the relevant flag State authorities in accordance with their national data recording and reporting requirements.	Fail to record/report catch=SV  Not included on Obligation Table
12	Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag operating in the Convention Area to fish chub mackerel are to be equipped with an operational vessel monitoring system that is activated at all times.	Fail to provide VMS=SV  Not included on Obligation Table
18	For the purpose of this measure the ‘fishing season’ starts on 1 June and ends on 31 May. (although this equates to year-round open fishery, future closures might alter these dates)	Fish during closed season = SV Not included on Obligation Table

08 – CMM For Pacific Saury		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE
15	Members of the Commission shall ensure that fishing vessels flying their flags operating in the Convention Area to fish Pacific saury be equipped with an operational vessel monitoring system that is activated at all times.	Fail to provide VMS = SV Not included on Obligation Table
16	In order to prevent discards and contribute to the proper stock assessment, Members of the	Not included on Obligation Table but

	Commission shall take necessary measures to ensure that fishing vessels flying their flags in the Convention Area retain all the catch of Pacific saury on board.	could fall under the IUU CMM p.3i): Engage in any other fishing activities that undermine the provisions of the Convention or any other NPFC conservation measures. SV=Y
17	In order to protect juvenile fish, Members of the Commission shall take measures for fishing vessels flying their flags to refrain from fishing for Pacific saury in the areas east of 170°E from June to July.	Fish in closed area/fish during closed season=SV Priority Obligation = not included

<b>09 – CMM For High Seas Boarding And Inspection Procedures For The North Pacific Fisheries Commission</b>		<b>CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE</b>
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) provide a safe boarding ladder; Annex A provides guidelines for a safe boarding ladder; d) cooperate with and assist in the inspection of the vessel pursuant to these procedures; e) not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties; f) 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; g) provide the inspectors onboard with reasonable facilities, including, where appropriate, food and accommodation; and h) facilitate safe disembarkation by the inspectors.	Priority Obligation = Y SV = Y
38a	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	Not included in Obligation Table SV = Y
38b	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	Not included in Obligation Table SV = Y
38c	fishing in a closed area	Not included in Obligation Table SV = Y

38d	fishing during a closed season	Not included in Obligation Table SV = Y
38e	intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the Commission	Not included in Obligation Table SV = Y
38f	significant violation of catch limits or quotas in force pursuant to the Convention	Not included in Obligation Table SV = Y
38g	using prohibited fishing gear	Not included in Obligation Table SV = Y
38h	falsifying or intentionally concealing the markings, identity or registration of a fishing vessel	Not included in Obligation Table SV = Y
38i	concealing, tampering with or disposing of evidence relating to investigation of a violation	Not included in Obligation Table SV = Y
38j	multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission	Not included in Obligation Table SV = Y
38k	refusal to accept a boarding and inspection, other than as provided in paragraphs 27 and 28;	Priority Obligation = Y (falls under p.7) SV = Y
38l	assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector	Not included in Obligation Table SV = Y
38m	intentionally tampering with or disabling the vessel monitoring system	Not included in Obligation Table SV = Y
38n	such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures	Not included in Obligation Table SV = Y

10 – CMM For Sablefish		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE
7	Members of the Commission shall ensure that fishing vessels flying their flag operating in the eastern part of the Convention Area to fish sablefish are to be equipped with an operational vessel monitoring system that is activated at all times.	Fail to provide VMS = SV  Not included in Obligation table
8	All vessels authorized to fish sablefish in the eastern part of the Convention Area shall have 100% observer coverage.	Priority Obligation = Y SV=Y

11 – CMM For Japanese Sardine, Neon Flying Squid, Japanese Flying Squid		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA
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		<b>VIOLATION TYPE</b>
5	Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag operating in the Convention Area authorized to fish the three Pelagic Species are to be equipped with an operational vessel monitoring system that is activated at all times	Fail to provide VMS = SV Not included in Obligation table
6	Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag that fish the three Pelagic Species record their catches and report them to the relevant flag state authorities in accordance with their national data recording and reporting requirements.	Fail to record/report catch = SV Not included in Obligation Table

<b>12 – CMM On the Vessel Monitoring System (VMS)</b>		<b>CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE</b>
7	Each Member or CNCP shall ensure its authorized NPFC vessels provide accurate VMS data to the Secretariat via its FMC, in accordance with this CMM.	Not included in obligation table – but p.8 covers this.
8	All Members or CNCPs shall ensure that its flagged vessels that are authorized under NPFC and present in the Convention Area transmit VMS data every hour to their FMC.	Priority Obligation = Y SV = Y
17	In the event that an MTU has failed to transmit VMS data for four hours, the flag Member or CNCP shall require the fishing vessel master to manually report every four hours to the FMC or the Secretariat by other means of communication.	Not included in Obligation table but fail to transmit VMS = SV

<b>14 – CMM On Sharks</b>		<b>CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE</b>
6	No fishing vessel shall engage in shark finning.	Priority Obligation = Y SV = Y Fish for prohibited species = SV
7	No fishing vessel shall: a) retain on board, or otherwise possess or control, a shark fin that is not naturally attached to the corresponding shark; or b) transship, or land, a shark fin that is not naturally attached to the corresponding shark unless the fishing vessel complies with paragraph 8.	Priority Obligation = Y SV = Y
9	A fishing vessel shall record, and maintain a record of, any shark catch in the Convention Area, to the extent possible by species, in its logbook on board the fishing vessel.	Priority Obligation = Y SV = Y Fail to record/report catch-related data

<b>15 – CMM On the Prevention, Reduction, and Elimination of Marine Pollution</b>	<b>CMS OBLIGATION TABLE/SV</b>
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		REFERENCE OR UMBRELLA VIOLATION TYPE
4	A Commission Member, or Cooperating non-Contracting Party (Member or CNCP) shall take necessary measures to ensure that its fishing vessels do not discard or abandon fishing gear at sea.	Priority Obligation = Y SV=Y
8	A Member or CNCP shall take necessary measures to ensure that its fishing vessels do not release any plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, or incinerator ashes from plastics products, at sea.	Priority Obligation = Y SV=Y
9	A Member or CNCP is encouraged to implement appropriate on-board storage for, and to prohibit the release of the following discharges at sea by its fishing vessels, except as permitted under applicable international instruments: a) oil, fuel products, or oily residues; b) sewage; and c) garbage	Not included in Obligation table but includes specific vessel prohibition SV=Y
16	A Member or CNCP shall take necessary measures to ensure that its fishing vessels, to the extent possible, safely store and retain on board all fishing gear, garbage, and plastics until they can be disposed of at an adequate port reception facility	Not included in Obligation table but includes specific vessel obligation SV=Y

16 – CMM For Anadromous Fish		CMS OBLIGATION TABLE/SV REFERENCE OR UMBRELLA VIOLATION TYPE
4	Members and CNCPs shall take necessary measures to ensure their fishing vessels do not engage in directed fishing for anadromous fish in the Convention Area.	Not included in Obligation table Fish for prohibited species = SV
5	Members and CNCPs shall take necessary measures to ensure their fishing vessels do not retain on board or otherwise possess anadromous fish.	Not included in Obligation table Fish for prohibited species = SV
7	Members and CNCPs shall take necessary measures to ensure that if a fishing vessel incidentally captures anadromous fish, those fish shall be returned to the water without delay, in a manner that causes the least harm.	Not included in Obligation table Fish for prohibited species = SV
9	Members and CNCPs shall take necessary measures to ensure their fishing vessels maintain a record on board the vessel of incidentally caught and released anadromous fish in the Convention Area, to the extent possible by species. This record shall be made available to authorized inspectors.	Not included in Obligation table Fail to record/report catch-related data = SV

**Commented [DP7]:** This measure has not been added to the Obligations to be Assessed table. However, all vessel-based prohibitions would fall under umbrella violations (fish for prohibited species allowing them to be classed as SV.

## Appendix B: Vessel-based Requirements and Serious Violations in the NPFC

1. The NPFC Convention and conservation and management measures include vessel-based requirements that are listed below. The vessel-based requirements were identified throughout NPFC text where: (1) a specific obligation falls on a vessel or (2) a state of non-compliance in relation to a vessel-based requirement was described as a “serious violation.” Should a vessel not comply with the requirements below, a serious violation *may* have occurred.

If a vessel contravenes the vessel-based requirements listed below, that vessel *could* be said to have undermined the provisions of the Convention and measures as outlined in the ***CMM To Establishing a List of Vessels Presumed to Have Carried Out IUU Activities in the NPFC Convention Area*** paragraph 3i), which states a vessel is presumed to have carried out IUU fishing activities when evidence can demonstrate it has engaged in any other fishing activities that undermine the provisions of the Convention or any other NPFC CMMs. It is, thus, reasonable to conclude that non-compliance with any vessel-based requirement could make the vessel eligible to be proposed to the IUU list. This conclusion does not exclude or discount the opportunity for authorized inspectors to assess potential violations with a discretionary lens nor would it negate the flag state’s responsibility to sufficiently investigate and address the findings outside of an IUU listing process.

2. Notes for SWG OPS review: **yellow** highlight indicates duplicate violation types. Several requirements in the Convention, IUU CMM, and HSBI CMM are worded similarly and indicate a similar intent but only exact duplicates were highlighted. This is consistent with the serious violation spreadsheet shared by the NPFC Compliance Manager in 2023. The sections in **light beige** are highlighted to draw attention to the catch-all violation types (either multiple violations or any activities that compromise the Convention/CMM objectives) that would apply where more specific umbrella violation types don’t.

3. This list will be shared through the NPFC SWG Operations group page to support the continued assessment of the “Serious Violation” tasking and the proposed path forward. At the September 18<sup>th</sup>, 2024 JST meeting, SWG OPS co-leads proposed to discontinue work on this tasking as it was originally assigned at a very early stage in the Commission’s life to support areas that have since been developed. The co-leads have retained the “umbrella violation” heading to indicate where a vessel-based requirement may fall under one of the serious violations listed in the Convention, the IUU CMM, or the HSBI CMM.

<b>NPFC Convention, Compliance and Enforcement Article 17.5:</b> For the purpose of this article, a serious violation shall include any violations specified in Article 21 subparagraphs 11 (a) to (h) of the 1995 Agreement and such other violations as may be determined by the Commission.	
11a	Fishing without a valid licence, authorization or permit issued by the flag State in accordance with article 18, paragraph (3)
11b	Failing to maintain accurate records of catch and catch related data, as required by the relevant subregional or regional fisheries management organization or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organization or arrangement
11c	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
11d	directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited
11e	using prohibited fishing gear
11f	falsifying or concealing the markings, identity or registration of a fishing vessel
11g	Concealing, tampering with or disposing of evidence relating to an investigation
11h	Multiple violations which together constitute a serious disregard of conservation and management measures

<b>01 - CMM On Information Requirements for Vessel Registration</b>	
5	Each Commission Member and Cooperating non Contracting Party shall ensure that every fishing vessel authorized to fly its flag bear markings that are readily identified in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, and recognize that non-compliance with these standards shall be considered a serious violation according to Article 17, paragraph 5 of the NPFC Convention and Article 21 Paragraph 11(f) of the United Nations Fish Stocks Agreement.
10	An authorized vessel cannot conduct fishing activities in the Convention Area until the vessel has been accepted in the NPFC Vessel Registry.

<b>02 - CMM To Establish a List of Vessels Presumed to Have Carried Out IUU Activities in the NPFC Convention Area</b>	
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, <i>inter alia</i> :	
3a	Harvest species covered by the Convention in the Convention Area and are not on the NPFC record of authorized vessels
3b	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
3c	Do not record or report their catches made in the Convention Area consistent with NPFC measures, or make false reports
3d	Take and land undersized fish in contravention of relevant NPFC conservation measures
3e	Fish in a closed area or during a closed season in contravention of relevant NPFC conservation measures
3f	Use prohibited fishing gear in contravention of relevant NPFC conservation measures
3g	Transship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List
3h	Are without nationality and harvest species covered by the Convention in the Convention Area
3i	Engage in any other fishing activities that undermine the provisions of the Convention or any other NPFC conservation measures.

03 – CMM On Transshipments	
4	A fishing vessel shall only engage in a transshipment, or other transfer activity in the Convention Area, if both the offloading and receiving vessel are duly authorized by its Flag State and included in the NPFC Vessel Registry
5	A fishing vessel is prohibited from operating as both an offloading vessel and a receiving vessel in the same trip.
6	If a fishing vessel intends to engage in a transshipment in an area under national jurisdiction, including a port, the fishing vessel shall receive an authorization from the relevant coastal or port State before engaging in the transshipment.
8	All reporting shall comply with the procedures to be adopted by the Commission.
9	All reporting related to a transshipment shall include all marine species, including bycatch and unregulated species, taken in the Convention Area.
10	A fishing vessel shall maintain an electronic or physical record on board the fishing vessel of each transshipment it has engaged in during the current trip. The record shall include each transshipment declaration and daily activity records, such as those in a navigation logbook.
12	A fishing vessel, or a Commission Member or Cooperating non-Contracting Party on behalf of the vessel, shall provide an advance notification to the authorities listed in paragraph 13 as soon as possible, and at least 24 hours in advance of the intended transshipment.
14	A receiving vessel, or a Commission Member or Cooperating non-Contracting Party on behalf of the receiving vessel, shall provide an advance notification to the authorities listed in paragraph 13 as soon as possible, and at least 24 hours in advance of the intended other transfer activity.
15	If the transshipment does not start after 24 hours of the estimated start time, or within 20 nautical miles of the estimated start location, as contained in the advance notification, the fishing vessels involved in the transshipment, or Commission Members or Cooperating non-Contracting Parties on their behalf, shall modify the submitted advance notification.
16	If the other transfer activity does not start after 24 hours of the estimated start time, or within 20 nautical miles of the estimated start location, as contained in the advance notification, the

	receiving vessel, or Commission Member or Cooperating non-Contracting Party of the receiving vessel, shall modify the submitted advance notification.
17	For 2024 only, modification to the advance notification only needs to be submitted if the transshipment or Other Transfer Activity does not occur within 72 hours of the estimated start time or within 50 nautical miles of the estimated start location in the original advance notification.
18	If a fishing vessel intends to engage in a transshipment in an area under national jurisdiction, including in a port, it shall not start the operation unless an authorization from the relevant flag and coastal or port State has been provided
19	If a transshipment is cancelled before it is undertaken, a fishing vessel intending to engage in the transshipment, or the Commission Member or Cooperating non-Contracting Party whose fishing vessel intended to engage in the transshipment, shall notify the Secretariat of the cancellation as soon as possible.
23	If a fishing vessel receives catch from more than one offloading vessel, the fishing vessel shall ensure that the catch from each offloading vessel is stored separately and readily identifiable. The receiving vessel shall have a stowage plan available on board at all times.
24	In the event of mobile transmitting unit failure, the transshipment shall be suspended, and only resume once the fishing vessel complies with the relevant procedures in CMM on the Vessel Monitoring Systems (VMS).
29	An observer shall be provisioned, accommodated, including access to independent communications, and provided safe working conditions by the receiving vessel in accordance with the Commission Member's, or Cooperating non-Contracting Party's, domestic laws and regulations.
31	A fishing vessel may only engage in one transshipment at a time for each observer that is available to monitor and report on the transshipment.
32	An observer shall have: <ul style="list-style-type: none"> <li>a) full, unobstructed, and safe access to each fishing vessel involved in the transshipment, including, inter alia, access to crew, gear, equipment, records, electronic means of communication, and fish holds; and</li> <li>b) adequate and appropriate space to undertake their responsibilities pursuant to this measure.</li> </ul>

<b>04 – CMM On Vessels Without Nationality</b>	
2	Any fishing activities by a fishing vessel without nationality on the high seas of the Area shall be deemed to undermine the Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 17 of the Convention. These activities are deemed to be IUU fishing and therefore its information shall be provided by the Secretariat to the TCC according to para 5 of this CMM and shall constitute an appropriate basis for placement of such vessel on the Commissions Draft IUU List in accordance with the relevant CMM for establishing NPFC IUU Vessel List.

<b>05 - CMM On Bottom Fisheries and Protection of Vulnerable Marine Ecosystems in Northwestern Pacific Ocean</b>		<b>UMBRELLA VIOLATION</b>
4. Measures: Members of the Commission shall take the following measures in order to achieve sustainable management of fish stocks and protection of VMEs in the western part of the Convention Area:		
F	Prohibit its vessels from engaging in directed fishing on the following taxa: black coral (Antipatharia), gorgonians, pennatulaceans, stony corals (Scleractinia), soft corals, the classes of Hexactinellida and Demospongiae in the phylum Porifera as well as any other indicator species for VMEs as may be identified from time to time by the SC and approved by the Commission.	Convention 11d) and HSBI CMM 38e)
G	Further, considering accumulated information regarding fishing activities in the western part of the Convention Area, in areas where, in the course of fishing operations, cold water corals more than 50Kg or sponges more than 350Kg are encountered in one gear retrieval, Members of the Commission shall require vessels flying their flag to cease bottom fishing activities in that location. In such cases, the vessel shall not resume fishing activities until it has relocated a sufficient distance, which shall be no less than 1 nautical mile, so that additional encounters with VMEs are unlikely.	Convention 11e) and HSBI CMM 38g)
I	C-H seamount, the Southeastern part of Koko seamount (specifically, the area South of 34 degrees 57 minutes North, East of the 400m isobaths, East of 171 degrees 54 minutes East, North of 34 degrees 50 minutes North), are closed to prevent potential significant adverse impacts on VMEs consistent with the precautionary approach. Fishing in these areas requires exploratory fishery protocol (Annex 1).	IUU CMM 3e) and HSBI CMM 38c)
J	Ensure that the distance between the footrope of the gill net and sea floor is greater than 70 cm.	Convention 11e) and HSBI CMM 38g)
K	Apply a bottom fisheries closure from November to January.	IUU CMM 3e) and HSBI CMM 38d)
Q	Members shall require vessels flying their flags to use trawl nets with mesh size greater than or equal to 130mm of stretched mesh with 5kg tension in the codend when conducting fishing activities for North Pacific armorhead or splendid alfonso.	Convention 11e) and HSBI CMM 38g)
S	Prohibit its bottom fishing vessels from contacting the sea floor with their fishing gear in the following two sites with VME indicator species. A Member of the Commission whose fishing vessels entered these areas shall report to the TCC as to how it ensured the compliance of this measure.(see sites noted in measure)	Convention 11e) and HSBI CMM 38g) for gear and IUU CMM 3e) and HSBI CMM 38c) for closed area
8	Members shall ensure that all vessels authorized to bottom fish in the western part of the Convention Area shall carry an observer on board.	IUU CMM 3i)



<b>06 - CMM On Bottom Fisheries and Protection of Vulnerable Marine Ecosystems in Northeastern Pacific Ocean</b>		<b>UMBRELLA VIOLATION</b>
3. Actions by Members of the Commission - Members of the Commission will take the following actions in respect of vessels operating under its Flag or authority in the area covered by these Measures:		
G	Prohibit its vessels from engaging in directed fishing on the following taxa: black corals (Antipatharia), gorgonians, pennatulaceans, stony corals (Scleractinia), soft corals, the classes of Demospongiae and Hexactinellida in the phylum Porifera as well as any other indicator species for vulnerable marine ecosystems as may be identified from time to time by the SC and approved by the Commission.	Convention 11d) and HSBI CMM 38e)
J	Further, considering accumulated information regarding fishing activities in the Eastern part of the Convention Area, in areas where, in the course of fishing operations with pot gear, cold water corals that exceed 2Kg or sponges (Demospongiae and Hexactinellida) that exceed 5Kg are encountered in one gear retrieval, Members of the Commission shall require vessels flying their flag to cease bottom fishing activities in that location. In the course of fishing operations with all other gears, cold water corals that exceed 50Kg or sponges (Demospongiae and Hexactinellida) that exceed 350Kg are encountered in one gear retrieval, Members of the Commission shall require vessels flying their flag to cease bottom fishing activities in that location. In such cases, the vessel shall not resume fishing activities until it has relocated a sufficient distance, which shall be no less than 1 nautical mile, so that additional encounters with VMEs are unlikely.	Convention 11e) and HSBI CMM 38g)
L	Prohibit bottom fishing vessels from fishing in the following areas in order to achieve sustainable protection of VMEs in the eastern part of the Convention Area: Northwestern Cobb Seamount, Northeastern Cobb Seamount	Convention 11e) and HSBI CMM 38g) for gear and IUU CMM 3e) and HSBI CMM 38c) for closed area

<b>07 – CMM For Chub Mackerel</b>		<b>UMBRELLA VIOLATION</b>
5	Members of the Commission and CNCPs shall prohibit fishing vessels over 10,000 Gross Tonnage that are flying their flag and authorized to fish for chub mackerel, from fishing in the Convention Area.	IUU CMM 3i)
6	Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag that fish for chub mackerel record their catches and report them to the relevant flag State authorities in accordance with their national data recording and reporting requirements.	Convention 11b), IUU CMM 3c) and, HSBI CMM 38b)



18	For the purpose of this measure the ‘fishing season’ starts on 1 June and ends on 31 May.	HSBI CMM 38d) if these dates were to change
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<b>08 – CMM For Pacific Saury</b>		<b>UMBRELLA VIOLATION</b>
16	In order to prevent discards and contribute to the proper stock assessment, Members of the Commission shall take necessary measures to ensure that fishing vessels flying their flags in the Convention Area retain all the catch of Pacific saury on board.	IUU CMM 3i)
17	In order to protect juvenile fish, Members of the Commission shall take measures for fishing vessels flying their flags to refrain from fishing for Pacific saury in the areas east of 170°E from June to July.	IUU CMM 3e) and HSBI CMM 38c) and 38d)

<b>09 – CMM For High Seas Boarding And Inspection Procedures For The North Pacific Fisheries Commission</b>	
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) provide a safe boarding ladder; Annex A provides guidelines for a safe boarding ladder; d) cooperate with and assist in the inspection of the vessel pursuant to these procedures; e) not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties; f) 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; g) provide the inspectors onboard with reasonable facilities, including, where appropriate, food and accommodation; and h) facilitate safe disembarkation by the inspectors.
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:
38a	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
38b	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
38c	fishing in a closed area
38d	fishing during a closed season
38e	intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the Commission

38f	significant violation of catch limits or quotas in force pursuant to the Convention
38g	using prohibited fishing gear
38h	falsifying or intentionally concealing the markings, identity or registration of a fishing vessel
38i	concealing, tampering with or disposing of evidence relating to investigation of a violation
38j	multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission
38k	refusal to accept a boarding and inspection, other than as provided in paragraphs 27 and 28;
38l	assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector
38m	intentionally tampering with or disabling the vessel monitoring system
38n	such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures

10 – CMM For Sablefish		UMBRELLA VIOLATION
8	All vessels authorized to fish sablefish in the eastern part of the Convention Area shall have 100% observer coverage.	IUU CMM 3i)

11 – CMM For Japanese Sardine, Neon Flying Squid, Japanese Flying Squid		UMBRELLA VIOLATION
6	Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag that fish the three Pelagic Species record their catches and report them to the relevant flag state authorities in accordance with their national data recording and reporting requirements.	Convention 11b), IUU CMM 3c) and, HSBI CMM 38b)

12 – CMM On the Vessel Monitoring System (VMS)	
7	Each Member or CNCP shall ensure its authorized NPFC vessels provide accurate VMS data to the Secretariat via its FMC, in accordance with this CMM.
8	All Members or CNCPs shall ensure that its flagged vessels that are authorized under NPFC and present in the Convention Area transmit VMS data every hour to their FMC.
17	In the event that an MTU has failed to transmit VMS data for four hours, the flag Member or CNCP shall require the fishing vessel master to manually report every four hours to the FMC or the Secretariat by other means of communication.

<b>14 – CMM On Sharks</b>		<b>UMBRELLA VIOLATION</b>
6	No fishing vessel shall engage in shark finning.	IUU CMM 3i)
7	No fishing vessel shall: a) retain on board, or otherwise possess or control, a shark fin that is not naturally attached to the corresponding shark; or b) transship, or land, a shark fin that is not naturally attached to the corresponding shark unless the fishing vessel complies with paragraph 8.	IUU CMM 3i)
9	A fishing vessel shall record, and maintain a record of, any shark catch in the Convention Area, to the extent possible by species, in its logbook on board the fishing vessel.	Convention 11b), IUU CMM 3c) and, HSBI CMM 38b)

<b>15 – CMM On the Prevention, Reduction, and Elimination of Marine Pollution</b>		<b>UMBRELLA VIOLATION</b>
4	A Commission Member, or Cooperating non-Contracting Party (Member or CNCP) shall take necessary measures to ensure that its fishing vessels do not discard or abandon fishing gear at sea.	IUU CMM 3i)
8	A Member or CNCP shall take necessary measures to ensure that its fishing vessels do not release any plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, or incinerator ashes from plastics products, at sea.	IUU CMM 3i)
9	A Member or CNCP is encouraged to implement appropriate on-board storage for, and to prohibit the release of the following discharges at sea by its fishing vessels, except as permitted under applicable international instruments: a) oil, fuel products, or oily residues; b) sewage; and c) garbage	IUU CMM 3i)
16	A Member or CNCP shall take necessary measures to ensure that its fishing vessels, to the extent possible, safely store and retain on board all fishing gear, garbage, and plastics until they can be disposed of at an adequate port reception facility	IUU CMM 3i)

<b>16 – CMM For Anadromous Fish</b>		<b>UMBRELLA VIOLATION</b>
4	Members and CNCPs shall take necessary measures to ensure their fishing vessels do not engage in directed fishing for anadromous fish in the Convention Area.	Convention 11d) and HSBI CMM 38e)
5	Members and CNCPs shall take necessary measures to ensure their fishing vessels do not retain on board or otherwise possess anadromous fish.	HSBI CMM 38e)
7	Members and CNCPs shall take necessary measures to ensure that if a fishing vessel incidentally captures anadromous fish, those fish shall be returned to the water without delay, in a manner that causes the least harm.	IUU CMM 3i)
9	Members and CNCPs shall take necessary measures to ensure their fishing	Convention 11b),

	vessels maintain a record on board the vessel of incidentally caught and released anadromous fish in the Convention Area, to the extent possible by species. This record shall be made available to authorized inspectors.	IUU CMM 3c) and HSBI CMM 38b)
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