



North Pacific Fisheries Commission

NPFC-2025-TCC08-WP16

Working Paper submitted by SWG Planning and Development

NPFC Rules of Transparency

Abstract:

In accordance with the tasking from TCC 07 and COM 08 to revise the “Interim Rules of Transparency for TCC”, the Small Working Group on Planning and Development proposes the attached amendments to clarify the TCC’s approach to the participation of observers in meetings, particularly related to the compliance monitoring process. With these changes, it is proposed that the word “Interim” be removed from the title and that the document be recommended for adoption at COM09.

INTERIM NPFC RULES OF TRANSPARENCY FOR TCC

1) Accredited Observer Participation at TCC

In the case of accredited observers (as listed in Rule of Procedure 9.1), participation in meetings of the TCC, as a subsidiary body to the North Pacific Fisheries Commission (NPFC), will be in accordance with Commission Rules of Procedure 9: Observers.

TCC discussions relating to draft and provisional compliance reports will be open to accredited observers as a default practice. Accredited observers may not disclose information from TCC meetings or associated documentation, as per Rule 9.7, including non-public domain information as per the NPFC Data Sharing and Data Security Protocol. Failure to comply will be addressed consistent with Rule 9.8 of the Rules of Procedure.

1)2) Accredited Observer participation in TCC~~Observer access to all TCC meetings including informal sessions and meetings of~~ small working groups (SWG) meetings

In the case of accredited observers (as listed in Rule of Procedure 9.1), attendance and participation in ~~intersessional meetings, such as~~ TCC Small Working Group (SWG) meetings, will be in accordance with the following procedures:

a) Accredited Observers may generally attend any TCC SWG meeting in accordance with Rule of Procedure 9 and these Transparency Rules. Should a Member object to an accredited observer's participation in a TCC SWG meeting, that Member must submit a rationale to the Secretariat, to be distributed to Members, at least 14 days before the SWG meeting in question. A simple majority of Members must concur, through email correspondence, with the exclusion of an accredited observer from the SWG meeting at least 7 days prior to the meeting, otherwise the observer may attend.

~~a) A Member may invite an observer to attend a SWG meeting, should the Member believe the meeting would benefit from the observer's attendance and participation. If a Member wishes to invite an observer, that Member should submit a proposal to the Secretariat at least 15 days prior to the meeting with information on how the participation of the observer~~

~~may be beneficial to the particular meeting. The Secretariat will immediately notify all Members of this invitation. The observer may attend and participate in the meeting, unless a simple majority of the Members objects to the request within 7 days of the notification. If the Secretariat provides fewer than 15 days' prior notice of the meeting, the Member should submit its proposal as soon as possible, still allowing Members at least 7 days to review.~~

~~b) An observer may request to be invited to attend a SWG meeting, either through a Member or directly to the Secretariat. That observer should submit a proposal to the Secretariat at least 15 days prior to the meeting with a statement on how the participation of the observer may be beneficial to the particular meeting. The Secretariat will immediately notify all Members of this proposal. The observer may attend and participate in the meeting, unless a simple majority of the Members objects to the request within 7 days of the notification. If the Secretariat provides fewer than 15 days' prior notice of the meeting, the observer should submit its proposal as soon as possible, still allowing Members at least 7 days to review.~~

~~e)b) Meetings of TCC SWGs, or portions of TCC SWG meetings, may be closed to accredited observers if the meeting or a portion of the meeting would disclose information listed in (i), (ii), or (iii) below.:~~

- ~~i) would disclose confidential commercial, financial or other operational information deemed privileged or confidential under Data Sharing and Data Security Protocol; NPFC's data security policy to be developed by the Commission;~~
- ~~ii) would disclose confidential information on monitoring, control and surveillance, particularly on HSB High Seas Boarding and Inspection enforcement and fishery related activities data, including CMS and transshipment data, deemed privileged or confidential under NPFC's Data Sharing and Data Security Protocol; data security policy to be developed by the Commission;~~
- ~~iii) would result in premature disclosure of drafts that are customarily kept confidential until published by the NPFC, including the IUU vessel list and the compliance reports, or;~~

~~iv)iii)~~ confidential information relates relating solely to the internal rules and practices of the NPFC, such as personnel matters, that are required to be kept confidential by NPFC policy ~~or applicable law~~.

2)3) Public Accredited Observer access to all meeting TCC documents, including documents of SWGs

For TCC meetings, accredited observers shall receive access to draft and provisional compliance reports, Implementation Questionnaires and associated documentation and other non-public domain information on or around the same time as Commission Members. Access to these meeting documents is subject to confidentiality rules adopted by the Commission, including the NPFC Data Sharing and Data Security Protocol and the NPFC Document Policy

For TCC SWG meetings, documents will be made available to accredited observers unless otherwise specified, on or around the same time as Commission Members. Materials developed during the SWG meeting will be made available to the above-mentioned accredited observers upon completion of the meeting in a time consistent with Member access to the materials. Access to these meeting documents is subject to confidentiality rules adopted by the Commission, including the NPFC Data Sharing and Data Security Protocol and the NPFC Document Policy.

~~All meeting documents, such as Working Papers, Meeting Info Papers, Reference Documents/Papers, draft CMMs, and Observer Papers, but excluding draft and interim compliance reports, edits or comments from Members made on working documents, or other draft documents customarily kept confidential, will be made available to accredited observers. These meeting documents will be made available to observers in advance of the meeting as per the Rules of Procedure, and where not specified, on or around the same time as Commission Members. Materials developed during the meeting, as well as meeting minutes, will be made available to accredited observers upon completion of the meeting in a time consistent with Member access to the materials. The access of these meeting documents is subject to confidentiality rules adopted by the Commission, such as data security-related provisions in CMMs, or a general data sharing and security policy to be adopted.~~

These rules will be reviewed at COM10, and as necessary thereafter, and revised as necessary.

~~These interim rules will remain in place until COM09, at which point the TCC SWGs will operate consistently with the Commission's Rules of Procedure, unless these interim rules are modified or extended.~~