

**Record of the 6th Session of the Preparatory Conference
for the North Pacific Fisheries Commission**

**Tokyo, Japan
21 March 2014**

1. Welcome and Opening Remarks

The 6th Session of the Preparatory Conference (PrepCon 6) for the North Pacific Fisheries Commission (NPFC) was convened in Tokyo, Japan. Mr. William Gibbons-Fly (United States) continued in the role of Chair. Japan welcomed the participants and provided opening remarks. A list of participants appears as Attachment 1.

2. Appointment of Rapporteur

Ms. Katie Moore (United States) was appointed to serve as Rapporteur for the Meeting.

3. Adoption of Agenda

The agenda was reviewed and adopted as amended to move the Working Group reports discussion prior to discussion of the Secretariat (Attachment 2). Several additions were included in “Other matters.” A document list was provided to the participants (Attachment 3).

4. Status of the Convention

Korea, as the Depositary, reported on the status of the Convention. Japan and Canada have deposited their instruments of acceptance and ratification, respectively. Korea will distribute a copy of Canada’s letter of ratification to all participants. China, USA, Korea, and Russia provided supplementary information on their ongoing domestic ratification processes. Chinese Taipei submitted to the Depositary the separate instrument for the Participation of Fishing Entities, by which Chinese Taipei expresses its intent to be bound by the Convention. Chinese Taipei also reported its domestic process is completed.

5. Discussion on science related topics.

The SWG12 Chair reported on meeting outcomes. Discussion centered on the recommendations by SWG12 for PrepCon decision (Attachment 4). With

respect to bottom fish stocks, the PrepCon endorsed the recommendations of the SWG contained in section 5 of the report of SWG12. With respect to pelagic fish stocks, the PrepCon endorsed the recommendations contained in paragraphs 1, 2 and 3 of section 6 of the record of SWG 12, "Discussion on Pelagic Fish Stocks." The PrepCon encourages all the Participants and Non-Participants to restrain from rapid expansion of fishing effort from the existing level for Pacific saury in the entire North Pacific until the stock assessment by the small working group has been completed, in light of NPFC Convention Article 3(h). In addition, the PrepCon encourages Non-Participants to provide all the fishery data in the Convention Area to the Interim Secretariat before the next Scientific Working Group meeting.

With respect to VMEs the PrepCon endorsed the recommendation contained in section 7(4) of the report of SWG12.

6. Discussion on technical and compliance related topics.

The TWCG1 Chair reported the meeting outcome (Attachment 5). The draft transshipment procedures and draft boarding and inspection procedures have text bracketed for further TCWG discussion. No items require action/decision by PrepCon at this time.

7. Discussion on the Secretariat of the Commission

(1) The process/timing for hiring the Executive Secretary and a draft vacancy announcement

The participants discussed the procedures for hiring the Executive Secretary and adopted the procedures shown at Attachment 6.

(2) Headquarters' Agreement for NPFC

Japan provided an overview of the agreement. Japan will circulate a draft agreement to participants two months prior to the first meeting of the Commission.

8. Other Matters

(1) Draft Agenda for the 1st Meeting of the Commission

Chinese Taipei recommended developing a draft agenda for the first meeting of the Commission if this should be the last PrepCon meeting. The Chair offered

to work with the Interim Secretariat to prepare an agenda intersessionally, circulate it with participants, and have that considered at the final meeting of the PrepCon in advance of the first meeting of the Commission.

(2) Process

Participants agreed to the revision of Section 2.5 of the Rules of Procedure regarding appointment of the Executive Secretary (Attachment 7).

(3) Logos

Participants discussed the value of generating an NPFC logo that demonstrates the objectives, species, and the CA (PC6/WP5). The Interim Secretariat will prepare some logo candidates and encourages other participants' (including observers) submissions by 30 days prior to PrepCon7.

(4) NPAFC Invitation

In response to NPAFC's invitation, USA offered to attend the May NPAFC meeting on behalf of the PrepCon and report back (PC6/WP4).

(5) Draft Financial Regulations

Participants discussed PC5-Ref.5, number 2, specifically that no definition of fiscal year is specified. Japan expressed the view that the fiscal year for the Commission should coincide with Japan's fiscal year, which is 1 April to 31 March, subject to confirmation from other participants after consultations. Participants endorsed a revision to paragraph 12 of the draft Financial Regulations in order to address catch data availability (PC5/Ref5, Attachment 8).

(6) Vanuatu

Vanuatu relayed its interest in becoming a member of NPFC. Vanuatu will seek advice and consent by its government regarding the Convention and will share data regarding their fishing activities.

(7) Budget

Chinese Taipei mentioned the need to finalize the NPFC budget. The Chair stated the budget, along with other administrative matters, will be a topic of discussion at PrepCon7.

9. Date and place of the next meeting

The Convention's coming into force will determine the date. The Chair stated that if there is a delay in the entry into force of the Convention, it may be appropriate to hold another PrepCon in March 2015 in order to continue the substantive work that the Commission would be doing should the Convention be in force.

10. Adoption of the Record of the Meeting

Participants approved the meeting record.

11. Adjournment

The 6th Session of PrepCon was adjourned at 15:00.

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Attachment1: List of participants for PrepCon6

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The 6th Session of the Preparatory Conference for the North Pacific Fisheries Commission

**Tokyo, Japan
21 March 2014**

Agenda

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- 3. Adoption of agenda**
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**6th Session of the Preparatory Conference for
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List of Documents

Information Papers

- PC6/Inf.1: List of Documents
- PC6/Inf.2: List of Participants (to be finalized at the meeting)

Working Papers

- PC6/WP1: Provisional Annotated Agenda
- PC6/WP2: Procedures for the Timing and Hiring of the Executive Secretary of the NPFC
- PC6/WP3/J: Draft outline of headquarters' agreement for NPFC
- PC6/WP4: Letter from NPAFC
- PC6/WP5: Logos of RFMOs
- PC6/WP6/J: Japan's proposal on Pacific saury

Reference Papers

- PC6/Ref.1: Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean
- PC6/Ref.2: Record of Negotiations of the Multilateral Meetings on the Management of High Seas Fisheries in the North Pacific Ocean
- PC6/Ref.3: Record of the 5th Session of the Preparatory Conference for the NPFC
- PC6/Ref.4: Final Draft of Rule of Procedure
- PC6/Ref.5: Final Draft of Rule of Financial Regulation
- PC6/Ref.6: Preparatory Conference for the NPFC Work Plan
- PC6/Ref.7: Non-binding expression of interest Letter for the FAO-GEF project

**Record of the 12th Scientific Working Group of the Preparatory Conference of
the North Pacific Fisheries Commission**

**Tokyo, Japan
17-18 March 2014**

1. Welcome and Opening Remarks

The SWG meeting was held on 17-18 March 2014 at Hakuyo Hall, Tokyo University of Marine Science and Technology in Japan. The Interim Secretariat welcomed all participants. A list of attendees appears as Attachment 1.

2. Appointment of Chair and Rapporteur

Dr. Hitoshi Honda (Japan) was elected as Chair, and Ms. Katie Moore (USA) as Rapporteur.

3. Adoption of Agenda

The agenda was adopted (Attachment 2) after Participants agreed to move some agenda items for discussion flow. A document list was provided to the participants (Attachment 3).

4. Discussion on the Bottom Fish Stocks

Discussion continued on the stock status of the bottom fish species in the Convention Area.

Japan presented SWG12/WP3/J, which is a follow up study of depletion model analysis of North Pacific armorhead using combined Japanese and Korean commercial fishery data from 2005 to 2012. The research is not a full scale stock assessment but is an approach for estimating total biomass, recruitment biomass and harvest rates based on available data. Japan and Russia noted that frequency of large recruitment may be increasing but current fishing mortality appears too high to ensure sustainable reproduction, although the results can be affected by model assumption and uncertainty of data and biological parameters.

Japan presented a review of literature on biological characteristics of North Pacific armorhead (SWG12/WP4/J). The paper was prepared to clarify current knowledge, information gaps and near future tasks to address key biological parameters of this species.

Korea presented information on its stock assessment based on a length cohort

analysis (SWG12/WP11/K). The fish have a unique growth cycle which causes complexity regarding models. Korea concluded the estimated biomass for armorhead in Emperor Seamounts based on the length-cohort analysis was very variable by length category intervals. The estimated values were very high. The method used would not be suitable for armorhead in the Emperor Seamounts. A more appropriate model, such as a spatial model, should be found or developed.

The USA noted that existing research indicates a highly variable biomass recruitment appears to be highly variable, and a pre-season forecast for age 1 and age 2 fish may be useful to determine an exploitation rate which allows for enough spawners. The USA further stated that one would be wrong 6 times out of the last 8 years to base catch levels on the 2 highest recruitment years (2010, 2012).

Additional discussions on Pacific armorhead were held in Agenda Item 5.

5. Discussion on the Interim Measures on VMEs and Marine Species

Japan described the notification letter that states Japan implemented its additional voluntary-based interim measures for North Pacific armorhead starting from January 1st 2014 based on recent scientific analyses (SWG/WP5/J). The USA noted that there was high data variability in Japan's depletion model analysis (summarized in section 4) and questioned the forecasted biomass level. The USA also noted that removing outliers and using the precautionary principle would result in a lower catch target.

As a voluntary interim measure, Korea is expanding its closed season from October-December to October-February for conserving spawning stocks (SWG12/WP6/K). Japan asked Korea for catch and effort data availability for C-H seamount in 2013. Korea agreed to provide the scientific data to Japan and the SWG. Compliance issues are separate and would be discussed at TCWG meeting.

Russia offered to join Korea and Japan in assessing the biomass of this species by providing data Russia has collected (e.g., aging, lifecycle, etc.).

To improve stock assessment of the North Pacific armorhead, SWG requests to the PrepCon to form a small WG under the SWG consisting of scientific experts in order to:

- Investigate the methodology and data needs of a more appropriate and

practical stock assessment for North Pacific armorhead

- Evaluate the interim measures and voluntary measures suggested by participants of SWG 12 for North Pacific armorhead (see Section 4 of this report)
- Explore the interim management measures including evaluation of their effect for sustainable use and recovery of North Pacific armorhead (i.e. time-closures, area-closures, catch limits, and any other single and/or combination of measures).

Canada noted the role that fishery management objectives, targets, risk tolerances, and timelines could have for subsequent advice by SWG based on stock assessments. The subsequent discussion noted that the NPFC Convention identifies overarching objectives.

Japan presented on their bottom environmental survey efforts which studied the distribution and density of corals on the Emperor Seamount (SWG12/WP7/J). Collecting general information like species distribution, depth, bottom type, fishing locations, etc. will help to develop area-specific VME processes. All participants expressed great appreciation to Japan for their research.

6. Discussion on the Pelagic Fish Stocks

The Coordinator of the International Symposium for Pacific saury reported a summary of the Symposium which started discussions on Pacific saury stock assessments (See Attachment 4). The SWG discussed the recommendations from the Symposium and presented to PrepCon, as stated below:

1. Calls for NPFC Participants to submit their fisheries and research data for stock assessments and to better understand the historical and present fisheries in the Convention Area (CA) and national waters adjacent to the CA.
2. Calls for appointment of a small working group under SWG to comprehensively assess the status and outlook of entire Pacific saury resource in the North Pacific Ocean.
3. The small working group shall integrate their analyses of all relevant research and commercial fisheries data to:
 - a. Determine the distributional range and biomass of the resource and seasonal details,
 - b. Estimate the recruitment of year classes into the resource, particularly of age 1 fish in light of environmental factors,
 - c. Determine the threshold of spawning stock biomass,
 - d. Evaluate harvesting strategies for the resource in light of fishing

strategies by NPFC Participants,

- e. Estimate the amount of fishing effort relevant to harvesting for the resource,
- f. Estimate biological reference points of the resource, and
- g. Evaluate uncertainties of the estimation procedures and limitations of data in the assessments above.

Serious concerns were expressed over stock status of Pacific saury by some participants based on the Symposium Report. Therefore, the SWG:

[4] Calls for PrepCon to discuss and consider developing interim measures to manage Pacific saury in the entire North Pacific based on the stock assessment of a proposed small Working Group (WG) by the SWG for the Pacific saury.

Or,

[4] Calls for PrepCon to discuss and consider developing interim measures to manage Pacific saury and control fishing effort for this species in the entire North Pacific.

Participants agreed to discuss squid at SWG13, commencing with Neon flying squid.

7. Discussion on the Progress of the SWG

(1) Development of data system and standards (Korea);

Korea stated that there is no consistent data format amongst member countries in NPFC and suggested the data format (such as use of CCAMLR's and other available sources) as the first step for the development of data systems and standards (SWG12/WP12). Korea suggested a WG to set up the data fields and data sheet; Japan recommended a species-specific WG. The Chair noted that further discussions are merited.

(2) Development of a systematic approach to stock assessment (Japan)

Japan recalled that North Pacific armorhead, Splendid alfonsino, Pacific saury, and squids were identified as priority species by the SWG at a prior meeting. Its supposed basic approach of stock assessment includes: (1) Collection of data and information; (2) Preliminary assessment and tentative management advice; (3) Data accumulation; (4) Development and improvement of assessment methods; and (5) Stock assessment, management strategy evaluation and management advice. Japan summarized the past achievement, current status and future tasks of stock assessments in the four priority species. Japan recommended forming a WG to pursue the stock assessment for each of the species. The USA

recommended collaborative data collection and analysis.

(3) Modification and Development of a five-year research plan that includes the identification of near-time priorities (Canada)

Canada stated that this version of the research plan has not changed substantively since the prior version, but incorporates direction on priorities from PrepCon4. Priorities are in bold text of the report (SWG12/WP10). The USA stated the plan (as written) is ambitious and recommended the integration of performance measures to ensure that NPFC is on track for implementation. Canada requested additional input from participants and will circulate an updated version for feedback.

(4) Development of encounter protocols for VMEs (USA)

The USA reported on the status of the SWG9 assignment to develop encounter protocols for trawl fisheries from significant adverse impact on VMEs. The participants had designated a VME Encounter WG to develop encounter protocols to protect four orders of corals: Alcyonacea, Antipatharia, Gorgonacea, and Scleractinia. Four tasks were specifically assigned: (1) Determine the distribution of encounters in fishing and survey operations with the four orders of corals as primary indicators of VMEs, (2) Estimate catch rates of corals brought up by fishing gear, (3) Estimate catch rates of corals encountered but not brought up by the fishing gear, and (4) Estimate catch rates encountered in directed fisheries on corals and catch rates of encounters not brought up by the fishing gear. The USA reported that the VME Encounter WG was awaiting guidance from the FAO VME workshop to begin its work.

The SWG recommended authorizing the existing VME Encounter WG to meet to develop encounter protocols according to decisions made in SWG9. The recommendation includes using the Interim Secretariat's assistance in hosting the event at their facility, potentially in summer 2014.

8. Other Matters (VMEs)

(1) Report of the FAO Regional Workshop on VMEs in the North Pacific Ocean

The "FAO Regional Workshop on Vulnerable Marine Ecosystems (VMEs) in the North Pacific Ocean" was held in Tokyo, Japan, on 11-13 March 2014. This was the third of a series of workshops to discuss regional issues on deep-sea fisheries and the protection of benthic habitats. Information was presented for the North Pacific and other ocean regions, and discussed in relation to relevant aspects of the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (the FAO Deep-sea Guidelines; FAO 2008). A wide range of topics

were discussed including fishing areas, surveys, exploratory fishing and impact assessments. Data entry for the North Pacific region for the FAO global database of information on VMEs was discussed. Collaborative opportunities uniting scientists across the North Pacific region and among other regions, as well as between experts from different disciplines, were discussed.

(2) Other Matters

Nothing was discussed.

9. Planning of the next SWG meeting

A proposal was to meet prior to the PrepCon, or the Commission meeting possibly in March 2015. Exact timing is to be decided by the PrepCon. If there are no other invitations- the Interim Secretariat will organize the meeting in Tokyo, Japan.

10. Adoption of the Record of the Meeting

Participants approved the meeting record.

11. Closing of the Meeting

The meeting adjourned at 17:15 on 18 March.

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The 12th Scientific Working Group Meeting

Tokyo, Japan

17-18 March 2014

Agenda

- 1. Welcome and Opening Remarks**
- 2. Appointment of Chair and Rapporteur**
- 3. Adoption of agenda**
- 4. Discussion on the Bottom Fish Stocks**
- 5. Discussion on the Interim Measures on VMEs and Marine Species**
- 6. Discussion on the Pelagic Fish Stocks**
- 7. Discussion on the Progress of the SWG**
 - (1) Development of data system and standard**
 - (2) Development of a systematic approach to stock assessment**
 - (3) Modification and development of a five-year research plan that includes the identification of near-time priorities**
 - (4) Development of encounter protocols for VMEs**
- 8. Other matters**
 - (1) Report of the FAO Regional Workshop on VMEs in the North Pacific Ocean**
 - (2) Other matters**
- 9. Planning of the next SWG meeting**
- 10. Adoption of the Record of the Meeting**
- 11. Closing of the Meeting**

**The 12th Scientific Working Group Meeting of
the Preparatory Conference for the North Pacific Fisheries Commission**

Tokyo, Japan
17-18 March 2014

List of Documents

Information Papers

- SWG12/Inf1: List of Documents
- SWG12/Inf2: List of Participants (to be finalized at the meeting)

Working Papers

- SWG12/WP1: Provisional Annotated Agenda
- SWG12/WP2: Summary of updated Foot Print Data
- SWG12/WP3/J: Depletion model analysis on recent recruitment and exploitation levels of North Pacific armorhead in the Southern Emperor–Northern Hawaiian Ridge seamounts
- SWG12/WP4/J: Biological synopsis of the North Pacific armorhead, *Pseudopentaceros wheeleri* Hardy, 1983: current status of knowledge and information gap
- SWG12/WP5/J: Japan's additional Interim Measure for North Pacific Armorhead
- SWG12/WP5/K: Korea's additional Interim Measure for North Pacific Armorhead
- SWG12/WP5/US: Proposal by the United States for Interim Measures to Regulate the North Pacific Armorhead Fisheries over the Emperor Seamounts
- SWG12/WP6/J: Japan's Report on Implementation of the Interim Measures for Bottom Fisheries in the Emperor Seamounts
- SWG12/WP6/R: Russian's Report on Implementation of the Interim Measures and Original Measures for Bottom Fisheries in the Emperor Seamounts in 2012 and 2013
- SWG12/WP7/J: Results of the bottom environmental survey of the Emperor Seamount Chain trawl fishing grounds in 2013
- SWG12/WP8: Report of international symposium for Pacific saury to SWG (to be provided at the meeting)
- SWG12/WP9: Report of the FAO Regional Workshop on VMEs in the North Pacific Ocean (to be provided at the meeting)
- SWG12/WP10: 2014-2018 Draft Research Plan
- SWG12/WP11/K: Stock assessment based on the length cohort analysis for armorhead in NPFC area
- SWG12/WP12: Development of data systems and standards

Annual Reports

- SWG12/WP/Ca: Canada's Annual Report for 2014 to the NPFC
- SWG12/WP/Ch: China's Annual Report for 2014 to the NPFC
- SWG12/WP/J: Japan's Annual Report for 2014 to the NPFC
- SWG12/WP/K: Korea's Annual Report for 2014 to the NPFC
- SWG12/WP/R: Russia's Annual Report for 2014 to the NPFC
- SWG12/WP/US: US Annual Report for 2014 to the NPFC
- SWG12/WP/CT: Chinese Taipei's Annual Report for 2014 to the NPFC

Reference Papers

- SWG12/Ref1: Report of the 11th Meeting of the SWG
- SWG12/Ref2: 2014 Report to the UN Secretary General on Bottom Fisheries in the High Seas of the North Pacific Ocean

Report of International Symposium for Pacific Saury

The international symposium for Pacific saury was held on 14-15 March 2014 at Hakuyo Hall, Tokyo University of Marine Science and Technology in Tokyo, Japan. The symposium was set up in NPFC-SWG 11, for the purpose of starting the discussion on stock assessment for Pacific saury. The symposium was coordinated by Harumi Yamada from Tohoku National Fisheries Research Institute of Fishery Research Agency, Japan.

The symposium was open for relevant experts (i.e., scientists, fishery managers, industry representatives concerned) from all the NPFC Participants. A total number of 66 from all the NPFC Participants was attended. Program and all of presentation slides are attached in this report.

Opening of the symposium was started by H. Nishida, Fisheries Agency of Japan declared at 10:00 on 14 March. The coordinator, H. Yamada introduced himself and briefly explain the objective of symposium successively, which was a sharing both of information and data on biology and fisheries for Pacific saury among the NPFC Participants to achieve the sustainable use of this resources.

The symposium consisted of three sessions with panel discussion. The presentations were made in each session by experts of NPFC Participants as follows:

Session 1. Research related Topics, chaired by Mitsuo Sakai (Japan)

In the Session 1, extensive research topics for the Pacific saury were presented on the basic biology, age and growth, reproductive process, fat condition, distribution patterns, population structure, migration, and stock assessment. Westward migration pattern in adult stage were suggested by Japan on the basis of otolith growth and ecological modeling. A recent distribution and abundance change was reported during fishing season in the coastal countries, Japan and Russia. A fishery-independent stock survey in the broad area of the North Pacific demonstrated a stock decreasing trend with a continuous increasing of fishing rate, however, Chinese Taipei reported a commercial-fishery-data based on CPUE from high sea trend has been slowly increasing. Japan and Russia reported on a decrease of CPUE in their national waters. A MSY was proposed through a first trial of surplus production model based on standardization of CPUE by Chinese Taipei and Japanese stock assessment survey. Considering unknown impact of recent environment or climate change on Pacific saury stock, research cooperation between participants will be required to assess the stock with utilizing long term fishery data and further information as unknown reproductive biology.

Session 2. Pacific saury Fisheries related Topics, chaired by Wen-Bin Huang (Chinese Taipei)

In the session 2, their own Pacific saury fishery history, fishing grounds, months, vessel numbers (or efforts), sizes and equipment were reported from Japan, Russia, Korea and Chinese Taipei as well as how to catch Pacific saury. Also, Japan and

Chinese Taipei reported their fishermen must submit their daily catch records to the competent authorities. In particular, an appropriate Pacific saury fisheries management has been applied over many years from the viewpoint of the sustainability in Japan. Japanese fishermen are worrying about the decreases in recent Pacific saury stocks, and hope NPFC framework will establish international appropriate Pacific saury fishery management. Major saury fishery in Russia has been and is conducted in the Northwestern Pacific Ocean of Kuril Islands both within and in adjacent areas beyond the Russian EEZ. Russia indicated that one of the main features of its Pacific saury fishery is that 100% of fish comes to the Russian market and is processed on Russian fish plants. In recent years, the number of Russia vessels fishing for Pacific saury has been gradually increasing; however, the number of fishing vessels is notably smaller than in the 1980's. In Korea, the Pacific saury fishing gear was mainly gillnets in coastal waters and stick-held dip nets in the Northwest Pacific Ocean. Numbers of Korean authorized vessels has decreased recently. In Chinese Taipei, the Pacific saury fishing fleet is composed of the squid jiggers changed their fishing practices to target Pacific saury in the second half of the year after 1996. All Chinese Taipei fishing vessels have been required to report their catches in a timely manner through an e-logbook system since 2007.

Session 3. Fisheries Management related Topics, chaired by D.V. Antonenko (Russia)

In the session 3, their management measures and systems for Pacific saury fisheries were reported from Japan, Russia and Chinese Taipei. Japan has management system of input control of effort, technical control, and output control for total catch. Japanese fishermen's additional voluntary measures for saury fisheries are limitation of fishing days and so on. Also both in Japan and Russia, the forecasting system for fishing ground, season and abundance help fishermen's operation strategies.

Governmental management in Russia includes control fishery via automatically VMS, daily control upon catch and transshipment, adoption of TAC, as well as the system for fishing permission. Chinese Taipei's management includes control fishery via automatically VMS, electronic catch reporting system, transshipment, as well as the system for fishing permission. Lessons learn from internationally managed pelagic fisheries: Case Study on Chilean jack mackerel was reported from Japan.

The panel discussion was preceded after sessions with panelists from each NPFC participant, M.Nakagami (Japan), A.A.Baitaliuk (Russia), Loh-Lee Low(USA), J.Curtis (Canada), Si Quan Tian (China), InJa Yeon (Korea) and Ming-Fen Wu (Chinese Taipei) facilitated by Harumi Yamada. The discussion was made on issues of stock assessment and sustainable use of Pacific saury.

Before starting the discussion, data availability for stock assessment for Pacific saury was reported by the NPFC Participants, and compiled in Table 1.

Stock assessments for Pacific saury were conducted by Japan, Chinese Taipei, and Russia; and it would be desirable to carry on more reliable stock assessments with integrated those analysis.

Serious concerns were expressed over stock status of Pacific saury.

Therefore, the panelists and participants at the symposium made the following recommendations to the NPFC Scientific Working Group (SWG):

1. Calls for NPFC Participants to submit their fisheries and research data for stock assessments and to better understand the historical and present fisheries in the Convention Area (CA) and national waters adjacent to the CA.
2. Calls for appointment of a small working group under SWG to comprehensively assess the status and outlook of entire Pacific saury resource in the North Pacific Ocean.
3. The small working group shall integrate their analyses of all relevant research and commercial fisheries data to:
 - a. determine the distributional range and biomass of the resource and seasonal details,
 - b. estimate the recruitment of year classes into the resource, particularly of age 1 fish in light of environmental factors,
 - c. determine the threshold of spawning stock biomass (SSB),
 - d. evaluate harvesting strategies for the resource in light of fishing strategies by the NPFC Participants,
 - e. estimate the amount of fishing effort relevant to harvesting strategies for the resource,
 - f. estimate catch limitations of the resources, and
 - g. evaluate uncertainties of the estimation procedures and limitations of data in the assessments above.
4. Calls for the SWG to discuss and develop interim measures for Pacific saury in the entire North Pacific in light of NPFC Convention Article 3(h) “ensuring that any expansion of fishing effort ...does not proceed without prior assessment of the impact of those fishing activities on the long term sustainability of the fisheries resource” .

Adjournment was stated by H. Nishida at 16:10 on 15 March.

Table 1. Available data for the stock assessment of Pacific saury

For FISHERIES DATA

MEMBER	Fishery	Area	Catch Data		Effort Data	
			resolution	year	resolution	year
JAPAN	Stick-held dip-net	CA	by day, by position, by size	since 1995	No. of vessel by day	since 1995
	others	NW	by statistical area of NPFC	since 1995	n.a.	since 1995
RUSSIA	Stick-held dip-net	CA	by statistical area of NPFC	since 2000	No. of vessel by day	since 1968
	Stick-held dip-net	NW	by statistical area of NPFC	since 2000	No. of vessel by day	since 2000
USA	none					
CANADA	none					
CHINA	Stick-held dip-net	CA	by statistical area of NPFC	2012	No. of vessel, fishing days	since 2012
KOREA	Stick-held dip-net	CA		since 1990	No. of vessel, fishing days	since 1990
CHINESE TAIPEI	Stick-held dip-net	CA	by statistical area of NPFC	since 1977	No. of vessel, fishing days	since 1994
		CA	by day, by position	since 2001	No. of vessel by day	since 2001

For BIOLOGICAL DATA

ITEM	REFERENCE
Distribution	Parin(1967)、 <u>Fukushima (1979)</u> , Hubbs and Wisner (1980)
Population	Chow et al.(2009)
Migration	<u>Fukushima (1979)</u> , Suyama et al.(2006), This presentation by Suayama and Ito
Age	Suyama et al.(2006)
growth	<u>Kosaka(2002)</u> , Kurita et al.(2004)
Spawning season	Watanabe and Lo (1989) and this presentation by Suayama
Spawning area	<u>Fukataki(1959)</u> 、Watanabe and Lo(1990), Takasuka et al.(in press)
Spawning duration	<u>Suyama (2013)</u>
First maturation age and size	Nakaya et al. (2011), <u>Suyama (2013)</u> , under the tank experiment

For RESEARCH DATA

MEMBER	SURVEY
JAPAN	Biomass survey, Fish market survey for fish size of catches (NW,CA)
RUSSIA	Biomass survey (CA-NW), fish size in fisheries vessels
USA	
CANADA	1968~ resarch data
CHINA	
KOREA	
CHINESE TAIPEI	fish size of catches(CA)

Technical and Compliance Working Group Meeting Report
19-20 March 2014

1. Welcome and Opening Remarks

The 1st Session of the TCWG was held on 19-20 March 2014 at Hakyō Hall, Tokyo University of Marine Science and Technology in Japan. The Interim Secretariat welcomed all participants. A list of attendees appears as Attachment 1.

2. Appointment of Chair and Rapporteur

Mr. Michael Clark (USA) was elected as Chair and Ms. Katie Moore (USA) as Rapporteur.

3. Adoption of Agenda

The agenda was adopted after revision to include discussion of the implementation of interim measures which were tabled from SWG12 (Attachment 2). A document list was provided to the participants (Attachment 3).

4. Transshipment

(1) Transshipment information

- Japan reported that only the feasibility research activities for Pacific saury conducted at-sea transshipments since 2009. (TCWG1/Inf/J).
- The USA commented on the potential value of a standardized unit of weight for reporting.
- Chinese Taipei made a verbal briefing on the information based on the report, which includes number of fishing vessels, catch, and also included frozen and unprocessed catch of Neon flying squid and Pacific saury was transshipped from 2008-2012 (TCWG1/Inf/CT). China reported that over 200 vessels involved in transshipment are targeting Neon flying squid, and data was collected since 2012 (SWG/WP/CH).
- Korea provided a summary of its transshipment procedures (TCWG1/Inf/K Revised).
- Russia reported that the list of vessels also included mother ships (TCWG/Inf/R).

(2) Transshipment procedures

The draft transshipment procedures and prior comments were circulated (TCWG1/WP2). Participants provided comments and suggested text that the USA used to revise the draft for discussion on Day 2.

Participants reviewed the updated draft and provided further input that the USA will incorporate and provide to the Interim Secretariat by 28 March 2014 for distribution to the participants. Where consensus was not achieved, text remains bracketed, and participants will be prepared for further discussion at the next TCWG meeting (Attachment 4).

5. Boarding and inspection procedure

Discussion continued on the Chair's draft boarding and inspection procedures (TCWG1/WP3 (PC5/WP5)). On Day 1 participants provided comments and suggested text that Canada used to incorporate for Day 2. Day 2 discussions resulted in an updated draft reflecting consensus language on many points (Attachment 5). Where consensus was not achieved, text remains bracketed, and participants will be prepared for further discussion at the next TCWG meeting.

6. Other MCS Issues: Interim Measures for Bottom Fisheries Annual Reports

Participants who submitted reports (Japan, Korea, and Russia) presented an overview of their respective reports. Japan asked Korea about a vessel fishing in a closed area for 20 days and expressed concern about Korea's enforcement efforts. To facilitate compliance Korea has provided fishing vessels with translated NPFC management measures. Korea will make every effort to prevent future recurrences. Korea ensures real-time monitoring of fishing vessel activities with its newly established Fisheries Monitoring Center (FMC), and it reaffirms its commitment to its fishing season closure. Korea committed to vigorously ensuring compliance and will continue to do so without delay.

Chinese Taipei suggested future annual reports on the implementation of interim measures include annual catch.

7. Planning of the next TCWG meeting

A proposal was to meet in coordination with SWG13. SWG13 is slated prior to PrepCon7 or the Commission meeting possibly in March 2015. Exact timing is to be decided at the PrepCon.

8. Adoption of the Record of the meeting

Participants approved the meeting record.

9. Closing of the Meeting

The 1st Session of TCWG was adjourned at 15:02.

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The 1st Technical and Compliance Working Group (TCWG) Meeting

**Tokyo, Japan
19-20 March 2014**

Agenda

- 1. Welcome and Opening Remarks**
- 2. Appointment of Chair and Rapporteur**
- 3. Adoption of agenda**
- 4. Transshipment**
 - (1) Information on transshipments**
 - (2) Transshipment procedure**
- 5. Boarding and inspection procedure**
- 6. Other MCS issues**
- 7. Planning of the next TCWG meeting**
- 8. Adoption of the Record of the Meeting**
- 9. Closing of the Meeting**

The 1st Technical and Compliance Working Group (TCWG) Meeting

Tokyo, Japan
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List of Documents

Information Papers

- TCWG1/Inf1: List of Documents
- TCWG1/Inf2: List of Participants (to be finalized at the meeting)
- TCWG1/Inf/Ch: Information on Transshipment by China
- TCWG1/Inf/J: Information on Transshipment by Japan
- TCWG1/Inf/K: Information on Transshipment by Korea
- TCWG1/Inf/CT: Information on Transshipment by Chinese Taipei
- TCWG1/Inf/R: Information on Transshipment by Russia

Working Papers

- TCWG1/WP1: Provisional Annotated Agenda
- TCWG1/WP2: Draft Transshipment Procedures for the NPFC (PC5/WP2/US)
- TCWG1/WP3: Chair's draft on Boarding and Inspection Procedures for the NPFC (PC5/WP5)
- TCWG1/WP4/J: Japan's Report on Implementation of the Interim Measures for Bottom Fisheries in the Emperor Seamounts (SWG12/WP6/J)
- TCWG1/WP4/K: Korea's Report on Implementation of the Interim Measures for Bottom Fisheries in the Emperor Seamounts (SWG12/WP6/K)
- TCWG1/WP4/R: Russian's Report on Implementation of the Interim Measures and Original Measures for Bottom Fisheries in the Emperor Seamounts in 2012 and 2013 (SWG12/WP6/R)

Reference Papers

**Boarding and Inspection Procedures for the
North Pacific Fisheries Commission (NPFC)**

1. The following procedures are established by the North Pacific Fisheries Commission, in accordance with Article ~~4~~7, paragraph ~~2-c~~5 of its Convention, to govern high seas boarding and inspection of fishing vessels in the Convention Area.

Definitions

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:

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

コメント [b1]: Implies NPFC will establish a registry of authorities or also inspectors?

PURPOSE

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

AREA OF APPLICATION

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

GENERAL RIGHTS AND OBLIGATIONS

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

コメント [D2]: See comment below.

6. ~~(Unless)~~ otherwise decided by the Commission, these procedures shall also apply in their entirety as between a Contracting Party and a Fishing Entity, subject to a notification to that effect to the Commission from the ~~Contracting Party parties~~ concerned.)

コメント [D3]: One member suggests removing paragraph 6. Another member suggests that if para 6 remains, "parties" should replace "Contracting Party" in last line. If para 6 were removed, that same member suggests para 5 would begin "Each Commission member may,..." All members to review this section to inform future discussion.

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

GENERAL PRINCIPLES

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

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

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

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

- a. fishing vessels that are not on the NPFC Record of Fishing Vessels and are flagged to Members of the Commission;
- b. fishing vessels reasonably believed to engage or to have been engaged in any activity in contravention of the Convention or any conservation and management measure adopted thereunder;
- c. fishing vessels whose flag Member does not dispatch patrol vessels to the area of application to monitor its own fishing vessels;
- d. fishing vessels without observers on board;
- e. fishing vessels with a known history of violating conservation and management measures adopted by international agreement or any ~~country's national~~domestic laws and regulations.

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

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PARTICIPATION

12. The Commission shall maintain a register of all authorized inspection vessels and authorities or inspectors. Only vessels and authorities or inspectors listed on the Commission's register are authorized under these procedures to board and inspect ~~foreign flagged fishing vessels~~ (fishing vessels of Commission members) on the high seas within the Convention Area.

コメント [D4]: This language is subject to agreement concerning paras 5 and 6.

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

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

i) _____ details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability);

ii-bis) An example of the credentials issued to the inspectors by its authorities;

ii) _____ notification that the inspection vessel is clearly marked and identifiable as being on government service;

iii) _____ notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

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

i) the names of the authorities responsible for boarding and inspection;

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

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

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

15. Authorized inspection vessels and inspectors notified by ~~Contracting Parties~~ (Commission members) pursuant to paragraph 13 shall be included on the Commission register once the ~~Chairperson~~ Executive Secretary confirms that they meet the requirements of that paragraph.

コメント [D5]: Language subject to agreement on paras 5 and 6.

16. To enhance the effectiveness of the Commission's boarding and inspection procedures, and to maximize the use of trained inspectors, Contracting Parties may identify opportunities to place authorized inspectors on inspection vessels of another Contracting Party. Where appropriate,

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Contracting Parties should seek to conclude bilateral arrangements to this end or otherwise facilitate communication and coordination between them for the purpose of implementing these procedures.

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

PROCEDURES

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

19. Authorized inspectors shall carry an ~~approved~~ identity card (issued by an authority responsible for carrying out boarding and inspection procedures under these Procedures and notified to the Commission pursuant to Paragraph 13 b (i)). ~~Identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures.~~

コメント [D6]: All members to review bracketed text to inform future discussion.

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

- a. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
- b. provide the information to identify itself as an authorized inspection vessel - name, registration number, international radio call sign and contact frequency;
- c. communicate to the master of the vessel its intention to board and inspect the vessel under the authority of the Commission and pursuant to these procedures; and
- d. initiate notice through the authorities of the inspection vessel of the boarding and inspection to the authorities of the fishing vessel.

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

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

23. Boarding and inspection pursuant to these procedures shall:

- a. be carried out in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of fishing vessels and crews;
- b. be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the fishing vessel;

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- c. take reasonable care to avoid action that would adversely affect the quality of the catch; and
 - d. not be conducted in such manner as to constitute harassment of a fishing vessel, its officers or crew.
24. In the conduct of a boarding and inspection, the authorized inspectors shall:
- a. present their identity card to the master of the vessel and a copy of the text of the relevant measures in force pursuant to the Convention in the relevant area of the high seas;
 - b. not interfere with the master's ability to communicate with the authorities of the fishing vessel;
 - c. ~~(complete the inspection of the vessel within 4 (four) hours unless evidence of a serious violation is found);~~
 - d. collect and clearly document any evidence they believe indicates a violation of measures in force pursuant to the Convention;
 - e. provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection including any objection or statement which the master wishes to include in the report;
 - f. promptly leave the vessel following completion of the inspection. ~~(if they find no evidence of a serious violation);~~ and
 - g. provide a full report on the boarding and inspection to the authorities of the fishing vessel, pursuant to paragraph 30, which shall also include any master's statement.
25. During the conduct of a boarding and inspection, the master of the fishing vessel shall:
- a. follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
 - b. accept and facilitate prompt and safe boarding by the authorized inspectors;
 - c. cooperate with and assist in the inspection of the vessel pursuant to these procedures;
 - d. not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
 - e. allow the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, ~~(any embarked observers,)~~ as well as with the authorities of the fishing vessel being inspected;
 - f. provide them with reasonable facilities, including, where appropriate, food and accommodation; and
 - g. facilitate safe disembarkation by the inspectors.
26. If the master of a fishing vessel refuses to allow an authorized inspector to carry out a boarding and inspection in accordance with these procedures, such master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as the Commission, of the master's refusal and any explanation.
27. The authorities of the fishing vessel, unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, shall direct the master to accept the boarding and inspection. If the master does not comply with such direction, the Member shall suspend the vessel's authorization to fish and order the vessel to return

コメント [D7]: All members to review deletion of reference to time limit to inform future discussion.

コメント [D8]: Review in connection to suggested removal of para 24 (c)

コメント [D9]: All members to review bracketed text to inform future discussion.

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immediately to port. The Member shall immediately notify the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.

USE OF FORCE

28. The use of force shall be ~~avoided~~ (prohibited) except when and to the degree necessary to ensure the safety of the inspectors ~~(and where the inspectors are obstructed in the execution of their duties)~~. The degree of force used shall not exceed that reasonably required in the circumstances.

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

INSPECTION REPORTS

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

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

SERIOUS VIOLATIONS

32. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 37, the authorities of the inspection vessels shall immediately notify the authorities of the fishing vessel, directly as well as through the Commission.

33. Upon receipt of a notification under paragraph 32, the authorities of the fishing vessels shall without delay:

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

34. In the case of 33(a) above, the authorities of the inspection vessel shall provide, as soon as practicable, the specific evidence collected by the authorized inspectors to the authorities of the fishing vessel.

コメント [D10]: All members to review bracketed text and suggested deleted text in this para 28 to inform future discussions.

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35. In the case of 33(b) above, the authorities of the inspection vessel shall provide the specific evidence collected by the authorized inspectors, along with the results of their investigation, to the authorities of the fishing vessel immediately upon completion of the investigation.

36. Upon receipt of a notification pursuant to paragraph 32, the authorities of the fishing vessel shall make best effort to respond without delay and in any case no later than within 3 (three) full working days.

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

- a. fishing without a license, permit or authorization issued by the flag Member, in accordance with Article 13 of the Convention;
- b. significant failure to maintain ~~sufficient~~ records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- c. fishing in a closed area;
- d. fishing during a closed season;
- e. intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the Commission;
- f. significant violation of catch limits or quotas in force pursuant to the Convention;
- g. using prohibited fishing gear;
- h. falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
- i. concealing, tampering with or disposing of evidence relating to investigation of a violation;
- j. multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission;
- k. refusal to accept a boarding and inspection, other than as provided in paragraphs 26 and 27;
- l. assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector; and
- m. intentionally tampering with or disabling the vessel monitoring system;
- n. such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures.

ENFORCEMENT

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

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

コメント [D11]: Canada to review para 38 further.

ANNUAL REPORTS

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

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

OTHER PROVISIONS

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

43. The authorized inspection vessel shall attempt to inform any fishing vessel identified pursuant to paragraph 42 that has been sighted or identified as engaging in fishing activities that are undermining the effectiveness of Convention and that this information will be sent to the Executive Secretary for distribution to the Members of the Commission and the flag state of the vessel in question.

44. If warranted, the authorized inspectors may request permission from the fishing vessel and/or the flag state of the vessel to board a vessel identified pursuant to paragraph 42. If the vessel master or the vessel's flag state consents to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to all Commission Members as well as to the flag State of the fishing vessel.

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

COMMISSION COORDINATION AND OVERSIGHT

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

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

- a. identifying priorities by area and/or by fishery for boarding and inspections pursuant to these procedures;
- b. ensuring that boarding and inspection on the high seas is fully integrated with the other monitoring, compliance and surveillance tools available pursuant to the Convention;

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- c. ensuring non-discriminatory distribution of boarding and inspections on the high seas among fishing vessels of Members of the Commission without compromising the opportunity of Contracting Parties to investigate possible serious violations; and
- d. taking into account high seas enforcement resources assigned by Members of the Commission to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas in areas adjacent to waters under their jurisdiction.

SETTLEMENT OF DISAGREEMENTS

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

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

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

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

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

コメント [D12]: All members to review bracketed text to inform future discussions.

PROCEDURES FOR THE TIMING AND HIRING
OF THE EXECUTIVE SECRETARY OF THE
NORTH PACIFIC FISHERIES COMMISSION

Timing of the Announcement and the Receipt of Applications

1. Article 25.1 of the Convention provides that the Convention will enter into force one hundred and eighty (180) days from the date of receipt by the Depositary of the fourth instrument of ratification, acceptance, approval or accession.
2. With the receipt by the Depositary of the fourth such instrument, the date for the entry into force will be known.
3. The Preparatory Conference will then establish the date for the First Meeting of the Commission, as soon as practicable after the entry into force.
4. The announcement for the Executive Secretary will be published and distributed not less than one hundred and eighty (180) days before the date established for the First Meeting.
5. Applications will be due within 60 days of the publication of the announcement, which will be not less than 120 days prior to the First Meeting.
6. The Interim Secretariat will circulate the applications received to all PrepCon participating delegations in order to facilitate consultations among delegations with respect to the candidates.

Process for Consultations

7. Consultations for the selection of the Executive Secretary will be open to all delegations that have participated in the PrepCon, even if they are not yet Members of the Commission at the First Meeting of the Commission.
8. Each participating delegation will provide to the Interim Secretariat a list of their top five preferred applicants, in rank order, within 30 days of the distribution of the applications by the Interim Secretariat.
9. The Interim Secretariat will review the results of these consultations and prepare a composite list of the candidates based on the lists provided by the participating delegations.
10. In doing so, the Interim Secretariat will assign a value in inverse relationship to the order on each list (i.e., 5 points for number 1; 4 points for number 2; etc.)
11. The top 5 candidates will be invited to attend the First Meeting of the Commission for interviews.
12. The Preparatory Conference will agree in advance on a set of questions that will be presented to each candidate.
13. Following the interviews, each delegation will once again be consulted as to its preferred candidates.
14. If no candidate is the preferred candidate of a majority of the delegations, the candidate with the lowest level of support will be dropped from the list and the process repeated until one candidate receives majority support.
15. Upon identification of the preferred candidate in accordance with paragraph 14, a final decision shall be taken by a consensus of the Contracting Parties pursuant to Article 5.9 of the Convention.

Final Draft Rules of Procedure	Corresponding Paragraph from Previous Working Draft; February 23, 2012
RULE 1: REPRESENTATION AND OFFICIAL CONTACTS	
<p>1.1 Each member of the Commission shall be represented on the Commission by one Representative, who may be accompanied to Commission meetings by up to three alternative representatives, who shall be authorized to act for the Representative in the Representative's absence, and such other experts and advisors as may be necessary. Each member of the Commission shall notify the Executive Secretary of the names of its designated Representative and Alternate Representatives and, thereafter, any changes to the names of such representatives as soon as possible.</p>	1.1
<p>1.2 Each member of the Commission shall, through its designated Representative and as soon as possible after the adoption of these rules, notify the Executive Secretary of at least two Official Contacts who shall be the points of contact for the purposes of official communications between the Commission and the member, including all notifications, invitations, and communications made pursuant to these rules.</p>	1.2
<p>1.3 For each meeting of the Commission, each member of the Commission shall notify the Executive Secretary, in such standard form of designation as the Executive Secretary shall establish, of the names of its Representative, alternate representatives, experts, and advisers attending the meeting, at least one week in advance of the meeting. Following the initial notification, any changes to the list of each member's delegation shall be provided to the Executive Secretary no later than the beginning of the meeting.</p>	1.3
RULE 2: DECISION MAKING	
<p>2.1 Decisions of the Commission shall be taken in accordance with Article 8 of the Convention.</p>	2.1
<p>2.2 The quorum shall not include the members currently subject to the provisions of Article 12 subparagraph 5 of the Convention.</p>	2.1 bis
<p>2.3 Votes shall be taken by show of hands, roll call or, in accordance with Rule 2.5, a confidential vote.</p>	

<p>2.4 A vote by roll call shall be taken upon request of a member of the Commission. Voting by roll call shall be conducted by calling in English alphabetical order the names of all members of the Commission entitled to vote. The name of the first member to be called shall be designated by lot drawn by the Chairperson. Each member shall reply “yes”, “no” or “abstain”.</p> <p>2.5 If the appointment of the Executive Secretary or the election of the Chairperson or the vice-Chairperson is not decided by consensus, the decision shall be taken by confidential vote unless otherwise decided by the Commission. A decision to conduct a confidential vote for any other matter shall be made in accordance with Article 8 of the Convention.</p> <p><u>2.5 bis The appointment of the Executive Secretary shall be approved by consensus of the Contracting Parties in accordance with Article 5.9 of the Convention.</u></p>	<p>2.1 ter</p> <p>2.1 quater</p> <p>2.1 quinqu</p>
<p><u>Intersessional Decisions</u></p>	
<p>2.6 When necessary, to the extent permitted by the Convention a matter may be decided during the period between meetings electronically (e.g. email, secure website) or by other means of communication. Normally, such means of taking decisions shall be applied to matters of procedure. However, in exceptional circumstances, where an urgent decision is necessary, such means of taking a decision may be applied to matters of substance.</p>	<p>2.2</p>
<p>2.7 When it is necessary to decide any matter during the period between meetings, the Chairperson, on his or her initiative, or at the request of a member that has made a proposal, may move adoption without delay of such proposal by intersessional decision. The Chairperson, in consultation with the vice-Chairperson, shall decide on the necessity of considering the proposal intersessionally as soon as possible.</p>	<p>2.3</p>
<p>2.8 In any case in which the Chairperson determines that it is not necessary to consider a proposal by a member intersessionally, the Chairperson shall promptly so inform that member of such determination and the reasons therefore. Within seven (7) days of the date of such notification, the affected member may request an intersessional decision on the Chairperson’s determination, to be subject to the majority decision rule for questions of procedure set forth in the Article 8, paragraph 2(a), of the Convention.</p>	<p>2.4</p>

- 2.9 In cases in which the Chairperson has concurred on the necessity of considering a proposal moved by a member intersessionally, the Chairperson shall determine whether the proposal requires consensus for adoption as per the Convention or whether it may be adopted by vote and, in case of the latter, whether the proposal raises a matter of procedure or a matter of substance. The Executive Secretary shall promptly transmit to members:
- a) the proposal, including any explanatory note;
 - b) the determination made by the Chairperson under this paragraph, and;
 - c) a request for an intersessional decision.

2.5

The Executive Secretary shall request that responses be returned within thirty (30) calendar days.

- 2.10 Members shall promptly acknowledge receipt of any request for an intersessional decision. If no acknowledgment is received within seven (7) calendar days of the date of transmittal, the Executive Secretary shall retransmit the request and shall use all additional means available to ensure that the request has been received. For the purpose of establishing a quorum in conformity with Article 8, paragraph 4, of the Convention, confirmation by the Executive Secretary that the transmittal has been received shall be deemed conclusive regarding the participation of the member in the decision-making process.

2.6

- 2.11 Members shall respond within thirty (30) calendar days of the date of original transmittal of a proposal if they do not support adoption of the proposal (in the case of a decision to be made by consensus), or (in the case of a proposal to be decided by voting) indicating whether they cast an affirmative vote, cast a negative vote, or abstain from voting. If a member of the Commission requests additional time for consideration, a further fifteen (15) days shall be allowed from the expiration of the initial thirty (30) day period. No additional extensions of time beyond one fifteen (15) day extension shall be permitted. In the event of such an extension, the Executive Secretary shall inform all members of the final date by which responses must be received. If no reply from a member is received within thirty (30) calendar days of original transmittal, or by the extended deadline, that member shall be recorded as having no objection (in the case of a decision to be made by consensus) or abstained (in the case of a proposal to be decided by voting).

2.7

- 2.12 The result of a decision taken intersessionally shall be ascertained by the Executive Secretary by the end of the decision period and promptly announced to all members. If any explanations of views are received, these shall

<p>also be transmitted to all members. Subject to Article 9, paragraph 1(b), of the Convention, if the proposal is adopted, it shall become effective ninety (90) calendar days after the date of transmittal specified in the Chairperson's notification of the adoption of the decision by the Commission, unless otherwise specified in the decision.</p>	2.8
<p>2.13 Objection procedures in Article 9 of the Convention shall apply to intersessional decisions.</p>	
<p>2.14 No proposal transmitted by the Executive Secretary for an intersessional decision shall be subject to amendment during the decision period. Members shall strive to achieve consensus on all proposals submitted for intersessional decisions through timely communication between proponents and any opponents during the 45-day decision period.</p>	2.9 2.10
<p>2.15 A proposal that has been rejected by intersessional decision shall not be reconsidered until the following meeting of the Commission.</p>	
<p>2.16 Unless otherwise decided by consensus of the Commission, matters to be decided intersessionally under this rule shall not include those in Article 7, paragraph 1 (f), except for the transfer of the allocation of fishing opportunities among Members; Article 7 paragraph 1(g); or Article 12, paragraphs 2 and 3.</p>	2.11 2.12
<p>RULE 3: BINDING DECISIONS</p>	
<p>3.1 Without prejudice to the provisions of the Convention, decisions of the Commission subject to Article 9 of the Convention shall be those pertaining to:</p> <ul style="list-style-type: none"> a) conservation and management of the fisheries resources; b) protection of the marine ecosystems in which the fisheries resources occur; c) data collection, compilation and exchange required to achieve the objective of the Convention; d) monitoring, control, surveillance; e) compliance and enforcement; and f) experimental, scientific and exploratory fishing activities. 	New Paragraph
<p>3.2 This rule is without prejudice to the competence of the Commission to adopt non-binding decisions on the</p>	

above-mentioned matters.

RULE 4: OFFICERS

- 4.1 The Chairperson and the vice-Chairperson of the Commission shall be elected in accordance with Article 5, paragraph 5, of the Convention.
- 4.2 The Chairperson and vice-Chairperson shall take office at the conclusion of the regular meeting at which they are elected, except that the initial Chairperson and vice-Chairperson shall take office upon their elections and serve through the conclusion of the respective next biennial meetings.
- 4.3 The powers and duties of the Chairperson shall be to:
- a) declare the opening and closing of each meeting;
 - b) preside at meetings;
 - c) direct discussions in meetings and ensure observance of these rules
 - d) accord the right to speak and limit the time allowed to speakers
 - e) rule on points of order, subject to the right of any Representative to request that any ruling of the Chairperson be submitted to the meeting for decision;
 - f) if appropriate, call for and announce the results of votes;
 - g) determine, after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each meeting;
 - h) sign a report of the proceedings of each meeting for transmission to the members of the Commission and others concerned, as appropriate;
 - i) generally, make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the Commission is carried out efficiently and in accordance with its decisions;
 - j) act in representation of the Commission in accordance with the tasks that the Commission may assign; and
 - k) perform any other function assigned to him or her by the Commission or the Convention.

New Paragraph

3.1

3.2

3.3

4.4 Whenever the Chairperson is unable to act, the vice-Chairperson shall exercise the powers and duties prescribed for the Chairperson.	
4.5 If the office of the Chairperson is vacated, the vice-Chairperson shall become Chairperson for the balance of the vacated term or until the Commission elects a new Chairperson. If neither the Chairperson nor the vice-Chairperson is able to carry out their functions during any meeting, the member hosting the meeting shall provide a Chairperson and the member that hosted the previous meeting a vice-Chairperson for the duration of the meeting, subject to Article 5 paragraph 5 of the Convention.	3.4 3.5
4.6 If neither the Chairperson nor the vice-Chairperson is able to carry out their respective functions during a period between meetings, the member hosting the next meeting shall provide an interim Chairperson and the member hosting the previous meeting an interim vice-Chairperson, subject to Article 5, paragraph 5 of the Convention. Unless the Commission decides otherwise, the Commission shall elect a new Chairperson and vice-Chairperson as the first order of business at the next meeting.	3.5 bis
4.7 Notwithstanding rules 4.5 and 4.6 above, in exceptional circumstances where the designated Member is not able to provide an interim Chairperson or vice-Chairperson, the Member that hosted the previous meeting shall provide a Chairperson and the Member that hosted the meeting previous to that shall provide a vice-Chairperson, subject to Article 5 paragraph 5 of the Convention.	3.5 ter
4.8 A Chairperson, or vice-Chairperson when acting as Chairperson, shall not act as a delegate (i.e., Representative, alternate representative, expert or advisor) of a Contracting Party.	
4.9 If the Chairperson or vice-Chairperson ceases to be a Representative of a Contracting Party, or if a Contracting Party of which he or she is a Representative ceases to be a member of the Commission, he or she shall cease to hold office and a new Chairperson or vice-Chairperson shall be determined in accordance with Rules 4.5 and 4.6.	3.6
RULE 5: AGENDAS AND MEETING CONDUCT	3.7
5.1 - Agendas	

<p>5.1.1 The Executive Secretary shall prepare, under the guidance of the Chairperson, a draft provisional agenda for each meeting and dispatch the agenda to all members of the Commission and observers referred to in Rule 9.1 not less than ninety (90) calendar days before the date fixed for the opening of the meeting. At the same time, the Executive Secretary shall post the date and place of the meeting on the Commission’s website. The Provisional Agenda shall also be posted on the website as soon as it is available.</p> <p>5.1.2 If members of the Commission propose to change the draft provisional agenda, they shall inform the Executive Secretary to that effect not less than seventy-five (75) calendar days before the date fixed for the opening of the meeting. The Executive Secretary, under the guidance of the Chairperson, shall revise the draft provisional agenda, taking into account any suggestions or comments received from members following distribution of the draft provisional agenda, and distribute a revised agenda to all members of the Commission and observers referred to in Rule 9.1 not less than sixty (60) calendar days before the date fixed for the opening of the meeting. The Executive Secretary may modify the deadlines set forth above if so requested by any member of the Commission or by the Chairperson.</p> <p>5.1.3 The agenda shall be adopted at the beginning of the meeting.</p>	<p>4.1.1</p> <p>4.1.2</p>
<p>5.2 - Open and closed meetings</p> <p>5.2.1 The meetings of the Commission shall be open to all registered delegates and observers unless the Commission decides that exceptional circumstances require that meetings be held in closed session.</p> <p>5.2.2 All decisions of the Commission, or conclusions or recommendations of any subsidiary body, decided in a closed session shall be announced at the next open session and prior to adjournment of the meeting of the Commission or subsidiary body at which the closed session was held.</p> <p>5.3 – Interventions</p>	<p>4.1.3</p> <p>4.2.1</p>

<p>No participant may address the Commission without having previously obtained the permission of the Chairperson. The Chairperson shall give priority to members of the Commission and shall call upon speakers in the order in which they signify their desire to speak, except that the Chairperson of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body or when the Chairperson believes that change of the order will better facilitate the discussion. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.</p>	<p>4.2.2</p>
<p>5.4 - Statements by the Executive Secretary and Secretariat Staff</p> <p>The Executive Secretary, or a member of the Secretariat designated by him or her as his or her representative, may, at any time with the permission of the Chairperson, make either oral or written statements to the Commission. The Executive Secretary or his or her designee shall respond to any question under his or her competence addressed to the Secretariat by members of the Commission.</p>	<p>4.3</p>
<p>5.5 - Points of order</p> <p>During the discussion of any matter, a member of the Commission may rise to a point of order, and the point of order shall be immediately decided by the Chairperson in accordance with these rules of procedure and the Convention as well as decisions made by the Commission. A member of the Commission may appeal against the ruling of the Chairperson. In such a case, the appeal shall be immediately put to the vote, and the Chairperson's ruling shall stand unless overruled by a majority of the members of the Commission present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.</p>	<p>4.4</p> <p>4.5</p>
<p>5.6 - Procedural motions</p> <p>Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.</p>	
<p>5.7 - Documents to be considered at meetings</p>	

<p>5.7.1 All the documents to be prepared by the Secretariat shall be in principle distributed among the members and observers referred to in Rule 9.1 at least two weeks prior to the meeting.</p>	
<p>5.7.2 Proposals and other relevant documents to be considered at a meeting shall be electronically submitted in writing to the Executive Secretary in English at least thirty (30) calendar days before the opening of the meeting. Any proposal submitted after the deadline shall not be considered unless otherwise decided by the Commission. The Executive Secretary shall immediately circulate electronic copies of all proposals to the members and observers referred to in Rule 9.1.</p>	4.6
	4.7.1
<p>5.7.3 When a document or proposal requires the input of subsidiary bodies, and the meeting of such subsidiary body concluded within forty five (45) calendar days of the opening of a regular Commission meeting, the Executive Secretary may modify the deadline, but in any case such a document or proposal shall be submitted at least fourteen (14) calendar days before the opening of the meeting. In exceptional circumstances, which may include submission of proposals based on discussions in subsidiary bodies held just prior to the Commission meeting, the Commission may modify or waive these deadlines as necessary to facilitate its work.</p>	4.7.2
	4.7.2 bis
<p>5.7.4 Proposals shall be in accordance with the format to be decided by the Commission.</p>	
<p>5.8 - Special meetings</p>	
<p>The Commission may hold special meetings in accordance with this rule, provided funds are available to convene such meeting. Any member of the Commission may submit a request to the Executive Secretary to convene a special meeting of the Commission, including in that request the specific reasons for such a session.</p>	
<p>The Executive Secretary shall immediately inform the other members of the Commission of the request and inquire whether they concur with it. If within thirty (30) calendar days of the date of communication by the Executive Secretary a majority of the members of the Commission concur with the request, a special meeting of the Commission shall be convened by the Chairperson between thirty (30) calendar days and ninety (90) calendar days after the receipt of such concurrence, at such time and place as the Chairperson determines in consultation with the members of the Commission. The Executive Secretary shall notify the members of the</p>	4.7.3
	4.8

Commission, and observers referred to in Rule 9.1, of the date, place, and provisional agenda for a special meeting as early as possible but at least twenty-five (25) calendar days in advance of the special session. The provisional agenda for a special meeting shall focus primarily on those items proposed for consideration in the request for holding the session.

RULE 6: EXECUTIVE SECRETARY

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|-----|---|-----|
| 6.1 | The Commission shall appoint the Executive Secretary to serve the Commission and its subsidiary bodies, according to such procedures and on such terms and conditions to be decided by the Commission. His or her term of office shall be for four years and he/she may be eligible for re-appointment, but shall not serve for more than eight (8) years unless otherwise decided by the Commission. (Covered by Rule 2.5) | |
| 6.2 | The Commission shall designate staff positions to be filled through appointments made by the Executive Secretary. The Commission shall fix the terms and conditions of employment for members of the Secretariat. | 5.1 |
| 6.3 | The Executive Secretary shall carry out the functions and duties specified in the Convention, the Rules of Procedure, Financial Regulations, Staff Regulations, and other duties as assigned by the Commission. | |
| 6.4 | Specific functions and duties of the Executive Secretary shall include the following: | |
| | a) provide administrative services to the Commission and its subsidiary bodies; | |
| | b) prepare and transmit the draft provisional agenda and provisional agenda in accordance with Rules 5.1 and 5.2, respectively; | 5.2 |
| | c) receive the lists of authorized delegates and observers at meetings and report thereon to the Commission or subsidiary bodies, as required; | 5.3 |
| | d) be responsible to the Commission for the general operations of the Secretariat; | |
| | e) direct and supervise Secretariat staff; | |
| | f) make all necessary arrangements for meetings of the Commission and its subsidiary bodies; | 5.4 |
| | g) be responsible for all monies received by the Commission and for receiving and disbursing the same in compliance with the Financial Regulations and decisions of the Commission; | |
| | h) perform all duties set forth in the Financial Regulations relating to the budget; | |
| | i) keep the records of Commission meetings; | |

- j) maintain official files of the Commission and records of actions taken;
- k) assist the Commission in making suitable arrangements and agreements as needed for consultation, cooperation, and collaboration with other organizations or arrangements as per Article 21 of the Convention;
- l) delegate to Secretariat staff such of his/her powers as he/she may consider necessary for the effective implementation of his/her responsibilities;
- m) maintain a list of the official contacts of each member;
- n) prepare, in consultation with the Members of the Commission, an annual report on the Commission's activities; and
- o) such other functions as the Commission may decide.

RULE 7: LANGUAGE

English shall be the working language of the Commission and its subsidiary bodies, although, if desired, any other language may be used on condition that persons doing so will provide interpreters. All official publications and communications of the Commission shall be in English.

RULE 8: RECORDS AND REPORTS

- 8.1 At the end of each meeting, the Commission shall confirm in writing decisions of the Commission and commitments by Members.
- 8.2 The Executive Secretary shall prepare a draft meeting report and circulate it to the Members of the Commission within fifteen (15) days of the end of the meeting. The Members of the Commission shall inform the Executive Secretary within fifteen (15) days of the date of transmittal specified in the Executive Secretary's communication of any changes they wish to have made. The Executive Secretary shall circulate the finalized report within forty five (45) days of the end of the meeting.
- 8.3 The report shall contain, *inter alia*:
 - a) a summary record of discussions specifying decisions of the Commission including the adoption of any conservation and management measures (statements by individual Members of the Commission shall be included only at the request of that Member);

6

7.1

7.1 bis

<p>b) final Agenda</p> <p>c) a complete list of documents, including background papers, information papers, proposals by delegations and other documents considered by the meeting and available on the Commission’s website;</p> <p>d) participants list;</p> <p>e) proposals and commitments by members, if any;</p> <p>f) reports of subsidiary bodies, as available; and</p> <p>g) other relevant information and documents as determined by the Executive Secretary or requested by any Member.</p> <p>Reports shall not include any information that is subject to such confidentiality rules as the Commission may adopt.</p> <p>8.4 The summary of the decisions of the Commission and the full report of the meeting shall be posted on the Commission’s website as soon as possible after being finalized. The reports of the subsidiary bodies shall be posted on the Commission’s website as soon as possible after their adoption by the Commission.</p> <p>8.5 Any member that does not submit the annual report required in Article 16, paragraph 3 of the Convention shall not participate in the relevant fisheries until that data and information have been provided. The deadline for submitting such reports, in a format agreed by the Commission, shall be April 1 of the subsequent year and shall be subject to change, taking into account the content and format of the report. The Executive Secretary will notify all members of the Commission of the status of annual reporting no later than April 15 of the subsequent year.</p> <p>8.6 Upon receipt of any delinquent reports described in Rule 8.5 submitted after the deadline specified above, the Executive Secretary shall notify all members of such receipt and note the relevant member’s right to resume participation in any involved fishery.</p> <p style="text-align: center;">RULE 9: OBSERVERS</p> <p>9.1 The following may participate as observers in the meetings of the Commission and its subsidiary bodies:</p> <p>a) States and the fishing entity that participated in the Multilateral Meetings on the Management of High Seas</p>	<p>7.1 ter</p> <p>7.2</p> <p>Previous paragraph 7.3 deleted.</p> <p>7.4</p>
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<p>Fisheries in the North Pacific Ocean, until their respective ratification, acceptance, approval, accession or expression of firm commitment becomes effective in accordance with Article 25 or the Annex of the Convention;</p> <ul style="list-style-type: none"> b) any other State that has jurisdiction over waters adjacent to the Convention Area; c) other States with an interest in the work of the Commission that are not members of the Commission, and invited by the Commission; d) the FAO, other specialized agencies of the United Nations, other regional fisheries management organizations or arrangements; e) other intergovernmental organizations, independent experts and other advisors concerned with matters relevant to the implementation of the Convention and invited by Commission; f) non-governmental organizations, including environmental organizations and fishing industry organizations, with an interest in the work of the Commission, accredited by the Commission pursuant to Rule 9.3. 	<p>7.5</p> <p>Previous paragraph 7.6 deleted.</p> <p>8.1</p>
<p>9.2 A non-governmental organization wishing to participate as an observer shall submit a request to the Executive Secretary at least sixty (60) calendar days in advance of the meeting, together with office locations of the organization, a description of its mission, how its mission and activities are related to the work of the Commission.</p>	
<p>9.3 The Executive Secretary shall promptly notify the members of the Commission of the request. Any such non-governmental organization that has submitted the required information shall be accredited to participate as an observer unless a simple majority of the members of the Commission objects to the request by notifying the Executive Secretary in writing at least thirty (30) calendar days before the opening of the meeting. Any objecting member shall specify the reason for its objection. Observer status shall remain valid for future meetings until the next regular meeting of the Commission.</p>	<p>8.2</p>
<p>9.4 The Executive Secretary may limit the number of participants from each NGO accredited to participate as an observer, taking into account the total number of NGOs wishing to participate and the capacity of the meeting room. The Commission may require NGOs to pay reasonable fees to cover costs attributable to their attendance.</p>	<p>8.2 bis</p>
<p>9.5 If a meeting of the Commission is held with less than ninety (90) days' notice, the Executive Secretary shall have</p>	

<p>greater flexibility concerning the time frames established in this Rule.</p>	
<p>9.6 Any observer admitted to a meeting of the Commission may:</p> <ul style="list-style-type: none"> a) attend meetings of the Commission and its subsidiary bodies, subject to Rule 5.2, but not vote; b) make oral statements during the meetings and seek clarification on matters under discussion upon the invitation of the Chairperson after all interventions by members of the Commission; c) have timely access to documents subject to the terms of the confidentiality rules that the Commission may decide; d) distribute documents, publications, videos and CDs as information at the meeting, with the approval of the Chairperson. Certain documents may only be considered as Commission documents if so decided by the Commission; and e) engage in other activities, as appropriate and as approved by the Chairperson. 	<p>8.2 bis.bis</p> <p>8.2 ter</p> <p>8.3</p>
<p>9.7 Any observer admitted to a meeting of the Commission may not:</p> <ul style="list-style-type: none"> a) use film, video, and audio recording devices, etc. to record meeting proceedings; b) issue press releases or other information to the media during the meeting in question on agenda items under discussion; c) disclose any information that they have acquired at meetings before the adjournment of the meeting; or d) disclose any information subject to confidentiality rules adopted by the Commission. 	
<p>9.8 All observers admitted to a meeting of the Commission shall comply with all rules and procedures applicable to other participants in the meeting. Any observer that does not comply with these requirements shall be excluded from further participation in meetings, unless the Commission decides otherwise.</p>	<p>8.3 bis</p>
<p>RULE 10: SUBSIDIARY BODIES</p>	
<p>10.1 These rules of procedure apply, <i>mutatis mutandis</i>, to the proceedings of subsidiary bodies established pursuant to Article 6, paragraph 1, of the Convention.</p>	
<p>10.2 Subject to the provisions of the Convention, each subsidiary body of the Commission may formulate such additional rules as may be necessary for the efficient conduct of its functions and shall submit any such rules to</p>	<p>8.3 ter</p>

the Commission for approval.

RULE 11: AMENDMENTS

These rules of procedure may be amended by a decision of the Commission, taken by consensus.

9.1

9.2

Previous paragraph 9.3 deleted

10

Final Draft of Financial Regulations	August 31, 2011 Draft Paragraph Number
<p style="text-align: center;">DRAFT FINANCIAL REGULATIONS</p> <p style="text-align: center;">APPLICABILITY</p> <p>1. These regulations shall govern the financial administration of the North Pacific Fisheries Commission.</p> <p style="text-align: center;">THE FINANCIAL YEAR</p> <p>2. The financial year shall be the period from [1 April through 31 March], both dates inclusive.</p> <p style="text-align: center;">THE BUDGET</p> <p>3. The Executive Secretary shall prepare draft annual budget estimates for each of the ensuing two financial years (years 1 and 2) and a budget forecast for each of the following two financial years (years 3 and 4) that shall be submitted to the Commission at its regular meetings. The budget estimates and forecasts shall be transmitted to all of the members of the Commission at least sixty (60) days prior to the opening of the Commission meeting where they are to be discussed.</p> <p>4. The budget estimates and forecasts shall cover income and expenditures for the financial years to which they relate. They shall be presented in the currency of the country where the Secretariat is located.</p> <p>5. The budget estimates shall be divided into categories. It shall be accompanied by such information, annexes and explanatory statements as may be requested by the Commission, including a statement on the main changes in comparison with the budget of the previous year, and such further annexes or statements as</p>	<p>1.</p> <p>2. Pending a decision on the fiscal year.</p> <p>3.</p> <p>4.</p> <p>5.</p>

<p>the Executive Secretary may deem necessary and useful. The Commission may establish guidelines as to the format in which the draft budget is to be presented.</p>	
<p>6. The budget estimates shall be accompanied by details of the appropriations made for the previous year and the expenditure against those appropriations.</p>	5bis.
<p>7. The budget estimates shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programs presented in terms of administrative, recurrent and capital expenditures.</p>	5ter.
<p>8. Should the Commission establish a subsidiary body to consider financial and administrative matters, the budget estimates and budget forecasts shall be referred to that body for examination and recommendation. The Commission, or such subsidiary body if established, shall also consider the effects of recommendations from other subsidiary bodies on the Commission's budget.</p>	6.
<p>9. At the regular meeting, the Commission shall adopt an annual budget for each of the following two financial years, after consideration of the recommendations of any relevant subsidiary bodies. If a regular meeting is held every year, the latter of the two financial years may be subject to review and modification by the Commission.</p>	7.
<p>10. The annual budget forecasts for the following third and fourth financial years shall be considered by the Commission but not adopted until the following regular meeting.</p>	8.
<p>11. After consultation with the Chairperson of the Commission (hereinafter referred to as "the Chairperson"), the Executive Secretary may submit to each Member of the Commission supplementary estimates in a form consistent with the budget estimates and forecasts for intersessional approval, when and as such supplementary estimates are deemed necessary. Approval by each Member of the Commission constitutes adoption by the Commission. Supplementary estimates shall be for expenses related to unforeseen and extraordinary activities not included in the regularly adopted program and budget.</p>	9.

CONTRIBUTIONS

12. Each member of the Commission shall make annual contributions in accordance with the following formula:

9bis.

- (a) 35 percent of the budget shall be divided equally among members of the Commission;
- (b) 55 percent of the budget shall be divided proportionally among members of the Commission based on the ~~previous~~ three-year average, ending one year before the year of the annual dues, of the total catches by weight in the Convention Area of the species covered by the Convention; and
- (c) 10 percent of the budget shall be divided proportionally among the Member's based on each Member's Gross Domestic Product (GDP) per capita.

13. As soon as the Commission has approved the annual budgets, the Executive Secretary shall calculate each member's contribution in accordance with the above formula and send it to each member.

9ter.

14. In case that a member has not paid its contribution in full for a certain year by the end of the financial year, this shall be regarded as not paying its contribution in full for that year even if that member later makes the remaining contribution. Any future contribution by that member shall be first appropriated for the unpaid contribution.

9quater.

15. Annual budget contributions shall be paid in not more than two equal installments considered due as of the first day of the financial year to which it relates and as of the first day of the second half of that same financial year.

10.

16. The Executive Secretary shall include in the Annual Report of the Commission and shall submit to each regular meeting of the Commission a report on the status of collection of contributions.

11.

AVAILABILITY OF APPROPRIATIONS

<p>17. Appropriations shall be available for obligation during the financial year to which they relate.</p>	<p>12.</p>
<p>18. Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial year and to liquidate any other outstanding legal obligation of the financial year. The uncommitted balance shall be transferred to the Working Capital Fund, or designated for a specific purpose as determined by the Commission.</p>	<p>13.</p>
<p>TRANSFERS</p>	
<p>19. Transfer within the same category of the budget may be made by the Executive Secretary, who shall report thereon to the Commission. No transfer between budget categories amounting to more than ten (10) percent of the budget of the category from which transfer is made may be made without prior authorization of the Chairperson. Any such transfer shall also be reported to the Commission. Transfers from any budget category shall not exceed twenty (20) percent of the funds committed to that category.</p>	<p>14.</p>
<p>ACCOUNTING POLICIES AND FUNDS</p>	
<p>20. Accounting policies will include the following:</p> <ul style="list-style-type: none"> (a) The annual financial statements and budget estimate and forecast shall be prepared in conformity with these financial regulations using the accrual basis of accounting for assets, liabilities, income and expenditures, except that vacation pay shall be expensed in the period it is paid. Capital assets acquired or leased by the Commission are to be recorded as expenditures in the year of acquisition, without capitalization and amortization in the accounts. (b) For the purpose of accounting for the expenditures of the Commission there shall be a General Fund, the source of monies therein being contributions from the Members of the Commission for the current financial year, bank interest and other miscellaneous income during that financial year and amounts transferred from the Working Capital Fund as provided in paragraph 23. 	<p>15.</p>

<p>21. For purposes to be determined by the Commission from time to time there shall be a Working Capital Fund, the source of monies therein being amounts transferred from the General Fund at the end of a financial year as provided in paragraph 18. The Working Capital Fund may be divided into special reserve funds as determined by the Commission.</p>	<p>16.</p>
<p>22. Transfers to the Working Capital Fund shall be capped at an amount equivalent to the funds required to sustain the Commission's operation for a set number of months. The Executive Secretary shall require, as part of the observations of the external auditors referred to in paragraph 37, that the external auditors provide a specific recommendation regarding the number of months of operation that is consistent with generally accepted accounting practices for similar funds. After consideration of the external auditors' recommendations, and taking into account the experiences of other regional fisheries management organizations, the Commission shall determine the number of months to be used to establish the cap.</p>	<p>New Paragraph (16.bis)</p>
<p>23. The Executive Secretary is authorized to advance from the Working Capital Fund such sums as may be necessary to finance budgetary appropriations pending receipt of contributions. Sums so advanced shall be reimbursed as soon as contributions are available for the purpose.</p>	<p>17.</p>
<p>24. The Commission may transfer amounts of the Working Capital Fund to the General Fund from time to time as it deems necessary in order to offset expenditures in any financial year or to finance unforeseen and extraordinary expenses.</p>	<p>18.</p>
<p>25. If the Working Capital Fund exceeds the cap established pursuant to paragraph 22, the Commission may refund to the Members of the Commission the excess amount accrued in the Working Capital Fund, when such refund is deemed advisable. Refunds shall be provided to Members in shares proportional to each Member's contribution in the financial year in question, and shall be applied as a credit to each Member's contribution in the subsequent financial year.</p>	<p>19.</p>
<p>26. The Commission may establish a Special Purpose Fund to account for specific non-recurring projects and agreements. This fund shall not be used to fund general operations of the Commission, except for recovery of</p>	<p>21.</p>

administrative expenses associated with these projects, and shall be used only for those revenues and expenses not considered to meet the definitions under other funds as described in paragraphs 20-25. The source of the monies in the Fund would be voluntary contributions from Members of the Commission and other donors, with the following restrictions:

(a) Voluntary contributions above and beyond budget contributions by Members of the Commission may be accepted by the Executive Secretary, provided that the purposes for which the contributions are made are consistent with the policies, aims, and activities of the Commission; and

(b) Voluntary contributions offered by other than Members of the Commission may be accepted, subject to agreement by the Members of the Commission that the purposes of the contributions are consistent with the policies, aims, and activities of the Commission.

27. In addition to the Special Purpose Fund cited in paragraph 26, the Commission may establish separate trust funds to cover voluntary contributions from members of the Commission or from other sources. The Executive Secretary may accept voluntary contributions to such trust funds on behalf of the Commission provided that the purposes for which such voluntary contributions have been established are consistent with the policies, aims and activities of the Commission. The Executive Secretary shall report to the Commission on the establishment of any such trust funds and the use of any monies contributed to such funds.

21bis.

28. The Executive Secretary shall deposit and maintain the funds of the Commission in accounts in appropriate financial institutions in the name of the Commission. When investing funds, the Executive Secretary shall minimize risk to the funds invested while ensuring the liquidity necessary to meet the cash flow requirements of the organization.

22.

**AUTHORITY AND RESPONSIBILITY OF THE
EXECUTIVE SECRETARY**

29. The Executive Secretary is authorized to incur obligations and make payments up to the amounts appropriated in the Commission's budget as adopted by the Commission.

26.

<p>30. The Executive Secretary shall:</p> <ul style="list-style-type: none"> (a) Ensure effective financial administration and the exercise of economy; (b) Cause all payments to be made on the basis of supporting vouchers and other documents that ensure that the services or goods have been received, and that payment therefore has not been made previously; (c) Designate any permanent staff members of the Secretariat who may receive monies, incur obligations and make payments on behalf of the Commission; and (d) Maintain an internal financial control that shall provide for an effective current examination and review of financial transactions in order to ensure the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission; the conformity of obligations and expenditures with the appropriations or other financial provisions adopted by the Commission; and the economic use of the resources of the Commission. 	<p>27.</p>
<p>31. No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Executive Secretary.</p>	<p>28.</p>
<p>32. The Executive Secretary may, after full investigation and in consultation with the Chairperson, authorize the writing-off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditor with the accounts together with the justifications attached thereto. Such losses shall be included in the annual accounts.</p>	<p>28bis.</p>
<p>33. Purchases of equipment, supplies and other requirements more than the value equivalent to 10,000 US dollars shall normally be by tender, except:</p> <ul style="list-style-type: none"> (a) Where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Secretary; (b) In case of emergency, or where, for any other reason, these regulations would not be in the best financial interests of the Commission and that fact is so certified by the Executive Secretary. 	<p>28ter.</p>
<p>34. The Executive Secretary shall maintain such accounting records as are necessary and shall prepare for the Commission annual statements for the financial year to which the statement relates:</p>	<p>29.</p>

- (a) The assets and liabilities of the Commission;
- (b) The income and expenditure;
- (c) The status of appropriations, including:
 - (i) The original budget appropriations
 - (ii) The appropriations as modified by transfers; and
- (d) The receipts and disbursements.

The Executive Secretary shall also give such other information as may be appropriate to indicate the current financial position of the Commission.

AUDIT

35. The annual statements and accounting records of the Commission shall be presented in the currency of the country in which the Secretariat is located. 30.

36. Annual financial statements and accounting records of the Commission shall be submitted by the Executive Secretary to external auditors for an annual audit as prescribed in Article 12, paragraph 6 of the Convention not later than thirty (30) days following the end of the financial year. 31.

37. The auditors, in addition to certifying the annual statements and accounting records, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of the administrative practices. 32.

38. The auditors shall submit their report to the Commission not later than three months following the end of the financial year to which the accounts relate. The Executive Secretary shall circulate the auditor's report to all Commission members within fifteen (15) days of receipt. 33.

GENERAL PROVISIONS

<p>39. The Executive Secretary may delegate to other Secretariat staff such duties set out under these Financial Regulations as may be desirable.</p>	<p>34.</p>
<p>40. These Financial Regulations shall be effective as of the date of their approval by the Commission and may be amended by the Commission from time to time provided such amendment is not inconsistent with the provisions of the Convention.</p>	<p>35.</p>