

**NORTH PACIFIC FISHERIES COMMISSION
TECHNICAL AND COMPLIANCE COMMITTEE
TERMS OF REFERENCE
(Revision NPFC-2019-COM05)**

Context

Article 7(3b) of the Convention states that the Commission shall “adopt a plan of work and terms of reference for the Scientific Committee, for the Technical and Compliance Committee and, as necessary, for other subsidiary bodies.”

Article 11 of the Convention states that the functions of the “Technical and Compliance Committee” shall be to:

- (a) Monitor and review compliance with conservation and management measures adopted by the Commission and make recommendations to the Commission as may be necessary; and
- (b) Review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make recommendations to the Commission as may be necessary.

Purpose

The Technical and Compliance Committee should provide a forum for consultation and cooperation among Members of the Commission with respect to the evaluation and exchange of compliance information relating to the fisheries of the Convention Area, and to encourage and promote cooperation among the Members.

Functions

In accordance with Article 11(4) of the Convention, when carrying out its functions the Technical and Compliance Committee shall:

- (a) Provide a forum for exchange of information concerning the means by which Members of the Commission are implementing the conservation and management measures adopted by the Commission in the Convention Area and complementary measures in adjacent waters as appropriate;
- (b) Provide a forum for the exchange of information on enforcement, including enforcement efforts, strategies and plans;
- (c) Receive and review reports from each Member of the Commission relating to measures that the Member has taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant to this Convention;
- (d) Report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures;

- (e) Make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement;
- (f) Develop rules and procedures governing the use of data and other information for monitoring, control and surveillance purposes; and
- (g) Consider and/or investigate any other matters as may be referred to it by the Commission.

Structure

1. Membership and Representation

TCC shall be composed of Members of the Commission. Members are encouraged to identify a point of contact to facilitate the operations of the Committee. Chosen focal point Members must have expertise in fisheries management or compliance. Representation and official contacts should be consistent with Rule 1 in the Commission's Rules of Procedure. Invitation and participation of non-members in the meetings and other activities of the Committee are subject to relevant provisions in Rule 9 of the Rules of Procedure.

2. Chair and Vice-Chair

i. Selection and Term

The Chair and Vice-Chair of the TCC will be selected by consensus in accordance with relevant provisions of the Convention and the Rules of Procedure of the Commission, unless the Commission decides otherwise.

The Chair and Vice-Chair will be selected for a period of two years and shall be eligible for reelection but shall not serve for more than three successive terms of two years in the same capacity.

ii. Duties of the Chair

- Coordinate the meeting schedule and agenda preparation
- Chair Committee meetings as well as prepare reports of the meetings;
- Foster constructive and active dialogue at Committee meetings;
- Coordinate the development of specific deliverables identified in the Committee's functions, as per Article 11 in the Convention;
- Liaise with the Commission Chair, SC Chair, and other relevant international organizations as appropriate to enhance the quality of activities;
- Represent or designate a competent person to represent the Committee to participate, as appropriate, in various regional and international meetings and fora; and,
- Invite, as appropriate, non-members to contribute to the Committee's meeting agendas and activities.

3. *Meetings*

Consistent with Article 11 in the Convention, the TC Committee shall meet, unless the Commission otherwise decides, at least once every two years, and prior to the regular meeting of the Commission.

4. *Sub-Committees or Working Groups*

Consistent with Article 6 in the Convention, the Committee may establish working groups and may seek external advice in accordance with any guidance provided by the Commission.

Agendas and Meeting Conduct

The TC Committee will endeavour to develop agendas and conduct its meetings in a manner that is consistent with Rule 5 in the Commission's Rules of Procedure.

Recommendations

Recommendations of TCC will be adopted in a manner that is consistent with Article 8 of the Convention and Rule 2 in the NPFC Rules of Procedure. Consistent with Article 8, as a general rule, the Committee shall strive to make its recommendations by consensus.

Language

In accordance with Rule 7 in the Rules of Procedure, English shall be the working language of the Committee. Any other language may be used on condition that persons doing so will provide interpreters.

Records and Reports

In accordance with Article 6(2) in the Convention, after each meeting, the Committee will provide a report on its work to the Commission that includes, where appropriate, advice and recommendations to the Commission.

As per Article 11(3) in the Convention, the Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the Members on all or any part of the report.

These Terms of Reference are subject to approval by the Commission. They may be revised by the Committee based on consensus and subsequent approval by the Commission.