

Western Pacific Sustainable Tuna Alliance (WPSTA) Western and Central Pacific skipjack and yellowfin free school purse seine fishery Year 2 Surveillance Audit Report

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Glossary

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COFA	China Overseas Fisheries Agency
EEZ	Exclusive Economic Zone
ETP	Endangered, Threatened or Protected species
FAD	Fish Aggregation Device
FAO	Food and Agriculture Organization of the United Nations
FCM	Fisheries Certification Methodology
IFQ	Individual Fishing Quota
ISC	International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean
ITQ	Individual Transferable Quota
Kg	kilogram
Lb.	Pound, equivalent to roughly 2.2 kg
LOA	Length Over-All
M	Million (lbs.)
MSC	Marine Stewardship Council
MSE	Management Strategy Evaluation
nm	nautical mile
OFL	Over-Fishing Level
SCS	SCS Global Services
SPC	Secretariat of the Pacific Community
SSB	Spawning Stock Biomass
t and mt	metric ton
TAC	Total Allowable Catch
WCPFC	Western Central Pacific Fisheries Commission
WWF	World Wildlife Fund

1 Executive Summary & Conclusion

This report summarizes the findings from the 2020 Year 2 Surveillance Audit of the Western Pacific Sustainable Tuna Alliance (WPSTA) Western and Central Pacific skipjack and yellowfin free school purse seine fishery. The fishery was first certified to the MSC requirements in 2018 using the default assessment tree (MSC Fisheries Standard and Guidance v2.0). Following the MSC guidelines for implementation timeframes, the team conducted a surveillance audit in accordance with the new process requirements in the MSC Fisheries Certification Process (FCP) v2.1.

The 2020 Year 2 Surveillance Audit focused on any changes since the first annual surveillance audit in 2019 and monitoring continued compliance with the MSC Principles and Criteria. The fishery originally received fourteen conditions in the 2018 full assessment (1.2.1, 1.2.2, 2.2.2, 3.1.1, 3.1.2, 3.2.2, and 3.2.3 for both China and Chinese Taipei flagged vessels). Conditions placed on the fishery under Principle 1 were related to harvest strategy and harvest control rules for yellowfin and skipjack tuna. The milestones and timelines for conditions 1 through 4 were harmonized with other MSC tuna fisheries in the Western Central Pacific Ocean (WCPO). The milestones were written and informed by the 2017 WCPFC Workplan (WCPFC14-2017-DP27_rev2) and therefore require no further harmonization to align with other tuna fisheries in the region. As a result, the milestones and timelines align with broader regional efforts to evaluate fishery performance. The assessment team set the milestones one year after the WCPFC workplan to accommodate any review of outcomes at the Commission meetings held annually in December. The assessment team did not include the milestone in year 2021 because the fishery will be undergoing re-assessment during 2021, so progress against the condition will not be able to be assessed. Instead, the wording of the final milestone (i.e. Year 2022) reflects the expected output of the WCPFC workplan for that stock in year 2021 as detailed in the 2017 WCPFC workplan.

As a result of the 2019 first annual surveillance audit, the assessment team closed three conditions: condition 8 regarding PI 3.1.1 for legal and/or customary framework (Chinese Taipei only), condition 10 regarding PI 3.1.2 for consultation, roles, and responsibilities (Chinese Taipei only), and condition 12 regarding PI 3.2.2 for decision making processes (Chinese Taipei only).

In this year's 2020 Year 2 Surveillance Audit Report, the assessment team evaluated expected outcomes of open conditions against the second year surveillance milestones. By year two the client was expected to present evidence of engagement with the WCPFC regarding skipjack and yellowfin tuna harvest strategy implementation, conduct a review of activities and progress in Year 1 and evaluate their utility in raising awareness and making progress towards a harvest strategy, provide observer data and notification from SPC to determine any potential risk of shark finning in the WPSTA Chinese and Chinese Taipei fleets, evidence of lobbying TFA and COFA to improve enforcement outcomes, a gap analysis of consultation structures for TFA and COFA and regional levels, evidence of improvements to decision-making processes for COFA and China, and evidence of sanctions exist in China to deal with non-compliance. By year three, the fishery must provide evidence that clear and transparent processes exist for consultative processes with China, and that decision-making processes at the national level respond to serious and other

important issues regarding research, monitoring, evaluation, and consultation in a timely and adaptive manner within China. By year four the fishery is scheduled to provide evidence of harvest strategy, rules and tools, and information to support harvest strategy for yellowfin and skipjack tuna. The fishery is also scheduled to provide evidence that sanctions are consistently applied thought to provide effective deterrence within the China management and governance system.

During the second surveillance stakeholders presented the assessment team with new information that led to closures of four conditions, five conditions still on target, and two conditions behind target. In particular regarding conditions 1-4, the assessment team received information to demonstrate progress regarding the harvest strategy for yellowfin and skipjack; though these 4 conditions are on target, the fishery will need to produce evidence of further progress to achieve the next milestone by the year three surveillance audit. Given the over 25% observer coverage, documented evidence of no reported shark finning incidents in the last 5 years from observer data and the SPC, conditions 5 and 6 are now closed but the assessment team will continue to closely monitor evidence and risk of shark finning in future audits. COFA and Chinese authorities provided sufficient evidence on the national legal system regarding effective management outcomes to close condition 7. The client group and fishery lacked sufficient evidence to demonstrate 1) progress as it relates to transparent processes and consultative processes, and 2) decision making processes that respond to series and important issues as it relates to governance in China. As a result, conditions 9 and 11 are currently behind target, and the fishery will need to show that a gap analysis has been completed with additional actions by the year three surveillance audit regarding Principal 3 and China in particular. Condition 13 is still on target, as further evidence that sanctions at the national level in China are consistently applied and thought to provide effective deterrence is needed and must be closed by year four surveillance audit. Lastly, condition 14 was closed due to evidence of effective and consistently applied sanctions by authorities in Chinese Taipei.

It is SCS's view that the Western Pacific Sustainable Tuna Alliance (WPSTA) Western and Central Pacific skipjack and yellowfin free school purse seine fishery continues to meet the standards of the MSC and complies with the 'Requirements for Continued Certification.' SCS recommends the continued use of the MSC certificate through to the end of this certificate cycle when conditions are expected to close. The continuation of this positive determination is dependent on efforts of the fishery towards getting back on track to meet milestones marked as "behind target".

The second annual surveillance audit was carried out in accordance with the default assessment tree of the MSC Fisheries Standard v2.0, under which the fishery was originally certified. Following the MSC guidelines for implementation timeframes, the surveillance was conducted in accordance with the new process requirements in FCP v2.1.

The issues for the certifier, in addition to checking progress against conditions to close out, is to determine whether a random check on the performance of the fishery verifies continued compliance with the MSC standards and to document the most recent research, landings, and survey trends relating to the fishery.

2 Report details

2.1 Surveillance Information

Table 1 . Summary of Surveillance Information

1	Fishery name	
	Western Pacific Sustainable Tuna Alliance (WPSTA) Western and Central Pacific skipjack and yellowfin free school purse seine	
2	Surveillance level and type	
	Level 6: Default Surveillance	
3	Surveillance number	
	1st Surveillance	
	2nd Surveillance	X
	3rd Surveillance	
	4th Surveillance	
	Other (expedited etc)	
4	Proposed team leader	
	<p>Gabriela Anhalzer—SCS Global Services, Team Lead</p> <p>Gabriela Anhalzer received a Masters degree in coastal environmental management from Duke University. Ms. Anhalzer has several years of experience in marine conservation and fisheries, she has worked as an independent consultant conducting evaluations of fishery improvement projects and as a fisheries policy and stakeholder specialist. She has also worked as an associated researcher in Latin America for sea turtle population studies, sea bird census, and supporting stakeholder engagement in participatory management of marine protected areas. She is currently the Latin America Regional Advisor for the Global Marine Commodities Project for the UNDP. Ms. Anhalzer has provided technical support for numerous MSC assessment and possess a comprehensive understanding of MSC fisheries standard and stages; meeting MSC’s team leader qualifications and competency criteria. Ms. Anhalzer has received ISO 9001 auditor training.</p> <p>The proposed team leader meets the MSC Team leader qualifications in that:</p> <ul style="list-style-type: none"> ✓ Completed training meeting requirements in Table 1 of GCRV2.4, as evidenced by the certificate of passing auditor training for the ISO course 19011 	

	<ul style="list-style-type: none"> ✓ Holds a Masters degree in coastal environmental management, and has over five years' experience in the fisheries sector related to stakeholder management and facilitation. ✓ Completed of the latest MSC training modules applicable to this assessment within the past five years (V2.1 Team Leader MSC modules in January 2019) . ✓ Has undertaken several MSC fishery assessment and surveillance site visits as a team member in the last 5 years including: Surveillance for the southern Gulf of California Thread Herring Fishery in Sinaloa & Nayarit Mexico, the Small pelagics fishery in Sonora, Gulf of California, US Atlantic Sea Scallop Fishery, US Atlantic Spiny Dogfish Fishery, and the North-eastern Tropical Pacific Purse Seine Yellowfin and Skipjack Tuna Fishery. ✓ Has demonstrated experience in applying different types of interviewing and facilitation techniques, as verified by SCS records audit witness records and previous audit reports. ✓ Is competent in the MSC Standard and current Certification Requirements, auditing techniques, and communication and stakeholder facilitation techniques, as verified by the completion of ISO 19011 auditor training. ✓ Has affirmed she holds no conflict of interest <p>The team lead will be off-site</p>
5	Proposed team members
	<p>All Team Members meet the following Team Member requirements:</p> <p>Gerard DiNardo, Senior Technical Specialist at SCS, Responsible for Principles 1 and 2</p> <p>Dr. Gerard DiNardo has over 25 years of experience as a research fishery scientist and senior manager for NOAA Fisheries in the United States, as well as extensive knowledge, understanding, and involvement in fishery issues and processes of tuna-RFMOs and RFOs. Ensuring sustainable development and management of fisheries, including the identification of research and plans of action to support effective management decision making has been the focus throughout his career, and with a strong background and understanding of international fisheries and MSC. He holds an MSc from Long Island University, C.W. Post Center and a Ph.D from University of Maryland, where his dissertation topic was FISHMAP: An Expert System for Sampling Fish Populations.</p> <p>Gerard was appointed as the Fisheries Resources Division Director of the Southwest Fisheries Science Center in San Diego, CA from 2015 to 2019. Previously, he held several positions at NMFS, including Supervisor of the Stock Assessment Program in the Fisheries Research and Monitoring Division at the Pacific Islands Fisheries Science Center. Dr. DiNardo was multiple publications related to the assessment of pelagic species, including tuna. He's held positions as Co-Chair of the Joint PICES/ISC Working Group on Ocean Conditions and the Distribution and Productivity of Highly Migratory Fish for the North Pacific Marine Science Organization, standing member of the NMFS National Stock Assessment Methods Steering Committee, science expert on the U.S.A. Delegation to the Western Central Pacific Fisheries</p>

Commission and Chair of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC).

Dr. DiNardo's experience satisfies the MSC requirements for a Team Member as described in PC2 (FCP v2.1):

- ✓ With relevant degree (PhD from the University of Maryland) and over 5 years of research experience in a marine conservation biology and fisheries
- ✓ Has passed the MSC compulsory training modules for Team Members within the last 5 years.
- ✓ Affirms they have no conflict of interest in conducting this assessment.
- ✓ The team member will be onsite

Dr. Michael Harte, Independent Contractor, Responsible for Principle 3

Dr. Michael Harte is a Professor in the College of Earth, Ocean and Atmospheric Sciences at Oregon State University in the USA, having trained in physical geography and economics in New Zealand and Canada. He is recognized internationally as a fisheries and marine policy adviser, researcher, educator and program leader. He has held senior positions in the private, public, academic and NGO sectors in Australia, the US, the Falkland Islands, Canada and New Zealand.

Dr. Harte has extensive policy and economic analysis experience working with commercial and small-scale fisheries, ecosystem-based fisheries management, bio-economic analysis of fisheries, climate impacts on fisheries, eco-labelling, cost recovery and resource rents in fisheries, and the development of policies and regulations associated with the monitoring, control and surveillance of fisheries, as well as work on seafood markets and traceability. His work spans both academic and practical fishery management domains. Dr. Harte experience satisfies the MSC requirements for a Team Member as described in PC2 (FCP v2.1):

- ✓ With relevant degree a PhD in Geography from University of Victoria, and over 5 years of research experience in management or research experience in a marine conservation biology, fisheries, and natural resources
- ✓ Has passed the MSC compulsory training modules for Team Members within the last 5 years (August 6, 2019).
- ✓ Affirms they have no conflict of interest in conducting this assessment.
- ✓ The team member will be onsite

The team collectively meets the MSC Table PC3 team qualification and competency criteria:

- ✓ Dr. DiNardo meets the qualifications for fish stock assessment with: 3 years' or more experience of applying relevant stock assessment techniques being used by the fishery under assessment. Dr. DiNardo has Primary authorship of roughly 30 peer-reviewed

stock assessments of a type used by the fishery under assessment. In addition, Dr. DiNardo has 26 years of experience with NOAA, National Marine Fisheries Service as a stock assessment scientist and later Program Leader for the Stock Assessment Program at the Pacific Island Fisheries Science Center and later the Southwest Fisheries Science Center as Director of the Fisheries Resource Division. In this capacity he was responsible for conducting stock assessments on highly migratory species (i.e., tuna), demersal fish species (snappers and groupers), and crustaceans (lobsters) in the Pacific Ocean, and overseeing the application of modelling platforms to advance stock assessment research.

- ✓ Dr. DiNardo meets the qualifications for 'Fish stock biology/ecology' with 3 years' or more experience working with the biology and population dynamics of the target or species with similar biology as evidenced by his research and publications on post release mortality and development of the HI longline observer program. Dr. DiNardo also Chaired the International Scientific Committee (2010-2017), an RFO tasked with completing stock assessments for the WCPFC on highly migratory stocks in the North Pacific Ocean.
- ✓ Dr. DiNardo meets the qualifications for 'Fishing impacts on aquatic ecosystems' with 3 years' or more experience in research into, policy analysis for, or management of, the impact of fisheries on aquatic ecosystems including at least two of the following topics: i. Bycatch. ii. Endangered, threatened, or protected (ETP) species. iii. Habitats. iv. Ecosystem interactions. As evidenced by his development of the HI longline observer program to estimate bycatch rates for marine mammals, sea turtles and seabirds. Additionally, Dr. DiNardo participated in the development of a California Current Ecosystem management strategy evaluation (MSE), representing the first application of a MSE at the ecosystem level. He was also c-author of the annual NMFS bycatch report that assembled, and sometime estimated, regional bycatch estimates for fisheries in the Eastern Pacific Ocean. Dr. DiNardo also produced bycatch estimates (numbers and rates) associated with the High Seas Driftnet fishery.
- ✓ Dr. Harte meets the qualifications for 'Fishery management and operations 'with 3 years' or more experience as a practising fishery manager and/or fishery/policy analyst/consultant. As evidenced by Prof. Harte's efforts on the Science and Statistical Committee of the US Pacific Fisheries Management Council since 2016. He serves on the Social and Economics, Highly Migratory Species, Ecosystem, and Salmon subcommittees where he reviews a wide range of technical analysis that is provided to the US Pacific Fisheries Management Council. He has provided Fisheries Advise since 1998 working for industry, govt and academia.
- ✓ Dr. DiNardo and Dr. Harte have current knowledge of China and Chinese Taipei, local fishery context. The main language spoken at the central management body (WCPFC) is English. Dr. Harte has worked on WCPO fisheries tuna issues since 2011 and with Chinese and Chinese TaipeiChinese Taipei DWFF since 2001. Dr. DiNardo has worked extensively with scientists and managers in both China and Chinese Taipei. Since 2007, Dr. DiNardo has worked with scientists at National Taiwan University and National Taiwan Ocean University, as well as managers at the Fisheries Agency in Chinese Taipei on a suite of highly migratory (tuna, billfish, and sharks) issues. In China, Dr. DiNardo worked with scientists at the Shanghai Ocean University to promote capacity building and enhancement of data collection programs. He has also worked with scientists and managers at the Bureau of Fisheries (BOF) and Chinese Academy of Fishery Sciences

	<p>(CAFS) to promote stock assessment capacity building and a scientist’s exchange program.</p> <p>✓ Understanding of the CoC Standard and CoC Certification Requirements. As evidenced by Team Member Gabriela Anhalzer completing the MSC’s Traceability training module on February 2019.</p>
6	Audit/review time and location
	<p>The site visit took place remotely the week of June 22nd, 2020 with personnel based in Taipei, Taiwan and the week of June 29th 2020 with personnel based in Beijing, China.</p> <p>All meetings will be conducted in English via teleconferencing (Citrix WebEx) from 5 PM to 8 PM Pacific Standard Time. Meetings were conducted remotely due to COVID-19 Travel Restrictions.</p>
7	Assessment and review activities
	<p>The surveillance audit will be conducted in accordance with MSC FCP v2.1 7.28.1-7.28.6 and will include review of updated documentation on the fishery and interviews with key management and stakeholders, focusing on:</p> <ul style="list-style-type: none"> i. Changes to the fishery and its management; including: ii. Any potential or actual changes in management systems. iii. Any changes or additions/deletions to regulations. iv. Any personnel changes in science, management or industry and their impact on the management of the fishery. v. Any potential changes to the scientific base of information, including stock assessments. vi. Any changes affecting traceability vii. Performance in relation to any relevant conditions of certification; viii. Any developments or changes within the fishery which impact traceability and the ability to segregate MSC from non-MSC products; and ix. Any other significant changes in the fishery.

2.2 Background

2.2.1 Changes to Stock Assessments

1. A new stock assessment for skipjack tuna in the WCPO was conducted by SPC (science provider to WCPFC) in 2019. The WCPFC considers the assessment to be best available science and provided the following management advice (from <https://www.wcpfc.int/current-stock-status-and-advice>):

- The WCPO stock of skipjack is currently moderately exploited and the level of fishing mortality is sustainable.
- The stock was assessed to be above the adopted Limit Reference Point and fished at rates below F_{MSY} with 100% probability.

- The WCPO skipjack stock is not overfished, nor subject to overfishing. At the same time, it was also noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level.
- The skipjack interim Target Reference Point (TRP) is 50% of spawning biomass in the absence of fishing. The trajectory of the median spawning biomass depletion indicates a long-term trend, and has been under the interim TRP since 2009 (i.e., for 10 years). It was recommended that the WCPFC take appropriate management action to ensure that the biomass depletion level fluctuates around the TRP (e.g., through the adoption of a harvest control rule).

There have been no changes to the 2017 yellowfin tuna assessment.

2.2.2 Changes to Scientific Information

There have been no changes in scientific information.

2.2.3 Changes to Management Systems

Changes to the management systems continue to be evolutionary.

At the regional level, the WCPFC has updated its Conservation Management Measures (CMMs). Current relevant CMMS are listed in the following table and details of the measures can be found here

<https://www.wcpfc.int/system/files/booklets/31/CMM%20and%20Resolutions.pdf>

Table 2. WCPFC binding conservation management measures (CMM) and Resolutions of particular relevance to the Units of Assessment.

Purpose	CMM
Bigeye, yellowfin & skipjack (longline and purse seine fisheries)	CMM 2018-01
Pacific Bluefin	CMM 2019-02
North Pacific Striped Marlin	CMM 2010-01
Swordfish	CMM 2009-03
Striped marlin in the Southwest Pacific	CMM 2006-04
Non-target species	Resolution 2005-03
Silky shark	CMM 2014-05; CMM 2013-08; CMM 2011-04; CMM 2010-07; CMM 2012-04
Oceanic whitetip shark	
Sharks	
Whale sharks (purse seines)	
Sea turtles	CMM 2018-04
Seabirds	CMM2018-03
Cetaceans (purse seines)	CMM 2011-03
Scientific observers	2018-05; CMM 2016-03; CMM 2006-07
Monitoring, control and surveillance activities	CMM 2019-06; CMM 2019-07 CMM 2018-06 CMM 2014-03; CMM 2014-02; CMM 2013-05;

	CMM 2013-04; CMM 2009-10; CMM 2009-09; CMM 2009-06; CMM 2004-03
High seas controls	CMM 2016-02; CMM 2009-02; CMM 2008-04
FAD management	CMM 2018-05; CMM 2018-04; CMM 2018-01; CMM 2017-04; CMM 2013-05; CMM 2009-02

At the national level, China This year (2020) is the last year of the 13th 5-year National Offshore Fisheries Development Plan. Recent actions implementing the plan include:

1. On 10 February 2020, MARA issued a No. 2 Order of 2020, notifying *Administrative Regulation on Distant Water Fisheries* that entered into force on 1 April 2020. Key aspects that directly related to this condition include: (a) establishing “blacklist” for person(s) *engaged in distant water fishing* and (2) preventing a vessel on the relevant RFMOs’ IUU list from entering into a Chinese port.
2. On 19 May 2020, MARA issued a *Notification on Strengthening Management of High Seas Transshipment in Distant Water Fisheries* requiring high seas transshipment observers.

No major changes to the national management mechanisms in place for Chinese Taipei or the USA were reported.

2.2.4 Changes to Personnel

Based on responses during the audit, follow-up interviews and review of available information there has been no changes to personnel.

2.2.5 Changes Affecting Traceability

There are no reported changes effecting traceability and traceability systems for this fishery.

2.2.6 Changes Affecting Harmonisation of Overlapping Fisheries

There are no reported changes affecting the harmonization of overlapping fisheries.

2.2.7 Changes Regarding Other Potential Risks

Shark Finning

Given the fishery has at least 25% observer coverage, there have been no observed incidence of shark finning in the most recent five years (2015-2019), submitted independent evidence from SPC that no shark finning has occurred in the last 5 years, and resolution on the discrepancies in observer coverage rates, the assessment team determined there is sufficient evidence to re-score the fishery at SG80 for 2.2.2 for both China and Chinese Taipei. As a result, the team closed conditions 5 and 6. Nevertheless in future surveillance audits on this fishery, the assessment team will closely monitor and evaluate the fishery, observer reporting, SPC data holdings, and other mechanisms that provide a relatively high confidence that shark finning is not occurring.

Observer Incident

In April 2020, SCS received information indicating that Eritara Aati, an observer, passed away aboard the vessel Win Far No. 636. This vessel flagged to Chinese Taipei was part of the UoC of the WPST Alliance fishery certificate. Subsequently SCS received a request from WPSTA to remove the vessel from the UoC. The assessment team reviewed publicly available information on the incident. SCS also reached out to the Kiribati National Observer program to request for a meeting during the site visit and subsequently submitted questions via writing¹. SCS received no response. Most recent information received by the client indicates that the incident is under investigation from local law enforcement authorities and no specific information about the case is publicly available as of the publication of this report.

Observer programs need to meet minimum standards to receive the authorization from the WCPO Secretariat to be part of the Regional Observer Programme (ROP). The Kiribati Observer Program last audit was conducted on March 2015 (<https://www.wcpfc.int/authorised-rop-observer-providers>). The reports of the audits are not publicly available.

Given the limited publicly available information on the case at the moment, SCS is unable to make a determination on how this incident may impact scoring or the overall certification of the WPSTA fishery. The assessment team and CAB consider the removal of the vessel from the UoC a precautionary measure, however, this does not absolve the fishery from a more thorough assessment of this matter once information is available for review. The assessment team will review the new information and determine whether an expedited audit needs to be completed once new information is available .

2.3 Version details

Table 3. Fisheries program documents versions

Document	Version number
MSC Fisheries Certification Process	Version 2.1
MSC Fisheries Standard	Version 2.0
MSC General Certification Requirements	Version 2.3
MSC Surveillance Reporting Template	Version 2.01

¹Follow up email with specific set of questions sent from SCS on Wednesday, July 15, 2020. No response received.

3 Results

3.1 Surveillance results overview

3.1.1 Summary of conditions

Table 4. Summary of conditions one through 14 through the 2020 Year 2 Surveillance Audit.

Condition number	Condition	PI	Status	PI original score	PI revised score
1	All fleets: By the fourth surveillance audit, demonstrate that the harvest strategy for skipjack tuna is responsive to the state of the stock and the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points.	1.2.1	On target	70	-
2	All fleets: SI a) By the fourth surveillance audit, demonstrate that well defined HCRs are in place for <u>skipjack tuna</u> that ensure that the exploitation rate is reduced as the PRI is approached, are expected to keep the stock fluctuating around a target level consistent with (or above) MSY. SI b) By the fourth surveillance audit, provide evidence that the selection of the harvest control rules for skipjack tuna are robust to the main uncertainties. SI c) By the fourth surveillance audit, provide evidence that indicates that the tools in use for skipjack tuna are appropriate and effective in achieving the exploitation levels required under the harvest control rules.	1.2.2	On target	70	-
3	All fleets: By the fourth surveillance audit, demonstrate that the harvest strategy for yellowfin tuna is responsive to the state of the stock and the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points.	1.2.1	On target	70	-
4	All fleets: SI a) By the fourth surveillance audit, demonstrate that well defined HCRs are in place for <u>yellowfin tuna</u> that ensure that the exploitation rate is reduced as the PRI is approached, are expected to keep the stock fluctuating around a target level consistent with (or above) MSY. SI b) By the fourth surveillance audit, provide evidence that the selection of the harvest control rules for yellowfin tuna are robust to the main uncertainties. SI c) By the fourth surveillance audit, provide evidence that indicates that the tools in use for yellowfin tuna are appropriate	1.2.2	On target	70	-

Condition number	Condition	PI	Status	PI original score	PI revised score
	and effective in achieving the exploitation levels required under the harvest control rules.				
5	For China (skipjack and yellowfin) By the third surveillance audit provide evidence that is sufficient to demonstrate that it is highly likely that shark finning is not taking place	2.2.2	Closed Year 2	75	80
6	For Chinese Taipei (Skipjack and yellowfin) By the second surveillance audit provide evidence that is sufficient to demonstrate that it is highly likely that shark finning is not taking place	2.2.2	Closed Year 2	75	80
7	For China (skipjack and yellowfin) By the fourth annual surveillance, provide evidence of an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2.	3.1.1	Closed Year 2	75	80
8	For Chinese Taipei (skipjack and yellowfin) By the fourth annual surveillance, provide evidence of an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2.	3.1.1	Closed Year 1	75	80
9	For China (skipjack and yellowfin) By the third annual surveillance, provide evidence to demonstrate that clear and transparent processes exist to regularly seek and accept “relevant information” provided via consultative processes and that any such information is considered in management decision making at national and regional levels.	3.1.2	Behind Target	75	-
10	For Chinese Taipei (skipjack and yellowfin) By the second annual surveillance, provide evidence to demonstrate that clear and transparent processes exist to regularly seek and accept “relevant information” provided via consultative processes and that any such information is considered in management decision making at national and regional levels.	3.1.2	Closed Year 1	75	80
11	For China (skipjack and yellowfin) By the third annual surveillance, provide evidence that decision-making processes at the national level respond to serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions.	3.2.2	Behind Target	75	-
12	For Chinese Taipei (skipjack and yellowfin) By the second annual surveillance, provide evidence that decision-making processes at the national level respond to	3.2.2	Closed Year 1	75	80

Condition number	Condition	PI	Status	PI original score	PI revised score
	serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions.				
13	For China (skipjack and yellowfin) By the fourth surveillance audit provide evidence that at the national level, sanctions to deal with non-compliance exist, are consistently applied and thought to provide effective deterrence.	3.2.3	On target	75	-
14	For Chinese Taipei (skipjack and yellowfin) By the fourth surveillance audit provide evidence that at the national sanctions to deal with non-compliance exist, are consistently applied and thought to provide effective deterrence.	3.2.3	Closed Year 2	75	80

3.1.2 Total Allowable Catch (TAC) and Catch Data

Table 5. Total Allowable Catch (TAC) and catch data². Annual Total Free School Catch (MT) of the UoC for Skipjack. Catch has been combined across the three flag states (China, Chinese Taipei, and US). Source: 2019 and 2020 vessel logbook data reported by each vessel per trip.

TAC	Year	2017-2019	Amount	N/A
UoA share of TAC	Year	2017-2019	Amount	N/A
UoA share of total TAC	Year	2017-2019	Amount	N/A
Total green weight catch by UoC	Year (most recent)	2017	Amount	32268.4
Total green weight catch by UoC	Year (second most recent)	2018	Amount	46365.2

² There is no established TAC for skipjack tuna in the WCPFC.

Table 6. Annual Total Free School Catch (MT) of the UoC for Yellowfin³. Catch has been combined across the three flag states (China, Chinese Taipei, and US). Source: 2019 and 2020 vessel logbook data reported by each vessel per trip.

TAC	Year	2017-2019	Amount	N/A
UoA share of TAC	Year	2017-2019	Amount	N/A
UoA share of total TAC	Year	2017-2019	Amount	N/A
Total green weight catch by UoC	Year (most recent)	2017	Amount	14304.3
Total green weight catch by UoC	Year (second most recent)	2018	Amount	5500.3

3.1.3 Recommendations

The MSC Fishery Surveillance Audit team recommends that future surveillances include review of any evidence of shark finning and the systems for reporting shark finning on an annual basis. See section 2.2.7 for more details.

³ There is no established TAC for yellowfin tuna in the WCPFC.

3.2 Conditions

3.2.1 Table 7 Condition 1 (Skipjack; all fleets)⁴⁵

Performance Indicator	PI 1.2.1 a There is a robust and precautionary harvest strategy in place	
Score	70	
Justification	See rationale for PI 1.2.1a:	
Condition	All fleets: By the fourth surveillance audit, demonstrate that the harvest strategy for skipjack tuna is responsive to the state of the stock and the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points.	
Milestone Year 1	Surveillance (2019): SC to provide advice on performance of candidate HCRs; TCC to consider the implications of candidate HCRs; Commission to consider advice on progress towards harvest control rules. Expected score: 70	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA members will organize at least one meeting (in person or remote) with members of each of the three relevant WCPFC delegations to encourage them to continue supporting progress at WCPFC15 as per the agreed harvest strategy workplan. 2. WPSTA will submit a letter to each of the three delegations, prior to WCPFC15, setting out the case for a harvest strategy for skipjack and asking them to support the work of WCPFC15 to this end, in line with the agreed workplan and in keeping with MSC timeline requirements. Any discrepancies between the Workplan commitments and MSC timelines within the duration of the certificate will be clearly articulated in letters. 3. WPSTA members will make contact with members of the Scientific Committee (SC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC Scientific Committee (~August 2018) to ask them to ensure that the SC provides clear advice on the performance of candidate HCRs to the Commission, as required by the workplan agreed at WCPFC14. 4. Participate in consultative MSE processes by WCPFC, as available to the WPSTA. 5. WPSTA members will make contact with members of the Technical and Compliance Committee (TCC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC TCC (~September 2018) to ask them to ensure that the TCC

⁴The Principle 1 milestones and timelines for this fishery are harmonized with other MSC tuna fisheries in the WCPO. The milestones have been set one year after the WCPFC workplan so that the assessment team can review the outcomes of the Commission meetings held in December each year in the following year's audit. This applies to conditions 1 through 4 pertaining to Principal 1 in this Surveillance Audit.

⁵We have not included the milestone in year 2021 because the fishery will be undergoing re-assessment during 2021, so progress against the condition will not be able to be assessed. Instead, the wording of the final milestone (i.e. Year 2022) reflects the expected output of the WCPFC workplan for that stock in year 2021 as detailed in the 2017 WCPFC workplan. This applies to conditions 1 through 4 pertaining to Principal 1 in this Surveillance Audit.

		<p>provides clear advice on the implications of candidate HCRs to the Commission, as required by the workplan agreed at WCPFC14.</p> <p>6. WPSTA members will submit present a letter setting out position, in advance of WCPFC15 to each of the national authorities, setting out the case for a well-defined harvest strategy and control rule for WCPO skipjack and asking delegations to ensure that progress is made according to the agreed workplan.</p>
	Expected outcome:	<ol style="list-style-type: none"> 1. Meeting requests, agendas and summaries 2. Letter/email 3. Meeting request / agenda / summary or letter/email 4. Meeting request / agenda / summary or letter/email 5. Position letter and covering letter/email
		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 2	<p>Surveillance (2020): SC to provide advice on performance of candidate HCRs; TCC to consider the implications of candidate HCRs; Commission to consider advice on progress towards harvest control rules.</p> <p>Expected score: 70</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will conduct a review of activities and progress in Year 1. The review will evaluate which activities, in the view of WPSTA, have been most successful in raising awareness and making progress towards a harvest strategy for WCPO skipjack, and which activities, if any, have not been useful. It will also evaluate other new activities which might be useful. 2. WPSTA will continue the activities in Year 1 but adapt them according to the outcome of the review exercise. Activities which have been shown by the review not to be making a useful contribution will be dropped, while any new activities suggested by the review will be added. 3. Participate in consultative MSE processes by WCPFC, as available to the WPSTA.
	Expected outcome:	<ol style="list-style-type: none"> 1. Publicly available WPSTA memo setting out review and conclusions. 2. Meeting requests, agendas and summaries; letters and emails – as for Year 1 3. Evidence of MSE attendance.
		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 3	<p>Surveillance (2021): SC to provide advice on performance of candidate HCR; TCC to consider the implications of candidate HCRs; Commission to consider advice on progress towards harvest control rules; Commission to initially adopt an HCR.</p> <p>Expected score: 70</p>	
Client Action Plan	Activities:	As Year 2 (by end of 2020 during the regular session meeting WCPFC 17, according to the work plan, the HCR will be adopted by per plan timeline)
	Expected outcome:	<ol style="list-style-type: none"> 1. As Year 2 and the comprehensive WCPFC HCR plan. 2. Report giving evidence that the TCC has considered the implications of candidate HCRs 3. Report giving evidence that the Commission has consider the advice and adopted an HCR
		Responsible Party/ies: WPSTA, WCPFC

Milestone Year 4	Surveillance (2022): Harvest Strategy for Skipjack is fully functioning and in place. Expected score: 80	
Client Action Plan	Activities:	As in Year 3, if necessary.
	Expected outcome:	As in Year 3, if necessary. Responsible Party/ies: WPSTA, WCPFC
Consultation on condition	Leading up to WCPFC15, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinese Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate skipjack tuna harvest strategies and harvest control rules as stipulated in the WCPFC harvest strategy workplan.	
Progress on Condition (2019)	<p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and the South Pacific Tuna Corporation in USA. Each remained actively engaged in WCPFC processes in 2018 with members attending the Scientific Committee meeting in August 2018 (WCPFC SC14), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC14) and the full Commission meeting in December 2018 (WCPFC15). To this end, WPSTA provided evidence in the form of letters from each fishing organization to their respective country delegations to the WCPFC-SC14 and WCPFC-TCC14 meetings encouraging their continuing support for the development of appropriate candidate skipjack tuna harvest strategies and harvest control rules, as well as the processes at WCPFC15 to advance their development as specified in the agreed harvest strategy workplan. Michael Zhu represented Ocean Family, communicating directly with the China delegation. Max Chou represented FCF CO., LTD. and the South Pacific Tuna Corporation, communicating directly with the Chinese Taipei and USA delegations.</p> <p>Progress towards the development of a harvest strategy for skipjack includes the adoption of CMM 2015-06 which specifies an interim target reference point for skipjack tuna at 50 percent of the estimated recent average spawning biomass in the absence of fishing, (SB F=0, t1-t2), defines how this is to be calculated and specifies that the Commission shall use the target reference in the formulation of a harvest control rule and a harvest strategy for fisheries targeting WCPO skipjack tuna in accordance with CMM 2014-06.</p> <p>The Commission adopted an updated Harvest Strategy Workplan (WCPFC14 Summary Report Attachment N) which includes indicative timeframes for the activities needed to complete the development of a harvest strategy for skipjack tuna. For skipjack tuna, there are now in place an agreed limit reference point, interim target reference point, a monitoring strategy, and a stock assessment. This leaves the formulation of a harvest control rule as the remaining item to be implemented for a full harvest strategy to be in place. Under the Harvest Strategy Workplan, the Commission is scheduled to ‘consider advice on progress towards harvest control rules’ for skipjack tuna in 2018 and 2019 and adopt a harvest control rule in 2020.</p> <p>The current (revised) Workplan, engagement by WPSTA members in the WCPFC process and direct communication with the WCPFC country delegations, and commitment from the China, Chinese Taipei, and USA delegations to the WCPFC-SC, WCPFC-TCC and Commission meetings to support the WPSTA MSC certification process and WCPFC harvest strategy workplan thus far are sufficient to consider that the condition is on-target as of this year one surveillance.</p>	

<p>Progress on Condition Year 2 (2020)</p>	<p>At the conclusion of WCPFC15 in December 2018, WPSTA was required to conduct and publish a review of activities undertaken in Year 1 (2018) to determine the efficacy of the activities in raising awareness and advancing development of candidate WCPO skipjack tuna harvest strategies and harvest control rules as stipulate in the WCPFC harvest strategy workplan. WPSTA would continue those activities identified in the Year 1 review to be advantageous towards development of WCPO skipjack tuna harvest strategies and harvest control rules throughout Year 2 (2019), such as participation in WCPFC discussions and meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting) and letters of support (or position letters) to flag state delegations, as well as any other activities considered beneficial in achieving the goal. The review was not conducted.</p> <p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and South Pacific Tuna Corporation in the USA. Each remained actively engaged in WCPFC processes in 2019 with members attending the Scientific Committee meeting in August 2019 (WCPFC SC15), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC15) and the full Commission meeting in December 2019 (WCPFC16). Wang Zhonguan and Zhang Pu represented Ocean Family, communicating directly with the China delegation. Harry Chen and Wen-Chih Chiang represented FCF CO., LTD., communicating directly with the Chinese Taipei delegation, and Raymond Clarke represented the South Pacific Tuna Corporation, communicating directly with the USA delegation.</p> <p>Leading up to WCPFC16 in December 2019, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinese Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate skipjack tuna harvest strategies and harvest control rules as stipulated in the WCPFC harvest strategy workplan.</p> <p>Progress towards the development of a harvest strategy for skipjack includes the adoption of CMM 2015-06 which specifies an interim target reference point for skipjack tuna at 50 percent of the estimated recent average spawning biomass in the absence of fishing, (SB F=0, t1-t2), defines how this is to be calculated and specifies that the Commission shall use the target reference in the formulation of a harvest control rule and a harvest strategy for fisheries targeting WCPO skipjack tuna in accordance with CMM 2014-06.</p> <p>The Commission adopted an updated Harvest Strategy Workplan (WCPFC16 Summary Report Attachment H) which includes indicative timeframes for the activities needed to complete the development of a harvest strategy for skipjack tuna. For skipjack tuna, there are now in place an agreed limit reference point, interim target reference point, a monitoring strategy, and a stock assessment. This leaves the formulation of a harvest control rule as the remaining item to be implemented for a full harvest strategy to be in place. Under the revised Harvest Strategy Workplan, the Commission is scheduled to ‘consider advice on progress towards harvest control rules’ for skipjack tuna from 2019 to 2021 and adopt a harvest control rule in 2022.</p> <p>The current (revised) Workplan, engagement by WPSTA members in the WCPFC process, direct communication with the WCPFC country delegations, and commitment from the China, Chinese Taipei, and USA Delegations to the WCPFC-SC and WCPFC-TCC to support the WPSTA MSC certification process and WCPFC Harvest Strategy Workplan is noted.</p>
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	The year 2 client action plan stipulated that in addition the WPSTA would conduct a review of activities and progress in Year 1, evaluating the effectiveness in the activities conducted to support a harvest strategy for WCPO. The assessment team did not receive a copy of a report of such review, however, during the remote audit the client provided anecdotal evidence of their analysis of their activities to support the harvest strategy. The assessment team considered this evidence provided to be sufficient for the condition to be on target. Moreover, the milestones in this condition are harmonized with other MSC certified fisheries in the WCPO, which are also marked as 'On target' for 2020.
Status	On Target
Additional information	

3.2.2 Table 8 Condition 2 (Skipjack; all fleets)

Performance Indicator	PI 1.2.2 There are well defined and effective harvest control rules (HCRs) in place	
Score	70	
Justification	See rationale for PI 1.2.2a,b,c:	
Condition	<p>All fleets:</p> <p>SI a) By the fourth surveillance audit, demonstrate that well defined HCRs are in place for <u>skipjack tuna</u> that ensure that the exploitation rate is reduced as the PRI is approached, are expected to keep the stock fluctuating around a target level consistent with (or above) MSY.</p> <p>SI b) By the fourth surveillance audit, provide evidence that the selection of the harvest control rules for skipjack tuna are robust to the main uncertainties.</p> <p>SI c) By the fourth surveillance audit, provide evidence that indicates that the tools in use for skipjack tuna are appropriate and effective in achieving the exploitation levels required under the harvest control rules.</p>	
Milestone Year 1	<p>Surveillance (2019): SC to provide advice on performance of candidate HCRs; TCC to consider the implications of candidate HCRs; Commission to consider advice on progress towards harvest control rules.</p> <p>Expected score: 70</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA members will organize at least one meeting (in person or remote) with members of each of the three relevant WCPFC delegations to encourage them to continue supporting progress at WCPFC15 as per the agreed harvest strategy workplan. 2. WPSTA will submit a letter to each of the three delegations, prior to WCPFC15, setting out the case for a harvest strategy for skipjack and asking them to support the work of WCPFC15 to this end, in line with the agreed workplan and in keeping with MSC timeline requirements. Any

		<p>discrepancies between the Workplan commitments and MSC timelines within the duration of the certificate will be clearly articulated in letters.</p> <ol style="list-style-type: none"> 3. WPSTA members will make contact with members of the Scientific Committee (SC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC Scientific Committee (~August 2018) to ask them to ensure that the SC provides clear advice on the performance of candidate HCRs to the Commission, as required by the workplan agreed at WCPFC14. 4. Participate in consultative MSE processes by WCPFC, as available to the WPSTA. 5. WPSTA members will make contact with members of the Technical and Compliance Committee (TCC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC TCC (~September 2018) to ask them to ensure that the TCC provides clear advice on the implications of candidate HCRs to the Commission, as required by the workplan agreed at WCPFC14. 6. WPSTA members will submit present a letter setting out position, in advance of WCPFC15 to each of the national authorities, setting out the case for a well-defined harvest strategy and control rule for WCPO skipjack and asking delegations to ensure that progress is made according to the agreed workplan.
	Expected outcome:	<ol style="list-style-type: none"> 1. Meeting requests, agendas and summaries 2. Letter/email 3. Meeting request / agenda / summary or letter/email 4. Meeting request / agenda / summary or letter/email 5. Position letter and covering letter/email
		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 2		<p>Surveillance (2020): SC to provide advice on performance of candidate HCRs; TCC to consider the implications of candidate HCRs; Commission to consider advice on progress towards harvest control rules.</p> <p>Expected score: 70</p>
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will conduct a review of activities and progress in Year 1. The review will evaluate which activities, in the view of WPSTA, have been most successful in raising awareness and making progress towards a harvest strategy for WCPO skipjack, and which activities, if any, have not been useful. It will also evaluate other new activities which might be useful. 2. WPSTA will continue the activities in Year 1 but adapt them according to the outcome of the review exercise. Activities which have been shown by the review not to be making a useful contribution will be dropped, while any new activities suggested by the review will be added. 3. Participate in consultative MSE processes by WCPFC, as available to the WPSTA.
	Expected outcome:	<ol style="list-style-type: none"> 1. Publicly available WPSTA memo setting out review and conclusions. 2. Meeting requests, agendas and summaries; letters and emails – as for Year 1 3. Evidence of MSE attendance.
		Responsible Party/ies: WPSTA, WCPFC

Milestone Year 3	Surveillance (2021): SC to provide advice on performance of candidate HCR; TCC to consider the implications of candidate HCRs; Commission to consider advice on progress towards harvest control rules; Commission to initially adopt an HCR. Expected score: 70	
Client Action Plan	Activities:	As Year 2 (by end of 2020 during the regular session meeting WCPFC 17, according to the work plan, the HCR will be adopted by per plan timeline)
	Expected outcome:	<ol style="list-style-type: none"> 1. As Year 2 and the comprehensive WCPFC HCR plan. 2. Report giving evidence that the TCC has considered the implications of candidate HCRs 3. Report giving evidence that the Commission has consider the advice and adopted an HCR
		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 4	Surveillance (2022): Harvest Strategy for Skipjack is fully functioning and in place. Expected score: 80	
Client Action Plan	Activities:	As in Year 3, if necessary.
	Expected outcome:	As in Year 3, if necessary.
		Responsible Party/ies: WPSTA, WCPFC
Consultation on condition	Leading up to WCPFC15, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinse Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate skipjack tuna harvest strategies and harvest control rules as stipulated in the WPCFC harvest strategy workplan.	
Progress on Condition (2019)	<p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and the South Pacific Tuna Corporation in USA. Each remained actively engaged in WCPFC processes in 2018 with members attending the Scientific Committee meeting in August 2018 (WCPFC SC14), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC14) and the full Commission meeting in December 2018 (WCPFC15). To this end, WPSTA provided evidence in the form of letters from each fishing organization to their respective country delegations to the WCPFC-SC14 and WCPFC-TCC14 meetings encouraging their continuing support for the development of appropriate candidate skipjack tuna harvest strategies and harvest control rules, as well as the processes at WCPFC15 to advance their development as specified in the agreed harvest strategy workplan. Michael Zhu represented Ocean Family, communicating directly with the China delegation. Max Chou represented FCF CO., LTD. and the South Pacific Tuna Corporation, communicating directly with the Chinese Taipei and USA delegations.</p> <p>Progress towards the development of a harvest strategy for skipjack includes the adoption of CMM 2015-06 which specifies an interim target reference point for skipjack tuna at 50 percent of the estimated recent average spawning biomass in the absence of fishing, (SB F=0, t1-t2), defines how this is to be calculated and specifies that the Commission shall use the target reference in the formulation of a harvest control rule and a harvest strategy for fisheries targeting WCPO skipjack tuna in accordance with CMM 2014-06.</p>	

	<p>The Commission adopted an updated Harvest Strategy Workplan (WCPFC14 Summary Report Attachment N) which includes indicative timeframes for the activities needed to complete the development of a harvest strategy for skipjack tuna. For skipjack tuna, there are now in place an agreed limit reference point, interim target reference point, a monitoring strategy, and a stock assessment. This leaves the formulation of a harvest control rule as the remaining item to be implemented for a full harvest strategy to be in place. Under the Harvest Strategy Workplan, the Commission is scheduled to ‘consider advice on progress towards harvest control rules’ for skipjack tuna in 2018 and 2019 and adopt a harvest control rule in 2020.</p> <p>The current (revised) Workplan, engagement by WPSTA members in the WCPFC process and direct communication with the WCPFC country delegations, and commitment from the China, Chinese Taipei, and USA delegations to the WCPFC-SC, WCPFC-TCC and Commission meetings to support the WPSTA MSC certification process and WCPFC harvest strategy workplan thus far are sufficient to consider that the condition is on-target as of this year one surveillance.</p>
<p>Progress on Condition Year 2 (2020)</p>	<p>At the conclusion of WCPFC15 in December 2018, WPSTA was required to conduct and publish a review of activities undertaken in Year 1 (2018) to determine the efficacy of the activities in raising awareness and advancing development of candidate WCPO skipjack tuna harvest strategies and harvest control rules as stipulate in the WCPFC harvest strategy workplan. WPSTA would continue those activities identified in the Year 1 review to be advantageous towards development of WCPO skipjack tuna harvest strategies and harvest control rules throughout Year 2 (2019), such as participation in WCPFC discussions and meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting) and letters of support (or position letters) to flag state delegations, as well as any other activities considered beneficial in achieving the goal. The review was not conducted.</p> <p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and South Pacific Tuna Corporation in the USA. Each remained actively engaged in WCPFC processes in 2019 with members attending the Scientific Committee meeting in August 2019 (WCPFC SC15), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC15) and the full Commission meeting in December 2019 (WCPFC16). Wang Zhonguan and Zhang Pu represented Ocean Family, communicating directly with the China delegation. Harry Chen and Wen-Chih Chiang represented FCF CO., LTD., communicating directly with the Chinese Taipei delegation, and Raymond Clarke represented the South Pacific Tuna Corporation, communicating directly with the USA delegation.</p> <p>Leading up to WCPFC16 in December 2019, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinse Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate skipjack tuna harvest strategies and harvest control rules as stipulated in the WPCFC harvest strategy workplan.</p> <p>Progress towards the development of a harvest strategy for skipjack includes the adoption of CMM 2015-06 which specifies an interim target reference point for skipjack tuna at 50 percent of the estimated recent average spawning biomass in the absence of fishing, (SB F=0, t1-t2), defines how this is to be calculated and specifies that the Commission shall use the</p>

	<p>target reference in the formulation of a harvest control rule and a harvest strategy for fisheries targeting WCPO skipjack tuna in accordance with CMM 2014-06.</p> <p>The Commission adopted an updated Harvest Strategy Workplan (WCPFC16 Summary Report Attachment H) which includes indicative timeframes for the activities needed to complete the development of a harvest strategy for skipjack tuna. For skipjack tuna, there are now in place an agreed limit reference point, interim target reference point, a monitoring strategy, and a stock assessment. This leaves the formulation of a harvest control rule as the remaining item to be implemented for a full harvest strategy to be in place. Under the revised Harvest Strategy Workplan, the Commission is scheduled to ‘consider advice on progress towards harvest control rules’ for skipjack tuna from 2019 to 2021 and adopt a harvest control rule in 2022.</p> <p>The year 2 client action plan stipulated that in addition the WPSTA would conduct a review of activities and progress in Year 1, evaluating the effectiveness in the activities conducted to support a harvest strategy for WCPO. The assessment team did not receive a copy of a report of such review, however, during the remote audit the client provided anecdotal evidence of their analysis of their activities to support the harvest strategy. The assessment team considered this evidence provided to be sufficient for the condition to be on target. Moreover, the milestones in this condition are harmonized with other MSC certified fisheries in the WCPO, which are also marked as ‘On target’ for 2020.</p>
Status	On target.
Additional information	

3.2.3 Table 9 Condition 3 (Yellowfin; all fleets)

Performance Indicator	PI 1.2.1 a Relevant information is collected to support the harvest strategy	
Score	70	
Justification	See rationale for PI 1.2.1a:	
Condition	All fleets: By the fourth surveillance audit, demonstrate that the harvest strategy for yellowfin tuna is responsive to the state of the stock and the elements of the harvest strategy work together towards achieving management objectives reflected in the target and limit reference points.	
Milestone Year 1	Surveillance (2019): SC and WCPFC discussion of management objectives for fisheries and /or stocks, and subsequent development of candidate TRPs for yellowfin. Expected score: 70	
Client Action Plan	Activities:	<ol style="list-style-type: none"> WPSTA members will organize at least one meeting (in person or remote) with members of each of the three relevant WCPFC delegations to encourage them to continue supporting progress at WCPFC15 as per the agreed harvest strategy workplan. WPSTA will submit a letter to each of the three delegations, prior to WCPFC15, setting out the case for a harvest strategy for yellowfin and asking them to support the work of WCPFC15 to this end, in line with the agreed workplan.

		<ol style="list-style-type: none"> 3. WPSTA members will make contact with members of the Scientific Committee (SC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC Scientific Committee (~August 2018) to ask them to ensure that the SC provides clear advice on a suitable TRP range for yellowfin to the Commission, as required by the workplan agreed at WCPFC14. 4. Participate in consultative MSE processes by WCPFC, as available to the WPSTA. 5. WPSTA members will submit a letter articulating their position, in advance of WCPFC15 to each of the national authorities, setting out the case for a well-defined harvest strategy and control rule for WCPO yellowfin and asking delegations to ensure that progress is made according to the agreed workplan.
	Expected outcome:	<ol style="list-style-type: none"> 1. Meeting requests, agendas and minute summaries 2. Letter/email 3. Meeting request / agenda / summary or letter/email 4. Position letter and covering letter/email
		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 2	<p>Surveillance (2020): SC provide advice on potential Target Reference Points for yellowfin; Commission agree a TRP for yellowfin. SC to provide advice on performance of candidate HCRs; Commission to consider advice on progress towards HCR.</p> <p>Expected score: 70</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will conduct a review of activities and progress in Year 1. The review will evaluate which activities, in the view of WPSTA, have been most successful in raising awareness and making progress towards a harvest strategy for WCPO yellowfin (including the adoption of a TRP), and which activities, if any, have not been useful. It will also evaluate other new activities which might be useful. 2. WPSTA will continue the activities in Year 1 but adapt them according to the outcome of the review exercise. Activities which have been shown by the review not to be making a useful contribution will be dropped, while any new activities suggested by the review will be added. 3. Participate in consultative MSE processes by WCPFC, as available to the WPSTA.
	Expected outcome:	<ol style="list-style-type: none"> 1. WPSTA memo setting out review and conclusions. 2. Meeting requests, agendas and summaries; letters and emails – as for Year 1 3. Evidence of MSE attendance
		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 3	<p>Surveillance (2021): SC to provide advice on performance of candidate HCRs; TCC consider the implications of candidate HCRs; Commission consider advice on progress toward HCRs.</p> <p>Expected score: 70</p>	
Client Action Plan	Activities:	<p>As Year 2</p> <p>In addition, WPSTA members will make contact with members of the Technical and Compliance Committee (TCC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC TCC (~September 2020) to ask them to ensure that the TCC provides clear advice on the implications of candidate HCRs to the Commission.</p>
		<ol style="list-style-type: none"> 1. As Year 2

	Expected outcome:	2. Letter, email and/or meeting agenda and summary Responsible Party/ies: WPSTA, WCPFC
Milestone Year 4	Surveillance (2022): same as year 3; adopt an HCR. Expected score: 80	
Client Action Plan	Activities:	As in Year 3, if necessary.
	Expected outcome:	As in Year 3, if necessary.
		Responsible Party/ies: WPSTA, WCPFC
Consultation on condition	Leading up to WCPFC15, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinese Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate yellowfin tuna harvest strategies and harvest control rules as stipulated in the WCPFC harvest strategy workplan.	
Progress on Condition (2019)	<p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and the South Pacific Tuna Corporation in USA. Each remained actively engaged in WCPFC processes in 2018 with members attending the Scientific Committee meeting in August 2018 (WCPFC SC14), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC14) and the full Commission meeting in December 2018 (WCPFC15). To this end, WPSTA provided evidence in the form of letters from each fishing organization to their respective country delegations to the WCPFC-SC14 and WCPFC-TCC14 meetings encouraging their continuing support for the development of appropriate candidate yellowfin tuna harvest strategies and harvest control rules, as well as the processes at WCPFC15 to advance their development as specified in the agreed harvest strategy workplan. Michael Zhu represented Ocean Family, communicating directly with the China delegation. Max Chou represented FCF CO., LTD. and the South Pacific Tuna Corporation, communicating directly with the Chinese Taipei and USA delegations.</p> <p>Progress towards the development of a harvest strategy for yellowfin tuna includes the adoption of an updated Harvest Strategy Workplan (WCPFC14 Summary Report Attachment N) which includes indicative timeframes for the activities needed to complete its development. The elements of a harvest strategy that are still to be formulated for yellowfin tuna are a target reference point (one that is more specific than the general objective of CMM 2016-01) and a harvest control rule. Under the Harvest Strategy Workplan, the Commission is scheduled to agree to a Target Reference Point in 2019 and to develop harvest control rules for yellowfin tuna in 2021.</p> <p>The current (revised) Workplan, engagement by WPSTA members in the WCPFC process and direct communication with the WCPFC country delegations, and commitment from the China, Chinese Taipei, and USA delegations to the WCPFC-SC, WCPFC-TCC and Commission meetings to support the WPSTA MSC certification process and WCPFC harvest strategy workplan thus far are sufficient to consider that the condition is on-target as of this year one surveillance.</p>	

<p>Progress on Condition Year 2 (2020)</p>	<p>At the conclusion of WCPFC15 in December 2018, WPSTA was required to conduct and publish a review of activities undertaken in Year 1 (2018) to determine the efficacy of the activities in raising awareness and advancing development of candidate WCPO yellowfin tuna harvest strategies and harvest control rules as stipulate in the WCPFC harvest strategy workplan. WPSTA would continue those activities identified in the Year 1 review to be advantageous towards development of WCPO yellowfin tuna harvest strategies and harvest control rules throughout Year 2 (2019), such as participation in WCPFC discussions and meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), as well as any other activities considered beneficial in achieving the goal. While WPSTA representatives participated in all WCPFC meeting in 2019 the review was not conducted.</p> <p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and South Pacific Tuna Corporation in the USA. Each remained actively engaged in WCPFC processes in 2019 with members attending the Scientific Committee meeting in August 2019 (WCPFC SC15), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC15) and the full Commission meeting in December 2019 (WCPFC16). Wang Zhonguan and Zhang Pu represented Ocean Family, communicating directly with the China delegation. Harry Chen and Wen-Chih Chiang represented FCF CO., LTD., communicating directly with the Chinese Taipei delegation, and Raymond Clarke represented the South Pacific Tuna Corporation, communicating directly with the USA delegation.</p> <p>Leading up to WCPFC16 in December 2019, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinse Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate yellowfin tuna harvest strategies and harvest control rules as stipulated in the WPCFC harvest strategy workplan</p> <p>Progress towards the development of a harvest strategy for yellowfin tuna includes the adoption of a revised Harvest Strategy Workplan (WCPFC16 Summary Report Attachment H) which includes indicative timeframes for the activities needed to complete its development. The elements of a harvest strategy that are still to be formulated for yellowfin tuna are a target reference point (one that is more specific than the general objective of CMM 2016-01) and a harvest control rule. Under the revised Harvest Strategy Workplan, the Commission is scheduled to agree to a Target Reference Point in 2021 and to develop harvest control rules for yellowfin tuna in 2022.</p> <p>The year 2 client action plan stipulated that in addition the WPSTA would conduct a review of activities and progress in Year 1, evaluating the effectiveness in the activities conducted to support a harvest strategy for WCPO. The assessment team did not receive a copy of a report of such review, however, during the remote audit the client provided anecdotal evidence of their analysis of their activities to support the harvest strategy. The assessment team considered this evidence provided to be sufficient for the condition to be on target. Moreover, the milestones in this condition are harmonized with other MSC certified fisheries in the WCPO, which are also marked as 'On target' for 2020.</p>
<p>Status</p>	<p>On target</p>

Additional information	
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3.2.4 Table 10 Condition 4 (Yellowfin; all fleets)

Performance Indicator	PI 1.2.2 There are well defined and effective harvest control rules (HCRs) in place	
Score	70	
Justification	See rationale for PI 1.2.2a,b,c:	
Condition	<p>All fleets:</p> <p>SI a) By the fourth surveillance audit, demonstrate that well defined HCRs are in place for <u>yellowfin tuna</u> that ensure that the exploitation rate is reduced as the PRI is approached, are expected to keep the stock fluctuating around a target level consistent with (or above) MSY.</p> <p>SI b) By the fourth surveillance audit, provide evidence that the selection of the harvest control rules for yellowfin tuna are robust to the main uncertainties.</p> <p>SI c) By the fourth surveillance audit, provide evidence that indicates that the tools in use for yellowfin tuna are appropriate and effective in achieving the exploitation levels required under the harvest control rules.</p>	
Milestone Year 1	<p>Surveillance (2019): SC and WCPFC discussion of management objectives for fisheries and /or stocks, and subsequent development of candidate TRPs for yellowfin.</p> <p>Expected score: 70</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA members will organize at least one meeting (in person or remote) with members of each of the three relevant WCPFC delegations to encourage them to continue supporting progress at WCPFC15 as per the agreed harvest strategy workplan. 2. WPSTA will submit a letter to each of the three delegations, prior to WCPFC15, setting out the case for a harvest strategy for yellowfin and asking them to support the work of WCPFC15 to this end, in line with the agreed workplan. 3. WPSTA members will make contact with members of the Scientific Committee (SC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC Scientific Committee (~August 2018) to ask them to ensure that the SC provides clear advice on a suitable TRP range for yellowfin to the Commission, as required by the workplan agreed at WCPFC14. 4. Participate in consultative MSE processes by WCPFC, as available to the WPSTA. 5. WPSTA members will submit a letter articulating their position, in advance of WCPFC15 to each of the national authorities, setting out the case for a well-defined harvest strategy and control rule for WCPO yellowfin and asking delegations to ensure that progress is made according to the agreed workplan.
	Expected outcome:	<ol style="list-style-type: none"> 1. Meeting requests, agendas and minute summaries 2. Letter/email 3. Meeting request / agenda / summary or letter/email 4. Position letter and covering letter/email

		Responsible Party/ies: WPSTA, WCPFC
Milestone Year 2	Surveillance (2020): SC provide advice on potential Target Reference Points for yellowfin; Commission agree a TRP for yellowfin. SC to provide advice on performance of candidate HCRs; Commission to consider advice on progress towards HCR. Expected score: 70	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 4. WPSTA will conduct a review of activities and progress in Year 1. The review will evaluate which activities, in the view of WPSTA, have been most successful in raising awareness and making progress towards a harvest strategy for WCPO yellowfin (including the adoption of a TRP), and which activities, if any, have not been useful. It will also evaluate other new activities which might be useful. 1. WPSTA will continue the activities in Year 1 but adapt them according to the outcome of the review exercise. Activities which have been shown by the review not to be making a useful contribution will be dropped, while any new activities suggested by the review will be added. 2. Participate in consultative MSE processes by WCPFC, as available to the WPSTA.
	Expected outcome:	<ol style="list-style-type: none"> 1. WPSTA memo setting out review and conclusions. 2. Meeting requests, agendas and summaries; letters and emails – as for Year 1 3. Evidence of MSE attendance
	Responsible Party/ies: WPSTA, WCPFC	
Milestone Year 3	Surveillance (2021): SC to provide advice on performance of candidate HCRs; TCC consider the implications of candidate HCRs; Commission consider advice on progress toward HCRs. Expected score: 70	
Client Action Plan	Activities:	<ul style="list-style-type: none"> - As Year 2 - In addition, WPSTA members will make contact with members of the Technical and Compliance Committee (TCC) from the three relevant countries (in person or by email, letter or other suitable means), prior to the annual meeting of the WCPFC TCC (~September 2020) to ask them to ensure that the TCC provides clear advice on the implications of candidate HCRs to the Commission.
	Expected outcome:	<ol style="list-style-type: none"> 1. As Year 2 2. Letter, email and/or meeting agenda and summary
	Responsible Party/ies: WPSTA, WCPFC	
Milestone Year 4	Surveillance (2022): same as year 3; adopt an HCR. Expected score: 80	
Client Action Plan	Activities:	As in Year 3, if necessary.
	Expected outcome:	As in Year 3, if necessary.
	Responsible Party/ies: WPSTA, WCPFC	
Consultation on condition	Leading up to WCPFC15, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinese Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging	

	<p>them to remain vigilant towards development of candidate yellowfin tuna harvest strategies and harvest control rules as stipulated in the WCPFC harvest strategy workplan.</p>
<p>Progress on Condition (2019)</p>	<p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and the South Pacific Tuna Corporation in USA. Each remained actively engaged in WCPFC processes in 2018 with members attending the Scientific Committee meeting in August 2018 (WCPFC SC14), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC14) and the full Commission meeting in December 2018 (WCPFC15). To this end, WPSTA provided evidence in the form of letters from each fishing organization to their respective country delegations to the WCPFC-SC14 and WCPFC-TCC14 meetings encouraging their continuing support for the development of appropriate candidate yellowfin tuna harvest strategies and harvest control rules, as well as the processes at WCPFC15 to advance their development as specified in the agreed harvest strategy workplan. Michael Zhu represented Ocean Family, communicating directly with the China delegation. Max Chou represented FCF CO., LTD. and the South Pacific Tuna Corporation, communicating directly with the Chinese Taipei and USA delegations.</p> <p>Progress towards the development of a harvest strategy for yellowfin tuna includes the adoption of an updated Harvest Strategy Workplan (WCPFC14 Summary Report Attachment N) which includes indicative timeframes for the activities needed to complete its development. The elements of a harvest strategy that are still to be formulated for yellowfin tuna are a target reference point (one that is more specific than the general objective of CMM 2016-01) and a harvest control rule. Under the Harvest Strategy Workplan, the Commission is scheduled to agree to a Target Reference Point in 2019 and to develop harvest control rules for yellowfin tuna in 2021.</p> <p>The current (revised) Workplan, engagement by WPSTA members in the WCPFC process and direct communication with the WCPFC country delegations, and commitment from the China, Chinese Taipei, and USA delegations to the WCPFC-SC, WCPFC-TCC and Commission meetings to support the WPSTA MSC certification process and WCPFC harvest strategy workplan thus far are sufficient to consider that the condition is on-target as of this year one surveillance.</p>
<p>Progress on Condition Year 2 (2020)</p>	<p>At the conclusion of WCPFC15 in December 2018, WPSTA was required to conduct and publish a review of activities undertaken in Year 1 (2018) to determine the efficacy of the activities in raising awareness and advancing development of candidate WCPO yellowfin tuna harvest strategies and harvest control rules as stipulate in the WCPFC harvest strategy workplan. WPSTA would continue those activities identified in the Year 1 review to be advantageous towards development of WCPO yellowfin tuna harvest strategies and harvest control rules throughout Year 2 (2019), such as participation in WCPFC discussions and meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), as well as any other activities considered beneficial in achieving the goal. While WPSTA representatives participated in all WCPFC meeting in 2019 the review was not conducted.</p> <p>WPSTA is comprised of three fishing organizations, Ocean Family in China, FCF CO., LTD. in Chinese Taipei, and South Pacific Tuna Corporation in the USA. Each remained actively</p>

	<p>engaged in WCPFC processes in 2019 with members attending the Scientific Committee meeting in August 2019 (WCPFC SC15), the Technical Compliance Committee meeting in September 2018 (WCPFC-TCC15) and the full Commission meeting in December 2019 (WCPFC16). Wang Zhonguan and Zhang Pu represented Ocean Family, communicating directly with the China delegation. Harry Chen and Wen-Chih Chiang represented FCF CO., LTD., communicating directly with the Chinese Taipei delegation, and Raymond Clarke represented the South Pacific Tuna Corporation, communicating directly with the USA delegation.</p> <p>Leading up to WCPFC16 in December 2019, WPSTA provided letters to each of the three relevant WCPFC delegations (China, Chinese Taipei, and USA) and also met with them at WCPFC meetings (Science Committee, Technical and Compliance Committee, and Commission Meeting), thanking them for their support throughout the MSC certification process and encouraging them to remain vigilant towards development of candidate yellowfin tuna harvest strategies and harvest control rules as stipulated in the WCPFC harvest strategy workplan</p> <p>Progress towards the development of a harvest strategy for yellowfin tuna includes the adoption of a revised Harvest Strategy Workplan (WCPFC16 Summary Report Attachment H) which includes indicative timeframes for the activities needed to complete its development. The elements of a harvest strategy that are still to be formulated for yellowfin tuna are a target reference point (one that is more specific than the general objective of CMM 2016-01) and a harvest control rule. Under the revised Harvest Strategy Workplan, the Commission is scheduled to agree to a Target Reference Point in 2021 and to develop harvest control rules for yellowfin tuna in 2022.</p> <p>The year 2 client action plan stipulated that in addition the WPSTA would conduct a review of activities and progress in Year 1, evaluating the effectiveness in the activities conducted to support a harvest strategy for WCPO. The assessment team did not receive a copy of a report of such review, however, during the remote audit the client provided anecdotal evidence of their analysis of their activities to support the harvest strategy. The assessment team considered this evidence provided to be sufficient for the condition to be on target. Moreover, the milestones in this condition are harmonized with other MSC certified fisheries in the WCPO, which are also marked as 'On target' for 2020.</p>
Status	On Target
Additional information	

3.2.5 Table 11 Condition 5 (Yellowfin & Skipjack; China only)

Performance Indicator	PI 2.2.2 d There is a strategy in place for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species and the UoA regularly reviews and implements measures, as appropriate, to minimize the mortality of unwanted catch.	
Score	75	
Justification	<p>See rationale for PI 2.2.2d:</p> <p>For the Chinese and Chinese Taipei Chinese Taipei's fleets we do not, however, consider that it is highly likely that shark finning is not taking place given the lack of data on these fleets, the potentially lower levels of observer coverage, the concerns expressed by the TCC about the level of reporting, the ambiguity of the fin-to-carcass ratio method for monitoring compliance, the subsequent inability of the WCPFC to determine compliance with this measure, and the lack of any clear sanctions for the few reported cases on non-compliance. For these fleets we do not consider the SG 80 requirements to be met.</p>	
Condition	<p>For China (skipjack and yellowfin)</p> <p>By the third surveillance audit provide evidence that is sufficient to demonstrate that it is highly likely that shark finning is not taking place.</p>	
Milestone Year 1	<p>Surveillance (2019): Evidence recorded by observer and provided through SPC clearly demonstrates that there is highly unlikely that the shark finning is taking place in UoC Chinese fleets from year 2014 to 2017.</p> <p>Expected score: 75</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will work with Bureau of Fisheries and make request to SPC for the observer records of alleged shark finning recorded by Observers for 2014 to 2017. 2. WPSTA will discuss with BoF/COFA concerns over ROPs adequately delivering records to SPC. WPSTA may choose to work directly with SPC to ascertain other causes of uncertainty regarding records of trip coverage at SPC. WPSTA may also choose to work with BoF/COFA to demonstrate flag state control/transparency of which observers (and observer programmes) all vessels are carrying. 3. The CAB will evaluate if the number and nature of events and sanction program indicates that the shark finning is highly unlikely taking place in UoC Chinese fleets. 4. If the number of events were a concern, WPSTA will develop a Code of Conduct (CoC) for shark finning and training program to ensure that all sharks landed by Chinese fleets in the UoA will follow the requirements of CMM 2010-07. WPSTA will implement the CoC and training program that will appoint a suitable person or team to be trained according to the CoC standard then training to fleets by trainer will continue according to signed CoC until all training requirements identified in the training needs assessment are met.
	Expected outcome:	<ol style="list-style-type: none"> 1. Observer record of shark finning provided by SPC for 2014 to 2017. 2. Training program and Code of Conduct (CoC) (if determined by CAB the number of shark finning events remain a concern). 3. Training evidence provided to CAB by trainer. Training schedule, curriculum and materials. 4. Training attendance record. <p>Responsible Party/ies: WPSTA, WCPFC, BoF/COFA</p>

Milestone Year 2	<p>Surveillance (2020): Evidence recorded by observer and provided through SPC clearly demonstrates that there is highly unlikely the shark finning is taking place in UoC Chinese fleets for year 2018.</p> <p>Expected score: 75</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will work with Bureau of Fisheries and make request to SPC for the observer records of alleged shark finning recorded by Observer for 2018. 2. Seek evidence of decreased uncertainty in observer records documented by SPC. 3. The CAB will evaluate if the number and nature of events and sanction program indicates that shark finning is highly unlikely to be taking place in UoA from WPSTA Chinese fleet.
	Expected outcome:	<p>Observer record of shark finning provided by SPC for 2018.</p> <p>Responsible Party/ies: WPSTA, Bureau of Fisheries</p>
Milestone Year 3	<p>Surveillance (2021): Evidence recorded by observer and provided through SPC clearly demonstrates that there is highly unlikely the shark finning is taking place in UoC Chinese fleets for year 2019. Given record of consecutive 5 years, CAB concludes that it's highly unlikely shark finning is happening in UoC Chinese fleets.</p> <p>Expected score: 80</p>	
Client Action Plan	Activities:	<ul style="list-style-type: none"> - <i>WPSTA will work with Bureau of Fisheries and make request to SPC for the observer records of alleged shark finning recorded by Observer for 2019 as evidence to demonstrate that shark finning is highly unlikely taking place in UoC Chinese fleets in consecutive 5 years.</i> - <i>Or clear record and evidence demonstrate that shark finning is highly unlikely to be taking place in UoC Chinese fleets after the training program in place since 2018.</i>
	Expected outcome:	<p>Observer record of shark finning provided by SPC for 2019.</p> <p>Responsible Party/ies: WPSTA, Bureau of Fisheries, SPC</p>
Consultation on condition	<p>WPSTA provided observer records, compiled records of shark finning events from SPC based on observer reports, and relevant shark finning policy documents. These are consistent with the Action Plan measures and year 1 milestones.</p>	
Progress on Condition Year 1 (2019)	<p>As evidence for the progress on this condition and in compliance with their action plan, WPSTA submitted the following documentation to the assessment team:</p> <p>Observer records of fishing activities for Chinese flagged vessels from 2014-2018 (including shark catch). Shark finning observations activities provided by SPC for 2016 to 2019. A copy of the China shark finning policy.</p> <p>In addition, WPSTA confirmed their vessels comply with ISSF stipulations regarding shark finning.</p> <p>Observer records, as well as the SPC provided records, indicated no shark finning was occurring. The SPC records provide a more detailed view of activities by using observer reports that the assessment team cannot access.</p> <p>Fulfilments of the condition requirements is primarily dependent on the continued demonstration that shark finning is not taking place in a systematic way, and that any</p>	

	<p>isolated incidents are being dealt with appropriately. Additionally, there was the stipulation for a training program if finning remains a concern.</p> <p>The assessment team considers that on the basis of zero observer records of finning incidents by the UoC, and the demonstrated compliance with its Action Plan measures, the fishery is on target on this condition.</p>
<p>Progress on Condition Year 2 (2020)</p>	<p>As evidence for the progress on this condition and in compliance with their action plan, WPSTA submitted the following documentation to the assessment team:</p> <ul style="list-style-type: none"> • Observer records of fishing activities for Chinese flagged vessels from 2014-2018 (including shark catch). • Shark finning observations activities provided by SPC for 2016 to 2019. • A copy of the China shark finning policy (The Notification by General Office of Ministry of Agriculture and Rural Affairs on Further Strictly Comply with International Tuna Measures, issued on 7 January 2019), as well as Ocean Family’s shark finning policy (Zhejiang Ocean Family Co., LTD. Ocean Fishing Vessels Entering Fishing, Notice of Regulations on the Administration of Foreign Related Work, issued on 11 May 2014). <p>In addition, WPSTA confirmed their vessels comply with ISSF stipulations regarding shark finning.</p> <p>Observer records, as well as the SPC provided records, indicated no shark finning was occurring. The SPC records provide a more detailed view of activities by using observer reports that the assessment team cannot access.</p> <p>Fulfillments of the condition requirements is primarily dependent on the continued demonstration that shark finning is not taking place in a systematic way, and that any isolated incidents are being dealt with appropriately. Additionally, there was the stipulation for a training program if finning remains a concern.</p> <p>While discrepancies between the annual number of PS trips estimated by SPC and those reported by China, which in turn are used to estimate observer coverage rates, have not been fully resolved a recent publication by Williams et al (2019) documents potential reasons for the discrepancies. The authors recognize that estimates from SPC are likely overestimated owing to the way VMS data are used to estimate trips. For example, fishing vessel that are solely transiting could be misidentified as a fishing trip, while fishing vessels departing and returning to port for mechanical reasons (without fishing), before departing again, would be counted as two fishing trips. SPC is aware of the problem but presently does not have the resources to explore the discrepancies. Also, analysis of observer data within the ROP and SPC is prioritized, focusing on the most recent year of data, and since the analysis of observer data takes a full year it is unclear when historical discrepancies will be resolved, if at all. China contends that 100% observer coverage on purse seine vessels is a basic requirement in the WCPFC area and particularly within PNA, where much of their fishing activity occurs.</p> <p>On the basis of zero observer records of finning incidents by the UoC in the most recent five years, independent verification by SPC of no shark finning incidents in the past five years, close to 100% observer coverage in the past five years (2015-2019), and information about the potential discrepancies with observer data, the assessment team considers there is demonstrated compliance and “good external validation” to indicate a validation level</p>

	equivalent to a nominal observer coverage of 20% of effort (MSC Fisheries Standard v2.01 GSA2.4.5 – GSA2.4.7). a As a result, the assessment team determines it is highly likely that shark finning is not taking place, and the fishery now achieves SG80 to close this condition. The assessment team recognizes that continued surveillance of shark finning incidents in the Chinese fleet represents both a prudent and precautionary measure and will continue to monitor this fishery and seek evidence through the forth surveillance audit demonstrating that it is highly likely that shark finning is not taking place.
Status	Closed
Additional information	See Re-scored PI (3.4 Re-scoring Performance Indicators)

3.2.6 Table 12 Condition 6 (Yellowfin & Skipjack; Chinese Taipei only)

Performance Indicator	PI 2.2.2 d There is a strategy in place for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species and the UoA regularly reviews and implements measures, as appropriate, to minimize the mortality of unwanted catch.	
Score	75	
Justification	See rationale for PI 2.2.2d: For the Chinese and Chinese Taipei fleets we do not, however, consider that it is highly likely that shark finning is not taking place given the lack of data on these fleets, the potentially lower levels of observer coverage, the concerns expressed by the TCC about the level of reporting, the ambiguity of the fin-to-carcass ratio method for monitoring compliance, the subsequent inability of the WCPFC to determine compliance with this measure, and the lack of any clear sanctions for the few reported cases on non-compliance. For these fleets we do not consider the SG 80 requirements to be met.	
Condition	For Chinese Taipei (skipjack and yellowfin) By the second surveillance audit provide evidence that is sufficient to demonstrate that it is highly likely that shark finning is not taking place.	
Milestone Year 1	Surveillance (2019): Observer record provided through SPC to WPSTA with assistance of TFA clearly demonstrates that there is highly unlikely the shark finning is taking place in UoC Chinese Taipei fleets for year 2017. Expected score: 75	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will work with TFA and make request to SPC for the observer records of alleged shark finning for 2017. 2. WPSTA will discuss with TFA concerns over ROPs adequately delivering records to SPC. WPSTA may choose to work directly with SPC to ascertain other causes of uncertainty regarding records of trip coverage at SPC. WPSTA may also choose to work with TFA to demonstrate flag state control/transparency of which observers (and observer programmes) all vessels are carrying. 3. The record of 2017 once available will demonstrate that the shark finning is not taking place on board vessels within the Chinese Taipei UoC in 2017.
		Observer record of shark finning provided by SPC for 2017.

	Expected outcome:	Responsible Party/ies: WPSTA, TFA, SPC
Milestone Year 2	<p>Surveillance (2020): Observer record provided through SPC to WPSTA with assistance of TFA clearly demonstrates that there is highly unlikely the shark finning is taking place in UoC Chinese Taipei fleets for year 2018.</p> <p>Expected score: 80</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will continue working with TFA and make request to SPC for the observer records of alleged shark finning for 2018. 2. Seek evidence of decreased uncertainty in observer records documented by SPC. 3. The record of 2018, once available, and in conjunction with the inspection program and associated sanctions as merited, will demonstrate that the shark finning is not taking place on board vessels within the Chinese Taipei UoC. 4. With further evidence record for 2017 and 2018 in addition to records of 2012 to 2015 that had been provided to CAB, it's demonstrated that the shark finning has been highly unlikely taken place in UoC Chinese Taipei fleets.
	Expected outcome:	<p>Observer record of shark finning provided by SPC for 2018.</p> <p>Responsible Party/ies: WPSTA, TFA, SPC</p>
Consultation on condition	<p>WPSTA provided observer records, compiled records of shark finning events from SPC based on observer reports, and relevant shark finning policy documents. In addition, there was discussion regarding the submission of ROP data and recent suspension of the IUU Yellow Card against Chinese Taipei, and its potential implications. These are consistent with the Action Plan measures and year 1 milestones.</p>	
Progress on Condition (2019)	<p>As evidence for the progress on this condition and in compliance with their action plan, WPSTA submitted the following documentation to the assessment team:</p> <ul style="list-style-type: none"> • Observer records of fishing activities for Chinese Taipei flagged vessels from 2014-2017 (including shark catch). • Shark finning observations activities provided by SPC for 2013 to 2018. • A copy of the Chinese Taipei shark finning policy. <p>In addition, WPSTA confirmed the Chinese Taipei UoC vessels comply with ISSF stipulations regarding shark finning.</p> <p>Observer records indicted no shark finning from 2014-2017. SPC records identified 15 incidences of shark finning between 2013 and 2018, however zero incidences were reported after 2014. The SPC records provide a more detailed view of activities by using observer reports that the assessment team cannot access.</p> <p>The recent suspension of the IUU yellow card against Chinese Taipei was discussed in detail, including modifications to Chinese Taipei policies as it relates to shark finning. Transparency, lack of adequate reporting systems, enforcement mechanisms, and compliance monitoring were modified to support the suspension. The assessment team agreed that the proposed changes stemming from the yellow card suspension, along with Chinese Taipei's strong stance on enforcement and monitoring should provide the necessary tools to detect and deter shark finning. However, the assessment team also recognized that these charges to Chinese Taipei policy are recent will need to be reviewed annually for compliance.</p>	

	<p>Fulfilment of the condition requirements is primarily dependent on the continued demonstration that shark finning is not taking place in a systematic way, and that any isolated incidents are being dealt with appropriately. Additionally, there was the stipulation for WPSTA to discuss with TFA concerns over ROPs adequately delivering records to SPC. While we have no record of that conversation, WPSTA and TFA confirmed that such a discussion did occur. The assessment team did not consider this to be a serious infraction in light of recent events surrounding the suspension of the yellow card. It was also pointed out by TFA that a condition of the yellow card suspension was the timely submission of requested data to the WCPFC, including ROP data.</p> <p>The assessment team considers that on the basis of zero observer records of finning incidents by the UoC in recent years, the demonstrated compliance with its Action Plan measures, and the recent suspension of the IUU yellow card, the fishery is on target on this condition.</p>
<p>Progress on Condition Year 2 (2020)</p>	<p>As evidence for the progress on this condition and in compliance with their action plan, WPSTA submitted the following documentation to the assessment team:</p> <ul style="list-style-type: none"> • Observer records of fishing activities for Chinese Taipei flagged vessels from 2014-2017 (including shark catch). • Shark finning observations activities provided by SPC for 2013 to 2018. • A copy of Chinese Taipei regulations on distant water fishing operations, which includes shark finning policies (Act for Distant Water Fisheries, amended July 2016 and Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation, amended October 2019). <p>In addition, WPSTA confirmed the Chinese Taipei UoC vessels comply with ISSF stipulations regarding shark finning.</p> <p>Observer records indicted no shark finning from 2014-2017. SPC records identified 15 incidences of shark finning between 2013 and 2018, however zero incidences were reported after 2014. The SPC records provide a more detailed view of activities by using observer reports that the assessment team cannot access. Additionally, inspections of Chinese Taipei flagged distant water fishing vessels were conducted at both domestic and foreign ports in 2019 and no incidence of shark finning was reported. The vessel inspection rate at domestic ports was approximately 12% (N=153 inspections). At foreign ports the inspection rate was approximately 18% (N=263 inspections), covering 11 ports in 10 countries.</p> <p>While discrepancies between the annual number of PS trips estimated by SPC and those reported by Chinese Taipei, which in turn are used to estimate observer coverage rates, have not been fully resolved a recent publication by Williams et al (2019) documents potential reasons for the discrepancies. The authors recognize that estimates from SPC are likely overestimated owing to the way VMS data are used to estimate trips. For example, fishing vessel that are solely transiting could be misidentified as a fishing trip, while fishing vessels departing and returning to port for mechanical reasons (without fishing), before departing again, would be counted as two fishing trips. SPC is aware of the problem but presently does not have the resources to explore the discrepancies. Also, analysis of observer data within the ROP and SPC is prioritized, focusing on the most recent year of data, and since the analysis of observer data takes a full year it is unclear when historical discrepancies will be resolved, if at all. Chinese Taipei contends that 100% observer coverage on purse seine vessels is a basic requirement in the WCPFC area and there have been no reported infractions of vessels fishing without an observer.</p>

	The assessment team considers that on the basis of zero observer records of finning incidents by the UoC in the most recent five years, independent verification by SPC of no shark finning incidents in the past five years, at least 25% observer coverage in the past five years (2015-2019), information about the potential discrepancies with observer data, and the demonstrated compliance and “good external validation” to indicate a validation level equivalent to a nominal observer coverage of 20% of effort (MSC Fisheries Standard v2.01 GSA2.4.5 – GSA2.4.7). As a result, this condition is closed and Chinese Taipei now meets the SG80 guidepost for this PI given the assessment team considers it is highly likely that shark finning is not taking place. However, the assessment team recognizes that continued surveillance of shark finning incidents in the Chinese Taipei fleet represents both a prudent and precautionary measure and will continue to monitor this fishery and seek evidence through the forth surveillance audit demonstrating that it is highly likely that shark finning is not taking place.
Status	Closed
Additional information	See Re-scored PI (<i>3.4 Re-scoring Performance Indicators</i>)

3.2.7 Table 13 Condition 7 (Yellowfin & Skipjack; China only)

Performance Indicator	<p>PI 3.1.1a The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
Score	75
Justification	<p>See rationale for PI 3.1.1a: Evaluation Table for PI 3.1.1 – Legal and/or customary framework</p> <p>China has several laws and regulations that deal with fisheries management. The overarching law controlling fishing is the Fisheries Law of the People’s Republic of China (China Fisheries Law) 2000. This provides a range of general provisions including; covering all fishing activity including fishing on the high seas and in other State’s EEZs (joint managed fishery zones defined in the agreement concluded between the People’s Republic China and the countries concerned) and provides guidance on domestic jurisdictional arrangements. The law vests all key functions relating to controlling fishing operations on the high seas and other EEZs with the Fisheries Authority under the State Council. It also contains specific enforcement and prosecution provisions.</p> <p>The law is supplemented by a number of other regulations and policies, including “Provisions for the Administration of Pelagic Fishery” and the “Program of Action on the Conservation of Living Aquatic Resources of China (Promulgated by the State Council in February 2006).</p> <p>These documents provide a range of provisions that constitute an effective national legal system and provide for organized and effective cooperation with other parties. Article 23 of</p>

	<p>the China Fisheries Law 2000 provides that “Those who intend to conduct fishing operation in the waters under the jurisdiction of other states shall be approved by the Fisheries Authority under the State Council and shall comply with relevant treaties and agreements signed or acceded by the People’s Republic of China and laws of states concerned.” Elsewhere reference is made to fulfilling China’s international obligations with the “Program for Action” providing that “.... the relevant obligations set out in international treaties and regulations that the government of China signed or acceded to should be responsibly fulfilled”.</p> <p>These arrangements, together with reducing fishing capacity, science-based fishing limits and broader ecosystem requirements, should deliver management outcomes consistent with MSC Principles 1 and 2. There is also evidence that China reliably coordinates with other WCPFC parties to contribute scientific data from their purse seine fisheries for collective use by SPC on behalf of all WCPFC Parties (consistent Level III scores for data provision, Williams, 2015) (GSA 4.3.2.3.). While the team received evidence that prosecutions of Chinese vessels do systematically occur, are publicly available once sanctioned, and are taken seriously, it is not clear that China is meeting all of its cooperative obligations with WCPFC parties by exerting enforcement measures capable of apprehending its own vessels in international waters, or how it uses specific national provisions/in situ monitoring to assure compliant behavior commensurate with the scale of its numerous international vessels fishing in high seas fisheries or fishing in third party EEZs. As such, the SG60 is met but evidence received has yet to fully support a score of SG 80.</p>	
Condition	<p>For China (skipjack and yellowfin)</p> <p>By the fourth annual surveillance, provide evidence of an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2.</p>	
Milestone Year 1	<p>Surveillance (2019): Evidence is available to demonstrate that implementation of the 13th 5-years National Offshore Fisheries Development Plan has started.</p> <p>Evaluation report on potential cause of gaps in compliance with WCPFC CMMs as noted by WCPFC CMR, for the Chinese-flagged high seas purse seine fishery, generated by WPSTA alone or with authorities.</p> <p>Expected score: 75</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. WPSTA will familiarize Chinese-flagged members with the objectives and workplan for implementation of the National Plan. WPSTA will align expectations of MSC process with relevant agencies (BoF, COFA). Evidence of implementation will be provided. 2. WPSTA will request meetings with China Overseas Fishery Association (COFA) to understand the most recent Compliance Monitoring Report (CMR) to evaluate gaps in compliance with WCPFC CMMs and possible root causes. 3. WPSTA will circulate the conclusions of this gap analysis, with accompanying documentation, to all members of the UoA with Chinese-flagged vessels, for review.
	Expected outcome:	<ol style="list-style-type: none"> 1. Evidence of meetings with Chinese-flagged members to align expectations of CAP activities and timelines to discuss unclear points if necessary. Summary minutes with action items and risk areas available from meeting for public use. 2. Evidence of meetings with Bureau of Fisheries or China Overseas Fisheries Association (COFA) to align expectations of CAP and discuss unclear points

		<p>if necessary. Summary minutes with action items and risk areas available from meeting for public use.</p> <ol style="list-style-type: none"> 3. WPSTA will lobby BoF to: <ol style="list-style-type: none"> a. undertake an assessment of their own NOFDP to identify key risk areas or initiatives that are challenged due to resources/staffing/other constraints, should these exist (root causes). b. Provide transparent information on the scale of the Chinese distant water purse seine fleet operating in the WCPFC c. Generate resources and methods used to control above fleet 4. Documentation is available on each of the key point bullets from the NOFDP outlined in the General Approach, showing a documented policy or procedure to control the relevant main activities in the NOFDP, forms used to support implementation, and relevant records for each are available. <ol style="list-style-type: none"> a. Gap analysis report for CMR b. Emails / letters requesting meetings among WPSTA Chinese fleets members. <p>Responsible Party/ies: WPSTA, COFA</p>
<p>Milestone Year 2</p>	<p>Surveillance (2020): China has been implementing the 13th 5-years National Offshore Fisheries Development Plan for a 2nd year.</p> <p>- WPSTA has lobbied the Bureau of Fisheries to improve root causes and enforcement outcomes, in problem areas identified in the WCPFC CMR evaluation report.</p> <p>Expected score: 75</p>	
<p>Client Action Plan</p>	<p>Activities:</p>	<ol style="list-style-type: none"> 1. WPSTA will request a meeting with Bureau of Fisheries or COFA to collate docs and evidence for evaluation whether the National Plan has been implemented accordingly from Year 1. WPSTA will request on behalf of SCS 1. policies and procedures, 2. forms and 3. Records, on aspects of the NOFDP that were not implemented (risk areas) in Year 1, identified by either WPSTA or BoF or COFA. WPSTA will request on behalf of SCS records associated with ongoing implementation of policies and procedures that were implemented in Year 1. If no aspects of the NOFDP are implemented, or the NOFDP is implemented only partially, WPSTA will continue to lobby CFA or COFA for timely and complete implementation of the National Plan, root causes of deficiencies, if any, and will continue to clarify timelines and consequences with relevant agencies. 2. Based on the analyses in year 1, WPSTA will prepare a letter to lobby and encourage the Bureau of Fisheries to fulfill requirements of compliance in CMR.
	<p>Expected outcome:</p>	<p>Evidence of meetings with Bureau of Fisheries or China Overseas Fisheries Association to:</p> <ol style="list-style-type: none"> 1. gather evidence of ongoing progress against key activities of NOFDP (both implemented and yet-to-be implemented activities) 2. agree verifiable metrics to measure progress against key risk areas 3. agree verifiable metrics to measures decline of Chinese fishing vessels being sanctioned for unauthorized activity (e.g. WCPFC CMR or coastal State prosecutions) 4. discuss unclear points if necessary 5. generate summary minutes from meeting(s) with status of progress implementing NOFDP, risk areas and action items and agreed tracking metrics, available for public use

		6. letter / email to lobby Bureau of Fisheries
		Responsible Party/ies: WPSTA, COFA, Bureau of Fisheries
Milestone Year 3	<p>Surveillance (2021): Enforcement is improving in accordance with 5-years National Plan.</p> <p>- Evidence shows that numbers of non-compliance status in annual WCPFC CMR decrease.</p> <p>Expected score: 75</p>	
Client Action Plan	Activities:	Based on the progress assessment, WPSTA will request through COFA’s assistance a meeting with relevant enforcement officials at the Bureau of Fisheries, to continue to put the case for additional enforcement where required to have full control over distant water fishing vessels.
	Expected outcome:	<ol style="list-style-type: none"> 1. Evidence of meetings with Bureau of Fisheries or China Overseas Fisheries Association to: 2. evaluation of progress against key activities of NOFDP 3. evaluation of progress against key risk areas 4. evaluation and evidence of monitoring, surveillance and control activities in keeping with metrics for effectiveness decided in Year 2. 5. discuss unclear points as needed and align understanding of activities needed to close condition in Year 4. 6. generate summary minutes from meeting(s) with status of progress implementing NOFDP, risk areas, possible root causes, action items and agreed tracking metrics, available for public use 7. advice and justification on any changes in the key risk areas or NOFDP focus 8. Evidence report from CMR or relevant info.
		Responsible Party/ies: WPSTA, COFA, Bureau of Fisheries
Milestone Year 4	<p>Surveillance (2022): China can show further decreases in the number of non-compliances in annual WCPFC CMR report, demonstrating an effective national system to deliver effective measures and control over the distant water fishing vessels, consistent with the requirements of PI 3.1.1a,</p> <p>Expected score: 80</p>	
Client Action Plan	Activities:	<ol style="list-style-type: none"> 1. Based on the progress assessment, WPSTA will request through COFA, a meeting with relevant enforcement officials at the Bureau of Fisheries, in order to be able to demonstrate adequate enforcement to have full control over distant water fishing vessels. 2. WPSTA will collate evidence from annual CMR or relevant info to show that numbers of non-compliance status in CMR decreases over successive years.
	Expected outcome:	<p>Evidence of meetings with Bureau of Fisheries or China Overseas Fisheries Association to:</p> <ol style="list-style-type: none"> 1. evaluation of progress against key activities of NOFDP 2. evaluation of progress against key risk areas 3. evaluation and evidence of monitoring, surveillance and control activities in keeping with metrics for effectiveness decided in Year 2. 4. summary minutes from meeting(s) with status of progress implementing NOFDP, risk areas and action items and agreed tracking metrics, available for public use

		5. advice and justification on any changes in the key risk areas or NOFDP focus
		Responsible Party/ies: WPSTA, COFA
Consultation on condition	A letter has been provided from the Bureau of Fisheries, stating that they support work by WPSTA to address the conditions. Prior to the Final Report, an additional letter of support was provided from the Bureau of Fisheries that articulates a more specific understanding of the conditions and action plan. This revised letter was required to be received prior to certificate issuance, per FCR 7.11.4.	
Progress on Condition (2019)	<p>Milestone Year 1 was met with the provision by WPSTA of:</p> <ul style="list-style-type: none"> Evidence that the implementation of the 13th 5-years National Offshore Fisheries Development Plan is well progressed. An evaluation report on potential causes of gaps in compliance with WCPFC CMMs as noted by WCPFC CM, for the Chinese-flagged high seas purse seine fishery. <p>These documents were created by WPSTA and shared with the Chinese Bureau of Fisheries and evidence of this was produced.</p>	
Progress on Condition (2020)	<p>Milestone 2 was met, and sufficient progress has been made since certification to close this condition as China now meets the SG 80 guidepost for this PI.</p> <p>This year (2020) is the last year of the 13th 5-year National Offshore Fisheries Development Plan. Evidence was presented of the comprehensive implementation of the Plan including</p> <ul style="list-style-type: none"> On 10 February 2020, MARA issued No. 2 Order of 2020, notifying <i>Administrative Regulation on Distant Water Fisheries</i> that came into effect 1 April 2020. The key aspects that directly related to this condition include: (a) establishing “blacklist” for person(s) <i>engaged in distant water fishing</i> and (2) preventing a vessel on the relevant RFMOs’ IUU list from entering into a Chinese port. On 19 May 2020, MARA issued a <i>Notification on Strengthening Management of High Seas Transshipment in Distant Water Fisheries</i> requiring high seas transshipment observers. Though not related to this unit of assessment yet demonstrating international collaboration, on 1 June 2020, MARA issued a <i>Notification on Conservation of High Seas Squid Resources and Promoting China’s Distant Water Fisheries Sustainable Development</i>. This introduced squid moratorium measure for all Chinese flagged vessels fishing for squid on the high seas area in the southwest Atlantic from 1 July to 30 September every year and on high seas area in the east Pacific from 1 September to 30 November every year, in order to protect the squid resources and its spawning population. <p>Comprehensive implementation 13th 5-year National Offshore Fisheries Development Plan, together with efforts to reduce fishing capacity, science-based fishing limits and broader ecosystem requirements, should deliver management outcomes consistent with MSC Principles 1 and 2.</p> <p>There is also evidence that China reliably coordinates with other WCPFC parties to contribute scientific data from their purse seine fisheries for collective use by SPC on behalf of all WCPFC Parties (consistent Level III scores for data provision (WCPFC 2019a)) (GSA 4.3.2.3).</p> <p>The team received evidence that prosecutions of Chinese vessels do systematically occur, are publicly available once sanctioned, and are taken seriously. Based on a review of the WCPFC (2019b) Final Compliance Monitoring Report, China’s non-compliance status with CMMs has declined substantially since this condition was imposed and does not appear to be different</p>	

	<p>from other CCMs. China is thus meeting its cooperative obligations with WCPFC parties by exerting enforcement measures capable of apprehending its own vessels in international waters, or how it uses specific national provisions/in situ monitoring to assure compliant behavior commensurate with the scale of its numerous international vessels fishing in high seas fisheries or fishing in third party EEZs.</p> <p>As such, SG80 is met as there is an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2.</p> <p>While the WCPFC provides arrangements for organised and effective cooperation they are not guaranteed to bind other parties (those who choose not to be a Party or do not abide by all CMMs), therefore SG100 is not met.</p>
Status	Closed
Additional information	See Re-scored PI (<i>3.4 Re-scoring Performance Indicators</i>)

3.2.8 Table 14 Condition 8 (Yellowfin & Skipjack; Chinese Taipei only)

Condition 8 was closed in the year 1 surveillance, to see the closed condition and re-scoring PI table please refer to the year 1 surveillance report: <https://fisheries.msc.org/en/fisheries/wpsta-western-and-central-pacific-skipjack-and-yellowfin-free-school-purse-seine/@@view>.

3.2.9 Table 15 Condition 9 (Yellowfin & Skipjack; China only)

Performance Indicator	<p>PI 3.1.2b The management system has effective consultation processes that are open to interested and affected parties.</p> <p>The roles and responsibilities of organizations and individuals who are involved in the management process are clear and understood by all relevant parties</p>
Score	75
Justification	<p>See rationale for PI 3.1.2b: Evaluation Table for PI 3.1.2 – Consultation, roles and responsibilities</p> <p>China and Chinese Taipei</p> <p>The situation in China and Chinese Taipei is less clear. To meet SG80 requirements there are two key requirements; i) the management system must have processes that “regularly seek and accept relevant information” and ii) the “management system demonstrates consideration of the information obtained”. This is assessed both for input to regional arrangements and domestic management. While there is evidence that non-formalized but longstanding consultative processes do occur in Chinese Taipei and similar evidence that pre WCPFC meetings occur in China, these processes provide an opportunity for certain stakeholders to be involved. However, it is neither clear nor transparent (sensu GSA 4.4.1), the extent to which these systems regularly seek and accept “relevant information”, where this requirement is considered to apply to both WCPFC decision-making frameworks and domestic policymaking.</p>

	<p>Evidence that consultation is implemented in Chinese Taipei was received in the form of anonymized participant lists associated with annual stakeholder meetings preceding WCPFC meetings. Information was also provided for China showing the process by which consultation is conducted leading to a country position on changes to management arrangements. However, for both China and Chinese Taipei policies or procedures were not available that define how particular stakeholders are contacted or why by the competent authority, or for what matters or how often (regularity), nor are generalized minutes or transparent records of consulted participants available. It is not clear whether these arrangements are formalized in policy or legislation. It is also unclear if they can be initiated at any time, rather than just in the lead up to the WCPFC annual meeting.</p> <p>Therefore, there is evidence of the management system obtaining local stakeholder input ahead of WCPFC meetings as described above (meeting the SG60). However, it is difficult to understand transparently how and from whom stakeholder input is sought, with what regularity (the requirement for SG80). In terms of the second half of clause in the SG80 criteria- i) information being accepted as well as point ii) the extent to which management decisions demonstrate consideration of the information obtained- the team could not find evidence to support these requirements. The team looked for evidence in official documents to explain stakeholder information that was considered and used or not used in decision-making at either the national level, or why some forms of information versus others may be passed forward by the competent authority at the regional levels, but this was not available. To meet the SG80 there is not necessarily an expectation that sensitive trade-offs made in confidential management discussions would be publicly available, but that general reasoning and evidence of using stakeholder input is apparent.</p> <p>SG60 requirements are met for China and Chinese Taipei, however the higher-level requirements at the SG80 of demonstrating the regularity of stakeholder consultation opportunities and transparency to demonstrate that information is sought, considered, and if relevant is accepted, are not met.</p>	
<p>Condition</p>	<p>For China (skipjack and yellowfin)</p> <p>By the third annual surveillance, provide evidence to demonstrate that clear and transparent processes exist to regularly seek and accept “relevant information” provided via consultative processes and that any such information is considered in management decision making at national and regional levels.</p>	
<p>Milestone Year 1</p>	<p>Surveillance (2019): Existing consultation structures and procedures are documented to demonstrate they regularly seek and regularly accept relevant information. Evidence provided will allow the CAB to evaluate of the frequency, means to access, types of mechanisms and procedural clarity of mechanisms for input into national and international measures relevant to any pertinent Acts and the vessels in question. Evidence provided will allow the CAB to evaluate how such systems allow systematic refinements to existing management measures and not just input on newly proposed management measures.</p> <p>Expected score: Score 80 if these are considered enough, 75 if not.</p>	
<p>Client Action Plan</p>	<p>Activities:</p>	<p>WPSTA members will work with the Bureau of Fisheries and/or China Overseas Fisheries Association to provide evidence that regular consultation occurs across broad stakeholder groups and that relevant information from this consultation is considered and adopted (as necessary) by the management system as changes to domestic arrangements or input to regional management arrangements. The process will be clearly documented e.g. via meeting invitations, agendas, summaries and participation lists; memos documenting phone calls and other remote meetings; copies of emails; meeting minutes for relevant but non-confidential discussion etc. and be able to clearly show both changes in domestic arrangements or input to regional management.</p>

	Expected outcome:	<p>Evidence of meetings with the Bureau of Fisheries and/or China Overseas Fisheries Association and the key output from these meetings to:</p> <ol style="list-style-type: none"> 1. Clearly document regular consultative arrangements (domestic and regional) and the breadth of stakeholders who participate in these arrangements 2. Provide information on the policies or processes being followed by the Bureau of Fisheries to formalize these arrangements 3. Summary minutes from these meetings which provide information on key issues discussed and agreed outcomes 4. Evidence of how this output (discussions and outcomes) has been considered in refining domestic and regional management arrangements/positions.
		Responsible Party/ies: WPSTA, Bureau of Fisheries, CORA
Milestone Year 2	<p>Surveillance (2020): If procedures insufficient, a gap analysis has identified key gaps in consultation structures or procedures.</p> <p>Expected score: 75</p>	
Client Action Plan	Activities:	<p>If the documented processes provided at the Year 1 Audit are considered by the CAB to be enough evidence that SG80 is met, no further activities are required. Otherwise, activities are proposed as follows:</p> <ol style="list-style-type: none"> 1. WPSTA members will evaluate with the CAB at the Year 1 Audit where the existing consultation process fails to meet the SG80 requirements (e.g. in process, regularity of consultations, range of participants and ability to demonstrate consideration in the management system – domestic and regional) 2. WPSTA will develop a Plan to meet these requirements. This may focus on support of transparency and regularity of the consultation process directly, as well as how output from these processes is inputted/considered in decisions related to domestic and regional management arrangements. 3. WPSTA will start implementation of the Plan.
	Expected outcome:	<ol style="list-style-type: none"> 1. Year 1 Audit report and assessment of the gaps in existing processes 2. Development of an Action Plan to address deficiencies 3. Meetings with the Bureau of Fisheries and/or China Overseas Fisheries Association to agree on steps to implement necessary changes – including minutes from these meeting and agreed outcomes 4. Evidence of implementation, e.g. meetings, agendas and minutes, evidence of agreed outcomes and arrangements to demonstrate management consideration from consultations etc.
		Responsible Party/ies: WPSTA
Milestone Year 3	<p>Surveillance (2021): Gaps in consultation identified in Year 2 analysis are addressed, either via a change in formal procedures at government level, or via WPSTA members.</p> <p>Expected score: 80</p>	
Client Action Plan	Activities:	<p><i>Review progress of the Plan according to Year 2 audit report; adjust as required to address remaining gaps.</i></p> <p><i>Continue and complete implementation of the Plan.</i></p>
	Expected outcome:	<ol style="list-style-type: none"> 1. Evidence of the implementation of the revised arrangements, including details of the broader and regular consultative arrangements and information on processes to enable an assessment of the output from

		<p>these arrangements being considered in domestic and regional arrangements.</p> <p>2. Meeting requests, agendas and minutes, memos, emails etc.</p> <p>Responsible Party/ies: WPSTA</p>
Consultation on condition	<p>A letter is provided from the Bureau of Fisheries, stating that they support the CAP. Prior to the Final Report, an additional letter of support was provided from the Bureau of Fisheries that articulates a more specific understanding of the conditions and action plan. This revised letter was required to be received prior to certificate issuance, per FCR 7.11.4.</p>	
Progress on Condition (2019)	<p>WPSTA has consistently provided evidence for China describing the process by which consultation is conducted leading to a country position on changes to management arrangements. Not available are policies and procedures that define how particular stakeholders are contacted or why by the competent authority, or for what matters or how often (regularity), nor are generalized minutes or transparent records of consulted participants available. These arrangements are not sufficiently formalized in legislation or regulation.</p>	
Progress on Condition (2020)	<p>The first surveillance audit found that there was insufficient evidence provided to allow the CAB to evaluate of the frequency, means to access, types of mechanisms and procedural clarity of mechanisms for input into national and international measures relevant to any pertinent Acts and the vessels in question. As a consequence, milestone 2 required that a gap analysis identifying key gaps in consultation structures or procedures be prepared by the second surveillance audit to meet milestone 2.</p> <p>This milestone was not met as a gap analysis was not prepared. WPSTA stated that they <i>could not find key gaps in consultation structures or procedures in obtaining relevant information</i> and therefore a gap analysis was not needed.</p> <p>We appreciate that this may be a misunderstanding of what a gap analysis is. However, without clear documentation of the frequency, means to access, types of mechanisms and procedural clarity of mechanisms for input into national and international measures we are unable to assess progress on this condition and conclude that the client is behind on this milestone.</p>	
Status	Behind Target	
Additional information	<p>SG 80 could not be met on the basis of the evidence provided. This PI remains scored at 75. By the third surveillance audit the following milestones must be met for the fishery to get back on target</p> <p>Milestone 2: A gap analysis examining performance of consultation structures or procedures, (e.g. in process, regularity of consultations, range of participants and ability to demonstrate consideration in the management system – domestic and regional). Please note that if the client concludes there any no gaps in performance of the consultation process, the assessment team would still need to review evidence supporting this conclusion.</p> <p>If gaps are identified the WPSTA will develop a Plan to meet these requirements. This may focus on support of transparency and regularity of the consultation process directly, as well as how output from these processes is inputted/considered in decisions related to domestic and regional management arrangements.</p> <p>The WPSTA will start implementation of the Plan. and (if any) identifying key gaps.</p> <p>If the gap analysis provides evidence that SG 80 can be met, the condition can be closed. If SG 80 cannot be met based on evidence in the gap analysis, then the gaps identified will need to be addressed by the third surveillance audit.</p>	

3.2.10 Table 16 Condition 10 (Yellowfin & Skipjack; Chinese Taipei only)

Condition 10 was closed in the year 1 surveillance, to see the closed condition and re-scoring PI table please refer to the year 1 surveillance report: <https://fisheries.msc.org/en/fisheries/wpsta-western-and-central-pacific-skipjack-and-yellowfin-free-school-purse-seine/@@view>.

3.2.11 Table 17 Condition 11 (Yellowfin & Skipjack; China only)

Performance Indicator	PI 3.2.2b The fishery-specific management system includes effective decision-making processes that result in measures and strategies to achieve the objectives and has an appropriate approach to actual disputes in the fishery.	
Score	75	
Justification	<p>See rationale for PI 3.2.2b: Evaluation Table for PI 3.2.2 – Decision-making processes</p> <p>Chinese Taipei and Chinese pre meeting arrangements provide processes for consultation on serious issues prior to important decisions being made at the regional level. These processes relate to developing a national position on proposed CMMs. It is not clear whether these arrangements are formalized in legislation or just an informally established process. It is also unclear if they can be initiated at any time, rather than just in the lead up to the WCPFC annual meeting. Both States meeting delegations provide for participation by a range of stakeholders in regional decision making as participants at the WCPFC. Evidence was not received to indicate that it is clear and well documented that responsive (transparent, timely, adaptive) domestic decision-making arrangements are in place to respond to serious and other important issues.</p> <p>Decision-making processes at the WCPFC and PNA level respond to serious and other important issues in a timely manner indicating SG 60 and SG 80 are met. At the flag State level, the USA arrangements also would meet the SG60 and SG80 levels. China and Chinese Taipei have arrangements that do not appear to be as well developed or responsive (transparent, timely, adaptive) so only SG60 would be met. None of the jurisdictions have decision-making process that respond to all issues identified in relevant research, monitoring, evaluation and consultation, so SG100 is not met.</p>	
Condition	<p>For China (skipjack and yellowfin)</p> <p>By the third annual surveillance, provide evidence that decision-making processes at the national level respond to serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions.</p>	
Milestone Year 1	<p>Surveillance (2019): Existing consultation structures and procedures are fully documented, and relevant evidence can demonstrate there is system in place that responds to serious and other important issues identified in relevant research, monitoring evaluation and consultation that relates to CMMs as well as national regulations relevant to UoA vessels.</p> <p>Expected score: If these are considered enough to support appropriate decision-making procedures feeding into different management level, score 80; if not score 75.</p>	
	Activities:	Same as Condition 9

Client Action Plan	Expected outcome:	Same as Condition 9
		Responsible Party/ies: Same as Condition 9
Milestone Year 2	Surveillance (2020): If procedures insufficient, a gap analysis has identified key gaps in consultation structures or procedures which hinder effective decision-making. Expected score: 80/75	
Client Action Plan	Activities:	Same as Condition 9
	Expected outcome:	Same as Condition 9
		Responsible Party/ies: same as Condition 9
Milestone Year 3	Surveillance (2021): Gaps in consultation identified in Year 2 analysis are addressed, either via a change in formal procedures at government level, or via WPSTA members. Expected score: 80	
Client Action Plan	Activities:	Same as Condition 9
	Expected outcome:	Same as Condition 9
		Responsible Party/ies: same as condition 9
Consultation on condition	A letter is provided from the Bureau of Fisheries, stating that they support the CAP. Prior to the Final Report, an additional letter of support was provided from the Bureau of Fisheries that articulates a more specific understanding of the conditions and action plan. This revised letter was required to be received prior to certificate issuance, per FCR 7.11.4.	
Progress on Condition (2019)	There is not yet evidence that demonstrates that China has in place decision-making processes respond to <i>serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions.</i>	
Progress on Condition (2020)	The first surveillance audit found: <i>There is not yet evidence that demonstrates that China has in place decision-making processes respond to serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions.</i> As a consequence. the condition remained open and milestone 2 required a gap analysis be completed that \ identified key gaps in consultation structures or procedures which hinder effective decision-making.	
	Milestone 2 was not met as a GAP analysis was not prepared by WPSTA. The client stated that they <i>cannot find key gaps in decision-making processes at the national level</i> and therefore a gap analysis was not needed.	
	We appreciate that there may be a misunderstanding about what a gap analysis is. However, without clear documentation of decision-making processes that respond to <i>serious and other important issues identified in relevant research, monitoring, evaluation and consultation, in a transparent, timely and adaptive manner and take account of the wider implications of decisions,</i> we are unable to assess progress on this condition and conclude that the client is behind on this milestone.	
Status	Behind Target	
Additional information	SG 80 could not be met on the basis of the evidence provided. This PI remains scored at 75. By the third surveillance audit the following milestones must be met to get back on target: Milestone 2: A gap analysis has identified key gaps consultation structures or procedures which hinder effective decision-making. Please note that if the client concludes there any no	

	<p>gaps in performance of the consultation structure or procedures, the assessment team would still need to review evidence supporting this conclusion.</p> <p>If gaps are identified the WPSTA will develop a Plan to meet these requirements.</p> <p>.</p> <p>If the gap analysis provides evidence that SG 80 can be met, the condition can be closed. If SG 80 cannot be met based on evidence in the gap analysis, then the gaps identified will need to be addressed by the third surveillance audit.</p>
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3.2.12 Table 18 Condition 12 (Skipjack & Yellowfin; Chinese Taipei only)

Condition 12 was closed in the year 1 surveillance, to see the closed condition and re-scoring PI table please refer to the year 1 surveillance report: <https://fisheries.msc.org/en/fisheries/wpsta-western-and-central-pacific-skipjack-and-yellowfin-free-school-purse-seine/@@view>.

3.2.13 Table 19 Condition 13 (Yellowfin & Skipjack; China only)

Performance Indicator	PI 3.2.3b Monitoring, control and surveillance mechanisms ensure the management measures in the fishery are enforced and complied with.
Score	75
Justification	<p>See rationale for PI 3.2.3b: Evaluation Table for PI 3.2.3 – Compliance and enforcement</p> <p>Chapter V (Articles 38 to 49) of the Chinese Fisheries Act 2000 provides details of the penalty’s provisions (fines and suspension/cancellation provisions and in serious cases confiscation of gear and or vessel) under the legislation. These provisions cover both wild capture fisheries and aquaculture. There do not appear to be specific provisions for high seas fisheries or fishing in third party EEZs. The sanctions available cover the key areas needed for effective enforcement, destructive fishing, fishing in violation of regulations, use of prohibited gear etc. They also include provisions relating to illegal foreign fishing within the Chinese EEZ and corruption by individuals or authorities in implementing the fisheries law.</p> <p>There is limited information available on whether these provisions are applied consistently and if they provide an effective deterrent, although authorities do provide public information on companies and vessel masters who have been sanctioned as a result of illegal activity. One recent report from the Australian Fisheries Management Authority said the Australian Government welcomed the news that Chinese authorities have acted against the operator of the Chinese fishing vessel Yuan Da 19, one of three vessels found to have misreported its catch as southern bluefin tuna. The report stated Chinese authorities had terminated all the company’s fishing licenses and banned it from engaging in deep sea fishing activities as well as imposing a USAD \$300,000 fine.</p> <p>Based on the information available, sanctions to deal with non-compliance exist and there is some evidence that they are applied, SG60 requirements are therefore met. However, there is not enough evidence to conclude they are consistently applied and provide an effective deterrence, meaning SG80 requirements are not met.</p>
Condition	For China (skipjack and yellowfin)

	By the fourth surveillance audit provide evidence that at the national level, sanctions to deal with non-compliance exist, are consistently applied and though to provide effective deterrence.	
Milestone Year 1	Surveillance (2019): Evidence that can be used to track progress against these metrics are identified by WPSTA/authorities, with associated reasoning for why such metrics will be reliable and transparent. Expected score: 75	
Client Action Plan	Activities:	BoF/COFA with WPSTA involvement will conduct gaps analysis of the enforcement system and a risk assessment of key fishing operations, including the existence and application of sanctions, for the Chinese-flagged purse seine fishery that have been identified by BoF/COFA. Metrics to quantitatively track progress against these risk issues/areas, timely and consistent resolution of sanctions, adequacy of deterrence, are identified.
	Expected outcome:	1. Gap analysis report / summary meeting minutes with BoF/COFA 2. Metrics used to track sanction have been identified.
		Responsible Party/ies: WPSTA, BoF, COFA
Milestone Year 2	Surveillance (2020): WPSTA receives evidence from Bureau of Fisheries that allows the CAB to evaluate demonstrable improvement in enforcement in problem areas, using relevant metrics. Expected score: 75	
Client Action Plan	Activities:	WPSTA will request the Bureau of Fisheries to provide evidence of application of sanction that allows the CAB to evaluate demonstrable improvement in enforcement in problem/risk areas, using relevant metrics.
	Expected outcome:	Data/evidence provided, and metrics used to assess progress.
		Responsible Party/ies: WPSTA, Bureau of Fisheries
Milestone Year 3	Surveillance (2021): WPSTA continues receiving evidence from Bureau of Fisheries that allows the CAB to evaluate demonstrable improvement in enforcement in problem/risk areas, using relevant metrics. Expected score: 75	
Client Action Plan	Activities:	Following year 2, WPSTA will request the Bureau of Fisheries to provide evidence of application of sanction that allows the CAB to evaluate demonstrable improvement in enforcement in problem areas, using relevant metrics.
	Expected outcome:	Data/evidence provided, and metrics used to assess progress. Improvements evident based on available documentation.
		Responsible Party/ies: WPSTA, Bureau of Fisheries
Milestone Year 4	Surveillance (2022): China can show an effective national system of sanctions that can demonstrate that they are consistently applied and though to provide effective deterrence. Expected score: 80	
Client Action Plan	Activities:	WPSTA will summarize the evidence of application of sanction between 2017 and 2020 in order to allow the CAB to evaluate demonstrable improvement in enforcement in problem/risk areas in metrics.
	Expected outcome:	Completed Metrics of sanction application from 2017 to 2020. Quantifiable improvement evident.

		Responsible Party/ies: WPSTA
Consultation on condition	<p>Letters of support have been obtained from the management agencies for all flag states and from the WCPFC. Prior to the Final Report, an additional letter of support was provided from the Bureau of Fisheries that articulates a more specific understanding of the conditions and action plan. This revised letter was required to be received prior to certificate issuance, per FCR 7.11.4.</p> <p>A letter is provided from the Bureau of Fisheries, stating that they support the CAP. Prior to the Final Report, an additional letter of support was provided from the Bureau of Fisheries that articulates a more specific understanding of the conditions and action plan. This revised letter was required to be received prior to certificate issuance, per FCR 7.11.4.</p>	
Progress on Condition (2019)	<p>Milestone 1 has been met. WPSTA provided evidence that can be used to track progress against metrics. WPSTA conducted a gap analysis of the enforcement system and a risk assessment of key fishing operations, including the existence and application of sanctions, for the Chinese-flagged purse seine. Broad metrics to quantitatively track progress against these risk issues/areas, timely and consistent resolution of sanctions and adequacy of deterrence were identified.</p>	
Progress on Condition (2020)	<p>Milestone 2 was met as WPSTA provided evidence from Bureau of Fisheries that allowed the CAB to evaluate demonstrable improvement in enforcement in problem areas, using relevant metrics.</p> <p>Sanctions to deal with non-compliance in distant water fisheries can be found at MARA web site. The most recent case was Notification for General Information by General Office of MARA on Investigation and Sanction of Infringement for Part of Distant Water Fisheries Enterprises and Fishing Vessels on 1 August, 2019, the document can be found at http://www.moa.gov.cn/gk/tzgg_1/tfw/index_8.htm.</p> <p>The evidence provided included relevant cases with vessel and company names.</p> <ol style="list-style-type: none"> (1) Eight vessels belong to Dongxinlong Company of FuZhou violated domestic regulation to send vessels and crew to Indian Ocean without relevant permit and misused VMS equipment in 2018. The four owners were put on a blacklist maintained by MARA, the company's DWF qualification and 8 vessels' permit were cancelled (2) Two vessels belong to Guangyuan company, Daishan County illegally conducted fishing for juvenile fish in the water of Angola in Oct. 2018. The two vessels were called back to China and prevented from distant water fisheries. <p>The CAB received evidence of ongoing Flag State investigations into CMM violations by Chinese vessels. The Bureau of Fisheries commented that pursuing these investigations was hampered by delays in the provision by coastal states of the observer reports needed to allow an investigation to progress. This raises questions about whether there can be a reasonable expectation that sanctions are consistently applied. The assessment team conducting the Year 3 and Year 4 surveillance audits should monitor progress on flag state investigations listed in the WCPFC Compliance Monitoring Report to assess whether flag states are receiving the evidence they need to conduct investigations.</p>	
Status	On target	
Additional information		

3.2.14 Table 20 Condition 14 (Yellowfin & Skipjack; Chinese Taipei only)

Performance Indicator	PI 3.2.3b Monitoring, control and surveillance mechanisms ensure the management measures in the fishery are enforced and complied with.	
Score	75	
Justification	See rationale for PI 3.2.3b: Evaluation Table for PI 3.2.3 – Compliance and enforcement	
Condition	For Chinese Taipei (skipjack and yellowfin) By the fourth surveillance audit provide evidence that at the national sanctions to deal with non-compliance exist, are consistently applied and though to provide effective dereference.	
Milestone Year 1	Surveillance (2019): Evidence that can be used to track progress against these metrics are identified by WPSTA/authorities, with associated reasoning for why such metrics will be reliable and transparent. Expected score: 75	
Client Action Plan	Activities:	WPSTA will request TFA to conduct gaps analysis of the enforcement system and a risk assessment of key fishing operations, including the existence and application of sanctions, for the Chinese-Taipei flagged purse seine fishery that have been identified by TFA. Metrics to quantitatively track progress against these risk issues/areas, timely and consistent resolution of sanctions, adequacy of deterrence, are identified.
	Expected outcome:	1. Gap analysis report / summary meeting minutes with TFA 2. Metrics used to track sanctions have been identified.
		Responsible Party/ies: WPSTA, TFA
Milestone Year 2	Surveillance (2020): WPSTA receives evidence from TFA that allows the CAB to evaluate demonstrable improvement in enforcement in problem areas, using relevant metrics. Expected score: 75	
Client Action Plan	Activities:	WPSTA will request TFA to provide evidence of application of sanction that allows the CAB to evaluate demonstrable improvement in enforcement in problem/risk areas, using relevant metrics.
	Expected outcome:	Data/evidence provided, and metrics used to assess progress.
		Responsible Party/ies: WPSTA, TFA
Milestone Year 3	Surveillance (2021): WPSTA continues receiving evidence from TFA that allows the CAB to evaluate demonstrable improvement in enforcement in problem/risk areas, using relevant metrics. Expected score: 75	
Client Action Plan	Activities:	Following year 2, WPSTA will request the TFA to provide evidence of application of sanction that allows the CAB to evaluate demonstrable improvement in enforcement in problem areas, using relevant metrics.
	Expected outcome:	Data/evidence provided, and metrics used to assess progress. Improvements evident based on available documentation.
		Responsible Party/ies: WPSTA, TFA

Milestone Year 4	<p>Surveillance (2022): Chinese Taipei can show an effective national system of sanctions that can demonstrate that they are consistently applied and thought to provide effective deterrence.</p> <p>Expected score: 80</p>	
Client Action Plan	Activities:	WPSTA will summarize the evidence of application of sanction throughout 2017 to 2021 that allows the CAB to evaluate demonstrable improvement in enforcement in problem/risk areas in metrics.
	Expected outcome:	Completed metrics of sanction applied between 2017 and 2021. Quantifiable improvement evident.
		Responsible Party/ies: WPSTA
Consultation on condition	<p>A letter is provided from TFA stating that they support the CAP.</p> <p>A letter is provided from the Bureau of Fisheries, stating that they support the CAP. Prior to the Final Report, an additional letter of support was provided from the Bureau of Fisheries that articulates a more specific understanding of the conditions and action plan. This revised letter was required to be received prior to certificate issuance, per FCR 7.11.4.</p>	
Progress on Condition (2019)	<p>Chinese Taipei is ahead of target to demonstrate <i>that national sanctions to deal with non-compliance exist, are consistently applied and are thought to provide effective dereference</i>. The NPCI and annual progress reports on the implementation of the NPCI provide evidence that can be used to track progress on developing sanctions and their effectiveness.</p> <p>In lifting the “yellow card in June 2019 the EU notes the progress of Chinese Taipei (https://europa.eu/rapid/press-release_QANDA-19-3398_en.htm) in:</p> <ul style="list-style-type: none"> Enforcing revised legislation and the new sanctions scheme. Significantly reinforcing of the financial and human resources dedicated to the fight against IUU fishing. <p>A regularly updated list of violations of Ocean Fishery Regulations can be found here: https://www.fa.gov.tw/cht/PolicyIUU/content.aspx?id=9&chk=8db63778-3976-47f0-97c4-052aba6fc627&param=pn%3d1. This list of violations and sanctions is evidence of the consistent application of sanctions.</p>	
Progress on Condition (2020)	<p>Chinese Taipei again provided evidence that demonstrate <i>that national sanctions to deal with non-compliance exist, are consistently applied and are thought to provide effective dereference</i>. The NPCI and annual progress reports on the implementation of the NPCI provide evidence that can be used to track progress on developing sanctions and their effectiveness. In particular, ongoing actions taken in response to the EU yellow card show improvement in enforcement in problem areas.</p> <p>A regularly updated list of violations of Ocean Fishery Regulations continues to be provided https://www.fa.gov.tw/cht/PolicyIUU/index.aspx. This list of violations and sanctions is additional continued evidence of the consistent application of sanctions that are thought to be to be providing effective deterrence. The assessment team considers that the evidence provided meets milestones for year 2, 3 and 4 for this condition.</p>	
Status	Closed	
Additional information	See Re-scored PI (3.4 Re-scoring Performance Indicators)	

3.3 Client Action Plan

See Client Action Plan in the table for each condition in Section 3.2 above.

3.4 Re-scoring Performance Indicators

3.4.1 Re-Evaluation Table for PI 2.2.2 – Secondary species management strategy

PI 2.2.2		There is a strategy in place for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species and the UoA regularly reviews and implements measures, as appropriate, to minimise the mortality of unwanted catch.		
Scoring Issue		SG 60	SG 80	SG 100
a	Management strategy in place			
	Guide post	There are measures in place, if necessary, which are expected to maintain or not hinder rebuilding of main secondary species at/to levels which are highly likely to be within biologically based limits or to ensure that the UoA does not hinder their recovery.	There is a partial strategy in place, if necessary, for the UoA that is expected to maintain or not hinder rebuilding of main secondary species at/to levels which are highly likely to be within biologically based limits or to ensure that the UoA does not hinder their recovery.	There is a strategy in place for the UoA for managing main and minor secondary species.
	Met?	Y	Y	Y
	Justification	<p>As outlined in the background, there are no main secondary species. This meets the requirements of the SG 60 and SG 80 levels by default.</p> <p>Purse seine fishing on free school sets also has minimal catch of minor secondary species. The key measure to maintain this low catch is to ensure such sets are appropriately classified and that they do not include fishing on a FAD (as defined by the WCPFC – see text box in Section 3.1). Compliance with this measure is maintained through the requirement for 100% observer coverage and through the additional traceability checks applied to ensure that catches which are deemed eligible for certification do not include catches from FAD sets. These measures apply to all UoAs.</p> <p>For all minor secondary species, the management objectives are those outlined in the WCPFC Convention text as described above in Section 3.4.2. These include ensuring long term sustainability, preventing overfishing, monitoring the fishery and assessing its impacts, protecting biodiversity, and enforcing CMMs. Although there are not CMM's that explicitly address all minor secondary species, there is evidence of the Commission taking actions based on these management objectives to prevent impacts on non-target species when needed (e.g. CMM 2010-07 concerning sharks).</p> <p>This is considered to be a management strategy and to meet the SG 100 requirements.</p>		
Management strategy evaluation				

PI 2.2.2		There is a strategy in place for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species and the UoA regularly reviews and implements measures, as appropriate, to minimise the mortality of unwanted catch.		
b	Guide post	The measures are considered likely to work, based on plausible argument (e.g. general experience, theory or comparison with similar UoAs/species).	There is some objective basis for confidence that the measures/partial strategy will work, based on some information directly about the UoA and/or species involved.	Testing supports high confidence that the partial strategy/strategy will work, based on information directly about the UoA and/or species involved.
	Met?	Y	Y	N
	Justification	<p>The data from the observer programmes that demonstrates low levels of minor secondary species (and no main secondary species) provide an objective basis for confidence about the strategy and provide information directly about the fishery. This meets the requirements of the SG 80 level.</p> <p>There has been no formal testing of the strategy and there are also no stock assessments for most of the minor secondary species so there is not a high confidence that the strategy will work.</p> <p>The requirements of the SG 100 level are not considered to be met.</p>		
c Management strategy implementation				
	Guide post		There is some evidence that the measures/partial strategy is being implemented successfully.	There is clear evidence that the partial strategy/strategy is being implemented successfully and is achieving its objective as set out in scoring issue (a).
	Met?		Y	Y
	Justification	<p>The data from the observer programmes and logbooks provides clear evidence that the strategy is being implemented successfully, in that there continues to be such a low level of catch of all secondary species that fishing by free school purse seine sets is not causing overfishing or hindering the recovery of any species.</p> <p>This meets the requirements of the SG 80 and SG 100 levels.</p>		
d Shark finning				
	Guide post	It is likely that shark finning is not taking place.	It is highly likely that shark finning is not taking place.	There is a high degree of certainty that shark finning is not taking place.
	Met?	All - Y	All - Y	USA - N
	Justification	<p>WCPFC and all three national jurisdictions have prohibitions on shark finning as detailed in the background. Data for the Chinese Taipei vessels indicate that shark finning events have been very infrequent and none have been recorded since 2012. There are also very few instances of shark finning reported by observers from the high levels of observer coverage for USA purse seine vessels (SCS 2015) but updated observer data from the USA fleet under assessment here, and data specifically for vessels from China, have not been provided.</p>		

<p>PI 2.2.2</p>	<p>There is a strategy in place for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species and the UoA regularly reviews and implements measures, as appropriate, to minimise the mortality of unwanted catch.</p>		
	<p>Nevertheless, the low levels of shark finning that have been recorded on other WPCF purse seine vessels when observers are on board and the prohibition measures that are in place lead us to conclude that it is likely that shark finning is not taking place in any systematic way in any of the fleets. This meets the requirements of the SG 60.</p> <p>Additional observer records indicate that no shark finning has occurred in the last 5 years for the China and Chinese Taipei fleets. In addition, the SPC submitted written notice indicating that no official shark finning has been reported for the Chinese and Chinese Taipei fleets. Given this information and that observer coverage exceeds well over 20% for the Chinese and Chinese Taipei flagged vessels in the UoC. The MSC Guidance on shark finning indicates that to meet the SG80 level a “good external validation” should be understood to indicate a validation level equivalent to a nominal observer coverage of 20% of effort (MSC Fisheries Standard v2.01 GSA2.4.5 – GSA2.4.7). The assessment team considers that it is highly likely that shark finning is not taking place given the data and information provided on the Chinese and Chinese Taipei fleets. For these fleets we do consider that SG 80 requirements to be met. The assessment team will closely monitor and evaluate the performance of this fishery closely in future surveillance audits to ensure the fishery continues to meet this requirement.</p> <p>For the USA fleet, the public record of the results of investigations available, and its lack of any infractions concerning shark finning by USA-flagged vessels, means that there is greater confidence that shark finning is not taking place on such vessels. Further, the US 2010 Shark Conservation Act and 2016 final rule prohibit removal of shark fins at sea or possessing, transferring or landing shark fins unless they are naturally attached. The requirements of SG 80 level are considered to be met for this UoC.</p> <p>Even for the USA fleet, the concerns about the integrity of the WCPFC’s monitoring and compliance capabilities on this issue mean that there is not a high degree of certainty to this finding and the requirements of the SG 100 level are not considered to be met.</p>		
<p>e</p>	<p>Review of alternative measures to minimise mortality of unwanted catch</p>		
<p>Justification</p>	<p>There is a review of the potential effectiveness and practicality of alternative measures to minimise UoA-related mortality of unwanted catch of main secondary species.</p>	<p>There is a regular review of the potential effectiveness and practicality of alternative measures to minimise UoA-related mortality of unwanted catch of main secondary species and they are implemented as appropriate.</p>	<p>There is a biennial review of the potential effectiveness and practicality of alternative measures to minimise UoA-related mortality of unwanted catch of all secondary species, and they are implemented, as appropriate.</p>
<p>Met?</p>	<p>Y</p>	<p>Y</p>	<p>N</p>
<p>Guide post</p>	<p>There are no main secondary species so all fleets meet SG 60 and SG 80 requirements by default.</p>		

PI 2.2.2	There is a strategy in place for managing secondary species that is designed to maintain or to not hinder rebuilding of secondary species and the UoA regularly reviews and implements measures, as appropriate, to minimise the mortality of unwanted catch.	
		The level of catch of secondary species by the WPSTA fleets is clearly already very low, but we were not satisfied that a regular review of alternative measures to minimise UoA-related mortality of unwanted catch of all secondary species was undertaken. The requirements of the SG 100 level are therefore not met.
References	Background Section 3.4.1, 3.4.2, 3.4.4, TCC (2014)	
OVERALL PERFORMANCE INDICATOR SCORE:		China – 80 Chinese Taipei – 80 USA - 85
CONDITION NUMBER (if relevant): Condition 5 CLOSED Condition 6 CLOSED		5 & 6 (for China and Chinese Taipei) CLOSED

3.4.2 Re-Evaluation Table for PI 3.1.1 – Legal and/or customary framework

PI 3.1.1	The management system exists within an appropriate legal and/or customary framework which ensures that it: <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework. 		
Scoring Issue	SG 60	SG 80	SG 100
a	Compatibility of laws or standards with effective management		
Guide post	There is an effective national legal system and a framework for cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2	There is an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2.	There is an effective national legal system and binding procedures governing cooperation with other parties which delivers management outcomes consistent with MSC Principles 1 and 2.
Met?	Y (All)	Y (All)	N (All)
Justification	<p>Regional</p> <p>At the regional level, as described by Banks et al. (2011), Medley and Powers (2015) and Morison and McLoughlin (2016), the WCPFC Convention, the Nauru Agreement, relevant coastal fisheries laws and national tuna management plans are consistent with the provisions of UNCLOS and UNFSA.</p> <p>UNCLOS makes specific provisions for straddling stocks and highly migratory fish stock in Articles 63 and 64 and requires that “... States ...cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimal utilization ...” of the stocks. This is reinforced in Articles 118 and 119 where States are required to cooperate in the conservation and management of high seas stocks. Article 119 further develops the need for catch limits, the use of the best available scientific evidence, the need to rebuild overfished stocks and to manage fishing impacts on non-target stocks.</p> <p>These provisions are developed and additional guidance is provided in the UNFSA. The UNFSA, as an implementing Agreement, seeks to elaborate on roles and responsibilities and requirements of UNCLOS with respect to managing straddling stocks and highly migratory fish stocks. Article 8 reinforces the need for States to cooperate to ensure the objective of the Agreement “to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention” is achieved.</p> <p>As the first RFMO to be established following the entry into force of the UNFSA, the WCPFC Convention draws on all the key provisions of the UNFSA. It is also designed to reflect the regional political, socio-economic, geographical and environmental characteristics of the WCPO. The arrangements set out in the WCPFC Convention and implemented via CMMs are designed to deliver outcomes consistent with MSC Principles 1 and 2.</p> <p>It is important to note that the USA has not ratified UNCLOS (it has ratified the UNFSA) and Chinese Taipei is not able to ratify either UNCLOS or the UNFSA for political reasons. China</p>		

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<p>has ratified UNCLOS but has not ratified the UNFSA. Irrespective of this, all WCPFC Members including the USA, China and Chinese Taipei, as members of the Commission, are legally bound to implement all their obligations under the Convention in domestic law.</p> <p>Nauru Agreement</p> <p>The Nauru Agreement is a regional agreement made to facilitate cooperation in the management of fisheries resources of common interest. The Agreement is a binding treaty-level regional fisheries management instrument established in the 1980's to manage tuna stocks within national waters. The Parties to the Nauru Agreement (PNA) are Solomon Islands, Tuvalu, Kiribati, Marshall Islands, Papua New Guinea, Nauru, Federated States of Micronesia and Palau.</p> <p>The objectives of the Agreement are to enhance regional solidarity and to promote economic control and participatory rights over the tuna resources in PNA waters, with a primary focus to:</p> <ul style="list-style-type: none"> • Develop strategic fisheries conservation and management initiatives; • Develop initiatives to maximise the sustained direct and indirect economic benefits to the Parties; and • Maximise the profitability of the fishery and ancillary industries within the PNA. <p>The PNA have consistently sought to develop and implement arrangements designed to improve the sustainability of tuna stocks in their waters and maximise the economic return to them when allowing other entities to fish these stocks. The Parties have effective national legal systems and have demonstrated effective cooperation to deliver management outcomes consistent with MSC Principles 1 and 2.</p> <p>USA</p> <p>A comprehensive suite of legislation, in particular, the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and the Western and Central Pacific Fisheries (WCPF) Convention Implementation Act, governs the management of USA fisheries, including vessels fishing on the high seas in the Pacific, in Pacific Island Country or Territory (PICT) waters and in USA waters.</p> <p>The MSFCMA is the primary law governing fisheries management in the USA. The Act, which was most recently amended in 2007, includes the following key purposes. To:</p> <ul style="list-style-type: none"> • Conserve and manage fishery resources found off the coast of the United States; • Support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary; • Promote domestic commercial and recreational fishing under sound conservation and management principles;

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<ul style="list-style-type: none"> . Provide for the preparation and implementation of fishery management plans; . Establish Regional Fishery Management Councils to steward fishery resources through the preparation, monitoring, and revising of plans which (A) enable stake holders to participate in the administration of fisheries and (B) consider social and economic needs of the States; . Developing underutilized fisheries; and . Protect essential fish habitats <p>Additionally, the law calls for reducing bycatch and establishing fishery information monitoring systems.</p> <p>The National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) is the USA government agency responsible for all aspects of the conservation and management of USA fisheries and marine protected resources. NOAA is an agency of the USA Department of Commerce.</p> <p>The MSFCMA has created eight Regional Fishery Management Councils. The Councils develop fishery management plans and management measures for the USA fisheries operating within their adjacent EEZs and for USA-flagged vessels operating on the high seas outside the EEZ. NOAA/NMFS approves and implements these plans and measures.</p> <p>The Western Pacific Regional Fishery Management Council (WPRFMC) has developed a Fishery Ecosystem Plan (FEP), consistent with the MSFCMA and the national standards required for fishery conservation and management. The Plan provides information and the rationale for measures set out in the plan; discusses the key components of the Western Pacific Region’s pelagic ecosystem, including an overview of the region’s pelagic fisheries; and explains how the measures contained here are consistent with the MSFCMA and other applicable laws.</p> <p>The WPRFMC has authority over the fisheries based in, and seaward of the State of Hawaii, the Territory of American Samoa, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, and the USA Pacific Remote Island Areas (PRIA) of the Western Pacific Region.</p> <p>The Western and Central Pacific Fishery (WCPF) Convention Implementation Act provides a range of specific provisions to enable the USA to fulfil obligations under the WCPFC. It provides arrangements that:</p> <ul style="list-style-type: none"> • Enable the appointment of Commissioners and Advisory Committees; • Set out the authority, responsibility and rulemaking of the Secretary of State and the Secretary of Commerce; • Establish enforcement powers and provides for consistency with other USA laws; • Establish Prohibited Acts; • Provide for cooperation in carryout the Convention; • Enable Territorial participation; and • Authorize appropriations.

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<p>The arrangements in these Acts provide a comprehensive suite of management and enforcement powers designed to deliver management outcomes consistent with MSC Principles 1 and 2. They also provide for organized and effective (structurally explicit) cooperation with other parties with the MSFCCA making specific reference to the management of international fisheries and the WCPF Convention Implementation Act providing specific arrangements to participate in the WCPFC. There is also evidence that the USA reliably coordinates with other WCPFC parties to contribute scientific data from their purse seine fisheries for collective use by SPC on behalf of all WCPFC Parties (GSA 4.3.2.3.). Similarly, the USA. undertakes enforcement patrols in WCPFC waters and facilitates patrols for some other nation states in a form of close collaboration. Therefore, SG60 and SG80 requirements are met. Although the WCPFC provides arrangements for organised and effective cooperation they are not guaranteed to bind other parties (those who choose not to be a Party or do not abide by all CMMs), therefore SG100 is not met.</p> <p>Chinese Taipei</p> <p>The management of Chinese Taipei fishing both within its EEZ, on the high seas in the Pacific and in PICT waters is governed by a suite of legislation and Regulations. The two key Acts in relation to this analysis are; the Fisheries Act (2016) and the Distant Water Fisheries Act (2016). These Acts are administered by the Fisheries Agency (Council of Agriculture of the Executive Yuan). The Taiwan Fishery Agency, Council of Agriculture has a Deep Sea Fisheries Division which is responsible for managing all aspects of fishing operations, including issuing licenses, monitoring VMS, port inspections, recording data, monitoring quota or harvest limits, placement of observers, transshipment, enforcement (with the Coast Guard), prosecutions etc.</p> <p>The Fisheries Act is the more general of the two Acts and deals predominantly with domestic fisheries management, aquaculture and enforcement. It has a range of provisions including who can be granted a license, build a fishing vessel, work on fishing vessels, receive access rights etc. It also has chapters on recreational fishing, fishery development, conservation and management and penalty provisions.</p> <p>The Distant Water Fisheries (DWF) Act (2016) is specifically tailored to the management and enforcement of Chinese Taipei vessels fishing on the high seas or a third country's EEZ. It has as its general objectives to:</p> <ul style="list-style-type: none"> • Ensure the conservation of marine fisheries resources; • Strengthen distant water fisheries management; • Curb IUU fishing; and • Improve traceability of catches and fisheries product; <p>so as to promote the sustainable operation of distant water fisheries.</p>

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<p>Article 5 of the DWF Act requires that the TFA develop arrangements which have regard to the precautionary principle, ecosystem based approach and the use of the best available scientific advice with the aim to deliver management outcomes consistent with MSC Principles 1 and 2 and specifically requires “Cooperation with other countries and international fisheries organizations” (from pg. 473 of FCRv2.0).</p> <p>Chinese Taipei introduced Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation in 2017 and promulgated these most recently in March 2019. These regulations establish an enhanced regulatory regime for Chinese Taipei UOA vessels fishing in the WCPO.</p> <p>Chinese Taipei has also demonstrated in its responsiveness to the EU yellow card first put in place in 2015. The EU revoked the yellow card in June 2019. In lifting the card, The EU highlighted:</p> <ul style="list-style-type: none"> ■ Comprehensive review of the distant-water fisheries legal framework, in order to align it with the International Law of the Sea – including though the establishment of a deterrent sanctions scheme. ■ Strengthening of the distant-water fleet monitoring and control tools, including a reinforced Vessel Monitoring System (VMS), the obligation to be equipped with electronic logbook, observer coverage in line with RFMOs requirements and the development of an inspection scheme for both domestic and foreign ports. ■ Implementation of the FAO Port States Measures Agreement to foreign-flagged vessels calling into Chinese Taipei ports. ■ Enhanced traceability system covering the whole supply chain. ■ Enforcement of the revised legislation and of the new sanctions scheme. ■ Significant reinforcement of the financial and human resources dedicated to the fight against IUU fishing. <p>This demonstrates that its laws and standards are open to scrutiny, review and adaptation (GSA 4.3).</p> <p>There is also evidence that Chinese Taipei, coordinates with other WCPFC parties to contribute scientific data from their purse seine fisheries for collective use by SPC on behalf of all WCPFC Parties (e.g. as evidenced by Chinese Taipei achieving Tier III status for all categories of scientific data provision to the WCPFC (SPC-OFT 2019 https://www.wcpfc.int/node/43830) (GSA 4.3.2.3).</p> <p>As such, SG80 is fully met as there is an effective national legal system and organised and effective cooperation with other parties... . While the WCPFC provides arrangements for</p>

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<p>organised and effective cooperation they are not guaranteed to bind other parties (those who choose not to be a Party or do not abide by all CMMs), therefore SG100 is not met.</p> <p>China</p> <p>China has a number of laws and regulations that deal with fisheries management. The overarching law controlling fishing is the Fisheries Law of the People’s Republic of China (China Fisheries Law) 2000. This provides a range of general provisions including; covering all fishing activity including fishing on the high seas and in other State’s EEZs (joint managed fishery zones defined in the agreement concluded between the People’s Republic of China and the countries concerned) and provides guidance on domestic jurisdictional arrangements. The law vests all key functions relating to controlling fishing operations on the high seas and other EEZs with the Fisheries Authority under the State Council. It also contains specific enforcement and prosecution provisions.</p> <p>The law is supplemented by a number of other regulations and policies, including “Provisions for the Administration of Pelagic Fishery” and the “Program of Action on the Conservation of Living Aquatic Resources of China (Promulgated by the State Council in February 2006). In addition, important arrangements relating to how the law is implemented and who is responsible for what aspects (often shared between central and provincial authorities) are contained in the Administrative Regulation on Distant Water Fisheries, which entered into force in June 2003.</p> <p>These documents provide a range of provisions that constitute an effective national legal system and provide for organised and effective cooperation with other parties. Article 23 of the China Fisheries Law 2000 provides that “Those who intend to conduct fishing operation in the waters under the jurisdiction of other states shall be approved by the Fisheries Authority under the State Council and shall comply with relevant treaties and agreements signed or acceded by the People’s Republic of China and laws of states concerned.” Elsewhere reference is made to fulfilling China’s international obligations with the “Program for Action” providing that “.... the relevant obligations set out in international treaties and regulations that the government of China signed or acceded to should be responsibly fulfilled”. The 2003 Regulations provide more detailed arrangements, including licensing and reporting arrangements.</p> <p>Comprehensive implementation 13th 5-year National Offshore Fisheries Development Plan, together with efforts to reduce fishing capacity, science-based fishing limits and broader ecosystem requirements, should deliver management outcomes consistent with MSC Principles 1 and 2.</p> <p>There is also evidence that China reliably coordinates with other WCPFC parties to contribute scientific data from their purse seine fisheries for collective use by SPC on behalf of all WCPFC Parties (consistent Level III scores for data provision (WCPFC 2019a)) (GSA 4.3.2.3).</p>

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework. 		
	<p>There is evidence that prosecutions of Chinese vessels do systematically occur, are publicly available once sanctioned, and are taken seriously. Based on a review of the WCPFC (2019b) Final Compliance Monitoring Report, China’s non-compliance status with CMMs has declined substantially and does not appear to be different from other CCMs. China is thus meeting its cooperative obligations with WCPFC parties by exerting enforcement measures capable of apprehending its own vessels in international waters, or how it uses specific national provisions/in situ monitoring to assure compliant behavior commensurate with the scale of its numerous international vessels fishing in high seas fisheries or fishing in third party EEZs.</p> <p>As such, SG80 is met as there is an effective national legal system and organised and effective cooperation with other parties, where necessary, to deliver management outcomes consistent with MSC Principles 1 and 2.</p> <p>While the WCPFC provides arrangements for organised and effective cooperation they are not guaranteed to bind other parties (those who choose not to be a Party or do not abide by all CMMs), therefore SG100 is not met.</p>		
<p>b</p>	<p>Resolution of disputes</p>		
<p>Guide post</p>	<p>The management system incorporates or is subject by law to a mechanism for the resolution of legal disputes arising within the system.</p>	<p>The management system incorporates or is subject by law to a transparent mechanism for the resolution of legal disputes which is considered to be effective in dealing with most issues and that is appropriate to the context of the UoA.</p>	<p>The management system incorporates or is subject by law to a transparent mechanism for the resolution of legal disputes that is appropriate to the context of the fishery and has been tested and proven to be effective.</p>
<p>Met?</p>	<p>Y (All)</p>	<p>Y (All)</p>	<p>N (All)</p>
<p>Justification</p>	<p>In relation to the UoA there are two management systems where disputes could arise and may need to be addressed and resolved - the WCPFC and the national flag state management system. Predominant is the WCPFC system because it develops and implements binding CMMs that Members are then required to implement in domestic legislation. Once these arrangements are implemented in domestic legal frameworks most disputes would centre on individual fishers or vessels not abiding by the national law. This would mainly then be an enforcement issue domestically: it would be rare that disputes for international fisheries would use national-level dispute resolution mechanisms. Therefore, the management system is evaluated for this scoring issue.</p> <p>The WCPFC dispute resolution mechanism is set out in Article 31 of the Convention. Essentially, this Article implements the dispute settlement arrangements established in the</p>		

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<p>UNFSA and binds all WCPFC Members to those arrangements whether or not they are Parties to the UNFSA. These arrangements are set out in Part VIII of the Agreement where Article 30 set out the Procedures for the Settlement of Disputes. These arrangements mirror the provisions of Part XV of UNCLOS.</p> <p>The UNFSA/UNCLOS dispute settlement mechanism also applies to the Nauru Agreement, the Palau Arrangement and the VDS by virtue of the fact that all Parties to these Agreements have ratified both UNCLOS and the UNFSA. The Palau Arrangement sets out a general dispute settlement mechanism in Article 8 for issues related to the purse seine fishery and the VDS.</p> <p>The WCPFC has a consensus-based decision-making process, with provision for a two-chambered voting process requiring a 75% majority in both chambers if all efforts to reach a decision by consensus have been exhausted. Article 20 (with details in Annex 2) of the Convention allows for the establishment of a Panel to review decisions of the Commission in certain defined circumstances. These are:</p> <ol style="list-style-type: none"> a) The decision is inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention; or b) The decision unjustifiably discriminates in form or in fact against the member concerned. <p>This review process has not been used to date.</p> <p>Under Article 21 of the Convention, the Commission is required to promote transparency in its decision-making processes and other activities.</p> <p>Independent observers, including IGOs and NGO can participate in committee and commission meetings and are able to observe discussions. Article 21 states that “Such intergovernmental organizations and non-governmental organizations shall be given timely access to pertinent information subject to the rules and procedures which the Commission may adopt”. Observers are also allowed to make presentations to members, subject to approval of the Chairperson. However not all sessions of all meetings are open to observers.</p> <p>The WCPFC has well defined arrangements for consideration of proposals prior to decisions being taken. Decisions can take the form of binding Conservation and Management Measures or non-binding resolutions. Commission meetings are held annually and are supported by annual Scientific Committee and Technical and Compliance Committee meetings. Member and observers can attend these meetings but may not be able to participate in all sessions.</p> <p>Non-parties to the Convention can apply to become Co-operating Non-members, and are required to implement binding arrangements adopted by the WCPFC.</p> <p>This system is transparent in that it makes sure that all members are fully informed of the issues under consideration and are able to participate in informed discussion prior to a decision being taken.</p> <p>Any disputes resolved through the WCPFC meeting system would still not necessarily be entirely transparent in the sense that how a resolution is reached may not be fully reported (Medley and Powers 2015). WCPFC systems meet SG60 and SG80 requirements,</p>

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework. 		
	<p>however SG100 is not met because the WCPFC dispute and review arrangements have not been tested and proven to be effective.</p>		
<p>c</p>	<p>Respect for rights</p>		
<p>Guide post</p>	<p>The management system has a mechanism to generally respect the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood in a manner consistent with the objectives of MSC Principles 1 and 2.</p>	<p>The management system has a mechanism to observe the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood in a manner consistent with the objectives of MSC Principles 1 and 2.</p>	<p>The management system has a mechanism to formally commit to the legal rights created explicitly or established by custom of people dependent on fishing for food and livelihood in a manner consistent with the objectives of MSC Principles 1 and 2.</p>
<p>Met?</p>	<p>Y (All)</p>	<p>Y (All)</p>	<p>N (All)</p>
<p>Justification</p>	<p>The main consideration in relation to performance against scoring issue (c) is whether a suitable framework exists or does not exist to address the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood, not on the effectiveness or results (e.g., allocation of access) of such a framework (GSA 4.3.6.).</p> <p>In relation to the UoA, the primary management system where legal rights are created explicitly or established by custom for people dependent on fishing for food or livelihood is the WCPFC. The Convention establishes safeguards and recognizes the rights of communities dependent on fishing for food or their livelihoods. In addition, the nature of fishing undertaken by vessels in this UoA is one of vessels from distant water fishing nations fishing for industrial tuna stocks and operating on the high seas or within EEZs where traditional fishing arrangements and areas are safeguarded.</p> <p>The WCPF Convention provides for recognition of the interests of small scale and artisanal fishers within its framework for sustainability. The Convention further requires that the needs of SIDs, territories and possessions, and coastal communities dependent on stocks including those taken in the fishery be recognised in the allocation of catch or effort (Art 10 (3) and Resolution 2008-01) and their capacity strengthened (see CMM 2013-06 Conservation and Management Measure on the criteria for the consideration of conservation and management proposals and CMM 2013-07 Conservation and Management Measure on the special requirements of Small Island Developing States and Territories). Article 30 of the Convention further provides for recognition of the interests of small scale and artisanal fishers within the overall management framework in the WCPFC.</p> <p>To date, the Commission has not allocated fishing rights but has sought and received external advice on allocation mechanisms and options. Further, Article 30 of the Convention provides for recognition of the interests of small scale and artisanal fishers within the overall management framework in the WCPFC Convention. The Convention</p>		

<p>PI 3.1.1</p>	<p>The management system exists within an appropriate legal and/or customary framework which ensures that it:</p> <ul style="list-style-type: none"> • Is capable of delivering sustainability in the UoA(s); and • Observes the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood; and • Incorporates an appropriate dispute resolution framework.
	<p>explicitly recognizes the rights of subsistence, small-scale and artisanal fishers and fishworkers, as well as indigenous people in developing States Parties, particularly small island developing States Parties, and territories and possessions.</p> <p>The WCPFC has an explicit relationship with the Pacific Islands Forum Fisheries Agency, which represents the interests of the independent island States in the region. These interests demonstrably protect their people’s traditional rights to these resources. The WCPFC Performance Review identified the ambiguity in the Convention concerning consistent management throughout oceanic, territorial and archipelagic waters and a lack of criteria for allocating fishing quotas as legal issues to resolve (Medley and Powers 2015). National fisheries legislation and management strategies contained in tuna management plans for PNA members have strong mechanisms to protect the interests of traditional and small-scale fishers, as described by Banks et al. (2011).</p> <p>WCPFC has a management system that outlines and seeks to observe the legal rights created explicitly or established by custom of people dependent on fishing for food or livelihood in a manner consistent with the objectives of MSC Principles 1 and 2. Therefore the international management system meets the requirement for SG 60 and SG 80. However, SG100 is not met, as there is not clear evidence of mechanisms formally committing to legal rights at the WCPFC level.</p>
<p>References</p>	<p>UNCLOS; UNFSA; WCPFC Convention; FFA Convention; Nauru Agreement; Banks et al. 2011; Medley and Powers 2015; PASAI 2013; Morison and McLoughlin 2016; MSFCMA; WCPF Convention Implementation Act; Chinese Taipei Fisheries Act 2016; SPF OFT 2019; Chinese Taipei Distant Water Fisheries Act 2016; China Fisheries Law 2000; Chinese Taipei Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation. Chinese Provisions for the Administration of Pelagic Fishery (China); Program of Action on the Conservation of Living Aquatic Resources of China; National plans and laws; WCPFC Meeting Reports.</p>
<p>OVERALL PERFORMANCE INDICATOR SCORE:</p>	<p>USA 80 TW 80 CH 80</p>
<p>CONDITION NUMBER (if relevant): Condition 7 - Yellowfin & Skipjack; China only (CLOSED)</p>	<p>CLOSED</p>

3.4.3 Re-Evaluation Table for PI 3.2.3 – Compliance and enforcement

PI 3.2.3		Monitoring, control and surveillance mechanisms ensure the management measures in the fishery are enforced and complied with		
Scoring Issue		SG 60	SG 80	SG 100
a	MCS implementation			
	Guide post	Monitoring, control and surveillance mechanisms exist, and are implemented in the fishery and there is a reasonable expectation that they are effective.	A monitoring, control and surveillance system has been implemented in the fishery and has demonstrated an ability to enforce relevant management measures, strategies and/or rules.	A comprehensive monitoring, control and surveillance system has been implemented in the fishery and has demonstrated a consistent ability to enforce relevant management measures, strategies and/or rules.
	Met?	Yes (All)	Yes (All)	No (All)
Rationale				
<p>In relation to the UoA, the effectiveness of MCS arrangements considered in this Scoring Issue need to be considered at three levels – Regional; PNA/FFA and flag State. While the WCPFC develop and set the management and MCS measures, it is up to the PNA (at the sub-regional level) and flag States to ensure they fully implement and enforce agreed CMMs/management measures.</p> <p>Regional</p> <p>At this level there is a well-developed MCS system that has demonstrated if applied diligently by Members, can enforce management arrangements. This system is underpinned by the Compliance Monitoring Scheme (CMS) – CMM 2018- 07. The purpose of the CMS is to ensure that Members, Cooperating Non-Members and Participating Territories (CCMs) implement and comply with obligations arising under the Convention and CMMs adopted by the Commission. The annual TCC reports reflect the status of fishery compliance in the WCPFC and the extent to which CCMs not only report, but how well they comply. The TCC summary reports publicly identify member compliance (or non- compliance). The WCPFC maintains an IUU vessel list which currently lists three vessels, one of which, the Yu Fong 168, is flagged to Chinese Taipei. In a note to the WCPFC IUU Vessel list for 2018, Chinese Taipei confirmed that the vessel had been deregistered.</p> <p>The Regional Observer program plays an important part in the MCS system as there is a target of 100% observer coverage on purse seine vessels and observers provide a suite of important MCS information, including on the application of CMMs relating to both target and by-catch species.</p> <p>PNA/FFA</p> <p>The FFA is the main service organisation providing MCS support for the coastal States in the WCPO. The arrangements are comprehensive and include a regional MCS strategy endorsed by Forum Fisheries Committee Ministers, (covers regional operations and cooperation), a regionally agreed benchmark level of observer</p>				

coverage and at-sea and in-port inspections. The FFA Surveillance Centre (RFSC) undertakes regional coordination of MCS activity and assesses the risk of non-compliance by vessels. The RFSC monitors fishing vessel activity using a combination of the Vessel Monitoring System (VMS), Automatic Identification System (AIS) and Synthetic Aperture Radar (SAR). The Nauru Agreement and Te Vaka Moana Arrangement (a sub-regional arrangement between the Cook Islands, New Zealand, Niue, Samoa, Tokelau and Tonga) promote regional cooperation between parties on MCS activities.

Regional (WCPFC and FFA) MCS systems includes harmonized Terms and Conditions of Access, a regional VMS system, Regional Register of Foreign Fishing Vessels and a range of regional MCS cooperation programmes, including the Niue Treaty (a multilateral treaty of members of the FFA to enhance their ability to enforce effectively their fisheries laws, and deter breaches).

An important part of the overall compliance system at the sub-regional level is the effort management (VDS) implemented by PNA. The VDS is undergoing regular review and improvement although it remains primarily an economic management tool, indirectly linked to the long-term status and sustainability of the resource (skipjack and yellowfin primarily).

Flag States

There are three flag States to consider with respect to PI 3.2.3. In the UoA, the USA has eight vessels, Chinese Taipei nine vessels and China 4 vessels, which totals 21 vessels. All three jurisdictions have fisheries legislation which provide monitoring, control and surveillance systems to implement WCPFC CMMs. The level of system development varies depending on the jurisdiction.

The USA system appears the most highly developed based on its national legislation, its relationship with the FFA, the QUAD and through the “Shiprider” scheme, its work with individual FFA members. (The Shiprider scheme enables Pacific Island nations to place local law enforcement personnel on board USA Coast Guard vessels and give the Coast Guard authority to patrol their waters and conduct vessel boardings). The USA also publishes enforcement information on the internet (see 3.2.3b for more information).

Chinese Taipei’s fisheries law is comprehensive. China’s legislation is not as comprehensive as the other two flags. (see 3.1.1a for more detail). China has published a “Notice of the Ministry of Agriculture General Office on Fishing Violation of Distant Water Corporation and Fishing Vessels” which provides details of “serious measures against the corporations, fishing vessels and responsible persons that violate the law”. This is not a substantial document but it does provide information on actions taken and fines imposed. Evidence was not provided to indicate if this is published on a regular basis. Chinese Taipei has a Distant Water Fisheries Sanction Issued List which is available on the Fishery Agency website, but not in English (as the main language used for official WCPFC documentation), impeding transparency and collaboration with other CCMs.

All these individual flag State systems include licensing, vessel identification, the application of catch limits, data requirements, VMS, bans on transshipment at sea, the carriage of observers, allowable gear etc. In addition there are defined penalty provisions for breaches of MCS requirements (see 3.2.3 51b for more information).

There is evidence that all jurisdictions have monitoring, control and surveillance systems in place and have demonstrated an ability to enforce relevant management measures, strategies and/or rules at the SG60 and SG80 levels are met for the WCPFC, the PNA/FFA and the flag States.

SG100 is not met since there is not a comprehensive monitoring, control and surveillance system implemented, demonstrating a consistent ability to enforce relevant management measures, strategies and/or rules at the regional or flag state level.

b	Sanctions			
	Guide post	Sanctions to deal with non-compliance exist and there is some evidence that they are applied.	Sanctions to deal with non-compliance exist, are consistently applied and thought to provide effective deterrence.	Sanctions to deal with non-compliance exist, are consistently applied and demonstrably provide effective deterrence.
	Met?	Yes (All))	Yes (USA, TW) No (CH)	No (All)

Rationale

In relation to this Scoring Issue, the primary focus is the PNA and the flag States. While the WCPFC develops and implements (via Members) management and MCS arrangements, it has few if any, sanctions available to it should flag States or vessels/companies fail to abide by CMMs. The WCPFC does provide some reporting on compliance performance that could provide evidence on consistent application of sanctions, but due to a lack of transparency in noncompliance reporting and responses to noncompliance, the WCPFC CMS activities and reporting are not considered to achieve the SG80. The WCPFC CMS is described here to provide background and context.⁶

The PNA States do have a role in MCS processes as coastal States, however in terms of how this consideration is weighted for scoring purposes, it is important to acknowledge coastal state's often extensive EEZs; their limited MCS resources, including at sea resources available to police their waters; the limited ports used for transshipment in the PNA and the low level of inspections in these ports. These constraints along with administrative arrangements between states related to infractions limit the extent to which information from PNA States could properly inform or confirm SG80 requirements - as such the primary focus of scoring remains with the flag States. The obligation of flag States to monitor and discipline their vessels is codified in ITLOS Advisory Opinion No 21 - Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC), affirming that the flag State have important "due diligence" obligations

Regional

The WCPFC Compliance Monitoring Scheme (CMS), as part of the TCC processes, is relevant to performance against this scoring issue. The TCC discusses compliance issues based on available information on infringements from observers and other sources. These discussions are held in closed session. Responses to transgressions are considered at the TCC and reported to the Commission in the Compliance Monitoring Report. The Report provides a matrix of compliance with CMMs by CCM, and some progress has been demonstrated towards transparency in reporting on flag State compliance as additional detail on the compliance status of each flag State has been added in recent years. The report still does not provide information on outcomes of investigations into non-compliance, nor specific cases, such that a reader may judge whether non-compliance is dealt with consistently (SCS 2017) or provides effective deterrence. The CMS is currently not a sanctioning tool but provides information on non-compliance and may provide some deterrence in so far as flag States would not wish to be rated non-compliant or priority non-compliance over time.

⁶ This weighing of flag state performance in regards to 3.2.3b aligns with harmonization discussions in July-August 2017, during which the majority of CABs considered that despite the lack of transparency at the WCPFC level, a UoA can achieve the SG80 if it can demonstrate how the deficiencies that have now been identified at the WCPFC level are accounted for by national compliance systems and procedures.

The only other significant tool directly available to the WCPFC is the IUU Vessel list, which is aimed at vessels presumed to have carried out IUU fishing. Where IUU fishing is detected, flag States are notified and asked to take appropriate enforcement action, including ensuring that the vessel leaves the Convention area. At present, there are three vessels on the IUU Vessel list including one flagged to a Member. This sanction appears to be consistently applied and provides effective deterrence in relation to proven IUU fishing.

PNA

There are some capacity differences between the PNA and other PICTs, but weaknesses are addressed through joint initiatives and support from FFA Regional coordination as outlined in 3.2.3.1a. However, as outlined above, the resource constraints are substantial when compared to larger and wealthier states.

Each of the PNA States has a system of sanctions and some of these are in the process of transition to reflect higher risk offences and implement appropriate minimum and maximum fine schedules. Sanctions are contained in national fishery acts and range from USA\$ 50,000 to USA\$ 1 million (Blyth-Skyrme et al. 2017). Vessels are usually detained until settlement of a sanction. In a number of States, the fishery authorities may implement administrative fines. This process may not always lead to public information being available as to the nature of the offenses or the administrative penalty imposed.

Blyth-Skyrme et al. (2017) report that the frequency of fines of free school purse seiners is very rare. They suggest that this is in part due to the requirement for high rates of observer coverage, and the nature of free school fishing.

At the PNA level, sanctions to deal with non-compliance exist, are applied consistently and are thought to provide effective deterrence. As such, the PNA arrangements meet SG60 and SG80 arrangements. However, given the relative small number of prosecutions under national laws it is difficult to conclude that they demonstrably provide effective deterrence and thus do not meet the SG100 level.

Flag States

USA

The USA has an active surveillance and enforcement regime in the Pacific through its nine "Shiprider" agreements. These agreements enable Pacific nations to place local law enforcement personnel on board USA Coast Guard vessels and give the Coast Guard authority to patrol their waters and conduct vessel boardings. As well as enabling direct surveillance and enforcement action in relation to USA vessels, these arrangements also enable FFA States to undertake additional MCS activity.

There is clear evidence of legal requirements being enforced by USA authorities and transcripts of legal proceedings provide evidence of the sanctions that have been implemented. The NOAA website provides evidence of fisheries enforcement cases in relation to USA vessels (from 2010) including Enforcement Decisions and Orders (see <http://www.gc.noaa.gov/enforce-office6.html>) and Enforcement Charging Information (see <http://www.gc.noaa.gov/enforce-office7.html>). It also provides information on prohibitions, landing restrictions, and catch documentation schemes. The USA also independently reviews all its vessels' WCPFC observer records, beyond those flagged for potential non-compliance by the WCPFC (A. Cole, pers. comm). SG60 and SG80 requirements are met in the case of the USA for free school and FADs, but it is unclear whether the available information demonstrably indicates effective deterrence so SG100 is not met for FADs or free school.

Chinese Taipei

Chapter IV of the Distant Water Fisheries Act provides extensive Penal Provisions in Articles 35 to 45. These provisions provide for escalating fines and/or suspension and cancellation of concessions where there are multiple and repeat offenses over a period of time.

As this Act has been in operation for less than a year there is limited evidence to know if the sanctions are being consistently applied and are an effective deterrent.

In an article in Focus Taiwan on 15 August 2017 (also reported in FIS Worldnews 16 August 2017), it is reported that the Government had imposed fines in 109 cases of illegal fishing involving Taiwanese deep-sea fishing vessels from January to July 2017. The article states this is in an effort to ensure the European Union removes Taiwan from a watch list of countries that have not taken sufficient action to curb IUU fishing. Most of the penalties were under the amended Fisheries Act, however 24 were fines based on the new Distant Water Fisheries Act, which came into force on 20 January 2017.

An issue that needs to be resolved is the matter of the Yu Fong 168 being on the WCPFC IUU Vessel list (see 3.2.3a). While the note on the vessel list suggests that Taiwan has sought to take effective action in relation to this matter, the question remains as to why authorities have not removed the Taiwanese flag from this vessel. Article 44 of the Distant Water Fisheries Act states:

Article 44: "In the event that a fishing vessel whose fishing license was withdrawn pursuant to the Fisheries Act before this Act becomes effective and which is listed on the IUU fishing vessel list(s) of the international fisheries organization(s) fails to comply with the order of the competent authority to return to domestic ports within designated timeframe, the competent authority may confiscate such fishing vessel, and apply to the navigation authority for re-registration of its ownership, followed by the revocation of its registration and cancel of its certificate of nationality."

This would seem to provide a head of power to deal with the vessel and owner.

A translated list of sanctions relating to 36 vessels/operators was provided, however only two of these related to purse seine vessels, one related to the Taiwanese longline vessel on the WCPFC IUU Vessel list and three were foreign fishing or carrier vessels apprehended by Taiwan.

The sanctions in Articles 35 to 45 suggest that it is highly likely, if they are applied consistently (similar consequences for similar offences) and at sufficiently punitive level, that they will provide an effective deterrence. It is acknowledged that the level at which sanctions are issued may vary based on the decisions of individual judges, particularly with the advent of a new Act. (In some jurisdictions, courts have judges specialized in fisheries law to assure consistent application of sanctions).

In lifting the "yellow card in June 2019 the EU notes the progress of Chinese Taipei (https://europa.eu/rapid/press-release_QANDA-19-3398_en.htm) in:

- Enforcing revised legislation and the new sanctions scheme.
- Significantly reinforcing of the financial and human resources dedicated to the fight against IUU fishing.

A regularly updated list of violations of Ocean Fishery Regulations continues to be provided (<https://www.fa.gov.tw/cht/PolicyIUU/index.aspx>). This list of violations and sanctions is additional \ evidence of the continued consistent application of sanctions that are thought to be providing effective deterrence therefore meeting SG80. However, it cannot be yet concluded that the available information demonstrably indicates effective deterrence. so SG100 is not met.

China

Chapter V (Articles 38 to 49) of the Chinese Fisheries Act 2000 provides details of the penalties provisions (fines and suspension/cancellation provisions and in serious cases confiscation of gear and or vessel) under the legislation. These provisions cover both wild capture fisheries and aquaculture. There do not appear to be specific provisions for high seas fisheries or fishing in third party EEZs. The sanctions available cover the key areas needed for effective enforcement, destructive fishing, fishing in violation of regulations, use of prohibited gear etc. They also include provisions relating to illegal foreign fishing within the Chinese EEZ and corruption by individuals or authorities in implementing the fisheries law.

There is limited information available on whether these provisions are applied consistently and if they provide an effective deterrent, although authorities do provide public information on companies and vessel masters who have been sanctioned as a result of illegal activity. One recent report from the Australian Fisheries Management Authority said the Australian Government welcomed the news that Chinese authorities have taken action against the operator of the Chinese fishing vessel Yuan Da 19, one of three vessels found to have misreported its catch as southern bluefin tuna. The report stated Chinese authorities had terminated all of the company's fishing licenses and banned it from engaging in deep sea fishing activities as well as imposing a USD \$300,000 fine. This action occurred following investigations instigated on information supplied by Australian and New Zealand authorities.

There is information available on whether these provisions are applied consistently and if they provide an effective deterrent, although authorities do provide public information on companies and vessel masters who have been sanctioned as a result of illegal activity. **Sanctions to deal with non-compliance in distant water fisheries can be found at MARA web site. The most recent case was Notification for General Information by General Office of MARA on Investigation and Sanction of Infringement for Part of Distant Water Fisheries Enterprises and Fishing Vessels on 1 August, 2019, the document can be found at http://www.moa.gov.cn/gk/tzgg_1/tfw/index_8.htm.**

The evidence provided included relevant cases with vessel and company names.

1. Eight vessels belong to Dongxinlong Company of FuZhou violated domestic regulation to send vessels and crew to Indian Ocean without relevant permit and misused VMS equipment in 2018. The four owners were put on a blacklist maintained by MARA, the company's DWF qualification and 8 vessels' permit were cancelled
2. Two vessels belong to Guangyuan company, Daishan County illegally conducted fishing for juvenile fish in the water of Angola in Oct. 2018. The two vessels were called back to China and prevented from distant water fisheries.

Based on the information available, sanctions to deal with non-compliance exist and there is some evidence that they are applied, SG60 requirements are therefore met. However, there is not yet sufficient evidence to conclude they are consistently applied and provide an effective deterrence, meaning SG80 requirements are not met.

c	Compliance			
	Guide post	Fishers are generally thought to comply with the management system for the fishery under assessment, including, when required, providing information of importance to the effective management of the fishery.	Some evidence exists to demonstrate fishers comply with the management system under assessment, including, when required, providing information of importance to the effective management of the fishery.	There is a high degree of confidence that fishers comply with the management system under assessment, including, providing information of importance to the effective management of the fishery.
	Met?	Yes (All)	Yes (All)	No (All)

Rationale

In relation to the UoA and this Scoring Issue, the appropriate management system is the WCPFC management system that includes the MCS arrangements implemented in the fishery. Individual flag States play an important role in ensuring arrangements are complied with at the individual fisher level and from an overall flag State performance perspective, however the overall efficiency and effectiveness of management arrangements rests with the WCPFC.

All WCPFC Members and in this case the USA, Chinese Taipei and China are bound to implement all WCPFC CMMs and any detected noncompliance with these arrangements are reported in National Part 2 Reports and

annually assessed by the TCC. CCMs performance is reported in the Compliance Monitoring Report and available to the Commission. A review of the 2018 WCPFC CMR indicates that identified non-compliance with CMMs by some flags and vessels remains a problem. Overall, however the information from the report suggests overall fishers comply with the management system including providing necessary information.

There are generally thought to be good levels of compliance by fishers in the PNA Western and Central Pacific skipjack and yellowfin, unassociated / non-FAD set, tuna purse seine fishery (PNAFTF) (Blyth-Skyrme et al. 2017). Demonstrating this is challenging, as without intensive surveillance, evidence will always be limited. As in any fishery some level of non-compliance is expected. The WCPFC has a comprehensive MCS system in place supported by at-sea compliance monitoring undertaken through high rates of observer coverage and this is believed to minimize non-compliance and assist in identifying inaccurate reporting. The MCS system also requires that logbook and other data be supplied as part of licence requirements for free school and FAD sets.

VMS and regional MCS operations support the implementation of WCPFC management system. In the recent (August 2017) Operation Island Chief, a ten-day annual operation involving 10 participating FFA member nations - Fiji, FSM, Kiribati, Palau, PNG, Nauru, the Marshall Islands, the Solomon Islands, Tuvalu, and Vanuatu, 117 at sea and in-port vessel boardings were undertaken. Infringements involving four vessels - three flagged to China and one to Chinese Taipei were detected. The infringements involved non-reporting or misreporting of information, and unmarked gear and are being followed up by national authorities. While a zero percent non-compliance rate is highly desirable this is not achievable and the 3.5 percent non-compliance rate detected in this recent operation (four vessels out of 117 inspections) provides evidence that the vast majority of fishers comply with WCPFC management systems. It is noted that with respect to this recent Operation, the infringements detected involved vessels from two of the three flag States in the UoA. It is not known whether the infringing vessels are purse seine vessels. The SG80 level only requires that some evidence exists that fishers comply with the management system and provide necessary information. The CMR would seem to support that this is the case.

The TCC reports, observer reports, logbook and other data requirements and regional MCS operations coordinated by FFA, provide some evidence that there is compliance with the management system. Generally, information required for effective management is being supplied, although there is some evidence that the timeliness and quality could be improved. Overall SG 80 is met for free school and FADs. At the SG 100 level it cannot be said that there is a high degree of confidence that fishers comply with all aspects of the management system for FADs and free school fisheries.

d	Systematic non-compliance		
	Guide post		There is no evidence of systematic non-compliance.
	Met?		Yes (All)
Rationale			
The information presented in PI 3.2.3 Sla-Slc shows no evidence of systematic non-compliance. The final CMR report tabled at WCPFC 15 in December 2018 identifies that some non-compliance occurs and that the range of offences varies from minor (such as late submissions of reports), to more serious issues, such as not complying with the conditions of FAD closures or unauthorized fishing have occurred. However, there does not appear to be evidence of systematic non-compliance at either the regional or flag level and as such SG 80 is met.			
References			
WCPFC CMM 2018-07; FFA MCS arrangements; Niue Treaty;			

OVERALL PERFORMANCE INDICATOR SCORE:	USA 80 TW 80 CH 75
CONDITION NUMBER (if relevant): Condition 13 (Yellowfin & Skipjack; China only) - OPEN Condition 14 (Yellowfin & Skipjack; Chinese Taipei only) - CLOSED	13 OPEN 14 CLOSED

4 References⁷

WCPFC 2019a Scientific and Technical Data Available to the Western and Central Pacific Fisheries Commission , WCPFC-TCC15-2019-IP03_rev11 17 September 2019 <https://www.wcpfc.int/node/43830>

WCPFC 2019b Final Compliance Monitoring Report WCPFC-2019- WCPFC16-2019-fCM <https://www.wcpfc.int/node/44907>

⁷ These references are new to the Year 2 Surveillance only. See references section in year 1 report for more resources: <https://fisheries.msc.org/en/fisheries/wpsta-western-and-central-pacific-skipjack-and-yellowfin-free-school-purse-seine/@@view>

5 Appendices

5.1 Evaluation Processes and Techniques

5.1.1 Site Visits

5.1.2 Audit Plan for Fishery Assessment

WPSTA Western and Central Pacific Skipjack and Yellowfin Free School Purse Seine fishery Surveillance Year II & Certificate Scope Extension June 23rd - July 8th Meetings via Teleconference Call

5.1.2.1 Objective

Both the Scope Extension and Year 2 Surveillance Audit of the WPSTA Western and Central Pacific Skipjack and Yellowfin Free School Purse Seine fishery will be conducted in parallel by the SCS Global Services Inc. (SCS) Assessment Team. To inform the Year 2 Surveillance Audit, the Assessment Team will examine the fishery performance to establish whether the Unit of Certification (Table 1) may continue to be certified as sustainable in accordance with the Marine Stewardship Council (MSC) Principles. In addition to inform the Scope Extension, SCS will examine whether the use of Fishery Aggregation Devices (FADs) by the existing three fleets included in the UoC can achieve the required scores and performance to be added to the Scope of the MSC Fishery Certification for FCF CO., LTD. All anticipated attendees are listed in Table 2, and Meeting Agenda is shown in the following pages.

Table 1: Unit of Certification/ Unit of Assessment

Stock: WCPFC-managed Yellowfin and Skipjack Tuna	Geography: Western and Central Pacific
Species: <i>Thunnus albacares</i> ; <i>Katsuwonus pelamis</i>	Management: WCPFC
Method of Capture: Purse Seine Nets, FAD and Free School	Clients: FCF CO., LTD.

In this fishery, the Unit of Assessment is consistent with the Unit of Certification and includes 7 vessels from Chinese Taipei⁸, 6 vessels from USA, and 4 from China listed in the Appendix A. Vessels outside of the 17 vessels listed would only be eligible to share the certificate by virtue of expanding both the Unit of Assessment and Unit of Certification.

5.1.2.2 Scope of Audit

During the assessment, any changes in the management of the fishery will be reviewed and the progress of the fishery against any conditions of certification raised during the assessment in 2017 will be

⁸ Note: vessels in UoC from Chinese Taipei and USA were removed due to sale of vessels.

evaluated. Use of the blue eco-label and the licensing agreement will be reviewed. The SCS Assessment Team will conduct the surveillance audit and scope expansion assessment using the Fishery Certification Requirements (V2.1). As part of the MSC requirements, the assessment team will consist of at least 2 team members. This plan is considered confirmed and should proceed as planned although deviations will be allowed to accommodate the fact the audit is being conducted remotely. Any changes to the audit plan requested by the client must be provided to SCS in writing.

Any information considered to justify scoring changes must be publicly available on or before the last day of the audit as per MSC requirements. If SCS and any participant of the remote site visit agree in writing that information will be shared after the site visit, SCS shall accept this information up to 30 days after the last day of the remote site visit.

5.1.2.3 Follow Up

SCS is responsible for providing FCF CO., LTD. with a report within 60 days of the audit conclusion, documenting conformity, potential progress, and performance regarding certification conditions based in part on the input from this remote site visit as it pertains to the Year 2 Surveillance Audit.

SCS is also responsible for completing all required remote site visit activities for the Scope Extension v2.1 as per MSC FCP v2.1. All documentation, evidence, and findings will inform updates to the Announcement Comment Draft Report, which will be 1) sent to the Client to develop the client action plan and 2) send to the MSC Peer Review College as required.

5.1.2.4 Audit Participants

Table 2: Anticipated Meeting Attendees

Name	Role	Affiliation
Dr. Gerard DiNardo	Team Member, Principal 1 and 2	SCS Global Services
Dr. Michael Harte	Team Member, Principal 3	SCS Global Services
Gabriela Anhalzer	Team Lead	SCS Global Services
Brian Ahlers	Project Manager, Technical Specialist	SCS Global Services
Sergio Cansado	Assessor for MSC Accreditation	Assurance Services International (ASI)
Mr. Xiaoabing Liu	COFA Advisor	Independent Consultant (COFA)
Prof. Xiaojie Dai	Professor	Shanghai Ocean University (SOU)
Mr. Harry Chen	Sustainability team	FCF CO. LTD. (FCF)
Ms. Jubby Sun	Sustainability team	FCF CO. LTD. (FCF)
Mr. Fong Lee	Sustainability Project Manager	FCF CO. LTD. (FCF)
Mr. Chichao Liu	Senior Specialist	Fisheries Agency (FA)– Council of Agriculture (COA)
Mr. Wenying Wang	Director of Deep-Sea Fisheries Division	FA - COA
Ms. Hsiang- Yi Yu	Secretary	FA - COA
Ms. Hsiangyin Chen	Associate Specialist	FA - COA
Mr. Weiyang Liu	Secretary General	OFDC

5.1.2.5 Agenda

All meetings will take place via teleconference over Citrix WebEx in English and will be conducted in the time zone and day of Taipei, Taiwan the weeks of June 22nd, July 1st, and July 6th, 2020 with Taiwan Fisheries Agency (FA-COA), China Overseas Fisheries Association (COFA), and client group. All meeting dates and times are displayed in the Taipei, Taiwan Time Zone.

Team Leader, Gabriela Anhalzer, will help facilitate meetings remotely with the support of Dr. Gerard DiNardo and Dr. Michael Harte. In addition to the officials listed above, the team will meet remotely with additional experts from Western Central Pacific Fisheries Commission (WCPFC), The Pacific Community (SPC), Pacific Islands Forum Fisheries Agency (FFA), and other stakeholders potentially at a later date as needed.

5.1.2.6 Logistics Information

Assessment Team Contacts

Gabriela Anhalzer, GAnhalzer@scsglobalservices.com, Lead Auditor

Gerard DiNardo, gdinardo@scsglobalservices.com, P1 and P2 Team Member

Michael Harte, mchlharte@gmail.com, Principal 3 Team Member

Meeting Locations

Meetings will be conducted using Cisco WebEx.

Client Opening Meeting

Day 1: Meeting Agenda for Week 1, June 22 nd - Client Opening Meeting				
Time Taiwan Time Zone	Relevant MSC P.I.'s	Activities	Meeting Participants	Location
June 22nd 9:00 - 10:30 am <i>(June 21st 6:00-7:30 pm PST)</i>	-	Introductions Brief Presentation by SCS <ol style="list-style-type: none"> 1. FAD Scope Extension 2. Surveillance Year II Questions from Client Questions from SCS <ol style="list-style-type: none"> 3. Surveillance Year II 4. FAD Scope Extension 	FCF staff, SCS,	Conference Call (WebEx)

Meetings with Chinese Taipei Fisheries Agency

Day 2 Meeting Agenda - June 23 rd - Chinese Taipei : Principle 1, Observer Program, Shark Finning				
Time (Taiwan Time Zone)	Relevant MSC P.I.'s	Activities	Meeting Participants	Location
June 23rd 9:00 – 9:20 <i>(June 22nd</i> <i>6:00-6:20 pm</i> <i>PST)</i>	P1	Follow up questions Principle 1 – (Surveillance)	FCF staff, SCS, FA-COA	Conference Call (WebEx)
June 23rd 9:30 – 10:20 am <i>(June 22nd</i> <i>6:30-7:20 pm</i> <i>PST)</i>	P2	Observer Coverage and Program – (Surveillance and Scope Expansion) 5. Condition 6 - Shark Finning - (Surveillance and Scope Expansion)	FCF staff, SCS, FA-COA	Conference Call (WebEx)
June 23rd 10:20 – 11:10 <i>(June 22nd</i> <i>7:10-8:10 pm</i> <i>PST)</i>	P2	Bycatch (Scope Expansion) 6. Endangered Threatened and Protected Species (ETP) - (Scope Expansion) Habitat Impacts (Scope Expansion)	FCF staff, SCS, FA-COA	Conference Call (WebEx)
June 23rd 11:10 - 11:20	-	Closing for the day		

Day 3 Meeting Agenda - June 24 th - Chinese Taipei – FAD measures and Principle 3				
June 24th 9:00 - 10:30 am <i>(June 23rd</i> <i>6:00-7:30 pm</i> <i>PST)</i>	P1 and P2	FAD measures- (Scope Expansion) FAD Monitoring, control and surveillance and FADs- (Scope Expansion)	FCF staff, SCS, FA-COA	Conference Call (WebEx)

Day 3 Meeting Agenda - June 24th - Chinese Taipei – FAD measures and Principle 3

June 24th 10:40 – 11:30 am <i>(June 23rd 7:40 – 8:30 pm PST)</i>	Principal 3	Surveillance Year II Condition 14 - Compliance and Enforcement – Chinese Taipei Measures to Address Traceability, IUU, EFIS, and e-CDT	FCF staff, SCS, FA-COA	Conference Call (WebEx)
June 24th 11:30 - 11:40	-	Closing for the day		

Meetings with Chinese Fisheries Agency

Day 4 Meeting Agenda – July 1st - China : Principle 1 and Principle 2				
Time Taiwan Time Zone	Relevant MSC P.I.'s	Activities	Meeting Participants	Location
July 1st 9:00 – 9:20 am <i>(June 30th</i> <i>6:00-6:20 pm</i> <i>PST)</i>	Principal 1-	Follow up questions Principle 1 – (Surveillance II)	FCF staff, SCS, COFA, OF	Conference Call (WebEx)
July 1st 9:30 – 10:20 am <i>(June 30th</i> <i>6:30-7:20 pm</i> <i>PST)</i>	Principal 2	Observer Coverage and Program – (Surveillance and Scope Expansion) 7. Condition 6 - Shark Finning - (Surveillance and Scope Expansion)	FCF staff, SCS, COFA, OF	Conference Call (WebEx)
July 1st 10:20 – 11:10 am <i>(June 30th</i> <i>7:10-8:10 pm</i> <i>PST)</i>	P2	Bycatch (Scope Expansion) 8. Endangered Threatened and Protected Species (ETP) - (Scope Expansion) Habitat Impacts (Scope Expansion)	FCF staff, SCS, COFA, OF	Conference Call (WebEx)
	-	Closing for the day		

Day 5 Meeting Agenda – July 2nd - China: Wrap Up Principles 1 and 2, and Principle 3

July 2nd 9:00 - 10:30 am <i>(July 1st 6:00-7:30 pm PST)</i>	P1 and P2	FAD measures- (Scope Expansion) FAD Monitoring, control and surveillance and FADs- (Scope Expansion)	FCF staff, SCS, COFA, OF	Conference Call (WebEx)
July 2nd 10:30 - 11:20 am <i>(July 1st 7:30-8:20 pm PST)</i>	Principal 3 Enforcement, Consultation, Decision-Making, Sanctions	Surveillance Year II Condition 7 – Offshore Fisheries Development Plan, Enforcement Outcomes Condition 9 – Consultative Processes Condition 11 – Decision – Making Condition 13 – Application of Sanctions to Address Non-Compliance 9.	FCF staff, SCS, COFA, OF	Conference Call (WebEx)
July 2nd 11:20 - 11:30	-	Closing for the day		

Day 5 Meeting Agenda – July 8th – Client Closing meeting

July 8th 9:00 – 10:30 am <i>(July 7st 6:00-8:30 pm PST)</i>		Client Closing Meeting - FAD Scope Extension/ Year II Surveillance Preliminary Overview of Status of Conditions Questions from Client Questions from SCS Next Steps for FAD Scope Extension Report and Year II Surveillance Report	FCF staff, SCS, COFA, OF	Conference Call (WebEx)
July 8th	-	Closing for the day		

Table 21. List of 17 Vessels in the UoA and UoC. Note: WIN FAR NO. 636 removed from vessel list.

Flag State	Vessel Name	Registration Number	Chartering Country
China	SHUN FA 8	(ZHE) CHUAN DENG (JI) NO: (2014) FT-200086	Kiribati
China	XIN SHI JI 111	(ZHE) CHUAN DENG(JI)(2015)FT-200104	Kiribati
China	XIN SHI JI 112	(ZHE) CHUAN DENG (JI) NO.:(2015) FT-200047	Kiribati
China	XIANG FA 8	(ZHE) CHUAN DENG (JI) NO: (2014) FT-200088	Kiribati
Chinese Taipei	FONG KUO NO.188	CT8-0115	N/A
Chinese Taipei	FONG KUO NO.189	CT8-0113	N/A
Chinese Taipei	FONG KUO NO.828	CT8-0107	N/A
Chinese Taipei	FONG KUO NO.866	CT8-0095	N/A
Chinese Taipei	FONG KUO NO.889	CT8-0106	N/A
Chinese Taipei	WIN FAR NO.626	CT8-0038	N/A
Chinese Taipei	WIN FAR NO.666	CT8-0072	N/A
USA	OCEAN WARRIOR	1205808	N/A
USA	OCEAN CHALLENGER	1209712	N/A
USA	OCEAN CONQUEST	1202618	N/A
USA	OCEAN EXPEDITION	1205812	N/A
USA	OCEAN ENCOUNTER	1202619	N/A
USA	OCEAN GALAXY	1214839	N/A

5.1.2.7 Stakeholder Participation

SCS identified relevant stakeholders for this fishery through professional networks of SCS and the audit team and know-how of the organizations working in the area. A list of over 30 individuals from 15 different organizations was compiled including representatives from the government, private sector and non-profit sectors working at regional and national levels. The main form of communication to stakeholders has been via email to personal or organizational email addresses. Stakeholders on the list received an email with the surveillance announcement, the MSC stakeholder template to provide input and an invitation to participate at the onsite.

No stakeholder written comments were received prior to the closing of the 30-day consultation period.

An announcement of the surveillance audit onsite meeting to take place remotely was published to the MSC website on May 21st, 2020. Stakeholders were informed of the announcements through the MSC website and through email. An audit plan was provided to the client, management, scientists, and interested stakeholders by SCS before the meeting.

No stakeholders requested a private meeting with the team regarding the Year 2 Surveillance Audit.

At the onsite the assessment team met with representatives from management agencies, research institutions and the client group.

5.2 Stakeholder input

No written or verbal stakeholder submissions were received during consultation opportunities listed in FCP 7.15.4.1.

Table 22. Surveillance Level Rationale

Year	Surveillance activity	Number of auditors	Rationale
3	On-site audit	2 auditors on-site	From client action plan it can be deduced that information needed to verify progress towards conditions will merit an on-site visit. In particular, information requirements regarding China for conditions 9 and 10 are behind target and will therefore require a closer examination of evidence along with any other general updates.

5.3 Harmonised Fishery Assessments

5.3.1 Principle 1

Principle 1 tuna fisheries in the WCPO have been the subject of several harmonization discussions. In 2016 CAB representative and team members participated in a Harmonization Workshop, which resulted in agreed scores for Principle 1 for the yellowfin tuna, albacore, and skipjack tuna stocks in the western Pacific managed by the Western and Central Pacific Fisheries Commission (WCPFC). The harmonization outcome report was peer-reviewed, the details of which can be provided upon request.

Following the 2016 Harmonization Workshop, CABs have reviewed new information, participated in harmonization discussions and adjusted rationales, and relevant scores. The sections below describe subsequent harmonization discussions in which SCS participated. Currently, all scores are harmonized except for some minor differences in the SG80-100 bracket. These differences do not affect the overall outcome of the Principle 1 assessment.

In 2018, in recognition of different timelines to address Principle 1 conditions across MSC certified tuna fisheries, the MSC required all tuna and tuna-like fisheries (herein, tuna fisheries) certified against MSC Fisheries Standard v1.3 to update to v2.0. Additionally, there are requirements to harmonize timelines

for P1 conditions (limited to those concerning harvest strategies and harvest control rules). For the WCPO, timelines are aligned against the WCPFC 2017 work plan.

In 2020 in response to the Covid-19 Derogation issued by MSC, six months was added to all fishery conditions, including harmonized conditions.

5.3.1.1 Skipjack

This fishery overlaps with several other WCPO skipjack tuna fisheries in the MSC programme (**Table 1**)

Table 23 Fisheries in the MSC System Considered for Harmonization for Principle 1 for skipjack stocks as of June 2020.

Fishery name	CAB	Latest Report Version	1.1.1	1.1.2	1.2.1	1.2.2	1.2.3	1.2.4
Standard v2.0/2.01								
Indonesia pole-and-line and handline, skipjack and yellowfin tuna fishery	SAI Global	ACDR Jan 2020	100	NA	90*	60	90	95
Japanese Pole and Line skipjack and albacore tuna fishery	Lloyds Register	3rd Surv Oct 2019	100	NA	70	60	90	95
PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine	Lloyds Register	2nd Surv Anmt Feb 20	100	NA	70	60	90	95
PNG Fishing Industry Association's purse seine Skipjack & Yellowfin Tuna Fishery	SCS	PCR May 2020	100	NA	70	60	90	95
PT Citraraja Ampat, Sorong pole and line Skipjack and Yellowfin Tuna	DNV	1st Surv Apr 2020	100	NA	70	60	95*	95
Solomon Islands skipjack and yellowfin tuna purse seine and pole and line	SCS	ACDR May 2020	100	NA	70	60	90	95
Talleys New Zealand Skipjack Tuna Purse Seine	Lloyds Register	2nd Surv Oct 2019	100	NA	70	60	90	95
Tri Marine Western and Central Pacific Skipjack and Yellowfin Tuna	SCS	3rd Surv Aug 2019	100	NA	70	60	90	95
Tropical Pacific yellowfin and skipjack free-school purse seine fishery	Control Union	PCR Oct 2019	100	NA	70	60	90	95
WPSTA Western and Central Pacific skipjack and yellowfin free school purse seine	SCS	2nd Surv May 2020	100	NA	70	60	90	95
Ishihara Marine Products albacore and skipjack pole and line fishery	Control Union	1st Surv Feb 2020	100	NA	70	60	90	95
Standard v1.3								
MSC harmonized scores		2016	100	NA	70	60	90	95
* Differences in scoring								

If applicable, explain and justify any difference in scoring and rationale for the relevant Performance Indicators (FCP v2.1 Annex PB1.3.6)

The differences in scoring noted above under 1.2.1 and 1.2.3 have been discussed and the fisheries have agreed to harmonize with the agreed upon scores at the time of their next audit.

5.3.1.2 Yellowfin

This fishery overlaps with several other WCPO yellowfin tuna fisheries in the MSC programme (Table 6). See Table 3 above for more information on recent harmonization discussions for yellowfin in the WCPO.

Table 6 Fisheries in the MSC System Considered for Harmonization for Principle 1 for yellowfin stocks as of June 2020.

Fishery name	CAB	Recent Report Version	1.1.1	1.1.2	1.2.1	1.2.2	1.2.3	1.2.4
American Samoa EEZ albacore and yellowfin longline fishery	Control Union	2nd Surv April 2020	90	NA	70	60	80	95
Australian Eastern Tuna and Billfish Fishery (albacore tuna, yellowfin tuna, bigeye tuna and swordfish)	q.inspecta GmbH	PCDR May 2020	90	NA	70	65	80	100*
Fiji albacore and yellowfin tuna longline	Acoura	January 2018	90	NA	70	60	90*	95
French Polynesia albacore and yellowfin longline fishery	Control Union	1st Surv Nov 2019	90	NA	70	60	80	95
Indonesia pole-and-line and handline, skipjack and yellowfin tuna of Western and Central Pacific archipelagic waters	SAI Global	ACDR Jan 2020	100	NA	90	60	90*	95
Kiribati albacore, bigeye and yellowfin tuna longline fishery	Control Union	NA	TBC	NA	TBC	TBC	TBC	TBC
North Buru and Maluku Fair Trade Fishing Associations, Indonesian Handline Yellowfin Tuna	SCS	PCR May 2020	90	NA	70	60	80	95
Owasebussan Co. Ltd. North Pacific Longline Tuna Fishery for Albacore, Yellowfin Tuna & Bigeye Tuna	SCS	ACDR Jan 2020	90	NA	70	60	80	95
Pan Pacific yellowfin, bigeye and albacore longline fishery	Control Union	PCR May 2020	90	NA	70	60	80	95
PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine	Lloyds Register	2nd Surv Anmt Feb 20	90	NA	70	60	90*	95

Fishery name	CAB	Recent Report Version	1.1.1	1.1.2	1.2.1	1.2.2	1.2.3	1.2.4
PNG Fishing Industry Association's purse seine Skipjack & Yellowfin Tuna Fishery	SCS	PCR May 2020	90	NA	70	60	80	95
PT Citraraja Ampat, Sorong pole and line skipjack and yellowfin tuna	DNV	1st Surv Anmt Apr 2020	90	NA	70	60	90*	95
Solomon Islands longline albacore and yellowfin tuna fishery	SCS	PCR Nov 2019	90	NA	70	60	80	95
Solomon Islands skipjack and yellowfin tuna purse seine and pole and line	SCS	ACDR May 2020	90	NA	70	60	80	95
SZLC CSFC & FZLC FSM EEZ Longline Yellowfin and Bigeye Tuna	Control Union	2nd Surv Jan 2020	90	NA	70	60	80	95
SZLC CSFC FZLC & MIFV RMI EEZ Longline yellowfin and bigeye Tuna	Control Union	PCR Oct 2019	90	NA	70	60	80	95
SZLC, CSFC & FZLC Cook Islands EEZ South Pacific albacore & yellowfin longline (certified)	Control Union	PCDR May 2020	90	NA	70	60	80	95
Tri Marine Western and Central Pacific skipjack and yellowfin tuna	SCS	3rd Surv Aug 2019	90	NA	70	60	80	95
Tropical Pacific yellowfin and skipjack free- school purse seine fishery	Control Union	PCR Oct 2019	90	NA	70	60	80	95
WPSTA Western and Central Pacific skipjack and yellowfin free school purse seine	SCS	2nd Surv Anmt May 2020	90	NA	70	60	80	95
MSC harmonization scores (v1.3)			90	NA	70	60	80	95

** Differences in scoring*

Table 7 Rationale for scoring differences

If applicable, explain and justify any difference in scoring and rationale for the relevant Performance Indicators (FCP v2.1 Annex PB1.3.6)
<p>The differences in scoring noted above in Table 6 under 1.2.3 have been discussed and the fisheries have agreed to harmonize with the agreed upon scores at the time of their next audit.</p> <p>The scoring difference in 1.2.4 is due to stock assessment information available for the Australian fishery only. This score will remain.</p>

Table 3 Overlapping fisheries WCPO Yellowfin/Skipjack

Supporting information
<p>Describe any background or supporting information relevant to the harmonisation activities, processes and outcomes.</p>

Supporting information

2019

In 2019 triggered harmonization discussions amongst CABs to review the previously agreed-upon scores for these skipjack/yellowfin stocks. The harmonization discussions did not result in a change to scores, however, they led CABs to seek further guidance on interpretation of the standard from MSC. The interpretation remains unanswered, but the MSC

The issues reviewed included:

- Higher score for PI 1.2.1a-** The MSC identifies a Harvest Control Rule in place (even if just a generally understood one) as one of the key elements required in a harvest strategy (MSC Standard v2.01 GSA2.4) and so the lack of any form of HCR is relevant to the logic behind whether the harvest strategy elements (as defined by MSC) work together as required by the SG80 level for Scoring Issue a for PI 1.2.1. Applying the MSC definition of a harvest strategy, it is understood that a harvest strategy for a fishery could not be given an unconditional pass for PI 1.2.1 without an HCR being in place. Nevertheless, SCS with other CABs recognize the potential validity of this argument and have in response submitted an interpretation request to MSC on July 2019, to clarify whether the second part of 1.2.1a can meet SG80 if a generally understood or well-defined HCR is not in place. MSC did not provide a response to the interpretation request, and acknowledging that the intent isn't clear in the requirements and guidance, that an interpretation request was not appropriate in this case and that this issue has been incorporated into the policy development cycle for the upcoming FSR. CABs have agreed that for now this condition cannot be closed until the related condition on PI 1.2.2 is closed.
- PI 1.2.2a.** argument that a generally understood HCR is in place and not just available. This does not affect the score for this PI but could affect how PI 1.2.1a is scored and would also allow a different approach for PI 1.2.2c There has previously been agreement among CABs that there is not even a generally understood HCR for skipjack tuna (or other tuna species). A 60 score has been achieved for 1.2.2a on the basis of 'available' HCRs not one that is 'in place'. All measures introduced by WCPFC have been negotiated outcomes that, although important and positive for stock conservation, had not been considered to follow even a generally understood HCR. The MSC Interpretation on HCRs instructs CABs that, when there is uncertainty over whether a HCR meets the requirements of 'generally understood', they should follow the precautionary approach and award a lower score. So, in the absence of new and stronger evidence that the previous decision was incorrect, the status quo should apply, and a condition be maintained.

Was either FCP v2.1 Annex PB1.3.3.4 or PB1.3.4.5 applied when harmonising?	Yes
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Date of harmonisation meeting	July 16 2019
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No agreement was ~~reached~~reached, and lowest score was adopted (i.e. scores from 2016 harmonization pilot workshop remained in place).

5.3.2 Principle 2

As Principle 2 evaluates fleet specific impacts, the scores may vary based on each fleet's catch behavior and interactions. Therefore, harmonization is considered for consistency, but scores may vary.

Explanations for these differences are provided only in cases where results vary more than a score of 15 points on the same performance indicators, among assessments. MSC v2.1 requires additional considerations under Principle 2 for Cumulative Impacts.

v2.01 of the MSC standard requires that any fishery under assessment that has spatial overlap with the Units of Assessment of any other MSC certified fisheries, be explicitly considered in Principle 2 for cumulative impacts. To ensure that the cumulative impact of all MSC fisheries is within sustainable limits, a UoA assessed against standard v2.01 may need to consider the combined impact of itself and other overlapping UoAs. This determination will include other UoAs assessed against earlier versions of the CR (e.g., v1.3). However, the MSC Interpretations log³ has clarified that "...the first two paragraphs of guidance on 'MSC UoAs and the assessment of cumulative impacts' in Table GSA3 may be taken as a suggestion and does not need to be implemented. The expectation would be that fisheries assessed against v2.0 of the standard shall only be required to consider cumulative impacts with other v2.0 fisheries". In this case SCS has only considered cumulative considerations for this v2.0 fishery, relative to other overlapping v2.0 fisheries.

'Overlapping UoAs' are assessed at different levels depending on which PI is evaluated.

Primary Species

For P2 primary species, teams need to evaluate whether the cumulative impact of overlapping MSC UoAs hinders the recovery of 'main' primary species. According to FCP v2.1 Table GPB1, PI 2.1.1 a should be harmonized for *'stocks that are 'main' in both UoAs, harmonise status relative to PRI (at SG60,80 and 100), and if below PRI, harmonise cumulative impacts at SG80 (not at SG60).'*

There are no main primary species for this fishery.

Secondary Species

For secondary species, cumulative impacts only need to be considered in cases where two or more UoAs have 'main' catches that are 'considerable', defined as a species being 10% or more of the total catch. The MSC requires that 2.2.1 a is harmonized for stocks that are 'main' in both UoAs, harmonise status relative to Biologically Based Limits (at SG60, 80, and 100), and if below Biologically Based Limits, harmonise cumulative impacts at SG80 (not at SG60) (FCP v2.1, Table GPB1). No secondary species scoring requires harmonization with this fishery.

ETP Species

For ETP species, the combined impacts of MSC UoAs needs to be evaluated at 2.3.1 a only in cases where there are any national and/or international requirements that set catch limits for ETP species applicable to both UoAs (at SG60, 80 and 100), and cumulative effects of the UoAs at SG80 and SG100 (not at SG60) (Table GPB1). As there are no catch limits for ETP species in this fishery, consideration of cumulative impacts is not required.

Habitat

For habitats, fisheries are required to harmonize for 2.4.1 b regarding recognition of VMEs where both UoAs operate in the same ‘managed area/s’ (see Guidance to the MSC Fisheries Standard) and for 2.4.2 a,c at SG100 since all fishery impacts are considered (not at SG60 or 80) (Table GPB1).

The requirements here aim to ensure that vulnerable marine ecosystems (VMEs) are managed such that the impact of all MSC UoAs does not cause serious and irreversible harm to VMEs. The WPSTA Yellowfin and Skipjack Tuna Fishery does not interact with VMEs and therefore no Principal 2 harmonization is needed for habitat.

5.3.3 Principle 3

Harmonisation requirements for PIs 3.1.1 – 3.1.3 is situation dependent. If both UoAs are part of the same larger fishery or fleet or have stocks in either P1 or P2 that are at least partially managed by the same jurisdiction(s) (nation states, RFMOs, or others) or under the same agreements, then the fisheries are required to be harmonized (FCP v2.1, Table GPB1). Harmonisation may sometimes be possible for those management arrangements that apply to both UoAs (noting the limitations accepted in GPB1.3). The MSC accepts that it may be impractical to attempt full harmonisation, due to the large number of fisheries that may be managed under the relevant policy framework, and the differences in application between them.

PI’s 3.2.1 – 3.2.4, harmonization is also situation dependent and required when both UoAs have stocks within either P1 or P2 that are at least partially managed by the same jurisdiction(s) (nation states, RFMOs, or others) or under the same agreements. Harmonisation is needed for those management arrangements that apply to both UoAs e.g. at the RFMO level but not the national level in the case of 2 separate national fleets both fishing the same regional stock.

Included in this table are all WCPFC fisheries relevant to harmonization of Principle 3 scores, because all fisheries are licensed and managed as purse seine vessels fishing in the WCPFC Convention Area, with efforts focused in PNA waters. Only purse seine fisheries where there is overlap in the RFMO and flag state are required to be harmonized (e.g. US purse seine vessels operating in the WCPFC).

Table 24 Alignment of Scores for Harmonization: Principle 3. Scores with difference of 15 or greater highlighted and provided explanation. Harmonization is only required when the RFMO/international and flag state are the same. UoAs for harmonization have the same ‘group #’ number.

Fishery name	CAB	Latest Report Version	Group #	3.1.1	3.1.2	3.1.3	3.2.1	3.2.2	3.2.3	3.2.4
Standard v2.0/2.01										
WPSTA China*	SCS	Year 2 Surv Aug 2020	1	80	75	90	90	75	75	80
WPSTA Chinese Taipei*	SCS	Year 2 Surv Aug 2020	2	80	75	90	90	75	80	80

Fishery name	CAB	Latest Report Version	Group #	3.1.1	3.1.2	3.1.3	3.2.1	3.2.2	3.2.3	3.2.4
WPSTA USA*	SCS	Year 2 Surv Aug 2020	3	80	85	90	80	80	80	80
Tri Marine WCPO Fishery (USA)	SCS	ACDR-prep	3	80	95 ⁹	90	90	80	80	80
PNA Western and Central Pacific skipjack and yellowfin, unassociated / non FAD set, tuna purse seine	Lloyds Register	2nd Surv Anmt Feb 20	4	80	95	90	90	90	80	80

*Note: these scores for are unassociated or free sets only, as with this surveillance report.

⁹ Note this score is different than the WPSTA fishery as the TriMarine WCPO includes the assessment of consultation, roles, and responsibilities of several additional nation states (e.g. Vanuatu, Cook Islands, etc.) that are not included in the WPSTA fishery scope.

6 Template information and copyright

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