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**DRAFT BRIDGING CMM 2017-01 ON TROPICAL TUNAS (REVISION 1)**

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**WCPFC14-2017-30\_rev1  
7 December 2017**

Proposal by WCPFC Chair

**DRAFT CMM 2017-01 on Tropical Tunas: Interim Draft**

**PREAMBLE**

Note: Members agreed to return to Preamble after finalization of the operative paragraphs.

*The Western and Central Pacific Fisheries Commission (WCPFC):*

**Recalling** that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) have been developed to prevent or mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean; ~~[Chair:]and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the fishing mortality of bigeye or juvenile yellowfin tuna;~~

**Recalling** that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

**Recalling further** the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: "It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference" (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29);

**Recognizing** that the Scientific Committee has determined that the bigeye stock appears not to be experiencing overfishing and is not in an overfished condition and that the fishing mortality of bigeye should not be increased from the current level to maintain current or increased spawning biomass; that the yellowfin stock appears not to be experiencing overfishing and is not in an overfished condition and the current spawning biomass levels should be maintained; and that skipjack is currently moderately exploited, the fishing mortality level is sustainable, and that the spawning biomass be maintained near the target reference point.

**Recognizing further** the interactions that occur between the fisheries for bigeye, yellowfin, and skipjack tuna;

**Noting** that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and Territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and

development of fisheries on such stocks, including the provision of financial, scientific, and technological assistance;

**Noting further** that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular Small Island developing States and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Parties, and Territories;

**Noting** that Article 8(1) of the Convention which requires compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

**Recalling** Article 8(4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

**Noting** that the Parties to the Nauru Agreement (PNA) have adopted and implemented “A Third Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms And Conditions Of Access To The Fisheries Zones Of The Parties”;

**Noting further** that the Parties to the Nauru Agreement have adopted and implemented a Vessel Day Scheme for the longline fishery, a Vessel Day Scheme for the purse seine fishery, and a registry for FADs in the Zones of the Parties;

**Noting furthermore** that the Members of the Pacific Islands Forum Fisheries Agency have indicated their intention to adopt a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs, and a to replace the FAD closure and flag-based FAD set limits in their EEZs;

**Acknowledging** that the Commission has adopted a limit reference point (LRP) for bigeye, skipjack, and yellowfin tuna of 20% of the estimated recent average spawning biomass in the absence of fishing, and, for skipjack tuna, has also agreed to an interim target reference point (TRP) of 50% of the recent average spawning biomass in the absence of fishing (CMM 2015-06);

**Acknowledging** that the Commission has adopted CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean and a Work Plan to guide the development of key components of a Harvest Strategy, including the recording of management objectives, adoption of reference points, and development of harvest control rules;

**Adopts** in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to bigeye, yellowfin, and skipjack tuna:

## PURPOSE

1. Pending the establishment of harvest strategies, **[US:] and any implementing CMM,** the purpose of this measure is to provide for a robust transitional management regime that ensures the sustainability of bigeye, skipjack, and yellowfin tuna stocks.

## PRINCIPLES FOR APPLICATION OF THE MEASURE

### Compatibility

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of bigeye, skipjack, and yellowfin tuna stocks in their entirety. Measures shall ensure, at a minimum, that stocks are maintained at levels capable of producing maximum sustainable yield, pending agreement on target reference points as part of the harvest strategy approach, as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention.

### Area of Application

3. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.

4. Coastal states are encouraged to take measures in archipelagic waters and territorial seas which are consistent with the objectives of this Measure and to inform the Commission Secretariat of the relevant measures that they will apply in these waters.

### Small Island Developing States

5. With the exception of [paragraphs 12-12ter, 18-21, 34-35 septies], nothing in this Measure shall prejudice the rights and obligations of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries.

**[Chair:] 5 bis. For the avoidance of doubt, where the term "SIDS" is used throughout this measure, the term includes Participating Territories.**

6. In giving effect to this CMM, the Commission shall pay attention to:

- (a) the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;
- (b) the special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own; and
- (c) the need to avoid adverse impacts on subsistence, small-scale and artisanal fishers.

## **GENERAL PROVISIONS**

### **Attribution of [US:] Fishing Effort and Catch of Vessels under Charter Arrangements**

6 bis. ~~For the purposes of paragraphs [catch and effort paragraphs], attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2015-05 or its replacement shall be attributed to the chartering Member, or Participating Territory.~~ [US:] 6bis. For purposes of paragraphs [37, 37 bis (LL catch limits); 53 to 54 ter (capacity mgt)], attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2016-05 or its replacement, and catches and effort of vessels operating under agreements with Participating Territories under the same national flag, shall be attributed to the chartering or contracting CCM. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.

### **Overlap Area**

6 ter. Where [US:] CCM Member flag States choose to implement IATTC measures in the overlap area, any calculation of limits for the Convention Area (excluding the overlap area) that are done on the basis of historical catch or effort levels, shall exclude historical catch or effort within the overlap area. [US:] Where this CMM includes an historical-based numerical limit that includes catch or effort from the area of overlap, a Member that chooses to implement IATTC measures in the overlap area shall be responsible for adjusting its limit and reporting the adjusted limit to the Secretariat by April 1, 2017. Notwithstanding decisions on application of catch and/or effort limits, all other provisions of this measure apply to all vessels fishing in the overlap area.

## **HARVEST STRATEGIES AND [US:] OBJECTIVES FOR BIGEYE, SKIPJACK, AND YELLOWFIN TUNA**

7. This measure is to create a bridge to the adoption of a harvest strategy for bigeye, skipjack, and yellowfin tuna stocks and/or fisheries in accordance with the work plan and indicative timeframes set out in the Agreed Work Plan for the Adoption of Harvest Strategies under CMM 2014-06, which includes the development of management objectives and target reference points. Taking into account the bridging role of this measure and the uncertainty framework for evaluating the impact of management measures on the bigeye stock, the Commission shall work towards achieving and sustaining the aims in paragraphs [9 to 11].

### **Bigeye**

9. Pending agreement on a target reference point the spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) is to be maintained at or above the average  $SB/SB_{F=0}$  for 2012-2015.

## Skipjack

10. The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of ~~50%~~ of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.

## Yellowfin

11. Pending agreement on a target reference point the spawning biomass depletion ratio ( $SB/SB_{F=0}$ ) is to be maintained at or above the average  $SB/SB_{F=0}$  for 2012-2015.

[Chair:] 11 bis. The Commission at its 2018 annual session shall review and revise the aims set out in paragraphs [9 to 11] in light of advice from the Scientific Committee.

## PURSE SEINE FISHERY

### FAD Set Management <sup>1</sup>

12. A three (3) months (July, August and September) prohibition of deploying, servicing or setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, [PNA:] tender vessels, and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20°N and 20°S.<sup>1</sup>

12 bis. In addition to the three month FAD closure in paragraph 12, except for those Kiribati flagged vessels ~~which fish when fishing~~ in the high seas adjacent to the Kiribati exclusive economic zone,<sup>2</sup> [Philippines:] and Philippines' vessels operating in HSP1 in accordance with Attachment 2, it shall be prohibited to [PNA:] deploy, service or set on FADs in the high seas between 0001 hour UTC on 1 ~~[month]~~ and 2359 hours UTC on ~~[30 month June]~~ each year for all purse seine vessels fishing in the high seas.

12 ter. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures.

### Non-entangling FADS

18. ~~To reduce the entanglement of sharks, marine turtles or any other species, CCMS are encouraged to, as of 1<sup>st</sup> January 2019 utilise non-entangling the design and materials in the construction deployment of FADs. shall be based on the following principles:~~

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<sup>1</sup> Members of the PNA may implement the FAD set management measures consistent with the Third Arrangement Implementing the Nauru Agreement of May 2008.

<sup>2</sup> Those vessels fishing on the high seas adjacent to the Cook Islands will be subject to mutually agreed program between the Kiribati and Cook Islands for monitoring, control and surveillance.

~~(a) If a flat raft is used as a FAD, the surface structure should not be covered, or only covered with non-entangling material.~~

~~b) Any subsurface component of the FAD should be constructed in a manner designed to avoid entangling marine life.~~

18 bis. To reduce the amount of synthetic marine debris, the use of natural or biodegradable materials ~~(such as hessian canvas, hemp ropes, etc.)~~ for drifting FADs should be promoted.

18 ter. The Scientific Committee shall continue to review research results on the use of non-entangling material and biodegradable material on FADs, and shall provide specific recommendations to the Commission as appropriate.

The Commission at its 2018 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC14 and TCC14 shall consider the adoption of measures on the implementation of non-entangling and/or biodegradable material on FADs.

### **Instrumented Buoys**

18 quater. A flag State CCM shall ensure that [Japan/Chair:] each of its purse seine vessels will deploy at sea, at any one time, no more than 350 Fish Aggregating Devices (FADs) with instrumented buoys, whether they are active or not. ~~are active at sea at any one time in relation to each of its purse seine vessels through such measures as for example the verification of telecommunication bills.~~ An instrumented buoy is defined as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. [PNA:] A flag state shall ensure that its vessels comply with coastal state laws relating to FAD management, including FAD tracking.

[Chair:] The Commission at its 2018 annual session, based on consideration in the FAD Management Options Intersessional Working Group, shall review whether the number of FADs deployed as set out in paragraph 18 quater is appropriate.

### **New and Exploratory Fisheries**

18 quinques. Notwithstanding paragraph [xx (FAD closures)], Niue may authorize purse seine vessels to set on FADs under specific reporting conditions in their exclusive economic zone during a WCPFC FAD closure period for the purposes of scientific FAD research and/or new and exploratory fisheries. ~~[Niue prepared to withdraw provided that a process is established for the establishment of high seas limits and allocation.]~~

### **Zone-based purse seine effort control<sup>3</sup>**

~~19. Coastal States within the Convention Area that are participants in the PNA Purse Seine Vessel Day Scheme shall restrict the level of purse seine effort in their EEZs to 2010 levels through the PNA Vessel Day Scheme.~~

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<sup>3</sup> The requirement in this section to establish coastal State effort and/or catch limits shall apply to all coastal States within the Convention Area, including those north of 20°N and south of 20°S.

~~20. Other coastal States within the Convention Area with effort in their EEZs exceeding 1,500 days annually over the period 2006-2010, Indonesia, Japan, and the Philippines, shall limit effort in their EEZs to the 2001-2004 average or 2010 levels.~~

21. Coastal States within the Convention Area between 20<sup>0</sup>N and 20<sup>0</sup>S ~~other than those referred to in paragraphs [19 and 20] above~~, shall restrict purse seine effort and/or catch within their EEZs in accordance with the effort limits established and notified to the Commission and set out in Table 2 of Attachment 1. ~~Those coastal States within the Convention Area that have already notified limits to the Commission shall restrict purse seine effort and/or catch within their EEZs in accordance with those limits.~~ Those coastal State CCMs that have yet to notify limits to the Commission shall do so by [date].

[EU:] 21 bis. Where the catch and effort limits in paras [21] have been exceeded, any overage of the annual limits by a CCM or the collective annual limits of a group of CCMs shall be deducted from the limits for the following year for that CCM or group of CCMs.

#### **High seas purse seine effort control<sup>4</sup>**

24. CCMs that are not Small Island Developing States shall restrict the level of purse seine effort on the high seas in the area 20<sup>0</sup>N to 20<sup>0</sup>S to the limits set out in Attachment 1, Table [1], except that the Philippines shall take measures on the high seas in accordance with Attachment [2].

~~24 bis. CCMs shall ensure that the effectiveness of high seas purse seine effort controls is not undermined by either a transfer of fishing effort in days fished in the purse seine fishery into areas within the Convention Area south of 20<sup>0</sup>S or into the Convention Area north of 20<sup>0</sup>N.~~

[PNA:] 24 bis. CCMs shall ensure that the effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20<sup>0</sup>S. In order not to undermine the effectiveness of these measures, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20<sup>0</sup>N.

25. The limits set out in Attachment 1, Table [1] do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission. By 2019 the Commission shall agree on hard effort or catch limits in the high seas of the Convention Area and a framework for the allocation of those limits in the high seas amongst all Members and Participating Territories that adequately take into account Articles [Japan/FFA:] 8, 10 (3) and 30 of the Convention. [FFA:] The Commission shall also consider options as to how CCMs would use their limits.

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<sup>4</sup> Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.

25bis. To alleviate the economic hardship of American Samoa particularly its canneries, and for the 2018 year only, the United States may transfer 100 vessel days from the effort limits established for its EEZ, and notified to the Commission, to its high seas effort limit set out in Table 1. The United States shall notify the Secretariat quarterly of the utilisation of its EEZ limits. If by October 1 2018, the United States has reached its EEZ effort limit, its EEZ effort limit will be increased by 100 vessel days, with the expectation that the catch taken by United States flagged purse seine vessels and landed in American Samoa for the American Samoa canneries is no less than the volume landed in 2017 increased by 3,500 short tonnes. The United States shall endeavour to ensure that its purse seine vessels do not use any increased high seas effort in the high seas west of 180 degrees. The United States shall provide information to WCPFC15 on the implementation of this paragraph. Upon request this arrangement may be re-examined by the Commission at WCPFC15. This arrangement shall not constitute a precedent for the future.

#### **Catch retention: Purse Seine Fishery**

34. To create an incentive to reduce the non-intentional capture of juvenile fish, to discourage waste and to encourage an efficient utilization of fishery resources, CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S to retain on board and then land or transship at port all bigeye, skipjack, and yellowfin tuna. (Paragraphs 8 to 12 of CMM 2009-02 set out the Commission's rules for catch retention in the high seas.) The only exceptions to this paragraph shall be:

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set, noting that excess fish taken in the last set may be transferred to and retained on board another purse seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

35. Nothing in paragraphs [12-12 ter and 34] shall affect the sovereign rights of coastal States to determine how these management measures will be applied in their waters, or to apply additional or more stringent measures.

#### **Catch Retention: Longline Fishery**

~~35 bis. To create an incentive to reduce the non-intentional capture of juvenile fish, to discourage waste and to encourage an efficient utilization of fishery resources, CCMs shall require their long line vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S to retain on board and then land or transship all bigeye, skipjack and yellowfin tuna. The only exceptions to this paragraph shall be:~~

- ~~a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set, noting that excess fish taken in the last set may be transferred to and retained on board another vessel provided this is not prohibited under applicable law; or~~
- ~~b) when the fish are unfit for human consumption for reasons other than size; or~~
- ~~c) when serious malfunction of equipment occurs.~~

### **Monitoring and Control Purse Seine Fishery**

35 ter. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during the FADs closure periods, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2014-02 or its replacement, and paragraph 35 septies.

35 quater. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20° N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry an observer from the Commission's Regional Observer Program (ROP) (CMM 2007-01).

35 quinquies. Each CCM shall ensure that all purse seine vessels fishing solely within its national jurisdiction within the area bounded by 20° N and 20°S carry an observer. These CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission, including stock assessments, in such a manner that protects the ownership and confidentiality of the data.

**[PNA:] Each CCM shall ensure that tender vessels, and any other vessels operating in support of purse seine vessels, entitled to fly their flag and fishing within the area bounded by 20° N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or fishing in waters under the jurisdiction of two or more coastal States, shall not deploy FADs or service FADs unless they carry an observer from the Commission's Regional Observer Program (ROP) sourced from either the national observer programs of other Members or from existing sub-regional programs.**

35 sexies. ROP reports for trips taken during FADs closure period shall be given priority for data input and analysis by the Secretariat and the Commission's Science Provider.

35 septies. VMS polling frequency shall be increased to every 30 minutes during the FAD closure period. The increased costs associated with the implementation of this paragraph will be borne by the Commission.

### **Research on Bigeye and Yellowfin**

36. CCMs and the Commission are encouraged to conduct and promote research to identify ways for purse seine vessels to minimize the mortality of juvenile bigeye tuna and yellowfin tuna, particularly in accordance with any research plans adopted by the Commission.

### **LONGLINE FISHERY**

37. As an interim measure, CCMs listed in Attachment 1, Table [32] shall restrict the level of bigeye catch to the levels specified in Table [32]. Where the limits in Table [32] have been

exceeded, any overage of the catch limit by a CCM listed in Table 3 shall be deducted from the catch limit for the following year for that CCM.

37 bis. The Commission shall review the bigeye catch limits specified in Table [32] in 2018 and 2019 based on any revised stock assessments and the recommendations of the Scientific Committee. The Commission may also take into account in setting any bigeye catch limits any plan submitted to the Secretariat by a CCM listed in Attachment 1, Table [32] to increase the level of monitoring and control of its longline vessels fishing in the Convention Area.

38. CCMs listed in Attachment 1, Table [32] shall report monthly the amount of bigeye catch by their flagged vessels to the Commission Secretariat by the end of the following month. The Secretariat shall notify all CCMs when 90% of the catch limits for a CCM is exceeded.

39. The limits set out in Attachment 1, Table [32] do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

40bis. Subject to paragraph [5 – SIDS], each Member that caught less than 2,000 tonnes in 2004 shall ensure that its bigeye catch does not exceed 2,000 tonnes annually.

41. Members and Participating Territories may establish longline effort limits, or equivalent catch limits for longline fisheries within their exclusive economic zones, including through participation in the PNA Longline Vessel Day Scheme. [PNA:] The Longline Vessel Day Scheme Total Allowable Effort will be reviewed annually to take into account effort creep.

[FFA:] 41bis. By [2020] the Commission shall agree on hard catch limits for bigeye in the high seas of the Convention Area and a framework to allocate those limits in the high seas amongst all Members and Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention.

## **Monitoring and Control Longline Fishery**

### **VMS**

~~52. Notwithstanding the VMS SSP, a longline freezer vessel that has caught more than 20 tonnes of bigeye in the previous year shall not operate under manual reporting in the area between 30°N and 20°S, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2014-02 or its replacement.~~

## Capacity Management for Purse Seine and Longline Vessels

### Purse Seine Vessel Limits

53. CCMs other than Small Island Developing States [~~IND:] and Indonesia<sup>5</sup>~~, shall [~~Chair:] keep reduce~~ the number of purse seine vessels flying their flag larger than 24m with freezing capacity operating between 20°N and 20°S (hereinafter “LSPSVs”) to the applicable level under CMM 2013-01. ~~prior to December 31, 2012.~~

[EU:] 53 bis. CCMs other than Small Island Developing States and Indonesia<sup>4</sup> shall ensure that any new LSPSV constructed or purchased to replace a previous vessel or vessels, shall have a carrying capacity or well volume no larger than the vessel(s) being replaced, or shall not increase the catch or effort in the Convention Area from the level of the vessels being replaced. In such case, the authorization to fish in the Convention Area of the replaced vessel shall be immediately revoked by the flag CCM.

### Limits on Longline Vessels with Freezing Capacity

54. CCMs, other than Small Island Developing States and Indonesia<sup>6</sup>, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the ~~current~~ applicable level under CMM 2013-01.<sup>7</sup>

### Limits on ice-chilled longline vessels landing fresh fish

54 bis. CCMs, other than Small Island Developing States and Indonesia<sup>8</sup>, shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish above the ~~current~~ applicable level under CMM 2013-01, or above the ~~current~~ number of licenses under established limited entry programmes applying during the operation of CMM 2013-01.<sup>9</sup>

54 ter. Nothing in this measure shall restrict the ability of SIDS or Participating Territories to construct or purchase vessels from other CCMs for their domestic fleets.

### Fleet structure

[PNA:] 54 quater. CCMs shall support their fleets to adjust to the changes in the structure of regional purse seine fleets as SIDS fleets expand and replace some existing fleets, including ensuring that displaced vessels do not contribute to IUU fishing. Flag States shall take measures to ensure that vessels displaced from the fishery as SIDS fleets expand and replace some existing fleets do not engage in IUU fishing.

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<sup>5</sup> This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

<sup>6</sup> This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

<sup>7</sup> AUS/CI: The provisions of this paragraph do not apply to those CCMs who apply domestic AUS/CI: quotas, including individual transferable quotas, within a legislated/regulated management framework.

<sup>8</sup> This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

<sup>9</sup> The provisions of this paragraph do not apply to those CCMs who apply domestic AUS/CI: quotas, including individual transferable quotas, within a legislated/regulated management framework.

## OTHER COMMERCIAL FISHERIES

### Catch limits

56. A CCM shall notify the Secretariat of any [Chair:] commercial fishery in which its vessels, other than purse seine or longline vessels, take more than ~~2000~~ [Philippines:] 5,000 tonnes of bigeye, skipjack, or yellowfin tuna annually from the Convention Area. Where a CCM notifies such a fishery to the Secretariat, the Secretariat shall advise Members of the notification. The Commission shall consider establishing appropriate annual catch limits for such fisheries.

### Data provision requirements

~~57 bis. Paragraphs [57 bis – 57 sexies] apply to China, Indonesia, Japan, Korea, Philippines and Chinese Taipei.~~

57 ter. Operational level catch and effort data in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data* attached to the *Rules for Scientific Data to be Provided to the Commission* relating to all fishing in EEZs and high seas south of 20N subject to this CMM except for artisanal small-scale vessels shall be provided to the Commission<sup>49</sup> not only for the purpose of stocks management but also for the purpose of cooperation to SIDS under Article 30 of the Convention.<sup>11</sup>

[EU:] CCMs that do not report operational level catch and effort data, including zero catches, for one or more species for a given year, in accordance with paragraph 57 ter, shall be prohibited from retaining such species as of the year following the lack or incomplete reporting until such data have been received by the WCPFC Secretariat.

57 quater. The Commission shall ensure the confidentiality of those data provided as non-public domain data.

57 quinquies. CCMs whose vessel fish in EEZs and high seas north of 20N subject to this CMM shall ensure that aggregated data by 1 x 1 in that area be provided to the Commission, and shall also, upon request, cooperate in providing operational level data in case of Commission's stock assessment of tropical tuna stocks under a data handling agreement to be separately made between each CCM and the Scientific Provider. ~~57 sexies.~~ Those CCMs shall report such agreement to the Commission.

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~~<sup>49</sup> CCMs which have a practical difficulty in providing operational data from 2015 may take a grace period of three (3) years under their national plan. This plan shall be provided to the Commission. Such CCM shall provide operational level data which are collected after the date of lifting domestic constraint.~~

<sup>11</sup> This paragraph shall not apply to Indonesia, until it changes its national laws so that it can provide such data. This exception shall expire when such changes take effects, but in any event no later than 31 December 2025. Indonesia will, upon request, make best effort to cooperate in providing operational level data in case of Commission's stock assessment of those stocks under a data handling agreement to be separately made with the Scientific Provider.

## **REVIEW AND FINAL PROVISIONS**

57. The Commission shall review this CMM annually, including with respect to paragraph [37 bis (interim bigeye limit)] to ensure that the various provisions are having the intended effect.

57 bis. The provisions set out in paragraphs [12, 12bis, 25 bis, 37, Table 3 Attachment 1] shall be applicable for one year only.

58. This measure shall **[Chair:]** come into effect on 6 February 2018 and remain in effect until 31 December 2020 unless earlier replaced or amended by the Commission.

**Attachment 1**

**Table 1. High seas purse seine effort control [paragraphs 24-25]**

CCM	EFFORT LIMIT (DAYS)
CHINA	26
ECUADOR	**
EL SALVADOR	**
EUROPEAN UNION	403
INDONESIA	(0)
JAPAN	121
NEW ZEALAND	160
PHILIPPINES	#
REPUBLIC OF KOREA	207
CHINESE TAIPEI	95
USA	1270

\*\* subject to CNM on participatory rights  
# The measures that the Philippines will take are in Attachment 2.

Table 2: EEZ purse seine effort limits [paragraph 21]

Coastal State EEZ/Group	Effort in Vessel days/Catch limit	Comment
PNA	44,033 days	This limit will be managed cooperatively through the PNA Vessel Day Scheme.
Tokelau	1000 days	
Cook Islands	1,250 days	These CCMs are developing joint arrangements which may incorporate measures such as pooling and transferability of limits between EEZs.
Fiji	300 days	
Niue	200 days	
Samoa	150 days	
Tonga	250 days	
Vanuatu	200 days	
Australia	30,000 mt SKJ 600 mt BET 600 mt YFT	
French Polynesia	0	
Indonesia	*	
Japan	1500 days	
Korea	4,500 days	
New Zealand	40,000 mt SKJ	
New Caledonia	20,000 mt SKJ	
Philippines	*	
United States *	*	
Wallis and Futuna	*	

\* Limits not notified to the Commission

\*\* The United States notified the Secretariat of the combined US EEZ and high seas effort limits on 1 July 2016 (1828 fishing days on the high seas and in the U.S. EEZ (combined)). The US EEZ limit is understood to be this notified limit minus the high seas effort limit for the United States set out in Table 1 of Attachment 1

**Table 32. Bigeye Longline Catch Limits [paragraphs 37-39]**

Paragraphs [37-40]	
Bigeye catch limits by flag	
CMS	Catch Limits
CHINA	8,224
INDONESIA	5,889*
JAPAN	18,265
KOREA	13,942
CHINESE TAIPEI	10,481
USA	3,554
*Provisional and maybe subject to revision following data analysis and verification	
<u>In 2018 Japan will make a one-off transfer of 500 metric tonnes of its bigeye tuna catch limit to China.</u>	

**Attachment 2: Measure for Philippines**

1. This Attachment of CMM 2016-01 shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

**AREA OF APPLICATION**

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 Special Management Area is attached.

**REPORTING**

3. Philippines shall require its concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal States/Territories.

The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. Philippines shall ensure that its flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

**OBSERVER**

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2007-01.

6. Regional Observers from other CCMs shall be given preference/priority. For this purpose, the Philippines and the Commission Secretariat shall inform the CCMs and the Adjacent Coastal State of the deployment needs and requirements at 60 days prior expected departure. The Secretariat and the CCM that has available qualified regional observer shall inform the Philippines of the readiness and availability of the Regional Observer at least 30 days prior to the deployment date. If none is available, the Philippines is authorized to deploy regional observers from the Philippines.

**VESSEL LIST**

7. The Commission shall maintain an updated list of all fishing vessels operating in HSP1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. The list will be made available to Commission Members through the WCPFC website.

**MONITORING OF PORT LANDINGS**

8. The Philippines shall ensure that all port landings of its vessels covered by this decision are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

**COMPLIANCE**

9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2016-01 shall comply with all other relevant CMMs. Vessels found to be non-complaint with this decision shall be dealt with in accordance with CMM 2010-06, and any other applicable measure adopted by the Commission.

**EFFORT LIMIT**

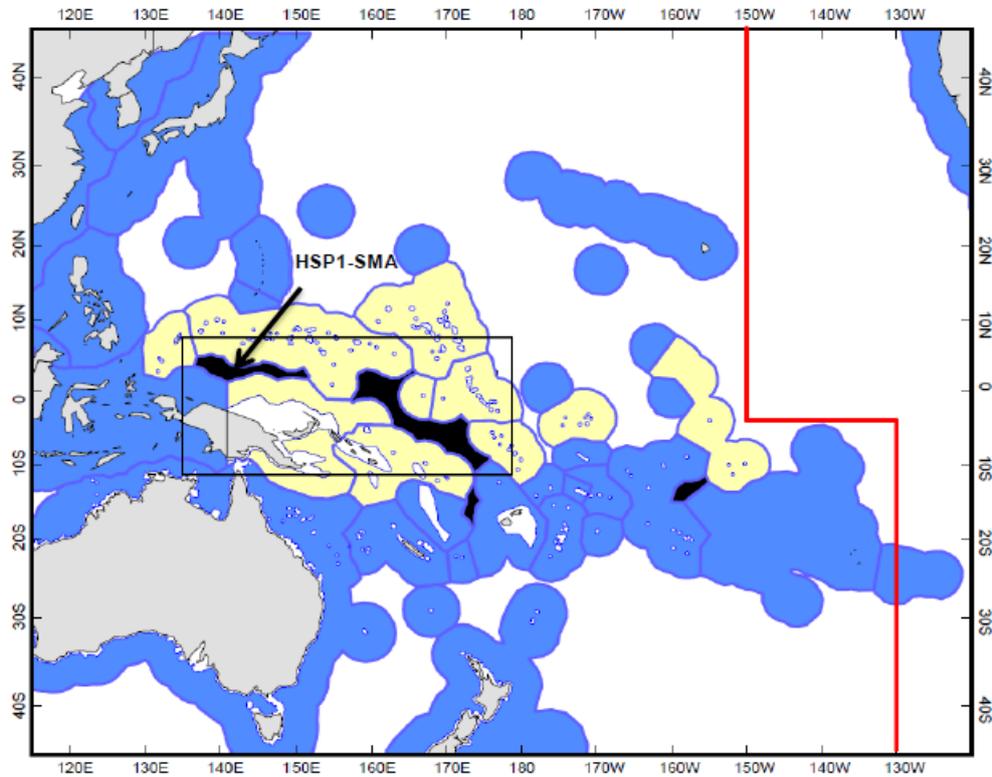
10. The total effort of these vessels shall not exceed 4,659<sup>14</sup> days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

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<sup>14</sup> Reference Table 2(b), WCPFC9-2012-IP09\_rev3

**Attachment: WCPFC Convention Area** Related to Attachment 6

- showing HSP-1 SMA where the arrangements in Attachment 6 apply



This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any State. It is not intended for use to support any past, current or future claims by any State or territory in the western and central Pacific or east Asian region. Individual States are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag States to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal States are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission Secretariat.