

Terms of Reference for a review of CMM 2009-06 on Transshipment

Background

1. Affirming TCC14's recommendation, the Commission agreed to conduct a review of the existing transshipment measure, CMM 2009-06, in 2019 (**Review**). The Review commenced via electronic intersessional working group (IWG), led by two co-chairs, one from the Republic of the Marshall Islands and one from the United States. Paragraph 380 of the [WCPFC15 Summary Report](#) states:

50. The Commission agreed to conduct a review of the existing transshipment measure (CMM 2009-06) in 2019, with the review to commence through an electronic intersessional working group, with the group led by two co-chairs, from RMI and the United States.

2. The Secretariat sent out WCPFC Circular 2019/11 on 1 March 2019, which
 - a. established an electronic IWG to review CMM 2009-06 on transshipment,
 - b. sought expressions of interest from CCMs and Observers to participate,
 - c. and provided a link to the electronic intersessional working group page on the WCPFC website.
3. These terms of reference (TOR) define the objectives, process, tasks, and time frame of the working group. They set out the expectations of the Commission with respect to the outputs of the working group.

Objective

4. The Review will:
 - a. Assess CMM 2009-06's scope and effectiveness in regulating and monitoring transshipment activity in a manner consistent with the Convention, and
 - b. Recommend amendments or other actions, if any, related to CMM 2009-06 to improve the regulation and monitoring of transshipment activities.

Process

5. The Review will:
 - a. Compile, review, and analyse transshipment related information held by the Commission, and from public sources. This analysis will be overseen by the WCPFC Secretariat in conjunction with the WCPFC Science Service Provider (SPC-OFP); and
 - b. the IWG will consider the above-mentioned analysis of transshipment data in accordance with paragraphs 4, 10, 11, 12, and 13.

Tasks

6. Information related to transshipment activity in the Pacific, as identified in 5(a), will be compiled and analysed prior to 2021, and will be assisted by the WCPFC Secretariat

(including the required data access). The FAC did not allocate funds to support this work for 2019, and securing funding for transshipment data analysis in 2019 or 2020, will be required before moving forward with a request for proposals. The working group will use the compiled and analysed information to inform its review of CMM 2009-06.

7. The transshipment information analysis will compile all relevant information during the period from the entry into force of CMM 2009-06 to the end of 2018 and provide an analysis to include, but not limited to, volume of transshipments by flag state, location of transshipment hot spots, nature and coverage of independent monitoring of transshipment events (including associated data flows), volume, gear type and type of fish transhipped by flag state, number, location and frequency of transshipment outside the Convention Area of fish caught under the Convention, implementation challenges, and an assessment of CCM submission of advance notifications and reporting as required by CMM 2009-06, as set out in the Compliance Monitoring Reports or other reports compiled by the Commission (e.g., for the TCC).
8. In undertaking this work, the IWG may also consider studies and analyses of at-sea transshipment.
9. The IWG will complete the tasks in paragraphs 10, 11, 12, and 13:
10. Assess
 - a. The validity of the information compiled, reviewed, and analysed under Paragraph 5a
 - b. the degree to which CMM 2009-06, including requirements for all transshipment activities, has contributed to the objectives and principles of the WCPFC Convention, including but not limited to:
 - i. Article 2 (objective);
 - ii. Article 5 (principles and measures for conservation and management)
 - iii. Article 24 (Flag State Duties)
 - iv. Article 25 (Compliance and Enforcement)
 - v. Article 29 (transshipment); and
 - vi. Article 30 (recognition of the special requirements of developing States).
 - c. the effectiveness and implementation of CMM 2009-06, including compliance with its requirements.
11. Identify other recommended actions for the Commission to improve the management, monitoring and regulation of transshipment, including but not limited to:
 - a. Modifying the ROP minimum data standards, observer placement criteria, reporting obligations, or other related guidelines;
 - b. Strengthening data-sharing agreements with neighboring RFMOs (including those with overlapping geographical jurisdictions) and relevant Port States that receive transhipped catch. These agreements should include observer data and all other relevant information related to transshipment activities;
 - c. Exploring other means to monitor at-sea transshipment activities, such as AIS, VMS, observer coverage levels, electronic monitoring, and other technology data sources; and

- d. Understanding the degree of, and mechanisms for addressing, unreported transshipment events.
12. The IWG will consider any cost implications of the recommended actions under Paragraph 11.
 13. Provide written reports to TCC16 and as necessary, TCC17, on the review of CMM 2009-06 including any specific recommendations regarding its amendment.

Timeframe

14. The proposed timing for the Review is as follows:

| Timing | Description |
|--|---|
| December 2019 (WCPFC16) | Transshipment Data Analysis process initiated with associated Terms of Reference, including tasks and a timeframe, presented to the IWG by the Secretariat. IWG in-person meeting(s) on the margins, of WCPFC16. |
| 2019/2020/2021 as needed | Working Group continues (in person and/or remotely). |
| September 2020 and 2021 as needed (TCC16 & 17) | Working group reports progress to TCC, including recommended amendments to CMM 2009-06, to TCC16 or TCC 17. |

15. Where possible, the scheduling of the working group meeting(s) should take into consideration the heavy workloads of CCMs and the economic and practical difficulty participants (particularly SIDS) have in effectively participating Commission processes. As noted, the working group can progress its work remotely as required.