



TECHNICAL AND COMPLIANCE COMMITTEE

Twelfth Regular Session

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Pohnpei, Federated States of Micronesia

COOPERATION WITH CCSBT

WCPFC-TCC12-2016-23_rev1¹

15 September 2016

A paper by the Secretariat

Purpose

1. To table for the consideration of TCC12, two proposed Memorandum of Cooperation (MOC) with the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) on exchange and release of data; and endorsement of WCPFC ROP Observers for Observing Transshipments of Southern Bluefin Tuna on the High Seas of the WCPFC Convention Area.

Background

2. In December 2009, the WCPFC concluded a Memorandum of Understanding (MOU) with CCSBT pursuant to Article 22 of the WCPFC Convention in order to avoid the duplication of measures in respect of species in respective areas which are regulated by both organizations. The MOU states in subparagraph (d) that the CCSBT and WCPFC agree to:
 - exchange data and scientific information on annual basis;
 - exchange information on fisheries management on annual basis;
 - cooperate in investigations and studies of mutual interest;
 - grant permanent reciprocal observer status at meetings; and
 - to consider methods of recognising each other's conservation and management measures.
3. During 2015 and 2016 the Secretariats of both Commissions considered and discussed the merits of concluding arrangements to facilitate further cooperation on the two areas of:
 - a. exchange and release of certain non-public domain data between the WCPFC and the CCSBT; and
 - b. endorsement of WCPFC ROP observers for observing transshipments of southern bluefin tuna on the high seas of the WCPFC Convention Area.

¹ Revision 1 includes a revised version of Attachment 1 which includes comments from Australia on the proposed MOC with the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) on exchange and release of data

4. As a consequence of those discussions two proposed Memorandum of Cooperation (MoC) have been developed by both Secretariats, and these have been submitted to their respective memberships for comment and endorsement.

Memorandum of Cooperation on the Exchange and Release of Data

5. At WCPFC12 in December 2015, the Secretariat provided an update on status of the Memorandum of Cooperation (MOC) on the Exchange and Release of Data between WCPFC and CCSBT.
6. On 13 April 2016, the Secretariat sent Circular 2016/12 containing a proposed MoC on the Exchange and Release of Data between the CCSBT and the WCPFC (MoC on data exchange). The proposed MoC was developed by the WCPFC and CCSBT Secretariats to facilitate the exchange of certain data that are not in the public arena.
7. The proposed MoC intends to facilitate the reciprocal exchange of aggregated catch and effort data only. These are the same catch and effort data that are publicly available from both Commissions with the exception that for data exchanged through the MoC, it would not be necessary to remove strata that contain less than 3 vessels which is currently done by both Commissions for the publicly available catch and effort data.² Exchanged data may only be used to serve the purposes of the WCPFC and CCSBT Conventions and confidentiality must be maintained by the receivers of the data.
8. The Secretariat received two responses from CCMs to Circular 2016/12, one of which asked for extended time to consider. CCSBT has advised that this matter will be further considered at its annual meeting in October 2016. Recently some edits and comment were received from one CCM who is a member of both RFMOs. A copy of the proposed MoC on data exchange including the comments from one CCM is included as **Attachment 1**.

Memorandum of Cooperation on the Endorsement of WCPFC ROP Observers for Observing Transshipments of Southern Bluefin Tuna on the High Seas of the WCPFC Convention Area

9. At the October 2014 CCSBT Compliance Committee session, the CCSBT Secretariat was requested to approach the WCPFC to ascertain the possibility of implementing a transshipment Memorandum of Understanding between the CCSBT and the WCPFC for High Seas transshipments involving Southern Bluefin Tuna within the WCPFC Convention Area.
10. During 2015 the CCSBT Secretariat commenced dialogue with the WCPFC Secretariat regarding the possibility of developing such a MoU, noting there are quite substantive differences between the CCSBT's and the WCPFC's transshipment measures. However, no MoU was drafted.
11. At the October 2015 CCSBT Compliance Committee session (CC10), the CCSBT Secretariat was tasked to continue its dialogue with WCPFC to try to develop a draft proposed transshipment MoU to present to CC11 (2016).

² SC12 recommended some modifications to the definition of WCPFC public domain data to align to the IATTC definition, but this is not expected to negate the need for the proposed MoC on the Exchange and Release of Data.

12. During 2016, the CCSBT and WCPFC Secretariats continued progressing this item. The CCSBT initially drafted a MoU based on the same structure/model as the current transshipment MoUs that the CCSBT has in place with both ICCAT³ and IOTC⁴.
13. After reviewing the draft MoU proposed by the CCSBT Secretariat, the WCPFC Secretariat proposed developing an alternative Memorandum of Cooperation (MoC) drawing from both an existing MoC that the WCPFC has with the IATTC⁵ for the cross-endorsement of WCPFC and IATTC approved observers, and the 2009 MoU between the CCSBT and the WCPFC.
14. The CCSBT and WCPFC Secretariats have now agreed a proposed MoC based on this alternative model. This draft (“The Endorsement of WCPFC Regional Observer Programme Observers for Observing Transshipments of Southern Bluefin Tuna on the High Seas of the WCPFC Convention Area”) is provided for Members’ consideration at **Attachment 2**.
15. The proposed MoC for transshipment provides a mechanism to facilitate the endorsement by the CCSBT Secretariat of WCPFC ROP observers that are confirmed to have met the CCSBT requirements. Similar to arrangements for WCPFC/IATTC cross endorsed observers, the data collected will be provided to both the CCSBT and the WCPFC Secretariats.

Recommendation

16. TCC is invited to:

- a. consider the proposed MoC with the CCSBT on data exchange, as amended;
- b. consider the proposed MoC with the CCSBT on transshipment; and
- c. provide comments on either of the proposed MoCs including whether they should be supported for signing.

³ International Commission for the Conservation of Atlantic Tunas

⁴ Indian Ocean Tuna Commission

⁵ Inter-American Tropical Tuna Commission

**MEMORANDUM OF COOPERATION (MOC) ON THE EXCHANGE AND
RELEASE OF DATA**

between

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL
PACIFIC OCEAN**

and

THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

*as at **xxxxxxx** 2016*

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) and the Commission for the Conservation of Southern Bluefin Tuna (hereafter CCSBT):

FURTHER RECOGNIZING that the Memorandum of Understanding of August 2009 between the WCPFC and the CCSBT agreed to exchange of data and scientific information on an annual basis; and

NOW THEREFORE the **WCPFC** and **CCSBT** confirm the following conditions for the exchange and release of data from fisheries which capture highly migratory fish species:

1. CONDITIONS FOR THE EXCHANGE OF DATA

- (a) ~~Subject to fulfilling internal requirements of each Commission regarding data confidentiality and information security, Both Commissions exchange equivalent data, specified at Clause 2, on a reciprocal basis, and maintain the data in a manner consistent with the security standards established by each Commission.~~

AU comment – This line (sub para a) could restrict the MOC. According to the CCSBT rules the <3 vessel data proposed to be shared is classified as “Not publicly available. However, it is available to all Members and CNMs without specific approval and may be placed on the private area of the CCSBT web site and on the CCSBT Data CD”. Ie. in fulfilling the internal CCSBT data security requirements this data couldn’t be shared beyond members and CNMs. Propose deleting this text and if there are specific internal requirements that need to be captured then specify.

- (b) ~~In particular, the d~~Data may be provided to the Members, Cooperating Non-Members (CNMs) and Service Providers of each Commission, but shall not be released or distributed further and shall be kept confidential by the Commissions and their Members, CNMs and Service Providers.
- (e) This MOC applies only to the data specified at clause 2 and does not permit the exchange between Commissions of any other data. The conditions in

~~paragraph (a) above shall apply to all data as specified below to be disseminated to other Commission.~~

- (d) The ~~historical data of fishing activities~~ exchanged under this MOC shall be used only for the purposes of the Conventions of the WCPFC and the CCSBT.

AU comment - Should apply to all data, not just historical.

- (e) The area of mutual interest under this cooperation is the WCPFC Convention Area, south of 20°S.
- (f) Data are to be exchanged on [at least] an annual basis from the date of signature of this MOC.
- (g) Outputs developed (such as scientific meeting papers) using the data exchanged under this MOC are to be exchanged on [at least] an annual basis from the date of signature of this MOC.

2. **AGGREGATED DATA TO BE EXCHANGED**

~~The following aggregated catch and effort data is to be exchanged~~ includes on a reciprocal basis between Commissions:

- (a) Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month with no minimum number of vessels; and
- (b) Data for surface gear (including purse seine) aggregated by flag State by 5° latitude and by 5° degree longitude by month with no minimum number of vessels.

AU comment - “with no minimum number of vessels” included to avoid confusion re: data security rules.

3. **OTHERS**

- (a) This cooperation on the exchange and release of data may be modified at any time by mutual consent, acknowledging the need to obtain endorsement from respective RFMO member countries.
- (b) Either Commission may end this cooperation on the exchange of data by giving six months’ notice of intention to terminate to the other Commission.

Signed on behalf of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Commission for the Conservation of Southern Bluefin Tuna:

.....
Chair, WCPFC

Date:

.....
Chair, ~~Extended Commission of the~~ CCSBT
Date:

**MEMORANDUM OF COOPERATION (MoC) ON THE ENDORSEMENT OF WCPFC
REGIONAL OBSERVER PROGRAMME OBSERVERS FOR OBSERVING
TRANSSHIPMENTS OF SOUTHERN BLUEFIN TUNA ON THE HIGH SEAS OF THE
WCPFC CONVENTION AREA**

between

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

and

THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT):

UNDERSTANDING that the CCSBT and the WCPFC have overlapping jurisdictions for transshipment monitoring in the western and central Pacific Ocean;

CONSIDERING the Memorandum of Understanding between the WCPFC and the CCSBT signed in 2009;

NOTING that the CCSBT has adopted a Resolution⁶ for tuna longline fishing vessels with freezing capacity (LSTLVs) that applies globally to all transshipments involving Southern Bluefin Tuna (SBT);

ALSO NOTING that the WCPFC has adopted a Conservation and Management Measure on the regulation of transshipment (CMM 2009-06) that applies to all transshipments in the WCPFC Convention Area of all highly migratory fish stocks covered by the Convention, and a Conservation and Management Measure for the Regional Observer Programme (CMM 2007-01) that establishes the Regional Observer Programme (ROP);

RECALLING paragraph 86 (a) of the Final Report of the Preparatory Conference for the Establishment of the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean of 7 December 2004, which recognises the need to establish an understanding between the WCPFC and the CCSBT clarifying that, because the CCSBT has competence with respect to Southern Bluefin Tuna throughout its migratory range, the WCPFC recognises that the CCSBT is the appropriate body to develop and implement Southern Bluefin Tuna conservation and management measures;

CONFIRM the following conditions for the endorsement of WCPFC ROP observers to operate on authorised vessels that are involved in High Seas transshipments of Southern Bluefin Tuna (*Thunnus maccoyii*) in the WCPFC Convention Area:

⁶ Resolution on establishing a program for transshipment by large-scale fishing vessels (hereafter referred to as the “CCSBT Transshipment Resolution”)

1. The CCSBT and the WCPFC recognise the importance of facilitating mutual cooperative participation between the Members of both Commissions.
2. Fishing vessels may fish for, retain, transship or land Southern Bluefin Tuna in the WCPFC Convention Area only if they are included on the WCPFC Record of Fishing Vessels and the CCSBT Record of Authorised Fishing Vessels on the date that these activities occur. Carrier Vessels may only receive and transport Southern Bluefin Tuna transshipments in the WCPFC Convention Area if they are included on the WCPFC Record of Fishing Vessels and the CCSBT Record of Authorised Carrier Vessels on the date that these activities occur.
3. CCSBT endorsement of a WCPFC ROP observer to monitor transshipments of Southern Bluefin Tuna in the High Seas of the WCPFC Convention Area will occur only when the CCSBT Secretariat agrees that the WCPFC ROP observer has met the necessary requirements for observing transshipments of Southern Bluefin Tuna as specified in the CCSBT's Transshipment Resolution. The CCSBT Secretariat will provide the WCPFC Secretariat with a list of ROP observers that have been endorsed by the CCSBT for observing transshipments in accordance with this MoC. The list of CCSBT-endorsed ROP observers will be updated by the CCSBT Secretariat whenever changes (*e.g.* additions/deletions) occur.
4. Each Secretariat will identify the transshipment data and information requirements for its Commission and will ensure that ROP observers will be able to meet all such requirements with respect to vessels to which this MoC applies.
5. If a transshipment involving Southern Bluefin Tuna occurs in the High Seas of the WCPFC Convention Area, the relevant transshipment observer data and information requirements of each Commission will be met by the WCPFC ROP observers that have been endorsed by the CCSBT. The data and information collected will be provided to both the CCSBT and the WCPFC Secretariats, in accordance with procedures of each respective Commission, and will be considered to be held by each respective Commission.
6. Data and information collected by a WCPFC ROP observer endorsed by the CCSBT may be used for compliance purposes and in legal proceedings.
7. The Secretariats of each Commission may assist in facilitating the training of observers to meet requirements for endorsement by the CCSBT, with a view towards developing a core group of ROP observers who may be assigned to carrier vessels operating on the High Seas in the WCPFC Convention Area to meet the requirements of both the CCSBT and WCPFC with respect to observing at-sea transshipments.
8. Endorsement of a WCPFC ROP observer by the CCSBT Secretariat does not affect the application of domestic legislation and procedures of coastal CCMs⁷ of the WCPFC or Members/Cooperating Non-Members of the CCSBT.
9. A WCPFC ROP observer endorsed by the CCSBT remains under the control of the respective national or subregional observer programme and will be made available to fulfil duties in the WCPFC Convention Area subject to approval of such programmes.

⁷ CCMs means Members, Cooperating Non-Members and Participating Territories

10. This MoC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

11. This MoC will commence from the date of signature⁸.

Signed on behalf of the WCPFC and the CCSBT:

Chair of the WCPFC

Date:

Chair of the CCSBT

Date:

⁸ If the signature dates differ, this MoC will commence from the more recent date of signature.